UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS
SECOND SESSION

VOLUME 144—PART 18

OCTOBER 10, 1998 TO OCTOBER 16, 1998
(PAGES 25287 TO 26631)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1998

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov   Phone: toll free (866) 512–1800;   DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

SENATE—*Saturday, October 10, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, help us to put into action what we believe. We believe in You as sovereign of this Nation. Strengthen our wills to seek to do Your will. Our motto is, "In God we trust." Help us to trust You in the specific decisions that must be made.

We believe You have called us here to serve. Help us to be servant leaders, distinguished for diligence. Make this a "do it now" quality of day in which we live life to the fullest.

We affirm Your presence, we accept Your love, we rejoice in Your goodness, we receive Your guidance, and we praise Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. HAGEL). The Senate majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning, the Senate will be in a period for morning business until 12:30 p.m. Following morning business, the Senate can be expected to consider any legislative or Executive Calendar items cleared for action, although I don't expect any items to be cleared today. Votes are not anticipated during Saturday's session of the Senate, and it is expected that the Senate will not be in on Sunday, but we will be in Monday afternoon at a time we will discuss with the Democratic leadership.

During Friday's session, the Senate passed a continuing resolution allowing Government to operate until midnight Monday. So it will be anticipated that by Monday afternoon, we will have agreement on an omnibus appropriations bill or we need to consider another short-term continuing resolution.

Negotiations are ongoing at this time with regard to a number of issues, including the tax extender issue, a number of authorizations and appropriations issues, all of which could end up in the omnibus appropriations bill. Of course, there is a possibility on Monday, or at some point, some of the bills that are being discussed in connection with the omnibus appropriations bill might move separately. One example is the Treasury-Postal Service conference report. If we can get an agreement in the omnibus bill on some of the issues involved in that bill, that became controversial, if we get that worked out, we can move the bill freestanding, but all of that is in the process of being discussed right now.

We will update our colleagues as progress is being made. I think that progress is occurring. A lot of negotiations are going on this morning and will continue throughout the afternoon. We have had meetings between the congressional leadership and the White House this morning. We expect to meet again at 5 o'clock this afternoon to get an assessment of where we are. We are getting Senators and House Members, Democrats and Republicans, involved in all those negotiations.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 872 through 885 and all nominations on the Secretary's desk in the Army, Marine Corps and Navy.

I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force, to the grades indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James C. Burdick, 9214

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Walter R. Ernst, II, 0750
Brig. Gen. Bruce W. MacLane, 2001
Brig. Gen. Paul A. Pochmara, 3419
Brig. Gen. Mason C. Whitney, 9168

To be brigadier general

Col. John H. Bubar, 0916
Col. Verna D. Fairchild, 1283
Col. Robert I. Gruber, 3888
Col. Michael J. Haugen, 7541
Col. Walter L. Hodgen, 6504
Col. Larry V. Lunt, 4398
Col. William J. Lutz, 6187
Col. Stanley L. Pruett, 1176
Col. William K. Richardson, 5912
Col. Ravindraa F. Shah, 0480
Col. Harry A. Sieben, Jr., 3654
Col. Edward N. Stevens, 3837
Col. Merle S. Thomas, 9608
Col. Steven W. Thu, 9509
Col. Frank E. Tobel, 1101

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Harry A. Curry, 6275

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael A. Canavan, 1461

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. John M. Schuster, 8090

The following named officer for appointment in the United States Army to the grade

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

indicated while serving as the Director, National Imagery and Mapping Agency designated as a position of importance and responsibility under title 10, U.S.C., sections 441 and 601:

To be lieutenant general

Maj. Gen. James C. King, 5053

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Edwin P. Smith, 3610

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Anthony R. Jones, 7571

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael L. Dodson, 5712

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Randall L. Rigby, Jr., 5714

The following named officers for appointment in the Reserves of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jerald N. Albrecht, 2703
Brig. Gen. Wesley A. Beal, 2495
Brig. Gen. William N. Kiefer, 7616
Brig. Gen. William B. Raines, Jr., 2267
Brig. Gen. John L. Scott, 1830
Brig. Gen. Richard O. Wightman, Jr., 6480

To be brigadier general

Col. Anthony D. DiCorleto, 2049
Col. Gerald D. Griffin, 1832
Col. Timothy M. Haake, 0668
Col. Joseph C. Joyce, 7896
Col. Carlos D. Pair, 7262
Col. Paul D. Patrick, 6446
Col. George W. Petty, Jr., 8842
Col. George W.S. Read, 1278
Col. John W. Weiss, 3981

IN THE NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Marianne B. Drew, 3561

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Scott A. Fry, 5541

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Patricia A. Tracey, 3579

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY, MARINE CORPS, NAVY

Army nominations beginning Michael C. Aaron, and ending Richard G *Zoller, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 1998.

Army nominations beginning Matthew L. Kambic, and ending James G. Pierce, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 1998.

Marine Corps nomination of Jeffrey M. Dunn, which was received by the Senate and appeared in the Congressional Record of September 29, 1998.

Navy nomination of Michael C. Gard, which was received by the Senate and appeared in the Congressional Record of September 11, 1998.

Navy nomination of Thomas E. Katana, which was received by the Senate and appeared in the Congressional Record of September 16, 1998.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, OCTOBER 12, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Monday, October 12. I further ask unanimous consent that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that there then be a period for the transaction of morning business until 3 p.m.—that will be on Monday—with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, we will come in at 2 p.m., unless there is some need to change it on Monday. We will be in a period for morning business until 3 p.m., and the Senate will then proceed to any legislative or Executive Calendar items that may be cleared for action, and particularly when we do get to the final day, it is my hope and my expectation that some conference reports or some bills that may be available can be cleared for action. I know there is a possibility of that being available, and also nominations still continue to be a possibility, although all of that depends on how the negotiations go. We can't be tied up trying to work through nominations and conference reports while also being involved in negotiations on the omnibus bill. Senators will be advised of the voting situation as long as possible, hopefully 24 hours in advance of any recorded vote.

EDUCATION

Mr. LOTT. Mr. President, let me just say briefly, Mr. President, on the education issue, it is very difficult to deal with these negotiations fairly and honestly and productively when you have the President and the Democratic leadership coming out and bashing negotiators on issues like education. It also makes it difficult, when you have that happen, to be able to work with people with whom you disagree philosophically, although you try to work in good faith, but also it begins to diminish respect and trust.

That is one of the biggest problems we have right now. It is so difficult to maintain a sufficient level of trust to be able to get your work done. I think most people who know me—Senators on both sides of the aisle—know that is very important to me. I strive to be trustworthy myself and to keep my word, and I find it very hard to work with people who I don't have that same feeling about.

When it comes to education, I will stand aside to nobody, especially a bunch of people who went to private schools and then holler and scream about what ought to happen in public schools. I went to public schools from the first grade right through college. I went to Duck Hill Elementary and Grenada Elementary and Pascagoula Junior High School. My wife went to public schools. My children went to public schools.

I believe and care about education and public schools. I worked for the University of Mississippi. My mother was a former schoolteacher. She taught school for 19 years.

For the President to get up down there and demagog this issue about how he is not getting his principles in education is very hard for me to accept, Mr. President. What he wants is a Federal education program. He wants it dictated from Washington. He wants it run by Washington bureaucrats, and he wants it his way.

I don't have faith in Washington bureaucrats. When the money comes to Washington and it trickles down through the Atlanta bureaucracy and trickles down to the Jackson bureaucracy, by the time it gets to the teachers and the kids, half of it is gone. And they are told, you must spend it this way or that way, when it may not be the way it is needed.

I have faith in local school administrators, local teachers, parents, and, yes, the children, to make the decisions about what is needed for reading, what is needed in remedial math, what is needed to fight the drug problem. And so that is the basic difference for the American people. I ask you, who do you trust on education? The local officials, the local school officials, the parents, or Washington bureaucrats? That is the choice.

President Clinton and his bureaucrats, the liberals in Washington, they want to run education and manipulate education from Washington, DC. The Republicans say we should return the money to the local level. If the schools want to use it for reading, fine. If they want to use it for extra teachers, great. If they want to use it for more school construction, that is their choice. If they want to use it for a drug-free school program, great; do that.

That is the difference. Who do you trust? Local officials or national officials? Who do you trust on education? The son of a schoolteacher and people who went to public education, or pampered people who went to private schools and then stand on their mounts and look down their noses and tell us what ought to happen in public education?

I have about had it on this issue, and I am sending a warning to the President of the United States: I am not going to tolerate a whole lot more demagoguery on this subject.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend the able majority leader for his remarks on just what he said. Are the local people going to control education or the people in Washington going to control it? I am in thorough, thorough agreement with the able majority leader in what he has had to say.

ORDER FOR RECESS

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in recess under the previous order.

I withhold that for one second.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 2617 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask the Senate stand in recess under the previous order.

The PRESIDING OFFICER. The question is on the motion.

All those in favor——

Mr. DORGAN. I object.

The PRESIDING OFFICER. This is not a unanimous consent.

The question is on the motion.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I rise to speak in morning business.

The PRESIDING OFFICER. If the Senator from Tennessee would suspend, there is a motion to recess pending.

Mr. LOTT. Mr. President, I ask unanimous consent to withdraw the motion to recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

REGARDING THE MEDICARE+CHOICE PROGRAM

Mr. FRIST. Mr. President, the Medicare+Choice program was created as part of the Balanced Budget Act of 1997 to provide Medicare beneficiaries with high quality, cost effective options, in addition to the continuing option of traditional fee-for-service Medicare. When fully implemented, Medicare+Choice will provide seniors with one stop shopping for health care; including hospital and physician coverage, prescription drugs, and even preventive benefits, at a savings.

This change in Medicare is monumental. It is dramatic. And it is essential to preserving and strengthening Medicare for our seniors and individuals with disabilities. This change breeds challenges—some that can be predicted but many which cannot. The potential for these challenges to hurt and harm is very real. The senior, so relieved to finally find a health plan that covers the cost of his prescription drugs because of Medicare+Choice, hears this week that he might not have that plan—or that coverage next year. Who to call? What to do? We as a government must respond. This Administration must move decisively to respond and to mend flaws in the system.

We on the National Bipartisan Commission on the Future of Medicare are working hard to address ways to strengthen the security provided by Medicare. And the red flags raised by the announcements this week underscore the importance of this work. No longer can we be satisfied with an outdated, 30 year old bureaucracy as the best way to care for our nation's seniors. A typical 65 year old senior who retires moves from a private sector health care system—with a variety of quality, low cost options, including prescription drug coverage, and out-of-pocket protections—to a more limited, antiquated government program, without any limits on how much you are required to pay and no drug coverage. By updating Medicare, we not only ensure its continued existence past the current bankruptcy date 10 years from now, but we provide continuity of care, limited out of pocket expenses, and a mechanism for improving quality of care that you the patient receive.

As of October 8, forty-three of the current health care plans participating in Medicare announced their intention not to renew their Medicare contracts in 1999. Another 52 plans are reducing service areas. The net result is that 414,292 beneficiaries in 371 counties face the daunting task of securing alternative coverage provided by Medicare by January 1, 1999. Although this represents a small number of total beneficiaries, about one percent, those who have relied on their health plan to bridge the traditional gap between Medicare and Medigap now must either find another HMO (which means switching doctors in many cases), or move back to traditional fee-for-service Medicare which frequently means more personal expense. Should these individuals choose the traditional Medicare option, they will probably also scramble to find a supplementary Medigap policy, with likely higher premiums than their original Medigap policy and perhaps fewer benefits. 10% of the disadvantaged beneficiaries live in areas where no alternative Medicare HMO plans are offered. However, traditional Medicare remains an option for every beneficiary, and by law, seniors may return to that program.

In addition to the serious dilemmas this disruption has caused for those seniors, the extent to which HMOs pulled out sent shock waves throughout the Federal government and health care industry. There are many profound questions provoked by this announcement. Why are insurance companies, hospital systems, and physicians who once applauded the Medicare+Choice program, now seemingly hesitant to participate? Are the pullouts the beginning of a trend which will ultimately undermine the Medicare+Choice program, which was specifically designed to restore Medicare's fiscal health and give seniors more options? To what extent are insurance companies and health plans over-reacting to natural "growing pains" associated with the implementation of new policies? What actions, if any, should HCFA and Congress take in response to what President Clinton characterized as HMO's breaking "their commitment to Medicare beneficiaries?" The President now vows to initiate "abandonment" legislation to punish those plans leaving and prevent a further exodus, but will he only succeed in discouraging new Medicare participating contracts? How can we avoid a short-sighted political response and create realistic incentives to provide seamless continuous coverage across geographic boundaries? How can we more adequately risk adjust payments to encourage health plans to accept, rather than avoid the most seriously ill? How can we incentivize health plans, who have little experience in caring for the chronically ill, to develop systems that appropriately address the very unique and specific needs of the older population?

The insurance industry is responding defensively to charges that they have "abandoned beneficiaries." They contend that in many regions Medicare's payments to HMOs fall far short of even covering the cost of care for beneficiaries. Furthermore, they argue at the very time a fledgling market structure most needs flexibility, the Administration has instead placed such rigid bureaucratic burdens that their hands are tied and they have no choice but to opt out of certain regions. Some believe the recent pullouts may simply reflect an effort on the part of insurance companies to bide time in the hopes that Congress will eventually ease requirements and make further progress with plan payments.

Seeing what has happened to their HMO competitors, provider-sponsored plans, or PSO's, have also been wary of Medicare+Choice contracts. Their uneasiness over the Administration's treatment of new participants, however, is secondary to their concern that private sector plans may boycott their facilities, viewing them as competing insurers, rather than providers. PSOs face an uphill battle with state regulatory agencies. They fear that other insurers will use them as a "dumping ground" for the expensive, chronically ill cases many insurers are tempted to avoid.

Both HMOs and PSOs complain loudly about the high administrative costs inherent in new Medicare contracts. By participating with the government, they agree to submit large amounts of data, pay for extensive education campaigns for their enrollees, participate in government sponsored health fairs, and keep up with all the regulatory rules and regulations. Mayo Clinic estimates that the rules governing their participation in Medicare are spelled out in 586 pages of law and accompanied by 111,088 pages of regulation, guidance, and supporting documents. We in government should listen to this call for simplification, streamlining the regulatory burden, demanding accountability without trying to micromanage.

The Health Care Financing Administration (HCFA), the government agency in charge of Medicare, is surprisingly optimistic and upbeat about the long term feasibility of Medicare+Choice. They urge skeptics to remember that the program is in its infancy. They point to data on Medicare HMO participation, which after a rocky start in the mid 1980s, now boasts one in six Medicare beneficiaries. They anticipate increased enrollment as more Medicare recipients have a greater understanding of their options and of how the opportunity to have a plan that meets specific needs meaning better care with greater security, not less. To date, full scale educational efforts have only occurred in five states. The beneficiary education program, which includes a booklet and hotline campaign, is slated for nationwide expansion by August, 1999. Most seniors are still unaware of their options in their regions. Many associate expanded choice with insecurity. Only education will change this. And that is a government responsibility.

HCFA also takes issue with the HMOs' assertion that it is underpaying managed care plans. They cite evidence obtained by the Physician Payment Review Commission in 1997 that Medicare has been paying $2 billion a year too much to managed care plans. This observation led to HCFA's September decision to reject the insurance companies' proposal to resubmit their cost projections, to obtain additional reimbursement. HCFA did not intend to raise reimbursement levels, and feared that such an opportunity would allow plans to hike beneficiary premiums and decrease benefits. In addition, HCFA points to reluctance on the part of HMOs to pay their fair share of marketing and education costs. But, despite HCFA's point that, in the aggregate, they overpay HMOs, the agency governing Medicare may not be adequately considering the fact that within that average there may well be plans with a disproportionate number of older and sicker beneficiaries who are indeed underpaid. We must be committed to fair and just payment to these plans for the service we are asking them to deliver. Because of the tendency, at the federal level, to look at averages, rather than individuals, and the reality of where people live, we must commit to address reasonable compensation in greater detail. The reality is: the reimbursement system for health care plans is surprisingly disassociated with the actual costs of delivering care. We must invest today in designing and implementing a realistic, scientifically based reimbursement structure.

A key component of the Balanced Budget Act was the move toward equity in payment across the country. Many HMOs were counting on receiving additional funds, following review by HCFA on the vast geographic disparities in payment. However, HCFA decided to postpone this adjustment until 2000, based on inadequate funds following an across-the-board 2% update. Thus, the so-called "blended rates" will not be applied until 2000. HCFA plans to incorporate risk adjustment in 2000 to reduce selective enrollment by plans and reduce total overpayments to managed care plans. HCFA has also recognized the adjustments necessary in implementing new plans, and has thus allowed leeway with quality improvement plans. There are some who feel that recent developments could have been avoided if HCFA acted more rapidly and more responsibly in carrying out Congress' mandate. Congressman Bilirakis, chairman of the House Commerce Subcommittee on Health and the Environment, stated that federal health officials were "guided by a rigid bureaucratic mentality which led to ossification rather than modernization of the Medicare program."

The decision of so many managed care plans to withdraw and downsize their Medicare contracts raises a red flag. We must first resolve the immediate coverage disruptions facing many of our elderly, and then we—this Congress, this President, HCFA, the insurance industry and seniors—must pledge to work together to make this program a success. Not only in the short term, but with an eye to the future. To survive, Medicare must change. Medicare needs the flexibility to respond to the changing health care environment, not only for our generation, but for our children and grandchildren. Now is the time for commitment and compassion, rather than overreaction or prematurely concluding failure of changes made to date. Knee jerk reactions, rather than thoughtfully moving to solve the problems, will only wreak further havoc on this evolving program. A commitment to education, and a more rational, responsive administrative and oversight structure must be pursued to meet future needs in Medicare and the care of our seniors. On a positive note, there are 48 pending applications of private plans wishing to enter the Medicare Market; 25 plans have requested to expand their current service areas. By working with HCFA, the insurance industry, hospitals, health care providers, and beneficiaries, we can assure that the Medicare+Choice program will reach its full potential of better and more secure care for seniors and individuals with disabilities.

Also embedded within my remarks is a challenge to the Congress. Although we just passed, last year, the Balanced Budget Act that stretched the solvency of Medicare until 2008, it is clear that the Congress must promptly revisit Medicare once the National Bipartisan Commission on the Future of Medicare files its report by March 1, 1999. The dynamics of American health care, and the rapid changes in care for the nation's seniors, will not allow for maintenance of the status quo for the next decade. It is my hope that the current focus on Medicare+Choice serves as a catalyst for renewed discussion on the future of Medicare once we have the Medicare Commission's recommendations in hand. We will be remiss in our responsibility if we do not again next year continue our efforts to insure the solvency and improve the quality of the Medicare program—for our seniors, our parents and grandparents, today—

and for all Americans—including our children—tomorrow.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRAMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION AND THE FEDERAL GOVERNMENT

Mr. DORGAN. Mr. President, I would like to respond briefly to the comments made by the majority leader earlier this morning on the subject of education.

I have great respect for our Senate majority leader. He and I agree on some things and disagree on others, but I always have great respect for his opinion. But on the issue of schools and what kind of, if any, involvement the Federal Government shall have on this issue, I think we have a very substantial disagreement.

State and local governments, especially local school boards, will always run our school system, and that is how it should be. I don't suggest, and would never suggest, that we change that.

However, there are some things that we can and should aspire to as a nation in dealing with education. One is to improve and invest in the infrastructure of our schools. I have spoken on the floor a good number of times about the condition of some of the schools in this country. I won't go into that at great length, but let me just describe a couple of them.

At the Cannon Ball Elementary School in Cannon Ball, ND, most of the children going to that school are Indian children. There are about 150 students who must share only two bathrooms and one water fountain. Part of the school has been condemned. Some of those students spend time in a room down in the older part of the school that can only be used during certain days of the week because the stench of leaking sewer gas frequently fills that room with noxious fumes that requires it to be evacuated.

They can't connect that school to the Internet because the wiring in that 90-year-old facility will not support technology. The young children who go through those schoolroom doors are not getting the best of what this country has to offer. And that school district simply does not have the funds on its own to repair that school or build a new one.

I challenge anyone in this Congress to go into that school building and say no to young Rosie in third grade who asked me, "Mr. Senator, can you buy us a new school?" I would challenge anyone to go into that school, and decide whether that is the kind of school you want your children to go to. Can you say that your children are entering a classroom that you are proud of? I don't think so.

That school district doesn't have the capacity to repair that school on its own. It has a very small tax base that will not support a bonding initiative for building a new school. There are schools like that—the Cannon Ball Elementary School, or the Ojibwa Indian School on the Turtle Mountain Reservation—all over this country, and we ought to do something about it. We can do something about it we enacted a number of proposals on school construction. That ought to be a priority for this Senate. So, too, ought this Senate have as its priority trying to help State and local governments and school districts reduce class size. It makes a difference.

I have two children in public schools, in grade school. One goes to school in a trailer, a portable classroom. The other is in a class with 28 or 29 students. And it has almost always been that way. Would it be better if they were in schools with class sizes of 15, 16 or 18 students? Of course, it would. Does a teacher have more time to devote to each student with smaller classrooms? Of course. Of course. Can we do something about that? Only if this U.S. Senate determines that education is a priority. Only if we decide to do something about it. I am not suggesting that we decide that we ought to run the local school systems; that is not the case at all. But we should decide that we as a nation have the capability and the will to modernize and help construct the kind of schools that all of us would be proud to send our children to.

NEED FOR URGENT ACTION ON HOME HEALTH CARE

Mr. DORGAN. Mr. President, as we reach the conclusion of this 105th Congress, I note that there are a good many issues yet to be discussed and resolved. I wanted to come to the floor to talk about one issue that is very important, the issue of home health care. It is vitally important that Congress take action on this issue before adjourning.

I am very familiar with home health care. This is not theory to me. It is not an issue that I just read about and only understand from books and manuals and rules and regulations.

One snowing Wednesday evening in January a number of years ago, my mother was killed in a tragic manslaughter incident in North Dakota. She had gone to the hospital to visit a friend and on her drive home, four blocks from home, a drunk driver going 80 to 100 miles an hour and being chased by the police hit her and killed her instantly.

During this same period, my father was having significant health problems, and as so often is the case, my mother was providing the bulk of his care at home in Bismarck, ND. I will perhaps never forget the moment of having to wake my father up and tell him that my mother had lost her life.

In addition to the shock of losing our mother, my family understood that we were also going to have to struggle to make sure my father got the care he needed. In the days ahead, we began talking about what we could do to help my father in his fragile state of health. One of the things we discovered was that there is in this country a system of home health care. Through this system, skilled health care providers will come into the home on a routine basis to help to meet the health care needs of those who desperately need it.

My family used the home health care system and the services of wonderful nurses and others who worked in home health to care for my father. It allowed us to keep my father out of a nursing home and in the home that he had lived in for so many years with my mother.

Was that important? Yes. It was very important and made life much, much better for him. And it occurred because we have a home health care system that could provide the routine health care needed to allow my father to continue to live at home. My father is gone now, but I still remember how important that home health care was and still is to millions of families all across this country.

Home health care is a wonderful Medicare benefit because it allows older Americans to remain at home and to be independent where they are most comfortable, rather than having to go into more costly hospitals or nursing homes.

But at this time, we have in our country a very serious financing problem with home health care that is jeopardizing this Medicare benefit. Before we end this session of the Congress, we need to do something to address it. I would like to describe just for a moment what that problem is.

Congress, last year, passed the Balanced Budget Act, something I supported. This legislation made a lot of changes to Medicare and to the home health care program. Some of those changes were warranted because the home health care program had mushroomed, and we had to constrain the rate of growth of home health care spending, which had more than tripled in the early 1990s.

But Congress went too far and, in my judgment, made a mistake in the way it implemented what is called the interim payment system, which is now having a devastating impact on home health care agencies and Medicare beneficiaries. The current interim payment system penalizes the very home health care agencies that have operated most efficiently in the past, and it locks in the payment inequities that currently exist. The result is that 1,100 home health agencies nationwide have closed their doors.

Unfortunately, the very Medicare beneficiaries who are being harmed the most by this interim payment system that is so unfair are those Americans who need home health care the most. That is because, under this interim payment system, more than 80 percent of home health agencies will be paid a capped amount called the "per-beneficiary limit."

In my home State, the average per-beneficiary limit is $2,247, not nearly enough to cover the cost of care needed by the sickest and the most frail of Medicare beneficiaries.

The home health care folks have a Hobson's choice. They can close their doors, or they can start a kind of cherry-picking with respect to those who need home health care service. In other words, they can choose to serve only the less ill or less sick Medicare beneficiaries whom they know will not exceed the per-beneficiary cap.

I am told cherry-picking is not yet occurring in my home State. But I am afraid it is only a matter of time before home health agencies have no choice and begin to do that.

I don't believe it was Congress' intention to cause efficient home health agencies to close or to stop caring for sicker patients, and I think it is imperative that this Congress solve this problem.

In the negotiations on the budget, I hope very much that will happen. If we wait until next year, it is going to be too late. Hundreds of agencies will probably not be there and a good many of the sickest and the most frail health care beneficiaries who need home health care will not get it.

I have cosponsored a bill introduced by Senator COLLINS and others, the Medicare Home Health Equity Act, that would make the home health payment system more fair to the historically efficient providers, and reduce the incentive for dropping sick patients.

Let me emphasize again that the purpose is to make the home health care system more fair to the historically efficient home health care providers.

There have been dozens of bills introduced to solve the problem, and to date more than two-thirds of the Senate from both political parties have cosponsored one or more of these bills, or have gone on record in support of efforts to address the problem.

With nearly 70 Senators cosponsoring or supporting legislation of this type, I think we ought to, before Monday evening or whenever we adjourn, fix this home health care payment system.

I know my colleagues on the Senate Finance Committee have been working to develop legislation that will at least deal with the most pressing problems in this interim payment system and to tide the home health agencies over until permanent changes can be implemented.

One of the challenges they face is to do this in a fiscally responsible way that will not harm other areas of Medicare.

It is also important, I think, not to be asking older Americans, especially those who have reached the age of declining income, to shoulder the cost for this change through a new copayment on home health services.

I know that the Congress can meet this challenge if it decides this is a priority between now and perhaps Monday evening. Congress must, in my judgment, begin to select the right priorities.

We seem to be at loggerheads here in negotiations between the House and the Senate, the Congress and the President, Democrats and Republicans. Between now and when we complete the final omnibus spending bill, we must make choices about what our priorities are, what is more important, and what is less important.

I ask that we decide that dealing with the home health care payment system is more important. That it be one of the priorities.

This is something we can do. It is not something that is terribly difficult. It is simply a choice that we will make—Democrats, Republicans, liberals, conservatives, all of us deciding together how we spend limited resources on nearly unlimited wants in this country.

Mr. President, I know others wish to speak, and I would say to the majority leader that this will be an interesting couple of days. He, I am sure, will have a significant challenge working with all of us to try to figure out what the priorities will be in the closing hours of this session. It is my fervent hope that one of those priorities will be to address the interim payment system in home health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the previous unanimous consent agreement with respect to morning business on Monday, October 12, be amended so that 30 minutes are under the control of Senator Bob KERREY, 15 minutes under the control of Senator FORD, and the remaining 15 minutes under the control of Senator LOTT, or my designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business be extended until 3 p.m., with Senators permitted to speak for up to 10 minutes each for debate only with no motions in order, and at 3 p.m. the Senate automatically stand in recess under the previous order.

I further ask that during morning business the following Senators be recognized: Senator John KERRY for 15 minutes, Senator DASCHLE for 30 minutes, Senator KENNEDY for 20 minutes, Senator ENZI, Senator KEMPTHORNE, Senator GRAMS for 20 minutes, and Senator DOMENICI for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, I would like to inquire of the Senator from Mississippi, is that the only morning business leadership would intend to have on Monday? I would like to have 15 minutes in morning business on Monday as well.

Mr. LOTT. I think we will be able to extend that. It was just we had specific requests. Senator Bob KERREY was here. He needs 30 minutes on intelligence. We had thought we would have at least an hour just in general, but we are getting specific requests. I am sure we will extend it. On Monday, hopefully, we will be able to do some business and, hopefully, even do the omnibus appropriations bill. But there is no need to limit it just to that. We will extend it.

Mr. DORGAN. Would the Senator be willing to add me for 15 minutes on Monday?

Mr. LOTT. I certainly will. I ask unanimous consent that Senator DORGAN have 15 minutes in morning business as well on Monday, October 12.

Mr. KENNEDY. Mr. President, would the Senator be kind enough to make a similar request on my behalf?

Mr. LOTT. Why don't I just ask for 15 minutes every morning for Senator KENNEDY for the remainder of the year.

The PRESIDING OFFICER. Is that the Senator's request?

Mr. LOTT. No.

Mr. KENNEDY. And a happy birthday to you.

Mr. LOTT. I amend that request to include 15 minutes for Senator KENNEDY on Monday morning, also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. KENNEDY. I thank the majority leader.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I hope my friend, our majority leader, had a joyous and happy birthday.

Mr. LOTT. Thank you very much.

Mr. KENNEDY. Maybe it is spilling over to today. But we wish to thank him.

FUNDING EDUCATION

Mr. KENNEDY. Mr. President, I appreciate the opportunity to speak on the Senate floor this afternoon about matters which I am very hopeful can be addressed and will be addressed and I think should be addressed in the remaining hours before the Congress actually recesses. And this is in the area of education and what we are going to do finally in trying to meet the responsibilities that we have to assure a smaller class size for the 53 million Americans who will be attending and are attending schools across this country, which means an expansion in terms of the total number of teachers.

I am very hopeful that in the ultimate and final budget agreement there will be an agreement on the President's recommendation of 100,000 teachers over the period of the next 5 years, and that we will also embrace the very, very important and, I think, essential school modernization program which effectively would provide about $22 billion in interest-free bonds to local communities all over this country in order to modernize their schools.

What we have seen now is a rather dramatic change in the demography and the growth in the total number of children who are going into the school systems all across this country, and at the same time you have seen a continued deterioration in many of the school buildings across the country. That is certainly true in my State, which has many of the oldest school buildings in the country, but it is also true in many of the other States across this country, and even in a number of the rural communities.

As a matter of fact, the General Accounting Office did a study in terms of what would be necessary in our country in order to make sure that we are going to have good classrooms for the students, and it was estimated to be $110 billion. That is what the need is according to a nonpartisan evaluation of what the conditions are in our school buildings across the country.

Therefore, the recommendation the President has made for $122 billion is a very modest recommendation. We have not embraced that recommendation at the present time. The urging of the President of the United States is that before we move out from this Congress, we ought to be about the business of addressing that particular education need. Education is of prime importance to every family in this country. It is of essential importance to every young person in this Nation, and it is a matter of enormous importance in terms of our country being able to compete in a global economy.

So the urgency of these proposals—one is to have a reduced class size and the second is to be able to modernize our classrooms—is enormously important. If we look over the amount of resources we devote to education in the budget of this country, we will find that it is only about 2 percent. It is only 2 percent of our national budget.

This is the 1998 Federal budget, and you can see from this pie chart the allocations of resources. The area of education is only 2 percent. If you ask people what percent of a dollar they believe goes to education, I think most Americans would think 10 or 12 percent, or 10 or 12 cents should be going to education. If you ask what they believe they would like to be the number, it would be even higher.

We are only talking about 2 percent. So the real question is, in a time now when our appropriators and negotiators are meeting to have final resolution on what will be a $1.7 billion budget, will we be able to find the resources to provide for the reduced class size for K through 3—$1 billion for fiscal 1999, $7 billion over the next 5 years—to see a dramatic reduction in the number of students per class in K through 3, that is what we are trying to do, and to modernize our school buildings all across this country.

Those are two priorities. I must say I strongly agree with the President, with Senator DASCHLE, and with Leader GEPHARDT who said we should not leave this city until we respond in a positive way to make sure those requirements are fulfilled, because there is nothing that is more important than meeting the needs of the children of this country.

Finally, Mr. President, I think this is important to do for a number of reasons. Every day that children go into the school systems of this country, they go into dilapidated schools, they go into old schools, they go to classrooms with windows broken or with poor heating or poor air-conditioning in the course of the early fall and the late spring and early summer in many other parts of the country, or where the pipes are leaking, or where some schools are actually closed in the wintertime because of the failure of the heating system, we are sending a very powerful message to those children.

On the one hand, we as parents are saying that education counts, that we believe it ought to be a priority, that we think the future of this Nation is our children and we ought to be about the business of looking out for the interests of these children to make sure they are going to have a well-qualified teacher in every classroom in this country. That ought to be our hope, that ought to be our challenge, and that is what we are working for. And that ought to be an effort made in the local community. It ought to be an effort made at the State level. But we should not say we are going to abandon our national interest by saying we are not going to interfere if there are inadequate capabilities, or an inability, which is too often the case, to help and assist local communities, particularly when so many local communities such as we have seen in the recent times in Chicago and many other communities—my own city of Boston—are making this extraordinary effort to enhance the academic achievement for the children of this country and in those communities.

We ought to be able to say we will be a partner with you, we are willing to be a partner with the local community, we are willing be a partner with the State, and we are going to be a partner in helping to modernize our facilities. Otherwise, the promise that we are going to convince this next generation that we are serious about their education is going to be a hollow one. No child will go into a classroom and see that it is in a deteriorated condition and then be exposed to other areas where everything is bright and shiny and new because of greater expenditures and not say, "What is really important? What do our parents really think is important? Where they are spending the money is what is bright and shiny and new."

When we are not expending the resources in the classrooms, we send a very powerful message—it may be a subtle message but it is a powerful one—that we are not prepared as a nation to do what needs to be done to upgrade the classrooms in this country.

I hope in the remaining hours of this process, as our leaders, our appropriators and leaders, members of those committees, get together to work out the final budget, as we are starting over for the next year, that the education budget is going to have the priority that every American family wants it to have, and that is priority No. 1. I hope when we come to that No. 1 we are going to say, "The size of our classes is of enormous importance and consequence in terms of the ability of the teacher to relate to the children."

We have just heard an eloquent statement to that effect from some wonderful teachers from the State of South Dakota, as well as from Missouri, talking about the relationship between the teacher and the student and how it is enhanced to such an extraordinary degree when we have smaller class sizes. It ought to be self-evident and it ought to be intuitive. It is, in fact, true.

I am not taking the time this morning—although I have at other times and will again—to talk about the progress that has been made in academic achievement in a number of communities when they have seen the significant reduction in the number of students per teacher that has taken place in communities and States across this country. The evidence is overwhelming that it has an enormously important positive impact.

So let's get about doing what we know works, and that is to increase the number of teachers that we need in our schools. Even with the expansion of the number of students in our schools, let us increase the number of teachers, and let us enhance the quality of those teachers to make sure we are going to have good, qualified teachers in every classroom. Let's make sure the number of students in those classrooms will be such that the teacher is going to be able to identify and spend some moments with each child in that classroom. That is the hope and desire of the teachers who have committed themselves to excellence, to trying to enhance that academic achievement and accomplishment. Let's be a partner with the local communities and the States that are embarking on that effort.

Let us, as we are going through the final days now—let's not leave town. Let's not say we will take whatever is served up to us in the budget. Let us say education is important. We can go about the business of trying to make a difference in the classrooms and in the quality of the people who will be in those classrooms. Let us resolve that we will do that before we leave this town. That is, I think, an important responsibility that we have. We should not fail our children.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. GRAMS. Mr. President, I rise today to recognize the work of domestic violence shelters and centers in my home state of Minnesota. As my colleagues may know, October is recognized as "National Domestic Violence Awareness Month." This is a time to strengthen our resolve to end domestic violence and sexual assault. More importantly, it is also a time to remember those who have suffered and died as a result of these terrible crimes.

I am very concerned about the number of domestic violence incidents in our society. Americans should not have to live in fear of being abused by anyone, let alone a family member.

In my view, community-based domestic violence shelters and centers should be commended for their support for victims of physical, emotional, and sexual abuse. Their efforts to provide shelter, counseling, and assistance to battered women and children have helped families and communities escape domestic violence.

I ask unanimous consent the names of these Minnesota organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Advocates For Family Peace.
African American Family Services.
Aitkin County Advocates Against Domestic Abuse.
Alexandra House.
Anishinable Circle of Peace.
Anne Pierce Rogers Home.
Asian Women United of Minnesota.
B. Robert Lewis Intervention Project.
B. Robert Lewis House Shelter.
Battered Women's Legal Advocacy Project.
Big Stone County Outreach.
Bois Forte Battered Women's Program.
Breaking Free.
Brian Coyle Community Center.
Brown County Victim Services.
Casa de Esperanza.
Cass County Family Safety Network.
Center for Family Crisis.
Chisago County Victim's Assistance Program.
Citizen's Council Victim Services.
Committee Against Domestic Abuse.
Community University Health Care Center.
Cornerstone Advocacy Services.
Crime Victims Resource Center.
Division of Indian Work.
Domestic Violence Abuse Advocates of Wabasha County.
Domestic Abuse Intervention Project.
Domestic Abuse Project.
Domestic Abuse Project of Goodhue County.
Eastside Neighborhood Service.
Family Help Center.
Family Safety Network.
Family Services.
Family Violence Intervention Project.
Family Violence Network.
Family Violence Program.
Fillmore Family Resources, Inc.
Fond du Lac Reservation Business Committee.
Forest Lake Area New Beginnings.
Freeborn County Victim's Crisis Center.
Friends Against Abuse.
Gay and Lesbian Community Action Council.
Gender Violence Institute.
Grand Portage Reservation "Wil Dooka Wada".
Grant County Outreach.
Hands of Hope Resource Center.
Hands of Hope.
Harriet Tubman Center, Inc.
Harriet Tubman Pilot City Outreach Program.
Headwaters Intervention Center, Inc.
Health Start.
Health System Minnesota AdvoCare.
Hennepin County Legal Advocacy Project.
Hill Home.
Home Free Domestic Assault Intervention Project.
Home Free Shelter—Missions, Inc.
Houston County Mediation & Victims Services.
Houston County Women's Resource.
Lakes Crisis Center.
Leech Lake Family Violence Prevention/Intervention Program.
LeSeuer/Sibley Violence Project.
Listening Ear Crisis Center.
Lyon County Violence Intervention Project.
McLeod Alliance for Victims of Domestic Violence, Inc.
Methodist Hospital AdvoCare Program.
Midway Family Service and Abuse Center.
Migrant Health Service.
Mille Lacs Women's Project.
Minneapolis Intervention Project.
Mujeres Unidas/Los Ninos.
North Memorial Women's Center.
North Shore Horizons Women's Resource Center.
Northwoods Coalition for Battered Women.
OtterTail County Crisis Center.
PEARL: Battered Women's Resource Center.
Phyllis Wheatley Community Center.
Pillsbury Neighborhood Services.
Pope County Outreach PRIDE (Women Used In Prostitution).
Project P.E.A.C.E.
Ramsey Intervention Project.
Range Women's Advocates.
Rape and Abuse Crisis Center.
Refuge.
Refuge East.
Refuge North.
Region IV Council on Domestic Violence.
Rivers of Hope—Buffalo.
Rivers of Hope—Elk River.
Safe Journey.
SAFE, Inc.
St. Cloud Intervention Project.
St. Paul Intervention Project.
Sheller House/Woodland Centers.
Sojourner Project.
Sojourner Project intervention.
Southern Minnesota Crisis Support Center.
Southern Valley Alliance for Battered Women.
Southern Valley Intervention Project.
Southwest Crisis Center.
Stevens County Outreach.
Traverse County Outreach.
Tuning Point for Victims of Domestic Abuse.
Unity/Waite House.
Victim's Crisis Center.
Violence Intervention Project (CADA).
Violence Intervention Project—Ada.
Violence Intervention Project—Crookston.
Violence Intervention Project—Hallock.
Violence Intervention Project—Rouseau.
Violence Intervention Project—Thief River Falls.
Waseca Area Violence Intervention Project.
Washington County Intervention Services.
Wilkin County Outreach.
W.I.N.D.O.W.
Wilder Community Assistance Program.
Wilder Domestic Abuse Program.
Winona Domestic Assault Intervention Project.
Woman House.
Woman House advocates at St. Cloud hospital.
WomanKind (Fairview Ridges).
WomanKind (Fairview Southdale).
WomanKind (Fairview University).
WomanSafe.
Women Alive Crisis Center "Equay Be Mah De See Win"
Women of Nations Eagles' Nest Shelter.
Women of Nations Community Advocacy Project.
Women's Advocates.
Women's Center, Inc.
Women's Center of Mid-Minnesota.
Women's Coalition.
Women's Resource Center of Steele County.
Women's Resource Center.

WRAP of Cottonwood County.
WRAP of Lincoln County.
WRAP of Redwood Co.
Women's Shelter.
Women's Shelter Intervention Project.
Womenspace.
Yellow Medicine Women's Center.
African American Family Service.
Battered Women's Programs.
Battered Women's Justice Project.
Battered Women's Legal Advocacy Project.
Black, Indian, Hispanic & Asian Women In Action.
BrotherPeace.
Minnesota Coalition for Battered Women.
Minnesota Indian Women's Resource Center.

Mr. President, we should also note that this year marks the fourth anniversary of the Violence Against Women Act. Through increased sentences, grants to State governments for prevention programs and other services, and the new national domestic abuse hotline, the Violence Against Women Act has contributed significantly toward protecting individuals from sexual offenses and domestic abuse. I am proud to have supported this landmark legislation as a member of the House of Representatives during the 103rd Congress.

Since the passage of the Violence Against Women Act, funding provided for these programs has led to the further development of policies to prevent and respond to domestic abuse incidents. This includes specialized domestic violence court advocates who obtain protection orders, in conjunction with greater support to enhance the ability of prosecutors and law enforcement to punish those who commit these crimes.

Despite these important achievements, the number of siblings, spouses, and children subjected to domestic abuse remains too high. Regrettably, most victims of domestic violence are women.

According to the Minnesota Coalition for Battered Women, 210 Minnesota women died from domestic abuse between 1988 and 1997. Sadly, this loss of life underscores the importance of increasing public awareness regarding domestic violence and the community-based organizations that are working to prevent others from falling victim to this violence.

Mr. President, domestic abuse is not limited to the privacy of households. In many places of businesses, battered individuals are subjected to emotional abuse in the form of threatening phone calls and harassment.

Fortunately, companies have begun to recognize that employees who are subject to domestic violence at home are more likely to be absent from work and less productive at their jobs.

In fact, a recent survey of corporate senior executives by Roper Starch Worldwide on behalf of Liz Claiborne, Inc. found that: Fifty-seven percent of those surveyed believe that domestic violence is a major problem in society; thirty-three percent feel that domestic abuse had a negative impact on their bottom lines; and four out of ten executives surveyed were personally aware of employees and other individuals affected by domestic violence.

I commend efforts by private sector employers who have responded to this problem by establishing Employee Assistance Programs and other services that will safely protect employees who have become domestic violence victims.

Mr. President, Minnesotans will have the opportunity this month to participate in a variety of National Domestic Violence Awareness Month initiatives. Throughout October, citizens will raise public awareness through candlelight vigils, rallies, and marches throughout our communities.

One of the more creative programs will be an art exhibit honoring 30 Minneapolis public high school students who are finalists in the "Speak Up" domestic violence awareness poster contest.

This initiative, co-sponsored by the Harriet Tubman Center and Intermedia Arts in Minneapolis, will encourage students to increase public awareness and prevention of family violence. The competition will award scholarships to twelve individuals who present various domestic violence themes in their artwork.

Next fall, these works will be part of the Annual Domestic Violence Art exhibit in the Russell Senate Office Building sponsored by my colleague, Senator Paul WELLSTONE.

I am certain many Members of Congress will visit this exhibit to admire the important contributions of these young Minnesotans toward raising the consciousness of our communities about the issue of domestic abuse.

Domestic violence is not an insurmountable problem facing our society. We must work together to curb this problem that crosses over economical, cultural, and political boundaries.

Through the efforts of community groups, families, and law enforcement, Americans can take meaningful steps toward eradicating the presence of this crime in their daily lives.

PRINCIPLE, COURAGE, AND TAX CUTS

Mr. GRAMS. Mr. President, I want to take the remaining part of my time this morning to talk about a subject I have worked on for the 6 years I have been in Congress, and that is trying to raise the awareness of the issue of taxes in this country, that we are now taxed at an all-time high, and that Americans need and deserve some form of tax relief.

So, Mr. President, I wanted to take time to rise today to express my disappointment over the Senate's failure to fulfill its obligations to the taxpayers to consider and to pass any kind of tax relief bill this year.

Fiscally, socially, morally, this is a tremendous mistake, and I believe my colleagues are wrong. I am equally disappointed at President Clinton's threats to veto this important legislation had it passed. It is the same case as last year when, in the State of Virginia, when then-candidate for Governor Gilmore was pledging a tax cut of his own. The President said at that time that Virginians would be "selfish" to vote for tax relief. This year he says "to squander money on a tax cut"—again, that is how President Clinton is describing our attempt this year to let working Americans keep more of their money—"to squander money on a tax cut."

Unfortunately, there is a pattern here, and apparently neither President Clinton nor the rest of Washington has changed their mind. Both want as much money as they can get from the taxpayers, so they can spend it the way they think is best.

According to Webster's Dictionary, the definition of "squander" is "to spend extravagantly or foolishly." I say to President Clinton that I am shocked that you actually believe taxpayers squander their salaries in this way and that only Washington can spend the money wisely. With such highly placed disregard for the fiscal abilities of the American people, I believe it is no wonder that Washington has been unwilling to give the taxpayers more control over their own dollars.

Let me focus first this morning, Mr. President, on the budget surplus. In a recent series of high-profile celebrations, folks here in Washington could hardly wait to rush to the cameras to claim credit for the $70 billion budget surplus, watching them slap their own backs with their hands. Politicians have been humming happy ditties all around this town while approving big-ticket spending items right and left. Meanwhile, those same politicians pontificate about preserving the surplus to "save Social Security first."

The truth is, the White House didn't generate this surplus, nor did the U.S. House or the Senate. The politicians have no rightful claim to the surplus. Washington should not be allowed to sit around and dream up ways to spend even more money because a surplus has arrived. Working Americans are responsible for propelling our economy forward and generating this budget surplus, and they deserve to get it back as tax relief. There should be no debate. Taxpayers have overpaid, and, like any other time a person overpays for anything, they ought to get it back. If you go into a store and pay too much for an item, you expect to get the change back. But somehow in Washington, if you overpay, that is just too bad, Washington wants to pocket your money.

The surplus is the product of the recent revenue surge—a surge, I believe, generated directly by increased productivity and increased individual income tax payments, including the payment of capital gains taxes as investors took advantage of the lower capital gains rate—again, proving that reducing the tax rates can actually increase revenues, because the economy will grow. Very little of the surplus comes from policy changes, however, related to deficit reduction.

On the other hand, there are others in this Chamber who claim there is no surplus, that if we subtract the dollars Washington has routinely raided from the Social Security trust fund, the Government is still in the red. Therefore, they oppose using the unified budget surplus for any kind of tax relief.

Mr. President, they are right on the facts, but I believe they are dead wrong about the conclusion. Washington's big spenders are the ones who have exhausted every penny of the Social Security surplus. They have already exhausted every penny of the Social Security surplus on other Government programs. They have wish lists. The taxpayers shouldn't be denied relief from a stifling tax burden just because Washington has managed to juggle the Nation's bank accounts.

I urge my colleagues to review the CBO's "August Economic and Budget Outlook," which shows precisely where revenues will come from in the next 10 years. The data shows that the greatest share of the projected budget surplus comes directly from income taxes paid by the taxpayers, not the FICA taxes. In 1998, individual income, corporate, and estate taxes make up nearly 80 percent of total tax revenue growth, while the share of FICA tax is about 20 percent. General tax revenues are expected to grow by $723 billion, or 60 percent, over the next 10 years.

What I am saying, Mr. President, is that the taxpayers generated the surplus, outside the money earmarked for Social Security, and the Government has no right to absorb it. It is only moral and fair to return at least a part of it to the taxpayers.

If we don't return at least a portion of the surplus to the taxpayers, and do it soon, Washington is going to spend it, leaving nothing then for tax relief for the vitally important task of actually trying to preserve and save Social Security. Such spending will only enlarge the Government, and if the Government is enlarged today, it will make it even more expensive to support it in the future.

Mr. President, the situation we find ourselves in today reflects two very fundamentally different principles of government: Are we going to embrace tax cuts for working Americans, or are we going to embrace more spending for social engineering?

I am proud to serve here as a member of the Republican Party—a party which, since its creation, has firmly held that a person owns himself, a person owns his labor, and a person owns the fruits of his labor. We believe the pursuit of individual and States rights and a restricted role for the Federal Government create economic growth and prosperity.

The two parties have traditionally offered a marked choice—a choice between the Democratic Party belief that people should work for the Government or our vision of a Government that works for the people. One party believes that it has a right to spend every penny that it can take from working Americans—again echoing the President's words that people are "selfish" to want to cut taxes or to "squander money on a tax cut."

The Republican Party, on the other hand, believes Government should be limited only to that amount needed for necessary services, and this is, indeed, a choice between two futures: a choice between small Government or big Government, a choice between fiscal discipline or irresponsibility, a choice between individual freedom or servitude to a bigger Government, responsibility or dependency, long-term economic prosperity for the Nation or some short-term benefits for the special interest groups and the politicians who feed them.

Mr. President, that is exactly why the American taxpayers ushered in an era of Republican congressional leadership in 1994, a new majority that pledged to provide fiscal discipline, individual freedom, personal responsibility, and prosperity for all people.

Unfortunately, Congress has so far delivered on only a small portion of that pledge, blocked by the competing forces of tax-and-spend versus tax relief and personal empowerment. The choice I spoke of a moment ago has become blurred as both parties fight in a misguided effort to purchase some measure of the people's trust.

They think you can run out and with their own money buy the trust of the American people. But in doing so, Congress has allowed annual Federal spending to increase from $1.5 trillion in 1994 to $1.73 trillion today. In fact, Federal spending has never been higher. During the same period, the national debt has grown from $4.9 trillion to $5.7 trillion, an $810 billion increase in our national debt.

Mr. President, take a look at the current debate over the supplemental spending to be included in the omnibus appropriations bill. A week ago, we were hearing encouraging words that much of this would be offset by cuts in other programs. Now, as we careen toward adjournment, it appears there will be as much as $20 billion in emergency spending—out of the surplus, of course—and the report this morning is that there could be even more as we work and maybe have to give in to the administration demands for more money to be spent in order to avoid a Government shutdown.

Mr. President, despite a $70 billion budget surplus, total taxation is at an all-time high. The tax relief Congress enacted last year does not go nearly far enough. I am proud we had the courage to enact the $500 per-child tax credit, which I authored in 1993, but when our tax bill overall returns to the taxpayers only one cent for every dollar they send to Washington—especially now, during a time of surpluses—I believe we have failed them miserably.

Working Americans see their earnings taxed, and then re-taxed repeatedly. Washington taxes their income when they first earn it. It is then subject to excise taxes when they spend it. And their savings and investments are also taxed. And when they die, the Government is the first to put their hands into the estate.

Farmers and small business owners cannot easily pass their businesses on to their families because the huge estate and gift taxes still exist. The Government imposes a 43 percent tax on all American couples simply because they are married. Even seniors—retired people in our country, our senior citizens—they have their earned benefits taxed.

If the 105th Congress was supposed to be about cutting taxes and forever reforming the tax system—and I believe that was our mandate—the 105th Congress did not complete the job.

Our progress has fizzled not because our efforts have lost the support of the people—in fact, two thirds of the American people supported tax relief during the 1996 elections, and broad tax relief still enjoys overwhelming support today—but because some in Congress have lost their backbones. They have lost the courage to make a stand on principle and not abandon their moral compass at the first sign of resistance.

In too many instances, this Congress has become a willing collaborator of President Clinton's tax-and-spend policies. We have helped to build a bigger, more expensive government, and in doing so have abandoned our promise of tax relief for working Americans.

Mr. President, each time Congress makes a promise to the taxpayers—and then deserts them—Congress comforts itself by saying it would come back next year and enact an even larger tax cut. This is self-deceiving at best.

If we do not take a stand today, what is going to happen to make us more courageous a year from now? Besides, each year we wait, the Government takes an ever-greater bite of the earnings of working Americans and the Government gets bigger and becomes harder to trim in the future.

Another point I would like to make, Mr. President, is that a tax cut is not spending. Only in convoluted bookkeeping practices of Washington would we consider a cut in tax rates to be spending. The reason is simple: first, it is the taxpayers' money that supports and keeps the Government running; second, tax relief not only ensures a healthy and strong economy, but also generates more revenues for the Government.

In a recent study, economists at the Institute for Policy Innovation concluded that the House-passed tax relief bill of $80 billion—an unforgivably moderate tax relief measure, in my view—would add an additional $300 billion to our GDP and create more than 135,000 jobs. This economic growth would in turn generate about $80 billion in additional revenues to the Federal Government.

Mr. President, when it comes to federal spending, Washington rarely asks how the American taxpayers can afford to give up more of their income to the government, and how such excessive spending will affect a working family's budget and finances. Equally upsetting is the fact that when it comes to tax relief, Washington is always reluctant to act.

Oh, they say it is easy to give an election year tax cut. That is impossible around here. It is hard to get a tax cut. It is easy to spend; it is very hard to give tax relief. Congress even goes so far as to compel tax cut advocates to pay for any tax relief via Washington's PAYGO rule. That is a rule that requires increasing taxes on some or lowering entitlement benefits in order to cut tax relief to others. Nothing is more ridiculous than the requirement of the PAYGO rule. We must repeal it so we can do the job of shrinking the size of the Government and let working families keep more of the money, the money they earn in order to spend it on their priorities—not Washington priorities.

One major reason for the failure of this year's tax relief bill is that Washington's spin doctors took full advantage of Americans' anxiety about Social Security. "Save Social Security first" is just another Washington lie. Mark my word, Mr. President, Social Security crisis or not, Washington has spent, and will continue to spend, surplus dollars whenever it can for its pet programs.

Since 1983, Washington has raided more than $700 billion from the trust funds for non-Social Security programs, and Congress approved that spending every time. In the next 5 years, the Federal Government will raid another $600 billion from the Social Security trust funds. Those politicians who insist on using the surplus for Social Security have voted for most, if not all, of those spending bills, and so it is those politicians who in the last 15 years have stripped the trust funds of any surplus.

Mr. President, despite the rhetoric about saving Social Security, few have come up with a concrete plan to save it. The problem is that by law, the Social Security surplus has to be put into Treasury securities. That means Washington can legally use the money to fund its favorite non-Social Security programs, rendering these "assets" little more than Treasury IOUs. Unless we change the law, Washington will continue to abuse Social Security until it goes broke.

I agree that reforming Social Security to ensure its solvency is vitally important. Any projected budget surplus should be used partly for that purpose. In fact, I have introduced a bill to just do that. Yet, I believe strongly that the surplus alone will not save Social Security and therefore fundamental reform is needed to change it from a pay-as-you-go system to a fully funded one.

Mr. President, the States offer us an excellent model of how we should use the budget surplus. In recent years, many Governors have cut taxes and shrunk the size of their governments, and in the process have turned budget deficits into surpluses. They are now using those surpluses to provide even further tax relief. Some States, such as Missouri and Florida, even have constitutional or statutory requirements to return to taxpayers any revenues that exceed income growth.

The States have proved that if government performs only legitimate and necessary functions, and does so without waste, it can leave much more money in the pockets of the people. And it is the people who can best spend their money, whether it is for their children's health care, saving for a college education, giving more to their church and charities, or just helping to set something aside for their retirement.

Now, Mr. President, back to the question of the budget surplus and who should spend this money—the Government or the workers who earned it?

In conclusion, Washington's tax and spending policies have systematically ignored our children's future and severely undermined the basic functions of the family. We must abandon those policies and help restore the family to an economic position capable of fulfilling its vital responsibilities. In answer to my own question, we must provide American families with meaningful tax relief, allowing them to keep more of their hard-earned money.

It is their money. Let us give it back.

Thank you very much, Mr. President. I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

ORDER FOR RECORD TO REMAIN OPEN FOR INTRODUCTION OF A BILL

Mr. ENZI. Mr. President, I ask unanimous consent that the Senators from New Mexico, Mr. DOMENICI and Mr. BINGAMAN, have until 6 p.m. tonight to file the Valles Caldera Preservation Act for purposes of introducing the bill.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

OSHA LEGISLATION DURING THE 105TH CONGRESS

Mr. ENZI. Mr. President, I can think of few issues that are more important to the average American than the safety and health of our Nation's workers. During the last 2 years, Congress stepped up to the plate and confronted this important issue head-on. The end result was three separate bills becoming law that amended the Occupational Safety and Health Act of 1970. Until this year, in 28 years, the act was amended one time—in 1990—and that was to increase fines. The American workplace has changed quite a bit over the last three decades and I'm pleased that Congress in now changing, too.

During the first session of the 105th Congress, I introduced a comprehensive piece of legislation with the support of Senators GREGG and FRIST and 20 other Senate cosponsors, entitled the Safety Advancement for Employees Act or SAFE Act. At the same time, my good friend, JIM TALENT, introduced similar legislation in the House which received strong, bipartisan support—a rarity for such a polarized issue.

It is important to understand that both the Senate and House versions did not attempt to reinvent OSHA's wheel, just change its tires. Treading water for 27 years, OSHA has never seriously attempted to encourage employers and employees in their efforts to create safe and healthful workplaces. Instead, OSHA chose to operate according to a command and control mentality. This approach has lead to burdensome and often incomprehensible regulations which do not relate to worker safety and health and are, quite often, only sporadically enforced.

The AFL–CIO publically acknowledges that with only 2,450 State and Federal inspectors regulating 6.2 million American worksites, an employer can expect to see an inspector once every 167 years. In addition to this enormous time lapse, the sheer diversity of safety and health concerns stemming from restaurants to funeral homes across America prohibits an inspector from fully understanding each worker's needs and concerns.

OSHA seems more concerned about collecting fines each year than it is about improving worker safety. OSHA proposes over $140 million in fines to be paid by the regulated public each year—over $100 million of that total gets assessed. Even more troubling is that OSHA's existing voluntary and cooperative compliance programs impact a mere fraction of worksites and consume only a small share of the agency's annual budget. Despite OSHA's claim that it is "putting a lot of resources into compliance assistance and partnership initiatives," only 22 percent of OSHA's 1997 fiscal appropriation was spent on federal and state plan compliance assistance. It is difficult for anyone to say that current initiatives are having an impact on the number of workplace fatalities and injuries when OSHA spends so little of its annual funds on preventive measures.

It is important to point out that the SAFE Act would not have dismantled OSHA's enforcement capabilities. It was that approach that kept Congress from amending the 1970 statute for so long. Enforcement alone, though, will never ensure the safety of our nation's workplaces and the health of our working population. By encouraging employers to seek individualized compliance assistance from OSHA qualified third party consultants, the SAFE Act would ensure that more American workplaces are in compliance with existing law while allowing OSHA to concentrate its enforcement resources on those worksites that truly need immediate attention. America would be better served by an OSHA that manages its resources more wisely and the SAFE Act was crafted to strike that balance.

In addition to establishing OSHA qualified third party consultations, the SAFE Act included additional voluntary and technical compliance initiatives to assist employers in deeming their worksites "safe" for their employees. I firmly believe that it is this approach that will ultimately bring a greater number of workplaces into compliance with existing law and help prevent more workers from being injured or killed on the job.

The SAFE Act would ensure that federal occupational safety and health standards are based on sound, scientific data that all vested parties can live with. By injecting independent scientific peer review into the rule-making process, future regulations would reflect greater clarity and simplicity—helping businesses to better understand what they are required to do. I also believe that scientific peer review will help speed up the implementation process for OSHA's rules by eliminating conflicts of interest. Under the present system, draft rules can idle in the process for more than 15 years, because no one agrees on the rule's scientific validity. At the same time, annual funding continues to be channeled toward research at the expense of the taxpayer. That must change.

Last October, we marked up the SAFE Act in the Senate Committee on Labor and Human Resources and favorably reported the bill out of committee. In the following months, I continued to work with Senators KENNEDY, DODD, WELLSTONE, and REED—as well as with Assistant Secretary of Labor, Charles Jeffress, to find common ground that would result in a bill that would pass the House and Senate and be signed by the President into law. A number of good suggestions were made to improve the bill, but remaining differences and the lack of floor time quickly became an insurmountable obstacle.

I was pleased to have the opportunity to testify at a hearing chaired by Chairman TALENT in the House Small Business Committee. As the House author of the SAFE Act, Representative TALENT understood the importance of third party consultations. He invited specialists in occupational safety and health to share their candid opinions of the bill. Having witnessed the testimony firsthand, I was pleased that safety and health professionals—those who have the most education, training, and field experience in abating occupational hazards—embraced this bill so enthusiastically.

In both Chambers, the SAFE Act gained considerable momentum after its introduction. The bill stuck to a theme—advancing safety and health in the workplace. Maintaining this spirit of cooperation, it is my intention to promote this theme well into the 106th Congress. Until each of the SAFE Act's provisions become law, this debate is far from over.

Despite the Senate's inability to complete its consideration of the SAFE Act, legislative successes were still abundant. Last June, I was pleased to have had the opportunity to pass two bills in the Senate that were authored by Representative BALLENGER. One was the Occupational Safety and Health Administration Compliance Assistance Authorization Act, and the other was H.R. 2877, which eliminated the imposition of quotas in the context of OSHA's enforcement activities. Both bills are now law and have already been implemented by OSHA.

Following the same lines as the SAFE Act, these two bills were written to increase the joint cooperation of employees, employers, and OSHA in the effort to ensure safe and healthful working conditions. It will never be productive to threaten employers with fines for non-compliance when millions of safety conscious employers don't know how they are supposed to comply. Nor is it effective to burden employers with more compliance materials than they can possibly digest or understand, many of which have no application to their business. To achieve a new, cooperative approach, the vast majority of employers who are concerned about worker safety and health must have compliance assistance programs made more accessible to them and more related to their actual operation. Passage of H.R. 2864 was a good, first step in providing employers just that.

H.R. 2877 eliminated enforcement quotas for OSHA compliance inspectors. This bill prohibits OSHA from establishing a specific number of citations issued, or the amount of penalties collected. I believe that inspectors must not face institutional pressure to issue citations or collect fines, but rather they should work to identify potential hazards and assist the employer in abating them. OSHA's success must depend upon whether the nation's workforce is safer and healthier, and not upon meeting or surpassing goals for inspections, citations, or penalties.

In July, both the Senate Committee on Labor and Human Resources and full Senate unanimously passed S. 2112, the Postal Employees Safety Enhancement Act. The bill was written to bring the Postal Service and its more than 800,000 employees under the full jurisdiction of OSHA. Government must play by its own rules. Although all federal agencies must comply with the 1970 Occupational Safety and Health statute, they are not required to pay penalties issued to them by OSHA. The lack of any enforcement tool renders compliance requirements for the public sector ineffective at best.

My first look at this issue occurred when Yellowstone National Park was cited by OSHA last February for 600 violations—92 of them serious. One of those serious violations was the park's failure to report an employee's death to OSHA. In fact, Yellowstone posted five employee deaths in the past three and one-half years. Although there are these and other serious problems noted in the park's safety and health record, overall federal injury, illness, lost work-time, fatality and workers's compensation rates show the United States Postal Service leading the pack in almost every category.

Postal workers injuries and illnesses represent 42 percent of the government's lost-time cases. From 1992 to 1997, the Postal Service paid an annual average of $505 million in workers' compensation costs and its annual contribution accounted for almost one-third of the federal program's $1.8 billion price tag. These alarming statistics made my decision to slowly bring the federal government into compliance rather easy.

In 1982, the Postal Service became fiscally self-sufficient—depending entirely on market-driven revenues rather than taxpayer dollars. They should be congratulated for that. Today, the United States Postal Service handles over 43 percent of the world's mail—delivering more mail in one week than Federal Express and the United Parcel

Service combined deliver in an entire year. With annual profits that exceed $1.5 billion, if the Postal Service were a private company, it would be the 9th largest business in the United States and 29th in the entire world.

Realistically speaking, the Postal Service is hardly a Federal agency. It's better characterized as a self-sufficient, quasi-government entity. It is the only federal agency where its employees can collectively bargain under the 1935 National Labor Relations Act. It's the only federal agency that posts annual profits exceeding $1.5 billion. In fact, the Postal Service exhibits almost every characteristic of a private business, yet it never had to fully comply with federal occupational safety and health law—until now. Last month, Representative GREENWOOD, author of the House bill, took the initiative to pass the Postal Employees Safety Enhancement Act in the House and sent it on to the President.

Since the bill's enactment, I learned that OSHA and the National Park Service, have entered into safety pact. I commend both agencies for this commitment to workplace safety and health. It is my understanding that other federal agencies could do the same. I hope that such agreements with OSHA represent a way to introduce third party consultations as a means of bringing a greater number of federal worksites into compliance.

The enactment of S. 2112 and the previous two bills marks the first significant step toward modernizing the nation's 28-year-old occupational safety and health law. I believe that these incremental accomplishments were achieved because this Congress is committed to improving conditions for America's workers. We have a long road ahead of us and that road, so far, had been too slow to save American lives. This debate will not end when Congress completes its work this year. I fully intend to press forward—well into the 106th Congress. More hearings on this important issue are necessary. We need a bipartisan effort—making headway in every area we can reach agreement. We need to dedicate some time to reaching that agreement. This will not happen by accident! Good legislation will ultimately be achieved and increased compliance will undoubtedly result if we simply remain committed to it.

I want to conclude my remarks by thanking members and staff for making occupational safety and health such a successful issue during the last two years. I want to first thank my House colleague and friend JIM TALENT. His impressive knowledge of labor law, complemented by his labor counsel, Jennifer Woodbury, helped bring the SAFE Act to the attention of all House members. I look forward to work on many more bills with JIM TALENT in the coming years. I would also like to thank Congressmen BALLENGER, GREENWOOD, and MCHUGH and their staff. They, too, should be complimented for their efforts. Senators GREGG, FRIST, and JEFFORDS also deserve tremendous thanks. Their staffs spent many hours considering OSHA legislation. Finally, I want to thank my Democratic colleagues on the Senate Labor Committee. Senator KENNEDY was especially considerate in listening to my concerns and I want to extend my appreciation to him and his staff. I am confident that this relationship will pick up next year where it left off.

PASSAGE OF COALBED METHANE LEGISLATION

Mr. ENZI. Mr. President, I want to take a minute before the Senate adjourns to thank a few Members who have been very helpful on an issue of critical importance to my state.

Yesterday evening, the Senate adopted by unanimous consent, S. 2500, a bill to preserve the sanctity of existing leases and contracts for production of methane gas from coal beds. An affirmative U.S. Government policy has been the legal basis for these contracts for nearly eighteen years and it was the intent of this bill to preserve the existing rights of all the parties in light of legal uncertainties cast by a July 20, 1998, 10th Circuit Court of Appeals decision.

On September 18, I introduced the bill to protect these people, with my colleagues, Senator JEFF BINGAMAN of New Mexico and Senator CRAIG THOMAS of Wyoming. The affected people live all across America, but most of the actual lands are in the western states, primarily New Mexico, Utah, Colorado, Wyoming, and Montana.

The circumstances faced by interest owners would be severe. Personal and corporate bankruptcies would have led to local bank insolvencies and the multiplying effect on unemployment and loss of confidence in western states would have been devastating. In this time when Congress is working to offer a $4-7 billion aid package to provide certainty for crop farmers, I am pleased that we have been able to reach agreement to provide some certainty for people in the oil patch—and we did it without spending a single federal dime.

The 1998 Circuit Court decision has clouded all existing lease and royalty agreements for production of gas out of coal where the ownership of the oil and gas estate differs from ownership of the coal estate. This uncertainty jeopardizes the expected income of all royalty owners and the planned investment and development of all existing lessees.

The legislation we passed yesterday addresses that problem faced by owners and lessees by preserving the policy status quo for valid contracts in effect on or before the date of enactment. The legislation applies only to leases and contracts for "coalbed methane" production out of federally-owned coal. It does not apply to leases and contracts for gas production out of coal that has been conveyed, restored, or transferred to a third party, including to a federally recognized Indian tribe.

It is important to note that many older leases and contracts for gas production on coal lands were negotiated prior to "coalbed methane" becoming a term of art. It is, therefore, necessary to clarify that we do not mean to exclude those valid leases and contracts that convey rights to explore for, extract and sell "natural gas" from applicable lands simply because they do not include the term "coalbed methane." That is a possible ambiguity that arose very late in the process, after the time when we could have reasonably perfected the bill, but it is important to note because before this year, "coalbed methane" has been considered in the field, to be part of the gas estate. We chose the term "coalbed methane" because using the term "natural gas from the coalbed," left uncertainty about the gas rights in light of the 10th Circuit ruling. The Department of Interior suggested we use "coalbed methane" so as to be very clear regardless of whether the Courts rule "coalbed methane" to be part of the coal estate or part of the natural gas estate in the future.

While the bill has yet to be completed in the House, I want to thank some of the members who have helped us craft legislation that addresses what we intended to cover. Without any of them, we would not have been able to go forward. Because of very limited time, we had to expedite the process, and we could not have done it without an enormous amount of help. Senator CAMPBELL, and his Indian Affairs Committee staff, were supportive in working out the provisions covering the tribes. Senator MURKOWSKI, and his Energy Committee staff, were very helpful in working out the details of the bill and moving it through that Committee. Senator BUMPERS, and his committee staff, were very cooperative and provided many helpful suggestions.

The Department of Interior Solicitor's office provided good counsel and worked with us through the process. And the people out in the field, the coal companies, who have valid concerns about their existing and future leases to main federal coal, were great to work with. Nothing in this bill should be construed to limit their ability to mine federal coal under valid leases, nor should anything be construed to expand their liabilities to coalbed methane owners covered by the bill. The gas producers and land owners really came together and proposed reasonable solutions to solve the problems. Without their cooperative effort, this bill would not have happened.

So again, my appreciation goes out to all the people who helped us remove the possibility of devastating situation—extensive private property takings, retroactive liabilities, and mountains of combative litigation. On behalf of thousands of Wyomingites, thank you.

Mr. President, I yield the floor.

ROLE OF THE SENATE SUBCOMMITTEE ON COMMUNICATIONS

Mr. LOTT. Mr. President, I want to take this time to recognize the important role and work of the Senate's Subcommittee on Communications this Congress and emphasize the challenges that lie ahead.

The communications world encompasses so many areas that personally touch the lives of practically every person in America—from the telephone to the television to the computer. The ways we interact is a fitting reflection of the fast times in which we live and the constant evolution of technologies. Traditional systems are changing. Options are expanding. Companies continue to shift gears and take the necessary risks to bring fruition of the landmark 1996 Telecommunications Act to the marketplace and to consumers.

Enacting policies to encourage, and not hinder, such activity is Congress' challenge. Mr. President, I believe the members of this subcommittee are ready and willing to embrace that challenge.

I want to express my sincere gratitude to my colleague and friend, Senator CONRAD BURNS of Montana, for his yeoman's work as chairman of the subcommittee during the course of this Congress. His guidance has been instrumental in bringing focus to the many issues that merit attention. His inclusive and enthusiastic approach has engaged all who work with him, and I appreciate that.

Mr. President, many contentious policy areas were considered by the subcommittee during the 105th, and consensus proved elusive. I am confident, though, that the stage has been set for several productive debates in the first session of the 106th—from Federal Communications Commission reauthorization, to international satellite privatization, to transition to digital, to competition issues, to Internet privacy and content.

Speaking of the Internet, let me take this opportunity to mention my deep admiration for the contributions made by retiring Senator DAN COATS in this area. Although not a member of the Commerce Committee, he has tirelessly advocated against the Internet becoming a dirty book for our children, while responsibly taking into account first amendment concerns. I have the utmost respect for his efforts, and will truly miss his wisdom and his counsel.

Mr. President, I appreciate the contributions of each of my subcommittee colleagues this Congress, and look forward to working with them next year in tackling some tough issues and ushering in a truly new era of communications.

NATIONAL BIBLE WEEK

Mr. LOTT. Mr. President, one of our country's most important observances is National Bible Week sponsored by the National Bible Association. This year, as in the past, it will be observed by houses of worship and individuals of all faiths during the week in which Thanksgiving Day falls. That will be from Sunday, November 22 through Sunday, November 29.

It is my great and underserved honor to be this year's congressional co-chair of that observance. In that capacity, I would like to recommend to all my colleagues, and to the American people, that, in this season of strife and division we look to National Bible Week as an opportunity to join together in prayerful reflection.

The German poet Heinrich Heine called the Bible "that great medicine chest of humanity," the greatest cure for the worst ills of mankind. And he observed how—during the great fire that destroyed the Second Temple of ancient Israel—the Jewish people rushed to save, not the gold and silver vessels of sacrifice, not the bejeweled breastplate of the High Priest, but their Scriptures. For the Word of God was the greatest treasure they had.

It remains our greatest treasure today. The lessons it teaches, and the morality it commands, are the foundation on which a free people build self-government. In that sense, the Bible is the charter of our liberties. Daniel Webster put it this way: "If we abide by the principles taught by the Bible, our country will go on prospering."

That has never been a partisan sentiment, and neither should it be so today. Two great political rivals of the early twentieth century, both of whom achieved the Presidency and attained world leadership, agreed on this one point.

Teddy Roosevelt said, "A thorough knowledge of the Bible is worth more than a college education." And Woodrow Wilson, a university president at Princeton before reaching the White House, counselled, "When you have read the Bible, you will know it is the word of God, because you will have found in it the key to your own heart, your own happiness and your own duty."

Here in the Senate, as in the House of Representatives, there are several small Bible study groups. Members of all faiths regularly come together, away from the public spotlight, to learn from one another and seek inspiration from sacred Scripture.

For my part, I find in those sessions both enlightenment and challenge. For any time we read the Bible with an open heart, we may find ourselves falling short, in some way, of the standard it sets for us and the promise it offers us.

In that way, reading the Bible can be like a spiritual work-out. And if, in the process, we feel the spiritual equivalent of a few sore muscles, we can remember the saying, "No pain, no gain." And the gain that Scripture offers lasts a lifetime—and even longer.

For that reason, it is especially appropriate that Thanksgiving Day comes during National Bible Week, for the Bible itself is something for which we should give thanks, on that day and every day.

TITLE BRANDING LEGISLATION

Mr. CAMPBELL. Today I express my appreciation to the majority leader, Senator FORD, Senator GORTON, and Senator MCCAIN for their hard work and efforts on S. 852, the National Salvage Motor Vehicle Consumer Protection Act. I believe S. 852 will deter automobile theft and protect consumers by providing them with notice of severely damaged vehicles. I would like to emphasize one provision contained in the bill. It is my understanding that the process of reducing salvage and nonrepairable vehicles to parts cannot begin before receipt of a salvage title, nonrepairable vehicle certificate, or other appropriate ownership documentation under state law. If a vehicle could be dismantled prior to the receipt of the appropriate ownership documents, then the parts from a severely damaged vehicle could skirt the titling system which this bill has put in place to deter automobile theft. Is my understanding correct?

Mr. LOTT. Yes, that is correct. A vehicle that would qualify as a nonrepairable or as salvage vehicle cannot be taken apart for its parts before appropriate ownership documentation has been received for that vehicle.

Mr. President, I appreciate that the Senator from Colorado has taken the time to address this important issue.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998

Mr. HATCH. Mr. President, as we begin to wrap-up the 105th Congress, there remains one essential item of business which I strongly believe warrants Senate action before we adjourn for the year.

Over the past year, numerous concerns have been raised by home health care agency officials and Medicare beneficiaries over the new Medicare payment system established in the Balanced Budget Act of 1997.

As a strong home health care advocate in the Senate for virtually my entire career, I am well aware of the importance home health care is for Medicare beneficiaries with acute needs such as recovering from joint replacements and chronic conditions such as heart failure.

Utahns have consistently told me they prefer to receive care in their homes rather than in institutional settings such as hospitals and nursing homes.

In fact, patients actually do better in their recovery while at home than in a nursing home or hospital. And, clearly, the costs associated with home care are far less than what is charged in an institutional setting.

As a member of the Finance Committee, which has jurisdiction over the Medicare program, I am also well aware of the impending financial crisis Medicare was facing last year. Home health care was the fastest growing component in Medicare.

Between 1989 and 1996, Medicare spending for home health services rose from $2.5 billion to $16.8 billion. Concurrently, according to the GAO, the number of home health agencies grew from 5,700 in 1989 to more than 10,000 in 1997.

Indeed, home health care spending threatened to consume more and more of the limited Medicare dollars.

Last year, Congress was faced with an extraordinary and daunting task—namely, the financial survival of the Medicare program.

No less than President Clinton's own advisors who serve as his appointed Trustees for the Medicare Trust Fund warned Congress that absent immediate action Medicare Part A would be insolvent by the year 2001.

Clearly something had to be done. The status quo was unacceptable.

To control the rapid cost growth in all components of Medicare, Congress passed the Balanced Budget Act of 1997, or the BBA, which required the Health Care Financing Administration (HCFA), the agency responsible for administering the Medicare program, to implement a Prospective Payment System that sets fixed, predetermined payments for home health services.

Until that system could be developed and implemented, agencies would be paid through an Interim Payment System, or IPS, which imposes limits on agencies' cost-based payments. These limits were designed to provide incentives to control per visit costs and the number and mix of visits for each user.

Since the implementation of the IPS on October 1, 1997, numerous concerns have been raised about severe equity issues in the payment limit levels.

For instance, wide disparities exist in reimbursement levels ranging from $760 to $53,000 on average per beneficiary. The payment limits are further exacerbated by a major distinction in the payment rules between the so-called "new" verses "old" agencies.

The impact of the IPS has caused comparable home health agencies providing comparable home health services to receive very different reimbursement payments. The payment limit issues are further exacerbated by the imposition of a 15% across the board cut in payment rates which is scheduled to take effect in October 1999.

According to a September 1998 report from the General Accounting Office, at least 12 home health agencies in my state of Utah have been forced to close their doors since the implementation of the IPS.

This leaves just 75 agencies to serve the entire estimated home health care population of 22,000 home health beneficiaries throughout my state.

And, I note for my colleagues who have not had the pleasure of visiting Utah, with its spectacular vistas and magnificent mountains, essentially is a rural state with population centers far apart.

So if you live in Panguitch or Vernal, and your home health agency closes its doors, you will be very lucky if there is any other service option available.

Home health care is particularly vital in improving efforts to deliver health care in rural areas where quality, long term care has been deficient for too long.

As my colleagues recall last year, there was no disagreement on the need to move to the PPS. The home health care industry was supportive of the new system—and remains supportive to this day.

The problem is with moving to the PPS from the current cost-based payment system. Data which was not available to accurately develop the PPS would be needed before such a system could be put into place.

Accordingly, the IPS was proposed as a mechanism to provide HCFA was the necessary baseline information to develop the PPS.

As we now know, the IPS has resulted in new cost limits causing many home health agencies to close and resulted in beneficiaries, particularly those with high-cost needs, to have difficulty in obtaining care.

I am especially mindful of the situation in my state of Utah where many of my constituents have talked to me about the problem.

I have met with officials from Utah's home health agencies from around the state as well as with beneficiaries who depend on the services performed by these agencies.

Moreover, the Senate Small Business Committee held a hearing on July 15, 1998 on the impact of the IPS on small home health businesses. One of my constituents, Mr. Marty Hoelscher, CEO of Superior Home Care in Salt Lake City testified at the hearing. He stated:

> The IPS provides a flat payment to agencies for each patient, regardless of the amount of care the patient medically requires. What happens to the really sick patients? What happens to the agencies who don't turn their backs on them? In Utah, the patients of the 18 free standing agencies which have recently ceased operations are filling our emergency rooms, intensive care units, nursing homes or morgues.

I have been working concertedly with my Senate colleagues to resolve these problems. For example, in July, I joined with 20 of my colleagues in the Senate on July 16, 1998 to cosponsor S. 2323, the "Home Health Access Preservation Act of 1998."

This legislation was designed to alleviate the problems created by the IPS, and specifically, to address the problems associated with the high costs of caring for the sickest patients and those who need care on a long term basis.

After Senator GRASSLEY introduced S. 2323, it became evident that the budget neutrality provision—which necessitated that S. 2323 incur no new spending—was requiring us to reallocate resources in a way that disadvantaged some home health providers in order to assist others.

Many members expressed concerns that because of the problems inherent in such a reallocation, we should just repeal the IPS totally. I was extremely sympathetic to those concerns, but unfortunately, the Congressional Budget Office advised us that such a repeal was very costly; in fact, it was so costly that a total repeal was clearly out of question if we are to maintain the balanced budget which is so important to our country.

I am pleased that as a result of several months work by the Chairman and ranking minority member of the Finance Committee, Senators ROTH and MOYNIHAN along with those of us on the committee have developed this bipartisan proposal which is supported by the home health industry.

The legislation we are introducing today, while not a perfect measure, is a responsible bill that will improve problems inherent in the current law and which will work to the benefit of thousands of Americans who rely on very valuable home health care services.

Under this legislation, several steps will be taken to improve the IPS.

First, the bill will reduce the extreme variations in payment limits applicable to old agencies within states and across state lines.

The bill also provides for a reduction in the payment level differences between "old" and "new" agencies. Such provider distinctions exist nowhere else in the Medicare system and contribute to the arbitrary nature of the payment system for health care services.

Moreover, the bill delays for one year the 15% across the board cut in payment limits for all agencies that was to take effect in October 1999. Home health agencies in my state tell me this is perhaps the most significant and important feature of the bill.

The bill further directs the Health Care Financing Administration to take all feasible steps necessary to minimize the delay in the implementation of the PPS. Specifically, HCFA will be required to accelerate data collection efforts necessary to develop the case-mix system which is at the heart of the PPS model.

Mr. President, I am pleased to add my name as an original cosponsor to this vitally needed legislation.

As we are all too painfully aware, our budget rules require that any legislation such as this which proposes "new" Medicare spending be accompanied by a reduction in spending to offset the costs.

While I understand the need to maintain budget neutrality, I am concerned about the offsets in the Roth bill, but I am pleased Senator ROTH has agreed to consider other offsets in order to address my concerns. We cannot move forward without an offset since the Congressional Budget Office has scored the bill at a cost of $1 billion.

With the assurance that I now have received from the Chairman of the Finance Committee, I am lending my support to this important bill.

Our overriding objective at this late time with only hours left in the 105th Congress is to get this bill passed by the Senate and into conference with the House.

I am pleased that the House approved its version of the legislation just moments ago, and while the House legislation is not the measure I would want, its passage does move us substantially closer toward enactment of a final bill prior to adjournment.

I can assure my constituents in Utah who depend on home health care services that I will continue to pursue legislative resolution of these financing issues to preserve the home health care benefit for all Medicare beneficiaries.

And finally, let me also assure the dedicated and hard working people of Utah who provide home health care services that I will continue to work with them to bring some logic to the new Medicare payment system.

I especially want to thank Marty Hoelscher, Steve Hansen, Grant Howarth, Vaughn McDonald, Dee Bangerter and the many others in Utah, especially the Utah Association of Home Health Agencies, for their counsel and leadership over the past year in working on this very complex issue.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for such time as I may consume.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IRAQ

Mr. KERRY. Mr. President, there are two subjects that I wish to bring to my colleagues' attention this afternoon. First, I want to talk about an issue of enormous international consequence—the situation with respect to Iraq. For the last 2 months, as we know, Saddam Hussein has been testing, yet again, the full measure of the international community's resolve to force Iraq to eliminate its weapons of mass destruction. That has been the fundamental goal of our policy toward Iraq since the end of the gulf war and is reflected in the U.N. agreements reached in the aftermath of the war.

Two months ago, on August 5, Saddam Hussein, formally adopting a recommendation that had been made by the Iraqi parliament 2 days earlier, announced that Iraq would no longer permit U.N. weapons inspectors to conduct random searches in defiance of its obligations under those U.N. resolutions that were adopted at the end of the war, and also in violation, I might add, of its agreement last February with U.N. Secretary General Kofi Annan, to give UNSCOM teams, accompanied by diplomatic overseers, unconditional access to all sites where UNSCOM believed that Iraq may be stockpiling weapons or agents to make those weapons.

Let's understand very clearly that ever since the end of the war, it has been the clear, declared, accepted, and implemented policy of the United States of America and its allies to prevent Saddam Hussein from building weapons of mass destruction. And as part of that agreed-upon policy, we were to be permitted unlimited, unfettered, unconditional, immediate access to the sites that we needed to inspect in order to be able to make that policy real.

Iraq's defiance and the low-key—some would say weak—response of the United States and the United Nations initially went unnoticed, in part because of other events, including the dual bombings of our embassies in Kenya and Tanzania, as well as the obvious fascination with domestic events that have dominated the headlines now for so many months. Those events, frankly, have continued to obscure the reality of what is happening in Iraq; and, accordingly, the reality of the potential threat to the region—a region where, obviously, the United States, for 50 years or more, has invested enormous amounts of our diplomatic and even our domestic energy.

Press reports of the administration's efforts to intervene in, or at minimum, to influence UNSCOM's inspection process and the resignation of American UNSCOM inspector, Scott Ritter, focused the spotlight briefly on our Iraqi policy and raised some serious and troubling questions about our efforts to eliminate Iraq's weapons of mass destruction. The principal question raised was a very simple one: Are those efforts still intact, or has our policy changed?

Last month, press reports suggested that administration officials had secretly tried to quash aggressive U.N. inspections at various times over the last year, most recently in August, in order to avoid a confrontation with Iraq—this despite repeatedly demanding the unconditional, unfettered accesses that I referred to earlier for the inspection teams. Scott Ritter, the longest serving American inspector in UNSCOM, charged at the time that the administration had intervened at least six or seven times since last November when Iraq tried to thwart UNSCOM's work by refusing to allow Ritter and other Americans to participate on the teams, in an effort to delay or postpone or cancel certain UNSCOM operations out of fear of confrontation with Iraq.

Those were serious charges. We held an open hearing, a joint hearing between the Armed Services Committee and Foreign Relations Committee on these charges. There were some protestations to the contrary by the administration and a subsequent effort to ensure that the Security Council would maintain the sanctions against Iraq, but, frankly, nothing more.

In explaining his reasons for resigning, Scott Ritter stated that the policy shift in the Security Council supported "at least implicitly" by the United States, away from an aggressive inspections policy is a surrender to Iraqi leadership that makes a "farce" of the commission's efforts to prove that Iraq is still concealing its chemical, biological, and nuclear weapons programs.

Administration officials have categorically rejected the notion that U.S. policy has shifted, either in terms of our willingness to use force or support for UNSCOM. They have also disputed Ritter's charges of repeated U.S. efforts to limit UNSCOM's work. Writing in the New York Times on August 17, Secretary Albright stated that the administration has "ruled nothing out, including the use of force" in determining how to respond to Iraqi actions, and that supporting UNSCOM is "at the heart of U.S. efforts to prevent Saddam Hussein from threatening his neighborhood." While acknowledging that she did consult with UNSCOM's Chairman, Richard Butler, after Iraq suspended inspections last month, she argued that he "came to his own conclusion that it was wiser to keep the focus on Iraq's open defiance of the Security Council." Attempting to proceed with the inspections, in her view, would have "allowed some in the Security Council to muddy the waters by claiming again that UNSCOM had provoked Iraq," whereas, not proceeding would give us a "free hand to use other means" if Iraq does not "resume cooperation" with the Security Council. At that time, she also stressed the importance of maintaining the comprehensive sanctions in place to deny Saddam Hussein the ability to rearm Iraq and thus threaten his neighbors.

I appreciate the Secretary's efforts to set the record straight. But, Mr. President, I have to say, in all candor, that I don't think that her op-ed or subsequent statements by the administration have put to rest legitimate questions—legitimate questions or concerns about what our policy is and where it is headed—not just our policy alone, I might add, but the policy of the United Nations itself, and the policy of our allies in Europe.

The fact of the matter is, in my judgment, the U.S. response and that of the Security Council to Saddam Hussein's latest provocations are different in tone and substance from responses to earlier Iraqi provocations.

Three times in the last 11 months Saddam Hussein has launched increasingly bolder challenges to UNSCOM's authority and work. In November, he refused to allow American inspectors to participate on the teams. Although that crisis ultimately was resolved through Russian intervention, the United States and Britain were leading the effort to push the Security Council to respond strongly. In subsequent weeks, Saddam Hussein refused to grant UNSCOM access to Presidential palaces and other sensitive sites, kicked out the team that was led by Scott Ritter, charging at the time that he was a CIA spy, and threatened to expel all inspectors unless sanctions were removed by mid-May.

By February, the United States had an armada of forces positioned in the gulf, and administration officials from our President on down had declared our intention to use military force if necessary to reduce Iraq's capacity to manufacture, stockpile or reconstitute its weapons of mass destruction, or to threaten its neighbors.

Ultimately diplomacy succeeded again. In a sense, it succeeded again. It averted the immediate crisis. One can certainly raise serious questions about how effective it was with respect to the longer-term choices we face. But certainly in the short term, Secretary General Kofi Annan successfully struck an agreement with Iraq to provide UNSCOM inspectors, accompanied by diplomatic representatives, full and unfettered access to all sites. There is little doubt that this agreement would not have been concluded successfully without the Security Council's strong calls for Iraqi compliance combined with the specter of the potential use of American force.

Saddam's latest provocation, however, Mr. President, strikes at the heart of our policy, and at the capacity of UNSCOM to do its job effectively. As long as the U.N. inspectors are prevented, as they are, from undertaking random no-notice inspections, they will never be able to confirm the fundamentals of our policy. They will never be able to confirm what weapons Iraq still has or what it is doing to maintain its capability to produce weapons of mass destruction.

Yet, when confronted with what may be the most serious challenge to UNSCOM to date, the administration's response, and that of our allies and the United Nations, has been to assiduously avoid brandishing the sword and to make a concerted effort to downplay the offense to avoid confrontation at all costs, even if it means implicit and even explicit backing down on our stated position as well as that of the Security Council. That stated position is clear: That Iraq must provide the U.N. inspectors with unconditional and unfettered access to all sites.

Secretary Albright may well be correct in arguing that this course helps keep the focus on Iraq's defiance. It may well do that. But it is also true that the U.N.-imposed limits on UNSCOM operations, especially if they are at the behest of the United States, work completely to Saddam Hussein's advantage.

They raise questions of the most serious nature about the preparedness of the international community to keep its own commitment to force Iraq to destroy its weapons of mass destruction, and the much larger question of our overall proliferation commitment itself. They undermine the credibility of the United States and the United Nations position that Iraq comply with the Security Council's demands to provide unconditional and unfettered access to those inspectors. And, obviously, every single one of our colleagues ought to be deeply concerned about the fact that by keeping the inspectors out of the very places that Saddam Hussein wants to prevent them from entering, they substantially weaken UNSCOM's ability to make any accurate determination of Iraq's nuclear, chemical or biological weapons inventory or capability. And in so doing, they open the door for Iraq's allies on the Security Council to waffle on the question of sanctions.

I recognize that the Security Council recently voted to keep the sanctions in place and to suspend the sanctions review process. But, Mr. President, notwithstanding that, the less than maximum level of international concern and focus on the underlying fact that no inspections take place, the continuation of Iraq's weapons of mass destruction program, and the fact that Saddam Hussein is in complete contravention of his own agreements and of the U.N. requirements—that continues to be the real crisis. And Saddam Hussein continues to refuse to comply.

Since the end of the gulf war, the international community has sought to isolate and weaken Iraq through a dual policy of sanctions and weapons inspections. Or, as one administration official said, to put him in a "box." In order to get the sanctions relief, Iraq has to eliminate its weapons of mass destruction and submit to inspections. But it has become painfully apparent over the last 11 months that there are deep divisions within the Security Council particularly among the Permanent 5 members over how to deal with Saddam Hussein's aggressive efforts to break out of the box.

Russia, France and China have consistently been more sympathetic to Iraq's call for sanctions relief than the United States and Britain. We, on the other hand, have steadfastly insisted that sanctions remain in place until he complies. These differences over how to deal with Iraq reflect the fact that there is a superficial consensus, at best, among the Perm 5 on the degree to which Iraq poses a threat and the priority to be placed on dismantling Iraq's weapons capability. For the United States and Britain, an Iraq equipped with nuclear, chemical or biological weapons under the leadership of Saddam Hussein is a threat that almost goes without description, although our current activities seem to call into question whether or not one needs to be reminded of some of that description. Both of these countries have demonstrated a willingness to expend men, materiel and money to curb that threat.

France, on the other hand, has long established economic and political relationships within the Arab world, and has had a different approach. Russia also has a working relationship with Iraq, and China, whose commitment to nuclear nonproliferation has been less than stellar, has a very different calculus that comes into play. Iraq may be a threat and nonproliferation may be the obvious, most desirable goal, but whether any of these countries are legitimately prepared to sacrifice other interests to bring Iraq to heel remains questionable today, and is precisely part of the calculus that Saddam Hussein has used as he tweaks the Security Council and the international community simultaneously.

Given the difference of views within the Security Council, and no doubt the fears of our Arab allies, who are the potential targets of Iraqi aggression, it is really not surprising, or shouldn't be to any of us, that the administration has privately tried to influence the inspection process in a way that might avoid confrontation while other efforts were being made to forge a consensus. But now we have to make a judgment about the failure to reinstate the inspection process and ask ourselves whether or not that will destroy the original "box" that the administration has defined as so essential to carrying out our policy.

Is it possible that there is a sufficient lack of consensus and a lack of will that will permit Saddam Hussein to exploit the differences among the members of the Security Council and to create a sufficient level of sanctions fatigue that we would in fact move further away from the policy we originally had?

To the extent that his efforts are successful, we will find ourselves increasingly isolated within the Security Council. In fact, it is already clear that some of our allies in the Security Council are very open to the Iraqi idea of a comprehensive review of its performance in dismantling all of its nuclear, biological, and chemical weapons—a review which Iraq hopes will lead to a lifting of some if not all of the sanctions.

I think the question needs to be asked as to how long we can sustain our insistence on the maintenance of sanctions if support for sanctions continues to erode within the Security Council. If it is indeed true that support is eroding—and there are great indicators that, given the current lack of confrontation, it is true—then the question remains, How will our original policy be affected or in fact is our original policy still in place?

In April, Secretary Albright stated that, "It took a threat of force to persuade Saddam Hussein to let the U.N. inspectors back in. We must maintain that threat if the inspectors are to do their jobs."

That was the policy in April. Whether the administration is still prepared to use force to compel Iraqi compliance is now an enormous question. The Secretary says it is, but the recent revelations raise questions about that.

In addition, it seems to me that there are clear questions about whether or not the international community at this point in time is as committed as it was previously to the question of keeping Iraq from developing that capacity to rob its neighbors of tranquility through its unilateral development of a secret weapon program.

In May, India and Pakistan, despite all of our exhortations, conducted nuclear tests. In August, U.S. intelligence reports indicated that North Korea is building a secret underground nuclear facility, and last month North Korea tested a new 1,250-mile-range ballistic missile which landed in the Sea of Japan. Each and every one of these events raises the ante on international proliferation efforts and should cause the Senate and the Congress as a whole and the administration, in my judgment, to place far greater emphasis and energy on this subject.

If the United States and the United Nations retreat in any way on Iraq, if we are prepared to accept something less than their full compliance with the international inspection requirement that has been in place now for 7 years, it will be difficult to understand how we will have advanced the cause of proliferation in any of those other areas that I just mentioned.

Mr. President, over the years, a consensus has developed within the international community that the production and use of weapons of mass destruction has to be halted. We and others worked hard to develop arms control regimes toward that end, but obviously Saddam Hussein's goal is to do otherwise. Iraq and North Korea and others have made it clear that they are still trying, secretly and otherwise, to develop those weapons.

The international consensus on the need to curb the production and use of weapons of mass destruction is widespread, but it is far from unanimous, and, as the divisions within the Security Council over Iraq indicate, some of our key allies simply don't place the same priority on proliferation as we do.

The proliferation of weapons, be they conventional or of mass destruction, remains one of the most significant issues on the international agenda. Obviously, solutions won't come easily. But I am convinced that in the case of Iraq, our failure would set the international community's nonproliferations efforts back enormously.

Our allies need to understand that the ramifications of letting Saddam Hussein out of the box that we put him in with respect to inspections would be serious and far-reaching. So I believe we need to keep the pressure on them to stand firm, to stand firm with us, and unless we reassert our leadership and insist that Iraq allow those inspectors to do their job, we will have destroyed a number of years of our effort in ways, Mr. President, that we will regret in our policy for the long haul.

I would point out also that there are experts on Iraq, those in the inspections team, those at the U.N. and elsewhere in our international community, who are very clear that Saddam Hussein's first objective is not to lift the sanctions. His first objective is to keep Iraq's weapons of mass destruction program—that will come ahead of all else.

The situation is really far more serious than the United Nations, the Congress or the administration have made clear to the American people or demonstrated through the level of diplomacy and focus that is currently being placed on this issue. It is not simply about eliminating Saddam Hussein's capacity to threaten his neighbors. It is about eliminating Iraq's weapons of mass destruction—chemical, biological, and nuclear. Failure to achieve this goal will have a profound impact, I believe, on our efforts with respect to our other nonproliferation efforts including completion of our talks with Russia and the ultimate ratification of the START II treaty by the Duma.

In recent conversations that I had with Chairman Butler, he confirmed that Saddam Hussein has only this one goal—keeping his weapons of mass destruction capability—and he further stated with clarity that Iraq is well out of compliance with U.N. resolutions requiring it to eliminate those weapons and submit to inspections and out of compliance with the agreement that he signed up to in February with Kofi Annan.

Mr. President, I believe there are a number of things we could do, a number of things both in covert as well as overt fashion. There is more policy energy that ought to be placed on this effort, and I believe that, as I have set forth in my comments, it is critical for us to engage in that effort, to hold him accountable.

In February, when we had an armada positioned in the gulf, President Clinton said that "one way or the other, we are determined to deny Iraq the capacity to develop weapons of mass destruction and the missiles to deliver them. That is our bottom line."

The fact is, Mr. President, over these last months there has been precious little to prevent Saddam Hussein from developing that capacity without the inspectors there and without the unwavering determination of the United Nations to hold him accountable. So the question still stands, What is our policy and what are we prepared to do about it?

Mr. President, I had asked to speak also on another topic for a moment. I see my colleague from New Mexico is here. Let me ask him what his intentions might be now and maybe we can work out an agreement.

Mr. DOMENICI. Mr. President, I am on the list for 20 minutes, and I have a 2:30 beginning on the budget process working with the White House on some offsets. How much longer did the Senator need?

Mr. KERRY. Mr. President, under those circumstances, I know that the chairman needs to get to those talks. I was going to speak for a longer period of time. What I will do is just proceed for another 5 minutes, to summarize my thoughts, if it is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EDUCATION CRISIS

Mr. KERRY. Mr. President, we appear to be, obviously, stuck on the issue of education in the Senate as in the country. We have been talking about the crisis for a long time now. The fact is that there isn't a community in the country that isn't struggling with its public school system. Vouchers gain in popularity notwithstanding the fact that they are only going to solve the problem for a few of our kids. And the truth is that too many of our schools have a diminished tax base and an inability through the property tax to be able to do what they need to do.

We also know that too many of our students are graduating from high school and given a degree by a principal even though principals in this country know that too many of those kids can't even read or write properly. Of 2.6 million kids who graduated from high school a year and a half ago, fewer than a third graduated with a proficient reading level. One-third were below basic reading, one third were at basic reading level, and only 100,000 of them had a world-class reading level. Thirty percent of our kids need remedial reading, writing, and arithmetic in the first days when they go to college. The truth is, we also have a crisis of teachers and their availability in our school system. We need some 2 million new teachers in the course of the next 10 years. We will need to hire 60 percent of them in the course of the next 5 years. This year alone, 61,000 new teachers went into our school systems. But the fact is, we are not able to draw from the best universities, the best colleges, and the best students because we barely pay enough for subsistence as starting salary and because too many kids come out of college today with loan payments due and with other opportunities that draw them away from the prospect of teaching.

We really do have a major set of choices in front of us about our education system. There is a great struggle here in Washington. A lot of people argue the Federal Government has no role whatsoever, there is nothing the Federal Government can do with respect to this. After all, only 7 percent of the budget comes from the Federal Government, and as we all know, it is a cherished notion in America that schools are run locally. And that is the way we want it. I agree with that. There is nothing in what I propose that would suggest the Federal Government ought to increase its relationship. In fact, it can decrease it. But we have to acknowledge the reality that there are too many communities that simply cannot do it on their own. There is a whole new set of relationships that need to be created in our education system between teachers and the principals, the school boards and the layers of bureaucracy that have been created for all of these years.

So I suggest we ought to undo the bureaucracy, think differently, think out of the box and not be locked into a traditional debate between Democrats and Republicans, conservatives and liberals. We ought to look at a way that we can take the best practices, what works best in a parochial school, in a private school—or in a wonderful public school. The truth is, there are some incredible public schools in this country where teaching is going on and kids are going on to the best colleges in the country. When you go to those schools, you will invariably find a principal, above all, who is energized, respected, creative, visionary; who has the respect of the community, who is able to move the school into new curricula, into a new relationship with the school board, into a new relationship with the students and with the teachers and they have worked out their own hybrid relationships with the teachers' unions and with the layers of bureaucracy. They have liberated themselves in many ways from what stifles creativity in too many of our schools. In essence, they have become a charter school within the public school system.

I believe what we ought to strive to do is to allow every school within the public school system to effectively become a charter school within the public school system, allow those schools to be able to have principals who run the school on a local basis, hiring teachers from any walk of life, being responsible for the quality of that teaching. It does not make sense in America that someone who can teach at a college might not be allowed to teach in a high school or in a secondary or elementary school simply because they have not gone through the structure of the education system that is now licensed to provide teachers in most of our communities.

How is it that you can have a professor in a college who would not be able, on a long-term basis—yes, maybe on a provisional basis—but on a long-term basis to teach in the public school system? We need to provide choice and competition within the public school system. We need to have accountability in those systems in ways that parents and children and the community as a whole will be more involved in the life and breadth of that school.

I am going to be introducing legislation together with some Republican colleagues later in the year. I will be putting it in now as an outline, for purposes of the record. I look forward, I hope in the next Congress, to our opportunity to engage in a stronger and more lively debate about real solutions to the crisis of education in America.

I yield the floor and ask unanimous consent the outline be printed in the RECORD.

There being no objection, the outline was ordered to printed in the RECORD, as follows:

A PLAN TO EDUCATE AMERICA'S CHILDREN

(By Senator John F. Kerry)

TITLE I—VOLUNTARY STATE REFORM INCENTIVE GRANTS

If education reform is to succeed in America's public schools, we must demand nothing less than comprehensive reform effort. The best public school districts are simultaneously embracing a host of approaches to educating our children; high standards and accountability, sufficient resources, small class sizes, quality teachers, motivated students, effective principals, and engaged parents and community leaders. We must not be half-hearted in our efforts to make reform feasible for every school in this country. We cannot address only one challenge in education and ignore the rest. We must make available the tools for real comprehensive reform so that every aspect of public education functions better and every element of our system is stronger.

So let us now turn to a bold answer: Let's make every public school in this country essentially a charter school within the public school system. Let's give every school the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and real accountability.

Several schools across the country have devised ways to accomplish this by raising standards to improve student achievement, lowering class size, improving on-going education for teachers, and reducing unnecessary middle-level bureaucracy. Numerous high-performance school designs have also been created such as the Modern Red Schoolhouse program, the Success for All program, and the New American Schools program. The results of extensive evaluations of these programs have shown that these designs are successful in raising student achievement. Studies show that these many of these successful programs cost less than the national median of basic education revenues per pupil for K–12 school districts. If we brought all schools up to the spending level of the national median, all schools could finance these high-performance school designs. Therefore, we should raise spending to the state or the national median, whichever is higher, thereby allowing every school district to finance and implement comprehensive reform based on proven high-performance models and teach students to the highest standards (58 percent of school districts are below either the national or their state median). Although money alone will not solve the problems in poor school districts, it is impossible to solve without adequate resources. Rather than piecemeal, fragmented approaches to reform, the Comprehensive School Reform program is intended to foster coherent schoolwide improvements that cover virtually all aspects of a school's operations.

To ensure that the vast majority of school districts could engage in comprehensive school reform, Title I of the Elementary and Secondary Education Act (ESEA) should also be fully funded. Title I is the primary federal help for local districts to provide assistance to poor students in basic math and reading skills. Title I currently provides help to local school districts for additional staff and resources for reading and math, curriculum improvements, smaller classes, and training poor students' parents to help their children learn to read and do math. However, Title I only reaches two-thirds of poor students because of inadequate funding. Since 90 percent of school districts receive at least some Title I funds, fully funding Title I and allowing school districts to use these additional funds for comprehensive reforms would give schools the ability to implement comprehensive reforms so that all students reach the highest academic standards.

Most poor school districts lack the resources to meet the vital educational needs of all of their students. A well-crafted program with the federal and state governments working in close cooperation with one another could make major strides in closing these gaps and improving student performance.

Comprehensive school reform will help raise student achievement by assisting public schools across the country to implement effective, comprehensive school reforms that are based on proven, research-based models. No new federal bureaucracy would be established—the program would be implemented at the state level. Furthermore, no funds could be used to increase the school bureaucracy. School districts would implement a comprehensive school reform program and evaluate and measure results achieved. Schools would also provide high-quality and continuous teacher and staff professional development and training, have measurable goals for student performance and benchmarks for meeting those goals, provide for meaningful involvement of parents and the local community in planning and implementing school improvement, and identify how other available federal, state, local, or private resources will be utilized to coordinate services to support and sustain the school reform effort.

The funding for the program would move towards the goal of providing every school district in the country enough funds to implement a high quality, performance-based model of comprehensive school reform at a cost of $4,270. This would mean providing enough funds to bring every district up to the state or the national median, whichever is higher (it is estimated that $30 billion annually would be needed to bring the per-pupil expenditure of every school district up to the national or state average). To move towards this goal, the federal government would provide funds and states would match this money (states would provide 10 to 20 percent with poorer states providing a smaller match). To receive these funds, states would have to provide a minimum spending effort based on state and local school spending relative to the state's per capita income. Funding would be $250 million in FY99, $500 million in FY2000, $750 million in FY2001, $1 billion in FY2002, and $4 billion in FY2002.

Fully fund Title I so almost all school districts would receive some funds to implement comprehensive school reform (90 percent of all local school districts receive Title I funds). Funding would be $200 million in FY99, $400 million in FY2000, $600 million in FY2001, $1 billion in FY2002, and $4 billion in FY2002.

TITLE II—ENSURE THAT CHILDREN BEGIN SCHOOL READY TO LEARN

Recent scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits. Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children. We must enhance private, local, and state early successful support programs for young children by providing resources to expand and/or initiate successful efforts for at-risk children from birth to age six.

Provide funds to States to make grants to local early childhood development collaboratives. States would fund parent education and home visting classes and have great flexibility to decide whether to also support quality child care, helping schools stay open later for early childhood development activities, or health services for young children. Communities would be required to document their unmet needs and how they would use the funds to improve outcomes for young childen so they begin school ready to learn. Funding would be $100 million in FY99, $200 million in FY2000, $300 million in FY2001, $400 million in FY2002, and $1 billion in FY2002.

TITLE III—EXCELLENT PRINCIPALS CHALLENGE GRANT

Principals face long hours, high stress, and too little pay. To overcome these obstacles, principals in successful schools must have effective leadership skills. However, too few principals get the training they need in management skills to ensure their school provides an excellent education for every child. Attracting, training, and retaining excellent principals is essential to helping every local school district become world class.

Establish a grant program to states to provide funds to local school districts to attract and to provide professional development for elementary and secondary school principals. Activities would include developing management and business skills, knowledge of effective instructional skills and practices, learning about educational technology, etc. Funding would be $20 million per year. States and local school districts would contribute 25 percent of the total although poor school districts would be exempt from the match.

TITLE IV—ESTABLISH "SECOND CHANCE" SCHOOLS FOR TROUBLED STUDENTS

Parents, students, and educators know that serious school reform cannot succeed without an orderly and safe learning environment. The few students who are unwilling or unable to comply with discipline codes and make learning impossible for the other students need behavior management programs and high quality alternative placements. Suspending or expelling chronically disruptive or violent students is not effective in the long run since these students will fall behind in school and may cause additional trouble since they are frequently completely unsupervised; these students need alternative placements that provide supervision, remediation of behavior and maintenance of academic progress. Although some may resist this program for fear that it will be used to isolate disabled students, the purpose is to provide additional interventions for troubled students, not to change disciplinary actions against disabled students.

Add a new title to the Elementary and Secondary Education Act (ESEA) to establish a competitive state grant program for school districts to establish "Second Chance" programs. To receive the funds school districts must enact district-wide discipline codes which use clear language with specific examples of behaviors that will result in disciplinary action and have every student and parent sign the code. Additionally, schools may use the funds to promote effective classroom management; provide training for school staff and administrators in enforcement of the code; implement programs to modify student behavior including hiring school counselors; and establish high quality alternative placements for chronically disruptive and violent students that include a continuum of alternatives from meeting with behavior management specialists, to short-term in-school crisis centers, to medium duration in-school suspension rooms, to off-campus alternatives. Funding would be $100 million per year and distributed to states through the Title I formula.

TITLE V—TEACHER RECRUITMENT AND ON-GOING EDUCATION INCENTIVE GRANT

Approximately 61,000 first-time teachers begin in our nation's public schools each year. Since the average starting salary for teachers is a little more than $21,000 per year, we need to raise their compensation to attract a larger group of qualified people into the teaching profession. Since the average student loan debt of students graduating college who borrowed money for college is $9,068, the most effective way to provide federal assistance to states to raise teachers' salaries is to provide loan forgiveness. In addition, scholarships ought to be available to the most talented high school students in every state in return for a commitment to teach in our public schools (North Carolina has successfully recruited future teachers from within public high schools with the lure of college scholarships).

States would be given funds to provide poor school districts the ability to raise teacher salaries to attract and retain the best teachers. Funding would be provided through the Title I "targeted grant" formula (the minimum threshold would be 20% poor children or 20,000 poor children). Funding would be $500 million for FY 99, $500 million in FY 2000, $1 billion in FY 2001, $1 billion in FY 2002, and $2 billion in FY 2003. Additionally, full-time state certified public school teachers who teach in low-income areas or who teach in areas with teacher shortages such as math, science, and special needs would have 20 percent of their student loans forgiven after two years of teaching, an additional 20 percent after three years, an additional 30 percent after four years, and the remaining 30 percent after five years. The program would be funded at $50 million each year. Finally, an additional $10 million would be provided as grants to states that wish to provide signing bonuses for first-time teachers who teach in low-income areas or areas with teacher shortages.

Provide $10 million in grants for states to establish a program to provide college scholarships to the top 20 percent of SAT achievers or grade point average in each state's high school graduating class in return for a commitment to become a state certified teacher for five years. States would contribute 20 percent of the funds for the scholarships. Five percent of the total funds could be used by local school districts to hire staff to recruit at the top liberal arts, education, and technical colleges (districts would be encouraged to establish a central regional recruiting office to pool their resources). One percent of the total funds would be used by the Secretary of Education to create a national hotline for potential teachers to receive information on a career in teaching.

TITLE VI—TEACHER QUALITY ENHANCEMENT GRANTS

We need to provide on-going education in teaching skills and academic content knowledge, establish or expand alternative routes to state certification, and establish or expand mentoring programs for prospective teachers by veteran teachers (according to the National Commission on Teaching and America's Future, beginning teachers who have had the continuous support of a skilled mentor are more likely to stay in the profession).

Establish Teacher Quality Enhancement Grants, a competitive grant awarded to states to improve teaching. The grants would have a matching requirement and must be used to institute state-level reforms to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas they are assigned to teach. In addition, establish Teacher Training Partnership Grants, designed to encourage reform at the local level to improve teacher training. One of the uses of these funds would be for states to establish, expand, or improve alternative routes to state certification for highly qualified individuals from other occupations such as business executives and recent college graduates with records of academic distinction. Another use would be to mentor prospective teachers by veteran teachers. Provide $100 million per year for these new teachers training programs so that states can improve teacher quality, establish or expand alternative routes to state certification for new teachers, and mentor new teachers by veteran teachers.

TITLE VII—INVEST IN COMMUNITY-BASED SCHOOLS AND COMMUNITY SERVICE

As many as five million children are home alone after school each week. Most juvenile involvement in crime—either committing crime or becoming victims themselves—occurs between 3 p.m. and 8 p.m. Children who attend quality after-school programs, however, tend to do better in school, get along better with their peers, and are less likely to engage in delinquent behavior. Expansion of both school-based and community-based after school programs will provide safe developmentally appropriate environments for children and help communities reduce the incidents of juvenile delinquency and crime. In addition, many states and localities such as Maryland and the Chicago public school system require high school students to perform community service to receive a high school diploma. The real world experience helps prepare students for work and instills a sense of civic duty.

Expand the 21st Century Learning Centers Act by providing $400 million each fiscal year to help communities provide after-school care. Grantees will be required to offer expanded learning opportunities for children and youth in the community. Funds could be used by school districts to provide: literacy programs; integrated education, health, social service, recreational or cultural programs; summer and weekend school programs; nutrition and health programs; expanded library services, telecommunications and technology education programs; services for individuals with disabilities, job skills assistance; mentoring; academic assistance; and drug, alcohol, and gang prevention activities.

Provide $10 million in grants to states that have established or chose to establish a state-wide or a district-wide program that requires high school students to preform community service to receive a high school diploma. States would determine what constitutes community service, the number of hours required, and whether to exempt some low-income students who hold full-time jobs while attending school full-time. The grants would be matched dollar for dollar with half of the match coming from the state and local education agencies and half coming from the private sector.

TITLE VIII—EXPAND THE NATIONAL BOARD CERTIFICATION PROGRAM FOR TEACHERS

The National Board for Professional Teaching Standards, which is headed by Gov. Jim Hunt, established rigorous standards and assessments for certifying accomplished teaching. To pass the exam and be certified, teachers must demonstrate their knowledge and skills through a series of performance-based assessments which include teaching portfolios, student work samples, videotapes and rigorous analyses of their classroom teaching and student learning. Additionally, teachers must take written tests of their subject-matter knowledge and their understanding of how to teach those subjects to their students. The National Board certification is offered to teachers on a voluntary basis and complements but does not replace state licensing. The National Commission on Teaching for America's Future called for a goal of 105,000 board certified teachers by the year 2006 (since the exam began recently, only about 2,000 teachers are currently board certified). Since the exam costs $2,000, many teachers are currently unable to afford it.

Provide $189 million over five years so that states have enough money to provide a 90% subsidy for the National Board certification of 105,000 teachers across the country.

TITLE IX—HELP COMMUNITIES TO MODERNIZE AMERICA'S SCHOOLS

More than 14 million children in America attend schools in need of extensive repair or replacement. According to a comprehensive survey by the General Accounting Office (GAO) requested by Senator Moseley-Braun, Senator Kerry and others, the repair backlog totals $112 billion. Researchers at Georgetown University found that the performance of students assigned to schools in poor condition fall by 10.9 percentage points below those in buildings in excellent condition.

To help rebuild, modernize, and build over 5,000 public schools, provide federal tax credits to school districts to pay interest on nearly $22 billion in bonds at a cost of $5 billion over five years.

TITLE X—ENCOURAGE PUBLIC SCHOOL CHOICE

Many public schools have implemented public school choice programs where students may enroll at any public school in the public school system. In contrast to vouchers for private schools, public school choice increases options for students but does not use public funds to finance private schools which remain entirely unaccountable to taxpayers.

Provide $20 million annually in grants to states that choose to implement public school choice programs. School districts could spend the funds on transportation and other services to implement a successful public school choice program. Up to 10 percent of the funds may be spent by a school district to improve low performing school districts that lose students due to the public school choice program.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Chair recognizes the Senator from New Mexico for up to 20 minutes.

Mr. DOMENICI. Mr. President, I thank Senator SESSIONS from Alabama. He was here ahead of me and, frankly, had a more legitimate right to speak now than I, and I appreciate his permitting me to proceed.

SENATOR DALE BUMPERS

Mr. DOMENICI. First let me talk for a moment, since he is present on the floor, of Senator BUMPERS, the senior Senator from Arkansas. Let me use a couple of minutes of my time to say a few words about him before I proceed to talk about the budget and a few other matters.

First, I want to say to Senator BUMPERS, I don't think he needs me to repeat again what I have said in committee. He is going to be missed. He has been a real credit to this place called the U.S. Senate. I have never known him to behave, act, or in any way conduct himself as to demean this place. He has held it in respect, and that makes it a better place when we do that.

But I also want to remind the Senate, since it has not been stated here on the floor as I know of, that in the energy and water appropriations bill it was my privilege, at the behest of some of DALE BUMPERS' good friends here in the Senate, with the help of his staff and others, to include a resolution honoring him for his diligent and hard work on behalf of the public domain in the United States—the forest lands, the wilderness, the parks. In that bill, the resolution says we want him to be known for as long as there is an Arkansas. Thus, we took eight wilderness areas that are in his State that he had a lot to do with, and for name purposes we made all of them part of one wilderness called the Dale Bumpers Wilderness Area.

That is now 91,000 acres in total that will bear your name. I know many other things could be done to indicate our esteem for you, but many of us thought that this might just be one that would strike you as quite appropriate. And we hope so. It is now the law of the land. The President signed it about 22 hours ago. Thus, I am here saying it in your presence.

I thank you personally on behalf of our side of the aisle for everything you have done.

Mr. BUMPERS. Mr. President, if the Senator will yield just a moment for me to say: I want that to be my legacy, Senator. You couldn't have done anything that would please me more. I have had a few accolades in my 24 years in the Senate. I have had several things named after me. But I can tell you that what you did in that Energy and Water Committee gives me unbelievable satisfaction. The reason I sponsored that legislation and fought so hard for it several years ago is because I wanted my children and my grandchildren to know what my values were. I was trying to save something for them.

I thank you very much.

Mr. DOMENICI. Then, might I say to Senator BUMPERS, that aisle, from your podium on down here to the first step into the well, is going to get a deserved rest when you leave. That aisle and the carpet there is going to take a new breath and say there is nobody walking up and down on top of us, because Dale BUMPERS is not walking, walking the floor there as he delivers his eloquent speeches on the Senate floor. I only say that by way of the great respect we have for the way you talk to us, and talk to the American people. I am very pleased that you used that little 30 feet of carpet and hall as your place to talk.

Mr. BUMPERS. Thank you, Senator.

ADDRESSING PRESIDENT CLINTON

Mr. DOMENICI. Mr. President, I want to talk about three or four things. I am going to try my very, very best to be factual. I am concerned that here, in these waning days, considering the situation that exists on Pennsylvania Avenue, that the President finds himself in a very supercharged political environment. I don't think I had to say that. I think everybody knows that. But I want to suggest that yesterday afternoon, or whatever time of day it was that the President had a quickly called press conference to talk about the Congress of the United States and what we have and haven't done, and particularly to say that we aren't taking care of his education programs, and unless we do, he is going to keep us here.

Normally, when I say "Mr. President," I am addressing the Chair, because that is what we are supposed to do. If we care to address anyone here, we do it through "Mr. President."

Permit me to address the Mr. President on Pennsylvania Avenue, President Bill Clinton.

President Clinton, you have been known to have a fantastic memory. As a matter of fact, I think you acknowledged that at one point recently, although, as with many of us who grow older, you did indicate that with the passage of time and the pressure of many things to do, that that great memory fails every now and then.

Now, Mr. President—Bill Clinton—I am suggesting that maybe your memory failed you when you gave that speech yesterday. So let me tell you what I remember about your education programs that you claim we have not funded.

I want everybody to know that on many things regarding budgets and programs, you can look to the budget that the President sends up here to see what it asks for and what we are giving him. This is the budget for the year we are now appropriating, which started technically on October 1. Here it is.

I had occasion, shortly after it was issued, to have the education parts of this reviewed. I remember coming to the floor of the U.S. Senate to say to the President, which OMB agreed to, "Mr. President, the official scorekeeper and official evaluator of budgets for the U.S. Congress says that your request for money for two education programs—interest reduction so that schools can afford buildings they need and so-called 100,000 teachers so we can lower the classroom ratio—those two programs were found by the official budget analysts to not properly have been placed in this budget. What they said is, they break the budget that you just signed, Mr. President." Point No. 1.

Point No. 2: If they are so important—and I am not denying that the President feels they are, and maybe many Senators feel they are—do you know what the President did in asking us to pay for them? He didn't provide the money to pay for them. He did not. It is not in this budget. He said, "When you pass the cigarette tax, I would like you to use some of it for education."

Let me just say, that sort of says to me, "I couldn't find room in the budget for these things that I am telling you are very important. So if we get a cigarette tax, we'll pay for them."

Do you know what happened? After weeks of debate, we didn't get a cigarette tax.

Mr. President, what I know is that the appropriators in the U.S. Senate, in the bill that takes care of education—so there will be no misunderstanding, in this regular budget you asked for $31.4 billion for education. Look at the appropriations bill, Mr. President. Ask OMB, your official people who look at it. See how much the Senate gave you for education funding for the year you are complaining about. Interesting, $31.4 billion—exactly what you asked for. Now, Mr. President, you tell the American people you are going to keep us here until we do this, as if we are the ones to blame for it not being done—that is, those two programs.

I am living in a different world, or the President's memory has failed him, because do you understand, I say to my fellow Senators, that the President is asking for that money now for these two programs—and for many Senators it is doubtful whether that is the way to help education, but, nonetheless, let's just follow it. He is now saying he is going to keep us here until we do it. But guess what. He knows, his helpers know, that he has to find programs within the Government to cut, which are called offsets, in order to pay for those two programs. He knows that, because this budget says he didn't have room for it in here. He was making room through a cigarette tax that never happened.

As of right now, 2:25 p.m., I am not aware that the President has submitted a means to pay for those programs. I am not aware that the President has told us how to pay for them if we wanted to adopt them. All I am asking is that we depoliticize a few of these issues, or at least state the facts correctly. We do not deserve blame for not including two programs, which, I repeat, are not paid for in this budget, when as of today, 11 days into the fiscal year, we don't know how the President intends to pay for them. All right? That is the first point I would like to make today.

Second point: There has been a lot of discussion this morning on the floor of the Senate by some Senators about this issue of a Patients' Bill of Rights. I think the country understands, but just so it won't be left unaddressed here this morning, let me again refresh our collective memories. With everything that we have to do, we took 3½ weeks to debate the Patients' Bill of Rights on the floor of the Senate.

The minority can say we didn't let it pass, but, Mr. President, the majority can say, they didn't let it pass. They had a bill; we had a bill. We had more than 50 votes; they did not. They kept our bill from passing which had more than sufficient votes. So I ask, who is to blame for a bill not passing? Again, I want to be practical, I can't say it is all their fault, the minority's fault, but clearly it is certainly not all the Republicans' fault.

What was the really big issue between the two parties? And I leave this one to the American people. The principal issue that divided us was the lawyers of the United States. They support the minority heavily—not all of them, not all of them, but those who litigate. What did they want in the bill that we didn't want in the bill? We didn't want a new right to go to court to sue managed care entities, HMOs. We left the right to sue the doctors and the professionals, but we didn't want to create a new right to sue the HMOs in courts of law for damages.

We, on this side, for the most part—not unanimously, but for the most part—have adopted a sense about health care, and it says lawyers and lawsuits don't deliver health care; lawyers and lawsuits make health care cost more. We could not see why, if the minority and the President think it is such an enormous new status and set of rights that we should adopt—and we tend to agree—why would the minority that didn't have the votes to pass here but we had the votes to pass ours—why would they deny a bill's passage based upon, they want lawyers back in the loop and we don't want lawyers back in the loop? I leave it to those listening and those who will look at the RECORD. See if I am correct that that was the biggest stumbling block, and see whether the President and the minority caused the Patients' Bill of Rights bill to fail or not.

Those are two points, and I want to make a third.

Mr. President, in the election past, two things worked for the President. He is probably the best public relations President we have ever had. Two things worked for him as certain—as certain—as when you write a name in ink on a piece of paper with indelible ink; it will be there. And those two things that he has used over and over—you need not think; they will pop into your mind—Social Security and education. Right?

What we have seen, I say to my friend from Alabama, we have seen the Social Security card played. How? "No tax cuts out of the surplus because it jeopardizes Social Security." That is the typical every 2-year issue. It is raised again.

Let me suggest to Mr. President, Bill Clinton, you know, Mr. President, that we are about, in the next 72 hours, to pass a very big appropriations bill. Maybe Pennsylvania Avenue does not know this, but here is the best estimate I have. We are about to spend—spend; not tax, spend—$18 billion of the surplus that was supposed to be saved for Social Security. Got it? The same pot that the President says, "Don't touch it. It's for Social Security," we are about to spend $18 billion of it for so-called "emergencies." And I will get to that in a moment.

Friends here in the Senate and those listening, you cannot have it both ways. You cannot say to Republicans, "You can't use the surplus to give back to the American people in taxes, even if it's a tiny amount, but you can spend the surplus for bigger Government." You know, it just does not wash. Both are diminishing, to some extent, the surplus of $1.6 trillion that we expect in the next decade.

I do not think it will be that much. In fact, the year we are in right now is supposed to have an $80 billion surplus. I think it will be $20 billion off because of economics. And then we will spend $18–, $20 billion of it that we did not plan to spend. Then we will have something for defense next year that we need, and there will probably be none left for tax cuts. That is what it looks like.

So I want to just talk about one of the emergencies.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. One of the "emergencies" is a real emergency. That is to help agriculture in the United States. But let me suggest, to help agriculture in the United States, we sent the President a bill. We had $4 billion in the emergency funding for the farmers of the United States.

When the President of the United States asked us for emergency money—which he knew people like Senator DOMENICI would start adding up to see how much more you are spending of the surplus than the Republicans planned to use in tax cuts—the President asked for $2.3 billion for agriculture. We gave him $4 billion.

But in the meantime, a distinguished Senator on the minority side, whom I have great respect for, the minority leader, Senator DASCHLE, introduced a bill saying, "We want $7.2 billion as an emergency for agriculture. And we want to wipe out the new law which is only 18 months old called Freedom to Farm because we currently have an emergency"—$7.2 billion. The President asked for $2.3 billion. Now we get a communication from the President that says, "I asked you for $2.3 billion, but essentially I want DASCHLE's bill, too." Now, believe it or not, we sent him a bill with $4 billion. He vetoed it and said, "Now you've got to give me what Senator DASCHLE's bill has."

Mr. President, we have had the best people in this body working on agriculture who put this emergency package together. And believe me, the $4 billion package would make the American agriculture whole. There would be no net loss of income to the agriculture community. They know it. The experts know it. But because it is an election year, and because of the turmoil that exists that I have alluded to earlier in my conversation with the Senate here, the President now holds agriculture programs hostage. If we do not do it his way, we will close down the Department of Agriculture. Frankly, if we did, it would be the President's—it would be on his shoulders, not ours. But you know, it will get worked out. I just thought everybody ought to know how these things work.

Now, should it matter? We have worked for 20 years to get a balanced budget and a balanced budget agreement. The result has been nothing but good news for America. Almost everybody that even touched the issue lays claim to having done it all, including the President who claims the entire economic well-being of the country is because he is President. He can do that. That is fine.

The truth of the matter is, there are plenty—plenty—who deserve credit, including the Federal Reserve, including Republicans in the Senate, Democrats in the Senate, the same in the House. But it really started happening, in terms of restraining the budget, when both bodies became Republican. And we can go back and trace that. That is when we fixed welfare to save money, that is when we changed Medicaid to save big dollars, and on and on.

Let's go home, let's wrap this up in the next few days, but let's remember the facts. And let's not let this superheavy, politically charged environment color things such that we are going to take that surplus we take so much pride in, and find out in 3 or 4 months that there is only 25, 30, 40 percent of it left, even though we were told, "You're going to really use it up if you cut taxes." What happened? We did not cut taxes, and it got used up. Interesting.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

FAREWELL SPEECH

Mr. BUMPERS. Mr. President, I rise this afternoon to speak, for what may be the last time, on the floor of the Senate. It is a very bittersweet time for me, after 24 years, most of which have been spent at this very desk. I might say at this moment that I have been blessed by having Senator KENNEDY as my seatmate these many years, and before him Senator GORE—both truly outstanding men.

In order to deliver a speech such as I am about to deliver, Mr. President, I do not think there is anything wrong with listing some of the defining moments in my life, because this speech is really more for the benefit of my children and grandchildren than it is for my colleagues or the people of America.

First of all, I was blessed by my parents. I remind my brother from time to time that everybody was not so lucky in choosing their parents as he and I were. And that really is the reason that I stand here as one of 1,843 men and women ever to serve in the U.S. Senate. We were taught when we were children that when we died we were "going to Franklin Roosevelt". And the reason we were taught that is because we were very poor. Most people do not realize that the South, from 1865 until about the time Franklin Roosevelt became President, was still living almost as a conquered nation. National politicians paid very little attention to the South.

In our household, we were poor during the Great Depression. And I might say, the Great Depression is certainly one of the most important defining moments of my life. But it was during the Great Depression that Franklin Roosevelt began to provide all kinds of things for people in the South that they had previously thought unthinkable.

We didn't have indoor plumbing. We didn't have running water. We didn't have paved streets. We didn't have much of anything. The people in our community died of typhoid fever in the summertime because the outhouse was just a few steps away from the well from which we drew our drinking water. Then Franklin Roosevelt began to provide immunizations for children against smallpox and typhoid. It was free. We got those shots at school.

We had then what we called hobos or tramps; today we call them homeless people. My mother always saved a few scraps after breakfast knowing that some tramp was going to knock on the back door and ask for food. That was back before welfare came into existence. So we were very poor.

I remember when I was 12 years old my father heard that Franklin Roosevelt was coming to Arkansas. He was a great believer in America and the political system and public service. He wanted my brother and me to see Franklin Roosevelt. So we drove over a gravel road 20 miles to Booneville, AR, and when the train on the Rock Island line pulled in, Franklin Roosevelt came out on the back platform, obviously being held up by a couple of Secret Service men. I tugged on my father's arm and I said, "Dad, what's wrong with him?" He said, "I will tell you later." On the way home, he told us that Franklin Roosevelt had contracted polio when he was 37 years old, he couldn't walk, and he carried 12 pounds of steel braces on his legs.

Then he told my brother and me that if Franklin Roosevelt could become President and couldn't even walk, there was no reason why my brother and I, with strong minds and bodies, couldn't become President, too. I never took my eye off that goal until many, many years later.

In the following year, my father was president of the Arkansas Retail Hardware Association. They gave our family $300 to go to Los Angeles to the national convention. I can remember the big party at the Biltmore Hotel in Los Angeles in 1937. I had never stepped on a carpet before in my life, and the Biltmore was filled with thick carpet. We just loved it. We didn't stay at the Biltmore. We were staying at the $2-a-night cabin.

But the night of the big party, everybody was in tuxedos and long dresses, except my parents. And all the children were dressed in tuxedos, too, even in that Depression year of 1937. But I can remember my brother and I had on long pants and white shirts, no tie, no coat. We were terribly embarrassed. My father sensed that, and so the next day he told us that he knew we were embarrassed but he reminded us that the most important thing was that we were clean, our clothes were clean, our bodies were clean, and the kind of clothes you wore really were not all that important. He made it OK.

When I was 15 years old, I had a high school English and literature teacher named Miss Doll. Every member of the U.S. Senate has been influenced by a college professor or high school teacher, maybe a preacher or somebody else. She was my influence.

I remember my mother, who had a tendency—not to denigrate my mother—to not build our self-esteem. My father was working against that, trying to teach us self-esteem, not ego, but esteem.

We were reading Beowulf in English, a great piece of literature. We would read a paragraph and discuss it. One time it came my time to read. I started reading, and all of a sudden—I read about 2 pages and Miss Doll still hadn't stopped me—I looked up and she was standing there. She looked at me and she looked at the class and she said, "Doesn't he read beautifully?" "Doesn't he have a nice voice?" And she said, "And wouldn't it be tragic if he didn't use that talent." At first I thought she was making fun of me, but she did more for my self-esteem in 10 seconds than anybody, except my father, ever did. Some of my political detractors think she overdid it.

And then just out of high school, but only after 6 months at the University of Arkansas, I went into the Marine Corps. World War II was raging. It was a terrifying time. I fully expected to be killed in that war. The Marines were taking terrible casualties in the South Pacific. Happily, I survived that. The best part of it was when I got home there was a caring, generous, compassionate Federal Government, waiting with the GI bill.

While my father would have stolen to make sure we had a good education, my brother went to Harvard Law School and I went to the University of Arkansas and later Northwestern University Law School—both expensive schools my father could never afford. I studied political science and law. The reason I did that is because my father wanted me to go into public service. He wanted me and my brother to be politicians. He may be the last man who ever lived who encouraged his sons to go into politics.

In my first year in law school, he and my mother were killed in a car wreck. They were tragically killed by a drunken driver. Neither of them had ever had a drink in their life. That is what made it so bizarre. The big disappointment of my life was that my father didn't live to see me Governor or Senator.

The next defining moment of my life is when our children were born—first Brent, then Bill and then Brooke.

The next defining moment was when I was practicing law in a little town of 1,200 people and decided to run for Governor. The day I filed, a poll was taken statewide. It was the last day of the filing deadline. I found that of the eight Democrats in the primary, I had 1-percent name recognition. It was probably the most foolhardy thing I had ever done in my life. But I was trying to keep faith with my father, and I believe strongly in our country and I believe in public service.

The next defining moment in my life was shortly after I was elected Governor I got an invitation to go to Kansas City to speak at a Truman Day dinner. I told them I couldn't go, the legislature was in session. I just assumed those legislators would screw the dome off the capital if I left town. They came back and said, "If you will agree to do this, we will let you spend an hour with President and Mrs. Truman," and that was more than I could resist. So I went and spent that hour with President Truman and he asked me how I liked being Governor. I said, "I don't like it, it's a real pressure cooker. I am just a country lawyer. This is all new to me and the press is driving me crazy."

I was telling him what a terrible job being Governor of Arkansas was, and it suddenly dawned on me I was talking to a man who had to make the decision to drop the atomic bomb that ended World War II. And so I shut up. And then he told me, as I left, "Son, while you are looking at the ceiling every night in the Governor's mansion, wondering what you are going to do, remember one thing: The people elected you to do what you think is right and that is all they expect out of you. They have busy lives. So, remember, always tell people the truth; they can handle it."

That didn't sound like very profound advice to me at the time. But indeed it was. I have thought about it every day of my life since then.

Secondly, he said, "When you are debating in your own mind the issues that you have to confront, you think about this: Get the best advice you can get on both sides of the issue, make up your mind which one is right, and then you do it. That is all the people of the State expect of you—to do what you think is right."

So when I drove off the mansion grounds 4 years later, coming to the Senate, as I told my Democratic colleagues the other night, most of whom know this, I came here with the full intention of running for President. I had a very successful 4 years as Governor. I thought the world was my oyster and I fully intended, as I say, to run. The reason I didn't run is because after I had been here for a year, I realized that this whole apparatus was much more complex than I thought it was.

I told my children, if I had three lives to live, at the end of the last one, I would look back prior to 10 years at the end of it and realize how dumb I was. I was so smart when I graduated from high school, I could hardly bear it. When I got out of law school, the problem was compounded. When I drove off the mansion grounds, I was quite sure I was ready to be king of the world.

The other night I told Senator SARBANES I really regret that I have not been as effective a legislator as I should have been. He said, "Everybody feels that way." What I was really saying, I suppose, is I wish I had known then what I know now. In my dying breath I will look back and think about, really, how I was not as smart this Saturday afternoon as I thought I was. That is what a living, learning experience is.

So I chose not to run for President. By the time I felt that I was qualified to be President, I decided that it demanded a price that I was not willing to pay. Not to be purely apocalyptic about our future, because I am not, I must say, in all candor, partisanship has reached a point in this country, and the demands for political money have become so great—two very insidious things—that good men and women are opting out of public service, and not to enter public service. Money is corrupting the political process and it threatens our very democracy.

Since I announced that I would not run last year, I confess to you, Mr. President and colleagues, that I have voted in ways that I would not have if I were running. I think of the few times when I would have had to worry about what kind of a 30-second spot that vote would generate.

I have cast my share of courageous votes since I have been here, as Harry Truman admonished me to do. I have always tried to use simple tests as to how I voted; How would my children and grandchildren judge me? Did it make me stronger or the Nation stronger? Did it do any irreversible damage to the environment? Is it fair to the less fortunate among us? Does it comport with the thrust of our Constitution, the greatest document ever conceived by the mind of man? Or does it simply make me stronger politically because it satisfies the political whims of the moment? Or does it simply keep the political money supply flowing?

Speaking of courageous votes, I voted for the Panama Canal Treaties in 1978 and, in all fairness, in 1980, had I had a strong opponent, I would not be standing here right now. I lucked out. But I can tell you, people were absolutely livid about my vote on the Panama Canal Treaties—a fabricated political issue. I ask the American people and my colleagues, who today has been inconvenienced by the Panama Canal Treaties? Is this country any weaker? The truth is that it is stronger. Our relationship with Panama is much stronger. It was the Quemoy and Matsu issue of 1978.

Incidentally, Henry Bellmon of Oklahoma voted for the Panama Canal Treaties and made a minute-and-a-half speech in doing it, while the rest of us were pontificating for hours trying to justify our positions. He announced he would not run again because, coming from the conservative State of Oklahoma, he knew he didn't have a prayer of being reelected, so hot was that issue.

When I voted against Ronald Reagan's prayer in school amendment—the only southern Senator to do so, my opponent tried to take advantage of it. But the American people and the people of my State—once you explained what was involved to them, where the school prayers would be written or adopted by the school board and required saying in the schools—came to understand the perils of the amendment. I always tell youngsters, and college groups particularly, when you think about that, you tell me which country that has an official state religion you want to live in.

Mr. President, one of the greatest moments of my life was when I was Governor and a man came into my office wanting me to talk to the highway department about a late penalty they were going to assess him for being 60 days late in completing a highway job. To shorten the story, I said, "If I do this for you, how do I explain to the next guy who walks in the door why I can't do it for him? I don't want to start down that road." After a long conversation, when he started to walk out after I told him I could not, under any circumstances, comply with the request, he said, "Governor, that's the reason I voted for you."

This institution is a great place. It is supposed to be the deliberative body. The Founding Fathers intended the lower House, the House of Representatives, to be the House of the people. They expected this place to be the deliberative body. It is a curious thing—and the minority leader here knows this—every amendment, every bill that comes up, we immediately start trying to figure out, how stringently can we limit the debate on this issue? There are times when that is fully justified, and there are times when only if you fully air something do the Senate Members really come here well enough informed to vote on it.

We are still the oldest democracy on Earth. We are still living under the oldest Constitution on Earth, and without men and women of goodwill being willing to offer themselves for service, there is absolutely no assurance that that will always be. Thomas Jefferson said, "The price of liberty is eternal vigilance." He was not just talking about military vigilance. We are still woefully inadequate in this country in the field of education. If I were the President of the United States and I were looking at a $70 billion surplus, I would make sure the first thing we did was to pass a bill that said no child in this Nation shall be deprived of a college education for lack of money. Look at all the statistics where we rank among the developed nations in education. And look at the state of health care. It is good for those who can afford it. And 45 million who have no health insurance and no health care do the best they can.

Mr. President, I have been richly blessed in my life, as I said, mostly by devoted parents, and good Methodist Sunday school teaching. My mother wanted me to be a Methodist preacher and my father wanted me to be a politician. Think about growing up with that pressure. I am personally blessed with a great family. If I died tomorrow, the people of Arkansas would take note of it, and there would be headlines in all of the papers in the State. But if Betty died tomorrow the people of our State would grieve. She has founded two organizations.

When Ronald Reagan announced to this country that we might just fire one across the Soviet Union's bow to get their attention, he terrified her. She and a group of congressional wives met around my kitchen table for about 6 months. Finally, I came home one night, and she said, "We are forming an organization. And we feel so strongly about it that we are going to put 'peace' in the name. We are going to call it Peace Links". Ultimately, she had almost 250 congressional wives conscripted into that organization.

I told her "you are going to get your husband beat." We are from a conservative State. People in Arkansas believe in a strong defense. People across this Nation believe in a strong defense. She said, "You men are going to get my children killed."

She had already spent all of her public life, from the time I was Governor until this day trying to immunize all of the children in this country. And I am not going to go through all of the successes that she has had, which have been staggering.

The Western Hemisphere is free of polio. Africa will be free of polio by the year 2002. Asia will be free of polio by the year 2004. And measles is next.

I tell you, she deserves a lot of credit for the virtual elimination of childhood diseases in this country. She went to see President Carter when he first came to power. She said, "I tell you something you can do that will have a lasting effect on the health of this Nation, and it will help you a lot when you run again." He put Joe Califano at her disposal. And today she and Rosalynn Carter have an organization called "Every Child By Two." She is still going at it—peace and children.

I have three beautiful children, and six beautiful, healthy grandchildren. I have been blessed with exceptional staff members, most of whom are more than staff members. They are very good friends. I have been blessed with the support of the people of my State in winning almost every election by 60 percent or more of the vote. I was much more liberal than my constituents. I like to believe that they respected me because they knew what I stood for is what I believed instead of what was politically expedient at any given time. But, for whatever reason, I will always be grateful to them.

Our State does not deserve to have been torn apart for the past 6 years. I know so many innocent people who have been destroyed, financially and mentally, by a criminal justice system gone awry. You would have to go back to the Salem witchcraft trials to find anything comparable.

I do not, nor does any Senator, condone the President's conduct. Call it whatever you want—reprehensible, indefensible, unconscionable. Call it anything you want. But most of us take pride in President Clinton's Presidency. And the American people are still saying they like him. But completely aside from that, as I say, I weep sometimes for the unfair treatment to my State, and so many innocent people in it.

I have been blessed by unbelievable friendships of colleagues. Those friendships will probably wane. It is almost impossible to maintain a relationship with a colleague once you leave here. That is really tragic. But I am realistic. And I know that is what it will be. I know we will have a difficult time having the same kind of relationship, if any at all. But I want them to know that I value their friendship. I value my service with them. I have served with some truly great men and women. And, as Senator BYRD likes to say, only 1,843 men and women have ever been so privileged to serve in this body.

I am already nostalgic about this Chamber—24 years in this Chamber, the Cloakroom, the hearing rooms, the Capitol itself. For 24 years, the first 20 of which I went home almost every weekend and came back on Sunday night, I never failed, as we flew by the Washington Monument, to get goose bumps. And I hope I never do. So, colleagues, I thank you for being my friend. To the people of my State, I thank you for allowing me to serve here.

I want to teach, in order to teach children that politics is a noble profession. My father said it long before Bobby Kennedy did. It is a noble calling. And the minute it becomes what so many people think it is, who do you think suffers? All of us do. So I want to inspire this oncoming generation, as my father did me, to get involved in the political process and public service. You have a duty and a responsibility.

So, to the U.S. Senate, to all of my colleagues, God bless and Godspeed.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New Jersey.

SENATOR DALE BUMPERS

Mr. LAUTENBERG. Mr. President, this is one of those moments that one feels a bit overwhelmed—to follow DALE BUMPERS in a discourse that he gives here on the floor. This is a task that I never liked—to get on the floor after DALE BUMPERS moved us with his oratory and described his feelings for this institution and our responsibility. But there is another reason that I am really feeling uneasy; that is, the prospect that this place will be without DALE'S voice, without his wit, his humor, but more importantly, his commitment to the people of this country.

I want you to know, DALE, what a sacrifice I make today. I decided to stay here rather than to go to a budget conference down the hall trying to wrestle with the issues of the day. So I sacrificed that time just so I could stand on this floor to hear your terminal speech. That is devotion and friendship, I assume.

I have to say that one could see the position that DALE has earned over the years, because people were as generous and as warm and as friendly from the other side of the aisle. That doesn't mean that we always agree, and it doesn't mean that we always share a similar direction for our country.

But DALE has succeeded in winning friends, in making sure that we never forgot about who it is we are here to serve. We could make lots of jokes, but one never wants to compete with DALE's humor. I think about the only close match was with DALE BUMPERS and Alan Simpson. That was a good team. The jokes were always better when we were off the floor somehow. But beyond the wit, beyond the humor, beyond the jokes was always this incredible pursuit of what is right for our country and what is right for our people.

I have submitted a written statement without the kind of eloquence I wish I could have borrowed from DALE. He was right, he was accurate when he said his impression of his IQ was overblown. All of us agree with that.

We know DALE well. We love him. We love to tease him a little bit. There were very few times on this floor when DALE could not get attention from others, and it wasn't just the volume; it was the substance of his mission that we all paid attention to. They kid him about stretching the cord that holds our microphones, but everybody was anxious to hear what DALE had to say or read what was in the RECORD.

So I just wanted to have a chance to say how pleased I am for the opportunity to be here at the last speech Senator DALE BUMPERS was going to make in this Chamber. It has been an honor to serve with DALE as well as to serve with people such as JOHN GLENN. JOHN GLENN is one of the finest people who, it is fair to say, has ever left this Earth. But we are going to see JOHN GLENN at the end of the month and witness his heroic and incredible mission into the sky. JOHN GLENN was with me when I was sworn into the Senate. We happened to be in Colorado on a vacation just 16 years ago, and he stood while I found a magistrate to swear me in because there was an opportunity based on the resignation of the then-appointed Senator.

At the same time we are saying goodbye to WENDELL FORD. WENDELL is someone who you could fight with, get your blood pressure up, more often than not you would lose the argument and lose the debate. But WENDELL FORD got things done. And I want to tell you, if I had to be served by a Senator, I would want that Senator to have the same concern about my State and my well-being and my family and my future as did WENDELL FORD. He never let an opportunity go by without defending his people and the State of Kentucky. Although we disagreed on lots of occasions, I always walked away with a high degree of affection and respect for WENDELL FORD.

So when I listen to DALE BUMPERS summarize his life, I think about where we are, because too often the arguments here overtake the purpose of our functioning. But DALE BUMPERS, Senator DALE BUMPERS reminds us that the mission is almost a holy one and that we have to step back and take a deep breath and get down to the business of the American people.

I wish to thank the Democratic leader for giving me these few minutes. I also wanted to take an opportunity to say so long to Senator DAN COATS. DAN COATS was a formidable opponent for me when New Jersey persisted in sending its trash out to Indiana where it was welcomed by the communities that had the certified landfills and all that. But DAN COATS didn't object when New Jersey sent its All-American football players to Notre Dame or to the University of Indiana. But serving with DAN also has been a privilege.

Mr. President, I wrap up just by saying that DALE BUMPERS, if you listened to his words, arrived here encouraged by a father who saw the value of Government service, and it is an interesting and touching explanation of what it is that provided his motivation. My father also motivated me to engage in whatever enterprise I could to serve the public. But he didn't know it then. He worked. He tried to survive with his family during the lean and tough years, ashamed that he had to resort to a job with the WPA. I will never forget how discouraged he was when he came home, but, he said, he needed the job; he had to feed his family. My father died at the age of 43, after a year of illness with cancer. I had already enlisted in the Army. He disintegrated in front of our eyes, leaving not only an empty house but an empty wallet. My mother had to work. I had to send home my allotment to help pay the bills that were accumulated during that period of time.

But we both got here because we were encouraged by things that occurred in our families, messages that were sent by our parents, mine perhaps less articulate than the one I heard DALE BUMPERS describe. But we are here because they were able to give us that opportunity and we are here because we want to serve, to do something, to give something back as a result of having that opportunity.

To Senator DALE BUMPERS and the others, we say farewell. This place will be a lesser place without your presence, but because of your presence this place will continue to gain strength and to do what we have to do for the future. Rest assured that America will be strong. It will be different forces and different faces, but the work will continue to be done here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. If the Senator will suspend for just a minute, I am going to stretch the prerogatives of the Chair to say I came over to talk about Senator BUMPERS, whom I have gotten to know recently. We worked on park bills. I know no one more committed nor more easy to work with and who keeps his word any better.

I am sorry to say that, but I needed to.

The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I don't think anyone could say it any better than that, and I appreciate the Presiding Officer's comments. They are certainly well spoken and very appropriate. I join my colleague from New Jersey in expressing feelings that are very hard to express in public. Senator BUMPERS and I have some things in common. I am not as eloquent as he is, but I feel at times such as this probably as emotional.

I love his sense of humor. I have used more Bumpers material in my public career than anybody else in this Chamber. I don't think this is his story, but I might as well start with it. There was a time when Senator BUMPERS was at a dinner. We all go to these banquets over and over and over. We all drag our wives along. And they are so good to come with us so often. Betty was at this particular dinner with Senator BUMPERS, sitting, as she always does, at his side supportive and smiling.

The emcee introduced Senator BUMPERS as one who is a model legislator, a model politician, a model spokesperson for Arkansas, just a model person all the way around. On the way home, DALE commented to Betty about what a wonderful introduction that was. They got home; Betty brought the dictionary to DALE, sitting now in his own study, and read to him the word "model," as it is defined in Webster's. There it is defined as "a small replica of the real thing."

Senator BUMPERS is a model in the truest sense of the word. In many respects I call him my model, for how he speaks, for what he stands for, for how he interacts with his colleagues, for how he represents his State, for all of the courageous positions he has taken. I don't know how you do better than that. I don't know who it was who once said, "If we are to see farther into the future, we must stand on the shoulders of giants." DALE BUMPERS is a giant. And it is upon his shoulders that we have stood many, many, many times to see into the future, as I have seen. He persuades us, he cajoles us, he humors us, he always enlightens us.

As I heard Senator DOMENICI, the senior Senator from New Mexico, say earlier: "He does it in a way that is not in fashion perhaps, not in keeping with what the normal rules of the body are." The normal rules are, you are supposed to stay at your desk. Not Senator BUMPERS. Senator BUMPERS has the longest cord in Senate history. I joked the other night, when we finally see Senator BUMPERS depart, we are going to cut up his cord and give 10 feet to every Senator and save 10 more for the next. He goes up and down that aisle.

Since, as we are prone to do in this body, we name things after our colleagues—I happen to be fortunate enough to reside in the Byrd suite—I am going to start referring to that as the Bumpers corridor. And I am pointing, for the record, to my left. For anybody who has served with DALE, I don't have to point at all. We all know what the Bumpers corridor is.

So it is a bittersweet moment. We recognize the time comes for all of us to depart, to say goodbye. As others have noted, and I am sure more will note before the end of the session, we say goodbye not only to our dear, wonderful friend DALE, but to his wife Betty as well. There is no question, as we all know, he over-married. There is no question who the real force in the family is. There is no question who the visionary and the giant is. As Senator BUMPERS so capably noted, there is no question who is beloved in the State of Arkansas. We will miss Betty Bumpers and her vision and her humor and all of her contributions.

I asked my staff to put some thoughts together and I really want to share some of them because I think, for the record and for our colleagues and for those who may be watching, it is important to remember who it was we just have heard from.

We heard from a Marine. We heard from a man who volunteered to serve during World War II. We heard from a person who grew up in a small town, Charleston, AR—I don't have a clue where it is—where he worked as a smalltown lawyer and taught Sunday school. He may not have been a Methodist preacher, but he was a Sunday school teacher. He told us about his decision, in 1970, to run for Governor. What he did not say is that he was one of eight candidates vying for the Democratic nomination. He did indicate that polls taken at the start of the race gave him a 1-percent approval rating. That is half of what it is right now. He sold a herd of Angus cattle for $95,000 to finance his TV ad campaign. You couldn't get that much for Angus cattle today.

He finished the primary in second place, behind someone whose name we all know, Orville Faubus, whose race-baiting brand of politics still dominated much of Arkansas Democratic politics. He beat Orville Faubus in a runoff and went on to beat the incumbent Republican, Governor Winthrop Rockefeller, in a general election by a margin of 2 to 1.

After being elected Governor, DALE BUMPERS was asked by Tom Wicker, then a reporter for the New York Times, to explain how a man would come from obscurity to beat two living legends. He answered simply, "I tried to appeal to the best in people in my campaign." And that is what he has done his entire public career; he has appealed to the best of people.

As Governor, he worked aggressively and successfully to modernize the State government. He put a tremendous emphasis on improving education and expanding health services. Then, in 1973, with 1 year remaining in his term, he made the decision to challenge another living legend, William J. Fulbright, for the Democratic nomination for the U.S. Senate. Senator Fulbright was, at that time, a 30-year incumbent Senator. It probably did not come as any surprise to people in Arkansas, but it must have to the Nation, because when all the votes were counted, DALE won that race too, 2 to 1.

In the Senate, there is not a colleague in this Chamber who has not been affected by his eloquence and his reasoning on everything from arms control to the environment. He has been a champion for rural America. He has been a consistent advocate for fiscal discipline. In the 1980s he voted against the tax cuts, arguing that they would explode the Federal deficit. In the 1990s he took the tough votes needed to eliminate those deficits.

He has been a tireless defender of the U.S. Constitution and the separation of powers it guarantees. He did not mention this, but he should have. In 1982 he was the only Senator from the Deep South to vote against a proposal stripping the Federal courts of their right to order school busing. He said at the time, while he opposed the use of busing to achieve racial balance, he opposed even more "this sinister and devious attack on the Constitution . . . [this] erosion of the only document that stands between the people and tyranny."

This past July, shortly before launching the last of his annual attempts to kill the international space station, Senator BUMPERS told a reporter that he expected to lose again but he would try anyway because he thought it was the right thing to do. Then he added, "I probably lost as many battles as anybody who ever served in the U.S. Senate."

I want to tell my friend as he prepares to end his Senate career, if you did in fact lose more battles than someone else who may have served here, it is only because you chose tougher and more important battles. Even more than the outcome of your battles, you have earned your place in history for the dignity and the courage and the eloquence with which you have waged those battles.

I remember, having just arrived—I was elected in 1986, sworn in in 1987—by the end of the year, in 1987, I had already decided who my man for President was. I remember the conversation as if it took place yesterday. I was reminded again, as our colleague spoke on the Senate floor, about his ambition. That was the ambition for many of us as well. He would have been the same kind of outstanding President that he has been the outstanding Governor and Senator we know today. That was not to be. But in the eyes of all of us, DALE BUMPERS will always stand as the giant we knew, as the respected legislator we trust, and as the friend we love.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I compliment my colleagues on their fine remarks about our colleague, Senator BUMPERS. I already made a speech complimenting him for his service to the Senate. I noticed my speech had several things in common with the speech of Senator DASCHLE. I alluded to the fact of Senator BUMPERS' sense of humor, which all of us have enjoyed, Democrats and Republicans, and I also referred to the fact that he had the longest microphone cord in the Senate. He has used it extensively, and we have all enjoyed that as well.

BUDGET NEGOTIATIONS

Mr. NICKLES. Mr. President, I want to make several comments concerning some of the negotiations that are going forward. I remind my colleagues in the Congress that the Constitution gives the Congress, not the President, the authority and the responsibility to appropriate money, to pass bills. As a matter of fact, article I of the Constitution says:

> All legislative Powers herein granted shall be vested in a Congress of the United States. . . .

Not in the executive branch, in the Congress, in the people's body.

It also says under article I, section 9:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Again, made by Congress. I think some people in the administration think that they are Congress now, that they can write appropriations bills. That is not constitutional. The President has his constitutional authority, and if he wants to veto appropriations bills, he has a right to do so. Let him exercise that right. He doesn't have a right to write appropriations bills.

For some reason, some people have gotten this idea that the administration is an equal partner. They are an equal branch of Government, but we have different functions in Government. The executive branch can submit a budget, they can confer, they can consult, but Congress passes the appropriations bills, and we need to do so.

Now we have the President making ever-extending demands: "Well, I'm not going to sign that bill if you don't spend so much money." Fine. Very good. He vetoed the Agriculture Department appropriations bill because he said we didn't spend enough money and didn't spend enough money under the guise of emergency agriculture assistance.

He requested $2.3 billion for emergency assistance. We appropriated $4.2 billion, and he vetoed it and said, "We want to spend $7 billion." In a period of a couple of weeks, he more than doubled his demands. He has a right to veto the bill; fine. He doesn't have a right to write the bill.

Many people in his administration, maybe the President himself, seem to think, "We are going to write the bill; we're just not going to sign it; if they don't give us more money, we are going to shut down the Government." Fine, he can shut down the Government.

I stated to the press, and I will state it again, this Congress will pass as many continuing resolutions as necessary, and it may last all year. We may be operating under continuing resolutions all year long. I personally don't have any desire, any intention of funding all of the Presidential requests that are coming down the pike, for which, all of a sudden, he is making demands. I hope that our colleagues will support me in that effort.

I am not in that big a hurry to get out of town. I heard the President allude to that in a very partisan statement that he made yesterday with Members of Congress: "We need to keep Congress in." Mr. President, we will stay in. We will pass resolutions continuing Government operations at 1998 levels, this year's levels. We will pass that as long as necessary.

We passed one for a week. We passed one for 3 days. We may have to pass another one. We may have to pass it for the balance of this year, maybe into next year, whatever is necessary. But I do not intend on being held hostage. The President said, "Well, give me more money; I want to spend the surplus, whether it be for education, whether it be for Head Start." He has a whole laundry list. He calls them investments, but, frankly, they are a lot of new social spending. I don't have any desire to spend that money.

I am quite happy and willing to stay here all year, all year next year, if necessary, but I don't want us to succumb to his demands. I have no intention of succumbing to his demands. I am, frankly, bothered by the fact that at this stage in time, the President is really ratcheting up the partisan rhetoric. Frankly, that is not the right thing to do if he wants to work together.

It is interesting, the President made a very nice bipartisan speech saying, "Yes, I compliment the Congress, they worked together and we passed the International Religious Freedom Act." I was involved with that. We worked with the administration. We did do bipartisan work. It took bipartisan work. But you don't get that kind of cooperation on the budget when you have the President making all kinds of partisan statements. I will give you an example.

In his radio address given to the Nation today, the President said:

> This week, unfortunately, we saw partisanship defeat progress, as 51 Republican Senators joined together to kill the HMO Patients' Bill of Rights.

One, I just disagree with that. The majority of Republican Senators—as a matter of fact, unanimous Republican Senators—said, "We are willing to pass a Patients' Bill of Rights," not defeat one. "We are willing to pass one."

We made that offer to our colleagues on the Democratic side. We made it several times in June and several times in July. We said we were willing to pass this bill. As a matter of fact, we wanted to pass it before the August break. We made unanimous consent requests and said, "We will pass either your bill or our bill. You have the best bill that you can put together. You worked on yours for months; we worked on our bill for months. Let's vote, let's pass it, let's go to conference with the House."

But, no, the Democrats wouldn't agree with it. The Democrats kept us from passing a Patients' Bill of Rights. You don't pass a bill this complicated the last day of the session. Senator DASCHLE offered some amendment and said, "Oh, let's run this through." That was nothing but for show.

Yet we even find an e-mail from the House Democrat events coordinator that said, "Hey, let's put on a real show; let's have everybody get together; Senator DASCHLE can orchestrate this; we will have a bunch of colleagues."

Sure enough, they had a bunch of colleagues go over in some show of support on the last day of the session. Bingo.

If they wanted to pass a Patients' Bill of Rights, they should have said "Yea, we agree, we will pass them, find out where the votes are." The Democrats would never agree to a unanimous consent request to pass Patients' Bill of Rights.

They are the ones who killed the bill. When the President said, ". . . we saw partisanship defeat progress . . ." he forgot to say the Democrats wouldn't agree to a process to pass the bill, which we offered in June and several times in July. He forgot to mention that. It kind of bothers me because, again, he says, "We want bipartisanship," and he makes a partisan statement on a national radio address.

I have also heard the President state, "We can't have a tax cut because we're going to reserve every dime of the surplus to protect Social Security." All the while—he knows it and we know it—he has his staff members running around the Congress saying, "We want more money and we want to declare everything an emergency so it won't count on the budget, so it won't be part of the budget agreement" that he adopted and agreed to in 1997. "We want more money."

The totals are right in the $18 to $20 billion-plus range. "We want more money for a lot of things and, oh, yes, it is all off budget; it doesn't count; it's an emergency." What a great game.

Again, I remind my colleagues that the Congress is responsible for passing appropriations bills, and we need to pass them. If he vetoes them, fine, he can shut down the Government. We can pass continuing resolutions, and we can do that as much as necessary.

The President in his weekly radio address said:

> Our Nation needs 100,000 new, highly qualified teachers to reduce class size in early grades.

He said, "We need more teachers, more buildings."

The President said:

> So again today, I call on Congress to help communities build or modernize 5,000 schools with targeted tax credits.

Mr. President, I want more money for education. I want a lot better education, but I really don't want the President of the United States or some bureaucrat in the Department of Education deciding which school in Oklahoma gets a new teacher or which building in Oklahoma is going to be rebuilt or which classroom is going to be modernized or updated.

Why should we have that decision made in Washington, DC? Why should Federal bureaucrats be involved? Maybe our schools in Oklahoma need more teachers or maybe they need new buildings or maybe they need new computers. Why don't we trust Oklahomans to make that decision? Why don't we trust the parents and the teachers and the school boards? No, this administration does not trust local school boards, local teachers, parents, Governors to be making that decision.

He wants to mandate it from Washington, DC. This is a new demand. Guess what? We have had votes on these issues. He did not win. The President's program did not win. We had two or three votes earlier this year. He did not win on the school building program; did not win on the 100,000 new teachers. But yet this is a new demand, that he is going to try to get it, he is not going to sign the bill unless we fund it.

I am going to tell you right now, at least as far as this Senator is concerned—and maybe I do not control the conferences—but I do not have any intention to ever fund those programs. I think decisions on hiring teachers and building school buildings should be made in the local school districts, by the local school boards, by the parent/teacher associations, by the Governors—not by those of us in Congress or, frankly, by some bureaucrat in the Department of Education.

So maybe we will be here for a long time. Again, the President has the right to veto the bill. Fine. Let him veto the bill. Maybe we will be operating on continuing resolutions for the rest of the year. If that is what happens, that is what happens. I will, again, repeat that we will pass enough continuing resolutions as necessary to keep Government open.

Maybe we will have to pass one every day. Maybe we will have to pass one every week. Maybe we will have to pass one every month. But we are not going to shut Government down. We are not going to demand anything. We will pass the continuing resolutions to keep Government operating at fiscal year 1998 levels as long as necessary. We will stay here. We are happy to stay next week. We are happy to stay the following week. We are happy to stay all year, if that is necessary. But I hope, and I believe, we are not going to succumb to this last-minute politicization of, "We want more money. Let's spend the surplus."

I have even heard, in the President's radio or in his speech yesterday—"We've got the first balanced budget in 29 years. Our economy is prosperous. This budget is purely a simple test of whether or not, after 9 months of doing nothing, we're going to do the right thing about our children's future."

"We want more money" is basically what he is saying. I also heard him say we should save the surplus for Social Security. Now he is talking about new investments. In his speech yesterday, he said we need new investments for everything I have mentioned, but he also runs through a whole list of other new spending, social spending, that he is trying to crowd through in the last minute.

I do not have any intentions of succumbing to these demands. I hope my colleagues will not. I just say this, with all respect, how the President could demagog that we cannot have a tax cut because of the Social Security surplus and then in the next minute, propose to spend the so-called surplus on all these investments is beyond me. I just have no intention whatsoever of going along with that.

I think we should abide by the budget. I do not think we should squander the surplus with new Federal spending. Some of us were interested in tax cuts because we knew that if we did not allow taxpayers to keep their money, that Congress and/or the administration would say, "Well, let's have more spending." There is a real propensity around the place to spend money.

I just hope that our colleagues will resist that temptation. I hope that they will resist these new overtures by the administration that seems to think they should be an equal body with Congress in writing appropriations bills. I think we should have legitimate negotiations but, frankly, that does not make people equal partners.

We have equal branches of Government with divisions of powers. Again, the Constitution says that Congress shall write the laws and Congress shall appropriate the money. We need to get on with our business and do that, send the appropriations bills to the President. If he vetoes them, fine, then let's pass a continuing resolution to keep Government open.

TRIBUTE TO SENATOR WENDELL FORD

Mr. NICKLES. Mr. President, I have given accolades to a couple of my colleagues for their service in the Senate, including Senator BUMPERS. I see Senator FORD is on the floor. I have had the pleasure of serving with Senator FORD for 18 years on the Energy Committee. We worked together on a lot of things. And, in my opinion, some of the most significant legislation that passed Congress, in my tenure, we have worked together on.

One was the Natural Gas Deregulation Act that President Bush signed after about 6 years of negotiations and hard work, but probably one of the most difficult pieces of legislation that we have passed.

And if you go back on the history of natural gas regulation and deregulation, it was a very, very difficult task. It was a pleasure for me to work with Senator FORD in that respect. We worked together on other issues as well.

I compliment him for his 24 years of service in the Senate. Anyone that spends almost a quarter of a century of service in the Senate, I think, is to be complimented. I compliment him for his leadership and for his representation of the people of Kentucky. Again, it was a pleasure and honor for me to serve with him. I compliment him and wish him every best wish as he returns to his State of Kentucky.

I yield the floor.

TRIBUTE TO UNITED STATES SENATOR DALE BUMPERS

Mr. BYRD. Mr. President, in the bustling commotion of the ending days of the 105th Congress, members are preoccupied with efforts to enact sought after objectives important to their constituents. We are busy tying up loose ends, putting the finishing touches on projects, and looking forward to going home to our constituents and to a break in the hectic schedule of the United States Senate. Regrettably, as this session of Congress adjourns, we are also faced with the difficult task of saying goodbye to colleagues who have chosen to follow a new path in life.

As I reflect on my years in Congress and on my association with its many members and their various personalities, their goals and, yes, sometimes, their eccentricities, I am reminded of some very important milestones in history made possible by these fine Americans. I am reminded of my good fortune to have been associated with men and women representing the American people from all walks of life and from all corners of the United States.

In my reflections, I have thanked my Creator for allowing me to serve my country with such fine men and women, and I am, indeed, sorrowful at the upcoming loss of some of the finest men I have ever known.

I pay tribute today to an exceptional United States Senator, a man with whom it has been my honor to serve and to have been associated with—a man of unusual conviction, passion, and resolve. He has been called the last Southern liberal, and he is proud of it. He often quotes from "To Kill a Mocking Bird." He is THE commanding foe against the space station.

The above discourse clearly references the actions of only one man—Senator DALE BUMPERS, Democrat from Arkansas. He is the United States Senator responsible for "right-turn-on-red," his first legislative victory and one for which, I am told, he received devilish teasing from a colleague who warned that "many people might want to drive straight!"

I will miss my friend, who is retiring following twenty-four years of service. He leaves a legacy that has made a difference, not only to the people of Arkansas, but to all Americans. His tireless efforts to end Federal policies that he believes give away resources that belong to the taxpayer will long be remembered by certain mining and ranching interests out West. And more than a few NASA space station contractors will continue to run when they hear his name! Contractors who worked on the now-terminated Superconducting Super Collider can only wish that Senator BUMPERS had chosen to retire earlier.

While many a press story covered his crusades against alleged lost causes, Senator DALE BUMPERS is a man that leaves this Senate with a triumphant record for the American people. In particular, Senator BUMPERS has been a national leader in protecting the health of children. In fact, along with his wife, Betty, Senator BUMPERS has long promoted childhood immunizations, known safeguards in protecting the health of millions of children.

As the ranking Democrat on the Senate Appropriations Subcommittee on Agriculture, formerly the Chairman, DALE BUMPERS has represented the rural heart of America. He has fought for policies to help rural families, including securing funding for basic infrastructure projects that provide water and sewer facilities to small towns throughout the nation. I personally wish to thank Senator BUMPERS for being a leading advocate for funding on these vital projects, and I share his concern for the millions of Americans who do not have access to a clean, ample supply of drinking water.

Senator BUMPERS has further made a significant mark on efforts to protect family farmers. In particular, we owe our gratitude to DALE BUMPERS for his efforts to initiate programs to help young Americans become this nation's next generation of family farmers, a dwindling breed at risk of extinction. In honor of his service to rural America, I am proud that this Congress, in the Fiscal Year 1999 Agriculture Appropriations Bill, is formally paying tribute to his work by designating an Agricultural Research Service facility as the Dale BUMPERS National Rice Research Center. This action follows the recognition by the people of Arkansas in dedicating the Dale Bumpers College of Agricultural, Food, and Life Sciences at the University of Arkansas.

Senator BUMPERS' noteworthy record also extends to many other constituencies. Through his ranking membership on the Senate Small Business Committee, he has fought to help self-employed people obtain health care. He has also been an advocate of funding for rural hospitals; for Medicaid; for the Women, Infants and Children feeding program. The list goes on and on.

DALE BUMPERS' legislative skills and record are clear. He is a modern hero to the underdog. But there is yet another side of the Senator from Arkansas that deserves recognition—the DALE BUMPERS who is a husband, a father, and a grandfather. Married to Betty Lou Flanagen, DALE's "Secretary of Peace," for 49 years, he is devoted to his marriage and his family. DALE and Betty have three children and six grandchildren, and DALE often speaks affectionately of his family and of their influence on his consideration of legislative issues. Yes, Senator DALE BUMPERS of Arkansas has a personal record of which he can be proud.

It is with regret that I bid farewell to my friend and colleague, who is now departing the United States Senate. I believe that the Senate has deeply benefited from the work of U.S. Senator DALE BUMPERS. As I say my farewell to DALE BUMPERS, I want him to know that when the 106th Congress convenes, I will remember his thoughtful recital of the fictional Atticus Finch in "To Kill a Mocking Bird," "For God's sake, do your duty."

TRIBUTE TO JOHN GLENN

Mr. LAUTENBERG. Mr. President, I rise today to bid farewell to an American hero, a great Senator and a wonderful friend—Senator JOHN GLENN. Senator GLENN is retiring after serving the people of Ohio for four terms.

But his service to our country did not begin in the Senate, nor will it end here. Senator GLENN served in the Marine Corps during World War II and fought in combat in the South Pacific. He also fought with valor in the Korean conflict and ended up flying 149 missions in both wars. He has received numerous honors including six Distinguished Flying Cross and the Air Medal with 18 clusters.

He later became a test pilot and set a transcontinental speed record in 1957 for this first flight to average supersonic speed from Los Angeles to New York. In 1959, he was selected to be one of seven astronauts in the space program. Three years later, he made history as the first American to orbit the earth, completing a 5 hour, three orbit flight.

His heroism inspired me and all of the American people. He received the Space Congressional Medal of Honor for his service.

After 23 years in military service, he retired in 1965 and went into the private sector. Despite his outstanding service to his country, it was not enough for JOHN GLENN. He ran for the Senate in 1974 and is now completing his 24th year.

Despite his fame, Senator GLENN was a workhorse, not a showhorse in the Senate. He took on complicated issues like nuclear proliferation, troop readiness, government ethics, civil service reform and campaign finance reform. He did his work with great diligence and thoroughness, with his eye on accomplishment not partisanship.

If you add his 23 years of military service to his 24 years of Service to the people of Ohio, that is 47 years of dedication to our nation.

But even this is not enough for JOHN GLENN. On October 29th of this year, he will return to space on a shuttle mission. He will be the oldest person ever to travel in space but even then his journey will not be over.

He will continue to represent the best of the American spirit and be an informal ambassador for scientific exploration.

I wish him, his wife Annie, his children and grandchildren the very best for the future.

RETIREMENT OF DALE BUMPERS

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to an extraordinary person, a respected and honorable man, a true friend, and one whom I am truly saddened to see leave the Senate—Senator DALE BUMPERS.

Mr. President, Senator BUMPERS is, more than most, a true advocate for the citizens of the United States. I know of no better person who embraces issues with the passion and intellect that he demonstrates. His oratory skills are well-known and rarely matched. DALE is a true champion of the public's interests, and particularly when that clashes with special interests.

Throughout his decades of public service, as Governor of Arkansas and United States Senator, Senator BUMPERS has carried with him a strong, unyielding belief in a few basic ideas, ideas that have driven him in his tireless efforts to make our country—and the world—a better place.

Senator BUMPERS believes in ensuring equal opportunities for all, including the poor and indigent. He believes in providing high quality, comprehensive education and health care. He believes in the sanctity of our Constitution. He believes in the value of the arts and humanities in developing human creativity and a national culture. He believes in the importance of environmental conservation and preserving our natural resources. He believes in eliminating needless corporate subsidies and reducing wasteful defense spending. And he believes in the need to slow the growing gap between the rich and the poor.

Senator BUMPERS has never shied away from taking on the powerful special interests, year after year, even when he knows the odds are stacked against him and he is often disappointed with the results. But he has kept on trying.

We have all been witnesses to his eloquent and powerful discourses on a number of subjects. Every one of his presentations before us and before the country have been grounded in personal experience and intellectual strength. When Senator BUMPERS speaks, we know that he speaks from his heart.

Mr. President, in 1995, the Senate debated an amendment that would require zero tolerance for youth who had any amount of alcohol in their blood. Senator BUMPERS revealed his personal story about his parents and their friend who were killed by a drunk driver while returning from their small farm, just across the Arkansas River. Senator BUMPERS was in law school at the time, far away in Chicago.

DALE, more than most, has the power to sway with his words. That amendment was swiftly adopted.

Mr. President, also three years ago, the Senate was considering an amendment to add funds to the National Endowment for the Humanities. Now, the NEH is a small agency that can, and does, often come under the budget knife as an insignificant agency. Not to Senator BUMPERS. Senator BUMPERS took to the Senate floor, and told all of us about his high school English teacher, Miss Doll Means. He touched us with a personal story that was a turning point in his life. When he was a sophomore, Miss Doll Means told him, after he had read a page of "Beowulf" that he had a nice voice and he read beautifully. That one statement, from an English teacher in a town of 1,000 people, did more for his self-esteem than anybody, except, he said, his father. Not only does he indeed have a nice voice and he reads beautifully, he is among the best orators this Senate has ever seen.

Mr. President, earlier this year during the Appropriations Committee passed an amendment naming a vaccine center at NIH after DALE and Betty Bumpers. For almost 30 years, the two of them have worked tirelessly on a crusade to vaccinate all children—and because of their efforts and others, we have made great progress toward that goal.

Mr. President, when the Senior Senator from Arkansas leaves this body in a few weeks, there will be a noticeable void. We will lose a tireless champion for the underserved; a champion for the public's interest; a champion for responsible spending, not wasteful spending; and a champion for equal opportunity, for our environment, and for the arts and humanities. Senator BUMPERS has our respect, and he has the people's respect. We will miss him.

Mr. President, I wish my friend and his wife Betty, their children and grandchildren the very best for the future.

TRIBUTE TO WENDELL H. FORD

Mr. LAUTENBERG. Mr. President I rise today to pay tribute to our esteemed colleague from Kentucky, the Minority Whip, Senator WENDELL H. FORD. I wish him well. All of us know that we have not heard the last from this dedicated and effective public servant.

His retirement from the Senate will end a formal career of public service to the Commonwealth of Kentucky and the United States which has lasted over three decades. After first serving in the Kentucky Senate, he was elected Lieutenant Governor in 1967 and then Governor of Kentucky in 1971. In 1974, he was elected to serve in the United States Senate.

Mr. President, in the history of this body, few Senators have protected the interests of his or her state as doggedly as WENDELL FORD.

Whether the issue was aviation, tobacco, telecommunications or farm legislation, Senator FORD has always put the people of Kentucky first. And even though we have disagreed on a key issue or two, I know that he is guided by what he believes is best for the people of his state.

As the senior Senator from Kentucky put it himself: "If it ain't good for Kentucky, it ain't good for WENDELL FORD."

And the people of Kentucky have shown their deep appreciation to Senator FORD in return. In 1992, he received the largest number of votes ever recorded by a candidate for elected office in the Commonwealth.

In March of this year, he became the longest serving United States Senator from Kentucky in history.

Mr. President, although New Jersey and Kentucky are very different states, Senator FORD and I share many things in common. First of all, our vintage—we were born in the same year. We both fought for our country in World War II. We both ran businesses before we entered public life.

These common experiences helped make WENDELL FORD an instant friend and mentor to me when I arrived in the Senate. His extensive knowledge and public service experience has made him an invaluable asset to our caucus' leadership.

And he has been quite a leader, now as Minority Whip, first as Chairman and then Ranking Member of the Rules Committee, and in prior years, the Chairman of the Democratic Senatorial Campaign Committee.

Mr. President, Senator FORD has left a formidable legacy to the nation as a whole, in addition to his legendary status in Kentucky. He was the chief sponsor of the National Voter Registration Act, also known as the "motor voter" law.

This law helps ensure that more of our citizens are officially registered to participate in our democracy. He was also instrumental in the enactment of the Family and Medical Leave Act, the Age Discrimination in Employment Act Amendments of 1986, and many other landmark aviation and energy laws.

The Senior Senator from Kentucky will be greatly missed here in the United States Senate. We will miss his leadership, his experience and also his great wit. But our personal loss will be the Commonwealth of Kentucky's gain.

I wish him, his wife Jean, their children and grandchildren Godspeed as he returns to Owensboro.

TRIBUTE TO SENATOR DAN COATS

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the distinguished Senator from Indiana, DAN COATS. While he has only been in the Senate ten years, he has made an important contribution. One example is the work he put into developing the historic, bipartisan Family and Medical Leave Act.

Mr. President, believe it or not, even though I am a Democrat from the Northeast and Senator COATS is a Republican from the Midwest, we have worked together on legislation. Senator COATS has consistently fought to improve the lives of our nation's children. This commitment led him to join me in support of the Juvenile Mentoring Program—otherwise know as JUMP. This program supports mentoring programs across the country, including Big Brothers and Big Sisters. We have fought together for funding and reauthorizing the program because we share the belief that all children can succeed if we lend a helping hand.

Senator COATS also became a leading expert in the Senate on military issues as a member of the Armed Services Committee. He also worked hard on education and poverty legislation as a member of the Senate Labor and Human Resources Committee.

Mr. President, during Senator COATS' tenure in the Senate, we did have disagreements over policy issues. One environmental issue consistently put the State of Indiana at odds with the State of New Jersey. We always had a vigorous debate when this issue came to the floor. Despite our differences, he showed me great respect and courtesy during these deliberations. I left these debates with a great respect for his energy and determination to help his state.

Mr. President, I wish Senator COATS, his wife Marcia, and their children and grandchildren the very best for the future.

I yield the floor.

A GOOD SENATOR DEPARTS

Mr. BYRD. Mr. President, first appointed to the United States Senate in 1989 by Governor Robert Orr to succeed Vice President Dan Quayle, Senator COATS subsequently won reelection and has served this body during these past nine years with knowledge, skill, and a true dedication to his Senatorial duties. As he departs this great institution to pursue future endeavors, we bid him farewell and best wishes.

Prior to joining the United States Senate, Senator COATS made his mark in several arenas. In his early years, he served as a staff sergeant in the U.S. Army, experience he drew on as a member of the Armed Services Committee. With a passion for law and politics, he worked full-time as a legal intern while attending the Indiana University School of Law at night and serving as Associate Editor of the Law Review. Later, in an effort to gain business experience, he switched tunes from barrister to become a vice president for an Indiana life insurance company, all before embarking on his legislative career in the House of Representatives, where he was elected in 1980 to represent Indiana's Fourth District.

During his tenure in the Senate, Senator COATS has served on three powerful and influential Senate Committees—Armed Services, Intelligence, and Labor and Human Resources, and has crafted sound education, health care, and national security policy for the nation. I have had the pleasure of working with Senator COATS on the Armed Services Committee, where he has served on the Personnel, Readiness, and the Airland Forces Subcommittees. There have been a variety of national defense issues on which we have concurred, always keeping in mind the best interests of our national security and the importance of a strong and well equipped line of defense. Just this year, I appreciated his insight and support of my amendment to the Department of Defense Authorization bill to require separate training units for male and female recruits during basic training.

And, of course, there have been the issues on which we have not seen eye-to-eye. I distinctly remember tangling this year on the Senate floor over Constitutional issues relating to the deployment of troops in Bosnia and Herzegovina. And, on the balanced budget amendment and the line item veto, we have been on opposite sides of the coin as well. Yet, Senator COATS always carries himself well, demonstrating the utmost respect for his colleagues on both sides of the aisle. For this, I hold him in high regard.

Perhaps, Senator COATS' greatest contribution to the United States Senate has been as a member of the Labor and Human Resources Committee. His dedication to strengthening families began long before his political career. He is a longstanding member of Big Brothers/Big Sisters of America, and was recently elected national president of that organization. His service in the House included serving as a leading member of the Select Committee on Children, Youth, and Families. On appointment to the Senate, he became Ranking Member of the Subcommittee on Children and Families, where he has served as Chairman since 1995. He has been the author of the "Project for American Renewal" to revive civil society and America's character-forming institutions, and he is a passionate advocate for school choice, unpaid leave for family and medical emergencies, and prayer in schools.

Most recently, Senator COATS shepherded legislation through Congress to reauthorize the Head Start and Low Income Home Energy Assistance program. In appreciation of his efforts and compassion for our nation's children and families, it was only fitting that this piece of legislation was named in his honor. The Coats Human Service Reauthorization Act is but just one example of his fine work here in the United States Senate.

In speaking of his "Project for American Renewal," he says, "The goal of public policy should be to revive the institutions of civil society that build character. Arguably, it is the erosion of those institutions—the family, community organizations, and private and religious charities—that has led to the most severe pathologies we now suffer." I commend Senator COATS for his tireless efforts in behalf of these fundamental institutions, and, as he departs this body, I wish him well.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I understand we are under an order that the Senate go into recess.

The PRESIDING OFFICER. Yes. We were going to go into recess at 3 o'clock. However——

Mr. BURNS. I ask unanimous consent that I be able to make some remarks about our departing colleagues at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FIVE SENATORS LEAVING THE SENATE: SENATORS DIRK KEMPTHORNE, JOHN GLENN, DAN COATS, WENDELL FORD, AND DALE BUMPERS

Mr. BURNS. Mr. President, five Senators will move on at the closing of this session of the 105th Congress. And they are Senators that have, with the exception of one, been here ever since I joined this body back in 1989.

DIRK KEMPTHORNE from Idaho was elected after I was. And now after one term he has elected to go back to his home State of Idaho.

It seems like it becomes more and more difficult, as time goes by, to attract men and women to public service, and especially to public service when there are elections.

He brought a certain quality to this Senate. On his work on the Environment and Public Works Committee, he was sensitive to the environment and all the public infrastructure that we enjoy across this country. It just seemed to fit, because he had come here after being the mayor of Boise, ID. And his very first objective was to tackle this business of unfunded mandates. He took that issue on and provided the leadership, and finally we passed a law that unfunded mandates must be adhered to whenever we tell local government, State government that it is going to take some of your money to comply with the laws as passed by the Federal Government.

He, like me, had come out of local government. He knew the stresses and the pains of city councilmen and mayors and county commissioners every time they struggle with their budget in order to provide the services for their people, when it comes to schools and roads and public safety—all the demands that we enjoy down to our neighborhoods.

We shall miss him in this body.

To my friend, JOHN GLENN of Ohio, who has already made his mark in history that shall live forever, he has left his tracks in this body. And not many know—and maybe not even him—but I was a lowly corporal in the U.S. Marine Corps when he was flying in the Marine Corps. So my memory of JOHN GLENN goes back more than 40 years to El Toro Marine Corps Air Station in Santa Anna, CA.

As he goes into space again at the end of this month, we wish him God-speed. He gave this country pride as he lifted off and became the first American to orbit the Earth. And he carried with him all of the wishes of the American people.

To DAN COATS of Indiana, a classmate, we came to this body together in 1989. Our routes were a little different, but yet almost the same—he coming from the House of Representatives and me coming from local government.

He is a living example of a person dedicated to public service. But it never affected his solid core values. He has not changed one iota since I first met him back in 1989.

The other principal is on the floor today. It is WENDELL FORD of Kentucky. I was fortunate to serve on two of the most fascinating and hard-working committees in the U.S. Senate with Senator FORD: The Commerce Committee and the Energy Committee. Those committees, folks, touch every life in America every day.

We flip on our lights at home or in our businesses. We pick up the telephone, listen to our radio, watch our televisions, move ourselves from point A to point B, no matter what the mode —whether it is auto, train or plane. Yes, all of the great scientific advances this country has made, and research and the improvement of everyday life and, yes, even our venture into space comes under the auspices of the Commerce, Science and Transportation Committee and the Energy Committee. Those two committees play such a major role in the everyday workings of America.

WENDELL FORD was one great champion and one of the true principals in formulating policies that we enjoy today. He played a major role in each and every one of them.

Again, it was my good fortune to work with Senator BUMPERS on two committees: The Small Business Committee and the Energy Committee. There is no one in this body that has been more true to his deeply held beliefs than Senator BUMPERS. Our views did not always mesh—and that is true with Senator FORD. It was their wisdom and the way they dealt with their fellow Senators that we worked our way through difficult issues and hard times with a sense of humor. I always say if you come from Arkansas you have to have a pretty good sense of humor. My roots go back to Missouri; I know we had to develop humor very early. Nonetheless, it was the integrity and the honesty that allowed us to settle our differences, even though we were 180 degrees off plumb.

I think I have taken from them much more than I have given back to them. This body has gained more than it can repay. This Nation is a better Nation for all of them serving in the U.S. Senate.

In our country we don't say goodbye, we just say so long. But we say so long to these Senators from our everyday activities on the floor of the U.S. Senate. I am sure our trails will cross many times in the future. Should they not, I will be the most disappointed of all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my distinguished friend from Montana for his kind remarks. I understand Montana a little bit. My mother's brother married a lady from Montana and she persuaded him to move there. So I have been to Montana on many occasions and have enjoyed the friendship, the rugged mountains, the pristine areas and the big blue sky. I have enjoyed it very much—and the trout are not bad when you catch them and have a shore dinner. I understand Montana and I can understand why you love it. I can understand why anything we might copy from you would make our State a little bit better.

I say to my friend from Montana, I thank him for his kind remarks. I thank him for his friendship. I thank him for his ability to sit down and talk things through where we might move forward and help the country and talk about those things we couldn't agree upon at a later date. I thank him for his friendship.

SENATE BUSINESS

Mr. FORD. Mr. President, a few moments ago the distinguished assistant Republican leader was on the floor chastising the President, chastising Democrats, chastising people that were trying to be helpful or influential, and I heard him say more than once, "Get on with our business."

Mr. President, this is October 10th and the budget for next year should have been completed April 15 of this year. April, May, June, July, August, September, October—we still don't have a budget. We are running on last year's budget. Somehow or another, this train hasn't been running as efficiently and as effectively as some think it should.

If you haven't had a budget, it makes it difficult to set the levels for next year's spending. We are already into the next fiscal year by 10 days and we only had one appropriations bill on the President's desk.

The distinguished Senator from Oklahoma says let's get on with our business; then he says that the President should not be involved in negotiations. Mr. President, I have been around here 24 years. I have never gone through any negotiations involved with the White House that they didn't call me. I have gone to the White House to talk with President Reagan; I have gone to the White House to talk with President Bush in order to try to find a way to be helpful, and they were trying to find a way to persuade me to be helpful. I don't see anything wrong with that. And I don't believe the President wants to veto bills. That is one reason that everybody agreed to the group—if that is a good term, or the Members of the group—so they might be able to work out bills that can be signed. I don't see anything wrong with the administration playing a part in what they believe is the proper course.

We talk about a budget. Going back to 1993, there wasn't a Republican that voted for President Clinton's budget at that time. I wonder how those now who are saying we have a great surplus can be breaking their arm patting themselves on the back for that great vote that they didn't cast in 1993.

The President has every right to be part of the negotiations. I wanted to say to my colleague who had to leave, what is wrong with wanting more for education? What is wrong with wanting to improve our school system? What is wrong with having smaller classes? What is wrong with having more teachers? I don't see anything wrong.

What is wrong with seeing that every child that leaves the third grade can read? What is wrong with that? The 21st century will be full of technology and we have to have educated children. So what is wrong with trying to improve education in this country? Public education teaches 90 percent of all of our children. It has to be the best educational system we can give them. We need to be able to improve education all across this country.

How in the world can the Senator from Oklahoma say that the Federal Government will appoint their teachers? We give money to the States. The States, then, make the selection. The States, then, set the criteria. The States, then, have the vacancy. The States do that. I have never known a Federal Government to hire a teacher in my State. I have been Governor. I understand writing a budget. I understand what we do. I still understand it. But I don't believe the Federal Education Department hires teachers in my State or any State. So we are not telling them who to hire and who not to hire.

That is just a straw man, or whatever, to try to say we don't want Big Brother involved. We sure want Big Brother's money, we sure want Big Brother to pay it, but we don't want them to have anything to do with any kind of guidelines.

So, when we come out on the floor and chastise the President and the administration for wanting to work out pieces of legislation, you talk to the farmers in the Midwest, talk to farmers in my State; they have had a tough several years. Sure, it may have been less a year ago than it is now and times have changed. We have had a bad summer. We have had real problems. So why not help our farmers?

So, Mr. President, I suggest to those who want to come to the floor and have press conferences saying that the administration ought to stay out of our business and we will pass the legislation, well, where is it? Where is the legislation? What have we passed? The Patients' Bill of Rights? No; that was killed yesterday. Education? No. Where are the bills they were supposed to pass? "Let us get on with our business," the Senator from Oklahoma said. Well, let's get on with our business.

Here we are on Saturday, and we are lucky we are not in on Sunday afternoon. We will be here Monday. That is a holiday. They set a sine die date of October 9, and we don't even have the appropriations bills done. So let's not be too harsh on the administration for wanting to try to get it done.

I regret that I am here. I wish all 13 appropriations bills had been on the President's desk and signed before October 1, which begins the fiscal year. I remember how hard Senator ROBERT BYRD, when he was chairman of the Appropriations Committee, worked to be sure that all 13 of the appropriations bills were on the President's desk by September 30. And they were. That is what we are supposed to do. Those are the rules.

So, Mr. President, I hope that over the weekend we can find some way that those who are responsible for the appropriations bills can bring them together, that they will find a way that we can say we have worked together, that we have used Henry Clay's advice and we have compromised. Henry Clay said, "Compromise is negotiated hurt." Negotiated hurt. Clay said, "You have to give up something and it hurts, and I have to give up something and it hurts. Once we agree, then I am willing to sign a social contract."

Clay was saying he was willing to support legislation to move the country forward and on another day we will argue the things we had to give up. So that is what we are all about here —the Henry Clay era of compromise, and the ability to sign a social contract and move forward in the best interest of this country. I hope that we can see the light at the end of the tunnel by the end of the week. I hope to be here to cast a vote in favor of a compromise and agreement that will make this country a better country. It is my last one, Mr. President. I would like to see as good a piece of legislation in all areas passed, so that when we look back on this session, we will have said we did a good job.

I yield the floor.

A GOOD SENATOR RETURNS TO THE HILLS OF HOME

Mr. BYRD. Mr. President, over the next few days, as the Senate concludes its legislative business, one of the finest individuals it has been my privilege to know will bring to a close yet another chapter in what has been, by any measure, an extraordinary public service career. When that time comes—when the senior Senator from the Commonwealth of Kentucky walks out of this chamber for the last time as a United States Senator—this institution, and all who serve in it, will feel a great and lasting loss.

When WENDELL FORD came to this body on December 28, 1974, thus becoming the 1,685th individual to have served in the Senate, he did so not as a political neophyte but as an accomplished entrepreneur and a dedicated and seasoned public servant. Following service in World War II, our friend from Kentucky returned to his home state and launched a successful insurance business. But it was the call of public service, the chance to reach out and help all of his fellow Kentuckians, that meant the most to this young executive.

And, so, in 1964, WENDELL FORD began what was to become a successful political career by winning election to the Kentucky State Senate. Two years later, in 1966, he successfully ran for the position of Lieutenant Governor, and, in 1970, against all odds, he became Kentucky's Governor, a position from which he served with distinction as the chairman of the National Democratic Governors Caucus.

Mr. President, despite his selfless service within his state, it is, of course, the near quarter-century he has spent here in the United States Senate that has earned WENDELL FORD the admiration, the respect, and the undying affection of his colleagues. And, having been elected to four terms in the Senate, it is obvious that the good people of Kentucky also understand and appreciate the skill, the dedication, and the flawless integrity that WENDELL FORD brings to his work. He serves Kentucky and the Nation with a wit and candor that are as timely and as refreshing as a cool Kentucky breeze on a hot summer day.

In fact, in 1992, he began a string of historical achievements when he received the largest number of votes ever recorded by a candidate for elected office in the state of Kentucky. On November 14, 1996, WENDELL FORD broke Alben Barlkey's record for the longest consecutive service in the United States Senate as a Senator from the Commonwealth, while becoming the overall longest serving Senator from Kentucky in March of this year.

Mr. President, such milestones are not just proud, personal moments, although they are that. Rather, they speak to the immense respect, and the tremendous trust that the citizens of Kentucky have for their distinguished senior Senator. Of course, to those of us who know WENDELL FORD, such respect and trust are not unfounded.

As a Member of this body, Senator FORD has become a recognized leader in such diverse areas as aviation, federal campaign finance reform, and energy. He has, through dedication and hard work, shaped such important legislation as the National Voter Registration Act, the Federal Aviation Administration Authorization Act of 1994, the Family and Medical Leave Act, the National Energy Security Act of 1992, and the Energy Security Act of 1977.

The commitment shown by our colleague from Kentucky in working on these and other profound and troubling problems that face this Nation is emblematic of the devoted public servant that WENDELL FORD has shown himself to be. There will be few who will match the accomplishments of our friend; few who will bring to this body a deeper passion; and few who will legislate with greater skill.

Mr. President, as he prepares to leave the Senate, I offer my sincere gratitude to Senator WENDELL FORD for his professionalism, for his friendship, for his leadership, for his candor, and for his many years of dedicated service to our Nation. I would also like to express my admiration, and that of my wife, Erma, to WENDELL's gracious and dedicated wife, Jean. Few know, of course, of the tremendous sacrifices made by our spouses. But those of us who serve in this body understand the price paid by these selfless, silent partners. None has done so with greater dignity, or with more grace, than has Jean Ford.

And, so, I say to my friend from the Commonwealth of Kentucky, I have treasured the time we have worked together, and I wish him good luck and God's speed. He is coming home.

> Weep no more, my lady,
> Oh! weep no more to-day!
> We will sing one song for the Old Kentucky Home,
> For the old Kentucky Home far away.
>
> "My Old Kentucky Home," Stephen Collins Foster, 1826–1864.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

TRIBUTE TO DEPARTING SENATORS AND SENATOR KEMPTHORNE'S STAFF

Mr. KEMPTHORNE. Mr. President, I appreciate you presiding as you do in such a class fashion. I would like to make a few comments here. I have been touched and impressed by the fact of colleagues coming to the floor and paying tribute to those Members who are departing. I have listened because, as one of those Members who are departing, I know personally how much it means to hear those kind comments that are made.

Senator FORD, who just spoke, is leaving after a very illustrious career. I remember when the Republican Party took over the majority 4 years ago and I was new to the position of Presiding Officer, it was not unusual for WENDELL FORD, who knows many of the ropes around here, to come and pull me aside and give me a few of the tips of how I could be effective as a Presiding Officer. I think probably one of the highest tributes you can pay to an individual is the fact that you see their family and the success they have had. I remember when WENDELL FORD's grandson, Clay, was a page here. I think Clay is probably one of the greatest tributes paid to a grandfather.

DALE BUMPERS, often mentioned here on the floor about his great sense of humor, is an outstanding gentlemen. He is someone whom I remember before I ever became involved in politics. I watched him as a Governor of Arkansas and thought, there is a man who has great integrity, someone you can look up to. And then to have the opportunity to serve with him has been a great honor.

JOHN GLENN. Whenever any of the astronauts—the original seven—would blast off into space, my mother would get all the boys up so we could watch them. I remember when JOHN GLENN blasted off into space. Again, the idea that somehow a kid would end up here and would serve with JOHN GLENN is just something I never could dream of at the time. In fact, JOHN GLENN became a partner in our efforts to stop unfunded Federal mandates. You could not ask for a better partner.

Speaking of partners, he could not have a better partner than Annie. I had the great joy of traveling with them approximately a year ago when we went to Asia. That is when you get to know these people as couples. I remember that we happened to be flying over an ocean when it was the Marine Corps' birthday. On the airplane we had a cake and brought it out, to the surprise of JOHN GLENN. But you could see the emotion in his eyes. I know the Presiding Officer is a former U.S. Marine, so he knows what we are talking about.

DAN COATS. There is no more genuine a person than DAN—not only in the Senate but on the face of the Earth. He is a man of great sincerity, a man who can articulate his position so extremely well. He is a man who, when you look into his eyes, you know he is listening to you and he is going to do right by you and by the people of his State of Indiana, and he has done right by the people of the United States. He is a man who has great faith, a man to whom I think a number of us have looked for guidance.

When you look at the Senate through the eyes of a camera, you see just one dimension. But on the floor of the Senate we are just people. A lot of times we don't get home to our wives and kids and sometimes to the ball games or back-to-school nights. There are times when some of the issues don't go as we would like, and it gets tough. At these times, we hurt. There are people like DAN COATS to whom you can turn, who has said, "Buddy, I have been there and I am with you now." So, again, he is an outstanding individual.

Also, Mr. President, I have been really fortunate with the quality of the staff I have had here in the U.S. Senate during the 6 years I have been here. As I have listened so many times to the Senate clerk call the roll of those Senators, they have answered that roll. I would like to just acknowledge this roll of those staff members whom I have had. This is probably the first and only time their names will be called in this august Chamber:

Cindy Agidius, Marcia Bain, Jeremy Chou, Camy Mills Cox, Laurette Davies, Michelle Dunn, Becky English, Gretchen Estess, Ryan Fitzgerald, Lance Giles.

Charles Grant, Ernie Guerra, Julie Harwood, Laura Hyneman, Meg Hunt, Catherine Josling, Ann Klee, Amy Manwaring, John McGee, Liz Mitchell.

Heather Muchow, Jay Parkinson, Phil Reberger, Rachel Riggs, Shawna Seiber Ward, Orrie Sinclair, Mark Snider, Glen Tait, Jim Tate, Kelly Teske.

Salle Uberuaga, Jennifer Wallace, Brian Whitlock, Suzanne Bacon, Becky Bale, Stan Clark, Tom Dayley, Tyler Dougherty, Carolyn Durant, George Enneking.

Buzz Fawcett, Margo Gaetz, Erin Givens, Jim Grant, Wendy Guisto, Jennifer Hayes, Al Henderson, Heather Irby, Steve Judy, Jeff Loveng.

Brian McCormack, Darrell McRoberts, Peter Moloney, Scott Muchow, Dan Ramirez, Dixie Richardson, Stephanie Schisler, Carrie Stach, Gary Smith, Michael Stinson, Sally Taniguchi, Julie Tensen, Mitchell Toryanski, Brian Waidmann, Vaughn Ward.

That is a lot of staff. But over 6 years, some of those have come and gone.

I have also received valuable assistance from interns who have worked in my state and Washington offices. I ask unanimous consent that the following list of interns for the past six years be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

INTERNS

Angie Adams, Tara Anderson, Jennifer Beck, Matthew Blackburn, Emily Burton, Emilie Caron, Michelle Crapo, Matt Freeman, Amy Hall, Rick Hansen.

Michelle Hyde, Paul Jackson, Beth Ann Kerrick, Heather Lauer, Jennifer Ludders, Karen Marchant, Kendal McDevitt, Jan Nielsen, Bryan James Palmer, Tracy Pellechi.

Tyler Prout, James Rolig, Dallas Scholes, Robin Staker, Meghan Sullivan, Omar Valverde, Franciose Whitlock, James Williams, Curt Wozniak, Tim Young.

Kim Albers, Chris Bailey, Kevin Belew, David Booth, Matt Campbell, Stephen Cataldo, Pandi Ellison, Andrew Grutkowski, Chad Hansen, Sarah Heckel.

Laura Hyneman, Michael Jordan, Lisa Lance, Keith Lonergan, Lori Manzaneres, Wade Miller, Kate Montgomery, Rocky Owens, Kurt Pipal, Alan Poff.

Nichole Reinke, Don Schanz, Nathan Sierra, Jacob Steele, David Thomas, Curtis Wheeler, Brian Williams, Angie Willie, Darryl Wrights.

Mr. KEMPTHORNE. Mr. President, this will probably be the last time officially on this floor as a U.S. Senator that I look at the faces of these people that you and I have worked with—the clerks, and Parliamentarians, the staff. It is family. The young pages that we see here with that sparkle in their eye and the enthusiasm that they have for this process—it is fun to talk to you and to see your sense of enthusiasm for this. As I said, you are going to have a sense of the U.S. Senate like few citizens, because you have been here, you have experienced it, and you have been up close in person.

But to those of you that I see now as I look to the desk, those who have sat in your places that I have worked with through these years, I thank you. America is well served by you, by your professionalism and your dedication.

So I thank you. I thank the Cloakroom again; all of the family; the staff, from the police officers and the waiters and waitresses, and the folks who make this place work; the Senate Chaplain; and, Mr. President, again I thank you for your courtesy, and I bid you farewell.

I yield the floor.

The PRESIDING OFFICER. Thank you, Senator. The people of Idaho and the people of the country are very proud of your service. We wish you well.

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that pursuant to the provisions of section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103–296, the Speaker reappoints Ms. Jo Anne Barnhart of Virginia as a member from private life on the part of the House to the Security Advisory Board to fill the existing vacancy thereon.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 214. Concurrent resolution recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people on the origins and development of Country Music, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2560. An act to authorize the President to award gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the "Little Rock Nine," and for other purposes.

H.R. 4516. An act to designate the United States Postal Service building located at 11550 Livingston Road, in Oxon Hill, Maryland, as the "Jacob Joseph Chestnut Post Office Building."

The message also announced that the House has passed the following bills, without amendment:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

S. 2193. An act to implement the provisions of the Trademark Law Treaty.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

S. 2505. An act to direct the Secretary of the Interior to convey title to the Tunnison Lab Hagerman Field Station in Gooding County, Idaho, to the University of Idaho.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 191. An act to throttle criminal use of guns.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2375. An act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, delivered by one of its reading clerks announced that the Speaker has signed the following enrolled Joint Resolution:

H.J. Res. 131. Joint resolution waiving certain enrolling requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7407. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "General Administration Letter No. 8–98" received on October 6, 1998; to the Committee on Finance.

EC–7408. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions and deletions to the Committee's Procurement List dated September 28, 1998; to the Committee on Governmental Affairs.

EC–7409. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Performance Ratings" (RIN3206–AH77) received on October 6, 1998; to the Committee on Governmental Affairs.

EC–7410. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Price Competitive Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provision" (RIN1901–AA81) received on October 8, 1998; to the Committee on Energy and Natural Resources.

EC–7411. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Personnel Assurance Program" (RIN1992–AA14) received on October 8, 1998; to the Committee on Energy and Natural Resources.

EC–7412. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule regarding energy conservation standards for electric cooking products (RIN1904–AA84) received on October 8, 1998; to the Committee on Energy and Natural Resources.

EC–7413. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations" received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7414. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Ginnie Mae MBS Program: Book Entry Securities" (Docket FR–4332–I–01) received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7415. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Clarification of Reporting Requirements Under the Wassenaar Arrangement" (RIN0694–AB724) received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7416. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Effects of Foreign Policy-Based Export Controls" (Docket 980922243–8243–01) received on October 8, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–7417. A communication from the Executive Director of the Air Force Sergeants Association, transmitting, pursuant to law, the Association's annual report and audit for fiscal year 1998; to the Committee on the Judiciary.

EC–7418. A communication from the Chairperson of the United States Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Helping State and Local Governments Comply with the ADA"; to the Committee on the Judiciary.

EC–7419. A communication from the Chairperson of the United States Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Helping Employers Comply with the ADA"; to the Committee on the Judiciary.

EC–7420. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the audit of the Telecommunications Development Fund; to the Committee on Commerce, Science, and Transportation.

EC–7421. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Development of Competition and Diversity in Video Programming Distribution and Carriage" (Docket 97–248) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7422. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "U.S. Coast Guard Vessel Traffic Services (VTS) Systems in New Orleans, Louisiana" (DA 98–1935) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7423. A communication from the Director of Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Audit Requirements for State and Local Governments; Audit Requirements for Institutions of Higher Education and Other Non-Profit Organizations" (RIN0605–AA12) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7424. A communication from the Acting Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna" (I.D. 092298C) received on October 8, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7425. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of remote sensing satellite technical data to Greece (DTC 69–98); to the Committee on Foreign Relations.

EC–7426. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of circuit card assemblies for the T16–B Monolithic Ring Laser Gyro Inertial Navigation System in Mexico (DTC 96–98); to the Committee on Foreign Relations.

EC–7427. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of FLYER R–12D lightweight military vehicles in Singapore (DTC 104–98); to the Committee on Foreign Relations.

EC–7428. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of certain PATRIOT System components in Japan (DTC 106–98); to the Committee on Foreign Relations.

EC–7429. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of fire control radar accelerometers for end use on United Kingdom AH–64 Apache helicopters (DTC 108–98); to the Committee on Foreign Relations.

EC–7430. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed transfer of technical data and assistance to Spain relative to F100 AEGIS frigates (DTC 115–98); to the Committee on Foreign Relations.

EC–7431. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of F–15 electrohydraulic flight control systems in Japan (DTC 117–98); to the Committee on Foreign Relations.

EC–7432. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the upgrading of Japanese F–15 Aircraft (DTC 120–98); to the Committee on Foreign Relations.

EC–7433. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of air surveillance systems to Algeria (DTC 124–98); to the Committee on Foreign Relations.

EC–7434. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of avionics in support of the U.S. Air Force T–38 Avionics Upgrade Program in Israel (DTC 126–98); to the Committee on Foreign Relations.

EC–7435. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of MK 41 Vertical Launch Systems to Japan (DTC 127–98); to the Committee on Foreign Relations.

EC–7436. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of F100–PW–100 engines for use in Japanese F–15 aircraft (DTC 131–98); to the Committee on Foreign Relations.

EC–7437. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of F100–PW–229/–229A engine parts in Norway (DTC 132–98); to the Committee on Foreign Relations.

EC–7438. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed transfer of three Hercules C–130E aircraft from the United Kingdom to the Government of Sri Lanka (RSAT 4–98); to the Committee on Foreign Relations.

EC–7439. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (98–150 to 98–154); to the Committee on Foreign Relations.

EC–7440. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, certification for fiscal year 1999 that no United Nations Agency or affiliate promotes or condones the legalization of pedophilia; to the Committee on Foreign Relations.

EC–7441. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of an emergency transfer of AN/ALQ–131 electronic counter-measure pods to the Government of Norway; to the Committee on Foreign Relations.

EC–7442. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Withdrawal of Final Rule" (FRL6174–3) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7443. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO_X RACT Determinations for Individual Sources" (FRL6166–1) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7444. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota" (FRL6162–1) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7445. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding Control of Volatile Organic Compounds" (FRL6169–6) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7446. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Alabama" (FRL6168–4) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7447. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyromazine; Extension of Tolerance for Emergency Exemptions" (FRL6037–1) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7448. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances" (FRL6035–2) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7449. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mancozeb; Pesticide Tolerances for Emergency Exemptions" (FRL6029–5) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7450. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Paraquat; Extension of Tolerance for Emergency Exemptions" (FRL6032–5) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7451. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebuconazole; Extension of Tolerances for Emergency Exemptions" (FRL6034–7) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7452. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Maleic Hydrazide; Extension of Tolerances for Emergency Exemptions" (FRL6034–8) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7453. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan" (FRL6170–8) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7454. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Source Surveillance Regulation" (FRL6172–8) received on October 2, 1998; to the Committee on Environment and Public Works.

EC–7455. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone" (FRL6171–2) received on October 5, 1998; to the Committee on Environment and Public Works.

EC–7456. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's report on operations of the Glen Canyon Dam for Water Year 1997 and 1998; to the Committee on Energy and Natural Resources.

EC–7457. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report entitled "Report on Alternative System for Availability of Funds"; to the Committee on Energy and Natural Resources.

EC–7458. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on completed projects funded under the Community Services Block Grant Act for fiscal years 1991 through 1994; to the Committee on Labor and Human Resources.

EC–7459. A communication from the Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Experienced Miner and Supervisor Training" (RIN1219–AB13) received on October 9, 1998; to the Committee on Labor and Human Resources.

EC–7460. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule regarding a clarification of reporting requirements under the Potato Research and Promotion Plan (Docket FV–96–703FR) received on October 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7461. A communication from the Director of the Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (I.D. 092598A) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7462. A communication from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Sea Scallop Fishery; Extension of Interim Final Rule Implementing Area Closure" (RIN0648–AK68) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7463. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding pesticide tolerances for residues of a certain potatoe fungicide (FRL6036–7) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7464. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox; Pesticide Tolerances for Emergency Exemptions" (FRL6030–3) received on October 8, 1998; to the Committee on Environment and Public Works.

EC–7465. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a prospectus proposing the lease of space to house the Uniformed Division of the U.S. Secret Service; to the Committee on Environment and Public Works.

EC–7466. A communication from the Inspector General of the Department of Defense, transmitting, pursuant to law, the Department's report on Superfund Financial Transactions for fiscal year 1997; to the Committee on Environment and Public Works.

EC–7467. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on the effectiveness of providing disease prevention and health promotion services to Medicare beneficiaries; to the Committee on Finance.

EC–7468. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, a draft of proposed legislation entitled "The Fugitive Apprehension Act"; to the Committee on the Judiciary.

EC–7469. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the production of Air-to-Air Stinger launchers and related equipment in Turkey (DTC 88-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7470. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of M582A1 artillery shell fuses for export to Greece (DTC 91-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7471. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of certain military computer systems in Canada (DTC 103-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7472. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of technical data to Japan for the design and manufacture of a cryogenic upper stage launch vehicle engine (DTC 116-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7473. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export of technical assistance to Singapore for maintanece of the T-55-L-714A engine on certain CH-47 Chinook helicopters (DTC 129-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7474. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of the Longbow Hellfire Missile Control Interface Group for use in the United Kingdom AH-64D Apache Program (DTC 137-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7475. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of transmissions for the K95 Howitzer and the K1A1 Main Battle Tank in South Korea (DTC 138-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7476. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the manufacture of TOW 2 missile warheads in Switzerland (DTC 142-98) received on October 9, 1998; to the Committee on Foreign Relations.

EC–7477. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposed license for the export Model 139A Verticle Launch ASROC Missiles to Japan (DTC 143-98) received on October 9, 1998; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2086) to revise the boundaries of the George Washington Birthplace National Monument (Rept. No. 105–403).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2240) to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes (Rept. No. 105–404).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2246) to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary and for other purposes (Rept. No. 105–405).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2307) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. No. 105–406).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2468) to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center at Biscayne National Park (Rept. No. 105–407).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas (Rept. No. 105–408).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

D. Bambi Kraus, of the District of Columbia, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2004.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Treaty Doc. 105–1(A) Amended Mines Protocol (Exec. Rept. 105–21).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the Amended Mines Protocol (as defined in section 5 of this resolution), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the reservation, which shall be included in the United States instrument of ratification and shall be binding upon the President, that the United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

SEC. 3. UNDERSTANDINGS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following understandings, which shall be included in the United States instrument of ratification and shall be binding upon the President:

(1) UNITED STATES COMPLIANCE.—The United States understands that—

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual—

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) EFFECTIVE EXCLUSION.—The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to this paragraph are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) HISTORIC MONUMENTS.—The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) LEGITIMATE MILITARY OBJECTIVES.—The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) PEACE TREATIES.—The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) BOOBY-TRAPS AND OTHER DEVICES.—For the purposes of the Amended Mines Protocol, the United States understands that—

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a "booby-trap" under Article 2(4) of the Amended Mines Protocol and shall not be considered a "mine" or an "anti-personnel mine" under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) NON-LETHAL CAPABILITIES.—The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) INTERNATIONAL TRIBUNAL JURISDICTION.—The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

(9) TECHNICAL COOPERATION AND ASSISTANCE.—The United States understands that—

(A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

(B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military countermining capabilities of a State Party to the Protocol.

SEC. 4. CONDITIONS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following conditions, which shall be binding upon the President:

(1) PURSUIT DETERRENT MUNITION.—

(A) UNDERSTANDING.—The Senate understands that nothing in the Amended Mines Protocol restricts the possession or use of the Pursuit Deterrent Munition, which is in compliance with the provisions in the Technical Annex and which constitutes an essential military capability for the United States Armed Forces.

(B) CERTIFICATION.—Prior to deposit of the United States instrument of ratification, the President shall certify to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives that the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

(C) EFFECTIVE ALTERNATIVE DEFINED.—For purposes of subparagraph (B), the term "effective alternative" does not mean a tactic or operational concept in and of itself.

(2) EXPORT MORATORIUM.—The Senate—

(A) recognizes the expressed intention of the President to negotiate a moratorium on the export of anti-personnel mines; and

(B) urges the President to negotiate a universal ban on the transfer of those mines that does not include any restriction on any mine that is primarily designed to be exploded by the presence, proximity, or contact of a vehicle, as opposed to a person and that is equipped with an anti-handling device, as defined in the Amended Mines Protocol, or a tilt rod or magnetic influence sensor, such mine not being considered an anti-personnel mine despite being so equipped.

(3) HUMANITARIAN DEMINING ASSISTANCE.—

(A) FINDINGS.—The Senate makes the following findings:

(i) UNITED STATES EFFORTS.—The United States contributes more than any other country to the worldwide humanitarian demining effort, having expended more than $153,000,000 on such efforts since 1993.

(ii) DEVELOPMENT OF DETECTION AND CLEARING TECHNOLOGY.—The Department of Defense has undertaken a substantial program to develop improved mine detection and clearing technology and has shared this improved technology with the international community.

(iii) EXPANSION OF UNITED STATES HUMANITARIAN DEMINING PROGRAMS.—The Department of Defense and the Department of State have significantly expanded their humanitarian demining programs to train and assist the personnel of other countries in developing effective demining programs.

(B) INTERNATIONAL SUPPORT FOR DEMINING INITIATIVES.—The Senate urges the international community to join the United States in providing significant financial and technical assistance to humanitarian demining programs, thereby making a concrete and effective contribution to the effort to reduce the grave problem posed by the indiscriminate use of non-self-destructing landmines.

(4) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ASSESSMENT FOR COST OF IMPLEMENTATION.—Notwithstanding any provision of the Amended Mines Protocol, and subject to the requirements of subparagraphs (B) and (C), the portion of the United States annual assessed contribution for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol may not exceed $1,000,000.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term "Consumer Price Index" means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions would seriously affect the national interest of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol to which the additional contributions would be applied.

(5) UNITED STATES AUTHORITY FOR TECHNICAL COOPERATION AND ASSISTANCE.—Notwithstanding any provision of the Amended Mines Protocol, no funds may be drawn from the Treasury of the United States for any payment or assistance (including the transfer of in-kind items) under Article 11 or Article 13(3)(d) of the Amended Mines Protocol without statutory authorization and appropriation by United States law.

(6) FUTURE NEGOTIATION OF WITHDRAWAL CLAUSE.—It is the sense of the Senate that, in negotiations on any treaty containing an arms control provision, United States negotiators should not agree to any provision that would have the effect of inhibiting the United States from withdrawing from the arms control provisions of that treaty in a timely fashion in the event that the supreme national interests of the United States have been jeopardized.

(7) PROHIBITION ON DE FACTO IMPLEMENTATION OF THE OTTAWA CONVENTION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the President will not limit the consideration of alternatives to United States anti-personnel mines or mixed anti-tank systems solely to those that comply with with the Ottawa Convention; and

(B) in pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that—

(i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and

(ii) would be affordable.

(8) CERTIFICATION WITH REGARD TO INTERNATIONAL TRIBUNALS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, that the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

(9) TACTICS AND OPERATIONAL CONCEPTS.—It is the sense of the Senate that development, adaptation, or modification of an existing or new tactic or operational concept, in and of itself, is unlikely to constitute an acceptable alternative to anti-personnel mines or mixed anti-tank systems.

(10) FINDING REGARDING THE INTERNATIONAL HUMANITARIAN CRISIS.—The Senate finds that—

(A) the grave international humanitarian crisis associated with anti-personnel mines has been created by the indiscriminate use of mines that do not meet or exceed the specifications on detectability, self-destruction, and self-deactivation contained in the Technical Annex to the Amended Mines Protocol; and

(B) United States mines that do meet such specifications have not contributed to this problem.

(11) APPROVAL OF MODIFICATIONS.—The Senate reaffirms the principle that any amendment or modification to the Amended Mines Protocol other than an amendment or modification solely of a minor technical or administrative nature shall enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(12) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval an international agreement that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty-making power as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(13) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and condition (8) of the resolution of ratification of the CFE Flank Document, approved by the Senate on May 14, 1997.

(14) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Amended Mines Protocol requires or authorizes the enactment of legislation, or the taking of any other action, by the United States that is prohibited by the Constitution of the United States, as interpreted by the United States.

SEC. 5. DEFINITIONS.

As used in this resolution:

(1) AMENDED MINES PROTOCOL OR PROTOCOL.—The terms "Amended Mines Protocol" and "Protocol" mean the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, as adopted at Geneva on May 3, 1996 (contained in Senate Treaty Document 105-1).

(2) CFE FLANK DOCUMENT.—The term "CFE Flank Document" means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, done at Vienna on May 31, 1996 (Treaty Document 105-5).

(3) CONVENTION ON CONVENTIONAL WEAPONS.—The term "Convention on Conventional Weapons" means the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on October 10, 1980 (Senate Treaty Document 103-25).

(4) OTTAWA CONVENTION.—The term "Ottawa Convention" means the Convention on the Prohibition of the Use, Production, Stockpiling, and Transfer of Anti-Personnel Mines and on Their Destruction, opened for signature at Ottawa December 3-4, 1997 and at the United Nations Headquarters beginning December 5, 1997.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Amended Mines Protocol.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHAFEE (for himself, Mr. MACK, and Mr. LIEBERMAN):

S. 2617. A bill to amend the Clean Air Act to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate greenhouse gas emissions; to the Committee on Environment and Public Works.

By Mr. MCCAIN:

S. 2618. A bill to require certain multilateral development banks and other lending institutions to implement independent third-party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

By Mr. DASCHLE:

S. 2619. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans Affairs.

By Mr. ROBB:

S. 2620. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2621. A bill to authorize the acquisition of the Valles Caldera currently managed by the Baca Land and Cattle Company, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture through the private sector, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HATCH, Mr. BREAUX, Mr. D'AMATO, Mr. CONRAD, Mr. MURKOWSKI, Mr. GRAHAM, Mr. JEFFORDS, Ms. MOSELEY-BRAUN, Mr. MACK, Mr. BRYAN, and Mr. KERREY):

S. 2622. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ROTH, and Mr. STEVENS):

S. 2623. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 2624. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in the rural areas, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. MACK, and Mr. LIEBERMAN):

S. 2617. A bill to amend the Clean Air Act to authorize the President to enter into agreements to provide regulatory credit for voluntary early action to mitigate greenhouse gas emissions; to the Committee on Environment and Public Works.

CREDIT FOR EARLY ACTION ACT OF 1998

Mr. CHAFEE. Mr. President, I am proud to join with Senators MACK and LIEBERMAN today to introduce the Credit for Early Action Act of 1998. This bipartisan legislation is designed to encourage voluntary, meaningful, and early efforts by industry to reduce their emissions of greenhouse gases. This is a bill to address the threat of global climate change.

Before I get into the details of this legislative proposal, let me spend a few moments discussing the science of climate change.

Human influence on the global climate in an extraordinarily complex matter that has undergone more than a century of research. Indeed, in an 1896 lecture delivered to the Stockholm Physics Society by the Nobel Prize-winning chemist, Svante Arrhenius, it was predicted that large increases in carbon dioxide (CO_2) would result in a corresponding warming of the globe.

Professor Arrhenius was the first to predict that large increases in CO_2 would result in a warming of the globe. What have the world's scientists told us at different intervals over the last one hundred years, since Mr. Arrhenius identified the warming effects of CO_2?

In 1924, a U.S. physicist speculated that industrial activity would double atmospheric CO_2 in five hundred years, around the year 2424. Current projections, however, call for a doubling sometime before 2050—some four hundred years earlier than predicted just seventy years ago!

In 1957, scientists from the Scripps Institute of Oceanography reported for the first time that much of the CO_2 emitted into the atmosphere is not absorbed by the oceans as some had argued, leaving significant amounts in the atmosphere. They are said to have called carbon dioxide emissions "a large-scale geophysical experiment" with the Earth's climate.

In 1967, the first reliable computer simulation calculated that global average temperatures may increase by more than four degrees Fahrenheit when atmospheric CO_2 levels are double that of preindustrial times. In 1985, a conference sponsored by the United Nations Environment Program (UNEP), the World Meteorological Organization (WMO), and the International Council of Scientific Unions forged a consensus of the international scientific community on the issue of climate change. The conference report warned that some future warming appears inevitable due to past emissions, regardless of future actions, and recommended consideration of a global treaty to address climate change.

In 1987, an ice core from Antarctica, analyzed by French and Russian scientists, revealed an extremely close correlation between CO_2 and temperature going back more than one hundred thousand years. In 1990, an appeal signed by forty-nine Novel prize winners and seven hundred members of the National Academy of Science stated, "There is broad agreement within the scientific community that amplification of the Earth's natural greenhouse effect by the buildup of various gases introduced by human activity has the potential to produce dramatic changes in climate . . . only by taking action now can be ensure that future generations will not be put at risk."

Also in 1990, seven hundred and forty-seven participants from one hundred sixteen countries took part in the Second world Climate Conference. The conference statement reported that, ". . . if the increase of greenhouse gas concentrations is not limited, the predicted climate change would place stresses on natural and social systems unprecedented in the past ten thousand years."

Finally, Mr. President, in 1995, the Intergovernmental Panel on Climate Change, representing the consensus of climate scientists worldwide, concluded that ". . . the balance of evidence suggests that there is a discernible human influence on global climate."

This last development is significant, because the overwhelming majority of climate scientists concluded, for the first time, that man is influencing the global climate system. That conclusion, while controversial in some quarters, was endorsed unanimously by the governments of the ninety-six countries involved in the panel's efforts.

Are these forecasted outcomes a certainty? They are not. The predictions of climate change are indeed based on numerous variables. Although scientists are improving the state of their knowledge at a rapid pace, we still have a lot to learn about the role of the sun, clouds and oceans, for example.

The question is, will we ever have absolute certainty? Will we ever be able to eliminate all of the variables? The overwhelming majority of independent, peer-reviewed scientific studies indicate that we do not have such a luxury. By the time we finally attain absolute certainty, it would likely take centuries to reverse atmospheric damage and oceanic warming.

Mr. President, I am not alone in this thinking. There are an increasing number of business leaders in our country who have arrived at the same conclusion that we need to act swiftly.

In a "dear colleague" letter sent out this week under my signature, I repeated a remarkable statement issued by an impressive group of companies that have joined with the newly established Pew Center on Climate Change. American Electric Power, Boeing, BP America, Enron, Lockheed Martin, 3M, Sun, United Technologies, Toyota, Weyerhaeuser, and several others said that, "we accept the views of most scientists that enough is known about the science and environmental impacts of climate change for us to take actions to address its consequences."

The legislation to be introduced today by Senator MACK, Senator LIEBERMAN and I proposes an exciting framework that would appropriately recognize real and immediate action to combat climate change. While the climate debate will indeed continue over the next few years, we strongly believe that there is a voluntary, incentive-based approach which can be implemented now. Congressional approval of this approach, which the three of us and others will work for early next year, will provide the certainty necessary to encourage companies to move forward with practical, near-term emission reductions.

Specifically, this legislation would provide a mechanism by which the President can enter into binding greenhouse gas reduction agreements with entities operating in the United States. Once executed, these agreements will provide credits for voluntary greenhouse gas reductions effected by those entities before 2008, or whenever we might have an imposition of any domestic or international emission reduction requirements.

Importantly, this program is designed to work within the framework of whatever greenhouse gas control requirement may eventually become applicable within the United States. The credits would be usable beginning in the first five-year budget period (2008–2012) under the Kyoto Protocol, if the Kyoto Protocol is ratified. If the Protocol is not ratified, and we end up with a domestic program to regulate or otherwise control greenhouse gas emissions, the credits would be usable in that program.

This sort of approach makes sense for a wide variety of reasons. Encouraging early reductions can begin to slow the rate of buildup of greenhouse gases in the atmosphere, helping to minimize the potential environmental risks of continued warming. Given the longevity of many climate gases, which continue to trap heat in the atmosphere for a century or more, it just makes sense to encourage practical actions now.

By guaranteeing companies credit for voluntary early reductions, the bill would allow companies to protect themselves against the potential for steep reduction requirements or excessive costs in the future. For companies that want to reduce their greenhouse gas emissions, providing credit for action now adds years to any potential compliance schedule, allowing companies to spread costs over broader time periods. A focus on early reductions can help stimulate the American search for strategies an technologies that are needed worldwide. Development of such strategies and technologies can improve American competitiveness in the $300 billion dollar global environmental marketplace.

This "credit" program may also make the greenhouse gas reductions achieved before regulations are in place financially valuable to the companies who make such reductions. Given the likely inclusion of market based approaches to any eventual domestic regulatory requirements, similar to the successful acid rain program of the 1990 Clean Air Act, credit earned could be traded or sold to help other companies manage their own reduction efforts.

Under a "no credit" approach, the status quo, it is more likely that early reduction companies will be penalized if greenhouse gas reductions are ultimately required, because their competitors who wait to reduce will get credit for later reductions. Such a "no credit" approach could even create perverse incentives to delay investments until emissions reductions would be credited.

In anticipation of a potential global emissions market, decisions re being made now by entrepreneurial companies and countries. For example, Russia and Japan have already concluded a trade of greenhouse gas emission credits. Private companies such as Niagara-Mohawk and Canada-based Suncor are moving forward with cross-boundary trades. Aggressive global energy companies, such as British Petroleum, AEP, and PacifiCorp are already implementing agreements in Central and South America—sequestering carbon and developing credits against emissions—by protecting rain forests.

Mr. President, America can and should reward companies that take such positive steps to position themselves, and the U.S. for the environmental and economic future.

On the international side, passage by the U.S. Congress of a program to help stimulate early action will be a clear example of American leadership and responsibility. Developing countries currently argue that nations such as the United States, with huge advantages in quality of life and dramatically higher per capita emissions of greenhouse gases, should take a leadership role in the reduction of greenhouse gas emissions. And they argue that developing countries should not be asked to take steps until the U.S. begins to move forward. This bill can work directly to change that situation, therefore removing a barrier to essential developing country progress.

There it is, Mr. President. We are here today because we believe that climate change presents a serious threat. We believe it makes sense to get started now. And, as many leading American companies do, we believe that there are sensible, fair and voluntary methods to get on the right track.

We encourage our colleagues to use the time between now and next January to review this legislation carefully. We are open to suggestions. Most importantly, we are looking for others to join us in this effort.

• Mr. MACK. Mr. President, as an original cosponsor of the Credit for Early Action Act, I rise to congratulate Senator CHAFEE on its introduction, as well as the other original cosponsor, Senator LIEBERMAN, and to make several points about the bill.

The purpose of the act is simple. It is to encourage and reward voluntary actions which businesses may take to reduce emissions of "greenhouse gases" such as carbon dioxide. It would not require actions, but it would provide encouragement in the form of credit, credit that could be used by companies to manage future regulatory requirements, or in a market-based approach, traded or sold to other companies as they worked to meet their own obligations.

Given the uncertainty that surrounds the discussion of greenhouse gases and global warming, I can understand why some may question the need for such a bill. As one who is not convinced that we understand this issue well enough, I can understand that question. In fact, it is precisely because of the uncertainty that I think such a bill makes sense.

Of course there is a great deal of uncertainty surrounding such possible results, and frankly, as I said, I am not convinced that we know enough yet. The complexities and uncertainties associated with trying to understand the vast interactions of our climate, our atmosphere and our human impact on both, are enormous. And the consequences of actions targeted at changing our patterns of energy use can be dramatic.

But uncertainty cuts two ways, and the possibility always exists that some of these projections about impacts could be more right than wrong. Perhaps then it makes sense to provide some appropriate encouragement, so that those who want to invest in improved efficiency, those who want to find ways to make cars and factories and power production cleaner, those companies can receive some encouragement, not based on government fiat or handout, but based on getting credit for their own initiative and actions. The environmental result will likely be some lessening of the potential problems associated with possible global warming, and that just makes sense.

There is, of course, another uncertainty that gives me pause as well, and that serves as another strong reason for my interest in this bill. It is clear to me today that there is no desire on the part of this Congress to legislate requirements on carbon dioxide or any of the other "greenhouse gases." I think that is the correct position.

But we cannot know today what some future Congress, perhaps a decade away, might decide to do. Perhaps the science will become more compelling. Perhaps the majority will shift back to a more regulatory minded party. Perhaps a future Senate will decide to ratify the Kyoto Protocol. Perhaps a future administration and a future majority will combine to put a regulatory structure in place that will require substantial reductions of these gases. And while we may oppose such action today, we cannot know the outcome of this future debate.

Given this regulatory uncertainty, I think a compelling argument can be made to provide protection for companies today, so that they are protected against the possibility of future requirements. What this bill will do is just that. By allowing companies to earn credit for actions that they take over the next few years, the bill will make sure that if a regulator comes to see them in the future, they can say, "I already did my part." Companies can make decisions based on their own best interest, they can work to improve efficiency and reduce waste. And if this bill becomes law, they can get credit for those actions against any future regulatory controls on greenhouse gases. That seems like a good idea to me.

In closing Mr. President, I again want to congratulate Senator CHAFEE, along with our other original cosponsor Senator LIEBERMAN, for this thoughtful, balanced approach to the uncertainty presented by the climate change issue. I am proud to be an original cosponsor of this bill, and I want to urge my colleagues to take a good look at this approach so that we can begin to move forward in earnest in the next Congress.•

• Mr. LIEBERMAN. Mr. President, I am delighted to join today with my colleagues Senator CHAFEE, the chairman of the Environment and Public Works Committee, and Senator MACK in introducing this legislation. It will provide credit, under any future greenhouse gas reduction systems we may adopt, to companies who act now to reduce their emissions of greenhouse gases. This is a voluntary, market-based approach which is a win-win situation for both American businesses and the environment. Enactment of this legislation will provide the certainty necessary to encourage companies to move forward with emission reductions now. I'm particularly pleased that the legislation grows out of principles developed in a dialog between the Environmental Defense Fund and a number of major industries.

The point of this legislation is simple. Many companies want to move forward now to reduce their greenhouse gas emissions. They don't want to wait until legislation requires them to make these reductions. For some companies reducing greenhouse gases makes good economic sense because adopting cost-effective solutions can actually save them money by improving the efficiency of their operations. Companies recognize if they reduce their greenhouse gas emissions now they will be able to add years to any potential compliance schedule, allowing companies to spread their costs over broader time periods. Acting now can help U.S. companies protect themselves against the potential for significant reductions that may be required in the future. This bill ensures they will be credited in future reduction proposals for action now.

Early action by U.S. companies will also have an enormous benefit for the environment. Early reductions can begin to slow the rate of buildup of greenhouse gases in the atmosphere, helping to minimize the environmental risks of continued global warming. Given that once emitted, many climate change gases continue to trap head for a century or more in the atmosphere, it just makes sense to encourage practical action now.

Climate change is neither an abstraction nor the object of a science fiction writer's imagination. It is real and affects us all. More than 2,500 of the world's best scientific and technical experts have linked the increase of greenhouse gases to at least some of the increase in sea level, temperature and rainfall experienced worldwide in this century. Last year was the warmest year on record, and 9 of the last 11 years were among the warmest ever recorded.

The point of this legislation is to provide an incentive for companies that want to make voluntary early reduction in emissions of greenhouse gases by guaranteeing that these companies will receive credit, once binding requirements begin, for voluntary reductions they have made before 2008. These credits will enable US companies to add years to any potential compliance schedule for reductions, allowing them to spread costs over broader time periods. These credits may also be financially valuable to companies who make the reductions. Credits earned likely could be traded or sold to help other companies manage their own reduction requirements. A focus on early reductions can also help stimulate the search for and use of new, innovative strategies and technologies that are needed to help companies both in this country and worldwide meet their reduction requirements in a cost-effective manner. Development of such strategies and technologies can improve American competitiveness in the more than $300 billion global environmental marketplace.

I'm pleased that this legislation builds on section 1605(b) of the Energy Policy Act which allowed companies to voluntarily record their emissions in greenhouse gas emissions, which I worked hard to include in the Energy Policy Act.

Mr. President, the debate about climate change is too often vested—and I believe wrongly so—in false choices between scientific findings, common sense, business investments and environmental awareness. The approach of this bill again demonstrates that these are not mutually exclusive choices, but highly compatible goals.•

By Mr. McCAIN.

S. 2618. a bill to require certain multilateral development banks and other leading institutions to implement independent third-party procurement monitoring, and for other purposes; to the Committee on Foreign Relations.

THE FAIR COMPETITION IN FOREIGN COMMERCE ACT OF 1998

• Mr. McCAIN. Mr. President, I am proud to introduce the Fair Competition in Foreign Commerce Act of 1998, to address the serious problem of waste, fraud and abuse, resulting from bribery and corruption in international development projects. This legislation will set conditions for U.S. funding through multilateral development banks. These conditions will require the country receiving aid to adopt substantive procurement reforms, and independent third-party procurement monitoring of their international development projects.

During the cold war, banks and governments often looked the other way as pro-western leaders in developing countries treated national treasuries as their personal treasure troves. Information technologies and the resulting global economy have transformed the world in which we live into a smaller and smaller community. For example, economic turmoil in Indonesia hits home on Wall Street. Allegations of misconduct in the White House negatively impact Wall Street, which causes capital flight to other nation's stock exchanges. In today's increasingly interdependent global economy, nations are ill-advised to ignore corruption and wrongdoing in neighboring countries.

The U.S. is a vital part of the global economy. We cannot afford to look the other way when we see bribery and corruption running rampant in other countries. Bribery and corruption abroad undermine the U.S. goals of promoting democracy and accountability, fostering economic development and trade liberalization, and achieving a level playing field throughout the world for American businesses. Developing nations desperately need foreign economic assistance to break the devastating cycle of poverty and dependence.

The United States is increasingly called upon to lead multilateral assistance efforts through its participation in various lending institutions. However, it is critical that we take steps to ensure that the American taxpayer dollars are being used appropriately. The Fair Competition in Foreign Commerce Act of 1998 is designed to decrease the stifling effects of bribery and corruption in international development contracts. The Act will achieve this objective by mandating that multilateral lending institutions require that nations receiving U.S. economic assistance subject their international development projects to independent third-party procurement monitoring, and other substantive procurement reforms.

By decreasing bribery and corruption in international development procurements, this legislation will (1) enable U.S. businesses to become more competitive when bidding against foreign firms which secure government contracts through bribery and corruption; (2) encourage additional direct investment to developing nations, thus increasing their economic growth, and (3) increase opportunities for U.S. businesses to export to these nations as their economies expand and mature.

Multilateral lending efforts are only effective in spurring economic development if the funds are used to further the intended development projects. The American taxpayers make substantial contributions to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund. These contributions provide significant funding for major international development projects. Unfortunately, these international development projects are often plagued by fraud and corruption, waste and inefficiency, and other misuse of funding.

This inefficient use of valuable taxpayer dollars is bad for the U.S. and the nation receiving the economic assistance. When used for its intended purpose, foreign economic aid yields short and long term benefits to U.S. businesses. Direct foreign aid assists developing nations to develop their infrastructure. A developed infrastructure is vital to creating and sustaining a modern dynamic economy. Robust new economies create new markets for U.S. businesses to export their goods and services. Exports are key to the U.S. role in the constantly expanding and increasingly competitive global economy. Emerging economies of today become our trading partners of tomorrow. However, foreign economic assistance will only promote economic development if it is used for its intended purpose, and not to line the pockets of foreign bureaucrats and their well-connected political allies.

The current laws and procedures designed to detect and deter corruption after the fact are inadequate and meaningless. This bill seeks to ensure that U.S. taxpayers' hard-earned dollars contributed to international projects are used appropriately, by detecting and eliminating bribery and corruption before they can taint the integrity of these vital international projects. Past experience illustrates that it is ineffective to attempt to reverse waste, fraud, and abuse in large scale foreign infrastructure projects, once the abuse has already begun. Therefore, it is vital to detect the abuses before they occur.

The Fair Competition in Foreign Commerce Act of 1998 requires the United States Government, through its participation in the multilateral lending institutions and in its disbursement of non-humanitarian foreign assistance funds, to: (1) require the recipient international financial institution to adopt an anti-corruption plan that requires the aid recipient to use independent third-party procurement monitoring services, at each stage of the procurement process, to ensure openness and transparency in government procurements, and (2) to require the recipient nation to institute specific strategies for minimizing corruption and maximizing transparency in procurements at each stage of the procurement process.

If these criteria are not met, the legislation directs the Secretary of the Treasury to instruct the United States Executive Directors of the various International Development Banks to use the voice and vote of the United States to oppose the lending institution from providing the funds to the nations requesting economic aid which do not satisfy the procurement reforms criteria. This Act has two important exceptions. First, it does not apply to assistance to meet urgent humanitarian needs such as providing food, medicine, disaster, and refugee relief. Second, it also permits the President to waive the funding restrictions with respect to a particular country if making such funds available is important to the national security interest of the United States.

Independent third-party procurement monitoring is a system where an independent third-party conducts a program to eliminate bias, to promote transparency and open competition, and to minimize fraud and corruption, waste and inefficiency and other misuse of funds in international procurements. The system does this through an independent evaluation of the technical, financial, economic and legal aspects of each stage of a procurement, from the development and issuance of technical specifications, bidding documents, evaluation reports and contract preparation, to the delivery of goods and services. This monitoring will take place throughout the entire term of the international development project.

Mr. President, this system has worked for other governments. Procurement reforms and third-party procurement monitoring resulted in the governments of Kenya, Uganda, Colombia, and Guatemala experiencing significant cost savings in recent procurements. For instance, the Government of Guatemala experienced an overall savings of 48% when it adopted a third-party procurement monitoring system, and other procurement reform measures, in a recent procurement of pharmaceuticals.

Independent third-party procurement monitoring is effective because it monitors each stage of the procurement process during and prior to each stage's completion, as opposed to following completion of a particular stage of the procurement process. Independent third-party procurement monitoring also improves transparency and openness in the procurement process. Increased transparency helps to minimize fraud and corruption, waste and inefficiency, and other misuse of funding, and promotes competition, thereby strengthening international trade and foreign commerce.

Mr. President, bribery and corruption have many victims. Bribery and corruption hamper vital U.S. interests. Both harm consumers, taxpayers, and honest traders who lose contracts, production, and profits because they refuse to offer bribes to secure foreign contracts. Bribery and corruption have become a serious problem. A World Bank survey of 3,600 firms in 69 countries showed 40% of businesses paying bribes. More startling is that Germany still permits its companies to take a tax deduction for bribes. A recent comment by Commerce Secretary Daley sums up the serious impact of bribery and corruption upon American businesses ability to compete for foreign contracts:

> Since mid-1994, foreign firms have used bribery to win approximately 180 commercial contracts valued at nearly $80 billion. We estimate that over the past year, American companies have lost at least 50 of these contracts, valued at $15 billion. And since many of these contracts were for groundbreaking projects—the kind that produces exports for years to come—the ultimate cost could be much higher."

Exports will continue to play an increasing role in our continued economic expansion. We can ill afford to allow any artificial impediments to our ability to export. Bribery and corruption, significantly hinder American businesses' ability to compete for lucrative overseas government contracts. American businesses are simply not competitive when bidding against foreign firms that have bribed government officials to secure overseas government contracts. Greater openness and fairness in government procurement will greatly enhance opportunities to compete in the rapidly expanding global economy. Exports equate to jobs. Jobs equate to more money in hard-working Americans' pockets. More money in Americans' pockets means more money for Americans to save and invest in their futures.

Bribery and corruption also harm the country receiving the aid because bribery and corruption often inflate the cost of international development projects. For example, state sponsorship of massive infrastructure projects that are deliberately beyond the required specification needed to meet the objective is a common example of waste, fraud, and abuse inherent in corrupt procurement practices. Here, the cost of corruption is not the amount of the bribe itself, but the inefficient use of resources the bribes encourage.

Bribery and corruption have short and long term negative effects upon the nation receiving aid. The short term effect is that bribery and corruption drive up the cost of the infrastructure project. Companies are forced to increase prices to cover the cost of bribes they are forced to pay. A 2% bribe on a contract is said to raise costs by 15%. The aggregate or long term effect of this type of corruption is that, over time, tax revenues will have to be raised or diverted from other more deserving projects to fund the excesses in these projects. Higher taxes and the inefficient use of resources both hinder growth.

The World Bank and the IMF both recognize the link between bribery and corruption, and decreased economic growth. Recent studies also indicate that high levels of corruption are associated with low levels of investment and growth. These studies illustrate that corruption discourages direct investment, which results in decreased economic growth. Furthermore, corruption lessens the effectiveness of industrial policies and encourages businesses to operate in the unofficial sector in violation of tax and regulatory laws. Most important, corruption begins a cycle where corruption breeds more corruption and discourages legitimate investment. In short, bribery and corruption create "lose lose" situation for the U.S. and developing nations.

The U.S. recognizes the damaging effects bribery and corruption have at home and abroad. The U.S. continues to combat foreign corruption, waste, and abuse on many fronts: from prohibiting U.S. firms from bribing foreign officials, to leading the anti-corruption efforts in the United Nations, the Organization of American States, and the Organization for Economic Cooperation and Development ("OECD"). The U.S. was the first country to enact legislation (the Foreign Corrupt Practices Act) to prohibit its nationals and corporations from bribing foreign public officials in international and business transactions.

However, we must do more. Our current efforts must expand. The FCPA prevents U.S. nationals and corporations from bribing foreign officials. It does nothing to prevent foreign nationals and corporations from bribing foreign officials to obtain foreign contracts. Valuable taxpayer resources are often diverted or squandered because of corrupt officials or the use of non-transparent specifications, contract requirements and the like in international procurements for goods and services. Such corrupt practices also minimize competition and prevent the recipient nation or agency from receiving the full value of the goods and services for which it bargained. In addition, despite the importance of international markets to U.S. goods and services providers, many U.S. companies refuse to participate in international procurements that may be corrupt.

This legislation is designed to provide a mechanism to ensure, to the extent possible, the integrity of the U.S. contribution to the multilateral lending institutions and other non-humanitarian U.S. foreign aid. Corrupt international procurements, often funded by these multilateral banks, weaken democratic institutions and undermine the very opportunities that multilateral lending institutions were founded to promote. This bill will encourage and support the development of transparent government procurement capacity, which is vital for emerging democracies constructing a government procurement infrastructure that can sustain market economies in the developing world.

Mr. President, I am committed to combating the waste, fraud and abuse resulting from bribery and corruption in international development projects. Procurement reforms and independent procurement monitoring are key to policing complicated international procurements, which are often plagued by corruption, inefficiency and other problems. These problems thwart the economic development purpose of multilateral assistance and make it more difficult for U.S. companies to compete for valuable large-scale international development projects.

Mr. President, on behalf of the millions of Americans who will benefit from increased opportunities for U.S. businesses to participate in the global economy, and the billions of people in developing nations throughout the world who are desperate for economic assistance, I urge my colleagues to support this legislation and demonstrate their continued commitment to the orderly evolution of the global economy and the efficient use of American economic assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Competition in Foreign Commerce Act".

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) The United States makes substantial contributions and provides significant funding for major international development projects through the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the African Development Fund, and other multilateral lending institutions.

(2) These international development projects are often plagued with fraud, corruption, waste, inefficiency, and misuse of funding.

(3) Fraud, corruption, waste, inefficiency, misuse, and abuse are major impediments to competition in foreign commerce throughout the world.

(4) Identifying these impediments after they occur is inadequate and meaningless.

(5) Detection of impediments before they occur helps to ensure that valuable United States resources contributed to important international development projects are used appropriately.

(6) Independent third-party procurement monitoring is an important tool for detecting and preventing such impediments.

(7) Third-party procurement monitoring includes evaluations of each stage of the procurement process and assures the openness and transparency of the process.

(8) Improving transparency and openness in the procurement process helps to minimize fraud, corruption, waste, inefficiency, and other misuse of funding, and promotes competition, thereby strengthening international trade and foreign commerce.

(b) PURPOSE.—The purpose of this Act is to build on the excellent progress associated with the Organization on Economic Development and Cooperation Agreement on Bribery and Corruption, by requiring the use of independent third-party procurement monitoring as part of the United States participation in multilateral development banks and other lending institutions and in the disbursement of nonhumanitarian foreign assistance funds.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the Committee on Commerce, Science, and Technology of the Senate and the Committee on Commerce of the House of Representatives.

(2) INDEPENDENT THIRD-PARTY PROCUREMENT MONITORING.—The term "independent third-party procurement monitoring" means a program to—

(A) eliminate bias,

(B) promote transparency and open competition, and

(C) minimize fraud, corruption, waste, inefficiency, and other misuse of funds,

in international procurement through independent evaluation of the technical, financial, economic, and legal aspects of the procurement process.

(3) INDEPENDENT.—The term "independent" means that the person monitoring the procurement process does not render any paid services to private industry and is neither owned or controlled by any government or government agency.

(4) EACH STAGE OF PROCUREMENT.—The term "each stage of procurement" means the development and issuance of technical specifications, bidding documents, evaluation reports, contract preparation, and the delivery of goods and services.

(5) MULTILATERAL DEVELOPMENT BANKS AND OTHER LENDING INSTITUTIONS.—The term "multilateral development banks and other lending institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, and the African Development Fund.

SEC. 4. REQUIREMENTS FOR FAIR COMPETITION IN FOREIGN COMMERCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury shall transmit to the President and to appropriate committees of Congress a strategic plan for requiring the use of independent third-party procurement monitoring and other international procurement reforms relating to the United States participation in multilateral development banks and other lending institutions.

(b) STRATEGIC PLAN.—The strategic plan shall include an instruction by the Secretary of the Treasury to the United States Executive Director of each multilateral development bank and lending institution to use the voice and vote of the United States to oppose the use of funds appropriated or made available by the United States for any non-humanitarian assistance, until—

(1) the recipient international financial institution has adopted an anticorruption plan that requires the use of independent third-party procurement monitoring services and ensures openness and transparency in government procurement; and

(2) the recipient country institutes specific strategies for minimizing corruption and maximizing transparency in each stage of the procurement process.

(c) ANNUAL REPORTS.—Not later than June 29th of each year, the Secretary of the Treasury shall report to Congress on the progress in implementing procurement reforms made by each multilateral development bank and lending institution and each country that received assistance from a multilateral development bank or lending institution during the preceding year.

(d) RESTRICTIONS ON ASSISTANCE.—Notwithstanding any other provision of law, no funds appropriated or made available for nonhumanitarian foreign assistance programs, including the activities of the Agency for International Development, may be expended for those programs unless the recipient country, multilateral development bank or lending institution has demonstrated that—

(1) procurement practices are open, transparent, and free of corruption, fraud, inefficiency, and other misuse, and

(2) independent third-party procurement monitoring has been adopted and is being used by the recipient.

SEC. 5. EXCEPTIONS.

(a) NATIONAL SECURITY INTEREST.—Section 4 shall not apply with respect to a country if the President determines with such respect to such country that making funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

(b) OTHER EXCEPTIONS.—Section 4 shall not apply with respect to assistance to—

(1) meet urgent humanitarian needs (including providing food, medicine, disaster, and refugee relief);

(2) facilitate democratic political reform and rule of law activities;

(3) create private sector and nongovernmental organizations that are independent of government control; and

(4) facilitate development of a free market economic system.●

By Mr. DASCHLE:

S. 2619. A bill to amend title 38, United States Code, to improve access of veterans to emergency medical care in non-Department of Veterans Affairs medical facilities; to the Committee on Veterans' Affairs.

THE VETERANS' ACCESS TO EMERGENCY HEALTH CARE ACT OF 1998

Mr. DASCHLE. Mr. President, as we near the end of the 105th Congress, I would again like to voice my frustration about the fact that the United States Senate failed to consider and pass important legislation this year that could have greatly benefited the American people. Unfortunately, the highway leading to adjournment is littered with legislation that should have been considered, passed and enacted long ago, including efforts to prevent teen smoking, modernize our public schools, and increase the minimum wage.

I am particularly disappointed that my colleagues on the other side of the aisle prevented the United States Senate from considering managed care reform legislation. Yesterday, Senate Republicans even prevented us from proceeding to their own HMO reform bill. Time and again, the American people have said they want a comprehensive, enforceable Patients' Bill of Rights. Toward that goal, several of my Democratic colleagues and I introduced the Patients' Bill of Rights Act of 1998. That legislation addressed a growing concern among the American people about the quality of care delivered by health maintenance organizations. Despite enormous public support for HMO reform, Democratic efforts to consider the Patients' Bill of Rights were stymied at every turn.

For months, it has been my intention to offer an amendment to the HMO reform legislation regarding a serious deficiency in veterans' access to emergency health care. I was prepared to do so yesterday. Since the Senate was again precluded from debating managed care reform, however, I would like to call attention to this matter before the 105th Congress adjourns by introducing the Veterans' Access to Emergency Health Care Act of 1998 as a separate bill. I hope my colleagues will support this legislation when I introduce it again in the 106th Congress, when I am confident the United States Senate will finally have the opportunity to consider meaningful HMO reform legislation.

The problem addressed in this bill stems from the fact that veterans who rely on the Department of Veterans Affairs (VA) for health care often do not receive reimbursement for emergency medical care they receive at non-VA facilities. According to the VA, veterans may only be reimbursed by the VA for emergency care at a non-VA facility that was not pre-authorized if all of the following criteria are met:

First, care must have been rendered for a medical emergency of such nature that any delay would have been life-threatening; second, the VA or other federal facilities must not have been feasibly available; and, third, the treatment must have been rendered for a service-connected disability, a condition associated with a service-connected disability, or for any disability of a veteran who has a 100-percent service-connected disability.

Many veterans who receive emergency health care at non-VA facilities are able to meet the first two criteria. Unless they are 100-percent disabled, however, they generally fail to meet the third criterion because they have suffered heart attacks or other medical emergencies that were unrelated to their service-connected disabilities. Considering the enormous costs associated with emergency health care, current law has been financially and emotionally devastating to countless veterans with limited income and no other health insurance. The bottom line is that veterans are forced to pay for emergency care out of their own pockets until they can be stabilized and transferred to VA facilities.

During medical emergencies, veterans often do not have a say about whether they should be taken to a VA or non-VA medical center. Even when they specifically ask to be taken to a VA facility, emergency medical personnel often transport them to a nearby hospital instead because it is the closest facility. In many emergencies, that is the only sound medical decision to make. It is simply unfair to penalize veterans for receiving emergency medical care at non-VA facilities. Veterans were asked to make enormous sacrifices for this county, and we should not turn our backs on them during their time of need.

There should be no misunderstanding. This is a widespread problem that affects countless veterans in South Dakota and throughout the country. I would like to cite just three examples of veterans being denied reimbursement for emergency care at non-VA facilities in western South Dakota.

The first involves Edward Sanders, who is a World War II veteran from Custer, South Dakota. On March 6, 1994, Edward was taken to the hospital in Custer because he was suffering chest pains. He was monitored for several hours before a doctor at the hospital called the VA Medical Center in Hot Springs and indicated that Edward was in need of emergency services. Although Edward asked repeatedly to be taken to a VA facility, he was transported by ambulance to Rapid City Regional Hospital, where he underwent a cardiac catheterization and coronary artery bypass grafting. Because the emergency did not meet the criteria I mentioned previously, the VA did not reimburse Edward for the care he received at Rapid City Regional. His medical bills totaled more than $50,000.

On May 17, 1997, John Lind suffered a heart attack while he was at work. John is a Vietnam veteran exposed to Agent Orange who served his country for 14 years until he was discharged in 1981. John lives in Rapid City, South Dakota, and he points out that he would have asked to be taken to the VA Medical Center in Fort Meade for care, but he was semi-unconscious, and emergency medical personnel transported him to Rapid City Regional. After 4 days in the non-VA facility, John incurred nearly $20,000 in medical bills. Although he filed a claim with the VA for reimbursement, he was turned down because the emergency was not related to his service-connected disability.

Just over one month later, Delmer Paulson, a veteran from Quinn, South Dakota, suffered a heart attack on June 26, 1997. Since he had no other health care insurance, he asked to be taken to the VA Medical Center in Fort Meade. Again, despite his request, the emergency medical personnel transported him to Rapid City Regional. Even though Delmer was there for just over a day before being transferred to Fort Meade, he was charged with almost a $20,000 medical bill. Again, the VA refused to reimburse Delmer for the unauthorized medical care because the emergency did not meet VA criteria.

The Veterans' Access to Emergency Health Care Act of 1998, which I am introducing today, would address this serious problem. It would authorize the VA to reimburse veterans enrolled in the VA health care system for the cost of emergency care or services received in non-VA facilities when there is "a serious threat to the life or health of a veteran." Rep. LANE EVANS has introduced identical legislation in House of Representatives.

Although I am extremely disappointed that the United States Senate did not debate meaningful managed care reform legislation this year, I am hopeful the American people will continue to urge their elected representatives to pass a comprehensive, enforceable Patients' Bill of Rights early next year. I am equally hopeful that any meaningful HMO reform legislation will address this serious deficiency in veterans' access to emergency health care. I look forward to continuing to work with my colleagues on both sides of the aisle to ensure that veterans receive the health care they deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Access to Emergency Care Act of 1998".

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS ENROLLMENT SYSTEM DECLARED TO BE A HEALTH CARE PLAN.

Section 1705 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d) The enrollment system under subsection (a) is a health care plan, and the veterans enrolled in that system are enrollees and participants in a health care plan.".

SEC. 3. EMERGENCY HEALTH CARE IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR ENROLLED VETERANS.

(a) CONTRACT CARE.—Section 1703(a)(3) of title 38, United States Code, is amended by inserting "who is enrolled under section 1705 of this title or who is" after "health of a veteran".

(b) DEFINITION OF MEDICAL SERVICES.—Section 1701(6) of such title is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) emergency care, or reimbursement for such care, as described in sections 1703(a)(3) and 1728(a)(2)(E) of this title.".

(c) REIMBURSEMENT OF EXPENSES FOR EMERGENCY CARE.—Section 1728(a)(2) of such title is amended—

(1) by striking out "or" before "(D)"; and

(2) by inserting before the semicolon at the end the following: ", or (E) for any medical emergency which poses a serious threat to the life or health of a veteran enrolled under section 1705 of this title".

(d) PAYMENT PRIORITY.—Section 1705 of such title, as amended by section 2, is further amended by adding at the end the following new subsection:

"(e) The Secretary shall require in a contract under section 1703(a)(3) of this title, and as a condition of payment under section 1728(a)(2) of this title, that payment by the Secretary for treatment under such contract, or under such section, of a veteran enrolled under this section shall be made only after any payment that may be made with respect to such treatment under part A or part B of the Medicare program and after any payment that may be made with respect to such treatment by a third-party insurance provider.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to care or services provided on or after the date of the enactment of this Act.

By Mr. ROBB:

S. 2620. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that act, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL CLEAN WATER TRUST FUND ACT OF 1998

• Mr. ROBB. Mr. President, today I introduce a bill that will help clean up and restore our nation's waters. This bill, the National Clean Water Trust Fund Act of 1998, creates a trust fund from fines, penalties and other monies collected through enforcement of the Clean Water Act. The money deposited into the National Clean Water Trust Fund would be used to address the pollution problems that initiated those enforcement actions.

Last year, a highly publicized case in Virginia illustrated the need for this legislation. On August 8, 1997, U.S. District Court Judge Rebecca Smith issued a $12.6 million judgement, the largest fine ever levied for violations of the Clean Water Act, against Smithfield Foods, Isle of Wright County, Virginia, for polluting the James River. The Judge wrote in her opinion that the civil penalty imposed on Smithfield should be directed toward the restoration of the Pagan and James Rivers, tributaries of the Chesapeake Bay. Unfortunately, due to current federal budget laws, the court had no discretion over the damages, and the fine was deposited into the Treasury's general fund, defeating the very spirit of the Clean Water Act.

Today, there is no guarantee that fines or other money levied against parties who violate provisions in the Clean Water Act will be used to correct water problems. Instead, some, if not all, of the money is directed into the general fund of the U.S. Treasury with no provision that it be used to improve the quality of our water. While the Environmental Protection Agency's enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, we ignore the fundamental issue of how to pay for clean up and restoration of pollution problems for which the penalties were levied. To ensure the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up our nation's waters.

This legislation will establish a National Clean Water Trust Fund within the U.S. Treasury to earmark fines, penalties, and other funds, including consent decrees, obtained through enforcement of the Clean Water Act that would otherwise be placed into the Treasury's general fund. Within the provisions of the bill, the EPA Administrator would be authorized, with direct consultation from the states, to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from violations of the Clean Water Act. This legislation, however, would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects as part of settlements related to violations of the Clean Water Act and/or other legislation. The bill also provides court discretion over civil penalties from Clean Water Act violations to be used to carry out mitigation and restoration projects. With this legislation, we can avoid another predicament like the one faced in Virginia.

Mr. President, it only makes sense that fines occurring from violations of the Clean Water Act be used to clean up and restore the waters that were damaged. This bill provides a real opportunity to improve the quality of our nation's waters.

I recognize that no action can be taken on this legislation this session. I introduce it today in order to give my colleagues, the Administration and others an opportunity to examine the ideas contained in the legislation. I will introduce this legislation early in the next Congress and hope we can include it in the reauthorization of the Clean Water Act when it is taken up next year.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Clean Water Trust Fund Act of 1998".

SEC. 2. NATIONAL CLEAN WATER TRUST FUND.

Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

"(h) NATIONAL CLEAN WATER TRUST FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury a National Clean Water Trust Fund (referred to in this subsection as the 'Fund') consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

"(2) TRANSFER OF AMOUNTS.—For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Treasury shall transfer to the Fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section and section 505(a)(1), including any amounts obtained under consent decrees and excluding any amounts ordered to be used to carry out mitigation projects under this section or section 505(a).

"(3) INVESTMENT OF AMOUNTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals.

"(B) ADMINISTRATION.—The obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, the obligations shall be credited to the Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

"(4) USE OF AMOUNTS FOR REMEDIAL PROJECTS.—Amounts in the Fund shall be available, as provided in appropriations Acts, to the Administrator to carry out projects to restore and recover waters of the United States from damage resulting from violations of this Act that are subject to enforcement actions under this section and similar damage resulting from the discharge of pollutants into the waters of the United States.

"(5) SELECTION OF PROJECTS.—

"(A) PRIORITY.—In selecting projects to carry out under this subsection, the Administrator shall give priority to a project to promote the recovery of waters of the United States from damage described in paragraph (4), if an enforcement action conducted pursuant to this section or section 505(a)(1) with respect to the violation, or another violation of this Act in the same administrative region of the Environmental Protection Agency as the violation, resulted in amounts being deposited in the general fund of the Treasury.

"(B) CONSULTATION WITH STATES.—In selecting projects to carry out under this section, the Administrator shall consult with States in which the Administrator is considering carrying out a project.

"(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damage described in paragraph (4), the Administrator shall, in the case of a priority project described in subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to the violation pursuant to this section or section 505(a)(1).

"(6) IMPLEMENTATION.—The Administrator may carry out a project under this subsection directly or by making grants to, or entering into contracts with, another Federal agency, a State agency, a political subdivision of a State, or any other public or private entity.

"(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall submit to Congress a report on implementation of this subsection.".

SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.

(a) IN GENERAL.—Section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following: "The court may order that a civil penalty be used for carrying out mitigation, restoration, or other projects that are consistent with the purposes of this Act and that enhance public health or the environment.".

(b) CONFORMING AMENDMENT.—Section 505(a) of the Federal Water Pollution Control Act (33 U.S.C. 1365(a)) is amended in the last sentence by inserting before the period at the end of the following: ", including ordering the use of a civil penalty for carrying out mitigation, restoration, or other projects in accordance with section 309(d)".●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2621. A bill to authorize the acquisition of the Valles Caldera currently managed by the Baca Land and Cattle Company, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture through the private sector, and for purposes; to the Committee on Energy and Natural Resources.

THE VALLES CALDERA PRESERVATION ACT

Mr. DOMENICI. Mr. President, the Valles Caldera in Northern New Mexico is a place you visit for a day, and long to return to for a life time. It is nature at its most extraordinary—an almost perfectly round bowl formed by a collapsed volcano. It is a place with rolling meadows, crystal-clear streams, roaming elk, Ponderosa pines and quaking Aspen trees, and Golden eagles. This legislation guarantees that this very special place will be there for future generations to visit and remember.

I am very proud to be introducing legislation that will authorize the Secretary of the Interior to acquire a truly unique 95,000 acre "working ranch" in New Mexico, known alternatively as the Baca Ranch, the Valle Grande, and the Valles Caldera. Independently, but as importantly, this legislation also addresses longstanding problems encountered by Federal land managers in disposing of surplus federal property and the acquisition of private inholdings within federal management areas.

The former provides a unique solution to the management of a unique property, while the latter builds on existing laws and provides resources dedicated to the consolidation of federal agency land holdings.

In north-central New Mexico there is a truly unique working ranch on an historic Mexican land grant known as Baca Location No. 1. The Ranch is currently owned and managed by the Baca Land and Cattle Company, and it comprises most of a collapsed, extinct volcano known as the Valles Caldera. This ranch also contains innumerable significant cultural, historic, recreational, ecological, and productive resources.

The bill I introduce today is the result of months of negotiation with the Administration, Senator BINGAMAN, and Congressman REDMOND. We have incorporated ideas from groups interested in the acquisition of the truly unique Baca Ranch. Many Americans, especially New Mexicans have expressed a desire for the federal government to purchase the Ranch. After months of research and consideration, I met with President Clinton on Air Force One while we were both returning to Washington from New Mexico to discuss the possibility of this land acquisition. Because the nature of the property requires a unique operational program for appropriate development and preservation, I approached him with an innovative trust structure for the management of the Baca Ranch. This trust would manage the ranch with appropriate public input and governmental oversight. I indicated that I was not interested in having the ranch managed under current federal agency practices. The President expressed enthusiasm for making this concept a reality, and we agreed on a Statement of Principles to govern the acquisition of the Baca Ranch at the end of July.

This unique working ranch has been well maintained and preserved by the current owners. In fact, if ever there was an example of sterling stewardship of a piece of property, this is it.

The legislation introduced today certainly cannot pass this year: unfortunately, time has run out for the 105th Congress, but many concerns and ideas about federal purchase of the property will be discussed at hearings upon reintroduction in the 106th Congress. While there is consenus that this property should be acquired, we do not yet know the cost of the property. The Baca Ranch is estimated to be worth approximately $100 to $125 million, but the appraisal has not yet been given to the Forest Service or made public. Therefore, the exact cost of acquisition has yet to be determined.

This is the largest purchase of public land by the Forest Service in at least 25 years, therefore, it is imperative that careful consideration is given to not only the purchase, but to the management of the property as well.

In past years, federal land management agencies have been criticized for their stewardship of public lands. I find it ironic that many of the groups who wish to bring this ranch into government ownership are the same groups who, in recent years, have initiated relentless litigation against the Forest Service and BLM alleging poor management of federal lands. However, diverse interests have come together to reach agreement on the trust management of the Ranch, and Congressman REDMOND and I have worked hard in both Houses of Congress to obtain funding for purchase. Any funding at this point should be viewed as earnest money, and will be subject to this authorization and agreement on the fair market value for the property.

The parties have really worked hard in framing this legislation, and there are still a few issues we would like to work out. Not the least of which includes the interest expressed by the Santa Clara Pueblo in purchasing land outside the Caldera, but contains the headwaters of the Santa Clara Creek. Negotiations between the Pueblo, the Administration, the current owners of the property, and the congressional delegation on how to resolve this issue was not completed prior to today's introduction. However, all parties are interested in continuing discussion regarding a potential Santa Clara purchase of property adjacent to their pueblo. I also note that Congressman REDMOND has expressed specific interest in addressing other Native American issues regarding the Ranch acquisition.

I have visited the Baca Ranch, and I can tell you that it is one beautiful piece of property. The Valles Caldera is one of the world's largest resurgent lava domes with potential geothermal activity. The depression from a hugh volcanic eruption over a million years ago is more than a half-mile deep and fifteen miles across at its widest point. The land was originally granted to the heirs of Don Luis Maria Cabeza de Vaca under a settlement enacted by Congress in 1860. Since that time, the property has remained virtually intact as a single, large, tract of land.

Historical evidence in the form of old logging camps and other artifacts, and a review of the history of territorial New Mexico clearly show the importance of this land over many generations for the rearing of domesticated livestock, and as a timber supply for local inhabitants. Several film sets have been left standing on the property, representing a significant part of the history of the American film industry and its depiction of the American West.

The careful husbandry of the Ranch by the Dunigan family, the current owners, including selective harvesting of timber, limited grazing and hunting, and the use of proscribed fire, have preserved a mix of healthy range and timber land with significant species diversity providing a model for sustainable land development and use. The Ranch's natural beauty and abundant resources, and its proximity to large municipal populations could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting.

Mr. President, the Baca Location is a unique working ranch. It is not a wilderness area, as in the words of the Wilderness Act, "untrammeled by man, where man is a visitor who does not remain." Man has been there for many generations, and will remain for many to come. Similarly, it is not a resource that could be run well as a national park. This ranch can best be protected for future generations by continuing its operation as a working asset through a unique management structure. This legislation provides unique management under a trust that may allow for its eventual operation to become financially self-sustaining.

Mr. President, recent indication by the current owners of the Baca Location that they wish to sell the ranch has created an opportunity for us to acquire it into public ownership and allow for appropriate public access and enjoyment of these lands for the first time since 1860. Because of the ranch's unique character, however, I am not interested in having it managed under the usual federal authorities, as is typical of the Forest Service, Bureau of Land Management, or the National Park Service. Under the current state of affairs on our public lands, Forest Service and BLM management is constantly hounded by litigation initiated by some of the same groups that wish to bring this ranch into government ownership. I do not want to take this property, put it in that situation, and then claim we have done a great thing.

This legislation represents an opportunity to experiment with a different kind of public land management scheme. Burdensome regulations, and litigation resulting therefrom, have brought Federal land management practices rapidly towards gridlock. The Valles Caldera National Preserve will serve as a model to explore alternative means of federal management and will provide the American people with opportunities to enjoy the Valles Caldera and its many resources for generations to come.

This trust idea, based on similar legislation for federal management of the Presidio in San Francisco, sets in motion a truly unique management scheme befitting this truly unique place. I am willing to take a chance on an innovative approach because I believe that the current quagmire of Federal land management simply does not do justice to this very special place. The unique nature of the Valles Caldera, and its resources, requires a unique management program, dedicated to appropriate development and preservation under the principle of the highest and best use of the ranch in the interest of the public.

Mr. President, title I of this legislation provides the framework necessary to fulfil that objective. It authorizes the acquisition of the Baca ranch by the appropriate Federal agency. At the same time, it establishes a government-owned corporation, called the Valles Caldera Trust, whose sole responsibility is to ensure that the ranch is managed in a manner that will preserve its current unique character, and provide enumerable opportunities for the American people to enjoy its splendor. Most importantly to me, however, the legislation will allow for the ranch's continued operation as a working asset for the people of north-central New Mexico, without further drawing on the thinly-stretched resources of the Federal land management agencies.

I am looking forward to hearings on this legislation next year, and know that the legislative process shall enlighten us further as to the complex nature of the Ranch. I, personally, am greatly looking forward to seeing an value estimate of the land prior to authorization. While valued between $37 and $55 million in 1980, I have heard that the Baca ranch is currently estimated to be worth approximately $100 to $125 million. I do not know how such inflation will affect the likelihood of the location's federal acquisition. I do know that we have waited patiently for many months for a promised appraisal from the current owners, but an appraisal has not yet been complete nor have any other offers to purchase the land been made. Therefore, the exact cost of acquisition has yet to be determined. Before we commit large sums of Federal taxpayer dollars to purchase new property, it seems prudent to provide a solution for the orderly disposal of surplus federal property and to meet our current obligations to those who hold lands within Federal properties.

I would like to emphasize that while both portions of this bill are important to Federal land management, both in New Mexico and nationwide, my intention is not to tie Federal acquisition of the Baca upon disposition of surplus Federal land. Instead, I feel this legislation independently addresses the acquisition of this unique property for public use and enjoyment, while solving current land management problems.

Currently, New Mexico has approximately one-third of its land in public ownership or management. I agree that these public lands are an important natural resource that require our most thoughtful management.

In order to conserve our existing National treasures for future use and enjoyment, we must devise, with the concurrence of other members of Congress and the President, a definite plan and timetable to dispose of surplus land through sale or exchange into private ownership.

Title II of this legislation addresses the orderly disposition of surplus Federal property on a state by state basis. It also addresses the problem of what is known as "inholdings" within federally managed areas. There are currently more than 45 million acres of privately owned lands trapped within the boundaries of Federal land management units, including national parks, national forests, national monuments, national wildlife refuges, and wilderness areas. The location of these tracts, referred to as inholdings, makes the exercise of private property rights difficult for the land owner. In addition, management of the public lands is made more cumbersome for the Federal land managers.

In many cases, inholders have been waiting generations for the Federal government to set aside funding and prioritize the acquisition of their property. With rapidly growing public demand for the use of public lands, it is increasingly difficult for federal managers to address problems created by the existence of inholdings in many areas.

This legislation directs the Department of the Interior and the Department of Agriculture to survey inholdings existing within Federal land management units, and to establish a priority for their acquisition, on a willing seller basis, in the order of those which have existed as inholdings for the longest time to those most recently being incorporated into the Federal unit.

Closely related to the problem created by inholdings within Federal land management units, is the abundance of public domain land which the Bureau of Land Management (BLM) has determined it no longer needs to fulfil its mission. Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM has identified an estimated four to six million acres of public domain lands for disposal, and the agency anticipates that additional public land will be similarly identified, with public input and consultation with State and local governments as required by law.

Mr. President, let me simply clarify that point—the BLM already has authority under an existing law, FLPMA, to exchange or sell lands out of Federal ownership. Through its public process for land use planning, when the agency has determined that certain lands would be more useful to the public under private or local governmental control, it is already authorized to dispose of these lands, either by sale or exchange.

The sale or exchange of this land which I have often referred to as "surplus," would be beneficial to local communities, adjoining land owners, and BLM land mangers, alike. First, it would allow for the reconfiguration of land ownership patterns to better facilitate resource management. Second, it would contribute to administrative efficiency within Federal land management units, by allowing for better allocation of fiscal and human resources within the agency. Finally, in certain locations, the sale of public land which has been identified for disposal is the best way for the public to realize a fair value for this land.

The problem, Mr. President, is that an orderly process for the efficient disposition of lands identified for disposal does not currently exist. This legislation addresses that problem by directing the BLM to fulfil all legal requirements for the transfer of these lands out of Federal ownership, and providing a dedicated source of funding generated from the sale of these lands to continue this process.

Additionally, this legislation authorizes the use of the proceeds generated from these lands to purchase inholdings from willing sellers. This will enhance the ability of the Federal land management agencies to work cooperatively with private land owners, and with State and local governments, to consolidate the ownership of public and private land in a manner that would allow for better overall resource management.

Mr. President, I want to make it clear that this program will in no way detract from other programs with similar purposes. The bill clearly states that proceeds generated from the disposal of public land, and dedicated to the acquisition of inholdings, will supplement, and not replace, funds appropriated for that purpose through the Land and Water Conservation Fund. In addition, the bill states that the Bureau of Land Management should rely on non-Federal entities to conduct appraisals and other research required for the sale or exchange of these lands, allowing for the least disruption of existing land and resource management programs.

Mr. President, this bill has been a long time in the making. For over a year, now, I have been working with and talking to knowledgeable people, both inside and outside of the current administration, to develop many of the ideas embodied in this bill. In recent weeks, my staff and I have worked closely with the administration on this legislation. I feel comfortable in stating that by working together, we have reached agreement in principle on the best way to proceed with these very important issues involving the management of public land resources, namely; the acquisition and unique management plan for the Baca ranch in New Mexico, and just as importantly, the disposition of surplus public lands in combination with a program to address problems associated with inholdings within our Federal land management units.

Mr. President, I have committed to the administration to continue to work with them on three or four areas of this bill, where concerns remain. I have full confidence, however, that we can address these issues through the legislative process in the next Congress. For example, the need for additional roads, parking, visitor facilities, and water and mineral rights are also important issues that must be resolved. However, we are very luck to have the pleasure of a bipartisan, administration approved, legislative concept from which to work.

The Senate Energy and Natural Resources Committee will schedule hearings to address the many issues regarding Federal purchase of the Baca Ranch early in the 106th Congress. Hopefully, by that time, an appraisal will be available for review. Congress has tried to resolve the difficult challenges in acquiring this property before, and failed; cooperation among the parties may bring success this time around. I believe that in the end, we will be able to stand together and tell the American people that we truly have accomplished two great and innovative things with this legislation.

Mr. President, I ask unanimous consent that the text of the bill and Statement of Principles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SECTION 101. SHORT TITLE.

This title may be cited as the "Valles Caldera Preservation Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch, owned and managed by the Baca Land and Cattle Company, comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence in the form of old logging camps, and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the Dunigan family, the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch's natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled "Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico," as directed by Public Law 101–556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scenic and natural values of the Baca ranch, associated rivers and ecosystems, and archaeological and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

In this title:

(1) BACA RANCH.—The term "Baca ranch" means the lands and facilities described in section 104(a).

(2) BOARD OF TRUSTEES.—The terms "Board of Trustees" and "Board" mean the Board of Trustees as described in section 107.

(3) COMMITTEES OF CONGRESS.—The term "Committees of Congress" means the Committee on Energy and Natural Resources of

the United States Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term "financially self-sustaining" means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) PRESERVE.—The term "Preserve" means the Valles Caldera National Preserve established under section 105.

(6) SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of Agriculture.

(7) TRUST.—The term "Trust" means the Valles Caldera Trust established under section 106(a).

SEC. 104. ACQUISITION OF LANDS.

(a) ACQUISITION OF BACA RANCH.—

(1) IN GENERAL.—In accordance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title and interests in and to approximately 94,812 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled "Independent Resurvey of the Baca Location No. 1," made by L.A. Osterhoudt, W.V. Hall and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920—August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) SOURCE OF FUNDS.—The acquisition pursuant to paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary and the Secretary of the Interior from the Land and Water Conservation Fund shall be available for this purpose.

(3) BASIS OF SALE.—The acquisition pursuant to paragraph (1) shall be based on appraisal done in conformity with the *Uniform Appraisal Standards for Federal Land Acquisitions* and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) DEED.—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.—

(1) IN GENERAL.—Upon acquisition of the Baca ranch pursuant to subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over the approximately 845 acres of the land acquired within the Upper Alamo watershed as depicted on the Forest Service map entitled "Proposed Boundary Expansion Map Bandelier National Monument" dated October, 1998.

(2) MANAGEMENT.—Upon assumption of administrative jurisdiction pursuant to paragraph (1), the Secretary of the Interior shall manage the added land as a part of Bandelier National Monument, the boundaries of which are hereby adjusted to encompass such addition. The Secretary of the Interior is authorized to utilize funds appropriated for the National Park Service to acquire on a willing seller basis, the Elk Meadows subdivision within such boundary adjustment.

(c) PLAT AND MAPS.—

(1) PLAT AND MAPS PREVAILS.—In case of any conflict between the plat referred to in subsection (a)(1) and the map referred to in subsection (b)(1) and the acreages provided in such subsections, the plat or map shall prevail.

(2) MINOR CORRECTIONS.—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in subsection (b)(1).

(3) BOUNDARY MODIFICATION.—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) FINAL MAPS.—Within 180 days of the date of acquisition of the Baca ranch pursuant to subsection (a), the Secretary and the Secretary of the Interior shall prepare and submit to the Committees of Congress a final map to the Valles Caldera National Preserve and a final map of Bandelier National Monument, respectively.

(5) PUBLIC AVAILABILITY.—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) WATERSHED MANAGEMENT STUDY.—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) develop a study of management alternatives which may—

(A) provide more coordinated land management within the area known as the Lower Alamo watershed;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include a proposed boundary adjustment between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the study to the Committees of Congress within 120 days of the boundary adjustment pursuant to subsection (b)(2).

(e) OUTSTANDING MINERAL INTERESTS.—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for their appraised fair market value. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b)(1), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) BOUNDARIES OF THE BACA RANCH.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) ESTABLISHMENT.—Upon the date of acquisition of the Baca ranch pursuant to section 104(a) there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interest in land acquired pursuant to subsection 104(a), except those lands and interests in land administered by the Secretary of the Interior pursuant to section 104(b)(1), and shall be managed in accordance with the purposes and requirements of this title.

(b) PURPOSES.—The purposes for which the Preserve is established are to protect and preserve the scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) MANAGEMENT AUTHORITY.—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.—Lands acquired by the United States pursuant to section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–6904).

(e) WITHDRAWALS.—

(1) IN GENERAL.—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch pursuant to section 104(e), subject to valid existing rights, the lands comprising the Preserve shall be withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) MATERIALS FOR ROADS AND FACILITIES.—Nothing in this title shall preclude the Secretary, prior to assumption of management authority by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) FISH AND GAME.—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where, and establish periods when no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

SEC. 106. THE VALLES CALDERA TRUST.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian

tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) Necessary Powers.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) Staff.—

(1) In general.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that paid the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) Federal employees.—

(A) In general.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) Use of forest service employees upon establishment of the trust.—For the two year period from the date of the establishment of the Trust, and upon the request of the Trust, the Secretary may provide, on a nonreimbursable basis, Forest Service personnel and technical expertise as necessary or desirable to assist in the implementation of this title. Thereafter, Forest Service employees may be provided to the Trust as provided in paragraph (C).

(C) Use of other federal employees.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) Government Corporation.—

(1) In general.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) Reports.—The Trust shall submit, but not later than January 15 of each year, to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year. The report shall also include a section that describes the Trust's goals for the current year.

(f) Taxes.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the Counties of Sandoval and Rio Arriba.

(g) Donations.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management authority by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other Department or agency of the United States.

(h) Proceeds.—

(1) In general.—Notwithstanding section 1341 of title 31 of the United States Code, all monies received by the Trust shall be retained by the Trust, and such monies shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to properties under its management jurisdiction.

(2) Fund.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled "Valles Caldera Fund" which shall be available, without further appropriation, to the Trust for any purpose consistent with the purposes of this title. At the option of the Trust, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) Suits.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(j) Bylaws.—The Trust shall adopt necessary bylaws to govern its activities.

(k) Insurance and Bond.—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

SEC. 107. BOARD OF TRUSTEES.

(a) In General.—The Trust shall be governed by a 7 member Board of trustees consisting of the following:

(1) Voting trustees.—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) 7 individuals, appointed by the President, in consultation with the Congressional delegation from the State of New Mexico. The 7 individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in all aspects of domesticated livestock management, production and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and non-game wildlife and fish populations, including hunting, fishing and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and non-commodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budgeting and programing;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) Qualifications.—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

(b) Initial Appointments.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch pursuant to section 104(a).

(c) Terms.—

(1) In general.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, 4 shall serve for a term of 4 years, and 3 shall serve for a term of 2 years.

(2) Vacancies.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) Limitations.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) Quorum.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) Organization and Compensation.—

(1) In general.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) Compensation of trustees.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) Chair.—Trustees shall select a chair from the membership of the Board.

(f) Liability of Trustees.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of Chapter 11 of title 18, United States Code.

(g) Meetings.—

(1) Location and timing of meetings.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided*, That any final decision of the Board to adopt or amend the comprehensive management program pursuant to section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) Public information—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and opportunities for public comment regarding the management of the Preserve.

SEC. 108. RESOURCE MANAGEMENT.

(a) Assumption of Management.—The Trust shall assume all authority provided by the title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) Management Responsibilities.—Upon assumption of management of the Preserve pursuant to subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation on governmental entity, including without limitation, entities of Federal, State and local governments, and consultation with Indian tribes and pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of to any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, or lease or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminate.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations relate to Federal government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall develop a comprehensive program for the management of lands, resources, and facilities within the Preserve. Such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield, as defined under the Multiple-Use Sustained Yield Act of 1960 (16 U.S.C. 531), of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) preparation of an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch pursuant to section 104(a); and

(6) optimizing the generation of income based on existing market conditions, but without unreasonably diminishing the long-term scenic and natural values of the area, or diminishing the multiple use, sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of provide appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, cross country skiing, and snowmobiling. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: *Provided*, That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch pursuant to section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—The Trust shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) ENVIRONMENTAL LAWS.—The Trust shall be deemed a federal agency for the purposes of compliance with federal environmental laws.

(3) CRIMINAL LAWS.—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) REPORTS ON APPLICABLE RULES AND REGULATIONS.—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to make lands available within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) NO ADMINISTRATIVE APPEAL.—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) LAW ENFORCEMENT AND FIRE SUPPRESSION.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. At the request of the Trust, the Secretary may provide fire suppression services: *Provided*, That the Trust shall reimburse the Secretary for salaries and expenses of fire suppression personnel, commensurate with services provided.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) IN GENERAL.—Notwithstanding the assumption by the Trust of management authority, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 5–10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders pursuant to and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U..S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire suppression services pursuant to section 108(h);

(6) at the request of the Trust, exchange or otherwise dispose of land or interests in land within the Preserve;

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found with the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, pursuant to section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) SECRETARIAL AUTHORITY.—the Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(c) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch pursuant to section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch pursuant to section 104(a), the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sufficent, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch pursuant to section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds pursuant to section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch pursuant to section 104(a).

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing federally appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch pursuant to section 104(a).

(c) ANNUAL BUDGET REQUEST.—The Secretary shall provide necessary assistance, including detailees as necessary, to the Trust in the formulation and submission of the annual budget request for the administration, operation, and maintenance of the Preserve.

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

TITLE II—ACQUISITION OF INHOLDINGS AND DISPOSAL OF SURPLUS LAND

SEC. 201. SHORT TITLE.

This title may be cited as the "Acquisition of Inholdings and Disposal of Surplus Lands Facilitation Act".

SEC. 202. FINDINGS.

Congress finds that—

(1) many private individuals own land within the boundaries of Federal land management units and wish to sell this land to the Federal government;

(2) these lands lie within national parks, national forests, national monuments, Bureau of Land Management special areas, and national wildlife refuges;

(3) in many cases, inholders on these lands and the Federal government would mutually benefit by acquiring on a priority basis these lands;

(4) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public lands, making it difficult for federal managers to address problems created by the existence of inholdings in many areas;

(5) through land use planning under the Federal Land Policy and Management Act of 1976 the Bureau of Land Management has identified certain public lands for disposal;

(6) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 to exchange or sell lands identified for disposal under its land use planning;

(7) a more expeditious process for disposition of public lands identified for disposal would benefit the public interest;

(8) the sale or exchange of land identified for disposal would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within the federal land management unit; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the agency;

(9) in certain locations, the sale of public land which has been identified for disposal is the best way for the public to receive a fair market value for the land;

(10) using proceeds generated from the disposal of public land to purchase inholdings from willing sellers would enhance the ability of the Federal land management agencies to work cooperatively with private land owners, and State and local governments and promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings; and

(12) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval in accordance with the applicable appraisal standards.

SEC. 203. DEFINITIONS.

In this title:

(1) FEDERALLY DESIGNATED AREAS.—The term "Federally designated areas" means land in Alaska and the eleven contiguous Western States as defined in section 103(o) of the Federal Land Policy and Management Act (43 U.S.C. 1702(o)) that on the date of enactment of this title was within the boundary of—

(A) a unit of the National Park System;

(B) National Monuments, Areas of Critical Environmental Concern, National Conservation Areas, National Riparian Conservation Areas, Research Natural Areas, Outstanding Natural Areas, and National Natural Landmarks managed by the Bureau of Land Management.

(C) National Recreation Areas, National Scenic Areas, National Monuments, National Volcanic Areas, and other areas within the National Forest System designated for special management by an Act of Congress;

(D) a unit of the National Wildlife Refuge System; and

(E) a wilderness area designated under the Wilderness Act of 1964, as amended (16 U.S.C. 1131 et seq.); an area designated under the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271 et seq.); and an area designated under the National Trails System Act, as amended (16 U.S.C. 1241 et seq.).

(2) INHOLDING.—The term "inholding" means any right, title, or interest, held by a non-Federal entity, in or to a tract of land which lies within the boundary of a Federally designated area; the term "inholding" does not include lands or interests in lands for which clear title has not been established (except where waved by the Federal government), rights-of-way (including railroad rights-of-way), and existing easements; and

(3) PUBLIC LAND.—The term "public land" means public lands as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

SEC. 204. IDENTIFICATION OF INHOLDINGS WITHIN FEDERALLY DESIGNATED AREAS.

(a) MULTI-AGENCY EVALUATION TEAM.—

(1) IN GENERAL.—Jointly, the Secretary of the Interior and the Secretary of Agriculture (the Secretaries) shall establish a multiagency evaluation team composed of agency personnel to conduct a program to identify, by state, inholdings within Federally designated areas and establish the dates upon which the lands or interests therein became inholdings. Inholdings shall be identified using the means set forth under subsection (d). Inholdings shall be deemed established as of the latter of—

(A) the date the Federal land was withdrawn from the public domain, or established or designated for special management, whichever is earlier; or

(B) the date on which the inholding was acquired by the current owner.

(2) PUBLIC NOTICE.—The Secretaries shall provide notice to the public in the Federal Register (and through other such means as the Secretaries may determine to be appropriate) of a program of identification of inholdings within Federally designated areas by which any owner who wants to sell such an inholding to the United States shall provide to the Secretaries such information regarding that inholding as is required by the notice.

(b) COMPOSITION OF THE EVALUATION TEAM.—The team shall be composed of employees of the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Department of Agriculture, Forest Service, and other agencies as appropriate.

(c) TIMING.—The Secretaries shall establish the Evaluation Team within 90 days after the enactment of this title.

(d) DUTIES OF THE EVALUATION TEAM.—The team shall be charged with the identification of inholdings within Federally designated areas, by state, and by the date upon which the lands or interests therein became inholdings. Inholdings will be identified using—

(1) the list of inholdings identified by owners pursuant to subsection (a)(2); and

(2) tracts of land identified through existing agency planning processes.

(e) REPORT.—The Secretaries shall submit a report to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, and the Committee on Resources and the Committee on Appropriations of the House of Representatives on the status of their evaluations within one year after the enactment of this title, and at the end of each 180 days increment thereafter until such time as reasonable efforts to identify inholdings have been made or the program established in section 205 terminates.

(f) FUNDING.—Funding to carry out this section shall be taken from operating funds of the agencies involved and shall be reimbursed from the account established under section 206.

SEC. 205. DISPOSAL OF SURPLUS PUBLIC LAND.

(a) IN GENERAL.—The Secretary of the Interior (in this section, the "Secretary") shall establish a program, utilizing funds available under section 207, to complete appraisals and other legal requirements for the sale or exchange of land identified for disposal under approved land use plans maintained under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and in effect on the date of enactment of this title.

(b) SALE OF PUBLIC LAND.—The sale of public land so identified shall be conducted in accordance with section 203 and section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719). It is the intent of Congress that the exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f) apply under this title, where the Secretary of the Interior determines it necessary and proper.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities related to the program established under this section.

(d) TERMINATION OF PROGRAM.—The program established by this section shall terminate ten years from the date of enactment of this title.

SEC. 206. DISTRIBUTION OF RECEIPTS.

Notwithstanding any other Act, except that specifically providing for a proportion of the proceeds to be distributed to any trust funds of any States, gross proceeds generated by the sale or exchange of public land under this title shall be deposited in a separate account in the Treasury of the United States to be known as the "Federal Land Disposal Account", for use as provided under section 207.

SEC. 207. FEDERAL LAND DISPOSAL ACCOUNT.

(a) IN GENERAL.—Amounts in the Federal Land Disposal Account shall be available to the Secretary of the Interior and the Secretary of Agriculture, without further act of appropriation, to carry out this title.

(b) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—Funds deposited in the Federal Land Disposal Account may be expended as follows—

(1) except as authorized under paragraph (7), proceeds from the disposal of lands under this title shall be used to purchase inholdings contained within Federal designated areas;

(2) acquisition priority shall be given to those lands which have existed as inholdings for the longest period of time, except that the Secretaries may develop criteria for priority of acquisition considering the following additional factors—

(A) limits in size or cost in order to maximize the utilization of funds among eligible inholdings; and

(B) other relevant factors including, but not limited to, the condition of title and the existence of hazardous substances;

(3) acquisition of any inholding under this section shall be on a willing seller basis contingent upon the conveyance of title acceptable to the appropriate Secretary utilizing title standards of the Attorney General;

(4) all proceeds, including interest, from the disposal of lands under section 205 shall be expended within the state in which they were generated until a reasonable effort has been made to acquire all inholdings identified by the evaluation team pursuant to section 204 within that state;

(5) upon the acquisition of all inholdings under paragraph (4), proceeds may be expended in other states, and a priority shall be established in order of those states having the greatest inventory of unacquired inholdings as of the beginning of the fiscal year in which the excess proceeds become available;

(6) the acquisition of inholdings under this section shall be at fair market value;

(7) an amount not to exceed 20 percent of the funds in the Federal Land Disposal Account shall be used for administrative and other expenses necessary to carry out the land disposal program under section 205;

(c) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the account established by section 206 shall not be used to purchase or lands or interests in lands which, as determined by the agency, contain hazardous substances or are otherwise contaminated, or which, because of their location or other characteristics, would be difficult or uneconomic to manage as Federal land.

(d) INVESTMENT OF PRINCIPAL.—Funds deposited as principal in the Federal Land Disposal Account shall earn interest in the amount determined by the Secretary of the Treasury based on the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–4 through 460*l*–6a, 460*l*–7 through 460*l*–10, 460*l*–10a–d, 460*l*–11).

(f) TERMINATION.—On termination of the program under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in such account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460*l*–6).

SEC. 208. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this title shall be construed as an exemption from any existing limitation on the acquisition of lands of interests therein under any Federal law.

(b) SANTINI-BURTON ACT.—The provisions of this title shall not apply to lands eligible for sale pursuant to the Santini-Burton Act (94 Stat. 3381).

(c) EXCHANGES.—Nothing in this title shall be construed as precluding, pre-empting, or limiting the authority to exchange lands under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), or the Federal Land Exchange Facilitation Act of 1988 (site).

(d) RIGHT OR BENEFIT.—This title is intended to provide direction regarding Federal land management. Nothing herein is intended to, or shall create a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

STATEMENT OF PRINCIPLES

I. BACA RANCH

The Baca ranch in New Mexico is a unique land area, with significant scientific, cultural, historic, recreational, ecological, and production values. Management of this working ranch by the current owners has included limited grazing, hunting, and timber harvesting, and it depicts a model for sustainable land development and use. It is our intention to continue to follow this model. The unique nature of the Baca ranch requires a unique program for appropriate preservation, operation and maintenance of the ranch.

Legislation to authorize the Federal acquisition and establish a unique management framework will:

(1) Provide for federal acquisition of the Baca Ranch property by the U.S. Forest Service, assuming agreement with the current owners on a fair price based on an objective appraisal;

(2) Provide for innovative management by a Trust, being a wholly owned government corporation comprised of individuals, (appointed by the President with New Mexican input), with appropriate and varied expertise relevant to the unique management issues. These individuals will administer the operation, maintenance, management, and use of the ranch, based on appropriate public input and with governmental oversight;

(3) Provide management principles including protection of the unique values of the property in all of the areas listed above, and demonstration of sustainable land use including recreational opportunities, selective timbering, limited grazing and hunting, and the use of appropriate range and silvicultural management with significant species diversity. Management shall be in furtherance of these goals and provide for the eventual financial self-sufficiency of the operation without violating other management goals;

(4) Provide an opportunity for the Trust, should it not achieve financial self-sufficiency by its ninth year of operation, to continue operating upon agreement between Congress and the President, after showing rationale for not attaining a financially self-sufficient operation; and

(5) Provide for an initial appropriation in an amount necessary for management of the property.

The parties further agree to work together to make available the $20 million appropriated in the 1998 Land and Water Conservation Fund, the $20 million in FY99 requested by the President for use to purchase the Baca ranch, and additional funds necessary to complete the purchase following an acceptable and reasonable appraisal and agreement on price between buyer and seller.

II. INHOLDER RELIEF AND SURPLUS LAND DISPOSAL

Millions of acres of private land lie within the boundaries of Federal land management units. BLM currently has authority to exchange or sell lands identified for disposal in its planning process. Using proceeds generated from the disposal of these public lands to purchase inholdings in federally designated areas from willing sellers would supplement funds appropriated under the Land and Water Conservation Fund. Legislation to address these interrelated land management problems will—

(1) Establish a program to conduct appraisals and other legal requirements for the disposal of public land identified in existing BLM management plans as surplus;

(2) Establish a special account for the receipts generated from the disposal of these lands, available to the Secretaries to acquire inholdings without further appropriation, provided—

The acquisition will be from willing sellers, with priority given to lands existing as inholdings for the longest time;

Proceeds from the sale of surplus lands must be spent within the state in which they were generated until all available inholdings are purchased;

The proceeds in the special account are to supplement, not supplant, appropriations to the Land and Water Conservation Fund; and

An appropriate amount of the proceeds will be used to conduct appraisal and other administrative steps necessary to complete the sale of surplus lands; and

(3) Terminates the land disposal program and account after ten years.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HATCH, Mr. BREAUX, Mr. D'AMATO, Mr. CONRAD, Mr. MURKOWSKI, Mr. GRAHAM, Mr. JEFFORDS, Ms. MOSELEY-BRAUN, Mr. MACK, Mr. BRYAN, and Mr. KERREY):

S. 2622. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Finance.

THE TAX RELIEF EXTENSION ACT OF 1998

Mr. ROTH. Mr. President, I rise to introduce the "Tax Relief Extension Act of 1998". I am pleased to have as my principal cosponsor my distinguished friend and Ranking Member of the Finance Committee, DANIEL PATRICK MOYNIHAN. Fifteen Finance Committee Members have joined Senator MOYNIHAN and myself on this bill.

Before I discuss the Finance Committee bill, I'd like to comment on the House bill.

Chairman ARCHER and I attempted to negotiate a bill that would address expiring tax and trade provisions.

Chairman ARCHER and I had many discussions and made a lot of progress in trying to resolve differences on extenders, but we were unable to reach agreement. Let me say the House bill has many worthwhile proposals that we in the Senate should support.

Mr. President, we find ourselves in a difficult situation. Although the House bill has many good proposals, it is unlikely the House bill will move by unanimous consent in the Senate in its present form. We will not be able to obtain unanimous consent because the House resisted negotiations on expiring provisions important to Members of the Senate.

I remain hopeful that the House and Senate can reach agreement on an extenders bill. I believe the Finance Committee is taking a step today that can lead us to that agreement.

Mr. President, this bill is the product of a Finance Committee meeting yesterday. At that meeting, a bi-partisan majority of the committee agreed on a package to address expiring tax and trade provisions—the so-called extenders. This bill is meant to be offered as a substitute to H.R. 4738, the House extender bill.

We expect to consider the House bill together with the Finance Committee bill shortly.

This Finance Committee bill follows three principles:

All non-controversial expiring provisions are covered;

No policy changes are made to the extenders—only date changes; and

The package is fully offset.

The purpose of this bill is to leave tax policy on the expiring provisions settled until the next Congress. At that time, hopefully, we will be considering a major tax cut bill. When we are considering that tax cut bill next year, we will be able to address the policy and long-term period of the various provisions.

This bill is necessarily narrow. There are no Member provisions in this bill, including some I am interested in. In order to expedite this bill, the Finance Committee Members on this bill agreed to forego Member issues.

This bill extends several important provisions in the tax and trade areas, including:

The research and development tax credit;

The work opportunity tax credit;

The welfare to work tax credit;

The full deductibility of contributions of appreciated stock to private foundations;

The active financing exception to Subpart F for financial services operations overseas;

The tax information reporting access for the Department of Education for the Federal student aid programs;

The Generalized System of Preferences ("GSP"); and

The trade adjustment assistance ("TAA") program.

In addition to extenders, the Finance Committee bill speeds up the full deductibility of health insurance deduction for self-employed persons. This bill also addresses time sensitive farm-related issues.

The final provision in this bill would correct an upcoming problem for millions of middle income taxpayers. The Taxpayer Relief Act of 1997 included tax relief for America's working families in the form of the $500 per child tax credit and the Hope Scholarship tax credit, and other benefits. Taxpayers will expect to see these benefits when they file their returns on April 15th.

What some of these families will find is that the tax relief they expected will not materialize because of the alternative minimum tax ("AMT"). That is, these tax credits do not count against the alternative minimum tax. The final provision in the Finance Committee bill would provide that benefits such as the $500 per child tax credit would count against the alternative minimum tax.

This point deserves emphasis. We can correct this problem for millions of taxpayers in this bill. As Chairman of the Finance Committee, I consider it my responsibility to simplify the tax code whenever possible. This last provision provides us with that opportunity. I am pleased the Members of the Finance Committee back me in this effort.

Finally, I'd like return to the Senate's procedures, schedule, and the prospects for extender legislation.

It is important to recognize that the House and Senate are very different bodies governed by starkly different rules and traditions. Unlike the House, the Senate Rules and schedule do not allow us to move this bill at this point in any other way than by unanimous consent. If we are to address these tax and trade provisions, we will need the cooperation of every Senator.

If we can get every Senator's cooperation, and resolve our differences with the House, I believe we can deliver an extenders bill the President will sign.

I urge my colleagues to support this Finance Committee bill.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and revenue table of the legislation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Relief Extension Act of 1998".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Tax Provisions

Sec. 101. Research credit.
Sec. 102. Work opportunity credit.
Sec. 103. Welfare-to-work credit.
Sec. 104. Contributions of stock to private foundations.
Sec. 105. Subpart F exemption for active financing income.
Sec. 106. Credit for producing fuel from a nonconventional source.

Sec. 107. Disclosure of return information on income contingent student loans.
Subtitle B—Trade Provisions
Sec. 111. Extension of duty-free treatment under General System of Preferences.
Sec. 112. Trade adjustment assistance.
TITLE II—OTHER TAX PROVISIONS
Sec. 201. 100-percent deduction for health insurance costs of self-employed individuals.
Sec. 202. Production flexibility contract payments.
Sec. 203. Income averaging for farmers made permanent.
Sec. 204. Nonrefundable personal credits fully allowed against regular tax liability during 1998.
TITLE III—REVENUE OFFSET
Sec. 301. Treatment of certain deductible liquidating distributions of regulated investment companies and real estate investment trusts.
TITLE IV—TECHNICAL CORRECTIONS
Sec. 401. Definitions; coordination with other titles.
Sec. 402. Amendments related to Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 403. Amendments related to Taxpayer Relief Act of 1997.
Sec. 404. Amendments related to Tax Reform Act of 1984.
Sec. 405. Other amendments.
Sec. 406. Amendments related to Uruguay Round Agreements Act.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Tax Provisions

SEC. 101. RESEARCH CREDIT.

(a) Temporary Extension.—

(1) In general.—Paragraph (1) of section 41(h) (relating to termination) is amended—

(A) by striking "June 30, 1998" and inserting "June 30, 1999",

(B) by striking "24-month" and inserting "36-month", and

(C) by striking "24 months" and inserting "36 months".

(2) Technical amendment.—Subparagraph (D) of section 45C(b)(1) is amended by striking "June 30, 1998" and inserting "June 30, 1999".

(b) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after June 30, 1998.

SEC. 102. WORK OPPORTUNITY CREDIT.

(a) Temporary Extension.—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking "June 30, 1998" and inserting "June 30, 1999".

(b) Effective Date.—The amendment made by this section shall apply to individuals who begin work for the employer after June 30, 1998.

SEC. 103. WELFARE-TO-WORK CREDIT.

Subsection (f) of section 51A (relating to termination) is amended by striking "April 30, 1999" and inserting "June 30, 1999".

SEC. 104. CONTRIBUTIONS OF STOCK TO PRIVATE FOUNDATIONS.

(a) In General.—Subparagraph (D)(ii) of section 170(e)(5) is amended by striking "June 30, 1998" and inserting "June 30, 1999".

(b) Effective Date.—The amendment made by this section shall apply to contributions made after June 30, 1998.

SEC. 105. SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) In General.—Paragraph (9) of section 954(h) (relating to application) is amended to read as follows:

"(9) Application.—This subsection shall apply to—

"(A)(i) the first full taxable year of a foreign corporation beginning after December 31, 1997, and before January 1, 1999, and the taxable year of such corporation immediately following such taxable year, or

"(ii) if a foreign corporation has no such first full taxable year, the first taxable year of such corporation beginning after December 31, 1998, and before January 1, 2000, and

"(B) taxable years of United States shareholders of a foreign corporation with or within which the corporation's taxable years described in subparagraph (A) end."

(b) Conforming Amendment.—Section 1175(c) of the Taxpayer Relief Act of 1997 is repealed.

SEC. 106. CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) In General.—Section 29(g)(1)(A) is amended by striking "July 1, 1998" and inserting "July 1, 1999".

(b) Effective Date.—The amendment made by this section shall apply to facilities placed in service after June 30, 1998.

SEC. 107. DISCLOSURE OF RETURN INFORMATION ON INCOME CONTINGENT STUDENT LOANS.

Subparagraph (D) of section 6103(l)(13) (relating to disclosure of return information to carry out income contingent repayment of student loans) is amended by striking "September 30, 1998" and inserting "September 30, 2004".

Subtitle B—Extension of Expired Trade Provisions

SEC. 111. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERAL SYSTEM OF PREFERENCES.

(a) In General.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "June 30, 1998" and inserting "December 31, 1999".

(b) Effective Date.—

(1) In general.—The amendments made by this section apply to articles entered on or after October 1, 1998.

(2) Retroactive application for certain liquidations and reliquidations.—

(A) General rule.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (3), any article that was entered—

(i) after June 30, 1998, and

(ii) before October 1, 1998, and

to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on June 30, 1998, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) Limitations on refunds.—No refund shall be made pursuant to this paragraph before October 1, 1998.

(C) Entry.—As used in this paragraph, the term "entry" includes a withdrawal from warehouse for consumption.

(3) Requests.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 112. TRADE ADJUSTMENT ASSISTANCE.

(a) Authorization of Appropriations.—

(1) In general.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(A) in subsection (a), by striking "1993, 1994, 1995, 1996, 1997, and 1998," and inserting "1998 and 1999,"; and

(B) in subsection (b), by striking "1994, 1995, 1996, 1997, and 1998," and inserting "1998 and 1999,".

(2) Assistance for firms.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "1993, 1994, 1995, 1996, 1997, and" and inserting ", and 1999," after "1998".

(b) Termination.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended—

(1) in paragraph (1), by striking "September 30, 1998" and inserting "June 30, 1999"; and

(2) in paragraph (2)(A), by striking "the day that is" and all that follows through "effective" and inserting "June 30, 1999".

TITLE II—OTHER TAX PROVISIONS

SEC. 201. 100-PERCENT DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) In General.—Subparagraph (B) of section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(B) Applicable percentage.—For purposes of subparagraph (A), the applicable percentage shall be—

"(i) 45 percent for taxable years beginning in 1999 and 2000,

"(ii) 70 percent for taxable years beginning in 2001, and

"(iii) 100 percent for taxable years beginning after December 31, 2001."

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 202. PRODUCTION FLEXIBILITY CONTRACT PAYMENTS.

(a) In General.—The options under paragraphs (2) and (3) of section 112(d) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7212(d) (2) and (3)), as in effect on the date of the enactment of this Act, shall be disregarded in determining the taxable year for which any payment under a production flexibility contract under subtitle B of title I of such Act (as so in effect) is properly includible in gross income for purposes of the Internal Revenue Code of 1986.

(b) Effective Date.—Subsection (a) shall apply to taxable years ending after December 31, 1995.

SEC. 203. INCOME AVERAGING FOR FARMERS MADE PERMANENT.

Subsection (c) of section 933 of the Taxpayer Relief Act of 1997 is amended by striking ", and before January 1, 2001".

SEC. 204. NONREFUNDABLE PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY DURING 1998.

(a) In General.—Subsection (a) of section 26 is amended by adding at the end the following flush sentence:

"For purposes of paragraph (2), the taxpayer's tentative minimum tax for any taxable year beginning during 1998 shall be treated as being zero."

(b) Conforming Amendment.—Section 24(d)(2) is amended by striking "The credit" and "For taxable years beginning after December 31, 1998, the credit".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

TITLE III—REVENUE OFFSET

SEC. 301. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Section 332 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

"(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution."

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) is amended by striking "subsection (a)" and inserting "this section".

(2) Paragraph (1) of section 334(b) is amended by striking "section 332(a)" and inserting "section 332".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after May 21, 1998.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. DEFINITIONS; COORDINATION WITH OTHER TITLES.

(a) DEFINITIONS.—For purposes of this title—

(1) 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) 1998 ACT.—The term "1998 Act" means the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206).

(3) 1997 ACT.—The term "1997 Act" means the Taxpayer Relief Act of 1997 (Public Law 105–34).

(b) COORDINATION WITH OTHER TITLES.—For purposes of applying the amendments made by any title of this Act other than this title, the provisions of this title shall be treated as having been enacted immediately before the provisions of such other titles.

SEC. 402. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 1101 OF 1998 ACT.—Paragraph (5) of section 6103(h) of the 1986 Code, as added by section 1101(b) of the 1998 Act, is redesignated as paragraph (6).

(b) AMENDMENT RELATED TO SECTION 3001 OF 1998 ACT.—Paragraph (2) of section 7491(a) of the 1986 Code is amended by adding at the end the following flush sentence:

"Subparagraph (C) shall not apply to any qualified revocable trust (as defined in section 645(b)(1)) with respect to liability for tax for any taxable year ending after the date of the decedent's death and before the applicable date (as defined in section 645(b)(2)).".

(c) AMENDMENTS RELATED TO SECTION 3201 OF 1998 ACT.—

(1) Section 7421(a) of the 1986 Code is amended by striking "6015(d)" and inserting "6015(e)".

(2) Subparagraph (A) of section 6015(e)(3) is amended by striking "of this section" and inserting "of subsection (b) or (f)".

(d) AMENDMENT RELATED TO SECTION 3301 OF 1998 ACT.—Paragraph (2) of section 3301(c) of the 1998 Act is amended by striking "The amendments" and inserting "Subject to any applicable statute of limitation not having expired with regard to either a tax underpayment or a tax overpayment, the amendments".

(e) AMENDMENT RELATED TO SECTION 3401 OF 1998 ACT.—Section 3401(c) of the 1998 Act is amended—

(1) in paragraph (1), by striking "7443(b)" and inserting "7443A(b)"; and

(2) in paragraph (2), by striking "7443(c)" and inserting "7443A(c)".

(f) AMENDMENT RELATED TO SECTION 3433 OF 1998 ACT.—Section 7421(a) of the 1986 Code is amended by inserting "6331(i)," after "6246(b),".

(g) AMENDMENT RELATED TO SECTION 3467 OF 1998 ACT.—The subsection (d) of section 6159 of the 1986 Code relating to cross reference is redesignated as subsection (e).

(h) AMENDMENT RELATED TO SECTION 3708 OF 1998 ACT.—Subparagraph (A) of section 6103(p)(3) of the 1986 Code is amended by inserting "(f)(5)," after "(c), (e),".

(i) AMENDMENTS RELATED TO SECTION 5001 OF 1998 ACT.—

(1) Subparagraph (B) of section 1(h)(13) of the 1986 Code is amended by striking "paragraph (7)(A)" and inserting "paragraph (7)(A)(i)".

(2)(A) Subparagraphs (A)(i)(II), (A)(ii)(II), and (B)(ii) of section 1(h)(13) of the 1986 Code shall not apply to any distribution after December 31, 1997, by a regulated investment company or a real estate investment trust with respect to—

(i) gains and losses recognized directly by such company or trust, and

(ii) amounts properly taken into account by such company or trust by reason of holding (directly or indirectly) an interest in another such company or trust to the extent that such subparagraphs did not apply to such other company or trust with respect to such amounts.

(B) Subparagraph (A) shall not apply to any distribution which is treated under section 852(b)(7) or 857(b)(8) of the 1986 Code as received on December 31, 1997.

(C) For purposes of subparagraph (A), any amount which is includible in gross income of its shareholders under section 852(b)(3)(D) or 857(b)(3)(D) of the 1986 Code after December 31, 1997, shall be treated as distributed after such date.

(D)(i) For purposes of subparagraph (A), in the case of a qualified partnership with respect to which a regulated investment company meets the holding requirement of clause (iii)—

(I) the subparagraphs referred to in subparagraph (A) shall not apply to gains and losses recognized directly by such partnership for purposes of determining such company's distributive share of such gains and losses, and

(II) such company's distributive share of such gains and losses (as so determined) shall be treated as recognized directly by such company.

The preceding sentence shall apply only if the qualified partnership provides the company with written documentation of such distributive share as so determined.

(ii) For purposes of clause (i), the term "qualified partnership" means, with respect to a regulated investment company, any partnership if—

(I) the partnership is an investment company registered under the Investment Company Act of 1940,

(II) the regulated investment company is permitted to invest in such partnership by reason of section 12(d)(1)(E) of such Act or an exemptive order of the Securities and Exchange Commission under such section, and

(III) the regulated investment company and the partnership have the same taxable year.

(iii) A regulated investment company meets the holding requirement of this clause with respect to a qualified partnership if (as of January 1, 1998)—

(I) the value of the interests of the regulated investment company in such partnership is 35 percent or more of the value of such company's total assets, or

(II) the value of the interests of the regulated investment company in such partnership and all other qualified partnerships is 90 percent or more of the value of such company's total assets.

(3) Paragraph (13) of section 1(h) of the 1986 Code is amended by adding at the end the following new subparagraph:

"(D) CHARITABLE REMAINDER TRUSTS.—Subparagraphs (A) and (B)(ii) shall not apply to any capital gain distribution made by a trust described in section 664."

(j) AMENDMENT RELATED TO SECTION 7004 OF 1998 ACT.—Clause (i) of section 408A(c)(3)(C) of the 1986 Code, as amended by section 7004 of the 1998 Act, is amended by striking the period at the end of subclause (II) and inserting ", and".

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 1998 Act to which they relate.

SEC. 403. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 202 OF 1997 ACT.—

(1) Paragraph (2) of section 163(h) of the 1986 Code is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following new subparagraph:

"(F) any interest allowable as a deduction under section 221 (relating to interest on educational loans)."

(2)(A) Subparagraph (C) of section 221(b)(2) of the 1986 Code is amended—

(i) by striking "135, 137," in clause (i),

(ii) by inserting "135, 137," after "sections 86," in clause (ii), and

(iii) by striking the last sentence.

(B) Sections 86(b)(2)(A), 135(c)(4)(A), and 219(g)(3)(A)(ii) of the 1986 Code are each amended by inserting "221," after "137,".

(C) Subparagraph (A) of section 137(b)(3) of the 1986 Code is amended by inserting "221," before "911,".

(D) Clause (iii) of section 469(i)(3)(E) of the 1986 Code is amended to read as follows:

"(iii) the amounts allowable as a deduction under sections 219 and 221, and".

(3) The last sentence of section 221(e)(1) of the 1986 Code is amended by inserting before the period "or to any person by reason of a loan under any qualified employer plan (as defined in section 72(p)(4)) or under any contract referred to in section 72(p)(5)".

(b) PROVISION RELATED TO SECTION 311 OF 1997 ACT.—In the case of any capital gain distribution made after 1997 by a trust to which section 664 of the 1986 Code applies with respect to amounts properly taken into account by such trust during 1997, paragraphs (5)(A)(i)(I), (5)(A)(ii)(I), and (13)(A) of section 1(h) of the 1986 Code (as in effect for taxable years ending on December 31, 1997) shall not apply.

(c) AMENDMENT RELATED TO SECTION 506 OF 1997 ACT.—Section 2001(f)(2) of the 1986 Code is amended by adding at the end the following:

"For purposes of subparagraph (A), the value of an item shall be treated as shown on a return if the item is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary of the nature of such item.".

(d) Amendments Related to Section 904 of 1997 Act.—

(1) Paragraph (1) of section 9510(c) of the 1986 Code is amended to read as follows:

"(1) In general.—Amounts in the Vaccine Injury Compensation Trust Fund shall be available, as provided in appropriation Acts, only for—

"(A) the payment of compensation under subtitle 2 of title XXI of the Public Health Service Act (as in effect on August 5, 1997) for vaccine-related injury or death with respect to any vaccine—

"(i) which is administered after September 30, 1988, and

"(ii) which is a taxable vaccine (as defined in section 4132(a)(1)) at the time compensation is paid under such subtitle 2, or

"(B) the payment of all expenses of administration (but not in excess of $9,500,000 for any fiscal year) incurred by the Federal Government in administering such subtitle.".

(2) Section 9510(b) of the 1986 Code is amended by adding at the end the following new paragraph:

"(3) Limitation on transfers to vaccine injury compensation trust fund.—No amount may be appropriated to the Vaccine Injury Compensation Trust Fund on and after the date of any expenditure from the Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.".

(e) Amendments Related to Section 915 of 1997 Act.—

(1) Section 915 of the 1997 Act is amended—

(A) in subsection (b), by inserting "or 1998" after "1997", and

(B) by amending subsection (d) to read as follows:

"(d) Effective Date.—This section shall apply to taxable years ending with or within calendar year 1997.".

(2) Paragraph (2) of section 6404(h) of the 1986 Code is amended by inserting "Robert T. Stafford" before "Disaster".

(f) Amendments Related to Section 1012 of 1997 Act.—

(1) Paragraph (2) of section 351(c) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting ", or the fact that the corporation whose stock was distributed issues additional stock," after "dispose of part or all of the distributed stock".

(2) Clause (ii) of section 368(a)(2)(H) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting ", or the fact that the corporation whose stock was distributed issues additional stock," after "dispose of part or all of the distributed stock".

(g) Provision Related to Section 1042 of 1997 Act.—Rules similar to the rules of section 1.1502-75(d)(5) of the Treasury Regulations shall apply with respect to any organization described in section 1042(b) of the 1997 Act.

(h) Amendment Related to Section 1082 of 1997 Act.—Subparagraph (F) of section 172(b)(1) of the 1986 Code is amended by adding at the end the following new clause:

"(iv) Coordination with paragraph (2).—For purposes of applying paragraph (2), an eligible loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated."

(i) Amendment Related to Section 1084 of 1997 Act.—Paragraph (3) of section 264(f) of the 1986 Code is amended by adding at the end the following flush sentence:

"If the amount described in subparagraph (A) with respect to any policy or contract does not reasonably approximate its actual value, the amount taken into account under subparagraph (A) shall be the greater of the amount of the insurance company liability or the insurance company reserve with respect to such policy or contract (as determined for purposes of the annual statement approved by the National Association of Insurance Commissioners) or shall be such other amount as is determined by the Secretary."

(j) Amendment Related to Section 1175 of 1997 Act.—Subparagraph (C) of section 954(e)(2) of the 1986 Code is amended by striking "subsection (h)(8)" and inserting "subsection (h)(9)".

(k) Amendment Related to Section 1205 of 1997 Act.—Paragraph (2) of section 6311(d) of the 1986 Code is amended by striking "under such contracts" in the last sentence and inserting "under any such contract for the use of credit, debit, or charge cards for the payment of taxes imposed by subtitle A".

(l) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the 1997 Act to which they relate.

SEC. 404. AMENDMENTS RELATED TO TAX REFORM ACT OF 1984.

(a) In General.—Subparagraph (C) of section 172(d)(4) of the 1986 Code is amended to read as follows:

"(C) any deduction for casualty or theft losses allowable under paragraph (2) or (3) of section 165(c) shall be treated as attributable to the trade or business; and".

(b) Conforming Amendments.—

(1) Paragraph (3) of section 67(b) of the 1986 Code is amended by striking "for losses described in subsection (c)(3) or (d) of section 165" and inserting "for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)".

(2) Paragraph (3) of section 68(c) of the 1986 Code is amended by striking "for losses described in subsection (c)(3) or (d) of section 165" and inserting "for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)".

(3) Paragraph (1) of section 873(b) is amended to read as follows:

"(1) Losses.—The deduction allowed by section 165 for casualty or theft losses described in paragraph (2) or (3) of section 165(c), but only if the loss is of property located within the United States."

(c) Effective Dates.—

(1) The amendments made by subsections (a) and (b)(3) shall apply to taxable years beginning after December 31, 1983.

(2) The amendment made by subsection (b)(1) shall apply to taxable years beginning after December 31, 1986.

(3) The amendment made by subsection (b)(2) shall apply to taxable years beginning after December 31, 1990.

SEC. 405. OTHER AMENDMENTS.

(a) Amendments Related to Section 6103 of 1986 Code.—

(1) Subsection (j) of section 6103 of the 1986 Code is amended by adding at the end the following new paragraph:

"(5) Department of agriculture.—Upon request in writing by the Secretary of Agriculture, the Secretary shall furnish such returns, or return information reflected thereon, as the Secretary may prescribe by regulation to officers and employees of the Department of Agriculture whose official duties require access to such returns or information for the purpose of, but only to the extent necessary in, structuring, preparing, and conducting the census of agriculture pursuant to the Census of Agriculture Act of 1997 (Public Law 105–113).".

(2) Paragraph (4) of section 6103(p) of the 1986 Code is amended by striking "(j)(1) or (2)" in the material preceding subparagraph (A) and in subparagraph (F) and inserting "(j)(1), (2), or (5)".

(3) The amendments made by this subsection shall apply to requests made on or after the date of the enactment of this Act.

(b) Amendment Related to Section 9004 of Transportation Equity Act for the 21st Century.—

(1) Paragraph (2) of section 9503(f) of the 1986 Code is amended to read as follows:

"(2) notwithstanding section 9602(b), obligations held by such Fund after September 30, 1998, shall be obligations of the United States which are not interest-bearing."

(2) The amendment made by paragraph (1) shall take effect on October 1, 1998.

(c) Amendment Related to Treasury and General Government Appropriations Act, 1999.—

(1) The Treasury and General Government Appropriations Act, 1999 is amended by striking section 804 (relating to technical and clarifying amendments relating to judicial retirement program).

(2) The amendment made by paragraph (1) shall take effect as if such section 804 had never been enacted.

(d) Clerical Amendments.—

(1) Clause (i) of section 51(d)(6)(B) of the 1986 Code is amended by striking "rehabilitation plan" and inserting "plan for employment". The reference to "plan for employment" in such clause shall be treated as including a reference to the rehabilitation plan referred to in such clause as in effect before the amendment made by the preceding sentence.

(2) Paragraph (3) of section 56(a) of the 1986 Code is amended by striking "section 460(b)(2)" and inserting "section 460(b)(1)" and by striking "section 460(b)(4)" and inserting "section 460(b)(3)".

(3) Paragraph (10) of section 2031(c) of the 1986 Code is amended by striking "section 2033A(e)(3)" and inserting "section 2057(e)(3)".

(4) Subparagraphs (C) and (D) of section 6693(a)(2) of the 1986 Code are each amended by striking "Section" and inserting "section".

SEC. 406. AMENDMENTS RELATED TO URUGUAY ROUND AGREEMENTS ACT.

(a) Inapplicability of Assignment Prohibition.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

"(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit or such person's representative payee.".

(b) Proper Allocation of Costs of Withholding Between the Trust Funds and the General Fund.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(2) by inserting before the period at the end of paragraph (1)(A) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(3) in paragraph (1)(B)(i)(I), by striking "subparagraph (A))," and inserting "subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee,";

(4) in paragraph (1)(C)(iii), by inserting before the period the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(5) in paragraph (1)(D), by inserting after "section 232" the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)"; and

(6) in paragraph (4), by inserting after the first sentence the following: "The Board of Trustees of such Trust Funds shall prescribe the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to benefits paid on or after the first day of the second month beginning after the month in which this Act is enacted.

DESCRIPTION OF PROVISIONS IN S. 2622, THE TAX RELIEF EXTENSION ACT OF 1998

(Prepared by the Staff of the Joint Committee on Taxation)

INTRODUCTION

S. 2622, the Tax (Relief) Extension Act of 1998 ("the Tax Extension Act"), was introduced by Senator WILLIAM V. ROTH, JR., Senator DANIEL PATRICK MOYNIHAN, and others on October 10, 1998.

This document,[1] prepared by the staff of the Joint Committee on Taxation, describes the proposals contained in the Tax Extension Act. Part I of this document contains the expiring provision proposals, Part II contains other proposals, Part III contains a revenue offset proposal, and Part IV contains tax technical corrections.

TITLE I. EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Tax Provisions

A. EXTENSION OF RESEARCH TAX CREDIT (SEC. 101 OF THE BILL AND SEC. 41 OF THE CODE)

Present Law

General rule

Section 41 provides for a research tax credit equal to 20 percent of the amount by which a taxpayer's qualified research expenditures for a taxable year exceeded its base amount for that year. The research tax credit expired and generally does not apply to amounts paid or incurred after June 30, 1998.

A 20-percent research tax credit also applied to the excess of (1) 100 percent of corporate cash expenditures (including grants or contributions) paid for basic research conducted by universities (and certain nonprofit scientific research organizations) over (2) the sum of (a) the greater of two minimum basic research floors plus (b) an amount reflecting any decrease in nonresearch giving to universities by the corporation as compared to such giving during a fixed-base period, as adjusted for inflation. This separate credit computations is commonly referred to as the "university basic research credit" (see sec. 41(e)).

Computation of allowable credit

Except for certain university basic research payments made by corporations, the research tax credit applies only to the extent that the taxpayer's qualifed research expenditures for current taxable year exceed its base amount. The base amount for the current year generally is computed by multiplying the taxpayer's "fixed-base percentage" by the average amount of the taxpayer's gross receipts for the four preceding years. If a taxpayer both incurred qualified research expenditures and had gross receipts during each of at least three years from 1984 through 1988, then its "fixed-base percentage" is the ratio that its total qualified research expenditures for the 1984–1988 period bears to its total gross receipts for that period (subject to a maximum ratio of .16). All other taxpayers (so-called "start-up firms") are assigned a fixed-base percentage of 3 percent.[2]

In computing the credit, a taxpayer's base amount may not be less than 50 percent of its current-year qualified research expenditures.

Alternative incremental research credit regime

Taxpayers are allowed to elect an alternative incremental research credit regime. If a taxpayer elects to be subject to this alternative regime, the taxpayer is assigned a three-tiered fixed-base percentage (that is lower than the fixed-base percentage otherwise applicable under present law) and the credit rate likewise is reduced. Under the alternative credit regime, a credit rate of 1.65 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1 percent (i.e, the base amount equals 1 percent of the taxpayer's average gross receipts for the four preceding years) but do not exceed a base amount computed by using a fixed-base percentage of 1.5 percent. A credit rate of 2.2 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 1.5 percent but do not exceed a base amount computed by using a fixed-base percentage of 2 percent. A credit rate of 2.75 percent applies to the extent that a taxpayer's current-year research expenses exceed a base amount computed by using a fixed-base percentage of 2 percent. An election to be subject to this alternative incremental credit regime may be made for any taxable year beginning after June 30, 1996, and such an election applies to that taxable year and all subsequent years (in the event that the credit subsequently is extended by Congress) unless revoked with the consent of the Secretary of the Treasury.

Eligible expenditures

Qualified research expenditures eligible for the research tax credit consist of: (1) "in-house" expenses of the taxpayer for wages and supplies attributable to qualified research; (2) certain time-sharing costs for computer use in qualified research; and (3) 65 percent of amounts paid by the taxpayer for qualified conducted on the taxpayer's behalf (so-called "contract research expenses").[3]

To be eligible for the credit, the research must not only satisfy the requirements of present-law section 174 but must be undertaken for the purpose of discovering information that is technological in nature, the application of which is intended to be useful in the development of a new or improved business component of the taxpayer, and must involve a process of experimentation related to functional aspects, performance, reliability, or quality of a business component.

Expenditures attributable to research that is conducted outside the United States do not enter into the credit computation. In addition, the credit is not available for research in the social sciences, arts, or humanities, nor is it available for research to the extent funded by any grant, contract, or otherwise by another person (or governmental entity).

Relation to deduction

Deductions allowed to a taxpayer under section 174 (or any other section) are reduced by an amount equal to 100 percent of the taxpayer's research tax credit determined for the taxable year. Taxpayers may alternatively elect to claim a reduced research tax credit amount under section 41 in lieu of reducing deductions otherwise allowed (sec. 280C(c)(3)).

Description of Proposal

The bill extends the research tax credit for 12 months—i.e., generally, for the period July 1, 1998, through June 30, 1999.

In extending the credit, the scope of the term "qualified research" is reaffirmed. Section 41 targets the credit to research which is undertaken for the purpose of discovering information which is technological in nature and the application of which is intended to be useful in the development of a new or improved business component of the taxpayer. However, eligibility for the credit does not require that the research be successful—i.e., the research need not achieve its desired result. Moreover, evolutionary research activities intended to improve functionality, performance, reliability, or quality are eligible for the credit, as are research activities intended to achieve a result that has already been achieved by other persons but is not yet within the common knowledge (e.g., freely available to the general public) of the field (provided that the research otherwise meets the requirements of section 41, including not being excluded by subsection (d)(4)).

Activities constitute a process of experimentation, as required for credit eligibility, if they involve evaluation of more than one alternative to achieve a result where the means of achieving the result are uncertain at the outset, even if the taxpayer knows at the outset that it may be technically possible to achieve the result. Thus, even though a researcher may know of a particular method of achieving an outcome, the use of the process of experimentation to effect a new or better method of achieving that outcome may be eligible for the credit (provided that the research otherwise meets the requirements of section 41, including not being excluded by subsection (d)(4)).

Lastly, the lack of clarity in the interpretation of the distinction between internal-use software, the costs of which may be eligible for the credit if additional tests are met, and other software has been observed. The application of the definition of internal-use software should fully reflect Congressional intent.

---

[1] Footnotes at end of article.

Effective Date

The extension of the research credit is effective for qualified research expenditures paid or incurred during the period July 1, 1998, through June 30, 1999.

B. EXTENSION OF THE WORK OPPORTUNITY TAX CREDIT (SEC. 102 OF THE BILL AND SEC. 51 OF THE CODE)

Present Law

In general

The work opportunity tax credit ("WOTC"), which expired on June 30, 1998, was available on an elective basis for employers hiring individuals from one or more of eight targeted groups. The credit equals 40 percent (25 percent for employment of 400 hours or less) of qualified wages. Qualified wages are wages attributable to service rendered by a member of a targeted group during the one-year period beginning with the day the individual began work for the employer. For a vocational rehabilitation referral, however, the period begins on the day the individual began work for the employer on or after the beginning of the individual's vocational rehabilitation plan.

The maximum credit per employee if $2,400 (40% of the first $6,000 of qualified first-year wages). With respect to qualified summer youth employees, the maximum credit is $1,200 (40% of the first $3,000 of qualified first-year wages).

The employer's deduction for wages is reduced by the amount of the credit

Targeted groups eligible for the credit

The eight targeted groups are: (1) families eligible to receive benefits under the Temporary Assistance for Needy Families (TANF) Program; (2) high-risk youth; (3) qualified ex-felons; (4) vocational rehabilitation referrals; (5) qualified summer youth employees; (6) qualified veterans; (7) families receiving food stamps; and (8) persons receiving certain Supplemental Security Income (SSI) benefits.

Minimum employment period

No credit is allowed for wages paid to employees who work less than 120 hours in the first year of employment.

Expiration date

The credit is effective for wages paid or incurred to a qualified individual who began work for an employer before July 1, 1998.

Description of Proposal

The proposal extends the work opportunity tax credit, for 12 months, through June 30, 1999.

Effective Date

The proposal is effective for wages paid or incurred to a qualified individual who begins work for any employer on or after July 1, 1998, and before July 1, 1999.

C. EXTENSION OF THE WELFARE-TO-WORK TAX CREDIT (SEC. 103 OF THE BILL AND SEC. 51A OF THE CODE)

Present Law

The Code provides to employers a tax credit on the first $20,000 of eligible wages paid to qualified long-term family assistance (AFDC) or its successor program) recipients during the first two years of employment. The credit is 35 percent of the first $10,000 of eligible wages in the first year of employment and 50 percent of the first $10,000 of eligible wages in the second year of employment. The maximum credit is $8,500 per qualified employee.

Qualified long-term family assistance recipients are: (1) members of a family that has received family assistance for at least 18 consecutive months ending on the hiring date; (2) members of a family that has received family assistance for a total of at least 18 months (whether or not consecutive) after the date of enactment of this credit if they are hired within 2 years after the date that the 18-month total is reached; and (3) members of a family who are no longer eligible for family assistance because of either Federal or State time limits, if they are hired within 2 years after the Federal or State time limits made the family ineligible for family assistance.

Eligible wages include cash wages paid to an employee plus amounts paid by the employer for the following: (1) educational assistance excludable under a section 127 program (or that would be excludable but for the expiration of sec. 127); (2) health plan coverage for the employee, but not more than the applicable premium defined under section 4980B(f)(4); and (3) dependent care assistance excludable under section 129.

The welfare to work credit is effective for wages paid or incurred to a qualified individual who begins work for an employer on or after January 1, 1998, and before May 1, 1999.

Description of Proposal

The proposal extends the welfare-to-work credit effective for wages paid or incurred to a qualified individual who begins work for an employer on or after May 1, 1999, and before July 1, 1999.

Effective Date

The proposal is effective for wages paid or incurred to a qualified individual who begins work for an employer on or after May 1, 1999, and before July 1, 1999.

D. EXTEND THE DEDUCTION PROVIDED FOR CONTRIBUTIONS OF APPRECIATED STOCK TO PRIVATE FOUNDATIONS (SEC. 104 OF THE BILL AND SEC. 170(E)(5) OF THE CODE)

Present Law

In computing taxable income, a taxpayer who itemizes deductions generally is allowed to deduct the fair market value of property contributed to a charitable organization.[4] However, in the case of a charitable contribution of short-term gain, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's basis in the property. In the case of a charitable contribution of tangible personal property, the deduction is limited to the taxpayer's basis in such property if the use by the recipient charitable organization is unrelated to the organization's tax-exempt purpose.

In cases involving contributions to a private foundation (other than certain private operating foundations), the amount of the deduction is limited to the taxpayer's basis in the property. However, under a special rule contained in section 170(e)(5), taxpayers are allowed a deduction equal to the fair market value of "qualified appreciated stock" contributed to a private foundation prior to July 1, 1998. Qualified appreciated stock is defined as publicly traded stock which is capital gain property. The fair-market-value deduction for qualified appreciated stock donations applies only to the extent that total donations made by the donor to private foundations of stock in a particular corporation did not exceed 10 percent of the outstanding stock of that corporation. For this purpose, an individual is treated as making all contributions that were made by any member of the individual's family.

Description of Proposal

The proposal extends the special rule contained in section 170(e)(5) for one year—for contributions of qualified appreciated stock made to private foundations during the period July 1, 1998, through June 30, 1999.

Effective Date

The proposal is effective for contributions of qualified appreciated stock to private foundations made during the period July 1, 1998, through June 30, 1999.

E. EXCEPTIONS UNDER SUBPART F FOR CERTAIN ACTIVE FINANCING INCOME (SEC. 105 OF THE BILL AND SECS. 953 AND 954 OF THE CODE)

Present Law

In general

Under the subpart F rules, certain U.S. shareholders of a controlled foreign corporation ("CFC") are subject to U.S. tax currently on certain income earned by the CFC, whether or not such income is distributed to the shareholders. The income subject to current inclusion under the subpart F rules includes, among other things, "foreign personal holding company income" and insurance income. The U.S. 10-percent shareholders of a CFC also are subject to current inclusion with respect to their shares of the CFC's foreign base company services income (i.e., income derived from services performed for a related person outside the country in which the CFC is organized).

Foreign personal holding company income generally consists of the following: (1) dividends, interest, royalties, rents and annuities; (2) net gains from the sale or exchange of (a) property that gives rise to the preceding types of income, (b) property that does not give rise to income, and (c) interests in trusts, partnerships, and REMICs; (3) net gains from commodities transactions; (4) net gains from foreign currency transactions; (5) income that is equivalent to interest; (6) income from notional principal contracts; and (7) payments in lieu of dividends.

Insurance income subject to current inclusion under the subpart F rules includes any income of a CFC attributable to the issuing or reinsuring of any insurance or annuity contract in connection with risks located in a country other than the CFC's country of organization. Subpart F insurance income also includes income attributable to an insurance contract in connection with risks located within the CFC's country of organization, as the result of an arrangement under which another corporation receives a substantially equal amount of consideration for insurance of other-country risks. Investment income of a CFC that is allocable to any insurance or annuity contract related to risks located outside the CFC's country of organization is taxable as subpart F insurance income (Prop. Treas. Reg. sec. 1.953–1(a)).

Temporary exceptions from foreign personal holding company income and foreign base company services income apply for subpart F purposes for certain income that is derived in the active conduct of a banking, financing, insurance, or similar business.[5] These exceptions (described below) are applicable only for taxable years beginning in 1998.

Income from the active conduct of a banking, financing, or similar business

A temporary exception from foreign personal holding company income applies to income that is derived in the active conduct of a banking, financing, or similar business by a CFC that is predominantly engaged in the active conduct of such business. For this purpose, income derived in the active conduct of a banking, financing, or similar business generally is determined under the principles applicable in determining financial services income for foreign tax credit limitation purposes. However, in the case of a corporation that is engaged in the active conduct of a banking or securities business, the income that is eligible for this exception is determined under the principles applicable in determining the income which is treated as nonpassive income for purposes of the passive foreign investment company provisions. In this regard, the income of a corporation engaged in the active conduct of banking or securities business that is eligible for this exception is the income that is treated as nonpassive under the regulations proposed under section 1296(b) (as in effect prior to the enactment of the Taxpayer Relief Act of 1997). See Prop. Treas. Reg. secs. 1.1296–4 and 1.1296–6. The Secretary of the Treasury is directed to prescribe regulations applying look-through treatment in characterizing for this purpose dividends, interest, income equivalent to interest, rents and royalties from related persons.

For purposes of the temporary exception, a corporation is considered to be predominantly engaged in the active conduct of banking, financing, or similar business if it is engaged in the active conduct of a banking or securities business or is a qualified bank affiliate or qualified securities affiliate. In this regard, a corporation is considered to be engaged in the active conduct of a banking or securities business if the corporation would be treated as so engaged under the regulations proposed under prior law section 1296(b) (as in effect prior to the enactment of the Taxpayer Relief Act of 1997); qualified bank affiliates and qualified securities affiliates are as determined under such proposed regulations. See Prop. Treas. Reg. secs. 1.1296–4 and 1.1296–6.

Alternatively, a corporation is considered to be engaged in the active conduct of a banking, financing, or similar business if more than 70 percent of its gross income is derived from such business from transactions with unrelated persons located within the country under the laws of which the corporation is created or organized. For this purpose, income derived by a qualified business unit ("QBU") of a corporation from transactions with unrelated persons located in the country in which the QBU maintains its principal office and conducts substantial business activity is treated as derived by the corporation from transactions with unrelated persons located within the country in which the corporation is created or organized. A person other than a natural person is considered to be located within the country in which it maintains an office through which it engages in a trade or business and by which the transaction is effected. A natural person is treated as located within the country in which such person is physically located when such person enters into the transaction.

Income from the active conduct of an insurance business

A temporary exception from foreign personal holding company income applies for certain investment income of a qualifying insurance company with respect to risks located within the CFC's country of creation or organization. These rules differ from the rules of section 953 of the Code, which determines the subpart F inclusions of a U.S. shareholder relating to insurance income of a CFC. Such insurance income under section 953 generally is computed in accordance with the rules of subchapter L of the Code.

A temporary exception applies for income (received from a person other than a related person) from investments made by a qualifying insurance company of its reserves or 80 percent of its unearned premiums. For this purpose, in the case of contracts regulated in the country in which sold as property, casualty or health insurance contracts, unearned premiums and reserves are defined as unearned premiums and reserves for losses incurred determined using the methods and interest rates that would be used if the qualifying insurance company were subject to tax under subchapter L of the Code. Thus, for this purposed, unearned premiums are determined in accordance with section 832(b)(4), and reserves for losses incurred are determined in accordance with section 832(b)(5) and 846 of the Code (as well as any other rules applicable to a U.S. property and casualty insurance company with respect to such amounts).

In the case of a contract regulated in the country in which sold as a life insurance or annuity contract, the following three alternative rules for determining reserves apply. Any one of the three rules can be elected with respect to a particular line of business.

First, reserves for such contracts can be determined generally under the rules applicable to domestic life insurance companies under subchapter L of the Code, using the methods there specified, but substituting for the interest rates in Code section 807(d)(2)(B) an interest rate determined for the country in which the qualifying insurance company was created or organized, calculated in the same manner as the mid-term applicable Federal interest rate ("AFR") (within the meaning of section 1274(d)).

Second, the reserves for such contracts can be determined using a preliminary term foreign reserve method, except that the interest rate to be used is the interest rate determined for the country in which the qualifying insurance company was created or organized, calculated in the same manner as the mid-term AFR. If a qualifying insurance company uses such a preliminary term method with respect to contracts insuring risks located in the country in which the company is created or organized, then such method is the method that applies for purposes of this election.

Third, reserves for such contracts can be determined to be equal to the net surrender value of the contract (as defined in section 807(e)(1)(A).

In no event can the reserve for any contract at any time exceed the foreign statement reserve for the contract, reduced by any catastrophe or deficiency reserve. This rule applies whether the contract is regulated as a property, casualty, health, life insurance, annuity or any other type of contract.

A temporary exception from foreign personal holding company income also applies for income from investment of assets equal to: (1) one-third of premiums earned during the taxable year on insurance contracts regulated in the country in which sold as property, casualty, or health insurance contracts; and (2) the greater of 10 percent of reserves, or, in the case of qualifying insurance company that is a startup company, $10 million. For this purpose, a startup company is a company (including any predecessor) that has not been engaged in the active conduct of an insurance business for more than 5 years. In general, the 5-year period commences when the foreign company first is engaged in the active conduct of an insurance business. If the foreign company was formed before being acquired by the U.S. shareholder, the 5-year period commences when the acquired company first was engaged in the active conduct of an insurance business. In the event of the acquisition of a book of business from another company through an assumption or indemnity reinsurance transaction, the 5-year period commences when the acquiring company first engaged in the active conduct of an insurance business, except that if more than a substantial part (e.g., 80 percent) of the business of the ceding company is acquired, then the 5-year period commences when the ceding company first engaged in the active conduct of an insurance business. Reinsurance transactions among related persons may not be used to multiply the number of 5-year periods.

Under rules prescribed by the Secretary, income is allocated to contracts as follows. In the case of contracts that are separate account-type contracts (including variable contracts not meeting the requirements of sec. 817), only the income specifically allocable to such contracts are taken into account. In the case of other contracts, income not specifically allocable is allocated ratably among such contracts.

A qualifying insurance company is defined as any entity which: (1) is regulated as an insurance company under the laws of the country in which it is incorporated; (2) derived at least 50 percent of its net written premiums from the insurance or reinsurance of risks situated within its country of incorporation; and (3) is engaged in the active conduct of an insurance business and would be subject to tax under subchapter L if it were a domestic corporation.

The temporary exceptions do not apply to investment income (includable in the income of a U.S. shareholder of a CFC pursuant to sec. 953) allocable to contracts that insure related party risks or risks located in a country other than the country in which the qualifying insurance company is created or organized.

Anti-abuse rule

An anti-abuse rule applies for purposes of these temporary exceptions. For purposes of applying these exceptions, items with respect to a transaction or series of transactions are disregarded if one of the principal purposes of the transaction or transactions is to qualify income or gain for these exceptions, including any change in the method of computing reserves or any other transaction or transactions one of the principal purposes of which is the acceleration or deferral of any item in order to claim the benefits of these exceptions.

Foreign base company services income

A temporary exception from foreign base company services income applies for income derived from services performed in connection with the active conduct of a banking, financing, insurance or similar business by a CFC that is predominantly engaged in the active conduct of such business or is a qualifying insurance company.

Description of Proposal

The proposal extends for one year the present-law temporary exceptions from foreign personal holding company income and foreign base company services income for income that is derived in the active conduct of a banking, financing, insurance or similar business.

Effective Date

The proposal applies only to the first full taxable year of a foreign corporation beginning in 1998 and to the taxable year of such corporation immediately following such first full taxable year, and to taxable years of U.S. shareholders with or within which such taxable years of such foreign corporation end. If a foreign corporation does not have such a first full taxable year beginning in 1998, the proposal applies only to the first taxable year of the foreign corporation beginning in 1999, and to taxable years of U.S. shareholders with or within which such taxable year of such foreign corporation ends.

F. EXTEND PLACED IN SERVICE DATE FOR CERTAIN NONCONVENTIONAL FUELS FACILITIES (SEC. 106 OF THE BILL AND SEC. 29 OF THE CODE)

Present Law

Under present law, certain fuels produced from "nonconventional sources" and sold to unrelated parties are eligible for an inflation-adjusted income tax credit (equal to $6.10 in 1997) per barrel of oil or British Thermal Unit barrel oil equivalent. The credit is available for qualified fuels produced through December 31, 2007, by coal or biomass facilities placed in service before July 1, 1998, pursuant to a binding written contract in effect before January 1, 1997.

Description of Proposal

The proposal extends the placed in service date, but not the binding contract date, for facilities producing nonconventional fuels from coal and biomass through June 30, 1999.

Effective Date

This proposal is effective on the date of enactment (i.e., applies to facilities placed in service after June 30, 1998 and before July 1, 1999).

G. DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF EDUCATION IN CONNECTION WITH INCOME CONTINGENT LOANS (SEC. 107 OF THE BILL AND SEC. 6103(l)(13) OF THE CODE)

Present Law

Under section 6103(l)(13) of the Code, the Secretary of the Treasury was authorized to disclose to the Department of Education certain return information with respect to any taxpayer who has received an "applicable student loan." An "applicable student loan" is any loan made under (1) part D of title IV of the Higher Education Act of 1965 or (2) parts B or E of title IV of the Higher Education Act of 1965 which is in default and has been assigned to the Department of Education, if the loan repayment amounts are based in whole or in part on the taxpayer's income. The Secretary is permitted to disclose only taxpayer identity information and the adjusted gross income of the taxpayer. The Department of Education may use the information only to establish the appropriate income contingent repayment amount for an applicable student loan.

The disclosure authority under section 6103(l)(13) terminated with respect to requests made after September 30, 1998.

Description of Proposal

The provision reinstates the disclosure authority under section 6103(l)(13) with respect to requests made after the date of enactment and before October 1, 2004.

Effective Date

The disclosure authority under section 6103(l)(13) applies to requests made after the date of enactment and before October 1, 2004.

Subtitle B—Trade Provisions

A. EXTENSION OF THE GENERALIZED SYSTEM OF PREFERENCES (SEC. 111 OF THE BILL AND SEC. 505 OF THE TRADE ACT OF 1974)

Present Law

Title V of the Trade Act of 1974, as amended, grants authority to the President to provide duty-free treatment on imports of certain articles from beneficiary developing countries subject to certain conditions and limitations. To qualify for GSP privileges, each beneficiary country is subject to various mandatory and discretionary eligible criteria. Import sensitive products are ineligible for GSP. The GSP program, which is designed to promote development through trade rather than traditional aid programs, expired after June 30, 1998.

Description of Proposal

The proposal reauthorizes the GSP program to terminate after December 31, 1999. Refunds are authorized, upon request of the importer, for duties paid between July 1, 1998, and the date of enactment of the bill.

Effective Date

The proposed is effective for duties paid on or after July 1, 1998, and before December 31, 1999.

B. EXTENSION OF THE TRADE ADJUSTMENT ASSISTANCE PROGRAM (SEC. 112 OF THE BILL AND SEC. 245 OF THE TRADE ACT OF 1974)

Present Law

Title II of the Trade Act of 1974, as amended, authorizes three trade adjustment assistance (TAA) programs for the purpose of providing assistance to individual workers and firms that are adversely affected by the reduction of barriers to foreign trade. Those programs include—

(1) The general TAA program for workers provides training and income support for workers adversely affected by import competition.

(2) The TAA program for firms provides technical assistance by qualifying firms.

(3) The third program, the North American Free Trade Agreement ("NAFTA") program for workers (established by the North American Free Trade Agreement Implementation Act of 1993) provides training and income support for workers adversely affected by trade with or production shifts to Canada and/or Mexico.

All three TAA programs expired on September 30, 1998. The TAA program for firms is also subject to annual appropriations.

Description of Proposal

The proposal reauthorizes each of the three TAA programs through June 30, 1999.

Effective Date

The proposal is effective on the date of enactment.

TITLE II. OTHER TAX PROVISIONS

A. INCREASE DEDUCTION FOR HEALTH INSURANCE EXPENSES OF SELF-EMPLOYED INDIVIDUALS (SEC. 201 OF THE BILL AND SEC. 162(L) OF THE CODE)

Present Law

Under present law, self-employed individuals are entitled to deduct a portion of the amount paid for health insurance for the self-employed individual and the individual's spouse and dependents. The deduction for health insurance expenses of self-employed individuals is not available for any month in which the taxpayer is eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. The deduction is available in the case of self insurance as well as commercial insurance. The self-insured plan must in fact be insurance (e.g., there must be appropriate risk shifting) and not merely a reimbursement arrangement.

The portion of health insurance expenses of self-employed individuals that is deductible is 45 percent for taxable years beginning in 1998 and 1999, 50 percent for taxable years beginning in 2000 and 2001, 60 percent for taxable years beginning in 2002, 80 percent for taxable years beginning in 2003, 2004, and 2005, 90 percent for taxable years beginning in 2006, and 100 percent for taxable years beginning in 2007 and thereafter.

Under present law, employees can exclude from income 100 percent of employer-provided health insurance.

Description of Proposal

The proposal increases the deduction for health insurance of self-employed individuals to 70 percent for taxable years beginning in 2001 and to 100 percent for taxable years beginning in 2002 and thereafter.

Effective Date

The proposal is effective for taxable years beginning after December 31, 2000.

B. FARM PRODUCTION FLEXIBILITY CONTRACT PAYMENTS (SEC. 202 OF THE BILL)

Present Law

A taxpayer generally is required to include an item in income no later than the time of its actual or constructive receipt, unless such amount properly is accounted for in a different period under the taxpayer's method of accounting. If a taxpayer has an unrestricted right to demand the payment of an amount, the taxpayer is in constructive receipt of that amount whether or not the taxpayer makes the demand and actually receives the payment.

The Federal Agriculture Improvement and Reform Act of 1996 (the "FAIR Act") provides for production flexibility contracts between certain eligible owners and producers and the Secretary of Agriculture. These contracts generally cover crop years from 1996 through 2002. Annual payments are made under such contracts at specific times during the Federal government's fiscal year. Section 112(d)(2) of the FAIR Act provides that one-half of each annual payment is to be made on either December 15 or January 15 of the fiscal year, at the option of the recipient.[6] This option to receive the payment on December 15 potentially results in the constructive receipt (and thus potential inclusion in income) of one-half of the annual payment at that time, even if the option to receive the amount on January 15 is elected.

The remaining one-half of the annual payment must be made no later than September 30 of the fiscal year. The Emergency Farm Financial Relief Act of 1998 added section 112(d)(3) to the FAIR Act which provides that all payments for fiscal year 1999 are to be paid at such time or times during fiscal year 1999 as the recipient may specify. Thus, the one-half of the annual amount that would otherwise be required to be paid no later than September 30, 1999 can be specified for payment in calendar year 1998. This potentially results in the constructive receipt (and thus required inclusion in taxable income) of such amounts in calendar year 1998, whether or not the amounts actually are received or the right to their receipt is fixed.

Description of Proposal

The time a production flexibility contract payment under the FAIR Act properly is includable in income is determined without regard to the options granted by section 112(d)(2) (allowing receipt of one-half of the annual payment on either December 15 or January 15 of the fiscal year) or section 112(d)(3) (allowing the acceleration of all payments for fiscal year 1999) of that Act.

Effective Date

The proposal is effective for production flexibility contract payments made under the FAIR Act in taxable years ending after December 31, 1995.

C. PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS (SEC. 203 OF THE BILL AND SEC. 1301 OF THE CODE)

Present Law

An individual engaged in a farming business may elect to compute his or her current year tax liability by averaging, over the prior three-year period, all or a portion of the taxable income that is attributable to the farming business.

In general, an individual who makes the election (1) designates all or a portion of his or her taxable income attributable to any farming business from the current year as "elected farm income;"[7] (2) allocates one-third of the elected farm income to each of the three prior taxable years; and (3) determines the current year section 1 tax liability by combining (a) his or her current year section 1 tax liability excluding the elected farm income allocated to the three prior taxable years, plus (b) the increases in the section 1 tax liability for each of the three prior taxable years caused by including one-third of the elected farm income in each such year. Any allocation of elected farm income pursuant to the election applies for purposes of any election in a subsequent taxable year.

The provision does not apply for employment tax purposes, or to an estate or a trust. The provision also does not apply for purposes of the alternative minimum tax. The provision is effective for taxable years beginning after December 31, 1997, and before January 1, 2001.

Description of Proposal

The proposal permanently extends the income averaging provision for farmers.

Effective Date

The proposal is effective for taxable years beginning after December 31, 2000.

D. PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY DURING 1998 (SEC. 204 OF THE BILL AND SEC. 26 OF THE CODE)

Present law provides for certain nonrefundable personal tax credits (i.e., the dependent care credit, the credit for the elderly and disabled, the adoption credit, the child tax credit, the credit for interest on certain home mortgages, the HOPE Scholarship and Lifetime Learning credits, and the D.C. homebuyer's credit). Generally, these credits are allowed only to the extent that the individual's regular income tax liability exceeds the individual's tentative minimum tax (determined without regard to the AMT foreign tax credit).

The tentative minimum tax is an amount equal to (1) 26 percent of the first $175,000 ($87,500 in the case of a married individual filing a separate return) of alternative minimum taxable income ("AMTI") in excess of a phased-out exemption amount and (2) 28 percent of the remaining AMTI. The maximum tax rates on net capital gain used in computing the tentative minimum tax are the same as under the regular tax. AMTI is the individual's taxable income adjusted to take account of specified preferences and adjustments. The exemption amounts are: (1) $45,000 in the case of married individuals filing a joint return and surviving spouses; (2) $33,750 in the case of other unmarried individuals; and (3) $22,500 in the case of married individuals filing a separate return, estates and trusts. The exemption amounts are phased out by an amount equal to 25 percent of the amount by which the individual's AMTI exceeds (1) $150,000 in the case of married individuals filing a joint return and surviving spouses, (2) $112,500 in the case of other unmarried individuals, and (3) $75,000 in the case of married individuals filing separate returns or an estate or a trust. These amounts are not indexed for inflation.

For families with three or more qualifying children, an additional child credit is provided which may offset the liability for social security taxes to the extent that tax liability exceeds the amount of the earned income credit. The additional child credit is reduced by the amount of the individual's minimum tax liability (i.e., the amount by which the tentative minimum tax exceeds the regular tax liability).

Description of Proposal

The proposal allows the nonrefundable personal credits to offset the individual's regular tax in full for taxable years beginning in 1998 (as opposed to only the amount by which the regular tax exceeds the tentative minimum tax, as under present law).

The provision of present law that reduces the additional child credit by the amount of an individual's AMT will not apply for taxable years beginning in 1998.

Effective Date

The proposal is effective for taxable years beginning in 1998.

TITLE III. REVENUE OFFSET PROVISION

A. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS (SEC. 301 OF THE BILL AND SECS. 332 AND 334 OF THE CODE)

Present Law

Regulated investment companies ("RICs") and real estate investment trusts ("REITs") are allowed a deduction for dividends paid to their shareholders. The deduction for dividends paid includes amounts distributed in liquidation which are properly chargeable to earnings and profits, as well as, in the case of a complete liquidation occurring within 24 months after the adoption of a plan of complete liquidation, any distribution made pursuant to such plan to the extent of earnings and profits. Rules that govern the receipt of dividends from RICs and REITs generally provide for including the amount of the dividend in the income of the shareholder receiving the dividend that was deducted by the RIC or REIT. Generally, any shareholder realizing gain from a liquidating distribution of a RIC or REIT includes the amount of gain in the shareholder's income. However, in the case of a liquidating distribution to a corporation owning 80-percent of the stock of the distributing corporation, a separate rule generally provides that the distribution is tax-free to the parent corporation. The parent corporation succeeds to the tax attributes, including the adjusted basis of assets, of the distributing corporation. Under these rules, a liquidating RIC or REIT might be allowed a deduction for amounts paid to its parent corporation, without a corresponding inclusion in the income of the parent corporation, resulting in income being subject to no tax.

A RIC or REIT may designate a portion of a dividend as a capital gain dividend to the extent the RIC or REIT itself has a net capital gain, and a RIC may designate a portion of the dividend paid to a corporate shareholder as eligible for the 70-percent dividends-received deduction to the extent the RIC itself received dividends from other corporations. If certain conditions are satisfied, a RIC also is permitted to pass through to its shareholders the tax-exempt character of the RIC's net income from tax-exempt obligations through the payment of "exempt interest dividends," though no deduction is allowed for such dividends.

Description of Proposal

Any amount which a liquidating RIC or REIT may take as a deduction for dividends paid with respect to an otherwise tax-free liquidating distribution to an 80-percent corporate owner is includible in the income of the recipient corporation. The includible amount is treated as a dividend received from the RIC or REIT. The liquidating corporation may designate the amount distributed as a capital gain dividend or, in the case of a RIC, a dividend eligible for the 70-percent dividends received deduction or an exempt interest dividend, to the extent provided by the RIC or REIT provisions of the Code.

The provision does not otherwise change the tax treatment of the distribution to the parent corporation or to the RIC or REIT. Thus, for example, the liquidating corporation will not recognize gain (if any) on the liquidating distribution and the recipient corporation will hold the assets at a carryover basis, even where the amount received is treated as a dividend.

Effective Date

The provision is effective for distributions on or after May 22, 1998, regardless of when the plan of liquidation was adopted.

No inference is intended regarding the treatment of such transactions under present law.

TITLE IV. TAX TECHNICAL CORRECTIONS

Except as otherwise provided, the technical corrections contained in the bill generally are effective as if included in the originally enacted related legislation.

A. TECHNICAL CORRECTIONS TO THE 1998 ACT

1. Burden of proof (sec. 402(b) of the bill, sec. 3001 of the 1998 Act, and sec. 7491(a)(2)(C) of the Code)

Present Law

The Treasury Secretary has the burden of proof in any court proceeding with respect to a factual issue if the taxpayer introduces credible evidence with respect to any factual issue relevant to ascertaining the taxpayer's tax liability, provided specified conditions are satisfied (sec. 7491). One of these conditions if that corporations, trust, and partnerships must meet certain net worth limitations. These net worth limitations do not apply to individuals or to estates.

Description of Proposal

The proposal removes that net worth limitation from certain revocable trusts for the same period of time that the trust would have been treated as part of the estate had the trust made the election under section 645 to be treated as part of the estate.

2. Relief for innocent spouses (sec. 402(c) of the bill, sec. 3201 of the 1998 Act, and secs. 6015(e) and 7421(a) of the Code)

Present Law

A taxpayer who is no longer married to, is separated from, or has been living apart for at least 12 months from the person with whom he or she originally joined in filing a joint Federal income tax return may elect to limit his or her liability for a deficiency arising from such joint return to the amount of the deficiency that is attributable to items that are allocable to such electing spouse. The election is limited to deficiency situations and only affects the amount of the deficiency for which the electing spouse is liable. Thus, the election cannot be used to generate a refund, to direct a refund to one spouse or the other, or to allocate responsibility for payment where a balance due is reported on, but not paid with, a joint return.

In addition to the election to limit the liability for deficiencies, a taxpayer may be eligible for innocent spouse relief. Innocent spouse relief allows certain taxpayers who joined in the filing of a joint return to be relieved of liability for an understatement of tax that is attributable to items of the other spouse to the extent that the taxpayer did not know or have reason to know of the understatement. The Secretary is also authorized to provide equitable relief in situations where, taking into account all of the facts and circumstances, it is inequitable to hold an individual responsible for all or part of any unpaid tax or deficiency arising from a joint return. Under certain circumstances, it is possible that a refund could be obtained under this authority.

Description of Proposal

The proposal clarifies that the ability to obtain a credit or refund of Federal income tax is limited to situations where the taxpayer qualifies for innocent spouse relief or where the Secretary exercises his authority to provide equitable relief.

3. Interest netting (sec. 402(d) of the bill and sec. 3301(c)(2) of the 1998 Act)

Present Law

For calendar quarters beginning after July 22, 1998, a net interest rate of zero applies where interest is payable and allowable on equivalent amounts of overpayment and underpayment of any tax imposed by the Internet Revenue Code. In addition, the net interest rate of zero applies to periods on or before July 22, 1998, providing (1) the statute of limitations has not expired with respect to either the underpayment or overpayment, (2) the taxpayer identifies the periods of underpayment and overpayment where interest is payable and allowable for which the net interest rate of zero would apply, and (3) on or before December 31, 1999, the taxpayer asks the Secretary to apply the net zero rate.

Description of Proposal

The proposal restores language originally included in the Senate amendment that clarifies that the applicability of the zero net interest rate for periods on or before July 22, 1998 is subject to any applicable statute of limitations not having expired with regard to either a tax underpayment or overpayment.

4. Effective date for elimination of 18-month holding period for capital gains (sec. 402(i) of the bill, sec. 5001 of the 1998 Act, and sec. 1(h) of the Code)

Present Law

The 1998 Act repealed the provision in the 1997 Act providing a maximum 28-percent rate for the long-term capital gain attributable to property held more than one year but not more than 18 months. Instead, the 1998 Act treated this gain in the same manner as gain from property held more than 18 months. The provision in the 1998 Act is effective for amounts properly taken into account after December 31, 1997. For gains taken into account by a pass-thru entity, such as a partnership, S corporation, trust, estate, RCI or REIT, the date that the entity properly took the gain into account is the appropriate date in applying this provision. Thus, for example, amounts properly taken into account by a pass-thru entity after July 28, 1997, and before January 1, 1998, with respect to property held more than one year but not more than 18 months which are included in income on an individual's 1998 return are taken into account in computing 28-percent rate gain.

Description of Proposal

Under the proposal, in the case of a capital gain dividend made by a RIC or REIT after 1997, no amount will be taken into account in computing the net gain or loss in the 28-percent rate gain category by reason of property being held more than one year but not more than 18 months, other than amounts taken into account by the RIC or REIT from other pass-thru entities (other than in structures, such as a "master-feeder structure", in which the RIC invests a substantial portion of its assets in one or more partnerships holding portfolio securities and having the same taxable year as the RIC). A similar rule applies to amounts properly taken into account by a RIC or REIT by reason of holding, directly or indirectly, an interest in another RIC or REIT to which the rule in the preceding sentence applies.

For example, if a RIC sold stock held more than one year but not more than 18 months on November 15, 1997, for a gain, and makes a capital gain dividend in 1998, the gain is not taken into account in computing 28-percent rate gain for purposes of determining the taxation of the 1998 dividend. (Thus, all the netting and computations made by the RIC need to be redone with respect to all post-1997 capital gain dividends, whether or not dividends of 28-percent rate gain.) If, however, the gain was taken into account by a RIC by reason of holding an interest in a calendar year 1997 partnership which itself sold the stock, the gain will not be recharacterized by reason of this proposal (unless the RIC's investment in the partnership satisfies the exception for master-feeder structures). If the gain was taken into account by a RIC by reason of holding an interest in a REIT and the gain was excluded from 28-percent rate gain by reason of the application of this proposal to the REIT, the gain will be excluded from 28-percent rate gain in determining the tax of the RIC shareholders.

The proposal also corrects a cross reference.

B. TECHNICAL CORRECTIONS TO THE 1997 ACT

1. Treatment of interest on qualified education loans (sec. 403(a) of the bill, sec. 202 of the 1997 Act, and secs. 221 and 163(h) of the Code)

Present Law

Present law, as modified by the 1997 Act, provides that certain individuals who have paid interest on qualified education loans may claim an above-the-line deduction for such interest expense, up to a maximum dollar amount per year ($1,000 for taxable years beginning in 1998), subject to certain requirements (sec. 221). The maximum deduction is phased out ratably for individual taxpayers with modified AGI between $40,000 and $55,000 ($60,000 and $75,000 for joint returns). Present law also provides that in the case of a taxpayer other than a corporation, no deduction is allowed for personal interest (sec. 163(h)). For this purpose, personal interest means any interest allowable as a deduction, other than certain types of interest listed in the statute. This proposal does not specifically provide that otherwise deductible qualified education loan interest is not treated as personal interest.

Present law provides that a qualified education loan does not include any indebtedness owed to a person who is related (within the meaning of sec. 267(b) or 707(b)) to the taxpayer (sec. 221(e)(1)).

Description of Proposal

The proposal clarifies that otherwise deductible qualified education loan interest is not treated as nondeductible personal interest.

The proposal also clarifies that, for purposes of section 221, modified AGI is determined after application of section 135 (relating to income from certain U.S. savings bonds) and section 137 (relating to adoption assistance programs).

The proposal also provides that a qualified education loan does not include any indebtedness owed to any person by reason of a loan under any qualified employer plan (as defined in section 72(p)(4)) or under any contract purchased under a qualified employer plan (as described in sec. 72(p)(5)).

2. Capital gain distributions of charitable remainder trusts (secs. 402(i)(3) and 403(b) of the bill, sec. 311 of the 1997 Act and sec. 5001 of the 1998 Act, and sec. 1(h) of the Code)

Present Law

Under present law, the income beneficiary of a charitable remainder trust ("CRT") includes the trust's capital gain in income when the gains are distributed to the beneficiary (sec. 664(b)(2)). Internal Revenue Service Notice 98–20 provides guidance with respect to the categorization of long-term gain distributions from a CRT under the capital gain rules enacted by the 1997 Act. Under the Notice, long-term capital gains properly taken into account by the trust before January 1, 1997, are treated as falling in the 20-percent group of gain (i.e., gain not in the 28-percent rate gain or unrecaptured sec. 1250 gain). Long-term capital gains properly taken into account by the trust after December 31, 1996, and before May 7, 1997, are included in 28-percent rate gain. Long-term capital gains properly taken into account by the trust after May 6, 1997, are treated as falling into the category which would apply if the trust itself were subject to tax.

Description of Proposal

The proposal provides that, in the case of a capital gain distribution by a CRT after December 31, 1997, with respect to amounts properly taken into account by the trust during 1997, amounts will not be included in the 28-percent rate gain category solely by reason of being properly taken into account by the trust before May 7, 1997, or by reason of the property being held not more than 18 months. Thus, for example, gain on the sale of stock by a CRT on February 1, 1997, will not be taken into account in determining 28-percent rate gain where the gain is distributed after 1997.[8]

Effective Date

The proposal applies to taxable years beginning after December 31, 1997.

3. Gifts may not be revalued for estate tax purposes after expiration of statute of limitations (sec. 403(c) of the bill, sec. 504 of the 1997 Act, and sec. 2001(f)(2) of the Code)

Present Law

Basic structure of Federal estate and gift taxes.—The Federal estate and gift taxes are unified so that a single progressive rate schedule is applied to an individual's cumulative gifts and bequests. The tax on gifts made in a particular year is computed by determining the tax on the sum of the taxable gifts made in that year and in all prior years and then subtracting the tax on the prior years taxable gifts and the unified credit. Similarly, the estate tax is computed by determining the tax on the sum of the taxable estate and prior taxable gifts and then subtracting the tax on taxable gifts, the unified credit, and certain other credits.

This structure raises two different, but related, issues: (1) what is the period beyond which additional gift taxes cannot be assessed or collected—generically referred to as the "period of limitations"—and (2) what is the period beyond which the amount of prior transfers cannot be revalued for the purpose of determining the amount of tax on subsequent transfers.

Gift and estate tax period of limitations.—Section 6501(a) provides the general rule that any tax (including gift and estate tax) must be assessed, or a proceeding begun in a court for the collection of such tax without assessment, within three years after the return is filed by the taxpayer. Under section 6501(e)(2), the period for assessments of gift or estate tax is increased to six years where there is more than a 25 percent omission in the amount of the total gifts or gross estate disclosed on the gift or estate tax return. Section 6501(c)(9) provides an exception to these rules under which gift tax may be assessed, or a proceeding in a court for collection of gift tax may be begun, at any time unless the gift is disclosed on a gift tax return or a statement attached to a gift tax return.

Revaluation of gifts for estate tax purposes.—The value of a gift is its value as finally determined under the rules for purposes of determining the applicable estate tax bracket and available unified credit. The value of a gift is finally determined if (1) the value of the gift is shown on a gift tax return for that gift and that value is not contested by the Treasury Secretary before the expiration of the period of limitations on assessment of gift tax even where the value of the gift as shown on the return does not result in any gift tax being owned (e.g., through use of the unified credit), (2) the value is specified by the Treasury Secretary pursuant to a final notice of redetermination of value (a "final notice") within the period of limitations applicable to the gift for gift tax purposes (generally, three years) and the taxpayer does not timely contest that value, or (3) the value is determined by a court or pursuant of a settlement agreement between the taxpayer and the Treasury Secretary under an administrative appeals process whereby a taxpayer can challenge a redetermination of value by the IRS prior to issuance of a final notice. In the event the taxpayer and the IRS cannot agree on the value of a gift, the 1997 Act provided the U.S. Tax Court with jurisdiction to issue a declaratory judgment on the value of a gift (section 7477). A taxpayer who is mailed a final notice may challenge the redetermined value of the gift (as contained in the final notice) by filing a motion for a declaratory judgment with the U.S. Tax Court. The motion must be filed on or before 90 days from the date that the final notice was mailed. The statute of limitations is tolled during the pendency of the Tax Court proceeding.

Revaluation of gifts for gift tax purposes.—Similarly, under a rule applicable to the computation of the gift tax (sec. 2504(c)), the value of gifts made in prior years is its value as finally determined if the period of limitations for assessment of gift tax on the prior gifts has expired.

Description of Proposal

The bill clarifies the rules relating to revaluations of prior transfers for computation of the estate or gift tax to provide that the value of a prior transfer cannot be redetermined after the period of limitations if the transfer was disclosed in a statement attached to the gift tax return, as well as on a gift tax return, in a manner to adequately apprise the Treasury Secretary of the nature the transfer, even if there was no gift tax imposed on that transfer.

4. Coordinate Vaccine Injury Compensation Trust Fund expenditure purposes with list of taxable vaccines (sec. 403(d) of the bill, sec. 904 of the 1997 Act, and sec. 9510(c) of the Code)

Present Law

A manufacturer's excise tax is imposed on certain vaccines routinely recommended for administration to children (sec. 4131). The tax is imposed at a rate of $0.75 per dose on any listed vaccine component. Taxable vaccine components are vaccines against diphtheria, tetanus, pertussis, measles, mumps, rubella, polio, HIB (haemophilus influenza type B), hepatitis B, and varicella (chicken pox). Tax was imposed on vaccines against diphtheria, tetanus, pertussis, measles, mumps, rubella, and polio by the Omnibus Budget Reconciliation Act of 1987. Tax was imposed on vaccines against HIB, hepatitis B, and varicella by the 1997 Act.

Amounts equal to net revenues from this excise tax are deposited in the Vaccine Injury Compensation Trust Fund ("Vaccine Trust Fund") to finance compensation awards under the Federal Vaccine Injury Compensation Program for individuals who suffer certain injuries following administration of the taxable vaccines. Present law provides that payments from the Vaccine Trust Fund may be made only for vaccines eligible under the program as of December 22, 1987 (sec. 9510(c)(1)). Thus, payments may not be made for injuries related to the HIB, hepatitis B or varicella vaccines.

Description of Proposal

The proposal provides that payments are permitted from the Vaccine Trust Fund for injuries related to the administration of the HIB, hepatitis B, and varicella vaccines. The proposal also clarifies that expenditures from the Vaccine Trust Fund may occur only as provided in the Code and makes conforming amendments.

5. Abatement of interest by reason of Presidentially declared disaster (sec. 403(e) of the bill, sec. 915 of the 1997 Act, and sec. 6404(h) of the Code)

Present Law

The Taxpayer Relief Act of 1997 ("1997 Act") provided that, if the Secretary of the Treasury extends the filing date of an individual tax return for 1997 for individuals living in an area that has been declared a disaster area by the President during 1997, no interest shall be charged as a result of the failure of an individual taxpayer to file an individual tax return, or pay the taxes shown on such return, during the extension.

The Internal Revenue Service Restructuring and Reform Act of 1998 ("1998 Act") contains a similar rule applicable to all taxpayers for tax years beginning after 1997 for disasters declared after 1997. The status of disasters declared in 1998 but that relate to the 1997 tax year is unclear.

Description of Proposal

The proposal amends the 1997 Act rule so that it is available for disasters declared in 1997 or in 1998 with respect to the 1997 tax year.

6. Treatment of certain corporate distributions (sec. 403(f) of the bill, sec. 1012 of the 1997 Act, and secs. 351(c) and 368(a)(2)(H) of the Code)

Present Law

The 1997 Act (sec. 1012(a)) requires a distributing corporation to recognize corporate level gain on the distribution of stock of a controlled corporation under section 355 of the Code if, pursuant to a plan or series of related transactions, one or more persons acquire a 50-percent or greater interest (defined as 50 percent or more of the voting power or value of the stock) of either the distributing or controlled corporation (Code sec. 355(e)). Certain transactions are excepted from the definition of acquisition for this purpose. Under the technical corrections included in the Internal Revenue Service Restructuring and Reform Act of 1998, in the case of acquisitions under section 355(e)(3)(A)(iv), the acquisition of stock in the distributing corporation or any controlled corporation is disregarded to the extent that the percentage of stock owned directly or indirectly in such corporation by each person owning stock in such corporation immediately before the acquisition does not decrease.[9]

In the case of a 50-percent or more acquisition of either the distributing corporation or the controlled corporation, the amount of gain recognized is the amount that the distributing corporation would have recognized had the stock of the controlled corporation been sold for fair market value on the date of the distribution. No adjustment to the basis of the stock or assets of either corporation is allowed by reason of the recognition of the gain.[10]

The 1997 Act (as amended by the technical corrections contained in the Internal Revenue Service Restructuring and Reform Act of 1998) also modified certain rules for determining control immediately after a distribution in the case of certain divisive transactions in which a controlled corporation is distributed and the transaction meets the requirements of section 355. In such cases, under section 351 and modified section 368(a)(2)(H) with respect to reorganizations under section 368(a)(1)(D), the fact that the shareholders of the distributing corporation dispose of part or all of the distributed stock shall not be taken into account.

The effective date (Act section 1012(d)(1)) states that the relevant provisions of the 1997 Act apply to distributions after April 16, 1997, pursuant to a plan (or series of related transactions) which involves an acquisition occurring after such date (unless certain transition provisions apply).

Description of Proposal

The proposal clarifies the "control immediately after" requirement of section 351(c) and section 368(a)(2)(H) in the case of certain divisive transactions in which a corporation contributes assets to a controlled corporation and then distributes the stock of the controlled corporation in a transaction that meets the requirements of section 355 (or so much of section 356 as related to section 355). In such cases, not only the fact that the shareholders of the distributing corporation dispose of part or all of the distributed stock, but also the fact that the corporation whose stock was distributed issues additional stock, shall not be taken into account.

7. Treatment of affiliated group including formerly tax-exempt organization (sec. 403(g) of the bill and sec. 1042 of the 1997 Act)

Present Law

Present law provides that an organization described in sections 501(c) (3) or (4) of the

Code is exempt from tax only if no substantial part of its activities consists of providing commercial-type insurance. When this rule was enacted in 1986, certain treatment applied to Blue Cross and Blue Shield organizations providing health insurance that were submitted to this rule and that met certain requirements. Treasury regulations were promulgated providing rules for filing consolidated returns for affiliated groups including such organizations (Treas. Reg. sec. 1.1502–75(d)(5)).

The 1997 act repealed the grandfather rules provided in 1986 (permitting the retention of tax-exempt status) that were applicable to that portion of the business of the Teachers Insurance Annuity Association and College Retirement Equities Fund which is attributable to pension business and to the portion of the business of Mutual of America which is attributable to pension business. The 1997 Act did not specifically provide rules for filing consolidated returns for affiliated groups including such organizations.

Present law with respect to consolidated returns provides for an election to treat a life insurance company as an includable corporation, and also provides that a life insurance company may not be treated as an includable corporation for the 5 taxable years immediately preceding the taxable year for which the consolidated return is filed (sec. 1504(c)(2)). Present law also provides that a corporation that is exempt from taxation under Code section 501 is not an includable corporation (sec. 1504(b)(1)).

Description of Proposal

The proposal provides rules for filing consolidated returns for affiliated groups including any organization with respect to which the grandfather rule under Code section 501(m) was repealed by section 1042 of the 1997 Act. The proposal provides that rules similar to the rules of Treasury Regulation section 1.1502–75(d)(5) apply in the case of such an organization. Thus, an affiliated group including such an organization may make the election described in section 1504(c)(2) (relating to a 5-year period) without regard to whether the organization was previously exempt from tax under Code section 501.

8. Treatment of net operating losses arising from certain eligible losses (sec. 403(h) of the bill, sec. 1082 of the 1997 Act, and sec. 172(b)(1)(F) of the Code)

Present Law

The 1997 Act changed the general net operating loss ("NOL") carryback period of a taxpayer from three years to two years. The three-year carryback period was retained in the case of an NOL attributable to an eligible loss. An eligible loss is defined as (1) a casualty or theft loss of an individual taxpayer, or (2) an NOL attributable to a Presidentially declared disaster area by a taxpayer engaged in a farming business or a small business. Other special rules apply to real estate investment trusts (REITs) (no carrybacks), specified liability losses (10-year carryback), and excess interest losses (no carrybacks).

Description of Proposal

The proposal coordinates the use of eligible losses with the general rule for NOLs in the same manner as a loss arising from a specified liability loss. Thus, an eligible loss for any year is treated as a separate net operating loss and is taken into account after the remaining portion of the net operating loss for the taxable year.

9. Determination of unborrowed policy cash value under COLI pro rata interest disallowance rules (sec. 403(i) of the bill, sec. 1084 of the 1997 Act, and sec. 246(f) of the Code)

Present Law

In the case of a taxpayer other than a natural person, no deduction is allowed for the portion of the taxpayer's interest expense that is allocable to unborrowed policy cash surrender values with respect to any life insurance policy or annuity or endowment contract issued after June 8, 1997. Interest expense is allocable to unborrowed policy cash values based on the ratio of (1) the taxpayer's average unborrowed policy cash values of life insurance policies and annuity and endowment contracts, issued after June 8, 1997, to (2) the sum of (a) in the case of assets that are life insurance policies or annuity or endowment contracts, the average unborrowed policy cash values and (b) in the case of other assets the average adjusted bases for all such other assets of the taxpayer. The unborrowed policy cash values means the cash surrender value of the policy or contract determined without regard to any surrender charge, reduced by the amount of any loan with respect to the policy or contract. The cash surrender value is to be determined without regard to any other contractual or noncontractual arrangement that artificially depresses the unborrowed policy cash value of a contract.

Description of Proposal

The proposal clarifies the meaning of "unborrowed policy cash value" under section 264(f)(3), with respect to any life insurance, annuity or endowment contract. The technical correction clarifies that under section 264(f)(3), if the cash surrender value (determined without regard to any surrender charges) with respect to any policy or contract does not reasonably approximate its actual value, then the amount taken into account for this purpose is the greater of (1) the amount of the insurance company's liability with respect to the policy or contract, as determined for purposes of he annual statement approved by the National Association of Insurance Commissioners, (2) the amount of the insurance company's reserve with respect to the policy or contract for purposes of such annual statement; or such other amount as is determined by the Treasury Secretary. No inference is intended that such amounts may not be taken into account in determining the cash surrender value of a policy or contract in such circumstances for purposes of any other provision of the Code.

10. Payment of taxes by commercially acceptable means (sec. 403(k) of the bill, sec. 1205 of the 1997 Act, and sec. 6311 (d)(2) of the Code)

Present Law

The Code generally permits the payment of taxes by commercially acceptable means (such as credit cards) (sec. 6311(d)). The Treasury Secretary may not pay any fee or provide any other consideration in connection with this provision. This fee prohibition may have an unintended impact on Treasury contracts for the provision of services unrelated to the payment of income taxes by commercially acceptable means.

Description of Proposal

The proposal clarifies that the prohibition on paying any fees or providing any other consideration applies to the use of credit, debit, or charge cards for the payment of income taxes.

C. TECHNICAL CORRECTIONS TO THE 1984 ACT

1. Casualty loss deduction (sec. 404 of the bill, sec. 711(c) of the 1984 Act, and secs. 172(d)(4), 67(b)(3), 68(c)(3), and 873(b) of the Code)

Present Law

The Tax Reform Act of 1984 ("1984 Act") deleted casualty and theft losses from property connected with a nonbusiness transaction entered into for profit from the list of losses set forth in section 165(c)(3). This amendment was made in order to provide that these losses were deductible in full and not subject to the $100 per casualty limitation or the 10-percent adjusted gross income floor applicable to personal casualty losses. However, the amendment inadvertently eliminated the deduction for these losses from the computation of the net operating loss. Also, the Tax Reform Act of 1986 provided that casualty losses described in section 165(c)(3) are not miscellaneous itemized deductions subject to the 2-percent adjusted gross income floor, and the Revenue Reconciliation Act of 1990 provided that these losses are not treated as itemized deductions in computing the overall limitation on itemized deductions. The losses of nonresident aliens are limited to deductions described in section 165(c)(3). Because of the change made by the 1984 Act, the reference to section 165(c)(3) does not include casualty and theft losses from nonbusiness transActions entered into for profit.

Description of Proposal

The proposal provides that all deductions for nonbusiness casualty and theft losses are taken into account in computing the net operating loss. Also, these deductions are not treated as miscellaneous itemized deductions subject to the 2-percent adjusted gross income floor, or as itemized deductions subject to the overall limitation on itemized deductions, and are allowed to nonresident aliens.

Effective Dates

The proposal relating to the net operating loss and the deduction for nonresident aliens applies to taxable years beginning after December 31, 1983.

The proposal relating to miscellaneous itemized deduction applies taxable years beginning after December 31, 1986.

The proposal relating to the overall limitation on itemized deductions applies to taxable years beginning after December 31, 1990.

D. DISCLOSURE OF TAX RETURN INFORMATION TO THE DEPARTMENT OF AGRICULTURE (SEC. 405(A) OF THE BILL AND SEC. 6103(J) OF THE CODE)

Present Law

Tax return information generally may not be disclosed, except as specifically provided by statute. Disclosure is permitted to the Bureau of the Census for specified purposes, which included the responsibility of structuring, conducting, and preparing the census of agriculture (sec. 6103(j)(1)). The Census of Agriculture Act of 1997 (P.L. 105–113) transferred this responsibility from the Bureau of the Census to the Department of Agriculture.

Description of Proposal

The proposal permits the continuation of disclosure of tax return information for the purpose of structuring, conducting, and preparing the census of agriculture by authorizing the Department of Agriculture to receive this information.

Effective Date

The proposal is effective on the date of enactment of this technical correction.

E. TECHNICAL CORRECTIONS TO THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (SEC. 405(B) OF THE BILL, SEC. 9004 OF THE ACT, AND SEC. 9503(F) OF THE CODE)

Present Law

The Transportation Equity Act for the 21st Century ("Transportation Equity Act") (P.L. 105–178) extended the Highway Trust Fund and accompanying highway excise taxes. The Transportation Equity Act also changed the budgetary treatment of Highway Trust Fund expenditures, including repeal of a provision that balances maintained in the Highway Trust Fund pending expenditure earn interest from the General Fund of the Treasury.

Description of Proposal

The proposal clarifies that the Secretary of the Treasury is not required to invest Highway Trust Fund balances in interest-bearing obligations (because any interest paid to the Trust Fund by the General Fund would be immediately returned to the General Fund).

F. REPEAL OF PROVISIONS RELATING TO DISTRICT OF COLUMBIA JUDICIAL RETIREMENT PROGRAM (SEC. 405(C) OF THE BILL)

Present Law

Section 804 of the Treasury and General Government Appropriations Act, 1999, makes certain technical and clarifying amendments to the Judicial Retirement Program of the District of Columbia. Included in these amendments were certain amendments that applied for purposes of the Internal Revenue Code of 1986.

Description of Proposal

Section 804 of the Treasury and General Government Appropriations Act, 1999, is repealed.

Effective Date

The proposal is effective on the date of enactment.

G. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS AND OTHER FEDERAL PAYMENTS (SEC. 406 OF THE BILL AND SECS. 201 AND 207 OF THE SOCIAL SECURITY ACT)

Present Law

The Uruguay Round Agreements Act (P.L. 103–465) contained a provision requiring that U.S. taxpayers who receive specified Federal payments (including Social Security benefits) be given the option of requesting that the Federal agency making the payments withhold Federal income taxes from the payments.

Description of Proposal

Due to a drafting oversight, the Uruguay Round Agreements Act included only the necessary changes to the Internal Revenue Code ("Code") and failed to make certain conforming changes to the Social Security Act (specifically a section that prohibits assignments of benefits). The proposal amends the Social Security Act anti-assignment section to allow the Code provisions to be implemented. The proposal also allocates funding for the Social Security Administration to administer the tax-withholding provisions.

Effective Date

The proposal applies to benefits paid on or after the first day of the second month beginning after the month of enactment.

ESTIMATED REVENUE EFFECTS OF S. 2626, THE "TAX RELIEF EXTENSION RELIEF ACT OF 1998"

[Fiscal years 1999–2007, in millions of dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	1999–02	2003-07	1999–07
I. EXTENSION OF EXPIRING PROVISIONS:													
Subtitle A. Expiring Tax Provisions:													
A. Extend the R&E Credit (through 6/30/99)	7/1/98	-1,126	-505	-258	-184	-94	-20	....	....	....	2,073	-114	-2,187
B. Extend the Work Opportunity Tax Credit (through 6/30/99)	wpoifibwa 6/30/98	-191	-140	-73	-29	-10	-2	....	....	....	-434	-11	-445
C. Extend the Welfare-to-Work Tax Credit (through 6/30/99)	wpoifibwa 4/30/99	-4	-10	-7	-3	-1	....	....	....	....	-24	-1	-25
D. Extend Contributions of Appreciated Stock to Private Foundations (through 6/30/99).	7/1/98	-63	-13	-4	....	....	....	....	....	....	80	....	-80
E. 1-Year Extension of Exemption from Subpart F for Active Financing Income.	tybi 1999	-80	-180	....	....	....	....	....	....	....	-260	....	-260
F. Extension of Placed-in-Service Date For Certain Nonconventional Fuels Facilities (though 6/30/99).	DOE	-7	-26	-27	-38	-39	-40	-41	-42	-43	-109	-207	-315
G. Extension of Tax Information Reporting for Income Contingent Student Loan Program (through 9/30/04) [1].	([2])	NEGLIGIBLE BUDGET EFFECT											
Subtotal of Extension of Expiring Tax Provisions	....	-1,471	-874	-379	-254	-144	-62	-41	-42	-43	-2,980	-333	-3,312
SUBTITLE B. EXPIRING TRADE PROVISIONS:													
A. Extend the Generalized System of Preferences (through 12/31/99/) [1]	dpo/a 7/1/98	-393	-84	....	....	....	....	....	....	....	-477	....	-477
B. Extend Trade Adjustment Assistance (through 6/30/99) [1]	DOE	-34	-15	-1	....	....	....	....	....	....	-50	....	-50
Subtotal of Extension of Expiring Trade Provisions	....	-427	-99	-1	-	-	-	-	-	-	-527	-	-527
II. OTHER TAX PROVISIONS													
A. Increase Deduction for Health Insurance Expenses of Self-Employed Individuals—70% in 2001 and 100% in 2002 and thereafter.	tyba 12/31/00	....	....	-163	-702	-959	-637	-680	-602	-257	-864	-3,134	-3,998
B. Production Flexibility Contract Payments to Farmers Not Included in Income Prior to Receipt.	tyea 12/31/95	NEGLIGIBLE BUDGET EFFECT											
C. Permanent Extension of Income Averaging for Farmers	tyba 12/31/00	....	....	-2	-21	-22	-22	-23	-24	-24	-23	-115	-138
D. Treatment of Nonrefundable Personal Credits (child credit, adoption, credit, HOPE and Lifetime Learning credits, etc.) Under the Alternative Individual Minimum Tax (for 1998 only).	tybi 1998	-474	....	....	....	....	....	....	....	....	-474	....	-474
Subtotal of Other Tax Provisions	....	-474	....	-165	-723	-981	-659	-703	-626	-281	-1,361	-3,249	-4,610
REVENUE OFFSET PROVISION													
A. Change the Treatment of Certain Deductible Liquidating Distributions of RICs and REITs.	dma 5/21/98	2,425	1,109	723	640	672	705	741	778	817	4,897	3,713	8,610

FOOTNOTES

[1] This document may be cited as follows: Joint Committee on Taxation, Description of Provisions in S. 2622, the Tax Relief Extension Act of 1998 (JCX–70–98), October 10, 1998. (References in this document to the "1997 Act" refer to the Taxpayer Relief Act of 1997.)

[2] A special rule is designed to gradually recompute a start-up firm's fixed-base percentage based on its actual research experience. Under this special rule, a start-up firm will be assigned a fixed-base percentage of 3 percent for each of its first five taxable years after 1993 in which it incurs qualified research expenditures. In the event that the research credit is extended beyond the scheduled expiration date, a start-up firm's fix-based percentage for its sixth through tenth taxable years after 1993 in which it incurs qualified research expenditures will be a phased-in ratio based on its actual research experience. For all subsequent taxable years, the taxpayer's fixed-based percentage will be its actual ratio of qualified research expenditures to gross receipts for any five years selected by the taxpayer from its fifth through tenth taxable years after 1993 (sec. 41(c)(3)(B)).

[3] Under a special rule, 75 percent of amounts paid to a research consortium for qualified research is treated as qualified research expenses eligible for the research credit (rather than 65 percent under the general rule under sec. 41(b)(3) governing contract research expenses) if (1) such research consortium is a tax-exempt organization that is described in section 501(c)(3) (other than a private foundation) or section 501(c)(6) and is organized and operated primarily to conduct scientific research, and (2) such qualified research is conducted by the consortium on behalf of the taxpayer and one or more persons not related to the taxpayer.

[4] The amount of the deduction allowable for a taxable year with respect to a charitable contribution may be reduced depending on the type of property contributed, the type of charitable organization to which the property is contributed, and the income of the taxpayer (secs. 170(b) and 170(e)).

[5] The President canceled these exceptions in 1997 pursuant to the Line Item Veto Act. On June 25, 1998, the U.S. Supreme Court held that the cancellation procedures set forth in the Line Item Veto Act are unconstitutional *Clinton* v. *City of New York*, 118 S. Ct. 2091 (June 25, 1998).

[6] This rule applies to fiscal years after 1996. For fiscal year 1996, this payment was to be made not later than 30 days after the production flexibility contract was entered into.

[7] The amount of elected farm income of a taxpayer for a taxable year may not exceed the taxable income attributable to any farming business for the year.

[8] The bill contains a similar amendment to section 1(h)(13), as amended by section 5001 of the 1998 Act, to provide that, for purposes of taxing the recipient of a distribution made after 1997 by a CRT, amounts will not be taken into account in computing 28-percent rate gain by reason of being properly taken into account before May 7, 1997, or by reason of the property being held for not more than 18 months. Thus, no amount distributed by a CRT after 1997 will be treated as in the 28-percent category (other than by reason of the disposition of collectibles or small business stock).

[9] This exception (as certain other exceptions) does not apply if the stock held before the acquisition was acquired pursuant to a plan (or series of related transactions) to acquire a 50-percent or greater interest in the distributing or a controlled corporation.

[10] The 1997 Act does not limit the otherwise applicable Treasury regulatory authority under section 336(e) of the Code. Nor does it limit the otherwise applicable provisions of section 1367 with respect to the effect on shareholder stock basis of gain recognized by an S corporation under this provision.

ESTIMATED REVENUE EFFECTS OF S. 2626, THE "TAX RELIEF EXTENSION RELIEF ACT OF 1998"—Continued

[Fiscal years 1999–2007, in millions of dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	1999–02	2003–07	1999–07
Subtotal of Revenue Offset Provision		2,425	1,109	723	640	672	705	741	778	817	4,897	3,713	8,610
V. TAX TECHNICAL CORRECTIONS PROVISIONS							NO REVENUE EFFECT						
Net total		53	136	178	−337	−453	−16	−3	110	493	29	131	161

[1] Estimate provided by the Congressional Budget Office.

[2] Effective for requests made after the date of enactment and before 10/1/03.

NOTES: Details may not add to totals due to rounding. Legend for "Effective" column: dma = distributions made after; DOE = Date of enactment; dpo/a = duties paid on or after; tyba = taxable years beginning after; tybi = taxable years beginning in; tyea = taxable years ending after; wpoifibwa = wages paid or incurred for individuals beginning work after.

Prepared by Joint Committee on Taxation.

Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor, along with our esteemed Chairman, Senator ROTH, a Senate Finance Committee bill to extend a package of expired tax provisions. Unfortunately, dealing with this group of expired tax items has become a routine annual event for the Committee and for the Congress. This bill extends universally popular items such as the credit for increasing research activities, the Work Opportunity Credit, and the deduction for gifts of appreciated stock to private foundations through June of next year. It is my hope that 1999 will be the year that the entire group of "extenders" are finally made permanent.

We thank Senator ROTH for ensuring that the Finance Committee is heard on this matter. Our action is a reminder that the United States Congress does not act, on tax bills or any other measures, as a unicameral legislature. Indeed, this Finance committee measure improves in several ways on the bill passed by the House Ways and Means Committee yesterday:

First, we extend the Trade Assistance Program from October 1, 1998 through June 30, 1999. This is an important program established in the Trade Expansion Act of 1962 that provides training and income support for workers adversely affected by import competition. It is a commitment we have made to workers, and it ought to be kept.

Second, the bill includes a provision that prevents the tax benefit of nonrefundable personal credits such as the $500 per child credit and the adoption credit from being eroded by the Alternative Minimum Tax. This was to have been included as part of the Taxpayer Relief Act of 1997, but was dropped for some unknown reason as part of the final compromise. Without the "fix" included in this bill, we will trap many unsuspecting taxpayers who sit down to prepare their 1998 Federal income tax returns next spring.

I applaud the work of the chairman and the committee in moving quickly to agree on this bill and, for the greater good, deferring action on a number of very important narrower items until next year.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ROTH, and Mr. STEVENS):

S. 2623. A bill to increase the efficiency and effectiveness of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

• Mr. THOMPSON. Mr. President, today I am pleased to introduce the Government for the 21st Century Act of 1998, a bill to establish a commission to bring the structure of our government in line with the needs of our Nation in the next century. This bipartisan legislation is the result of work over several months between myself and Senators GLENN, BROWNBACK, LIEBERMAN, ROTH, and STEVENS. It has been carefully crafted to address not just what our government should look like, but the more fundamental question of what it should do.

We all know the old adage, "form follows function"—but in the case of our government, form too often impedes function. The federal infrastructure should enable it to respond to national needs and the needs of individual citizens quickly, efficiently, and successfully—but years of outmoded bureaucracies, procedures and red tape have impeded the kind of responsible service our citizens deserve and expect. The government we have today was designed for a world which has long since passed into history, a world in which personal computers did not exist, two-income families were the exception and no one had ever heard of a "sport utility vehicle". In short, it is time to modernize the federal government, and there is no more appropriate time to do it than on the eve of the next century.

It seems to me that the federal government is doing too many things to do them all well. I believe we must reevaluate the functions of government to improve government service where it is needed, redirect resources where it is necessary, and get the federal government out of activities in which it does not belong. Our Founding Fathers envisioned a government of defined and limited powers. I can imagine their dismay if they knew the size and scope of the federal government today. We need to return to the limited government that the Founders intended, and the Commission established in the legislation we are introducing today is a major step in that direction.

The Government Restructuring and Reform Commission established by this legislation would take a hard look at federal departments, agencies and programs and ask—

Can and should we consolidate these agencies and programs to improve the implementation of their statutory missions, eliminate activities not essential to their statutory missions, and reduce duplication of activities while increasing accountability for performance?

How can we improve management to maximize productivity, effectiveness and accountability?

What criteria should we use in determining whether a federal activity should be privatized?

Which departments or agencies should be eliminated because their functions are obsolete, redundant, or better performed by state and local governments or the private sector?

We all want a federal government that is as innovative and responsive as the government we envision. Our challenge is to determine how to get there. We must start by asking ourselves what the essential functions of government will be in the next century, so we may tailor the scope and structure of the executive branch accordingly. Some activities now performed by the federal government may require more resources; others will surely require less. The Commission on Government Restructuring and Reform will give us a blueprint for designing a federal government to meet our Nation's needs now and in the future.

I am pleased that Senators LIEBERMAN, BROWNBACK, ROTH, and STEVENS are joining me in introducing this bill today, and I thank them for the time and staff they have devoted to the effort. I look forward to working with them on this important legislation.

I ask unanimous consent that the Government for the 21st Century Act, along with the brief summary and section-by-section analysis, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Government for the 21st Century Act of 1998".

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of this Act is to reduce the cost and increase the effectiveness of the Federal Government by reorganizing departments and agencies, consolidating redundant activities, streamlining operations, and decentralizing service delivery in a manner that promotes economy, efficiency, and accountability in Government

programs. This Act is intended to result in a Federal Government that—

(A) utilizes a smaller and more effective workforce;

(B) motivates its workforce by providing a better organizational environment; and

(C) ensures greater access and accountability to the public in policy formulation and service delivery.

(2) SPECIFIC GOALS.—This Act is intended to achieve the following goals for improvements in the performance of the Federal Government by October 1, 2002:

(A) A restructuring of the cabinet and subcabinet level agencies.

(B) A substantial reduction in the costs of administering Government programs.

(C) A dramatic and noticeable improvement in the timely and courteous delivery of services to the public.

(D) Responsiveness and customer-service levels comparable to those achieved in the private sector.

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "agency" includes all Federal departments, independent agencies, Government-sponsored enterprises, and Government corporations; and

(2) "private sector" means any business, partnership, association, corporation, educational institution, nonprofit organization, or individuals.

SEC. 3. THE COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Commission on Government Restructuring and Reform (hereafter in this Act referred to as the "Commission").

(b) DUTIES.—The Commission shall examine and make recommendations to reform and restructure the organization and operations of the executive branch of the Federal Government to improve economy, efficiency, effectiveness, consistency, and accountability in Government programs and services, and shall include and be limited to proposals to—

(1) consolidate or reorganize programs, departments, and agencies in order to—

(A) improve the effective implementation of their statutory missions;

(B) eliminate activities not essential to the effective implementation of statutory missions;

(C) reduce the duplication of activities among agencies; or

(D) reduce layers of organizational hierarchy and personnel where appropriate to improve the effective implementation of statutory missions and increase accountability for performance.

(2) improve and strengthen management capacity in departments and agencies (including central management agencies) to maximize productivity, effectiveness, and accountability;

(3) propose criteria for use by the President and Congress in evaluating proposals to establish, or to assign a function to, an executive entity, including a Government corporation or Government-sponsored enterprise;

(4) define the missions, roles, and responsibilities of any new, reorganized, or consolidated department or agency proposed by the Commission;

(5) eliminate the departments or agencies whose missions and functions have been determined to be—

(A) obsolete, redundant, or complete; or

(B) more effectively performed by other units of government (including other Federal departments and agencies and State and local governments) or by the private sector; and

(6) establish criteria for use by the President and Congress in evaluating proposals to privatize, or to contract with the private sector for the performance of, functions currently administered by the Federal Government.

(c) LIMITATIONS ON COMMISSION RECOMMENDATIONS.—The Commission's recommendations or proposals under this Act may not provide for or have the effect of—

(1) continuing an agency beyond the period authorized by law for its existence;

(2) continuing a function beyond the period authorized by law for its existence;

(3) authorizing an agency to exercise a function which is not already being performed by any agency;

(4) eliminating the enforcement functions of an agency, except such functions may be transferred to another executive department or independent agency; or

(5) adding, deleting, or changing any rule of either House of Congress.

(d) APPOINTMENT.—

(1) MEMBERS.—The Commissioners shall be appointed for the life of the Commission and shall be composed of nine members of whom—

(A) three shall be appointed by the President of the United States;

(B) two shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the minority Leader of the House of Representatives;

(D) two shall be appointed by the majority Leader of the Senate; and

(E) one shall be appointed by the minority Leader of the Senate.

(2) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under subsection (b).

(3) CHAIRMAN.—At the time the President nominates individuals for appointment to the Commission the President shall designate one such individual who shall serve as Chairman of the Commission.

(4) MEMBERSHIP.—A member of the Commission may be any citizen of the United States who is not an elected or appointed Federal public official, a Federal career civil servant, or a congressional employee.

(5) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this paragraph) shall be a special Government employee.

(6) DATE OF APPOINTMENTS.—All members of the Commission shall be appointed within 90 days after the date of enactment of this Act.

(e) TERMS.—Each member shall serve until the termination of the Commission.

(f) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as was the original appointment.

(g) MEETINGS.—The Commission shall meet as necessary to carry out its responsibilities. The Commission may conduct meetings outside the District of Columbia when necessary.

(h) PAY AND TRAVEL EXPENSES.—

(1) PAY.—

(A) CHAIRMAN.—Except for an individual who is chairman of the Commission and is otherwise a Federal officer or employee, the chairman shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including traveltime) during which the chairman is engaged in the performance of duties vested in the Commission.

(B) MEMBERS.—Except for the chairman who shall be paid as provided under subparagraph (A), each member of the Commission who is not a Federal officer or employee shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the performance of duties vested in the Commission.

(2) TRAVEL.—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) DIRECTOR.—

(1) APPOINTMENT.—The Chairman of the Commission shall appoint a Director of the Commission without regard to section 5311(b) of title 5, United States Code.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(j) STAFF.—

(1) APPOINTMENT.—The Director may, with the approval of the Commission, appoint and fix the pay of employees of the Commission without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and any Commission employee may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that a Commission employee may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAIL.—

(A) DETAILS FROM AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(B) DETAILS FROM CONGRESS.—Upon request of the Director, a Member of Congress or an officer who is the head of an office of the Senate or House of Representatives may detail an employee of the office or committee of which such Member or officer is the head to the Commission to assist the Commission in carrying out its duties under this Act.

(C) REIMBURSEMENT.—Any Federal Government employee may be detailed to the Commission with or without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(k) SUPPORT.—

(1) SUPPORT SERVICES.—The Office of Management and Budget shall provide support services to the Commission.

(2) ASSISTANCE.—The Comptroller General of the United States may provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(l) OTHER AUTHORITY.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code. The Commission shall give public notice of any such contract before entering into such contract.

(m) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(n) FUNDING.—There are authorized to be appropriated to the Commission $2,500,000 for fiscal year 1999, and $5,000,000 for each of fiscal years 2000 and 2001 to enable the Commission to carry out its duties under this Act.

(o) TERMINATION.—The Commission shall terminate no later than September 30, 2001.

SEC. 4. PROCEDURES FOR MAKING RECOMMENDATIONS.

(a) PRESIDENTIAL RECOMMENDATIONS.—No later than July 1, 1999, the President may submit to the Commission a report making recommendations consistent with the criteria under section 3 (b) and (c). Such a report shall contain a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(b) IN GENERAL.—No later than December 1, 2000, the Commission shall prepare and submit a single preliminary report to the President and Congress, which shall include—

(1) a description of the Commission's findings and recommendations, taking into account any recommendations submitted by the President to the Commission under subsection (a); and

(2) reasons for such recommendations.

(c) COMMISSION VOTES.—No legislative proposal or preliminary or final report (including a final report after disapproval) may be submitted by the Commission to the President and Congress without the affirmative vote of at least 6 members.

(d) DEPARTMENT AND AGENCY COOPERATION.—All Federal departments, agencies, and divisions and employees of all departments, agencies, and divisions shall cooperate fully with all requests for information from the Commission and shall respond to any such requests for information expeditiously, or no later than 15 calendar days or such other time agreed upon by the requesting and requested parties.

SEC. 5. PROCEDURE FOR IMPLEMENTATION OF REPORTS.

(a) PRELIMINARY REPORT AND REVIEW PROCEDURE.—Any preliminary report submitted to the President and Congress under section 4(b) shall be made immediately available to the public. During the 60-day period beginning on the date on which the preliminary report is submitted, the Commission shall announce and hold public hearings for the purpose of receiving comments on the reports.

(b) FINAL REPORT.—No later than 6 months after the conclusion of the period for public hearing under subsection (a), the Commission shall prepare and submit a final report to the President. Such report shall be made available to the public on the date of submission to the President. Such report shall include—

(1) a description of the Commission's findings and recommendations, including a description of changes made to the report as a result of public comment on the preliminary report;

(2) reasons for such recommendations; and

(3) a single legislative proposal (including legislation proposed to be enacted) to implement those recommendations for which legislation is necessary or appropriate.

(c) EXTENSION OF FINAL REPORT.—By affirmative vote pursuant to section 4(c), the Commission may extend the deadline under subsection (b) by a period not to exceed 90 days.

(d) REVIEW BY THE PRESIDENT.—

(1) IN GENERAL.—

(A) PRESIDENTIAL ACTION.—No later than 30 calendar days after receipt of a final report under subsection (b), the President shall approve or disapprove the report.

(B) PRESIDENTIAL INACTION.—

(i) IN GENERAL.—If the President does not approve or disapprove the final report within 30 calendar days in accordance with subparagraph (A), Congress shall consider the report in accordance with clause (ii).

(ii) SUBMISSION.—Subject to clause (i), the Commission shall submit the final report, without further modification, to Congress on the date occurring 31 calendar days after the date on which the Commission submitted the final report to the President under subsection (b).

(2) APPROVAL.—If the report is approved, the President shall submit the report to Congress for legislative action under section 6.

(3) DISAPPROVAL.—If the President disapproves a final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress.

(4) FINAL REPORT AFTER DISAPPROVAL.—The Commission shall consider any issues or objections raised by the President and may modify the report based on such issues and objections. No later than 30 calendar days after receipt of the President's disapproval under paragraph (3), the Commission shall submit the final report (as modified if modified) to the President and to Congress.

SEC. 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "implementation bill" means only a bill which is introduced as provided under subsection (b), and contains the proposed legislation included in the final report submitted to the Congress under section 5(d) (1)(B), (2), or (4), without modification; and

(2) the term "calendar day" means a calendar day other than one on which either House is not in session because of an adjournment of more than three days to a date certain.

(b) INTRODUCTION, REFERRAL, AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day on which both Houses are in session, on or immediately following the date on which a final report is submitted to the Congress under section 5(d) (1)(B), (2), or (4), a single implementation bill shall be introduced (by request)—

(A) in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate; and

(B) in the House of Representatives by the Majority Leader of the House of Representatives, for himself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House of Representatives.

(2) REFERRAL.—The implementation bills introduced under paragraph (1) shall be referred to the appropriate committee of jurisdiction in the Senate and the appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House with amendments proposed to be adopted. No such amendment may be proposed unless such proposed amendment is relevant to such bill.

(3) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 30th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(c) SENATE CONSIDERATION.—

(1) IN GENERAL.—On or after the fifth calendar day after the date on which an implementation bill is placed on the Senate calendar under subsection (b)(3), it is in order (even if a previous motion to the same effect has been disagreed to) for any Senator to make a motion to proceed to the consideration of the implementation bill. The motion is not debatable. All points of order against the implementation bill (and against consideration of the implementation bill) other than points of order under Senate Rule 15, 16, or for failure to comply with requirements of this section are waived. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion to proceed is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the Senate shall immediately proceed to consideration of the implementation bill.

(2) DEBATE.—In the Senate, no amendment which is not relevant to the bill shall be in order. A motion to postpone is not in order. A motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(3) APPEALS FROM CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to an implementation bill shall be decided without debate.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—At any time on or after the fifth calendar day after the date on which each committee of the House of Representatives to which an implementation bill is referred has reported that bill, or has been discharged under subsection (b)(3) from further consideration of that bill, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of that bill. All points of order against the bill, the consideration of the bill, and provisions of the bill shall be waived, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed 10 hours, to be equally divided and controlled by the Majority Leader and the Minority Leader, the bill shall be considered for amendment by title under the five-minute rule and each title shall be considered as having been read.

(2) AMENDMENTS.—Each amendment shall be considered as having been read, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for not to exceed 30 minutes, equally divided and controlled by the proponent and a Member opposed thereto, except that the time for consideration, including debate and disposition, of all amendments to the bill shall not exceed 20 hours.

(3) FINAL PASSAGE.—At the conclusion of the consideration of the bill, the Committee shall rise and report the bill to the House with such amendments as may have been agreed to, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(e) CONFERENCE.—

(1) APPOINTMENT OF CONFEREES.—In the Senate, a motion to elect or to authorize the appointment of conferees by the presiding officer shall not be debatable.

(2) CONFERENCE REPORT.—No later than 20 calendar days after the appointment of conferees, the conferees shall report to their respective Houses.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 7. IMPLEMENTATION.

(a) RESPONSIBILITY FOR IMPLEMENTATION.—The Director of the Office of Management and Budget shall have primary responsibility for implementation of the Commission's report and the Act enacted under section 6 (unless such Act provides otherwise). The Director of the Office of Management and Budget shall notify and provide direction to heads of affected departments, agencies, and programs. The head of an affected department, agency, or program shall be responsible for implementation and shall proceed with the recommendations contained in the report as provided under subsection (b).

(b) DEPARTMENTS AND AGENCIES.—After the enactment of an Act under section 6, each affected Federal department and agency as a part of its annual budget request shall transmit to the appropriate committees of Congress its schedule for implementation of the provisions of the Act for each fiscal year. In addition, the report shall contain an estimate of the total expenditures required and the cost savings to be achieved by each action, along with the Secretary's assessment of the effect of the action. The report shall also include a report of any activities that have been eliminated, consolidated, or transferred to other departments or agencies.

(c) GAO OVERSIGHT.—The Comptroller General shall periodically report to Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation of any Act enacted under section 6.

SEC. 8. DISTRIBUTION OF ASSETS.

Any proceeds from the sale of assets of any department or agency resulting from the enactment of an Act under section 6 shall be—

(1) applied to reduce the Federal deficit; and

(2) deposited in the Treasury and treated as general receipts.

GOVERNMENT FOR THE 21ST CENTURY ACT—BRIEF SUMMARY

This legislation will reduce the cost and increase the effectiveness of the Federal Government. It achieves this by establishing a commission to propose to Congress and the President a plan to bring the structure and operations of the Federal Government in line with the needs of Americans in the next century.

Duties of the Commission: The Commission is authorized under this legislation to: Reorganize Federal departments and agencies, eliminate activities not essential to fulfilling agency missions, streamline government operations, and consolidate redundant activities.

The Commission would not be authorized to: Continue any agency or function beyond its current authorization, authorize functions not performed already by the Federal Government, eliminate enforcement functions, and change rules of Congress.

Composition of the Commission: The Commission shall consist of 9 members appointed by the President and the Congressional Leadership of both parties. No more than 5 members can be affiliated with one party.

How the Commission Works: The process established in this legislation is bipartisan, allows input by the President, and is fully open and public.

1. The Commission Report: By July 1, 1999, the President may submit his recommendations to the Commission. By December 1, 1999, the Commission shall submit to the President and Congress a preliminary recommendations on restructuring the Federal Government. After a public comment period, the Commission shall prepare a final report and submit it to the President for review and comment.

2. Presidential Review and Comment: The President has 30 days to approve or disapprove the Commission's report. The Commission may or may not modify its report based on the President's comments, at its discretion, and shall issue its final report to Congress.

3. Congressional Consideration: The final report shall be introduced in both Houses by request and referred to the appropriate committee(s). After 30 days, the bills may be considered by the full House and Senate, and are subject to amendment.

Implementation: Once legislation effecting the Commission's recommendations is enacted, the Office of Management and Budget shall be responsible for implementing it, and the General Accounting Office shall report to Congress on the progress of implementation.

GOVERNMENT FOR THE 21ST CENTURY ACT OF 1998—SECTION BY SECTION ANALYSIS

SECTION 1. SHORT TITLE AND PURPOSE

This act may be known as the "Government for the 21st Century Act of 1998." Its purpose is to reduce the cost and increase the effectiveness of the Executive Branch. It achieves this by creating a commission to propose to Congress and the President a plan to reorganize departments and agencies, consolidate redundant activities, streamline operations, and decentralize service delivery in a manner that promotes economy, efficiency, and accountability in Government programs.

SECTION 2. DEFINITIONS

This section defines "agency" as all Federal departments, independent agencies, government-sponsored enterprises and government corporations, and defines "private sector" as any business, partnership, association, corporation, educational institution, nonprofit or individual.

SECTION 3. THE COMMISSION

This section establishes a commission, known as the Commission on Government Restructuring and Reform, to make recommendations to reform and restructure the executive branch. The Commission shall make proposals to consolidate, reorganize or eliminate executive branch agencies and programs in order to improve effectiveness, efficiency, consistency and accountability in Government. The Commission shall also recommend criteria by which to determine which functions of government should be privatized. The Commission may not propose to continue agencies or functions beyond their current legal authorization, nor may the Commission propose to eliminate enforcement functions of any agencies or change the rules of either House of Congress.

The Commission shall be composed of 9 members appointed by the President, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives.

The Commission shall be managed by a Director and shall have a staff, which may include detailees. The Office of Management and Budget shall provide support services and the Comptroller General may provide assistance to the Commission.

This section also authorizes $2.5 million to be appropriated in fiscal years 1999 and $5 million for fiscal years 2000 and 2001 for the Commission to carry out its duties, and states that the Commission shall terminate no later than September 30, 2001.

SECTION 4. PROCEDURES FOR MAKING RECOMMENDATIONS

By July 1, 1999, the President may submit his recommendation on Government reorganization to the Commission. The President's recommendation must be consistent with the duties and limitations given to the Commission in formulating its recommendations by this act and must be transmitted to the Commission as a single legislative proposal.

By December 1, 1999, the Commission shall prepare and submit a single preliminary report to the President and Congress. That report must include a description of the Commission's findings and recommendations and the reasons for such recommendations. This proposed must be approved by at least 6 members of the Commission.

This section also provides that all Federal departments and agencies must cooperate fully with all requests for information from the Commission.

SECTION 5. PROCEDURES FOR IMPLEMENTATION OF REPORTS

This section provides that any preliminary report submitted to the President and the Congress under Section 4 be made available immediately to the public. During the 60-day period after the submission of the preliminary report, the Commission shall hold public hearings to receive comments on the report.

Six months after the conclusion of the period for public comments, the Commission shall submit a final report to the President. This report shall be made available to the public, and shall include a description of the Commission's findings and recommendations, the reasons for such recommendations, and a single legislative proposal to implement the recommendations.

The President shall then approve or disapprove the report within 30 days. If he fails to act, after 30 days the report is immediately submitted to Congress. If the President approves the report, he than shall submit the report to Congress for legislative action under Section 6.

If he disapproves the final report, the President shall report specific issues and objections, including the reasons for any changes recommended in the report, to the Commission and Congress. For 30 days after the President disapproves a report, the Commission may consider any issues and objections raised by the President and may modify the report on these issues and objections. After 30 days, the Commission must submit its final report (as modified if modified) to the President and Congress.

SECTION 6. CONGRESSIONAL CONSIDERATION OF REFORM PROPOSALS

After a final report is submitted to the Congress, the single implementation bill shall be introduced by request in the House and Senate by the Majority and Minority Leaders in each chamber or their designees.

This section stipulates that the implementation bill be referred to the appropriate committee of jurisdiction in the Senate and the appropriate committee of jurisdiction in the House of Representatives. Each committee must report the bill to its respective House chamber within 30 days with relevant amendments proposed to be adopted. If a committee fails to report such bill within 30 days, that committees is immediately discharged from further consideration, and the bill is placed on the appropriate calendar.

Section 6(c) outlines procedures for Senate floor consideration of legislation implementing the Commission's recommendation. On or after the fifth calendar day after the date on which the implementation bill is placed on the Senate calendar, any Senator may make a privileged motion to consider the implementation bill. Only relevant amendments shall be in order, and motions to postpone, recommit, or reconsider the vote by which the bill is agreed to are not in order.

Section 6(d) outlines procedures for House floor consideration of legislation implementing the Commission's recommendations. General debate on the implementation bill is limited to 10 hours equally divided in the House, and controlled by the Majority and Minority Leaders. Amendments shall be considered by title under the five minute rule, and shall be debatable for 30 minutes equally divided. Debate on all amendments shall not exceed 20 hours.

This section further states that within 20 calendar days, conferees shall report to their respective House.

SECTION 7. IMPLEMENTATION

The Office of Management and Budget shall have primary responsibility for implementing the Commission's report and any implementation legislation that is enacted, unless otherwise specified in the implementation bill.

Federal departments and agencies are required to include a schedule for implementation of the provisions of the implementation as a part of their annual budget request.

GAO is given oversight responsibility and is required to report to the Congress and the President regarding the accomplishment, the costs, the timetable, and the effectiveness of the implementation process.

SECTION 8. DISTRIBUTION OF ASSETS

Any proceeds from the sale of assets of any department or agency resulting from the implementation legislation shall be applied to the Federal deficit and deposited in the Treasury and treated as general receipts.•

• Mr. BROWNBACK. Mr. President, I am pleased to join Senator THOMPSON in introducing the Government for the 21st Century Act of 1998. Both majority and minority members of the Senate Governmental Affairs Committee have been working on this legislation throughout this Congress and have come to agreement to introduce this important bill.

The Government for the 21st Century Act would establish a commission to propose to Congress and the President a plan to reduce the cost and increase the effectiveness of the Federal government by bringing its structure and operations in line with the needs of America in the next century. The commission would consist of nine members appointed by the President and the congressional leadership of both parties.

The President may submit his recommendations to the Commission by July 1, 1999. By December 1, 1999, the Commission shall submit to the President and Congress preliminary recommendations on restructuring the Federal government. After a public comment period, the Commission will prepare a final report to the President. Legislation based on the final report would be introduced in both Houses and referred to the appropriate committee of jurisdiction. The bill would be considered by both Houses after 30 days. Once the legislation is signed into law, the Office of Management and Budget would be responsible for implementation.

The Commission would reinforce our work to maintain a balanced budget. Good government must have agencies that operate efficiently and effectively within their core mission and within their budget. We have achieved one goal of operating within a balanced budget but we must continue to work towards the other. Even under a balanced budget and a budget surplus, inefficiencies and rising costs remain in the Federal government. A balanced budget and a budget surplus does not preclude the Federal government from being accountable to the American people. The Government for the 21st Century Act would see to it that the Federal government will continue to be accountable.•

By Mr. DOMENICI:

S. 2624. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in the rural areas, and for other purposes; to the Committee on Labor and Human Resources.

THE RURAL EMPLOYMENT IN TELECOMMUNICATIONS INDUSTRY ACT OF 1998

Mr. DOMENICI. Mr. President, today, with great pleasure, I introduce "The Rural Employment in Telecommunications Industry Act of 1998."

The introduction of this Bill marks a historic opportunity for rural communities to create jobs within the telecommunications industry. The Bill establishes a program to train residents of low income rural areas for employment in telecommunications industry jobs located in those same rural areas.

As many of my colleagues know, I have an initiative called "rural payday" and I believe this Bill is yet another step in creating jobs for our rural areas. All too often a rural area is characterized by a high number of low income residents and a high unemployment rate.

Moreover, our rural areas are often dependent upon a small number of employers or a single industry for employment opportunities. Consequently, when there is a plant closing or a downturn in the economy or a slowdown in the area's industry the already present problems are only compounded. Mr. President, I would like to take a moment and talk about New Mexico.

While New Mexico may be the 5th largest state by size with its beautiful mountains, desert, and Great Plains and vibrant cities such as Albuquerque, Santa Fe, and Las Cruces it is also a very rural state. The Northwest and Southeast portions of the state are currently experiencing difficulties as a result of the downturn in the oil and gas industry. Additionally, the community of Roswell has been dealt a blow with the closing of the Levi Straus manufacturing plant.

As I stated before, rural areas that simply do not have the resources of more metropolitan areas can be simply devastated by a single event or downturn in the economy. And that Mr. President is why I am introducing "The Rural Employment in Telecommunications Industry Act of 1998."

The Bill will allow the Secretary of Labor to establish a program to promote rural employment in the telecommunications industry by providing grants to states with low income rural areas. The program will be a win win proposition for all involved because employers choosing to participate in the project by bringing jobs to the rural area will be assured of a highly skilled workforce.

The program will provide residents with intensive services to train them for the new jobs in the telecommunications industry. The intensive services will include customized training and appropriate remedial training, support services and placement of the individual in one the new jobs created by the program.

And that is what this bill is about, providing people with the tools needed to succeed. With these steps we are embarking on the road of providing our rural areas throughout our nation with a vehicle to create jobs. We are creating opportunities and an environment where our citizens can succeed and our communities can be vibrant.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Employment in Telecommunications Industry Act of 1998."

SEC. 2. DEFINITIONS.

In this Act:

(1) DISLOCATED WORKER; LOW-INCOME INDIVIDUAL.—The terms "dislocated worker" and "low-income individual" have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(2) LOW-INCOME RURAL AREA.—The term "low-income rural area" means a county that—

(A) has a 1996 population of not less than 60,000 and not more than 105,000 persons;

(B) contains a municipality with a 1996 population of not less than 35,000 and not more than 50,000 persons;

(C) has a land area of not less than 5,500 and not more than 6,100 square miles;

(D) has a population density of not less than 10 and not more than 20 persons per square mile;

(E) has a 1996 per capita income that is—

(i) not less than $16,000 and not more than $16,500; and

(ii) not less than 86 and not more than 88 percent of the statewide per capita income for the State in which the county is located; or

(F) is a county no part of which is—

(i) within an area designated as a standard metropolitan statistical area by the Director of the Office of Management and Budget; or

(ii) within an area designated as a metropolitan statistical area by the Director of the Office of Management and Budget; or

(G)(i) is experiencing a significant contraction in the oil and natural gas exploration and development industry;

(ii) experienced a plant closing within 1 year before the date of enactment of this Act that significantly impacted the county; or

(iii) is in close proximity to an Indian reservation, as determined by the Bureau of Indian Affairs.

(3) INTENSIVE SERVICES.—The term "intensive services" means services described in section 134(d)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(3)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(5) STATE.—The term "State" means 1 of the several States.

SEC. 3. RURAL EMPLOYMENT IN THE TELECOMMUNICATIONS INDUSTRY PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program to promote rural employment in the telecommunications industry. In carrying out the program, the Secretary shall make grants to States for projects described in subsection (b).

(b) USE OF FUNDS.—A State that receives a grant under subsection (a) shall use the funds made available through the grant to carry out a State telecommunications employment and training project. In carrying out the project, the State shall—

(1) train eligible individuals for new telecommunications industry jobs that will be located in low-income rural areas pursuant to arrangements with employers participating in the project, including ensuring that individuals receive—

(A) intensive services;

(B) customized training and appropriate remedial training described in paragraphs (2) and (3) of section 4; and

(C) appropriate supportive services; and

(2) arrange for the employment of the individuals in the telecommunications industry jobs.

(c) ELIGIBLE PARTICIPANTS.—To be eligible to participate in a project described in subsection (a), an individual shall be—

(1) a resident of a low-income rural area;

(2)(A) a low-income individual;

(B) a dislocated worker from the oil and natural gas exploration and development industry;

(C) an out-of-school youth;

(D) an individual with a disability, as defined in section 101 of the Workforce Investment Act of 1998;

(E) an individual who is receiving, or who has received within the past year, assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or other public assistance;

(F) a veteran, as defined in section 101 of the Workforce Investment Act of 1998;

(G) a displaced homemaker, as defined in section 101 of the Workforce Investment Act of 1998;

(H) an older individual, as defined in section 101 of the Workforce Investment Act of 1998;

(I) a homeless individual;

(J) an individual eligible to participate in activities carried out under section 166 of the Workforce Investment Act of 1998;

(K) an individual eligible to participate in employment and training activities under section 134 of the Workforce Investment Act of 1998;

(L) a long-term unemployed individual; or

(M) an individual with multiple barriers to employment; and

(3) an individual who has been assessed by the entity carrying out the project and determined to need intensive services.

(d) LIMITATION.—The Secretary shall make the grants to not more than 3 States.

SEC. 4. APPLICATION AND STATE PLAN.

(a) CONTENTS.—To be eligible to receive a grant under this Act, a State shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary may require, including a State plan that includes—

(1) information demonstrating how the project will train and employ eligible individuals, including individuals described in subparagraphs (C) through (M) of section 3(c)(2);

(2) an assurance that the project will include a customized training program for the customer service and supervisory competencies needed in the telecommunications industry jobs to be located in the low-income rural areas served;

(3) an assurance that the project will include appropriate remedial training in such areas as reading, writing, math, and English as a second language for eligible individuals who the entity carrying out the project assesses and determines need such training;

(4) includes information describing linkages, including linkages relating to providing supportive services for participants in and graduates of the project, between—

(A) the entity carrying out the project; and

(B) one-stop operators (as defined in section 101 of the Workforce Investment Act of 1998), one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998), State workforce investment boards established under section 111 of such Act, and local workforce investment boards established under section 117 of such Act;

(5) information identifying certification criteria for individuals who successfully complete the training;

(6) an assurance that employers participating in the project will make available contributions to the costs of assessing and training participants in the project including those participants who are not eligible individuals described in subparagraph (c) for the new telecommunications jobs in an amount equal to not less than $1 for every $1 of Federal funds provided under the grant;

(7)(A) an assurance that the project will include an appropriate performance assessment program that will measure—

(i) the rate of completion of the training by participants in the training;

(ii) the percentage of the participants who obtain unsubsidized employment;

(iii) the wages of the participants at placement in the employment; and

(iv) the percentage of the participants retained in the employment after 6 months of employment; and

(B) an assurance that the entity carrying out the project will annually submit to the Secretary the results of the performance assessment program; and

(8)(A) information explaining how the activities carried out through the project are linked to State economic development activities; and

(B) information describing commitments from private sector employers to locate new telecommunications jobs and facilities within the low-income rural areas to be served, including commitments to provide any needed upgrade in the telecommunications infrastructure.

(b) ACCEPTANCE OF APPLICATIONS.—The Secretary shall accept applications submitted under subsection (a) not later than 90 days after the date of enactment of this Act.

(c) EVALUATION OF APPLICATIONS.—The Secretary shall evaluate, and approve or reject, each application submitted under subsection (a) that meets the criteria described in subsections (a) and (b) not later than 60 days after submission of the application.

(d) PRIORITY.—In determining which States receive grants under subsection (a), the Secretary will give priority to a State submitting a State plan describing a project that—

(1) will serve an area of high unemployment;

(2) will serve an area with a significant bilingual population;

(3) will serve an area with a significant minority population, including Native Americans;

(4) will serve an area with a high percentage of youth who have failed to complete secondary school;

(5) will serve an area significantly impacted by the contraction of the oil and natural gas exploration and development industry;

(6) will serve an area significantly impacted by recent plant closings; or

(7) is designed to create 1,000 or more new jobs within 2 years of the commencement of the training.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 1999 through 2003.

In the RECORD of October 9, 1998, on page 25160 the following statement of Mr. KERREY to accompany his introduced bill, S. 2613, was incorrectly attributed to Mr. KERRY. The permanent RECORD will be corrected to reflect the following:

By Mr. KERRY:

S. 2613. A bill to accelerate the percentage of health insurance costs deductible by self-employed individuals through the use of revenues resulting from an estate tax technical correction; to the Committee on Finance.

HEALTH CARE DEDUCTIBILITY LEGISLATION

Mr. KERRY. Mr. President, I have a very simple proposition for the Senate. Let's close an accidental tax loophole for the heirs of people who leave estates worth more than $17 million and use the savings to help self-employed Americans—like the thousands of entrepreneurs on Nebraska's farms and ranches—afford the soaring cost of health care.

Today I am submitting legislation to accomplish that purpose.

The facts are very simple. Prior to 1997, when we passed the 1997 Balanced Budget Agreement, the first $600,000 of an estate was excluded from taxes. The old law gradually phased out this exclusion once an estate reached $17 million. The 1997 Act increases the value of an estate not subject to taxes. But a drafting error in the 1997 Balanced Budget Agreement failed to include the accompanying phase out of the exclusion on estates over $17 million.

Clearly this error needs to be fixed. Letting this mistake stand uncorrected will cost the American taxpayers nearly $900 million over the next ten years. To give you an idea of how much this provision does to benefit the few, consider that in 1995, the Internal Revenue Service estimates that just 300 tax returns were filed on estates over $20 million.

Congress had the opportunity to correct this error during consideration of the IRS Reform bill this year. Regrettably, the objections of a few to making this right overcame the support of the many for doing so.

Meanwhile, Mr. President, self-employed Americans are struggling to cope with the rising cost of health insurance, which they—unlike Americans employed by others—cannot fully deduct from their taxable income. The face of their struggle is most evident on farms and ranches. In Nebraska, producers are facing plunging commodity prices at the same time they face soaring costs of living, especially for health insurance. Today they can deduct 40 percent of the cost of their insurance. Under current law, they cannot fully deduct that cost until 2007.

So, my proposal is simple. Let's close the loophole that everyone admits was an accident, and use that money to accelerate the full deductibility of health insurance for the self-employed. It's a clear choice between a loophole that nobody wanted to exist and entrepreneurs who—especially those on our farms and ranches—may not exist much longer if we don't get them some help.

While I recognize time is short for passing this bill this year, I urge my colleagues to join me in supporting this legislation and in pursuing this goal next year.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998—S. 2616

Statements on the bill, S. 2616, introduced on October 9, 1998, did not appear in the RECORD. The material follows:

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. BREAUX, Mr. JEFFORDS, Mr. DOMENICI, Ms. COLLINS, Mr. BAUCUS, Mr. D'AMATO, Mr. BRYAN, Mr. HATCH, Mr. KERREY, Mr. ROCKEFELLER, Mr. NICKLES, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, and Mr. MURKOWSKI):

S. 2616. A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the medicare program; to the Committee on Finance.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998

Mr. ROTH. Mr. President, I rise to introduce the Medicare Home Health Fair Payment Act of 1998.

This legislation is the product of a great deal of hard work and analysis. It has bipartisan, bicameral, support. Currently, the bill has 15 cosponsors, and similar legislation was introduced in the House of Representatives.

Staff worked to make sure that the technical aspects of this bill could be implemented. After technical review from the Health Care Financing Administration, it is our understanding that the changes in home health payments could be implemented as intended.

I would like to thank the many Senators who were very helpful and contributed to the debate of addressing the home health interim payment system. In particular, I commend Senator COLLINS, Senator GRASSLEY, Senator BREAUX, Senator COCHRAN, and Senator BOND. All put forward legislative proposals which we examined closely, and which helped us in our development of the legislation now before us.

With this budget neutral proposal, about 82% of all home health agencies in the nation will benefit from improved Medicare payments. Although I have heard concerns that we do not go far enough to help some of the lowest cost agencies, it is an important step in the right direction. In fact, we have received letters of support from the Visiting Nurse Associations of America and the National Association for Homecare.

Let's remember where we were before the Balanced Budget Act of 1997. Home health spending was growing by leaps and bounds, cases of fraud and abuse were common, and the Medicare program was headed towards bankruptcy in 2003.

Last year, Medicare spent $17 billion for 270 million home health care visits so that one out of every ten beneficiaries received care at home from a nurse, a physical or occupational therapist, and/or a nurse aide.

Unlike any other Medicare benefit, the home health benefit has no limits on the number of visits or days of care a beneficiary can receive, beneficiaries pay no deductible, nor do they pay any co-payments.

Prior to BBA, home health agencies were reimbursed on a cost basis for all their costs, as long as they maintained average costs below certain limits. This payment system gave immense incentives for home health agencies to increase the volume of services delivered to patients, and it attracted many new agencies to the program.

From 1989 to 1996, Medicare home health payments grew with an average annual increase of 33 percent, while the number of home health agencies swelled from about 5,700 in 1989 to more than 10,000 in 1997.

In response to this rapid cost growth and concerns about program abuses, the BBA included a number of changes to home health care. Congress and the Administration supported moving toward a Prospective Payment System (PPS). In order for HCFA to move to a PPS, however, a number of computer system changes were necessary with respect to their home health operations. The interim payment system (IPS) was developed to manage reimbursement until the PPS could be implemented.

Significant Medicare payment issues for home health care have emerged from our analysis from the impact of the IPS. There are severe equity issues in payment limit levels both across states and within states. These wide disparities are exacerbated by a major distinction drawn in payment rules between so-called "new" versus "old" agencies. "Old" agencies being those that were in existence prior to 1993, and "New" agencies those in existence since then.

The effects of the current home health payment methodology are that similar agencies providing similar services in the same community face very different reimbursement limits, leading to highly arbitrary payment differences.

The payment limit issues will deepen significantly more in 1999 due to a scheduled 15% cut in already tight and severely skewed payment limit levels. Further, the prospective payment system scheduled to go on-line in October, 1999, will be delayed by several months to one year, because of year 2000 computer programming problems, according to the Health Care Financing Administration.

This legislation takes several steps to improve the Medicare home health care IPS and addresses the 15% cut.

First, it increases equity by reducing the extreme variations in payment limits applicable to old agencies within states and across states. This is achieved through a budget-neutral blend for "old" agencies.

Second, it increases fairness by reducing the artificial payment limit differences between "old" and "new" agencies. Such distinctions are contributing to the perception of arbitrariness in the home health care system. And, our proposal does not create additional classes of home health agencies, such as "new-new" agencies subject to even deeper, arbitrary payment limits in the future. Restricting new entrants to home health care is an inappropriate barrier to entry in underserved areas—both in rural and inner city areas. In the legislation, greater fairness is achieved by eliminating the 2 percent discount applicable to new agencies, and raising the per visit limits for all agencies from 105 percent to 110 percent of the national median.

Third, the proposal lengthens the transition period for payment changes by providing all agencies a longer transition period in which to adjust to changed payment limits. It creates a sustainable fiscal base for the statutorily mandated prospective payment system (PPS) by delaying the scheduled 15 percent cut and the PPS for one year.

The following is a summary of the Medicare Home Health Fair Payment Act of 1998:

PER BENEFICIARY LIMITS

1. "Old" agency: payment is a blended formula equal to 50 percent BBA policy + 50 percent (50 percent national mean + 50 percent regional mean); and

2. "New" agency: payment is increased by 2 percent to equal 100 percent of the national median, (which continues to be regionally adjusted for wages).

PER VISIT LIMITS

3. Increase the per visit limits from 105 percent to 110 percent of the median.

DELAY BOTH THE 15 PERCENT ACROSS-THE-BOARD CUTS AND THE PPS

4. Delay of the 15 percent across-the-board cuts in payment limits and the implementation of the prospective payments system now scheduled to take effect on October 1, 1999.

DESCRIPTION OF OFFSET POLICIES

1. Reduce the home health care annual market basket (MB) in the following manner: for fiscal year 2000 it is MB minus 0.5 percentage point; for FY 2001 it is MB minus 0.5 percentage point; for FY 2002 and FY 2003 it is full MB; and in FY 2004 it is MB plus 1.0 percentage point. Savings of $300 million over 5 years.

2. Non-Controversial Revenue Raisers—Revenues of $406 million over 5 years.

a. Math Error Procedures—This provision would clarify the math error procedures that the IRS uses.

b. Rotavirus Vaccine—This provision will add an excise tax of 75 cents on a vaccine against rotavirus gastroenteritis, a highly contagious disease among young children.

c. Modify Net Operating Loss Carryback Rules—Certain liability losses can be carried back over ten years. This provision would clarify the types of losses that qualify for the 10-year carryback.

d. Non-Accrual Based Method—This provision would limit the use of the non-accrual experience method of accounting to amounts received for the performance of certain professional services.

e. Information Reporting—This provision requires reporting on the cancellation of indebtedness by non-bank institutions.

3. Budget Pay-Go surplus for remaining offset.

At the beginning of my statement, I recognized my colleagues for their leadership on this issue. Now, I would like to especially thank the staff involved for their hard work and dedication to the completion of this bill. This represented a herculean task on their behalf. In particular, I would like to recognize the principal staff involved who spent many long hours putting the details of this package together, they are Gioia Brophy and Kathy Means of my staff; Katie Horton and David Podoff from Finance Minority staff; Louisa Buatti and Scott Harrison of the Medicare Payment Advisory Commission; Tom Bradley and Cyndi Dudzinski of the Congressional Budget Office; Jennifer Boulinger and Ira Bernie of the Health Care Financing Administration; John Goetchus of Senate Legislative Counsel; and Richard Price of the Congressional Research Service.

Mr. President, I ask unanimous consent that letters of support from the Visiting Nurse Association of America and the National Association of Homecare be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

VISITING NURSE ASSOCIATIONS
OF AMERICA,
Boston, MA, October 10, 1998.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH: The Visiting Nurse Associations of America (VNAA) deeply appreciates your efforts to craft a solution to the problems caused by the Medicare home health interim payment system for our members and other cost effective home health agencies. Urgent action is needed before Congress adjourns to provide relief to these agencies to assure that they can continue to care for their Medicare patients.

We understand that one barrier to action has been the difficulty in finding acceptable funding offsets to the modest Medicare spending required to achieve a workable package. We have been advised that the Finance Committee is currently considering an adjustment to future home health market baskets that would generate approximately $300 million in new Medicare savings to offset in part the cost of the one year delay in the automatic 15% reduction in home health payments now scheduled for October 1, 1999. Specifically, VNAA understands that this proposal would reduce the market basket index in 2000 and 2001 by 0.5 percentage point. In 2002 and 2003 the full market basket index would be used, and in 2004 the market basket would be increased by one percentage point.

VNAA strongly supports the delay in the 15% cut and supports the adjustment to future home health market baskets as a needed partial offset to the cost of that important action.

VNAA hopes that its support for this offset will facilitate quick action by the Senate. If there are any questions about our position, please contact our Washington Representative, Randy Fenninger, at 202-833-0007, Ext. 111.

Thank you for your continued efforts on behalf of cost effective home health agencies and their patients.

Sincerely,

CAROLYN MARKEY,
President and CEO.

NATIONAL ASSOCIATION
FOR HOME CARE,
Washington, DC, October 7, 1998.

Hon. WILLIAM V. ROTH, Jr.,
Chair, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR SENATOR ROTH: The National Association for Home Care (NAHC) is the largest home care organization in the nation, representing all types of home health agencies and the patients they serve. We have had continuing concerns over the past year regarding the effects of the home health provisions of the Balanced Budget Act of 1997, particularly by the interim payment system (IPS).

We are pleased that you and other members of the Senate Finance Committee have shown the leadership to develop a package of IPS refinements that will help to ease some of the most pressing problems of the new payment system. We are particularly grateful for your inclusion of a one-year delay of the 15 percent reduction that is currently scheduled for October 1, 1999. While there remain a number of important issues relating to the IPS that we believe must be addressed in the 106th Congress, your proposal will make a meaningful difference in helping agencies to remain open and to serve Medicare beneficiaries throughout the nation.

Many thanks for all of your efforts. We look forward to working with you, members of the House of Representatives, and others in developing additional relief legislation early next year.

Sincerely,

VAL J. HALAMANDARIS,
President.

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished Chairman, Senator Roth, and other colleagues in introducing a bill to improve the home health interim payment system.

Prior to the Balanced Budget Act of 1997 (BBA), home health agencies were reimbursed on a cost basis for all their costs, as long as they maintained average costs below certain limits. That payment system provided incentives for home health agencies to increase the volume of services delivered to patients, and it attracted many new agencies to the program. From 1989 to 1996, Medicare home health payments grew at an average annual rate of 33 percent, while the number of home health agencies increased from about 5,700 in 1989 to more than 10,000 in 1997.

In order to constrain the growth in costs and usage of home care, the BBA included provisions that would establish a Prospective Payment System (PPS) for home health care, a method of paying health care providers whereby rates are established in advance. An interim payment system (IPS) was also established while the Health Care Financing Administration works to develop the PPS for home health care agencies.

The home health care industry is dissatisfied with the IPS. The resulting concern expressed by many Members of Congress prompted us to ask the General Accounting Office (GAO) to examine the question of beneficiary access to home care. While the GAO found that neither agency closures nor the interim payment system significantly affected beneficiary access to care, I remain concerned that the potential closure of many more home health agencies might ultimately affect the care that beneficiaries receive, particularly beneficiaries with chronic illness.

The bill we are introducing today adjusts the interim payment system to achieve equity and fairness in payments to home health agencies. It would reduce extreme variations in payment limits applicable to old agencies within states and across states and would reduce artificial payment level differences between "old" and "new" agencies. The bill would provide all agencies a longer transition period in which to adjust to changed payment limits.

Clearly, since the bill may not address all the concerns raised by Medicare beneficiaries and by home health agencies, we should revisit this issue next year. A thorough review is needed to determine whether the funding mechanism for home health is sufficient, fair and appropriate, and whether the benefit is meeting the needs of Medicare beneficiaries.

America's home health agencies provide invaluable services that have given many Medicare beneficiaries the ability to stay home while receiving medical care. An adjustment to the interim payment system and delay in further payment reductions will enable home health agencies to survive the transition into the prospective payment system while continuing to provide essential care for beneficiaries.

Mr. GRASSLEY. Mr. President, I am pleased to cosponsor the Medicare Home Health Fair Payment Act of 1998, which is a first step toward addressing the crisis in Medicare home health care. This is not a perfect bill, but it's a good bill, and it is the best we can do at this moment in time. And it's a good example of the Senate listening to the American people. Let's pass it right now.

The Senate Special Committee on Aging, which I chair, highlighted the problems with the home health Interim Payment System (IPS) in a hearing on March 31st of this year. For more than six months since that day, I have been working to find a solution to these problems, because I believe that it's Congress' responsibility. It's true that the IPS legislation was primarily HCFA's product. And HCFA's implementation of the IPS has been questionable in many respects. But even if HCFA proposed it, there's no denying that Congress passed the IPS. So I have argued all year that it is incumbent on Congress to fix what's wrong with it, this year.

What's wrong with the IPS? In short, it bases payment on an individual home health agency's historical costs from Fiscal Year 1994. That means that if the agency had high costs per patient in that year, it can receive relatively high payment this year. That would be fine if HCFA knew that the agency had sicker patients this year, but the sad truth is that HCFA has no idea. So IPS has been a windfall for some agencies, but crushing for agencies with low historical costs. We have a lot of those in Iowa, where we still know the value of a dollar. Many of those hit hardest are the "little guys," the small businesses that are the lifeblood of the program in rural areas.

For months, I have worked with a bipartisan group of Finance committee members, including especially Senators BREAUX, BAUCUS, and ROCKEFELLER, on fixing IPS. In July we introduced the product of those efforts, the Home Health Access Preservation Act, and that bill clearly influenced the new Finance bill. I thank Chairman ROTH and his fine staff for their willingness to work with us to find a viable approach. In the final months of this session, they have really gone the extra mile.

Now, this bill doesn't give anyone everything that they want. Senators ROTH and MOYNIHAN rightly focused on creating something that could actually pass this year, and so the bill is a product of compromise. One of the key features is that the bill is paid for, so that it will not add another burden onto the already-burdened Medicare Part A trust fund. The offsets used are fair ones, and should not be controversial.

I am familiar with the bill the House is voting on today. Should both bills be passed, with all due respect to my House colleagues, I urge them to recede to the Senate bill in conference. I have worked on this issue a long time, and I don't believe this bill can be improved upon.

Mr. President, this bill will not satisfy everyone. It's a compromise, and in fact, it likely will not fully satisfy anyone. But it's the right thing to do, because it will help to keep some of our good home health providers around for another year, so they can make sure our seniors get home care when they need it.

Mr. BREAUX. Mr. President, I rise today in support of the Medicare Home Health Fair Payment Act of 1998. This is an issue that I have worked on for several months with Senator GRASSLEY and other Members of the Senate and I am pleased that the Senate has addressed this issue before adjourning.

I am the first to admit that there is too much fraud, waste, and abuse in Medicare's home health benefit and there is probably no other state where the problem is more pronounced than Louisiana. Every graph I see on home health shows Louisiana off the charts—Louisiana has the highest per beneficiary spending in the country; we have more visits per patient than any other state in the country; Louisiana represents 5.2% of all Medicare home health visits even though only 2.3% of Medicare beneficiaries live in the state. There are 466 home health agencies in Louisiana—we have more home health agencies than McDonalds in the state. So I know firsthand that there are problems with home health and that states like Louisiana could afford a reduction in the number of agencies. The problem is that the interim payment system crafted by Congress and the Administration last year is causing the wrong agencies to go out of business.

It is clear that the IPS has had serious unintended consequences. In Louisiana and other states, the interim payment system has for the most part rewarded inefficient providers and forced many low-cost, efficient agencies out of the program. For example, you could have one agency with a per beneficiary limit of $12,000 competing with another agency down the street with a per beneficiary limit of $4,000. What we did with IPS is essentially put that $4,000 agency at such a competitive disadvantage that there is no way it can stay in business.

When we finally move home health to prospective payment, it is critical that some low-cost providers be in business to treat patients who need home care. The Grassley-Breaux bill that we introduced several months ago tried to level the playing field by bringing the very high cost providers down while raising the reimbursement for low cost providers. This reflects what will happen under prospective payment when all providers will essentially be paid the same amount for treating the same kind of patient. We also eliminated the distinction between old and new providers in an attempt to further level the playing field. To ensure that high cost patients would still have access to home health, the Grassley-Breaux bill included an outlier policy so that home health agencies would not turn high cost patients away.

The interim payment reform proposal put forward by Senators ROTH and MOYNIHAN is an important first step towards fixing IPS and I applaud the bipartisan approach the Senate used in arriving at this proposal. I think most members would argue that much more needs to be done and I would agree. I am hearing from many home health agencies in Louisiana that this bill will only be of marginal help to the state but that it is important that something get done this year. As is the case with most things we do around here, particularly in the waning hours of this Congress, getting something is better than getting nothing. I am pleased that there is a bipartisan commitment by the Senate Finance Committee to revisit this issue next year and take a much more comprehensive look at the home health benefit. It is imperative that the Congress address this issue again next year since this proposal represents only a temporary fix. But it is an important one. The Senate bill:

(1) Institutes a new blend for old agencies to increase reimbursements to low-cost agencies and reduce payments to very high-cost agencies. This will begin to level the playing field and prepare all providers for prospective payment. While the Senate proposal narrows the discrepancy between old and new agencies, I think much more needs to be done to restore equity to the program.

(2) Slightly increases payments to so-called "new" agencies, those in business since 1994. While in Louisiana this will only mean about an extra $52 per patient per year, it is important to recognize that new agencies need some relief.

(3) Increases the per visit cost limits from 105% of the national median to 110% of the national median.

(4) Most importantly, the Senate proposal delays the across-the-board 15% reduction that is currently scheduled for October 1, 1999. HCFA was originally required to institute a prospective payment system for home health agencies by October 1 of next year. Because of the Y2K problem, HCFA is now anticipating that it will not have PPS in place until April 1, 2000. Delaying the automatic 15% reduction in payments to home health agencies will ensure that the agencies aren't punished for HCFA's inability to implement PPS in a timely manner.

The goal of this bill is to fix some of the problems created in the BBA. Again, it is certainly only a first step—there is still much more that needs to be done and I am hopeful that the 106th Congress will revisit this issue to ensure that Medicare beneficiaries continue to have access to this very important benefit.

I urge my colleagues to support this bipartisan measure. It may not be everything everyone wants, but it certainly is better than doing nothing this year and it provides much-needed temporary relief to home health agencies across the country.

Mr. JEFFORDS. Mr. President, today, I am very pleased to join in introducing the Medicare Home Health Fair Payment Act, legislation that significantly improves the interim payment system to home health agencies established under the Balanced Budget Act of 1997. Over the past eight months, I have been working as hard as I know how to find a solution for the crisis faced by our home health care agencies in Vermont. Our 13 home health agencies are model agencies that provide high-quality, comprehensive home health care with a low price tag. However, under Medicare's new interim payment system the payments to the agencies are so low that Vermont's seniors may be denied access to needed home health services.

Under the legislation, the reimbursement from Medicare to home health agencies will be increased, and the 15% across-the-board cut scheduled for next year will be delayed by one year. Adoption of this bill will give the Vermont home health agencies needed financial relief until a new prospective payment system is in place.

For the past seven years, the average Medicare expenditure for home health care in Vermont has been the lowest in the nation. However, rather than being rewarded for this cost-effective program, Vermont has been penalized by the implementation of the current interim payment system. In June, 1998, Vermont's home health agencies projected that the statewide impact of the current interim payment system was a loss of over $4.5 million in Medicare revenues for the first year. This represents a loss of over 11% on an annual base of $40 million statewide.

Vermont is a good example of how the health care system can work to provide for high quality care for Medicare beneficiaries. Home health agencies are a critical link in the kind of health system that extends care over a continuum of options and settings. New technology and advances in medical practice hospitals to discharge patients earlier. They give persons suffering with acute or chronic illness the opportunity to receive care and live their lives in familiar surroundings. Time and time again, Vermont's home health agencies have proven their value by providing quality, cost-effective services to these patients. Yet time and again, federal policy seems to ensure that their good deeds should go punished.

The Medicare Home Health Fair Payment Act is the product of a great deal of hard work by the Finance Committee and is carefully designed to ease the burden of home health care agencies in the transitional years prior to the introduction of a new prospective payment system in 2000. The bill includes several strong policy components, which promote equity and fairness among the agencies nationwide. Under the new prospective payment system, Vermont and other cost-effective agencies can look forward to being rewarded rather than penalized for their high-quality, low-cost comprehensive medical care to beneficiaries.

It is my strong hope, that this bill will be adopted by the Senate, supported by the House, and signed into law. I have worked closely with Vermont's 13 home health agencies, Senator LEAHY and the Governor's Office in developing a solution to the payment crisis. The signing of this bill will mark a victory for our State, and it will also reflect a strong nationwide commitment to high-quality, cost-effective home health agencies such as those in Vermont.

Ms. COLLINS. Mr. President, I rise in support of the legislation introduced by the distinguished chairman of the Finance Committee. I would have preferred the approach taken in my own home health bill, which I introduced last April and which has 29 Senate cosponsors, because it would have done more to level the playing field and provide more relief to historically cost-effective agencies. However, I understand that the chairman faced a difficult task of balancing a number of competing issues, and the bill we are considering today is an important first step that will move the process forward and provide a measure of relief to those cost-effective agencies in every State that are currently being penalized by the formula used to calculate the per-beneficiary limit.

America's home health agencies provide invaluable services that have enabled a growing number of our most frail and vulnerable Medicare beneficiaries to avoid hospitals and nursing homes and stay just where they want to be—in their own homes. However, critics have long pointed out that Medicare's historic cost-based payment for home health care has inherent incentives for home care agencies to provide more services, which has driven up costs.

Therefore, there was widespread support for the Balanced Budget Act provision calling for the implementation of a prospective payment system for home care. Until then, home health agencies are being paid according to a new "interim payment system," which unfortunately is critically flawed.

As we are all aware, the Health Care Financing Administration has diverted considerable resources to solving its Y2K problem so that there will be no slowdown of Medicare payments in 2000. As a result, implementation of the prospective payment system for home health agencies will be delayed, and home health agencies will remain on IPS far longer than Congress envisioned when it enacted the Balanced Budget Act. This makes it all the more imperative that we act now to address the problems with a system that effectively rewards the agencies that have provided the most visits and spent the most Medicare dollars, while it penalizes low-cost, more efficient providers.

Home health agencies in the Northeast are among those that have been particularly hard-hit by the formula change. As the Wall Street Journal recently observed, "If New England had been just a little greedier, its home health industry would be a lot better off now . . . Ironically, . . . [the region] is getting clobbered by the system because of its tradition of nonprofit community service and efficiency.

Moreover, there are wide disparities in payments and no logic to the variance in payment levels. The average patient cap in the East South Central region is almost $2,500 higher than New England's without any evidence that patients in the southern States are sicker or that nurses and other home health personnel in this region cost more.

Moreover, the current per-beneficiary limits range from a low of $760 for one agency to a high of $53,000 at another. As such, the system gives a competitive advantage to high-cost agencies over their lower costs neighbors, since agencies in a particular region may have dramatically different reimbursement levels regardless of any differences among their patient populations. And finally, this system may force low-cost agencies to stop accepting patients with more serious health care needs.

Mr. President, I realize that we cannot address every home health issue that has been raised this year. Some matters will have to carry over to the next Congress, and I fully intend to work with my colleagues next year on these items. Nonetheless, there are things we can do this year, and I believe that it is imperative that Congress act now to begin to address these problems. At least one agency in Maine has closed because the reimbursement levels under this system fell so short of its actual operating costs. Other cost-efficient agencies in my State are laying off staff or declining to accept new patients with more serious health conditions.

Which brings us back to the central and most critical issue—the real losers in this situation are our seniors, since cuts of this magnitude simply cannot be sustained without ultimately affecting patient care.

Mr. President, once again, I commend the chairman of the Finance Committee for his efforts on this difficult issue and urge my colleagues to join me in supporting this legislation.

Mr. BOND. Mr. President, I thank the Senator from Delaware, Mr. ROTH, for attempting to bring some resolution to the home health crisis before the end of this session and making much needed revisions to the Medicare home health interim payment system (IPS). I fully support delaying the automatic 15 percent reduction for one year, raising the cost limits to 110 percent of the median, and raising payments for new agencies. However, I still have serious reservations about a blend approach which reshuffles the deck chairs on the *Titanic*. It is imperative that we restore access to home health care for medically complex patients, and I look forward to working with my colleagues to address this issue in conference.

At this time my distinguished colleague from Mississippi, Mr. COCHRAN, and I would like to engage the able Chair of the Senate Finance Committee, Mr. ROTH, in a discussion about the problems that have resulted from IPS, and further action that the Senate must take to complete the work begun this year in this important area.

Mr. President, there is not a single Member of the Senate or House of Representatives who has not become painfully aware of the serious problems that have arisen within the home health program over the last year. These problems stem from enactment of a temporary payment system that was recommended to us by the Health Care Financing Administration. The fact is that the so-called interim payment system (IPS) was untested, and, as we have found, made such swift and deep cuts in reimbursements, thereby hampering the ability of home care providers to serve needy patients and affecting access to care for some of the most frail, oldest, and poorest of our seniors and disabled.

The IPS is the worse case of false economy that I've ever seen. If the elderly and disabled cannot get care at home, it's clear where they will go for care. Emergency room costs will rise, patients will go into more expensive institutionalized care, or patients simply won't get any care at all. In addition to increasing Medicare costs, there will be an explosion in Federal and State Medicaid budgets. I believe the Senator from Mississippi would agree that the problems brought about by IPS are significant.

Mr. COCHRAN. Mr. President, the statements made by the Senator from Missouri are, I'm sad to say, quite true. Most recent official figures from 29 state health departments indicate that close to 800 agencies have closed in those states. This number represents parent agencies; other data from the states indicate that the number of agencies and branches that have closed is much higher. We also know that there are many more agencies on the brink of closing if some relief from IPS is not provided soon. If the current rate of closures continues, we could easily see a loss of 2,000 more home health agencies by October 1, 1999.

Agency closing are resulting in significant beneficiary care access problems. In fact, a recent GAO study found that two-thirds of discharge planners and more than a third of the aging organizations surveyed reported having had difficulty obtaining home health care for Medicare patients in the last year, especially those who need multiple weekly visits over an extended period of time. Matters will only get worse as agencies become more and more limited in their ability to provide needed services. In fact, in testimony before the Ways and Means Committee in August, Ms. Gail Wilensky, former head of the Health Care Financing Administration, warned that, if the Congress waits for proof that a crisis is occurring in home care before it acts, it will be too late. She also indicated that more money was taken out of home care than the Congress had expected when IPS was designed and then implemented by HCFA.

Mr. BOND. Mr. President, I might add at this time that despite the fact that HCFA is responsible for this draconian system, HCFA has only offered technical assistance to address this crisis. HCFA must beheld accountable for this insane and inequitable system and face up to the fact that its system is wreaking havoc throughout our country.

Clearly the program cannot continue under this scenario and continue to provide quality services to eligible individuals. Some of my colleagues may wonder how this all came about. Perhaps the Senator from Mississippi can provide some insight into this.

Mr. COCHRAN. Mr. President, I thank my colleague. In addition to HCFA imposing an untested payment system with the home health IPS, the scoring mechanism used by CBO to estimate savings resulting from IPS included a ⅔ behavioral offset. What this means is that CBO presumed that for every $3 saved under IPS, agencies would find some way, through expanding the number of beneficiaries they serve, to make up $2 of every $3 lost under IPS. What has become clear; as was indicated by the Senator from Missouri, CBO's behavioral assumptions about agencies increasing the number of beneficiaries served have not come to pass. Instead, we are seeing a near dismantling of the home care program as the result of IPS.

We have already seen the devastating effects of the interim payment system in my state of Mississippi. While I applaud the Senate for its efforts to reform the interim payment system, we must commit ourselves to continuing this work as soon as the Senate reconvenes. I am particularly concerned that we must address the problems that will be created by the automatic 15% reduction in payment limits which we have agreed to delay one year. It took this distinguished body that long to reach the temporary solutions which we have before us today and we cannot put off deliberations on this additional cut until the last moment. Prudence dictates that we find ways to insure that any additional cuts in reimbursement not adversely affect efficient providers nor burden patients in their access to necessary home care services.

Mr. BOND. Thank you for those insights Senator COCHRAN. I fully agree that this must be a priority of the Senate to address as soon as possible. There are additional issues which also need to be addressed at that time, particularly how to reimburse those agencies which serve our nation's most medically complex patients. We have a moral obligation to ensure that our nation's seniors and disabled are provided the quality and comfortable care they deserve. In addition, we must look at provisions which require that the payment limits are prorated where a patient is served by more than one agency. It is my understanding that the Health Care Financing Administration is not capable of administering this provision, yet it is having impact on patient's access to care. The problem centers around the inability of a home health agency to properly manage its business when it does not know the ultimate payment limitation which it must budget. The home health agency has no way of knowing whether a patient has received services from another home health agency during the year and cannot possibly figure out whether its breaking even or going broke. While we do not want home health agencies to abuse the system through schemes that allow them to circumvent the limits by transferring patients, we also do not want to penalize patients and providers from the appropriate management of home care services. Another issue is the elimination of the periodic interim payment methodology scheduled for October, 1999. That termination date was chosen to coincide with implementation of prospective payment system, which we now know, will not be in operation at that stage. This Congress should recognize the need to continue that system until such time as a Prospective Payment System is in place.

Mr. COCHRAN. Mr. President, I too am very concerned about the delay in the development and implementation of a PPS system. It is the only clear solution to deal with those complex patients who are having increasing difficulty in gaining access to home care services. If we cannot have PPS soon, we must find a way to better reimburse agencies which care for these high cost patients. Home health agencies in Mississippi report to me that this is one of the most important problems that must be addressed. At the same time, putting together a PPS program will do no good if we destroy the foundation of our home health services delivery system. As the result of IPS, I am told that home health agencies across the country will find some time in the middle of next year that they have likely been over paid by the Medicare program even though they delivered appropriate services to patients at a reasonable cost. This Congress must find a way to deal with that pending crisis in order to protect those home health agencies that met patient's needs yet still incurred costs beyond the arbitrary limits which were developed under IPS.

Mr. ROTH. Senator BOND and Senator COCHRAN, I thank you for your leadership within the Senate of these crucial issues affecting Medicare beneficiaries across the country. Through your assistance we hope to ensure that home health care is readily available where the needs arise. We will continue to explore fully those issues which you have raised. We will also draw on the resources of Medpac, HCFA, the GAO, and representatives from home care patients and providers to determine whether more work is required. Home health care is a crucial part of our health care system and the elderly and disabled protected by the Medicare program deserve the attention of this Congress to insure that we not disrupt this important benefit without a full and accurate understanding of the consequences. Once again, I thank Senator BOND and Senator COCHRAN for the guidance that they have offered to this body in addressing these important issues.

Mr. CONRAD. Mr. President, I want to comment on the home health proposal that is before us and ask the Chairman of the Finance Committee to clarify his intentions with regard to addressing this issue in the next Congress.

The current home health interim payment system isn't working. Under the current system, those agencies that abused the system and milked Medicare for every possible reimbursement dollar are rewarded with generous cost limits. However, North Dakota agencies that did not abuse the system, that worked hard to keep their costs down, are penalized with unrealistically low limits. Not only is this terribly unfair, it creates a terrible incentive for efficient, low-cost agencies to go out of business and transfer their employees and their customers to agencies that have ripped off the system.

This system clearly penalizes North Dakota home health agencies and the beneficiaries who rely on their services. The median per beneficiary cost limit for North Dakota home health agencies is the second lowest in the country—a mere $2150 per year. In fact, the agency in North Dakota with the highest limit has a cap that is below the lowest limit in the state of Mississippi. There is no rational basis for this sort of inequity.

Unfortunately, the proposal before us today takes only the smallest of steps toward correcting this inequity and leaves in place too many of the current incentives that favor high cost, wasteful home health agencies. I do not see how I can, in good conscience, go back to North Dakota home health agencies and tell them that we can only lift their payments rates 2 or 3 percent when agencies in other parts of the country will continue to have payment limits 3 and 4 times as high as theirs. It is not fair. It is not good policy. It is not good enough. For that reason, I will feel constrained to object to this legislation unless I can be assured by the Chairman of the Finance Committee that there will be an opportunity to do better next year.

Mr. ROTH. Mr. President, I thank the gentleman from North Dakota for his comments. He is right; this change is only a small step. It does not "fix" the interim payment system. However, in the time remaining this year, this is the best we can do. It takes an important step toward making the system more fair, and it reduces the perverse incentives in the current system. In addition, it recognizes that the Prospective Payment System for home health will be delayed, so it delays for 1 year the 15% cut in payments that is currently scheduled to go into effect on October 1, 1999.

I want to assure my colleague from North Dakota, however, that I fully intend to revisit the home health issue next year. At that time, I pledge to work with him and other members of the Finance Committee to see if we can come up with a system that better addresses the needs of North Dakota home health agencies.

Mr. CONRAD. I thank the Chairman. With that assurance, I will drop my objection and let this legislation move forward.

ADDITIONAL COSPONSORS

S. 2130

At the request of Mr. GRAMS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2130, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

ADDITIONAL STATEMENTS

TRIBUTE TO INDIANA STAFF

• Mr. COATS. Mr. President, I rise today to pay tribute to a group of people that have been of tremendous service to me during my tenure as a United

States Senator. That group is my Indiana staff.

As I have so often said, whatever success I have achieved during my service as a Senator is greatly attributable to the tireless work of my staff. Their hours are long, and they toil in relative obscurity. However, they do so for the same reason that we as Senator make the sacrifice. They work so hard because they believe in this great Nation we serve, and the ideals that are woven into the very fiber of our existence as Americans.

So much of our work here in the Senate focuses on legislative activity. For that is the stuff of headlines and news stories. However, it is hardly a reflection of one of the most fundamental responsibilities of a United States Senator, and that is providing caring and responsive service to the citizens of our State, the people who's trust we are charged with protecting and serving. And, Mr. President, it is those people serving in my State and regional offices that work so hard to insure that the needs and requests of my Indiana constituents are met with friendly and effective service. They are the front line, they are my eyes and ears in Indiana, and without their hard work, it would be impossible for me to serve effectively.

As the distinguished senior Senator from Indiana pointed out yesterday, we have a rather unique operation back in Indiana. The senior Senator and I share a combined staff. They have served the State well. I would like to take a moment now to acknowledge my Indiana staff. Kathy Blane, Susan Brouillette, Sarah Dorste, Mark Doude, James Garrett, Amy Gaston, Michelle Mayer, Kevin Paicely, Lane Ralph, Karen Seacat, Libby Sims, Cory Shaffer, Angela Weston, Mike Duckworth, Barbara Keerl, David Graham, Pat McClain, Phil Shaull, Amy Hany, Tim Sanders, and Barb Franz. I believe I have included everyone. If I have not, let them know my appreciation.

As I have said, the distinguished senior Senator and I have shared staff, and so many will continue to work for the citizens of Indiana. Though some will go on to other endeavors, that same sense of responsibility and public service that has motivated them to date, I am sure will drive them to continue to play a positive role in the lives of Hoosiers for years to come.

I thank them and salute them.•

TRIBUTE TO JUDGE JAN SMITH

•Mr. REID. Mr. President, I rise today to pay tribute to an outstanding Nevadan, my friend and former colleague, Judge Jan Smith. At the age of 71, after years of service as Justice of the Peace for the Jean-Good Springs community, Judge Smith will retire from the bench next year. I want to take this opportunity pay tribute to Jan for her efforts to improve the lives of so many Americans, because her accomplishments have helped us all.

I have been fortunate enough to be a first hand witness to some of Jan's incredible achievements. I have watched her rise from legal aide and working mother in the early 1960's to become one of Nevada's most influential judicial officers.

After toiling away as a legal secretary for a District Attorney and a county judge, Jan became deeply involved with a variety of grass roots causes. She was one of the first women in the State to be an advocate on behalf of the environment. In the city of Henderson, she canvassed neighborhoods and city hall to prevent industry from inflicting permanent damage to the environment. As a mother of six, she was insightful enough to take action so that her children could grow up with an ample supply of clean air and water.

Judge Smith was also a champion for the underprivileged. She worked tirelessly to create opportunities for the poor and disadvantage in Nevada. Like many of her contemporaries, she marched on behalf of women and children who needed a "hand-up", rather than a donation or handout.

When I served as Nevada's Lt. Governor, I began working closely with Jan when she was chosen to run the Southern Nevada office of then Governor Mike O'Callahan. Savvy and determined, she made an impression on everyone she worked with throughout those 6 years. Much of her success on the job came from her staunch work ethic and strong ties to both her family and the community.

The people of Nevada were truly fortunate to have Judge Smith come out of semiretirement to accept an appointment as a Justice of the Peace for the Jean-Good Springs district. She single-handedly reorganized the court so that it eventually became a model of fairness and efficiency. She has subsequently been reelected with overwhelming community support.

Judge Smith is one of the unsung heroes of the American justice system. Like many of our Nation's Justice of the Peace Officers, she does not typically preside over big dollar, high drama cases. However, those like Judge Smith are the representatives of our legal system most likely to come in contact with everyday Americans. Professionals like Jan do more to preside over basic public safety issues because they handle the difficult events that are all too common in communities across the country—drunk driving and domestic violence. Essentially, Jan's career has required her or exercise judgement and make tough decisions that have lasting impact.

Judge Jan Smith truly believes in the law, as a fellow officer of the court and United States Senator, I have relied upon on Judge Smith's trademark intelligence and honesty, as well as her ability to astutely assess the character and behavior of the many Nevadans who visit her court.

Much of my admiration for Judge Smith stems from her enduring commitment to people of the Silver State. Her values are reflected not only in the way she lives her life, but in the many organizations she has served over the past 30 years. Judge Smith's lifetime of achievement is truly an inspiration, and she serves as an incredible role model for judicial prudence, legal acumen, and personal integrity.•

REAUTHORIZATION OF THE OLDER AMERICANS ACT

• Mr. HUTCHINSON. Mr. President, on Friday, October 10th, I became a cosponsor of legislation introduced by Senator McCain that would reauthorize the Older Americans Act. This Act, established in 1965, established a series of programs to benefit older Americans. Services provided include nutrition, transportation, nursing home ombudsmanship, and other senior's rights programs. Needless to say, Arkansas, which has over 200,000 senior citizens, has benefitted greatly from the services provided through the Older Americans Act. In addition, the organizations in Arkansas that have received funding through the Act have done an incredible job in reaching out to our seniors.

While the Older Americans Act expired in 1995, its programs have widespread support, which has resulted in continued funding. Nonetheless, authorization is critical for the long-term stability of these programs and for the peace of mind of senior citizens. the McCain bill renews the Act, without any changes, for a period of 3 years. Let me say that, as with any reauthorization, I strongly believe in the need for congressional hearings to examine the programs contained within the Act to ensure that they are working well, efficiently serving the needs of seniors, and that any appropriate adjustments in funding are made. Regrettably, the Senate Labor and Human Resource Committee, on which I serve, has not taken action on any reauthorization legislation this year. Until the committee does so, and as an indication of my very strong support for the programs contained in the Older American Act, I am cosponsoring the McCain bill.

The Older American Act has improved the quality of life for so many of our Nation's elderly, and it will continue to provide vital services as the aging population grows. I sincerely hope that the Senate will act on legislation to reauthorize this important act soon.•

(At the request of Mr. Daschle, the following statement was ordered to be printed in the Record.)

FEDERAL MARITIME COMMISSION NOMINATIONS

• Mr. HOLLINGS. Mr. President, I would like to take a moment to congratulate two nominees, Mr. Hal Creel and Mr. John Moran, upon their confirmation to be Federal Maritime Commissioners.

Hal Creel, a native of South Carolina and my former Senior Counsel on the Maritime Subcommittee, has been a Federal Maritime Commissioner for 4 years. He has served the last 2½ years as the agency's Chairman. As Chairman, he has demonstrated a wide-ranging knowledge of the maritime industry and an outstanding ability to oversee industry activities. Our Nation is extremely fortunate to have such a dedicated individual at the helm of this important government body.

Mr. Creel and the Federal Maritime Commission are responsible for overseeing all international liner shipping in the U.S.—over $500 billion in trade. His efforts in the controversy surrounding Japan's restrictive port practices come immediately to mind.

The Government of Japan for many years has orchestrated a system that impedes open trade, unjustly favors Japanese companies, and results in tremendous inefficiencies for anyone serving Japan's ports. The FMC, under Mr. Creel's guidance, met these problems head-on and he was instrumental in bringing the two governments to the bargaining table. The bilateral agreement that resulted paves the way for far-reaching changes that can remove these unfair barriers to trade. The progress made to date has occurred in large measure due to the Commission's firm, results-oriented approach. I urge him to continue to keep the Japanese honest, and to perform their agreed upon obligations.

Hal Creel also has led the Commission in its efforts to resolve unfavorable trading conditions with the Peoples Republic of China and Brazil. These trades pose differing problems, but circumstances that nonetheless restrict U.S. companies or render their business dealings unnecessarily difficult or simply inefficient.

Hal Creel is widely respected by all sectors of the industry as an involved, knowledgeable Chairman who can be trusted to make impartial decisions based on all relevant factors. This has been evidenced by the objective, informed decisions he renders in formal proceedings, his voting record on important agency matters, and the evenhanded enforcement program administered by the Commission. As Chairman of the FMC, Hal Creel has worked hard to curb harmful practices and create equitable trading conditions for the entire industry. He takes a personal stake in these matters and works hard to obtain compliance with the laws passed by this Congress. But those who willfully violate the law or intentionally disregard the Nation's ocean shipping policies as contained in the Shipping Act are dealt with appropriately.

These are turbulent times in the liner shipping industry, times that call for effective and respected leadership from our Nation's regulatory body. Mr. Creel provides that leadership now, and I am certain will continue to do so as the industry enters the new environment that will result from the Ocean Shipping Reform Act of 1998 passed by this body last week.

I am proud of the accomplishments and fine work Hal has done at the FMC. I am also proud that he is a native South Carolinian. He certainly has continued the fine tradition and excellence he has established as a staffer and senior counsel for the Senate Commerce Committee. His reappointment is well deserved.

I also wish to convey my support for John Moran to become a Commissioner at the FMC. John also is a former Commerce Committee counsel who served all members of that Committee with distinction. John and Hal worked together at the Committee on a bipartisan basis, slugging through tough issues and serving all of the Members well.

For my Senate colleagues who do not know Mr. Moran, his only fault is that he is not from South Carolina. He has demonstrated his abilities and intellect time and time again. He is well suited to be a Federal Maritime Commissioner. Currently, John works representing the American Waterways Operators, as their Vice President for legislative affairs. John also has an outstanding reputation within the maritime and transportation industry sectors.

I congratulate these two deserving individuals, who have been appointed to the agency which plays such a critical role in international trade.•

THE REPUBLICAN PATIENTS' BILL OF RIGHTS ACT

• Mr. ENZI. Mr. President, I rise to speak in strong support of S. 2330, the Patients' Bill of Rights Act. As an original cosponsor, I'm confident that this legislation is the logical step to ensure Americans accessible and affordable healthcare.

On January 13, 1998, the Majority Leader created the Republican Health Care Task Force to begin pouring the foundation for a comprehensive piece of legislation that would enhance the quality of care without dismantling access and affordability. For the last seven months, the task force met every Thursday—and other times as needed—with scores of stakeholders prior to writing this bill. Such thorough steps in writing a bill have clearly paid off. We now have legislation that would provide patients' rights and quality healthcare without nationalized, bureaucratized, budget-busting, one-size-fits-all mandates.

In 1993, President and Mrs. Clinton launched an aggressive campaign to nationalize the delivery of healthcare under the guise of modest reform. The sales pitch was backed with scores of anecdotes illustrated from Presidential podiums across the country. The stories pulled on the heartstrings of all Americans and were intentionally aimed at injecting fear and paranoia into all persons covered or not covered by private health insurance.

I am quick to ask my constituents interested in the President's bill to carefully examine the fine print. It's no surprise to me that most of them already have. The American people haven't forgotten the last time this Administration tried to slip nationalized healthcare past their noses. Folks in this town may be surprised to learn that the American people aren't a bunch of pinheads. Anyone can put lipstick on a pig, give it a fancy Hollywood title, and hope for an election-year slam dunk. Expecting the public to close its eyes and kiss that pig, however, is an entirely different matter.

The American people understand what's going on here. They know full well that higher premiums mean no coverage. Why? Because affordable access to healthcare is an even higher priority than quality. If it isn't affordable, it doesn't exist! By issuing one-size-fits-all mandates and setting the stage for endless litigation, the President's bill could dramatically raise the price of premiums—barring people from purchasing insurance. The President would be well advised to call his legislation the "Patient's Bill," because a costly bill is exactly what Americans would receive. That's the bottom line for American families—the cost. We all want quality. There isn't a member in Congress who doesn't want quality. But if Americans are expected to pay up to 23 percent higher premiums to get it, they'll most often have to go without insurance. It's that simple.

I remember the reaction Wyoming residents had to the 1993 "Clinton Care" plan. I was a State Senator living in Gillette, Wyoming at the time. I recall how the President and First Lady rode a bus across America—promoting nationalized healthcare. I also remember the detour they took when they arrived at the Wyoming border. Instead of entering my home state, they chose a more populated route through Colorado. That was an unfortunate choice. They missed an important healthcare point. Had they driven all 400 miles across southern Wyoming, they would have seen for themselves why one-size-fits-all legislation doesn't work in rural, under-served states.

Affordable and accessible care is THE life-line for Wyoming residents. I live in a city of 22,000 people. It's 145 miles to another town of equal or greater size. Many of my constituents have to drive up to 125 miles one-way just to receive basic care. More importantly, though, is the difficulty we face enticing doctors and practitioners to live and practice medicine in Wyoming. I'm very proud of Wyoming's health care professionals. They practice with their hearts, not their wallets.

In a rural, under-served state like Wyoming, only three managed care plans are available and that covers just six counties. Once again, this is partly due to my state's small population. Managed care plans generally profit from high enrollment, and as a result, the majority of plans in Wyoming are traditional indemnity plans—commonly known as fee-for-service. Some folks might wonder why I am so concerned about the President's healthcare package, especially since it's geared toward managed care. I'm concerned because a number of Wyoming insurers offer managed care plans elsewhere. Any premium hike spurred by mandates in the Presidents' bill could be distributed across the board—causing increases in the fee-for-service premiums in Wyoming. Simply put, my constituents could easily end up paying for services they'll never get! 40 percent of my constituents are self-insured—meaning they pay for their own health insurance out of their own pockets. Expecting my constituents to pay more poses a clear and potential threat to exclude them from health insurance coverage. The urban areas get the care—we get the cost. Added cost—that's it—that's all.

The Republican plan is the right choice for America. It would safeguard 48 million people out of the 124 million now covered by the 1974 Employee Retirement Income Security Act or ERISA by requiring that group healthcare plans provide enrollees with: access to emergency medical care; point-of-service coverage; access to ob-gyn care; access to pediatric care; continuity of care; and, a ban on patient/doctor "gag" rules. ERISA plans, whether fully-insured or self-insured, would also be required to provide enrollees with information about plans and providers such as options, restrictions and descriptions.

The Republican Patients' Bill of Rights would also allow a patient to hold their health plan accountable. The President's bill, however, would allow a patient to sue their own health plan and tie up state courts with litigation for months or years. The only people that benefit from this would be trial lawyers. The patient, however, would be lucky to get a decision about their plan before their ailment advanced or even took their life. A big settlement doesn't do much good if you got it, because you died while the trial lawyers fiddled with the facts. Folks aren't interested in suing their health plan. They watch enough court-TV shows to know how expensive that process is and how long it takes to get a decision made. This isn't L.A. Law—it's reality. The Republican Patients' Bill of Rights avoids all this by incorporating an internal appeals process that doesn't exceed 72 hours. If not satisfied, an enrollee would be able to access an external review by independent medical experts. Getting quick decisions saves lives.

The President has repeatedly said that the Republican Patients' Bill of Rights should apply to all health insurance plans. Such claims are no different than those made by the President back in 1993. He wants nationalized healthcare—plain and simple. There is a reason the Republican bill only amends ERISA. It's because the 124 million ERISA enrollees are not regulated by the states. The states, by the way, have been in the business of regulating the health insurance industry far longer than Congress or any President was beating up on managed care.

The President wants all regulatory decisions about a person's health insurance plan to be made from Washington—nationalized care. The reason this won't work is that it fails to take into account the unique type of healthcare provided in states like Wyoming. While serving in the Wyoming Legislature for 10 years, I gained tremendous respect for our state insurance commissioner's ability to administer quality guidelines and insurance regulations that cater to our state. State regulation and understanding is absolutely, unequivocally essential. I firmly believe that decisions which impact my constituents' health insurance should continue to be made in Cheyenne—not Washington.

Congress has an obligation to ensure such quality services to the 124 million ERISA enrollees whose plans are currently absent these protections. In doing so, however, the Republican bill stays within its jurisdictional boundaries and doesn't trample over states' rights. As a result, Americans can gain protections whether they are insured under a state, ERISA, or Medicare regulated plan. I believe that this approach is rational and fair.

The Republican Patients' Bill of Rights would provide individual rights with respect to a person's own, personal health information. Access to personal medical records is a delicate matter. Provisions, however, are included to address inspection and copying of a person's medical information. Safeguards and enforcement language has also been added to guarantee confidentiality. In relation to this language, group health plans and health insurance issuers in both the group and individual market would be prohibited from collecting or using predictive genetic information about a patient with the intention of denying health insurance coverage or setting premium rates.

The Republican plan would establish the Agency for Healthcare Quality Research. This is not a new federal agency, but rather a new name for the current Agency for Health Care Policy and Research within the Department of Health and Human Services. This agency would be modernized to improve healthcare quality throughout America. The agency would not mandate a national definition of quality, but it would provide information to patients regarding the quality of care people receive, allow physicians to compare their quality outcomes with their peers, and enable employers and individuals to make prudent purchases based on quality.

The Senate Labor Committee held a number of hearings in relation to women's health research and prevention. As a result, the Republican Patients' Bill of Rights includes a number of important provisions that represent women's health. These provisions will clearly benefit the promotion of basic and clinical research for osteoporosis, breast and ovarian cancer, the effects of aging and other women's health issues.

Finally, the Republican Patients' Bill of Rights broadens access to coverage by removing the 750,000 cap on medical savings accounts (MSA's). MSA's are a success and should be made available to anyone who wishes to control their own healthcare costs. Moreover, persons who pay for their own health insurance could deduct 100 percent of the costs if the Republican plan is enacted. This would have a dramatic impact on folks from Wyoming. These provisions would, without a doubt, pave the way for quality healthcare to millions of Americans without dismantling access and affordability.

While the President's bill has been pitched as being essential to enhancing the quality of care Americans receive, I hope that my colleagues will carefully evaluate the impact that any nationalized, bureaucratized, budget-busting, one-size-fits-all bill would have on our nation's healthcare system. As I have encouraged my constituents to read the fine print, I ask my colleagues to consider how the President's legislation impacts you and your home state. Rural states deserve a voice, too. Only the Republican Patients' Bill of Rights Act would give them that voice.●

HURRICANE GEORGES AND THE DISASTER MITIGATION ACT OF 1998

● GRAHAM. Mr. President, on September 30th, with my colleagues Senator MACK and Florida Governor Lawton Chiles, I participated in a helicopter tour of Florida's Panhandle, where once again, Mother Nature has subjected Florida's citizens to her wrath. After first devastating the Florida Keys, Hurricane Georges moved northward and severely impacted the Panhandle, producing rainfall in excess of 2 feet in some areas.

In the Florida Keys, Georges damaged over 1,500 homes destroying or causing major damage to approximately 640 residences. Initial estimates indicate that Georges caused over $250 million in insured damage in the Keys, and there are millions more in uninsured damages. Many residents in the lower Keys have only recently had their power restored, and Federal, State, local, and voluntary agencies provided food, water, and ice for more than a week as the Keys finally emerged from this emergency situation.

Unfortunately—as I was able to view firsthand—Georges path of destruction did not end in the Keys. Even in its weakened state, Georges caused extensive flooding and isolated tornadoes throughout the Panhandle. At least 20 major roads were closed or partially closed, and evacuations continued for days in many low-lying areas. During my visit to the area, 14 shelters remained open, providing safe harbor for at least 400 Floridians who had been forced from their homes.

As a result of this hurricane, the President issued an emergency declaration for 33 Florida counties, in order to provide immediate Federal assistance to protect the lives and property of affected residents. On September 28, the President issued a major disaster declaration for Monroe County, which authorizes Federal disaster recovery assistance for local governments and citizens in the Florida Keys. As of today, 16 counties in and around the Panhandle have been added to this declaration, and I want to acknowledge the outstanding efforts of both the President and the Federal Emergency Management Agency (FEMA) in expediting Federal assistance to the State of Florida.

Mr. President, throughout 1998, I have come to the Senate floor to describe the destruction and misery that Florida has experienced as a direct result of natural disasters. This year, Florida has been subjected to a series of unprecedented natural disasters. Even for a state that is experienced in dealing with such disasters, Floridians have been tested again and again by what may be one of the worst years in Florida meteorological history. In late January and early February—in the midst of our State's dry season—several Northern Florida counties were deluged by massive floods. Not long after, parts of Central Florida were devastated by thunderstorms and tornadoes that are more typical in the summer months. Beginning in May and ending in late July, a deadly combination of intense heat and prolonged drought sparked more than 2,000 forest fires in Florida's 67 counties. Finally, over the next several weeks, Florida will begin the long and painful process of recovery from the widespread damage that has been caused by Hurricane Georges.

I ask that this September 30 article from the Miami Herald—which summarizes Florida's 6 Presidential disaster declarations in more detail—be printed in the RECORD.

The article follows:

FLORIDA GET FEDERAL AID A RECORD SIX TIMES

(By Tom Fiedler)

For Floridians, this has been a banner year of hell and high water. President Clinton said so.

Even before Hurricane Georges slapped the Keys unsilly, then dumped tons of fresh rain on an already sodden Panhandle, Florida had established in 1998 a new—although dubious—record: recipient of the most presidential disaster declarations in a single year.

"It's been a very hard year," said Joseph Myers, state director of emergency management, who on Tuesday was into his seventh straight day of working around the clock monitoring the latest disaster. "But that's what we get paid to do."

He would be entitled to wonder if that could possibly be pay enough, at least this year.

Like home-run sluggers Mark McGwire and Sammy Sosa, Florida established its new record with style, shattering the previous marks by more than a couple.

Since New Year's Day, which Myers spent monitoring a chain of tornadoes ripping their way across the central peninsula, causing at least $24 million in damage to crops and homes. President Clinton has declared at least parts of Florida to be federal disaster areas six times.

That topped the previous records of three in 1992—the year that included the mother of all disaster declarations. Hurricane Andrew—and 1995, which featured Hurricanes Erin and Opal, both concentrating their fury on the upper Gulf Coast.

To qualify for a presidential disaster declaration, the amount of damage must be beyond the ability of state and local government to assist, either because of the amounts of money involved or the types of assistance needed.

When the president issues a declaration, it makes available federal money to reimburse the state, and local governments for the immediate costs of meeting the emergency—such as in providing police and fire services, maintaining shelters or in restoring vital services.

It also activates several federal programs to aid in a community's long-term recovery. That array includes unemployment assistance to those whose jobs may have been lost or interrupted because of the disaster; mortgage assistance; low-interest loans to help businesses and farmers get back on their feet; money for governments to rebuild highways or restore other services—including replacing lost tax revenues from damaged businesses; and money that can be used to avert future disasters, such as constructing dikes against floods or beach dunes against hurricanes.

VARIETY OF DISASTERS

What distinguishes 1998 from previous years is the variety of disasters that has befallen the state. Besides hurricanes, which can destroy people and property through high water and wind, this year's declarations have included several for killer tornadoes, one for massive flooding and—most dramatic of all—one for infernal fires that raged for nearly two months over an area that at one point stretched nearly from Tallahassee to Miami.

Missing only were the biblical swarms of locusts and the medieval bubonic plague.

Myers said his personal disaster calendar began last Christmas, when he was summoned to the state's emergency-management headquarters to monitor a winter storm exploding out of the Gulf and hammering counties in Central Florida. the storm—considered the shock troops of El Niño—spun off dozens of tornadoes, washed out hundreds of homes and virtually ruined tomato and strawberry crops that were ripening. Its cost: about $24 million to taxpayers alone, not counting what insurance companies paid to individuals.

TORNADOES IN MIAMI

Holidays seemed as magnets to these storms. On Groundhog Day, another winter storm rumbled out of the Gulf to cut across the lower peninsula. This one triggered tornadoes in the heart of Miami.

The so-called Groundhog Day storm savaged 600 homes in Dade, Broward and Monroe counties. It left two tugboats parked on Sunny Isles Beach and caused $2 million in damage to the Keys' lobstering industry.

Barely three weeks later, another storm hammered the central part of the state, coming ashore in the Tampa Bay area but spreading throughout the peninsula. Myers said the president was still in the process of issuing the disaster declaration for the Groundhog Day storm when the bad weather hit.

"So they just added this onto the one they were already working with," he said. "The storm kept on coming, and they kept on adding."

The most dramatic were bands of swarming tornadoes that bracketed Orlando in March, flattening communities near Kissimmee and those east of Sanford. All told, nearly two dozens Floridians were killed in those weather disasters.

MOST OF THE STATE

"Eventually they got to 56 counties," only 11 short of Florida's 67 counties, Myers said. "They finally stopped adding them on April 24."

The lull in El Niño's wind and rain proved anything but benign, however. With such a wet spring, the underbrush in the state's forests grew at an incredible pace, becoming lush and thick.

"Then it just dried up. It didn't rain," Myers said. "We knew that El Niño would produce fires, but we thought they would come later."

June was the driest month in Florida's history. The underbrush became tinder.

On June 6, the anniversary of D-Day, a major fire flared in Flagler County between Daytona Beach and St. Augustine. It raged for 48 days. President Clinton and Vice President Al Gore were among those who came to inspect the disaster. Fire crews from around the nation came to fight it.

"We ended up getting a major disaster declaration and 15 fire suppression grants to pay for the firefighting," the first time Florida had ever received such compensation, Myers said.

Florida's cost of fighting the fires alone hit $156 million.

• Mr. BUMPERS. Mr. President, my experiences with disasters this year—in addition to the unforgettable destruction of Hurricane Andrew in 1992—have motivated me to re-evaluate the policies and programs that are implemented to ease the pain and economic loss caused by disasters. First, we must recognize that we cannot prevent severe weather events. In fact, it seems that as we approach the millennium, the Nation is experiencing severe weather more frequently—and more intensely—than ever before. Second, as our population grows, our coastal and riverfront communities have greatly expanded, placing an even higher number of citizens at risk from floods and hurricanes. Finally, expanded requirements for housing and residential structures have increased both the number and value of property developments in high-risk areas.

Taken together, these facts clearly demonstrate that we will continue to experience losses from natural disaster. Therefore, we must act now to limit these inevitable losses through a proactive, nationwide loss prevention and mitigation initiative. We cannot continue to respond to repeat disasters in the same locations in an endless cycle of damage-repair-damage-repair.

It is for these reasons, Mr. President, that Senator INHOFE and myself introduced the Disaster Mitigation Act of 1998. Our legislation focuses the energies of Federal, State, and local governments on disaster mitigation, shifting the Nation's efforts toward preventative—rather than responsive—actions, in order to prepare our citizens for disasters now and in the future.

I worked very closely with Senator INHOFE to develop this bipartisan legislation, which has been reported out of the Environment and Public Works Committee. This legislation will more comprehensively and efficiently address the threats we face from disasters of all types. The bill is composed of two titles: Title I seeks to reduce the impact of disasters by authorizing a "predisaster mitigation" program; Title II seeks to streamline the current disaster assistance programs to save administrative costs, and to simplify these programs for the benefit of States, local communities, and individual disaster victims.

To address the problems associated with the damage-repair-damage-repair cycle, the legislation places its primary emphasis on comprehensive predisaster mitigation. This bill will authorize a five-year pre-disaster mitigation program, funded at $35 million per year, to be administered by Federal Emergency Management Agency, or FEMA. The pre-disaster mitigation program will change the focus of our efforts, at all levels of government, to preventative—rather than responsive—actions in planning for disasters. Such a change in ideology is critical to reducing the short- and long-term costs of natural disasters. It will encourage both the public and the private sector, as well as individual citizens, to take responsibility for the threats they face by adopting the concept of disaster mitigation into their everyday lives. Just like energy conservation, recycling, and the widespread use of seat belts, disaster mitigation should become a concept that all citizens incorporate into their day-to-day existence.

Since 1993, under the leadership of Director James Lee Witt, FEMA has truly changed its way of doing business. In the past five years, FEMA has become more responsive to disaster victims and State and local governments, and has "reinvented" itself by choosing to focus its energy on mitigating, preparing for, responding to, and recovering from the effects of natural hazards. FEMA has already taken an important first step in advocating pre-disaster mitigation by establishing "Project Impact," their new mitigation initiative, in local communities throughout the nation. I am proud to say that Deerfield Beach, Florida, was the first community to be chosen as a participant in Project Impact. By authorizing the conduct of Project Impact for five years in this legislation, we will definitively endorse both the program and Director Witt's leadership, and we expect that the initiative will produce measurable results in reducing the costs of disaster in the future.

Mr. President, this legislation is the result of coordination and cooperation with FEMA, the National Association of Emergency Management, the National League of Cities, representatives of the private and voluntary sectors, and numerous other state and local governmental organizations. I strongly believe that this legislation represents a historic change in the nation's efforts to prevent the effects of natural disasters. By taking proactive steps to implement mitigation now, we will reduce the damage, pain, and suffering from disasters in the future that have become all too familiar to us from the disasters we have faced in the recent past.

Mr. President, I urge my colleagues to support Senator Inhofe and myself by joining with us in our efforts to protect the citizens of the U.S. from disasters now and in the future. I ask the Senators who have most recently been affected by Hurricane Georges, as well as the many Senators whose constituents have been impacted by catastrophic disasters over the past several years, to support this legislation and ensure its passage before the end of this session.•

NATIONAL OPTICIANS MONTH

• Mr. GRAMS. Mr. President, January 1999 will be celebrated throughout the United States as National Opticians Month. I am pleased to inform my colleagues that one of my constituents, Gary R. Aiken of Minnetonka, Minnesota, is president of the Opticians Association of America, which is sponsoring the observance.

Nearly all Americans aged 65 or older require some help to see their best and sixty percent of Americans wear eyeglasses or contact lenses. Opticians, skilled in fitting and dispensing eyeglasses and contact lenses, provide the expert assistance we need to make the most of our vision. Technology has brought us literally thousands of possible combinations of eyeglass frames and lenses and an array of contact lenses. Dispensing opticians play a pivotal role in guiding eyewear customers to the combination which exactly fits their need.

Through formal education programs, voluntary national certification and mandatory licensing in many states, and programs of continuing education, dispensing opticians acquire the skills and competence to correctly, efficiently and effectively fill eyewear prescriptions. At the same time, retail opticians are an important part of our nation's small business community and provide the competitive balance which keeps eyewear affordable for all Americans.

It is a pleasure to acknowledge the important role of dispensing opticians as they assist us all in making the most of our precious eyesight. I commend them for their efforts and congratulate Gary Aiken and the members of the Opticians Association of America for their accomplishments.•

MICHAEL K. SIMPSON

• Mr. MOYNIHAN. Mr. President, I rise to pay tribute to New York's Dr. Michael K. Simpson who last year completed ten years of service as President of Utica College at Syracuse University and is now President of the American University in Paris.

While at Utica, Dr. Simpson taught international relations, contemporary French politics, international law, the political economics of multinational corporations, macro- and microeconomics, and American foreign policy. He has also been a visiting professor at the Maxwell School of Citizenship at Syracuse University and director of Syracuse's study center in Strasbourg, France.

In addition to his broad academic experience, Dr. Simpson has dedicated himself to the people of Oneida County, New York. As the community representative and chairperson of the Health and Hospital Council of the Mohawk Valley from 1987–1992, he lead that Council toward developing a hospital consolidation plan for four area hospitals. That succeeded in making quality health-care more accessible and affordable to local residents. Since 1988 he has been a trustee of The Savings Bank of Utica.

I have had the privilege to speak at three commencements in which Michael Simpson participated—at his graduation from Fordham College in 1970 when he earned his bachelor's degree, at Syracuse University in 1983 upon receipt of his M.B.A., and during his tenure as Utica College President.

With great admiration and gratitude I commend Dr. Simpson for his commitment to excellence in education and his service to his fellow citizens of New York. I wish him all the best on his sojourn in Paris.•

TAIWAN'S NATIONAL DAY

• Mr. KERRY. Mr. President, I want to take this opportunity to extend my congratulations to President Lee Teng-hui., Vice President Lien Chan and the people of the Republic of China today, on their National Day.

Taiwan has continued to prosper economically even in the face of the Asian financial crisis. As the world's fourteenth largest economic entity, Taiwan plays a significant role in global trade and Asian economies. With its per capita income of $13,000 US dollars, Taiwan provides an important market for American consumer goods.

In addition to its economic successes, Taiwan has embarked upon a democratic course resulting in a pluralistic society which enjoys basic democratic rights and freedoms including freedom of the press and direct elections for the president and other officials.

The people of Taiwan and its leadership should be very proud of the successes that they have achieved. I congratulate them on this special day.•

PRIVATE RELIEF BILLS

• Mr. LAUTENBERG. Mr. President, I am pleased that key members of the Senate have agreed to pass all the pending private relief bills in one package and send it over to the House.

I would like to thank the principals who have been involved in this effort, Senators HATCH, ABRAHAM, LEAHY and KENNEDY. This package will include my bill to help Vova Malofienko.

Let me tell you a little about Vova Malofienko and his family. Vova was born in Chernigov, Ukraine, just 30 miles from the Chernobyl nuclear reactor.

In 1986, when he was just two, the reactor exploded and he was exposed to high levels of radiation. He was diagnosed with leukemia in June 1990, shortly before his sixth birthday.

Through the efforts of the Children of Chernobyl Relief Fund, Vova and his mother came to the United States with seven other children to attend Paul Newman's "Hole in the Wall" camp in Connecticut.

While in this country, Vova was able to receive extensive cancer treatment and chemotherapy. In November of 1992, his cancer went into remission.

Regrettably, the other children from Chernobyl were not as fortunate. They returned to the Ukraine and they died one by one because of inadequate cancer treatment. Not a child survived.

The air, food, and water in the Ukraine are still contaminated with radiation and are perilous to those like Vova who have a weakened immune system.

Additionally, cancer treatment available in the Ukraine is not as sophisticated as treatment available in the United States.

Although Vova completed his chemotherapy in 1992, he continues to need medical follow-up on a consistent basis, including physical examinations, lab work and radiological examinations to assure early detection and prompt and appropriate therapy in the unfortunate event the leukemia recurs.

Because of his perilous medical condition, Vova and his family have done everything possible to remain in the United States. Since 1992, they have obtained a number of visa extensions, and I have helped them with their efforts.

In March of 1997, the last time the Malofienkos visas were expiring, I appealed to the INS and the family was given what I was told would be a final one-year extension.

So we have a family battling for over six years now, to stay in this country. And why? So that they can save the life of their child, Vova.

Because of the compelling circumstances of their case, I introduced S. 1460, which was approved unanimously by the Senate Judiciary Committee.

After I introduced that bill, Senator ABRAHAM, in his capacity as Chairman of the Immigration Subcommittee, requested a report from the INS and that stayed any further INS proceedings.

But at the end of this Congress they would be subject to deportation. That is why I have worked so hard to get this bill passed this session of Congress.

This family has endured enough. They cannot have the threat of deportation hanging over their heads. They are dealing with enough trauma from Vova's cancer.

I wish my colleagues could meet Vova—then they would understand why I feel so strongly about this case. He is truly a remarkable young man.

Throughout his battle against cancer, he has been an inspiration. He has been an honors student at Millburn Middle School, and he is an eloquent spokesperson for children with cancer. He has rallied the community and helped bring out the best in everyone. His dedication, grace, and dignity provide an outstanding example, not just to young people, but to all Americans.

Again, I want to thank Senators HATCH, ABRAHAM, LEAHY and KENNEDY for their diligence.

I hope that we will pass this package on Monday and send it to the House and then the President. Then, Vova can continue his fight in the safety of United States.•

RECESS UNTIL 2 P.M. MONDAY, OCTOBER 12, 1998

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until Monday at 2 p.m.

Thereupon, at 4:10 p.m., the Senate recessed until Monday, October 12, 1998, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 10, 1998:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES C. BURDICK, 9214.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WALTER R. ERNST II, 0750.
BRIG. GEN. BRUCE W. MAC LANE, 2001.
BRIG. GEN. PAUL A. POCHMARA, 3419.
BRIG. GEN. MASON C. WHITNEY, 9168.

To be brigadier general

COL. JOHN H. BUBAR, 0916.
COL. VERNA D. FAIRCHILD, 1283.
COL. ROBERT I. GRUBER, 3888.
COL. MICHAEL J. HAUGEN, 7541.
COL. WALTER L. HODGEN, 6504.
COL. LARRY V. LUNT, 4398.
COL. WILLIAM J. LUTZ, 6187.
COL. STANLEY L. PRUETT, 1176.
COL. WILLIAM K. RICHARDSON, 5912.
COL. RAVINDRAA F. SHAH, 0480.
COL. HARRY A. SIEBEN, JR., 3654.
COL. EDWARD N. STEVENS, 3837.
COL. MERLE S. THOMAS, 9608.
COL. STEVEN W. THU, 9509.
COL. FRANK E. TOBEL, 1101.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. HARRY A. CURRY, 6275.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. CANAVAN, 1461.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN M. SCHUSTER, 8090.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE SERVING AS THE DIRECTOR, NATIONAL IMAGERY AND MAPPING AGENCY DESIGNATED AS A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 441 AND 601:

To be lieutenant general

MAJ. GEN. JAMES C. KING, 5053.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDWIN P. SMITH, 3610.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ANTHONY R. JONES, 7571.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL L. DODSON, 5712.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RANDALL L. RIGBY, JR., 5714.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JERALD N. ALBRECHT, 2703.
BRIG. GEN. WESLEY A. BEAL, 2495.
BRIG. GEN. WILLIAM N. KIEFER, 7616.
BRIG. GEN. WILLIAM B. RAINES, JR., 2267.
BRIG. GEN. JOHN L. SCOTT, 1830.
BRIG. GEN. RICHARD O. WIGHTMAN, JR., 6480.

To be brigadier general

COL. ANTONY D. DICORLETO, 2049.
COL. GERALD D. GRIFFIN, 1832.
COL. TIMOTHY M. HAAKE, 0668.
COL. JOSEPH C. JOYCE, 7896.
COL. CARLOS D. PAIR, 7262.
COL. PAUL D. PATRICK, 6446.
COL. GEORGE W. PETTY, JR., 8842.
COL. GEORGE W. S. READ, 1278.
COL. JOHN W. WEISS, 3981.

NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARIANNE B. DREW, 3561.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SCOTT A. FRY, 5541.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. PATRICIA A. TRACEY, 3579.

IN THE ARMY

ARMY NOMINATIONS BEGINNING MICHAEL C. AARON, AND ENDING RICHARD G.* ZOLLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 23, 1998.

ARMY NOMINATIONS BEGINNING MATTHEW L. KAMBIC, AND ENDING JAMES G. PIERCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 1998.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF JEFFREY M. DUNN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 29, 1998.

IN THE NAVY

NAVY NOMINATION OF MICHAEL C. GARD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 11, 1998.

NAVY NOMINATION OF THOMAS E. KATANA, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGSIONAL RECORD OF SEPTEMBER 16, 1998.

HOUSE OF REPRESENTATIVES—*Saturday, October 10, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BASS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 10, 1998.

I hereby designate the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

As we pray for the needs of the world, O God, so too we pray for the concerns that are about us. Where there is anxiety, grant peace. Where there is illness, grant healing. Where there is alienation, grant reconciliation. Where we have missed the mark, grant forgiveness and grace. May all your blessings, O God, that touch us in our very hearts and souls, be with us this day and all our days. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. SOLOMON) come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 624. An act to amend the Armored Car Industry Reciprocity Act of 1993 to clarify certain requirements and to improve the flow of interstate commerce.

H.R. 1021. An act to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado.

H.R. 3069. An act to extend the Advisory Council on California Indian Policy to allow the Advisory Council to advise Congress on the implementation of the proposals and recommendations of the Advisory Council.

H.R. 3830. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4337. An act to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4679. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the circumstances in which a substance is considered to be a pesticide chemical for purposes of such act, and for other purposes.

H.J. Res. 131. Joint resolution waiving certain enrollment requirements for the remainder of the One Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3494. An act to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 1752. An act to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona.

S. 2087. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes.

S. 2131. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 2133. An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

S. 2401. An act to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park.

S. 2402. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 2413. An act prohibiting the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by act of Congress.

S. 2458. An act to amend the Act entitled "An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the "Warren Property".

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

S. 2513. An act to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon.

S. Con. Res. 83. Concurrent resolution remembering the life of George Washington and his contributions to the Nation.

S. Con. Res. 119. Concurrent resolution recognizing the 50th anniversary of the American Red Cross Blood Services.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes at the end of legislative business.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. DREIER. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions to be considered today:

S. 1677, Reauthorization of North American Wetlands Conservation Act and Partnerships for Wildlife Act; H.R. 3046; and H.R. 3055, To Deem Activities of the Miccosukee Tribe on the Tamiami Indian Reservation Consistent with Purposes of Everglades National Park.

WAIVING REQUIREMENT OF CLAUSE 4(B) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 589, and I ask for its immediate consideration.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Clerk read the resolution, as follows:

H. RES. 589

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee for the remainder of the second session of the One Hundred Fifth Congress providing for consideration or disposition of any of the following:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 1999, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making continuing appropriations for fiscal year 1999, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

SEC. 2. It shall be in order at any time for the remainder of the second session of the One Hundred Fifth Congress for the Speaker to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least two hours before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the Minority Leader or his designee.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield half our time to my great friend, the gentleman from South Boston, Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, this resolution is a standard management tool for the end of Congress, and similar tools have been employed under previous Republican control of the House as well as Democrat control of this institution. It will allow us to expedite our business and adjourn the second session of the 105th Congress so that Members can go home and at least have a couple of weeks to campaign.

This resolution waives clause 4(b) of Rule XI, which requires a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, against certain resolutions reported from that Committee on Rules. I know that sounds confusing, but it is technical.

The resolution applies this waiver to special rules reported from the Committee on Rules for the remainder of the second session of the 105th Congress, which provide for consideration or disposition of a bill or joint resolution, and, this is the key part of my statement here this morning, making general appropriations for the fiscal year ending September 30, 1999, any amendment thereto and conference report thereon, or any amendment reported in disagreement from a conference thereon.

What we are talking about, in layman's language, is perhaps the omnibus bill that will be coming before us as probably the last bill to pass this House and this Congress, or, for instance, a new agriculture appropriation bill that would replace the one recently vetoed by the President, or any conference report on any other appropriation bills that would come before the House.

This resolution would allow the House to expeditiously consider any appropriation bill or conference report from now until the end of the session on the same day that it is brought to the floor.

The resolution before us, Mr. Speaker, also applies the waiver to special rules reported from the remainder of the second session of the 105th Congress which provide for consideration or disposition of a bill or joint resolution making continuing appropriations—and to Members back in their offices that means a CR—for fiscal year 1999, any amendment thereto and conference report thereon. This will allow us to rapidly consider any measure making continuing appropriations which may be necessary for us to conclude our work.

Finally, Mr. Speaker, the resolution before the House today allows, during the remainder of the second session of this Congress, for the Speaker to entertain motions to suspend the rules, provided that the object of any motion is announced from the floor at least 2 hours before the motion is offered, and that in the scheduling of legislation the Speaker or his designee shall consult with the minority leader or his designee, just as the gentleman from California (Mr. DREIER) did a few minutes ago when he announced the consideration of special suspension bills, of which the minority has been given 2 hours' notice.

Mr. Speaker, this will allow us to consider important and meaningful bills under the suspension of the rules procedure for the remainder of this session. Mr. Speaker, it is the intention, and if Members are listening again, it is the intention of the majority leadership to conclude the business of the 105th Congress as quickly as possible. The provisions of this rule are consistent with several precedents from recent Congresses under leadership of both Democrats and Republicans. And I would just say one more time that it is the intent of the majority leadership to conclude this business as quickly as possible and, hopefully, by no later than Sunday or Monday night.

So, I think with cooperation from all of the Members, we can accomplish that goal.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON), the retiring chairman of the Committee on Rules, who is retiring only because he is not going to be here any longer, not because he is retiring in effect, for yielding me the customary half-hour.

Mr. Speaker, this is the third martial law rule we have done in the last 10 days, and this one is totally open-ended. This will last until the end of the session, instead of a date certain, which is a very, very dangerous way to legislate.

Mr. Speaker, it is not as if my Republican colleagues have not had time to get things done. They have had months and months and months to pass any bills they wanted. But instead of working on legislation to help the American people, my Republican colleagues have spent time raiding the Social Security fund to pay for tax cuts.

This Republican Congress has worked fewer days and enacted fewer bills than any Congress in decades. And those are not my words, that is from the Congressional Quarterly. It says that as long as the records go back, this Congress has worked fewer days and accomplished less. That is not me talking, that is not our leader talking. That is the Congressional Quarterly.

So, as I said, the Congress has worked fewer days, enacted fewer bills than any Congress in decades, and the Congress has come up with no budget for the first time since the budget process was created. This Congress has passed no bills to improve public education. This Congress has passed no bills to reform managed care. This Congress has passed no bills to increase the minimum wage.

So here we are, Mr. Speaker, nearly at the end of the session with practically no substantive legislation to show for 2 years of Republican-controlled Congress.

Mr. Speaker, Americans want decent health care and they believe their insurance companies may put good profits before good health.

□ 1010

We have heard far too many stories of people who have suffered very serious health problems, in some cases even death, because their health insurance company would not authorize the procedures they needed.

The American people should be protected against not getting the care they need. They should be assured that their doctor is allowed to put every bit of medical training to use when they treat them. And they should be able to appeal decisions made by the health insurance company, and even sue their health plan, if the situation warrants. But my Republican colleagues just did not get around to it.

The American people also deserve to have their Social Security protected. The most recent Republican tax plan will rob future Social Security recipients of their benefits. Mr. Speaker, these people have worked as hard as anybody else for their Social Security and they deserve to know that it will be there when they need it. But this is just another issue my Republican colleagues did not get around to.

Finally, Mr. Speaker, the American schools need our attention. One out of every three schools in the United States needs extensive repair or replacement. If American children are going to compete in today's high-tech world, we need classrooms that are outfitted with the most modern technologies and conveniences, and we need class sizes that are not impossibly huge and hard to manage. But my Republican colleagues did not get around to it.

Mr. Speaker, if my Republican colleagues were so inclined, they could have passed some bills that would have made a great difference in the American people's lives. But, unfortunately, they did not. So we can give them that opportunity right now. I urge my colleagues to oppose the previous question and, if the previous question is defeated, we can bring up bills that the American people really care about; bills dealing with reforming managed care, reducing class size, and protecting Social Security.

Otherwise, we stand here, Mr. Speaker, on the day this Congress was scheduled to adjourn, passing another martial law resolution, passing number three martial law resolution, in order to allow other bills to come up to the floor without giving Democrats much of a chance to read what is in them. Since passing an endless martial law means that the Democrats will not have a real lot of time to look at these bills, and since we should be taking care of other issues, I urge my colleagues to oppose this bill and defeat the previous question.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. I was not going to seek time for myself and, instead, yield to others, but I am just inspired to get up here and respond to my good friend from Boston.

The gentleman talks about this Congress not having done anything. Well, let me tell my colleagues what it has not done. It has not increased spending. And, hopefully, when we get through negotiating with the President, we will not have increased spending at the end of this Congress. But from all that I am getting feedback on, this President is demanding that we increase spending, and that is why we have not adjourned yet.

Let me tell my colleagues what this Congress has done, though. We have passed and enacted into law the first major tax cut in 16 years. And that is what my constituents sent me here to do, to cut taxes and put money back into the pockets of American citizens so that they could either spend it on what they want to spend it on, not what we want to spend it on, or they can save it. And either way that is what has stimulated this economy, and that is why things are as good around the country as they are.

Let me tell my colleagues what that tax cut did. To anybody listening, wherever they are, I want them to just think about what was done last year. The tax cut provided for $250 billion in net tax relief over the next 10 years. Over 72 percent of the tax relief went to middle income families earning incomes between $20,000 and $70,000. And if my colleagues think my constituents were happy about that, they sure were.

Forty-one million parents were given a $500 tax credit to help working families offset the cost of raising and caring for children. I just finished raising five children; now I have six grandchildren. And let me tell my colleagues, my kids appreciate that, because now they have a few dollars back in their pockets so they can spend it to educate their children, rather than big brother government telling them how to do it.

Families with educational expenses were helped by the provision of the HOPE scholarships. Remember that? And penalty free withdrawals from the IRAs for college and other educational expenses. If some of the younger Members have not been through it yet, let me tell them what it costs to educate five kids. We had five kids within 7 years, so they were all in college at the same time. I am just about broke, but we got them through. Let me tell my colleagues that that means something to those families.

Family farms and small businesses were provided with death tax relief. In other words, when a person dies, the Federal Government was taking 50, 60, 70 percent of the money, the money they had saved for their children. Farmers could not even sell their farms or let their kids inherit it, and now they can.

First-time home buyers were provided with the creation of America's Dream IRAs, from which they can now make tax-free withdrawals for buying a home and fulfilling every American's dream. We have new families now starting up where they can actually save a little money and not have to pay taxes on it if they are going to put it down on buying a house.

This Congress has provided, and this is so terribly important, this Congress has provided broad-based permanent capital gains tax relief to spur investment, create jobs, and increase the economic growth in this country. The top rate was reduced from 28 percent.

This really affects an individual who had saved a few dollars and invested it. I point to, let us say, a couple who had worked for Sears Roebuck and I have said this before on the floor, they do not pay the highest salaries in the world, but they give stock options to their employees to buy. And I know a couple that did that. They worked all their life at not great salaries, but when they retired the Federal Government took 28 percent when they had to sell that stock. That was outrageous. That was their income for retirement and the Federal Government took a third of it, almost.

We reduced that to 20 percent for those with middle incomes. But with lower incomes, real senior citizens, who had not been able to save that much, we reduced it down to 10 percent. And that means if they had held on to some stock that they purchased 30 years ago, and now they were going to sell that stock, they only had to pay 10 percent back to this government. It is a shame they had to pay any. We are the only industrialized Nation in the world that has any capital gains tax. So, anyway, we got it down to something that was within reason.

Now, Mr. Speaker, I could go on here with a litany of things of what this Congress has done, but I am going to save some of this so my colleague, the gentleman from California (Mr. DREIER), can tell of some of the other things we have done in this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to just comment that, as usual, my chairman has been great representing his party.

Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. Clay), the ranking member of the Committee on Education and the Workforce.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this martial law rule.

Mr. Speaker, yesterday, the House Republican leadership at a press conference boasted about the Republicans' imaginary legislative accomplishments in the field of education. What folly, what gall, what audacity. Their refusal to tackle critical educational problems and priorities is the shame of this Congress. It is the shame of their party.

The Republican policy toward education is based on the contemptuous premise that education is not the province of the Federal Government. So, Mr. Speaker, the Republicans will do as little as possible to improve our educational system, and then only when forced to do it. Their sorry, sordid record on education issues is one of complete failure.

They fail to invest in the expansion of after-school programs, they fail to reduce classroom sizes, they fail to bring new technology to our schools, they fail to replace dilapidated school houses and replace them with new buildings.

□ 1020

They failed to hire 100,000 new public school teachers.

Mr. Speaker, Republicans have failed our school children, failed their parents, failed our public school teachers and failed their responsibility to give leadership in the area of critical national concern. Their scheme to enact school vouchers would have diverted hundreds of millions of Federal dollars earmarked for public schools and school reform to private and parochial schools.

Mr. Speaker, the Republican majority tried to repeal affirmative action programs for disadvantaged youth and tried to destroy bilingual education. Mr. Speaker, perhaps the Republicans' most sinister, most cynical, perversion was the attempt to kill the Head Start program by loading it down with nongermane killer amendments like Head Start vouchers.

In the past few days, we have seen a flurry of activity on measures that have languished for the past 2 years, but the record of this do-nothing Congress in the field of education is clear.

Thus far, only three education bills have become law during this Congress: job training, higher education renewal and the IDEA program.

Mr. Speaker, we demand, the American public demands, that the Republican leadership take immediate action to enact legislation to modernize our decrepit, run-down public schools and to reduce our classrooms to manageable and teachable sizes.

Mr. Speaker, we should vote this rule down. This proposal is bad for this country and we should stay here until we finish the business of government, the business of the American people. I say vote "no" on this resolution.

Mr. SOLOMON. Mr. Speaker, how much time is remaining between the two sides here, just to see where we balance out?

The SPEAKER pro tempore (Mr. Bass). The gentleman from New York (Mr. SOLOMON) has 21½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 22 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield whatever time he might consume to the brilliant gentleman from California (Mr. DREIER), and I am not just referring to his tie, either.

Mr. DREIER. Mr. Speaker, I appreciate the magnanimity of my very kind friend from Glens Falls.

Mr. Speaker, this is an incredibly ironic debate that we have embarked upon. I sat there listening to the comments of my very good friend from South Boston, the gentleman from Missouri (Mr. CLAY) rising in opposition to this rule, and he went through all of his complaints as to why he considers this to be a do-nothing Congress.

Mr. Speaker, the rule that we are considering is designed so that we can do something. We are trying very much to move legislation through and consider appropriations so that we can keep the government going, so that we can bring about the spending cuts to which the gentleman from New York (Mr. SOLOMON) referred, and so that we can get out of here and go home.

Then they say that we have done nothing and all we want to do with this rule is to make sure that we can do something.

Let us look at some of the things that we have, in fact, done. I will say that as I listened again to the litany of my friend, the gentleman from Massachusetts (Mr. MOAKLEY), I was struck with the fact that the United States Congress is not an automobile manufacturing plant. One is not graded based on the number of cars that they put out or the number of bills that they pass.

We are today at a point where I think based on, and I do not believe in all of these polls because, Lord knows, they are just a little picture at one point in time, but we all look at polls, and guess what? The 105th Congress has the highest approval rating of any Congress in recent history, and so it seems to me that we may be doing some things right.

What are some of the things that we have actually done? Well, we have passed the first balanced budget in 29 years, and I think that in itself is tremendous. The President of the United States on October 1, the first day of the fiscal year, was very proud to hold a ceremony in the Rose Garden and proclaim the fact that we had a $60 billion budget surplus.

That all came about not because of what was done there, not because of the largest increase that was passed under the Democratic Congress and Democratic President back in 1993, but because a Republican Congress that took over following the 1994 election got us on the road towards fiscal responsibility. We dragged him, kicking and screaming, but we are very pleased that ultimately President Clinton embraced our themes of balancing the budget and cutting taxes.

We also, as the gentleman from New York (Mr. SOLOMON) has mentioned, have had a tremendous tax cut for working families, and what has that brought us? It has brought us a lot of things. One of them has been an increase in the flow of revenues to the Federal Treasury.

As the gentleman from New York (Mr. SOLOMON) mentioned, that working couple at Sears & Roebuck that has been able to realize some capital gain from their pension and other investments that they might have had, what has happened? Well, we have seen an increase in the flow of revenues to the Federal Treasury. That is what has helped us balance the Federal budget.

So it has been the first time in 16 years that we have been able to bring about a tax cut for working families.

I am also very proud of the fact that we have been able to reform Medicare to keep the seniors' health care structure solvent. Something else that was a major concern that came to the forefront, passed in a bipartisan way, but I am very pleased that it is a Republican Congress that did it, I do not have too many constituents who call me and say, Mr. DREIER, we are very, very happy with the work of the Internal Revenue Service. What I do get is I get complaints from people who for years have talked about the fact that the Internal Revenue Service has more power than the CIA or the FBI. They have the ability to go in and close down a business and harass people.

What is it that this Congress has done? We are very proud that we have been able to reform the Internal Revenue Service so that we can make sure that rather than having to prove that you are not guilty, a taxpayer is innocent until proven guilty, which seems to me part of the American ideal.

I am very proud of the fact that we have been able to reform the Internal Revenue Service. We have much more to do, much further to go, but we have been able to do that.

My friend from St. Louis, the gentleman from Missouri (Mr. CLAY), for whom I have the highest regard, has gone through a great many concerns that he has raised in the area of education, but we are very proud of our education record here in the Congress.

The chairman, the gentleman from New York (Mr. SOLOMON) just reminded me that we, of course, want to empower local school districts and States to deal with these education issues rather than having so many of them centered right here in Washington, but as we move in that direction there are a number of very positive things that we have been able to do.

The A-Plus Education Savings Accounts Act, Merit Pay and Teacher Testing, Higher Education Act amendments, loan forgiveness for new teachers, Dollars to the Classroom Act, which we just recently passed, the Reading Excellence Act, the Charter Schools amendments, ban on new Federal school tests, low-income D.C. Scholarships, expanded prepaid college tuition plans, quality Head Start, creating safer schools, bilingual education reform, these are things that are designed to increase the level of competition so that we can have young people educated, so that they will be able to compete in this global economy.

Mr. Speaker, as we consider this rule that will allow us to continue to do more good things to help struggling American families, to help us keep some kind of restraint on the spiraling growth of the Federal Government, it seems to me that passage of this rule to allow us to consider those things helps us continue in our quest to do something.

Then when I hear this argument about doing nothing, I hate to stand here Saturday morning at 10:30 pointing the finger, but I am reminded that there have only been two Cabinet meetings that have been held this year, one in January and one just a few weeks ago, and that seems to be the record of the executive branch.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my very dear friend from California (Mr. DREIER) mentioned that we were not a car manufacturing organization. He is exactly right, but if we were, we would probably be producing the Edsel.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule. I listened very carefully to what the previous Republican speaker said, and basically what I understood him to say was that the reason we need this rule is because we have to get out of here as quickly as possible.

☐ 1020

Let me say that I disagree with that completely. We should not be getting out of here as quickly as possible. We should be staying and getting things done that need to be done for the American people. Then I heard the previous Speaker say, "Well, it doesn't really matter if we haven't done much, maybe we haven't done much, but that's okay because the American people don't want us to do much."

Again if you want to take credit and say it is great that you have a do-nothing Congress, that is fine, but I do not think that is a good thing. I think a do-nothing Congress is a bad thing, and I want to say very emphatically that we have to accomplish a lot of things here before we leave, because the American people demand it.

Then I listened to the gentleman from New York on the other side. He started talking about all these great things that he claimed came out of the Balanced Budget Act. I would remind him that the Balanced Budget Act was passed and signed into law over a year ago. So basically for the last year and more, nothing has been accomplished here.

I would also point out that those middle-class tax credits or the things that helped the middle class that were in that Balanced Budget Act only came about because the Democrats kept insisting on it, kept insisting that the middle class be the priority in terms of what that Balanced Budget Act accomplished. For many months we had to deal here with Republican proposals that would help only the wealthy and the well-to-do in this country, but we kept insisting over and over again that the concentration had to be on the middle class and the average American.

Mr. Speaker, we need to stay here. Let us defeat this rule, let us stay here and let us get accomplished the things that need to be accomplished. Let us come up with some funding to modernize our schools, to hire the additional 100,000 teachers so we can reduce class size. Let us address HMOs and the need for HMO reform.

We went over to the other body yesterday to try to bring it up, Mr. DASCHLE, the Democratic leader, tried to bring it up and the Republicans basically banged the gavel and said, "No, we're not going to deal with it." We need to address these issues.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time, and I rise to oppose the martial-law rule.

Almost every week for almost 10 months this Congress has come to Washington, held a few committee hearings, done a little bit of work, cast a few votes and then recessed for a long weekend. Now, the Republican majority with its work still unfinished wants to leave town as quickly as possible to go campaign.

Mr. Speaker, we need to stay here and we need to do some work. This do-nothing Republican Congress has failed to strengthen Social Security. This do-nothing Republican Congress has failed to pass or even consider, hold hearings or even discuss the President's plan to modernize schools. This do-nothing Republican Congress has failed to reduce class size in America's schools. This do-nothing Republican Congress has failed to curb HMO or insurance company abuses.

Mr. Speaker, to be fair, this Republican Congress has done a few things. This Congress has renamed National Airport. Give them credit for that. This Congress has allowed tobacco companies to kill tobacco legislation. Give them credit for that. This Republican Congress has allowed the big insurance companies to kill serious HMO reform. Give them credit for that. But, Mr. Speaker, this Republican do-nothing Congress has failed in the issues that matter to America, to strengthen Social Security, to pass the patients' bill of rights, to work on education reforms by reducing class size and modernizing schools.

Mr. Speaker, we should stay here until we finish the people's business.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding me this time.

Mr. Speaker, the Republican majority is in a big hurry to go home and spend the piles of campaign cash that they have raked in from special interests as a reward for all the legislation they have killed in this Congress.

First they killed campaign finance reform, essential if they could rake in the money and spend it. They killed tobacco legislation. A lot of money coming there. And then they killed, outrageously, patients' rights, something that millions of Americans are demanding, are being oppressed by HMOs, they killed that. Guess what? A lot of money coming in from the insurance industry. Then a couple of environmental laws, the Clean Water Act, Endangered Species Act and others. Yes, they are in a big hurry to go home. It is a lot of work killing legislation that would benefit millions of Americans, at the behest of a few wealthy special interests, while pretending to serve the majority of people in this country. They are in such a hurry after 107 days of work. As of today the average American has worked 200 days. Congress has worked 107. They have not got their job done.

Now they want to pass legislation funding the majority of Federal programs and not allow Members of Congress time to read it. They say it is so essential we get done and we get home. Why? Why can we not have one or two extra days to read the thousands of pages of legislation they are about to try and jam down our throats?

I think it is going to be because of what is in there, all sorts of special pork. We know they are going to stuff it full of pork, and what is not in there? There is not going to be funding, if they have their way, for education. They are not going to fulfill the President's program on school construction, new teachers, smaller class sizes. There is not going to be patient protection. There is not going to be a summer youth program. There is not even going to be low-income heating assistance for senior citizens.

No, that is right. They do not want us to read it. They do not want us to debate it. They want to jam it down, go home and then start running all their ads with the huge amount of money they have raked in from the few special interests they represent.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Let me just point out something to the membership. The last three speakers we heard from, as a matter of fact all of the Democrat speakers today, appear on the National Taxpayer Union's big spender list, the biggest spenders in the Congress. We have heard them stand up here and want to spend more, spend more, spend more, spend more. That is the difference between the Republican and the Democratic Party.

Now, they say do-nothing. What do you think we did just in the last couple of weeks? Let me tell you what we did in the taxpayer bill. We passed a provision providing marriage tax relief for 48 million Americans.

How many Americans are there in this country? I think it is 250, 260 million. Forty-eight million of them are being penalized right now for being married. We correct that. But President Clinton will not sign it. Six million married taxpayers who are currently itemizing deductions on their returns will no longer need to do so. What do you think? President Clinton will not even sign that. We provided 68 million more Americans tax relief by excluding from taxation a portion of interest and dividend income. Can you imagine the President will not sign that?

All of you are always pontificating and using a lot of rhetoric about senior citizens, of which I am one, and I may be drawing Social Security next month. We included my bill which increased the Social Security earnings limit, thereby raising the amount of money senior citizens can earn without losing Social Security benefits, something that I have been trying to do in this body for years now.

There is a limitation of $14,500 and for income above that level senior citizens have to start paying a penalty. We raise that limit to $16,500 the first year, $18,500 the second year, and then the third year every senior citizen in America on Social Security can earn up to $26,000 without paying any penalty.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING) one of the outstanding members of this body. He is going to tell you what we have done for education.

Mr. GOODLING. I thank the gentleman for yielding time.

Mr. Speaker, for anybody to come down to this House and indicate that we have a do-nothing Congress when it comes to education has to have been sleeping for the last 2 years. We just had a love-in down at the White House a couple of days ago, what a love-in about education and all the things we have done.

We have passed 21 pieces of legislation that deal with education and job training. Let me tell you about some of the most important ones, a lot of them done in a bipartisan fashion. We passed Head Start. We did not just pass the usual same old Head Start. We said we are going to have quality Head Start. We are going to make sure that every child in this country has an equal opportunity to become reading ready before they get to first grade and before they get stuck into special education.

□ 1040

We passed a special education bill, we passed a job training bill; not Washington knows all and Washington can do everything. We said the local level knows what is important and what has to be done to train people for the 21st century.

We passed a vocational education bill, not again one that talks about the 19th century, but what it is we do if we are going to be competitive in the 21st century.

We passed a child nutrition bill.

We passed a higher education bill that gives the lowest interest rates in 17 years. It gives the highest Pell grants. It gives quality teaching. It does not matter whether there are two people in a classroom or one person in a classroom or 32 people in a classroom, if there is not a quality teacher in that classroom, it really does not matter.

What the President is arguing about now is one simple thing: We want to, from Washington, D.C., control elementary-secondary education. There is not a poll that has ever been taken that says anybody in the United States wants this Federal Government to do that, and as long as I am in charge of that committee, I will guarantee we are not going to have any legislation that allows the Federal Government to take over elementary-secondary education. But that is what it is all about.

That is what that tobacco tax was all about. They wanted not a tax to try to do something to keep children from smoking. I have been involved with children for 22 years. One does not tell a teenager, do not smoke; teenagers tell teenagers do not smoke. It is the power, the pressure, of teenagers that causes them to smoke, and it is only that same pressure that will stop them from smoking. So do not give that facade that, somehow or other, if we can do this, we somehow or other will stop them smoking. That whole deal was, I want $20 billion so I can control elementary-secondary education in this country. That is not going to happen, Mr. President.

So he had better get used to that. It will not happen. The local government will determine what happens in elementary-secondary education, not the Federal Government.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY), the ranking member of the Committee on Education.

Mr. CLAY. Mr. Speaker, I would like to once again talk about the imaginary educational program of the Republican Party, this phantom program that I keep hearing from the chairman of our committee, who just stated once again that they have passed 21 bills dealing with education. And I repeat what I said in my opening remarks. There are only three educational bills that came out of that committee that are the law of the land; one is the IDEA, another is the higher education reauthorization, and the third is the Workforce Investment Act.

Now, they did pass some bills; they are not the law. But the skill of legislators is to get legislation into law. One bill, the Help Scholarship Private School Voucher bill, that passed this House, it died here in the House, he takes credit for that. The Dollars to the Classroom Block Grant bill passed this House, but it died in the Senate. The bill terminating bilingual education died in the Senate. The Juvenile Justice bill died in conference. He is listing these bills as accomplishments in the field of education.

His own bill, he will not bring to this floor. He has got a bill in education that he is blocking right now that he will not bring to this floor, the Reading Excellence Act. The gentleman from Pennsylvania (Mr. GOODLING) will not allow his own bill to be brought to the floor because there is a little provision in there about national testing, and he is so concerned about testing that he refuses to bring his own bill to this floor. That is an imaginary list of accomplishments that the Republicans keep referring to.

Three education bills have passed this Congress in this session, not 21, and I wish the gentleman from Pennsylvania would correct the record.

Mr. Speaker, I ask unanimous consent to insert in the RECORD an article titled "Significant Education Accomplishments? Not This Congress."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SIGNIFICANT EDUCATION ACCOMPLISHMENTS?—NOT THIS CONGRESS

BILLS SIGNED INTO LAW

IDEA—signed into law in June 1997

Higher Education—signed into law in October 1998

Workforce Investment Act—signed into law in September 1998

PASSED BOTH CHAMBERS

Vocational Education—passed both chambers

Head Start Reauthorization—passed both chambers

Child Nutrition Reauthorization—passed both chambers

Charter School Bill—about to pass both chambers

Child Care Resolution—passed the House—a resolution not a solution

REPUBLICAN AGENDA BILLS WHICH DIED

HELP Scholarship Private School Voucher Bill—died in House

Dollars to the Classroom Block Grant bill—died in the Senate

Bill terminating Bilingual Education—died in the Senate

Juvenile Justice bill—died in conference

MYSTERY BILLS

Reading Excellence Act—Chairman Goodling won't allow his own bill to be brought up because he is blocking national testing.

Bipartisan bills which included Democratic priorities

3 major bills signed into law

4 bills being sent to the President

Partisan bills which are a part of the Republican agenda against public schools

3 bills died in the Senate

1 died in the House

Partisan politics being played with bipartisan bills

Chairman is refusing to bring his own reading bill to the floor, despite it being passed by the Senate with bipartisan support.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the two Congresses before we Republicans took control, I recall no education bill that became law. We have passed three.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, obviously the gentleman does not listen any more than he listens in committee. I did not say we passed 21 bills into law. I made it very clear that we passed 21 bills out of the committee.

I also mentioned that we passed Head Start, Higher Ed, Job Training, Special Ed, Voc Ed, Child Nutrition. If the President wants to sign them, they are there on his desk; let him sign them, they are there.

And let me also tell my colleagues about Reading Excellence. I re-wrote the Reading Excellence bill. The trash that came up from downtown was ridiculous. It had nothing to do with preparing teachers in order to be better teachers of reading. It had nothing to do with helping parents become reading ready. I rewrote it, it is there, it is in the omnibus, it will be part of the law when the President decides to sign it.

Let me also mention that if my colleagues want to fix school buildings, if they want to reduce class size, they should put their money where their mouth is. For 30 years they have had a bill here, they had 100 percent mandate back to the district on special ed. They said, "We'll send you 40 percent of the excess costs," the most expensive piece of legislation ever passed, the most extensive, and what did they do? When I became chairman, they were sending 6 percent or at least up to 11 or 12 percent at the present time. If they send that back, every person in this building, every Member, will have millions of dollars to spend on class size, millions of dollars to fix buildings.

Just talk about York City, a small city alone would get an extra million dollars a year if they put their money where their mouth was.

I was told, "Hey, you're doing something about Pell grants now." But it did not keep up with inflation. I was not in charge. They had all those years to do something about inflation in relationship to Pell grants.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend from Massachusetts for yielding this time to me.

I wanted my friends on the other side of the aisle to know that before I came to this Congress I was a State Superintendent of Schools for 8 years, prior to that I spent 19 years in business, and I want them to also understand that I received the Chamber of Commerce award this year, and fourthly, I want them to understand that I voted for the balanced budget last year. That will set the tone for what I am about to say about this do-nothing Congress for education, because let me say to my colleagues the day I am here to speak for special interests, I make no bones about it; the children of America are not being spoken for.

I ran for this Congress because I was appalled when I was a superintendent at the sorry education legislation that I saw coming through, cuts in doing away with child nutrition programs, cuts in every education program that made a difference for poor children in this country.

And my colleagues can argue about all the issues they want to argue about, but I am here to tell them if a child does not have a decent classroom to go to, they understand that education is not important. And they really do not care whether the money comes from the Federal Government, whether it comes from the State government, if it comes from the local government or from private sources; they just know that someone does not care. And there is a big slip between the cup and the lip.

Congress must not abandon our schools. Over the next 5 years in this country, we will have the fastest growing population at the high school age in the history of this country, and my State will be the fifth fastest growing State. We have just passed a $1.8 billion bond issue.

I was on the telephone yesterday with a superintendent. He gets 3,500 students every year. We must help them, we can help them, and we should not go home until we do.

□ 1050

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, good morning. How are my colleagues this morning? I am glad everybody had their extra cup of coffee this morning.

Mr. Speaker, reality is that, over the last month and a half, my friends on this side of the aisle have tried to raid the Social Security Trust Fund, taking out billions of dollars. That cannot be denied.

We are on an education debate here this morning. The reality is that the leader of their party introduced legislation to eliminate the Department of Education. Just get rid of it. Just get rid of it. That kind of sets the tone for where they have been going on educational issues.

If you look at the budget this year on child literacy, the President requested $260 million so our children could learn to read. Republicans have zero dollars for that program. They cut $160 million out of a proven program that has worked year after year, decade after decade, the Head Start Program.

Class size, trying to get those numbers down to a reasonable level so teachers can teach and children can learn and we can have more discipline in the classroom, we cannot get the bill up. We asked for one day to discuss education on this floor. They will not give it to us.

After-school program. Everyone knows that the juvenile crime problem in this country occurs between the hours of 3 and 6. That is when we have our teen pregnancies, we have our drinking, and we have our drug abuse and all those problems that plague our young people.

An after-school program, a safe haven for students and children, a mix of intergenerational people, older people, young people at our schools using our libraries and gyms and our laboratories and our crafts rooms, a $40 million cut from the Republicans.

School modernization, they will not bring it up.

On program after program, the deals with the education of our young people in this country, we have been shut out. All we ask before we go home is that this Congress give us one day, just one day to deal with the modernization program so that kids do not have to go to schools in trailers, so that kids do not have to go to school where plaster is coming down, so that we do not send them the wrong signal that they do not matter, one day so that we can pass legislation to reduce class size, so we can get a better product. But, no, they will not do it.

Somebody suggested the other day that we do it on Wednesday, and they said, no, it would ruin both weekends. I think that is a good note to end on.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, we are representatives in the Congress of the United States of America. I have traveled all across the metropolitan region. My district, as the Speaker knows, goes from Westchester through the Bronx to Queens County.

The schools are crumbling. They are crumbling all across America. Classrooms are literally overflowing. Students are learning in the hallways. But we are just sitting idly by. That is wrong.

Last year, 120 Members of Congress showed their commitment to America's children by cosponsoring a bill, the Partnership to Rebuild America Schools. This session, we have a similar proposal which I introduced with my good colleague the gentleman from New York (Mr. RANGEL).

I say to my friend, the gentleman from Pennsylvania (Mr. GOODLING), we are not talking about taking over the schools. We are talking about a partnership. If we can be partners in rebuilding our highways, if we can be partners in rebuilding our roads and bridges and building prisons, then it seems to me we can be partners in modernizing our schools.

We have visited schools where computers cannot be installed because they do not have the wiring necessary. One school in lower New York, there were wires hanging out of the windows, and the vandals were clipping them because the school infrastructure could not hold those computer systems, the wires. That is wrong. We are not a Third World nation.

Our program will make interest-free loans available to school districts, they are going to be in control, across the country through the Tax Code. Under the bill, school districts will be able to issue special bonds at no interest to fund the construction or renovation of school building.

Mr. Speaker, we simply cannot ignore the poor physical conditions of our schools any longer. Nationally there is a $112 billion problem. That is what is needed in school construction. Mr. Speaker, let us modernize our schools. We have that responsibility.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague, the gentlewoman from New York (Mrs. LOWEY), comes from one of the nicest areas in the world, Westchester County and New York City. But do my colleagues know the State of New York, under the great leadership of Governor George Pataki, pumps millions of millions of dollars into the school system?

But do my colleagues know what? They do not tell them how to spend it. The State does not have any category programs. They give it to localities in block grants. They say, you know how to educate your children; your school board knows how to develop the curriculum for those children. We want to give them the autonomy to do that.

The New York State's School Board Association wants to abolish the Federal Department of Education because they want all that bureaucratic waste to be put into the school districts themselves, so they can spend it the way they want to.

Mr. Speaker, I yield 2½ minutes to the outstanding gentleman from Pensacola, Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I wish to comment on a few statements that have been made on the floor today.

First of all, we hear again how Republicans wanted to raid the Social Security Trust Fund. I find this to be a bit humorous and ironic considering the President is now asking for $18 billion more than what we have budgeted. I suppose it is acceptable to raid the Social Security Trust Fund of $18 billion if we want to waste it on more Washington spending, but it is not acceptable if we want to give a little more money back to the American people, the money they earn.

We hear Democrats complain about education. And yet under the Democrats watch, from 1954 to 1994, the education system in America crumbled at an alarming, unprecedented rate. Now they come to us, and they tell us that we have a do-nothing Congress because we have failed to follow their failed approach to education.

I suspect each Democratic critic of our policies opposed the Dollars To The Classroom Act, where we guaranteed 95 percent of the money targeted for education would go into the classrooms and get out of Washington, DC, bureaucracies. Of course this is a dangerous idea for statists because such an approach puts more trust in parents, in teachers, in principals that educate my children in public schools, than in bureaucrats and politicians in Washington, DC.

Finally we hear calls of a do-nothing Congress. Such complaints come from a party that is led by a President who has held only two Cabinet meetings this year. The purpose of the first Cabinet meeting was to create a forum for the President to lie to his Cabinet. The second cabinet meeting was for the President to apologize for lying at the first meeting. Now is this really a record that this Democratic Congress is proud of? Do they really wish to cast the first stone?

On tobacco, we hear how Republicans want to get home and spend the tobacco money. Give me a break. In 1996, we learned that the Democratic Party got tobacco money through the States. Then they funneled it back up to Federal candidates. All the while their candidates rallied against big tobacco.

Stop being self-righteous. This Democratic Party has done little more this session of Congress than obstruct and delay for the administration.

On the Committee on Government Reform and Oversight, when we tried to uncover the Chinese fundraising scandal on campaign finance schemes that funded their campaigns in 1996, they obstructed and delayed our investigation. In fact, the ranking member of the Senate investigation said obstruction of the investigation was the Republicans' problem.

Mr. Speaker, such obstruction and delay is not the Republicans' problem. It is America's problem. We will continue to fight for education reform, for dollars in the classrooms, and to insure that American democracy is not subverted by foreign interests.

☐ 1100

Mr. MOAKLEY. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. BASS). The gentleman from Massachusetts (Mr. MOAKLEY) has 7 minutes remaining; the gentleman from New York (Mr. SOLOMON) has 4½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the chief deputy whip, the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, my colleagues on the other side protest too much. The reason they want martial law, that they want to place martial law upon the House, is because they have not done their job. They have failed the country, and in doing so, they have failed our children.

Every time I hear about their education initiatives, everything is a block grant. But why do they want to do that? Because they want to take the entitlement, the legal right that our children have in this country to receive this assistance, move it and abolish that right, and then ultimately cut it, and that is their plan.

This Republican martial law allows the Congress to consider a bill naming a post office in an expedited manner, but it does not allow us to consider getting the classrooms in America in shape for the next century.

What kind of priorities do they have?

We Democrats have had a plan to hold HMOs accountable for their actions and to preserve the doctor-patient relationships. My Republican colleagues sided with the HMO industry and rejected real patient protection.

We have a plan to keep our children from smoking. My Republican colleagues sided with big tobacco and rejected it.

We have a plan to clean up the campaign finance system, and in the other House it was rejected, as well, by the majority. We have a plan to put 100,000 new teachers in our schools, and help reduce class size and let the local school district determine how they are going to use it, help them in getting that assistance, and for the taxpayers of those communities as well. Republicans side against our children and reject it.

So other than spending most of this Congress and millions of dollars on one investigation after another, what have they been doing all year that they have to declare martial law?

Frankly, it is hard to tell. My Republican colleagues cannot even pass a budget. With a balanced budget and a Federal surplus, they are 10 days into the budget year and they still cannot get a budget for America. American families cannot do that. They would not be able to get that way.

Vote against this martial law resolution, so we can have a martial law resolution that brings America's needs onto this floor, a real martial law for the right reasons.

Mr. MOAKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in opposition to this rule. I think this is a Congress of missed opportunities. I urge my colleagues to vote "no."

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I first thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, it is really quite simple. The Republicans want to go home. The Democrats want to go to work.

This has been a do-nothing Congress.

Mr. Speaker, the fact of the matter is, Americans want a couple of simple things. They want more teachers; Americans understand that we need more teachers in our early-year classrooms in order to reduce class size. Take it wherever you want, north, south, east or west, people will tell us they need smaller classes, more teachers, better trained teachers. The Democrats want to do that; the Republicans want to go home.

Talk to Americans and they will also tell us we need school modernization. We have overcrowded classrooms, we have classrooms that are not wired to have Internet access. We need modernization. We need technological upgrades. We would like to do that. We would like to invest in education; the Republicans want to go home.

Mr. Speaker, in the final analysis, actions speak louder than words. They want to talk about then, there, what not and what how. The fact of the matter is, they have failed. They have not delivered on education. We need to go to work; we do not need to go home.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the chief deputy whip, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to oppose this martial law rule.

We have had an entire session to pass legislation which would have improved the lives of the people in this country, and the majority party has ignored, ignored that opportunity. Instead of doing the people's work, they frittered away your time and our time.

What have we spent our time doing here? What have they accomplished this year?

Let us take a look at the RECORD. We have no budget. We have not finished appropriations. We have not protected Social Security. We have not reformed HMOs to ensure that healthy patients are more important than healthy profits of the insurance companies in this country, and we have not stopped the tobacco companies from targeting and killing our children. We have not reduced class size to provide individual attention for our kids in classrooms. We have not modernized a single school. We have not raised education standards for a single child, we have not provided training for a single teacher, we have not hooked up a single classroom to the Internet.

Let me just say this to my colleagues, that what the Republican majority would do with regard to education is reduce the dollars to States. What they would do is take money out of our school system and put education once more in the hands of the rich and of the few.

Let me just say, we have a few days before this Congress adjourns. Let us do what the American people want.

Mr. Speaker, I urge my colleagues, defeat the previous question. Let us debate education. Let us do something for American families and for American kids in this country. Stop frittering away the American public's time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, first of all, let me say, I cannot think of anybody other than this Speaker of the House that I would less like to yield martial law to. The way this House has been managed, if we give him martial law authority, God knows what might could happen.

Mr. Speaker, 3 days ago, the Republican National Committee decided it would start running $150,000 worth of ads in my congressional district to try to put me on the defensive for not raiding the Social Security Trust Fund to pay for $90 billion worth of taxes for rich people. They can find $90 billion in trust fund monies to give for tax cuts, but they cannot find any money to do a reduction in class sizes for our children in this country. They can find $90 billion in money in the Social Security Trust Fund to give tax cuts to the wealthy people, but they cannot modernize our schools.

We need to stay here until we get our schools modernized, our class sizes reduced. Reject this martial law. Vote against this rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the outstanding chairman of our Committee on Education and the Workforce which has done so much for the children of this Nation.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time.

I will not come here and say I was a superintendent in the State for a couple of years after being a businessperson, I was an educator all of my life.

Mr. Speaker, it is amazing that we have people on the floor today crying out for education. Where were you for 20 years when you were in the majority and I am standing in that well saying, please, please.

You mandated Special Ed. Very, very expensive mandate. You said you would send them 40 percent of the excess cost, and you sent them peanuts. And I asked you year after year after year, because to every school district it meant millions of dollars, millions of dollars to reduce class size, millions of dollars to maintain their buildings, millions of dollars to build new buildings. I could not get a penny. I could not get a penny.

And you know what the President did this year? The President sent a Special Ed budget up here that cuts Special Ed.

□ 1110

He does not allow for inflation. He does not allow for additional students in special ed., and there are hundreds and thousands of them every year. He cut special education, the one curriculum mandate that comes from the Federal level.

Now, what have we done in order to get more teachers? First of all, the GAO says there is no shortage of teachers now. There is none in the foreseeable future. But what did we do on the higher ed. bill? We said, okay, all of the teachers that are out there that are not teaching, we will let them reduce the amount that it costs them in their loan if they will go to the local school district that needs them, the center city, rural America. That is where they need them. They are out there doing other jobs.

Mr. Speaker, we increased impact aid, 31-plus billion dollars for education in the budget this year. We took care of some of the problems after school in the nutrition bill, because we said we are going to give schools food to feed and keep those youngsters there after school so they do not get into trouble.

We upgraded technology. All of these things that I have heard about, we have done. But most of all, we increased special ed. by $500 million.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, last night the host of "Crossfire" quoted Edward Crane, President of the Cato Institute; we know that the Cato Institute is not a liberal organization. Edward Crane was quoted as saying, "The record of the 105th Congress, Republican-controlled in both Houses, is an abomination. Spending is up, and the Tax Code is more complex than ever."

Even the Congressional Quarterly says that as long as the records go back, no Congress has worked fewer days or accomplished less.

Since the American people deserve more from their Congress, I urge my colleagues to defeat this previous question. If the previous question is defeated, Democrats will be able to bring initiatives to the floor before this Congress adjourns. An initiative to modernize schools that the gentleman from Pennsylvania (Mr. GOODLING) talked about; reduce class size by hiring

100,000 new teachers; an initiative to implement true HMO reform that protects patients and lets the doctors and nurses make the decisions, and not accountants and insurance companies; an initiative that saves 100 percent of the Social Security surplus and keeps it in the trust fund.

Mr. Speaker, I urge a "no" vote on the previous question to speed up consideration of school modernization, HMO reform, and legislation to save Social Security.

Mr. Speaker, I include the following for the RECORD:

The amendment to be offered if the previous question is defeated.

Amendment offered by Mr. MOAKLEY of Massachusetts:

In the resolution, on page 2, line 12, after "thereon." insert:

"(3) a bill or joint resolution pursuant to section 3 of this resolution, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon."

At the end of the resolution add the following:

"Sec. 3. Before the consideration of any motions to suspend the rules pursuant to section 2 of this resolution, it shall be in order to consider:

"(a) A bill or joint resolution that will reduce class size in kindergarten through 3rd grade to a nationwide average of 18 students per class and will help local school districts hire an additional 100,000 well-prepared teachers, any amendment thereto, any conference report, or any amendment reported in disagreement from a conference thereon.

"(b) A bill or joint resolution that will provide local school districts with interest-free financing to modernize existing classrooms and build new school buildings, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

"(c) A bill or joint resolution to remove 100% of the social security surplus from the spending control of Congress, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

"(d) A bill or joint resolution to provide for a patients' bill of rights, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker quoted Cato and their philosophy. The Cato Institute wants to slash the military budget of our country in half. They want to legalize marijuana. So much for the Cato Institute.

Mr. Speaker, I submit the following to emphasize Republican accomplishments on education, dealing with illegal drugs in our schools:

Illegal drug use is behind most of the violence in this country. Over 50% of all men arrested for homicide test positive for illicit drugs at the time of arrest and illegal drugs are a factor in half of all family violence, most of it directed against women and children.

Illegal drugs are also the single most serious problem facing America's educational system. It has always bewildered me how President Clinton can claim to be the education President when drug use by school age children has doubled since he was elected President.

There is an obvious connection between the increase in illegal drug use which has occurred since President Clinton first took office and the educational problems facing our nation.

Illegal drug use has doubled since this President took office and according to the most recent reports drug use is still on the rise among eighth graders.

A person who uses illegal drugs is five times more likely to drop out of school than a non-drug user. Scientific studies show that illegal drugs—including marijuana—rob students of their motivation and self-esteem, leaving them unable to concentrate and indifferent to learning.

A recent study of 11th graders in our major cities showed that over half of the heavy drug users dropped out—twice the rate of those who are drug-free.

During the Reagan/Bush years drug use dropped, from 24 million users in 1979 to 11 million users in 1992. These hard fought gains were wasted by President Clinton.

There is not a parent in America who sends their children off to school without worrying that they will become exposed to illegal drugs. And it is not just teenagers anymore. Parents now need to be very concerned about 7th and 8th grade children getting involved with illegal drugs.

Today in America one-third of all high school kids smoke marijuana.

Today, more than half of all high school seniors have admitted to using illegal drugs. Since President Clinton was first elected. The trends of casual drug use for high school students have increased for virtually every illegal drug, including heroin, crack, cocaine, LSD and marijuana. This rise in teenage drug use also correlates closely with rising violence in our schools.

A recent study has also shown that students with the lowest grades were four times more likely to have used marijuana in the past month than those with the highest grade point average.

Since 1992, marijuana use has jumped 150% among 12 and 13 year old students and 200% among high school students. Nearly 1.5 million more middle school and high school students use illegal drugs than when President Clinton was first elected.

I repeat, you cannot claim to be a President who cares about the education of our youth and not care abut the illegal drug problem in this country. And President Clinton has demonstrated by his words—or lack of words—and by his deeds that he is not serious about winning the war on drugs. And our school systems have the casualties to prove it.

I urge support of this rule.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), vice chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, the American people, at least the massive numbers who tuned into C-SPAN this morning, have been lucky enough to see the vision of the real Democratic Party. Fifteen out-of-touch liberal extremists and one pretending to be a conservative.

The Democratic vision is of a do-everything, big government, micromanaging, high taxes, big spending, deficit-creating, liberal, bureaucratic, getting-into-every-aspect-of-family-life Congress.

The Republicans propose a limited Federal Government that cuts taxes, balances the budget, strengthens national defense, empowers local and State governments to solve local problems, and make sure government works.

Mr. Speaker, it is clear that the American people have rejected the liberal do-everything-badly vision of government. They support a Congress that is focused on doing some things well and helping families and communities solve local problems.

We are trying to get things done here by passing this rule. I urge my colleagues to support this rule so that we can get things done and do the work that this Congress wants to do.

Mr. Speaker, I submit the following statement from the Committee on Rules which explains the previous question vote:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that: "There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered."

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on the motion offered by the gentleman from New York (Mr. SOLOMON) will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4761, URUGUAY ROUND AGREEMENTS COMPLIANCE ACT OF 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 588

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4761) to require the United States Trade Representative to take certain actions in response to the failure of the European Union to comply with the rulings of the World Trade Organization. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY), as we continue our fun Saturday morning together, pending which I yield myself such time as I may consume. All time yielded will be for debate purposes only.

Mr. Speaker, this rule provides for consideration in the House of H.R. 4761, the Uruguay Round Agreements Compliance Act of 1998, without amendment or any intervention of any point of order.

The rule provides for 1 hour of debate, divided equally between the chairman and ranking minority member of the Committee on Ways and Means, and one motion to recommit.

Mr. Speaker, reducing trade barriers and expanding international commerce have been the key to the dynamic growth of American jobs, wealth, and trade over the past 7 years. One of the pillars of that massive economic expansion has been the worldwide rules-based trading system.

The rules-based trading system is a very simple concept. It basically means that countries sit down and negotiate fair trading rules and then they live by them. Countries agree to follow the rules.

Now, to support free and fair trade is not to ignore human nature. Everyone knows that some people try to get an edge. In the international trading system, the same is true. Some countries always try to get an edge. They will not follow the rules. And what happens? People get hurt.

Mr. Speaker, the expansion of free trade has been one of the most important global developments of the past half century. However, it became increasingly clear in the 1980s, especially here in the United States, that we needed a better system to enforce international trade rules. Countries were cheating and Americans were being hurt. The result was the arduously negotiated Uruguay Round agreement.

The Uruguay Round was enacted by a strong bipartisan vote of the 103rd Congress when Democrats were in the majority. The agreement was negotiated by two Republican Presidents, signed by a Democratic President, and supported by 65 percent of congressional Democrats and 68 percent of congressional Republicans. One of the core features of that bipartisan agreement was that it would permit countries to enforce trade rules.

Today's bill is very important, but not because bananas or beef exports are critical to this country, although both industries provide good jobs to working families. The bill is important because we are approaching a critical crossroads of the World Trade Organization created by the Uruguay Round agreements.

Since the inception of the World Trade Organization in 1995, many cases have tested the rules-based trading system.

☐ 1120

The United States has challenged unfair trade barriers in other countries, and we have had some of our own trade policies challenged. Not surprising, we have won some cases and we have lost some cases.

When a country loses a case because they are violating the rules, that country can choose how to respond. We here in this House of Representatives insisted that the WTO not have any sovereignty over our laws, so the WTO cannot force this country or any other country to do anything. Governments, not the WTO, decide what they will do. They can either eliminate the trade barrier that is ruled in violation of the trade agreement, or they can accept the fact that the countries that are aggrieved by the trade barrier can impose equivalent trade sanctions on the offending country.

Mr. Speaker, that is the rules-based system we signed up with. That is the rules-based system nearly all of our trading partners, including the European Union, signed up with. Those are the rules.

We are approaching a crossroads because in two major agricultural cases, one involving an unfair European banana cartel and another involving unfair restrictions on American beef exports, the European Union is threatening to undermine the rules-based trading system. They are threatening to trash the Uruguay Round and the WTO. They have lost two major cases fair and square, but they are refusing to eliminate their trade barriers and they are refusing to accept that we can retaliate in kind. This is a major problem. Mr. Speaker, if they ignore the rules, the system does not work.

It is purely chance that dictates the first of these major cases involving bananas. That case, which was brought to the WTO by the Clinton administration, was resolved in our favor, and the Europeans have until January 2 of 1999 to comply with the decision. If they do not, we are regrettably, and I do mean regrettably, heading down the road to a potential trade retaliation, a trade war. This bill simply says that the United States Congress, which approved the rules of the WTO, is committed to making sure that those rules are enforced.

I sincerely hope that the European Union recognizes the self-destructive folly of their unfair trading regimes. I sincerely hope that they recognize the clear and unquestionable benefits of the rules-based trading system. I sincerely hope that they comply with the WTO decisions on their banana cartel and their restrictions on beef imports. But if they will not, I am quite certain that the Congress is committed to supporting the trade rules.

Mr. Speaker, it takes little more than a quick scan of the daily newspapers to see that the international economy is an uncertain place. Danger is afoot and we as a people have much to lose if things go badly. While nobody has all the answers, I certainly believe that supporting and enforcing a good and fair rules-based trading system like the WTO is one of the answers to the questions we face today. We cannot afford to have the system fall apart.

Mr. Speaker, this is a fair rule. To open this type of bill to amendment would open the tariff code to all kinds of destructive propositions in the name of retaliation. That is the road to a Smoot-Hawley tariff bill, and that would be bad for American families and the world.

Instead, the bill simply establishes a completely WTO-consistent schedule for the administration, through the United States Trade Representative, to protect U.S. rights in these landmark cases. I urge my colleagues on both sides of the aisle to support a free and fair trading system. Support this rule and the bill itself.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my very dear friend from California for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, why on earth are we doing this bill today? Why on earth are we doing the World Trade Organization's business when we have not even finished our own business? This Congress has more than its share of unfinished business. For the first time in history, Congress has not produced a budget, but we are going to act as quickly as we can because the United States Trade Representative has not produced a letter as quickly as we wanted.

Mr. Speaker, I am not Chiquita banana, but I am here to say we should not be debating this bill today. I do not know why we are debating this bill dealing with the World Trade Organization's treatment of bananas which this country does not even grow. Where is the bill to reform managed care? Where is the bill to protect Social Security recipients? Where is the bill to reduce class sizes? This Congress has no business enforcing the World Trade Organization's decisions. They have their own enforcement process.

We certainly should not be getting involved in trade issues over commodities that we do not even produce here in the United States. This is ridiculous. With all the unfinished business that we have just talked about, and we are here on martial law to finish our business, now we are going to force the World Trade Organization's decisions.

I think when Congress gets into the business of micromanaging trade agreements, we head towards a very, very slippery slope, bananas or not.

I want to urge my Republican colleagues to forget about this bill and get down to much more pressing issues that are facing this country. Pass a bill to protect the Social Security surplus instead of raiding it for tax breaks. Pass a bill to reduce class sizes and repair schools. Pass a bill to make managed care plans lift their limits on health care services and allow their doctors to make decisions based on how much it will improve people's health and not how much it will cost.

Mr. Speaker, I urge my colleagues to oppose this rule and I urge my colleagues to oppose this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend and say, basically, under the guidelines the United States Congress established as we embarked on entry into the World Trade Organization, we made it clear that only this Congress can enforce these laws. We are the ones who are here today protecting the rights of workers in two very important industries in this country, and that is exactly what we should be doing. It is a priority, and it must be addressed now as Congress gets ready to complete its work in the coming days and weeks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Terrace Park, Ohio, (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the distinguished vice chairman of the committee for yielding me this time, and I want to support the fair rule that the Committee on Rules has come up with today.

Mr. Speaker, I would like to back up for a minute, if I could, and focus on why we are here today and why this is, I think, such a critical vote for the future of the international trading system and for our economy.

This is about whether the World Trade Organization, the WTO that was talked about previously, which is the international organization charged with resolving trade disputes between nations, will work as we have promised it would. If Members will recall, this is the highly touted WTO agreement that this Congress approved just 4 years ago, calling it, among other things, "A vital tool for eliminating the remaining trade barriers facing U.S. farmers and ranchers," which is at stake here.

I voted for the WTO, and I sold it to my constituents on the basis it would resolve these disputes, as did most Members of this House on both sides of the aisle. A majority on both sides of the aisle stood up here and said we are finally going to get to the point, finally, where we are resolving these trade disputes and forcing our trading partners, almost all of whom are more protectionist than us, to comply with international dispute resolution panels.

Unfortunately, Mr. Speaker, our competitors in Europe have threatened to turn this highly touted WTO into a paper tiger, and in doing so they have threatened the world economy. After several years of litigation, the European Union has lost two important WTO disputes, one involving bananas, the other involving beef hormones.

When the U.S. has lost, incidentally, we have complied. When the Japanese have lost, they have complied. But the EU has consistently refused to abandon their protectionist regimes and come into compliance with these international rulings, and has engaged in a calculated and deliberate foot-dragging strategy for years.

In fact, it is even worse than that. They have proposed new regimes that all objective observers have agreed are even more inconsistent with international trading rules and, thus, the WTO. Indeed, our own able U.S. Trade Representative, Ambassador Charlene Barshefsky, has said that the EU's proposed solution is, "Even more WTO-inconsistent than their original WTO-inconsistent regime."

□ 1130

Remember, we are here because that more inconsistent regime with regard to the banana case goes into effect on January 1; with regard to beef hormones, it is in May.

With so much hazy economic news in the headlines these days, Mr. Speaker, the last thing the world economy needs is a provocative and destabilizing protectionist strategy by the European Union that threatens to undermine the WTO, the only things that stands between orderly international trade and the economic disaster of protectionism worldwide, the law of the jungle.

U.S. farmers, companies and workers, who depend on international trade, are counting on us to ensure that the world marketplace has a level playing field for U.S. products and for U.S. services.

As the gentleman from California noted earlier, the WTO system can only work if there is a threat of punishment for violations, because of the sovereignty clauses.

These two first cases will set the precedent. Unfortunately, they are the first two cases. We have no choice in that. They are going to set the precedent to determine whether the United States will have the tools and will have the willpower to be able to respond when other nations willfully exclude American products from their marketplaces. That is where we are.

The legislation is very simple. It is a clear, straightforward bill, carefully crafted to be consistent with section 301 of the U.S. trade laws, and designed to get the European Union to do the right thing and follow international law.

It simply requires the U.S. Trade Representative to take the very actions authorized by international agreement, if the EU does not come into full compliance with the WTO, by the authorized specified deadlines.

In fact, these are the very actions that the U.S. Trade Representative has indicated she wants to take anyway, but she can't guarantee to this Congress.

By voting for this measure, we can send a clear message to our international competitors. We will not stand idly by while they exclude our products and violate the international trading rules they have agreed to. We will not sit on our hands while they hurt U.S. jobs, U.S. businesses, U.S. farmers. We will not jeopardize the health of the world economy and the world trading system by their attempts to undermine the multilateral trading system under the WTO.

Mr. Speaker, whether we are free traders, whether we are fair traders, whether we are self-proclaimed protectionists, we must be for enforcing international trade agreements we have signed. We have to be.

Vote yes today for American workers, American farmers and American businesses.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in the strongest possible opposition to this politically motivated sneak attack on the small Caribbean banana farmers on behalf of the massive Chiquita Banana Corporation and its CEO Carl Lindner.

The Republican leadership, led by the gentleman from Georgia (Mr. GINGRICH), the gentleman from Illinois (Mr. CRANE) and the gentleman from Texas (Mr. ARCHER) in the House, are trying to move this punitive attack on the small banana farmers from the former island colonies in the Caribbean.

This bill would force punitive, harsh measures on thousands of small farmers and their families throughout the Windward Islands of the eastern Caribbean. The small island nations of the Caribbean, which depend on the banana trade for their economic survival, are at great risk if this bill passes.

Let me just tell you what the real deal is. First of all, we have to ask ourselves, why at the eleventh hour do we get this sneak attack, with all of these Members tied to Carl Lindner lined up on the floor talking about unfair trade practices? I will tell the Members why.

Chiquita Bananas and Mr. Lindner lost $356.9 million and now they have got their representatives running to this floor to help him make more money. He is worth $13 billion. That is not enough.

I tell my colleagues what he is trying to do. He is trying to get rid of the competition that comes from these small Caribbean islands.

Yes, there was a relationship between the European Union and the former colonies. It was a relationship that allowed them to sell their bananas on the European Union market, because they had been colonies depending on that relationship.

Now, with them having their independence, this is what they do to earn a living. These are small family farms. I have gone down through all of these countries, countries like Dominica depend on this banana. It is 70 percent of its economy.

We took them to the WTO. It was my friend, Mickey Kantor, who was working for Carl Lindner. Mickey Kantor was with this administration, and I do not back up from Democrats or Republicans on this one. Mr. Lindner has bought his way through this House and through this administration. Mickey Kantor took the message from Carl Lindner. We went to the WTO, even though we do not grow any bananas here. This is not about American workers.

Mr. Lindner's farms are all down through Central and South America, with slave labor, unfair practices. These people are at risk in these farms because they are at risk from the pesticides, with no help, limbs falling off. They make less than minimum wages, but Mr. Lindner wants to keep those farms going, wants to make more money, so he comes in here and gets all of you to act on his behalf, including Mickey Kantor, and the WTO made a decision.

The WTO ruled against these small farms, but they recognized it was wrong, so now the United States and the WTO and these small-farm islands are involved in negotiations and working so that they can help these little countries diversify their economies so they will not starve to death.

The drug dealers are just waiting to pounce on these little countries because they know, without the banana, they have nothing else.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. WATERS. No, I will not yield to the gentleman from California.

Mr. Speaker, I will not yield because this is a shame, and I want the press to get this scandal about to happen. I want them to know what you are doing. As a matter of fact, this is the kind of legislating the American public hates, sneak attacks for billionaires who use their power to come to the floor of this Congress and get something like this at the last minute.

Get out of the WTO's business. Let them work this out in the way that they are doing. Stop being lackeys for Carl Lindner. It is outrageous that you would do this today.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was just asking my very good friend from Los Angeles to yield. The reason being that when we as a Congress in a bipartisan way tried to really throw a life raft to those struggling nations in the eastern Caribbean by passing the Caribbean-based initiative, it is my understanding that my friend from Los Angeles voted actually against that initiative.

Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from Bakersfield, California (Mr. THOMAS), the distinguished chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, 20 years ago, I began meeting with European parliamentarians in a joint meeting between Members of Congress and the European parliament. It was over the discussion of the Europeans' failure to open their markets to agricultural products from the United States and, frankly, from other countries around the world.

They had what they called a common agricultural policy, but it was really a social policy. They wanted to make sure they subsidized their agriculture products to keep their people down on the farm.

□ 1140

Over those 20 years, the European Parliament and the European Union has grown and the United States has continued to grow, but there has been virtually no movement in opening European markets. The gentlewoman from California's desire to focus the debate on bananas frankly misses the mark completely. I would have wished it would have been the raisin issue that would have been the first issue in front of WTO. We could have used that. It could have been the pasta issue. It could have been the canned peaches issue. It is in fact the beef hormone issue, along with bananas. The argument that this is being done for some individual for some nefarious reason really misses the mark of world economics.

The entire world got behind the United States when we said the old trading order would not work. Agricultural products were not even part of the agreement in the old world structure. Under the WTO, the commitment was agriculture would be covered and when you won a case, you could get it resolved.

The Europeans have no intention of changing. The, I am sure, well-intentioned although totally naive assumption that this is over one individual or one product fails to understand the real issue. We have an international agreement. The Europeans are once again failing to live up to it and, will do everything they can not to live up to it. It is our responsibility to get them to do so, not just for us but for the rest of the trading world. If this administration will not go forward with appropriate steps in a timely fashion, it is incumbent upon the Congress to move. This is the vehicle.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, this trading system that we have developed recently, is it not wonderful? Is it not just, if you will excuse the expression, peaches? Is it not just the top banana? Is it not just a great system we have now?

All you have to do is pick the paper up every morning, turn on the news every evening, to understand that it is falling apart. It is a disaster. In case my friends have not noticed, in Asia people have no money to buy the products we are trying to sell them. They have no money in Russia to do the same thing. They have no money in Brazil, they have no money in Canada, and now we are going to pick on farmers, family farmers in the Caribbean who are trying to make a living for themselves and say, "The WTO knows what's best for you."

The WTO, that secret organization that meets in secret, we cannot find out when they meet. We just went through a week in this town where the leaders of the economic community in the world came here from the IMF and the World Bank in their limousines and their stretch limousines to try to get this mess in order.

But they will not get it in order because they miss the central point, and the central point is, when people do not have money or the wherewithal to buy the products, the system will break down and will fail. And that is what is happening in Asia, it is what is happening in Russia, it is what is happening in Latin America, and we are right behind them.

So the question is on this bill not just a few farmers in the Caribbean, and God knows we ought to be looking out for them, because when we look out for their interests we look out after the interests of our own workers here and our own farmers. It is really a broader debate here. It is about if we are going to continue with a system of unfettered markets.

I know there are people who worship at the altar of unfettered markets. But unfettered markets means that people like Mr. Lindner and the big corporate multinationals will dictate policy in every aspect of this world economy, to the detriment of working men and women and working men and women farmers. That is what this is about. That is what this bill is all about.

We say, well, why are you here on the floor talking about these poor farmers in the Caribbean? Because it is the farmers in Florida who have suffered under this same type of discrimination. We used to sell tomatoes in Florida. That whole crop is disappearing because of WTO, NAFTA-related ideas.

What do you mean by that? I will tell you what I mean by that. They send the tomatoes from Mexico into the United States. Those tomatoes are picked by kids who are 10 and 11 years of age, who do not go to school. They are sprayed by pesticides that are illegal here and are dangerous here. We have determined that.

Because of those standards on labor and environmental standards, they have put our farmers out of business in the tomato industry in Florida and on the Eastern Shore in Maryland. If you talk to the farmers in the Central Valley in California, they will tell you that because of these policies that we have, their products being shipped into Mexico are down between 50 and 85 percent, vegetables, fruit, olives, almonds.

This is a great system we have here. When are we going to wake up? When are we going to start protecting the people who need the money to buy the products? Because without any money, the system collapses, and we are watching it collapse today.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Apparently my good friend has missed the past 7 years of dynamic economic growth which has taken place because of exports and imports to this country which have dramatically improved our standard of living. They are going down this road towards very, very intense class warfare once again. But let us look at the class warfare that they have embarked upon.

They are trying to penalize the people of Central America, in countries like Honduras where the per capita buying power is $2,000, or Guatemala where the per capita buying power is $3,460; actually against those who are in very, very sad shape in Jamaica, their per capita buying power is $3,260, and in Belize it is $2,960. So the fact of the matter is the people of Central America, who support us in this decision, believe that we are doing the right thing, are supportive of the WTO, they are being hurt and they are worse off than the ones we are supposedly helping.

All we are saying is that we need to have at least a modicum of fairness. I think that as we have heard now from the distinguished minority whip, it is important to look at the words of the Minority Leader, the gentleman from Missouri (Mr. GEPHARDT), who just this week in a letter said, "We have no reason to believe that the EU will comply with the WTO rulings on the banana case before the December 31, 1998 deadline set by the WTO. Failure to do so by the EU would set a terrible precedent for the WTO's ability to open global markets, particularly in the agriculture sectors."

We are talking about beef, we are talking about bananas in this case, but it could be anything. I look at my friend from South Boston. I remember when he had a big opening of a Gillette plant. Back before we enacted the gift ban, he even sent a razor around to a few of us. Tell me, what is going to happen when the goal of exporting razors, when they are impacted negatively?

These are two instances that are very, very key and important, and they are I think going to be addressed effectively by someone who is a rancher and understands the needs of ranchers, the gentleman who serves on the Committee on Ways and Means who is from Stillwater, OK (Mr. WATKINS).

Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, this is quite an interesting debate. I was seated on this side of the aisle for 14 years. I made a lot of friends on the Democratic side. I am now on the majority side, the Republican side.

I have been interested in this debate. It is part of the things that affect me as I try to serve my constituency, because I serve a great deal of cattle people, and this debate seems like it doesn't even appear on this side of the aisle to be concerned about the United States cattle people. They are going through the lowest prices they have seen in years, the droughts. It seems like there is no concern about that.

I think the men and women on our side of the aisle have a concern. We cannot ignore the fact that we are in a global, competitive economy. I do not think anyone out there will deny that fact. We are not going to go back to an isolated country. Let me say if we are going to be a leader in the world, in the world economy, and I want to, I want our country to use the initiatives, the free enterprise system, and be that leader out there in the economy, because we owe it to our children and we owe it to our grandchildren not to shirk our duty, but let us go out and lead.

I come to the floor to express my strong support for H.R. 4761 because today we have a blatant abuse and we have a sham, and yes, the sneak attacks we have heard, but it is being conducted by the European Union. Those are where we have got problems. Let me share with my colleagues why.

Since 1989, nearly 10 years ago, the European Union has imposed a ban on beef treated with growth-producing hormones. Since 98 percent of all of our beef produced in the United States uses growth hormones, even though all our scientists say we have got the greatest quality beef in the world, even the European Union says we have the greatest quality of beef, we cannot sell our beef to the European Union because they have blocked us with that little clause.

□ 1150

Now both the WTO, the dispute settlement panel and the payment bodies have ruled that the EU is in violation of its WTO obligations and have ordered the EU to drop its ban by May 1999 through the appeal process, but now they are changing courses. They are going to just change and say we are not going to buy it for that, we will do something different. If we do not put some teeth in the WTO, then we are just flaunting the situation and we are not carrying out and providing the needs of our American farmers and ranchers and working people. We have got to make sure they live up to it.

Many of my colleagues may ask why this matter should be of concern to them. In a parochial sense, yes, it is important to many of us because the toll demand has taken on our cattlemen and ranchers is causing them to go bankrupt.

In a larger sense though the beef case is important because it will test whether or not the WTO framework can endure.

The United States helped create the WTO because it offered the first real opportunity to force other Nations to drop their unfair restrictions and open their markets to U.S. products.

The key difference between the new WTO and the old GATT framework is that under the WTO parties in disputes agree that the WTO findings will be binding. If the EU refuses to abide by WTO's ruling and fails to change its misguided policies, it will forever undermine the legitimacy of WTO. It will fail. If the EU refuses to comply, why should any other Nation be forced, why should the United States be forced to alter its policies and abide by WTO rulings?

We are talking about a major significant policy that is going to affect the future of this country, our economic position in the world and the future for our children and our grandchildren. I ask for my colleagues' support for H.R. 4761.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am going to vote no on this rule out of protest, protest of America's trade policies.

It started in 1909 when we moved off on a sophisticated cerebral process of continuing to reduce and eliminate tariffs, and it sounded so progressive.

Let my colleagues label me what they want, Mr. Speaker. We replace tariffs in America with the income tax, my colleagues, the 16th amendment, and if we want to debate tariffs, let us debate the income tax which has, in my opinion, destroyed the potential of economic gain on a perpetual basis.

The top Republican in our history, Teddy Roosevelt, once said:

We must always equal, equal, the advantages of foreign industry versus American industry.

We have not done that.

Now we have a World Trade Organization. I voted against NAFTA, GATT and the WTO. The WTO is another international organization we have to go to to remedy our problems. Beam me up.

Check out Venezuelan oil disputes. They voted with Venezuela, just like the United Nations. How much more money do we give them? They vote against Uncle Sam almost every time.

We may be talking about bananas today and beef hormone; what about steel? They are dumping steel in America at record levels, and Congress cannot act. We have to wait for someone in the steel industry to spend their money to take a shot with the WTO. This is sad.

Why manufacture in America, my colleagues? With this trade policy?

Here is exactly the way it is, America:

If someone manufactures in America, they have got IRS and Social Security, Workman's Comp and Unemployment Comp, OSHA, EPA, banking regulations, security regulation, pension law, health insurance, local tax, State tax, local law, State law and a $20-an-hour average manufacturing cost. If someone moves to Mexico, there is no IRS, no Social Security, no OSHA, no EPA, no pensions, no health insurance, no minimum wage, and they hire people at 50 cents an hour.

Mr. Speaker, if my colleagues do not think it is happening, they now have a $16 billion surplus. When we passed NAFTA, we had a $2 billion surplus.

We are screwed up here.

Now I want to talk about steel because we are about to give $18 billion to an International Monetary Fund that will bail out Brazil, that is dumping steel in the United States of America, and the rational is: give Brazil money so they could buy our products.

How dumb are we?

We do not have to be protectionists, but, by God, we need a reciprocal trade agreement. When a country is screwing us, we should not have to go to some international group and ask them to help us. That is our job here.

I am voting no on the rule out of stone-cold protest to an economic policy that is taking us down an inexorable path to another depression.

Now, no one has said this on the floor, and they could call me what they want, but I am going to make this prediction:

If we do not deal with illegal trade, if we do not deal with reciprocal trade agreements that are fair to give Uncle Sam a fighting chance in this global economy, my colleagues, we are down an inexorable path for failure and bankruptcy as a Nation. We are subsidizing the world, and the world is denying us.

Mr. Speaker, I do not demean the efforts of my friend from Ohio. He has done a great job here, and bananas and beef hormones, I am sure, need attention. But, my colleagues, we do not build skyscrapers, we do not build homes, we do not build industry with just bananas. Steel is a big part of it, too. Steel is a big part of it, too.

Later today there will be a move to try and help our steel industry. I am going to ask for my colleague's support. And with that I will vote no on the rule out of protest.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Just for an example, Mr. Speaker, as we are debating this very important bill, a copy of the bill is not present here at the desk. Again, we are dealing in never-never land.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I will give a copy of the bill to my friend. We had it in the Committee on Rules last night.

Mr. MOAKLEY. Mr. Speaker, I know I have seen it, but I said it is not at the desk for other people who want to know what the bill is all about.

Mr. DREIER. There it is right there.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California very much.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Frankly, Mr. Speaker, I do believe that this day should go down in congressional history as a congressional sneak attack day.

□ 1200

First, we have the marshal law, and that is a sneak attack against America. This is a law which will allow

Speaker NEWT GINGRICH to make the laws for America, thereby denying a school modernization bill, denying the protection and reservation of Social Security, and denying the Patients' Bill of Rights.

We have a sneak attack against some of our very best neighbors, some of the individuals and nations that we are trying to do trade with, who buy our consumer goods, who create job opportunities in America, our Caribbean nations, and our Caribbean neighbors.

Mr. Speaker, I voted for the CBI. I voted for the African Growth and Opportunity Act. I did not vote for the fast track when it was politicized and it was determined that Americans would lose jobs. But I did vote for us to be friendly to our Caribbean neighbors because they represent an economic market for us.

We have a bill that was not even on the Floor, that Members have not even read, that frankly is a sneak attack against our Caribbean neighbors like Jamaica and countries where they are struggling to maintain an economy, where their economy is dependent upon bananas, on plantations, yes, with depressed salaries and compensation, but all that they have, where they are trying to bolster up their economy, where they have a trading relationship with the European nations. And now America in a sneak attack wants to break those relationships so, therefore, we will not have the kind of economic stability in our Caribbean nations.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE from Texas. Mr. Speaker, I do not have the time to yield. I appreciate the gentleman's interest in this matter.

Mr. Speaker, what a disgrace. It frankly is a disgrace that we come to the floor of the House and violate the sacred relationships with those who are on our border who are seeking, Mr. Speaker, to maintain their economic base.

This is a sneak attack against our trade representatives, because there are many of us who believe that they need to do a better job in working with the relationship that the Caribbean nations have with the European countries which give them their economic base. If we want to break that relationship, Mr. Speaker, then what is America doing to help bolster up the economy of the Caribbean nations?

We are already at a fragile international monetary crisis. The Asian nations are trembling. Do we now want to have those on our very border trembling and then collapse? Is this what we want to do with this sneak attack trade bill, break the very economic backs of these countries whose only sole income is the marketing and producing of bananas?

Are we so small, Mr. Speaker, this giant of a nation, that we cannot share the international economy so that small countries, barely surviving, can provide some kind of safety net for their own citizens?

This is a great day in America's history. The big and ominous America crushing down on small countries, breaking their economic system, throwing people who are making pennies out into the streets because we are jealous, if you will, of the relationship they have with the Europeans.

I would be willing to find some solution to this problem, Mr. Speaker, if we could sit around the trade table fairly with the Caribbean nations, with America, with our European friends, maybe with the banana folk that we are trying to build up over here. I do not think that our banana industry is on the collapse. They are doing quite well. I like bananas.

Frankly, Mr. Speaker, we need to get out of the business of a sneak attack and crashing down on our neighbors. I think we need to defeat this rule and defeat this agreement.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was asking my friend the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) to yield just to make a couple of quick points. First of all, I would say that the countries of Central America, where the per capita buying power is in fact lower than it is in the countries to which the gentlewoman is referring, are simply working for fairness.

The people of Honduras, with a $2,000 per capita buying power, versus those in Belize and Jamaica who have roughly $3,000 per capita buying power, are the ones we are talking about who are seeking fairness. They support us in this effort.

I think it is also very, very important to note this is not a sneak attack. We have been, for 7 years, trying to resolve this, and we have finally got to the point where action needs to be taken before the Congress adjourns.

Mr. Speaker, I am happy to yield 2 minutes to my very good friend, the gentleman from West Chester, Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, I am somewhat surprised today that the Members are not really at all interested in moving forward on this bill. Whether we are from a protectionist background or whether we believe in free and fair and open trade, everyone ought to be for this bill because what this bill says, very simply, is we are going to force the other countries in the world to live by an agreement that we all signed.

The Congress of the United States signed onto the GATT agreement. We signed onto the World Trade Organization. What we are saying today is we want the rest of the world to live up to the agreements that they signed onto with us.

We can talk about bananas. This fight has been going on for a long time. It is an issue that will probably continue. But the World Trade Organization needs to make a decision and needs to follow through on it.

But I have found it rather interesting that Members that have come down here to support the interests of Caribbean farmers, small family farmers, let us not forget the other issue in this bill. The other issue here is for cattle producers in America who over the last several years have dealt with the lowest prices they have had.

Why do they have low prices? Because we are unable to export our beef to some countries and some nations and areas of the world, including the European Union. The European Union has oversubsidized their farmers for years and flooded the markets and depressed prices for our farmers. We have heard earlier the gentleman from Oklahoma (Mr. WATKINS), and I am sure we will hear from several of our other colleagues about what the European Union is doing in terms of blocking our ability to export beef grown by U.S. farmers, U.S. family farmers, to the European Union.

What this bill does today is force the WTO to do what they should be doing, and that is to enforce GATT and to enforce an agreement that we all agreed to. This is about keeping your word. We want to keep our word in this deal, and we want to keep our word to U.S. farm producers and cattlemen who deserve this effort today.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Massachusetts for yielding to me.

Mr. Speaker, I am really disappointed that we are bringing this bill to the floor at this particular time. I am going to oppose the rule. I am going to oppose the bill as well.

I want to bring a little light on this. First of all, this bill never went through the Subcommittee on Trade of the Committee on Ways and Means that had jurisdiction over this issue, and it had not come through the Committee on Ways and Means. This bill was introduced on the 9th of this month, and it was brought to the floor so quickly. We wonder why this was all happening, particularly in view of the fact the USTR, the U.S. Government cannot even act at this time.

It has not even been 15 months since the WTO had made its ruling. Under the WTO ruling, which the United States has agreed to, 15 months must transpire so the Europeans can become in compliance, and that date is January 7. If we were talking about this on the 3rd or 4th or 5th of January, I would say that is very timely. We should be making these statements and taking these actions. But the fact of the matter is we are bringing it up in the waning days of the session.

The administration has told Members informally they are going to take action, but they cannot take formal action yet because it is not January 2, 1999.

Why are we doing this? We have never taken 301 action, the House of Representatives, never in the history of this institution. Why is this Congress doing this? We did not do it on semiconductors in the early 1980s against the Japanese. We did not do it for the movie industry. We have not done it for pharmaceuticals. We have not done it for aircraft. We have not done it for steel. We have not done it for autos and auto parts. But we are going to do it for bananas. We are going to do it for bananas.

Do my colleagues know what? I have checked. The only place in the 50 States where they produce bananas is in Hawaii. In Hawaii. We are not even going to create jobs by taking this action. Hawaii only produces a very small number. They do not even export out of their State. So all of a sudden we are taking this monumental, unprecedented action for bananas. Not one job will be created by this.

I have to believe that, again, just as we took a vote 2 weeks ago on fast track, which we all knew was going to be defeated, this Congress has destroyed trade policy. I hope every lobbyist that watches this debate understands what is happening with the Republican rule of trade policy.

□ 1210

They have destroyed the bipartisan consensus we have had, because they want to take action to help people, lobbyists, because we know, we know because bananas are not produced in the United States, it is only to help multinational corporations.

I have to tell my colleagues that again, again, the United States is going to be isolated on a little island. We only represent a small part of the trading world, we only represent a small part of the consumers of the world; and this decision and decisions like it are going to be regretted by this body.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume very briefly to say that this action does not go into effect for 15 months, and I think it is very important to note, I would say to my friend, that this is the first, these are the first two items under the WTO structure. Bananas and beef are the first issues that have been addressed by the WTO. The other issues which my friend raised were long before the World Trade Organization even existed.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, just responding to my good friend from California, I have to say, why not allow the administration to take its action. The administration will take action; the gentleman knows it, I know it. But what we want to do is do a little political game here. That is why we are doing that.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say to my friend that we asked the administration to do a letter and they flat out refused in response to our request.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I am very disappointed with the comments of my colleague and friend from California.

He knows as well as I do this legislation does not go into effect until after the 15-month period. He knows as well as I do that the applications under this particular WTO consistent regime go into effect November 15. He knows as well as I do we are going out of session this week. He knows as well as I do we have to do it before we go out. He knows as well as I do that we asked for a letter from the administration, a very straightforward letter saying that they will enforce the international trading rules. He knows as well as I do that under WTO, this case is pending under WTO. We have a right to do that.

He knows as well as I do that the legislation is consistent with WTO. He knows as well as I do that all of those other products he listed, if he get through the WTO process, if they got to the point where they make a decision, it may win an appeal.

Mr. Speaker, I just have to say that I have worked with the gentleman on this for the last week. We just need to stick to the facts. We need to stick to the facts. If we stick to the facts, we will determine that it is time for this Congress to have the United States follow its international obligations.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in opposition to this rule and in opposition to the underlying bill. Not so much because of the substance and some of the suggestions that are going to be made, but primarily because of the process.

We have a piece of legislation that was introduced just a couple of days ago that has critical and far-ranging impacts, and also has the potential to set a precedent that will come back to haunt us on future trade negotiations.

I also oppose this legislation because I think, quite frankly, that it undermines the integrity of the WTO. We, in the case of bananas and beef hormones, as a country, have won against the European Union in the WTO. What we are doing now, instead of allowing that process to continue, allowing USTR to take the actions which they think are in the best interests of the country, we are having Congress step in and prematurely set the terms of what those negotiations and what those efforts in retaliation should be, and that is not right. That is something that is going to set a precedent that will come back to haunt us on a lot of other different commodities and different trade issues that we might, we might find disagreements on.

I think clearly this is a case where we are micromanaging the efforts of the USTR, and that is wrong. I think by having us identify these retaliatory actions prematurely we are, in fact, limiting the leverage of the administration and limiting the leverage of USTR, and that is clearly not in our interests.

Mr. Speaker, I think that this legislation is ill-advised, and that we need to have USTR be able to run their course, taking actions which are consistent with the Uruguay Round and the WTO; and if we do so, I think we are going to be much better served.

Mr. DREIER. Mr. Speaker, I would like to reserve the balance of my time so that we can hear another member of the minority talk about not protecting the rights of American workers.

Mr. MOAKLEY. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) controls 4½ minutes; the gentleman from California (Mr. DREIER) controls 4 minutes.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

The last statement was extraordinary. It is the Republican perception when they talk about American workers, they are talking about the CEO of a multinational company. That, to them, is the embodiment of the average American worker. When they talk about protecting American workers, they are talking also about the CEO of a giant agribusiness pharmaceutical company which produces bovine growth hormones.

They think it is great that the American people have to eat meat laced with bovine growth hormone and they will not even allow labeling of that so an American can know whether it is in the milk or in the meat, because there is a very wealthy guy running that company and they give lots of money to the Republican Party.

So we cannot even have labeling in this country, and now, what are we going to do? We are going to force the Europeans who have wisely said, we are not quite sure whether this stuff is safe, and we are not quite sure that we want our babies and our children to be ingesting beef and milk from cattle which have been laced with this experimental drug.

Now, they have passed a law to say that. We are saying, no, you cannot have those kinds of laws. Where did we go to get their law overturned? The same place where they are going to get our consumer protection laws overturned, our laws to protect American workers: the WTO, a secret tribunal which meets in secret, gives decisions in secret, produces no case, no law, no documents. They just make rulings, no conflict of interest rules at all.

Now, is this the American way? When I asked the past American Trade Representative, how can we bind ourselves to that kind of process? He said, well, you have got to understand, these other countries in this organization, they do not believe in our system of jurisprudence, they do not believe in open courts, they do not believe in open arguments, any of that.

So, now we have set up a system where the multinationals are always going to win, and sometimes it will be U.S.-based multinational: Chiquita, Monsanto, any other times they will be European-based multinationals. But the losers will always be the consumers and the workers.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say to my friend, who thought it was sort of an extraordinary statement that I made, when I talked about protecting U.S. jobs and they do not have an interest in doing it, I was talking about jobs in marketing, in shipping, in accounting, and all of the other areas that are impacted by the banana industry; and as we talked about some of these other areas in ranching, look at all the people who work there.

Mr. Speaker, I yield 2½ minutes to my very good friend from Delmar, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, it is every individual's right whether to support trade or not to support trade. I personally feel that during GATT, during NAFTA, during fast track, I think each and every one of us had pluses and minuses in those agreements. Why? I think our worst fear is not for the trade itself, but because under either a Republican or Democrat White House, I think you have to eat pabulum to be a member of the State Department. Because when it comes to the protection of our rights as Americans and our workers as Americans, we back off every time.

Let me give my colleagues a classic example. In China over 200 years ago, when we first had ships going into the China ports, there was a sailing ship, they tossed a bucket with a line over and it actually hit a Chinese worker. It killed the young lady. Well, the Chinese stormed the ship, and the Americans repelled boarders, and they would not let the sailor, would not give him up.

Well, then they said that if we did not turn over this worker, then they would cut all trade off from the United States. Well, what happened? With that, the United States gave in. They took the sailor and they executed him.

So it seems, every time. An example with avocados in NAFTA: We begged the administration not to let Mexico import avocados, for the farmers.

□ 1220

But yet the White House insisted that they did, against all of the Members from the States that raised avocados. And right now, California's crops are at risk.

I do not berate my friends on the other side for being concerned. We need to focus on implementing these trade agreements in the White House under Republicans as well. But in this case, just like in the fast track, the words that I listened to from our farmers and our ranchers and many of my colleagues who represent agriculture districts is that this was the most important vote of the decade for our farmers and ranchers. For one reason or not, some chose not to vote or to vote for it.

But I think in agreements like this, we need to focus on what is good for our American workers, and then focus on the White House and the State Department to carry those through. That is my concern for any trade agreement, not that the Republicans are doing this and the Democrats are doing that.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to read the last statement of the administration policy on this bill: "H.R. 4761 will undermine our ability to achieve a meaningful solution for U.S. interests and weaken our hand in these trade disputes."

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding to me.

Mr. Speaker, I would like to begin by recognizing the hard work and the persistence of our Trade Representative and the Department of Agriculture in pursuing the European compliance with WTO decisions on both beef hormones and bananas. Ambassadors Barshefsky and Scher, Secretary Glickman and his team, including Paul Drazek, who has just left the Department and will be sorely missed, have tirelessly raised the beef hormone and banana issues at every opportunity and every level of the European Parliament.

Unfortunately, there is no way to make Europe play by the rules. Even this effort today will not force the Europeans to do anything to remove the barriers to free and fair trade. But it will provide them with a strong incentive to adhere to agreed-upon rules.

Listening to the debate today, I think we can see the difficulties that we have. There are those among us who honestly differ regarding what we should and should not do. I speak today not about bananas. I would just say this on bananas; I agree that we should encourage the Europeans to meet their obligation to provide aid to their former colonies. That aid, however, should not come at the expense of U.S. and Latin American trade interests.

Mr. Speaker, I speak today on behalf of beef. When we say that no one has been hurt in this country, they have been hurt. Tens of millions, if not hundreds of millions of dollars have been lost in income to cattle producers all over this country; have been lost because of the refusal of the European Union to adhere to the rules that all of us who believe in free and fair trade should adhere to. That is the problem.

By expediting the established process for retaliation against unfair trade practices, this bill will provide the European Union with an advance list of which of their products will lose favorable tariffs. This list will likely be of great interest to Europeans whose jobs depend on exports of the products listed, just as the WTO cases on beef hormones and bananas of are interest to American ranchers and the thousands of Americans whose jobs depend on fair trade in bananas and in beef.

I would like to express my thanks to the gentleman from Texas (Chairman ARCHER) for including consultation for the Committee on Agriculture in the formulation of the list, which I believe is very appropriate, given that both of these cases, and many of the cases coming down the pike, involved agriculture.

Mr. Speaker, I would like to conclude by saying this to those who speak on this floor and suggest that there is something unsafe about the American food supply. They do no good, no benefit to the producers. We have the most abundant food supply, the best quality of food, the safest food supply at the lowest cost to our people. It does no good to suggest otherwise to the people of America.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

First, I would like to say that I believe that support of this rule is the right thing for us to do. Why? Because an overwhelming majority of Democrats and Republicans a few Congresses ago voted to establish a rules-based trading system. We did so in the pursuit of reduced tariff barriers so that we could improve opportunities for our manufacturers and producers to export, and also to improve the quality of life, equally important, here in the United States by allowing imports to come in.

Free trade is, in fact, the wave of the future and it is something that we need to recognize. Under this rules-based trading system, we have unfortunately run into a problem. Seven years ago, 7 years ago, this case was filed on bananas. We also have seen, following, the hormone case in beef. We are trying to resolve that. We have tried to get a letter, and I hope very much that we still will be able to get a strong letter from the administration raising concerns with the European Union about this.

But, Mr. Speaker, it is important to note that this is potentially just the beginning. There are many other industries in this country that could be detrimentally impacted by those kinds of negative actions by others of our trading partners who are not playing fairly.

Mr. Speaker, we have got to do the fair thing for American workers. I strongly urge my colleagues to support this rule.

Mr. KOLBE. Mr. Speaker, today marks a historic moment in U.S. economic history. Over fifty years ago, this nation embraced a multilateral, rule-based approach to our international trade policy with the creation of the GATT. Our acceptance of the role of multilateral institutions in international trade did not occur in a vacuum. It arose out of the ashes of the great depression and World War II. For two decades we witnessed the human damage which unilateral protectionism, nationalism and economic stagnation could bring, and we vowed never to let it happen again.

During the Bretton Woods conference in 1948 the United States helped establish the framework for the creation of GATT. The objectives of the GATT system were simple: to promote trade liberalization and to guarantee stable conditions for market access on a non-discriminatory basis by creating a set of transparent rules and dispute-settlement procedures. World leaders of that time believed—as I do today—that increased economic integration through trade would strengthen world stability and provide a bulwark of democracy in the emerging Cold War.

And the system, although far from perfect, worked. Nations opened their markets and began to view other nations as trading partners, rather than antagonists. The results have been dramatic. For the past fifty years the world has experienced a degree of economic growth and stability which was unimaginable to our forefathers. In my view, this stability and prosperity are in no small part due to the growth of international commerce among nations.

Since the adoption of the GATT we have been working to perfect the multilateral trading system. A great steep forward was taken when this Congress adopted the Uruguay Round Agreements Act in 1995. With the adoption of this act, the GATT and its successor organization the World Trade Organization—moved from its inception as a forum for discussing tariff reductions for trade in goods to cover such diverse and important areas as intellectual property, services and agriculture. Most important, the GATT moved away from a slow and ineffective dispute resolution forum to one based on clear, objective criteria, enforced through a multilateral system of debate, consultation, negotiation, adjudication and consensus.

Clearly one of the most important benefits of the WTO is the enhanced dispute settlement process. Under the old system, U.S. exporters with legitimate grievances against foreign trade barriers had to wait years before cases were resolved. The system was excruciatingly slow and—in the end—largely ineffectual. In contrast, the new dispute settlement procedures provide U.S. exporters with a relatively quick and effective system for resolving trade grievances. And it has worked largely to our advantage. The United States won far more cases than any other nation and the WTO has become an effective tool in our trade arsenal to open foreign markets and level the playing field for U.S. exporters.

This brings us to where we are today. We have a rule based system that works to our advantage and a dispute settlement process that enables us to bring multilateral legitimacy to our international trade complaints. Today, when we win a case in the WTO, our position is clearly strengthened vis-a-vis our trading partners. But we must have compliance.

The United States won two significant cases against the European Union. The first ruling determined that the EU banana import licensing and quota scheme was designed to favor European importers over U.S. suppliers. The second determined that the EU ban against U.S. beef was not based upon sound science but served as a non-tariff trade barrier to U.S. beef imports. But, rather than comply with these rulings and open their markets to U.S. products the EU is seeking to take advantage of a loop-hole in the system, a loop-hole which, if allowed to be exploited, will result in endless meeting and meaningless negotiations. It will also establish a precedent for compliance with WTO decisions which would seriously damage the effectiveness of the dispute settlement mechanism. What we are saying here today is no. We will not accept endless negotiations over true market access. When the WTO makes a ruling, we expect compliance within a reasonable period. If not, we will take actions consistent with the WTO to enforce our rights.

That is what this historic legislation does. It sets out a clear framework for compliance, a framework which is completely consistent with our international commitments under the WTO. I am proud to be a cosponsor of this bill and I urge my colleagues to show their support for American exporters and to protect our rights under the multilateral system. I urge my colleagues to vote yes on the rule for H.R. 4761.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in strong opposition to H. Res. 588 the closed rule which blocks all amendments to H.R. 4761, a very punitive bill which would destroy small Caribbean family farmers and their banana industry.

Why are my colleagues on the Majority side of the aisle in such a hurry to seek the destruction—in the dead of the night—of vulnerable Caribbean banana farmers especially in light of the recent devastation wrought against these islands by the recent killer hurricane Georges? This last minute sneak attack against our Caribbean friends and in favor of the Chiquita Banana Corporation must not be allowed to stand.

We must not let our tiny neighbors in the Caribbean be the victims of our fight with the European Union and the WTO. I urge my colleagues to reject this last minute "cover of darkness trick". Say no to this unconscionable action and support our friends in the Caribbean. Vote against the rule and against H.R. 4761.

Mr. TOWNS. Mr. Speaker, I join my colleague, the gentlelady from California, in voicing my adamant opposition to this bill.

Last year, the World Trade Organization (WTO) issued an interim ruling against the European Union's (EU) banana program for the Caribbean. This ruling was in response to a U.S. claim of trade protections, on behalf of the Chiquita Banana Company, who wants to sell to European countries. The WTO ruling, if implemented, will destabilize the economic and social infrastructure of Caribbean countries. This ruling is particularly problematic given the fact that we have been unable to enact a Caribbean trade bill to assist this region with economic development.

This situation would be particularly harmful to eastern Caribbean countries, like Dominica, where banana exports account for 70 percent of the income and employment. We should not underestimate the impact this action will have on the enhancement of drug trafficking as an economic replacement for the banana industry. The WTO has demonstrated neither understanding of, nor concern for the problems of these small developing countries. I have repeatedly called on the Administration to ensure that the thousands of small Caribbean banana farmers, and the economies of so many Caribbean nations, not be damaged in any way.

I urge my colleagues to oppose H.R. 4761. It is a bill that rewards one special interest at the expense of many of our Caribbean allies and more importantly it will consign Caribbean peoples to further economic devastation beyond that experienced by the recent hurricane. This bill deserves to be defeated.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken later.

VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

Mr. STUMP. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 592) providing for the concurrence by the House with amendments in the Senate amendment to H.R. 4110.

The Clerk read as follows:

H. RES. 592

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4110, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with the following amendments:

(1) Amend the title so as to read: "An Act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes.

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Programs Enhancement Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States code.

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

Sec. 101. Agreement with National Academy of Sciences regarding evaluation of health consequences of service in Southwest Asia during the Persian Gulf War.
Sec. 102. Health care for veterans of Persian Gulf War and future conflicts.
Sec. 103. National center on war-related illnesses and post-deployment health issues.
Sec. 104. Coordination of activities.
Sec. 105. Improving effectiveness of care of Persian Gulf War veterans.
Sec. 106. Contract for independent recommendations on research and for development of curriculum on care of Persian Gulf War veterans.
Sec. 107. Extension and improvement of evaluation of health status of spouses and children of Persian Gulf War veterans.

TITLE II—EDUCATION AND EMPLOYMENT

Subtitle A—Education Matters

Sec. 201. Calculation of reporting fee based on total veteran enrollment during a calendar year.
Sec. 202. Election of advance payment of work-study allowance.
Sec. 203. Alternative to twelve semester hour equivalency requirement.
Sec. 204. Medical evidence for flight training requirements.
Sec. 205. Waiver of wage increase and minimum payment rate requirements for government job training program approval.
Sec. 206. Expansion of education outreach services.
Sec. 207. Information on minimum requirements for education benefits for members of the Armed Forces discharged early from duty for the convenience of the Government.

Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

Sec. 211. Enforcement of rights with respect to a State as an employer.
Sec. 212. Protection of extraterritorial employment and reemployment rights of members of the uniformed services.
Sec. 213. Complaints relating to reemployment of members of the uniformed services in Federal service.

TITLE III—COMPENSATION, PENSION, AND INSURANCE

Sec. 301. Medal of Honor special pension.
Sec. 302. Accelerated death benefit for Servicemembers' Group Life Insurance and Veterans' Group Life Insurance participants.
Sec. 303. Assessment of effectiveness of insurance and survivor benefits programs for survivors of veterans with service-connected disabilities.
Sec. 304. National Service Life Insurance program.

TITLE IV—MEMORIAL AFFAIRS

Sec. 401. Commemoration of individuals whose remains are unavailable for interment.
Sec. 402. Merchant mariner burial and cemetery benefits.
Sec. 403. Redesignation of National Cemetery System and establishment of Under Secretary for Memorial Affairs.
Sec. 404. State cemetery grants program.

TITLE V—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

Sec. 501. Continuation in office of judges pending confirmation for second term.
Sec. 502. Exemption of retirement fund from sequestration orders.
Sec. 503. Adjustments for survivor annuities.
Sec. 504. Reports on retirement program modifications.

Subtitle B—Renaming of Court

Sec. 511. Renaming of the Court of Veterans Appeals.
Sec. 512. Conforming amendments.
Sec. 513. Effective date.

TITLE VI—HOUSING

Sec. 601. Loan guarantee for multifamily transitional housing for homeless veterans.
Sec. 602. Veterans housing benefit program fund account consolidation.
Sec. 603. Extension of eligibility of members of Selected Reserve for veterans housing loans.
Sec. 604. Applicability of procurement law to certain contracts of department of veterans affairs.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

Sec. 701. Authorization of major medical facility projects.
Sec. 702. Authorization of major medical facility leases.
Sec. 703. Authorization of appropriations.
Sec. 704. Increase in threshold for major medical facility leases for purposes of congressional authorization.
Sec. 705. Threshold for treatment of parking facility project as a major medical facility project.
Sec. 706. Parking fees.
Sec. 707. Master plan regarding use of Department of Veterans Affairs lands at West Los Angeles Medical Center, California.
Sec. 708. Designation of Department of Veterans Affairs Medical Center, Aspinwall, Pennsylvania.
Sec. 709. Designation of Department of Veterans Affairs Medical Center, Gainesville, Florida.
Sec. 710. Designation of Department of Veterans Affairs outpatient clinic, Columbus, Ohio.

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

Sec. 801. Short title.
Sec. 802. Scholarship program for Department of Veterans Affairs employees receiving education or training in the health professions.
Sec. 803. Education debt reduction program for Veterans Health Administration health professionals.
Sec. 804. Repeal of prohibition on payment of tuition loans.
Sec. 805. Conforming amendments.
Sec. 806. Coordination with appropriations provision.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

Sec. 901. Examinations and care associated with certain radiation treatment.
Sec. 902. Extension of authority to counsel and treat veterans for sexual trauma.
Sec. 903. Management of specialized treatment and rehabilitative programs.
Sec. 904. Authority to use for operating expenses of Department of Veterans Affairs medical facilities amounts available by reason of the limitation on pension for veterans receiving nursing home care.
Sec. 905. Report on nurse locality pay.
Sec. 906. Annual report on program and expenditures of Department of Veterans Affairs for domestic response to weapons of mass destruction.
Sec. 907. Interim appointment of Under Secretary for Health.

TITLE X—OTHER MATTERS

Sec. 1001. Requirement for naming of Department property.
Sec. 1002. Members of the Board of Veterans' Appeals.
Sec. 1003. Flexibility in docketing and hearing of appeals by Board of Veterans' Appeals.
Sec. 1004. Disabled veterans outreach program specialists.
Sec. 1005. Technical amendments.

TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

Sec. 1101. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 1102. Publication of adjusted rates.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

SEC. 101. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES REGARDING EVALUATION OF HEALTH CONSEQUENCES OF SERVICE IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not a part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between illness and service in the Persian Gulf War.

(b) AGREEMENT.—(1) The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the activities covered by this section. The Secretary shall seek to enter into the agreement not later than two months after the date of the enactment of this Act.

(2)(A) If the Secretary is unable within the time period set forth in paragraph (1) to enter into an agreement with the Academy for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for purposes of this section with another appropriate scientific organization that is not part of the Government, operates as a not-for-profit entity, and has expertise and objectivity comparable to that of the Academy.

(B) If the Secretary enters into an agreement with another organization under this paragraph, any reference in this section to the National Academy of Sciences shall be treated as a reference to such other organization.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct a comprehensive review and evaluation of the available scientific and medical information regarding the health status of Gulf War veterans and the health consequences of exposures to risk factors during service in the Persian Gulf War. In conducting such review and evaluation, the Academy shall—

(A) identify the biological, chemical, or other toxic agents, environmental or wartime hazards, or preventive medicines or vaccines (including the agents specified in subsection (d)(1)) to which members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War may have been exposed by reason of such service;

(B) identify the illnesses associated with the agents, hazards, or medicines or vaccines identified under subparagraph (A); and

(C) identify the illnesses (including diagnosed illnesses and undiagnosed illnesses) for which there is scientific evidence of a higher prevalence among populations of Gulf War veterans when compared with other appropriate populations of individuals.

(2) In identifying illnesses under subparagraphs (B) and (C) of paragraph (1), the Academy shall review and summarize the relevant scientific evidence regarding illnesses, including symptoms, adverse reproductive health outcomes, and mortality, among the members described in paragraph (1)(A) and among other appropriate populations of individuals.

(3) In conducting the review and evaluation under paragraph (1), the Academy shall, for each illness identified under subparagraph (B) or (C) of that paragraph, assess the latency period, if any, between service or exposure to any potential risk factor (including an agent, hazard, or medicine or vaccine identified under subparagraph (A) of that paragraph) and the manifestation of such illness.

(d) SPECIFIED AGENTS.—(1) In identifying under subsection (c)(1)(A) the agents, hazards, or preventive medicines or vaccines to which members of the Armed Forces may have been exposed, the National Academy of Sciences shall consider the following:

(A) The following organophosphorous pesticides:

(i) Chlorpyrifos.
(ii) Diazinon.
(iii) Dichlorvos.
(iv) Malathion.

(B) The following carbamate pesticides:

(i) Proxpur.
(ii) Carbaryl.
(iii) Methomyl.

(C) The carbamate pyridostigmine bromide used as nerve agent prophylaxis.

(D) The following chlorinated hydrocarbons and other pesticides and repellents:

(i) Lindane.
(ii) Pyrethrins.
(iii) Permethrins.
(iv) Rodenticides (bait).
(v) Repellent (DEET).

(E) The following low-level nerve agents and precursor compounds at exposure levels below those which produce immediately apparent incapacitating symptoms:

(i) Sarin.
(ii) Tabun.

(F) The following synthetic chemical compounds:

(i) Mustard agents at levels below those which cause immediate blistering.
(ii) Volatile organic compounds.
(iii) Hydrazine.
(iv) Red fuming nitric acid.
(v) Solvents.

(G) The following sources of radiation:

(i) Depleted uranium.
(ii) Microwave radiation.
(iii) Radio frequency radiation.

(H) The following environmental particulates and pollutants:

(i) Hydrogen sulfide.
(ii) Oil fire byproducts.
(iii) Diesel heater fumes.
(iv) Sand micro-particles.

(I) Diseases endemic to the region (including the following):

(i) Leishmaniasis.
(ii) Sandfly fever.
(iii) Pathogenic escherichia coli.
(iv) Shigellosis.

(J) Time compressed administration of multiple live, 'attenuated', and toxoid vaccines.

(2) The consideration of agents, hazards, and medicines and vaccines under paragraph (1) shall not preclude the Academy from identifying other agents, hazards, or medicines or vaccines to which members of the Armed Forces may have been exposed for purposes of any report under subsection (h).

(3) Not later than six months after entry into the agreement under subsection (b), the Academy shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report specifying the agents, hazards, and medicines and vaccines considered under paragraph (1).

(e) SCIENTIFIC DETERMINATIONS CONCERNING ILLNESSES.—(1) For each illness identified under subparagraph (B) or (C) of subsection (c)(1), the National Academy of Sciences shall determine (to the extent available scientific evidence permits) whether there is scientific evidence of an association of that illness with Gulf War service or exposure during Gulf War service to one or more agents, hazards, or medicines or vaccines. In making those determinations, the Academy shall consider—

(A) the strength of scientific evidence, the replicability of results, the statistical significance of results, and the appropriateness of the scientific methods used to detect the association;

(B) in any case where there is evidence of an apparent association, whether there is reasonable confidence that that apparent association is not due to chance, bias, or confounding;

(C) the increased risk of the illness among human or animal populations exposed to the agent, hazard, or medicine or vaccine;

(D) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the agent, hazard, or medicine or vaccine and the illness;

(E) in any case where information about exposure levels is available, whether the evidence indicates that the levels of exposure of the studied populations were of the same magnitude as the estimated likely exposures of Gulf War veterans; and

(F) whether there is an increased risk of illness among Gulf War veterans in comparison with appropriate peer groups.

(2) The Academy shall include in its reports under subsection (h) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(f) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall make any recommendations that it considers appropriate for additional scientific studies (including studies relating to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of service in the Persian Gulf War or exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Gulf War service.

(2) In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

(g) SUBSEQUENT REVIEWS.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall conduct on a periodic and ongoing basis additional reviews of the evidence and data relating to its activities under this section.

(2) As part of each review under this subsection, the Academy shall—

(A) conduct as comprehensive a review as is practicable of the information referred to in subsection (c), the evidence referred to in subsection (e), and the data referred to in subsection (f) that became available since the last review of such information, evidence, and data under this section; and

(B) make determinations under the subsections referred to in subparagraph (A) on the basis of the results of such review and all other reviews previously conducted for purposes of this section.

(h) Reports by Academy.—(1) Under the agreement under subsection (b), the National Academy of Sciences shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and the Secretary of Veterans Affairs periodic written reports regarding the Academy's activities under the agreement.

(2) The first report under paragraph (1) shall be submitted not later than two years after entry into the agreement under subsection (b). That report shall include—

(A) the determinations and discussion referred to in subsection (e); and

(B) any recommendations of the Academy under subsection (f).

(3) Reports shall be submitted under this subsection at least once every two years, as measured from the date of the report under paragraph (2).

(4) In any report under this subsection (other than the report under paragraph (2)), the Academy may specify an absence of meaningful developments in the scientific or medical community with respect to the activities of the Academy under this section during the two-year period ending on the date of such report.

(i) Reports by Secretary.—(1) The Secretary shall review each report from the Academy under subsection (h). As part of such review, the Secretary shall seek comments on, and evaluation of, the Academy's report from the heads of other affected departments and agencies of the United States.

(2) Based upon a review under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the available scientific and medical information regarding the health consequences of Persian Gulf War service and of exposures to risk factors during service in the Persian Gulf War. The Secretary shall include in the report the Secretary's recommendations as to whether there is sufficient evidence to warrant a presumption of service-connection for the occurrence of a specified condition in Gulf War veterans. In determining whether to make such a recommendation, the Secretary shall consider the matters specified in subparagraphs (A) through (F) of subsection (e)(1).

(3) The report under this subsection shall be submitted not later than 120 days after the date on which the Secretary receives the report from the Academy.

(j) Sunset.—This section shall cease to be effective 11 years after the last day of the fiscal year in which the National Academy of Sciences enters into an agreement with the Secretary under subsection (b).

(k) Definition.—In this section, the term "toxic agent, environmental or wartime hazard, or preventive medicine or vaccine associated with Gulf War service" means a biological, chemical, or other toxic agent, environmental or wartime hazard, or preventive medicine or vaccine that is known or presumed to be associated with service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War, whether such association arises as a result of single, repeated, or sustained exposure and whether such association arises through exposure singularly or in combination.

SEC. 102. HEALTH CARE FOR VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS.

(a) Authority.—Section 1710(e) is amended—

(1) by adding at the end of paragraph (1) the following new subparagraph:

"(D) Subject to paragraphs (2) and (3), a veteran who served on active duty in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities (as defined in section 1712A(a)(2)(B) of this title) after the date of the enactment of this subparagraph, is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such condition is attributable to such service.";

(2) in paragraph (2)(B), by inserting "or (1)(D)" after "paragraph (1)(C)";

(3) in paragraph (3)—

(A) by striking out "and" at the end of subparagraph (A);

(B) by striking out "December 31, 1998." in subparagraph (B) and inserting in lieu thereof "December 31, 2001; and"; and

(C) by adding at the end the following new subparagraph:

"(C) in the case of care for a veteran described in paragraph (1)(D), after a period of two years beginning on the date of the veteran's discharge or release from active military, naval, or air service."; and

(4) by adding at the end the following new paragraph:

"(5) When the Secretary first provides care for veterans using the authority provided in paragraph (1)(D), the Secretary shall establish a system for collection and analysis of information on the general health status and health care utilization patterns of veterans receiving care under that paragraph. Not later than 18 months after first providing care under such authority, the Secretary shall submit to Congress a report on the experience under that authority. The Secretary shall include in the report any recommendations of the Secretary for extension of that authority.".

(b) Implementation Report.—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan for establishing and operating the system for collection and analysis of information required by paragraph (5) of section 1710(e) of title 38, United States Code, as added by subsection (a)(4).

SEC. 103. NATIONAL CENTER ON WAR-RELATED ILLNESSES AND POST-DEPLOYMENT HEALTH ISSUES.

(a) Assessment.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the National Academy of Sciences, or another appropriate independent organization, under which such entity shall assist in developing a plan for the establishment of a national center or national centers for the study of war-related illnesses and post-deployment health issues. The purposes of such a center may include—

(1) carrying out and promoting research regarding the etiologies, diagnosis, treatment, and prevention of war-related illnesses and post-deployment health issues; and

(2) promoting the development of appropriate health policies, including monitoring, medical recordkeeping, risk communication, and use of new technologies.

(b) Recommendations and Report.—With respect to such a center, an agreement under this section shall provide for the Academy (or other entity) to—

(1) make recommendations regarding (A) design of an organizational structure or structures, operational scope, staffing and resource needs, establishment of appropriate databases, the advantages of single or multiple sites, mechanisms for implementing recommendations on policy, and relationship to academic or scientific entities, (B) the role or roles that relevant Federal departments and agencies should have in the establishment and operation of any such center or centers, and (C) such other matters as it considers appropriate; and

(2) report to the Secretary, the Secretaries of Defense and Health and Human Services, and the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than one year after the date of the enactment of this Act, on its recommendations.

(c) Report on Establishment of National Center.—Not later than 60 days after receiving the report under subsection (b), the Secretaries specified in subsection (b)(2) shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Natoinal Security of the House of Representatives a joint report on the findings and recommendations contained in that report. Such report may set forth an operational plan for carrying out any recommendation in that report to establish a national center or centers for the study of war-related illnesses. No action to carry out such plan may be taken after the submission of such report until the end of a 90-day period following the date of the submission.

SEC. 104. COORDINATION OF ACTIVITIES.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended—

(1) in the heading, by striking out "government activities on health-related research" and inserting the following: "health-related government activities";

(2) in subsection (a), by striking out "research"; and

(3) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Public Advisory Committee.—Not later than January 1, 1999, the head of the department or agency designated under subsection (a) shall establish an advisory committee consisting of members of the general public, including Persian Gulf War veterans and representatives of such veterans, to provide advice to the head of that department or agency on proposed research studies, research plans, or research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Persian Gulf War. The department or agency head shall consult with such advisory committee on a regular basis.

"(c) Reports.—(1) Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on—

"(A) the status and results of all such research activities undertaken by the executive branch during the previous year; and

"(B) research priorities identified during that year.

"(2)(A) Not later than 120 days after submission of the epidemiological research study conducted by the Department of Veterans Affairs entitled 'VA National Survey of Persian Gulf Veterans—Phase III', the head of the department or agency designated under subsection (a) shall submit to the congressional committees specified in paragraph (1) a report on the findings under that study and any other pertinent medical literature.

"(B) With respect to any findings of that study and any other pertinent medical literature which identify scientific evidence of a greater relative risk of illness or illnesses in family members of veterans who served in the Persian Gulf War theater of operations than in family members of veterans who did not so serve, the head of the department or agency designated under subsection (a) shall seek to ensure that appropriate research studies are designed to follow up on such findings.

"(d) Public Availability of Research Findings.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the executive branch relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War (including information pertinent to improving provision of care for veterans of such service) are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

"(e) Outreach.—The head of the department or agency designated under subsection (a) shall ensure that the appropriate departments consult and coordinate in carrying out an ongoing program to provide information to those who served in the Southwest Asia theater of operations during the Persian Gulf War relating to (1) the health risks, if any, resulting from any risk factors associated with such service, and (2) any services or benefits available with respect to such health risks.".

SEC. 105. IMPROVING EFFECTIVENESS OF CARE OF PERSIAN GULF WAR VETERANS.

(a) Assessment by National Academy of Sciences.—Not later than April 1, 1999, the Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences to review the available scientific data in order to—

(1) assess whether a methodology could be used by the Department of Veterans Affairs for determining the efficacy of treatments furnished to, and health outcomes (including functional status) of, Persian Gulf War veterans who have been treated for illnesses which may be associated with their service in the Persian Gulf War; and

(2) identify, to the extent feasible, with respect to each undiagnosed illness prevalent among such veterans and for any other chronic illness that the Academy determines to warrant such review, empirically valid models of treatment for such illness which employ successful treatment modalities for populations with similar symptoms.

(b) Action on Report.—(1) After receiving the final report of the National Academy of Sciences under subsection (a), the Secretary shall, if a reasonable and scientifically feasible methodology is identified by the Academy, develop an appropriate mechanism to monitor and study the effectiveness of treatments furnished to, and health outcomes of, Persian Gulf War veterans who suffer from diagnosed and undiagnosed illnesses which may be associated with their service in the Persian Gulf War.

(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of paragraph (1).

(3) The Secretary shall carry out paragraphs (1) and (2) not later than 180 days after receiving the final report of the National Academy of Sciences under subsection (a).

SEC. 106. CONTRACT FOR INDEPENDENT RECOMMENDATIONS ON RESEARCH AND FOR DEVELOPMENT OF CURRICULUM ON CARE OF PERSIAN GULF WAR VETERANS.

Section 706 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note) is amended by adding at the end the following new subsection:

"(d) Research Review and Development of Medical Education Curriculum.—(1) In order to further understanding of the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War and of new research findings with implications for improving the provision of care for veterans of such service, the Secretary of Veterans Affairs and the Secretary of Defense shall seek to enter into an agreement with the National Academy of Sciences under which the Institute of Medicine of the Academy would—

"(A) develop a curriculum pertaining to the care and treatment of veterans of such service who have ill-defined or undiagnosed illnesses for use in the continuing medical education of both general and specialty physicians who provide care for such veterans; and

"(B) on an ongoing basis, periodically review and provide recommendations regarding the research plans and research strategies of the Departments relating to the health consequences of military service in the Persian Gulf theater of operations during the Persian Gulf War.

"(2) Recommendations to be provided under paragraph (1)(B) include any recommendations that the Academy considers appropriate for additional scientific studies (including studies related to treatment models) to resolve areas of continuing scientific uncertainty relating to the health consequences of any aspects of such military service. In making recommendations for additional studies, the Academy shall consider the available scientific data, the value and relevance of the information that could result from such studies, and the cost and feasibility of carrying out such studies.

"(3) Not later than nine months after the Institute of Medicine provides the Secretaries the curriculum developed under paragraph (1)(A), the Secretaries shall provide for the conduct of continuing education programs using that curriculum. Those programs shall include instruction which seeks to emphasize use of appropriate protocols of diagnosis, referral, and treatment of such veterans.".

SEC. 107. EXTENSION AND IMPROVEMENT OF EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) One-Year Extension.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking out "December 31, 1998" and inserting in lieu thereof "December 31, 1999".

(b) Termination of Certain Testing and Evaluation Requirements.—Subsection (a) of such section is amended—

(1) by striking out "the" after "Secretary of";

(2) by striking out "study" both places it appears and inserting in lieu thereof "program"; and

(3) by striking out the sentence following paragraph (3).

(c) Enhanced Flexibility in Examinations.—Subsection (d) of such section is amended—

(1) by striking out "shall" and inserting in lieu thereof "may"; and

(2) by inserting ", including fee arrangements described in section 1703 of title 38, United States Code" after "arrangements".

(d) Outreach.—Subsection (g) of such section is amended—

(1) by striking out "to ensure" and all that follows through the period at the end of paragraph (2) and inserting in lieu thereof "for the purposes of the program."; and

(2) by adding at the end the following new sentence: "In conducting such outreach activities, the Secretary shall advise that medical treatment is not available under the program.".

(e) Report to Congress.—Subsection (i) of such section is amended to read as follows:

"(i) Report to Congress.—Not later than July 31, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on activities with respect to the program, including the provision of services under subsection (d).".

TITLE II—EDUCATION AND EMPLOYMENT

Subtitle A—Education Matters

SEC. 201. CALCULATION OF REPORTING FEE BASED ON TOTAL VETERAN ENROLLMENT DURING A CALENDAR YEAR.

(a) In General.—The second sentence of section 3684(c) is amended by striking out "on October 31" and all that follows through the period and inserting in lieu thereof "during the calender year.".

(b) Funding.—Section 3684(c), as amended by subsection (a), is further amended by adding at the end the following new sentence: "The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.".

(c) Effective Date.—The amendments made by this section shall apply with respect to calendar years beginning after December 31, 1998.

SEC. 202. ELECTION OF ADVANCE PAYMENT OF WORK-STUDY ALLOWANCE.

(a) In General.—The third sentence of section 3485(a)(1) is amended by striking out "An individual shall be paid in advance" and inserting in lieu thereof "An individual may elect, in a manner prescribed by the Secretary, to be paid in advance".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999.

SEC. 203. ALTERNATIVE TO TWELVE SEMESTER HOUR EQUIVALENCY REQUIREMENT.

(a) In General.—The following sections of chapter 30 are each amended by striking out "successfully completed" each place it appears and inserting in lieu thereof "successfully completed (or otherwise received academic credit for)": sections 3011(a)(2), 3012(a)(2), 3018(b)(4)(ii), 3018A(a)(2), 3018B(a)(1)(B), 3018B(a)(2)(B), and 3018C(a)(3).

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 204. MEDICAL EVIDENCE FOR FLIGHT TRAINING REQUIREMENTS.

(a) Title 38, United States Code.—Sections 3034(d)(2) and 3241(b)(2) are each amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(b) Title 10, United States Code.—Section 16136(c)(2) of title 10, United States Code, is amended—

(1) by striking out "pilot's license" each place it appears and inserting in lieu thereof "pilot certificate"; and

(2) by inserting ", on the day the individual begins a course of flight training," after "meets".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to courses of flight training beginning on or after October 1, 1998.

SEC. 205. WAIVER OF WAGE INCREASE AND MINIMUM PAYMENT RATE REQUIREMENTS FOR GOVERNMENT JOB TRAINING PROGRAM APPROVAL.

(a) IN GENERAL.—Section 3677(b) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) in subparagraph (A), as so redesignated, by striking out "(A)" and "(B)" and inserting in lieu thereof "(i)" and "(ii)", respectively; and

(4) by adding at the end the following new paragraph:

"(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to approval of programs of training on the job under section 3677 of title 38, United States Code, on or after October 1, 1998.

SEC. 206. EXPANSION OF EDUCATION OUTREACH SERVICES.

(a) EXPANSION OF EDUCATION OUTREACH SERVICES TO MEMBERS OF THE ARMED FORCES.—Section 3034 is amended by adding at the end the following new subsection:

"(e)(1) In the case of a member of the Armed Forces who participates in basic educational assistance under this chapter, the Secretary shall furnish the information described in paragraph (2) to each such member. The Secretary shall furnish such information as soon as practicable after the basic pay of the member has been reduced by $1,200 in accordance with section 3011(b) or 3012(c) of this title and at such additional times as the Secretary determines appropriate.

"(2) The information referred to in paragraph (1) is information with respect to the benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of the basic educational assistance program under this chapter, including application forms for such basic educational assistance under section 5102 of this title.

"(3) The Secretary shall furnish the forms described in paragraph (2) and other educational materials to educational institutions, training establishments, and military education personnel, as the Secretary determines appropriate.

"(4) The Secretary shall use amounts appropriated for readjustment benefits to carry out this subsection and section 5102 of this title with respect to application forms under that section for basic educational assistance under this chapter.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 207. INFORMATION ON MINIMUM REQUIREMENTS FOR EDUCATION BENEFITS FOR MEMBERS OF THE ARMED FORCES DISCHARGED EARLY FROM DUTY FOR THE CONVENIENCE OF THE GOVERNMENT.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended by adding at the end the following new subsection:

"(i) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member's initial obligated period of active duty (as described in subsection (a)(1)(A)) and who indicates the intent to be discharged or released from such duty for the convenience of the Government of the minimum active duty requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.".

(b) RESERVE PROGRAM.—Section 3012 is amended by adding at the end the following new subsection:

"(g)(1) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member's initial service (as described in paragraph (2)) and who indicates the intent to be discharged or released from such service for the convenience of the Government of the minimum service requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.

"(2) The initial service referred to in paragraph (1) is the initial obligated period of active duty (described in subparagraphs (A)(i) or (B)(i) of subsection (a)(1)) or the period of service in the Selected Reserve (described in subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1)).".

(c) REPORT TO CONGRESS.—Section 3036(b)(1) is amended—

(1) by striking out "and (B)" and inserting in lieu thereof "(B)"; and

(2) by inserting before the semicolon the following: ", and (C) describing the efforts under sections 3011(i) and 3012(g) of this title to inform members of the Armed Forces of the minimum service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts".

(d) EFFECTIVE DATES.—(1) The amendments made by subsections (a) and (b) shall take effect 120 days after the date of the enactment of this Act.

(2) The amendments made by subsection (c) shall apply with respect to reports to Congress submitted by the Secretary of Defense under section 3036 of title 38, United States Code, on or after January 1, 2000.

Subtitle B—Uniformed Services Employment and Reemployment Rights Act Amendments

SEC. 211. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE AS AN EMPLOYER.

(a) IN GENERAL.—Section 4323 is amended to read as follows:

"§ 4323. Enforcement of rights with respect to a State or private employer

"(a) ACTION FOR RELIEF.—(1) A person who receives from the Secretary a notification pursuant to section 4322(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for relief under this chapter for such person. In the case of such an action against a State (as an employer), the action shall be brought in the name of the United States as the plaintiff in the action.

"(2) A person may commence an action for relief with respect to a complaint against a State (as an employer) or a private employer if the person—

"(A) has chosen not to apply to the Secretary for assistance under section 4322(a) of this title;

"(B) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(C) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) JURISDICTION.—(1) In the case of an action against a State (as an employer) or a private employer commenced by the United States, the district courts of the United States shall have jurisdiction over the action.

"(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a State court of competent jurisdiction in accordance with the laws of the State.

"(3) In the case of an action against a private employer by a person, the district courts of the United States shall have jurisdiction of the action.

"(c) VENUE.—(1) In the case of an action by the United States against a State (as an employer), the action may proceed in the United States district court for any district in which the State exercises any authority or carries out any function.

"(2) In the case of an action against a private employer, the action may proceed in the United States district court for any district in which the private employer of the person maintains a place of business.

"(d) REMEDIES.—(1) In any action under this section, the court may award relief as follows:

"(A) The court may require the employer to comply with the provisions of this chapter.

"(B) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

"(C) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (B) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(2)(A) Any compensation awarded under subparagraph (B) or (C) of paragraph (1) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for under this chapter.

"(B) In the case of an action commenced in the name of the United States for which the relief includes compensation awarded under subparagraph (B) or (C) of paragraph (1), such compensation shall be held in a special deposit account and shall be paid, on order of the Attorney General, directly to the person. If the compensation is not paid to the person because of inability to do so within a period of three years, the compensation shall be covered into the Treasury of the United States as miscellaneous receipts.

"(3) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"(e) EQUITY POWERS.—The court may use its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

"(f) STANDING.—An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter under subsection (a) or by the United States under subsection (a)(1).

"(g) RESPONDENT.—In any action under this chapter, only an employer or a potential employer, as the case may be, shall be a necessary party respondent.

"(h) FEES, COURT COSTS.—(1) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(2) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(i) INAPPLICABILITY OF STATE STATUTE OF LIMITATIONS.—No State statute of limitations shall apply to any proceeding under this chapter.

"(j) DEFINITION.—In this section, the term 'private employer' includes a political subdivision of a State.".

(b) EFFECTIVE DATE.—(1) Section 4323 of title 38, United States Code, as amended by subsection (a), shall apply to actions commenced under chapter 43 of such title on or after the date of the enactment of this Act, and shall apply to actions commenced under such chapter before the date of the enactment of this Act that are not final on the date of the enactment of this Act, without regard to when the cause of action accrued.

(2) In the case of any such action against a State (as an employer) in which a person, on the day before the date of the enactment of this Act, is represented by the Attorney General under section 4323(a)(1) of such title as in effect on such day, the court shall upon motion of the Attorney General, substitute the United States as the plaintiff in the action pursuant to such section as amended by subsection (a).

SEC. 212. PROTECTION OF EXTRATERRITORIAL EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) DEFINITION OF EMPLOYEE.—Section 4303(3) is amended by adding at the end the following new sentence: "Such term includes any person who is a citizen, national, or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of section 4319(c) of this title.".

(b) FOREIGN COUNTRIES.—(1) Subchapter II of chapter 43 is amended by inserting after section 4318 the following new section:

"§4319. Employment and reemployment rights in foreign countries

"(a) LIABILITY OF CONTROLLING UNITED STATES EMPLOYER OF FOREIGN ENTITY.—If an employer controls an entity that is incorporated or otherwise organized in a foreign country, any denial of employment, reemployment, or benefit by such entity shall be presumed to be by such employer.

"(b) INAPPLICABILITY TO FOREIGN EMPLOYER.—This subchapter does not apply to foreign operations of an employer that is a foreign person not controlled by an United States employer.

"(c) DETERMINATION OF CONTROLLING EMPLOYER.—For the purpose of this section, the determination of whether an employer controls an entity shall be based upon the interrelations of operations, common management, centralized control of labor relations, and common ownership or financial control of the employer and the entity.

"(d) EXEMPTION.—Notwithstanding any other provision of this subchapter, an employer, or an entity controlled by an employer, shall be exempt from compliance with any of sections 4311 through 4318 of this title with respect to an employee in a workplace in a foreign country, if compliance with that section would cause such employer, or such entity controlled by an employer, to violate the law of the foreign country in which the workplace is located.".

(2) The table of sections at the beginning of chapter 43 is amended by inserting after the item relating to section 4318 the following new item:

"4319. Employment and reemployment rights in foreign countries.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to causes of action arising after the date of the enactment of this Act.

SEC. 213. COMPLAINTS RELATING TO REEMPLOYMENT OF MEMBERS OF THE UNIFORMED SERVICES IN FEDERAL SERVICE.

(a) IN GENERAL.—The first sentence of paragraph (1) of section 4324(c) is amended by inserting before the period at the end the following: ", without regard as to whether the complaint accrued before, on, or after October 13, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to complaints filed with the Merit Systems Protection Board on or after October 13, 1994.

TITLE III—COMPENSATION, PENSION, AND INSURANCE

SEC. 301. MEDAL OF HONOR SPECIAL PENSION.

(a) INCREASE.—Section 1562(a) is amended by striking out "$400" and inserting in lieu thereof "$600".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 302. ACCELERATED DEATH BENEFIT FOR SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE PARTICIPANTS.

(a) IN GENERAL.—(1) Subchapter III of chapter 19 is amended by adding at the end the following new section:

"§1980. Option to receive accelerated death benefit

"(a) For the purpose of this section, a person shall be considered to be terminally ill if the person has a medical prognosis such that the life expectancy of the person is less than a period prescribed by the Secretary. The maximum length of such period may not exceed 12 months.

"(b)(1) A terminally ill person insured under Servicemembers' Group Life Insurance or Veterans' Group Life Insurance may elect to receive in a lump-sum payment a portion of the face value of the insurance as an accelerated death benefit reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary.

"(2) The Secretary shall prescribe the maximum amount of the accelerated death benefit available under this section that the Secretary finds to be administratively practicable and actuarially sound, but in no event may the amount of the benefit exceed the amount equal to 50 percent of the face value of the person's insurance in force on the date the election of the person to receive the benefit is approved.

"(3) A person making an election under this section may elect to receive an amount that is less than the maximum amount prescribed under paragraph (2). The Secretary shall prescribe the increments in which a reduced amount under this paragraph may be elected.

"(c) The portion of the face value of insurance which is not paid in a lump sum as an accelerated death benefit under this section shall remain payable in accordance with the provisions of this chapter.

"(d) Deductions under section 1969 of this title and premiums under section 1977(c) of this title shall be reduced, in a manner consistent with the percentage reduction in the face value of the insurance as a result of payment of an accelerated death benefit under this section, effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

"(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions regarding—

"(1) the form and manner in which an application for an election under this section shall be made; and

"(2) the procedures under which any such application shall be considered.

"(f)(1) An election to receive a benefit under this section shall be irrevocable.

"(2) A person may not make more than one election under this section, even if the election of the person is to receive less than the maximum amount of the benefit available to the person under this section.

"(g) If a person insured under Servicemembers' Group Life Insurance elects to receive a benefit under this section and the person's Servicemembers' Group Life Insurance is thereafter converted to Veterans' Group Life Insurance as provided in section 1968(b) of this title, the amount of the benefit paid under this section shall reduce the amount of Veterans' Group Life Insurance available to the person under section 1977(a) of this title.

"(h) Notwithstanding any other provision of law, the amount of the accelerated death benefit received by a person under this section shall not be considered income or resources for purposes of determining eligibility for or the amount of benefits under any Federal or federally-assisted program or for any other purpose.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1979 the following new item:

"1980. Option to receive accelerated death benefit.".

(b) CONFORMING AMENDMENTS.—Section 1970(g) is amended in the first sentence—

(1) by striking out "Payments of benefits" and inserting in lieu thereof "Any payments"; and

(2) by inserting "an insured or" after "or on account of,".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 303. ASSESSMENT OF EFFECTIVENESS OF INSURANCE AND SURVIVOR BENEFITS PROGRAMS FOR SURVIVORS OF VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) REPORT ON ASSESSMENT.—Not later than October 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing an assessment of the adequacy of the insurance and survivor benefits programs of the Department of Veterans Affairs (including the payment of dependency and indemnity compensation under chapter 13 of title 38; United States Code) in meeting the needs of survivors of veterans with service-connected disabilities, including survivors of catastrophically disabled veterans who cared for those veterans.

(b) Report Elements.—The report on the assessment under subsection (a) shall include the following:

(1) An identification of the characteristics that make a disabled veteran catastrophically disabled.

(2) A statement of the number of veterans with service-connected disabilities who participate in insurance programs administered by the Department.

(3) A statement of the number of survivors of veterans with service-connected disabilities who receive dependency and indemnity compensation under chapter 13 of title 38, United States Code.

(4) Data on veterans with service-connected disabilities that are relevant to the insurance programs administered by the Department, and an assessment how such data might be used to better determine the cost above standard premium rates of insuring veterans with service-connected disabilities under such programs.

(5) An analysis of various methods of accounting and providing for the additional cost of insuring the lives of veterans with service-connected disabilities under the insurance programs administered by the Department.

(6) An assessment of the adequacy and effectiveness of the current insurance programs and dependency and indemnity compensation programs of the Department in meeting the needs of survivors of severely-disabled or catastrophically-disabled veterans.

(7) An analysis of various methods of meeting the transitional financial needs of survivors of veterans with service-connected disabilities immediately after the deaths of such veterans.

(8) Such recommendations as the Secretary considers appropriate regarding means of improving the benefits available to survivors of veterans with service-connected disabilities under programs administered by the Department.

SEC. 304. NATIONAL SERVICE LIFE INSURANCE PROGRAM.

(a) Eligibility of Certain Veterans for Dividends Under NSLI Program.—Section 1919(b) is amended—

(1) by striking "sections 602(c)(2) and" and inserting "section"; and

(2) by striking "sections" after "under such" and inserting "section".

(b) Effective Date.—The amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

TITLE IV—MEMORIAL AFFAIRS

SEC. 401. COMMEMORATION OF INDIVIDUALS WHOSE REMAINS ARE UNAVAILABLE FOR INTERMENT.

(a) Memorial Headstones or Markers for Certain Members of the Armed Forces and Spouses.—Subsection (b) of section 2306 is amended to read as follows:

"(b)(1) The Secretary shall furnish, when requested, an appropriate memorial headstone or marker for the purpose of commemorating an eligible individual whose remains are unavailable. Such a headstone or marker shall be furnished for placement in a national cemetery area reserved for that purpose under section 2403 of this title, a veterans' cemetery owned by a State, or, in the case of a veteran, in a State, local, or private cemetery.

"(2) For purposes of paragraph (1), an eligible individual is any of the following:

"(A) A veteran.

"(B) The spouse or surviving spouse of a veteran.

"(3) For purposes of paragraph (1), the remains of an individual shall be considered to be unavailable if the individual's remains—

"(A) have not been recovered or identified;

"(B) were buried at sea, whether by the individual's own choice or otherwise;

"(C) were donated to science; or

"(D) were cremated and the ashes scattered without interment of any portion of the ashes.

"(4) For purposes of this subsection:

"(A) The term 'veteran' includes an individual who dies in the active military, naval, or air service.

"(B) The term 'surviving spouse' includes an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce.".

(b) Alternative Commemoration for Certain Spouses.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) When the Secretary has furnished a headstone or marker under subsection (a) for the unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker under that subsection for the surviving spouse of such individual.

"(2) When the Secretary has furnished a memorial headstone or marker under subsection (b) for purposes of commemorating a veteran or an individual who died in the active military, naval, or air service, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate memorial headstone or marker under that subsection for the surviving spouse of such individual.".

(c) Memorial Areas.—Section 2403(b) is amended to read as follows:

"(b) Under regulations prescribed by the Secretary, group memorials may be placed to honor the memory of groups of individuals referred to in subsection (a), and appropriate memorial headstones and markers may be placed to honor the memory of individuals referred to in subsection (a) and section 2306(b) of this title.".

(d) Effective Date.—The amendments made by subsections (a) and (b) shall apply to deaths occurring after the date of the enactment of this Act.

SEC. 402. MERCHANT MARINER BURIAL AND CEMETERY BENEFITS.

(a) Benefits.—Part G of subtitle II of title 46, United States Code, is amended by inserting after chapter 111 the following new chapter:

"CHAPTER 112—MERCHANT MARINER BENEFITS

"Sec.
"11201. Eligibility for veterans' burial and cemetery benefits.
"11202. Qualified service.
"11203. Documentation of qualified service.
"11204. Processing fees.

"§ 11201. Eligibility for veterans' burial and cemetery benefits

"(a) Eligibility.—

"(1) In general.—The qualified service of a person referred to in paragraph (2) shall be considered to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under the following provisions of title 38:

"(A) Chapter 23 (relating to burial benefits).

"(B) Chapter 24 (relating to interment in national cemeteries).

"(2) Covered individuals.—Paragraph (1) applies to a person who—

"(A) receives an honorable service certificate under section 11203 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) Reimbursement for Benefits Provided.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for a person by reason of eligibility under this section.

"(c) Applicability.—

"(1) General rule.—Benefits may be provided under the provisions of law referred to in subsection (a)(1) by reason of this chapter only for deaths occurring after the date of the enactment of this chapter.

"(2) Burials, etc. in national cemeteries.—Notwithstanding paragraph (1), in the case of an initial burial or columbarium placement after the date of the enactment of this chapter, benefits may be provided under chapter 24 of title 38 by reason of this chapter (regardless of the date of death), and in such a case benefits may be provided under section 2306 of such title.

"§ 11202. Qualified service

"For purposes of this chapter, a person shall be considered to have engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

"(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

"(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

"(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

"(C) under contract or charter to, or property of, the Government of the United States; and

"(D) serving the Armed Forces; and

"(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

"§ 11203. Documentation of qualified service

"(a) Record of Service.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

"(1) issue a certificate of honorable service to a person who, as determined by that Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

"(2) correct, or request the appropriate official of the Government to correct, the service records of that person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable service.

"(b) Timing of Documentation.—A Secretary receiving an application under subsection (a) shall act on the application not later than one year after the date of that receipt.

"(c) Standards Relating to Service.—In making a determination under subsection (a)(1), the Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

"(d) CORRECTION OF RECORDS.—An official who is requested under subsection (a)(2) to correct the service records of a person shall make such correction.

"§ 11204. Processing fees

"(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of $30 from each applicant for processing an application submitted under section 11203(a) of this title.

"(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Amounts received by the Secretary of Defense under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the Department of Defense. In either case, such amounts shall be available, subject to appropriation, for the administrative costs of processing applications under section 11203 of this title.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following new item:

"112. Merchant Mariner Benefits .... 11201".

SEC. 403. REDESIGNATION OF NATIONAL CEMETERY SYSTEM AND ESTABLISHMENT OF UNDER SECRETARY FOR MEMORIAL AFFAIRS.

(a) REDESIGNATION AS NATIONAL CEMETERY ADMINISTRATION.—(1) The National Cemetery System of the Department of Veterans Affairs shall hereafter be known and designated as the National Cemetery Administration. The position of Director of the National Cemetery System is hereby redesignated as Under Secretary of Veterans Affairs for Memorial Affairs.

(2) Section 301(c)(4) is amended by striking out "National Cemetery System" and inserting in lieu thereof "National Cemetery Administration".

(3) Section 307 is amended—

(A) in the first sentence, by striking out "a Director of the National Cemetery System" and inserting in lieu thereof "an Under Secretary for Memorial Affairs"; and

(B) in the second sentence, by striking out "The Director" and all that follows through "National Cemetery System" and inserting in lieu thereof "The Under Secretary is the head of the National Cemetery Administration".

(b) PAY RATE FOR UNDER SECRETARY.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5314, by inserting after the item relating to the Under Secretary for Benefits of the Department of Veterans Affairs the following new item:

"Under Secretary for Memorial Affairs, Department of Veterans Affairs."; and

(2) in section 5315, by striking out "Director of the National Cemetery System.".

(c) CONFORMING AMENDMENTS.—

(1)(A) The heading of section 307 is amended to read as follows:

"§ 307. Under Secretary for Memorial Affairs".

(B) The item relating to section 307 in the table of sections at the beginning of chapter 3 is amended to read as follows:

"307. Under Secretary for Memorial Affairs.".

(2) Section 2306(d) is amended by striking out "within the National Cemetery System" each place such term appears and inserting in lieu thereof "under the control of the National Cemetery Administration".

(3) Section 2400 is amended—

(A) in subsection (a)—

(i) by striking out "National Cemetery System" and inserting in lieu thereof "National Cemetery Administration responsible"; and

(ii) in the second sentence, by striking out "Such system" and all that follows through "National Cemetery System" and inserting in lieu thereof "The National Cemetery Administration shall be headed by the Under Secretary for Memorial Affairs";

(B) in subsection (b), by striking out "National Cemetery System" and inserting in lieu thereof "national cemeteries and other facilities under the control of the National Cemetery Administration"; and

(C) by amending the heading to read as follows:

"§ 2400. Establishment of National Cemetery Administration; composition of Administration".

(4) The item relating to section 2400 in the table of sections at the beginning of chapter 24 is amended to read as follows:

"2400. Establishment of National Cemetery Administration; composition of Administration.".

(5) Section 2402 is amended in the matter preceding paragraph (1) by striking out "in the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration".

(6) Section 2403(c) is amended by striking out "in the National Cemetery System created by this chapter" and inserting in lieu thereof "under the control of the National Cemetery Administration".

(7) Section 2405(c) is amended—

(A) by striking out "within the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration"; and

(B) by striking out "within such System" and inserting in lieu thereof "under the control of such Administration".

(8) Section 2408(c)(1) is amended by striking out "in the National Cemetery System" and inserting in lieu thereof "under the control of the National Cemetery Administration".

(d) REFERENCES.—

(1) Any reference in a law, map, regulation, document, paper, or other record of the United States to the National Cemetery System shall be deemed to be a reference to the National Cemetery Administration.

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Director of the National Cemetery System shall be deemed to be a reference to the Under Secretary of Veterans Affairs for Memorial Affairs.

SEC. 404. STATE CEMETERY GRANTS PROGRAM.

(a) AMOUNT OF GRANT RELATIVE TO PROJECT COST.—(1) Paragraphs (1) and (2) of section 2408(b) are amended to read as follows:

"(1) The amount of a grant under this section may not exceed—

"(A) in the case of the establishment of a new cemetery, the sum of (i) the cost of improvements to be made on the land to be converted into a cemetery, and (ii) the cost of initial equipment necessary to operate the cemetery; and

"(B) in the case of the expansion or improvement of an existing cemetery, the sum of (i) the cost of improvements to be made on any land to be added to the cemetery, and (ii) the cost of any improvements to be made to the existing cemetery.

"(2) If the amount of a grant under this section is less than the amount of costs referred to in subparagraph (A) or (B) of paragraph (1), the State receiving the grant shall contribute the excess of such costs over the grant.".

(2) The amendment made by paragraph (1) shall apply with respect to grants under section 2408 of title 38, United States Code, made after the end of the 60-day period beginning on the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS WITHOUT FISCAL YEAR LIMITATION.—The first sentence of section 2408(e) is amended by striking out "shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated" and inserting in lieu thereof "shall remain available until expended".

(c) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Paragraph (2) of section 2408(a) is amended to read as follows:

"(2) There is authorized to be appropriated such sums as may be necessary for fiscal year 1999 and for each succeeding fiscal year through fiscal year 2004 for the purpose of making grants under paragraph (1).".

TITLE V—COURT OF VETERANS APPEALS

Subtitle A—Administrative Provisions Relating to the Court

SEC. 501. CONTINUATION IN OFFICE OF JUDGES PENDING CONFIRMATION FOR SECOND TERM.

Section 7253(c) is amended by adding at the end the following new sentence: "A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to one year while that nomination is pending.".

SEC. 502. EXEMPTION OF RETIREMENT FUND FROM SEQUESTRATION ORDERS.

Section 7298 is amended by adding at the end the following new subsection:

"(g) For purpose of section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(B)), the retirement fund shall be treated in the same manner as the Claims Judges' Retirement Fund.".

SEC. 503. ADJUSTMENTS FOR SURVIVOR ANNUITIES.

Subsection (o) of section 7297 is amended to read as follows:

"(o) Each survivor annuity payable from the retirement fund shall be increased at the same time as, and by the same percentage by which, annuities payable from the Judicial Survivors' Annuities Fund are increased pursuant to section 376(m) of title 28.".

SEC. 504. REPORTS ON RETIREMENT PROGRAM MODIFICATIONS.

(a) REPORT ON JUDGES' RETIREMENT SYSTEM.—Not later than one year after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of merging the retirement plan of the judges of that court with retirement plans of other Federal judges.

(b) REPORT ON SURVIVOR ANNUITIES PLAN.—Not later than six months after the date of the enactment of this Act, the chief judge of the United States Court of Appeals for Veterans Claims shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of allowing judges of that court to participate in the survivor annuity programs available to other Federal judges.

Subtitle B—Renaming of Court

SEC. 511. RENAMING OF THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—The United States Court of Veterans Appeals is hereby renamed as, and shall hereafter be known and designated as, the United States Court of Appeals for Veterans Claims.

(b) SECTION 7251.—Section 7251 is amended by striking "United States Court of Veterans Appeals" and inserting "United States Court of Appeals for Veterans Claims".

SEC. 512. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—

(1) The following sections are amended by striking "Court of Veterans Appeals" each place it appears and inserting "Court of Appeals for Veterans Claims": sections 5904, 7101(b), 7252(a), 7253, 7254, 7255, 7256, 7261, 7262, 7263, 7264, 7266(a)(1), 7267(a), 7268(a), 7269, 7281(a), 7282(a), 7283, 7284, 7285(a), 7286, 7291, 7292, 7296, 7297, and 7298.

(2)(A) The heading of section 7286 is amended to read as follows:

"§ 7286. Judicial Conference of the Court".

(B) The heading of section 7291 is amended to read as follows:

"§ 7291. Date when Court decision becomes final".

(C) The heading of section 7298 is amended to read as follows:

"§ 7298. Retirement Fund".

(3) The table of sections at the beginning of chapter 72 is amended as follows:

(A) The item relating to section 7286 is amended to read as follows:

"7286. Judicial Conference of the Court.".

(B) The item relating to section 7291 is amended to read as follows:

"7291. Date when Court decision becomes final.".

(C) The item relating to section 7298 is amended to read as follows:

"7298. Retirement Fund.".

(4)(A) The heading of chapter 72 is amended to read as follows:

"CHAPTER 72—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS".

(B) The item relating to chapter 72 in the table of chapters at the beginning of title 38, United States Code, and the item relating to such chapter in the table of chapters at the beginning of part V are amended to read as follows:

"72. United States Court of Appeals for Veterans Claims .... 7251".

(b) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) The following provisions of law are amended by striking "Court of Veterans Appeals" each place it appears and inserting "Court of Appeals for Veterans Claims":

(A) Section 8440d of title 5, United States Code.

(B) Section 2412 of title 28, United States Code.

(C) Section 906 of title 44, United States Code.

(D) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2)(A) The heading of section 8440d of title 5, United States Code, is amended to read as follows:

"§ 8440d. Judges of the United States Court of Appeals for Veterans Claims".

(B) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

"8440d. Judges of the United States Court of Appeals for Veterans Claims.".

(c) OTHER LEGAL REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the United States to the United States Court of Veterans Appeals shall be deemed to be a reference to the United States Court of Appeals for Veterans Claims.

SEC. 513. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

TITLE VI—HOUSING

SEC. 601. LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS.

(a) IN GENERAL.—Chapter 37 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

"§ 3771. Definitions

"For purposes of this subchapter:

"(1) The term 'veteran' has the meaning given such term by paragraph (2) of section 101.

"(2) The term 'homeless veteran' means a veteran who is a homeless individual.

"(3) The term 'homeless individual' has the meaning given such term by section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

"§ 3772. General authority

"(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.

"(b)(1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than five such loans may be guaranteed during the three-year period beginning on the date of the enactment of this subchapter.

"(2) A guarantee of a loan under subsection (a) shall be in an amount that is not less than the amount necessary to sell the loan in a commercial market.

"(3) Not more than an aggregate amount of $100,000,000 in loans may be guaranteed under subsection (a).

"(c) A loan may not be guaranteed under this subchapter unless, before closing such loan, the Secretary has approved the loan.

"(d)(1) The Secretary shall enter into contracts with a qualified nonprofit organization, or other qualified organization, that has experience in underwriting transitional housing projects to obtain advice in carrying out this subchapter, including advice on the terms and conditions necessary for a loan that meets the requirements of section 3773 of this title.

"(2) For purposes of paragraph (1), a nonprofit organization is an organization that is described in paragraph (3) or (4) of subsection (c) of section 501 of the Internal Revenue Code of 1986 and is exempt from tax under subsection (a) of such section.

"(e) The Secretary may carry out this subchapter in advance of the issuance of regulations for such purpose.

"(f) The Secretary may guarantee loans under this subchapter notwithstanding any requirement for prior appropriations for such purpose under any provision of law.

"§ 3773. Requirements

"(a) A loan referred to in section 3772 of this title meets the requirements of this subchapter if each of the following requirements is met:

"(1) The loan—

"(A) is for—

"(i) construction of, rehabilitation of, or acquisition of land for a multifamily transitional housing project described in subsection (b), or more than one of such purposes; or

"(ii) refinancing of an existing loan for such a project; and

"(B) may also include additional reasonable amounts for—

"(i) financing acquisition of furniture, equipment, supplies, or materials for the project; or

"(ii) in the case of a loan made for purposes of subparagraph (A)(i), supplying the organization carrying out the project with working capital relative to the project.

"(2) The loan is made in connection with funding or the provision of substantial property or services for such project by either a State or local government or a nongovernmental entity, or both.

"(3) The maximum loan amount does not exceed the lesser of—

"(A) that amount generally approved (utilizing prudent underwriting principles) in the consideration and approval of projects of similar nature and risk so as to assure repayment of the loan obligation; and

"(B) 90 percent of the total cost of the project.

"(4) The loan is of sound value, taking into account the creditworthiness of the entity (and the individual members of the entity) applying for such loan.

"(5) The loan is secured.

"(6) The loan is subject to such terms and conditions as the Secretary determines are reasonable, taking into account other housing projects with similarities in size, location, population, and services provided.

"(b) For purposes of this subchapter, a multifamily transitional housing project referred to in subsection (a)(1) is a project that—

"(1) provides transitional housing to homeless veterans, which housing may be single room occupancy (as defined in section 8(n) of the United States Housing Act of 1937 (42 U.S.C. 1437f(n)));

"(2) provides supportive services and counselling services (including job counselling) at the project site with the goal of making such veterans self-sufficient;

"(3) requires that each such veteran seek to obtain and maintain employment;

"(4) charges a reasonable fee for occupying a unit in such housing; and

"(5) maintains strict guidelines regarding sobriety as a condition of occupying such unit.

"(c) Such a project—

"(1) may include space for neighborhood retail services or job training programs; and

"(2) may provide transitional housing to veterans who are not homeless and to homeless individuals who are not veterans if—

"(A) at the time of taking occupancy by any such veteran or homeless individual, the transitional housing needs of homeless veterans in the project area have been met;

"(B) the housing needs of any such veteran or homeless individual can be met in a manner that is compatible with the manner in which the needs of homeless veterans are met under paragraph (1); and

"(C) the provisions of paragraphs (4) and (5) of subsection (b) are met.

"(d) In determining whether to guarantee a loan under this subchapter, the Secretary shall consider—

"(1) the availability of Department of Veterans Affairs medical services to residents of the multifamily transitional housing project; and

"(2) the extent to which needs of homeless veterans are met in a community, as assessed under section 107 of Public Law 102–405.

"§ 3774. Default

"(a) The Secretary shall take such steps as may be necessary to obtain repayment on any loan that is in default and that is guaranteed under this subchapter.

"(b) Upon default of a loan guaranteed under this subchapter and terminated pursuant to State law, a lender may file a claim under the guarantee for an amount not to exceed the lesser of—

"(1) the maximum guarantee; or

"(2) the difference between—

"(A) the total outstanding obligation on the loan, including principal, interest, and expenses authorized by the loan documents, through the date of the public sale (as authorized under such documents and State law); and

"(B) the amount realized at such sale.

"§ 3775. Audit

"During each of the first three years of operation of a multifamily transitional housing project with respect to which a loan is guaranteed under this subchapter, there shall be an annual, independent audit of such operation. Such audit shall include a detailed statement of the operations, activities, and accomplishments of such project during the year covered by such audit. The party responsible for obtaining such audit (and paying the costs therefor) shall be determined before the Secretary issues a guarantee under this subchapter.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 is amended by adding at the end the following new items:

"SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

"3771. Definitions.
"3772. General authority.
"3773. Requirements.
"3774. Default.
"3775. Audit.".

SEC. 602. VETERANS HOUSING BENEFIT PROGRAM FUND ACCOUNT CONSOLIDATION.

(a) CONSOLIDATION OF HOUSING LOAN REVOLVING FUNDS.—Subchapter III of chapter 37 is amended—

(1) by striking out sections 3723, 3724, and 3725; and

(2) by inserting after section 3721 the following new section:

"§ 3722. Veterans Housing Benefit Program Fund

"(a) There is hereby established in the Treasury of the United States a fund known as the Veterans Housing Benefit Program Fund (hereafter in this section referred to as the 'Fund').

"(b) The Fund shall be available to the Secretary, without fiscal year limitation, for all housing loan operations under this chapter, other than administrative expenses, consistent with the Federal Credit Reform Act of 1990.

"(c) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

"(1) Any amount appropriated to the Fund.

"(2) Amounts paid into the Fund under section 3729 of this title or any other provision of law or regulation established by the Secretary imposing fees on persons or other entities participating in the housing loan programs under this chapter.

"(3) All other amounts received by the Secretary on or after October 1, 1998, incident to housing loan operations under this chapter, including—

"(A) collections of principal and interest on housing loans made by the Secretary under this chapter;

"(B) proceeds from the sale, rental, use, or other disposition of property acquired under this chapter;

"(C) proceeds from the sale of loans pursuant to sections 3720(h) and 3733(a)(3) of this title; and

"(D) penalties collected pursuant to section 3710(g)(4)(B) of this title.

"(d) Amounts deposited into the Fund under paragraphs (2) and (3) of subsection (c) shall be deposited in the appropriate financing or liquidating account of the Fund.

"(e) For purposes of this section, the term 'housing loan' shall not include a loan made pursuant to subchapter V of this chapter.".

(b) TRANSFERS OF AMOUNTS INTO VETERANS HOUSING BENEFIT PROGRAM FUND.—All amounts in the following funds are hereby transferred to the Veterans Housing Benefit Program Fund:

(1) The Direct Loan Revolving Fund, as such fund was continued under section 3723 of title 38, United States Code (as such section was in effect on the day before the effective date of this title).

(2) The Department of Veterans Affairs Loan Guaranty Revolving Fund, as established by section 3724 of such title (as such section was in effect on the day before the effective date of this title).

(3) The Guaranty and Indemnity Fund, as established by section 3725 of such title (as such section was in effect on the day before the effective date of this title).

(c) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES AND OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—

(1) REPEAL OF AUTHORITY TO SELL PARTICIPATION CERTIFICATES.—Section 3720 is amended by striking out subsection (e).

(2) REPEAL OF OBSOLETE REQUIREMENT TO CREDIT PROCEEDS.—Section 3733 is amended by striking out subsection (e).

(d) SUBMISSION OF SUMMARY FINANCIAL STATEMENT ON HOUSING PROGRAMS.—Section 3734 is amended by adding at the end the following new subsection:

"(c) The information submitted under subsection (a) shall include a statement that summarizes the financial activity of each of the housing programs operated under this chapter. The statement shall be presented in a form that is simple, concise, and readily understandable, and shall not include references to financing accounts, liquidating accounts, or program accounts.".

(e) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS TO CHAPTER 37.—Chapter 37 is amended as follows:

(A) Section 3703(e)(1) is amended by striking out "3729(c)(1)" and inserting in lieu thereof "3729(c)".

(B) Section 3711(k) is amended by striking out "and section 3723 of this title" both places it appears.

(C) Section 3727(c) is amended by striking out "funds established pursuant to sections 3723 and 3724 of this title, as applicable" and inserting in lieu thereof "fund established pursuant to section 3722 of this title".

(D) Section 3729 is amended—

(i) in subsection (c)—

(I) by striking out "(c)(1)" and inserting in lieu thereof "(c)"; and

(II) by striking out paragraphs (2) and (3); and

(ii) in subsection (a)(1), by striking out "(c)(1)" and inserting in lieu thereof "(c)".

(E) Section 3733(a)(6) is amended by striking out "Department of Veterans Affairs Loan Guaranty Revolving Fund established by section 3724(a)" and inserting in lieu thereof "Veterans Housing Benefit Program Fund established by section 3722(a)".

(F) Section 3734, as amended by subsection (d), is further amended—

(i) in subsection (a)—

(I) by striking out "Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund" in paragraph (1) and inserting in lieu thereof "Veterans Housing Benefit Program Fund"; and

(II) by striking out "funds," in paragraph (2) and inserting in lieu thereof "fund,";

(ii) in subsection (b), by striking out "each fund" in the matter preceding paragraph (1) and inserting in lieu thereof "the fund"; and

(iii) in subsection (b)(2)—

(I) by striking out subparagraph (B);

(II) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively; and

(III) in subparagraph (B), as so redesignated, by striking out "subsections (a)(3) and (c)(2) of section 3729" and inserting in lieu thereof "section 3729(a)(3)".

(G) Section 3735(a)(3)(A)(i) is amended by striking out "Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund" and inserting in lieu thereof "Veterans Housing Benefit Program Fund".

(2) OTHER CONFORMING AMENDMENT.—Section 2106(e) is amended by striking out ", as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 3723 or 3724 of this title, respectively" and inserting in lieu thereof "deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title".

(3) TECHNICAL AND CLERICAL AMENDMENTS.—(A) The heading for section 3734 is amended to read as follows:

"§ 3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs".

(B) The heading for section 3763 is amended to read as follows:

"§ 3763. Native American Veteran Housing Loan Program Account".

(C) The table of sections at the beginning of chapter 37 is amended—

(i) by inserting after the item relating to section 3721 the following new item:

"3722. Veterans Housing Benefit Program Fund.";

(ii) by striking out the items relating to sections 3723, 3724, and 3725;

(iii) by striking out the item relating to section 3734 and inserting in lieu thereof the following:

"3734. Annual submission of information on the Veterans Housing Benefit Program Fund and housing programs.";

and

(iv) by striking out the item relating to section 3763 and inserting in lieu thereof the following:

"3763. Native American Veteran Housing Loan Program Account.".

(f) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on October 1, 1998.

SEC. 603. EXTENSION OF ELIGIBILITY OF MEMBERS OF SELECTED RESERVE FOR VETERANS HOUSING LOANS.

(a) EXTENSION.—Section 3702(a)(2)(E) is amended by striking out "October 27, 1999," and inserting in lieu thereof "September 30, 2003,".

(b) ONE-YEAR EXTENSION OF FEE PROVISION.—Section 3729(a)(4) is amended—

(1) by striking out "With respect to a loan closed after September 30, 1993, and before October 1, 2002," and inserting in lieu thereof "(A) With respect to a loan closed during the period specified in subparagraph (B)"; and

(2) by adding at the end the following:

"(B) The specified period for purposes of subparagraph (A) is the period beginning on October 1, 1993, and ending on September 30, 2002, except that in the case of a loan described in subparagraph (D) of paragraph (2), such period ends on September 30, 2003.".

SEC. 604. APPLICABILITY OF PROCUREMENT LAW TO CERTAIN CONTRACTS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3720(b) is amended by striking "; however" and all that follows and inserting the following: ", except that title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) shall apply to any contract for services or supplies on account of any property acquired pursuant to this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into under section 3720 of title 38, United States Code, after the end of the 60-day period beginning on the date of the enactment of this Act.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

SEC. 701. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Alterations and demolition at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $23,200,000.

(2) Construction and seismic work at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $50,000,000.

(3) Outpatient clinic expansion at the Department of Veterans Affairs Medical Center, Washington, D.C., in an amount not to exceed $29,700,000.

(4) Construction of a psychogeriatric care building and demolition of a seismically unsafe building at the Department of Veterans Affairs Medical Center, Palo Alto, California, in an amount not to exceed $22,400,000.

(5) Construction of an ambulatory care addition and renovations for ambulatory care at the Department of Veterans Affairs Medical Center, Cleveland (Wade Park), Ohio, in an amount not to exceed $28,300,000, of which $7,500,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(6) Construction of an ambulatory care addition at the Department of Veterans Affairs Medical Center, Tucson, Arizona, in an amount not to exceed $35,000,000.

(7) Construction of an addition for psychiatric care at the Department of Veterans Affairs Medical Center, Dallas, Texas, in an amount not to exceed $24,200,000.

(8) Outpatient clinic projects at Auburn and Merced, California, as part of the Northern California Healthcare Systems Project, in an amount not to exceed $3,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation.

(9) Renovations to a nursing home care unit at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $9,500,000.

(10) Construction of a spinal cord injury center at the Department of Veterans Affairs Medical Center, Tampa, Florida, in an amount not to exceed $46,300,000, of which $20,000,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(b) CONSTRUCTION OF PARKING FACILITY.—The Secretary may construct a parking structure at the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $13,000,000, of which $11,900,000 shall be derived from funds in the Parking Revolving Fund.

SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for satellite outpatient clinics as follows:

(1) Baton Rouge, Louisiana, in an amount not to exceed $1,800,000.

(2) Daytona Beach, Florida, in an amount not to exceed $2,600,000.

(3) Oakland Park, Florida, in an amount not to exceed $4,100,000.

SEC. 703. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1999 and for fiscal year 2000—

(1) for the Construction, Major Projects, account $241,100,000 for the projects authorized in section 701(a); and

(2) for the Medical Care account, $8,500,000 for the leases authorized in section 702.

(b) LIMITATION.—(1) The projects authorized in section 701(a) may only be carried out using—

(A) funds appropriated for fiscal year 1999 or fiscal year 2000 pursuant to the authorization of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 1999 for a category of activity not specific to a project.

(2) The project authorized in section 701(b) may only be carried out using funds appropriated for a fiscal year before fiscal year 1999—

(A) for the Parking Revolving Fund; or

(B) for Construction, Major Projects, for a category of activity not specific to a project.

SEC. 704. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES FOR PURPOSES OF CONGRESSIONAL AUTHORIZATION.

Section 8104(a)(3)(B) is amended by striking out "$300,000" and inserting in lieu thereof "$600,000".

SEC. 705. THRESHOLD FOR TREATMENT OF PARKING FACILITY PROJECT AS A MAJOR MEDICAL FACILITY PROJECT.

Section 8109(i)(2) is amended by striking out "$3,000,000" and inserting in lieu thereof "$4,000,000".

SEC. 706. PARKING FEES.

(a) LIMITATION.—The Secretary of Veterans Affairs may not establish or collect any parking fee at any parking facility associated with the Spark M. Matsunaga Department of Veterans Affairs Medical and Regional Office Center in Honolulu, Hawaii.

(b) REPORT.—Not later than September 15, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report regarding the Department's experience in exercising and administering the authority of the Secretary to charge parking fees under subsections (d) and (e) of section 8109 of title 38, United States Code. The report shall include—

(1) the results of a survey which shall describe the parking facilities and number of parking spaces available to employees of the Department at each medical facility of the Department with more than 50 employees;

(2) an analysis of the means by which the Secretary could implement in a cost-effective manner the authority of the Secretary under subsection (e) of section 8109 of title 38, United States Code; and

(3) recommendations for amending section 8109 of such title—

(A) to address the applicability of parking fees to employees of the Secretary who are employed at a regional office which is co-located with a medical facility;

(B) to address the applicability of parking fees to persons using parking facilities at Department of Veterans Affairs medical centers co-located with facilities of the Department of Defense;

(C) to link any schedule of applicable fees to applicable commercial rates; and

(D) to achieve any other purpose.

SEC. 707. MASTER PLAN REGARDING USE OF DEPARTMENT OF VETERANS AFFAIRS LANDS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of such proposals.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of such proposals.

(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of the enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) over the next 25 years and over the next 50 years.

SEC. 708. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the "H. John Heinz III Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the H. John Heinz III Department of Veterans Affairs Medical Center.

SEC. 709. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.

The Department of Veterans Affairs medical center in Gainesville, Florida, is hereby designated as the "Malcom Randall Department of Veterans Affairs Medical Center". Any reference to that medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Malcom Randall Department of Veterans Affairs Medical Center.

SEC. 710. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, COLUMBUS, OHIO.

The Department of Veterans Affairs outpatient clinic in Columbus, Ohio, shall after the date of the enactment of this Act be known and designated as the "Chalmers P. Wylie Veterans Outpatient Clinic". Any reference to that outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Chalmers P. Wylie Veterans Outpatient Clinic.

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the "Department of Veterans Affairs Health Care Personnel Incentive Act of 1998".

SEC. 802. SCHOLARSHIP PROGRAM FOR DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES RECEIVING EDUCATION OR TRAINING IN THE HEALTH PROFESSIONS.

(a) PROGRAM AUTHORITY.—Chapter 76 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

"§ 7671. Authority for program

"As part of the Educational Assistance Program, the Secretary may carry out a scholarship program under this subchapter. The program shall be known as the Department of Veterans Affairs Employee Incentive Scholarship Program (hereinafter in this subchapter referred to as the 'Program'). The purpose of the Program is to assist, through the establishment of an incentive program for individuals employed in the Veterans Health Administration, in meeting the staffing needs of the Veterans Health Administration for health professional occupations for which recruitment or retention of qualified personnel is difficult.

"§ 7672. Eligibility; agreement

"(a) ELIGIBILITY.—To be eligible to participate in the Program, an individual must be an eligible Department employee who is accepted for enrollment or enrolled (as described in section 7602 of this title) as a full-time or part-time student in a field of education or training described in subsection (c).

"(b) ELIGIBLE DEPARTMENT EMPLOYEES.—For purposes of subsection (a), an eligible Department employee is any employee of the Department who, as of the date on which the employee submits an application for participation in the Program, has been continuously employed by the Department for not less than two years.

"(c) QUALIFYING FIELDS OF EDUCATION OR TRAINING.—A scholarship may be awarded under the Program only for education and training in a field leading to appointment or retention in a position under section 7401 of this title.

"(d) AWARD OF SCHOLARSHIPS.—Notwithstanding section 7603(d) of this title, the Secretary, in selecting participants in the Program, may award a scholarship only to applicants who have a record of employment with the Veterans Health Administration which, in the judgment of the Secretary, demonstrates a high likelihood that the applicant will be successful in completing such education or training and in employment in such field.

"(e) AGREEMENT.—(1) An agreement between the Secretary and a participant in the Program shall (in addition to the requirements set forth in section 7604 of this title) include the following:

"(A) The Secretary's agreement to provide the participant with a scholarship under the Program for a specified number (from one to three) of school years during which the participant pursues a course of education or training described in subsection (c) that meets the requirements set forth in section 7602(a) of this title.

"(B) The participant's agreement to serve as a full-time employee in the Veterans Health Administration for a period of time (hereinafter in this subchapter referred to as the 'period of obligated service') determined in accordance with regulations prescribed by the Secretary of up to three calendar years for each school year or part thereof for which the participant was provided a scholarship under the Program, but for not less than three years.

"(C) The participant's agreement to serve under subparagraph (B) in a Department facility selected by the Secretary.

"(2) In a case in which an extension is granted under section 7673(c)(2) of this title, the number of years for which a scholarship may be provided under the Program shall be the number of school years provided for as a result of the extension.

"(3) In the case of a participant who is a part-time student, the period of obligated service shall be reduced in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant, but in no event to less than one year.

"§ 7673. Scholarship

"(a) SCHOLARSHIP.—A scholarship provided to a participant in the Program for a school year shall consist of payment of the tuition (or such portion of the tuition as may be provided under subsection (b)) of the participant for that school year and payment of other reasonable educational expenses (including fees, books, and laboratory expenses) for that school year.

"(b) AMOUNTS.—The total amount of the scholarship payable under subsection (a)—

"(1) in the case of a participant in the Program who is a full-time student, may not exceed $10,000 for any one year; and

"(2) in the case of a participant in the Program who is a part-time student, shall be the amount specified in paragraph (1) reduced in accordance with the proportion that the number of credit hours carried by the participant in that school year bears to the number of credit hours required to be carried by a full-time student in the course of education or training being pursued by the participant.

"(c) LIMITATION ON YEARS OF PAYMENT.—(1) Subject to paragraph (2), a participant in the Program may not receive a scholarship under subsection (a) for more than three school years.

"(2) The Secretary may extend the number of school years for which a scholarship may be awarded to a participant in the Program who is a part-time student to a maximum of six school years if the Secretary determines that the extension would be in the best interest of the United States.

"(d) PAYMENT OF EDUCATIONAL EXPENSES BY EDUCATIONAL INSTITUTIONS.—The Secretary may arrange with an educational institution in which a participant in the Program is enrolled for the payment of the educational expenses described in subsection (a). Such payments may be made without regard to subsections (a) and (b) of section 3324 of title 31.

"§ 7674. Obligated service

"(a) IN GENERAL.—Each participant in the Program shall provide service as a full-time employee of the Department for the period of obligated service provided in the agreement of the participant entered into under section 7603 of this title. Such service shall be provided in the full-time clinical practice of such participant's profession or in another health-care position in an assignment or location determined by the Secretary.

"(b) DETERMINATION OF SERVICE COMMENCEMENT DATE.—(1) Not later than 60 days before a participant's service commencement date, the Secretary shall notify the participant of that service commencement date. That date is the date for the beginning of the participant's period of obligated service.

"(2) As soon as possible after a participant's service commencement date, the Secretary shall—

"(A) in the case of a participant who is not a full-time employee in the Veterans Health Administration, appoint the participant as such an employee; and

"(B) in the case of a participant who is an employee in the Veterans Health Administration but is not serving in a position for which the participant's course of education or training prepared the participant, assign the participant to such a position.

"(3)(A) In the case of a participant receiving a degree from a school of medicine, osteopathy, dentistry, optometry, or podiatry, the participant's service commencement date is the date upon which the participant becomes licensed to practice medicine, osteopathy, dentistry, optometry, or podiatry, as the case may be, in a State.

"(B) In the case of a participant receiving a degree from a school of nursing, the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date upon which the participant becomes licensed as a registered nurse in a State.

"(C) In the case of a participant not covered by subparagraph (A) or (B), the participant's service commencement date is the later of—

"(i) the participant's course completion date; or

"(ii) the date the participant meets any applicable licensure or certification requirements.

"(4) The Secretary shall by regulation prescribe the service commencement date for participants who were part-time students. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3).

"(c) COMMENCEMENT OF OBLIGATED SERVICE.—(1) Except as provided in paragraph (2), a participant in the Program shall be considered to have begun serving the participant's period of obligated service—

"(A) on the date, after the participant's course completion date, on which the participant (in accordance with subsection (b)) is appointed as a full-time employee in the Veterans Health Administration; or

"(B) if the participant is a full-time employee in the Veterans Health Administration on such course completion date, on the date thereafter on which the participant is assigned to a position for which the participant's course of training prepared the participant.

"(2) A participant in the Program who on the participant's course completion date is a full-time employee in the Veterans Health Administration serving in a capacity for which the participant's course of training prepared the participant shall be considered to have begun serving the participant's period of obligated service on such course completion date.

"(d) Course Completion Date Defined.—In this section, the term 'course completion date' means the date on which a participant in the Program completes the participant's course of education or training under the Program.

"§ 7675. Breach of agreement: liability

"(a) Liquidated Damages.—A participant in the Program (other than a participant described in subsection (b)) who fails to accept payment, or instructs the educational institution in which the participant is enrolled not to accept payment, in whole or in part, of a scholarship under the agreement entered into under section 7603 of this title shall be liable to the United States for liquidated damages in the amount of $1,500. Such liability is in addition to any period of obligated service or other obligation or liability under the agreement.

"(b) Liability During Course of Education or Training.—(1) Except as provided in subsection (d), a participant in the Program shall be liable to the United States for the amount which has been paid to or on behalf of the participant under the agreement if any of the following occurs:

"(A) The participant fails to maintain an acceptable level of academic standing in the educational institution in which the participant is enrolled (as determined by the educational institution under regulations prescribed by the Secretary).

"(B) The participant is dismissed from such educational institution for disciplinary reasons.

"(C) The participant voluntarily terminates the course of education or training in such educational institution before the completion of such course of education or training.

"(D) The participant fails to become licensed to practice medicine, osteopathy, dentistry, podiatry, or optometry in a State, fails to become licensed as a registered nurse in a State, or fails to meet any applicable licensure requirement in the case of any other health-care personnel who provide either direct patient-care services or services incident to direct patient-care services, during a period of time determined under regulations prescribed by the Secretary.

"(E) In the case of a participant who is a part-time student, the participant fails to maintain employment, while enrolled in the course of training being pursued by the participant, as a Department employee.

"(2) Liability under this subsection is in lieu of any service obligation arising under a participant's agreement.

"(c) Liability During Period of Obligated Service.—(1) Except as provided in subsection (d), if a participant in the Program breaches the agreement by failing for any reason to complete such participant's period of obligated service, the United States shall be entitled to recover from the participant an amount determined in accordance with the following formula:

$$A=3\Phi\ \left(\frac{t-s}{t}\right)$$

"(2) In such formula:

"(A) 'A' is the amount the United States is entitled to recover.

"(B) 'Φ' is the sum of—

"(i) the amounts paid under this subchapter to or on behalf of the participant; and

"(ii) the interest on such amounts which would be payable if at the time the amounts were paid they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States.

"(C) 't' is the total number of months in the participant's period of obligated service, including any additional period of obligated service in accordance with section 7673(c)(2) of this title.

"(D) 's' is the number of months of such period served by the participant in accordance with section 7673 of this title.

"(d) Limitation on Liability for Reductions-in-Force.—Liability shall not arise under subsection (b)(1)(E) or (c) in the case of a participant otherwise covered by the subsection concerned if the participant fails to maintain employment as a Department employee due to a staffing adjustment.

"(e) Period for Payment of Damages.—Any amount of damages which the United States is entitled to recover under this section shall be paid to the United States within the one-year period beginning on the date of the breach of the agreement.

"§ 7676. Expiration of program

"The Secretary may not furnish scholarships to individuals who have not commenced participation in the Program before December 31, 2001.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER VI—EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM

"7671. Authority for program.
"7672. Eligibility; agreement.
"7673. Scholarship.
"7674. Obligated service.
"7675. Breach of agreement: liability.
"7676. Expiration of program.".

SEC. 803. EDUCATION DEBT REDUCTION PROGRAM FOR VETERANS HEALTH ADMINISTRATION HEALTH PROFESSIONALS.

(a) Program Authority.—Chapter 76 (as amended by section 802(a)), is further amended by adding after subchapter VI the following new subchapter:

"SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

"§ 7681. Authority for program

"(a) In General.—(1) As part of the Educational Assistance Program, the Secretary may carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereinafter in this subchapter referred to as the 'Education Debt Reduction Program').

"(2) The purpose of the Education Debt Reduction Program is to assist in the recruitment of qualified health care professionals for positions in the Veterans Health Administration for which recruitment or retention of an adequate supply of qualified personnel is difficult.

"(b) Relationship to Educational Assistance Program.—Education debt reduction payments under the Education Debt Reduction Program may be in addition to other assistance available to individuals under the Educational Assistance Program.

"§ 7682. Eligibility

"(a) Eligibility.—An individual is eligible to participate in the Education Debt Reduction Program if the individual—

"(1) is a recently appointed employee in the Veterans Health Administration serving under an appointment under section 7402(b) of this title in a position for which recruitment or retention of a qualified health-care personnel (as determined by the Secretary) is difficult; and

"(2) owes any amount of principal or interest under a loan, the proceeds of which were used by or on behalf of that individual to pay costs relating to a course of education or training which led to a degree that qualified the individual for the position referred to in paragraph (1).

"(b) Covered Costs.—For purposes of subsection (a)(2), costs relating to a course of education or training include—

"(1) tuition expenses;

"(2) all other reasonable educational expenses, including expenses for fees, books, and laboratory expenses; and

"(3) reasonable living expenses.

"(c) Recently Appointed Individuals.—For purposes of subsection (a), an individual shall be considered to be recently appointed to a position if the individual has held that position for less than six months.

"§ 7683. Education debt reduction

"(a) In General.—Education debt reduction payments under the Education Debt Reduction Program shall consist of payments to individuals selected to participate in the program of amounts to reimburse such individuals for payments by such individuals of principal and interest on loans described in section 7682(a)(2) of this title.

"(b) Frequency of Payment.—(1) The Secretary may make education debt reduction payments to any given participant in the Education Debt Reduction Program on a monthly or annual basis, as determined by the Secretary.

"(2) The Secretary shall make such payments at the end of the period determined by the Secretary under paragraph (1).

"(c) Performance Requirement.—The Secretary may make education debt reduction payments to a participant in the Education Debt Reduction Program for a period only if the Secretary determines that the individual maintained an acceptable level of performance in the position or positions served by the participant during the period.

"(d) Maximum Annual Amount.—(1) Subject to paragraph (2), the amount of education debt reduction payments made to a participant for a year under the Education Debt Reduction Program may not exceed—

"(A) $6,000 for the first year of the participant's participation in the Program;

"(B) $8,000 for the second year of the participant's participation in the Program; and

"(C) $10,000 for the third year of the participant's participation in the Program.

"(2) The total amount payable to a participant in such Program for any year may not exceed the amount of the principal and interest on loans referred to in subsection (a) that is paid by the individual during such year.

"§ 7684. Expiration of program

"The Secretary may not make education debt reduction payments to individuals who have not commenced participation in the Education Debt Reduction Program before December 31, 2001.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter (as amended by section 802(b)) is further amended by adding at the end the following new items:

"SUBCHAPTER VII—EDUCATION DEBT REDUCTION PROGRAM

"7681. Authority for program.
"7682. Eligibility.
"7683. Education debt reduction.
"7684. Expiration of program.".

SEC. 804. REPEAL OF PROHIBITION ON PAYMENT OF TUITION LOANS.

Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4959; 38 U.S.C. 7601 note) is repealed.

SEC. 805. CONFORMING AMENDMENTS.

Chapter 76 is amended as follows:

(1) Section 7601(a) is amended—

(A) by striking out "and" at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) the employee incentive scholarship program provided for in subchapter VI of this chapter; and"; and

"(5) the education debt reduction program provided for in subchapter VII of this chapter.".

(2) Section 7602 is amended—

(A) in subsection (a)(1)—

(i) by striking out "subchapter I or II" and inserting in lieu thereof "subchapter II, III, or VI";

(ii) by striking out "or for which" and inserting in lieu thereof ", for which"; and

(iii) by inserting before the period at the end the following: ", or for which a scholarship may be awarded under subchapter VI of this chapter, as the case may be"; and

(B) in subsection (b), by striking out "subchapter I or II" and inserting in lieu thereof "subchapter II, III, or VI".

(3) Section 7603 is amended—

(A) in subsection (a)—

(i) by striking out "To apply to participate in the Educational Assistance Program," and inserting in lieu thereof "(1) To apply to participate in the Educational Assistance Program under subsection II, III, V, or VI of this chapter,"; and

(ii) by adding at the end the following:

"(2) To apply to participate in the Educational Assistance Program under subchapter VII of this chapter, an individual shall submit to the Secretary an application for such participation."; and

(B) in subsection (b)(1), by inserting "(if required)" before the period at the end.

(4) Section 7604 is amended by striking out "subchapter II, III, or V" in paragraphs (1)(A), (2)(D), and (5) and inserting in lieu thereof "subchapter II, III, V, or VI".

(5) Section 7632 is amended—

(A) in paragraph (1)—

(i) by striking out "and the Tuition Reimbursement Program" and inserting in lieu thereof ", the Tuition Reimbursement Program, the Employee Incentive Scholarship Program, and the Education Debt Reduction Program"; and

(ii) by inserting "(if any)" after "number of students";

(B) in paragraph (2), by inserting "(if any)" after "education institutions"; and

(C) in paragraph (4)—

(i) by striking "and per participant" and inserting in lieu thereof ", per participant"; and

(ii) by inserting ", per participant in the Employee Incentive Scholarship Program, and per participant in the Education Debt Reduction Program" before the period at the end.

(6) Section 7636 is amended by striking "or a stipend" and inserting "a stipend, or education debt reduction".

SEC. 806. COORDINATION WITH APPROPRIATIONS PROVISION.

This title shall be considered to be the authorizing legislation referred to in the third proviso under the heading "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE" in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, and the reference in that proviso to the "Primary Care Providers Incentive Act" shall be treated as referring to this title.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

SEC. 901. EXAMINATIONS AND CARE ASSOCIATED WITH CERTAIN RADIATION TREATMENT.

(a) IN GENERAL.—Chapter 17 is amended by inserting after section 1720D the following new section:

"§ 1720E. Nasopharyngeal radium irradiation

"(a) The Secretary may provide any veteran a medical examination, and hospital care, medical services, and nursing home care, which the Secretary determines is needed for the treatment of any cancer of the head or neck which the Secretary finds may be associated with the veteran's receipt of nasopharyngeal radium irradiation treatments in active military, naval, or air service.

"(b) The Secretary shall provide care and services to a veteran under subsection (a) only on the basis of evidence in the service records of the veteran which document nasopharyngeal radium irradiation treatment in service, except that, notwithstanding the absence of such documentation, the Secretary may provide such care to a veteran who—

"(1) served as an aviator in the active military, naval, or air service before the end of the Korean conflict; or

"(2) underwent submarine training in active naval service before January 1, 1965.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Nasopharyngeal radium irradiation.".

SEC. 902. EXTENSION OF AUTHORITY TO COUNSEL AND TREAT VETERANS FOR SEXUAL TRAUMA.

Section 1720D(a) is amended by striking out "December 31, 1998" in paragraphs (1) and (3) and inserting in lieu thereof "December 31, 2001".

SEC. 903. MANAGEMENT OF SPECIALIZED TREATMENT AND REHABILITATIVE PROGRAMS.

(a) STANDARDS OF JOB PERFORMANCE.—Section 1706(b) is amended—

(1) in paragraph (2), by striking out "April 1, 1997, April 1, 1998, and April 1, 1999" and inserting in lieu thereof "April 1, 1999, April 1, 2000, and April 1, 2001"; and

(2) by adding at the end the following new paragraph:

"(3)(A) To ensure compliance with paragraph (1), the Under Secretary for Health shall prescribe objective standards of job performance for employees in positions described in subparagraph (B) with respect to the job performance of those employees in carrying out the requirements of paragraph (1). Those job performance standards shall include measures of workload, allocation of resources, and quality-of-care indicators.

"(B) Positions described in this subparagraph are positions in the Veterans Health Administration that have responsibility for allocating and managing resources applicable to the requirements of paragraph (1).

"(C) The Under Secretary shall develop the job performance standards under subparagraph (A) in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.".

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The standards of job performance required by paragraph (3) of section 1706(b) of title 38, United States Code, as added by subsection (a), shall be prescribed not later than January 1, 1999.

SEC. 904. AUTHORITY TO USE FOR OPERATING EXPENSES OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES AMOUNTS AVAILABLE BY REASON OF THE LIMITATION ON PENSION FOR VETERANS RECEIVING NURSING HOME CARE.

(a) IN GENERAL.—Section 5503(a)(1)(B) is amended by striking "Effective through September 30, 1997, any" in the second sentence and inserting "Any".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 1, 1997.

SEC. 905. REPORT ON NURSE LOCALITY PAY.

(a) REPORT REQUIRED.—(1) Not later than February 1, 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report assessing the system of locality-based pay for nurses established under the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101–366) and now set forth in section 7451 of title 38, United States Code.

(2) The Secretary shall submit with the report under paragraph (1) a copy of the report on the locality pay system prepared by the contractor pursuant to a contract with Systems Flow, Inc., that was entered into on May 22, 1998.

(b) MATTERS TO BE INCLUDED—The report of the Secretary under subsection (a)(1) shall include the following:

(1) An assessment of the effects of the locality-based pay system, including information, shown by facility and grade level, regarding the frequency and percentage increases, if any, in the rate of basic pay under that system of nurses employed in the Veterans Health Administration.

(2) An assessment of the manner in which that system is being applied.

(3) Plans and recommendations of the Secretary for administrative and legislative improvements or revisions to the locality pay system.

(4) An explanation of the reasons for any decision not to adopt any recommendation in the report referred to in subsection (a)(2).

(c) UPDATED REPORT.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report updating the report submitted under subsection (a)(1).

SEC. 906. ANNUAL REPORT ON PROGRAM AND EXPENDITURES OF DEPARTMENT OF VETERANS AFFAIRS FOR DOMESTIC RESPONSE TO WEAPONS OF MASS DESTRUCTION.

(a) IN GENERAL.—Subchapter II of chapter 5 is amended by adding at the end the following new section:

"§ 530. Annual report on program and expenditures for domestic response to weapons of mass destruction

"(a) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report, to be submitted each year at the time that the President submits the budget for the next fiscal year under section 1105 of title 31, on the activities of the Department relating to preparation for, and participation in, a domestic medical response to an attack involving weapons of mass destruction.

"(b) Each report under subsection (a) shall include the following:

"(1) A statement of the amounts of funds and the level of personnel resources (stated in terms of full-time equivalent employees) expected to be used by the Department during the next fiscal year in preparation for a domestic medical response to an attack involving weapons of mass destruction, including the anticipated source of those funds and any anticipated shortfalls in funds or personnel resources to achieve the tasks assigned the Department by the President in connection with preparation for such a response.

"(2) A detailed statement of the funds expended and personnel resources (stated in terms of full-time equivalent employees) used during the fiscal year preceding the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of those funds and a description of how those funds were expended.

"(3) A detailed statement of the funds expended and expected to be expended, and the personnel resources (stated in terms of full-time equivalent employees) used and expected to be used, during the fiscal year during which the report is submitted in preparation for a domestic medical response to an attack involving weapons of mass destruction or in response to such an attack, including identification of the source of funds expended and a description of how those funds were expended.

"(c) This section shall expire on January 1, 2009.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

"530. Annual report on program and expenditures for domestic response to weapons of mass destruction.".

SEC. 907. INTERIM APPOINTMENT OF UNDER SECRETARY FOR HEALTH.

The President may appoint to the position of Under Secretary for Health of the Department of Veterans Affairs, for service through June 30, 1999, the individual whose appointment to that position under section 305 of title 38, United States Code, expired on September 28, 1998.

TITLE X—OTHER MATTERS

SEC. 1001. REQUIREMENT FOR NAMING OF DEPARTMENT PROPERTY.

(a) In General.—(1) Subchapter II of chapter 5, as amended by section 906(a), is further amended by adding at the end the following new section:

"§ 531. Requirement relating to naming of Department property

"Except as expressly provided by law, a facility, structure, or real property of the Department, and a major portion (such as a wing or floor) of any such facility, structure, or real property, may be named only for the geographic area in which the facility, structure, or real property is located.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 530, as added by section 906(b), the following new item:

"531. Requirement relating to naming of Department property.".

(b) Effective Date.—Section 531 of title 38, United States Code, as added by subsection (a)(1), shall apply with respect to the assignment or designation of the name of a facility, structure, or real property of the Department of Veterans Affairs (or of a major portion thereof) after the date of the enactment of this Act.

SEC. 1002. MEMBERS OF THE BOARD OF VETERANS' APPEALS.

(a) Requirement for Board Members To Be Attorneys.—Section 7101A(a) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each member of the Board shall be a member in good standing of the bar of a State.".

(b) Employment Reversion Rights.—Paragraph (2) of section 7101A(d) is amended to read as follows:

"(2)(A) Upon removal from the Board under paragraph (1) of a member of the Board who before appointment to the Board served as an attorney in the civil service, the Secretary shall appoint that member to an attorney position at the Board, if the removed member so requests. If the removed member served in an attorney position at the Board immediately before appointment to the Board, appointment to an attorney position under this paragraph shall be in the grade and step held by the removed member immediately before such appointment to the Board.

"(B) The Secretary is not required to make an appointment to an attorney position under this paragraph if the Secretary determines that the member of the Board removed under paragraph (1) is not qualified for the position.".

SEC. 1003. FLEXIBILITY IN DOCKETING AND HEARING OF APPEALS BY BOARD OF VETERANS' APPEALS.

(a) Flexibility in Order of Consideration and Determination.—Subsection (a) of section 7107 is amended—

(1) in paragraph (1), by inserting "in paragraphs (2) and (3) and" after "Except as provided";

(2) in paragraph (2), by striking out the second sentence and inserting in lieu thereof the following: "Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

"(A) if the case involves interpretation of law of general application affecting other claims;

"(B) if the appellant is seriously ill or is under severe financial hardship; or

"(C) for other sufficient cause shown."; and

(3) by adding at the end the following new paragraph:

"(3) A case referred to in paragraph (1) may be postponed for later consideration and determination if such postponement is necessary to afford the appellant a hearing.".

(b) Scheduling of Field Hearings.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking out "in the order" and all that follows through the end and inserting in lieu thereof "in accordance with the place of the case on the docket under subsection (a) relative to other cases on the docket for which hearings are scheduled to be held within that area."; and

(2) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

"(3) A hearing to be held within an area served by a regional office of the Department may, for cause shown, be advanced on motion for an earlier hearing. Any such motion shall set forth succinctly the grounds upon which the motion is based. Such a motion may be granted only—

"(A) if the case involves interpretation of law of general application affecting other claims;

"(B) if the appellant is seriously ill or is under severe financial hardship; or

"(C) for other sufficient cause shown.".

SEC. 1004. DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS.

(a) In General.—Section 4103A(a)(1) is amended—

(1) in the first sentence, by striking out "for each 6,900 veterans residing in such State" through the period and inserting in lieu thereof "for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.";

(2) in the third sentence, by striking out "of the Vietnam era"; and

(3) by striking out the fourth sentence.

(b) Effective Date.—The amendments made by this section shall apply with respect to appointments of disabled veterans' outreach program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 1005. TECHNICAL AMENDMENTS.

(a) Section Redesignation.—Section 1103, as added by section 8031(a) of the Veterans Reconciliation Act of 1997 (title VIII of Public Law 105–33), is redesignated as section 1104, and the item relating to that section in the table of sections at the beginning of chapter 11 is revised to reflect that redesignation.

(b) Other Amendments to Title 38, U.S.C.—

(1) Section 712(a) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "November 2, 1994,".

(2) Section 1706(b)(1) is amended by striking out "the date of the enactment of this section" at the end of the first sentence and inserting in lieu thereof "October 9, 1996".

(3) Section 1710(e)(2)(A)(ii) is amended by striking out "section 2" and inserting in lieu thereof "section 3".

(4) Section 1803(c)(2) is amended by striking out "who furnishes health care that the Secretary determines authorized" and inserting in lieu thereof "furnishing health care services that the Secretary determines are authorized".

(5) Section 2408(d)(1) is amended—

(A) by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "November 21, 1997,"; and

(B) by striking out "on the condition described in" and inserting in lieu thereof "subject to the condition specified in".

(6) Section 3018B(a)(2)(E) is amended by striking out "before the one-year period beginning on the date of enactment of this section," and inserting in lieu thereof "before October 23, 1993,".

(7) Section 3231(a)(2) is amended by striking out "subsection (f)" and inserting in lieu thereof "subsection (e)".

(8) Section 3674A(b)(1) is amended by striking out "after the 18-month period beginning on the date of the enactment of this section".

(9) Section 3680A(d)(2)(C) is amended by striking out "section".

(10) Section 3714(f)(1)(B) is amended by striking out "more than 45 days after the date of the enactment of the Veterans' Benefits and Programs Improvement Act of 1988" and inserting in lieu thereof "after January 1, 1989".

(11) Section 3727(a) is amended by striking out "the date of enactment of this section" and inserting in lieu thereof "May 7, 1968".

(12) Section 3730(a) is amended by striking out "Within" and all that follows through "steps to" and inserting in lieu thereof "The Secretary shall".

(13) Section 4102A(e)(1) is amended by striking out the second sentence and inserting in lieu thereof the following: "A person may not be assigned after October 9, 1996, as such a Regional Administrator unless the person is a veteran.".

(14) Section 4110A is amended—

(A) by striking out subsection (b); and

(B) by redesignating paragraph (3) of subsection (a) as subsection (b) and striking out "paragraph (1)" therein and inserting in lieu thereof "subsection (a)".

(15) Section 5303A(d) is amended—

(A) in paragraph (2)(B), by striking out "on or after the date of the enactment of this subsection" and inserting in lieu thereof "after October 13, 1982,"; and

(B) in paragraph (3)(B)(i), by striking out "on or after the date of the enactment of this subsection," and inserting in lieu thereof "after October 13, 1982,".

(16) Section 5313(d)(1) is amended by striking out "the date of the enactment of this section," and inserting in lieu thereof "October 7, 1980,".

(17) Section 5315(b)(1) is amended by striking out "the date of the enactment of this section," and inserting in lieu thereof "October 17, 1980,".

(18) Section 8107(b)(3)(E) is amended by striking out "section 7305" and inserting in lieu thereof "section 7306(f)(1)(A)".

(c) PUBLIC LAW 104–275.—The Veterans' Benefits Improvements Act of 1996 (Public Law 104–275) is amended as follows:

(1) Section 303(b) (110 Stat. 3332; 38 U.S.C. 4104 note) is amended by striking out "sections 4104(b)(1) and (c)" and inserting in lieu thereof "subsections (b)(1) and (c) of section 4104".

(2) Section 705(e) (110 Stat. 3350; 38 U.S.C. 545 note) is amended by striking out "section 5316" and inserting in lieu thereof "section 5315".

TITLE XI—COMPENSATION COST-OF-LIVING ADJUSTMENT

SEC. 1101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1998, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1998.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1998, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 1102. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1998, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 1101, as increased pursuant to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.Res. 592.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I ask unanimous consent that each side be limited to 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House and Senate Veterans' Affairs Committees have reached an agreement on a wide-ranging package of veterans' program enhancements in our usual bipartisan fashion. I believe this bill is an excellent package of program reform for veterans. It clearly demonstrates action by Congress to fulfill our Nation's commitment to those who have sacrificed in the defense of freedom.

Mr. Speaker, I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the measure now before the House, as amended, the Veterans' Benefits Enhancement Act of 1998, deserves the strong support of every Member of the House of Representatives.

This measure improves the benefits provided by a grateful Nation to the men and women who, through their honorable service in uniform, have earned the benefits provided by Congress on behalf of this grateful Nation. The legislation is the result of diligent work, and I want to thank the gentleman from Arizona (Mr. STUMP), chairman of the committee, for his work and efforts in making this come to passage today.

One of the most important provisions creates a new permanent framework for establishing a presumption of service connection for Persian Gulf war veterans. I urge every Member to support the passage of this legislation.

Mr. Speaker, I rise in support of the Veterans' Programs Enhancement Act of 1998. This omnibus measure improves many of the benefits which a grateful Nation has provided to the men and women who served in uniform and deserves the strong support of every Member of this body.

The legislation now before us is the result of the diligent work and cooperative efforts of many Members. In particular, I want to recognize and thank the Chairman of the Committee, the gentleman from Arizona, for his continued leadership on behalf of the Nation's veterans. I also want to commend the Chairman and Ranking Democratic Member of our Health Subcommittee, CLIFF STEARNS and LUIS GUTIERREZ; the Chairman and Ranking Democratic Member of our Benefits Subcommittee, JACK QUINN and BOB FILNER; the Chairman and Ranking Democratic Member of our Oversight and Investigations Subcommittee, TERRY EVERETT and JIM CLYBURN, and the other Members of the Committee who have contributed to this legislation. I also want to recognize the Democratic and Republican staffs for their outstanding efforts and their critical contributions to the legislative process and the measure before us.

COST-OF-LIVING ADJUSTMENT

The Veterans' Benefits Enhancement Act of 1998 includes numerous important provisions. This measure provides a cost-of-living adjustment (COLA) in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. The bill assures our veterans and their families that the value of these benefits will not be diluted by increases in the cost-of-living. While the amount of the increase to veterans and their families will not be great because of minimal inflation, it will protect the purchasing power of these beneficiaries. By enacting this bill, we are keeping our promises to those veterans who have sacrificed their health and, in some cases, their lives for our nation. The adjustment to be provided to veterans in receipt of compensation for a service-connected disability are to be the same rate of increase being provided to beneficiaries of Social Security benefits. Our Nation owes much to those who have honorably served in our Armed Forces.

PERSIAN GULF VETERANS

This bill provides for an independent scientific inquiry and research to ascertain the nature of the illnesses which are experienced by our Gulf War veterans and to determine the most effective means of treatment for these illnesses. This will fulfill for many Persian Gulf veterans, as well as the American public, the need to bring a credible "third-party" perspective to the table.

Earlier this year I introduced H.R. 3279, the Persian Gulf Veterans Act of 1998, which provided for epidemiological studies to identify medical conditions which are more prevalent among Gulf War theatre veterans than comparable groups. This scientific approach provides an important means of identifying those medical conditions for which VA should consider compensating Gulf War veterans. I am pleased the compromise legislation we are considering today incorporates the intent of H.R. 3279.

Approximately 697,000 American men and women served our country during Operations Desert Shield and Desert Storm. These members of the Armed Forces were subject to the rigors of combat in a desert environment and to a variety of potentially toxic substances which alone, or in combination, may have adversely affected their health.

It may take years to determine why Gulf veterans are sick, but one thing is indisputable. Our veterans are suffering, and many share similar symptoms that are not attributable to any particular known cause. These symptoms, rather than unknown and yet-to-be-determined causes, are an appropriate basis for granting compensation. This approach will require scientists to determine which conditions are most likely the result of Gulf War service. This approach will also not require veterans to prove that a certain specific exposure caused an adverse health outcome; proof of which would require science and data that do not now, and may never, exist.

Determining the "prevalence" of the illnesses Gulf War theatre veterans experience more often than comparable populations is a scientifically valid epidemiological approach endorsed by scientists from the President's Gulf War advisory panel. On February 5, 1998, Dr. Arthur Caplan, a member of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, stated that his Committee felt a prevalence model gave the veterans the greatest benefit of the doubt. According to Dr. Caplan, "Gulf War Illness is a very real phenomena. No one on this committee should doubt that for a moment. . . . What should be forthcoming . . . is an unwavering commitment from this Congress and this administration to provide the health and disability benefits to all those who became sick when they came back from the Gulf."

I am very pleased the measure before us today includes, in principle, many of the provisions contained in the Persian Gulf Veterans Act of 1998 and believe it will provide answers to the many health-related questions and concerns of our Gulf War veterans.

The measure before us also authorizes a study to determine scientifically-rigorous measures of health treatment provided to Gulf War veterans. Many veterans have told me heartbreaking stories about the deterioration of their health since their return from the Gulf. Some have been suffering for many years and are desperate for effective health care treatment. Finding meaningful ways of assessing outcomes can help scientists determine the best health care treatments so more veterans can benefit from them. Assessing effective treatment was an important part of my bill, H.R. 3279, and I thank my colleagues for including this provision in the compromise agreement.

This legislation also extends expiring authority for the health care assessment of spouses and dependents of Gulf War veterans. I have strongly supported this program but have been concerned that inadequate implementation by VA has hampered its usefulness. For the many dependents who seem to be suffering from ailments similar to those experienced by their spouses who served in the Gulf, providing them with a thorough physical examination is entirely appropriate and will, hopefully, ensure their peace of mind. This measure will provide the opportunity for more dependents to take advantage of this important program.

ELIGIBILITY FOR VA HEALTH CARE FOR PGW VETERANS

Another of the important component of this bill is the extension of eligibility for VA health care for PGW veterans with undiagnosed illnesses until the year 2002. Earlier this year, I introduced H.R. 3571 which extended this authority and am pleased this provision was incorporated in the measure before us today.

NATIONAL CENTER FOR WAR-RELATED ILLNESSES

In addition, this legislation requires VA to enter into a study to determine the agencies and resources best suited to examine war-related illnesses. A plan will be developed to assign an appropriate agency to advise VA and DOD regarding preparation for post-deployment medical responses and assess the extent to which activities such as medical record keeping and risk communication can be improved to enhance veterans' post-combat health status.

AUTHORITY TO TREAT COMBAT VETERANS

This bill gives VA the tools to apply these lessons learned by allowing VA to treat veterans from a theater of combat for two years post—discharge and to establish a plan for examining the health status and health utilization of veterans of future combat periods. This measure applies "lessons learned" from past experience with the aftermath of war and its effect on veterans. We have learned that some veterans may experience illnesses following their combat service unrelated to recognizable combat wounds. We have learned that the sooner we address these health consequences, the more likely veterans are to improve over shorter periods of time. We have learned that having systems in place to identify unusual health care utilization patterns among combat veterans can help us to quickly recognize trends that may indicate unique exposures or problems.

SEXUAL TRAUMA COUNSELING

Among the most important provisions contained in the measure before us is the extension of VA's authority to provide sexual trauma counseling to victims of sexual assault during their military service. My good friend, LUIS GUTIERREZ, the Ranking Democratic Member of the Health Subcommittee, has worked tirelessly to reauthorize VA's provision of sexual trauma counseling to veterans, and he is due much of the credit for the inclusion of this provision in the omnibus bill.

Some surveys indicate that up to 52% of women in the military state that they have been sexually harassed. Since the number of women entering the military continues to grow, the need for sexual trauma counseling will obviously continue. While I am pleased that we are extending the authorization of this valuable program today, I want to continue to work on improvements and enhancements to sexual trauma counseling eligibility in the future.

TRANSITIONAL HOUSING FOR HOMELESS VETERANS

Mr. Speaker, I am very glad that the provisions of H.R. 3039, the Veterans Transitional Housing Opportunities Act of 1998, approved by the House on May 19, 1998, are contained in H.R. 4110. These provisions will expand the supply of transitional housing for homeless veterans by authorizing VA to guarantee loans for self-sustaining housing projects specifically targeted at homeless veterans. Patterned after many successful programs across the country, residents of the housing projects established under this section would be required to seek and maintain employment, maintain sobriety, and pay a reasonable fee for their residence.

According to Department of Veterans Affairs statistics, one-third of the homeless men in this country are military veterans, and approximately 60% of those individuals are veterans of the Vietnam era. On any given night, more than 271,000 veterans sleep on America's streets or in homeless shelters. Although transitional housing has been identified as a major need for homeless veterans, there is an acute shortage of this type of shelter, largely because of the difficulty in obtaining financing. In fact, to accommodate the hundreds of thousands of homeless veterans, VA has fewer than 5,000 transitional-type beds either under contract or as part of its domiciliary program. I believe that the loan guaranty program established under H.R. 3039 will generate opportunities for localities to provide transitional housing for homeless veterans.

SELECTED RESERVE HOME LOAN ELIGIBILITY

The compromise measure also includes a provision which would extend for five years the eligibility of members of the Selected Reserve for veterans housing loans. A similar provision was included in H.R. 4110, the Veterans' Benefits Improvement Act of 1998, when it was approved by the House in August. The VA's current authority to guarantee home loans for members of the National Guard and

Reserve components will expire on September 30, 1999. More than 43,000 Selected Reserve members have bought their homes using a VA home loan, and 67 percent of these individuals were first-time buyers. This program has been very successful, and I am pleased that this extension is included in the compromise agreement.

VETERAN STATUS FOR MERCHANT MARINERS

Another provision in the compromise measure extends veteran status, for the purpose of burial benefits, to Merchant Mariners who served our nation between the dates of August 15, 1945 and December 31, 1946—the official end of World War II. Until now, this special group has not received the recognition of veteran status to which I believe they have long been entitled. The service of Merchant Mariners to our nation includes the heroic efforts put forth during World War II by the thousands of young men who volunteered for service in the United States Merchant Marines. Many of these mariners were recruited specifically to staff ships under the control and direction of the United States Government to assist the World War II effort. These seamen were subject to government control; their vessels were controlled by the government under the authority of the War Shipping Administration and, like other branches of military service, they traveled under sealed orders and were subject to the Code of Military Justice.

Some volunteers joined the Merchant Marines because minor physical problems, such as poor eyesight, made them ineligible for service in the Army, Navy, or Marine Corps. Others were encouraged by military recruiters to volunteer for service in the Merchant Marines because the recruiter recognized that the special skills offered by the volunteer could best be put to use for our country by service in the Merchant Marines. Most importantly, all were motivated by their deep love of country and personal sense of patriotism to contribute to the war effort.

In order to staff our growing merchant fleet during World War II, the U.S. Maritime Commission established training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, seamen became active members of the U.S. Merchant Marines. These seamen, often at great personal risk, helped deliver troops and war supplies needed for every Allied invasion site from Guadalcanal to Omaha Beach.

More than 6,500 Merchant Marines who served our country during World War II gave the ultimate sacrifice of their lives, including 37 who died as prisoners of war, and almost 5,000 World War II Merchant Mariners remain missing and are presumed dead. In addition, 733 U.S. Merchant ships were destroyed. Even after the surrender of Japan, members of our Merchant Marine fleet were in mortal danger as they continued to support the war effort by entering mined harbors to transport our troops safely home. After the war ended, they carried food and medicine to millions of the world's starving people. It is important to remember that during the time period addressed by this bill, August 15, 1945 through December 31, 1946, 12 U.S. Flag Merchant Vessels were lost or damaged as a result of striking mines, and some of the Merchant Mariners serving on these vessels were killed or injured. Fully understanding the tremendous risks they faced, mariners nonetheless willingly went into mined harbors so that they could bring our American troops home to their families and friends. I believe these courageous Merchant Mariners, who were subject to the risks and dangers of war between V–J Day and the official end of the war, have been wrongfully denied veteran status. They faced the very real hazards of war-time hostile actions and should not be denied the status of veteran for purposes of laws administered by the Department of Veterans Affairs because their sea-going contribution began after August 15, 1945.

With the enactment of this legislation, Congress officially recognizes the veteran status of these brave mariners for the purpose of burial benefits. As the author of the Merchant Mariner Fairness Act, H.R. 1126, which was cosponsored by more than 300 Members of the House, I would have welcomed the enactment of that legislation which provided additional veterans' benefits to these brave mariners. Nevertheless, I am pleased this legislation will at long last provide overdue recognition and grant veteran status for burial benefits.

STATE VETERAN CEMETERY GRANT PROGRAM

The compromise agreement also modifies the current State Cemetery Grants Program to authorize VA to pay up to 100 percent of the cost of constructing and equipping state veterans' cemeteries. Under current law, VA may pay up to 50 percent of the cost of land and construction. This provision was contained in H.R. 4110, the Veterans Benefits Improvement Act of 1998, as approved by the House in August.

When the Department first proposed that the state cemetery program be altered, VA officials indicated that they intended the modified program to replace construction of new national cemeteries. Although we on the Committee were interested in the VA's proposed change to the state cemetery grants, we strongly disagreed with the VA's assertion that an improved state grant program would eliminate the need for future national cemetery construction. The Committee made it clear to the VA that continuing construction of new national cemeteries, must be a high priority and that the state grants program, although important, is merely a supplement to an expanding national cemetery system. The VA subsequently expressed complete support for the Committee's views regarding future national cemetery construction, and the Committee included the state grant program enhancements in H.R. 4110, as approved by the House in August.

EDUCATION

Mr. Speaker, I am very pleased that the compromise measure includes all of the education-related provisions contained in H.R. 4110, as introduced, the Veterans' Benefits Improvement Act of 1998, which was unanimously approved by the House on August 3, 1998. Although all of these provisions will enhance veterans' education programs, I particularly want to stress the importance of the sections of the bill which require the VA and the military services to provide additional information regarding Montgomery GI Bill benefits to active duty servicemembers.

We have been told by college and VA officials that too many active duty servicemembers and veteran students are not well informed regarding their Montgomery GI Bill (MGIB) benefits. They do not understand the payment procedures under the MGIB and, too often, do not know the amount of the benefit to which they are entitled. Additionally, we have been informed that some young veterans who have taken early-outs from their military service, specifically in order to enter college, discovered when they applied for their VA education benefits that, because they took an early-out, they had not fulfilled the minimum active duty requirements and, consequently, had lost their eligibility for Montgomery GI Bill benefits. It is our expectation that the VA and service branches will work closely together to ensure full and effective compliance with the requirements of the compromise measure and that servicemembers will have the GI Bill information they need—when they need it.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

I am very pleased that the bill we are considering today includes the provisions of H.R. 3213, the USERRA Amendments Act of 1998, which was approved by the House on March 24, 1998. These provisions are, in part, derived from those of H.R. 166, the Veterans' Job Protection Act, a bill introduced by Congressman BOB FILNER, the Ranking Democrat on the Veterans Affairs Subcommittee on Benefits.

For more than 50 years, Federal law has provided protection for members of the uniformed services (including active duty and Reserve/National Guard duty) who choose to return to their civilian employment following military service. This protection has long covered state and private employment and is codified at chapter 43, title 38, United States Code. In particular, protections for those who believed their veterans' reemployment rights had not been honored included the right to bring an action against a state or private employer in federal court.

In 1996, the Supreme Court reached a decision in Seminole Tribe of Florida v. Florida that had the unintended effect of making unconstitutional, the right of state employees to sue their employers in federal court if the employees believe their veterans' reemployment rights had been violated. Since that decision, at least two court decisions have ruled against the veteran involved. This bill restores the protections and remedies for state employees that existed prior to the Seminole Tribe decision, and I appreciate the Senate's support for the House-passed legislation.

NASOPHARYNGEAL IRRADIATION THERAPY

The compromise measure addresses the long-standing need for treatment of disorders associated with nasopharyngeal irradiation therapy. This therapy exposed veterans to higher doses of radiation than many of the atomic veterans who are eligible to receive care in VA today. Veterans who served on aircraft or submarines were routinely and, often, involuntarily exposed to this therapy for prevention of sinus and ear infections that were common hazards of this service. Providing care for conditions thought to be related to such treatment is long overdue. Credit is due to the Administration which recommended enactment of similar legislation to Congress.

SPECIALIZED SERVICES FOR DISABLED VETERANS

The bill before us today includes a provision to require VA to add effective measures of capacity and quality, developed with VA's Advisory Committees on the Seriously Chronically Mentally Ill and the Committee on Special Disabilities to managers' performance contracts. I thank the Committees' majority who agreed to hold the compelling hearing in July and to develop the provision before us today. Decentralizing VA management and taking away authority VA service chiefs once had for ensuring the integrity of these programs may be largely to blame for these programs' disintegration. Once these programs offered "state-of-the-art" in managing care for some types of disabilities, particularly for combat injuries. With no effective VA oversight of these programs, they now seem to be falling into disarray. Performance measurements are now king and VA managers with power over resource distribution are not now evaluated ensuring the integrity of specialized services.

I am particularly pleased this measure offers another means to address the provision of specialized services for disabled veterans. The Subcommittee on Health of the House Committee on Veterans' Affairs conducted a hearing earlier this year which examined the need to further protect these special programs. Notwithstanding special legislative protection Congress enacted to ensure that capacity in these programs is maintained, testimony from both veterans and other witnesses indicated VA has, in large part, not provided this protection.

MEDAL OF HONOR PENSION

The Committee has been advised that veterans who have been honored with the Medal of Honor are often called upon to attend many civic events and ceremonies all over the country because of their receipt of the Medal of Honor. In order to assure that the cost of any such participation does not adversely impact the finances of these recipients of he Medal of Honor, the bill increases the amount of the special pension which they receive from $400 per month to $600.

LIFE INSURANCE ACCELERATED DEATH BENEFIT

Terminally ill veterans often suffer from severe financial hardship. In order to relieve this hardship, the bill allows terminally ill veterans with a life expectancy of less than 12 months to obtain up to 50% of the value of their veterans' life insurance policy as an accelerated death benefit. In order to assure that the funds received will be available to the terminally ill veteran; accelerated death benefits will be exempt from income and resources for purposes of all Federal and federally assisted programs and for all other purposes.

Thank you Mr. Speaker, I urge my colleagues to support H.R. 4110, as amended. For the benefit of all Members, I have attached a summary of the provisions of H.R. 4110, as amended.

SUMMARY OF H.R. 4110, AS AMENDED

H.R. 4110, as amended, would:

TITLE I—PROVISIONS RELATING TO VETERANS OF PERSIAN GULF WAR AND FUTURE CONFLICTS

1. Provide for the National Academy of Sciences (NAS) to review and evaluate the available scientific evidence and determine whether there is scientific evidence of an association between illnesses experienced by Gulf War veterans and service in—or one or more agents, hazards, or medicines in—the Persian Gulf War. NAS would report its findings and recommendations to the Secretary of Veterans Affairs, who would be required to evaluate the report and provide recommendations to Congress as to whether such scientific evidence would warrant a presumption of service connection. NAS would provide periodic reports as well as recommendations for additional scientific studies.

2. Establish authority for VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Persian Gulf War or during any other future period of hostilities (notwithstanding that there is insufficient medical evidence to conclude that such illnesses are attributable to such service). Treatment would be available under this special authority for a period of two years after such veteran's discharge from service. VA would be required to track the health status and health care utilization patterns of veterans who receive care under this priority.

3. Extend VA's special authority to provide care to Persian Gulf veterans through December 31, 2001.

4. Require VA to enter into an agreement with the National Academy of Sciences or another appropriate independent organization to assist in developing a plan for the establishment of a national center for the study of war-related illnesses and post-deployment health issues.

5. Require VA to establish a public advisory committee (to include veterans of the Persian Gulf War) to provide advice to the Secretaries of Veterans Affairs, Health and Human Services, and Defense on proposed research studies, research plans, or research strategies relating to the health of Persian Gulf veterans.

6. Require Departments of Veterans Affairs, Health and Human Services, and Defense to report to Congress by March 1 of each year the status and results of such research activities, along with the list of research priorities for the upcoming year.

7. Require public availability through the World Wide Web and elsewhere of the findings of all Persian Gulf research conducted by or for the Government.

8. Require VA to enter into an agreement with the National Academy of Sciences to determine whether there is a methodology by which VA could determine the efficacy of treatments provided to Persian Gulf War veterans for illnesses which may be associated with their Persian Gulf War service. VA is to develop a mechanism, if scientifically feasible and reasonable, to monitor and study the effectiveness of such treatments and health outcomes.

9. Require VA and DoD to enter into an agreement with the National Academy of Sciences to (a) develop a curriculum (to take account of new research findings relating to care of veterans with illnesses that may be associated with Persian Gulf War services) for use in continuing education of VA and DoD physicians.

10. Extend VA's authority to evaluate the health status of spouses and children of Persian Gulf War veterans through December 31, 1999, and to provide such examinations through VA facilities, or under its fee-basis or other contract arrangements.

TITLE II—EDUCATION AND EMPLOYMENT

Education matters

1. Change the way VA calculates the reporting fee paid to educational institutions that enroll veterans. Once a year, VA pays educational institutions a "reporting fee" to cover, in part, costs associated with the reports the institutions must submit on enrolled veterans. This provision would base the reporting fee on the number of veterans who enroll in a school during the entire year rather than the current method of reporting the number of veterans enrolled on October 31 of the year.

2. Make optional, rather than mandatory, an advance payment of 40 percent of the amount which a veteran-student under VA's work-study program is eligible to receive for their veteran-related work in VA regional offices, educational institutions, or at DOD or National Guard facilities. Current law requires the advanced payment.

3. Allow servicemembers to use college-granted credit hours for life experiences as a means of meeting eligibility requirements for their Montgomery GI Bill benefits.

4. Allow a veteran-student in flight training to continue to receive VA educational assistance if the veteran has inadvertently failed to maintain the required flight certificate.

5. Waive the wage increase and minimum salary requirements for on the job training programs provided by State and local governments.

6. Require the VA and military service branches to expand outreach services concerning VA education program requirements to members of the armed services.

7. Require the VA and military service branches to ensure separating servicemembers are well informed of the eligibility requirements for their education benefits.

Employment matters

1. Clarify the enforcement of veterans' employment and reemployment rights with respect to a State (as an employer), under the Uniformed Service Employment and Reemployment Rights Act.

2. Extend veterans' employment and reemployment rights to former members of the uniformed services employed overseas by United States companies.

3. Clarify Federal employee enforcement of employment and reemployment rights.

TITLE III—COMPENSATION, PENSION AND INSURANCE

1. Increase the special pension provided to persons entered and recorded on the Army, Navy, Air force, and Coast Guard Medal of Honor Roll from $400 to $600 per month.

2. Provide for the payment of accelerated death benefits to terminally ill persons under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance policies.

3. Direct VA to provide to Congress an assessment of the effectiveness and adequacy of insurance and benefits programs for the survivors of veterans with service-connected disabilities.

4. Authorize the VA to issue dividends to the holders of World War II-era National Service Life Insurance (NSLI) series "H" policies. All other NSLI policies issue dividends.

TITLE IV—MEMORIAL AFFAIRS

1. Authorize VA to furnish a memorial marker for certain members of the armed forces and spouses whose remains are unavailable for interment.

2. Extend eligibility for burial in National Cemeteries and funeral benefits to veterans of the merchant Marine who served from August 16, 1945 to December 31, 1946.

3. Redesignate the National Cemetery System (NCS) as the National Cemetery Administration, elevating NCS to the same organizational status within VA as the Veterans Health Administration and the Veterans Benefits Administration. In addition, this provision would redesignate the Director of the National Cemetery System as the Under Secretary for Memorial Affairs.

4. Modify the existing State Cemetery Grants Program to authorize VA to pay up to 100 percent of the cost of constructing and equipping state veterans' cemeteries.

TITLE V—COURT OF VETERANS APPEALS

1. Allow a sitting judge at the Court of Veterans Appeals nominated for a second term to remain on the bench for up to one year while awaiting Senate confirmation.

2. Exempt the Court's retirement fund from sequestration orders.

3. Provide the same adjustments for annuities to the survivors of deceased Court of Veterans Appeals judges as those received by Judiciary Survivors' Annuities Fund annuitants.

4. Direct the Court to submit a report on the feasibility of merging the retirement and survivor annuity plans with other federal court retirement and survivor annuity programs.

5. Rename the Court of Veterans Appeals the United States Court of Appeals for Veterans Claims.

TITLE VI—HOUSING

1. Authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans.

2. Require the Secretary to provide in the budget a simple, concise, and readily understandable statement that summarizes the financial activity of each of the housing programs operated under the Loan Guaranty Revolving Fund and the Guaranty and Indemnity Fund.

3. Extend the VA's authority to guarantee home loans for members of the National Guard and Reserve components to September 30, 2003. The current program expires in 1999.

4. Require the Department of Veterans Affairs to comply with the requirements of the Competition in Contracting Act and the Federal Acquisition Regulations for any contract for services or supplies for properties acquired under the VA housing program.

TITLE VII—CONSTRUCTION AND FACILITIES MATTERS

1. Authorize appropriations for fiscal year 1999 and 2000 in the amount of $241.1 million for the Construction, Major Projects account and $8.5 million for the Medical Care account for major medical leases.

2. Authorize the following major medical facility projects:

Alterations and demolition at the Long Beach VA Medical Center ($23.2 million);

Construction and seismic work at the San Juan VA Medical Center ($50 million);

Outpatient clinic expansion at the Washington, DC VA Medical Center ($28.7 million);

Construction of a psychogeriatric care building and demolition of a seismically unsafe building at the Palo Alto VA Medical Center ($22.4 million);

Construction of an ambulatory care addition and renovations for ambulatory care at the Cleveland (Wade Park) VA Medical Center ($28.3 million, of which $7.5 million would come from previously appropriated funds);

Construction of an ambulatory care addition at the Tucson VA Medical Center ($35 million);

Construction of a psychiatric care addition at the Dulles VA Medical Center ($24.2 million);

Outpatient clinic projects at Auburn and Merced, California ($3 million from previously appropriated funds);

Renovations to a nursing home care unit at the Lebanon VA Medical Center ($9.5 million);

Construction of a spinal cord injury center at the Tampa VA Medical Center ($46.3 million, of which $20 million would come from previously appropriated funds);

Construction of a parking structure at the Denver VA Medical Center ($13 million, of which $11.9 million would come from previously appropriated funds in the Parking Revolving Fund).

3. Authorize the following major medical facility leases:

Satellite outpatient clinic in Baton Rouge, Louisiana ($1.8 million)

Satellite outpatient clinic in Daytona Beach, Florida ($2.6 million)

Satellite outpatient clinic in Oakland Park, Florida ($4.1 million)

4. Increase the threshold for treatment of a medical facility lease as a major medical facility lease (which requires congressional authorization) from $300,000 to $600,000.

5. Increase the threshold for treatment of a parking facility project as a major medical facility project (which requires congressional authorization) from $3 million to $4 million.

6. Prohibit VA from establishing or collecting parking fees at any parking facility associated with the Spark M. Matsunaga VA Medical Center and Regional Office in Honolulu, Hawaii.

7. Require VA to submit a report to Congress by September 15, 1999 on the Department's use of its authority to charge parking fees at VA medical facilities, to include the results of a survey on the availability of VA-provided employee-parking, an analysis of ways to provide cost-effective parking programs, and recommendations on whether and how to amend current law pertaining to parking fees.

8. Require VA to submit a report to Congress on a master plan relating to Department lands at the West Los Angeles VA Medical Center.

9. Designate the Aspinwall, PA VA Medical Center as the "H. John Heinz III Department of Veterans Affairs Medical Center".

10. Designate the Gainesville, FL VA Medical Center as the "Malcolm Randall Department of Veterans Affairs Medical Center".

11. Designate the Columbus, OH VA Outpatient Clinic as the "Chalmers P. Wylie Veterans Outpatient Clinic".

TITLE VIII—HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE

Scholarship program

1. Authorize VA to carry out an employee-incentive scholarship program through December 31, 2001, to assist in meeting the staffing needs for health professional positions for which it is difficult to recruit or retain qualified personnel.

2. Specify that to be eligible, individuals must have been a full-time or part-time Department employee for at least two years and have an exceptional employment record.

3. Require that scholarships awarded under the program would cover payment of tuition and other educational expenses of up to $10,000 per year for a full-time student participant.

4. Specify that participants who do not finish the agreed upon course of study are liable for damages.

Education debt reduction program

1. Authorize the VA to carry out an education debt reduction program through December 31, 2001, to assist in the recruitment of health care professionals for positions that are difficult to recruit and retain.

2. Specify that to be eligible, an individual must be a recently-hired VHA employee (less than six months) serving in a position for which recruitment or retention is difficult and still indebted for education or training in that position.

3. Limit assistance to $6,000 for the first year of participation in the program; $8,000 for the second year; and $10,000 for the third.

TITLE IX—MISCELLANEOUS MEDICAL CARE AND MEDICAL ADMINISTRATION PROVISIONS

1. Authorize VA to provide priority health care for the treatment of cancer of the head or neck to veterans who can document nasopharyngeal radium irradiation treatment in service. It also would authorize such treatment to any veteran who served as an aviator in the service before the end of the Korean conflict or underwent submarine training in active naval service before January 1, 1965.

2. Extend VA's authority to counsel and treat veterans for sexual trauma through December 31, 2001.

3. Require VHA to develop and apply job-performance standards to VA network directors and any other officials responsible for the allocation and management of resources relating to the requirement to maintain special disability programs.

4. Provide ongoing authority to use pension funds above the $90 monthly limit for certain veterans receiving nursing home care for operating expenses of VA medical facilities.

5. Require the VA to submit a report to Congress by February 1, 1999 and February 1, 2000 assessing the current system of locality-based pay for nurses.

6. Require the VA to provide an annual report to Congress on the Department's activities relating to its preparation for and participation in a domestic medical response to an attack involving weapons of mass destruction.

7. Permit the interim appointment of the Under Secretary for Health for service until July 1, 1999.

TITLE X—OTHER MATTERS

1. Require that, except as specified in law, a facility, structure, or property (or major part of any facility, structure or property) of the Department be named for the geographic area where it is located.

2. Provide reversion rights to attorney positions at the Board of Veterans' Appeals for civil service attorneys who are members of the Board of Veterans' Appeals and whose appointments to the Board are terminated.

3. Afford the Board of Veterans' Appeals flexibility in scheduling hearings, and in considering and deciding appeals, so that unintended delays may be avoided. BVA would be authorized to postpone consideration and disposition of a pending appeal in order to afford the appellant a hearing. BVA would also be authorized to schedule travel board hearings on the basis of the pending appeals' relative places on the BVA docket rather than on the basis of the order in which requests for a hearing were received.

4. Change the formula used by the Veterans Employment and Training Service to determine the number of Disabled Veterans

Outreach Program Specialists (DVOPS) to reflect the working-age veteran population in each state.

TITLE XI—COST-OF-LIVING ADJUSTMENT

Increase, effective as of December 1, 1998, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. STUMP. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS), the chairman of our Subcommittee on Health of the Committee on Veterans' Affairs.

Mr. STEARNS. Mr. Speaker, I rise in strong support of H.R. 4110, and I am also proud to be one of its key sponsors. As chairman of the Subcommittee on Health, we have had many hearings on this, and I think it goes without saying there is many people on this House floor, on both sides of the aisle, that have done much to make this bill possible, particularly, of course, the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Illinois (Mr. LANE EVANS).

I particularly want to thank our dedicated Chairman *Bob Stump* for his leadership and work on behalf of veterans. I want to thank and acknowledge LANE EVANS, the Ranking Member of the full committee; LUIS GUTIERREZ, the Ranking on the Health Subcommittee; and JOE KENNEDY for their hard work on this measure. I also want to thank CHRIS SHAYS for all his work on the Persian Gulf issue, which contributed to the bill we bring to the floor today.

This legislation advances the extensive work this committee and the Congress have done over the years on behalf of Persian Gulf veterans. Its enactment will help ensure that these veterans receive services and benefits to which they are entitled.

The legislation is also forward-looking. It aims to apply the lessons of the Persian Gulf experience so as to avoid the problem of future combat for veterans. It has become clear, for example, that early treatment is important in overcoming health problems that may be linked to war-time service. This bill will authorize the VA, in advance, to treat veterans of future combat situations for any illnesses that develop within 2 years after service. Our long study of the Persian Gulf experience and of prior conflicts underscores that we have much to learn about the effects of war-time service generally.

Significantly, Mr. Speaker, this bill provides a mechanism for the establishment of a national center for the study of war-related illnesses to carry out and to foster education and improved clinical care. The bill will also extend to VA special authority to treat Persian Gulf War veterans, and it contains important provisions to improve VA's service delivery to those Veterans and to improve the research efforts regarding these illnesses.

Mr. Speaker, millions of veterans depend upon the VA health care system. Accordingly, this bill would also address ongoing needs of this system, ranging from assuring adequate health care staffing to improving its infrastructure. As its title indicates, this legislation is truly aimed at improving veterans' programs.

Mr. Speaker, I urge the Members to support it. The House has passed this bill twice, Mr. Speaker. If it goes to the Senate, it includes a COLA bill. It is absolutely mandatory the Senate move this to the President.

Mr. Speaker, I rise in support of H.R. 4110, as amended. Many of the key provisions of this truly important legislation originated in the Veterans Affairs Subcommittee on Health, which I chair. So I particularly welcome the House action today and urge members to support this measure.

This legislation advances the extensive work this Committee and the Congress have done over the years on behalf of Persian Gulf veterans. Its enactment will help ensure that these veterans receive services and benefits to which they are entitled. At the same time this legislation is *forward-looking* in aiming to apply lessons of the Persian Gulf experience so as to avoid problems for veterans of future combat.

In studying the lessons of the Persian Gulf experience, it became clear to us that *early* treatment is important in overcoming health problems that may be linked to wartime service. Several years after the end of hostilities, Congress created special treatment authorities for Vietnam veterans and for Persian Gulf veterans (tied to presumed exposures to toxic substances). In hindsight, it would have been helpful for veterans of those conflicts if such legislation had been in place much earlier, before some of their acute health problems became chronic. This bill would build on this experience and authorize VA, in advance, to treat veterans of *future* combat situations for illnesses which first manifest themselves within two years after service. Under this legislation, such veterans would be eligible for VA care, regardless of whether their illnesses have been adjudicated as service-connected. While the other body was unwilling to agree to the duration of treatment authority provided for in the House-passed bill, this is a most important provision.

Our long study of the Persian Gulf experience and of prior conflicts underscores that we have much to learn about the effects of wartime service. Significantly, this bill should help advance our understanding. To that end, it provides a mechanism for the establishment of a national center for the study of war-related illnesses to carry out and foster research, education, and improved clinical care of such illnesses, as proposed in House-passed H.R. 3980. The bill also contains important provisions I authorized to extend VA's special authority to treat Persian Gulf War veterans, and to improve VA service-delivery to those veterans.

The bill asks much of the Department of Veterans Affairs, but it also provides for VA to tap independent scientific expertise in carrying out its new responsibilities on behalf of Persian Gulf veterans. Congress has long looked to the Institute of Medicine of the National Academy of Sciences to carry out that role. For years, the Institute has done important work on veterans issues, from exhaustive reviews into the health effects of herbicides used in Vietnam, to ongoing analysis of the health consequences of service during the Persian Gulf War. The complexity and controversy associated with Persian Gulf War illnesses highlights the importance of bringing independent expertise and judgment to our questions. Under this legislation, the Institute would provide advice and recommendations to guide virtually every aspect of major decision-making associated with resolving the remaining problems and questions relating to the health consequences of veterans' service in this war, from compensation questions to identifying methods of improving the care provided these veterans.

As its title indicates, this legislation is truly aimed at improving veterans programs. This will be quite evident in the area of VA health programs—the focus of my subcommittee. For example, the measure we bring to the floor would:

Establish authority for VA to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during any period of war after the Vietnam War or during any other future period of hostilities (notwithstanding that there is insufficient medical evidence to conclude that such illnesses are attributable to such service). Treatment would be available under this special authority for a period of two years after such veteran's discharge from service. VA would be required to track the health status and health care utilization patterns of veterans who receive care under this priority and would report to Congress on the first eighteen months' use of that authority and on any recommendations to extend it; Extend VA's special authority to provide care to Persian Gulf veterans through December 31, 2001.

Require VA to enter into an agreement with the National Academy of Sciences or other appropriate independent organization to assist in developing a plan for the establishment of a national center for the study of war-related illnesses and post-deployment health issues.

Several other provisions of the bill also call for contracting with the National Academy to assist in carrying out Government responsibilities relating to the health consequences of service in the Persian Gulf War. While the bill reflects the esteem in which the Academy is held, it is not our intention to require duplication of effort or to impose undue financial burdens on the Department. The bill is not intended, for example, to require VA to renegotiate contracts which have already been executed and which would otherwise carry out the requirements of the bill. Nor does the existence of multiple specific requirements (for VA, or VA and Department of Defense, to contract with NAS) in title I necessarily constitute a requirement that separate contracts involving separate NAS scientific panels must be executed to carry out each provision. Where, for example, the scientific expertise required to address a particular requirement set forth in one section of the bill would in whole or in part serve to address a requirement set forth in a different section, it would be altogether appropriate to execute a single contract under which NAS could use a single scientific panel to carry out these requirements.

More specifically, the bill includes requirements that:

VA (a) enter into an agreement with the National Academy of Sciences to determine whether there is a methodology by which VA could determine the efficacy of treatments provided Persian Gulf War veterans for illnesses which may be associated with their Persian Gulf War service and (b) develop a mechanism, if scientifically feasible and reasonable, to monitor and study the effectiveness of such treatment and health outcomes; and that VA and Department of Defense enter an agreement with the National Academy to (a) develop a curriculum (to take account of new research findings relating to care of veterans with illnesses that may be associated with Persian Gulf War services) for use in continuing education of VA and Department of Defense physicians, and (b) periodically review and provide recommendations regarding the Departments' research plans relating to Persian Gulf illnesses.

In further addressing concerns surrounding the health consequences of Persian Gulf service, the bill would: require VA to establish a public advisory committee (to include veterans of the Persian Gulf War) to provide advice to the Secretaries of Veterans Affairs, Health and Human Services, and Defense on proposed research studies, research plans, or research strategies relating to the health of Persian Gulf veterans; require the pertinent Executive branch departments to expand their annual reporting on the status and results of Persian Gulf research activities, to include their research priorities for the upcoming year, and to better coordinate their outreach activities; require publication of all Government-conducted or -funded Persian Gulf research findings through the World Wide Web and elsewhere; extend VA's authority to evaluate the health status of spouses and children of Persian Gulf War veterans through December 31, 1999, and to provide for such examinations through VA facilities, as appropriate and under contract, including through its fee basis program.

The measure reflects a recognition that although the VA health care system is changing, Congress must address itself to ongoing needs, ranging from infrastructure to system-management to health-care staffing. Accordingly, among its provisions, the bill provides for continuity in leadership of the Veterans Health Administration by authorizing the interim appointment to the position of Under Secretary for Health of the former incumbent, the very able Dr. Kenneth Kizer.

The measure also provides mechanisms to help attract and retain health-care professionals in positions where VA has experienced difficulties in recruiting or retaining qualified staff. Particularly noteworthy is a new education-debt reduction authority. The bill would also add to title 38 provisions modeled on VA's so-called "grow-your-own" employee-scholarship program, to provide an incentive to outstanding current employees to pursue advanced education or training for positions for which VA or a particular VA medical facility has recruitment and retention needs. The legislation also requires the establishment and use of specific accountability measures applicable to VA network directors in the exercise of responsibilities associated with network management and resource allocation as they relate to VA programs dedicated to the specialized treatment and rehabilitative needs of disabled veterans.

This legislation would also authorize major medical construction projects for funding in this or the following fiscal year. Finally, the bill addresses a unique problem relating to employee pay-parking at a facility in Hawaii, but in no way retreats from or alters the otherwise applicable requirements of section 8109 of title 38, United States Code.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time, and I also rise in strong support of H.R. 4110, the Veterans' Program Enhancement Act of 1998. I think this is a measure which is the result of bipartisan and bicameral cooperative efforts on behalf of our Nation's veterans.

Of particular importance to our Gulf War veterans are provisions from the bills introduced in the House by the gentleman from Florida (Mr. STEARNS) and by our ranking member, the gentleman from Illinois (Mr. LANE EVANS), and in the Senate by Senator ROCKEFELLER.

While we have to go further in the next Congress, these provisions will provide an independent third-party review by the National Academy of Sciences concerning the exposure to toxic substances present in the gulf theater and the prevalence of illnesses experienced by our gulf veterans; it will extend eligibility for health care for Persian Gulf Veterans until December 31, 2001; and it makes a number of changes to improve the health care offered to Gulf War veterans. All of these measures should be of assistance to those who have served during the Gulf War.

There are other very helpful provisions for all our veterans in terms of education, employment, insurance, housing and burial programs. This is an excellent bill, and I urge my colleagues to support it.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a member of the committee.

Mr. LAHOOD. Mr. Speaker, I rise to address the issue of naming VA facilities. This has been a very frustrating problem for me and my constituents, particularly in Springfield, Illinois.

On April 8 of this year, VA's Secretary Togo West issued a press release naming the cemetery-in-progress near Joliet, Illinois the "Abraham Lincoln National Cemetery." In my opinion, Mr. West's office moved unilaterally without any congressional or Committee on Veterans' Affairs input whatsoever, disregarding VA's own policy on naming facilities. Many of my colleagues from down-State Illinois were completely unaware of this.

Congress has well-established procedures for naming facilities of all kinds in honor of individuals. The VA chose to step outside its legal authority, ignoring procedures and precedent. VA's own policy clearly states that the naming of VA facilities in honor of individuals can be done only by congressional mandate.

This situation has me very concerned about the VA's apparent lack of regard for procedures. I am pleased that this legislation we are considering today provides a solution. The VA will no longer be able to sidestep proper procedures in naming facilities. Congress' authority to naming facilities in honor of individuals will be codified and, hopefully, no more confusion will exist.

Springfield, Illinois, is the home of Abraham Lincoln. He represented that city in Congress and was buried after his assassination in Springfield. Naming a cemetery in northern Illinois will lead to much confusion. In an effort to smooth over this mistake, the VA promised, and Togo West personally promised me, that they would try to avoid the confusion by printing statements in their brochures that Abraham Lincoln is not buried at the cemetery in Joliet, and by placing signs along the interstate highways specifically saying that Abraham Lincoln is not buried at that cemetery. I hope the VA will maintain the commitment that they have made to all the citizens of Illinois.

Mr. Speaker, I thank the chairman so much and the ranking member for their support in my effort.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank both the chairman and the ranking member for all their hard work that brought this to the floor today. I appreciate particularly being able to work on section 404 of the bill, which expands the State Cemetery Grants Program.

The need for additional cemeteries to serve our Nation's veterans is of critical importance to veterans of the California central coast. Not many people know that only two of California's six national veterans cemeteries are open for burials and cremations. Only two in the most populace state in the union.

In my district we have over 40,000 veterans. We have a base closure, we have excess land, and we want to create a State-operated national veterans cemetery on the 156-acre portion of Fort Ord's army facility. When the President signs this bill into law, the State cemetery Grants Program will pay for 100 percent of the cost of the cemetery construction.

While the State legislature will have to designate a cemetery at Fort Ord, passage of this bill brings the central coast's veterans and all veterans of California one step closer to realizing their dream for a new cemetery at Fort Ord.

Mr. Speaker, I submit for the RECORD a newspaper article regarding my comments on this subject.

VETERANS CARRY ON CAMPAIGN FOR FORT ORD CEMETERY

(By Larry Parsons)

Central Coast veterans won't let a veto by Gov. Pete Wilson stop their drive for a veterans' cemetery at Fort Ord.

"We are going to figure out something," said retired Army Sgt. 1st Class Mark Giblin of Seaside. "I'm not giving up on it."

For the past three years, Giblin has helped lead a push by Central Coast veterans' groups to persuade the state to develop a veterans' cemetery on 156 acres on Artillery Hill at Fort Ord.

But the campaign was dealt a setback last week when Gov. Pete Wilson vetoed a bill by state Sen. Bruce McPherson, R-Santa Cruz, that would have required the state to take a $20,000 look at the feasibility of a Fort Ord cemetery.

"(McPherson) was surprised and disappointed" by the governor's veto, said the senator's spokeswoman, Tricia Meade. "He worked on it so hard. The vets want it, and the land is available."

Giblin said he wasn't surprised by the governor's opposition. An amendment tacked onto the measure in a Senate committee that expanded its scope from just the Fort Ord proposal to a $100,000 statewide study on veterans' cemeteries probably sealed its fate, he said.

"I feel our only next step is to wait until after the (November) elections and resubmit it," he said.

In his veto message, Wilson said the legislation would have inappropriately given counties the power to force the California Department of Veteran Affairs to perform costly cemetery feasibility studies.

"These studies would require the department to redirect budgeted resources from other activities critical to the successful administration of veterans affairs programs," Wilson wrote.

The governor also said the bill was unnecessary because California already has looked into state-run veterans' cemeteries. Traditionally, the federal government has paid for veterans' cemeteries.

Area veterans say a local veterans' cemetery is sorely needed because an estimated 40,000 veterans live in Monterey County alone, and a total of 330,000 vets live in a six-county region within 75 miles of Fort Ord.

The nearest veterans' cemetery to the Central Coast is a federal one located near Los Banos in Merced County. That's too far away for many survivors to travel, and it's not convenient to public transportation, Giblin said.

A bill pending in Congress could improve prospects for getting the state to support the idea of a Fort Ord veterans' cemetery, Giblin said. The bill would provide 100 percent funding for start-up costs of state veterans' cemeteries, he said. Now, the federal government only pays up to 50 percent of the initial costs.

"If we can get the 100-percent bill through . . . the problem is how to fund the cemetery's ongoing operations," Giblin said. "That's going to be a major question."

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the ranking member, the gentleman from Illinois (Mr. EVANS). This is a tribute to a bipartisan, bicameral effort to help our veterans.

Mr. Speaker, I represent the Veterans Hospital in my community and, therefore, I see a lot of veterans. I see a lot of hospitalized veterans. I had the pleasure of going to the Veterans Hospital and not giving the Purple Heart to one who was hospitalized, but one who was a past recipient of a terrible, terrible oppression as a veteran of World War II, someone who was part of the Japanese death march, Mr. Arville Steele. So I know how important this is to those who have served in our military.

This is a good bill. This responds to the claims and the accusations that the Veterans Department was not responsive to those who were impacted by the Persian Gulf War. This is a good bill that allows for treatment of these individuals for at least a 2-year period and studies the impact of anything that might have happened to them as a result of the Persian Gulf War. This is a recognition of their service.

I am so grateful to all of the committee members and I believe this is a good bill that should pass.

Mr. Speaker, I rise in support of H.R. 4110, the Veterans Benefits Improvements Act of 1998. I am pleased that in the final days of this Congress, this body has decided to address the deserving Veterans of this Nation.

The bill contains two key provisions. First, it addresses the unrecognized and suffering Persian Gulf veterans. This bill provides for the National Academy of Sciences to review and evaluate the available scientific evidence. It also determines whether there is scientific evidence of an association between illnesses experienced by Gulf War veterans.

We need to let America's troops know that, we will do everything in our power to protect their health and that of their families. This bill gives the VA the authority to provide priority health care to treat illnesses that may be attributable to a veteran's service in combat during the Persian Gulf War.

Second, this bill provides a Cost of Living Adjustment. Mr. Speaker, our veterans made significant sacrifices to this Nation during times of trouble. We owe it to our Veterans to ensure their continued economic stability. This bill will increase the rate of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans.

From World War I to the Gulf War veterans were the best and the brightest that our Nation had to offer from each generation, therefore, we should in turn offer the best to our Nation's veterans.

Mr. Speaker, this bill expresses our gratitude to our Nation's veterans. They served this Nation without hesitation or reservation and it is now time for us to ensure their future security without hesitation or reservation.

On behalf of the Veterans who reside in the 18th Congressional District, of Houston, and the 1,646,700 veterans in the State of Texas, I would like to encourage my colleagues support for this important bill.

Mr. EVANS. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time, and I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

☐ 1240

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for yielding.

Mr. Speaker, I rise in opposition to one part of this bill, and that is that we are not addressing Gulf War illnesses.

Mr. Speaker, I ask unanimous consent that we could have more time to debate this bill. I ask unanimous consent that we have 10 minutes more on each side.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from Connecticut?

Mr. STUMP. Mr. Speaker, reserving the right to object, I would say, in all due respect to the gentleman from Connecticut (Mr. SHAYS) that we made an agreement with the floor leader and the majority to expedite the passage of this bill so that we were assured of getting a vote to get it back in the Senate so they may take some action.

We have worked for days and days trying to strike a compromise with the Senate, and I will tell the gentleman that this was the very best we could come up with. I agree with him on some parts of the Persian Gulf war and I disagree with some, but we got every inch we could get.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SHAYS. Mr. Speaker, we need to properly diagnose, properly compensate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHAYS. Mr. Speaker, when I make a unanimous consent, is that counted as part of my 30 seconds?

The SPEAKER pro tempore. No.

Mr. SHAYS. Mr. Speaker, I respectfully request that I be told how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Connecticut has 10 seconds remaining.

Mr. SHAYS. Mr. Speaker, we are willing to give $315 million to chickens for the majority leader of the Senate, and we are not willing to provide help to our Gulf War veterans who need the presumption of illness.

Mr. SANDERS. Mr. Speaker, the war has been over for 7 years. The gentleman from Connecticut (Mr. SHAYS) and I and other people have attended numerous hearings. We have reached conclusions. Tens of thousands of veterans are ill from Gulf War illness, and they are ill as a result of exposure to a wide variety of toxins. They need to be treated.

We should presume that if illness strikes them, the reason is that they suffered from exposure in the Gulf War and they should be compensated accordingly. This bill goes a little way and only a little way to addressing those problems.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, how much time do I have time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 1 minute remaining.

Mr. STUMP. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I do not disagree with my friend, the gentleman from Vermont (Mr. SANDERS) on Gulf War syndrome. Also FEHBP, we need to work on that for our veterans, as well, next year.

I would say that this has been crafted in a very narrow way. It is a good bill and I rise in support of it.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to the Committee on Veterans' Affairs of the other body, especially Chairman SPECTER and Senator ROCKEFELLER, for reaching agreements on these provisions.

I might say that Senator ROCKEFELLER introduced a bill that the gentleman from Connecticut (Mr. SHAYS) has referred to, and he sat in and agreed to the provision that we agreed to put in this bill.

I would also like to thank all the members of the Committee on Veterans' Affairs for all their hard work. I want to tell the ranking Democratic member of the committee, the gentleman from Illinois (Mr. EVANS), that his work and cooperation on these issues, as well as the day-to-day operations of the committee, have been truly appreciated. The gentleman from Illinois (Mr. EVANS) has steadfastly adhered to the tradition of bipartisanship in this committee and he should be commended by all veterans for doing so.

I would like to thank every member of the majority and minority staff for all the work they have done.

Mr. WELLER. Mr. Speaker, today the House is considering H. Res. 592, the Veterans Programs Enhancement Act. This legislation changes the procedure for the naming of national cemeteries. Earlier this year, I was dismayed to learn that one of my colleagues from Illinois had inserted a provision into another bill, H.R. 3603, which would have created new naming procedure and make it retroactive to January 1, 1998. Had this provision been signed into law, it would have essentially erased the decision of Secretary Togo West to name the new cemetery near Joliet the "Abraham Lincoln National Cemetery." This bill today contains a similar provision—fortunately it is not retroactive and will not affect the name of the Abraham Lincoln Cemetery.

I believe it is only appropriate that the founder of our national veterans cemetery system, Abraham Lincoln, is honored in the Land of Lincoln, by naming this cemetery for him. This name has been endorsed by the Illinois American Legion, the Illinois Veterans of Foreign Wars, the Illinois American Ex-Prisoners of War, the Illinois Disabled American Veterans and the Illinois Amvets. I am pleased at all of the support for naming this cemetery after one of our greatest Presidents.

For the RECORD, I am attaching copies of their endorsement letters, along with an editorial by the Chicago Tribune, and other pertinent information.

I will continue to work for the Abraham Lincoln National Cemetery and the veterans who sacrificed for our nation.

DEPARTMENT OF ILLINOIS,
DISABLED AMERICAN VETERANS,
Oak Park, IL, October 28, 1997.

Hon. JERRY WELLER,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WELLER: The Department of Illinois, Disabled American Veterans, strongly supports the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the "Abraham Lincoln National Cemetery."

Mr. Lincoln, as we all know, was instrumental in establishing the first National Cemetery and it is only befitting that he receives the honor of having a National Cemetery named after him.

We certainly appreciate your introducing this most important legislation in the House of Representatives because now the veterans and their families in this Midwest region will have a place to rest which they truly deserve and are entitled to.

Sincerely,

GEORGE M. ISDALE, JR.,
Department Adjutant.
TED BUCK,
Department Commander.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES, DEPARTMENT OF
ILLINOIS,
Spingfield, IL, May 21, 1997.

Hon. JERRY WELLER,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN WELLER: The Department of Illinois, Veterans of Foreign Wars, takes great pride in supporting the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the "Abraham Lincoln National Cemetery".

In naming the 982 acre site after President Abraham Lincoln, we not only acknowledge the role he played in creating the National Cemetery System, but also honor the memory of the courageous men and women who answered our nation's call to defend democracy and freedom.

The Department of Illinois, Veterans of Foreign Wars certainly commend the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Woods site for use as the new National Cemetery to serve the veterans and families of this midwest region.

We certainly appreciate your introducing this most important legislation in the House of Representatives and look forward to the passage of same.

With warmest personal regards and best wishes, I remain

Sincerely,

DONALD HARTENBERGER,
Department Commander.

DEPARTMENT OF ILLINOIS,
AMERICAN EX-PRISONERS OF WAR
October 21, 1997.

Hon. CONGRESSMAN JERRY WELLER
130 Cannon Building, Washington, DC.

DEAR HONORABLE WELLER: We the American ex-prisoners of war of the State of Illinois all agree to the naming of the Veterans Cemetery in Joliet, IL to be called Abraham Lincoln Veterans Cemetery.

Thank you for the American ex-P.O.W.'s for their opinion on this matter.

Sincerely,

DONALD MCCORMICK,
Commander, State of Illinois.

THE AMERICAN LEGION,
DEPARTMENT OF ILLINOIS,
Bloomington, IL, April 10, 1997.

Hon. JERRY WELLER,
House of Representatives, Washington, DC

DEAR REPRESENTATIVE WELLER: The American Legion, Department of Illinois, takes great pride in supporting the introduction of legislation naming the new veterans cemetery at the former Joliet Arsenal the "Abraham Lincoln National Cemetery."

On Saturday, April 5, 1997 at Normal, Illinois, our state Executive Committee approved a resolution commending the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Wood site, for use as the new National Cemetery to serve the veterans and families of the midwest region.

A copy of the approved resolution is attached and we respectfully urge the Secretary of Veterans Affairs and the United States Congress to confirm the designation of the former Joliet Arsenal as the "Abraham Lincoln National Cemetery" to honor all veterans and President Abraham Lincoln, who first established the National Cemetery system.

Sincerely,

VINCENT A. SANZOTTA,
Department Adjutant.

AMVETS,
ILLINOIS STATE HEADQUARTERS,
Springfield, IL, September 26, 1997.

Hon. JERRY WELLER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN WELLER: Our last State Executive Committee Meeting, held at the Hilton Hotel, Springfield, Illinois, on September 12–14, 1997. At this meeting it was voted unanimously to endorse your legislation to name the Joliet National Cemetery as the Abraham Lincoln National Cemetery.

Since Mr. Lincoln was instrumental in establishing the first National Cemetery, it is only befitting that he finally receives the honor of having a National Cemetery named after him.

Sincerely,

JERRY F. FOSTER,
Department Commander.

[From the Chicago Tribune, Dec. 29, 1996]

HONOR ABE AT THE NATIONAL CEMETERY

Among his many accomplishments, Abraham Lincoln created the National Cemetery System in 1862 to provide proper, registered resting places for the nation's Civil War dead. Today the system includes more than 100 cemeteries, and to be buried in one is a singular honor for the people who have served their country in the armed forces.

Now there is an opportunity to memorialize this gracious act by America's 16th and—by most assessments—greatest president. As reported recently by the Tribune's William Presecky, a move is afoot to name the country's newest and second-largest national cemetery after Lincoln, as part of the peace-time conversion of the former Joliet Arsenal.

There could not be a more appropriate choice in a more appropriate setting.

Though born in Kentucky and raised in Indiana, Lincoln is forever identified with Illinois—the land he chose to pursue his career in law and politics, where he honed his rustic genius and magnanimous spirit. From here he left to stage his momentous, tragic presidency; to here he returned for eternity.

The cemetery—to open in 1999 on 982 acres of the arsenal site—will be bordered one day by more than 19,000 acres of restored tallgrass prairie, the symbol of the promising pioneer Illinois that lured Lincoln.

The process of naming a national cemetery is a lengthy one, requiring congressional and presidential approval, with the recommendation coming from the Department of Veterans Affairs. Many names are expected to be submitted, including those of other early settlers, and there will be many disappointments. The wise course is to unite in consensus now for Lincoln, in the spirit of the great conciliator.

The Abraham Lincoln National Cemetery.

It sounds right; it is right.

[From the Herald News, Joliet, Il,]

Hey, LaHood: Lincoln's Name Belongs on National Veterans' Cemetery

The arrogance of U.S. Rep. Ray LaHood just plain upsets me. I'm angry at the Peoria congressman's selfish attitude. The swagger of his opinion must be challenged.

LaHood has attacked the use of Abraham Lincoln's name with the new national veterans cemetery to be built here on arsenal land. He thinks the Lincoln name belongs to Springfield. To Sangamon County. To central Illinois. And only to them.

Shame on you, congressman. Lincoln belongs to all of us in this state. Ol' Abe and what he represents even belongs to the nation like a treasure.

LaHood, as quoted in a Chicago newspaper last week, said he was lobbying the Department of Veterans Affairs and the House Veteran Affairs Committee to not use Lincoln's name on the veterans cemetery here.

"It seems appropriate that we really maintain the Lincoln memory in the Springfield area," he said. "Springfield and that part of central Illinois has sort of been designated as the Lincoln geography of Illinois. Some of us believe we ought to leave it that way. They ought to come up with another name."

LaHood confirmed to me that he was accurately quoted in that news story. But my reply to those comments is:

"Hogwash, congressman."

You apparently lack knowledge about the Lincoln history outside of Springfield. Here's a couple of outside-of-Sangamon County Lincoln facts to smoke in your pipe:

The first of Abe's famous debates with Stephen A. Douglas—those debates that gave him national attention—was in Ottawa.

The multicounty circuit that he rode as a lawyer took him as far north as the courthouse in Pontiac.

He was nominated for president at the 1860 Republican convention in Chicago.

He campaigned for John C. Fremont for president in Joliet.

One of his close friends was a circuit judge right here in Joliet.

We have several communities east of Joliet that are known as the "Lincolnway" area. They're located along U.S. 30, which is sometimes called Lincoln Highway.

If LaHood needs some more Lincoln history in Northern Illinois, I'll be glad to dig it up for him.

I'm proud that Abraham Lincoln's name was selected as the name for the new national veterans cemetery here. The final resting place of all these heroes will be an honorable addition to the Will County community, which always has generously furnished more than its share of soldiers when freedom was in danger from an enemy.

When Lincoln called for help to save the Union in the Civil War, this county responded with 5,000 of its sons, brothers and husbands, of which more than 500 didn't come home ever again. If nothing else, that fact alone qualifies use of Abraham Lincoln's name at the national veterans cemetery here.

U.S. Rep. Jerry Weller, our congressman who has worked to bring the veterans cemetery here, said the Abraham Lincoln name has been endorsed by the American Legion, Veterans of Foreign Wars, Disabled American Veterans and American Ex-Prisoners of War.

"Clearly, it is proper to name the second-largest veterans cemetery in the nation after the man who established the national veterans cemetery system especially since no national veterans cemetery, even in Springfield, has ever honored Abraham Lincoln," Weller said.

"We will continue to build momentum of this name selection and pass this legislation into law. We feel this is a great honor for Abraham Lincoln, veterans and the entire state of Illinois."

Amen to that comment.

By the way, LaHood told me his opposition to use of the Lincoln name here—and he vowed to continue that opposition—is based upon conversations with public officials in Springfield and all over central Illinois.

I checked with our sister newspaper in Springfield, The State Journal Register, and they haven't reported one story about folks down there objecting to the use of the Lincoln name. Not even one letter to the editor, I was told.

Oh well, this isn't the first time I've wondered where a politician got the information he used in shooting off his mouth.

I would urge local veterans, veteran organizations and other readers to drop the congressman a line about his greedy attitude on the use of Abe Lincoln's name. Tell him no one can hog a state and national treasure.

Write to U.S. Rep. Ray LaHood, 329 Cannon HBO, Washington, D.C. 20515, or call him at (202) 225-6201.

[From the Star News, Feb., 1998]

Letters to the Editor—Amazed at 'Arrogance'

I am amazed at the arrogance of U.S. Rep. Ray LaHood to publicly deny the respectful use of President Abraham Lincoln's name to be affiliated with the new National Veterans Cemetery, which will be located at the old Army ammunition plant just south of Elwood.

Anyone who says he represents the majority view of those people in his district community, and state as Rep. LaHood proclaims to, should hand his head in shame. I feel he is unfit to represent anyone on any issue.

We all owe many thanks to U.S. Rep. Jerry Weller for his concern and devoted efforts to bring the project to a respectable and honorable conclusion. I hope that Rep. LaHood remembers that as long as our Stars and Stripes fly over this great nation that it is the majority who rule in the end, thanks to the unselfish devotion of some four million of our friends, neighbors, sons and daughters for around 222 years now, who gave up everything to guarantee our sovereignty to that very end.

Leonard Seltzer,
Manhattan.

[From the Herald News, Feb. 20, 1998]

Abraham Lincoln Best Name for National Cemetery Here

There is one surprising facet to the national cemetery system that may not have come to your attention. None is named after the president who started the cemeteries. Free burial in the cemeteries is offered to veterans (and their spouses) who have served this nation.

The national cemeteries are shrines to our fallen heroes. Veterans do not have to be buried in national cemeteries. That is their option. Many select this free service and their families are honored to have burials in hallowed ground.

There are more than 100 national cemeteries in various parts of the country, including the most famous being Arlington National Cemetery, the home to the Tomb of the Unknown Soldier and burial ground of famous leaders such as President John F. Kennedy.

The national cemetery system dates to the Civil War. The federal government began providing this service after it was signed into law by President Abraham Lincoln, commonly called the founder of the national cemetery system.

The surprising part about the cemeteries is that none is named after President Lincoln. That can be corrected if the new national cemetery on the former Joliet arsenal is named after Lincoln.

That name has received bipartisan support in Congress from Illinois Sen. Carol Moseley-Braun, a Democrat, and Rep. Jerry Weller, a Republican from Morris.

Local veterans have shown considerable support for the Lincoln name. Many names have been suggested, including numerous ideas from Herald News readers.

Abraham Lincoln is by far the best choice for this cemetery in our back yard. The name is both fitting and distinguished. Illinois is called the Land of Lincoln and his ties extend across the state.

The Lincoln name has not yet been officially approved in Washington D.C. We understand there is also some opposition from one member of the Illinois congressional delegation.

The opposition is based on other areas of the state claiming exclusive use of the Lincoln name.

We beg to differ. Lincoln belongs to all of Illinois. This area is fortunate that we are being honored with a national cemetery and that Lincoln's name has not been used before.

The Abraham Lincoln National Cemetery is welcome here and so his name. Lincoln should have his name on a national cemetery and his home state is the best choice for this honor. We hope federal officials see the wisdom of naming this cemetery after Abraham Lincoln.

[From the Herald News, Mar. 14, 1998]

LAHOOD WON'T QUIT ON CEMETERY NAME

(By Toby Eckert)

WASHINGTON.—Refusing to surrender in a mini-civil war among Illinois' congressional delegation, Rep. Ray LaHood, R–Peoria, on Monday questioned whether Acting Veterans Affairs Secretary Togo West had the authority to bestow Abraham Lincoln's name on a new veterans' cemetery in Joliet.

A Veterans Affairs Department spokesman said West clearly had the authority under federal regulations, though he acknowledged it was rarely exercised. The surprise action last Wednesday effectively short-circuited LaHood's effort to block Lincoln's name from being used at the cemetery, which is under construction at the former Joliet Arsenal. LaHood believes the naming could harm tourism in Springfield, where Lincoln is buried, since people may believe the 16th president is interred at the Joliet cemetery.

However, two other members of the state's congressional delegation—Rep. Jerry Weller, R–Morris, and democratic Sen. Carol Moseley-Braun—backed the Joliet proposal, saying Lincoln is identified with the entire state, not just his hometown. Moseley-Braun is popular with President Clinton, who appointed West, but a spokesman for her said he was uncertain whether she personally lobbied for the naming.

LaHood, a member of the House Veterans' Affairs Committee, had been blocking legislation sponsored by Weller to put Lincoln's name on the Joliet cemetery. He angrily denounced West's action as an unprecedented end-run around the committee, which had jurisdiction over Weller's bill.

At a recent hearing on budget matters, West "assured our committee (that it) would have some say in this," LaHood said. "They knew of my objections."

On Monday, LaHood fired off a letter to West in which he questioned West's authority to unilaterally approve the cemetery name and asked him to reconsider.

"Your desire for cordial relations with Congress . . . certainly falls short in this case," LaHood wrote. "In the past, the naming of a Department of Veterans Affairs facility has required a congressional mandate or executive order."

Depatment spokesman Terry Jemison cited federal regulations that say the department secretary "is responsible for naming national cemeteries."

However, he added that, "Generally, (the authority) has not been exercised." He said he was uncertain why.

In a memo to the director of the National Cemetery System, West called his move "an exception to Department of Veterans Affairs policy." It was warranted by Lincoln's ties to Illinois, the fact that Lincoln initiated the National Cemetery System and support for the name among veterans' groups, West wrote.

Mr. QUINN. Mr. Speaker, there has been considerable interest this Congress in the health status of Persian Gulf war veterans and the government's response to the concern that illness may have resulted from service during that war. I know that Mr. SHAYS and Mr. EVANS have introduced legislation addressing this issue. Indeed the Veterans' Committee in the other body ordered reported a bill, S. 2358, which was similar in some respects to the proposals made by Mr. EVANS and Mr. SHAYS.

We have taken great strides in addressing the concerns which led to the introduction of those proposals, and I believe Congress can point to the legislation now before the House and say that we have responded as best we could to the continuing concerns of Persian Gulf war veterans.

Mr. Speaker, several of the bills introduced this Congress proposed that we give the Secretary of Veterans Affairs the authority to establish presumptions that certain illnesses are related to service in the gulf, and to pay compensation for such illnesses. These bills would rigidly define the circumstances in which the Secretary could act, and presume that a great deal of evidence may accumulate in the next several years liking Persian Gulf service to disease. However, under these proposals. Congress would have no role in responding to the scientific evidence as it is produced, nor would it have any responsibility to respond to the analysis and conclusions of the National Academy of Science on the scientific evidence to support establishing a presumption.

It is my belief that Congress has always had the preeminent role in establishing which diseases veterans should be compensated for on a presumptive basis. With this legislation, we reassert that role. In doing so, we retain the flexibility to respond to new information with an unbiased yet sympathetic point of view. We avoid setting in motion a procedure that may not produce fair and equitable results for veterans suffering from disease. At the same time, we avoid speculation about what the costs of a fair and equitable compensation policy might be.

To veterans who have lobbied for slightly different versions of the legislation that we propose today, I say—"Give this bill and future Congresses a chance to do its job." The bill establishes an objective method for looking at illnesses among Persian Gulf war veterans. It then requires the Secretary to recommend to Congress whether the law should be changed. By its actions today, Congress demonstrates its unwavering commitment to meeting the needs of veterans, both as we understand them today and as we learn more about them in the future.

Let me mention a few other matters which may be of interest that are contained in this measure. Earlier this year, the House passed a bill (H.R. 3039) reported by my Subcommittee on Benefits which proposes a new way of housing homeless veterans. In my home town of Buffalo, banks are willing to help develop housing to meet the needs of persons who are transitioning back to productive lives. This bill will encourage banks and homeless service providers to get together and develop clean and affordable transitional housing for veterans. By offering a government loan guarantee, we give an incentive to banks to use their capital to create these new housing opportunities. I've seen it work and I hope that thousands of new transitional housing units for veterans will be created under this authority.

We've also included almost all of the provisions we passed earlier this year as part of H.R. 4110, as well as the veterans' reemployment rights amendments which we recommended in H.R. 3213, a measure that passed the House in March of this year. These bills contained enhancements to veterans' education, employment, housing, cemetery and insurance programs. Taken together, these provisions will benefit thousands of veterans and their family members. I urge my colleagues to support this measure.

Mr. Speaker, section 301 of the bill increases the pension paid to those who have been awarded the Medal of Honor from its current $400 to $600. When this special benefit was first created in 1916, the amount was a modest $10. This amount was modest for two reasons; first because Congress did not want to begin making substantial payments to honor distinguished service, and second, because Congress did not want a payment to diminish the honor of the Medal. Those purposes inform our action today.

In truth, it is difficult to say that a payment of money, no matter its amount, is adequate to honor the valor of those who have been awarded the Medal of Honor. It would be easy to say that they deserve a much higher monthly pension. The amount which we authorize today is still quite modest, but is perhaps more generous when adjusted for inflation than the amount originally authorized in 1916. One reason to be more generous is that the living veterans who have been awarded the highest military award for valor are often asked to make public appearances on behalf of patriotic causes. They are frequently asked to travel and incur expenses in connection with civic work and patriotic activities. These storied Americans should be encouraged to continue their inspirational and motivational activities on behalf of all Americans. That is why we approved the increase which is contained in this measure today.

I want to thank the ranking Democrat on the subcommittee, BOB FILNER, for working throughout the 105th Congress with me and other members of the subcommittee. Mike Brinck, our former subcommittee staff director, if you're listening, thanks for all the hard work. To my Chairman BOB STUMP, and Ranking Member LANE EVANS, my thanks for all your help and leadership. I look forward to seeing you in the 106th Congress.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4110, the Veterans' Benefits Improvement Act.

H.R. 4110 authorizes a full cost-of-living adjustment for veterans with service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for the survivors of certain disabled veterans, for fiscal year 1999. It also simplifies VA education programs, makes Reservists and National Guard members permanently eligible for the VA Home Loan Program, and makes internal improvements to the operation of the U.S. Court of Veterans Appeals.

The disability compensation program is intended to provide some relief for those veterans whose earning potential has been adversely impacted as a result of disabilities incurred during military service.

The survivors benefit program is intended to provide partial compensation to the appropriate survivors for a loss of financial support due to a service-connected death.

Congress has provided an annual cost-of-living adjustment to these veterans and survivors since 1976.

This legislation also addresses a potential future problem for the Court of Veterans Appeals. Beginning in 2004, five of the six original appointees on this court will be eligible for retirement.

Moreover, the last 2 years have seen a substantial increase in the workload and backlog of cases pending before the court.

This legislation permits the Court of Veterans Appeals to operate in a manner similar to other Federal courts, whereby retired judges are permitted to volunteer their services in a limited capacity, typically 25 percent of a normal workload. These judges receive retired pay equal to that of an active judge in exchange for their services.

This goal of the provision is to provide an effective measure to help reduce overall workload and shorten the time that veterans must wait for decisions on their appeals.

Finally, H.R. 4110 makes permanent the authority of the VA to guarantee home loans for National Guard and Reserve members. This authority was previously set to expire on September 30, 1999.

Mr. Speaker, I believe this is worthy legislation and an appropriate response of this legislative body to the sacrifices made by our Nation's veterans and their families.

Accordingly, I urge all of my colleagues to support this measure.

Mr. RODRIQUEZ. Mr. Speaker, I rise to remind us of the covenant we have with our Nation's veterans to ensure they receive the benefits and medical attention they deserve.

This legislation ensures that benefits and priority health care will be upgraded to keep up with changing times.

This bill provides a cost of living index, while improving and expanding education, burial and disability benefits.

This bill helps Persian Gulf veterans. They have been sitting on the sidelines suffering from undiagnosed illnesses while scientists try to figure out whether or not this is "service-connected." When it comes to the health of veterans and their families, they need coverage up front.

In the meantime, this bill will increase public input and public knowledge of on-going research into undiagnosed illnesses among veterans.

I commend my colleagues on the VA committee for the bipartisan nature in which we are able to conduct our business.

Mr. TOWNS. Mr. Speaker, I deeply regret that H.R. 4110 did not contain a presumption of exposure for Persian Gulf War veterans. The Subcommittee on Human Resources of the Committee on Government Reform and Oversight chaired by the gentleman from Connecticut, Mr. SHAYS, held over a dozen hearings for the last 32 months. As the Ranking Minority on this Subcommittee, I am proud to say that these hearings were conducted on a totally bipartisan fashion which later resulted in two important bills, introduced by Mr. SHAYS and myself with over 200 co-sponsors. These bills tracked two major recommendations of our oversight report, H.R. 4036 and H.R. 4035. Our oversight report recommended two important changes in the manner in which the VA processes future claims—a presumption of exposure and a prohibition against a waiver of informed consent requirements by the FDA for the use of experimental or investigational drugs, unless the President approves. Tragically, neither provision was included in a rush to push this bill forward. I believe that there are important provisions in H.R. 4110 but no one should be under the allusion that this bill will really meet the needs of Persian Gulf War veterans or any veterans who may face similar battle conditions in the future.

Ms. PRYCE of Ohio. Mr. Speaker, today, I rise in support of H.R. 4110, the Veterans Programs Enhancement Act of 1998, which will help to continue our commitment to our nation's veterans. I am particularly pleased that this legislation includes a bill, which I introduced H.R. 4602, naming the Veterans Outpatient Clinic in Columbus, Ohio after Chalmers P. Wylie.

I would like to express a note of personal thanks to Chairman Stump and Ranking-Members LANE EVANS of the House Veterans' Affairs Committee, as well as Chairman SPECTER and Ranking-Member ROCKEFELLER of the Senate Veterans' Affairs Committee for their support and assistance on this legislation. I would also like to express my appreciation for the support of all 18 members of the Ohio congressional delegation, who were original co-sponsors of this legislation. Finally, I would like to thank Senator MIKE DEWINE and Senator GLENN for their efforts and support in the Senate.

Sadly, on August 14, 1998, former Representative Chalmers Wylie passed away at the age of 77. First elected to the House of Representatives in 1966, Chalmers Wylie served thirteen terms, rising to ranking member of the House Banking, Finance, and Urban Affairs Committee. Mr. Wylie dedicated his life to serving Ohio and, in particular, the people of the 15th District. He earned the respect and admiration of everyone with whom he came in contact and, still today, constituents speak of him fondly wherever I go.

While many knew of Chalmers Wylie's wonderful service in the House of Representatives, few people knew of his distinguished service during World War II. Chalmers Wylie was an Army combat veteran who was awarded the Purple Heart for wounds sustained while rescuing fallen comrades in Germany. Mr. Wylie also was awarded the Silver Star, the Bronze Star, the Presidential Unit Citation with two oak-leaf clusters, and the French Croix de Guerre and Belgian Fouragier.

During his service in Congress, Chalmers Wylie also served as a distinguished member of the Veterans' Affairs Committee. In this position, he fought for the veterans of our nation and was instrumental in improving veteran access to medical care in Columbus, Ohio through the establishment of the Vetrans Affairs Outpatient Clinic. It is a fitting end to our legislative session to have Members of Congress honoring one of our own. Chalmers Wylie was a distinguished Member of Congress, a dedicated veteran, and a devoted Ohioan, and he is deserving of this proper tribute.

Mr. SHAYS. Mr. Speaker, I rise today with deep concern about our country's failure to properly diagnose, effectively treat and fairly compensate veterans who are ill because of their service in the Gulf War. Today, the House considered and passed H.R. 4110, the Veternas Benefits Improvement Act. While I supported the bill, I am profoundly disappointed H.R. 4110 does not address the issue of presumption of service connected disability for our Gulf War Veterans.

In March 1996 responding to requests by veterans, the Subcommittee on Human Resources, which I chair, initiated a far-reaching oversight investigation into the status of efforts to understand the clusters of symptoms and debilitating maladies known collectively as "Gulf War Syndrome."

After 13 hearings, Representatives TOWNS, SNOWBARGER, SANDERS and I introduced H.R. 4036, the Persian Gulf War Veterans Health Act of 1998 with strong bipartisan support and that of the Gulf War veterans' community and the veterans' community at large.

H.R. 4036 would establish in law the presumption of service-connection for illnesses associated with exposure to toxins present in the war theater. The Secretary of Veterans Affairs (VA) would be required to accept the findings of an independent scientifc body as to the illnesses linked with actual and presumed toxic exposures. The bill would also require the VA to commission an independent scientific panel to conduct ongoing health surveillance among Gulf War veterans.

The key provisions of H.R. 4036, not contained in H.R. 4110, is a "presumption of exposure" of sick veterans to one or more toxins known to be present during the war. This provision is critical because many of the sick Gulf War veterans, who now number more than 100,000, have a difficult time establishing service-connected disability due to missing or inadequate medical records. No other proposed House bill contains such a presumption.

By establishing a rebuttable presumption of exposure, and the presumption of service-connection for exposure effects, the bill places the burden of proof where it belong—on the VA, not the sick veteran.

The bill embodies a principal finding and legislative recommendation of an oversight report adopted without dissent by the Government Reform and Oversight Committee last November. We owe it to the brave men and women who have come forward to assist our ongoing VA oversight, and to all Gulf War veterans, to follow through with this proposal and properly diagnose, effectively treat and fairly compensate our Gulf War veterans.

It is essential we address the problems faced by Gulf War veterans and pass a bill establishing a rebuttable presumption of exposure, and presumption of service-connection for exposure effects. We should place the burden of proof on the Veterans Affairs Department, not on the sick veterans.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the resolution, H. Res. 592.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

PRIVILEGES OF THE HOUSE—FAILURE OF U.S. GOVERNMENT TO ENFORCE ANTIDUMPING LAWS REGARDING STEEL

Mr. VISCLOSKY. Mr. Speaker, I rise to a question of the privileges of the House and offer a privileged resolution that I noticed pursuant to rule IX and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

RESOLUTION

A resolution, in accordance with House Rule IX, Clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of title VII) have not been expeditiously enforced;

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries; Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives calls upon the President to—

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

Mr. VISCLOSKY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the record.

The SPEAKER pro tempore. By practice, the resolution is read in full.

The Clerk completed reading the resolution.

The SPEAKER pro tempore. Does any Member desire to be heard on whether the resolution presents a question of the privileges of the House?

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I offer this question of privilege to bring attention to a catastrophic situation facing this Nation. The trade laws that the Congress has enacted over the last 60 years are designed to ensure that American workers are not hurt by unfair and illegal trade practices. Congressional intent, as represented by the Trade and Tariff Act of 1930, is being ignored at the present time.

☐ 1250

The U.S. steel industry and its workers are suffering because the Asian and Russian financial crises have led those countries to dump their steel on our market. The U.S. has been reluctant to stop this illegal practice. Steel that was formerly produced for domestic consumption in Asia is now being shipped to the United States where it is sold at prices below the cost of production. Steel prices in the United States have fallen 20 percent in the last 3 months alone.

The European Union has protected itself and its steel industry against dumping by erecting temporary barriers to steel imports during the crisis. Their steel industry is weathering the storm. In America, the demand for domestic steel has decreased dramatically in mills in Alabama, West Virginia, Utah, Ohio, Iowa, Indiana, and workers have been laid off because of the decreased demand for American steel. American workers should not have to pay the price of the administration's refusal to enforce trade laws which the Congress has enacted and supports. This impinges on the integrity of this House.

American steel workers, the most efficient in the world, cannot continue to be besieged by foreign steel products while waiting indefinitely for trade cases to be settled. Damage to the American steel industry is extensive, severe and rapidly growing. We need to protect our American steel workers by stemming the tide of illegally dumped steel, and the administration's failure to act again directly impinges on the integrity of this House.

The SPEAKER pro tempore (Mr. CALVERT). The Chair is prepared to hear argument on this question of privilege from other Members, including those who have noticed virtually identical resolutions on this topic, in lieu of entertaining those other resolutions separately today.

This comports with the principle that recognition on a question of order is within the discretion of the Chair. Members must address the question of order.

Mr. BERRY. Mr. Speaker, I rise today to talk about the steel crisis that is escalating out of control and is having a devastating effect on the people of the First Congressional District of Arkansas as well as people around the country. I am a free trader so long as the rules of free trade are rigorously enforced. Fair trade is imperative to support free trade.

What is not fair is the export of the Asian and Russian crisis to our shores. Currently Japanese and Russian and other foreign steel companies are unable to sell their excess capacity at home. These foreign steel producers are dumping their products on the U.S. market by selling at prices less than their cost and below those in their home markets.

As a result, this growing steel import crisis is causing injury to our domestic steel companies and the industry. It is threatening the jobs of people in the First Congressional District of Arkansas and across America. As a result, the steel imports in May 1998 increased 28.5 percent from their level of the previous year. Through June 1998 the imports from Japan were up 113.7 percent, while imports from Korea rose 89.5 percent.

Mr. Speaker, we need to protect American workers and American industry by stopping the illegal dumping of steel from other countries. Now is the time to act. We have the responsibility and the opportunity to correct this problem, and I assure my colleagues that I will do everything I can to help. We can win, but we must fight.

Mr. TRAFICANT. Mr. Speaker, I am not addressing and will not address the deplorable plight and condition of the steel industry at this time. But I believe there are some precedents in legal arguments concerning the privileges of the House and its Members to advance privileged resolutions. I would like to make those arguments, and I want to make it clear through the legislative intent and history of today's request for a vote that we are challenging past precedents on the rulings and questions of privilege, and today's efforts are another step forward to bring back to the powers of the House those which the Constitution deems are within the jurisdictional authority of the House.

Having said that, specifically article I, section 8 clearly states that Congress shall regulate commerce with foreign nations. Congress. Not the White House, not the Trade Rep, not the World Trade Organization. Although they can assist the Congress, they do not have the mandated authority to undertake the actions necessary for remedy in this condition. And I hope Congress is listening. I know they want to get out of here. But let us not talk about steel. Let us talk about the Constitution.

Having said that, I believe that this matter of privilege today is within the scope of the United States House of Representatives for the following reasons. While I admit past precedents did not destroy the powers of Congress, the decisions of past Congresses, as upheld by the Chair, have diminished the Congress, specifically the House of the people. In that regard, the legal question is, if congressional powers are being diminished and there is a condition that does not lend itself to remedy by the House who has the mandated power to remedy, then the resolution must be heard on cause.

So the Traficant appeal is saying, by the nature of past decisions, Parliamentarians and the Chair have upheld denying the resolutions of privilege, while I maintain that decision has created a diminishing power and authority that is duly granted to the Constitution, duly granted to the Members of the House of Representatives, and strips us of those powers specifically. That is what my question of a ruling is on.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Speaker, having said that, I would like a parliamentary inquiry with the Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. TRAFICANT. Is article I, section 8 of the Constitution clearly in force?

The SPEAKER pro tempore. The Chair cannot interpret the Constitution in response to parliamentary inquiry.

Mr. TRAFICANT. Does article I, section 8 of the Constitution grant specific powers to the Congress?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. TRAFICANT. In closing, ladies and gentlemen, this is more than some trickery here. I want to say this to every Member in the House. We have delegated our authority. What we have not delegated has been usurped, and both sides of the aisle has allowed that to happen, and by not challenging this today and reversing past precedents, we in fact have diminished and destroyed what powers we are granted under the Constitution.

Mr. OBERSTAR. Mr. Speaker, I rise to be heard on the question of privilege.

Mr. Speaker, the resolution under consideration, I believe, does constitute a question of privileges of the House, because the trade laws that the Congress has enacted over the last 60 years are designed to ensure that American workers are not hurt by unfair and illegal dumping of manufactured products, including steel. Congressional intent as represented by the Trade and Tariff Act of 1930, is being specifically ignored.

This is not a partisan matter. It is a matter that concerns Members on both sides of the aisle. It is not a matter limited to the present administration in Washington, the Clinton administration. It is an issue that has spread over several administrations, going back to the 1970s, the Carter administration, later the Reagan administration, the Bush administration. This Congress, through our congressional steel caucus, on a bipartisan basis has advocated vigorous action against unfairly traded steel.

I am happy to yield at this point to the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding and I rise for two purposes.

The SPEAKER pro tempore. The gentleman cannot yield on a question of order but the Chair will recognize each Member separately.

Mr. SHUSTER. I was going to ask to be able to speak out of order for a unanimous-consent request.

The SPEAKER pro tempore. The Chair will hear each Member on his own time, but on a question of order a Member cannot yield time.

Mr. OBERSTAR. I thank the Chair for the ruling.

□ 1300

Shortly after the end of World War II a famous American historian and journalist, John Gunther, wrote:

> What makes America a great nation is the fact that it can roll over 90 million tons of steel ingots a year, more than Great Britain, prewar Germany, Japan, France and the Soviet Union combined.

Gunther wrote: "This is a steel age."

We still live in that steel age. Steel is still the most versatile building material in an industrial society. We are the world's most efficient producer of steel. American steel industry has lost 350,000 jobs over the last decade, has closed over 450 plants, modernized its facilities to the tune of $50 billion of investment. We have gone from 10 man hours to produce a ton of steel in 1981 to 1½ to 3 hours depending on the type of steel today to produce a ton of steel compared with 4½ to 5 hours in Japan, 6½ hours in the European Union and 10 hours in Russia. And yet steel from those countries is being sold in the United States at below cost of production in the country of origin, and this administration, like previous administrations, until prodded by Congress, has not acted decisively to protect our domestic industry, our basic building block security industry.

We need to act. This resolution that we propose as a point of privilege calls on the administration to act, we ought to bring that resolution to the House floor before this session of Congress adjourns, and I urge the Chair to rule in the interests of working men and women of America in the steel valley, the Mon Valley of Pennsylvania-Ohio, and the taconite industry of northern Minnesota and northern Michigan and in the interest of America's standing in the world community as a powerful economic force.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I stand today to support this Visclosky privileged resolution which expresses the sense of the House that the integrity of our anti-dumping provisions of the Trade and Tariff Act of 1930 have not been enforced.

My colleague from Ohio (Mr. TRAFICANT) I think has eloquently and adequately expressed the ability of this Congress to consider this privileged resolution.

Trade laws that were enacted 60 years ago, Mr. Speaker, were designed to protect American workers. That is what this government did. It designed laws to protect American workers so they are not hurt by unfair trade practices.

The U.S. steel workers and the steel industry are suffering in one of the worst ways in recent modern times because the Asia and Russia financial crisis has led those countries to illegally dump their steel on the market. It could not be any clearer.

Steel that was formerly produced for domestic consumption in Asia is now being shipped to the United States where it is sold at prices below the cost of production. Steel prices have fallen 20 percent in the last 3 months alone. The Europeans have protected itself and the steel industry against dumping by erecting temporary barriers on steel imports. So Europe has stood up for its workers; that is what Europe has done, Mr. Speaker. The European steel industry will weather the storm while the American steel industry and its workers are announcing new layoffs daily.

We need to push for this resolution. We need to push the White House to do everything they can to stop illegal dumping practices that are damaging our steel industry.

In closing, Mr. Speaker, I ask where is the Congress? Where is the White House? Where is the United States Government? Today we have a chance to answer those questions. We are here, by supporting the Visclosky resolution, to finally stand up for steel workers, to stand up for working Americans, to stand up for families in this country and to stand up for the United States. This is mandatory, it is a must, it is the right thing to do.

Mr. Speaker, I support the Visclosky privileged resolution.

The SPEAKER pro tempore. As the Chair hears further argument, the Chair will reiterate the ruling of February 7, 1995.

When a Member offers a resolution as a question of privilege pursuant to rule IX, the Speaker may in his discretion hear argument on whether the resolution constitutes a question of the privileges of the House, but that argument should not range to the merits of the underlying matter.

The gentleman from New York.

Mr. HINCHEY. Mr. Speaker, I would like to say a word on this resolution because I think the issue that is raised is critically important to the Members of this House and to the people of this country, and it is one that we ought to have a full and complete debate on. The reason I say that is in recognition of the statements that have been made just a few moments ago with regard to the impact that the dumping of steel is having on congressional districts and the people in those congressional districts, the workers in those congressional districts and their families across the country. This is an aggravated symptom of a much larger problem however.

Mr. Speaker, we are in the midst of a global economic crisis, and one of the features of that global economic crisis is the propensity of some nations in the world suffering the effects of deflation to attempt to dump their products, both manufactured products and commodities, on to the markets of other countries. We are in a most vulnerable position indeed to this particular activity, and we have not done nearly enough to protect our economy from the effects of this kind of dumping.

One of the things that we ought to do immediately is to petition the Federal Reserve to reduce interest rates substantially so that we may buttress our economy from the effects of this kind of dumping and the larger effects of the global economic crisis.

In addition to that, we have a major issue that is currently before the Congress with regard to the International Monetary Fund which this Congress has not yet addressed. We need to increase the funding for the IMF, and if we were to do so, that increase in funding would make it less likely that resolutions of this nature would have to be brought to the floor.

We are in an important issue right now. We need to decide this issue, bring that question of IMF funding before on the floor so that we can have a full and complete debate on it.

The SPEAKER pro tempore. The Chair would remind the Members that the issue before the Members is neither the advisability of the United States trade policy nor the actions of the administration on trade, but rather the procedural question of whether the resolution offered by the gentleman from Indiana constitutes a question of the privileges of the House under rule IX. The Chair would ask Members to confine their arguments to that issue.

The gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in favor of a privileged motion for H. Con. Resolution 328 which provides Congress with an opportunity to protect the American steel worker and the American steel industry. I am in concurrence with previous speakers who cited the Constitution of the United States with respect to Congress' ability to protect commerce in this country and to protect the jobs of the people whom we serve.

Mr. Speaker, I think that we are here as a Congress to say that Congress needs to take action on the crisis posed by cheap subsidized steel imports from developing countries that are trying to earn foreign exchange to repay their own onerous debts. American steel is under siege, and we need to stand up for American steel and for American jobs.

The SPEAKER pro tempore. The gentleman will keep his remarks to the issue of the parliamentary question of order.

Mr. KUCINICH. So, therefore, I rise in favor of the privileged motion for H. Con. Resolution 328. I ask the Chair to grant the privileged motion. Otherwise I ask Members to vote for a motion to appeal a ruling of the Chair and vote for H. Con. Resolution 328. It is important that we stand up for America and stand up for American steel.

The SPEAKER pro tempore. The Chair will hear from one more Member, the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise to be heard on the question of privilege offered by the gentleman from Indiana. The resolution under consideration constitutes a question of privilege of the House because trade laws enacted by the House over 60 years ago are being ignored. These laws were specifically designed to ensure that American workers are not hurt by unfair and illegal dumping of manufactured products including steel.

I am sorry to say that the congressional intent, as represented by the Trade and Tariff Act of 1930, is specifically ignored. This is an external crisis caused by steel dumping in the U.S. by foreign producers for whom any price for steel is higher than the price they would get at home.

□ 1310

Because of a result of the Asian and Russian financial crisis, there is no market for steel in their home countries. This is a crisis addressable by laws currently in effect which are not being enforced.

U.S. steel remains very competitive. But steel was being dumped in the U.S. at below the cost of production, which is illegal and a violation of the laws that the Legislative Branch has enacted. U.S. trade laws are supposed to be enforced by the Executive Branch. The administration has failed to stop these illegal activities, and the dignity of this House is being impugned. I urge the support of the resolution.

Mr. WELLER. Mr. Speaker, I rise today to bring attention to a matter of the utmost importance to the future of the American steel industry and to thousands of steelworkers around the country, many of which I represent in the 11th Congressional District in Chicago's south suburbs.

Mr. Speaker, the American steel market is in the midst of a crisis due to a unprecedented flow of below market value foreign steel. The economic problems in Russia, Asia and Latin America have led to large scale dumping of foreign steel on the U.S. market with most of this steel being sold at below the price of production in their home markets. As you know Mr. Speaker, this is an unfair and illegal trade practice under both international and U.S. trade policies, and the dumping of foreign steel threatens many good paying American jobs.

This past spring, I along with 64 other members of this House signed a letter to the President asking him to enforce existing U.S. laws against these unfairly traded steel imports. Unfortunately Mr. Speaker, the Administration has failed to act on behalf of the steel industry and American workers. In fact, the problem has only grown worse since this spring. Steel imports for this past July were up almost 45% over July 1997. Imports from Japan and South Korea are up over 113% and 89% respectively.

The impact of this dumped steel has already resulted in layoffs and reduced orders in factories around the country. U.S. Steel has laid off over 100 workers in Pittsburgh and is planning to lay off more workers as orders continue to slow. Geneva Steel has had to let go of over 500 employees, and Northwestern Steel and Wire Company in my state of Illinois has said that it might have to let go as many as 450 workers because of the these unfair trade practices. Even Acme Steel Company in Chicago has been forced to file for bankruptcy protection putting even more jobs in question.

I have over 20 firms in my district that produce steel or steel products. Some of these firms are large cooperations like Birmingham Steel whose mill in Joliet, Illinois employs almost 400 people, while others are small family owned businesses like Bellson Scrap and Steel in Bourbonnais. Without immediate action to stem the tide of this unfairly dumped steel, I fear that these steel producers and their workers will face severe harm.

Mr. Speaker, both the steel industry and the steelworkers union have filed suit to stop these unfair practices, but, without swift action by the Administration to stop this unchecked flow of dumped steel, it may be too late for many of our steel companies and steel workers to wait for the courts resolution.

The steel industry has rebounded from the financial difficulties of the 1980's that cost our country over 325,000 jobs. The American steel industry once in decline, now produces the lowest cost and highest quality steel on the planet. If we fail to ensure that American steel plays on a level playing field with the rest of the world, than we place American steel companies and American workers including the 400 at Birmingham Steel in great harm.

[From the Chicago Tribune, Oct. 1, 1998]

STEEL FIRMS FILE TRADE COMPLAINT—TARGETS: BRAZIL, JAPAN, RUSSIA

(By Michael Arndt)

Battered by imported steel arriving by the shipload, a coalition of domestic steel companies Wednesday asked the government to slap hefty duties on steel sheet—one of the industry's most widely used products—from Brazil, Japan and Russia.

The coalition also warned it would file unfair trade complaints against other steel goods from the same three teetering nations and others, including possibly South Korea, in what is shaping up to be the biggest counteroffensive against imports of any kind in at least a decade.

Before it's over, the Clinton administration may intervene and negotiate trade pacts that would give these nations a limited slice of the U.S. market, avoiding a cutoff that could hurt foreign governments important to U.S. interests.

The complaint, filed with the U.S. International Trade Commission and the Commerce Department, followed a record surge in low-priced imports that have smashed through mill towns this summer and fall like a Category 5 hurricane.

Already, Acme Metals Inc. of south suburban Riverdale has sought bankruptcy protection while J&L Specialty Steel Inc. has shelved plans for a new mill because prices and orders are skidding. Others have idled production lines, trimmed work-weeks and furloughed or fired hundreds of employees.

And layoffs, limited thus far by terms of the United Steelworkers of America's master labor contract, could balloon to the thousands by year's end if the flow of imports is not quickly dammed.

"We are in an absolute crisis," Paul Wilhelm, chief executive of USX Corp.'s U.S. Steel Group, said in a teleconference. "In my 35 years in the business, I have never seen the unprecedented levels of imports or the cutthroat prices coming into this country."

To people who have peripherally followed the steel industry, Wilhelm and the other CEOs in the Stand Up for Steel coalition sound like men crying wolf. Since 1980, when the nation's current trade laws went into effect, steelmakers have filed more complaints than every other industry combined.

But the increase in imports and tandem decline in spot-market prices triggered by Asia's economic collapse have been extraordinarily steep, suggesting that the steel industry—still a bedrock even in an Information Age economy—is truly in as much trouble as these men claim.

Indeed, only hours after the coalition announced its trade complaint in a Washington news conference, analyst Michelle Applebaum of Salomon Smith Barney urged investors to sell steel stocks, figuring that it may take until late 1999 for the trade complaint to lift overall prices.

The industry's latest bugbear is imported hot-rolled steel sheet, a commodity used in a variety of manufactured products, including vehicle parts, appliances and office furniture.

In their unfair trade complaint, the coalition notes that imports of this steel from Brazil, Japan and Russia jumped 81 percent in the first seven months of 1998 from the year-earlier period, giving them 27 percent of this market segment, up from 10.9 percent in 1997.

Looking over a longer timeframe, the coalition says that hot-rolled steel imports from the three nations are currently running at six times their 1995 annual total.

The price of these products is also unfairly low, according to the coalition. Under U.S. trade law, it is illegal to sell imported steel here for lower prices than in the foreign producer's home market or for less than the cost of production—practices known colloquially and legally as dumping.

To make these goods fairly priced, the coalition is demanding duties that would boost import prices from Brazil by 31 percent to 91 percent; from Japan by 28 percent to 85 percent; and from Russia by 91 percent to 167 percent.

The 12-company coalition—led by U.S. Steel, Bethlehem Steel Corp. and LTV Corp.—also accuses the Brazilian government of subsidizing its steel exports, another violation of U.S. trade law.

The trade complaint goes first to the International Trade Commission, which is scheduled to rule preliminary by mid-November whether the imports have injured the domestic industry. If so, the Commerce Department could set tentative duties by late April.

Well before then, however, coalition members said they plan to file unfair trade complaints against so-called emerging-market nations in Asia, Latin America and the former Soviet bloc on other widely traded products, such as high quality cold-rolled sheet, heavy-duty plate and multipurpose coils.

In the next few months, "we will be meeting with you many more times" as more complaints are brought, Curtis Barnette, chairman and chief executive of Bethlehem Steel, promised reporters. The coalition, he added, will go after "all products and all countries that are trading unfairly. No one is excluded."

There is almost a sense of tragedy in the steel industry's current troubles. Since 1980, the industry has spent an estimated $50 billion on more-productive equipment and mills to bring itself up to world standards. Some 325,000 jobs were eliminated in the process.

But just as the industry seemed finally to have put its house in order, Asia's economies came apart. With few consumers in their home markets, manufacturers in these nations turned toward exports to keep their factories busy and avoid layoffs that could be politically disruptive.

Steel executives and workers said they feel cheated.

Over the last 12 years, for instance, investors spent $420 million on Geneva Steel Inc., which enabled the Provo, Utah-based company to survive while every other traditional steel mill west of the Mississippi River went under.

Now, Geneva Steel has fired 270 employees and put another 335 on temporary layoff because of falling orders.

"Years and years of work will go down the drain very quickly if something does not happen," said Robert Grow, its president.

Other steelmakers are cutting back as well. Nucor Corp. has slowed production at three mills, including one in Crawfordsville, Ind. U.S. Steel has shut a blast furnace at its Gary Works that accounts for 7.5 percent of its total iron output, and has laid off about 100 workers in Pennsylvania.

And Northwestern Steel and Wire Co. of Sterling, Ill., recently said it would fire 450 workers as it exits nearly half its wire-products lines, in part because of heightened competition from low-priced imports.

"This is a not a regional problem," said George Becker, president of the United Steelworkers union, which joined in the trade complaint. "This is happening all over the United States, from Provo to Alabama, in Pennsylvania and south of Chicago."

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise today to express my views on the ruling of the Chair on the question of whether this is in fact a "Privileged Resolution" under the rules of this House.

I support the ruling of the Chair. I do not believe that this is in fact a privileged resolution under the rules of the House. I do believe that this issue should be brought up under regular order. I fully support the underlying resolution, H. Con. Res. 328, of which I am an original cosponsor. I urge the House of Representatives to call up and pass this important legislation under its regular order of business.

I call on the President and the Administration to act expeditiously to eliminate the damage being caused by illegal dumping of foreign steel products in America. Russia, Brazil, Korea, China, and Japan should not be allowed to export their economic mismanagement to the United States. Dumping is an unfair, intolerable and illegal trade practice that is hurting American steel companies and puts American jobs at risk.

Due to economic crises, Korean, Japanese, Russian, and other foreign steel companies cannot sell their products domestically. In order to liquidate their inventory, foreign steel producers are "dumping" their products in the U.S. by selling at prices below production cost in their home and U.S. markets. Steel imports in May 1998 increased a staggering 28.5 percent from last year.

Over the last decade, U.S. steel has revitalized to become one of the most competitive industries in the world. This enormous accomplishment is now in jeopardy due to illegal traded steel imports.

H. Con. Res. 328 is valuable legislation that calls on the Administration to act and respond to the surge of unfairly traded steel imports resulting from the financial crises in Asia, Russia and other parts of the world. It is an important step in addressing the growing steel import crisis and should be brought up and passed by the House.

An economic crisis in Russia and Asia does not give these countries the right to violate trade laws. Congress and the Administration need to act now to enforce trade laws and stop an economic crisis in the U.S. steel industry. We need a level playing field for everyone who participates in the global marketplace.

I support the underlying resolution, but Mr. Speaker I am compelled on procedural grounds to oppose the motion of the Gentleman from Indiana. By invoking this procedure, the Gentleman has unnecessarily politicized what should be a consensus issue in this House.

The SPEAKER pro tempore (Mr. CALVERT). The Chair is prepared to rule on whether the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY) presents a question of the privileges of the House under rule IX.

The resolution offered by the gentleman from Indiana calls upon the President to address a trade imbalance in the area of steel imports. Specifically, the resolution calls upon the President to pursue enhanced enforcement of trade laws, to establish a task force on monitoring imports, and to submit a report to Congress by the date certain on that matter.

A resolution expressing the legislative sentiment that the President should take specified action to achieve desired public policy end does not present the question affecting the rights of the House, collectively, its safety, dignity, or integrity of its proceedings as required under rule IX.

In the opinion of the Chair, the resolution offered by the gentleman from Indiana is purely a legislative proposition, properly initiated through the introduction in the hopper under clause 4 of rule 22.

The Chair will note a recent relevant precedent on this point. On February 7, 1995, Speaker GINGRICH ruled, consistent with the landmark ruling of May 6, 1921 by Speaker Gillett, that a resolution invoking the legislative powers enumerated in the Constitution and requiring a multifaceted evaluation and report by the Comptroller General on the proposed support of the Mexican pesos did not constitute the question of the privileges of the House.

In his ruling, Speaker GINGRICH stated: "Were the Chair to rule otherwise, then any alleged infringement by the Executive Branch, even, for example, through the regulatory process conferred on Congress by the Constitution would give rise to a question of the privileges of the House."

Although constitutional prerogatives have not been invoked in the text of the resolution before us today, the principle put forth in the 1995 ruling is nevertheless pertinent, as evidenced by the debate on this question. To permit a question of the privileges of the House addressing presidential trade policy through the mere invocation of the Constitution would permit any Member to advance virtually any legislative proposal as a question of the privileges of the House.

Accordingly, the resolution offered by the gentleman from Indiana does not request constitute a question of the privileges of the House under rule IX and may not be considered at this time.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Speaker, I do not mean to belabor the House.

My question is, the ruling of the Chair is only enforced by an affirmative vote to sustain the Chair's ruling. If the House votes to overturn the tabling of this, does it not set precedent to give back to the House that which exists within its mandated constitutional authority? If we vote in deference to the Chair's ruling, does it not allow us to thus change precedence, change the rules of the House, and allow debate on such issues?

The SPEAKER pro tempore. The ruling of the Chair is subject to appeal and could be overturned.

Mr. TRAFICANT. Mr. Speaker, question. If it is overturned, the ruling of the Chair then would allow these issues of privilege to exist for constitutional powers granted to the Congress.

The SPEAKER pro tempore. The Chair cannot anticipate the precedential effect of a future action. If the appeal were taken and the Chair was overruled, the resolution would be pending.

Mr. TRAFICANT. I thank the Chair.

Mr. VISCLOSKY. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) to lay on the table the appeal of the ruling of the Chair.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VISCLOSKY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. This 15-minute vote on tabling the appeal will be followed by votes on the four questions postponed earlier today.

Without objection, each postponed vote will be conducted as a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 219, nays 204, not voting 11, as follows:

[Roll No. 512]

YEAS—219

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra

Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Berman
Boucher
Collins
Hefner
Kennelly
Lazio
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel

□ 1345

Ms. RIVERS and Mr. GILMAN changed their vote from "yea" to "nay."

Messrs. LEWIS of California, LARGENT, KIM, WELDON, PITTS, LATOURETTE, ADERHOLT, BILIRAKIS, GILMAN, BUYER and Mrs. LINDA SMITH of Washington changed their vote from "nay" to "yea."

□ 1350

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of this privileged resolution.

For far too long, this Administration has turned its back on American workers. The Administration's failed trade policies has failed American workers. Free trade at any cost? I don't think so especially when American workers are the ones who suffer.

The current international economic crises has hit our steel industry hard. Asian nations such as Taiwan, China, Indonesia, Thailand, Malaysia, Korea and Japan have been illegally dumping their steel in our market. In the five months of 1998, U.S. steel imports from those Asian nations have increased by 79 percent from the same period from 1997. Compare that with the European Union which, despite being a major economy, only imported one-tenth as much finished steel products from Asia as the U.S. did.

And what is the difference between the European Union and the U.S.? The difference is the European Union enforces their trade laws—the U.S. doesn't.

Mr. Speaker, this body passed tough trade laws that level the playing field as we compete in the global economy, but these trade laws only work if they are enforced. And right now, under this Administration, they aren't.

I strongly urge the Administration to fully utilize U.S. trade laws to protect our domestic steel industry. When foreign nations dump steel at below-market prices in the U.S., it is unfair. When the Administration, charged with enforcing out trade laws and the responsibility of protecting American jobs and American industry from inequitable, foreign competition fails to do so, it is unfair. This worsens the U.S. trade deficit, exports American jobs, and causes a contractionary effect on U.S. economic growth. It is wrong for American workers to bear the burden of this nation's failed trade policies.

I urge all of my colleagues to join me in support of this resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 5 of rule I, and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Ordering the previous question on House Resolution 589 by the yeas and nays; the adoption of House Resolution 589; the adoption of House Resolution 588 by the yeas and nays; and suspend the rules and agree to House Resolution 592.

Also in the current series will be the following five questions: H.R. 4567, by the yeas and nays; House Resolution 334, de novo; House Concurrent Resolution 320, by the yeas and nays; H.R. 2616, by the yeas and nays; and 852, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote in this series, and remind the Members to stay on the floor.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

The SPEAKER pro tempore. The pending business is the question of ordering the previous question on House Resolution 589, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 201, not voting 12, as follows:

[Roll No. 513]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump

Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Berman
Boucher
Collins
Hefner
Kennelly
Lazio
Metcalf
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel

□ 1355

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4761, URUGUAY ROUND AGREEMENTS COMPLIANCE ACT of 1998

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, H. Res. 588, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 179, not voting 12, as follows:

[Roll No. 514]

YEAS—243

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Moran (KS)
Morella
Myrick
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—179

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Berman
Boucher
Collins
Harman
Hefner
Kennelly
Lazio
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel

□ 1402

Mr. MINGE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONNAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on rollcall No. 514, I inadvertently voted "no." I meant to vote "yes."

VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 592.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the resolution, House Resolution 592, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 515]

YEAS—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—11

Berman
Boucher
Collins
Hefner
Kennelly
Nethercutt
Parker
Poshard
Pryce (OH)
Rangel
Taylor (NC)

□ 1410

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "An Act to amend title 38, United States Code, to improve benefits and services provided to Persian Gulf War veterans, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, compensation, education, insurance, and other benefits for veterans, and for other purposes."

A motion to reconsider was laid on the table.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4567, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 4567, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 2, not voting 20, as follows:

[Roll No. 516]

YEAS—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse

Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Paul
Sabo

NOT VOTING—20

Berman
Bilbray
Boucher
Collins
English
Hefner
Hoyer
Hunter
Kennelly
Largent
Nethercutt
Parker
Peterson (PA)
Pickering
Portman
Poshard
Pryce (OH)
Rangel
Taylor (NC)
Torres

☐ 1417

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

A bill to amend titles XI and XVIII of the Social Security Act to revise the per beneficiary and per visit home health payment limits under the medicare program, to improve access to health care services for certain medicare-eligible veterans, to authorize additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries, and to expand the membership of the Medicare Payment Advisory Commission.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 516, I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, on rollcall No. 516, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, on rollcall No. 516, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, on rollcall No. 516, I was inadvertently detained. Had I been present, I would have voted "yea."

TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 334.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 334.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 16, as follows:

[Roll No. 517]

AYES—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)

Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Berman
Boucher
Collins
Ensign
Hefner
Kennelly
Nethercutt
Norwood
Parker
Poshard
Pryce (OH)
Quinn
Rangel
Smith (TX)
Taylor (NC)
Walsh

□ 1426

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE BALTIC PEOPLE OF ESTONIA, LATVIA, AND LITHUANIA, AND CONDEMNING THE NAZI-SOVIET PACT OF NON-AGRESSION

The SPEAKER pro tempore (Mr. LaHood). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 320, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Gilman) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 320, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 518]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—17

Berman
Boucher
Collins
Ensign
Hefner
Hobson
Kennelly
Nethercutt
Norwood
Parker
Poshard
Pryce (OH)
Quinn
Rangel
Smith (TX)
Taylor (NC)
Walsh

□ 1433

So (two-thirds having voted in favor thereof), the rules were suspended and the current resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNITY-DESIGNED CHARTER SCHOOLS ACT

The SPEAKER pro tempore (Mr. LaHood). The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2616.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Riggs) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2616, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 50, not voting 15, as follows:

[Roll No. 519]

YEAS—369

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—50

Abercrombie
Bonior
Boswell
Brown (FL)
Cannon
Chenoweth
Clay
Clayton
Clyburn
Coburn
Conyers
Crapo
Davis (IL)
DeFazio
Dingell
Evans
Filner
Furse
Goode
Hastings (FL)
Hilliard
Hinojosa
Jones
Kilpatrick
Kucinich
Lee
Lewis (GA)
Manzullo
McDermott
McKinney
Meek (FL)
Mink
Paul
Payne
Pickett
Rivers
Rush
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Stabenow
Stark
Stokes
Stupak
Taylor (MS)
Thompson
Visclosky
Waters
Yates

NOT VOTING—15

Berman
Boucher
Collins
Ensign
Hefner
Kennelly
Nethercutt
Norwood
Parker
Poshard
Pryce (OH)
Quinn
Rangel
Taylor (NC)
Walsh

□ 1440

Mr. TAYLOR of Mississippi and Mr. CONYERS changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1998

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 852, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the Senate bill, S. 852, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 271, nays 133, not voting 28, as follows:

[Roll No. 520]

YEAS—271

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCrery
McDade
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Neumann
Ney
Northup
Nussle
Ortiz
Oxley
Packard
Pappas
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda

Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—133

Abercrombie
Ackerman
Allen
Barcia
Barrett (WI)
Becerra
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kind (WI)
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sanford
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey
Yates

ANSWERED "PRESENT"—2

Deal
Tauscher

NOT VOTING—28

Berman
Blunt
Boucher
Chambliss
Collins
Ensign
Forbes
Hefner
Inglis
Kennedy (MA)
Kennelly
McCollum
McInnis
McIntosh
Meehan
Nethercutt
Norwood
Parker
Paul
Poshard
Pryce (OH)
Quinn
Rangel
Royce
Solomon
Stearns
Taylor (NC)
Walsh

□ 1447

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, on rollcall No. 520, I was unavoidably detained. Had I been present, I would have voted "yes."

□ 1450

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3014

Ms. WATERS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3014.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentlewoman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 859

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 859.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas.

There was no objection.

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1408) to establish the Lower East Side Tenement National Historic Site, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1408

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower East Side Tenement National Historic Site Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORIC SITE.—The term "historic site" means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 4.

(2) MUSEUM.—The term "Museum" means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this Act and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in

the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 5. MANAGEMENT OF THE SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 4(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this Act authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

Strike out all after the enacting clause and insert the following:

TITLE I—LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 102. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term "historic site" means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 103.

(2) MUSEUM.—The term "Museum" means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this title and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 104. MANAGEMENT OF THE HISTORIC SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this title authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—OTHER MATTERS

SEC. 201. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) PURPOSE.—It is the purpose of this section to assist in the preservation and interpretation of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant

to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

(2) ADDITIONAL PROVISIONS.—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

(d) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

SEC. 202. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.

Section 6 of the Act of October 15, 1966, entitled "An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes" (16 U.S.C. 460s–5), is amended as follows:

(1) In subsection (b)(1) by striking "including a scenic shoreline drive" and inserting "including appropriate improvements to Alger County Road H–58".

(2) By adding at the end the following new subsection:

"(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.".

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise today in support of S. 1408, the Lower East Side Tenement Museum Historic Site.

First, I would like to thank my colleague, the gentleman from Utah, chairman HANSON, for affording the Congress the opportunity to consider this important measure. In addition, I would like to thank all of those Members who have worked hard on this initiative, my friend and colleague from New York PETER KING, as well as our two distinguished senators from New York.

S. 1408 would establish the Lower East Side Tenement Museum in New York as a national historic site, and create an affiliation between it and the National Park Service.

The tenement museum, a private, nonprofit organization founded in 1988 by president Ruth Abram, is devoted to preserving the history of America's urban working-class immigrants. After considerable research and labor, apartments have been restored and reconstructed to reflect the lives of actual tenants.

The Lower East Side Tenement Museum serves as a window to America's immigrant past. Visitors are introduced to the daily lives and community building efforts of immigrant families from over 20 nations who owned, resided, or kept shops in the tenement buildings at that time.

Affiliated status would allow the National Park Service to join with the museum to develop joint programs, with the Statue of Liberty and Ellis Island for example, which could only enhance the visitors' experience. This building is the first tenement in the Nation to be preserved as a historic site, and represents a unique opportunity for the public to interpret his rich cultural heritage, which has contributed to the very fabric in the formation of America.

Finally, I would like to commend the president of the museum, Ruth Abrams, and her staff for all of her tireless efforts in preserving an important part of our Nation's history.

I urge all of my colleagues to support this important bill.

Ms. VELÁZQUEZ. Mr. Speaker, the popularity of historical sites like Ellis Island and the Statue of Liberty attests to the value of this nation's rich immigrant history and the importance Americans place on understanding their heritage. But the story of the immigrant experience does not end at Ellis Island. The Lower East Side Tenement Museum offers us a rare window into how our ancestors adapted to their new lives in this country.

In order to help the Tenement Museum to serve the public better, I introduced H.R. 2201, in July 1997. Senators D'AMATO and MOYNIHAN followed by introducing the Senate equivalent in November of that year. Our legislation would designate the Lower East Side Tenement Museum as an affiliate of the National Park Service. The Tenement Museum is located at 97 Orchard Street in Manhattan's Lower East Side, the heart of America's immigrant tradition. The building was erected in 1863 and, over the course of 69 years, served as the first American home for thousands of immigrants from around the world.

Much of America's immigrant history begins in New York. The museum on Ellis Island explains how families from around the world journeyed to and arrived in the United States. While many newcomers set out to settle our nation's rural frontiers, many more became urban pioneers—men, women and children who settled in the city. For this reason the next chapter of the immigrant tale, their lives in America, deserves closer exploration and recognition. Thus, in seeking a home for this story, the Museum sought the quintessential expression of urban, immigrant life—the tenement.

The Lower East Side Tenement Museum bill recognizes the Museum's efforts to preserve, maintain and interpret the themes of early tenement life, the housing reform movement, and tenement architecture in the United States. Affiliate status would allow this private non-profit museum to fully participate in the programs and activities of the National Park Service while complimenting the Park Services trinity of Ellis Island, Clinton Castle and the Statue of Liberty at no cost to American taxpayers.

By making the museum an affiliate of the National Park Service, the immigrant story is personalized—linking Ellis Island, the Statue of Liberty and a Lower East Side Tenement. As visitors understand this story more fully, they will gain greater insight into who they are and where they came from. I urge all of you to support this national treasure.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1718) to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts from the acquisition of real and personal property, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

"(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

"(1) ACQUISITION.—

"(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

"(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

"(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

"(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

"(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

"(A) developing the parking, visitor, and administrative facilities for the historic site; and

"(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.".

(b) Increase in Maximum Acquisition Authority.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1173) is amended by striking "$1,500,000" and inserting "$4,000,000".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Hansen:

Strike out all after the enacting clause and insert the following:

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) Acquisition of Land for Visitor and Administrative Facilities.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

"(d) Acquisition of Land for Visitor and Administrative Facilities; Limitations.—

"(1) Acquisition.—

"(A) In general.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

"(B) Proximity.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

"(C) Management.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

"(2) Development.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

"(3) Agreements.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield,,Connecticut, and the town of Wilton, Connecticut, for the purposes of—

"(A) developing the parking, visitor, and administrative facilities for the historic site; and

"(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.".

(b) Increase in Maximum Acquisition Authority.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1173) is amended by striking "$1,500,000" and inserting "$4,000,000".

SEC. 2. ACQUISITION AND MANAGEMENT OF WILCOX RANCH, UTAH, FOR WILDLIFE HABITAT.

(a) Findings.—Congress finds the following:

(1) The lands within the Wilcox Ranch in eastern Utah are prime habitat for wild turkeys, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and many other important species, and Range Creek within the Wilcox Ranch could become a blue ribbon trout stream.

(2) These lands also contain a great deal of undisturbed cultural and archeological resources, including ancient pottery, arrowheads, and rock homes constructed centuries ago.

(3) These lands, while comprising only approximately 3,800 acres, control access to over 75,000 acres of Federal lands under the jurisdiction of the Bureau of Land Management.

(4) Acquisition of the Wilcox Ranch would benefit the people of the United States by preserving and enhancing important wildlife habitat, ensuring access to lands of the Bureau of Land Management, and protecting priceless archeological and cultural resources.

(5) These lands, if acquired by the United States, can be managed by the Utah Division of Wildlife Resources at no additional expense to the Federal Government.

(b) Acquisition of Lands.—As soon as practicable, after the date of the enactment of this Act, the Secretary of the Interior shall acquire, through purchase, the Wilcox Ranch located in Emery County, in eastern Utah.

(c) Funds for Purchase.—The Secretary of the Interior is authorized to use not more than $5,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5) for the purchase of the Wilcox Ranch under subsection (b).

(d) Management of Lands.—Upon payment by the State of Utah of one-half of the purchase price of the Wilcox Ranch to the United States, or transfer by the State of Utah of lands of the same such value to the United States, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to those Wilcox Ranch lands acquired under subsection (b) for management by the State Division of Wildlife Resources for wildlife habitat and public access.

SEC. 3. LAND CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) Conveyance Required.—Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without consideration and for educational related purposes, to Embry-Riddle Aeronautical University, Florida, a nonprofit corporation authorized to do business in the State of Arizona, all right, title, and interest of the United States, if any, to a parcel of real property consisting of approximately 16 acres in Yavapai County, Arizona, which is more fully described as the parcel lying east of the east right-of-way boundary of the Willow Creek Road in the southwest one-quarter of the southwest one-quarter (SW¼SW¼) of section 2, township 14 north, range 2 west, Gila and Salt River meridian.

(b) Terms of Conveyance.—Subject to the limitation that the land to be conveyed is to be used only for educational related purposes, the conveyance under subsection (a) is to be made without any other conditions, limitations, reservations, restrictions, or terms by the United States. If the Secretary of the Interior determines that the conveyed lands are not being used for educational related purposes, at the option of the United States, the lands shall revert to the United States.

SEC. 4. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(a) Authorization of Exchange.—If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled "El Portal Administrative Site Land Exchange", dated June 1998.

(b) Receipt of Non-Federal Lands.—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) Equalization of Values.—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) Applicability of Other Laws.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) Boundary Adjustment.—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) Map.—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

(g) Additional Terms and Conditions.—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today to urge passage of S. 1718, companion legislation to H.R. 3383, of which I am the author. I would like to thank Mr. Hansen and Mr. Faleomavaega, as well as Mr. Miller and Mr. Young, for their efforts on behalf of this important legislation. I would also like to commend Rick Healy and Allen Freemeyer of the House Resources Committee staff for their hard work.

Weir Farm is a cultural treasure that commemorates and preserves the homestead of American Impressionist painter J. Alden Weir. Weir is widely recognized as one of the leaders of the American Impressionist movement. The Weir Farm National Historic Site is Connecticut's only national park. The grounds of Weir Farm were the primary subject of Weir's work, and the preservation of this environment is vital not only to Connecticut's tourist economy, but also to preserving the unique artistic heritage of America. Under this bill, the National Park Service is authorized to acquire 13 additional acres of land adjacent to the existing Weir Farm site. In addition, it authorizes the construction of a visitors center and a gallery for the display of American Art.

In 1990, under the leadership of Sens. LIEBERMAN and DODD, Congress made Weir Farm part of the National Park System and the first site to honor an American painter. This legislation (P.L. 101–485) authorized the Park Service to acquire 62 acres of the original Weir property along with several of the buildings that Weir lived and worked in, as well as many of the original furnishings. Those visitors who make their way to Weir Farm each year can tour the studio where Weir and his successors toiled, and the classic New England barn that caught the eye of many visiting artists that was rehabilitated with a generous appropriation from Congress. Unfortunately, these visitors cannot view the wonderful collection of Impressionist works are in the process of being acquired through private donations. The historic buildings are ill-equipped to accommodate even a limited visitor center, let alone a museum-quality gallery. The legislation before us today will also help the park fulfill another critical part of its mission, which is to reunite Weir Farm's historic landscape with the rich array of art it inspired.

One of the most important provisions in this legislation is an agreement that has already been approved by town officials of Ridgefield, Connecticut and the National Park Service that limits what the Park Service may or may not do in developing the site. Credit should be given to town officials in Ridgefield and to the National Park Service, especially Park Superintendent Sarah Olson, for their tireless commitment to making this Weir Farm expansion a reality. The agreement will limit the number of parking spaces, prohibit the sale of food and beverages on the site, and control traffic in the area. It also requires the Park Service to proceed through the usual Planning and Zoning Commission process for review of the proposed improvements.

This legislation is a tremendous step toward enhancing visitors' enjoyment of Connecticut's only National Park, and I am very appreciative of the work that Senators DODD and LIEBERMAN have done on it in the Senate. This bill represents a balanced approach to the proposed expansion that is acceptable to not only the Park Service, but more important, to the residents in the Ridgefield-Wilton, Connecticut area.

I am proud to have worked for the passage of this important legislation, and I would urge support for S. 1718.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in strong support of this bill introduced by my colleagues from Connecticut Senator JOE LIEBERMAN, Senator CHRISTOPHER DODD, and Congressman JIM MALONEY.

The Weir Farm National Historic Site was added to the National Park System by Congress in 1990. This beautiful area in Connecticut was the home of painter J. Alden Weir, a leader of the Impressionist movement in American art during the last century. Like Monet's Giverney, this picturesque and genuinely American landscape served as the inspiration behind Weir's paintings and a generation of other American artists who journeyed to visit the farm during this time.

Today, thousands of visitors still come to Weir Farm to tour the studio and landscape that fueled the Impressionist movement in the New World. The site and studio has been wonderfully preserved over the year's by Weir's family and fellow artists. Congress made this site the first in the country to honor an American painter, and the State of Connecticut contributed by purchasing the initial 60 acres of open space surrounding the homestead.

The legislation we are currently debating will allow one more addition to this Historic Site. It would allow the Park Service to purchase 15 additional acres of land adjacent to Weir Farm to construct a Visitors Center to hold park information and display many of the wonderful paintings inspired by the area. The Park Service and local communities have asked for this permission because their facilities, mostly preserved from the 19th Century, are not adequate to meet this goal. Also, construction of such a facility on existing land would tragically impact this open area. The chance to provide our children and future generations access to these great works of American art in the setting they were created is an opportunity we cannot let pass by.

I urge my colleagues to support and pass this important legislation.

Mr. MILLER of California. Mr. Speaker, I'm pleased that we are here today to consider and pass H.R. 4483, the Rosie the Riveter National Park Service Affiliated Site Study Act of 1998.

The role of women in the U.S. workforce was forever changed during World War II when women throughout the country took over jobs previously held by men who went off to war. Millions of women who had never expected to find themselves working outside the home did just that in order to support their families and keep the nation's economy running through the war years. The now infamous slogan of "We can do it" and nicknames such as "Rosie the Riveter" and "Wendy the Welder" came to represent these women and the work they did.

This legislation directs the National Park Service to study the feasibility of giving federal designation to the site of the old Kaiser shipyards in Richmond, California. Thousands of "Rosies" and "Wendys" built some 747 Liberty and Victory ships which were immediately commissioned into the U.S. Navy and sent to fight in the war from shipyards located in my district.

I have had the honor of meeting and talking with many of the former shipbuilders and hearing their stories. Their connection with the men fighting on the ships and their support for the war effort led the workers to strive for perfection in each task, and gained them the respect of their employers and all Americans. Realizing the value of the women workers, many shipyards conducted around the clock day care centers and schools on site so the mothers could know their children were well cared for nearby.

The stories of these women is an important part of the history of the nation, and their sacrifice and effort deserved to be recognized by our country and preserved for generations to come. The city of Richmond, California, has established the Rosie the Riveter Park on the site of the Kaiser shipyards during World War II where so many of the Liberty ships were constructed. By passing this legislation, Congress honors these women who did so much to help us win World War II. I urge my colleagues to join me in passing this important bill.

Mr. DINGELL. Mr. Speaker, I would like to thank Representative HANSEN for bringing this legislation before the House for consideration. I am deeply grateful for his support and the work he has done on H.R. 3910.

The industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant; they have made this a greater country. In cities across Michigan, such as Detroit, Dearborn, Flint, Kalamazoo, Lansing, and Saginaw, the automobile was designed and manufactured and in turn helped establish and expand the United States as an industrial power. The industrial strength of automobile manufacturing was vital to defending freedom and democracy in two world wars and fueled our economic growth in the modern era.

Automobile heritage is more than the assembly lines and engineering rooms where cars were created and built. Turning a vision into a reality, the story of the automobile is a tale of hard work and growth. It is the shared history of millions of Americans who fought, during the labor movement, for good wages and benefits. This industry shaped 20th Century America like no other; it is the quintessential American story. It is a story worth celebrating and sharing.

The end product of all this hard work and cooperation, the Automobile National Heritage Area, creates something special and lasting both for Michigan and America. Again, I think my colleague from Utah, Representative HANSEN, along with Chairman DON YOUNG. The gentleman from Utah has done a superb job, and I salute him. I say to my colleagues from both sides of the aisle, and from all regions of America, that the Automobile National Heritage Area will enormously benefit the people of the 16th District in the State of Michigan and those who work in and are dependent upon the auto industry. This area is very, very important to us in Michigan in terms of remembering our history, who we are, and what we have done to build America.

But all these efforts in Washington would not have come about if not for the years of planning by educators, local officials, and business leaders to bring together—in one package—a way to preserve this story. These local, grassroots efforts have been supported by many organizations in Michigan, including our major automobile manufacturers, labor organizations, businesses, towns and cities, chambers of commerce, and elected official from both parties. There are too many individuals to thank today. But I would like to extend my gratitude to Ed Bagale of the University of Michigan-Dearborn, Steve Hamp of the Henry Ford Museum, Sandra Clark of the State of Michigan, Maud Lyon of the Detroit Historical Museum, Bill Chapin, and Barbara Nelson-Jameson of the National Parks Service.

I urge my colleagues to support the rich history and tradition of the automobile. Support this unique American story. Support H.R. 3910.

Mr. RILEY. Mr. Speaker, I rise today to support H.R. 3910.

This bipartisan bill is supported by the leadership on both sides of the isle, the Resources Committee, the Administration, and the National Park Service. H.R. 3910 creates two new historic sites that will help further our nation's celebration of the "American Experience."

Of particular interest to me is a provision in the bill to authorize the establishment of the Tuskegee Airmen National Historic Site at Moton Field, Alabama. I have been working for over a year to secure this important tribute to the famed Tuskegee Airmen of World War II.

Mr. Speaker, by any standard, the Tuskegee Airmen were and are American heroes.

Despite a widespread belief that they, as African-Americans, did not possess the abilities to be effective war fighters, the famed Tuskegee Airmen of World War II proved that they were among the best pilots in the North African, Sicilian, and European Campaigns.

Affectionately known as the "Red Tails" (for the red paint on the tails of their aircraft) by the bomber crews they protected, the pilots of Tuskegee did not lose a single bomber in their care to enemy fighters. Because of their heroic service, the Tuskegee Airmen were one of America's most highly decorated fighter groups of World War II. Upon returning home, the Tuskegee Airmen had won 150 Distinguished Flying Crosses, one Legion of Merit, one Silver Star, 14 Bronze Stars, and 744 Air Medals. But the price was high. Of the 450 pilots that saw combat during World War II, 66 were killed in action and another 32 were taken prisoners of war.

However, Mr. Speaker, the contributions of the Tuskegee Airmen did not end with the war. Because of their demonstrated ability as an effective fighting force and their individual heroism, the Tuskegee Airmen gave President Harry S. Truman all the proof he needed to justify his decision in 1948 to desegregate the United States military.

And in the following decades, the Airmen's accomplishments during the war served as an inspiration for the civil rights movement as a whole.

Last August, I asked the National Park Service to conduct a feasibility study for developing Moton Field at Tuskegee University, Alabama, as a National Historic Site. Mr. Speaker, I want to commend the Park Service for their fine work on this undertaking. It is because of this study that I decided to introduce H.R. 4211, which is included in the bill we are considering this today.

This legislation will allow the National Park Service to tell the American people the most accurate and comprehensive story of Tuskegee Airmen—a story about individuals who overcame racism and intolerance in their own country, so that they could fight oppression and intolerance by the Axis powers in Europe.

The Tuskegee Airmen National Historic Site will focus on life at Moton Field and the accomplishments of the Airmen themselves. Specifically, the park will highlight:

1. The impact of the Tuskegee Airmen during World War II;

2. The training process for the Tuskegee Airmen and the strategic role that Tuskegee Institute (now Tuskegee University) played in that training;

3. The African-American struggle for greater participation in the U.S. military and more significant roles in defending their country;

4. The significance of successes of the Tuskegee Airmen in leading to desegregation of the U.S. military shortly after World War II; and

5. The impact of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950s and 1960s.

Mr. Speaker, we should neither discount nor forget the influence of the Tuskegee Airmen on the "American Experience." The Tuskegee Airmen, in my view, should be immortalized, honored and thanked for their courageous and selfless efforts to preserve and protect the freedom that every American enjoys today. I believe that the Tuskegee Airmen National Historic Site will be a fitting and worth tribute to these American heroes.

Unfortunately, time has begun to take its toll on the Tuskegee Airmen. Many are no longer with us. That is why I would like to move forward with this legislation as quickly as possible so that the remaining Airmen will have the opportunity to see their legacy enshrined in the Tuskegee Airmen National Historic Site.

Passing H.R. 3910 is the first step to making this project a reality. Again, the story of the Tuskegee Airmen is one that I believe must be told and I believe—and I hope my colleagues will agree—that they deserve nothing less.

Mr. Speaker, H.R. 3910 is a good bill that has wide bipartisan support. Therefore, I urge my colleagues to pass this important legislation.

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

Amend the title so as to read: "To amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property, and for other purposes.".

A motion to reconsider was laid on the table.

AUTOMOBILE NATIONAL HERITAGE AREA ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 3910) to authorize the Automobile National Heritage Area, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Automobile National Heritage Area Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity to Detroit, Dearborn, Flint, and Lansing, the design and manufacture of the automobile helped establish and expand the United States industrial power;

(3) the industrial strength of automobile manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories;

(4) the economic strength of our Nation is connected integrally to the vitality of the automobile industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends;

(5) the industrial and cultural heritage of the automobile industry in Michigan includes the social history and living cultural traditions of several generations;

(6) the United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile industry;

(7) the Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Michigan to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Automobile National Heritage Area Partnership, Incorporated, the State of Michigan, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans;

(8) the Automobile National Heritage Area Partnership, Incorporated would be an appropriate entity to oversee the development of the Automobile National Heritage Area; and

(9) 2 local studies, "A Shared Vision for Metropolitan Detroit" and "The Machine That Changed the World", and a National Park Service study, "Labor History Theme Study: Phase III; Suitability-Feasibility", demonstrated that sufficient historical resources exist to establish the Automobile National Heritage Area.

(b) PURPOSE.—The purpose of this Act is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) Board.—The term "Board" means the Board of Directors of the Partnership.

(2) Heritage area.—The term "Heritage Area" means the Automobile National Heritage Area established by section 4.

(3) Partnership.—The term "Partnership" means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) Establishment.—There is established in the State of Michigan the Automobile National Heritage Area.

(b) Boundaries.—

(1) In general.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in Michigan that are related to the following corridors:

(A) The Rouge River Corridor.

(B) The Detroit River Corridor.

(C) The Woodward Avenue Corridor.

(D) The Lansing Corridor.

(E) The Flint Corridor.

(F) The Sauk Trail/Chicago Road Corridor.

(2) Specific boundaries.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 6.

(3) Map.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) Consent of local governments.—(A) The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(B) Property may not be included in the Heritage Area if—

(i) the Partnership fails to give notice of the inclusion in accordance with subparagraph (A);

(ii) any local government to which the notice is required to be provided objects to the inclusion, in writing to the Partnership, by not later than the end of the period provided pursuant to clause (iii); or

(iii) fails to provide a period of at least 60 days for objection under clause (ii).

(c) Administration.—The Heritage Area shall be administered in accordance with this Act.

(d) Additions and Deletions of Lands.—The Secretary may add or remove lands to or from the Heritage Area in response to a request from the Partnership.

SEC. 5. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) In General.—The Partnership shall be the management entity for the Heritage Area.

(b) Federal Funding.—

(1) Authorization to receive funds.—The Partnership may receive amounts appropriated to carry out this Act.

(2) Disqualification.—If a management plan for the Area is not submitted to the Secretary as required under section 6 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this Act until such a plan is submitted to the Secretary.

(c) Authorities of Partnership.—The Partnership may, for purposes of preparing and implementing the management plan for the Area, use Federal funds made available under this Act—

(1) to make grants and loans to the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to Federal agencies, the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(d) Prohibition of Acquisition of Real Property.—The Partnership may not use Federal funds received under this Act to acquire real property or any interest in real property.

SEC. 6. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) Heritage Area Management Plan.—

(1) Submission for review by secretary.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this Act, develop and submit for review to the Secretary a management plan for the Area.

(2) Plan requirements, generally.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) Additional plan requirements.—The management plan also shall include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(E) An interpretive plan for the Heritage Area.

(4) Approval and disapproval of the management plan.—

(A) In general.—Not later than 60 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 60 days, the plan shall be considered approved.

(B) Disapproval and revisions.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) Priorities.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) Consideration of Interests of Local Groups.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) Public Meetings.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) Annual Reports.—The Partnership shall, for any fiscal year in which it receives Federal funds under this Act or in which a loan made by the Partnership with Federal funds under section 5(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) Cooperation With Audits.—The Partnership shall, for any fiscal year in which it receives Federal funds under this Act or in which a loan made by the Partnership with Federal funds under section 5(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) Delegation.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 4(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the Heritage Area effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this Act. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 8. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this Act shall be construed to grant powers of zoning or land use control to the Partnership.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Michigan or a political subdivision thereof.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2014.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated under this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this Act.

(b) 50 PERCENT MATCH.—Federal funding provided under this Act, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with any financial assistance or grant provided under this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HANSEN:

Strike out all after the enacting clause and insert the following:

TITLE I—AUTOMOBILE NATIONAL HERITAGE AREA OF MICHIGAN

SEC. 101. SHORT TITLE.

This title may be cited as the "Automobile National Heritage Area Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant;

(2) in the areas of Michigan including and in proximity to Detroit, Dearborn, Pontiac, Flint, and Lansing, the design and manufacture of the automobile helped establish and expand the United States industrial power;

(3) the industrial strength of automobile manufacturing was vital to defending freedom and democracy in 2 world wars and played a defining role in American victories;

(4) the economic strength of our Nation is connected integrally to the vitality of the automobile industry, which employs millions of workers and upon which 1 out of 7 United States jobs depends;

(5) the industrial and cultural heritage of the automobile industry in Michigan includes the social history and living cultural traditions of several generations;

(6) the United Auto Workers and other unions played a significant role in the history and progress of the labor movement and the automobile industry;

(7) the Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Michigan to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Automobile National Heritage Area Partnership, Incorporated, the State of Michigan, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans;

(8) the Automobile National Heritage Area Partnership, Incorporated would be an appropriate entity to oversee the development of the Automobile National Heritage Area; and

(9) 2 local studies, "A Shared Vision for Metropolitan Detroit" and "The Machine That Changed the World", and a National Park Service study, "Labor History Theme Study: Phase III; Suitability-Feasibility", demonstrated that sufficient historical resources exist to establish the Automobile National Heritage Area.

(b) PURPOSE.—The purpose of this title is to establish the Automobile National Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, and the local communities in Michigan and empower communities in Michigan to conserve their automotive heritage while strengthening future economic opportunities; and

(2) conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Automobile National Heritage Area.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) BOARD.—The term "Board" means the Board of Directors of the Partnership.

(2) HERITAGE AREA.—The term "Heritage Area" means the Automobile National Heritage Area established by section 104.

(3) PARTNERSHIP.—The term "Partnership" means the Automobile National Heritage Area Partnership, Incorporated (a nonprofit corporation established under the laws of the State of Michigan).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 104. AUTOMOBILE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State of Michigan the Automobile National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—Subject to paragraph (2), the boundaries of the Heritage Area shall include lands in Michigan that are related to the following corridors:

(A) The Rouge River Corridor.

(B) The Detroit River Corridor.

(C) The Woodward Avenue Corridor.

(D) The Lansing Corridor.

(E) The Flint Corridor.

(F) The Sauk Trail/Chicago Road Corridor.

(2) SPECIFIC BOUNDARIES.—The specific boundaries of the Heritage Area shall be those specified in the management plan approved under section 106.

(3) MAP.—The Secretary shall prepare a map of the Heritage Area which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) NOTICE TO LOCAL GOVERNMENTS.—The Partnership shall provide to the government of each city, village, and township that has jurisdiction over property proposed to be included in the Heritage Area written notice of that proposal.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this title.

SEC. 105. DESIGNATION OF PARTNERSHIP AS MANAGEMENT ENTITY.

(a) IN GENERAL.—The Partnership shall be the management entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The Partnership may receive amounts appropriated to carry out this title.

(2) DISQUALIFICATION.—If a management plan for the Heritage Area is not submitted to the Secretary as required under section 106 within the time specified in that section, the Partnership shall cease to be authorized to receive Federal funding under this title until such a plan is submitted to the Secretary.

(c) AUTHORITIES OF PARTNERSHIP.—The Partnership may, for purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available under this title—

(1) to make grants to the State of Michigan, its political subdivisions, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State of Michigan, its political subdivisions, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Partnership may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. 106. MANAGEMENT DUTIES OF THE AUTOMOBILE NATIONAL HERITAGE AREA PARTNERSHIP.

(a) HERITAGE AREA MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY SECRETARY.—The Board of Directors of the Partnership shall, within 3 years after the date of enactment of this title, develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) PLAN REQUIREMENTS, GENERALLY.—A management plan submitted under this section shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area; and

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area.

(3) ADDITIONAL PLAN REQUIREMENTS.—The management plan also shall include the following, as appropriate:

(A) An inventory of resources contained in the Heritage Area, including a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the Heritage Area. The inventory may not include any property that is privately owned unless the owner of the property consents in writing to that inclusion.

(B) A recommendation of policies for resource management that consider and detail the application of appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan, including plans for restoration and construction and a description of any commitments that have been made by persons interested in management of the Heritage Area.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the Heritage Area.

(4) APPROVAL AND DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the Heritage Area management plan by the Board, the Secretary shall approve or disapprove the plan. If the Secretary has taken no action after 180 days, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the management plan, the Secretary shall advise the Board, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revisions from the Board. If the Secretary has taken no action for 60 days after receipt, the plan and revisions shall be considered approved.

(b) PRIORITIES.—The Partnership shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the Heritage Area, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the natural and cultural resources in the Heritage Area;

(B) in establishing and maintaining interpretive exhibits in the Heritage Area;

(C) in developing recreational opportunities in the Heritage Area;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the Heritage Area;

(E) in the restoration of historic buildings that are located within the boundaries of the Heritage Area and related to the theme of the Heritage Area; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Partnership shall, in preparing and implementing the management plan for the Heritage Area, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the Heritage Area.

(d) PUBLIC MEETINGS.—The Partnership shall conduct public meetings at least annually regarding the implementation of the Heritage Area management plan.

(e) ANNUAL REPORTS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The Partnership shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the Partnership with Federal funds under section 105(c)(1) is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

(g) DELEGATION.—The Partnership may delegate the responsibilities and actions under this section for each corridor identified in section 104(b)(1). All delegated actions are subject to review and approval by the Partnership.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to units of government, nonprofit organizations, and other persons upon request of the Partnership, and to the Partnership, regarding the management plan and its implementation.

(2) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or grants under this section, require any recipient of such technical assistance or a grant to enact or modify land use restrictions.

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the assistance effectively fulfills the objectives contained in the Heritage Area management plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the Heritage Area.

(c) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the Heritage Area shall consider the potential effect of the activity on the Heritage Area management plan and shall consult with the Partnership with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

SEC. 108. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF LOCAL GOVERNMENT.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land under any other law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this title shall be construed to grant powers of zoning or land use control to the Partnership.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title shall be construed to affect or to authorize the Partnership to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local zoning ordinance or land use plan of the State of Michigan or a political subdivision thereof.

SEC. 109. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, 2014.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated under this title not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any activity carried out with any financial assistance or grant provided under this title.

TITLE II—GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

SEC. 201. BOUNDARY ADJUSTMENTS AND CONVEYANCES, GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT, UTAH.

(a) EXCLUSION OF CERTAIN LANDS.—The boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the following lands:

(1) The parcel known as Henrieville Town, Utah, as generally depicted on the map entitled "Henrieville Town Exclusion, Garfield County, Utah", dated March 25, 1998.

(2) The parcel known as Cannonville Town, Utah, as generally depicted on the map entitled "Cannonville Town Exclusion, Garfield County, Utah", dated March 25, 1998.

(3) The parcel known as Tropic Town, Utah, as generally depicted on the map entitled "Tropic Town Parcel", dated July 21, 1998.

(4) The parcel known as Boulder Town, Utah, as generally depicted on the map entitled "Boulder Town Exclusion, Garfield County, Utah", dated March 25, 1998.

(b) INCLUSION OF CERTAIN ADDITIONAL LANDS.—The boundaries of the Grand Staircase-Escalante National Monument are hereby modified to include the parcel known as East Clark Bench, as generally depicted on the map entitled "East Clark Bench Inclusion, Kane County, Utah", dated March 25, 1998.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for public inspection in the office of the Grand Staircase-Escalante National Monument in the State of Utah and in the office of the Director of the Bureau of Land Management.

(d) LAND CONVEYANCE, TROPIC TOWN, UTAH.—The Secretary of the Interior shall convey to Garfield County School District, Utah, all right, title, and interest of the United States in and to the lands shown on the map entitled "Tropic Town Parcel" and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for use as the location for a school and for other education purposes.

(e) LAND CONVEYANCE, KODACHROME BASIN STATE PARK, UTAH.—The Secretary shall transfer to the State of Utah all right, title, and interest of the United States in and to the lands shown on the map entitled "Kodachrome Basin Conveyance No. 1 and No. 2" and dated July 21, 1998, in accordance with section 1 of the Act of June 14, 1926 (43 U.S.C. 869; commonly known as the Recreation and Public Purposes Act), for inclusion of the lands in Kodachrome Basin State Park.

SEC. 202. UTILITY CORRIDOR DESIGNATION, U.S. ROUTE 89, KANE COUNTY, UTAH.

There is hereby designated a utility corridor with regard to U.S. Route 89, in Kane County, Utah. The utility corridor shall run from the boundary of Glen Canyon Recreation Area westerly to Mount Carmel Jct. and shall consist of the following:

(1) Bureau of Land Management lands located on the north side of U.S. Route 89 within 240 feet of the center line of the highway.

(2) Bureau of Land Management lands located on the south side of U.S. Route 89 within 500 feet of the center line of the highway.

TITLE III—TUSKEGEE AIRMEN NATIONAL HISTORIC SITE, ALABAMA

SEC. 301. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term "historic site" means the Tuskegee Airmen National Historic Site as established by section 303.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TUSKEGEE AIRMEN.—The term "Tuskegee Airmen" means the thousands of men and women who were trained at Tuskegee University's Moton Field to serve in America's African-American Air Force units during World War II and those men and women who participate in the Tuskegee Experience today, who are represented by Tuskegee Airmen, Inc.

(4) TUSKEGEE UNIVERSITY.—The term "Tuskegee University" means the institution of higher education by that name located in the State of Alabama and founded by Booker T. Washington in 1881, formerly named Tuskegee Institute.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The struggle of African-Americans for greater roles in North American military conflicts spans the 17th, 18th, 19th, and 20th centuries. Opportunities for African-American participation in the United States military were always very limited and controversial. Quotas, exclusion, and racial discrimination were based on the prevailing attitude in the United States, particularly on the part of the United States military, that African-Americans did not possess the intellectual capacity, aptitude, and skills to be successful fighters.

(2) As late as the 1940's these perceptions continued within the United States military. Key leaders within the United States Army Air Corps did not believe that African-Americans possessed the capacity to become successful military pilots. After succumbing to pressure exerted by civil rights groups and the black press, the Army decided to train a small number of African-American pilot cadets under special conditions. Although prejudice and discrimination against African-Americans was a national phenomenon, not just a southern trait, it was more intense in the South where it had hardened into rigidly enforced patterns of segregation. Such was the environment where the military chose to locate the training of the Tuskegee Airmen.

(3) The military selected Tuskegee Institute (now known as Tuskegee University) as a civilian contractor for a variety of reasons. These included the school's existing facilities, engineering and technical instructors, and a climate with ideal flying conditions year round. Tuskegee Institute's strong interest in providing aeronautical training for African-American youths was also an important factor. Students from the school's civilian pilot training program had some of the best test scores when compared to other students from programs across the Southeast.

(4) In 1941 the United States Army Air Corps awarded a contract to Tuskegee Institute to operate a primary flight school at Moton Field. Tuskegee Institute (now known as Tuskegee University) chose an African-American contractor who designed and constructed Moton Field, with the assistance of its faculty and students, as the site for its military pilot training program. The field was named for the school's second president, Robert Russa Moton. Consequently, Tuskegee Institute was one of a very few American institutions (and the only African-American institution) to own, develop, and control facilities for military flight instruction.

(5) Moton Field, also known as the Primary Flying Field or Airport Number 2, was the only primary flight training facility for African-American pilot candidates in the United States Army Air Corps during World War II. The facility symbolizes the entrance of African-American pilots into the United States Army Air Corps, although on the basis of a policy of segregation that was mandated by the military and institutionalized in the South. The facility also symbolizes the singular role of Tuskegee Institute (Tuskegee University) in providing leadership as well as economic and educational resources to make that entry possible.

(6) The Tuskegee Airmen were the first African-American soldiers to complete their training successfully and to enter the United States Army Air Corps. Almost 1,000 aviators were trained as America's first African-American military pilots. In addition, more than 10,000 military and civilian African-American men and women served as flight instructors, officers, bombardiers, navigators, radio technicians, mechanics, air traffic controllers, parachute riggers, electrical and communications specialists, medical professionals, laboratory assistants, cooks, musicians, supply, firefighting, and transportation personnel.

(7) Although military leaders were hesitant to use the Tuskegee Airmen in combat, the Airmen eventually saw considerable action in North Africa and Europe. Acceptance from United States Army Air Corps units came slowly, but their courageous and, in many cases, heroic performance earned them increased combat opportunities and respect.

(8) The successes of the Tuskegee Airmen proved to the American public that African-Americans, when given the opportunity, could become effective military leaders and pilots. This helped pave the way for desegregation of the military, beginning with President Harry S. Truman's Executive Order 9981 in 1948. The Tuskegee Airmen's success also helped set the stage for civil rights advocates to continue the struggle to end racial discrimination during the civil rights movement of the 1950's and 1960's.

(9) The story of the Tuskegee Airmen also reflects the struggle of African-Americans to achieve equal rights, not only through legal attacks on the system of segregation, but also through the techniques of nonviolent direct action. The members of the 477th Bombardment Group, who staged a nonviolent demonstration to desegregate the officer's club at Freeman Field, Indiana, helped set the pattern for direct action protests popularized by civil rights activists in later decades.

(b) PURPOSES.—The purposes of this title are the following:

(1) To inspire present and future generations to strive for excellence by understanding and appreciating the heroic legacy of the Tuskegee Airmen, through interpretation and education, and the preservation of cultural resources at Moton Field, which was the site of primary flight training.

(2) To commemorate and interpret—

(A) the impact of the Tuskegee Airmen during World War II;

(B) the training process for the Tuskegee Airmen, including the roles played by Moton Field, other training facilities, and related sites;

(C) the African-American struggle for greater participation in the United States Armed Forces and more significant roles in defending their country;

(D) the significance of successes of the Tuskegee Airmen in leading to desegregation of the United States Armed Forces shortly after World War II; and

(E) the impacts of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950's and 1960's.

(3) To recognize the strategic role of Tuskegee Institute (now Tuskegee University) in training the airmen and commemorating them at this historic site.

SEC. 303. ESTABLISHMENT OF TUSKEGEE AIRMEN NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—In order to commemorate and interpret, in association with Tuskegee University, the heroic actions of the Tuskegee Airmen during World War II, there is hereby established as a unit of the National Park System the Tuskegee Airmen National Historic Site in the State of Alabama.

(b) DESCRIPTION OF HISTORIC SITE.—

(1) INITIAL PARCEL.—The historic site shall consist of approximately 44 acres, including approximately 35 acres owned by Tuskegee University and approximately 9 acres owned by the City of Tuskegee, known as Moton Field, in Macon County, Alabama, as generally depicted on a map entitled "Tuskegee Airmen National Historic Site Boundary Map", numbered NHS–TA–80,000, and dated September 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) SUBSEQUENT EXPANSION.—Upon completion of agreements regarding the development and operation of the Tuskegee Airmen National Center as described in subsection 304, the Secretary is authorized to acquire approximately 46 additional acres owned by Tuskegee University as generally depicted on the map referenced in paragraph (1). Lands acquired by the Secretary pursuant to this paragraph shall be administered by the Secretary as part of the historic site.

(c) PROPERTY ACQUISITION.—The Secretary may acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in subsection (b), except that any property owned by the State of Alabama, any political subdivision thereof, or Tuskegee University may be acquired only by donation. Property donated by Tuskegee University shall be used only for purposes consistent with the purposes of this title. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site.

(d) ADMINISTRATION OF HISTORIC SITE.—

(1) IN GENERAL.—The Secretary shall administer the historic site in accordance with this title and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

(2) ROLE OF TUSKEGEE UNIVERSITY.—The Secretary shall consult with Tuskegee University as its principal partner in determining the organizational structure, developing the ongoing interpretive themes, and establishing policies for the wise management, use and development of the historic site. With the agreement of Tuskegee University, the Secretary shall engage appropriate departments, and individual members of the University's staff, faculty, and students in the continuing work of helping to identify, research, explicate, interpret, and format materials for the historic site. Through the President of the University, or with the approval of the President of the University, the Secretary shall seek to engage Tuskegee alumni in the task of providing artifacts and historical information for the historic site.

(3) ROLE OF TUSKEGEE AIRMEN.—The Secretary, in cooperation with Tuskegee University, shall work with the Tuskegee Airmen to facilitate the acquisition of artifacts, memorabilia, and historical research for interpretive exhibits, and to support their efforts to raise funds for the development of visitor facilities and programs at the historic site.

(4) DEVELOPMENT.—Operation and development of the historic site shall reflect Alternative C, Living History: The Tuskegee Airmen Experience, as expressed in the final special resource study entitled "Moton Field/Tuskegee Airmen Special Resource Study", dated September 1998. Subsequent development of the historic site shall reflect Alternative D after an agreement is reached with Tuskegee University on the development of the Tuskegee Airmen National Center as described in section 304.

(e) COOPERATIVE AGREEMENTS GENERALLY.—The Secretary may enter into cooperative agreements with Tuskegee University, other educational institutions, the Tuskegee Airmen, individuals, private and public organizations, and other Federal agencies in furtherance of the purposes of this title. The Secretary shall consult with Tuskegee University in the formulation of any major cooperative agreements with other universities or federal agencies that may affect Tuskegee University's interests in the historic site. To every extent possible, the Secretary shall seek to complete cooperative agreements requiring the use of higher educational institutions with and through Tuskegee University.

SEC. 304. TUSKEGEE AIRMEN NATIONAL CENTER.

(a) COOPERATIVE AGREEMENT FOR DEVELOPMENT.—The Secretary shall enter into a cooperative agreement with Tuskegee University to define the partnership needed to develop the Tuskegee Airmen National Center on the grounds of the historic site.

(b) PURPOSE OF CENTER.—The purpose of the Tuskegee Airmen National Center shall be to extend the ability to relate more fully the story of the Tuskegee Airmen at Moton Field. The center shall provide for a Tuskegee Airmen Memorial, shall provide large exhibit space for the display of period aircraft and equipment used by the Tuskegee Airmen, and shall house a Tuskegee University Department of Aviation Science. The Secretary shall insure that interpretive programs for visitors benefit from the University's active pilot training instruction program, and the historical continuum of flight training in the tradition of the Tuskegee Airmen. The Secretary is authorized to permit the Tuskegee University Department of Aviation Science to occupy historic buildings within the Moton Field complex until the Tuskegee Airmen National Center has been completed.

(c) REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary, in consultation with Tuskegee University and the Tuskegee Airmen, shall prepare a report on the partnership needed to develop the Tuskegee Airmen National Center, and submit the report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) TIME FOR AGREEMENT.—Sixty days after the report required by subsection (c) is submitted to Congress, the Secretary may enter into the cooperative agreement under this section with Tuskegee University, and other interested partners, to implement the development and operation of the Tuskegee Airmen National Center.

SEC. 305. GENERAL MANAGEMENT PLAN.

Within 2 complete fiscal years after funds are first made available to carry out this title, the Secretary shall prepare, in consultation with Tuskegee University, a general management plan for the historic site and shall submit the plan to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title, $29,114,000.

TITLE IV—DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR OF PENNSYLVANIA

SEC. 401. CHANGE IN NAME OF HERITAGE CORRIDOR.

The Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (Public Law 100–692; 102 Stat. 4552; 16 U.S.C. 461 note) is amended by striking "Delaware and Lehigh Navigation Canal National Heritage Corridor" each place it appears (except section 4(a)) and inserting "Delaware and Lehigh National Heritage Corridor".

SEC. 402. PURPOSE.

Section 3(b) of such Act (102 Stat. 4552) is amended as follows:

(1) By inserting after "subdivisions" the following: "in enhancing economic development within the context of preservation and".

(2) By striking "and surrounding the Delaware and Lehigh Navigation Canal in the Commonwealth" and inserting "the Corridor".

SEC. 403. CORRIDOR COMMISSION.

(a) MEMBERSHIP.—Section 5(b) of such Act (102 Stat. 4553) is amended as follows:

(1) In the matter preceding paragraph (1), by striking "appointed not later than 6 months after the date of enactment of this Act".

(2) By striking paragraph (2) and inserting the following:

"(2) 3 individuals appointed by the Secretary upon consideration of individuals recommended by the governor, of whom—

"(A) 1 shall represent the Pennsylvania Department of Conservation and Natural Resources;

"(B) 1 shall represent the Pennsylvania Department of Community and Economic Development; and

"(C) 1 shall represent the Pennsylvania Historical and Museum Commission.".

(3) In paragraph (3), by striking "the Secretary, after receiving recommendations from the Governor, of whom" and all that follows through "Delaware Canal region" and inserting the following: "the Secretary upon consideration of individuals recommended by the governor, of whom—

"(A) 1 shall represent a city, 1 shall represent a borough, and 1 shall represent a township; and

"(B) 1 shall represent each of the 5 counties of Luzerne, Carbon, Lehigh, Northampton, and Bucks in Pennsylvania".

(4) In paragraph (4)—

(A) By striking "8 individuals" and inserting "9 individuals".

(B) By striking "the Secretary, after receiving recommendations from the Governor, who shall have" and all that follows through "Canal region. A vacancy" and inserting the following: "the Secretary upon consideration of individuals recommended by the governor, of whom—

"(A) 3 shall represent the northern region of the Corridor;

"(B) 3 shall represent the middle region of the Corridor; and

"(C) 3 shall represent the southern region of the Corridor.

A vacancy".

(b) TERMS.—Section 5 of such Act (102 Stat. 4553) is amended by striking subsection (c) and inserting the following:

"(c) TERMS.—The following provisions shall apply to a member of the Commission appointed under paragraph (3) or (4) of subsection (b):

"(1) LENGTH OF TERM.—The member shall be appointed for a term of 3 years.

"(2) CARRYOVER.—The member shall serve until a successor is appointed by the Secretary.

"(3) REPLACEMENT.—If the member resigns or is unable to serve due to incapacity or death, the Secretary shall appoint, not later than 60 days after receiving a nomination of the appointment from the Governor, a new member to serve for the remainder of the term.

"(4) TERM LIMITS.—A member may serve for not more than 6 years."

SEC. 404. POWERS OF CORRIDOR COMMISSION.

(a) CONVEYANCE OF REAL ESTATE.—Section 7(g)(3) of such Act (102 Stat. 4555) is amended in the first sentence by inserting "or nonprofit organization" after "appropriate public agency".

(b) COOPERATIVE AGREEMENTS.—Section 7(h) of such Act (102 Stat. 4555) is amended as follows:

(1) In the first sentence, by inserting "any non-profit organization," after "subdivision of the Commonwealth,".

(2) In the second sentence, by inserting "such nonprofit organization," after "such political subdivision,".

SEC. 405. DUTIES OF CORRIDOR COMMISSION.

Section 8(b) of such Act (102 Stat. 4556) is amended in the matter preceding paragraph (1) by inserting ", cultural, natural, recreational, and scenic" after "interpret the historic".

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking "5 years after the date of enactment of this Act" and inserting "5 years after the date of enactment of the Omnibus National Parks and Public Lands Act of 1998".

SEC. 407. DUTIES OF OTHER FEDERAL ENTITIES.

Section 11 of such Act (102 Stat. 4557) is amended in the matter preceding paragraph (1) by striking "the flow of the Canal or the natural" and inserting "directly affecting the purposes of the Corridor".

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—Section 12(a) of such Act (102 Stat. 4558) is amended by striking "$350,000" and inserting "$1,000,000".

(b) MANAGEMENT ACTION PLAN.—Section 12 of such Act (102 Stat. 4558) is amended by adding at the end the following:

"(c) MANAGEMENT ACTION PLAN.—

"(1) IN GENERAL.—To implement the management action plan created by the Commission, there is authorized to be appropriated $1,000,000 for each of fiscal years 2000 through 2007.

"(2) LIMITATION ON EXPENDITURES.—Amounts made available under paragraph (1) shall not exceed 50 percent of the costs of implementing the management action plan.".

SEC. 409. LOCAL AUTHORITY AND PRIVATE PROPERTY.

Such Act is further amended—

(1) by redesignating section 13 (102 Stat. 4558) as section 14; and

(2) by inserting after section 12 the following:

"SEC. 13. LOCAL AUTHORITY AND PRIVATE PROPERTY.

"The Commission shall not interfere with—

"(1) the private property rights of any person; or

"(2) any local zoning ordinance or land use plan of the Commonwealth of Pennsylvania or any political subdivision of Pennsylvania.".

SEC. 410. DUTIES OF THE SECRETARY.

Section 10 of such Act (102 Stat. 4557) is amended by striking subsection (d) and inserting the following:

"(d) TECHNICAL ASSISTANCE AND GRANTS.—The Secretary, upon request of the Commission, is authorized to provide grants and technical assistance to the Commission or units of government, nonprofit organizations, and other persons, for development and implementation of the Plan.".

TITLE V—OTHER MATTERS

SEC. 501. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR, MASSACHUSETTS AND RHODE ISLAND.

Section 10(b) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended by striking "For fiscal year 1996, 1997, and 1998," and inserting "For fiscal years 1998, 1999, and 2000,".

SEC. 502. ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR, ILLINOIS.

(a) EXTENSION OF COMMISSION.—Section 111(a) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 98 Stat. 1456; 16 U.S.C. 461 note) is amended by striking "ten" and inserting "20".

(b) REPEAL OF EXTENSION AUTHORITY.—Section 111 of such Act (16 U.S.C. 461 note) is further amended—

(1) by striking "(a) TERMINATION.—"; and

(2) by striking subsection (b).

SEC. 503. WASATCH-CACHE NATIONAL FOREST AND MOUNT NAOMI WILDERNESS, UTAH.

(a) BOUNDARY ADJUSTMENT.—To correct a faulty land survey, the boundaries of the Wasatch–Cache National Forest in the State of Utah and the boundaries of the Mount Naomi Wilderness, which is located within the Wasatch–Cache National Forest and was established as a component of the National Wilderness Preservation System in section 102(a)(1) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1657), are hereby modified to exclude the parcel of land known as the D. Hyde property, which encompasses an area of cultivation and private use, as generally depicted on the map entitled "D. Hyde Property Section 7 Township 12 North Range 2 East SLB & M", dated July 23, 1998.

(b) LAND CONVEYANCE.—The Secretary of Agriculture shall convey to Darrell Edward Hyde of Cache County, Utah, all right, title, and interest of the United States in and to the parcel of land identified in subsection (a). As part of the conveyance, the Secretary shall release, on behalf of the United States, any claims of the United States against Darrell Edward Hyde for trespass or unauthorized use of the parcel before its conveyance.

(c) WILDERNESS ADDITION.—To prevent any net loss of wilderness within the State of Utah, the boundaries of the Mount Naomi Wilderness are hereby modified to include a parcel of land comprising approximately 7.25 acres, identified as the "Mount Naomi Wilderness Boundary Realignment Consideration" on the map entitled "Mount Naomi Wilderness Addition", dated September 25, 1998.

SEC. 504. AUTHORIZATION TO USE LAND IN MERCED COUNTY, CALIFORNIA, FOR ELEMENTARY SCHOOL.

(a) REMOVAL OF RESTRICTIONS.—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the land described in subsection (b) to Merced County, California, or under any agreement concerning any part of such land between such county and the Secretary of the Interior or any other officer or agent of the United States, the land described in subsection (b) may be used for the purpose specified in subsection (c).

(b) LAND AFFECTED.—The land referred to in subsection (a) is the north 25 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) AUTHORIZED USES.—Merced County, California, may authorize the use of the land described in subsection (b) for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this subsection shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided by deed whereby the United States conveyed the lands to the county. Except as specified in this subsection, nothing in this section shall increase or diminish the authority or responsibility of the county with respect to the land.

SEC. 505. ROSIE THE RIVETER NATIONAL PARK SERVICE AFFILIATED SITE.

(a) FINDINGS.—The Congress finds the following:

(1) The City of Richmond, California, is located on the northeastern shore of San Francisco Bay and consists of several miles of waterfront which have been used for shipping and industry since the beginning of the 20th century. During the years of World War II, the population of Richmond grew from 220 to over 100,000.

(2) An area of Richmond, California, now known as Marina Park and Marina Green, was the location in the 1940's of the Richmond Kaiser Shipyards, which produced Liberty and Victory ships during World War II.

(3) Thousands of women of all ages and ethnicities moved from across the United States to Richmond, California, in search of high paying jobs and skills never before available to women in the shipyards.

(4) Kaiser Corporation supported women workers by installing child care centers at the shipyards so mothers could work while their children were well cared for nearby.

(5) These women, referred to as "Rosie the Riveter" and "Wendy the Welder", built

hundreds of liberty and victory ships in record time for use by the United States Navy. Their labor played a crucial role in increasing American productivity during the war years and in meeting the demand for naval ships.

(6) In part the Japanese plan to defeat the United States Navy was predicated on victory occurring before United States shipyards could build up its fleet of ships.

(7) The City of Richmond, California, has dedicated the former site of Kaiser Shipyard #2 as Rosie the Riveter Memorial Park and will construct a memorial honoring American women's labor during World War II. The memorial will be representative of one of the Liberty ships built on the site during the war effort.

(8) The City of Richmond, California, is committed to collective interpretative oral histories for the public to learn of the stories of the "Rosies" and "Wendys" who worked in the shipyards.

(9) The Rosie the Riveter Park is a nationally significant site because there tens of thousands of women entered the work force for the first time, working in heavy industry to support their families and the War effort. This was a turning point for the Richmond, California, area and the nation as a whole, when women joined the workforce and successfully completed jobs for which previously it was believed they were incapable.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study to determine whether—

(A) the Rosie the Riveter Park located in Richmond, California, is suitable for designation as an affiliated site to the National Park Service; and

(B) the Rosie the Riveter Memorial Committee established by the City of Richmond, California, with respect to that park is eligible for technical assistance for interpretative functions relating to the park, including preservation of oral histories from former works at the Richmond Kaiser Shipyards.

(2) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall complete the study under paragraph (1) and submit a report containing findings, conclusions, and recommendations from the study to the Committee on Resources of the House of Representatives and the Committee on Energy and Environment of the Senate.

SEC. 506. FORT DAVIS HISTORIC SITE, FORT DAVIS, TEXAS.

The Act entitled "An Act Authorizing the establishment of a national historic site at Fort Davis, Jeff Davis County, Texas", approved September 8, 1961 (75 Stat. 488; 16 U.S.C. 461 note), is amended in the first section by striking "not to exceed four hundred and sixty acres" and inserting "not to exceed 476 acres".

SEC. 507. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Section 5 of Public Law 101-573 (16 U.S.C. 460*o* note) is amended by striking "10" and inserting "20".

SEC. 508. ACQUISITION OF WARREN PROPERTY FOR MORRISTOWN NATIONAL HISTORICAL PARK.

The Act entitled "An Act to provide for the establishment of the Morristown National Historical Park in the State of New Jersey, and for other purposes", approved March 2, 1933 (chapter 182; 16 U.S.C. 409 et seq.), is amended by adding at the end the following new section:

"SEC. 8. (a) In addition to any other lands or interest authorized to be acquired for inclusion in Morristown National Historical Park, and notwithstanding the first proviso of the first section of this Act, the Secretary of the Interior may acquire by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed 15 acres of land and interests therein comprising the property known as the Warren Property or Mount Kimble. The Secretary may expend such sums as may be necessary for such acquisition.

"(b) Any lands or interests acquired under this section shall be included in and administered as part of the Morristown National Historical Park.".

SEC. 509. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT, VIRGINIA.

(a) ACQUISITION OF EASEMENT.—The Secretary of the Interior may acquire no more than a less than fee interest in the property generally known as George Washington's Boyhood Home, Ferry Farm, located in Stafford County, Virginia, across the Rappahannock River from Fredericksburg, Virginia, comprising approximately 85 acres as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 322/80,020, and dated April 1998, to ensure the preservation of the important cultural and natural resources associated with Ferry Farm. The Secretary of the Interior shall keep the map on file and available for public inspection in appropriate offices of the National Park Service.

(b) MANAGEMENT OF EASEMENT.—The Secretary shall enter into a cooperative agreement with Kenmore Association, Inc., for the management of Ferry Farm pending completion of the study referred to in subsection (c).

(c) RESOURCE STUDY.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a resource study of the property described in subsection (a). The study shall—

(1) identify the full range of resources and historic themes associated with Ferry Farm, including those associated with George Washington's tenure at the property and those associated with the Civil War period;

(2) identify alternatives for further National Park Service involvement at the property beyond those that may be provided for in the acquisition authorized unedr subsection (a); and

(3) include cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives identified.

(d) AGREEMENTS.—Upon completion of the resource study under subsection (c), the Secretary of the Interior may enter into an agreement with the owner of the property described in subsection (a) or other entities for the purpose of providing programs, services, facilities, or technical assistance that further the preservation and public use of the property.

SEC. 510. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE, KENTUCKY.

(a) IN GENERAL.—Upon acquisition of the land known as Knob Creek Farm pursuant to subsection (b), the boundary of the Abraham Lincoln Birthplace National Historic Site, established by the Act of July 17, 1916 (39 Stat. 385, chapter 247; 16 U.S.C. 211 et seq.), is revised to include such land. Lands acquired pursuant to this section shall be administered by the Secretary of the Interior as part of the historic site.

(b) ACQUISITION OF KNOB CREEK FARM.—The Secretary of the Interior may acquire, by donation only, the approximately 228 acres of land known as Knob Creek Farm in Larue County, Kentucky, as generally depicted on a map entitled "Knob Creek Farm Unit, Abraham Lincoln National Historic Site", numbered 338/80,077, and dated October 1998. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) STUDY AND REPORT.—The Secretary of the Interior shall study the Knob Creek Farm in Larue County, Kentucky, and not later than 1 year after the date of enactment of this Act, submit a report to the Congress containing the results of the study. The purpose of the study shall be to:

(1) Identify significant resources associated with the Knob Creek Farm and the early boyhood of Abraham Lincoln.

(2) Evaluate the threats to the long-term protection of the Knob Creek Farm's cultural, recreational, and natural resources.

(3) Examine the incorporation of the Knob Creek Farm into the operations of the Abraham Lincoln Birthplace National Historic Site and establish a strategic management plan for implementing such incorporation. In developing the plan, the Secretary shall—

(A) determine infrastructure requirements and property improvements needed at Knob Creek Farm to meet National Park Service standards;

(B) identify current and potential uses of Knob Creek Farm for recreational, interpretive, and educational opportunities; and

(C) project costs and potential revenues associated with acquisition, development, and operation of Knob Creek Farm.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (c).

SEC. 511. STUDIES OF POTENTIAL NATIONAL PARK SYSTEM UNITS IN HAWAII.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake feasibility studies regarding the establishment of National Park System units in the following areas in the State of Hawaii:

(1) Island of Maui: The shoreline area known as "North Beach", immediately north of the present resort hotels at Kaanapali Beach, in the Lahaina district in the area extending from the beach inland to the main highway.

(2) Island of Lanai: The mountaintop area known as "Hale" in the central part of the island.

(3) Island of Kauai: The shoreline area from "Anini Beach" to "Makua Tunnels" on the north coast of this island.

(4) Island of Molokai: The "Halawa Valley" on the eastern end of the island, including its shoreline, cove and lookout/access roadway.

(b) KALAUPAPA SETTLEMENT BOUNDARIES.—The studies conducted under this section shall include a study of the feasibility of extending the present National Historic Park boundaries at Kalaupapa Settlement eastward to Halawa Valley along the island's north shore.

(c) REPORT.—A report containing the results of the studies under this section shall be submitted to the Congress promptly upon completion.

SEC. 512. MEMORIAL TO MR. BENJAMIN BANNEKER IN THE DISTRICT OF COLUMBIA.

(a) Memorial Authorized.—The Washington Interdependence Council of the District of Columbia is authorized to establish a memorial in the District of Columbia to honor and commemorate the accomplishments of Mr. Benjamin Banneker.

(b) Compliance With Standards For Commemorative Works.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(c) Payment of Expenses.—The Washington Interdependence Council shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

(d) Deposit of Excess Funds.—If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount required under section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b))), or upon expiration of the authority for the memorial under section 10(b) of such Act (40 U.S.C. 1010(b)), there remains a balance of funds received for the establishment of the memorial, the Washington Interdependence Council shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act (40 U.S.C. 1008(b)(1)).

SEC. 513. LAND ACQUISITION, BOSTON HARBOR ISLANDS RECREATION AREA.

Section 1029(c) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4233; 16 U.S.C. 460kkk(c)) is amended by adding at the end the following new paragraph:

"(3) Land acquisition.—Notwithstanding subsection (h), the Secretary is authorized to acquire, in partnership with other entities, a less than fee interest in lands at Thompson Island within the recreation area. The Secretary may acquire the lands only by donation, purchase with donated or appropriated funds, or by exchange.".

Mr. HANSEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read:

"A bill to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.".

A motion to reconsider was laid on the table.

PROHIBITING THE CONVEYANCE OF WOODLAND LAKE PARK TRACT IN APACHE-SITGREAVES NATIONAL FOREST IN ARIZONA UNLESS CONVEYANCE IS MADE TO TOWN OF PINETOP-LAKESIDE OR AUTHORIZED BY AN ACT OF CONGRESS

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2413) prohibiting the conveyance of Woodland Lake Park Tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by an Act of Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WOODLAND LAKE PARK TRACT, APACHE-SITGREAVES NATIONAL FOREST, ARIZONA.

(a) Prohibition of Conveyance.—The Secretary of Agriculture may not convey any right, title, or interest of the United States in and to the Woodland Lake Park tract unless the conveyance of the tract—

(1) is made to the town of Pinetop-Lakeside; or

(2) is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) Definition.—In this section, the terms "Woodland Lake Park tract" and "tract" mean the parcel of land in Apache-Sitgreaves National Forest in the State of Arizona that consists of approximately 583 acres and is known as the Woodland Lake Park tract.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARCHES NATIONAL PARK EXPANSION ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2106) to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arches National Park Expansion Act of 1998".

SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.

(a) Boundary Expansion.—The first section of Public Law 92–155 (16 U.S.C. 272) is amended—

(1) by striking "That (a) subject to" and inserting the following:

"SECTION 1. ESTABLISHMENT OF PARK.

"(a) In General.—

"(1) Initial boundaries.—Subject to"; and

(2) by striking "Such map" and inserting the following:

"(2) Expanded boundaries.—Effective on the date of enactment of this paragraph, the boundary of the park shall include the area consisting of approximately 3,140 acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National Park, Lost Spring Canyon Addition', numbered 138/60,000–B, and dated April 1997.

"(3) Maps.—The maps described in paragraphs (1) and (2)".

(b) Inclusion of Land in Park.—Section 2 of Public Law 92–155 (16 U.S.C. 272a) is amended—

(1) by striking "Sec. 2. The Secretary" and inserting the following:

"SEC. 2. ACQUISITION OF PROPERTY.

"(a) In General.—The Secretary"; and

(2) by adding at the end the following:

"(b) Lost Spring Canyon Addition.—As soon as practicable after the date of enactment of this subsection, the Secretary shall transfer jurisdiction over the Federal land contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service.".

(c) Livestock Grazing.—Section 3 of Public Law 92–155 (16 U.S.C. 272b) is amended—

(1) by striking "Sec. 3. Where" and inserting the following:

"SEC. 3. LIVESTOCK GRAZING.

"(a) In General.—In a case in which"; and

(2) by adding at the end the following:

"(b) Lost Spring Canyon Addition.—

"(1) Continuation of grazing leases, permits, and licenses.—In the case of any grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition that was issued before the date of enactment of this subsection, the Secretary shall, subject to periodic renewal, continue the grazing lease, permit, or license for a period equal to the lifetime of the holder of the grazing lease, permit, or license as of that date plus the lifetime of any direct descendants of the holder born before that date.

"(2) Retirement.—A grazing lease, permit, or license described in paragraph (1) shall be permanently retired at the end of the period described in paragraph (1).

"(3) Periodic renewal.—Until the expiration of the period described in paragraph (1), the holder (or descendant of the holder) of a grazing lease, permit, or license shall be entitled to renew the lease, permit, or license periodically, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

"(4) Sale.—A grazing lease, permit, or license described in paragraph (1) may be sold during the period described in paragraph (1) only on the condition that the purchaser shall, immediately upon acquisition, permanently retire the lease, permit, or license.

"(5) TAYLOR GRAZING ACT.—Nothing in this subsection affects other provisions concerning leases, permits, or licenses under the Act of June 28, 1934 (commonly known as the 'Taylor Grazing Act') (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

"(6) ADMINISTRATION.—Any portion of a grazing lease, permit, or license with respect to land in the Lost Spring Canyon Addition shall be administered by the National Park Service.".

(d) WITHDRAWAL FROM MINERAL ENTRY AND LEASING; PIPELINE MANAGEMENT.—Section 5 of Public Law 92-155 (16 U.S.C. 272d) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall administer, protect and develop the park in accordance with the provisions of the law generally applicable to units of the National Park System, including the Act entitled 'An Act to establish a National Park Service, and for other purposes', approved August 25, 1916 (39 Stat. 535)"; and

(2) by striking subsection (b) and inserting the following:

"(b) LOST SPRING CANYON ADDITION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Lost Spring Canyon Addition is appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws (including the mineral leasing laws).

"(2) EFFECT.—The inclusion of the Lost Spring Canyon Addition in the park shall not affect the operation or maintenance by the Northwest Pipeline Corporation (or its successors or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of enactment of this paragraph.".

(e) EFFECT ON SCHOOL TRUST LAND.—

(1) FINDINGS.—Congress finds that—

(A) a parcel of State school trust land, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a);

(B) the parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel; and

(C) it is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal land of equivalent value outside the Lost Spring Canyon Addition to permit Federal management of all lands within the Lost Spring Canyon Addition.

(2) LAND EXCHANGE.—Public Law 92-155 (16 U.S.C. 272 et seq.) is amended by adding at the end the following:

"SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LAND.

"(a) EXCHANGE REQUIREMENT.—

"(1) IN GENERAL.—If, not later than 1 year after the date of enactment of this section, and in accordance with this section, the State of Utah offers to transfer all right, title, and interest of the State in and to the school trust land described in subsection (b)(1) to the United States, the Secretary—

"(A) shall accept the offer on behalf of the United States; and

"(B) not later than 180 days after the date of acceptance, shall convey to the State of Utah all right, title, and interest of the United States in and to the land described in subsection (b)(2).

"(2) SIMULTANEOUS CONVEYANCES.—Title to the school trust land shall be conveyed at the same time as conveyance of title to the Federal lands by the Secretary.

"(3) VALID EXISTING RIGHTS.—The land exchange under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged land.

"(b) DESCRIPTION OF PARCELS.—

"(1) STATE CONVEYANCE.—The school trust land to be conveyed by the State of Utah under subsection (a) is section 16, Township 23 South, Range 22 East of the Salt Lake base and meridian.

"(2) FEDERAL CONVEYANCE.—The Federal land to be conveyed by the Secretary consists of approximately 639 acres, described as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.

"(3) EQUIVALENT VALUE.—The Federal land described in paragraph (2) shall be considered to be of equivalent value to that of the school trust land described in paragraph (1).

"(c) MANAGEMENT BY STATE.—

"(1) IN GENERAL.—At least 60 days before undertaking or permitting any surface disturbing activities to occur on land acquired by the State of Utah under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal land and resources and conduct, in a manner consistent with Federal law, inventory, mitigation, and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands.

"(2) PRESERVATION OF EXISTING USES.—To the extent that it is consistent with applicable law governing the use and disposition of State school trust land, the State shall preserve existing grazing, recreational, and wildlife uses of the acquired lands in existence on the date of enactment of this section.

"(3) ACTIVITIES AUTHORIZED BY MANAGEMENT PLAN.—Nothing in this subsection precludes the State of Utah from authorizing or undertaking a surface or mineral activity that is authorized by a land management plan for the acquired land.

"(d) IMPLEMENTATION.—Administrative actions necessary to implement the land exchange under this section shall be completed not later than 180 days after the date of enactment of this section.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF 1997

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 231) to establish the National Cave and Karst Research Institute in the State of New Mexico, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cave and Karst Research Institute Act of 1997".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to further the science of speleology;

(2) to centralize and standardize speleological information;

(3) to foster interdisciplinary cooperation in cave and karst research programs;

(4) to promote public education;

(5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and

(6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary"), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the "Institute").

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled "An Act to conduct certain studies in the State of New Mexico", approved November 15, 1990 (Public Law 101-578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

(1) a grant or donation from a private person; or

(2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVERS ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 469) to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudbury, Assabet, and Concord Wild and Scenic Rivers Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Title VII of Public Law 101–628—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord River Study Committee to advise the Secretary of the Interior in conducting the study and the consideration of management alternatives should the river be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated their desire for National Wild and Scenic River Designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled "Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan", dated March 16, 1995, which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers' outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the River Conservation Plan.

SEC. 3. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) SUDBURY, ASSABET AND CONCORD RIVERS, MASSACHUSETTS.—The 29 miles of river segments in Massachusetts, as follows—

"(A) the 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river;

"(B) the 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river;

"(C) the 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river; and

"(D) the 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

The segments shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica). The segments shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan' dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under section 3(d).".

SEC. 4. MANAGEMENT.

(a) FEDERAL ROLE.—(1) The Director of the National Park Service or his or her designee shall represent the Secretary in the implementation of the Plan and the provisions of this Act and the Wild and Scenic Rivers Act with respect to each of the segments designated by section 3, including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the Plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by section 3 of this Act.

(3) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the Plan, except that the total cost to the Federal Government of activities to implement the Plan may not exceed $100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment not already within the National Park System shall not under this Act—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

(b) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated under section 3 were included in the National Wild and Scenic Rivers System, the Secretary shall specifically consider the extent to which the project is consistent with the Plan.

(2) The Plan, including the detailed Water Resources Study incorporated by reference therein and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

(c) LAND MANAGEMENT.—(1) The zoning bylaws of the towns in Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be "villages" and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated under section 3 or their tributaries for the purposes of designation of the segments under section 3. Nothing in this Act shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

SEC. 5. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(2) PLAN.—The term "Plan" means the plan prepared by the Study Committee and the National Park Service entitled "Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan" and dated March 16, 1995.

(3) STUDY COMMITTEE.—The term "Study Committee" means the Sudbury, Assabet, and Concord River Study Committee established by the Secretary of the Interior under title VII of Public Law 101–628.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this Act not to exceed $100,000 for each fiscal year.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Hansen: Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION OF SUDBURY, ASSABET, AND CONCORD SCENIC AND RECREATIONAL RIVERS, MASSACHUSETTS.

(a) Findings.—The Congress finds the following:

(1) The Sudbury, Assabet, and Concord Wild and Scenic River Study Act (title VII of Public Law 101–628; 104 Stat. 4497)—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord Rivers Study Committee (in this section referred to as the "Study Committee") to advise the Secretary in conducting the study and in the consideration of management alternatives should the rivers be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated their desire for National Wild and Scenic River designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled "Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan" and dated March 16, 1995 (in this section referred to as the "plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers' outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the plan.

(b) Designation.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the four undesignated paragraphs after paragraph (156) as paragraphs (157), (158), (159), and (160), respectively; and

(2) by adding at the end the following new paragraph:

"(161) Sudbury, Assabet, and Concord Rivers, Massachusetts.—(A) The 29 miles of river segments in Massachusetts, as follows:

"(i) The 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river.

"(ii) The 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.

"(iii) The 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river.

"(iv) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

"(B) The segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan referred to in subparagraph (C) through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica).

"(C) The segments referred to in subparagraph (A) shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan', dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section.".

(c) Federal Role in Management.—(1) The Director of the National Park Service or the Director's designee shall represent the Secretary of the Interior in the implementation of the plan, this section, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by subsection (b)(2), including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by the amendment made by subsection (b)(2).

(3) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the plan, except that the total cost to the Federal Government of activities to implement the plan may not exceed $100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by subsection (b)(2) that is not already within the National Park System shall not under this section—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

(d) Water Resources Projects.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated by the amendment made by subsection (b)(2) were included in the National Wild and Scenic Rivers System, the Secretary of the Interior shall specifically consider the extent to which the project is consistent with the plan.

(2) The plan, including the detailed Water Resources Study incorporated by reference in the plan and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

(e) Land Management.—(1) The zoning bylaws of the towns of Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be "villages" and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated by the amendment made by subsection (b)(2) or their tributaries for the purposes of designation of the segments under the amendment. Nothing in this section shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section not to exceed $100,000 for each fiscal year.

SEC. 2. CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA.

(a) Findings.—The Congress finds that:

(1) The Chattahoochee River National Recreation Area is a nationally significant resource and the national recreation area has been adversely affected by land use changes occurring within and outside its boundaries.

(2) The population of the metropolitan Atlanta area continues to expand northward, leaving dwindling opportunities to protect the scenic, recreation, natural, and historic values of the 2,000-foot wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment known as the area of national concern.

(3) The State of Georgia has enacted the Metropolitan River Protection Act in order to ensure the protection of the corridor located within 2,000 feet of each bank of the Chattahoochee River, or the 100-year flood plain, whichever is greater, and such corridor includes the area of national concern.

(4) Visitor use of the Chattahoochee River National Recreation Area has shifted dramatically since the establishment of the national recreation area from waterborne to water-related and land-based activities.

(5) The State of Georgia and its political subdivisions along the Chattahoochee River have indicated their willingness to join in cooperative efforts with the United States of America to link existing units of the national recreation area with a series of linear corridors to be established within the area of

national concern and elsewhere on the river and provided Congress appropriates certain funds in support of such effort, funding from the State, its political subdivisions, private foundations, corporate entities, private individuals, and other sources will be available to fund more than half of the estimated cost of such cooperative effort.

(b) PURPOSES.—The purposes of this section are to—

(1) increase the level of protection of the remaining open spaces within the area of national concern along the Chattahoochee River and to enhance visitor enjoyment of such areas by adding land-based links between existing units of the national recreation area;

(2) assure that the national recreation area is managed to standardize acquisition, planning, design, construction, and operation of the linear corridors; and

(3) authorize the appropriation of Federal funds to cover a portion of the costs of the Federal, State, local, and private cooperative effort to add additional areas to the Chattahoochee River National Recreation Area in order to establish a series of linear corridors linking existing units of the national recreation area and to protect other undeveloped portions of the Chattahoochee River corridor.

(c) AMENDMENTS TO CHATTAHOOCHEE NRA ACT.—The Act of August 15, 1978, entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes" (Public Law 95–344; 16 U.S.C. 460ii et seq.) is amended as follows:

(1) Section 101 (16 U.S.C. 460ii) is amended as follows:

(A) By inserting after "numbered Chat–20,003, and dated September 1984" the following: "and on the maps entitled 'Chattahoochee River National Recreation Area Interim Boundary Maps 1, 2, and 3' and dated August 6, 1998".

(B) By amending the fourth sentence to read as follows: "After July 1, 1999, the Secretary of the Interior (in this Act referred to as the 'Secretary') may modify the boundaries of the recreation area to include other lands within the river corridor of the Chattahoochee River by submitting a revised map or other boundary description to the Congress. Such revised boundaries shall take effect on the date 6 months after the date of such submission unless, within such 6-month period, the Congress adopts a Joint Resolution disapproving such revised boundaries. Such revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners and with the State of Georgia and affected political subdivisions.".

(C) By striking out "may not exceed approximately 6,800 acres." and inserting "may not exceed 10,000 acres.".

(2) Section 102(f) (16 U.S.C. 460ii–1(f)) is repealed.

(3) Section 103(b) (16 U.S.C. 460ii–2(b)) is amended to read as follows:

"(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the State, its political subdivisions, and other entities to assure standardized acquisition, planning, design, construction, and operation of the national recreation area.".

(4) Section 105(a) (16 U.S.C. 460ii–4(a)) is amended to read as follows:

"(a) AUTHORIZATION OF APPROPRIATIONS; ACCEPTANCE OF DONATIONS.—In addition to funding and the donation of lands and interests in lands provided by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals, and funding that may be available pursuant to the settlement of litigation, there is hereby authorized to be appropriated for land acquisition not more than $25,000,000 for fiscal years after fiscal year 1998. The Secretary is authorized to accept the donation of funds and lands or interests in lands to carry out this Act.".

(5) Section 105(c) (16 U.S.C. 460ii–4(c)) is amended by adding the following at the end thereof: "The Secretary shall submit a new plan within 3 years after the enactment of this sentence to provide for the protection, enhancement, enjoyment, development, and use of areas added to the national recreation area. During the preparation of the revised plan the Secretary shall seek and encourage the participation of the State of Georgia and its affected political subdivisions, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and others.".

(6) Section 102(a) (16 U.S.C. 460ii–1(a)) is amended by inserting the following before the period at the end of the first sentence: ", except that lands and interests in lands within the Addition Area depicted on the map referred to in section 101 may not be acquired without the consent of the owner thereof".

The SPEAKER pro tempore (during the reading). Without objection, the amendment in the nature of a substitute is considered as having been read and printed in the RECORD.

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

"To designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, and for other purposes.".

A motion to reconsider was laid on the table.

GUSTAVUS, ALASKA LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3903) to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments: Page 2, line 8, strike out "paragraph (4)" and insert: "paragraph (2)"

Page 2, line 9, strike out "paragraph (3)" and insert: "paragraph (4)"

Page 4, line 1, strike out "838.66" and insert: "1191.75"

Page 11, line 19, strike out "units" and insert: "units resulting from this Act"

Page 11, line 20, strike out "consideration in applying" and insert: "charged against"

Page 12, line 1, strike out "units" and insert: "units resulting from this Act"

Page 12, lines 1 and 2, strike out "be considered in applying" and insert: "be charged against"

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Utah?

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING ASSISTANCE TO NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER IN CASPER, WYOMING

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2186) to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, WY, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 6, line 6, strike out all after "retain," down to and including "appropriations," in line 7 and insert: "and"

Page 6, line 16, strike out "subject to appropriations,"

Page 6, strike out all after line 18, over to and including line 6 on page 7

Page 7, line 7, strike out "(f)" and insert: "(e)"

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Utah.

There was no objection.

A motion to reconsider was laid on the table.

CONVEYANCE OF ADMINISTRATIVE SITE FOR ROGUE RIVER NATIONAL FOREST

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3796) to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, line 15, strike out "provide" and insert: "accept"

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

A motion to reconsider was laid on the table.

GRANITE WATERSHED ENHANCEMENT AND PROTECTION ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2886) to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, line 23, strike out "prescribed burns" and insert : "prescribed burns in the Granite watershed"

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

A motion to reconsider was laid on the table.

AMENDING LAND AND WATER CONSERVATION FUND ACT REGARDING FEES AND CHARGES

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1333) to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF CERTAIN RECREATIONAL FEES.

Section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)) is amended by adding at the end the following:

"(C) UNITS AT WHICH ENTRANCE FEES OR ADMISSIONS FEES CANNOT BE COLLECTED.—

"(i) WITHHOLDING OF AMOUNTS.—Notwithstanding subparagraph (A), section 315(c) of section 101(c) of the Omnibus Consolidated Recessions and Appropriations Act of 1996 (16 U.S.C. 460l–6a note; Public Law 104–134), or section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1998 (16 U.S.C. 460l–6a note; Public Law 105–83), the Secretary of the Interior shall withhold from the special account under subparagraph (A) 100 percent of the fees and charges collected in connection with any unit of the National Park System at which entrance fees or admission fees cannot be collected by reason of deed restrictions.

"(ii) USE OF AMOUNTS.—Amounts withheld under clause (i) shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary for the unit with respect to which the amounts were collected for the purposes of enhancing the quality of the visitor experience, protection of resources, repair and maintenance, interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement.".

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

FREDERICK LAW OLMSTED NATIONAL HISTORIC SITE BOUNDARY MODIFICATION

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2246) to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Act of October 12, 1979 (93 Stat. 664), is amended by adding at the end thereof a new subsection to read as follows:

"(d) In order to preserve and maintain the historic setting of the Site, the Secretary is authorized to acquire, through donation only, lands with associated easements situated adjacent to the Site owned by the Brookline Conservation Land Trust. These lands are to be used for educational and interpretive purposes and shall be maintained and managed as part of the Frederick Law Olmsted National Historic Site.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1500

ADAMS NATIONAL HISTORICAL PARK ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2240) to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adams National Historical Park Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1946, Secretary of the Interior J.A. Krug, by means of the authority granted the Secretary of the Interior under section 2 of the Historic Sites Act of August 21, 1935, established the Adams Mansion National Historic Site, located in Quincy, Massachusetts;

(2) in 1952, Acting Secretary of the Interior Vernon D. Northrup enlarged the site and renamed it the Adams National Historic Site, using the Secretary's authority as provided in the Historic Sites Act;

(3) in 1972, Congress, through Public Law 92–272, authorized the Secretary of the Interior to add approximately 3.68 acres at Adams National Historic Site;

(4) in 1978, Congress, through Public Law 95–625, authorized the Secretary of the Interior to accept by conveyance the birthplaces of John Adams and John Quincy Adams, both in Quincy, Massachusetts, to be managed as part of the Adams National Historic Site;

(5) in 1980, Congress, through Public Law 96–435, authorized the Secretary of the Interior to accept the conveyance of the United First Parish Church in Quincy, Massachusetts, the burial place of John Adams, Abigail Adams, and John Quincy Adams and his wife, to be administered as part of the Adams National Historic Site;

(6) the actions taken by past Secretaries of the Interior and past Congresses to preserve for the benefit, education and inspiration of present and future generations of Americans the home, property, birthplaces and burial site of John Adams, John Quincy Adams, and Abigail Adams, have resulted in a multi-site unit of the National Park System with no overarching enabling or authorizing legislation; and

(7) that the sites and resources associated with John Adams, second President of the United States, his wife Abigail Adams, and John Quincy Adams, sixth President of the United States, require recognition as a national historical park in the National Park System.

(b) PURPOSE.—The purpose of this Act is to establish the Adams National Historical Park in the City of Quincy, in the Commonwealth of Massachusetts, to preserve, maintain and interpret the home, property, birthplaces, and burial site of John Adams and his wife Abigail, John Quincy Adams, and subsequent generations of the Adams family associated with the Adams property in Quincy, Massachusetts, for the benefit, education and inspiration of present and future generations of Americans.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORICAL PARK.—The term "historical park" means the Adams National Historical Park established in section 4.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ADAMS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain properties in Quincy, Massachusetts, associated with John Adams, second President of the United States, his wife, Abigail Adams, John Quincy Adams, sixth President of the United States, and his wife, Louisa Adams, there is established the Adams National Historical Park as a unit of the National Park System.

(b) BOUNDARIES.—The historical park shall be comprised of the following:

(1) All property administered by the National Park Service in the Adams National Historic Site as of the date of enactment of this Act, as well as all property previously authorized to be acquired by the Secretary for inclusion in the Adams National Historic Site, as generally depicted on the map entitled "Adams National Historical Park", numbered NERO 386/80,000, and dated April 1998.

(2) All property authorized to be acquired for inclusion in the historical park by this Act or other law enacted after the date of the enactment of this Act.

(c) VISITOR AND ADMINISTRATIVE SITES.—To preserve the historical character and landscape of the main features of the historical park, the Secretary may acquire up to 10 acres for the development of visitor, administrative, museum, curatorial, and maintenance facilities adjacent to or in the general proximity of the property depicted on the map identified in subsection (b)(1)(A).

(d) MAP.—The map of the historical park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this section and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467), as amended.

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Any payment made by the Secretary pursuant to a cooperative agreement under this paragraph shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such a project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary is authorized to acquire real property with appropriated or donated funds, by donation, or by exchange, within the boundaries of the park.

(d) REPEAL OF SUPERCEDED ADMINISTRATIVE AUTHORITIES.—

(1) Section 312 of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3479) is amended by striking "(a)" after "SEC. 312"; and strike subsection (b) in its entirety.

(2) The first section of Public Law 96–435 (94 Stat. 1861) is amended by striking "(a)" after "That"; and strike subsection (b) in its entirety.

(e) REFERENCES TO THE HISTORIC SITE.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to the Adams National Historic Site shall be considered to be a reference to the historical park.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1274. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

The message also announced that in accordance with sections 1928a–1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly during the Second Session of the One Hundred Fifth Congress, to be held in Edinburg, United Kingdom, November 9–14, 1998—the Senator from Utah (Mr. HATCH); the Senator from Virginia (Mr. WARNER); the Senator from Iowa (Mr. GRASSLEY); the Senator from Pennsylvania (Mr. SPECTER); the Senator from Arkansas (Mr. HUTCHINSON); the Senator from Alabama (Mr. SESSIONS); the Senator from Oregon (Mr. SMITH); the Senator from Tennessee (Mr. THOMPSON); the Senator from Arkansas (Mr. BUMPERS); the Senator from Maryland (Ms. MIKULSKI); and the Senator from Hawaii (Mr. AKAKA).

The message also announced that the Senate had passed a bill of the following title in which concurrence of the House is requested:

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

WOMEN'S PROGRESS COMMEMORATION ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2285) to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Progress Commemoration Act".

SEC. 2. DECLARATION.

Congress declares that—

(1) the original Seneca Falls Convention, held in upstate New York in July 1848, convened to consider the social conditions and civil rights of women at that time;

(2) the convention marked the beginning of an admirable and courageous struggle for equal rights for women;

(3) the 150th Anniversary of the convention provides an excellent opportunity to examine the history of the women's movement; and

(4) a Federal Commission should be established for the important task of ensuring the historic preservation of sites that have been instrumental in American women's history, creating a living legacy for generations to come.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Women's Progress Commemoration Commission" (referred to in this Act as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President;

(B) 3 shall be appointed by the Speaker of the House of Representatives;

(C) 3 shall be appointed by the minority leader of the House of Representatives;

(D) 3 shall be appointed by the majority leader of the Senate; and

(E) 3 shall be appointed by the minority leader of the Senate.

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission. The members may be from the public or private sector, and may include Federal, State, or local employees, members of academia, nonprofit organizations, or industry, or other interested individuals.

(B) DIVERSITY.—It is the intent of Congress that persons appointed to the Commission under paragraph (1) be persons who represent diverse economic, professional, and cultural backgrounds.

(3) CONSULTATION AND APPOINTMENT.—

(A) IN GENERAL.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall consult among themselves before appointing the members of the Commission in order to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(B) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall conduct the consultation under subparagraph (3) and make their respective appointments not later than 60 days after the date of enactment of this Act.

(4) VACANCIES.—A vacancy in the membership of the Commission shall not affect the powers of the Commission and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

Not later than 1 year after the initial meeting of the Commission, the Commission, in cooperation with the Secretary of the Interior and other appropriate Federal, State, and local public and private entities, shall prepare and submit to the Secretary of the Interior a report that—

(1) identifies sites of historical significance to the women's movement; and

(2) recommends actions, under the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other law, to rehabilitate and preserve the sites and provide to the public interpretive and educational materials and activities at the sites.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. At the request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. A member of the Commission who is otherwise an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairperson may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of that title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for a position at level V of the Executive Schedule under section 5316 of that title.

SEC. 7. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this Act.

(b) DONATIONS.—The Commission may accept donations from non-Federal sources to defray the costs of the operations of the Commission.

SEC. 8. TERMINATION.

The Commission shall terminate on the date that is 30 days after the date on which the Commission submits to the Secretary of the Interior the report under section 4(b).

SEC. 9. REPORTS TO CONGRESS.

Not later than 2 years and not later than 5 years after the date on which the Commission submits to the Secretary of the Interior the report under section 4, the Secretary of the Interior shall submit to Congress a report describing the actions that have been taken to preserve the sites identified in the Commission report as being of historical significance.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2427) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking "1998" and inserting "2000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1998

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 4735) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Parks Technical Corrections Act of 1998".

(b) REFERENCE TO OMNIBUS PARKS ACT.—In this Act, the term "Omnibus Parks Act" means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093).

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

SEC. 101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking "the Presidio is" and inserting "the Presidio was".

(2) In section 103(b)(1) (110 Stat. 4099), by striking "other lands administrated by the Secretary." in the last sentence and inserting "other lands administered by the Secretary.".

(3) In section 105(a)(2) (110 Stat. 4104), by striking "in accordance with section 104(h) of this title." and inserting "in accordance with section 104(i) of this title.".

SEC. 102. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of division I of the Omnibus Parks Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by striking "depicted on the map dated August 1993, numbered 333/80031A," and inserting "depicted on the map dated August 1996, numbered 333/80031B,".

SEC. 103. MERCED IRRIGATION DISTRICT.

Section 218(a) of division I of the Omnibus Parks Act (110 Stat. 4113) is amended by striking "this Act" and inserting "this section".

SEC. 104. BIG THICKET NATIONAL PRESERVE.

Section 306(d) of division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 698 note) is amended by striking "until the earlier of the consummation of the exchange of July 1, 1998," and inserting "until the earlier of the consummation of the exchange or July 1, 1998,".

SEC. 105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

Section 311 of division I of the Omnibus Parks Act (110 Stat. 4139) is amended as follows:

(1) In subsection (d)(2)(B)(ii), by striking "W, Seward Meridian" and inserting "W., Seward Meridian".

(2) In subsection (f)(1), by striking "to be know" and inserting "to be known".

SEC. 106. LAMPREY WILD AND SCENIC RIVER.

(a) Technical Correction.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C 1274(a)), as amended by section 405(a) of division I of the Omnibus Parks Act (110 Stat. 4149), is amended in the second sentence of the paragraph relating to the Lamprey River, New Hampshire, by striking "through cooperation agreements" and inserting "through cooperative agreements".

(b) Cross Reference.—Section 405(b)(1) of division I of the Omnibus Parks Act (110 Stat. 4149; 16 U.S.C. 1274 note) is amended by striking "this Act" and inserting "the Wild and Scenic Rivers Act".

SEC. 107. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking "by the Vancouver Historical Assessment' published".

SEC. 108. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508, of division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended as follows:

(1) In subsection (a), by striking "of 1986" and inserting "(40 U.S.C. 1001 et seq.)";.

(2) In subsection (b), by striking "the Act" and all that follows through "1986" and inserting "the Commemorative Works Act".

(3) In subsection (d), by striking "the Act referred to in section 4401(b))" and inserting "the Commemorative Works Act)".

SEC. 109. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The first sentence of section 205(g) of the National Historic Preservation Act (16 U.S.C. 470m(g)), as amended by section 509(c) of division I of the Omnibus Parks Act (110 Stat. 4157), is amended by striking "for the purpose." and inserting "for that purpose.".

SEC. 110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking "the contribution of our national heritage" and inserting "the contribution to our national heritage".

SEC. 111. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) Section 511 of division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as follows:

(1) In the section heading, by striking "**NATIONAL HISTORIC LANDMARK DISTRICT**" and inserting "**WHALING NATIONAL HISTORICAL PARK**".

(2) In subsection (c)—

(A) in paragraph (1), by striking "certain districts structures, and relics" and inserting "certain districts, structures, and relics"; and

(B) in paragraph (2)(A)(i), by striking "The area included with the New Bedford National Historic Landmark District, known as the" and inserting "The area included within the New Bedford Historic District (a National Landmark District), also known as the".

(3) In subsection (d)(2), by striking "to provide".

(4) By redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(5) In subsection (g), as so redesignated—

(A) in paragraph (1), by striking "section 3(D)." and inserting "subsection (d)."; and

(B) in paragraph (2)(C), by striking "cooperative grants under subsection (d)(2)." and inserting "cooperative agreements under subsection (e)(2).".

SEC. 112. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking "Afican-Americans" and inserting "African-Americans".

SEC. 113. UNALASKA.

Section 513(c) of division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking "whall be comprised" and inserting "shall be comprised".

SEC. 114. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended by striking "subsection (b) shall—" and inserting "paragraph (1) shall—".

SEC. 115. SHENANDOAH VALLEY BATTLEFIELDS.

Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (1), by striking "section 5." and inserting "subsection (e).";

(B) in paragraph (2), by striking "section 9." and inserting "subsection (h)."; and

(C) in paragraph (3), by striking "Commission plan approved by the Secretary under section 6." and inserting "plan developed and approved under subsection (f).".

(2) In subsection (f)(1), by striking "this Act" and inserting "this section".

(3) In subsection (g)—

(A) in paragraph (3), by striking "purposes of this Act" and inserting "purposes of this section"; and

(B) in paragraph (5), by striking "section 9." and inserting "subsection (i).".

(4) In subsection (h)(12), by striking "this Act" and inserting "this section".

SEC. 116. WASHITA BATTLEFIELD.

Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

(1) in subsection (c)(3), by striking "this Act" and inserting "this section"; and

(2) in subsection (d)(2), by striking "local land owners" and inserting "local landowners".

SEC. 117. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of division I of the Omnibus Parks Act (110 Stat 4182; 16 U.S.C. 497c) is amended as follows:

(1) In subsection (b)(2), by striking "1992" and inserting "1993".

(2) In subsection ([illegible])(3), by striking "legislated by this Act" and inserting "required by this section".

(3) In subsection (d)—

(A) in the matter preceding paragraph (1), by striking "formula of this Act" and inserting "formula of this section"; and

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3)—

(i) by inserting "adjusted gross revenue for the" before "1994–1995 base year" each place it appears ; and

(ii) by striking "this Act" each place it appears and inserting "this section".

(4) In subsection (f), by inserting inside the parenthesis "offered for commercial or other promotional purposes" after "complimentary lift tickets".

(5) In subsection (i), by striking "this Act" and inserting "this section".

SEC. 118. GLACIER BAY NATIONAL PARK.

Section 3 of Public Law 91–383 (16 U.S.C. 1a–2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking "bearing the cost of such exhibits and demonstrations;" and inserting "bearing the cost of such exhibits and demonstrations.".

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking "; and" and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

SEC. 119. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking "section 301" and inserting "subsection (a)".

SEC. 120. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) Technical Corrections.—Section 814 of division I of the Omnibus Parks Act (110 Stat. 4190) is amended as follows:

(1) In subsection (a) (16 U.S.C. 17o note)—

(A) in paragraph (6), by striking "this Act" and inserting "this section";

(B) in paragraph (7)(B), by striking "Comptetitive leasing.—" and inserting "Competitive leasing.—";

(C) in paragraph (9), by striking "granted by statue" and inserting "granted by statute";

(D) in paragraph (11)(B)(ii), by striking "more cost effective" and inserting "more cost-effective";

(E) in paragraph (13), by striking "paragraph (13)," and inserting "paragraph (12),"; and

(F) in paragraph (18), by striking "under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l)," and inserting "under paragraph (7)(A) and any lease under paragraph (11)".

(2) In subsection (d)(2)(E), by striking "is amended".

(b) Change to Plural.—Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)(2)), as added by section 814(b) of the Omnibus Parks Act (110 Stat. 4194), is amended as follows:

(1) In subparagraph (C), by striking "lands, water, and interest therein" and inserting "lands, waters, and interests therein".

(2) In subparagraph (F), by striking "lands, water, or interests therein, or a portion of whose lands, water, or interests therein," and inserting "lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,".

(c) ADD MISSING WORD.—Section 2(b) of Public Law 101–337 (16 U.S.C. 19jj–1(b)), as amended by section 814(h)(3) of the Omnibus Parks Act (110 Stat. 4199), is amended by inserting "or" after "park system resource".

SEC. 121. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 6(d)(2) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), as added by section 901(c) of division I of the Omnibus Parks Act (110 Stat. 4202), is amended by striking "may be made in the approval plan" and inserting "may be made in the approved plan".

SEC. 122. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Subtitle A of title X of division I of the Omnibus Parks Act is amended as follows:

(1) In section 1002(a)(4)(A) (110 Stat. 4204; 16 U.S.C. 689u(a)(4)(A)), by striking "to purchase" and inserting "to acquire".

(2) In section 1004(b) (110 Stat. 4205; 16 U.S.C. 689u–2(b)), by striking "of June 3, 1994," and inserting "on June 3, 1994,".

(3) In section 1005 (110 Stat. 4205; 16 U.S.C. 689u–3)—

(A) in subsection (d)(1), by striking "this Act" and inserting "this subtitle"; and

(B) in subsection (g)(3)(A), by striking "the tall grass prairie" and inserting "the tallgrass prairie".

SEC. 123. RECREATION LAKES.

(a) TECHNICAL CORRECTIONS.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460l–10e note) is amended as follows:

(1) By striking "manmade lakes" both places it appears and inserting "man-made lakes".

(2) By striking "for recreational opportunities at federally-managed" and inserting "for recreational opportunities at federally managed".

(b) ADVISORY COMMISSION.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–10e), as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:

(1) In subsection (b)(6), by striking "recreation related infrastructure." and inserting "recreation-related infrastructure.".

(2) In subsection (e)—

(A) by striking "water related recreation" in the first sentence and inserting "water-related recreation";

(B) in paragraph (2), by striking "at federally-managed lakes" and inserting "at federally managed lakes"; and

(C) by striking "manmade lakes" each place it appears and inserting "man-made lakes".

SEC. 124. FOSSIL FOREST PROTECTION.

Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (43 U.S.C. 178), as amended by section 1022(e) of the Omnibus Parks Act (110 Stat. 4213), is amended as follows:

(1) In subsections (b)(1) and (e)(1), by striking "Committee on Natural Resources" and inserting "Committee on Resources".

(2) In subsection (e)(1), by striking "this Act" and inserting "this subsection".

SEC. 125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is amended by striking "of 1964".

SEC. 126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks Act (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as follows:

(1) In the section heading, by striking "**RECREATION AREA**" and inserting "**NATIONAL RECREATION AREA**".

(2) In subsection (b)(1), by inserting quotation marks around the term "recreation area".

(3) In subsection (e)(3)(B), by striking "subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10)." and inserting "subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).".

(4) In subsection (f)(2)(A)(i), by striking "profit sector roles" and inserting "private-sector roles".

(5) In subsection (g)(1), by striking "and revenue raising activities." and inserting "and revenue-raising activities.".

SEC. 127. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3(b)(1) of Public Law 100–479 (16 U.S.C. 410oo–2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking "and visitors' center" and inserting "and visitor center".

SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking "**REGULATIONS**" and inserting "**REGULATION**".

(2) In subsection (c), by striking "this Act" and inserting "this section".

TITLE II—TECHNICAL CORRECTIONS TO DIVISION II

SEC. 201. NATIONAL COAL HERITAGE AREA.

Title I of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 104(4) (110 Stat. 4244), by striking "history preservation" and inserting "historic preservation".

(2) In section 105 (110 Stat. 4244), by striking "paragraphs (2) and (5) of section 104" and inserting "paragraph (2) of section 104".

(3) In section 106(a)(3) (110 Stat. 4244), by striking "or Secretary" and inserting "or the Secretary".

SEC. 202. TENNESSEE CIVIL WAR HERITAGE AREA.

Title II of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 201(b)(4) (110 Stat. 4245), by striking "and associated sites associated" and insert "and sites associated".

(2) In section 207(a) (110 Stat. 4248), by striking "as provide for" and inserting "as provided for".

SEC. 203. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking "National Historic Register of Historic Places," and inserting "National Register of Historic Places,".

SEC. 204. ESSEX NATIONAL HERITAGE AREA.

Section 501(8) of division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking "a visitors' center" and inserting "a visitor center".

SEC. 205. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

Title VIII of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 805(b)(2) (110 Stat. 4269), by striking "One individuals," and inserting "One individual,".

(2) In section 808(a)(3)(A) (110 Stat. 4279), by striking "from the Committee." and inserting "from the Committee,".

SEC. 206. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of division II of the Omnibus Parks Act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking "on nonfederally owned property" and inserting "for non-federally owned property".

The Senate bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DANTE FASCELL BISCAYNE NATIONAL PARK VISITOR CENTER DESIGNATION ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2468) to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. MILLER of California. Mr. Speaker, reserving the right to object, and I shall not object, I just want to take this time to thank the chairman of the full committee the gentleman from Alaska (Mr. YOUNG), and the gentleman from Utah (Mr. HANSEN) the chairman of the subcommittee for all of their effort and all of their work to bring these matters to the full House and for their consideration, a number of which will be sent directly to the President for his signature.

I would like to thank the staffs on both sides of the aisle for all of their work over the last 48 hours to get this into shape so that we could proceed in this manner. I shall not object. Again I want to thank them very much for all of their hard work.

Mr. HANSEN. Mr. Speaker, I thank the gentleman from California for his kind remarks.

Mr. MILLER of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dante Fascell Biscayne National Park Visitor Center Designation Act".

SEC. 2. DESIGNATION OF THE DANTE FASCELL VISITOR CENTER AT BISCAYNE NATIONAL PARK.

(a) DESIGNATION.—The Biscayne National Park visitor center, located on the shore of Biscayne Bay on Convoy Point, Florida, is designated as the "Dante Fascell Visitor Center."

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other document of the United States to the Biscayne National Park visitor center shall be deemed to be a reference to the "Dante Fascell Visitor Center."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken Monday, October 12, 1998.

CONDEMNING THE TERROR, VENGEANCE, AND HUMAN RIGHTS ABUSES AGAINST SIERRA LEONE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 559) condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone, as amended.

The Clerk read as follows:

H. RES. 559

Whereas the ousted Armed Forces Revolutionary Council (AFRC) military junta and the rebel fighters of the Revolutionary United Front (RUF) have mounted a campaign of terror, vengeance, and human rights abuses on the civilian population of Sierra Leone;

Whereas the AFRC/RUF violence against civilians continues with at least 1,200 persons having hands or feet amputated by rebels (and the International Committee of the Red Cross (ICRC) estimates that every victim who makes it to medical help is only 1 of 4 who have been mutilated);

Whereas the AFRC/RUF continues to abduct children and forcibly train them as combatants, in numbers estimated by UNICEF to exceed 3,000 since March 1998;

Whereas the humanitarian consequences of this campaign have been the flight of more than 250,000 refugees to Guinea and Liberia in the last 6 months and the increase of internally displaced Sierra Leoneans to over 250,000 in camps and towns in the north and east;

Whereas the governments of Guinea and Liberia are having great difficulty caring for the huge number of refugees, now totaling 600,000 in Guinea and Liberia, and emergency appeals have been issued by the United Nations High Commission for Refugees (UNHCR) for $7,300,000 for emergency food, shelter, sanitation, medical, educational, psychological, and social services;

Whereas starvation and hunger-related deaths have begun in the north with more than 500 people dying since August 1, 1998, a situation that will only get worse in the next months;

Whereas the humanitarian community is unable, because of continuing security concerns, to deliver food and medicine to the vulnerable groups within the north and east of Sierra Leone;

Whereas the Economic Community of West African States (ECOWAS) and its military peacekeeping arm called ECOMOG are doing their best, but require additional logistic support to either bring this AFRC/RUF rebel war to a conclusion or force a negotiated settlement;

Whereas arms and weapons continue to be supplied to the AFRC/RUF in direct violation of a United Nations arms embargo;

Whereas United Nations Under Secretary for Humanitarian Affairs and Emergency Relief Coordinator Sergio Viera de Melo, Amnesty International, Human Rights Watch, and Refugees International, following May through June 1998 visits to Sierra Leone, have condemned, in the strongest terms, the terrible human rights violations done by the AFRC/RUF rebels to civilians; and

Whereas the Special Representative of the United Nations Secretary General for Children and Armed Conflict, Olara Otunu, following a May 1998 visit to Sierra Leone, called upon the United Nations to make Sierra Leone one of the pilot projects in the rehabilitation of child combatants: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the President and the Secretary of State to give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general;

(2) urges the State Department to give the needed logistical support to ECOMOG and the Government of Sierra Leone to bring this conflict to a rapid conclusion;

(3) condemns the use of children as combatants in the conflict in Sierra Leone;

(4) urges the establishment of a secure humanitarian corridor to strategic areas in the north and east of Sierra Leone for the safe delivery of food and medicines by the Government of Sierra Leone and humanitarian agencies already in the country mandated to deliver this aid;

(5) urges the President and the Secretary of State to strictly enforce the United Nations arms embargo on the Armed Forces Revolutionary Council and Revolutionary United Front (AFRC/RUF) rebel forces;

(6) urges the President and the Secretary of State to work with the Economic Community of West African States (ECOWAS) nations to ensure there are sufficient African forces and arms provided to its military peacekeeping arm ECOMOG;

(7) urges the President and the Secretary of State to support the United Nations High Commission for Refugees (UNHCR) appeal for aid to the Sierra Leonean refugees in Guinea, Liberia, and other countries;

(8) urges the President and the State Department to support the United Nations agencies and nongovernmental organizations working in Sierra Leone to bring humanitarian relief and peace to the country;

(9) urges the President and the State Department to support the Government of Sierra Leone in its demobilization, disarmament, and reconstruction plan for the country as peace becomes a reality; and

(10) encourages and supports, Olara Otunu, United Nations Special Representative of the Secretary General for Children and Armed Conflict, to continue in his efforts to work in Sierra Leone in the establishment of programs designed to rehabilitate child combatants.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this resolution, offered by the gentleman from Michigan (Mr. EHLERS) and cosponsored by the distinguished chairman of our Subcommittee on Africa, the gentleman from California (Mr. ROYCE).

Mr. Speaker, the situation in Sierra Leone is horrifying. Rebel soldiers are terrorizing the civilian population, killing and maiming innocent people, including women and children. The instability in Sierra Leone has overflowed its borders and is impacting on neighboring Liberia and Guinea. Hundreds of thousands of people have been displaced from their homes and are foraging for sustenance or relying on the generosity of the international community.

Mr. Speaker, there is a peacekeeping force in Sierra Leone known as the Economic Community of West African States Monitoring Group, ECOMOG, made up of soldiers from other African nations. In many cases ECOMOG is all that stands between innocent civilians and ethnic atrocities. This resolution will put the Congress on record supporting ECOMOG and other positive institutions in Sierra Leone. Accordingly, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CLEMENT. Mr. Speaker, I yield myself such time as I may consume. I support this resolution. The United States must take steps to stop the killing, human rights abuses and humanitarian disaster that is taking place in Sierra Leone. This resolution puts the House on record behind a series of actions that would help. It sends an important message to all parties to the conflict as well as to our administration. I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Tennessee for his supporting remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the author of this resolution.

Mr. EHLERS. Mr. Speaker, I thank the chairman for his support of the bill and thank him also for bringing the bill to the floor.

While our Nation and many nations are very concerned about bloodshed and potential warfare in the Balkans, we tend too often to ignore the problems in Africa, a continent that is in danger of drowning in an ocean of blood if further action is not taken.

A good example of that is the nation of Sierra Leone, a peace-loving nation, which unfortunately on May 27, 1997 suffered a coup in which the Armed Forces Revolutionary Council seized power from Sierra Leone's democratically elected government. It, together with another armed group, the Revolutionary United Front, began a nine-month regime characterized by abuse of power and misgovernment.

The neighboring nation of Sierra Leone decided to take action to end the bloodbath and to restore the democratically elected government. This organization, the Economic Community of West African States, better known as ECOWAS, and its military peacekeeping arm, called ECOMOG, led a West African peacekeeping force in February 1998. This force sought to restore the democratically elected government of Sierra Leone.

Since the civilian government was restored successfully, the deposed military junta has engaged in a campaign of terror against the government, the civilian population and ECOMOG. They have fled into the bush, particularly in the eastern part of the country, and continue their battle of terror from that region.

As a result of this conflict, thousands of civilians have become victims of gross violations of human rights, mostly at the hands of the rebels, the AFRC/RUF. Abuses include physical mutilation, torture, murder. Hundreds of men, women and children have been abducted, raped, sold into forced labor. Worst of all, young children are being inducted into combat and taught to kill before they are old enough to recognize what they are doing.

Approximately one-quarter million refugees from Sierra Leone have fled into neighboring Guinea and Liberia. The location of the refugee camps does not allow for provision of adequate relief, and it is essential that the ECOMOG forces be able to conquer the rebel forces, which unfortunately are receiving arms from some unknown sources.

There is poor security, a lack of resources and minimal access to these camps, resulting in hundreds of deaths simply because the aid forces are not able to reach those needing relief. Arms and weapons continue to be supplied to the rebels in direct violation of the United Nations arms embargo. The international community has simply failed to respond vigorously and adequately to this growing humanitarian crisis within and outside of Sierra Leone.

Therefore, this resolution urges in the strongest terms that the President and Secretary of State of our Nation give high priority to solving the conflict in Sierra Leone and to bring stability to West Africa in general. It also urges the State Department to give logistical support to ECOMOG and to the government of Sierra Leone. It also condemns the use of children as combatants, and urges the establishment of a secure humanitarian corridor for the safe delivery of food and medicine to all those who are suffering.

□ 1510

Furthermore, the resolution urges the President and Secretary of State to strictly enforce the United Nations armed embargo on rebel forces. It also urges the President and Secretary of State to work with West African states nations to ensure that there are sufficient African forces and arms provided for peacekeeping.

It is a very serious situation and has resulted in considerable human suffering, and I urge that this resolution be adopted, and once again I thank the gentleman for taking this bill up and yielding this time to me.

Mr. CLEMENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Michigan (Mr. EHLERS), who is not a member of our committee, for bringing this critical situation to the attention of the floor at this time, and we commend him.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution H. Res. 559, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and take from the speaker's table the bill (H.R. 2431) to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Religious Freedom Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; policy.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
Sec. 102. Reports.
Sec. 103. Establishment of a religious freedom Internet site.
Sec. 104. Training for Foreign Service officers.
Sec. 105. High-level contacts with nongovernmental organizations.
Sec. 106. Programs and allocations of funds by United States missions abroad.
Sec. 107. Equal access to United States missions abroad for conducting religious activities.
Sec. 108. Prisoner lists and issue briefs on religious freedom concerns.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Sec. 201. Establishment and composition.
Sec. 202. Duties of the Commission.
Sec. 203. Report of the Commission.
Sec. 204. Applicability of other laws.
Sec. 205. Authorization of appropriations.
Sec. 206. Termination.

TITLE III—NATIONAL SECURITY COUNCIL

Sec. 301. Special Adviser on International Religious Freedom.

TITLE IV—PRESIDENTIAL ACTIONS

Subtitle I—Targeted Responses to Violations of Religious Freedom Abroad

Sec. 401. Presidential actions in response to violations of religious freedom.
Sec. 402. Presidential actions in response to particularly severe violations of religious freedom.
Sec. 403. Consultations.
Sec. 404. Report to Congress.

Sec. 405. Description of Presidential actions.
Sec. 406. Effects on existing contracts.
Sec. 407. Presidential waiver.
Sec. 408. Publication in Federal Register.
Sec. 409. Termination of Presidential actions.
Sec. 410. Preclusion of judicial review.

Subtitle II—Strengthening Existing Law

Sec. 421. United States assistance.
Sec. 422. Multilateral assistance.
Sec. 423. Exports of certain items used in particularly severe violations of religious freedom.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

Sec. 501. Assistance for promoting religious freedom.
Sec. 502. International broadcasting.
Sec. 503. International exchanges.
Sec. 504. Foreign Service awards.

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

Sec. 601. Use of Annual Report.
Sec. 602. Reform of refugee policy.
Sec. 603. Reform of asylum policy.
Sec. 604. Inadmissibility of foreign government officials who have engaged in particularly severe violations of religious freedom.
Sec. 605. Studies on the effect of expedited removal provisions on asylum claims.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Business codes of conduct.

SEC. 2. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.

(2) Freedom of religious belief and practice is a universal human right and fundamental freedom articulated in numerous international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(3) Article 18 of the Universal Declaration of Human Rights recognizes that "Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.". Article 18(1) of the International Covenant on Civil and Political Rights recognizes that "Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching". Governments have the responsibility to protect the fundamental rights of their citizens and to pursue justice for all. Religious freedom is a fundamental right of every individual, regardless of race, sex, country, creed, or nationality, and should never be arbitrarily abridged by any government.

(4) The right to freedom of religion is under renewed and, in some cases, increasing assault in many countries around the world. More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice. Religious believers and communities suffer both government-sponsored and government-tolerated violations of their rights to religious freedom. Among the many forms of such violations are state-sponsored slander campaigns, confiscations of property, surveillance by security police, including by special divisions of "religious police", severe prohibitions against construction and repair of places of worship, denial of the right to assemble and relegation of religious communities to illegal status through arbitrary registration laws, prohibitions against the pursuit of education or public office, and prohibitions against publishing, distributing, or possessing religious literature and materials.

(5) Even more abhorrent, religious believers in many countries face such severe and violent forms of religious persecution as detention, torture, beatings, forced marriage, rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in, change of or practice of their faith. In many countries, religious believers are forced to meet secretly, and religious leaders are targeted by national security forces and hostile mobs.

(6) Though not confined to a particular region or regime, religious persecution is often particularly widespread, systematic, and heinous under totalitarian governments and in countries with militant, politicized religious majorities.

(7) Congress has recognized and denounced acts of religious persecution through the adoption of the following resolutions:

(A) House Resolution 515 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide.

(B) Senate Concurrent Resolution 71 of the One Hundred Fourth Congress, expressing the sense of the Senate regarding persecution of Christians worldwide.

(C) House Concurrent Resolution 102 of the One Hundred Fourth Congress, expressing the sense of the House of Representatives concerning the emancipation of the Iranian Baha'i community.

(b) POLICY.—It shall be the policy of the United States, as follows:

(1) To condemn violations of religious freedom, and to promote, and to assist other governments in the promotion of, the fundamental right to freedom of religion.

(2) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of the right to freedom of religion, as set forth in the Foreign Assistance Act of 1961, in the International Financial Institutions Act of 1977, and in other formulations of United States human rights policy.

(3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

(4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat violations of religious freedom and promote the right to religious freedom abroad.

(5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large for International Religious Freedom appointed under section 101(b).

(2) ANNUAL REPORT.—The term "Annual Report" means the Annual Report on International Religious Freedom described in section 102(b).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives; and

(B) in the case of any determination made with respect to the taking of President action under paragraphs (9) through (15) of section 405(a), the term includes the committees described in subparagraph (A) and, where appropriate, the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) COMMENSURATE ACTION.—The term "commensurate action" means action taken by the President under section 405(b).

(5) COMMISSION.—The term "Commission" means the United States Commission on International Religious Freedom established in section 201(a).

(6) COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The term "Country Reports on Human Rights Practices" means the annual reports required to be submitted by the Department of State to Congress under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961.

(7) EXECUTIVE SUMMARY.—The term "Executive Summary" means the Executive Summary to the Annual Report, as described in section 102(b)(1)(F).

(8) GOVERNMENT OR FOREIGN GOVERNMENT.—The term "government" or "foreign government" includes any agency or instrumentality of the government.

(9) HUMAN RIGHTS REPORTS.—The term "Human Rights Reports" means all reports submitted by the Department of State to Congress under sections 116 and 502B of the Foreign Assistance Act of 1961.

(10) OFFICE.—The term "Office" means the Office on International Religious Freedom established in section 101(a).

(11) PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—The term "particularly severe violations of religious freedom" means systematic, ongoing, egregious violations of religious freedom, including violations such as—

(A) torture or cruel, inhuman, or degrading treatment or punishment;

(B) prolonged detention without charges;

(C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or

(D) other flagrant denial of the right to life, liberty, or the security of persons.

(12) SPECIAL ADVISER.—The term "Special Adviser" means the Special Adviser to the President on International Religious Freedom described in section 101(i) of the National Security Act of 1947, as added by section 301 of this Act.

(13) VIOLATIONS OF RELIGIOUS FREEDOM.—The term "violations of religious freedom" means violations of the internationally recognized right to freedom of religion and religious belief and practice, as set forth in the international instruments referred to in section 2(a)(2) and as described in section 2(a)(3), including violations such as—

(A) arbitrary prohibitions on, restrictions of, or punishment for—

(i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements,

(ii) speaking freely about one's religious beliefs,

(iii) changing one's religious beliefs and affiliation,

(iv) possession and distribution of religious literature, including Bibles, or

(v) raising one's children in the religious teachings and practices of one's choice, or

(B) any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, forced religious conversion, beating, torture, mutilation, rape, enslavement, murder, and execution.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) ESTABLISHMENT OF OFFICE.—There is established within the Department of State an Office on International Religious Freedom that shall be headed by the Ambassador at Large for International Religious Freedom appointed under subsection (b).

(b) APPOINTMENT.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES.—The Ambassador at Large shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the Ambassador at Large shall be to advance the right to freedom of religion abroad, to denounce the violation of that right, and to recommend appropriate responses by the United States Government when this right is violated.

(2) ADVISORY ROLE.—The Ambassador at Large shall be a principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad and, with advice from the Commission on International Religious Freedom, shall make recommendations regarding—

(A) the policies of the United States Government toward governments that violate the freedom of religion or that fail to ensure the individual's right to religious belief and practice; and

(B) policies to advance the right to religious freedom abroad.

(3) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large is authorized to represent the United States in matters and cases relevant to religious freedom abroad in—

(A) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations, the Organization on Security and Cooperation in Europe, and other international organizations of which the United States is a member; and

(B) multilateral conferences and meetings relevant to religious freedom abroad.

(4) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the reporting responsibilities described in section 102.

(d) FUNDING.—The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for the hiring of staff for the Office, for the conduct of investigations by the Office, and for necessary travel to carry out the provisions of this section.

SEC. 102. REPORTS.

(a) PORTIONS OF ANNUAL HUMAN RIGHTS REPORTS.—The Ambassador at Large shall assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to freedom of religion and freedom from discrimination based on religion and those portions of other information provided Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) that relate to the right to freedom of religion.

(b) ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.—

(1) DEADLINE FOR SUBMISSION.—On September 1 of each year or the first day thereafter on which the appropriate House of Congress is in session, the Secretary of State, with the assistance of the Ambassador at Large, and taking into consideration the recommendations of the Commission, shall prepare and transmit to Congress an Annual Report on International Religious Freedom supplementing the most recent Human Rights Reports by providing additional detailed information with respect to matters involving international religious freedom. Each Annual Report shall contain the following:

(A) STATUS OF RELIGIOUS FREEDOM.—A description of the status of religious freedom in each foreign country, including—

(i) trends toward improvement in the respect and protection of the right to religious freedom and trends toward deterioration of such right;

(ii) violations of religious freedom engaged in or tolerated by the government of that country; and

(iii) particularly severe violations of religious freedom engaged in or tolerated by the government of that country.

(B) VIOLATIONS OF RELIGIOUS FREEDOM.—An assessment and description of the nature and extent of violations of religious freedom in each foreign country, including persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, the existence of government policies violating religious freedom, and the existence of government policies concerning—

(i) limitations or prohibitions on, or lack of availability of, openly conducted, organized religious services outside of the premises of foreign diplomatic missions or consular posts; and

(ii) the forced religious conversion of minor United States citizens who have been abducted or illegally removed from the United States, and the refusal to allow such citizens to be returned to the United States.

(C) UNITED STATES POLICIES.—A description of United States actions and policies in support of religious freedom in each foreign country engaging in or tolerating violations of religious freedom, including a description of the measures and policies implemented during the preceding 12 months by the United States under titles I, IV, and V of this Act in opposition to violations of religious freedom and in support of international religious freedom.

(D) INTERNATIONAL AGREEMENTS IN EFFECT.—A description of any binding agreement with a foreign government entered into by the United States under section 401(b) or 402(c).

(E) TRAINING AND GUIDELINES OF GOVERNMENT PERSONNEL.—A description of—

(i) the training described in section 602 (a) and (b) and section 603 (b) and (c) on violations of religious freedom provided to immigration judges and consular, refugee, immigration, and asylum officers; and

(ii) the development and implementation of the guidelines described in sections 602(c) and 603(a).

(F) EXECUTIVE SUMMARY.—An Executive Summary to the Annual Report highlighting the status of religious freedom in certain foreign countries and including the following:

(i) COUNTRIES IN WHICH THE UNITED STATES IS ACTIVELY PROMOTING RELIGIOUS FREEDOM.—An identification of foreign countries in which the United States is actively promoting religious freedom. This section of the report shall include a description of United States actions taken to promote the internationally recognized right to freedom of religion and oppose violations of such right under title IV and title V of this Act during the period covered by the Annual Report. Any country designated as a country of particular concern for religious freedom under section 402(b)(1) shall be included in this section of the report.

(ii) COUNTRIES OF SIGNIFICANT IMPROVEMENT IN RELIGIOUS FREEDOM.—An identification of foreign countries the governments of which have demonstrated significant improvement in the protection and promotion of the internationally recognized right to freedom of religion during the period covered by the Annual Report. This section of the report shall include a description of the nature of the improvement and an analysis of the factors contributing to such improvement, including actions taken by the United States under this Act.

(2) CLASSIFIED ADDENDUM.—If the Secretary of State determines that it is in the national security interests of the United States or is necessary for the safety of individuals to be identified in the Annual Report or is necessary to further the purposes of this Act, any information required by paragraph (1), including measures or actions taken by the United States, may be summarized in the Annual Report or the Executive Summary and submitted in more detail in a classified addendum to the Annual Report or the Executive Summary.

(c) PREPARATION OF REPORTS REGARDING VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) STANDARDS AND INVESTIGATIONS.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of violations of the internationally recognized right to freedom of religion.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing the respect of the right to religious freedom for the Human Rights Reports, the Annual Report on International Religious Freedom, and the Executive Summary, United States mission personnel shall, as appropriate, seek out and maintain contacts with religious and human rights nongovernmental organizations, with the consent of those organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports.

(d) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT.—

(1) CONTENT OF HUMAN RIGHTS REPORTS FOR COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and "; and

(C) by adding at the end the following:

"(6) wherever applicable, violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).".

(2) CONTENTS OF HUMAN RIGHTS REPORTS FOR COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended—

(A) by inserting "and with the assistance of the Ambassador at Large for International Religious Freedom" after "Labor"; and

(B) by inserting after the second sentence the following new sentence: "Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998).".

SEC. 103. ESTABLISHMENT OF A RELIGIOUS FREEDOM INTERNET SITE.

In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the protection of religious freedom, the Secretary of State, with the assistance of the Ambassador at Large, shall establish and maintain an Internet site containing major international documents relating to religious freedom, the Annual Report, the Executive Summary, and any other documentation or references to other sites as deemed appropriate or relevant by the Ambassador at Large.

SEC. 104. TRAINING FOR FOREIGN SERVICE OFFICERS.

Chapter 2 of title I of the Foreign Service Act of 1980 is amended by adding at the end the following new section:

"SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

"The Secretary of State, with the assistance of other relevant officials, such as the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 and the director of the National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include—

"(1) instruction on international documents and United States policy in human rights, which shall be mandatory for all members of the Service having reporting responsibilities relating to human rights and for chiefs of mission; and

"(2) instruction on the internationally recognized right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of violations of religious freedom.".

SEC. 105. HIGH-LEVEL CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.

United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY UNITED STATES MISSIONS ABROAD.

It is the sense of Congress that—

(1) United States diplomatic missions in countries the governments of which engage in or tolerate violations of the internationally recognized right to freedom of religion should develop, as part of annual program planning, a strategy to promote respect for the internationally recognized right to freedom of religion; and

(2) in allocating or recommending the allocation of funds or the recommendation of candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to assist in the promotion of the right to religious freedom.

SEC. 107. EQUAL ACCESS TO UNITED STATES MISSIONS ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.

(a) In General.—Subject to this section, the Secretary of State shall permit, on terms no less favorable than that accorded other nongovernmental activities unrelated to the conduct of the diplomatic mission, access to the premises of any United States diplomatic mission or consular post by any United States citizen seeking to conduct an activity for religious purposes.

(b) Timing and Location.—The Secretary of State shall make reasonable accommodations with respect to the timing and location of such access in light of—

(1) the number of United States citizens requesting the access (including any particular religious concerns regarding the time of day, date, or physical setting for services);

(2) conflicts with official activities and other nonofficial United States citizen requests;

(3) the availability of openly conducted, organized religious services outside the premises of the mission or post;

(4) availability of space and resources; and

(5) necessary security precautions.

(c) Discretionary Access for Foreign Nationals.—The Secretary of State may permit access to the premises of a United States diplomatic mission or consular post to foreign nationals for the purpose of attending or participating in religious activities conducted pursuant to this section.

SEC. 108. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS FREEDOM CONCERNS.

(a) Sense of Congress.—To encourage involvement with religious freedom concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of Congress that officials of the executive branch of Government should promote increased advocacy on such issues during meetings between foreign dignitaries and executive branch officials or Members of Congress.

(b) Prisoner Lists and Issue Briefs on Religious Freedom Concerns.—The Secretary of State, in consultation with the Ambassador at Large, the Assistant Secretary of State for Democracy, Human Rights and Labor, United States chiefs of mission abroad, regional experts, and nongovernmental human rights and religious groups, shall prepare and maintain issue briefs on religious freedom, on a country-by-country basis, consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom. In considering the inclusion of names of prisoners on such lists, the Secretary of State shall exercise appropriate discretion, including concerns regarding the safety, security, and benefit to such prisoners.

(c) Availability of Information.—The Secretary shall, as appropriate, provide religious freedom issue briefs under subsection (b) to executive branch officials and Members of Congress in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SEC. 201. ESTABLISHMENT AND COMPOSITION.

(a) Generally.—There is established the United States Commission on International Religious Freedom.

(b) Membership.—

(1) Appointment.—The Commission shall be composed of—

(A) the Ambassador at Large, who shall serve ex officio as a nonvoting member of the Commission; and

(B) 9 other members, who shall be United States citizens who are not being paid as officers or employees of the United States, and who shall be appointed as follows:

(i) 3 members of the Commission shall be appointed by the President.

(ii) 3 members of the Commission shall be appointed by the President pro tempore of the Senate, of which 2 of the members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President, and of which 1 of the members shall be appointed upon the recommendation of the leader in the Senate of the other political party.

(iii) 3 members of the Commission shall be appointed by the Speaker of the House of Representatives, of which 2 of the members shall be appointed upon the recommendation of the leader in the House of the political party that is not the political party of the President, and of which 1 of the members shall be appointed upon the recommendation of the leader in the House of the other political party.

(2) Selection.—

(A) In general.—Members of the Commission shall be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, human rights, and international law.

(B) Security clearances.—Each Member of the Commission shall be required to obtain a security clearance.

(3) Time of appointment.—The appointments required by paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) Terms.—The term of office of each member of the Commission shall be 2 years. Members of the Commission shall be eligible for reappointment to a second term.

(d) Election of Chair.—At the first meeting of the Commission in each calendar year, a majority of the members of the Commission present and voting shall elect the Chair of the Commission.

(e) Quorum.—Six voting members of the Commission shall constitute a quorum for purposes of transacting business.

(f) Meetings.—Each year, within 15 days, or as soon as practicable, after the issuance of the Country Report on Human Rights Practices, the Commission shall convene. The Commission shall otherwise meet at the call of the Chair or, if no Chair has been elected for that calendar year, at the call of six voting members of the Commission.

(g) Vacancies.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) Administrative Support.—The Secretary of State shall assist the Commission by providing to the Commission such staff and administrative services of the Office as may be necessary and appropriate for the Commission to perform its functions. Any employee of the executive branch of Government may be detailed to the Commission without reimbursement to the agency of that employee and such detail shall be without interruption or loss of civil service status or privilege.

(i) Funding.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

SEC. 202. DUTIES OF THE COMMISSION.

(a) In General.—The Commission shall have as its primary responsibility—

(1) the annual and ongoing review of the facts and circumstances of violations of religious freedom presented in the Country Reports on Human Rights Practices, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate; and

(2) the making of policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom.

(b) Policy Review and Recommendations in Response to Violations.—The Commission, in evaluating United States Government policies in response to violations of religious freedom, shall consider and recommend options for policies of the United States Government with respect to

each foreign country the government of which has engaged in or tolerated violations of religious freedom, including particularly severe violations of religious freedom, including diplomatic inquiries, diplomatic protest, official public protest demarche of protest, condemnation within multilateral fora, delay or cancellation of cultural or scientific exchanges, delay or cancellation of working, official, or state visits, reduction of certain assistance funds, termination of certain assistance funds, imposition of targeted trade sanctions, imposition of broad trade sanctions, and withdrawal of the chief of mission.

(c) POLICY REVIEW AND RECOMMENDATIONS IN RESPONSE TO PROGRESS.—The Commission, in evaluating the United States Government policies with respect to countries found to be taking deliberate steps and making significant improvement in respect for the right of religious freedom, shall consider and recommend policy options, including private commendation, diplomatic commendation, official public commendation, commendation within multilateral fora, an increase in cultural or scientific exchanges, or both, termination or reduction of existing Presidential actions, an increase in certain assistance funds, and invitations for working, official, or state visits.

(d) EFFECTS ON RELIGIOUS COMMUNITIES AND INDIVIDUALS.—Together with specific policy recommendations provided under subsections (b) and (c), the Commission shall also indicate its evaluation of the potential effects of such policies, if implemented, on the religious communities and individuals whose rights are found to be violated in the country in question.

(e) MONITORING.—The Commission shall, on an ongoing basis, monitor facts and circumstances of violations of religious freedom, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate officials and offices in the United States Government.

(f) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

SEC. 203. REPORT OF THE COMMISSION.

(a) IN GENERAL.—Not later than May 1 of each year, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under section 202.

(b) CLASSIFIED FORM OF REPORT.—The report may be submitted in classified form, together with a public summary of recommendations, if the classification of information would further the purposes of this Act.

(c) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member.

SEC. 204. APPLICABILITY OF OTHER LAWS.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission $3,000,000 for each of the fiscal years 1999 and 2000 to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subparagraph (a) are authorized to remain available until expended but not later than the date of termination of the Commission.

SEC. 206. TERMINATION.

The Commission shall terminate 4 years after the initial appointment of all of the Commissioners.

TITLE III—NATIONAL SECURITY COUNCIL

SEC. 301. SPECIAL ADVISER ON INTERNATIONAL RELIGIOUS FREEDOM.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) It is the sense of the Congress that there should be within the staff of the National Security Council a Special Adviser to the President on International Religious Freedom, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large for International Religious Freedom, the United States Commission on International Religious Freedom, Congress and, as advisable, religious nongovernmental organizations.".

TITLE IV—PRESIDENTIAL ACTIONS

Subtitle I—Targeted Responses to Violations of Religious Freedom Abroad

SEC. 401. PRESIDENTIAL ACTIONS IN RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM.

(a) RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) IN GENERAL.—

(A) UNITED STATES POLICY.—It shall be the policy of the United States—

(i) to oppose violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(ii) to promote the right to freedom of religion in those countries through the actions described in subsection (b).

(B) REQUIREMENT OF PRESIDENTIAL ACTION.—For each foreign country the government of which engages in or tolerates violations of religious freedom, the President shall oppose such violations and promote the right to freedom of religion in that country through the actions described in subsection (b).

(2) BASIS OF ACTIONS.—Each action taken under paragraph (1)(B) shall be based upon information regarding violations of religious freedom, as described in the latest Country Reports on Human Rights Practices, the Annual Report and Executive Summary, and on any other evidence available, and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(b) PRESIDENTIAL ACTIONS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the President, in consultation with the Secretary of State, the Ambassador at Large, the Special Adviser, and the Commission, shall, as expeditiously as practicable in response to the violations described in subsection (a) by the government of a foreign country—

(A) take one or more of the actions described in paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to such country; or

(B) negotiate and enter into a binding agreement with the government of such country, as described in section 405(c).

(2) DEADLINE FOR ACTIONS.—Not later than September 1 of each year, the President shall take action under any of the paragraphs (1) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to each foreign country the government of which has engaged in or tolerated violations of religious freedom at any time since September 1 of the preceding year, except that in the case of action under any of the paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto)—

(A) the action may only be taken after the requirements of sections 403 and 404 have been satisfied; and

(B) the September 1 limitation shall not apply.

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.—The President may delay action under paragravh (2) described in any of the paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) if he determines and certifies to Congress that a single, additional period of time, not to exceed 90 days, is necessary pursuant to the same provisions applying to countries of particular concern for religious freedom under section 402(c)(3).

(c) IMPLEMENTATION.—

(1) IN GENERAL.—In carrying out subsection (b), the President shall—

(A) take the action or actions that most appropriately respond to the nature and severity of the violations of religious freedom;

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such violations; and

(C) when appropriate, make every reasonable effort to conclude a binding agreement concerning the cessation of such violations in countries with which the United States has diplomatic relations.

(2) GUIDELINES FOR PRESIDENTIAL ACTIONS.—In addition to the guidelines under paragraph (1), the President, in determining whether to take a Presidential action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto), shall seek to minimize any adverse impact on—

(A) the population of the country whose government is targeted by the Presidential action or actions; and

(B) the humanitarian activities of United States and foreign nongovernmental organizations in such country.

SEC. 402. PRESIDENTIAL ACTIONS IN RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) RESPONSE TO PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) UNITED STATES POLICY.—It shall be the policy of the United States—

(A) to oppose particularly severe violations of religious freedom that are or have been engaged in or tolerated by the governments of foreign countries; and

(B) to promote the right to freedom of religion in those countries through the actions described in subsection (c).

(2) REQUIREMENT OF PRESIDENTIAL ACTION.—Whenever the President determines that the government of a foreign country has engaged in or tolerated particularly severe violations of religious freedom, the President shall oppose such violations and promote the right to religious freedom through one or more of the actions described in subsection (c).

(b) DESIGNATIONS OF COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.—

(1) ANNUAL REVIEW.—

(A) IN GENERAL.—Not later than September 1 of each year, the President shall review the status of religious freedom in each foreign country to determine whether the government of that country has engaged in or tolerated particularly severe violations of religious freedom in that country during the preceding 12 months or since the date of the last review of that country under this subparagraph, whichever period is longer. The President shall designate each country the government of which has engaged in or tolerated violations described in this subparagraph as a country of particular concern for religious freedom.

(B) BASIS OF REVIEW.—Each review conducted under subparagraph (A) shall be based upon information contained in the latest Country Reports on Human Rights Practices, the Annual Report, and on any other evidence available and shall take into account any findings or recommendations by the Commission with respect to the foreign country.

(C) IMPLEMENTATION.—Any review under subparagraph (A) of a foreign country may take place singly or jointly with the review of one or more countries and may take place at any time prior to September 1 of the respective year.

(2) DETERMINATIONS OF RESPONSIBLE PARTIES.—For the government of each country designated as a country of particular concern for religious freedom under paragraph (1)(A), the President shall seek to determine the agency or instrumentality thereof and the specific officials thereof that are responsible for the particularly severe violations of religious freedom engaged in or tolerated by that government in order to appropriately target Presidential actions under this section in response.

(3) CONGRESSIONAL NOTIFICATION.—Whenever the President designates a country as a country of particular concern for religious freedom under paragraph (1)(A), the President shall, as soon as practicable after the designation is made, transmit to the appropriate congressional committees—

(A) the designation of the country, signed by the President; and

(B) the identification, if any, of responsible parties determined under paragraph (2).

(c) PRESIDENTIAL ACTIONS WITH RESPECT TO COUNTRIES OF PARTICULAR CONCERN FOR RELIGIOUS FREEDOM.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4) with respect to each country of particular concern for religious freedom designated under subsection (b)(1)(A), the President shall, after the requirements of sections 403 and 404 have been satisfied, but not later than 90 days (or 180 days in case of a delay under paragraph (3)) after the date of designation of the country under that subsection, carry out one or more of the following actions under subparagraph (A) or subparagraph (B):

(A) PRESIDENTIAL ACTIONS.—One or more of the Presidential actions described in paragraphs (9) through (15) of section 405(a), as determined by the President.

(B) COMMENSURATE ACTIONS.—Commensurate action in substitution to any action described in subparagraph (A).

(2) SUBSTITUTION OF BINDING AGREEMENTS.—

(A) IN GENERAL.—In lieu of carrying out action under paragraph (1), the President may conclude a binding agreement with the respective foreign government as described in section 405(c). The existence of a binding agreement under this paragraph with a foreign government may be considered by the President prior to making any determination or taking any action under this title.

(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed to authorize the entry of the United States into an agreement covering matters outside the scope of violations of religious freedom.

(3) AUTHORITY FOR DELAY OF PRESIDENTIAL ACTIONS.—If, on or before the date that the President is required (but for this paragraph) to take action under paragraph (1), the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary—

(A) for a continuation of negotiations that have been commenced with the government of that country to bring about a cessation of the violations by the foreign country;

(B) for a continuation of multilateral negotiations into which the United States has entered to bring about a cessation of the violations by the foreign country;

(C)(i) for a review of corrective action taken by the foreign country after designation of such country as a country of particular concern; or

(ii) in anticipation that corrective action will be taken by the foreign country during the 90-day period,

then the President shall not be required to take action until the expiration of that period of time.

(4) EXCEPTION FOR ONGOING PRESIDENTIAL ACTION.—The President shall not be required to take action pursuant to this subsection in the case of a country of particular concern for religious freedom, if with respect to such country—

(A) the President has taken action pursuant to this Act in a preceding year;

(B) such action is in effect at the time the country is designated as a country of particular concern for religious freedom under this section;

(C) the President reports to Congress the information described in section 404(a) (1), (2), (3), and (4) regarding the actions in effect with respect to the country; and

(D) at the time the President determines a country to be a country of particular concern, if that country is already subject to multiple, broad-based sanctions imposed in significant part in response to human rights abuses, and such sanctions are ongoing, the President may determine that one or more of these sanctions also satisfies the requirements of this subsection. In a report to Congress pursuant to section 404(a) (1), (2), (3), and (4), and, as applicable, to section 408, the President must designate the specific sanction or sanctions which he determines satisfy the requirements of this subsection. The sanctions so designated shall remain in effect subject to section 409 of this Act.

(d) STATUTORY CONSTRUCTION.—A determination under this Act, or any amendment made by this Act, that a foreign country has engaged in or tolerated particularly severe violations of religious freedom shall not be construed to require the termination of assistance or other activities with respect to that country under any other provision of law, including section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n, 2304).

SEC. 403. CONSULTATIONS.

(a) IN GENERAL.—As soon as practicable after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall carry out the consultations required in this section.

(b) DUTY TO CONSULT WITH FOREIGN GOVERNMENTS PRIOR TO TAKING PRESIDENTIAL ACTIONS.—

(1) IN GENERAL.—The President shall—

(A) request consultation with the government of such country regarding the violations giving rise to designation of that country as a country of particular concern for religious freedom or to Presidential action under section 401; and

(B) if agreed to, enter into such consultations, privately or publicly.

(2) USE OF MULTILATERAL FORA.—If the President determines it to be appropriate, such consultations may be sought and may occur in a multilateral forum, but, in any event, the President shall consult with appropriate foreign governments for the purposes of achieving a coordinated international policy on actions that may be taken with respect to a country described in subsection (a), prior to implementing any such action.

(3) ELECTION OF NONDISCLOSURE OF NEGOTIATIONS TO PUBLIC.—If negotiations are undertaken or an agreement is concluded with a foreign government regarding steps to cease the pattern of violations by that government, and if public disclosure of such negotiations or agreement would jeopardize the negotiations or the implementation of such agreement, as the case may be, the President may refrain from disclosing such negotiations and such agreement to the public, except that the President shall inform the appropriate congressional committees of the nature and extent of such negotiations and any agreement reached.

(c) DUTY TO CONSULT WITH HUMANITARIAN ORGANIZATIONS.—The President should consult with appropriate humanitarian and religious organizations concerning the potential impact of United States policies to promote freedom of religion in countries described in subsection (a).

(d) DUTY TO CONSULT WITH UNITED STATES INTERESTED PARTIES.—The President shall, as appropriate, consult with United States interested parties as to the potential impact of intended Presidential action or actions in countries described in subsection (a) on economic or other interests of the United States.

SEC. 404. REPORT TO CONGRESS.

(a) IN GENERAL.—Subject to subsection (b), not later than 90 days after the President decides to take action under section 401 in response to violations of religious freedom and the President decides to take action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to that country, or not later than 90 days after the President designates a country as a country of particular concern for religious freedom under section 402, as the case may be, the President shall submit a report to Congress containing the following:

(1) IDENTIFICATION OF PRESIDENTIAL ACTIONS.—An identification of the Presidential action or actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) to be taken with respect to the foreign country.

(2) DESCRIPTION OF VIOLATIONS.—A description of the violations giving rise to the Presidential action or actions to be taken.

(3) PURPOSE OF PRESIDENTIAL ACTIONS.—A description of the purpose of the Presidential action or actions.

(4) EVALUATION.—

(A) DESCRIPTION.—An evaluation, in consultation with the Secretary of State, the Ambassador at Large, the Commission, the Special Adviser, the parties described in section 403 (c) and (d), and whoever else the President deems appropriate, of—

(i) the impact upon the foreign government;

(ii) the impact upon the population of the country; and

(iii) the impact upon the United States economy and other interested parties.

(B) AUTHORITY TO WITHHOLD DISCLOSURE.—The President may withhold part or all of such evaluation from the public but shall provide the entire evaluation to Congress.

(5) STATEMENT OF POLICY OPTIONS.—A statement that noneconomic policy options designed to bring about cessation of the particularly severe violations of religious freedom have reasonably been exhausted, including the consultations required in section 403.

(6) DESCRIPTION OF MULTILATERAL NEGOTIATIONS.—A description of multilateral negotiations sought or carried out, if appropriate and applicable.

(b) DELAY IN TRANSMITTAL OF REPORT.—If, on or before the date that the President is required (but for this subsection) to submit a report under subsection (a) to Congress, the President determines and certifies to Congress that a single, additional period of time not to exceed 90

days is necessary pursuant to section 401(b)(3) or section 402(c)(3), then the President shall not be required to submit the report to Congress until the expiration of that period of time.

SEC. 405. DESCRIPTION OF PRESIDENTIAL ACTIONS.

(a) DESCRIPTION OF PRESIDENTIAL ACTIONS.—Except as provided in subsection (d), the Presidential actions referred to in this subsection are the following:

(1) A private demarche.

(2) An official public demarche.

(3) A public condemnation.

(4) A public condemnation within one or more multilateral fora.

(5) The delay or cancellation of one or more scientific exchanges.

(6) The delay or cancellation of one or more cultural exchanges.

(7) The denial of one or more working, official, or state visits.

(8) The delay or cancellation of one or more working, official, or state visits.

(9) The withdrawal, limitation, or suspension of United States development assistance in accordance with section 116 of the Foreign Assistance Act of 1961.

(10) Directing the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency not to approve the issuance of any (or a specified number of) guarantees, insurance, extensions of credit, or participations in the extension of credit with respect to the specific government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(11) The withdrawal, limitation, or suspension of United States security assistance in accordance with section 502B of the Foreign Assistance Act of 1961.

(12) Consistent with section 701 of the International Financial Institutions Act of 1977, directing the United States executive directors of international financial institutions to oppose and vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(13) Ordering the heads of the appropriate United States agencies not to issue any (or a specified number of) specific licenses, and not to grant any other specific authority (or a specified number of authorities), to export any goods or technology to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402, under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(14) Prohibiting any United States financial institution from making loans or providing credits totaling more than $10,000,000 in any 12-month period to the specific foreign government, agency, instrumentality, or official found or determined by the President to be responsible for violations under section 401 or 402.

(15) Prohibiting the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the foreign government, entities, or officials found or determined by the President to be responsible for violations under section 401 or 402.

(b) COMMENSURATE ACTION.—Except as provided in subsection (d), the President may substitute any other action authorized by law for any action described in paragraphs (1) through (15) of subsection (a) if such action is commensurate in effect to the action substituted and if the action would further the policy of the United States set forth in section 2(b) of this Act. The President shall seek to take all appropriate and feasible actions authorized by law to obtain the cessation of the violations. If commensurate action is taken, the President shall report such action, together with an explanation for taking such action, to the appropriate congressional committees.

(c) BINDING AGREEMENTS.—The President may negotiate and enter into a binding agreement with a foreign government that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the violation of religious freedom. The entry into force of a binding agreement for the cessation of the violations shall be a primary objective for the President in responding to a foreign government that has engaged in or tolerated particularly severe violations of religious freedom.

(d) EXCEPTIONS.—Any action taken pursuant to subsection (a) or (b) may not prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance.

SEC. 406. EFFECTS ON EXISTING CONTRACTS.

The President shall not be required to apply or maintain any Presidential action under this subtitle—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities, to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing and so reports to Congress that the person or other entity to which the Presidential action would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing and so reports to Congress that such articles or services are essential to the national security under defense coproduction agreements; or

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to take the Presidential action.

SEC. 407. PRESIDENTIAL WAIVER.

(a) IN GENERAL.—Subject to subsection (b), the President may waive the application of any of the actions described in paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) with respect to a country, if the President determines and so reports to the appropriate congressional committees that—

(1) the respective foreign government has ceased the violations giving rise to the Presidential action;

(2) the exercise of such waiver authority would further the purposes of this Act; or

(3) the important national interest of the United States requires the exercise of such waiver authority.

(b) CONGRESSIONAL NOTIFICATION.—Not later than the date of the exercise of a waiver under subsection (a), the President shall notify the appropriate congressional committees of the waiver or the intention to exercise the waiver, together with a detailed justification thereof.

SEC. 408. PUBLICATION IN FEDERAL REGISTER.

(a) IN GENERAL.—Subject to subsection (b), the President shall cause to be published in the Federal Register the following:

(1) DETERMINATIONS OF GOVERNMENTS, OFFICIALS, AND ENTITIES OF PARTICULAR CONCERN.—Any designation of a country of particular concern for religious freedom under section 402(b)(1), together with, when applicable and to the extent practicable, the identities of the officials or entities determined to be responsible for the violations under section 402(b)(2).

(2) PRESIDENTIAL ACTIONS.—A description of any Presidential action under paragraphs (9) through (15) of section 405(a) (or commensurate action in substitution thereto) and the effective date of the Presidential action.

(3) DELAYS IN TRANSMITTAL OF PRESIDENTIAL ACTION REPORTS.—Any delay in transmittal of a Presidential action report, as described in section 404(b).

(4) WAIVERS.—Any waiver under section 407.

(b) LIMITED DISCLOSURE OF INFORMATION.—The President may limit publication of information under this section in the same manner and to the same extent as the President may limit the publication of findings and determinations described in section 654(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2414(c)), if the President determines that the publication of information under this section—

(1) would be harmful to the national security of the United States; or

(2) would not further the purposes of this Act.

SEC. 409. TERMINATION OF PRESIDENTIAL ACTIONS.

Any Presidential action taken under this Act with respect to a foreign country shall terminate on the earlier of the following dates:

(1) TERMINATION DATE.—Within 2 years of the effective date of the Presidential action unless expressly reauthorized by law.

(2) FOREIGN GOVERNMENT ACTIONS.—Upon the determination by the President, in consultation with the Commission, and certification to Congress that the foreign government has ceased or taken substantial and verifiable steps to cease the particularly severe violations of religious freedom.

SEC. 410. PRECLUSION OF JUDICIAL REVIEW.

No court shall have jurisdiction to review any Presidential determination or agency action under this Act or any amendment made by this Act.

Subtitle II—Strengthening Existing Law

SEC. 421. UNITED STATES ASSISTANCE.

(a) IMPLEMENTATION OF PROHIBITION ON ECONOMIC ASSISTANCE.—Section 116(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(c)) is amended—

(1) in the text above paragraph (1), by inserting "and in consultation with the Ambassador at Large for International Religious Freedom" after "Labor".

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) whether the government—

"(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

"(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998), when such efforts could have been reasonably undertaken.".

(b) IMPLEMENTATION OF PROHIBITION ON MILITARY ASSISTANCE.—Section 502B(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)) is amended by adding at the end the following new paragraph:

"(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized human rights, the President shall give particular consideration to whether the government—

"(A) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

"(B) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.".

SEC. 422. MULTILATERAL ASSISTANCE.

Section 701 of the International Financial Institutions Act (22 U.S.C. 262d) is amended by adding at the end the following new subsection:

"(g) In determining whether the government of a country engages in a pattern of gross violations of internationally recognized human rights, as described in subsection (a), the President shall give particular consideration to whether a foreign government—

"(1) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998; or

"(2) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.".

SEC. 423. EXPORTS OF CERTAIN ITEMS USED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) Mandatory Licensing.—Notwithstanding any other provision of law, the Secretary of Commerce, with the concurrence of the Secretary of State, shall include on the list of crime control and detection instruments or equipment controlled for export and reexport under section 6(n) of the Export Administration Act of 1979 (22 U.S.C. App. 2405(n)), or under any other provision of law, items being exported or reexported to countries of particular concern for religious freedom that the Secretary of Commerce, with the concurrence of the Secretary of State, and in consultation with appropriate officials including the Assistant Secretary of State for Democracy, Human Rights and Labor and the Ambassador at Large, determines are being used or are intended for use directly and in significant measure to carry out particularly severe violations of religious freedom.

(b) Licensing Ban.—The prohibition on the issuance of a license for export of crime control and detection instruments or equipment under section 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2)) shall apply to the export and reexport of any item included pursuant to subsection (a) on the list of crime control instruments.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

(a) Findings.—Congress makes the following findings:

(1) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

(2) Accordingly, in the provision of foreign assistance, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom.

(b) Allocation of Funds for Increased Promotion of Religious Freedoms.—Section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)) is amended by inserting ", including the right to free religious belief and practice" after "adherence to civil and political rights".

SEC. 502. INTERNATIONAL BROADCASTING.

Section 303(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) promote respect for human rights, including freedom of religion.".

SEC. 503. INTERNATIONAL EXCHANGES.

Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)) is amended—

(1) by striking "and" after paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

(3) by adding at the end the following:

"(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.".

SEC. 504. FOREIGN SERVICE AWARDS.

(a) Performance Pay.—Section 405(d) of the Foreign Service Act of 1980 (22 U.S.C. 3965(d)) is amended by inserting after the first sentence the following: "Such service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.".

(b) Foreign Service Awards.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended by adding at the end the following new sentence: "Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section.".

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

SEC. 601. USE OF ANNUAL REPORT.

The Annual Report, together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report to conditions described by the alien shall not constitute the sole grounds for a denial of the alien's claim.

SEC. 602. REFORM OF REFUGEE POLICY.

(a) Training.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended by adding at the end the following new subsection:

"(f)(1) The Attorney General, in consultation with the Secretary of State, shall provide all United States officials adjudicating refugee cases under this section with the same training as that provided to officers adjudicating asylum cases under section 208.

"(2) Such training shall include country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country between the nature of and treatment of various religious practices and believers.".

(b) Training for Foreign Service Officers.—Section 708 of the Foreign Service Act of 1980, as added by section 104 of this Act, is further amended—

(1) by inserting "(a)" before "The Secretary of State"; and

(2) by adding at the end the following:

"(b) The Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer. The Secretary shall also ensure that any member of the Service who is assigned to a position that may be called upon to assess requests for consideration for refugee admissions, including any consular officer, has completed training on refugee law and refugee adjudications in addition to the training required in this section.".

(c) Guidelines for Refugee-Processing Posts.—

(1) Guidelines for Addressing Hostile Biases.—The Attorney General and the Secretary of State shall develop and implement guidelines that address potential biases in personnel of the Immigration and Naturalization Service that are hired abroad and involved with duties which could constitute an effective barrier to a refugee claim if such personnel carries a bias against the claimant on the grounds of religion, race, nationality, membership in a particular social group, or political opinion. The subject matter of this training should be culturally sensitive and tailored to provide a nonbiased, nonadversarial atmosphere for the purpose of refugee adjudications.

(2) Guidelines for Refugee-Processing Posts in Establishing Agreements with United States Government-Designated Refugee Processing Entities.—The Attorney General and the Secretary of State shall develop and implement guidelines to ensure uniform procedures for establishing agreements with United States Government-designated refugee processing entities and personnel, and uniform procedures for such entities and personnel responsible for preparing refugee case files for use by the Immigration and Naturalization Service during refugee adjudications. These procedures should ensure, to the extent practicable, that case files prepared by such entities accurately reflect information provided by the refugee applicants and that genuine refugee applicants are not disadvantaged or denied refugee status due to faulty case file preparation.

(d) Annual Consultation.—The President shall include in each annual report on proposed refugee admissions under section 207(d) of the Immigration and Nationality Act (8 U.S.C. 1157(d)) information about religious persecution of refugee populations eligible for consideration for admission to the United States. The Secretary of State shall include information on religious persecution of refugee populations in the formal testimony presented to the Committees on the Judiciary of the House of Representatives and the Senate during the consultation process under section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)).

SEC. 603. REFORM OF ASYLUM POLICY.

(a) Guidelines.—The Attorney General and the Secretary of State shall develop guidelines to ensure that persons with potential biases against individuals on the grounds of religion, race, nationality, membership in a particular social group, or political opinion, including interpreters and personnel of airlines owned by governments known to be involved in practices which would meet the definition of persecution under international refugee law, shall not in any manner be used to interpret conversations between aliens and inspection or asylum officers.

(b) Training for Asylum and Immigration Officers.—The Attorney General, in consultation with the Secretary of State, the Ambassador at Large, and other relevant officials such as the Director of the National Foreign Affairs Training Center, shall provide training to all officers adjudicating asylum cases, and to immigration officers performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)), on the nature of religious persecution abroad, including country-specific conditions, instruction on the internationally recognized right to freedom of religion, instruction on methods of religious persecution practiced in foreign countries, and applicable distinctions within a country in the treatment of various religious practices and believers.

(c) TRAINING FOR IMMIGRATION JUDGES.—The Executive Office of Immigration Review of the Department of Justice shall incorporate into its initial and ongoing training of immigration judges training on the extent and nature of religious persecution internationally, including country-specific conditions, and including use of the Annual Report. Such training shall include governmental and nongovernmental methods of persecution employed, and differences in the treatment of religious groups by such persecuting entities.

SEC. 604. INADMISSIBILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) INELIGIBILITY FOR VISAS OR ADMISSION.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

"(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time during the preceding 24-month period, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998, and the spouse and children, if any, are inadmissible.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking to enter the United States on or after the date of enactment of this Act.

SEC. 605. STUDIES ON THE EFFECT OF EXPEDITED REMOVAL PROVISIONS ON ASYLUM CLAIMS.

(a) STUDIES.—

(1) COMMISSION REQUEST FOR PARTICIPATION BY EXPERTS ON REFUGEE AND ASYLUM ISSUES.—If the Commission so requests, the Attorney General shall invite experts designated by the Commission, who are recognized for their expertise and knowledge of refugee and asylum issues, to conduct a study, in cooperation with the Comptroller General of the United States, to determine whether immigration officers described in paragraph (2) are engaging in any of the conduct described in such paragraph.

(2) DUTIES OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study alone or, upon request by the Commission, in cooperation with experts designated by the Commission, to determine whether immigration officers performing duties under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) with respect to aliens who may be eligible to be granted asylum are engaging in any of the following conduct:

(A) Improperly encouraging such aliens to withdraw their applications for admission.

(B) Incorrectly failing to refer such aliens for an interview by an asylum officer for a determination of whether they have a credible fear of persecution (within the meaning of section 235(b)(1)(B)(v) of such Act).

(C) Incorrectly removing such aliens to a country where they may be persecuted.

(D) Detaining such aliens improperly or in inappropriate conditions.

(b) REPORTS.—

(1) PARTICIPATION BY EXPERTS.—In the case of a Commission request under subsection (a), the experts designated by the Commission under that subsection may submit a report to the committees described in paragraph (2). Such report may be submitted with the Comptroller General's report under subsection (a)(2) or independently.

(2) DUTIES OF COMPTROLLER GENERAL.—Not later than September 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a report containing the results of the study conducted under subsection (a)(2). If the Commission requests designated experts to participate with the Comptroller General in the preparation and submission of the report, the Comptroller General shall grant the request.

(c) ACCESS TO PROCEEDINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to facilitate the studies and reports, the Attorney General shall permit the Comptroller General of the United States and, in the case of a Commission request under subsection (a), the experts designated under subsection (a) to have unrestricted access to all stages of all proceedings conducted under section 235(b) of the Immigration and Nationality Act.

(2) EXCEPTIONS.—Paragraph (1) shall not apply in cases in which the alien objects to such access, or the Attorney General determines that the security of a particular proceeding would be threatened by such access, so long as any restrictions on the access of experts designated by the Commission under subsection (a) do not contravene international law.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. BUSINESS CODES OF CONDUCT.

(a) CONGRESSIONAL FINDING.—Congress recognizes the increasing importance of transnational corporations as global actors, and their potential for providing positive leadership in their host countries in the area of human rights.

(b) SENSE OF CONGRESS.—It is the sense of Congress that transnational corporations operating overseas, particularly those corporations operating in countries the governments of which have engaged in or tolerated violations of religious freedom, as identified in the Annual Report, should adopt codes of conduct—

(1) upholding the right to freedom of religion of their employees; and

(2) ensuring that a worker's religious views and peaceful practices of belief in no way affect, or be allowed to affect, the status or terms of his or her employment.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Tennessee (Mr. CLEMENT) each will be recognized for 20 minutes.

The chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us, H.R. 2431, represents a culmination of years of work on behalf of many people who are persecuted around the world on account of their religion, work which has been carried on tirelessly by the distinguished gentleman from Virginia (Mr. WOLF), the principle House sponsor of this measure and by the distinguished chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), as well as by many other Members of this body who cosponsored H.R. 2431.

Mr. Speaker, I was pleased to join with the gentleman from Virginia (Mr. WOLF) and the gentleman from New Jersey (Mr. SMITH) as an original cosponsor of this measure, worked closely with them as we moved this measure through the legislative process. Our Committee on International Relations approved the measure on March 25. It passed the House on March 14 by a vote of 374 in favor to 41 opposed. The bill then went over to the Senate where it received very careful consideration and was revised significantly. In most respects I prefer the House-approved version to what passed the Senate yesterday, but on balance I believe that we have before us a worthy measure that will contribute significantly to the struggle to eliminate religious oppression around the world.

Before concluding my remarks there are several technical points that I must know about the text before us.

First, section 405(c) urges the President to negotiate and enter into "binding agreements" with foreign governments that are engaged in religious persecution.

As stated in the text of 405(c), the purpose of that provision is to, quote, enter into a binding agreement with a foreign government that obligates such government to cease or take substantial steps to address and phase out the act, policy or practice constituting the violation of religious freedom, close quote. In other words, the agreement should be binding on the foreign governments in question. Nothing in that section suggests or is meant to suggest that these agreements may obligate the United States to do anything or otherwise bind our Nation in any way.

This provision most emphatically is not a grant of authority to the President to enter into agreements that would legally bind our Nation or supersede U.S. law. This section is not intended to open the door to committing the United States to extend benefits or make any other binding promise to a foreign country as a quid pro quo for them to stop persecuting their own people.

☐ 1515

Second, section 407(a) authorizes the President to waive sanctions imposed on foreign countries under this legislation. Obviously this waiver authority extends only to sanctions that have been imposed pursuant to this legislation.

This authority does not extend to the same or similar sanctions that have been imposed on foreign countries pursuant to other provisions of law. Particularly, it does not extend to ongoing sanctions under other laws that, pursuant to section 402(c)(4)(D), have been determined to satisfy the requirements of this law.

Third, section 409 calls for the termination of sanctions imposed under this legislation after 2 years unless they are expressly reauthorized by law. The legislation, however, requires the President to impose sanctions on individual countries each year if his yearly review finds that conditions there merit them.

In this regard, section 402(c)(4) provides that when a country was sanctioned during a prior year under this law and those sanctions are still in effect, the President need not reimpose those sanctions or impose additional sanctions.

It is not the purpose of this law, however, to turn sanctions on and off like a light switch. Sections 409 and 402(c)(4) in combination are not to be interpreted to provide for a temporary lapse in sanctions with respect to countries that have, over a period of 2 years or more, engaged in or tolerated particularly severe violations of religious freedom.

Rather, the structure of the legislation and common sense would require continuity of these sanctions with respect to such countries. The 2-year sunset provision of section 409 would not provide for a lapse in sanctions with respect to such countries because new action would be required in connection with the President's annual review, and that new action would be subject to a new 2-year clock.

I have reviewed each of these technical issues with the principal House sponsor of the measure, the gentleman from Virginia (Mr. WOLF), and he assures me that in each case he shares my understanding. If there were not a shared understanding among all of us about the meaning of these provisions, I would have insisted on referral of the Senate amendment to the Committee on International Relations, and I would have not have permitted the measure to come before the House in its current form.

With these understandings, Mr. Speaker, I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CLEMENT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 2431.

Mr. Speaker, I am glad that we were able to work through the process to reach a compromise on the legislation before us today. It is a fully bipartisan bill. It does not target one group or one country. Rather, it seeks to promote and protect religious freedom of all peoples throughout the world. This is an objective that deserves all of our support, and it respects all religions and faiths in the world.

Mr. Speaker, we are poised on the brink of an historic vote to help millions of our persecuted brothers and sisters of faith around the world. The words of our first President, George Washington, ring out across the years as if written to us for this day: "I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution."

This morning, with historic unity and courage, the Senate voted 98 to 0 to stand against the horrors of religious persecution. I rise now, after more than a year of work on this bill, in heartfelt support for the International Religious Freedom Act. Let us finish the job. With one voice, let us tell religious believers around the world that we have heard their cries and seen their suffering. Let us, with one voice, tell persecuting regimes around the world that we will not be silent and that we will not let their crimes go unchecked.

Even as we speak, there are those suffering torture, imprisonment, rape, murder, merely because they seek to peacefully practice their faith. As Senator NICKLES has said, this bill is not designed to punish but to change behavior. The International Religious Freedom Act is strong, but it is responsible. The only option it does not allow is silence.

I commend my Senate colleagues, DON NICKLES, who sponsored and provided such great leadership on the bill, and Senators JOE LIEBERMAN, CONNIE MACK, DAN COATS and others, as well as all the staff who worked so hard, including John Hanford, Steve Moffitt, Elaine Petty, Jim Jatras, Cecile Shea, Pam Sellars. I commend the gentleman from Virginia (Mr. WOLF) and his staffer Ann Huiskes.

What is so remarkable about this bill is that it is bipartisan in nature. I know just how bipartisan the effort was, because my staffer, Laura Bryant, was one of the principal drafters of this bill together with my colleague on the other side, the gentleman from Texas (Mr. DELAY), and his fine staffer, Will Inboden. They worked together for over a year with the staff of other Senators and Congressmen, with grassroots groups, with the administration to have a bill we can all heartily support.

Let me mention some of the heroes from the grassroots of many faiths. From the Episcopal church, the first to support the bill, Tom Hart and Jere Skipper. From the American Jewish Committee, Rich Foltin. From the Christian Coalition, Jeff Taylor. From the Southern Baptist Ethics and Religious Liberty Commission, Will Dodson. From the Anti-Defamation League, Stacy Burdett, and there were many others from many faiths, including Chuck Colson and Nagy Kheir.

This act establishes a high level Ambassador at Large who will forcefully advocate for religious freedom around the world, and a high-level, independent commission of experts to provide policy recommendations.

It also creates an annual report by the State Department to shed the light of exposure on violations of religious freedom around the world. It requires our government to take action every year in each country where violations occur, from a vast number of options ranging from diplomatic discussions to targeted economic sanctions for the worst of violators.

Before imposing a sanction, the President must renegotiate with the foreign government to end the persecution, and consult with religious groups and U.S. business interests about the potential impact of economic action against that country. The action may be waived if it would be harmful.

Finally, there is extensive long-term promotion of change, from broadcasting to human rights training for our foreign service and immigration officers.

Long ago, in times of terrible hardship for the people of God, the prophet Isaiah said that what is acceptable to God is to undo the bands of the yoke and to let the oppressed go free.

Mr. Speaker, this is not just a bill. This is a stand for the most precious freedom, the right dearest to every human heart. This is a historic stand for the freedom of the people of God in every country to worship Him in freedom and in truth.

Mr. Speaker, I urge all of my colleagues to join with the Senate in saying to the world, with one voice, that the United States stands for freedom of religion in every country, for every people, for every man, for every woman. We cannot be silent.

Mr. Speaker, I reserve the balance of my time

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Tennessee (Mr. CLEMENT), for his supporting arguments on behalf of this bill.

Mr. Speaker, I yield 7½ minutes to the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), our chairman, for yielding.

Mr. Speaker, first of all, let me begin by expressing my deep gratitude to the gentleman from Virginia (Mr. WOLF) for his courage and persistence in pushing this important bill through the long and arduous road to final passage.

Frankly, I am disappointed, and I know many of my colleagues are, that the Senate amendments have somewhat weakened our bill. For example, the House had given the President a great deal of flexibility in deciding whether to impose sanctions against governments that severely persecute religious believers, but the Senate stretches flexibility almost to the breaking point. I am informed that this was necessary in order to avoid a filibuster.

Even with the Senate amendments, let me say very clearly that the bill creates what I sincerely hope will be a strong and independent Commission on International Religious Freedom, which can be a voice on behalf of persecuted people around the world, and it provides modest but important safeguards for refugees and asylum seekers.

I just wanted to make it very clear that our Subcommittee on International Operations and Human Rights, which I chair, will work with the Commission and watch closely to ensure that it acts boldly and in an unfettered way to expose religious persecution wherever and whenever it exists, even when it is not politically expedient.

Mr. Speaker, recently the Subcommittee on International Operations and Human Rights held a hearing for the purpose of taking testimony from 5 witnesses to religious persecution: a Catholic from Pakistan, a Protestant from Cuba, a Muslim from East Turkestan, a Buddhist from Tibet, and a Ba'hai from Iran, each of whom had witnessed religious persecution firsthand.

Each of these people had seen close friends or relatives imprisoned, tortured, even executed for their faith, or had suffered such horrors themselves. Each presented compelling and recent evidence that religious persecution is not a problem that will go away if we just pretend that it does not exist.

This hearing was the latest in a series of hearings that our subcommittee has had, focusing in whole or in part on the persecution of religious believers. Other hearings focused on worldwide anti-Semitism; on the persecution of Christians around the world; on the 1995 massacre of Bosnian Muslims in Srebrenica; on the enslavement of black Christians in the Sudan; and on the use of torture against religious believers and other prisoners of conscience.

We have heard from Palden Gyatso, a Tibetan Buddhist monk who displayed—actually brought into the House, into our committee room—the instruments of torture that had been used against him by his communist jailers from the PRC.

We heard from Hasan Nuhanovic, a Muslim who unsuccessfully begged, begged the United Nations peacekeepers, UNPROFOR, not to turn his mother, father and brother over to the murderous Bosnian Serb militia.

We heard from a Russian Jewish member of parliament who observed, and I quote, that "anti-Semitism was the first industry to be privatized in the post-Soviet Russia."

We heard from the Karen refugees whose villages in Thailand were burned by the Burmese military dictatorship, which openly used their Christian religion as an excuse to conduct cross-border raids against them; and from Christians and Buddhists subjected to imprisonment and torture by the communist governments of China and Vietnam.

Wherever we hear from victims themselves, and whenever we hear from those victims, they make it very clear that the United States should press hard for an end to religious persecution abroad. This is important because the Clinton administration and some business people who had opposed the Freedom From Religious Persecution Act have suggested that by publicly demanding an end to the mistreatment of these people, we are more likely to hurt them than help them.

Personally, I believe it may be true occasionally in the short run that a totalitarian dictatorship used to being coddled by the United States Government will react with anger when we suddenly insist that they behave in a responsible and civilized fashion. This is true whether the issue is religious persecution, nuclear proliferation, or anything else.

In the long run, however, as we learned from the apartheid fight, these governments will act in their own self-interest. If we send them a strong and consistent message that economic and other benefits of a close relationship with the U.S. can be expected to flow to a government if and only if that government treats its own people decently, we are likely to save lives and promote human rights and freedom in the long run.

☐ 1530

Whatever we do to other governments that persecute religious believers, it is also important that the U.S. put its own house in order. One way we can do this is to monitor and improve our treatment of refugees, with special reference to religious refugees. Unfortunately, in recent years, the U.S. commitment to refugees, both in the amount we spend on protection overseas and the number of refugees we admit into the U.S., has declined sharply.

In the last 4 years, our State Department has asked for and gotten a raise for itself every single year. Yet, the only major account in the Department that has not asked for an increase is the refugee budget. The administration's fiscal year 1999 budget request for refugees was $63 million lower than the amount we spent in fiscal year 1995. And this is when the world is absolutely awash in refugees.

The number of refugees admitted to the U.S. has gone down in this administration from 130,000 to 75,000 in only 4 years. These declining resettlement rates encourage first-asylum countries to forcibly repatriate refugees to countries where they face serious danger.

For example, in recent years we have seen Tibetan Buddhists forced back from Nepal into the hands of the Chinese Communists, and Iranian Christians and Bahais forced back to Iran from Turkey. We need to reverse that trend and restore the American tradition of a safe haven for the oppressed. In the words of President Ronald Reagan, the United States can and must be "a shining city on a hill."

Finally, I want to address those critics who suggest that by paying special attention to religious persecution, we somehow diminish the importance of those who have suffered persecution for other reasons. Nothing could be further from the truth, and it is no accident that those in Congress who have been the strongest in their support of persecuted believers also have stood up for all the other human rights issues as we have tried to deal with them in this body.

Again, I want to just ask all of my colleagues to support this legislation. It is a compromise; it does not go nearly as far as I would like to see it, as far as the House passed it, but it is certainly a step in the right direction.

Mr. Speaker, the gentleman from Virginia (Mr. WOLF), has spent 18 years fighting against religious persecution and deserves the lion's share of credit. He is the one who made this a reality today, and I want to thank him for his great work.

Mr. CLEMENT. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. BLAGOJEVICH) whose brother, Rob, has lived in the Nashville, Tennessee, area for a number of years.

Mr. BLAGOJEVICH. Mr. Speaker, I would like to thank the gentleman from Tennessee and tell him that I have some good news and some bad news for him. My brother that he refers to, the bad news first, happens to be a Republican. The good news is he has since moved to Florida, and he is no longer in the gentleman's congressional district.

Mr. Speaker, before I speak about this issue, let me commend the gentleman from Virginia (Mr. WOLF) who, I think, is truly a champion of human rights. That is certainly one of the legacies he will take with him when his career here in Congress is over.

I would also like to thank the gentleman from Tennessee (Mr. CLEMENT) for allowing me the time and for his efforts on this particular bill. This is a very important bill, and it really is about all of the things that America is about.

Our country, Mr. Speaker, was founded on the concepts of religious freedom and settled by people who were seeking a land where they could worship free from persecution. The Freedom From Religious Persecution Act was written in that spirit.

Mr. Speaker, when we speak of the need to promote democracy in our world, religious freedom should not be considered ancillary to this goal. In fact, freedom of conscience is a cornerstone of all democratic rights.

In our country, the concept of freedom of speech and freedom of association grew out of the efforts of the first European immigrants who came to this land to worship, to preach, and to form churches of their choice. One of the founding documents of our democracy is the Mayflower Compact, an agreement resting on the idea of the mutual consent of the governed, and written by people who voyaged halfway around the globe to find a place where they could worship according to their conscience.

Today, our freedoms serve as an inspiration for others around the world. That is why so many people seek to come to these shores, to live their lives in a manner they see fit, to raise their families with their values and their beliefs, and to search for truth and inspiration as they define it. The Freedom From Religious Persecution Act is our answer to those people who look to the United States as a beacon of religious liberty.

One of these is the Assyrian people. Our esteemed colleague, the gentlewoman from California (Ms. ESHOO) is of Assyrian descent.

In recent years the Assyrians have been subject to gross violations of their rights. Murder, rape, assault, and forced conversions to Islam have become commonplace, as armed death squads attempt to force Assyrians out of their ancestral home.

In Iraq, Assyrians suffer at the hands of both the government of Saddam Hussein and the Kurdish rebels who battle for northern control of that country. According to Amnesty International, the two main Kurdish factions in Iraq support assassination squads who hunt Assyrians and other minorities.

But much of the assault on the Assyrian culture is less overt. Last week, for example, in northern Iraq, Assyrian students were told that they could only attend Kurdish secondary schools. This oppressive move forces Assyrians to sacrifice their language, their culture, and their identity.

Just last week, the Members of this House voted to support opposition to Saddam Hussein's regime. But our support for an alternative to Hussein's dictatorship is hollow if we do not insist that the alternative also uphold democratic values and respect the rights of all people.

The Freedom From Religious Persecution Act will provide the United States Government with a powerful tool to ensure respect for religious diversity and freedom of conscience.

We often view America's role as a global leader in terms of economic wealth or military might. But as Henry Kissinger said, "Our Nation cannot rest its policy on power alone." America's leadership comes from our commitment to powerful ideals. I urge my colleagues to support the Freedom From Religious Persecution Act and to further those ideals.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. MANZULLO), a member of our Committee on International Relations.

Mr. MANZULLO. Mr. Speaker, we are finally taking a much-needed step to advance the cause of religious freedom and liberty around the world. I am proud to support this legislation here before us today.

Initially, I had several reservations about the original version of this bill, but supported passage last May in order to help move along the process. I am glad to see that the other body has voted it out of theirs, 98-to-zero.

This legislation is very well crafted. It focuses on all aspects of religious persecution, not just threats to life and limb. The bill gives the executive branch a great deal of flexibility on how to implement this congressional mandate. What is appropriate for one situation may not apply in another context. Yet, for more severe violations of religious freedom, the President has a list from which to choose of the economic sanction options.

Most importantly, the legislation brings daylight to a problem that has long been ignored by our government officials. Thanks to the tenacity of my good friend from Virginia (Mr. WOLF), we are finally seeing religious freedom issues taking their rightful place in the fight for human rights around the world.

Mr. CLEMENT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue, not only on this bill, but the ongoing work of his office to protect people of faith throughout the world.

I want to commend the original author of this legislation, the gentleman from Virginia (Mr. WOLF), for his outstanding leadership on religious freedom, and indeed, human rights throughout the world. I would say to the gentleman, I think it is clear to all of us that he is the conscience of this Congress, and in the case of religious freedom he has fought against persecution throughout the world and seen it firsthand, whether it is nuns and monks, Buddhist nuns and monks in Tibet, the oppression of Christians in the Sudan, antisemitism throughout the world, other persecution that he has fought against.

I want to commend the chairman of the committee, the gentleman from New York (Mr. GILMAN), for his leadership in bringing the original legislation, which I frankly prefer, but it clearly did not share the support that this final product has; and I thank the gentleman from New Jersey (Mr. SMITH) once again for his outstanding leadership on human rights.

The gentleman said in his statement the examples that he had seen come before his committee of religious oppression, and he too has traveled throughout the world to hear firsthand of those deprived of practicing the gift of faith that God has given them.

I want to also commend Senator SPECTER in the Senate who, along with the gentleman from Virginia (Mr. WOLF), started this process going. It was the leadership of the gentleman from Virginia (Mr. WOLF) and Senator ARLEN SPECTER of Pennsylvania that first shone the bright light of this Congress and of this country on religious persecution throughout the world.

Though it is not the original bill that we are passing today, I thank the gentleman from Virginia (Mr. WOLF) for starting the process and at least giving us a bill that we can use as a standard to see, perhaps, if we can go further in the future, if that is necessary. Hopefully, it will not be, that this bill will be sufficient.

Others have talked about the provisions of the bill. I just want to mention a couple that I am particularly pleased are contained in it. The bill establishes a bipartisan independent commission to review the state of religious freedom and make policy recommendations to the President.

It establishes an ambassador for international religious freedom under the direction of the Secretary of State, and the ambassador will help the Secretary review and report on the state of religious freedom and to make recommendations to the President regarding U.S. action in support of religious freedom.

It strengthens our assistance, refugee and counselor laws and calls for a business code of conduct to promote religious freedom.

The bill requires the President to determine violators, and particularly severe violators, of religious freedom.

As was mentioned, the bill passed by 98-to-zero. I assume it has the support of the administration. It certainly gives the President a great deal of flexibility.

Mr. Speaker, as my colleagues know, faith is a gift. What people believe is so much a part of them, it is impossible for them to change that. How, and then why, does it require courage for people to practice their religion? It should not have to be that way. And in this enlightened world that we live in, because of the leadership of the likes of the gentleman from Virginia (Mr. WOLF) and Senator SPECTER and so many others who worked on this, life will be easier for those who want to practice the gift of faith that God has given them.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the Chairman for yielding me this time.

I also rise to congratulate the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. GILMAN), and Senator SPECTER for all of their leadership in moving this important bill forward, the International Freedom Act. It will, for the first time, establish in the United States, Mr. Speaker, a structure for the U.S. Government to actively investigate oppression of religious belief and take real action against all religious persecution.

It will strengthen, for the first time, the State Department Country Reports and ensure that each country desk at the State Department provide accurate, accessible information to congressional executive branch officials concerning religious prisoners. It will create a special report on religious persecution so that the Congress and the President together may act.

Finally, it will require the President to take action against all countries that engage in violations of religious freedom, and this bill offers a list of options ranging from diplomatic protest to terminating diplomatic exchanges and a variety of economic sanctions.

It is certainly a bill whose time has arrived in our effort to take sanctions against the tragic scourge of religious persecution worldwide, and I thank again the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. GILMAN) for all of their leadership in this regard. I ask unanimously we have votes on both sides of the aisle to support this worthy bill.

Mr. CLEMENT. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I want to thank the chairman, the gentleman from New York (Mr. GILMAN) and the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. PELOSI) and others for their work on this important bill.

I commend Abe Rosenthal of the New York Times who, for well over a year has been fighting to get the word out about religious persecution across the globe. And Michael Horowitz at the Hudson Institute who has also done just a wonderful job in making sure that Members like myself are educated on this very important issue.

This religious persecution act is an important first step toward protecting the freedom of all to worship as they choose. For too long, America has turned its eyes away from those who are suffering religious persecution across the globe. And for too long, America has kept silent when we should have said more.

We should have said more about Tibet where so many have been crushed under the oppressive hand of Chinese occupation. Where over 1 million citizens have been driven from their land, while their culture and monasteries have been destroyed.

In Sudan, over 2 million Christians may have been killed for simply pursuing the worship of God.

☐ 1545

Sudanese children have been beaten, tortured and even crucified for being Christians. And as the Baltimore Sun reported last year, children in Sudan are being sold into slavery for less than $50. Russell Kirk once said, regardless of a country's steel output, a society that forgets its values is vanquished.

I believe today's action is a positive first step towards our country recognizing that America has a responsibility to ensure religious freedom at home and across the globe.

I thank the gentleman from New York (Chairman GILMAN) the gentleman from Virginia (Mr. WOLF), Abe Rosenthal, Michael Horowitz, and all those who have fought so long for religious freedom.

Mr. CLEMENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have someone who has been on the international affairs staff for 5 years, Elana Broitman, and she is leaving to go to New York City with her husband. She has worked with us on this issue, the International Religious Freedom Act, and many other issues and she has been an outstanding member of the staff. We are going to miss her very, very much. And I just wish her well in her new endeavors.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I want to join the gentleman from Tennessee (Mr. CLEMENT) in wishing our staff member, Elana Broitman, success in her future endeavors. We will miss her on our committee.

Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. WOLF), author of this legislation and an outstanding leader.

Mr. WOLF. Mr. Speaker, in my prepared statement, I mention all of the people, many who are on the floor who have really done an outstanding job, and many names are there. I do want to cover some, and I hope if I run out of time, the gentleman may even yield me a minute or two:

The gentleman from New York (Mr. GILMAN) for being faithful and always there, always dependable, always willing, never saying no, and for his staff that worked and complied and tried and pushed and pulled.

To the gentleman from New Jersey (Mr. SMITH), who was the same way, and his staff that were always there, always willing, setting the record, making the hearing.

To the gentleman from Texas (Mr. ARMEY), the majority leader, who came to our gathering and put the prestige of the leadership on this to make sure that this would not fall through the cracks as we get to the end.

To the gentlewoman from California (Ms. PELOSI), who was always there on all of these issues. There was no center aisle dividing line. And Carolyn and her staff are always dependable, never saying, "Well, we may not" and "that may be," and "the administration says"; always, always, always there.

Senator NICKLES, Senator SPECTER, Senator COATS, my good, close friend DAN COATS, whom I hate to see leaving the Congress, former Senator Bill Armstrong and so many of the other groups. Michael Horowitz who is out of town with his daughter being married. The gentleman from Tennessee (Mr. CLEMENT), Laura, John Hanford and many others who all came together and worked on this.

Mr. Speaker, this really is an example of people sending a message. As Abe Rosenthal said in his column last Friday, and I will read it; and Abe Rosenthal, as the gentleman from Florida (Mr. SCARBOROUGH) said, was always there. I do not know how he got the ink from the New York Times, but always shaking things up to make sure that this would not be forgotten.

> He said, Very soon, millions of people persecuted, arrested and tortured for their religion will find out whether America has finally confronted persecuting governments with a permanent government searchlight and the threat of penalty. . . .Mouth to ear they will find out in underground Protestant and Catholic churches in China and in prisons run by expert torturers for those refusing to pray in government-run churches. The persecuted will find out in Sudan wilds and deserts where Christians and animist refugees starve and die under attack. They will find out in Pakistani villages where Christian homes have been set afire. Or the village south of Cairo where Coptic Christian clergy are sending frantic word that 1,000 Copts were tortured by Egyptian police.

When we do this tonight, I will tell my colleagues that in Tibet, and when I was there last year they told me they listen to Radio Free Asia in Tibet. In Lhasa tomorrow morning, they will know that this Congress, the people's Congress, the people's body, cares about what happens in Drapchi Prison, cares about the Catholic priests who are being persecuted. The Catholic bishops, the Muslims who no one speaks out for in the northern part of the country, the Protestant house churches, all of those people will know.

Mr. Speaker, this is a good legislation. I think both sides have taken a lot of good steps. Obviously, perhaps better people, wiser than we, can make it better. If they are, I guess fine. But until that time, I think this is good. I hope it will pass with unanimous consent.

But again, on behalf of the voiceless, we have given them a voice, all of those I named and all who are in here on their behalf.

Mr. Speaker, I rise in strong support of the measure before us, to concur in the Senate amendment to H.R. 2431, the Freedom from Religious Persecution Act. What is before us is not the measure the House passed. It is different. However, I believe it is critical that the Congress pass legislation this year to deal with the issue of religious persecution and I strongly support this measure. I hope you will, too.

In his column last Friday in the New York Times, A.M. Rosenthal wrote,

> Very soon, millions of people persecuted, arrested and tortured for their religion will find out whether America has finally confronted persecuting governments with a permanent government searchlight and the threat of penalty. . . . Mouth to ear they will find out in underground Protestant and Catholic churches in China and in prisons run by expert torturers for those refusing to pray in government-run churches. The persecuted will find out in the Sudan wilds and deserts where Christian and animist refugees starve and die under government attack. They will find out in Pakistani villages where Christian homes have been set afire. Or in the village south of Cairo where Coptic Christian clergy are sending frantic word that 1,000 Copts were tortured by Egyptian police.

Rosenthal's words should be taken to heart. I would add my own comments. In Tibet, Tibetan Buddhist monks and nuns who are, at this moment, being tortured and beaten in Drapchi prison and the other Chinese-run prisons in Tibet will find out what we do today. In Iran, the families of the two Baha'i men sentenced to death last week and the 36 Baha'i faculty members arrested will know what we do today. In Pakistan, Ahmadi Muslims fearful of their lives will know what we do. And in China, the Muslims being persecuted in Xinjiang Province will hear the result of the vote in the House today.

Mr. Speaker, the other body passed this bill, now called the International Religious Freedom Act, by a unanimous vote of 98–0. I'm told the White House supports this measure. It also has the support of a broad coalition of religious and civic groups, including the Christian Coalition, the National Association of Evangelicals, the U.S. Catholic Bishops' Conference, the National Jewish Coalition, the Anti-Defamation League, the Christian Legal Society, the Traditional Values Coalition, the Episcopal Church, B'nai B'rith, Justice Fellowship, the American Jewish Committee, the Evangelical Lutheran Church of America, the Union of Orthodox Jewish Congregations of America, the United Methodist Church—Women's Division, and the American Coptic Association.

Passing this historic legislation will send a message of hope to millions of suffering people worldwide who are being persecuted for their religious beliefs. Passing this bill will help ensure that eliminating religious persecution becomes a prominent goal of our foreign policy and will help loosen the chains of government oppression endured by many today.

This bill meets the goals Senator SPECTER and I set out to achieve when we introduced the Freedom from Religious Persecution Act in May, 1997. First, we wanted to ensure that the State Department has a permanent mechanism for monitoring this issue and spotlighting it in U.S. foreign policy. Second, we wanted to establish a framework for taking action against countries that persecute people for their faith. Both of these goals are met in this legislation and I pleased that I can strongly support it today.

The International Religious Freedom Act contains a number of important provisions:

It establishes a 9-member Commission on International Religious Liberty to report annually on religious freedom violations abroad and recommend policy options to the administration. This provision, in my view, greatly enhances the legislation because it helps ensure that this issue will get attention by an independent body of experts and puts pressure on the State Department and the White House to be accountable.

It creates an Ambassador-at-Large for Religious Liberty in the State Department to serve as a point person on religious freedom issues. This person would represent the U.S. abroad and help provide expertise and leadership within the Department on this fundamental human rights issue.

It provides the President with a list of options from which to choose when imposing sanctions on a country found to be violating religious freedom.

Like the House bill, it contains a number of provisions designed to promote religious freedom abroad, such as incentives for foreign service officers who show meritorious service in promoting religious freedom, requiring the creation of a State Department Internet site to promote religious freedom, recommending high-level contacts with religious non-governmental organizations, requiring the State Department to prepare prisoner lists and issue briefs on religious freedom and others.

It also includes a provision allowing equal access to U.S. missions abroad for conducting religious activities in places where religious activity is otherwise prohibited. This will help American citizens abroad who desire to worship, but cannot worship safely in local churches and would otherwise have nowhere to go. In places like Saudi Arabia, this is a real problem.

The International Religious Freedom Act is a good bill and I urge my colleagues to support it.

Many, many people have worked hard to get this bill where it is today. First, I want to thank my colleagues here in the House, particularly the distinguished Majority Leader DICK ARMEY, International Relations Committee Chairmen BEN GILMAN and CHRIS SMITH, TONY HALL, NANCY PELOSI, and BOB CLEMENT for their tireless leadership on and support for this bill and many other human rights issues. I also want to thank members of their staff, Heidi Stirrup and Brian Gunderson in the Office of the Majority Leader; Steve Rademaker and Rich Garon with the House International Relations Committee; Joseph Rees of the Subcommittee on International Operations and Human Rights; Bob Zachritz with Representative HALL; and Carolyn Bartholomew with Representative PELOSI and Laura Bryant with Representative CLEMENT for their efforts. I also want to thank Anne Huiskes on my staff for pouring her heat and soul into this bill in the past two years and acknowledge the good work of John Hanford who over the years has committed his life to working on these issues and advocating on behalf of people being persecuted around the world.

Mr. Speaker, there are a number of Members of the other body who are to be commended for their leadership in moving this legislation through the Senate. First and foremost, I want to commend and applaud the leadership of Senator ARLEN SPECTER for being out front on this issue and introducing the Senate version of the Freedom from Religious Persecution Act. I also want to commend the distinguished Senate Majority Leader TRENT LOTT for his commitment to passing religious persecution legislation and Senator DON NICKLES and Senator JOE LIEBERMAN, the authors of the International Religious Freedom Act, for their work and leadership. I applaud them for sticking with this issue when many would have given up. I am also extremely grateful for the faithful efforts of Senator DAN COATS who kept his shoulder to the wheel in shepherding this legislation through the U.S. Senate. This bill is a tribute to him.

I also want to acknowledge the important work of the staff involved with this measure in the Senate: Gretchen Birkle with Senator SPECTER, Elayne Petty with Senator MACK, Sharon Payt with Senator BROWNBACK, Steve Moffit with Senator NICKLES, Jim Jatras with the Senate Republican Policy Committee, Pam Sellars and Sharon Soderstrom with Senator COATS, Fred Downey with Senator LIEBERMAN, and Bill Gribbin in the Office of the Senate Majority Leader.

Finally, I want to thank all those groups who helped generate support for this legislation and who work tirelessly each and every day to bring attention to this issue. My sincere thanks goes out to Michael Horowitz with the Hudson Institute; Chuck Colson and Mariam Bell with Justice Fellowship; Gary Bauer of the Family Research Council; Dr. James Dobson with Focus on the Family; Senator Bill Armstrong; John Carr with the U.S. Catholic Bishops Conference; Ari Storch with the National Jewish Coalition; Steve McFarland with the Christian Legal Society; Jess Hordes [HOR-DES] and Stacy Burdett with the Anti-Defamation League; Rabbi David Saperstein with the Religious Action Center for Reformed Judaism; Nina Shea, Paul Marshall and Joseph Assad with the Center for Religious Freedom at Freedom House; Diane Knippers and Faith McDonnell with the Institute for Religion and Democracy; Mary Beth Markey with the International Campaign for Tibet; Steve Snyder with International Christian Concern; Rich Cizik with the National Association of Evangelicals; Don Hodel, Randy Tate and Jeff Taylor with the Christian Coalition; Dr. Richard Land and Will Dodson with the Southern Baptist Ethics and Religious Liberty Commission; Rev. Stan DeBoe with the International Fellowship of Christians and Jews; Nagi Kheir with the American Coptic Association; Neal Hogan with the Catholic Alliance; Father Keith Roderick with the Coalition for Human Rights Under Islamization and Dr. David Adams with the Lutheran Church, Missouri Synod. There were many, many others involved. I know I left some out, but I applaud all that has been done on behalf of this measure and this issue.

Today is truly a historic day in the Congress. I urge my colleagues to vote yes on the International Religious Freedom Act. It will help millions of people around the world.

Mr. HAMILTON. Mr. Speaker, I would like to fully endorse the statements made in support of H.R. 2431, the Freedom from Religious Persecution Act, by the distinguished gentleman from Tennessee, Mr. CLEMENT.

Mr. Speaker, I am glad that we were able to work through the process to reach a compromise on the legislation before us today. It is a fully bi-partisan bill. It does not target one group or one country. Rather, it seeks to promote and protect religious freedom of all peoples throughout the world. This is an objective that deserves all of our support.

Mr. CRANE. Mr. Speaker, I rise to support the Senate amendments to the International Religious Freedom Act, H.R. 2431.

I abhor the persecution of anyone because of their faith, whether they are Buddhists, Muslims, Jews, fellow Christians, or people of other faiths. Unfortunately, I was forced to oppose this bill when the House last considered it because I did not believe that it would achieve the desired result of curbing religious oppression by governments around the world. Indeed, my concern was that the proposed sanctions in the bill would do nothing to influence countries who do not share our ideas of religious liberty and only put at risk the jobs of innocent American workers.

While the goal of the bill in seeking to use the influence of the United States to prevent or halt international religious persecution is commendable, the mechanisms of the House bill did not allow for enough flexibility for a U.S. response tailored to confront a particular foreign government engaged in religious persecution. Instead, a "one size fits all" approach including trade sanctions, denial of foreign aid and multinational assistance was mandated, leaving the President very narrow authority to craft appropriate responses.

Instead, I urged my colleagues to modify the bill to allow the executive branch more flexibility to change the behavior of governments in order to stop religious persecution. I feared that, in certain instances, some of the proposed sanctions would only anger foreign governments and could have the perverse effect of inciting more religious persecution instead of less.

I am grateful that my concerns and suggestions for improvements to this bill have been heeded and adopted by our colleagues in the other body. The Senate amendments give the Administration the flexibility it needs to appropriately respond to incidents of religious persecution. Furthermore, the sanctity of contracts is protected by the bill which will prevent incidents where, for example, American farmers are prevented from fulfilling binding agreements with targeted countries. In today's global economy, where there are a variety of sources for products and commodities, sanctions that do not allow existing contracts to be honored only injure American producers.

It is my hope that this bill, as it is now drafted, will allow the United States to respond appropriately to international religious persecution. I certainly believe that we have an obligation to promote our values of religious freedom and democracy. However, our foreign policy must be crafted to achieve these goals, not to be a visceral and importent reaction to reprehensible persecution.

I urge my colleagues to join me in supporting the Senate changes to H.R. 2431.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2431.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TORTURE VICTIMS RELIEF ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, (H.R. 4309) to provide a comprehensive program of support for victims of torture.

The Clerk read as follows:

Senate amendment:

Page 6, strike out all after line 9, down to and including line 21 and insert:

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999 and 2000, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $5,000,000 for fiscal year 1999, and $7,500,000 for fiscal year 2000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this important measure addresses a critical area of our efforts to combat human rights abuses, treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition. I commend the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of the Subcommittee on International Operations and Human Rights, for introducing this resolution.

The resolution rightly recognizes the importance of treating victims of torture in order to combat the long-term devastating effects that torture has on the physical and psychological well-being of those who have undergone this pernicious form of abuse.

Torture is an extremely effective method to suppress political dissidence, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture can provide a bulwark against popular opposition.

It has been pointed out that for political leaders of undemocratic societies, torture is useful because it aims at destruction of the personality, to rob those individuals who would actively involve themselves in opposition to oppression of self-confidence and other characteristics that produce leadership.

Fortunately, there are now able treatment regimes for the types of disorders that torture may induce. The resolution before the House will help ensure that these treatments are more readily available to torture victims in this Nation and throughout the world that are in need of them.

Accordingly, I urge all of my colleagues to join in approving this legislation, the Torture Victims Relief Act of 1998.

Mr. Speaker, I reserve the balance of my time.

Mr. CLEMENT. Mr. Speaker, yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4309, the Torture Victims Relief Act of 1998. I would also like to commend the gentleman from New Jersey (Mr. SMITH) for his work on the bill, and on behalf of torture victims.

I understand that the Senate has amended the bill to replace the original authorization language for the domestic treatment centers. This change impacts the jurisdiction of the Committee on Commerce. The provisions pertaining to the jurisdiction of the Committee on International Relations remain unchanged.

This is an important bill that deserves our support. U.S. assistance for the rehabilitation and treatment of torture victims is an important first step in overcoming this terrible abuse of human rights.

I would also like to commend the gentleman from New York (Mr. GILMAN), my chairman. As a relatively new member of the Committee on International Relations, I have watched him and observed him. He has always been fair, he is always focused, and he is one of the hardest working Members I have ever been around. He represents us well nationally and internationally.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Tennessee (Mr. CLEMENT) for his kind remarks.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I too want to thank the gentleman from New York (Mr. GILMAN) for his work on this important legislation and all of these human rights initiatives. He has been steadfast and I for one—and I know I speak for many—appreciate it deeply. I thank my friend for his kind words, and also thank the gentleman from California (Mr. LANTOS), the principal cosponsor of this legislation, along with 30 other bipartisan Members who have cosponsored H.R. 4309.

Mr. Speaker, this is a bipartisan bill. This legislation provides $31 million over 2 years to help heal and to mitigate at least some of the agony and some of the suffering that is truly unfathomable, for those who have endured grotesque torture around the world.

We have heard testimony time and time again that torture persists in many, many despotic countries. We have also heard from those who have suffered and their advocates on what steps the United States and other free countries ought to take to try to lessen some of that suffering.

Those who suffer cruelty at the hands of these governments usually bear the scars, physically, emotionally, and psychologically, for the rest of their lives. For most, if not all, the ordeal of torture does not end when they are released from a gulag, a laogai or a prison camp.

These victims, Mr. Speaker—and there are millions of them around the world and an estimated 400,000 survivors of torture living in the United States—need our help. To date, we have done far too little to assist these walking wounded.

The Torture Victims Relief Act contains a number of important provisions designed to assist torture victims. First, Mr. Speaker, it authorizes grants for rehabilitation services for victims of torture and related purposes in both domestic and foreign treatment centers.

Specifically, the bill authorizes $12.5 million, $5 million in fiscal year 1999, and $7.5 million in fiscal year 2000, from the Department of Health and Human Services for contributions to centers of treatment for victims of torture in the United States. There are currently 15 of those centers.

I want especially to thank the gentleman from Virginia (Chairman BLILEY) for working with us on this, because that money comes from a different spigot, not a foreign aid spigot, and he came forward and was very helpful. Also, I thank Senator ROD GRAMS on the Senate side for helping us get that money from that particular source.

The legislation also authorizes an additional $5 million in 1999, $7.5 million in fiscal year 2000 for international torture victim centers. There are currently about 175 of those centers around the world.

All of these centers, Mr. Speaker, both domestic and international, are seriously underfunded. As a matter of fact, the Denmark-based International Rehabilitation Council for Torture Victims, the IRCT, estimates the worldwide need for assisting victims of torture to be about $28 million and only a small portion of that has been met.

H.R. 4309 also authorizes a voluntary contribution from the United States to the U.N. Voluntary Fund to the Victims of Torture in the amount of $3 million in 1999 and another $3 million in 2000. I am proud to say that our bipartisan efforts have already had an effect, because we have been pushing this bill for a number of years now. In 1995, the U.S. contribution was $1.5 million, when we originally introduced this bill in the 104th Congress. The administration had proposed to cut the fiscal year 1996 contribution by two-thirds to $500,000. Eventually, in response to the bipartisan support for this initiative, they put it up to $1.5 million. Now we will increase that to $3 million each fiscal year.

Mr. Speaker, the bill also provides specialized training for foreign service officers in the identification of evidence of torture, techniques for interviewing torture victims, and related subjects.

□ 1600

Finally, the bill contains an expression of the Sense of Congress that the United States shall use its voice and its vote in the United Nations to support the investigation and elimination of practices prohibited by the Convention Against Torture.

Mr. Speaker, I truly believe that whatever one's religion is—and I am a Christian, I am a Catholic, and others' sentiments come out of their deeply-held faiths—but one of the scriptures that motivates me is Matthew's gospel, the 25th chapter, when our Lord said, whatsoever you do to the least of my brethren, you do likewise to me. Whether it be the unborn or a persecuted believer, Baha'i, a Jewish person, whatever, at any given time he or she can be the least of our brethren. We need to stand up for those people.

In keeping with that scripture, I really believe, Mr. Speaker, that this legislation helps those people after they have been abused to get through that crisis and come to healing and to reconciliation with the trouble and ordeal they have experienced.

Mr. Speaker, I want to make one final point. Grover Joseph Rees, the chief counsel and staff director of the Subcommittee on International Operations and of Human Rights, is the reason this legislation is on the floor, and I do want to thank him for his steadfast work on it. He used to be the general counsel at INS. He knows the inside of that building, and that is why we hired him on the committee, but, more importantly, he knows what is going on around the world and has been absolutely invaluable in these kinds of issues, whether it be religious freedom or in the case of this assistance to the torture victims. So I want to thank Joseph for his excellent work on this legislation.

Mr. CLEMENT. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. BRUCE VENTO), and I would just note that the State of Minnesota has more water than the State of Tennessee.

Mr. VENTO. Mr. Speaker, I rise in support of this legislation and would commend the authors of this, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the others, other of my colleagues from Minnesota. I think about a third of the sponsors are from Minnesota. And the reason for that, of course, is because of our interest in this and the history of the Center for Victims of Torture, which is located in the Twin Cities.

I would invite my colleagues, if they are traveling through the Twin Cities, if they have a deep interest in this, to stop by and visit. I am certain we would like to talk further with them about it. We have had it in place for nearly 13 years. It was instituted really at the request and response of Governor Rudy Perpich in 1985. The Center has treated almost 600 persons at this particular center to date.

When we look at the problem throughout our country and the world, in terms of reaching out and extending political and religious amnesty to individuals in refugee status, and my colleagues well know my role with the southeast Asians and the resettlement in Minnesota of the Hmong community, we have 400,000 such persons in the United States, and there is precious little support available for them. Clearly, the existing social services that we offer are inadequate to deal with this type of problem.

When we celebrated June 26 as international day in Minnesota, it was pointed out that there are 124 nations around the globe, 124 nations, that still practice various types of torture and intimidation of the civilian population. And so we are trying to respond to this with a dozen or so centers across the United States and around the world.

And at the time this particular center was started, the United Nations only provided $100,000.

So we began to look at this, and this center itself has grown by itself, on a nonprofit basis, raising nearly $1 million a year, treating these broken persons and trying to take away the nightmare. We call it rising from the ashes, in terms of these broken spirits and broken bodies that are delivered to our shores.

So as we embrace these persons and give them the type of protection from religious persecution, from political persecution, I think we have to be cognizant of the fact that they are going to need more than just refuge in this country. They need a helping hand.

We are doing research in Minnesota on this. Our health care facilities, Regents Hospital, as an example, in my district, has done much to treat these through special clinics, but it does cost a great deal. There is a lot of volunteerism and a lot of contributions that come in, but, most importantly, I think it is very significant that we are raising on the floor today and actually participating in helping in this problem, which is on overload.

Mr. Speaker, I rise today in strong support of this important human rights bill that protects and provides hope to survivors of torture.

According to the Center for Victims of Torture (CVT), it is estimated that as many as 400,000 victims of torture now reside in the United States with an estimated 12,000 to 15,000 residing in my home state of Minnesota where CVT is located. The Center's clients have come from around the world—52 percent from Africa, 25 percent from South and Southeast Asia, 11 percent from Latin America, six percent from the Middle East and three percent from Eastern Europe. An estimated two-thirds of CVT clients are seeking asylum from persecution at the time they first contacted the Center.

Many torture survivors suffer from severe psychological effects such as fear, guilt, nightmares, flashbacks, anxiety and depression. The debilitating nature of torture makes it extremely difficult for survivors to hold steady jobs, study for new professions and careers or acquire other skills for a successful integration into our nation's culture and economy. Congress should provide hope for these talented, educated and productive people who were purposefully disabled by their countries governments.

The Torture Victims Relief Act provides an important first step in healing the wounds of government-inflicted torture on individuals, their families and their communities. Specifically, this bill funds a total of $12.5 million for grants to centers and programs that treat victims of torture in foreign countries and centers and programs in the United States that aid victims of torture. Such funds will cover the costs of supporting torture victims, including rehabilitation, social and legal services and research and training for health care providers. Furthermore, this legislation expresses that the President request that the U.N. Voluntary Fund find new and innovative ways to support victim programs and encourage the development of new such programs. Finally, this bill provides training for foreign service officers to help them identify torture and its effects upon innocent civilians.

Torture is a crime against humanity. It is the single most effective weapon against democracy. As Members of Congress, it is our responsibility to protect and shield the world from this strategic tool of repression. I urge all members to support this much needed legislation that will respond to the evils of torture and its physical social, emotional and spiritual consequences upon our communities.

Mr. CLEMENT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to speak on behalf of H.R. 4309, which provides assistance to the over 190 centers around the globe that help people recover from the painful and de-humanizing effects of torture.

Torture is, under all circumstances, a heinous, cruel, and inhuman act that we must fight to prevent at each opportunity. It must be prevented whether it is the result of religious persecution, political reprogramming, organized intimidation, or simply because an individual needs to make another feel less than human. But there are times where we cannot prevent it. Torture happens. It happens in every region of the world—in Africa, the Far East, Central America, Eastern Europe, and Central Asia. We have well documented and shocking reports of torture in Sudan, China, Tibet, Mexico, and Kosovo.

More intolerable is the fact that we must add the United States to that list where torture takes place. Just a few months ago, we saw the tortured slaying of James Byrd, Jr. in Texas. I do not believe I need to remind anyone of the details of that atrocity. And just yesterday, we had an incident in Wyoming where a young gay man was taken a mile outside of the town and brutally bludgeoned and burnt, and then tied to a fence like a scarecrow. The young man's name is Matthew Shepard, and my prayers this afternoon are with him and his family. Shockingly, there are 15 torture treatment centers in the United States. I bet that few Americans knew that before today.

This bill authorizes $5 million dollars for the next fiscal year to be given as grants to centers and programs that treat the victims of torture in foreign countries, and then authorizes another $5 million to be spent in this country, to aid similar victims to recover from their physical and mental injuries. The Centers, both near and far, provide rehabilitation, social services, and legal expertise to those victims who seek their assistance. All of these services are instrumental in the effort to make sure that these victims can move forward and lead lives that have some semblance of normalcy.

Additionally, H.R. 4309 requires the Secretary of State to provide torture rehabilitation training to its foreign service officers. This training will improve our personnel's ability to identify torture victims and guide them through the necessary process of seeking help. The training also includes special gender-specific training, which will ensure that when our officers interact with torture victims who have been raped or violated, that they will not worsen the victim's delicate physical or mental state.

Furthermore, this bill expresses the sense of Congress that the President, through our representative to the United States, should support humanitarian, anti-torture efforts throughout the world. That is to be done by advocating that the United Nations Voluntary Fund find new ways to support torture victim treatment programs; by supporting the U.N. Special Rapporteur on Torture and the U.N. Committee Against Torture; and by pushing for the expansion of those programs into countries where reports indicate that systematic torture is prevalent.

I urge all of you to vote with me today, and reach out to those victims that have suffered at the hands of others unnecessarily.

Mr. GILMAN. Madam Speaker, I yield myself the balance of my time to thank the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY), for his cooperation in moving this bill forward.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate amendment to H.R. 4309.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING CULPABILITY OF HUN SEN FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN CAMBODIA

Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 533) expressing the sense of the House of Representatives regarding the culpability of Hun Sen for war crimes, crimes against humanity, and genocide in Cambodia (the former Kampuchea, the People's Republic of Kampuchea, and the State of Cambodia), as amended.

The Clerk read as follows:

H. RES. 533

Whereas under the Vietnamese communist occupation of Cambodia (the former People's Republic of Kampuchea and the State of Cambodia) between 1979 and 1989, Hun Sen was among a large number of former Khmer Rouge members who were designated by the Vietnamese communists as surrogate leaders of the People's Republic of Kampuchea, where international human rights organizations documented widespread human rights violations;

Whereas during the period leading to internationally supervised elections in 1993, as Prime Minister of the State of Cambodia and a Politburo member of the communist Cambodian People's Party (CPP), Hun Sen was responsible for the disappearances, murder, and assassination attempts against democratic opponents of the Cambodian People's Party;

Whereas after the Cambodian People's Party lost the 1993 national election, Hun

Sen organized a military force that threatened a military coup, resulting in his being given a share of the Prime Minister position with Prince Norodom Ranariddh, the election winner, and his Cambodian People's Party maintaining control of the military, the internal security forces, and provincial government administration;

Whereas in July 1997, Hun Sen ordered a coup d'etat against First Prime Minister Prince Ranariddh which resulted in the deaths of a large number of civilians caught in the crossfire and the torture and summary execution of at least 100 government officials and the forced displacement of at least 50,000 people as assaults continued on people or communities loyal to Prince Ranariddh;

Whereas during the period leading to the July 1998 national election there were widespread threats, assaults, and the suspected assassination of scores of members of parties opposed to Hun Sen;

Whereas in September 1998, Hun Sen ordered a violent crackdown on thousands of unarmed demonstrators, including Buddhist monks, who supported credible investigations of irregularities in the electoral process and the change in the format for allocating seats in the National Assembly which permitted Hun Sen to maintain a small edge over Prince Ranariddh's FUNCINPEC Party and entitled Hun Sen to maintain the post of Prime Minister, which resulted in the brutality toward tens of thousands of pro-democracy advocates and the deaths and disappearances of an unknown number of people, and led to widespread civil unrest which threatens to further destroy Cambodian society; and

Whereas Hun Sen has held, and continues to hold, high government office in a repressive and violent regime, and has the power to decide for peace and democracy and has instead decided for killing and repression, who has the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who once again is directing a campaign of murder and repression against unarmed civilians, while treating with contempt international efforts to achieve a genuinely democratic government in Cambodia: Now, therefore, be it

Resolved, That it is a sense of the House of Representatives that—

(1) the United States should establish a collection of information that can be supplied to an appropriate international judicial tribunal for use as evidence to support a possible indictment and trial of Hun Sen for violations of international humanitarian law after 1978;

(2) any such information concerning Hun Sen and individuals under his authority already collected by the United States, including information regarding the March 1997 grenade attack against Sam Rainsy, should be provided to the tribunal at the earliest possible time;

(3) the United States should work with members of interested countries and nongovernmental organizations relating to information any country or organization may hold concerning allegations of violations of international humanitarian law after 1978 posed against Hun Sen and any individual under his authority in Cambodia and give all such information to the tribunal;

(4) the United States should work with other interested countries relating to measures to be taken to bring to justice Hun Sen and individuals under Hun Sen's authority indicted for such violations of international humanitarian law after 1978; and

(5) the United States should support such a tribunal for the purpose of investigating Hun Sen's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in violation of international humanitarian law after 1978 in any judicial proceeding that may result.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 533, the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H. Res. 533 expressing the sense of the House of Representatives regarding the culpability of Hun Sen for his violations of international humanitarian law after 1978 in Cambodia.

I want to commend the gentleman from California (Mr. ROHRABACHER), a member of our Committee on International Relations, for introducing this resolution condemning Hun Sen's violent transgressions in Cambodia over the past 20 years. We thank him for his outstanding leadership on this issue.

I also want to thank the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations, for his work on this important measure and for his continuing attention to the crisis in Cambodia.

I am a proud cosponsor of this resolution, which I support fully. It is incredibly important that this House express its concern about the violence that has plagued and continues to plague Cambodia, and make every effort to bring those responsible for this unnecessary violence to justice.

If tyranny, and especially tyrants like Hun Sen, are allowed to thrive in an atmosphere of impunity, violence and destruction will reign not only in Cambodia but ;elsewhere as well. Our Nation must make a strong stand and take action to bring this senseless killing to an end and to punish those who are responsible.

Before I close, Madam Speaker, I want to express my general concern about the situation in Cambodia and the pervasive high levels of violence that exist there. The extrajudicial violence must come to an end. Our Nation must use its influence and leverage to pressure any government which is formed to move in a direction of democracy and respect for human rights.

The administration must also seek to garner support from other key nations, such as France, Australia, and Japan, to do the same. The Cambodian people deserve as much and the international community should accept no less.

Though I never believed that the most recent elections could ever be free and fair, because of the environment in which they took place, the tremendous turnout by the Cambodian voters shows that the seeds of democracy have been sewn there. It is my belief that any tyrant who tries to stand between democracy, human rights, and the Cambodian people will ultimately find himself resigned to the trash heap of history, as have so many other despots who have tried to suppress the human spirit.

To the forces of democracy in Cambodia we say, we in this body are watching carefully. Be assured that the Cambodian people will not stand alone in their quest for democracy, for justice, for human rights, for peace and freedom. This resolution sends that kind of signal.

Accordingly, I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Madam Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

I would like to start by commending the gentleman from California (Mr. ROHRABACHER) for his leadership in bringing the resolution before the House today. Also appreciate his willingness to work with members of the administration and the concerns of Members of the House.

House Resolution 533 is intended to send a clear signal to Hun Sen and his supporters that the United States and the entire international community views with grave concerns both his past actions and his current activities that threaten to impose a system of harsh dictatorship on the people of Cambodia. There are few people who, through no fault of their own, have suffered more cruelly in the past quarter century than the Cambodians.

In the aftermath of a badly flawed election, Hun Sen is in the process of solidifying his hold over the levers of power in Cambodia. In the final analysis, I regret to say there is little that the United States can do to prevent this tragedy. But at an absolute minimum, we must make clear our opposition to the imposition of a repressive regime on the long-suffering Cambodian people. We can unequivocally, as well, state our conviction that those responsible for Cambodia's past sorrows should be brought to justice.

So, Madam Speaker, this resolution deserves our support. I urge my colleagues to join me in voting "yes" on this important measure.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield 7 minutes to the gentleman from California (Mr. ROHRABACHER), the sponsor of this resolution and a member of our committee.

Mr. ROHRABACHER. Madam Speaker, House Resolution 533 is intended to help support democracy in Cambodia and prevent a new "killing fields" by serving as the first step to bringing the violent dictator and former Pol Pot trigger man, Hun Sen, to justice. This legislation urges the United States Government and other interested countries to create an appropriate international judicial tribunal for the indictment and trial of Hun Sen.

For the past 20 years, since he was among a core group of former Khmer Rouge officials installed as leaders during the Vietnamese Communist occupation of Cambodia, Hun Sen has been at the center of massive violations of international human rights law, including murder, torture, and other widespread abuses of the Cambodian people.

During the past month, Hun Sen's storm troopers have cracked down on nonviolent pro-democracy demonstrators, including students and Buddhist monks, and tens of thousands of ordinary people. There are numerous reports by United Nations human rights monitors describing shallow graves containing mutilated bodies with hands tied behind their backs, including some people who were known to have been arrested by Hun Sen's security forces.

Bodies of other victims have been reportedly seen floating down rivers and streams. Buddhist temples and monasteries have been raided and monks whipped by soldiers and goons carrying electric batons and rifle butts. Amnesty International reports that at least 200 democracy protestors arrested are still unaccounted for.

New atrocities continue to emerge. For example, United Nations human rights monitors have been sheltering a 25-year-old woman who was held by Hun Sen's soldiers for 3 weeks in a water-filled fish pen. She saw 5 of 13 fellow prisoners die during that time period from torture, starvation and drowning, including Buddhist monks.

During the 1998 election campaign in Cambodia, the United States International Republican Institute, as well as the National Democratic Institute reported widespread incidents of violence, intimidation and deaths of campaigners for the democratic parties who opposed Hun Sen. The electoral process was described as, "fundamentally flawed." Post-election charges of irregularities in ballot counting and an unconstitutional allocation of parliamentary seats led to the pro-democracy uprising and a subsequent repression in Phonm Penh.

Many of these pro-democracy demonstrators courageously defied Hun Sen's storm troopers. They were carrying American flags and being broadcast by Voice of America, which they were playing for the rest of the people there through loudspeakers in this short-lived democracy square.

The fear, intimidation and violence created by Hun Sen continues. Yesterday, an American investigative reporter named Nate Thayer, he is the one who broke the story of Pol Pot's death, and also the relationship between Hun Sen and reputed international drug dealer Teng Bunma, informed me that his wife, Carol, an American citizen, had been assaulted. That is Nate Thayer, an American citizen, a journalist in Cambodia. His wife has been assaulted and, in fact, a bullet was fired during the assault that grazed her head.

□ 1615

This all happened in central Phnom Penh. Nate and Carol have previously received four death threats due to his reporting on corruption and tyranny in Hun Sen's regime. Like many cases of independent reporters in Cambodia, Cambodians themselves, Cambodian reporters and editors who have been shot and bludgeoned to death, the case of Nate and Carol, this whole incident has been shrugged off officially as being called a robbery attempt.

This legislation was amended after my staff spent long hours in discussion with the State Department in an effort to find a common position to stopping the violence and to bringing to justice those responsible. The amendment begins with the year 1979 when the Vietnamese communist army installed collaborating Khmer Rouge officers, including Hun Sen, to power in Cambodia. The amendment is an effort to avoid interfering with the State Department's efforts to form a separate tribunal to cover just the Pol Pot years.

After the resolution passed through the Committee on International Relations, Hun Sen protested. In response, the U.S. Embassy in Phnom Penh issued a press release just a few days ago to reassure this tyrant and his thugs that this resolution is simply the opinion of Congress, a signal that he need not worry about his ongoing human rights violations and crackdown on democrats. Satisfied with knowing the embassy was kowtowing to his position, a now confident Hun Sen then demanded, after this press release, demanded that the embassy hand over a Cambodian democracy leader, Kem Sokha, who is being provided asylum in the embassy.

A "yes" vote on this resolution will send a message to Hun Sen that the United States House of Representatives does count and that we are speaking for the American people, and that the House of Representatives will not tolerate murder as a political tool and the denial of democracy by Hun Sen and his thugs.

Madam Speaker, dictators such as Hun Sen must understand the United States Congress, whose Members are elected by the American people, represent the ideals of freedom and stand by democrats and ordinary people around the world who are struggling for justice and human rights. There is no excuse for unelected bureaucrats in our State Department to scorn congressional processes in order to appease dictators.

As far as tribunals go, we must not permit legal action in Cambodia, which is moving forward, to focus exclusively on a handful of geriatric Khmer Rouge leaders while former Khmer Rouge like Hun Sen are creating today's killing fields by murdering and torturing with impunity. Today's killers must understand that they will be held accountable for their actions and they must permit democracy and a respect for human rights and the rule of law to take place. That is what this legislation is all about.

I would ask my colleagues to join me in support of this resolution.

Mr. DAVIS of Florida. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I want to thank the gentleman from California (Mr. ROHRABACHER) for his eloquent support of this resolution.

Madam Speaker, I yield 4 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER) vice chairman of our committee and the chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Madam Speaker, I rise in strong support of H.Res. 533 and I thank the gentleman for yielding me this time. This resolution, of course, addresses the precarious human rights situation in Cambodia and the brutish behavior of the illegal junta in Cambodia and its strongman, Hun Sen. I use that term "illegal junta" advisedly. The gentleman from California (Mr. ROHRABACHER) is to be particularly commended for this legislation and also for his continued focus on Cambodian affairs. Without question, the people of Cambodia have suffered enormously in the past few decades, almost beyond human understanding. They have suffered through colonial rule, Civil War, the genocidal horror of Pol Pot and the Khmer Rouge and then the Vietnamese invasion. Prolonged negotiations among the various political factions finally led to the Paris Peace Accords of 1991. A $3 billion international peacekeeping effort resulted in elections in 1993 where 90 percent of the population voted. Though the 1993 elections soundly rejected strongman Hun Sen and his formerly communist

Cambodian People's Party CPP, Hun Sen simply refused to turn over the reins of power to the victorious FUNCINPEC party. A tortuous and largely unsuccessful power-sharing arrangement with FUNCINPEC's leader Prince Ranariddh lasted until July 1997 when a bloody coup d'etat ousted First Prime Minister Ranariddh and his supporters. Hun Sen's 1997 coup dealt a body blow to the fragile democratic institutions which slowly had been taking root in the long-suffering country. In the weeks and months that followed nearly all political activity except that of Hun Sen's CPP came to a halt. Most prominent opposition politicians, including Prince Ranariddh, fled for their lives into exile. Of those who chose to remain or were too slow in fleeing, many were murdered.

On July 26 of this year, the long-awaited election was held but this has done little to effectively resolve the long-standing differences or to restore credibility to the governance of the Cambodian people. The party of Hun Sen seems almost certain to continue to hold the reins of power and opposition parties will continue to be marginalized.

Madam Speaker, this is a situation where there are no simple answers and no clear blacks and whites. However, one constant thread has continued throughout this sordid mess, that is, the appalling behavior of Hun Sen. His forces have been responsible for the summary arrest, torture and murder of hundreds of opposition leaders. He has done everything in his power, including the 1997 coup, which is exactly what it was, despite the fact that the State Department never called it that because they knew it would result in kind of sanctions being imposed under law, to prevent the will of the people from being reflected in their properly elected leaders.

These concerns, and others, are reflected in H.Res. 533, which highlights the human rights violations which have been perpetrated by the Hun Sen regime. This Member would say that the author of the resolution the distinguished gentleman from California (Mr. ROHRABACHER) has worked very constructively with others interested in the fate of Cambodia to ensure that his resolution has the broadest support possible. The gentleman has crafted a resolution that merits broad support.

The gentleman has mentioned before what has happened with respect to the State Department and our embassy in Cambodia, and I am concerned about what he said. Unfortunately, I have some verification of it, too. In fact, my office was contacted suggesting that the embassy would no longer be able to protect Americans or the personnel at our embassy in Cambodia if this resolution was brought to the floor of the House of Representatives. We cannot be intimidated in this body. We cannot start down that slippery slope. The Members will not permit that kind of thing to happen. I would say that kind of threat by Hun Sen or people who represent him only confirm what he is, a bloody murderer. We will not be silenced. And so I want my colleagues to know, this is a resolution which is appropriate to express our concerns about the terrible things that have happened and that continue to happen under Hun Sen.

Madam Speaker, I urge support of H.Res. 533.

Mr. GILMAN. Madam Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. I thank the distinguished gentleman for yielding me this time.

Madam Speaker, I rise in strong support of this resolution and express my deep gratitude to the gentleman from California (Mr. ROHRABACHER) for authoring it and for helping to bring it to the floor today and to the gentleman from Nebraska (Mr. BEREUTER) for his strong support for it and also to the gentleman from New York (Mr. GILMAN) for the very powerful words they have expressed on this floor, and to my friends on the other side of the aisle.

Madam Speaker, the self-styled "international community" has displayed an unseemly haste in trying to persuade the pro-democracy parties in Cambodia—which between them soundly defeated the dictator Hun Sen in the recent election, despite the regime's attempt to intimidate voters and to silence the opposition—hey have tried to get them to fold their tents and just slink away into oblivion. But to their credit, the democratic opposition has refused to give up. This is because they know Hun Sen and his government all too well. They know that he is a monster, as the gentleman from Nebraska pointed out a moment ago. He is bloodthirsty. He kills. They know that as a Khmer Rouge commander who split with Pol Pot, he did it not out of some moral principle, but in a factional power struggle. They know that he has killed many of his political opponents, probably by the thousands, and will kill more if he is given the opportunity. And they know that the only hope for Cambodia is for the forces of freedom and democracy to hold on as long as they can. This resolution comes at a very timely moment. It will give them some hope, yes, maybe a small and modest amount of hope, but it will give them some hope that those of us in the international community, those of us in the People's House know what is going on and we stand in solidarity with those pro-democratic forces. It is a very good resolution. I hope it has the unanimous support of the House of Representatives.

Again, I want to thank the gentleman from Nebraska (Mr. BEREUTER), the gentleman from California (Mr. ROHRABACHER) and the gentleman from New York (Mr. GILMAN) for their leadership in bringing this to the floor.

Mr. PORTER. Mr. Speaker, I rise today in strong support of the resolution introduced by the Gentleman from California (Mr. ROHRABACHER).

In January of 1997, I went to Cambodia and met with Hun Sen. At that time the power-sharing agreement between Hun Sen and Prince Ranaridh was still in place but it was clear that it was weakening. The violent July 1997 coup by Hun Sen was the final blow to this ill-conceived relationship that was born by threat of force. During this bloody coup, scores of opposition political leaders and average citizens were killed by Hun Sen's armies.

Since the coup, Hun Sen has consolidated his ill-gotten power and human rights abuses in Cambodia have continued to escalate. Before, during and after the flawed July 1998 elections, Hun Sen again showed his true colors. The pre-election climate was marked by fear and intimidation. The election apparatus was controlled by Hun Sen; the democratic opposition was disadvantaged in all aspects of the process, especially in the important area of broadcast media. It was no surprise that Hun Sen's communist party captured more seats than any other party in these flawed elections. Given their disadvantaged position, the strong showing of the opposition—which together accounted for more than half the total seats in the legislature—was remarkable. These results were a strong statement of the dissatisfaction of the Cambodian people with his corrupt and authoritarian rule, and their strong desire for a return to democracy and a new age of good governance.

From his Khmer Rouge days up to the present, Hun Sen has always used brutal force—intimidation, violence, torture, murder—to get and keep power. According to a new report from the relief group, Medecins sans Frontieres, Hun Sen was responsible for the deaths of 200,000 Cambodians as leader of Cambodia's Vietnamese communist puppet regime from 1984 to 1989. While he was a Khmer Rouge commander, there is no accounting of how many innocent civilians he sent to their deaths. Hun Sen rules through force—it is all he knows and all he understands.

His crimes against the Cambodian people cannot be chronicled only in terms of the loss of life, but must also take account of his consistent efforts to deny their aspirations to a better life. The people of Cambodia have consistently rejected violence and one man rule, and continue to raise their voices in favor of freedom, justice, democracy and the rule of law. As a country which embodies these ideals, we must do our utmost to support them. This means that we cannot continue to turn a blind eye to the abuses of Hun Sen or send the Cambodian people the message that they have to settle for something less than real democracy, genuine freedom or full human rights.

I commend this resolution to the attention of my colleagues, and I urge your strong support of it.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 533, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution expressing the sense of the House of Representatives regarding the culpability of Hun Sen for violations of international humanitarian law after 1978 in Cambodia (the former People's Republic of Kampuchea and the State of Cambodia).".

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING FORMER SOVIET UNION'S REPRESSIVE POLICIES TOWARD UKRAINIAN PEOPLE

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 295) expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people.

The Clerk read as follows:

H. CON. RES. 295

Whereas this year marks the 65th anniversary of the Ukrainian Famine of 1932–1933 that caused the deaths of at least 7,000,000 Ukrainians and that was covered up and officially denied by the government of the former Soviet Union;

Whereas millions of Ukrainians died, not by natural causes such as pestilence, drought, floods, or a poor harvest, but by policies designed to punish Ukraine for its aversion and opposition to the government of the former Soviet Union's oppression and imperialism, including the forced collectivization of agriculture;

Whereas, when Ukraine was famine-stricken, the government of the former Soviet Union exported 1,700,000 tons of grain to the West while offers from international relief organizations to assist the starving population were rejected on the grounds that there was no famine in Ukraine and no need for the assistance;

Whereas the borders of Ukraine were tightly controlled and starving Ukrainians were not allowed to cross into Russian territory in search of bread;

Whereas, in his book "The Harvest of Sorrow", British historian Robert Conquest explains, "A quarter of the rural population, men, women, and children, lay dead or dying, the rest in various stages of debilitation with no strength to bury their families or neighbors.";

Whereas the Commission on the Ukraine Famine was established on December 13, 1985, to conduct a study with the goal of expanding the world's knowledge and understanding of the famine and to expose the government of the former Soviet Union for its atrocities in the famine;

Whereas the Commission's report to Congress confirmed that the government of the former Soviet Union consciously employed the brutal policy of forced famine to repress the Ukrainian population and to oppress the Ukrainians' inviolable religious and political rights; and

Whereas the Commission on the Ukraine Famine presented 4 volumes of findings and conclusions, 10 volumes of archival material, and over 200 cassettes of testimony from famine survivors to the newly independent Government of Ukraine in 1993, during the official observances of the 60th anniversary of the Ukrainian famine in Kyiv, Ukraine: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victims of the government of the former Soviet Union-engineered Ukrainian Famine of 1932–1933 be solemnly remembered on its 65th anniversary;

(2) the Congress condemns the systematic disregard for human life, human rights, human liberty, and self-determination that characterized the repressive policies of the government of the former Soviet Union during the Ukrainian Famine of 1932–1933;

(3) on the 65th anniversary of the Ukrainian Famine of 1932–1933, in contrast to the policies of the government of the former Soviet Union, Ukraine is moving toward democracy, a free-market economy, and full respect for human rights, and it is essential that the United States continue to assist Ukraine as it proceeds down this path; and

(4) any supplemental material that will assist in the dissemination of information about the Ukrainian Famine of 1932–1933, and thereby help to prevent similar future tragedies, be compiled and made available worldwide for the study of the devastation of the famine.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Clerk of the House of Representatives shall—

(1) transmit a copy of this resolution to—

(A) the President;

(B) the Secretary of State; and

(C) the co-chairs of the Congressional Ukrainian Caucus; and

(2) request that the Secretary of State transmit a copy of this resolution to the Government of Ukraine.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a member of Congress it has been one of my greatest privileges to serve as a member of the Commission on the Ukraine Famine that the Congress established back in December of 1985. Now that the Cold War has ended we may not always recollect how very expert the former Soviet communist regime was at denying the truth and only now with greater freedom and access to the secrets of that despicable regime in the states of the former Soviet Union are we gaining a complete picture of just how much damage was done to the peoples held captive by that regime and just how brutal it truly was.

The work of the Ukrainian Famine Commission had to be conducted without the benefit of such access and such freedom of speech and thought in what was then the Soviet Union. Still through its diligent work the Commission verified the following: That Soviet dictator Joseph Stalin and other communist leaders knew people were starving to death in Ukraine as a result of their policies and that the Soviet regime and its leaders did nothing to help the famine's victims, instead using it as a means to better subdue Ukrainian resistance to the communist regime and the rule of Moscow.

The resolution before us today simply restates the facts about the Ukrainian famine. To my mind, it serves as an important reminder, not just of the innocent victims of the famine but of the reasons why the United States and its democratic allies engaged in a Cold War of over four decades' length to rid the world of the Soviet regime, its cruelty and hypocrisy.

I want to thank the original sponsors of this resolution who are my colleagues who have served on the Ukraine Caucus here in the Congress for their work to bring this measure to the floor today. Those original sponsors are the gentleman from Michigan (Mr. LEVIN), the gentleman from Pennsylvania (Mr. FOX) a member of our Committee on International Relations; the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Colorado (Mr. DAN SCHAEFER), and the gentlewoman from New York (Ms. SLAUGHTER).

□ 1630

Madam Speaker, I fully support this resolution, and urge its approval.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Con. Res. 295, and I commend the leadership of the gentleman from Michigan (Mr. LEVIN) and the gentleman from Pennsylvania (Mr. FOX) and our other colleagues and, of course, the chairman of the Committee on International Relations that works so actively and diligently with all of us working hard to get this matter to the floor today.

Madam Speaker, sort of as an unnoticed surprise, I also would like to thank the staffs on both sides and particularly Elana Broitman, who is leaving us. This is her last day with us, and the work that she has done on the committee is deeply appreciated, I am sure, by all of our colleagues on the Committee on International Relations.

This is a worthy resolution. Several members of this committee have cosponsored it. I urge its adoption.

This resolution sends an important message from the Congress in commemorating the 65th anniversary of the famine in Ukraine. It sends the message that Congress remembers the victims of the famine, that Congress condemns the former Soviet Government's disregard for human life, human liberty and self-determination during the famine, that Congress sees today's Ukraine moving toward democracy, a free market economy and full respect for human rights and supports the United States assistance to Ukraine as it proceeds down this path. I wholeheartedly support this commemoration.

I also endorse support to Ukraine's reform efforts. Achieving reform has been and will continue to be difficult, and we all recognize that Ukraine faces enormous economic and social challenges. Ukraine has taken important steps this summer towards reform as President Kuchma, with apparent support from the Ukrainian parliament, issued a long list of reformist decrees. This course best serves the interests of the Ukraine people and is the best insurance against future hardships in Ukraine. I think we should continue to support Ukraine's efforts as long as it stays the course.

Again, Madam Speaker, I urge our colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX), a member of our Committee on International Relations and a cosponsor of the measure.

Mr. FOX of Pennsylvania. Madam Speaker, I appreciate the time to speak in favor of House Concurrent Resolution 295. I thank my colleague for bringing it to the floor for consideration.

I would like to commend the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. SMITH), the gentleman from Michigan (Mr. LEVIN) and the gentleman from Florida (Mr. HASTINGS) for their leadership on this and many other issues dealing with international relations and America's position in the free world.

This issue is very important, as the gentleman from Florida (Mr. HASTINGS) has pointed out. As one of the cochairs of the Ukrainian caucus, I am proud to be one of the lead original cosponsors of the resolution as well along with my fellow cochairs of that caucus, the gentleman from Colorado (Mr. SCHAFFER), the gentlewoman from Ohio (Ms. KAPTUR) and the gentlewoman from New York (Ms. SLAUGHTER).

Ukrainian famine, Madam Speaker, was a tragic period of history in which the Soviet Union inflicted a brutally repressive policy upon the Ukrainian people. This policy was designed to punish the people of Ukraine for its aversion to the oppressive and imperialistic government of the former Soviet Union.

So, Madam Speaker, it was also designed to bring about agriculture collectivization and crash the nationally conscious Ukrainian nation. Millions of Ukrainians died as a result of this famine, and I believe it is entirely appropriate that the Congress take time from its schedule to remember those victims of this tragedy and redouble our efforts and to reaffirm our commitment to not allowing this kind of policy to be inflicted upon any nation or any people.

I am proud of the free Ukraine we have now with democratic elections, free markets. We have a solidified economy, we have them working and respecting human rights, and in the post Chernobyl challenges with environment they are moving forward with educational, cultural and diplomatic exchanges, and they will be a future member of NATO. We just met this week with the Prime Minister of Ukraine and members of parliament.

So I thank the gentleman from Michigan (Mr. LEVIN), the gentleman from New York (Mr. GILMAN), the gentleman from Florida (Mr. HASTINGS) and all those who worked to support a free Ukraine for introducing this legislation and for the leadership on this issue, and I urge my colleagues to pass this important resolution unanimously.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of our Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Mr. SMITH of New Jersey. Madam Speaker, I thank the distinguished chairman for yielding this time to me, and I am very pleased to urge passage of H. Con. Res. 295, giving recognition and honor to the victims of the Soviet-engineered Ukraine famine of 1932–1933 by remembering this tragedy during its 65th anniversary.

The Ukrainian famine, Madam Speaker, is one of the most devastating tragic events of the 20th century, a stark reminder of man's inhumanity to man. The scope and depth of this tragedy has been documented in many books, including such seminal works as Robert Conquest's Harvest of Sorrow, and by the comprehensive report of the Commission on the Ukraine Famine created by Congress in the 1980s to study the famine. One only has to read some of the eyewitness accounts of survivors included in the famine commission report to appreciate the incalculable yet completely avoidable human suffering experienced at that time in the Ukraine.

The truth of the matter is, Madam Speaker, that the 1932–1933 famine engineered by Soviet Dictator Stalin could have been prevented. Its 7 million victims did not die from natural causes, but because of the policies designed to punish the Ukrainian people for their opposition to Soviet rule.

One of the findings of the 1988 Report to Congress of the Ukraine Famine Commission characterizes the famine with chilling succinctness, stating, and I quote:

"Joseph Stalin and those around him committed genocide against Ukrainians in 1932 to 1933."

The famine indeed constituted genocide, Madam Speaker, with Stalin using food as a political weapon to achieve his aim of suppressing any Ukrainian expression of political and cultural identity and self-assertion.

The Ukrainian famine is a glaring illustration of the brutality of a totalitarian, imperialistic regime in which respect for human rights is a mockery and the rule of law is a sham. This man-made famine would have been impossible in an independent, democratic country which respected human rights and the rule of law.

The Ukraine is slowly, Madam Speaker, if unevenly, overcoming the legacy of the brutal Soviet Communist rule as it moves to consolidate its democracy, its market economy and full respect for human rights; and it is fitting and proper, I would finally say, that this country, through its foreign aid, through its investments, support those who aspire to democracy in the Ukraine and also to try to alleviate at least some of the suffering those people are experiencing.

Madam Speaker, just let me say finally that we have had hearings in our subcommittee, we have had hearings in the Commission on Security and Cooperation in Europe, which I chair. One of those hearings, one of the most telling and devastating that I have ever chaired, was to hear what the aftermath, the consequences, will be from the near meltdown at Chernobyl and the cancers that are proliferating, particularly among small and now growing children, adolescents, and into adulthood. It is like a time bomb for those people, and we need to do more to try to mitigate some of that suffering.

But the famine, as this resolution clearly points out, was man-made with this resolution we say, "Never again."

Mr. ROTHMAN. Mr. Speaker, I rise as a proud member of the Congressional Ukranian Caucus to urge my colleagues to support the passage of H. Con. Res. 295. Very appropriately, this bill expresses the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the Former Soviet Union's repressive policies towards the Ukrainian people.

As I have remarked in the past, the Ukrainian Famine was a dark and horrible chapter in the world history that for too long has gone unnoticed by both the American people and by this august body. By passing H. Con. Res. 295 today, Congress will be bringing the world's attention to this tragedy and will help heal the emotional scars of those who endured the Ukrainian Famine.

I know that the Ukrainian-Americans I am so very proud to represent in New Jersey eagerly await the passage of this resolution. This resolution offers a small measure of justice to the thousands of the Ukrainian-Americans who still suffer from the cruelty exacted upon them by Soviet authorities earlier this century.

Mr. Speaker, I urge all my colleagues who care deeply about human rights, who care about the need to remember past tragedies, to support the passage of this worldwhile resolution.

Mr. LEVIN. Mr. Speaker, I want to express my appreciation to Mr. GILMAN and Mr. HAMILTON for their help in scheduling this resolution on the Floor. I would also like to thank the other co-chairs of the Congressional Ukrainian Caucus, Ms. KAPTUR, Mr. SCHAFFER, Ms. SLAUGHTER, and especially Mr. FOX. Finally, I thank Carol Ertel, Dan Jourdan and Lisa Mulcrone of my personal staff.

Mr. Speaker, House Concurrent Resolution 295 commemorates the 65th anniversary of the Ukrainian Famine of 1932 to 1933. At least seven million Ukrainians died—not by natural causes of drought or flood or a poor harvest—rather seven million died because the leaders of the former Soviet Union chose to use food as a weapon.

Seeking to punish Ukraine for its opposition to Soviet policies of forced collectivization of agriculture and industrialization, Joseph Stalin unleashed the horror of the Ukrainian Famine. Years after these events transpired, the deaths of seven million Ukrainians were covered up and officially denied by the government of the former Soviet Union. Today we remember.

House Concurrent Resolution 295 expresses the sense of Congress that the victims of the Soviet-engineered Ukrainian Famine be solemnly remembered. In this resolution, Congress condemns the systematic disregard for human life, human rights, human liberty, and self-determination that characterized the repressive policies of the government of the former Soviet Union during the Ukrainian Famine of 1932 and 1933.

It is important that we remember the Ukrainian Famine and its victims. We must remember and do everything we can to prevent similar tragedies from happening again.

Even now, half-way around the world, another man-made famine is being inflicted on the people of Kosovo. The Serbian security forces have imposed food blockades and deliberately destroyed crops and livestock of Kosovo. Over one-third of Kosovo's villages and thousands of homes have been deliberately destroyed. Hundreds of innocent men, women and children have been killed and tens of thousands more are without food and shelter as winter comes on.

The most meaningful way to honor the memory of the seven million the Ukrainians who died in the Great Famine is to prevent such senseless tragedies from happening again.

Mr. Speaker, government-induced famine is never justified. I urge all of my colleagues to join me in supporting House Concurrent Resolution 295.

Ms. SLAUGHTER. Mr. Speaker, I rise today in solemn tribute to a moment in history that none of us should ever soon forget, the Ukrainian famine of 1932–33. As a co-chair of the Congressional Ukrainian Caucus, I am pleased that the House leadership has chosen to bring this resolution to the floor. I would also like to thank my friends at the Ukrainian Congress Committee of America for working so hard on this issue.

Mr. Speaker, on this, the 65th Anniversary of the Ukrainian famine, we pay respect to the victims of this tragedy so that we may educate a new generation of Americans about this tragic, and ultimately preventable event. This event differed from what we often think of as a typical natural disaster in the sense that it was man-made. The famine was created by a repressive government, with its sole purpose to break the collective will of a proud people for whom the principles of private ownership and individual rights were, and continue to be, deeply embedded in their backgrounds and traditions.

In the late 1920's, the Soviet government of Josef Stalin began to take steps to collectivize agriculture by whatever means necessary, including the use of harsh and coercive tactics. What nobody could have ever imagined was that these methods would include a forced famine that would lead to the deaths of more than 7,000,000 people in towns and villages throughout Ukraine. While horrified Ukrainians watched as their neighbors either lay dying or desperately searched for food, the Soviet government exported over 1,700,000 tons of grain to the West and denied farmers access to vital materials to feed their families.

Mr. Speaker, today Ukraine stands out as a fledgling, young democracy. Its people and its government working to build a system of fair competition and free markets. And as it struggles to put aside years of Communist rule, government corruption, and weak property laws, we stand here humbled by the lessons of its past and pledge to keep these memories alive so that they may move ahead, and in the process, ensure that tragedies such as this never happen again.

Mrs. LOWEY. Mr. Speaker, I rise today in support of H. Con. Res. 295, a resolution to commemorate the 65th anniversary of the Ukrainian famine and to recognize the pain and suffering of the Ukrainian people under the former Soviet regime.

In 1932, the people of Ukraine fell prey to the dictatorial ruthlessness of Soviet leader Josef Stalin, who imposed a man-made famine on the Ukrainian people to punish them for their resistance to his forced collectivization policies.

The ensuing famine killed more than seven million Ukrainians, almost one-quarter of the population. The starving masses were blocked at the Ukrainian borders from crossing into Russian territory in search of food. The Soviet regime rejected offers to assist the starving population from international relief organizations, denying that the famine was occurring in Ukraine. And the Soviet government even sent 1.7 million tons of grain to the West during the height of the famine.

Mr. Speaker, 65 years ago the Ukrainian people were suffering from an horrific manmade catastrophe. It is a testament to their strength as a people that today's Ukraine is progressing with democratic and economic reforms, and is one of our strongest allies in the region.

I am proud to stand in support of H. Con. Res. 295, and I urge my colleagues to join me in supporting this important resolution.

Mr. GILMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 295.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST BOMBING OF THE UNITED STATES EMBASSIES IN EAST AFRICA

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H.Res. 523) expressing the sense of the House of Representatives regarding the terrorist bombing of the United States embassies in East Africa, as amended.

The Clerk read as follows:

H. RES. 523

Whereas on August 7, 1998, 254 people, 12 of whom were United States citizens, were killed when a bomb exploded at the United States Embassy in Nairobi, Kenya, and 9 people were killed when a bomb exploded at the United States Embassy in Dar es Salaam, Tanzania;

Whereas these bombs were detonated minutes apart and were clearly coordinated;

Whereas in both cases trucks, driven by suicidal terrorists and loaded with explosives, approached the embassies but were diverted from attacking their primary targets by quick thinking Embassy security staff;

Whereas the bombs did explode, injuring thousands of innocent civilians and destroying millions of dollars worth of local property;

Whereas the Governments of Israel and France immediately sent search and rescue teams to aid in the aftermath of the bombings;

Whereas on August 7, 1998, Pakistani police arrested suspect Muhammad Sadiq Odeh, who confessed to being part of a team which was orchestrated and financed by Osama bin Laden; and

Whereas Osama bin Laden, an exiled Saudi Arabian businessman who is believed to be currently living in Afghanistan, is a known sponsor of international terrorism against secular Middle Eastern regimes and has publicly stated his support for attacks against American influence, Americans, and American targets: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses the deep condolences of the House of Representatives and the American people to the families of all persons killed or injured in the bombing;

(2) expresses our dismay for the mayhem and destruction visited upon the Governments and people of Kenya and Tanzania;

(3) expresses gratitude to the people and the Governments of Kenya and Tanzania for their assistance to the people and the property of the United States in the aftermath of the bombings;

(4) expresses our gratitude to the United States Embassy guards whose quick thinking and heroic actions prevented even more deaths and injuries;

(5) expresses our gratitude to the people and the Governments of Israel, France, the United Kingdom, Germany, Japan, Australia, and South Africa, as well as the many private organizations which volunteered to assist the United States in the aftermath of the bombings;

(6) expresses our gratitude to United States personnel for their dedication in serving abroad and promoting United States interests and courageously assuming the risks of living and working overseas;

(7) expresses our gratitude to United States Federal and local agencies which assisted in the aftermath of the bombings;

(8) expresses our condemnation of all persons and parties involved in the outrageous and illegal attacks which resulted in the tragic loss of life of so many Americans, Kenyans, Tanzanians, and others;

(9) expresses the determination of the House of Representatives to assist, in any way possible, in the arrest of all persons responsible for these attacks; and

(10) expresses the intention of the House of Representatives to examine whether security needs of United States facilities overseas are being met and what kinds of tools can be employed to discourage nations from harboring terrorists.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I commend the gentleman from Florida (Mr. HASTINGS), a member of our committee, for submitting this resolution to express our condolences to the families of the victims of that terrible bombing of two of our embassies in Africa. August 7 was a tragic day in this country's history and in their history. Many innocent people were injured or lost their lives because of senseless, cowardly acts of terrorists.

We are grateful to the many friends who responded to our Nation, who responded immediately with assistance, the Israelis, the French, the Britons, the Germans, the Japanese and the Australians. Terrorism is a global problem, and we must stand united with our international partners to dismantle organizations which seek only to terrorize our civil societies.

I fully support the resolution of the gentleman from Florida (Mr. HASTINGS), and I urge full support of the House.

I want to thank the original sponsors of this resolution—who are my colleagues—fellow members in the Ukraine Caucus here in the Congress—for their work to bring this measure to the floor today.

Those original sponsors are: the gentleman from Michigan, Mr. LEVIN, the gentleman from Pennsylvania, a member of our International Relations Committee, the gentlelady from Ohio, Ms. KAPTUR, the gentleman from Colorado, Mr. BOB SCHAEFFER, and the gentlelady from New York, Ms. SLAUGHTER.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that we have the opportunity to consider this very important piece of legislation today, and I thank the gentleman from New York (Mr. GILMAN) and the members of the Committee on International Relations, as well as our other colleagues, for their expediting of this piece of legislation.

Like us all, I shared the shock, sorrow and outrage of the entire Nation when I learned of the bombings of the U.S. embassies in Kenya and Tanzania.

Madam Speaker, like so many of us, people lost family and personal friends. I would ask the personal prerogative to do, as I am sure many Members could and likely did in their appropriate memorials in the RECORD, but a 40-year friend of mine, Jean DeLiza, was killed in the embassy bombing in Kenya. As sort of an extended family, her mother Rose, her sister Joyce, her children, Laurie and others, and her siblings and all of us were stunned.

As a member of this committee, I have had the opportunity to visit many of our embassies, and a lot of them I have visited with the chairman of this committee, who has worked exceedingly diligently internationally and nationally to bring to the attention of this body and the world the needs of a stable and peaceful world.

Our embassy workers do more than process visas. They promote investment in the United States, they facilitate the selling of American products overseas, and they assist Americans who are lost or who have lost their money or passports or are imprisoned in foreign countries. To murder these public servants because one has a grudge against the United States is ludicrous and pathetic. The thought that one can settle a vendetta against the United States or the West by planting a bomb in Africa would be laughable were it not for the loss of Americans' lives and others in Kenya and Tanzania.

☐ 1645

The governments, many that the chairman mentioned, the NGOs and courageous individuals whom we must thank for their assistance in the aftermath of the bombing are too numerous to mention at this time.

First of all, the governments and the people of Kenya and Tanzania were instrumental in saving lives and property. The street demonstrations held in support of the United States by the peoples of Kenya and Tanzania were noted, and they are to be recognized as being deeply appreciated in this country.

The quick thinking of the United States Embassy guards, many of them locals, was instrumental in preventing even more death and destruction. The people of the governments of Israel, France, the United Kingdom, Germany, Japan, Australia and others provided vital assistance for which all Americans are extremely grateful.

Numerous United States Federal and local agencies gathered quickly on the sites, and their outstanding work in securing the scenes paved the way for superlative investigative work which has already led to some arrests in these cases.

This resolution expresses the intention of the House to examine whether the security needs of United States facilities overseas are being met. This issue is particularly relevant to the work that we do under the guidance and leadership of the gentleman from New York (Mr. GILMAN) in this committee.

We must examine all of our facilities overseas and where weaknesses exist, reinforce those facilities. We must support this administration and the next administration in building alliances with like-minded friends to ensure that terrorists who wish to harm the United States are eliminated.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to commend the gentleman from Florida (Mr. HASTINGS) for the resolution, for his eloquent remarks in support of it.

Madam Speaker, I am pleased to yield as much time as he may consume to the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from Florida (Mr. HASTINGS) for introducing this legislation and for giving us this opportunity as a body, Democrats and Republicans, to express our condolences not just to the American families but also to those in Kenya and Tanzania who lost loved ones or had loved ones hurt very severely, and also to thank the countries of Kenya and Tanzania for the cooperation they have given in trying to apprehend these cowardly terrorists.

Let me also remind the body that within hours of that horrific act, the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, the gentleman from Maryland (Mr. HOYER), who is the ranking member on the Helsinki Commission, the gentleman from Maryland (Mr. CARDIN) and I convened a press conference on the grassy triangle. The gentleman from Florida (Mr. HASTINGS) and others were all very supportive of that.

We made it clear that no terrorist should take any solace in any bickering that they may see going on in the Capitol of Washington; that whatever the President's problems may be, we are united in our fight against terrorism; that we will stand shoulder-to-shoulder in trying to apprehend terrorists; and that when you pick on Americans, when you go after Americans, we are absolutely united.

I think that message is coming across. This resolution will help. I want to commend the gentleman from Florida (Mr. HASTINGS) for bringing us this important resolution.

Mr. HASTINGS of Florida. Madam Speaker, I would like to echo and associate myself with the remarks of the distinguished gentleman from New Jersey (Mr. SMITH).

Madam Speaker, I have no more speakers, and I yield back the rest of our time.

Mr. GILMAN. Madam Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for his very forceful remarks in support of the resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is with great sadness, that we all recall the day early this past August when several American officials were killed and injured when terrorist planted bombs exploded at the U.S. embassies in Nairobi and in Tanzania.

These bombs sent powerful explosions throughout U.S. embassy buildings in Nairobi and Dar-es-Salaam, causing significant damage to both buildings, and resulting in the death and wounding of numerous individuals.

These bombings were violent and cowardly acts that preyed on innocent people. As a member of this Congress, we must not tolerate this violence! These bombings were a sobering reminder that violence can occur even in parts of the world where you would least expect it. We must continue to deliberate over what actions to take, both to step up security at other US installations and embassies around the world and to see what help we can give to the Kenyan and Tanzanian authorities in their investigation of the two blasts. These bombings were devastating to all of us here in Congress.

The last major attack against a U.S. facility abroad was in June 1996, when a car bomb devastated a military housing complex near Dhahran, Saudi Arabia, killing 19 Americans. The culprits are not known to have been found. In this last attack, the U.S. worked with local officials in both countries to rapidly move medical, engineering, security and other support personnel and equipment from U.S. facilities inside and outside the region to both locations.

In addition, the U.S. has taken appropriate security measures at our embassies and military facilities throughout the region and around the world. Along with the President we must pledge to use all the means at our disposal to bring those responsible to justice, no matter what or how long it takes. As a member of Congress, I believe the United States should do everything it can to assure that American citizens serve in safety. The families and the loved ones of the American and African victims of these cowardly attacks will of course remain in our thoughts and prayers, and we must continue to express our outrage at the devastation caused by these terrorist acts.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 523, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998

Mr. COBLE. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3528) to amend title 28, United States Code, with respect to the use of alternative dispute resolution processes in United States district courts, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 2, after line 3, insert:

"SEC. 2. FINDINGS AND DECLARATION OF POLICY.

"Congress finds that—

"(1) alternative dispute resolution, when supported by the bench and bar, and utilizing properly trained neutrals in a program adequately administered by the court, has the potential to provide a variety of benefits, including greater satisfaction of the parties, innovative methods of resolving disputes, and greater efficiency in achieving settlements;

"(2) certain forms of alternative dispute resolution, including mediation, early neutral evaluation, minitrials, and voluntary arbitration, may have potential to reduce the large backlog of cases now pending in some federal courts throughout the United States, thereby allowing the courts to process their remaining cases more efficiently; and

"(3) the continued growth of Federal appellate court-annexed mediation programs suggests that this form of alternative dispute resolution can be equally effective in resolving disputes in the federal trial courts; therefore, the district courts should consider including mediation in their local alternative dispute resolution programs."

Page 2, line 4, strike out "**SEC, 2**" and insert: "**SEC. 3**"

Page 2, line 21, strike out "2071(b)" and insert: "2071(a)"

Page 3, line 1, strike out "2071(b)" and insert: "2071(a)"

Page 4, line 5, strike out "**SEC. 3**" and insert: "**SEC. 4**"

Page 4, line 13, strike out "2071(b)" and insert: "2071(a)"

Page 5, line 18, strike out "2071(b)" and insert: "2071(a)"

Page 5, line 22, strike out "**SEC. 4**" and insert: "**SEC. 5**"

Page 6, line 21, strike out "2071(b)" and insert: "2071(a)"

Page 7, line 1, strike out "**SEC. 5**" and insert: "**SEC. 6**"

Page 7, line 7, strike out "subsections (b) and (c)" and insert: "subsections (a), (b), and (c)"

Page 7, line 11, after "it" insert: "when the parties consent"

Page 7, line 24, strike out "2071(b)" and insert: "2071(a)"

Page 8, line 9, strike out "section" and insert: "chapter"

Page 8, line 10, strike out "action" and insert: "program"

Page 8, line 11, strike out "section 906" and insert: "title IX"

Page 8, line 12, strike out "100–102" and insert: "100–702"

Page 8, line 13, strike out "as in effect prior to the date of its repeal" and insert: "as amended by section 1 of Public Law 105-53"

Page 8, line 14, strike out "**SEC. 6**" and insert: "**SEC. 7**"

Page 9, line 16, strike out "**SEC. 7**" and insert: "**SEC. 8**"

Page 10, line 1, strike out "**SEC. 8**" and insert: "**SEC. 9**"

Page 10, line 21, strike out "2071(b)" and insert: "2071(a)"

Page 11, line 22, strike out "**SEC. 9**" and insert: "**SEC. 10**"

Page 12, line 10, after "arbitrators" insert: "and other neutrals"

Page 12, line 13, strike out "**SEC. 10**" and insert: "**SEC. 11**"

Page 12, line 18, strike out "**SEC. 11**" and insert: "**SEC 12**"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill H.R. 3528.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3528 is designed to address the problem of high caseloads burdening the Federal courts. This legislation will provide a quicker, more efficient method by which to resolve some Federal cases when the parties or the courts so choose.

H.R. 3528 directs each Federal trial court to establish some form of alternative dispute resolution, popularly known as ADR, which could include arbitration, mediation, mini trials, or early neutral evaluation or some combination of those for certain civil cases.

The bill also provides for the confidentiality of the alternative dispute resolution process and prohibits the disclosure of such confidential communications.

The version considered today is substantially the same as the one we passed under suspension in April, with minor Senate clarifications. The bill has no known opposition and is supported by the American Bar Association, the Judicial Conference and the Department of Justice.

This legislation will provide the Federal courts with the tools necessary to present quality alternatives to intensive Federal litigation. In sum, this is a good bill that will offer our citizens a reasonable and cost-effective alternative to expensive Federal litigation, while at the same time still guaranteeing their right to have their day in court.

I urge my colleagues, Madam Speaker, to pass H.R. 3528.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 3528, the Alternative Dispute Resolution Act of 1998. As litigation increases, so do litigation costs. It is clear that we all agree Congress should do all it can to encourage opposing parties to try alternative dispute resolution.

While I am concerned about the bill's provision making this process mandatory, since the overwhelming majority of Federal courts already have some form of alternative dispute resolution, the mandatory provision is a de jure insult but not so much de facto.

As one who served in the Federal courts and in the State courts, I am mindful of the tremendous need for alternative dispute resolution.

The Federal courts have been willing to implement alternative dispute resolution. This bill now says they must. I would prefer that the decision whether to adopt a particular court-annexed ADR program be left to the courts, but I think this bill has it both ways. It requires mandatory alternative dispute resolution but retains some flexibility for the courts to determine for themselves exactly what kind.

The legislation has improved dramatically from what it reflected upon introduction. There is more flexibility for the courts to determine how to proceed once they set up an alternative dispute resolution program. I appreciate the positive changes that have been made and urge my colleagues to support this bill, and thank the sponsor and cosponsors, my good friend, the gentleman from North Carolina (Mr. COBLE), for bringing this action for our consideration.

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 3528, the Alternative Dispute Resolution Act of 1998.

This Bill passed the House in April, by a vote of 405 to 2, and it is here again, with Senate Amendments.

Alternative Dispute Resolution is commonly referred to as "ADR."

ADR includes a range of procedures, such as mediation, arbitration, peer panels and ombudsmen.

Traditional dispute resolution in America almost always involves a Plaintiff and a Defendant, battling each other in a court, before a judge or jury, to prove that one is wrong and one is right.

It is time consuming, and it is expensive, too expensive for most wage earners to afford, and often too time-consuming to be of much practical use.

In addition, as one writer has observed, a process that has to pronounce "winners and losers necessarily destroys almost any preexisting relationship between the people involved . . . [and] . . . it is virtually impossible to maintain a civil relationship once people have confronted one another across a courtroom."

The Bill before us requires all U.S. District Courts to establish a voluntary alternative dispute resolution program within the courts.

The purpose of the Bill is to guarantee that all litigants have another way to resolve their differences, short of a full trial.

Mediation is a voluntary process in which a neutral third party—a mediator—assists two or more disputants, to reach a negotiated settlement of their differences.

The process allows the principal parties to vent and diffuse feelings, clear up misunderstandings, find areas of agreement, and incorporate these areas of agreement into solutions that the parties themselves construct.

The process is quick, efficient and economical.

It also facilitates lasting relationships between disputants.

A recent survey by the Government Accounting Office showed that mediation is the ADR technique of choice among the five federal agencies and five private corporations that were surveyed.

The Report stated, "Most of the organizations we studied had data to show that their ADR processes, especially mediation, resolved a high proportion of disputes, thereby helping them avoid formal redress processes and litigation."

In a taped message on Law Day, May 1st, Attorney General Janet Reno said, "Our lawyers are using mediation . . . to resolve . . . employment . . . cases. I have directed that all of our attorneys in civil practice receive training in mediation advocacy."

On that same day, President Clinton issued a memorandum, creating a federal interagency committee to promote the use of alternative dispute resolution methods within the federal government, pursuant to the Administrative Dispute Resolution Act of 1996.

In addition, the Civil Rights Act of 1991 encourages the use of mediation and other alternative means of resolving disputes that arise under the Act or provisions of federal laws amended by the title.

And, in 1995, the Equal Employment Opportunity Commission promulgated its policy on ADR which encourages the use of ADR in appropriate circumstances.

ADR can provide faster, less expensive, less contentious and more productive results in eliminating disputes.

In sum, ADR is effective and is legislatively and administratively encouraged.

Mediation is the ADR method of choice.

It is the wave of the future, an effective tool.

In the next Congress, I intend to introduce legislation to further encourage the use of ADR.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support H.R. 3528, this important legislation relating to the Alternative Dispute Resolution Act of 1998. Alternative Dispute Resolution, whether medication, neutral evaluation, arbitration, mini-trial or any other fair procedure that the courts can oversee, and which makes litigation less burdensome, is in my view welcome and something that we should all support.

As a member of the Judiciary Committee, I support reporting out this bill which provides the appropriate standards for federal courts throughout the nation to continue to develop workable alternative dispute resolution methods, and I am pleased that we worked with the judicial conference and the department of justice to craft legislation which is not objected to by those important institutions.

I support the legislation before us. According to the Administrative Office of the U.S. Courts, the vast majority of the 94 federal district courts have established dispute resolution programs, in effect, simply because it works. It is efficient, less expensive and, it works for all parties involved. I hope my colleagues throughout Congress support this legislation.

Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. COBLE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and concur in the Senate amendments to H.R. 3528.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

POLICE, FIRE, AND EMERGENCY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3046) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty, as amended.

The Clerk read as follows:

H.R. 3046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Police, Fire, and Emergency Officers Educational Assistance Act of 1998".

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

(1) in the heading for subpart 2, by striking "**Civilian Federal Law Enforcement**" and inserting "**Public Safety**";

(2) in section 1211(1), by striking "civilian Federal law enforcement" and inserting "public safety";

(3) in section 1212(a)—

(A) in paragraph (1)(A), by striking "Federal law enforcement" and inserting "public safety";

(B) in paragraph (2), by striking "Financial" and inserting the following: "Except as provided in paragraph (3), financial"; and

(C) by adding at the end the following:

"(3) The financial assistance referred to in paragraph (2) shall be reduced by the sum of—

"(A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and

"(B) the amount, if any, determined under section 1214(b).";

(4) in section 1214—

(A) by inserting "(a) IN GENERAL.—" before "The"; and

(B) by adding at the end the following:

"(b) SLIDING SCALE.—Notwithstanding section 1213(b), the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible dependent who is in financial need receives priority in receiving funds under this subpart.";

(5) in section 1216(a), by inserting "and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997," after "1992,"; and

(6) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as we were all so painfully reminded this past July, law enforcement officers are at risk for serious injury or loss of life every time they don their uniform.

The United States Capitol serves as an international symbol for peace and justice, and yet on July 24 this year a violent and angry gunman shattered that image and took the lives of two heroic and dedicated police officers. It is a national tragedy, but the sacrifices made by Officers Gibson and Chestnut were not the first and will not be the last.

Even as we work to further secure the lives of our law enforcement officers, we can and must seek out new ways in which to express our gratitude. This legislation provides such an opportunity. Nationwide, police departments offer emotional, spiritual and financial support to spouses and children of deceased officers.

The Federal Government, too, offers several benefits and assistance programs. For example, the program we are amending today as a result of a bill we passed in the last Congress provides educational assistance to dependents of Federal officers who are permanently disabled or killed in the line of duty.

H.R. 3046, the Police, Fire and Emergency Officers Act of 1998, extends the Federal educational assistance benefits to dependents of State and local law enforcement officers killed or permanently injured in the line of duty. Thankfully, there is a small number of persons who are eligible under the program at the Federal law enforcement level.

The Bureau of Justice Assistance, within the Department of Justice, anticipates that additional funding for other public safety officers' dependents should not pose any new financial changes.

Specifically, the costs to Federal law enforcement dependents assistance program are estimated to be $515,000 in 1998, including the estimated number of new survivors. That number includes, Madam Speaker, $182,000 for 30 Federal survivors, plus $333,000 for an estimated 55 new survivors under the extension this legislation proposes.

Madam Speaker, this legislation can have an enormous impact on the quality of life for a child whose mother or father may have died while in service to the public. The Congress should pass this legislation as an expression of thanks to those public safety officers who have given their lives for the good of our citizenry.

□ 1700

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3046, the Federal Law Enforcement Dependents Assistance program, an important change in Federal law that we should all be focused on today and proud to see enacted into law.

I know that the ranking member, the gentleman from Michigan (Mr. CONYERS), the gentleman from North Carolina (Mr. COBLE), the gentleman from Pennsylvania (Mr. FOX), the gentleman from Hawaii (Mr. ABERCROMBIE) and other Members who are cosponsors originally of this matter stand proud for its coming forward today.

This legislation, spearheaded by the gentleman from Florida (Mr. MCCOLLUM), my colleague, of the Subcommittee on Crime, would amend the law to extend Federal educational assistance benefits to dependents of State and local law enforcement officials killed in the line of duty.

We can all hope that the number of eligible beneficiaries of this change will, one day, be zero. But sadly, that will probably not be the case. It is the least that we can do to say to law enforcement officers, Federal and State who give their lives in the line of duty, that we will help take care of their children.

This legislation comes too late for a police officer friend of mine named Reuben in Miami, Florida, who will be buried on tomorrow. His children, Rashedra, Jeanette and Shelton, would be beneficiaries that if this law were retroactive it would benefit. I stand to memorialize it in his name and the name of all officers that have died in the line of duty who have preceded this particular legislation.

Madam Speaker, I urge my colleagues to support this important legislation and enact it into law today.

Madam Speaker, I reserve the balance of my time.

Mr. COBLE. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Madam Speaker, I thank the gentleman for his leadership in this regard and in all public safety matters, as well as the gentleman from Florida (Mr. HASTINGS) for his assistance in this regard, and our subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM), for bringing us to this point.

I also want to make strong mention that on the Democratic side of the aisle, the person who has led the leadership on this bill is the gentleman from Hawaii (Mr. ABERCROMBIE). We thank him for his efforts in bringing this bill forward and making sure that it becomes a reality.

As well, on this side of the aisle, the gentlewoman from New York (Mrs. KELLY) has been steadfast in making sure that we brought this bill to this point.

Also, in our efforts to bring it to reality, we have to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Minnesota (Mr. RAMSTAD), who chair the Law Enforcement Caucus, and who, working together with the gentleman from Pennsylvania (Mr. WELDON), helped to see its passage.

H.R. 3046, the Police, Fire and Emergency Officers Educational Assistance Act, expands that bill of the Former Federal Legislation Officers Assistance to one that will take care of State officials as well.

As my colleagues know, the Degan Act, named for U.S. Deputy Marshal Bill Degan who died in the Ruby Ridge shoot-out in 1992, was legislation to bring about Federal assistance to the heirs and to the survivors and children of Federal law enforcement officials.

Well, this Degan Act has been established within the Department of Justice to provide educational assistance to the dependents of Federal law enforcement officials killed or injured in the line of duty. I was proud to work for the enactment of this legislation in the waning days of the 104th Congress, which at that time, for my local circumstance, Madam Speaker, recalls the importance of the FBI's Special Agent Charles Reed from my district, who was the first Philadelphia-area FBI officer ever killed; and it was inspirational for me to have that Federal law originally passed to commemorate his outstanding work.

But this bill is both the local level and State level. As a former Assistant DA, I know that police officers and firefighters lay their lives down on a daily basis, and sadly, too often, many of them have passed on, but at least their families should know that they have the educational assistance which is so necessary.

In Charles Reed's situation, he was the 46th agent that died in the line of duty, and he leaves behind his wife, Susan and three sons, Joshua, 21, Todd, 18, and Kelley, 17.

The Department of Justice supports this bill and they currently have the administrative mechanisms in place to expand it and to make sure that it provides on the State level the same educational benefits we have given to Federal officers.

I want to thank, besides Senator SPECTER who introduced the companion bill, Paul McNolty from the Committee on the Judiciary staff and Brian Tynan from my own staff as legislative director.

I strongly believe that this bill is the least we can do to support the families of law enforcement and emergency officers that made the highest sacrifice on our behalf. I believe this is a logical extension to place this benefit on the State level as well as the Federal level.

So I urge my colleagues, Madam Speaker, to reach out to the families of our fallen public safety officers, firefighters and police and pass this important legislation.

Mr. HASTINGS of Florida. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Hawaii (Mr. ABERCROMBIE), one of the hardest-working Members of the United States House of Representatives.

Mr. ABERCROMBIE. Madam Speaker, first, may I express my gratitude to the gentleman from Pennsylvania (Mr. FOX) for his leadership. I think it is probably commonplace, Madam Speaker, that we extend gratitude to one another on the floor and, on occasion, it may seem to be almost perfunctory in nature. But as has been indicated by all of the speakers to this point on this bill that we are dealing here with issues of life and death. We are dealing with the most profound emotions, we are dealing with points of finality that go beyond philosophy, rhetoric or ideology.

In that context and speaking as one who has been an officer of the court in my past professional life as a probation officer, having seen daily what police officers and what firefighters go through in terms of the anxiety brought to themselves and to their families, with the sure knowledge each time that they go from their homes and families that they face instances and circumstances, contexts and situations which may require of them literally the ultimate sacrifice of their life.

Knowing that that is the milieu within which they conduct themselves, we find ourselves, I think, often supposedly dealing with ultimate things, if you will, and very heavy and profound matters at hand, but none of us can place ourselves in that position, except possibly only intellectually, until we recognize that this is something that is faced every day, every hour that someone is on the job.

Madam Speaker, this bill, which was put forward by the gentleman from Pennsylvania (Mr. FOX) and with the very able assistance of the gentleman from Florida (Mr. MCCOLLUM), who has also been acknowledged by the gentleman from Pennsylvania (Mr. FOX), as being crucial to getting us to this point. This bill expands the Federal Law Enforcement Dependent Assistance program to public safety officers. As has been indicated, it was established in 1996, and there are now, as the gentleman from North Carolina (Mr. COBLE) indicated, some 30 individuals under the Federal law which are now benefiting.

It is an interesting word also, "benefiting." This is a benefit that is hardly sought by any of these individuals or these families, and they all wish most deeply that they were not the recipients of what otherwise is seen as a solicitous term, "beneficiary."

There are some 55 others now, because we are extending this to the State and local level. We have talked often on this floor over the past several years about trying to extend the opportunity to the local level of decisionmaking. But as the gentleman from Pennsylvania (Mr. FOX) indicated to me when we first began to talk about it, not every jurisdiction has the financial means to enable them to see to the education of the children of those who may have fallen in the line of duty.

What we are trying to do here is kind of equalize, if you will, the opportunity for us to show the gratitude that we all feel towards those who have put their lives literally on the line for us. This bill then provides a means to meet this vital need.

In effect, what happens is that it provides educational assistance to the survivors of Federal law, that is to say the Federal law as it now exists is extended to provide assistance to the children of those killed or permanently and totally disabled in the line of duty. It was created to help these dependents of those killed in the line of duty or disabled to afford higher education, and it is, in fact, administered by the Bureau of Justice Assistance within the Department of Justice.

We have worked very, very hard to see to it that this does not place any financial burden, as such, or more than has already existed to this point.

In Hawaii, we have had only three police officers killed in the line of duty since 1991. We are fortunate that not more law enforcement officers and others have been killed to this time. Other jurisdictions have not been so lucky.

So then, Madam Speaker, my point is, in expressing my gratitude, that this is not necessarily a noble goal, absent from a funding mechanism. The changes made to the bill enable the program to be properly funded so that children of fallen officers can receive higher education assistance.

We can never compensate the children for the loss of a parent who died in the line of duty. The least we can do is have a program in place to assist them in meeting their educational goals.

I, too, then, in conclusion, would like to thank the staffs, particularly those working with the gentleman from Pennsylvania (Mr. FOX) in his office, Laura Gerum in my office who has done absolutely superb work on this issue, unstinting in their dedication and focus. We are very, very grateful to those who see us to this point today.

Madam Speaker, it but remains for me to thank all of those who will be voting for this bill. I hope it will be unanimous by this body.

Mr. COBLE. Madam Speaker, I have no additional requests for time.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time.

Mrs. KELLY. Madam Speaker, I rise today to express my strong support for H.R. 3046, which provides support to the family members of public safety officers who are killed or disabled in the line of duty.

I would also like to commend Congress FOX for all of his hard work on this critically important issue. This issue is a top priority of mine, and I have worked hard to see that it is addressed by Congress this year.

H.R. 3046 is very similar to H.R. 2088, a bill I sponsored this year that was unanimously approved as part of H.R. 6 to establish a similar system of financial support for these families.

Police officers and firefighters lay their lives on the line on a daily basis, Madam Speaker, and sadly, all too often they make the ultimate sacrifice in the service of their communities.

These are our friends, our neighbors, our loved ones, and they leave behind families who must continue on. The death of a father or mother takes an obvious emotional toll, but it also impacts the financial security of the family, particularly when it comes to meeting educational expenses.

This bill seeks to address this particular problem by authorizing the Department of Justice to offer higher education assistance to the families of State and local public safety officers killed or disabled in the line of duty.

Last Congress, Congress adopted legislation to award education assistance to family members of Federal law enforcement officers killed in the line of duty. I was pleased to support that legislation, which passed both the House and Senate by voice votes.

I am proud to support H.R. 3046, which takes the next logical step and extends this benefit to the families of all public safety officers who are killed while serving their communities.

Our public safety officers deserve our respect, gratitude and support. I urge my colleagues to join me in support of this important legislation.

Mr. COBLE. Madam Speaker, I too yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. COBLE. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 1525) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Officers Educational Assistance Act of 1998".

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

(1) in the heading for subpart 2, by striking "**Civilian Federal Law Enforcement**" and inserting "**Public Safety**";

(2) in section 1211(1), by striking "civilian Federal law enforcement" and inserting "public safety";

(3) in section 1212(a)(1)(A), by striking "Federal law enforcement" and inserting "public safety";

(4) in section 1216(a), by inserting "and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997," after "1992,"; and

(5) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (6) as paragraphs (2) and (3), respectively.

MOTION OFFERED BY MR. COBLE

Mr. COBLE. Madam Speaker, I offer a motion.

The Clerk read as follows:

Mr. COBLE moves to strike out all after the enacting clause of S. 1525 and insert, in lieu thereof, the provisions of H.R. 3046 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3046) was laid on the table.

ADJOURNMENT FROM SATURDAY, OCTOBER 10, 1998 TO SUNDAY, OCTOBER 11, 1998

Mr. COBLE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow, Sunday, October 11, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HOUR OF MEETING ON MONDAY, OCTOBER 12, 1998

Mr. COBLE. Madam Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at 12:30 p.m. on Monday, October 12, 1998 for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1998

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3610) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3610

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oilheat Research Alliance Act of 1998".

SEC. 2. FINDINGS.

The Congress finds that—

(1) oilheat is an important commodity relied upon by approximately 30,000,000 Americans annually as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, including wholesale distributors and retail marketers, as well as for the general economy of the United States and the millions of Americans who rely on oilheat for commercial and residential space and hot water heating.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "Alliance" means a National Oilheat Research Alliance created pursuant to section 4 of this Act;

(2) the term "consumer education" means the provision of information that will assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels;

(3) the term "exchange" means an agreement that entitles each party or its customers to receive product from the other party and requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the product;

(4) the term "industry" means those persons involved in the production, transportation, and sale of oilheat, and in the manufacture and distribution of oilheat utilization equipment, in the United States, but such term does not include the ultimate consumers of oilheat;

(5) the term "industry trade association" means an organization exempt from tax, under section 501(c) (3) or (6) of the Internal Revenue Code of 1986, representing participants in the industry;

(6) the term "No. 1 distillate" means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials;

(7) the term "No. 2 dyed distillate" means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials which is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury pursuant to section 4082(a)(2) of the Internal Revenue Code of 1986;

(8) the term "oilheat" means—

(A) No. 1 distillate; or

(B) No. 2 dyed distillate,

which is used as a fuel for nonindustrial commercial or residential space or hot water heating;

(9) the term "public member" means a member of the Alliance described in section 5(c)(6);

(10) the term "qualified industry organization" means the National Association for Oilheat Research and Education or a successor organization;

(11) the term "qualified State association" means the industry trade association or other organization that the qualified industry organization, or, after its establishment under this Act, the Alliance, determines best represents retail marketers in a State;

(12) the term "retail marketer" means a person engaged primarily in the sale of oilheat to the ultimate consumer;

(13) the term "Secretary" means the Secretary of Energy; and

(14) the term "wholesale distributor" means a person who—

(A) produces;

(B) imports; or

(C) transports across State boundaries and among local marketing areas,

No. 1 distillate or No. 2 dyed distillate, and sells such distillate to another person who does not produce, import, or transport distillates as described in this paragraph.

SEC. 4. REFERENDA.

(a) CREATION OF PROGRAM.—The industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the creation of a National Oilheat Research Alliance. The Alliance, if established, shall reimburse the qualified industry organization for the cost of referendum accounting and documentation. Such referendum shall be conducted by an independent auditing firm. Voting rights of a retail marketer in such referendum shall be based on the volume of oilheat sold in a State by the retail marketer in the previous calendar year or other representative period. Voting rights of a wholesale distributor in such referendum shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by the wholesale distributor in the previous calendar year or other representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in that State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State. Upon approval of those persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established, and shall be authorized to levy assessments in accordance with section 6. All persons voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by their vote. Except as provided in subsection (b), a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in that State, subject to the volumetric voting rules established by this subsection, is in favor of the creation of the Alliance. A qualified State association may notify the qualified industry organization within 90 days after the date of the enactment of this Act in writing that a referendum under this subsection will not be conducted in that State.

(b) SUBSEQUENT STATE PARTICIPATION.—A State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum in accordance with subsection (a).

(c) TERMINATION OR SUSPENSION.—On the Alliance's own initiative, or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the industry favors termination or suspension of the Alliance. Termination or suspension shall not take effect unless it is approved by persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, or is approved by persons representing more than two-thirds of the total volume of fuel voted in either such class.

SEC. 5. NATIONAL OILHEAT RESEARCH ALLIANCE.

(a) SELECTION OF MEMBERS.—Except as otherwise provided in subsection (c)(3), the qualified industry organization shall select all members of the Alliance. The qualified industry organization shall select a member representing a State from a list of nominees submitted by that State's qualified State association. Vacancies in unfinished terms of Alliance members shall be filled in the same manner as were the original appointments.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall give due regard to selecting a Alliance that is representative of the industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) MEMBERSHIP.—The membership of the Alliance shall be as follows:

(1) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(2) If less than 24 States are represented under paragraph (1), one member representing each of the States with the highest volume of annual oilheat sales as necessary to cause the total number of States represented under paragraph (1) and this paragraph combined to equal 24.

(3) 5 representatives of retail marketers, one each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(4) 5 additional representatives of retail marketers.

(5) 21 representatives of wholesale distributors.

(6) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, or other groups knowledgeable about oilheat.

Other than the public members, Alliance members shall be full-time employees or owners of businesses in the industry, except that members described in paragraphs (3), (4), and (5) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their services, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, upon request, may be reimbursed for reasonable expenses directly related to their participation in Alliance meetings.

(e) TERMS.—Alliance members shall serve terms of 3 years and may serve not more than 2 full consecutive terms. Members filling unexpired terms may serve not more than a total of 7 consecutive years. Former members of the Alliance may be returned to the Alliance if they have not been members for a period of 2 years. Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

(f) FUNCTIONS.—(1) The Alliance shall develop programs and projects and enter into contracts or agreements for implementing this Act, including programs—

(A) to enhance consumer and employee safety and training;

(B) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(C) for consumer education,

and may provide for the payment of the costs thereof with funds collected pursuant to this Act. The Alliance shall coordinate its activities with industry trade associations and others as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(2) Research, development, and demonstration activities authorized under paragraph (1)(B) shall include all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment. Such activities include obtaining a patent, including payment of attorney's fees for making and perfecting a patent application. Such activities do not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(3) Activities authorized under paragraph (1)(A) or (B) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(g) PRIORITIES.—Issues related to research, development, and demonstration, safety, consumer education, and training shall be given priority by the Alliance in the development of its programs and projects.

(h) ADMINISTRATION.—The Alliance shall select from among its members a Chairman and other officers as necessary, may establish and authorize committees and subcommittees of the

Alliance to take specific actions the Alliance is authorized to take, and shall adopt rules and bylaws for the conduct of business and the implementation of this Act. The Alliance shall establish procedures for the solicitation of industry comment and recommendations on any significant plans, programs, and projects to be funded by the Alliance. The Alliance may establish advisory committees of persons other than Alliance members. Each member of the Alliance shall have 1 vote in matters before the Alliance.

(i) ADMINISTRATIVE EXPENSES.—(1) The administrative expenses of operating the Alliance (not including costs incurred in the collection of the assessment pursuant to section 6) plus amounts paid under paragraph (2) shall not exceed 7 percent of the funds collected in any fiscal year, except that during the first year of its operation such expenses and amounts shall not exceed 10 percent of such funds.

(2) The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance. Such reimbursement for any fiscal year shall not exceed the amount that the Secretary determines is 2 times the average annual salary of 1 employee of the Department of Energy.

(j) BUDGET.—Before August 1 each year, the Alliance shall publish for public review and comment a budget plan for the next calendar year, including the probable costs of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover such costs. Following this review and comment, the Alliance shall submit the proposed budget to the Secretary and to the Congress. The Secretary may recommend programs and activities the Secretary considers appropriate. The Alliance shall not implement a proposed budget until after receiving the Secretary's recommendations, or after the expiration of 60 days after submitting the proposed budget, whichever occurs first.

(k) RECORDS; AUDITS.—The Alliance shall keep books and records that clearly reflect all of the acts and transactions of the Alliance and make public such information. The books of the Alliance, including fee assessment reports and applications for refunds, shall be audited by a certified public accountant at least once each fiscal year and at such other times as the Alliance may designate. Copies of such audit shall be provided to the Secretary, all members of the Alliance, the qualified industry organization, and to other members of the industry upon request. The Alliance shall establish policies and procedures for auditing compliance with this Act that shall conform with generally accepted accounting principles. The Secretary shall make available to the Alliance any information the Alliance requests for auditing compliance, except for information the Secretary is prohibited by law from releasing.

(l) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—(1) All meetings of the Alliance shall be open to the public after at least 30 days advance public notice.

(2) The minutes of all meetings of the Alliance shall be made available to and readily accessible by the public.

(m) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report which includes an identification and description of all programs and projects undertaken by the Alliance during the previous year as well as those planned for the coming year. Such report shall also detail the allocation or planned allocation of Alliance resources for each such program and project.

(n) CALCULATION OF OILHEAT SALES.—For purposes of this section, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to the preceding calendar year or other equivalent period.

SEC. 6. ASSESSMENTS.

(a) AMOUNT.—The Alliance shall set the initial assessment at no greater than two tenths of 1 cent per gallon of No. 1 distillate and No. 2 dyed distillate. Thereafter, annual assessments shall be sufficient to cover the costs of the plans and programs developed by the Alliance, except that under no circumstances shall the assessment be greater than one-half cent per gallon of No. 1 distillate and No. 2 dyed distillate unless approved by a majority of those voting in a referendum in both the retail marketer class and the wholesale distributor class. In no case may the assessment be raised by more than one tenth of 1 cent per gallon of No. 1 distillate and No. 2 dyed distillate annually, and no increases may occur unless approved by a two-thirds vote of the Alliance.

(b) COLLECTION RULES.—The assessment shall be collected upon the sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange. The wholesale distributor shall be responsible for payment of the assessment to the Alliance and shall provide to the Alliance certification of the volume of fuel sold. A person who has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section. Assessments shall be made on all No. 1 distillate and No. 2 dyed distillate sold in a State that is participating in the Alliance, and are payable to the Alliance on a quarterly basis. Any No. 1 distillate or No. 2 dyed distillate previously assessed shall not be subject to further assessment. A wholesale distributor who fails within one year of sale to receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate sold may apply for a refund directly from the Alliance. Such refund may not exceed the amount of the assessments levied upon the No. 1 distillate and No. 2 dyed distillate for which payment was not received. The owner of No. 1 distillate and No. 2 dyed distillate imported after the point of sale described in the first sentence of this subsection shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States, and shall provide to the Alliance certification of the volume of fuel so imported.

(c) EXCLUSIONS.—No. 1 distillate and No. 2 dyed distillate sold for uses other than oilheat are excluded from the assessment. The Alliance shall establish rules and procedures for refunding to wholesale distributors, and to retail marketers or other end users who purchase from a wholesale distributor, assessments collected on excluded gallons.

(d) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a State's request for, an alternative means of collecting the assessment if another means is found to be more efficient and effective. The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this Act.

(e) INVESTMENT OF FUNDS.—Pending disbursement pursuant to a program, plan, or project, the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(f) STATE PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with those of any similar State, local, or regional program created by State law or regulation, or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) BASE AMOUNT.—The Alliance shall make available to each State's qualified State association 15 percent of the funds raised in the State pursuant to the assessment under this section.

(B) REQUEST FOR ADDITIONAL AMOUNT.—A qualified State association may request that the Alliance provide any portion of the remaining 85 percent of the funds raised in the State. A request under this subparagraph shall—

(i) specify the amount of funds requested;

(ii) describe in detail the specific uses for which the requested funds are sought;

(iii) include a commitment to comply with this Act in using the requested funds; and

(iv) be made publicly available.

The Alliance shall not provide any funds in response to a request under this subparagraph unless it determines that the funds will be used to directly benefit the oilheat industry. The Alliance shall monitor the use of funds provided under this subparagraph, and shall impose whatever terms, conditions, and reporting requirements it considers necessary to ensure compliance with this Act.

SEC. 7. COMPLIANCE.

The Alliance may bring suit in Federal court to compel compliance with an assessment levied by the Alliance under this Act. A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing such action.

SEC. 8. LOBBYING RESTRICTIONS.

No funds collected by the Alliance shall be used in any manner for influencing legislation or elections, except that the Alliance may recommend to the Secretary changes in this Act or other statutes that would further the purposes of this Act.

SEC. 9. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 10. VIOLATIONS.

(a) PROHIBITION.—Any consumer education activity, undertaken with funds provided by the Alliance, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product,

is prohibited.

(b) FILING AND TRANSMITTAL OF COMPLAINTS.—A public utility aggrieved by a violation described in subsection (a) may file a complaint. Such complaint shall be transmitted concurrently to the Alliance and to any qualified State association undertaking the consumer education activity with respect to which the complaint is made. Upon receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease those consumer education activities until—

(1) the complaint is withdrawn; or

(2) a court of jurisdiction has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint. If the issues in dispute are resolved in

those discussions, the complainant shall withdraw its complaint.

(d) JUDICIAL REVIEW.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any aggrieved person, may seek relief under this section in Federal court. A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(1) the complaint is withdrawn; or

(2) a court of jurisdiction has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) ATTORNEYS FEES.—In any case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover its attorneys fees from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made. In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover its attorneys fees.

SEC. 11. SUNSET.

This Act shall cease to be effective 4 years after the date on which the Alliance is established.

☐ 1715

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3610, the National Oilheat Research Alliance Act. This bill, introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) allows the oilheat industry to establish an oilheat checkoff fee to fund research development and consumer education programs related to oilheat.

Oilheat plays an important role in keeping homes and businesses warm in the winter in many parts of this country. This legislation will give the oilheat industry greater resources to undertake research and development activities targeted at finding new and more efficient ways to use oilheat.

Significantly, this bill which was proposed by the oilheat industry does not require the expenditure of significant amounts of Federal money. Through this bill, the oilheat industry is looking for ways to help itself, not a government handout.

In particular, H.R. 3610 authorizes the oilheat industry to conduct a referendum among its retailers and wholesalers for the creation of a National Oilheat Research Alliance, NORA. If the oilheat industry approves such a referendum, NORA will be authorized to collect annual assessments from oilheat wholesalers to cover its planning and program costs.

Madam Speaker, this is a good bill, and I urge its passage.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3610, and I certainly want to thank the gentleman from Colorado (Chairman DAN SCHAEFER) and the gentleman from Virginia (Chairman BLILEY) for bringing this bill to the floor. I compliment the gentleman from Pennsylvania (Mr. GREENWOOD) for working to improve the bill in committee to ensure that the funds are properly used.

Madam Speaker, it is my understanding that both the heating oil industry and the gas industry are satisfied with this approach, and I appreciate their efforts to work this out.

I am pleased to support the bill and I urge my colleagues to do the same.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3610, the National Oilheat Research Alliance Act. This bill has strong support from the oilheat industry and Members of the Commerce Committee on both sides of the aisle.

Oilheat is an important and economical source of home and commercial heating for many Americans and many residents of my home State, Virginia. It plays a vital role in keeping homes and businesses warm in the winter in many parts of the United States. In 1996, homes and businesses purchased more than 10 billion gallons of heating oil, with most of it concentrated in New England and the Mid-Atlantic.

Oilheat is virtually the only home heating fuel without a national industry promotion program. Thus, in order for home heating fuel to compete with other home heating fuels on a fair and equitable basis, it must obtain greater resources. This bill would allow the oilheat industry to do research, education and marketing without using any Federal money. In particular, H.R. 3610 allows the heating oil industry to establish an oilheat check-off fee to fund research, development, and consumer education programs related to oilheat.

The goals of this bill, to promote research and investment in encouraging the safe and efficient use of oilheat, are good. Even more importantly, this legislation allows the oilheat industry to fund these activities itself, rather than asking the Federal Government for funding. It is appropriate for the industry to pay for the development of new commercially applicable technologies which will benefit that industry.

I commend the Subcommittee Chairman Mr. SCHAEFER and Mr. GREENWOOD, the legislation's chief sponsor, for their good work on this bill.

Mr. HALL of Texas. Madam Speaker, I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Madam Speaker, I again thank the gentleman from Texas (Mr. HALL) for working with us on this bill, and also the gentleman from Pennsylvania (Mr. GREENWOOD).

Madam Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and pass the bill, H.R. 3610, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE ACCOMPLISHMENTS OF INSPECTORS GENERAL

Mr. HORN. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 58) recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

The Clerk read as follows:

S.J. RES. 58

Whereas the Inspector General Act of 1978 (5 U.S.C. App.) was signed into law on October 12, 1978, with overwhelming bipartisan support;

Whereas Inspectors General now exist in the 27 largest executive agencies and in 30 other designated Federal entities;

Whereas Inspectors General serve the American taxpayer by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Federal Government;

Whereas Inspectors General conduct and supervise audits and investigations to both prevent and detect waste, fraud and abuse in the programs and operations of the Federal Government;

Whereas Inspectors General make Congress and agency heads aware, through semiannual reports and other activities, of problems and deficiencies relating to the administration of programs and operations of the Federal Government;

Whereas Inspectors General work with Congress and agency heads to recommend policies to promote economy and efficiency in the administration of, or preventing and detecting waste, fraud and abuse in, the programs and operations of the Federal Government;

Whereas Inspectors General receive and investigate information from Federal employees and other dedicated citizens regarding the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to public health and safety;

Whereas Inspector General actions result in, on a yearly basis, recommendations for several billions of dollars to be spent more effectively; thousands of successful criminal prosecutions; hundreds of millions of dollars returned to the United States Treasury through investigative recoveries; and the suspension and disbarment of thousands of individuals or entities from doing business with the Government; and

Whereas for 20 years the Offices of Inspectors General have worked with Congress to facilitate the exercise of effective legislative oversight to improve the programs and operations of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the many accomplishments of the Offices of Inspectors General in preventing and detecting waste, fraud, and abuse in the Federal Government;

(2) commends the Offices of Inspectors General and their employees for the dedication and professionalism displayed in the performance of their duties; and

(3) reaffirms the role of Inspectors General in promoting economy, efficiency and effectiveness in the administration of the programs and operations of the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

GENERAL LEAVE

Mr. HORN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S.J. Res. 58.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

As chairman of the House Subcommittee on Government Management, Information, and Technology and on behalf of the gentleman from Indiana (Chairman BURTON) of the Committee on Government Reform and Oversight, the committee to which we are responsible for overseeing the economy and efficiency of the Federal Government, I am rising to recognize a very important asset we have in the war that we have waged consistently against waste, fraud and abuse within the Federal Government.

Madam Speaker, 20 years ago this month, in an effort to more effectively combat waste and mismanagement in Federal programs, on a bipartisan basis the predecessor of the Committee on Government Reform and Oversight—then known as the Committee on Government Operations—worked to establish inspectors general in our largest executive agencies. Later, the Inspector General Act of 1978 was expanded so that today we have inspectors general in 27 major agencies and in 30 of our smaller Federal agencies.

Not only my committee, the House Subcommittee on Government Management, Information, and Technology, but the entire Congress, has come to rely heavily on the critical work of the inspectors general. Their audits and their inspections help root out serious problems in various Federal programs and bring them into the light of day so both the administration and Congress can deal with it.

In April 1998, the subcommittee conducted a series of hearings which examined financial management practices in the Federal Government. One of these hearings focused on the status of financial management practices in the Health Care Financing Administration. It has a new, very able administrator and I wish her well in bringing efficiency to this complex agency.

At that hearing, the Inspector General of the Department of Health and Human Services exposed a stunning $20,300,000,000 in waste, fraud and abuse in the Medicare program. The Medicare program is one of this Nation's most important programs. Every dollar invested by the taxpayers and by Congress, and the clients and beneficiaries, must be utilized for quality medical and health care. Medicare was saved by our majority. Its benefits will be available to the generations yet to come.

With the exposure of problems such as this, agencies and Congress can work to improve programs on a bipartisan basis, make them more efficient, more effective and less costly. American taxpayers deserve no less from us than to provide the utmost accountability for their hard-earned money.

With this resolution, we salute the inspectors general and their staffs and we thank them for their two decades of extremely important work on behalf of the American people and Congress.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution and urge its adoption by the House. The Committee on Government Reform and Oversight has a long history of working in a bipartisan manner with the inspectors general to eliminate waste, fraud and abuse in Federal programs. Indeed, the original authorizing statute establishing inspectors general in the executive branch was drafted by the Government Operations Committee 20 years ago.

The close relationship between the inspectors general and the Committee on Government Reform and Oversight is entirely appropriate. The Inspector General community is one of Congress' principal watchdogs in the executive branch. There is much we can learn from each other as we work to ensure that our government operate in the most effective and efficient manner possible.

IGs have a very difficult job, in part because they are asked to serve so many masters. They are appointed by the President, but report to the Congress as well as the agency head. As independent investigators within the Federal agencies, they are often the last person a manager wants to hear from, and Members of Congress can get very upset when the need or cost of pet projects are questioned. Yet, in many instances the toughest jobs are the ones which need doing the most. That is certainly the case here.

During fiscal year 1997, IGs returns $3 billion to the Federal Government in restitution and recoveries and their audits identified other $25 billion in funds which could be used more effectively. They also had more than 15,000 successful criminal prosecutions and over 6,000 debarments, exclusions, and suspensions of companies or individuals doing business with the government.

Similar accomplishments are made year after year. The IGs have more than proven their usefulness to Congress and the American public. The Chief Financial Officers Act, the Government Management Reform Act and the Government Performance and Results Act have given the IGs some new responsibilities, particularly to ensure that Congress has complete and reliable financial information. Their work in this area is invaluable to policymakers and management executives throughout the administration.

Madam Speaker, it has been 20 years since the passage of the original IG act, and 10 since the 1988 amendments authored by Senator GLENN. The original act established IGs in six Cabinet level departments. One measure of its success is the fact that today there are inspectors general in all departments, and also in most major independent agencies.

Madam Speaker, as this resolution states in part, inspectors general serve the American taxpayer by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the government.

May I add that when it came time to choose a United States Attorney for the District of Columbia, I asked the President to appoint the Inspector General from the Department of the Interior, Wilma Lewis. She has already shown what the experience of an IG can do for the city, the Nation's capital. I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to mention just a few items that are in a statement offered by the gentleman from Indiana (Mr. BURTON). In the fiscal year 1997, which ended September 30, 1997, the inspector general audits identified $25 billion in funds that year that could be put to better use. They returned to the government $3 billion in restitution and investigative recoveries. They had more than 15,000 successful criminal prosecutions and over 6,000 debarments, exclusions, and suspension of firms or individuals doing business with the government.

They are on our frontline, Madam Speaker, and we appreciate them for their 20 years of very difficult work. Under various administrations, there has sometimes been a difficulty between the Inspector General and the Secretary of an executive department or the administrator of a particular program. A wise administrator listens to the Inspector General and does the right thing. Generally, the inspectors general have prevailed.

Madam Speaker, I urge the passage of this timely resolution.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 58.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA COURTS AND JUSTICE TECHNICAL CORRECTIONS ACT OF 1998

Mr. DAVIS of Virginia. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4566) to make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997, as amended.

The Clerk read as follows:

H.R. 4566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Courts and Justice Technical Corrections Act of 1998".

SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—Section 11–1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking "title I of the National Capital Revitalization and Self-Government Improvement Act of 1997" and inserting "subtitle A of title XI of the Balanced Budget Act of 1997"; and

(B) by inserting after the second sentence the following new sentences: "Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.".

(2) In subsection (b)(2)—

(A) by striking "chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia" and inserting "Secretary";

(B) by striking "and the Secretary";

(C) by striking "and appropriations"; and

(D) by striking "and deficiency".

(3) By amending subsection (c) to read as follows:

"(c)(1) Amounts in the Fund are available—

"(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

"(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency or instrumentality of the United States; and

"(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary s responsibilities under this subchapter.

"(2) Notwithstanding any other provision of District law or any other law (other than the Internal Revenue Code of 1986), rule, or regulation—

"(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

"(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.".

(4) In subsection (d)(1)—

(A) by striking "Subject to the availability of appropriations, there shall be deposited into the Fund" and inserting "The Secretary shall pay into the Fund from the General Fund of the Treasury"; and

(B) by striking "(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997)".

(5) In subsection (d)(2)(A)—

(A) by striking "June 30, 1997" and inserting "September 30, 1997"; and

(B) by striking "net the sum of future normal cost" and inserting "net of the sum of the present value of future normal costs".

(6) In subsection (d)(3), by striking "shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and".

(7) By adding at the end the following new subsections:

"(h) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

"(i) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.".

(b) REGULATORY AUTHORITY OF SECRETARY.—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

"(b) REGULATIONS; EFFECT ON REFORM ACT.—Title 11, District of Columbia Code, is amended by adding the following new section:

'§ 11-1572. Regulations; effect on Reform Act

'(a) The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this subchapter, and, in the Secretary's discretion, those regulations may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

'(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.'."; and

(3) by amending subsection (c) (as so redesignated) to read as follows:

"(c) CLERICAL AMENDMENTS.—

"(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11–1570 to read as follows:

'11–1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.'.

"(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

'11-1572. Regulations; effect on Reform Act.'."

(c) TERMINATION OF PREVIOUS FUND AND PROGRAM.—Section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting "(except as provided in section 11–1570, District of Columbia Code)" after "the following";

(2) in subsection (c)(1), by striking "title I of the National Capital Revitalization and Self-Government Improvement Act of 1997" and inserting "subtitle A of title XI of the Balanced Budget Act of 1997"; and

(3) in subsection (c)(2)—

(A) by striking "(2) The" and inserting "(2) In accordance with the direction of the Secretary, the";

(B) by striking "in the Treasury" and inserting "at the Board"; and

(C) by striking "appropriated" and inserting "used".

(d) ADMINISTRATION OF RETIREMENT FUNDS.—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

"(b) TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (DC Code, sec. 1–714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

"(1) In applying each such section—

"(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

"(B) any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

"(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act;

"(D) any reference to Federal benefit payments shall be deemed to include judges retirement pay, annuities, refunds and allowances under subchapter III of chapter 15 of title 11, District of Columbia Code;

"(E) any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code;

"(F) any reference to section 11033 shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

"(G) any reference to chapter 2 shall instead refer to section 11–1570, District of Columbia Code.

"(2) In applying section 11023—

"(A) any reference to the contract shall instead refer to the agreement referred to in section 11–1570(b), District of Columbia Code; and

"(B) any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

"(3) In applying section 11033(d)—

"(A) any reference to this section shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

"(B) any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

"(4) In applying section 11041(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code."; and

(3) by adding at the end the following new subsection:

"(d) Effective Date.—The provisions of subsection (c) shall take effect on the date on which the assets of the District of Columbia Judges Retirement Fund are transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund.".

(e) Miscellaneous Technical and Clerical Amendments.—(1) Sections 11–1568(d) and 11–1569, District of Columbia Code, are each amended by striking "Mayor" each place it appears and inserting "Secretary of the Treasury".

(2) Section 11–1568.2, District of Columbia Code, is amended by striking "Mayor of the District of Columbia" each place it appears and inserting "Secretary of the Treasury".

(3) Section 121(b)(1)(A) of the District of Columbia Retirement Reform Act (DC Code, sec. 1–711(b)(1)(A)), as amended by section 11252(c)(1) of the Balanced Budget Act of 1997 (as redesignated by subsection (d)(1)), is amended in the matter preceding clause (i), by striking "11" and inserting "12".

(4) Section 11–1561(4), District of Columbia Code, as amended by section 11253(b) of the Balanced Budget Act of 1997, is amended by striking "sections" and inserting "section".

(5) Section 11253(c) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended to read as follows:

"(c) Treatment of Federal Service of Judges.—Section 11-1564, District of Columbia Code, is amended—

"(1) in subsection (d)(2)(A), by striking 'section 1-1814)' and inserting 'section 1-714) or the District of Columbia Judicial Retirement and Survivors Annuity Fund (established by section 11–1570)'; and

"(2) in subsection (d)(4), by striking 'Judges Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act' and inserting 'Judicial Retirement and Survivors Annuity Fund under section 11–1570'.".

(6) Section 11253 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended by adding at the end the following new subsection:

"(d) Redeposits to Fund.—Section 11-1568.1(4)(A), District of Columbia Code, is amended by striking 'Judges Retirement Fund' and inserting 'Judicial Retirement and Survivors Annuity Fund'.".

(f) Conforming Amendment.—Effective immediately after the enactment of the Treasury and General Government Appropriations Act, 1999, section 804 of such Act is hereby repealed.

(g) Effective Date.—The amendments made by subsections (a)(2), (a)(4), and (a)(6) shall take effect October 1, 1998.

SEC. 3. RETIREMENT ELECTION FOR CERTAIN FORMER EMPLOYEES OF THE DISTRICT OF COLUMBIA.

(a) In General.—Notwithstanding any provision of the District of Columbia Code, or of chapter 83 or chapter 84 of title 5, United States Code, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the "Agency"), on or after August 5, 1997, may elect, within 60 days after the issuance of regulations pursuant to subsection (c), or within 60 days of being hired, if later, to be covered by the retirement system of the District of Columbia under which the person was most recently covered. No election under this subsection may be made by a person who is hired more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

(b) Period of Election.—The election authorized by subsection (a) shall remain in force until the employee is no longer employed by the agency in which he or she was employed at the time the election was made.

(c) Regulations.—The election authorized by subsection (a) shall be in accordance with regulations issued by the Office of Personnel Management after consulting with the Department of Justice, the Agency, and the government of the District of Columbia. The government of the District of Columbia shall administer the retirement coverage for any employee making such an election.

SEC. 4. LEAVE FOR CERTAIN FORMER EMPLOYEES OF THE DISTRICT OF COLUMBIA.

(a) In General.—Notwithstanding any provision of law, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the "Agency"), on or after August 5, 1997, shall—

(1) in determining the rate of accrual of annual leave under section 6303 of title 5, United States Code, be entitled to credit for service as an employee of the District of Columbia;

(2) to the extent that the employee has not used or otherwise been compensated for annual leave accrued as an employee of the District of Columbia, have all such accrued annual leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency; and

(3) to the extent the employee has not used or otherwise been compensated for sick leave accrued as an employee of the District of Columbia, have all such accrued sick leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency.

(b) Termination.—Subsection (a) is not applicable to any former employee of the District of Columbia who is hired by the Department of Justice or the Agency more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

SEC. 5. CLARIFICATION OF PROVISIONS RELATING TO PRIORITY CONSIDERATION FOR SEPARATED EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS.

(a) In General.—Section 11203(b) of the Balanced Budget Act of 1997 (DC Code, sec. 24–1203(b)) is amended by amending the second sentence to read as follows: "The priority consideration program shall also include provisions under which an employee described in subsection (a) who has not been appointed to a Federal Bureau of Prisons law enforcement position and who applies for another Federal position in the competitive service shall receive priority consideration and may be given a competitive service appointment noncompetitively to such a competitive service position.".

(b) Relocation Allowance.—Section 11203(b) of such Act (DC Code, sec. 24–1203(b)) is amended by inserting after the second sentence the following: "The Director of the Bureau of Prisons may provide a relocation allowance to any individual who is hired by the Director under the program established under this section for a position outside of the Washington Metropolitan Area.".

(c) Effective Date; Treatment of Individuals Given Priority Prior to Enactment.—(1) The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) Individuals who have been appointed with excepted service appointments under section 11203(b) of the Balanced Budget Act of 1997 prior to the date of the enactment of this Act shall be converted noncompetitively to competitive service appointments in their current positions.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA COURTS.

(a) Authority of Joint Committee on Judicial Administration to Exclude Temporary Employees From FERS.—Section 8402(c) of title 5, United States Code, is amended by adding at the end the following:

"(9) The Joint Committee on Judicial Administration in the District of Columbia may exclude from the operation of this chapter an employee of the District of Columbia Courts whose employment is temporary or of uncertain duration.".

(b) Repeal of Funding Through State Justice Institute.—

(1) Funding of courts.—Section 11241(a) of the Balanced Budget Act of 1997 (DC Code, sec. 11–1743 note) and section 11–2608, District of Columbia Code (as amended, by section 11262(b) of the Balanced Budget Act of 1997) are each amended by striking "through the State Justice Institute" and inserting "for payment to the Joint Committee on Judicial Administration in the District of Columbia".

(2) Funding of other agencies.—Section 11234 of such Act (DC Code, sec. 24–1234) is amended by striking "through the State Justice Institute".

(c) Other Miscellaneous Technical and Conforming Amendments.—(1) Section 11241(b) of the Balanced Budget Act of 1997 (Sec. 11–1743 note, District of Columbia Code) is amended by striking "Superior Court for" and inserting "Superior Court of".

(2)(A) Section 1 of the Act entitled "An Act for the establishment of a probation system for the District of Columbia", approved June 25, 1910 (36 Stat. 864), as amended and reenacted by the Act entitled "An Act to amend and reenact an Act for the establishment of a probation system for the District of Columbia", approved March 4, 1919 (40 Stat. 1324-25; DC Code, sec. 24–101), is repealed.

(B) Section 5 of the Act entitled "An Act for the establishment of a probation system for the District of Columbia", approved June 25, 1910 (36 Stat. 865), as amended and reenacted by the Act entitled "An Act to amend and reenact an Act for the establishment of a probation system for the District of Columbia", approved March 14, 1919 (40 Stat. 1324-25; DC Code, sec. 24–105), is repealed.

SEC. 7. DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.

(a) Removing Service From Jurisdiction of Offender Supervision Trustee and Agency.—

(1) Authority of trustee.—Section 11232(b)(2) of the Balanced Budget Act of 1997 (DC Code, sec. 24–1232(b)(2)) is amended by striking ", except that" and all that follows through "Service".

(2) Authority of agency.—Section 11233(e) of such Act (DC Code, sec. 24–1233(e)) is amended as follows:

(A) In the heading, striking "and Public Defender Service".

(B) Amend paragraph (1) to read as follows:

"(1) Independent entity.—The District of Columbia Pretrial Services Agency established by subchapter I of chapter 13 of title 23, District of Columbia Code shall function as an independent entity within the Agency.".

(C) Strike paragraph (3) and redesignate paragraphs (4) and (5) as paragraphs (3) and (4).

(D) In paragraph (3) (as so redesignated)—

(i) strike ", the District of Columbia Public Defender Service,"; and

(ii) strike "or the District of Columbia Public Defender Service".

(E) In paragraph (4)(A) (as so redesignated), strike "and the District of Columbia Public Defender Service" each place it appears.

(3) Authorization of appropriations.—Section 11234 of such Act (DC Code, sec. 24–1234) is amended by striking paragraph (2) and redesignating the succeeding paragraphs accordingly.

(4) Permitting trustee to exercise authorities on behalf of service at request of director of the service.—Section 11232 of such Act (DC Code, sec. 24–1232) is amended by adding at the end the following new subsection:

"(i) Exercise of Authority on Behalf of Public Defender Service.—At the request of the Director of the District of Columbia Public Defender Service, the Trustee may exercise any of the powers and authorities of the Trustee on behalf of such Service in the same manner and to the same extent as the Trustee may exercise such powers and authorities in relation to any agency described in subsection (b).".

(b) Revising Name of Trustee.—

(1) In general.—Section 11232 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1233) is amended—

(A) in the heading, by striking "**DEFENSE SERVICES,**"; and

(B) in subsection (a)(1), by striking "Defense Services,".

(2) Clerical amendment.—The table of contents for title XI of the Balanced Budget Act of 1997 is amended in the item relating to section 11232 by striking "Defense Services,".

(c) Revising Name of Agency.—

(1) In general.—Section 11233 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1233) is amended—

(A) in the heading, by striking "**OFFENDER SUPERVISION, DEFENDER AND COURTS SERVICES**" and inserting "**COURT SERVICES AND OFFENDER SUPERVISION**"; and

(B) in subsection (a), by striking "the District of Columbia Offender Supervision, Defender, and Courts Services Agency" and inserting "the Court Services and Offender Supervision Agency for the District of Columbia".

(2) Conforming amendments.—(A) Section 11231 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1231) is amended by striking "the District of Columbia Offender Supervision, Defender, and Courts Services Agency" each place it appears in subsections (a)(2), (a)(3), and (b) and inserting "the Court Services and Offender Supervision Agency for the District of Columbia".

(B) Section 11232 of such Act (DC Code, sec. 24–1232) is amended by striking "the District of Columbia Offender Supervision, Defender, and Courts Services Agency" each place it appears in subsections (b) and (h) and inserting "the Court Services and Offender Supervision Agency for the District of Columbia".

(C) Section 23–1304(a), District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended by striking "the District of Columbia Offender Supervision, Defender, and Courts Services Agency" and inserting "the Court Services and Offender Supervision Agency for the District of Columbia".

(D) Section 23–1307, District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended—

(i) by striking "(a)"; and

(ii) by striking "the District of Columbia Offender Supervision, Defender, and Courts Services Agency" and inserting "the Court Services and Offender Supervision Agency for the District of Columbia".

(E) Section 23–1308, District of Columbia Code (as amended by section 11271(a) of the Balanced Budget Act of 1997) is amended by striking "the District of Columbia Offender Supervision, Defender, and Courts Services Agency" each place it appears and inserting "the Court Services and Offender Supervision Agency for the District of Columbia".

(3) Clerical amendment.—The table of contents for title XI of the Balanced Budget Act of 1997 is amended in the item relating to section 11233 by striking "Offender Supervision, Defender and Courts Services" and inserting "Court Services and Offender Supervision".

(d) Repeal of Certain Amendments Affecting Public Defender Services.—Section 11272 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 762) is hereby repealed, and any provision of law amended or repealed by such section shall be restored or revived as if such section had not been enacted into law.

(e) Transfer of Employees of Service to Federal Retirement and Benefit Programs.—

(1) In general.—Section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2705) is amended by inserting at the end the following:

"(c)(1) Employees of the Service shall be treated as employees of the Federal Government solely for purposes of any of the following provisions of title 5, United States Code: subchapter 1 of chapter 81 (relating to compensation for work injuries), chapter 83 (relating to retirement), chapter 84 (relating to Federal Employees' Retirement System), chapter 87 (relating to life insurance), and chapter 89 (relating to health insurance).

"(2) The Service shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

"(3) An individual who is an employee of the Service on the date of the enactment of this subsection may make, within 60 days after the issuance of regulations under paragraph (4), an election under section 8351 or 8432 of title 5, United States Code, to participate in the Thrift Savings Plan for Federal employees.

"(4) This subsection shall apply with respect to all months beginning after the date on which the Director of the Office of Personnel Management issues regulations to carry out this subsection.

"(5) For purposes of vesting pursuant to section 2610(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (DC Code, sec. 1–627.10(b)), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of implementation of this subsection shall include service performed thereafter for the Service.".

(2) Conforming amendments.—(A) Section 306 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2706) is amended—

(i) in subsection (a), by striking "Mayor of the District of Columbia" and inserting "Office of Management and Budget"; and

(ii) in subsection (b), by striking "Administrative Office of the United States Courts" and inserting "Office of Management and Budget".

(B) Section 307(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2707(a)) is amended to read as follows:

"(a) There are authorized to be appropriated through the Court Services and Offender Supervision Agency for the District of Columbia (or, until such Agency assumes its duties pursuant to section 11233(a) of the Balanced Budget Act of 1997, through the Trustee appointed pursuant to section 11232 of such Act) in each fiscal year such sums as may be necessary to carry out this chapter. Funds appropriated pursuant to this subsection shall be transmitted by the Agency (or, if applicable, by the Trustee) to the Service. The Service may arrange by contract or otherwise for the disbursement of appropriated funds, procurement, and the provision of other administrative support functions by the General Services Administration or by other agencies or entities, not subject to the provisions of the District of Columbia Code or any law or regulation adopted by the District of Columbia Government concerning disbursement of funds, procurement, or other administrative support functions. The Service shall submit an annual appropriations request to the Office of Management and Budget.".

(C) Section 11233 of the Balanced Budget Act of 1997 (DC Code, sec. 24–1233) is amended by adding at the end the following new subsection:

"(f) RECEIPT AND TRANSMITTAL OF APPROPRIATIONS FOR PUBLIC DEFENDER SERVICE.—The Director of the Agency shall receive and transmit to the District of Columbia Public Defender Service all funds appropriated for such agency.".

(f) EXEMPTION OF SERVICE FROM PERSONNEL AND BUDGET CEILINGS.—Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (DC Code, sec. 1–2707) is amended by adding at the end the following new subsection:

"(c) The Service shall not be subject to any general personnel or budget limitations which otherwise apply to the District of Columbia government or its agencies in any appropriations act.".

SEC. 8. SICK LEAVE BUYOUT FOR DEPARTMENT OF CORRECTIONS EMPLOYEES.

Notwithstanding any provision of District of Columbia law, the Corrections Trustee appointed pursuant to section 11202 of the Balanced Budget Act of 1997 may set conditions and may provide that an employee of the District of Columbia Department of Corrections who meets such conditions will receive a lump-sum payment for his or her accumulated and accrued sick leave, if the employee is separated involuntarily and is not subsequently employed, without a break in service of more than 3 days, by the Bureau of Prisons or another Federal agency. The lump-sum payment for sick leave shall be calculated by multiplying 50 percent of the employee's rate of basic pay, exclusive of additional payments of any kind, by the number of hours of accumulated sick leave to the employee's credit at the time of separation. The lump-sum payment shall be considered pay for taxation purposes only and shall not be used to confer any other benefit to the employee.

SEC. 9. WAIVER OF MAXIMUM ENTRY AGE REQUIREMENT FOR LAW ENFORCEMENT OFFICER POSITIONS IN THE DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Notwithstanding any maximum entry age which the Attorney General may have established for law enforcement officers in the Department of Justice under section 3307 of title 5, United States Code, an employee of the District of Columbia Department of Corrections may be hired by the Department of Justice pursuant to section 11203(b) of the Balanced Budget Act of 1997 in a law enforcement officer position if such employee will have completed at least 10 years of covered service when the employee attains the minimum retirement age described in section 8412(g) of title 5, United States Code.

(b) SEPARATION.—Notwithstanding section 8425(b) of title 5, United States Code, any employee hired by the Department of Justice in a law enforcement position who is described in subsection (a) shall be separated from service with the Department on the last day of the month in which such employee becomes 57 years of age, except that if the Attorney General judges that the public interest so requires, the Attorney General may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age.

SEC. 10. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Davis).

GENERAL LEAVE

Mr. DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4566.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of passage of H.R. 4566, the District of Columbia Courts and Justice Technical Corrections Act of 1998. This measure has been favorably reported to the House by the Committee on Government Reform and Oversight.

H.R. 4566 makes technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997. This measure clarifies a number of D.C. employee related matters and resolves a potential dispute involving the District of Columbia Public Defenders Service.

Most importantly, this legislation will give further protection to employees of the D.C. Department of Corrections that may be displaced by the Federal assumption of correctional functions.

H.R. 4566 is the result of many hours of hard work and negotiations between the Congress and the administration. I want to thank my ranking member on the subcommittee, the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Indiana (Chairman BURTON), the gentleman from California (Mr. WAXMAN) and the Committee on Ways and Means for their assistance on this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me begin my thanking the gentleman from Indiana (Chairman BURTON); the gentleman from California (Mr. WAXMAN) ranking member; and the gentleman from Virginia (Chairman DAVIS) for their leadership and support in bringing to the floor H.R. 4566 to attend to some unfinished business of the National Capital Revitalization and Self-Government Improvement Act of 1997.

☐ 1730

The revitalization act is already pulling the District out of insolvency by relieving the city of the most costly State functions, missions that are not performed by any other city in the country.

However, the experience with such complicated and comprehensive legislation in the Congress is that technical corrections are almost always necessary. There is no need to detain the House on these small technical matters. One set of the corrections in this bill concerns detailed procedures that are necessary to accomplish the employee transfers, retirements and terminations while minimizing unnecessary dislocation, frustration and stress. The second set of technical corrections relates to matters involving the courts and various components of the justice system that have been transferred from the District of Columbia to the Federal Government.

The transfer of Lorton to the Federal Government is in the first year of transition. The transfer of court costs has already taken place. The provisions of H.R. 4566, therefore, are overdue. I strongly urge the passage of this bill to tie up the loose ends and avoid unnecessary problems in this complicated and unprecedented transfer.

Madam Speaker, I yield back the balance of my time.

Mr. DAVIS of Virginia. Madam Speaker, I urge support for the passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4566, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.".

A motion to reconsider was laid on the table.

RECOGNIZING HUNTER SCOTT FOR HIS EFFORTS REGARDING THE USS INDIANAPOLIS

Mr. SCARBOROUGH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 590) recognizing and honoring Hunter Scott for his efforts to honor the memory of the captain and crew of the USS Indianapolis and for the outstanding example he has set for the young people of the United States, as amended.

The Clerk read as follows:

H. RES. 590

Whereas 13-year-old Hunter Scott of Cantonment, Florida, has received international recognition for his efforts to honor the memory of the captain and crew of the U.S.S. INDIANAPOLIS, which sank in the Pacific Ocean during the final days of World War II;

Whereas Hunter Scott has spent the past two years seeking recognition for the crew of the U.S.S. INDIANAPOLIS, many of whom perished as a result of shark attacks and exposure after being stranded in the water for four days;

Whereas Hunter Scott's extensive work is the subject of legislation before this Congress, supported by Democrats and Republicans alike;

Whereas Hunter Scott's work ethic, love of country, and strength of character serve as a shining example to the young people of the United States; and

Whereas Hunter Scott has helped the crew of the U.S.S. INDIANAPOLIS receive international recognition from the New York Times, USA Today, the Associated Press, CBS, Nickelodeon, and other print and broadcast media: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors Hunter Scott for his efforts to honor the memory of the captain and crew of the U.S.S. INDIANAPOLIS and for the outstanding example he has set for the young people of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Madam Speaker, I yield myself such time as I may consume. On the cover of the New York Times earlier this summer was the headline, A Boy's School Project Aims to Revise History. It told the story of Hunter Scott, a middle schooler who is trying to change history as it was written 50 years ago.

In the closing days of World War II, the U.S.S. *Indianapolis* had its hull pierced by three Japanese torpedoes. Twelve minutes later the cruiser went down. On board were almost 1,200 crew members and only 300 survived, the others dying of shark attacks and exposure.

For half a century, the 316 remaining surviving crew members of the worst disaster in Naval history tried in vain to defend the honor of their captain, Charles McVay. This year a new secret weapon was employed in their quest, and that weapon was a 13-year-old boy named Hunter Scott.

Two years ago Hunter came to my district office to show me a middle school history project that he had made. Now, this extraordinary history project actually contained clear, convincing evidence of the *Indianapolis* crew's bravery and of the injustice done to their captain who was wrongly court-martialed as a useful scapegoat in this disaster.

As it turns out, Hunter's history project is now turning out to make history, itself. We reviewed Hunter's report, including newly declassified documentation that he had dug up and we decided that we wanted to help him out.

Hunter's documents showed that Captain McVay was not given the intelligence that would have helped him avoid the disaster and that he did nothing improper to justify the court-martial. The legislation was introduced in Washington and gained almost 100 cosponsors, including those of the gentlewoman from Indiana (Ms. CARSON) who certainly helped out a great deal, the gentlewoman from Hawaii (Mrs. MINK) and also the gentleman from Hawaii (Mr. ABERCROMBIE).

Then Hunter came to Washington and created quite a stir. He commanded international media coverage and met with many key Members of the House and Senate, including Speaker GINGRICH, Majority Leader ARMEY and National Security Chairman Floyd Spence. The New York Times, ABC, NBC, CBS, CNN, Forbes, the Atlanta Constitution and media outlets across the world followed Hunter's work. But because of some entrenched interests who do not want to admit that they were wrong 50 years ago, this bill did not get a chance to come up on the floor this session.

That is why we are here today, to pass a congressional resolution honoring Hunter Scott and recognizing the brave *Indianapolis* crew since Hunter is a shining example of all that is good about our young people today.

But we are also here today to serve notice on those who refuse to right a half-century wrong, that the 53-year-old fight by the *Indianapolis* survivors to clear their good captain's name will move forward in the next session of Congress. We will also fight for the Presidential Unit Citation for the *Indianapolis* crew that was so richly deserved by them. We will also fight for Mr. McVay's brother Kimo who has been working for so many years to right this wrong.

Regrettably his brother, a third-generation Naval officer, will not be able to be here next year. He tragically took his life 30 years ago on the front porch of his home dressed in his Naval uniform. Denied his dignity by the process 50 years ago, we return to this Chamber 30 years later to wipe clean the slate for Captain McVay.

The 50-year fight continues. A resolution will be reached in the 106th Congress and it will be reached because of the work of an extraordinary young man named Hunter Scott who decided at the age of 13 that he could make a difference, that he could right a wrong and that he could turn a bright searing light on an injustice and bring about the proper and just conclusion to this 53-year-old miscarriage of justice.

Madam Speaker, Congress should be grateful for what a young man like Hunter Scott has done.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today I thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. WAXMAN), the chairman of our subcommittee the gentleman from Florida (Mr. MICA), and I commend the gentleman from Florida (Mr. SCARBOROUGH) for this legislation.

Madam Speaker, just Thursday I had the pleasure of managing a resolution that recognized KidsPeace, an organization that established National KidsDay and National Family Month. KidsPeace established these celebrations to focus our attention on the importance of children and the role we should play in nurturing and encouraging them.

The parents of Hunter Scott have done just that, and look at the outcome. Hunter brought to the attention of this body and the American people a tragedy that occurred decades before his birth. The 13-year-old boy researched and uncovered evidence that suggested Charles B. McVay, III, the captain of the U.S.S. *Indianapolis*, was wrongly convicted of negligence for the loss of the U.S.S. *Indianapolis* near the end of World War II. McVay was the first officer in the history of the United States Navy to be court-martialed for losing his ship to enemy fire in time of war.

After conducting interviews with survivors of the U.S.S. *Indianapolis* and uncovering other information, Hunter felt that McVay was wrongly accused and brought his case to this body, the House of Representatives. Hunter has been lobbying the Congress to, quote, erase all mention of a court-martial and conviction from Captain McVay's records and get a Presidential Unit Citation for the U.S.S. *Indianapolis* and her crew.

Hunter found that Navy officials knew enemy submarines were in the vicinity of the U.S.S. *Indianapolis* and did not give Captain McVay that information. He found that the Navy rejected McVay's request for an escort from Guam to the Leyte Gulf in the Philippines where the ship was attacked and sunk by a torpedo with hundreds of lives lost.

Hunter began his sixth grade research project by placing an ad in the local newspaper which led to his obtaining a list of the ship's survivors. He contacted the survivors who shared stories, photos and mementos of their ordeal on the *Indianapolis*. Though the Navy stands by the court-martialing of Mr. McVay, Hunter has been interviewed by network and local television programs, lobbied Members of Congress, and won first place for his research in his county's school history fair.

Hunter is an example to his classmates and children everywhere. But more important than all of that, Hunter is a young man who decided that something was wrong. He saw the wrong, and he had the courage to do everything in his power to right it.

In the words of a great author, Stephen Carter, in his book Integrity, he says that there are three parts of integrity. He says first you must recognize the difference between right and wrong; number two, you must act upon it even at your own peril; and, number three, you must tell someone about it.

This 13-year-old young man from the gentleman from Florida's district has done something that I wish more people would do. He has adhered to Stephen Carter's definition of integrity. He realized that Captain McVay was wrongly accused and court-martialed, and he realized that that was wrong. Number two, he went further than that to say not only to his classmates and to his county and to the country but to the world that this was wrong and he wanted to right it. Just as important, he has let all of us know, and he has been a lesson not only to children everywhere but to us grownups of what should be done when one finds a wrong and knows that they should right it and then takes the steps to do it.

And so it is so interesting, and I say this to the gentleman from Florida, when I saw him on the news program, little did I know that I would be standing here today, I was so moved by that story, little did I know that I would be standing here today to salute this great, great American for his hard work and his perseverance.

I can say to Hunter, I hope that he is looking upon us today, that we salute you with all of the power and all the respect that we have in our bodies.

Madam Speaker, I reserve the balance of my time.

Mr. SCARBOROUGH. Madam Speaker, I certainly want to rise and thank and commend the gentleman from Maryland (Mr. CUMMINGS) for his inspiring words.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I thank the gentleman for yielding me this time. I want to pay tribute to the gentleman from Florida (Mr. SCARBOROUGH) and to the gentlewoman from Indiana (Ms. CARSON) my Democratic colleagues for their tremendous efforts in trying to carry the voice of this young man Hunter Scott to the places that could make a difference, to change that historic error that was uncovered by Hunter Scott as a result of his tenacious and industrious work in a school project.

I am standing here today because I am not only moved by this young man and by the commitment that he undertook and the courage that he evidently felt in raising this issue to this huge government that very few of us can very frequently change but took it upon himself to make the points that he felt were so important in order to correct history. I stand here today because my connection is not just an intellectual one or an inspirational one with Hunter Scott but because there is a person in the State of Hawaii who has been working on this issue for decades. He is the son of Captain McVay, a very, very well-known and well-regarded person in my State, Kimo Wilder McVay, who has been trying and trying and trying to get people to listen to what he believed was a terrible injustice done to his father. He has spoken to the people in the State and taken his anguished feeling to many, many quarters.

Recently our State legislature adopted a resolution incorporating all the findings of Mr. McVay that he had pursued. But the world was not open to him in terms of raising this issue to the cognizance of the national government. I stand here today to pay special tribute to Hunter Scott, because this young man, 12 years of age, a seventh grader in a school in Florida, was able to gather together the evidence, the history, the commentary of the survivors of the U.S.S *Indianapolis* and put it together in a very, very telling history report which he sent me a copy.

□ 1745

I was tremendously moved.

His letter is something that should be placed in the RECORD, and I ask unanimous consent, Madam Speaker, to do so.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK of Hawaii. Madam Speaker, he starts off by saying, My name is Hunter Scott. I am 12 years old and in the seventh grade, and I have been pursuing this matter of the war time disaster, and he goes on to detail almost day by day, hour by hour what happened exactly to the U.S.S. *Indianapolis*, and it is a very, very moving, well-documented, well-researched piece of evidence.

The letter in its entirety is as follows:

OCTOBER 12, 1997.

Hon. PATSY T. MINK,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MINK: My name is Hunter Scott. I am 12 years old and in the seventh grade. Enclosed are several recent newspaper articles about my history fair project on the USS *Indianapolis* tragedy in 1945. The greatest wartime disaster at sea in the history of the U.S. Navy, in which only 316 of 1,196 men survived including its skipper Charles B. McVay III, who was court-martialed and found guilty. I have also included a video cassette of my appearances on NBC Nightly news with Tom Brokaw, and TNN's "Prime Time County". I would like to thank you in advance for any help you could give me. Congressmen Scarborough and Bono have already agreed to help me in my quest to help clear Captain McVay's name, and honor the ship and its crew.

Captain McVay is the only skipper ever court-martialed for losing his ship in a time of war, despite the fact over 700 ships were lost in WWII. I have thoroughly investigated the circumstances surrounding the sinking of the USS *Indianapolis* and I feel Captain McVay should be cleared of all wrongdoing (see attachment A). I would like your help and guidance in my quest to help clear Captain McVay's name on behalf of his sons, Charles IV and Kimo, and the 150 living survivors.

I have been advised that the best course of setting this historical record straight would be for Congress to take action in the form of a Joint Resolution (attachment B). This resolution would express the sense that Congress recognizes an injustice was done and order that all mention of the court-martial and conviction of Captain Charles McVay be expunged from the records. It would be signed by the President and become public law. It is never too late to set an injustice straight.

I have been talking with the remaining survivors for over a year, and feel this injustice needs to be corrected. These men range in age from age 69 to 92 and time is running out for them to see the day when the honor of their captain is restored. I, along with the survivors, feel this ship and their part in the mission that ended WWII has been overshadowed by Captain McVay's court-martial.

Even though I am 12 years old, I would be willing to testify before the Congress and pleased the case for Captain McVay. I have the greatest collection of information pertaining to this incident of anyone in the world, and I would like to make it available to you and other members of Congress.

Please let me know what you can do to help me on behalf of the survivors and the McVay family.

Sincerely,

HUNTER SCOTT.

I wish that we could come here to the floor, Madam Speaker, today to not just herald the thoughtful deliberate efforts of this young man, but to give him the greatest reward of all, and that is to say that the resolution that is a result of his work, H. Res. 590 that was introduced by the gentleman from Florida (Mr. SCARBOROUGH), is indeed being taken up by the Congress and being adopted because that is really the recognition, I am sure, that he seeks, and so like the gentleman from Florida (Mr. SCARBOROUGH), I hope that we will be able in the 106th Congress to persuade enough people to understand the message contained in Hunter Scott's letters and in his transmissions to the Congress to finally pass this, rectify the wrong that occurred over 50 years ago.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, those who teach our children often say that we must teach to their strengths, and I am so glad that when our next speaker heard about this young man's efforts she realized that he had a strong conviction to do something and to make sure that he righted a wrong, as I said a little bit earlier.

I am so glad that the gentlewoman from Indiana (Ms. CARSON) from Indianapolis took his situation, working with the gentleman from Florida (Mr. SCARBOROUGH) working with the Speaker, working with many, many others, the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Hawaii (Mr. ABERCROMBIE) who will speak later, and took that cause and saw that this young man had a strength, they did not turn their faces away from him, they looked into his eyes and said:

"We will help you."

Madam Speaker, I yield 5 minutes to the gentlewoman from Indiana (Ms. CARSON), my distinguished colleague.

Ms. CARSON. Madam Speaker, I thank the gentleman for yielding this time to me, and thanks to the gentleman from Florida (Mr. SCARBOROUGH) in whose district this young man that we pay special tribute today resides, and always to the honorable gentlewoman from Hawaii (Mrs. MINK) who has the privilege of having a dear relative of one of the casualties of this very tragic situation who resides in her district and to Members of Congress all.

Let me suggest to the House of Representatives today that when Hunter Scott first came to Washington in pursuit of justice, as my colleagues have heard described here today, that I met the young man at the airport when he first flew in from Florida because of my enduring appreciation for the young man and his good work. And we created a House bill, House bill 3710, that the gentleman from Florida (Mr. SCARBOROUGH) and I co-authored, along with other Members of this distinguished body, asking for the relief, especially the memory, of the individuals who were aboard the U.S.S. *Indianapolis*, a city whom I represent and whom that ship was proudly named for, to try to vindicate in some way before the remaining 12 survivors went to meet their maker.

When I met Hunter Scott at the airport and enjoyed and experienced all the enthusiasm that he had had for this project in terms of redemption, I was reminded of the great poet that said that the lion shall lay down with the lamb, and a little child shall lead them, and, as I have been here in this 105th Congress, I thought of Congress as being the lion and hopefully that this young man, this 12 year old, now 13 year old, would certainly be the child that would lead Congress in the right direction in terms of vindicating those aboard U.S.S. *Indianapolis* that was torpedoed and sunk just before the end of the war in the United States Navy's worst disaster at sea. The Navy, embarrassed by forces of great disaster, has never recognized heroism of the crew and instead court-martialed the captain Charles McVay.

I, too, have a relative and a survivor of the U.S.S. *Indianapolis* who still remains in Indianapolis, Indiana. My colleagues have heard the tragic subsequent events that followed the sinking of the U.S.S. *Indianapolis* and the fact that America was so jubilant that the war was over they did not even discover the U.S.S. *Indianapolis* had not come to shore. And I think that this country and Old Glory that we salute here on this floor on a daily basis owes it to America and certainly owes it to Hunter Scott, who unfortunately is at camp at this time and unable to watch this personal salute that is given to him. But I would trust, as the gentleman from Florida (Mr. SCARBOROUGH) has mentioned, that the 106th Congress would be about the very serious business of vindicating the survivors of U.S.S. *Indianapolis*, reversing a very bad item on the record of those who survived this ship and to give a very special salute to a young man who stands as a beacon for so many young people around this country in terms of what can, in fact, be accomplished if one holds fast the dreams and does not let dreams die.

Mr. SCARBOROUGH. Madam Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Speaker, there are sometimes opportunities for us on this floor to enlighten ourselves and the public in a way that is not generally available under other means and other circumstances. This is one of those instances thanks to the gentleman from Florida (Mr. SCARBOROUGH) in particular and young Hunter Scott. I am sure young Mr. Scott would be only too happy to have the accolades which have extended to him today be set aside if we could come to the kind of conclusion that we think the activity here today warrants. But that is not the case.

Also I think, Madam Speaker, that we often find ourselves in a position where we are attempting to convey information not just to ourselves, but because we are the Congress of the United States, to the Nation as a whole, and sometimes in that process we forget that there are those who are impacted individually and collectively in the most personal way. And as the gentlewoman from Hawaii (Mrs. MINK) has indicated, we have, as a result of our residents in Hawaii, just one such instance. The son of the captain resides in our district and is known to the gentlewoman from Hawaii and myself; well, I guess all of her life and for the past 4 decades of my life, a wonderful gentleman, and gentleman is the appropriate word, I can assure my colleagues, who in some respects can be said to be a victim as well.

As my colleagues know, fate is often cruel and history capricious and arbitrary in the way it is implemented, and so it probably seems to those who do not know the circumstances and the facts a situation in which one would expect the son of the captain that has to carry this burden of court-martial, expect the son to take this position of trying to vindicate the father and, therefore, be able to dismiss the factual circumstances around the incident, if we can call that tragedy such.

So, while there was empathy and sympathy certainly by those of us who knew Kimo McVay, we understood as well, or thought we understood as well, that there was likely little that could be done about it, and it just goes to show that even though we by virtue of being Members of Congress are optimistic in nature, nonetheless it did not occur to us. Shame on us really. Shame on us. It did not occur to us that there was perhaps something that could be done.

I have not thought about the biblical phrase, and a little child shall lead them, but it certainly jumped to the forefront of my thoughts today as I contemplated what to say at this particular moment.

But we have all been admonished in a way, all brought up a little short to say yes, not only can an individual make a difference in the United States of America, but we should not become so jaded and so certain that we know how things are going to work as to forget that it is quite possible to bring to the attention of the people of this country an injustice and fully expect, as this child did; I think we sometimes forget that this is a child we are discussing here today; a child brought us all up short and said, "Look you're not doing your duty, you're not paying the kind of attention that needs to be paid to these circumstances."

And I suppose then, Madam Speaker, in conclusion I can say that it is perhaps somewhat to our credit then that when the information was presented to us and when we had to confront the work that was presented by this young man, we did in fact then move, and move expeditiously, and work in a nonpartisan basis to arrive at this point today.

So I want to assure Kimo McVay, the son of Captain McVay, and I want to assure Hunter Scott that the Members of this Congress have now taken up this cause, will not lay it down until it comes to a successful conclusion, and we will see the day that justice will arrive and come down like a mighty river.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I certainly hope that, and I am sure someone is doing it, will videotape what is going on here today so that Hunter Scott will have an opportunity to see the honor which has been paid to him by all of us, and to him I want to make sure he understands that we take his cause very, very seriously, that we honor him because he is right. We honor him because he has stood up for what he knew to be right. We honor him because he has brought Republicans and Democrats together to right a wrong.

And we want to make sure that as he goes throughout his life, and he continues on this wonderful journey called life, that he is strengthened and encouraged by us. We have not given up just as he has not given up.

And I leave these simple words from the Bible with him, and I hope that they will be ingrained in the DNA of every cell of his body until he dies, and they are simply these:

They what wait upon the Lord shall renew their strength, they shall rise up with wings as eagles, they shall run and not be weary, they shall walk and not faint.

To Hunter I say:

Thank you so much for giving so much. Thank you so much for bringing us together around a cause. Thank you so much for being sensitive to a family, a family that still grieves for they know that their loved one has been wronged. Thank you so much for coming to the Congress of the United States of America and presenting that research to us. We promise, we promise that we will go forward with all of the same kind of strength, the same kind of power and the same kind of convictions that you have.

With that, Madam Speaker, I encourage all of our Members to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SCARBOROUGH. Mr. Speaker, I yield myself as much time as I may consume.

I just wanted to thank the gentleman from Maryland (Mr. CUMMINGS) for his very eloquent remarks, I would like to thank the gentlewoman from Indiana (Ms. CARSON), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Hawaii (Mr. ABERCROMBIE) and of course Hunter for all he has done and also obviously Admiral McVay's son, Kimo.

□ 1800

I say to the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Hawaii (Mr. ABERCROMBIE), we certainly hope that as they go back to Hawaii, that they let them know we are going to continue the good fight in the 106th Congress. We are not going to let this resolution, this matter die until we do receive the justice that is deserved.

I think it says an awful lot about this country. It says an awful lot about Hunter's fighting spirit, that he is keeping this battle going. In fact, it is a bit ironic, but again I think it is positive, when the reporters asked Hunter as he assembled down in the triangle during a press conference, where Kimo McVay was reduced to tears, one of the last questions they asked him was, "What do you want to do when you grow up?" He said, "I want to go to the Naval Academy, and I want to be an officer."

I think that says an awful lot about him, that we can recognize and we can love an institution, like we in Pensacola and Hawaii love the United States Navy, and still recognize that they make mistakes; and when they make mistakes, they need to correct those mistakes. With the help of Hunter and all of Hunter's new-found friends here, that is exactly what we are going to do in the 106th Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADY). The question is on the motion offered by the gentleman from Florida (Mr. SCARBOROUGH) that the House suspend the rules and agree to the resolution, H. Res. 590, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON MONDAY, OCTOBER 12, 1998

Mr. SCARBOROUGH. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions be considered Monday, October 12, 1998:

H.R. 3494, Child Protection and Sexual Predator Punishment Act of 1998; H.R. 3888, Anti-slamming Amendments Act; H.R. 4781, to amend the Federal Election Campaign Act of 1971 to require the national committees of political parties to file pre-general election reports with the Federal Election Commission without regard to whether or not the parties have made contributions or expenditures under such Act during the periods covered by such reports; H.R. 4772, to amend the Federal Election Campaign Act of 1971 to prohibit disbursements of non-Federal funds by foreign nationals in campaigns for election for Federal office; House Resolution calling on the President to take all necessary measures under existing law to respond to the significant increase of steel imports resulting from the financial crises in Asia, Russia and other Regions and for other purposes; H.R. 1274, National Institute of Standards and Technology Authorization Act; S. 610, Chemical Weapons Convention Implementation Act; H.R. 3055, Miccosukee Reserved Area Act; S. 1693, National Park Service Concession Management Improvement Act of 1998; S. 2349, Hazardous Materials Transportation Reauthorization Act of 1998; H.R. 3899, American Homeownership Act of 1998; S. 2524, to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations; and H.R. 2281, WIPO Copyright Treaties Implementation Act.

WETLANDS AND WILDLIFE ENHANCEMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1677) to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, as amended.

The Clerk read as follows:

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 2. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 3. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 4. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc., and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall represent an organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

SEC. 5. MIGRATORY BIRD TREATY ACT AMENDMENTS.

(a) ELIMINATING STRICT LIABILITY FOR BAITING.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

(b) CRIMINAL PENALTIES.—Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking "$500" and inserting "$15,000"; and

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

(c) STUDY ON EFFECT ON MIGRATORY BIRD CONSERVATION AND LAW ENFORCEMENT EFFORTS.—

(1) STUDY.—The Secretary of the Interior shall conduct a study of the effect of the amendments made by this section on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Congress a report on the results of the study under paragraph (1).

SEC. 6. REAUTHORIZATION AND AMENDMENT OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

(a) PURPOSES OF THE ACT.—Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

(b) DEFINITION OF PERSON.—Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

(c) PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED AS RHINOCEROS OR TIGER PRODUCTS.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

(d) EDUCATIONAL OUTREACH PROGRAM.—The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), as amended by subsection (c), is further amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306), as redesignated by subsection (c) of this section, is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

SEC. 7. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 8. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 9. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 10. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 11. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

SEC. 12. USE OF PROCEEDS OF CERTAIN SALES.

(a) PURPOSES.—The purposes of this section are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.

(b) USE OF PROCEEDS.—Section 3(c) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742*l*(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding"; and

(2) by adding at the end the following:

"(2) PROHIBITION ON SALE OF CERTAIN ITEMS.—In carrying out paragraph (1), the Secretary of the Interior and the Secretary of Commerce may not sell any species of fish, wildlife, or plants, or derivative thereof, for which the sale is prohibited by another Federal law.

"(3) USE OF REVENUES.—The Secretary of the Interior and the Secretary of Commerce may each expend any revenues received from the disposal of items under paragraph (1), and all sums referred to in the first sentence of section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) and the first sentence of section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d))—

"(A) to make payments in accordance with those sections; and

"(B) to pay costs associated with—

"(i) shipping items referred to in paragraph (1) to and from the place of storage, sale, or temporary or final disposal, including temporary or permanent loan;

"(ii) storage of the items, including inventory of, and security for, the items;

"(iii) appraisal of the items;

"(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

"(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

"(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I am presenting to the House a modified version of S. 1677, the Wetlands and Wildlife Enhancement Act. This measure was approved by the other body on September 30th.

The first two sections of the bill extend the North America Wetlands Conservation Act and the Partnerships for Wildlife Act for an additional 5 years. These two important conservation programs are dedicated to improving and acquiring wetlands for both migratory birds and nongame species. In fact, as a result of the North American Wetlands Conservation Act, more than 3 million acres of wetlands have been purchased in the United States and Canada over the past 7 years.

Section 3 of this bill is designed to clarify the membership of the North American Wetlands Conservation Council. I am pleased that Ducks Unlimited, which has contributed some $80 million for essential migratory bird wetland projects will continue to serve on the Council in the future.

Mr. Speaker, the House version of this legislation was overwhelmingly adopted on May 19th of this year.

Section 5 of this proposal is the text of my bill, H.R. 2863, the Migratory Bird Treaty Reform Act. This measure was extensively debated on the House on September 10 and adopted by a vote of 322 to 90. Since that time, the Senate Environment and Public Works Committee has conducted a hearing on this bill and reported it favorably.

During these deliberations, the Senate suggested that this bill be changed in several ways. I have incorporated those modifications, which increase the maximum criminal penalties for baiting and direct the Secretary of the Interior to study the effects of changing strict liability to the "knows or reasonably should have known" legal standard. In terms of penalties, these are maximum levels and will only be imposed in the most severe and egregious cases.

H.R. 2863 will not allow baiting and will not imperil any migratory bird population. What it will do is allow hunters to simply present evidence in their own defense.

The current strict liability interpretation, if you were there and even a small part or amount of bait is present, you are guilty, it is fundamentally wrong. This violates one of our most basic constitutional protections, that a person is innocent until proven guilty.

Furthermore, the "knows or reasonably should know" standard has been effectively used in the States of Louisiana, Mississippi, and Texas for over 20 years. During that time, no migratory bird populations have been put at risk, there has been an 88 percent conviction rate in baiting cases and, not surprisingly, the U.S. Fish and Wildlife Service has never attempted to overturn or challenge this legal standard. It is time we provide fairness and equity to migratory bird hunters throughout this country.

Section 6 of the bill incorporates the text of H.R. 2807 and H.R. 3113. These measures were overwhelmingly adopted by the House of Representatives. The fundamental goal is to eliminate the U.S. market for illegally obtained rhino and tiger products and to extend the Rhinoceros and Tiger Conservation Fund. This Fund has supported some 40 conservation projects in 10 range states in Africa and Asia. Without this legislation, these two magnificent species will continue to slide towards extinction.

Finally, the last sections of the bill implement the text of S. 2317. This measure was approved by the other body on September 21. This legislation is designed to make several minor changes in four units of our National Wildlife Refuge System and to reduce the penalties for those individuals who unintentionally violate certain provisions of the National Wildlife Refuge System Administration Act.

Briefly, this section would remove 37 acres from the Upper Mississippi National Wildlife and Fish Refuge, 1,430 acres from the Kilcohook Coordination Area, and a 634-acre easement from the Lake Elsie National Wildlife Refuge. These lands have lost the wildlife values that led to their inclusion in the system and, therefore, they should be removed.

Finally, this section renames a refuge in the State of Oregon to better reflect the true nature of the unit. In the future it will be called the Klamath Marsh Wildlife Refuge.

This is a good bill, Mr. Speaker. These changes are minor housekeeping matters that are noncontroversial. They have been suggested by the U.S. Fish and Wildlife Service, and I find no objection to their enactment.

Mr. Speaker, this is a comprehensive conservation measure that is good for migratory bird hunters, our Refuge System, essential wetland habitat acquisition, and for two of the most endangered species, rhinos and tigers, on earth. Each of these provisions, except for the minor refuge changes, has been fully debated and resoundingly approved by this body, and I urge an "aye" on S. 1677.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1677, a package of bills which have already passed the House with broad bipartisan support. In particular, it reauthorizes the highly successful North American Wetlands Conservation Act. This program has protected more than 10 million acres of wetlands in the United States, Canada and Mexico.

The bill before the House also reauthorizes the program of grants for the conservation of rhinoceros and tigers, and prohibits trade in products labeled as containing rhino or tiger products.

Although trade in rhino and tiger products is banned under United States and international law, many products claiming to contain rhino and tiger continue to be available in the United

States. Because of the increasing rarity of these magnificent animals, many products labeled as containing rhino and tiger do not actually contain them, but nevertheless they help perpetuate the illegal market in rhino and tiger parts.

I do not support the provisions of this bill that relax the standard under which hunters may be cited for shooting birds over bait. However, this bill contains changes to the House-passed bill which substantially increase the penalty for baiting violations and require a study of the impacts of this policy change on game bird populations and law enforcement. These changes substantially mitigate any harm done by the underlying policy change.

Overall, Mr. Speaker, this is a good package and I urge my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1677, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, and for other purposes.".

A motion to reconsider was laid on the table.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2095) to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, as amended.

The Clerk read as follows:

S. 2095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish and Wildlife Foundation Establishment Act Amendments of 1998".

SEC. 2. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

"(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, and plant resources;".

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT AND MEMBERSHIP.—

"(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

"(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, and plants.

"(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.".

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

"(b) APPOINTMENT AND TERMS.—

"(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

"(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

"(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

"(i) at least 6 shall be knowledgeable or experienced in fish and wildlife conservation;

"(ii) at least 4 shall be educated or experienced in the principles of fish and wildlife management; and

"(iii) at least 4 shall be knowledgeable or experienced in ocean and coastal resource conservation.

"(B) TRANSITION PROVISION.—

"(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of enactment of this paragraph shall continue to serve until the expiration of their terms.

"(ii) NEW DIRECTORS.—The Secretary of the Interior shall appoint 8 new Directors; to the maximum extent practicable those appointments shall be made not later than 45 calendar days after the date of enactment of this paragraph.

"(3) TERMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

"(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint—

"(i) 2 Directors for a term of 2 years;

"(ii) 3 Directors for a term of 4 years; and

"(iii) 3 Directors for a term of 6 years.

"(4) VACANCIES.—

"(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board; to the maximum extent practicable the vacancy shall be filled not later than 45 calendar days after the occurrence of the vacancy.

"(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

"(5) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.".

(c) PROCEDURAL MATTERS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by adding at the end the following:

"(h) PROCEDURAL MATTERS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Foundation.".

(d) TECHNICAL AMENDMENTS.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking "Directors of the Board" and inserting "Directors of the Foundation".

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended by striking "Secretary" and inserting "Secretary of the Interior or the Secretary of Commerce".

(3) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended by inserting "or the Department of Commerce" after "Department of the Interior".

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) PRINCIPAL OFFICE OF THE FOUNDATION.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after "the District of Columbia" the following: "or in a county in the State of Maryland or Virginia that borders on the District of Columbia".

(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

"(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

"(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

"(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, and plant resources on private land;".

(c) AGENCY APPROVAL OF ACQUISITIONS OF PROPERTY.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 45 calendar days after the date of the notification.".

(d) REPEAL.—Section 304 of Public Law 102-440 (16 U.S.C. 3703 note) is repealed.

(e) AGENCY APPROVAL OF CONVEYANCES AND GRANTS.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

"(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 45 calendar days after the date of the notification.".

(f) Reconveyance of Real Property.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

"(5) Reconveyance of real property.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 45 calendar days after the date of the notification, that—

"(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, and plants; and

"(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.".

(g) Termination of Condemnation Limitation.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by striking subsection (d).

(h) Expenditures for Printing Services or Capital Equipment.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) (as amended by subsection (g)) is amended by inserting after subsection (c) the following:

"(d) Expenditures for Printing Services or Capital Equipment.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended by striking subsections (a), (b), and (c) and inserting the following:

"(a) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this Act for each of fiscal years 1999 and 2000—

"(A) $25,000,000 to the Department of the Interior; and

"(B) $5,000,000 to the Department of Commerce.

"(2) Requirement of advance payment.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

"(3) Use of appropriated funds.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

"(4) Prohibition on use for administrative expenses.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

"(b) Additional Authorization.—

"(1) In general.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, and plant resources in accordance with the requirements of this Act.

"(2) Use of funds accepted from federal agencies.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

"(c) Prohibition on Use of Grant Amounts for Litigation and Lobbying Expenses.—Amounts provided as a grant by the Foundation shall not be used for—

"(1) any expense related to litigation; or

"(2) any activity the purpose of which is to influence legislation pending before Congress.

"(d) Prohibition on Use of Grant Amounts for Introduction of Wolves or Grizzly Bears.—Amounts provided as a grant by the Foundation shall not be used for any activity related to the introduction of wolves or grizzly bears in Idaho, Montana, Utah, or Wyoming.".

SEC. 6. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

"SEC. 11. LIMITATION ON AUTHORITY.

"Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House, S. 2095, provides for the reauthorization of the National Fish and Wildlife Foundation. Since its creation in 1984, the Foundation has fostered many partnerships through a challenge grant program, awarding over 2,800 peer reviewed competitive grants to more than 825 organizations, leveraging approximately 85 million Federal dollars into $300 million for on-the-ground conservation.

New Jersey is typical of the many activities and partnerships the National Fish and Wildlife Foundation enables. At Cape May, for example, the foundation has supported migratory bird habitat improvements. In my area it has supported the improvements at the Edwin B. Forsythe National Wildlife Refuge, and one of its Earth Stewards student grants to the Smithville Elementary School won a prestigious national award.

During the 105th Congress, the Subcommittee on Fisheries Conservation, Wildlife and Oceans of the Committee on Resources held several hearings on the effectiveness of the foundation, the success or failure of its matching grants program and whether our taxpayers' money is being soundly invested.

This bill addresses many of the concerns that the Members raised in the oversight process. We have kept the current authorization level for the Department of Interior at $25 million, the same as it was in 1994.

The bill provides for the use of foundation grants to cover lobbying and litigation and revokes authority to prohibit State and local condemnation.

Mr. Speaker, this bill is a combination of issues that both Members of the House and Senate were interested in having addressed in a final bill.

This bill will allow the National Fish and Wildlife Foundation to continue the good work that they do for our Nation's fish and natural resources. I think it is a compromise that the House of Representatives should support, and I urge my colleagues to join me in adopting this bill.

☐ 1815

Mr. SAXTON. Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADY of Texas). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2095, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 391) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes, as amended.

The Clerk read as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(1) Covered Indian Tribe.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

(2) Fund Account.—The term "Fund Account" means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and

(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(4) Tribal Governing Body.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) In General.—

(1) Amount Distributed.—

(A) In General.—Subject to section 8(e) and if no action is filed in a timely manner (as determined under section 8(d)) raising any claim identified in section 8(a), not earlier than 365 days after the date of enactment of this Act and not later than 415 days after the date of enactment of this Act, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) Aggregate Amount.—The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 3; minus

(ii) an amount equal to 71.6005 percent of the funds described in section 3.

(2) Distribution of Funds to Accounts in the Fund Account.—The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c).

(b) Use.—Amounts distributed under this section to accounts referred to in subsection (d) for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 5.

(c) Tribal Governing Body of Assiniboine and Sioux Tribes of Fort Peck Reservation.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(d) Tribal Trust Fund Accounts.—The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2).

SEC. 5. USE OF DISTRIBUTED FUNDS.

(a) Prohibition.—No funds allocated for a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) Purposes.—The funds allocated under section 4 may be used, administered, and managed by a tribal governing body referred to in section 4(a)(2) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe;

(3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;

(4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 4(a)(2) for litigation or other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.); except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with funds distributed under section 4 shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

(6) the payment of attorneys' fees or expenses of the covered Indian tribe referred to in section 4(a)(2)(B) for litigation and other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.), in accordance, as applicable, with the contracts numbered A00C14203382 and A00C14202991, that the Secretary approved on February 10, 1978 and August 16, 1988, respectively; or

(7) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in section 4(a)(2) for litigation or other representation with respect to matters arising out of this Act.

(c) Management.—Subject to subsections (a), (b), and (d), any funds distributed to a covered Indian tribe pursuant to sections 4 and 7 may be managed and invested by that Indian tribe pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) Withdrawal of Funds by Covered Tribes.—

(1) In General.—Subject to paragraph (2), each covered Indian tribe may, at the discretion of that Indian tribe, withdraw all or any portion of the funds distributed to the Indian tribe under sections 4 and 7 in accordance with the American Indian Trust Fund Management Reform Act (25 U.S.C. 4001 et seq.).

(2) Exemption.—For purposes of paragraph (1), the requirements under subsections (a) and (b) of section 202 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022 (a) and (b)) and section 203 of such Act (25 U.S.C. 4023) shall not apply to a covered Indian tribe or the Secretary.

(3) Rule of Construction.—Nothing in paragraph (2) may be construed to limit the applicability of section 202(c) of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022(c)).

SEC. 6. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

SEC. 7. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

(a) In General.—Subject to section 8(e), the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians an amount equal to 71.6005 percent of the funds described in section 3, subject to any reduction determined under subsection (b).

(b) Adjustments.—

(1) In General.—Subject to section 8(e), if the number of individuals on the final roll of lineal descendants certified by the Secretary under section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a), determined by decreasing—

(A) the percentage specified in section 4(a)(B)(ii) by a percentage amount equal to—

(i) .0277; multiplied by

(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) by the percentage amount determined under subparagraph (A).

(2) Distribution.—If a reduction in the amount that otherwise would be distributed under subsection (a) is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 4(a)(1), for distribution in accordance with section 4(a)(2).

(c) Verification of Ancestry.—In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

(1) the 1909 Sisseton and Wahpeton annuity roll;

(2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the "1862 Minnesota Outbreak";

(3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton

Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or

(4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 202(a) of Public Law 92–555 (25 U.S.C. 1300d–4(a)) is amended—

(A) in the matter preceding the table—

(i) by striking ", plus accrued interest,"; and

(ii) by inserting "plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998)," after "docket numbered 359,"; and

(B) in the table contained in that subsection, by striking the item relating to "All other Sisseton and Wahpeton Sioux".

(2) ROLL.—Section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is amended by striking "The Secretary" and inserting "Subject to the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary".

SEC. 8. JURISDICTION; PROCEDURE.

(a) ACTIONS AUTHORIZED.—In any action brought by or on behalf of a lineal descendant or any group or combination of those lineal descendants to challenge the constitutionality or validity of distributions under this Act to any covered Indian tribe, any covered Indian tribe, separately, or jointly with another covered Indian tribe, shall have the right to intervene in that action to—

(1) defend the validity of those distributions; or

(2) assert any constitutional or other claim challenging the distributions made to lineal descendants under this Act.

(b) JURISDICTION AND VENUE.—

(1) EXCLUSIVE ORIGINAL JURISDICTION.—Subject to paragraph (2), only the United States District Court for the District of Columbia, and for the districts in North Dakota and South Dakota, shall have original jurisdiction over any action brought to contest the constitutionality or validity under law of the distributions authorized under this Act.

(2) CONSOLIDATION OF ACTIONS.—After the filing of a first action under subsection (a), all other actions subsequently filed under that subsection shall be consolidated with that first action.

(3) JURISDICTION BY THE UNITED STATES COURT OF FEDERAL CLAIMS.—If appropriate, the United States Court of Federal Claims shall have jurisdiction over an action referred to in subsection (a).

(c) NOTICE TO COVERED TRIBES.—In an action brought under this section, not later than 30 days after the service of a summons and complaint on the Secretary that raises a claim identified in subsection (a), the Secretary shall send a copy of that summons and complaint, together with any responsive pleading, to each covered Indian tribe by certified mail with return receipt requested.

(d) STATUTE OF LIMITATIONS.—No action raising a claim referred to in subsection (a) may be filed after the date that is 365 days after the date of enactment of this Act.

(e) SPECIAL RULE.—

(1) FINAL JUDGMENT FOR LINEAL DESCENDANTS.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more lineal descendants referred to in that subsection, section 4(a) and subsections (a) and (b) of section 7 shall not apply to the distribution of the funds described in subparagraph (B).

(B) DISTRIBUTION OF FUNDS.—Upon the issuance of a final judgment referred to in subparagraph (A) the Secretary shall distribute 100 percent of the funds described in section 3 to the lineal descendants in a manner consistent with—

(i) section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)); and

(ii) section 202(a) of Public Law 92–555, as in effect on the day before the date of enactment of this Act.

(2) FINAL JUDGMENT FOR COVERED INDIAN TRIBES.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more covered Indian tribes that invalidates the distributions made under this Act to lineal descendants, section 4(a), other than the percentages under section 4(a)(2), and subsections (a) and (b) of section 7 shall not apply.

(B) DISTRIBUTION OF FUNDS.—Not later than 180 days after the date of the issuance of a final judgment referred to in subparagraph (A), the Secretary shall distribute 100 percent of the funds described in section 3 to each covered Indian tribe in accordance with the judgment and the percentages for distribution contained in section 4(a)(2).

(f) LIMITATION ON CLAIMS BY A COVERED INDIAN TRIBE.—

(1) IN GENERAL.—If any covered Indian tribe receives any portion of the aggregate amounts transferred by the Secretary to a Fund Account or any other account under section 4, no action may be brought by that covered Indian tribe in any court for a claim arising from the distribution of funds under Public Law 92–555 (25 U.S.C. 1300d et seq.).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the right of a covered Indian tribe to—

(A) intervene in an action that raises a claim referred to in subsection (a); or

(B) limit the jurisdiction of any court referred to in subsection (b), to hear and determine any such claims.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 391, the proposed Mississippi Sioux Tribe's Judgment Fund Distribution Act of 1998. S. 391 would provide for the disposition of judgment funds appropriated by Congress in 1968, plus accrued interest to pay the Mississippi Sioux Indians for 27 million acres of ancestral lands which the Indian Claims Commission ruled were taken without justification.

Mr. Speaker, I recommend that S. 391 be passed by the House and be sent to the President. I would also just like to commend RICK HILL for his hard work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial measure that was originally passed out of the House last year. The bill resolves the competing claims of the Sisseton-Wahpeton Sioux Tribe and the lineal descendants to the 1968 Judgment Fund award to the tribe for the lands taken in violation of their treaty rights. The 1968 amount was approximately $5.8 million, but was never distributed because of a dispute over the allocation of the award.

The House-passed legislation, H.R. 976, redistributed the remaining $15 million by awarding the lineal descendants the principal, $1.5 million, but giving the tribe the accumulated interest of $13.5 million. The Senate amends that plan by giving the lineal descendants the greater share of the award.

Basically, the Senate plan gives the lineal descendants $10.5 million and the tribes get $4.5 million. The Senate would also require that lineal descendants verify that they are, in fact, descended from a Sisseton-Wahpeton Sioux ancestor. Finally, the Senate bill allows for a legal challenge by lineal descendants of the distribution plan to the tribes, but gives the tribes the right to intervene.

I am concerned that there is such a vast difference in the amounts going to the tribes between the House and the Senate bills, and I want to express my reservations about whether or not this is fair to the tribes. I wish we had a chance to more fully review the Senate changes, but I understand that the tribes are willing to take this amount. I also understand that the administration now support this proposal.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 391, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the 3 bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SUBMISSION OF EXTRANEOUS MATTER EXCEEDING 2 PAGES OF THE CONGRESSIONAL RECORD

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to insert in the RECORD updated explanatory materials relating to the Transportation Equity

Act for the 21st Century, commonly known as ISTEA, and to extend my remarks in the RECORD and to include therein extraneous material not withstanding the fact that it exceeds 2 pages and is estimated by the Public Printer to cost $9,376. This material will serve as a useful record for interpreting this important legislation.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, and notwithstanding the cost, the gentleman may insert extraneous material in the RECORD, but that material does not constitute a revised joint statement of managers to accompany a conference report previously filed.

There was no objection.

INTRODUCTORY NOTE TO UPDATED EXPLANATORY MATERIALS

The House Conferees from the Committee on Transportation and Infrastructure on the Transportation Equity Act for the 21st Century (TEA 21) are pleased to published the accompanying updated explanatory materials related to TEA 21. These materials reflect what we intended the legislative history of TEA 21 to be, had there been adequate time to develop a complete report.

TEA 21 is comprehensive surface transportation legislation that reauthorized the Federal highway, transit, highway safety grant and surface transportation research programs for Fiscal Years 1998 through 2003. It also contains legislation extending the Highway Trust Fund and its taxes, changes to the Balanced Budget and Emergency Deficit Control Act of 1985 that ensure the trust fund revenues are spent, budgetary offsets to pay for the increased levels of funding authorized, provisions related to ozone and particulate matter standards, the National Highway Traffic Safety Administration Act of 1998, provisions related to rail programs, comprehensive "one-call" notification programs, and the Sportfishing and Boating Safety Act of 1998.

The Conference Report on TEA 21 (House Report 105–550) passed the House of Representatives and the Senate on May 22, 1998, and was signed into law by the President on June 9, 1998, as Public Law 105–178.

Several important provisions agreed to by the House and Senate Conferees were inadvertently omitted from the version of TEA 21 that passed the Congress and that was signed into law. It also contained several technical errors. To restore these omissions and correct the errors, Congress subsequently passed the TEA 21 Restoration Act as Title IX of the Internal Revenue Service Restructuring and Reform Act of 1998. The President signed it into law on July 22, 1998, as Public Law 105–206. The attached version of TEA 21 reflects the changes made by the TEA 21 Restoration Act.

Due to the tight schedule for finalizing the TEA 21 Conference, the Statement of Managers accompanying TEA 21 contained technical errors and omissions relating to Title I (Federal-aid Highways) and Title V (Transportation Research). The attached version corrects these errors and contains more extensive descriptions of many TEA 21 provisions.

We hope that upcoming Committee Print of TEA 21 and the accompanying explanatory materials will be a useful document for interpreting TEA 21 since it was extensively amended soon after being signed into law, and since the original Statement of Managers did not properly reflect the legislation that was signed into law.

TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY

UPDATED EXPLANATORY MATERIALS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1. SHORT TITLE, TABLE OF CONTENTS

House bill

Section 1 provides that the title of the House bill is the "Building Efficient Surface Transportation And Equity Act of 1998," or "BESTEA." Section 1 also includes a table of contents.

Senate amendment

Section 1 provides that the title of the Senate bill is the "Intermodal Surface Transportation Efficiency Act of 1998," or "ISTEA II." Section 1 also includes a table of contents for the bill.

Conference substitute

The Conference adopts a substitute provision as the title of the Act. This title is "Transportation Equity Act for the 21st Century" or "TEA 21." The subsection also includes a table of contents for the Act.

SEC. 2. DEFINITIONS

House bill

Secton 2 provides that, as used in the House bill, the term "Interstate System" has the meaning given the term by section 101 of title 23, United States Code, and the term "Secretary" means the Secretary of Transportation.

Senate amendment

Section 2 provides that, as used in the Senate bill, the term "Secretary" means the Secretary of Transportation.

Conference substitute

The Conference adopts the House provision.

SAVINGS CLAUSE

House bill

Section 3 provides that amendments made by this Act shall not affect any apportionment or allocation of any funds that occurred before the date of enactment of this Act unless the bill specifically directs that the allocation or apportionment be modified.

Senate amendment

The Senate bill contained no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

AMENDMENTS TO TITLE 23

House bill

Section 101 directs that each amendment in the bill, or repeal of a section or other provision of law, is an amendment to title 23 of the United States Code unless the bill states otherwise.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

SHORT TITLE FOR TITLE I

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1001 includes a short title for the first title of the bill covering highway programs. This title may be cited as the "Surface Transportation Act of 1998".

Conference substitute

The Conference does not adopt the Senate provision.

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS

House bill

Subsection 102(a) authorizes funds from the Highway Trust Fund (HTF) (other than the Mass Transit Account) for major Federal-aid highway programs and the Federal lands highways program for fiscal years 1998 through 2003.

Subsection 102(b) continues the Disadvantaged Business Enterprise program. It also allows an entity or person that is prevented under Federal court order from complying with the DBE provision to continue to be eligible to receive Federal funds. The Comptroller General is required to conduct a study of the DBE program within three years of the date of enactment of this Act. Recent court decisions have established new standards for review of the constitutionality of programs such as the DBE provisions enacted in prior surface transportation acts and the courts are now determining whether the DBE programs comply with those standards. The Department of Transportation is reviewing the DBE program in light of recent court rulings and has proposed new regulations to ensure that the program withstands constitutional muster. Subsection 102(b) of the reported bill makes no changes to these provisions, preferring to let the courts resolve these reviews. However, the Committee will continue to monitor DOT's administration of this program and gauge the impact of court decisions on these provisions.

This provision is intended to ensure that grant recipients under this Act will continue to be eligible to receive Federal funds even if a Federal court has entered a final order finding the DBE program to be unconstitutional.

The possibility of legal challenges may affect a limited number of States or transit agencies. This provision is intended to ensure that any affected recipients will not be unfairly penalized for complying with a final order of a Federal court finding the DBE program to be unconstitutional.

Senate amendment

Section 1101(a) provides contract authority from the Highway Trust Fund for each of fiscal years 1998 through 2003 for the Interstate and National Highway System (NHS) Program, the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, and the Federal lands highways program.

Section 1111 continues the provisions in current law regarding the disadvantaged business enterprise (DBE) program. The DBE program, which originated in the Surface Transportation Assistance Act of 1982, requires that 10 percent of the funds provided under titles I, II, and V of this Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals, except to the extent that the Secretary of Transportation determines otherwise.

In 1995, the Supreme Court decided Adarand v Pena, which heightened the standard of judicial review applicable to Federal affirmative action programs. The case involved a Caucasian subcontractor who submitted a low bid on a Federal lands highway construction contract, but lost to a company that was certified as "disadvantaged." Adarand filed suit, alleging that he was denied the equal protection guaranteed by the Fifth amendment. The Court agreed in a 5-4 decision that Federal race classifications, such as the DBE program, must be subject to strict scrutiny. In other words, the program must: (1) serve a compelling government interest, and (2) be narrowly tailored to address that compelling interest, which in this case is fighting discrimination.

It is important to note that the Supreme Court did not strike down the DBE program or any other Federal affirmative action program. That means that if the program in question meets the new test outlined by the Court, it is Constitutional and may continue to exist. In the case of the DBE program, the Department of Transportation has determined that the Constitutional concerns can be addressed through changes in the Department's regulations. To that end, the Department has proposed a number of regulations intended to address the "narrow tailoring" requirements of "strict scrutiny" by (1) giving priority to race-neutral measures in meeting program goals, and (2) limiting the potential adverse effects of the program on other parties.

Conference substitute

Subsection 1101(a) authorizes funds from the Highway Trust Fund (other than the Mass Transit Account) for each of fiscal years 1998 through 2003 for the following programs and projects: the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the recreational trails program, the Federal lands highways program, the construction of ferry boats and ferry terminal facilities, the national scenic byways program, high priority projects, highway use tax evasion projects, and the highway program of the Commonwealth of Puerto Rico. Subsection 1101(a) also authorizes funds from the Highway Trust Fund (other than the Mass Transit Account) for each of fiscal years 1999 through 2003 for the following programs: the Appalachian development highway system, the national corridor planning and development and coordinated border infrastructure programs, and the value pricing pilot program.

The Conference contains the Senate provision continuing the Disadvantaged Business Enterprise program in TEA 21. This provision is substantially identical to the existing DBE provision contained in the ISTEA bill. The provision adopted by the conference is also operationally identical to the provision contained in the House bill. The Conference has continued the program without change from prior law. Courts will make a final determination as to whether the statute, as implemented by the Department of Transportation, is constitutional under the Supreme Court's Adarand decision.

The possibility of legal challenges to the DBE program was of concern to the Conferees. Therefore, the provision is intended to ensure that grant recipients under this Act will continue to receive Federal funds even if a Federal court has entered a final order finding the DBE program to be unconstitutional.

SEC. 1102. OBLIGATION CEILING

House bill

Subsection 103(a) sets the annual obligation limitation for the Federal-aid highway program for fiscal years 1998 through 2003.

Subsection 103(b) lists the programs that are exempt from the annual obligation ceiling for the Federal-aid highway program. These programs are emergency relief, minimum allocation, demonstration projects authorized in prior surface transportation bills, and high priority projects.

Subsection 103(c) directs the Secretary to distribute the annual obligation authority to the States in the manner specified. All formula and allocated programs share proportionally in the obligation authority.

Subsection 103(d) directs the Secretary to redistribute, after August 1 of each fiscal year, the obligation authority made available under subsection (c) from States that will be unable to use their obligation authority by the end of the fiscal year to those States able to obligate the unused obligation authority.

Subsection 103(c) clarifies that the programs carried out under chapter 3 of title 23, United States Code, and title VI of this Act are subject to the obligation limitation.

Subsection 103(f) directs that funds that will not be allocated to the States and that are unavailable in any fiscal year due to the imposition of an obligation limitation be distributed to the States.

Senate amendment

Section 1103 sets the annual obligation limitation for the Federal-aid highway program, specifies the programs that are exempt from the obligation limitation, and sets forth the process for distributing the annual obligation limitation.

Consistent with current law, this section continues the exemptions for programs that were exempt from the obligation limitation under ISTEA. This exemption includes the emergency relief program, unobligated balances for demonstration projects that were already exempt from the limitation in ISTEA, and funds apportioned under subsection (a) of the minimum guarantee adjustment.

This section also continues the practices that directs the Secretary to distribute the annual obligation limitation imposed on the Federal-aid highway program. Consistent with current law, the Secretary shall distribute the annual obligation authority to the States in the ratio that the total of Federal-aid highway funds and highway safety funds for each State bears to the total of Federal-aid highway funds and highway safety funds for all the States. After August 1 of each fiscal year, the Secretary is required to distribute the additional obligation authority from States unable to use their obligation authority by the end of the fiscal year to those States able to obligate the unused obligation authority.

Conference substitute

The Conference adopts the House provision, with the following modifications.

Subsection 1102(a) sets the annual obligation limitation for Federal-aid highway and highway safety construction programs for each of fiscal years 1998 through 2003. The annual obligation limitations is tied to Highway Trust Fund tax revenues for the previous fiscal year and will change as such revenues change, in accordance with subsection 1102(h).

Subsection 1102(b) of the Conference provision modifies the list of programs that are exempt from the annual obligation ceiling for Federal-aid highways and highway safety construction programs. Exempt programs are emergency relief, demonstration projects authorized in prior surface transportation bills, minimum allocation funds, and a portion of minimum guarantee funds.

Paragraph 1102(c)(1) of the Conference provision provides that the Secretary not distribute obligation authority for certain programs, including administrative expenses.

Paragraph 1102(c)(2) of the Conference provision provides an amount of obligation authority equal to the amount of the unobligated balance of amounts made available in previous fiscal years for those Federal-aid highway and highway safety programs for which funds are allocated by the Secretary.

Paragraph 1102(c)(3) of the Conference provision establishes how the Secretary is to calculate certain ratios used to distribute the obligation authority.

Paragraph 1102(c)(4) of the Conference provision states that each high priority project, the Appalachian development highway system, and funding for the Woodrow Wilson Memorial Bridge Authority Act under this Act shall receive the same proportional distribution of obligation authority to budget authority as virtually all other Federal-aid highway programs do under section 1102, and that $2 billion of minimum guarantee funds shall receive an equal amount of obligation limitation. Sections 1601 (codified at 23 U.S.C. 117) and 1602, which authorize the high priority projects, reinforce the intent of the Conferees in paragraph 1102(c)(4) that each high priority project receive the same proportion of obligation authority to budget authority as every other Federal-aid highway program, and that such obligation authority is tied to each individual project. Subsection 117(g) directs that '[o]bligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section. . . ." Subsection 117(a) directs the Secretary to make available budget authority 'to carry out each project [authorized in TEA 21 in] the amount listed for such project in such section." The effect of these two provisions in section 117 is to require that obligation authority attributable to the budget authority provided for each project shall only be available for each such project. Section 117, in expressly stating that the budget authority for high priority projects is made available only for individual projects, articulates Congress' intent that each individual project be funded. In this respect, the provisions authorizing high priority projects are distinctly different that the provisions authorizing other Federal-aid highway programs for which States receive a lump sum of obligation authority each year.

Paragraphs 1102(c)(5) and (6) of the Conference provision describe how certain amounts of the obligation authority are to be distributed.

Subsection 1102(d) of the Conference provision provides for the redistribution of unused obligation authority at the end of the Fiscal Year. This provision is commonly called the "August Redistribution."

Subsection 1102(e) of the Conference provision provides that obligation authority set aside for the transportation research programs be available for three years.

Subsection 1102(f) directs the Secretary to annually redistribute any budget authority the Secretary determines will not be allocated and will not be available for obligation, due to the imposition of any obligation limitation. This distribution of budget authority to the States shall be made in the same ratio as the distribution of obligation authority under paragraph (c)(6), and such funds shall be available for any eligible purpose under 23 U.S.C. 133(b). The Secretary shall not redistribute any budget authority made available in this Act for high priority projects or for the Woodrow Wilson Memorial Bridge Authority Act.

Subsection 1102(g) states that the obligation limitation provided in paragraph (c)(4) for high priority projects, the Appalachian development highway system, the Woodrow Wilson Memorial Bridge Authority Act, and $2 billion in minimum guarantee funds is available until used and is in addition to the amount of any obligation limitation imposed for Federal-aid highway and highway safety construction programs in future fiscal years.

Subsection 1102(h) provides that the obligation limitation imposed in subsection (a) shall be increased by an amount equal to the amount of funds determined pursuant to section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 for such fiscal year, and such increase in obligation authority shall be distributed in accordance with this section.

In subsection 1102(i), the Conference adopts the Senate provision imposing a separate limitation on obligations for the expenses of administering the provisions of law for Federal-aid highway and highway safety construction programs and the Appalachian development highway system.

SEC. 1103. APPORTIONMENTS

House bill

Subsection 104(a) directs the Secretary to deduct, from funds authorized to be appropriated for certain major Federal-aid highway programs and the Federal lands highways program, a sum not to exceed 1 percent of such funds for the purpose of administering the Federal-aid highway program.

Subsection 104(b) directs the Secretary to apportion amounts available to the States for the National Highway System, congestion mitigation and air quality improvement program, surface transportation program, high risk road safety improvement program, and Interstate maintenance according to specified formulas.

Subsection 104(c) increases funding for Operation Lifesaver and the High Speed Rail Corridors grade crossing program. Funding for Operation Lifesaver is increased from $300,000 to $500,000 annually. Funding for the High Speed Rail Corridors grade crossing program is increased to $5.25 million per year. In addition, the subsection specifically designates the Minneapolis/St. Paul, Minnesota, to Chicago, Illinois, segment as a part of the Midwest High Speed Rail Corridor (also known as the Chicago Hub). The Minnesota, Wisconsin, and Illinois Departments of Transportation have completed preliminary feasibility studies on the Minneapolis/St. Paul-Chicago segment and the Federal Railroad Administration has provided funding for the segment under the Next Generation High Speed Rail Corridor Program.

Regarding the High Speed Rail Corridors Program established in section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Committee would draw attention to an additional corridor it believes worthy of inclusion. This rail corridor, in Pennsylvania, extends from Philadelphia through Harrisburg to Pittsburgh. It is a logical connecting route between the high speed northeast corridor and points west in Pennsylvania, offering significant mobility and economic benefits. There is a substantial and rapidly growing exchange of passengers between the northeast corridor and this cross-state corridor, particularly on the "Keystone" portion from Philadelphia to Harrisburg. The Committee recommends assistance to this corridor under this section as a prelude to consideration of eligibility for costs related to feasibility studies, design, and construction of this corridor for high speed rail.

Subsection 104(d) makes technical corrections to 23 U.S.C. 104(e) and directs the Secretary to transmit to Congress within the first 21 days of each fiscal year a written statement setting forth the reason for not making an apportionment in a timely manner. This subsection has been included in response to the withholding of apportionments in fiscal year 1997. The apportionments were held up for several months due to an error in crediting receipts into the Highway Trust Fund. Ultimately, a correction was made resulting in the redistribution of nearly $1 billion in Federal-aid highway funds. The withholding was done administratively. This amendment would require a written explanation of any withholding in the future.

Subsection 104(e) amends the metropolitan planning set-aside provision in 23 U.S.C. 104(f) by deleting the references to outdated funding programs and providing that the set-aside shall not be deducted from funds made available for the recreational trails program.

Subsection 104(f) directs the Secretary to apportion to the States the sums authorized for the recreational trails program as follows: 50 percent equally among eligible States and 50 percent in amounts proportionate to the degree of non-highway recreational fuel use in each such eligible State. This subsection also directs the Secretary to set-aside 3 percent of recreational trails program funds for the administrative and research costs of the program.

Subsection 104(g) makes several corrections to cross references in title 23 to conform to this section.

Subsection 104(h) provides the table referenced in the NHS apportionment formula.

Subsection 104(i) requires that up-to-date data be used for formulas.

Subsection 104(j) provides the mechanism for adjustments to programs in fiscal year 1998 to take into consideration the Surface Transportation Extension Act of 1997 (STEA) which provided funds from the Highway Trust Fund for a portion of fiscal year 1998. The STEA requires that the Secretary deduct any funds received under that Act from any apportionments made by this Act for fiscal year 1998. Subsection (j) also requires that the Secretary ensure that the total apportionments to each State under this Act be reduced by the amount apportioned to each such State under the STEA.

Senate amendment

Subsection 1101(b) sets forth the process by which the Secretary is required to reduce the amounts made available under this Act for fiscal year 1998 by the amounts made available under the Surface Transportation Extension Act of 1997.

Section 1102 provides the basis for distributing apportioned funds among the States. It includes provisions for apportioning funds to the following programs: Interstate and National Highway System, the congestion mitigation and air quality improvement program, the surface transportation program, and other apportionment adjustments, using current indicators to measure the needs, extent, use, and condition of the Federal-aid highway system, and air quality severity in nonattainment and maintenance areas.

Subsection 1102(a) replaces the apportionment formulas provided in ISTEA with apportionments based on current transportation measurements in each state. By contrast, ISTEA apportioned a majority of funds to the States based on each State's historical share of apportionments received in 1987 through 1991.

To ensure an efficient and competitive transportation system into the 21st century, this section provides for the use of indicators that measure the needs, condition, extent, and use of the Nation's transportation network today. Many apportionment factors used in this section draw upon the suggested alternatives of the General Accounting Office report, "Highway Funding, Alternatives for Distributing Federal Funds," November 1995.

The Interstate and National Highway System (INHS) program funds are apportioned in three components. The Interstate maintenance component of INHS is apportioned based on a State's share of total Interstate land miles and total Interstate vehicle miles traveled within the State. The Interstate bridge component is distributed according to the State's share of total square footage of structurally deficient and functionally obsolete Interstate bridges within the State. The National Highway System component is distributed based on a State's share of: (1) total lane miles of principal arterial routes (excluding Interstate lane miles), (2) total vehicle miles traveled on principal arterials (excluding Interstate lane miles), (3) total square footage of deficient bridges on principal arterials (excluding Interstate routes), (4) diesel fuel use, and (5) total lane miles of principal arterials per capita. Each State is guaranteed a minimum of ½ of 1 percent of funds apportioned under the INHS program.

This section also preserves the basic structure of the current formula for the congestion mitigation and air quality improvement (CMAQ) program, using population and the severity of air pollution as the apportionment factors. The apportionment formula for CMAQ adds a weighting for carbon monoxide nonattainment and maintenance areas, ozone maintenance areas, and submarginal ozone nonattainment areas. These areas were added because they are required under the Clean Air Act to adhere to maintenance plans in meeting air quality requirements. As in current law, each state is guaranteed a minimum share of ½ of 1 percent of total annual CMAQ apportionments.

The surface transportation program (STP) funds are apportioned based on a State's share of the following: (1) total Federal-aid highway lane miles, (2) total vehicle miles traveled on Federal-aid highways, (3) total square footage of deficient bridges on Federal-aid highways (excluding deficient bridges on the Interstate and other principal arterials); and (4) contributions into the Highway Account of the Highway Trust Fund. Each State is guaranteed a minimum of ½ of 1 percent of funds apportioned under the STP program.

Subsection 1102(b) provides that deposits into the Highway Trust Fund as a result of section 901(e) of the Taxpayer Relief Act of 1997 shall not be taken into account in determining any State's apportionments or allocations under title 23, United States Code, or this Act.

In all cases, the factors to be used in the apportionment formulas are to be based on the latest available data and are to be updated each year.

Subsection 1102(e) amends 23 U.S.C. 104(i) to authorize the Secretary to use administrative funds to reimburse the Office of the Inspector General of the Department of Transportation for annual audits of financial statements in accordance with 31 U.S.C. 3521.

Subsection 1102(f) makes technical changes to 23 U.S.C. 104(e) concerning notification to States and to 23 U.S.C. 104(f) concerning the metropolitan planning set-aside. The purpose of the set-aside for metropolitan planning is to assist metropolitan areas with the metropolitan planning requirements continued from current law.

Subsection 1102(g) makes numerous conforming amendments to title 23, United States Code to correct references therein to 23 U.S.C. 104, and to delete several outdated sections in title 23.

In section 1107, which recodifies the recreational trails program, subsection 23 U.S.C. 206(i) directs the Secretary to apportion to the States the sums authorized for the Recreational Trails program as follows: 50 percent equally among eligible States and 50 percent in amounts proportionate to the degree of non-highway recreational fuel use in each such eligible State. This subsection also provides that the amount the Secretary may deduct to pay the costs for administration of the program is reduced from three percent to one percent.

Paragraph 1112(b)(2) makes a conforming amendment to 23 U.S.C. 104(f)(3) concerning the Federal share of project costs for metropolitan planning projects.

Subsection 1113(c) requires the Secretary to report annually on the rates of obligation of funds for programs for which funds are apportioned or set-aside under 23 U.S.C. 104 and 133. The reports shall include information regarding funding category or subcategory, type of improvement, and substate geographic area. Section 1207 amends 23 U.S.C. 104(m) to require the Secretary to submit to Congress an annual, rather than monthly, report on States' obligation amounts and unobligated balances for Federal-aid highway and highway safety construction programs.

Section 1131 authorizes an amount not to exceed $16 million per year for fiscal year 1998 through 2003 from the Interstate maintenance component for the reconstruction of a highway or portion of highway outside of the United States that is important to national defense.

Section 1201 amends subsection 23 U.S.C. 104(a) by reducing the maximum percentage of certain Federal-aid highway apportionments the Secretary is authorized to deduct to administer the Federal-aid highway program from 3¾ percent to 1½ percent. The reduction reflects that this Act provides funding from other sources for certain non-administrative items, such as research and intelligent transportation system activities, that were formerly funded from the administrative takedown.

Section 1207 amends 23 U.S.C. 104 to require the Secretary to submit to Congress an annual, rather than monthly, report on States' obligations and unobligated balances of funds authorized for Federal-aid highway and highway safety construction programs.

Section 1221 adds a new subsection to 23 U.S.C. 104 to provide for the program-wide, rather than project-by-project, transfer and administration of transit funds made available for highway projects and highway funds made available for transit projects. This revision will streamline the administration of highway and transit funds by State departments of transportation. This provision also requires the Secretary to administer funds made available under title 23 or chapter 53 of title 49 and transferred to Amtrak in accordance with Subtitle V of title 49. Funds made available under title 23 or chapter 53 of title 49 and transferred to other eligible passenger rail projects and activities shall be administered as the Secretary determines appropriate. The non-Federal share provisions in title 23 or chapter 53 of title 49 will continue to apply to the transferred funds.

Section 1401 amends 23 U.S.C. 104(d) to fund Operation Lifesaver as a set-aside from the surface transportation program, rather than from the administrative takedown for the Federal-aid highway program. This section also increases the funding for Operation Lifesaver from $300,000 to $500,000 for each of fiscal years 1998 through 2003. The funds shall be used for public education programs designed to reduce the number of accidents, deaths and injuries at highway-rail intersections and with railroad rights-of-way.

Section 1402 authorizes $5 million to be set aside from surface transportation program funds in each of fiscal years 1998 to 2003 to be allocated by the Secretary to address railway-highway crossing hazards in five existing high speed rail passenger corridors and authorizes the Secretary to select three additional corridors. The Secretary is to consider ridership volume, maximum speeds, benefits to nonriders such as congestion relief, State and local financial support, and the cooperation of the owner of the right-of-way.

The previously selected rail corridors under the program are: (1) San Diego to Sacramento, CA; (2) Detroit, MI to Milwaukee, WI; (3) Miami to Tampa, FL; (4) Washington, D.C. to Charlotte, NC; (5) Vancouver, B.C. to Eugene, OR. The New York City-Albany-Buffalo high speed Empire Corridor is an example of a project that meets the intent of this section because of its current travel at high rates of speed and its level of ridership. Section 1402 also requires the Secretary to expend funds under the railway-highway crossing hazard elimination in high speed rail corridors program for a Gulf Cost high speed railway corridor.

Conference substitute

In subsection 1103(a), the Conference adopts the Senate provision concerning the percentage of the administrative takedown for the Federal-aid highway program.

In subsection 1103(b), the Conference adopts a substitute provision which contains portions of both the House and Senate apportionment formulas, with several modifications. The Conference adopts a combination of the House formula and a modified Senate formula for apportioning National Highway System funds. After setting aside $36.4 million for each of fiscal years 1998 through 2003 for the territories and $18.8 million for each of fiscal years 1999 through 2003 for the Alaska Highway, the remaining NHS funds shall be apportioned as follows: 25 percent based on each State's share of total lane miles of principal arterials, excluding Interstate routes; 35 percent based on each State's share of total vehicle miles traveled on lanes of principal arterials, excluding Interstate routes; 30 percent based on each State's share of total diesel fuel used on highways; and 10 percent based on each State's share of: total lane miles on principal arterials in the State divided by the State's total population. The conference adopts the Senate formula for apportioning congestion mitigation and air quality improvement program funds, apportioning such funds based on each State's share of the total of all weighted nonattainment and maintenance area populations. The Conference adopts the House formula for apportioning surface transportation program funds, apportioning such funds as follows: 25 percent based on each State's share of total lane miles of Federal-aid highways, 40 percent based on each State's share of total vehicle miles traveled on lanes on Federal-aid highways, and 35 percent based on each State's share of estimated tax payments attributable to highway users paid into the Highway Trust Fund (other than the Mass Transit Account). The Conference adopts a combination of the House and Senate formulas for apportioning Interstate maintenance (IM) funds (retaining a separate IM formulas, as in the House bill) and apportions such funds as follows: 33⅓ percent based on each State's share of total lane miles on Interstate routes open to traffic, 33⅓ percent based on each State's share of vehicle miles traveled on certain designated Interstate System routes, and 33⅓ percent based on each State's share of annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles.

In subsection 1103(c), the Conference adopts the Senate provision and most of the House provision on Operation Lifesaver and High Speed Rail Corridors. The conference adopts the House's $5.25 million funding level for the High Speed Rail Corridors program, includes funding under the program for site-specific corridors that were included in both the Senate and the House bills and reports, includes the Senate bill's criteria for the Secretary to consider in selecting corridors, and authorizes $15 million to be appropriated for each of fiscal years 1999 through 2003 to carry out this subsection. The conference substitute also includes the House provision of $250,000 in funding improvements to the Minneapolis/St. Paul-Chicago segment to the Midwest High Speed Rail Corridor.

In subsection 1103(d), the Conference adopts the House provision concerning certification of apportionments and notice to the House and Senate by the Secretary when apportionments are not made in a timely manner.

In subsection 1103(e), the Conference adopts the House provision amending the exception clause in the metropolitan planning set-aside provision in 23 U.S.C. 104(f) and the Senate provision technically amending 104(f)(3) concerning the Federal share.

In subsection 1103(f), the Conference adopts the House provision authorizing an administrative takedown for the recreational trails program, with a modification. The Conference provision changes the maximum permissible percentage the Secretary can deduct for administration, research, and technical assistance costs from 3 percent to 1½ percent. The House and Senate provisions apportioning Recreational Trails program funds are the same, and this apportionment formula is adopted in subsection 1103(f).

In subsection 1103(g), the Conference adopts the Senate provision concerning audits of the Highway Trust Fund.

In subsection 1103(h), the Conference adopts the two Senate provisions concerning reports on obligations, with a modification to combine both provisions in a single subsection in 23 U.S.C. 104.

In subsection 1103(i), the Conference adopts the Senate provision concerning the transfer of highway and transit funds, with a modification. Transferability to Amtrak or to any publicly-owned intercity or intracity passenger rail line is not adopted.

In subsection 1103(j), the Conference adopts the Senate provision concerning the effect of certain delay in deposits into the Highway Trust Fund.

In subsection 1103(k), the Conference adopts the Senate provision making technical amendments to 23 U.S.C. 104(f), with a modification striking the clause in 104(f) excluding certain programs from the metropolitan planning set-aside.

In subsection 1103(l), the Conference adopts the majority of the Senate provisions making conforming amendments to title 23, United States Code, to correct references therein to 23 U.S.C. 104 and the Senate provision repealing 23 U.S.C. 150, which is out of date.

In subsection 1103(m), the Conference adopts the House provision on adjustments for the Surface Transportation Extension Act of 1997 (STEA), with a modification providing that STEA obligation authority shall be considered to be an amount of obligation authority made available for fiscal year 1998 under this Act, and excluding Massachusetts from the provision offsetting the State's STEA funds from the State's fiscal year 1998 authorizations under this Act.

Subsection 1103(n), provides that for purposes of apportioning funds for Federal-aid highway programs under 23 U.S.C. 104, 105, 144, and 206, the term "State" means any of the 50 States and the District of Columbia. This definition differs from the definition used in U.S.C. 23 in that it does not include the Commonwealth of Puerto Rico.

Subsection 1103(o) makes several technical corrections to 23 U.S.C. 104.

SEC. 1104. MINIMUM GUARANTEE

House bill

Subsection 111(a) amends 23 U.S.C. 157 to direct the Secretary to allocate minimum allocation funds for fiscal year 1998 and thereafter, and it specifies the programs that are subject to the minimum allocation calculation in such fiscal years. It also provides that a State is guaranteed a ninety-five percent return in its formula program funds compared to its percentage contribution to the Highway Trust Fund, rather than the current ninety percent.

Subsection 111(b) provides that a State may use funds it receives under the minimum allocation program for any purpose eligible under the surface transportation program.

Subsection 111(c) makes conforming amendments to 23 U.S.C. 157.

Subsection 111(d) ensures that no State that is a net donor to the Highway Trust Fund receives a percentage of total Federal-aid highway program funds that is less than the percentage it received in the last year of ISTEA.

Subsection 111(e) ensures that after making all the prior calculations under 23 U.S.C. 157, no State shall receive a final Highway Trust Fund return of less than ninety percent.

Senate amendment

Subsections 1102 (c) and (d) replace the existing five apportionment adjustments with two apportionment adjustments, the ISTEA transition and the minimum guarantee. The ISTEA transition adjustment provides a ceiling (a "maximum transition") and a floor (a "minimum transition") for this adjustment. The maximum transition provides that a State's apportionments under this section may not increase by more than a specified percentage (e.g., 45 percent in 1998) over its ISTEA average funding level. The minimum transition adjustment ensures that a State's apportioned funds will either: (1) increase by a specified percentage (e.g., at least 7 percent in fiscal year 1998) from the average of its apportioned programs under ISTEA (excluding funds apportioned for Interstate Construction, Interstate Substitution, the so-called "Hold Harmless" program, and the Federal lands highways program), or (2) be equal to at least the amount that a State received in fiscal year 1997 from all apportioned programs in ISTEA, excluding Hold Harmless and demonstration projects.

The other apportionment adjustment provides a minimum guarantee based on total apportioned funds. This minimum guarantee is divided into two components. The first component provides that a State will receive a minimum share of total apportioned funds equal to 90 percent of its share of contributions into the Highway Account of the Highway Trust Fund. Although similar to the 90 percent minimum allocation program under current law, it differs in several significant ways from current law.

First, the minimum guarantee applies to 100 percent of apportioned funds rather than to only a portion of apportioned funds. The minimum allocation under current law only applied to less than 80 percent of apportioned funds in ISTEA, leaving some States to receive a percentage equal to 70–80 percent of their share of contributions. Second, the calculation is reformed so that the 90 percent guarantee is actually achieved. Even if the current minimum allocation calculation was modified to apply to all apportioned funds, States will come close to reaching a 90 percent guarantee, but will not reach a 90 percent guarantee, because the 90 percent minimum allocation received by one State dilutes the percentage for all other States. The 90 percent guarantee calculation in ISTEA II eliminates this problem and achieves at least a 90 percent guarantee for all States.

The amount apportioned to each State under the first component of the minimum guarantee calculation will vary as each State's share of contributions varies from year to year.

The second component of the minimum guarantee provides a minimum share for States listed in the table in the new section 105(a)(2) of title 23, United States Code. This calculation applies to States with unique characteristics such as low population density or small land areas.

Conference substitute

In section 1104, the Conference adopts the Senate's minimum guarantee provision, with several modifications. First, the Conference substitute contains a single minimum guarantee component, which provides additional funds to ensure that each State's percentage of total apportionments for the Interstate maintenance program, the National Highway System, the bridge program, the congestion mitigation and air quality improvement program, the surface transportation program, metropolitan planning, minimum guarantee, high priority projects, Appalachian development highway system, and recreational trails programs shall be at least 90.5 percent and shall equal the percentage for each such State listed in the table in 23 U.S.C. 105(b). Beginning in FY 1999, these percentages in the table shall be adjusted annually to ensure that each State's percentage return on its percentage contributions to the Highway Trust Fund in the latest fiscal year for which data is available is at least 90.5 percent. After adjusting the percentage for any State falling below 90.5 percent, the Secretary shall normalize the remaining percentages to ensure that the total of the percentages is equal to 100 percent. No State shall receive less than $1 million annually in minimum guarantee funding.

Second, the Conference provision states that the first $2.8 billion of minimum guarantee funds shall be available to the States for any project eligible under the surface transportation. The amount of minimum guarantee funds in excess of $2.8 billion flow back to the States as Interstate maintenance, National Highway System, surface transportation program, bridge, and congestion mitigation and air quality improvement program funds in amounts proportional to the each program's share of the total apportionments to each State for each fiscal year and are added to each State's formula apportionment for such program.

The new minimum guarantee provision is codified at 23 U.S.C. 105, replacing the current section 105.

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY

House bill

The House bill contains no comparable provision.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1105, the Conference adopts a provision that adds a new section 110 to title 23, United States Code, (thereby repealing current section 110, relating to project agreements) to annually adjust highway funding up or down to correspond with the latest data on Highway Trust Fund receipts. Subsection 110(a) provides that, in fiscal year 2000 and each fiscal year thereafter, the Secretary shall allocate an amount of funds equal to any additional amount of discretionary highway spending made available under section 8101 of this Act related to the budget firewall for HTF spending. If the annual discretionary highway spending limit decreases under section 8101 for fiscal year 2000 or any fiscal year thereafter, the Secretary, in the succeeding fiscal year, shall proportionately reduce the amounts authorized to carry out the Federal-aid highway and highway safety construction programs (other than the emergency relief program) by an amount equal to the amount of such spending decrease.

Under subsection 110(b), any additional funds made available under this section shall be distributed in two parts: one to allocated programs and the other to apportioned programs. As to allocated programs, the amount to be distributed is determined by multiplying the total amount of additional funds made available under this section by the ratio of funds authorized for all allocated programs to funds authorized to be appropriated from the Highway Trust Fund for all Federal-aid highway and highway safety construction programs. Such amount shall then be distributed to each allocated program in proportion to each program's share of total HTF authorizations. The remaining amount shall be distributed to each State in proportion to each such State's share of total HTF apportionments. Subsection 110(c) provides that the amount made available for apportioned programs shall be distributed to each State for its Interstate and NHS, bridge, STP, and CMAQ programs in the same ratio that each State is apportioned funds for such programs.

SEC. 1106. FEDERAL-AID SYSTEMS

House bill

Subsection 106(a) amends 23 U.S.C. 103 to strike existing provisions for the interim eligibility and approval of the National Highway System made unnecessary after its adoption in the National Highway System Designation Act of 1995.

Subsection 106(b) strikes language for the designation of the National Highway System made unnecessary after its adoption in 1995. The total mileage of National Highway System may not exceed 155,000 miles, except that the Secretary may increase or decrease the mileage by no more than 15 percent.

Subsection 106(c) modifies the National Highway System to include intermodal connectors on the map submitted to Congress by the Secretary on May 24, 1996.

Subsection 106(d) allows the National Highway System to be modified to accommodate changes in the Strategic Highway Network (STRAHNET).

Subsection 106(e) makes several technical and conforming amendments to section 103(b) of title 23, United States Code.

Subsection 106(f) makes technical amendments to 22 U.S.C. 103.

Subsection 106(g) states that amendments made by this section shall not affect apportionments made under 23 U.S.C. 104 before the date of enactment of this Act.

Subsection 106(h) directs the Secretary to report to Congress not later than 24 months after the date of enactment of this Act on the condition of and the improvements made to connectors on the National Highway System that serve intermodal freight transportation facilities.

Subsection 106(i) directs the Secretary to conduct a national competition among children under the age of 14 to design a logo sign for the National Highway System.

Subsection 106(j) designates certain routes as part of the National Highway System.

The House bill makes no changes to existing NHS eligibility.

The Committee encourages the Commonwealth of Virginia to work with Fairfax County, Virginia, to fund right-of-way and preliminary engineering costs associated with the NHS segment for the Fairfax County Parkway. In addition, the Commonwealth should work with the County to ensure that funding for the Fairfax County Parkway does not adversely affect other County projects under the secondary six-year plan.

The Committee encourages the State of Michigan to designate State Route M-6, commonly known as the South Belt Freeway, as the Paul B. Henry freeway. This designation would acknowledge the contribution that former Congressman Paul B. Henry made to this project and others while serving the Grand Rapids, Michigan, area as a county official, state legislator, and U.S. Representative.

The Committee encourages the State of California to designate an appropriate State Route in honor of the late Congressman Walter H. Capps.

There has been strong Federal support for the access road to the Northwest Arkansas Regional Airport, as recently demonstrated with the enactment of section 310(d) of the National Highway System Designation Act of 1995, and the Committee urges the State to advance the project as expeditiously as possible.

The Committee has approved funds under this Act to continue the Lafayette, Indiana Railroad Relocation Project. The Committee encourages the Indiana Department of Transportation to work with the local sponsors in identifying innovative financing opportunities to complete this project in an expeditious manner.

Senate amendment

Section 1121 provides that the National Highway System consists of those routes and transportation facilities depicted on maps submitted by the Secretary with the report "Pulling Together: The National Highway System and its Connections to Major Terminals."

Section 1234 amends 23 U.S.C. 103 to include publicly owned intracity or intercity passenger rail capital projects, including Amtrak, as an eligible activity for National Highway System program funds under the same criteria that apply currently to transit and non-NHS highway projects. NHS funding eligibility is amended also to include natural habitat mitigation and encourage the use of approved private-sector mitigation banks for wetlands lost through highway construction. Preference is given, to the extent practicable, to banks if they are in accordance with Federal guidelines on mitigation banking and are within the service area of the impacted wetland.

This section also adds the following new items to the list of projects eligible for NHS funding: (1) publicly owned intracity or intercity passenger rail or bus terminals, including those owned by Amtrak; (2) publicly owned intermodal surface freight transfer facilities, other than seaports and airports located at, or adjacent to, the NHS or connections to the NHS; (3) infrastructure-based Intelligent Transportation Systems capital improvements; and (4) publicly owned components of magnetic levitation (MAGLEV) systems.

This section also adds to the list of eligible NHS projects a paragraph applicable only to projects on the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, permitting these territories to use their NHS apportionments for any STP-eligible project, any airport, and any seaport.

Subsection 1001(a) amends 23 U.S.C. 103 to reflect that the National Highway System has been designated by Congress. It consolidates several sections of title 23 regarding Interstate system designations and the process for adding segments to the Interstate. This section addresses Interstate construction funds and unobligated balances of Interstate substitute funds, as these programs no longer exist.

The NHS consists of an interconnected system of principal arterial routes that serve major population centers and intermodal transportation facilities. Its components include the Interstate System and other urban and rural principal arterials and highways (including toll facilities) that provide motor vehicle access between major population centers, border crossings, intermodal transportation facilities, and routes important to defense within the United States. The mileage of the NHS is limited to 178,250 miles. This mileage is equal to the base amount of 155,000 miles, established in current law, plus the 15 percent increase permitted under current law. The Secretary may make modifications to the NHS routes proposed by a State if the Secretary determines that the modification meets the same criteria established under current law. Modification proposals must be coordinated among the State, local, and regional officials.

An Interstate System route is to be selected by joint action of the State transportation agencies of the State in which the route is located and the adjoining States in cooperation with local and regional officials, and subject to the approval of the Secretary. The mileage of the Interstate System is limited to 43,000, an increase from the 41,000 mile limit under current law.

Conference substitute

In subsection 1106(a), the Conference directs the Secretary to implement the National Highway System program and the Interstate maintenance program as a combined program, for the purpose of providing States with optimal flexibility in implementing these provisions.

In subsection 1106(b), [note: there are two subsections 1106(b)] the Conference adopts the Senate provisions amending 23 U.S.C. 103 concerning (1) the description, components, maximum mileage of and modifications to the National Highway System; (2) the description, design, maximum mileage, and designations of and modifications to the Interstate System; and (3) the treatment of Interstate construction and Interstate substitute funds, with a few modifications. The Conference modifies the Senate provision concerning the description of the NHS to make clear that the system includes the highway routes and connections to transportation facilities, rather than the facilities themselves. The Conference adopts the Senate provision concerning NHS eligibility, with a modification. The substitute does not include eligibility for intracity and intercity passenger rail under this program.

In subsection 1106(b), [note: the second subsection 1106(b)] the Conference adopts a provision allowing to use Interstate Substitute funds under the rules in effect on the day before the enactment of TEA 21.

In subsection 1106(c), the Conference makes amendments to several sections in title 23, United States Code, to conform those sections to the changes made by section 1106.

In subsection 1106(d), the Conference adopts the House provision on the intermodal freight connectors study with modifications to clarify that the purpose of the report is to identify impediments to improving intermodal connectors including impediments related to the planning process, availability of funding, and other issues identified by the Secretary.

SEC. 1107. INTERSTATE MAINTENANCE PROGRAM

House bill

Section 105 of the House bill amends 23 U.S.C. 119 to modify the Interstate maintenance program to restore reconstruction of segments of the Interstate as an eligible activity. It also eliminates the annual certification requirement, and it updates the listing of routes eligible for funding under the program.

Section 113 establishes a new program to fund major reconstruction or improvement projects on the Interstate system. In order to be eligible, a project must cost over $200 million or cost more than 50 percent of a State's Federal-aid highway apportionments; it must be ready to go to construction; the State must agree to not transfer funds apportioned under the Interstate maintenance program; and the funds must be obligated within one year. Two thirds of the funds are allocated to the States in the ratio that each State's cost of eligible projects bears to the total national cost of eligible projects. For the years 1998 through 2003, however, those funds are to be distributed based on the Interstate maintenance program formula. The remainder of the funds are allocated on a discretionary basis. If funds cannot be used in any given fiscal year, the extra funds are apportioned to all States as Interstate maintenance funds. Projects must be included within the planning process. The Secretary is required to report on the expected future need to reconstruct the Interstate System and to recommend methods for apportioning the funds.

Senate amendment

Section 1118 amends 23 U.S.C. 104 to direct the Secretary to set aside a total of $140 million from the Interstate maintenance and Interstate bridge components of the INHS apportionment, to be obligated at the discretion of the Secretary to States for the resurfacing, restoration, rehabilitation, or reconstruction of any route on the Interstate system or for the replacement, rehabilitation, or seismic retrofit of a highway bridge.

Section 1118 adds a new paragraph 104(k)(3) to title 23, United States Code, which provides that the Secretary may award funds under this program for Interstate 4R projects to those States the Secretary determines (1) will obligate funds provided under the Interstate maintenance and Interstate bridge components of the INHS apportionment in the fiscal year for which a grant application is submitted, and (2) are willing and able to obligate such funds within a year, apply the funds to a ready-to-commence project, and begin construction work within 90 days after obligation of the funds.

Section 1118 adds a new paragraph 104(k)(5), in which the Secretary is directed to allocate $10 million in Interstate maintenance component funds set aside under this section to eligible States for Interstate 4R and bridge projects. An eligible State is a State (1) that ranks among the lowest 10 percent of all States in per capita personal income, (2) where the ratio of its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 to its percentage of estimated contributions to the highway account of the Highway Trust Fund for the same period is less than 1.00, and (3) where its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 is less than its percentage of total Federal-aid highway program apportionments and allocations under sections 1103 through 1108 of ISTEA and under the Federal lands highways program for fiscal years 1992 through 1997.

Section 1209 amends 23 U.S.C. 119 to (1) change the eligible uses of funds apportioned for the Interstate maintenance component of the INHS program and (2) change the rules regarding the ability to transfer these funds to other Federal-aid highway programs and to use a portion of these funds for the construction of single occupant vehicle lanes.

Current law allows a State to transfer up to 20 percent of its Interstate Maintenance apportionment to other program categories without the Secretary's approval. Transfers above the 20 percent amount need to be approved by the Secretary. Section 1209 would increase the percentage of funds that a State may transfer from the Interstate components of the INHS program to 30 percent. Section 1209 also provides that if a State certifies to the Secretary that the sums apportioned to it for the Interstate maintenance and Interstate bridge components of the INHS program are in excess of its Interstate needs, it may transfer an additional 20 percent of these Interstate component funds to its apportionments under the NHS or STP program.

This section lists the activities eligible for funds apportioned under the Interstate maintenance and Interstate bridge components of the INHS formula, which include intelligent transportation systems (ITS) capital improvements.

In general, this section continues the prohibition against using apportionments provided under the Interstate components of the INHS program for the construction of new travel lanes that are not high occupancy vehicle (HOV) lanes. This section does allow, however, a State to use 30 percent of its funds apportioned on single-occupant vehicle capacity expansion. States are permitted to use a total of 30 percent of their funds apportioned under the Interstate components of the INHS program for new capacity projects, or these funds may be transferred to other program categories. This provision was added to allow Interstate reconstruction projects that may involve increased capacity to be managed as one contract rather than as two separate contracts, as may be required under some cases in current law.

Conference substitute

In subsection 1107(a), the Conference provision adopts language that was included in both the House and Senate bills to expand IM program eligibility to include projects to reconstruct routes on the Interstate system. The Conference also adopts the House provisions updating the listing of routes eligible for Interstate maintenance funds and eliminating the annual certification requirement.

In subsection 1107(b), the Conference provision amends 23 U.S.C. 118 to revise and update the current Interstate discretionary program. Subsection 1107(b) directs the Secretary to set aside $50 million for fiscal year 1998 and $100 million for each of fiscal years 1999 through 2003 before apportioning Interstate maintenance funds for resurfacing, restoring, rehabilitating, and reconstructing Interstate routes and toll roads on the Interstate. The provision retains the current provisions in section 118 concerning selection criteria, priority consideration for certain routes, and period of availability of discretionary funds.

Subsection 1107(c) directs the Secretary to work with States and affected metropolitan planning organizations (MPOs) to study the expected condition of the Interstate system over the next 10 years, the needs of States and MPOs in reconstructing and improving their Interstates, and the resources and means to address these needs.

Subsection 1107(d) makes technical amendments to 23 U.S.C. 119.

The Conference does not adopt the House provision establishing a High Cost Interstate Program.

SEC. 1108. SURFACE TRANSPORTATION PROGRAM

House bill

Subsection 108(a) clarifies that the Secretary is to implement the surface transportation program.

Subsection 108(b) makes certain anti-icing and de-icing compositions used on bridges eligible under the surface transportation program.

Subsection 108(c) makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions eligible under the surface transportation program.

Subsection 108(d) makes certain environmental and pollution abatement projects as part of a highway project eligible under the surface transportation program.

Subsection 108(e) allows up to 15 percent of surface transportation program funds apportioned for areas of less than 5,000 in population to be used on minor collectors.

Subsection 108(f) changes the program approval process for the surface transportation program from a quarterly to an annual basis.

Subsection 108(g) extends the current provision requiring the proportional obligation of funds made available for urban areas over the 6-year term of the bill.

Subsection 108(h) encourages the use of youth corps to perform transportation enhancement projects.

Senate amendment

Section 1104 continues the current procedure in subsection 23 U.S.C. 133(f) regarding the suballocation of STP funds to urbanized areas. The purpose of this requirement is to ensure that the obligation rate of STP funds for urbanized areas within a State is consistent with the larger obligation rate for all Federal-aid highway apportionments within the State. This section amends current law to require States to comply with obligation rates over two equal 3-year periods, as opposed to the existing requirement of complying over a single 6-year period.

Subsection 1223(a) amends 23 U.S.C. 133 to require States to set aside 8 percent of their STP funds for transportation enhancement activities. This is a reduction from current law which requires a 10 percent set-aside. This subsection also allows the Secretary to advance transportation enhancement funds without a State's certification of its public outreach involvement process associated with transportation enhancement projects. This provision codifies the Department of Transportation's current administrative policy regarding innovative financing mechanisms applicable to transportation enhancement projects. It gives States additional flexibility by allowing them to calculate the non-Federal share for enhancements projects in several ways: on a project, multiple project, or program basis. A State's average annual non-Federal share of transportation enhancement projects must be at least 20 percent; however, because of the new provision, it is feasible for a single project to have a 100 percent Federal share.

Subsection 1223(b) reduces the current quarterly, project-by-project State certification and notification requirements to annual, program-wide approval of each State's project agreement.

Subsection 1223(c) eliminates the current requirement in 23 U.S.C. 133(e)(3)(A) that payments made by the Secretary to the States under section 133 cannot exceed the Federal share of costs incurred as of the date the State requested payment. Striking this requirement (1) conforms the current provisions of section 133 to the changes made to section 133 by subsection 1223(a) to increase States' flexibility in calculating the non-Federal share of transportation enhancements projects, and (2) permits States to use the same type of flexible non-Federal matching share for STP projects as they are currently permitted to use for Federal transit projects.

Section 1235 amends 23 U.S.C. 133 to clarify that the eligibility for publicly or privately owned vehicles and facilities used to provide intercity passenger service by bus or rail under the STP program parallels the eligibility of such vehicles and facilities under chapter 53 of title 49, U.S.C. as revised by this Act. It clarifies that the current eligibility under the STP program of highway and transit safety improvements includes noninfrastructure highway safety improvements. This section also amends paragraph 133(b)(3) to make clear that STP funds may be used to fund the modification of existing public sidewalks to comply with the requirements of the Americans with Disabilities Act.

Section 1235 also adds the following new items to the list of projects eligible for STP funds: (1) publicly owned intercity passenger rail infrastructure, including Amtrak; (2) publicly or privately owned passenger rail vehicles, including Amtrak; (3) infrastructure-based intelligent transportation systems capital improvements; (4) programs to address extreme cold starts; (5) publicly owned magnetic levitation transportation systems; and, (6) environmental restoration and pollution abatement projects carried out as part of transportation projects. This section also expands STP funding eligibility to include natural habitat mitigation under the same circumstances in which wetlands mitigation is currently eligible for STP funds, and establishes a preference for the use of mitigation banking.

ISTEA was a landmark law in that it gave the States unprecedented flexibility in spending their Federal-aid highway funds. This section increases the flexibility of the original ISTEA by allowing States to use their STP funds on publicly or privately owned passenger rail, including Amtrak, intermodal freight transfer facilities, natural habitat mitigation, capital costs of ITS improvements, and publicly owned components of magnetic levitation (MAGLEV) systems.

Section 1235 recognizes the diversity and uniqueness of the Nation and all of its transportation needs. The demands of the various regions throughout the United States are different. In the South and Southwest, the sharp growth in population continues to put a strain on that area's transportation infrastructure. In the Northwest United States, older infrastructure and acute congestion increases the need for non-highway modes such as transit and Amtrak. Many of the Western States, by contrast, with their low population density and the great distances involved in travel, rely on highways as their major mode of transportation. The flexibility provided in this section will permit States to use transportation funds to meet their diverse needs.

Subsection 1806(b) of the Senate bill makes the use on bridges of anti-icing and de-icing compositions that are agriculturally derived, environmentally acceptable, and minimally corrosive eligible for funding under the surface transportation program.

Conference substitute

In subsection 1108(a), the Conference provision expands STP eligibility by adopting the provision in both the House and Senate bills on anti-icing and deicing compositions (deleting the requirement that such compositions be agriculturally derived) and extreme cold starts, and adopting several Senate provisions expanding STP eligibility, with some modifications. With respect to the Senate provisions amending STP eligibility, the Conference adopts the provisions on publicly or privately owned vehicles and facilities used to provide intercity passenger service by bus, but excludes the Senate's rail and magnetic levitation system eligibility provisions. Subsection 1108(a) also includes the Senate provisions on modifications to public sidewalks, natural habitat mitigation, infrastructure-based ITS improvements, and environmental runoff and pollution. The Conference does not adopt the Senate's provisions expanding STP eligibility to include unspecified non-infrastructure highway safety improvements.

In subsection 1108(b), the Conference adopts the Senate provisions (1) allowing the Secretary to advance transportation enhancement funds without States certifying their public outreach involvement process for transportation enhancement projects, and (2) granting States additional flexibility in calculating the non-Federal share of transportation enhancement projects. Subsection 1108(b) also modifies the noncontiguous States exemption from the suballocation requirement of 23 U.S.C. 133(d)(3)(A).

The Conference finds that the House and Senate provisions that reduce the current quarterly, project-by-project approval process for the surface transportation program to an annual process are substantively equivalent, and the Conference adopts the Senate language on this subject in subsection 1108(c).

In subsection 1108(d), the Conference adopts the Senate provision eliminating the voucher-by-voucher 80/20 matching requirement and permitting a more flexible non-Federal match.

In subsection 1108(e), the Conference adopts the Senate provision regarding surface transportation program allocations in urbanized areas.

In subsection 1108(f), the Conference adopts the House provision allowing up to 15 percent of STP funds to be used on minor collectors in rural areas, with the modification that the Secretary may suspend the application of this provision upon determining that it is being used excessively.

In subsection 1108(g), the Conference adopts the House provision encouraging the use of youth corps to perform transportation enhancement projects.

The Conference does not adopt the Senate provision reducing the percentage of STP funds set-aside for transportation enhancement activities.

SEC. 1109. HIGHWAY BRIDGE PROGRAM

House bill

Subsection 107(a) amends the bridge program apportionment formula to reduce apportionments by taking into account funds transferred from the bridge program to other purposes. This is a reform to help ensure that States do not receive funding to correct bridge deficiencies and then transfer those apportionments to another funding category, and continue to receive annual apportionments to correct such bridges.

Subsection 107(b) provides that the funds set aside for the discretionary bridge program under section 127(a)(1) of this Act for fiscal years 1998 through 2003 shall be available at the discretion of the Secretary, and that, for fiscal year 1998, 25 percent of the discretionary bridge program funds are required to be spent for the seismic retrofit of the Golden Gate Bridge in California, and that, for each of fiscal years 1999 through 2003, not to exceed 25 percent of such funds shall be available only for the seismic retrofit of bridges, including projects in the New Madrid fault region.

Although the Golden Gate Bridge in California is on the National Highway System, it has generally been the beneficiary of Federal highway assistance only on projects of an extraordinary cost. The seismic retrofit of the Bridge is one such project. The Committee retains its interest in completion of this project and provides funding for the seismic retrofit of the Golden Gate Bridge.

The Committee notes the catastrophic potential for earthquake damage in the multistate region affected by the New Madrid Fault and commends the States for intending to incorporate existing innovative, effective, and economical technologies, such as composite materials, in seismic retrofit projects in order to reduce costs and enhance performance.

The Committee notes the importance of the replacement of the nearly 75-year-old bridge over the Missouri River at Yankton, South Dakota, and encourages the Secretary to consider making funds available for this project under this section.

Subsection 107(c) extends the off-system bridge set-aside through fiscal year 2003.

Subsection 107(d) makes the use on bridges of agriculturally derived, environmentally acceptable, and minimally corrosive anti-icing and de-icing compositions eligible for funding under the bridge program.

Subsection 107(e) technically amends 23 U.S.C. 144(n) to conform to changes made by subsection 107(c).

The Committee has become aware of the need to increase technical knowledge about the environmental effects of paints and coatings used in transportation projects. It is concerned that limitations might be imposed to reduce the use of certain such paints and coating which would potentially have an adverse effect on the transportation infrastructure. The Secretary is encouraged to ensure that the transportation benefits of these paints and coatings be considered as regulatory actions are taken.

Senate amendment

Section 1118 amends 23 U.S.C. 104 to direct the Secretary to set aside a total of $140 million from the Interstate maintenance and Interstate bridge components of the INHS apportionment, to be obligated at the discretion of the Secretary of States for the resurfacing, restoration, rehabilitation, or reconstruction of any route on the Interstate system or for the replacement, rehabilitation, or seismic retrofit of a highway bridge.

Section 1118 adds a new paragraph 104(k)(1) to title 23, United States Code, which defines the eligible uses of the $140 million set-aside to include bridge projects that exceed $10 million in costs or represent costs that exceed twice the amount of funds that States are required to reserve under 23 U.S.C. 144(c).

Section 1118 also adds a new paragraph 104(k)(2), in which the Secretary is required to set aside $20 million each fiscal year from the I-4R program and allocate it to any State that (1) receives less funding under the bridge apportionment factors used in the Interstate and National Highway System program and the Surface Transportation Program compared with the funds the State received under the bridge program in 1997, and (2) was apportioned at least $125 million in bridge funds in 1997. These funds shall be available for highway bridge projects. States that have transferred more than 10 percent of the funds apportioned under the bridge program in 1995 through 1997 to other Federal-aid transportation projects are not eligible for an allocation from this set-aside. New paragraph 104(k)(2) also requires the Secretary to set aside $15 million each fiscal year from the I-4R program and allocate it to any State with bridges having an average life exceeding 46 years as of the date of enactment of this Act.

Section 1118 also adds a new paragraph 104(k)(4), which provides that, notwithstanding any other provision of law, the Golden Gate Bridge in California is eligible for assistance under the Interstate 4R and bridge discretionary programs.

Under new paragraph 104(k)(5), as added by section 1118, the Secretary is also directed to allocate $10 million in Interstate maintenance component funds set aside under this section to eligible States for Interstate 4R and bridge projects. An eligible State is a State (1) that ranks among the lowest 10 percent of all States in per capita personal income, (2) where the ratio of its percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 to its percentage of estimated contributions to the highway account of the Highway Trust Fund for the same period is less than 1.00, and (3) where the State's percentage of total Federal-aid highway program apportionments for fiscal years 1998 through 2003 is less than its percentage of total Federal-aid highway program apportionments and allocations under section 1103 through 1108 of ISTEA and under the Federal lands highways program for fiscal years 1992 through 1997.

Section 1122 amends 23 U.S.C. 144 to address highway bridge replacement and rehabilitation requirements. While the bridge program authorized in ISTEA is eliminated in the bill, it is replaced with a requirement that States maintain their current funding levels for bridges on the Federal-aid system.

States must spend at least an amount equivalent to the funding a State received under the bridge program in fiscal year 1997 for bridges on either the Interstate, the National Highway System, or other Federal-aid roads. States may meet this "level-of-effort" requirement annually or over a 4-year period. This requirement is extended to off-system bridges as well. An amount equivalent to at least 15 percent of a State's fiscal year 1997 bridge apportionment must be expended on bridges off the Federal-aid system.

This section also makes eligible the cost to convert an historic bridge for alternative transportation purposes.

This section defines bridge rehabilitation to include work necessary to address structural deficiencies, functional limitations, and safety defects, including seismic deficiencies.

Section 1122 also requires the Secretary, in consultation with the States, to inventory all bridges on public roads, including historic bridges on Indian reservation roads and park roads; classify bridges based on safety an serviceability; and assign each bridge a priority for replacement or rehabilitation.

Section 1122 provides that States are not required to meet the spending requirements of revised 23 U.S.C. 144 by expending certain levels on any particular functional classification of bridges other than the spending requirement for the bridges off the Federal-aid system. Funds expended by a State on Interstate, NHS or Federal-aid system bridges will be credited toward the State's level of effort requirement. States may meet this requirement on a cumulative basis, including the spending requirement for off-system bridges.

Subsection 1806(a) of the Senate bill makes the use on bridges of agriculturally derived, environmentally acceptable, and minimally corrosive anti-icing and de-icing compositions eligible for funding under the bridge program.

Conference substitute

In section 1109, the Conference adopts the House provision amending 23 U.S.C. 144, with the following modifications. For the discretionary bridge program in fiscal year 1998, the Conference substitute sets aside $25 million of bridge program apportionments and provides that such funds shall be available only for the seismic retrofit of the Golden Gate Bridge in California. For each of fiscal years 1999 through 2003, the Conference substitute sets aside $100 million of bridge program apportionments and provides that not to exceed $25 million of such funds shall only be available for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region.

In expanding bridge program eligibility to include anti-icing and de-icing compositions, the Conference substitute deletes the reference to agriculturally-derived compositions; environmentally acceptable compositions in general are eligible.

The Conference does not adopt the Senate provisions in section 1118 further suballocating three specific amounts of funds set aside for I-4R and bridge discretionary projects to States meeting certain eligibility requirements.

SEC. 1110. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

House bill

Subsection 110(a) of the House bill clarifies that the Secretary is to implement the CMAQ program.

Subsection 110(b) makes various changes to 23 U.S.C. 149(b) relating to eligible projects. It makes programs that reduce motor vehicle emissions that are caused by extreme cold start conditions eligible under the CMAQ program and it codifies currently eligible activities under the CMAQ program.

Subsection 110(c) permits States, metropolitan planning organizations, or other sponsors of CMAQ projects to enter into an agreement with any public, private, or nonprofit entity to cooperatively implement such projects, and to allocate CMAQ funds to such entities. This subsection also defines eligible alternative fuel projects.

Subsection 110(d) requires the National Academy of Sciences to conduct a study on the effectiveness of the CMAQ program in improving the air quality in nonattainment areas. This subsection makes $500,000 in CMAQ funds available for each of fiscal years 1998 and 1999 for this study. The final report to Congress on this study shall include recommendations for modifications to the program in light of the study results.

The Committee recognizes the important security, economic, and environmental benefits that are derived from the increased use of renewable fuels. Therefore, the Committee strongly supports the continued use of renewable fuels as a key component of our nation's transportation policy. The Committee encourages the use of a variety of transportation approaches to clean air problems. Urban areas should consider the variety of options available to them, such as the use of vehicles that use alternative fuels (including innovative fuels such as bio-diesel) and to use CMAQ funds to support the infrastructure needed for such vehicles.

Senate amendment

Section 1123 of the Senate bill amends 23 U.S.C. 149 to continue the CMAQ program and maintains the basic eligibility criteria for this program. As in current law, only those projects or programs that the Secretary, in consultation with the EPA Administrator, determines are likely to contribute to the attainment of a national ambient air quality standard or the maintenance of such a standard are eligible for CMAQ funds.

Subsection 1123(a) technically amends subsection 149(a) to reflect that, since the CMAQ program is already established, the Secretary is to implement the program.

Subsection 1123(b) amends current section 149(b) to extend the eligibility for CMAQ funding to include carbon monoxide nonattainment areas, (2) all carbon monoxide and ozone maintenance areas, (3) areas classified as submarginal ozone nonattainment areas, and (4) extreme cold start programs.

Subsection 1123(c) strikes current section 149(c) and inserts a new section that modifies the eligible uses of CMAQ funds. A State with a nonattainment area or maintenance area that received the minimum apportionment under 23 U.S.C. 104(b)(2) can use that amount of its apportionment that is not attributable to its nonattainment or maintenance area population on any project in the State eligible for STP funds. Consistent with current law, a State that does not have and never has had a nonattainment area may use its CMAQ funds for any project eligible for STP funds.

Subsection 1123(d) amends 23 U.S.C. 120(c) to exclude projects funded with CMAQ apportionments from the list of safety projects eligible for 100 percent Federal participation. As a result, the standard Federal share provisions of 23 U.S.C. 120(a) and (b) that apply to all other CMAQ projects would apply to these projects as well.

Section 1502 permits States, metropolitan planning organizations, or other sponsors of CMAQ projects to enter into an agreement with any public, private, or nonprofit entity to cooperatively implement such projects, and to allocate CMAQ funds to such entities. This section also defines eligible alternative fuel projects.

Conference substitute

The Conference substitute adopts provisions from both the House and Senate bills.

In subsection 1110(a) the Conference adopts the provision included in both the House and Senate bills clarifying that the Secretary's role is to implement the CMAQ program.

In subsection 1110(b), the Conference adopts the House and Senate provisions amending 23 U.S.C. 149(b) regarding CMAQ eligibility to include programs that reduce motor vehicle emissions caused by extreme cold start conditions and adopts the House eligibility provision for projects that were eligible under section 149 on the day before the date of enactment of new paragraph 149(b)(6). The Conference substitute also provides that projects or programs that improve traffic flow are eligible for CMAQ funds.

In subsection 1110(c), the Conference adopts the Senate provision regarding the eligible uses of CMAQ funds by States receiving the minimum CMAQ apportionment.

In subsection 1110(d), the Conference adopts the provisions in both the House and Senate bills regarding partnerships with nongovernmental entities and alternative fuel projects, with a modification that directs the Secretary to determine whether certain water-phased hydrocarbon fuel emulsion technologies reduce emissions of hydrocarbon, particulate matter, carbon monoxide, or nitrogen oxide, from motor vehicles.

In subsection 1110(e), the Conference adopts the House provision regarding the study of the effectiveness of the CMAQ program, with the following modifications: (1) the Administrator of the Environmental Protection Agency shall participate in the study; and (2) the elements to be examined in the study are expanded to include (a) an evaluation of the air quality impacts of emissions from motor vehicles, (b) an evaluation of the negative effects of traffic congestion, (c) a comparison of the costs of achieving air pollution emissions reductions under the program to the costs that would be incurred if similar reductions were achieved by other measures, and (d) recommendations to expand the scope of the program to address traffic-related improvements not currently covered by the program.

SEC. 1111. FEDERAL SHARE

House bill

Subsection 120(a) amends 23 U.S.C. 120(c) to provide that the Federal share of the cost of priority control systems for transit vehicles at signalized intersections may be 100 percent.

Subsection 120(b) amends title 23 to allow a State to use revenues generated through tolls as its non-Federal matching share of projects costs funded under title 23 (other than emergency relief projects) or projects under chapter 53 of title 49, United States Code. A State may do so only if it agrees to enter into an agreement with the Secretary to ensure that the State maintains its non-Federal capital expenditures at or above the average level for the previous three years. This is a continuation of a program established by ISTEA.

Subsection 134(c) technically amends the Federal share provisions of 23 U.S.C. 120(a) and (b) to move from a strict percentage to a limitation. This change allows for an increased non-Federal share at a State's option. It does not allow the Secretary to impose a lower Federal matching share. This change also conforms the Federal share language of section 120 to the revised, more flexible language in 23 U.S.C. 121 (as amended by section 1302 of the Conference substitute) concerning payments to States for construction.

Senate amendment

Subscetion 1112(a) amends 23 U.S.C. 120 to allow a State, if it chooses, to reduce the Federal share of a Federal-aid highway project. This change will give States the flexibility to carry out more projects than would be possible with a straight 20 percent non-Federal share. Nothing in this section is intended to require a State to lower the Federal share payable on any project funded under this title. Section 1112(a) also codifies in 23 U.S.C. 120 a provision established in section 1044 of ISTEA which allows States to apply all revenues used for specified capital improvements to their non-Federal share requirement for title 23 projects (other than emergency relief projects). To receive this credit, a State must meet a maintenance of effort test, and therefore, must maintain its average non-Federal transportation capital expenditure at or above the level of such expenditures for the preceding three fiscal years. The provision allows a State to drop a "high year" from the three year maintenance of effort test, if that year is at least 130 percent greater than the average for the 2 other preceding years.

Paragraph 1112(b)(1) makes conforming amendments to 23 U.S.C. 130 concerning railway highway grade crossing projects.

Conference substitute

In subsection 111(a), the Conference adopts the Senate provision giving States the option to determine a lower Federal share for a project than the one determined under 23 U.S.C. 120(a) and (b). The Conference does not adopt the House provision technically amending the Federal share provisions in 23 U.S.C. 120(a) and (b).

In subsection 1111(b), the Conference adopts the House provision permitting an increased Federal share of project costs for priority control systems for transit vehicles under 23 U.S.C. 120(c).

In subsection 1111(c), the Conference adopts the nearly-identical House and Senate provisions concerning States using toll revenues as a credit for the non-Federal share of project costs, with modifications. The Conference provision includes the Senate bill's exception from the standard maintenance of effort test for States where any one of the preceding 3 fiscal years' non-Federal transportation capital expenditures were more than 30 percent above the average level of such expenditures for the remaining 2 preceding fiscal years. The Conference provision also clarifies that payments made by the State for issuance of transportation related bonds are considered non-Federal transportation capital expenditures.

In subsection 1111(d), the Conference adopts the Senate's conforming amendments to 23 U.S.C. 130 concerning railway highway grade crossing projects.

Sec. 1112. Recreational Trails Program

House bill

Section 114 codifies the Recreational Trails program authorized in ISTEA as 23 U.S.C. 206. The program distributes to States a portion of gas tax revenues attributable to nonhighway uses for trail projects. The Secretary is required to administer this program for the purpose of providing and maintaining recreational trails. The Federal share of the cost of any recreational trails project under this section shall not exceed 50 percent of project costs, but States are given the flexibility to meet this requirement on a program-wide basis, Federal agency project sponsors may pay up to 30 percent of project costs, and certain other Federal programs can be used as matching funds. Eligible costs include educational programs, the development, construction and rehabilitation of trails, and the acquisition of easements.

The 30 percent figures under the Assured Access to Funds requirement and the 40 percent figure under the Diversified Trail Use requirement are minimum requirements that can be exceeded. States should not treat their projects as if they were meeting three mutually exclusive categories. There can be overlap between the Diversified Trail Use requirement and the Assured Access to Funds requirement. There should be diversified motorized use projects, diversified non-motorized use projects, and projects that benefit both motorized and non-motorized use simultaneously.

Subsection 114(c) repeals the existing Recreational Trails program section in ISTEA.

Subsction 114(d) terminates the Recreational Trail Advisory Committee by the end of fiscal year 2000.

Subsection 114(e) directs the Secretary to encourage States to use qualified youth conservation or service corps to construct and maintain recreational trail projects.

Senate amendment

Section 1107 continues the existing Recreational Trails Program. Under this provision, the Recreational Trails program is to be funded through contract authority from the Highway Trust Fund. The annual contract authority is as follows: $17,000,000 for fiscal year 1998; $20,000,000 for fiscal year 1999; $22,000,000 for fiscal year 2000; $23,000,000 for fiscal year 2001; $24,000,000 for fiscal year 2002; and $25,000,000 for fiscal year 2003. The provision of current law relating to National Recreational Trails funding is repealed.

The Federal share payable for projects under the Recreational Trails program is increased from 50 percent to 80 percent. In addition to the Department of Transportation, other Federal agencies may contribute additional funds for a Recreational Trails project. However, the Federal share, using Recreational Trails funds, for any individual project may not exceed 80 percent; the combined share of all Federal agencies may not exceed 95 percent. The Federal share for this program is consistent with the Federal share available for other Federal-aid highway projects.

This section retains the current requirement regarding the States' use of annual apportionments: at least 30 percent of Federal funds must be used to facilitate non-motorized recreation; another 30 percent of the funds must be used for motorized recreational purposes. A State must use the remaining amount of funds for diverse recreational purposes, including both motorized and nonmotorized recreational trail use. Experience with implementing Recreational Trail projects in the past has shown that project sponsors for nonmotorized trail projects were significantly disadvantaged in meeting the higher non-Federal matching requirements.

To the extent practicable and consistent with other requirements, States are to give consideration to projects that benefit the natural environment or mitigate and minimize impacts to the environment.

The amount that the Secretary may deduct to pay the costs for administration of the program is reduced from three percent to one percent; see section 1102 of the Act.

Subsection 1208(c) directs the Secretary to terminate the National Recreational Trails Advisory Committee as soon as is practicable. The Advisory Committee was established in ISTEA and directed to (1) review the allocation and utilization of moneys under the Recreational Trails program; (2) establish review criteria for trail-side and trail-head facilities; and (3) recommend changes in Federal policy to advance the purposes of the program. The Advisory Committee has completed these tasks and is no longer necessary. This provision does not affect the State advisory committees that are responsible for implementing the Recreational Trails program.

Conference substitute

The Conference substitute adopts the Senate language with several modifications. The substitute clarifies that a State may use funds appropriated under this section for construction on new trails only if the construction is permissible under some other law or is otherwise required by a statewide comprehensive outdoor recreational plan (SCORP) that is in effect. Due to a lack of funding over the past several years, some States may not have updated SCORPs in effect; so the requirement that projects be included in a SCORP would apply only to those States that have a current updated SCORP in effect. This provision also places a cap on the amount that a state can expend on educational programs to promote safety and environmental protection at 5 percent of annual apportionments.

The substitute provision also modifies existing law to exclude all small States with a total land area of less than 3,500,000 acres from the requirement to expend annual apportionments for trails and trails related projects at a minimum of 30 percent for motorized recreation and 30 percent for nonmotorized recreation. The substitute further provides that a State trail advisory committee may waive the motorized/nonmotorized use requirement if the State notifies the Secretary that the State does not have sufficient projects to meet the diversity requirements.

It includes a modified House provision which allows States to make grants under section 104(h) to private organizations, municipal, county, State and Federal governmental entities after considering guidance from the recreational advisory committee for uses consistent with this section.

In subsection 1112(d) the Conference adopts the House provision terminating the Recreational Trails Advisory Committee on September 30, 2000.

In subsection 1112(e), the Conference adopts the House provision encouraging the use of youth conservation or service corps to perform recreational trails projects.

Sec. 1113. Emergency Relief

House bill

Paragraph 117(a)(1) of the House bill makes two technical corrections to the Federal share provision for the Emergency Relief (ER) program.

Senate amendment

Section 1105 restates the eligibility for highway and bridge projects and the funding requirements for the ER program. ER funds can be used only for emergency repairs done to restore essential highway traffic, to minimize the extent of damage resulting from a natural disaster or catastrophic failure, or to protect the remaining facility. The Secretary is authorized to borrow amounts necessary from any program under title 23 for emergency relief work. Any additional funds used shall be reimbursed with future ER appropriations. The purpose of allowing the Secretary to borrow funds from title 23 programs is to provide a "cushion" to allow project work to continue if all ER program funds are used. This section also amends current law, which limits the availability of ER funds to two years, to make them available until expended.

Conference substitute

The Conference adopts the House and Senate provisions, with some modifications. The Conference provision includes the two House corrections to the Federal share provisions in 23 U.S.C. 120(e) governing the ER program, but provides that the 100 percent Federal share provision for ER projects shall apply to repairs accomplished within 180 days, rather than 120 days, after the occurrence of the disaster.

SEC. 1114. HIGHWAY USE TAX EVASION PROJECTS

House bill

Subsection 122(a) amends section 1040 of ISTEA to specify that all funds provided for the highway use tax evasion program are contract authority. Subsection 122(b) requires funding provided under this section to be used to create an automated fuel reporting system to improve the tracking of motor fuels subject to Federal and State excise taxes. Subsection 122(c) makes a technical amendment to subsection 1040(a) of ISTEA to delete an incorrect reference.

Senate amendment

Section 1109 eliminates two obsolete tax evasion study requirements in current law. It eliminates the annual report on motor fuel tax enforcement and the report on the feasibility and desirability of using dye and markers to aid in motor fuel tax enforcement activities.

This section codifies at 23 U.S.C. 143 and expands the successful tax evasion program in section 1040 of ISTEA. It provides $5 million in contract authority for each of fiscal years 1998 through 2003 to continue joint Federal Highway Administration/Internal Revenue Service (IRS)/State motor fuel tax compliance projects across the Nation, as established in section 1040 of ISTEA. In addition, this section permits each State to use up to ¼ of 1 percent of its Surface Transportation Program apportionments for programs to halt fuel tax evasion. All costs of tax evasion projects are to be paid by the Federal government.

This section also authorizes an additional $8 million for the Secretary to complete the development of an excise fuel reporting system, as well as $2 million annually for the operation and maintenance of the system. This system will provide essential information regarding data on import and refinery production of motor fuel to compare with terminal fuel receipts and fuel deliveries. This new program, along with the continuing program, is necessary to help ensure that the successful, coordinated regional and national approach to combat fuel tax fraud can continue and improve.

Conference substitute

The Conference provision adopts the Senate provision with some modifications. The Conference substitute expressly provides the excise fuel reporting system with contract authority, authorizes a single, annual lump sum amount of funding for fuel tax evasion projects each year ($10 million in fiscal year 1998 and $5 million for each of fiscal years 1999 through 2003), and provides that priority as to the use of such funds shall be given to the establishment and operation of an automated fuel reporting system by the IRS.

SEC. 1115. FEDERAL LANDS HIGHWAY PROGRAM

House bill

Subsection 117(a) amends 23 U.S.C. 120 to enable Federal land managing agencies to pay the non-Federal share of any Federal-aid highway project. Similarly, Federal lands highways program funds may be used as the non-Federal share of any Federal-aid project providing access to or within Federal or Indian lands.

Subsection 117(b) amends 23 U.S.C. 202 to provide for separate allocations for public lands highways and for forest highways. ISTEA established them as one program with different methods of distribution. This subsection reconstitutes them as separate programs and sets forth the method of allocating funds for the two programs. The public lands funds are allocated through an administrative formula. The forest highway program allocation is based on a statutory formula. This subsection also provides that, for fiscal year 2000 and thereafter, all Indian reservation roads funds shall be allocated in accordance with a formula established in regulations development under a negotiated rulemaking procedure.

Subsection 117(c) amends 23 U.S.C. 203 to clarify what constitutes the point of obligation of funds (at which the Federal government is contractually obligated to pay its contribution to project costs) under the Federal lands highways program.

Subsection 117(d) amends 23 U.S.C. 204 to reflect the new, separate public lands and forest highways programs and to increase the flexibility of transportation planning with respect to Federal lands highways projects. It requires that only regionally significant transportation projects funded from the Federal lands highways program be coordinated with States and metropolitan planning organizations (MPOs), and that, once the Federal lands highways program transportation improvement program (TIP) is approved by the Secretary, the TIP shall be included in the appropriate State and metropolitan planning organization plans without further action by the States or MPOs. Subsection 117(d) also revises 23 U.S.C. 204(i) to authorize the Secretary to transfer public lands highways funds to the appropriate Federal land managing agency to cover both the administrative and transportation planning costs of such agency. Subsection 117(d) also requires that up to 1 percent of Indian reservation roads funds be set aside for transportation-related administrative expenses of Indian tribal governments, and it directs the Secretary to establish a pilot program to permit no more than 10 Indian tribes to apply directly to the Secretary for authority to conduct Indian reservation roads projects.

Senate amendment

Section 1106 retains the structure of the Federal lands highways program (FLHP). The process for inclusion of FLHP projects in the Statewide and Metropolitan planning process has been streamlined.

Section 1106 also allows Federal land management agencies to sue their program funds to provide the non-Federal share of FLHP projects. FLHP project funds may be used to provide the non-Federal share for other title 23 projects undertaken on projects providing access to Federal lands. The streamlining of the planning process under this section should be implemented through the notice, and comment rulemaking process. Because many FLHP projects are constructed, improved on, or maintained by the States, the views of the States are to be considered in this process. Eligibility of FLHP funds is extended to expressly include transit facilities found within public lands. This expanded eligibility is important, as bus systems can reduce congestion an other negative impacts of passenger vehicle traffic within our national parks and other Federal lands.

Section 1122, the current requirement that States with Indian reservations reserve 1 percent of their bridge program funds for Indian reservation bridges is replaced with a $9 million national program to fund improvements to Indian bridges as a set-aside from Indian Reservation Roads funds.

Conference substitute

The Conference finds that the House and Senate provisions concerning the use of Federal land management agency and Federal lands highways program funds to apply the non-Federal share of certain projects are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(a).

In subsection 1115(b), the Conference adopts the House provision amending 23 U.S.C. 202(d) concerning the allocation of Indian Reservation Roads funds in accordance with a formula established by regulation developed through negotiated rulemaking. The Conference provision also replaces the House bill's Indian Reservation Roads pilot program with a requirement that, upon the request of any Indian tribe, all funds authorized for Indian reservation road and bridge projects shall be made available to Indian tribal governments to carry out such projects, in accordance with the Indian Self-Determination and Education Assistance Act. In this subsection, the Conference also adopts the Senate provision replacing the current 1 percent set-aside from States' bridge apportionments with an annual set-aside of Indian Reservation Roads funds as the funding source for Indian reservation road bridges, increasing the amount set aside from $9 million to $13 million.

The Conference finds that the House and Senate provisions clarifying the point of obligation for Federal lands highways program projects are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(c).

The Conference finds that the house and Senate provisions on streamlined transportation planning and agency coordination are substantively equivalent. The Conference adopts the Senate language on this subject in subsection 1115(d). The Conference also adopts the Senate provision expanding the eligible uses of Federal lands highways program funds to include a project to replace the federally-owned bridge over the Hoover Dam and the provision in both the house and Senate bills authorizing the Secretary to transfer public lands highways funds to the appropriate Federal land management agencies for transportation planning for Federal lands.

In subsection 1115(e), the Conference adopts a Senate proposal to establish a refuge roads program as part of the Federal lands highways program, allocating $20 million for each of fiscal years 1999 through 2003 based on the relative needs of the various refuges in the National Wildlife Refuge System to fund projects to maintain and improve refuge roads and certain other eligible Federal lands highways program projects located in or adjacent to wildlife refuges.

Subsection 1115(f) makes several amendments to title 23 to conform the provisions of that title to the changes made by this section.

SEC. 1116. WOODROW WILSON MEMORIAL BRIDGE

House bill

Section 128 amends the National Highway System Designation Act of 1995 to transfer title of the Woodrow Wilson Bridge to the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. This section further provides that the bridge shall not be eligible for high cost Interstate System reconstruction and improvement program funds until such time as the three jurisdictions accept ownership of the bridge.

Senate amendment

Section 1120 amends title IV of the National Highway System Designation Act of 1995 (i.e., the Woodrow Wilson Memorial Bridge Authority Act of 1995) to require the Secretary to execute an agreement with the Woodrow Wilson Memorial Bridge Authority or any Capital Region jurisdiction (Virginia, Maryland or the District of Columbia) before funds made available under this section are available for construction of the replacement bridge.

The agreement is must identify whether the Authority or a Capital Region jurisdiction will accept ownership of the new facility and must include a financial plan that identifies the total cost, schedule, and source of funds necessary to complete the project. The agreement must also (1) require that the project include not more than 12 traffic lanes, including 2 HOV, express bus, or rail transit lanes; (2) include all provisions described in the environmental impact statement or record of decision to mitigate the environmental and other impacts of the project; and (3) require the Authority and Capital Region jurisdictions to fully involve affected local governments in all aspects of the project. The Secretary is authorized to use the funds made available under this section for rehabilitation of the existing Woodrow Wilson Bridge and for the engineering, design, and construction of the replacement bridge.

The definition of the project is modified to require that the replacement bridge will be the preferred alternative identified in the record of decision in compliance with the National Environmental Policy Act.

Section 1120 authorizes $100 million for each of fiscal years 1998 and 1999; $125 million for fiscal year 2000; $175 million for fiscal year 2001; and, $200 million for each of fiscal years 2002 and 2003 to carry out this section.

Conference substitute

In section 1116, the Conference adopts the Senate provision, but modifies the annual authorizations for the project to provide a greater portion of the total $900 million authorized for the bridge in the latter years of the 6-year authorization period of this Act. Section 1116 also modifies the eligible uses of such funds: none of the funds made available under this section shall be available for construction of the Project before an agreement is executed by the Secretary and the bridge authority and any Capital Region jurisdiction that accepts ownership of the bridge. Prior to the execution of such agreement transferring ownership of the bridge, such funds may be used for pre-construction activities for the Project, including right-of-way acquisition and early acquisition of construction staging areas, and the maintenance and rehabilitation of the Bridge. Subsection 1120(e) also makes necessary technical corrections to sections 404 and 407 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 to clarify references to any record of decision for the project.

SEC. 1117. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

House bill

Subsection 112(a) establishes that funds for the Appalachian development highway system (ADHS) shall be allocated to the States based on the latest cost to complete estimate, although no State is to receive less than $1 million. This method of distribution can be adjusted by the Appalachian Regional Commission.

Subsection 112(b) specifies that funds for the ADHS are contract authority.

Subsection 112(c) changes the Federal share for reimbursing States that have prefinanced segments of the ADHS from 70 to 80 percent.

Subsection 112(d) allows for the deduction, from the funds authorized to carry out this section, of administrative expenses of the Appalachian Regional Commission associated with the ADHS.

Subsection 112(e) provides for local consultation before certain ADHS corridors in Ohio can be redesignated.

Senate amendment

Subsection 1117 provides funds to assist with the continued construction of the Appalachian development highway system located in regions of the 13 States that comprise the Appalachian Regional Commission. A total of $40 million for each of fiscal years 1998 though 2000, $50 million for fiscal year 2001, $60 million for fiscal year 2002, and $70 million for 2003 in contract authority is authorized to carry out this section.

The Federal share payable for pre-financing costs for Appalachian development highway system projects is increased from 70 percent to 80 percent.

The Appalachian development highway system map is revised to substitute the Virginia portion of Corridor H with the Virginia portion of the Coalfields Expressway authorize in the National Highway System Designation Act of 1995.

Conference substitute

In subsection 1117(a), the Conference adopts the House provision making funds authorized for the Appalachian development highway system available to the 13 Appalachian States based on the latest cost to complete estimate, with a modification deleting the option for the Appalachian Regional Commission to develop an alternative method for distributing such funds. This subsection provides that such funds shall be available to construct highways and access roads in accordance with section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 201.)

Subsection 1117(b) adopts the provision in both the House and Senate bills providing that the funds authorized to carry out this section are contract authority.

Subsection 1117(c) adopts the provision in both the House and Senate bills increasing the Federal share of project costs prefinanced by a State from 70 percent to 80 percent, thereby bringing the Federal share for prefinanced projects up to the same level as the standard Federal share for Appalachian development highway system projects.

Subsection 1117(d) makes alterations to the segments constituting Corridor O in Pennsylvania and provides that the addition to Corridor O designated in this subsection shall not affect estimates of the cost to complete the segment and that the segment substracted from Corridor O in this section may be included on a map of the Appalachian Development Highway System for purposes of continuity only.

SEC. 1118. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM

House bill

Subsection 115(a) establishes the National Corridor Planning and Development Program, the purpose of which is to assist States in planning, developing, and constructing highway corridors.

Subsection 115(b) establishes that eligible corridors are those designated in law as high priority corridors. In fiscal years 1998 through 2000, the Secretary may make, on an interim basis pending identification by Congress as a high priority corridor, allocations to other regional or multistate highway corridors the Secretary determines are likely to improve international or interregional trade, facilitate mobility, or encourage eonomic growth and development in areas underserved by existing highway infrastructure.

Subsection 115(d) describes activities that are eligible for funding under the program. These include feasibility studies, design activities, corridor planning, location and routing studies, environmental review, coordination activities, and construction.

Subsection 115(d) requires that any State receiving funds under this program must develop a corridor development and management plan and it lists several elements the plan must contain.

Subsection 115(e) specifies that the funds authorized in this Act for the corridor program are contract authority.

Subsection 115(f) defines State to have the meaning such term has under 23 U.S.C. 101.

Senate amendment

Section 1116 of the Senate bill establishes three grant programs: (1) border crossing planning incentive grants, (2) trade corridor planning incentive grants, and (3) trade corridor and border infrastructure safety and congestion relief grants. The Federal share of the cost of any project carried out under these grant programs shall not exceed 80 percent.

Under subsection 1116(c), the Secretary is directed to make grants to States to encourage cooperative corridor analysis of and planning for the safe and efficient movement of goods along and within trade corridors and ports of entry. Within 2 years of receiving a grant under this subsection, a State shall submit a plan for corridor and port of entry improvements that has been coordinated with the transportation planning activities of other States and metropolitan planning organizations along the corridor. This subsection also $3 million in contract authority for each of fiscal years 1998 through 2003 to carry out this provision.

In subsection 1116(d), the Secretary is directed to make grants to States or metropolitan planning organizations for transportation projects to relieve traffic congestion or improve enforcement of motor carrier safety laws, provide for continued planning and development of trade corridors, or provide for the safe and efficient movement of goods along trade corridors. In selecting the projects to receive grants under this subsection, the Secretary is directed to consider eleven factors, including the extent to which international truckborne commodities move through each State, the degree of leveraging of Federal funds provided under this section, and the value of the cargo carried by commercial vehicle traffic. $125 million for each of fiscal years 1998 through 2003 is authorized to carry out this program.

Subsection 1116(g) provides that if the total amount of funds authorized but unallocated for the three grant programs under this section exceeds $4 million at the end of any fiscal year, the amount in excess of $4 million shall be apportioned to all States as STP funds and shall be available for any purpose eligible for funds under the STP program.

Conference substitute

The Conference adopts the House provision, with several modifications.

First, subsection 1118(b) of the Conference provision creates two categories of corridors eligible for funding. The first category is those corridors identified by Congress as high priority corridors in section 1105(c) of the Intermodal Surface Transportation Efficiency Act (ISTEA). The second category consists of corridors selected by the Secretary after considering 6 factors listed. Those factors address: changes in commercial traffic due to the enactment of NAFTA, the extent of international truck-borne commodity movement, a proposed project's potential impact on commercial and other travel time, the extent of leveraging of the Federal grant funds provided under this subsection, and the value of commercial cargo. These factors only apply to the second category of corridors selected by the Secretary.

Second, in subsection 1118(c), the Conference provision conditions the use of grant funds for environmental review and construction on the Secretary's review of a corridor development and management plan. The plan is intended to ensure that funds be used for projects that have, to the extent possible, completed environmental and financial analyses and therefore are ready to proceed. The plan will also ensure that the corridor program be used to finance useable segments and not result in the construction of corridors unconnected to existing transportation facilities. However, the plan need only be reviewed, not approved by the Secretary.

Third, the Conference adopts the Senate provision requiring that the corridor planning carried out under this section be coordinated with transportation planning carried out by other States and metropolitan planning organizations along the corridor, and, to the extent appropriate, with the transportation planning activities of Federal land management agencies and tribal, Mexican, and Canadian governments.

SEC. 1119. COORDINATED BORDER INFRASTRUCTURE PROGRAM

House bill

Subsection 116(a) establishes the coordinated border infrastructure and safety program, the purpose of which is to improve the movement of people and goods across the Nation's land borders.

Subsection 116(b) identified eligible uses for funds under the program. They include construction of facilities, operational improvements, modifying regulatory procedures, and international planning and coordination.

Subsection 116(c) establishes eight criteria that are to be considered by the Secretary when allocating funds for projects.

Subsection 116(d) requires that a certain amount of the funds provided for the program be used to construct State motor vehicle safety inspection facilities.

Subsection 116(e) requires that at least 40 percent of funds are used on projects on the U.S./Canadian border and at least 40 percent of funds are used on projects on the U.S./Mexico border; at least 2 projects on each border shall be located at high volume ports of entry.

Subsection 116(f) specifies that funds made available for this program are contract authority.

Subsection 116(g) defines "border region" and "border State."

Senate amendment

Section 1116 of the Senate bill establishes three grant programs: (1) border crossing planning incentive grants, (2) trade corridor planning incentive grants, and (3) trade corridor and border infrastructure safety and congestion relief grants. The Federal share of the cost of any project carried out under these grant programs shall not exceed 80 percent.

In subsection 1116(b), the Secretary is directed to make grants to States or MPOs that have certified they are engaged in joint planning with their counterparts in Mexico and Canada for joint planning activities and to improve the movement of people and vehicles through international gateways. This subsection provides $1.4 million in contract authority for each of fiscal years 1998 through 2003 to carry out this grant program.

In subsection 1116(d), the Secretary is directed to make grants to States or MPOs for projects to relieve traffic congestion; improve enforcement of motor carrier safety laws; or provide for continued planning and development of, and safe movement of goods along, trade corridors. The subseciton includes 11 grant selection factors, including the extent to which commercial vehicle travel has increased at border stations and within States since the enactment of NAFTA, the extent of transportation improvements at the border or ports of entry since the enactment of NAFTA, the expected reduction in travel time at the gateway or port of entry as a result of the proposed project, and the degree of demonstrated coordination with Federal inspection agencies. $125 million is authorized for each of fiscal years 1998 through 2003 to carry out this program.

Subsections 1116(d) and (e) provide that the General Services Administration (GSA) is the lead Federal agency in the planning and development of border stations. The Secretary, upon receiving a request from the Administrator of GSA and the U.S. Attorney General, is authorized to transfer up to $10 million in each of fiscal years 1998 through 2001 to the GSA for the purposes of constructing transportation facilities that are necessary for law enforcement in border States.

Subsection 1116(g) provides that if the total amount of funds authorized but unallocated for the three grant programs under this section exceeds $4 million at the end of any fiscal year, the amount in excess of $4 million shall be apportioned to all States as STP funds and shall be available for any purpose eligible for funding under the STP program

Conference substitute

The Conference adopts the majority of the House section, with several modifications. First, in subsection 1119(b), the Conference provision adds, to the list of eligible uses of funds under this section, the activities of Federal inspection agencies. Second, in subsection 1119(c), the Conference provision (1) adds a new selection criterion from the Senate bill on the degree of demonstrated coordination with Federal inspection agencies and (2) adopts a Senate provision that expands the House criterion examining improvements in vehicle and highway safety and cargo security to be broader than just improvements related to motor vehicles and to encompass highway safety cargo and security in and through gateways and ports of entry.

The Conference does not adopt the House provisions setting aside funds for State motor vehicle safety inspection facilities or suballocating funding for projects at our borders with Canada and Mexico and for projects at ports of entry with high traffic volume.

In subsection 1119(d), the Conference adopts the Senate provision permitting the Secretary to transfer no more than $10 million in funding made available to carry out this section and section 1118 to the Administrator of GSA to construct transportation infrastructure necessary for law enforcement in border States.

HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM

House bill

Subsection 110(a) creates a new program within the Federal-aid highway program to fund construction and operational projects that improve the safety of high risk roads. States are to allocate funds under this program to those projects that have the highest benefit. Up to fifty percent of funds under this program can be transferred to each State's National Highway System or Surface Transportation Program apportionments.

Subsection 110(b) includes a conforming amendment to include the title of this section in the table of sections of title 23, United States Code.

Subsection 110(c) authorizes a roadway safety awareness and improvement program funded from the high risk road safety program. the activities of the program should be carried out cooperatively between the Department of Transportation, States, and other safety organizations.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

COOPERATIVE FEDERAL LANDS PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1115 establishes a new section 207 in chapter 2 of title 23, United States Code, which provides a funding source for public roads or bridges owned by States or their political subdivisions that cross, are adjacent to, or provide access to, Federal lands and Indian reservations (including reservoirs owned by the Army Corps of Engineers). The purpose of this program is to supplement the efforts of the Federal government in developing and maintaining roads or bridges that serve federally owned land and Indian reservations (including reservoirs owned by the Army Corps of Engineers).

The Cooperative Federal Lands Transportation Program ensures that funding will be provided for projects in States where greater than 4.5 percent of the land within the State borders is held in trust or owned by the Federal government. Funds are provided directly to these States for projects that provide access to Federal lands and Indian reservations. This section provides $74 million in contract authority per year from the Highway Trust Fund.

Conference substitute

The Conference does not adopt the Senate provision.

PERFORMANCE BONUS PROGRAM

House bill

Subsection 123(a) requires the Secretary to develop performance-based criteria for distributing up to 5 percent of Interstate maintenance, bridge program, high risk road safety improvement program, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement program funds.

Subsection 123(b) establishes the factors the Secretary shall assess in developing the performance-based criteria.

Subsection 123(c) requires the Secretary to submit to Congress the criteria developed under this section.

The mid-course correction legislation provided for under section 508 would include a provision to approve a system of performance bonuses to States pursuant to section 123.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

NEW YORK AVENUE TRANSPORTATION DEVELOPMENT AUTHORITY

House bill

Section 142 establishes a New York Avenue Development Authority to develop an improvement plan for the New York Avenue Corridor in the District of Columbia. The authority is eligible to receive funding under the National Corridor Planning and Development program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Subtitle B—General Provisions

SEC. 1201. DEFINITIONS

House bill

Section 143 organizes the definitions for title 23 alphabetically and makes minor technical corrections to the definitions.

Section 143 also amends the definition of "transportation enhancement activities." It specifies that a transportation enhancement activity must have a direct link to surface transportation. It also expands the definition to allow the removal of graffiti and litter among the list of eligible activities, as well as environmental mitigation to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity. In addition, it adds construction of tourist and welcome centers as an eligible activity.

Senate amendment

Section 1114 provides definitions for the terms "Federal-aid highway funds" and "Federal-aid highway program." These phrases are used throughout title 23, but are not defined in current law. The addition of these clarifying definitions is not intended to change the implementation of any section under current law. The section also reorganizes the definitions for title 23 alphabetically and makes minor technical corrections to the definitions.

Subsection 1123(e) adds a definition of "maintenance area" to 23 U.S.C. 101(a) and makes a conforming amendment to section 149.

Subsection 1223(d) amends the definition of "transportation enhancement activities" in 23 U.S.C. 101(a) to expressly provide that tourist and welcome center facilities associated with scenic or historic highway programs are eligible transportation enhancement projects.

Section 1231 revises the definition of "operational improvement" in 23 U.S.C. 101(a) to include the installation, operation, or maintenance of certain Intelligent Transportation Systems infrastructure projects. The installation, operation or maintenance of communications systems, roadway weather information and prediction systems, and other improvements designated by the Secretary that enhance roadway safety during adverse weather are also incorporated into the revised definition.

Subparagraph 1404(b)(1)(A) changes the term "highway safety improvement project" in 23 U.S.C. 101(a) by deleting the reference to "highway".

Conference substitute

In section 1201, the Conference provision recognizes the definitions in 23 U.S.C. 101(a) alphabetically and makes minor technical corrections to the definitions.

The Conference does not adopt the Senate provision defining "Federal-aid highway funds" and "Federal-aid highway program."

The Conference adopts the Senate provision amending the term "highway safety improvement project" and makes a minor, technical modification to the definition. In carrying out this provision, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with 23 U.S.C. 217.

The Conference adopts the Senate provision defining "maintenance area."

The Conference does not adopt the Senate provision amending the definition of "operational improvement."

The Conference defines "refuge road" as a public road providing access to or within a unit of the National Wildlife Refuge System and for which title and maintenance responsibility is vested in the U.S. Government.

The Conference also adopts the House provision defining "transportation enhancement activities," with modifications. The substitute requires that transportation enhancement activities relate to, rather than have a direct link to, surface transportation. It does not include the House provision adding graffiti and litter removal as eligible activities. It retains the Senate provision regarding eligibility of tourist and welcome centers. In order to be eligible under the enhancement program, the tourist or welcome center (whether a new facility or existing facility) does not have to be on a designated scenic or historic byway, but there must be a clear link to scenic or historical sites. It also adds the establishment of transportation museums as an eligible activity.

SEC. 1202. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

House bill

Section 137 amends 23 U.S.C. 217 to make a number of clarifying changes, to require that bicyclists and pedestrians be included in the planning process, and to allow electric bicycles on trails when State or local regulations permit. The provision clarifies the requirements under 23 U.S.C. 109(n) related to the impact on non-motorized transportation of a Federal-aid highway project. It also requires that bicycle safety be taken into account when States undertake rail-highway crossing projects under 23 U.S.C. 130. Such safety devices shall include installation and maintenance of audible traffic signal and audible signs. This section also requires the Secretary and AASHTO to study design standards for bicycle projects, establishes national bicycle safety education curricula, and requires the Secretary, AASHTO, the Institute of Transportation Engineers, and other interested organizations to issue design guidance for accommodating bicycles and pedestrians.

Senate amendment

Section 1110 builds on ISTEA by expanding the amount of funds available to be used to encourage bicycling and walking as alternative modes of transportation. This provision amends 23 U.S.C. 217 to include the construction of pedestrian walkways as an eligible use of a State's National Highway System apportionments under the same criteria by which bicycle transportation facilities currently are eligible. This section eliminates the restriction on the use of NHS funds for the construction of bicycle transportation facilities on land adjacent to the Interstate System and amends current law to allow the safe accommodation of bicycles on highway bridges located on fully access-controlled highways, if the bridge is being replaced or rehabilitated with Federal funds. The Department is encouraged to work with the States to ensure that bicycling and pedestrian interests are represented in State and MPO decisionmaking.

This section also provides that bicyclists and pedestrians shall be given consideration in the comprehensive Statewide and metropolitan planning processes, and that the inclusion of bicycle and pedestrian facilities shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilties.

Conference substitute

The Conference adopts the House provision with modifications. The substitute clarifies that safety devices such as installation of audible traffic signals and audible signs shall be considered where appropriate. It also retains the provision in current law, 23 U.S.C. 217(i), which clarifies that eligible bicycle projects must be principally for transportation, rather than recreation, purposes. The Conference provision also adopts the House provision requiring design guidance, with two modifications. First, the substitute clarifies that the guidance must include recommendations to amend and update AASHTO policies relating to highway and street design standards. Second, it extends the deadline for issuance of the guidance to 18 months. The Conference does not adopt the House provision requiring a study of highway and street design standards.

SEC. 1203. METROPOLITAN PLANNING

House bill

Section 124 amends 23 U.S.C. 134 by setting seven general goals and objectives that may be considered in the planning process. They include: supporting economic vitality; increasing safety and security; increasing accessibility and mobility; protecting the environment; integrating the transportation system; promoting efficiency; and preserving existing facilities. These replace the existing list of nineteen planning factors. The language also includes fostering economic growth and development to the list of reasons that is in the national interest to encourage metropolitan planning.

The section makes a number of technical changes to subsection 134(g) regarding long range plans. It also allows metropolitan planning organizations to include projects that would be funded if additional resources were available. The inclusion of such projects is for illustrative purposes only. The bill requires that a TIP be updated at least every three years. It also allows the metropolitan planning organizations to include projects that they would advance if additional resources were available.

Senate amendment

Section 1601 retains the current structure and most of the metropolitan planning provisions found in 23 U.S.C. 134. It retains the current project selection process set forth in ISTEA.

This section makes the following substantive changes to current law. First, this section streamlines the 16 metropolitan planning factors found in current law into seven issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year Transportation Improvement Program without FHWA approval if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs identify the source of funds for individual projects by Federal funding category. Fourth, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and transportation improvement programs (TIPSs). Finally, it provides that, for urbanized areas designated after the enactment of this Act, metropolitan planning area boundaries shall cover at least the urbanized area and the area expected to become urbanized within the 20-year forecast period and shall require the agreement of the Governor and MPO. Such boundaries are not required to include the entire ozone or carbon monoxide nonattaiment areas, as identified under the Clean Air Act.

Section 1602 reaffirms that the requirements of the National Environmental Policy Act do not apply to State plans and programs developed pursuant to 23 U.S.C. 134 and 135.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic current metropolitan planning structure and processes. As included in both bills, the 16 planning factors are streamlined to seven general factors to be considered in the planning process. In considering the relationship between transportation and quality of life, metropolitan planning organizations are encouraged to consider the interaction between transportation decisions and local land use decisions appropriate to each area. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies, and certification of planning processes is not reviewable in court. The Conference substitute also adopts the House provision including economic growth and development as a general requirement in metropolitan planning.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on metropolitan long-range plans and programs (TIPs) along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing MPOs to include an illustrative list of projects that would be included on the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirement of the TIP.

The Conference substitute clarifies that the expansion or designation of existing or new metropolitan planning organization boundaries due to the imposition of any new air quality standards will not automatically occur, and such boundaries will be determined by agreement of the Governor and the affected local governments.

In subsection 1203(m), the Conference substitute also adopts the Senate provision reaffirming that NEPA does not apply to plans and programs developed pursuant to 23 U.S.C. 134. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under section 134 or 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

SEC. 1204. STATEWIDE PLANNING

House bill

Section 125 amends 23 U.S.C. 135 by setting the scope of the planning process. States, to the extent they determine appropriate, may consider goals and objectives in the planning process, including supporting economic vitality, increasing safety and security, increasing accessibility ad mobility, protecting the environment, integrating the transportation system, promoting efficiency, and preserving existing facilities. These considerations replace the existing planning factors.

Freight shippers and freight providers are added to the list of groups that shall be allowed a reasonable opportunity to comment on the proposed long-range plan and on the proposed State transportation improvement plan. It requires that in rural areas, the transportation program be developed by the State in cooperation with local elected officials. It also allows the State to include projects that it would fund if additional resources were available. Projects undertaken pursuant to the high risk road safety program are added to the list of projects that must be selected by the State in consultation with affected local officials.

This section also includes a provision to study the effectiveness of local planning.

Senate amendment

Section 1602 retains the current structure and most of the statewide planning provisions found in 23 U.S.C. 135. It retains the current project selection process set forth in ISTEA. This section makes the following substantive changes to current law. First, it streamlines the 20 statewide planning factors found in current law into seven broader issues to be considered in the planning process. Second, it gives States flexibility to move projects within a 3-year transportation improvement program (TIP) without FHWA approval or action if the Governor and metropolitan planning organization agree. Third, it eliminates the requirement that transportation improvement programs must identify the source of funds for individual projects by Federal funding category. Finally, this section adds freight shippers to the list of stakeholders to be given opportunities to comment on plans and statewide transportation improvement programs (STIPs).

Section 1602 also reaffirms that the requirements of the National Environmental Policy Act do not apply to plans and programs developed pursuant to 23 U.S.C. 134 and 135.

Conference substitute

The Conference substitute adopts a combination of both the Senate and House provisions. The substitute retains the basic statewide planning structure and processes. As included in both bills the 20 planning factors are streamlined to seven general factors to be considered in the state planning process. The language clarifies that the failure to consider any specific factor in formulating plans, projects, programs, strategies and certification of planning processes is not reviewable in court.

As included in both bills, freight shippers and providers of freight transportation services are included on the list of persons to be given opportunities to comment on statewide long-range plans and programs (TIPs), along with the addition of representatives of users of public transit. The Conference substitute also adopts the House provision allowing States to include an illustrative list of projects that would be included in the TIP if additional resources were available. The illustrative list does not affect the fiscal constraint requirements of the TIP.

The Conference substitute adopts the Senate provision allowing States flexibility to move projects within a three-year transportation improvement program without separate approval or action by the Federal Highway Administration if the MPO concurs. The substitute also includes a provision requiring States to consult with local officials with responsibility for transportation when formulating plans and programs.

The Conference substitute provides for enhanced consultation between local officials and States when compiling the State transportation improvement programs. This consultation may occur through a variety of mechanisms, including, where appropriate, regional development organizations. In certain areas, regional development organizations may serve to ensure the participation of local officials and the public in the planning process in a coordinated manner.

In subsection 1204(h), the Conference substitute also adopts the Senate provision reaffirming that NEPA does not apply to State plans and programs developed pursuant to 23 U.S.C. 135. This provision is consistent with current law and practice. To date, State transportation plans and programs developed under section 134 and 135 of title 23, United States Code, and decisions by the Secretary regarding those plans or programs, have not been considered to be Federal actions for purposes of NEPA. Nothing in this provision, however, is intended to prohibit a State from applying NEPA early in the decisionmaking making process for surface transportation projects, including at the planning stage, if it so chooses. Individual projects included in plans or programs continue to be subject to NEPA.

SEC. 1205. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES

House bill

Subsection 140(a) amends 23 U.S.C. 112 to clarify that quality based selection process requirements for design and engineering services and other contracting procedures will apply unless a State has in the past adopted alternative procedures to increase competition. Requirements must be met for any phase of a project funded in whole or in part with Federal funds. Subsection 140(b) allows a State to procure consultant services under one contract for the preparation of any environmental analysis as well for subsequent engineering and design services if the State has conducted a review of the objectivity of the analysis.

Senate amendment

Section 1127 amends 23 U.S.C. 112(b)(2) to promote competition and provide the greatest value for Federal-aid highway projects. It clarifies that the time period for States to have legislatively enacted alternative requirements to Qualifications Based Selection (QBS) Procedures for obtaining engineering and design services has ended. Additionally, it requires that the Federal Acquisition Regulations (FAR) be used for consistent and equitable contract administration, accounting, and audits while providing for the use of FAR QBS simplified acquisition procedures for contracts under $100,000. Finally, clarification is provided that requires the Secretary to establish a certification procedure to ensure that any legislation enacted by a State since November 28, 1995, to exercise its option complies with the time frames and substantive criteria contained in Section 307 of the National Highway System Designation Act of 1995.

Subsection 1225(a) allows a State to procure consultant services under a single contract for preparation of both the environmental analysis and subsequent engineering and design services if the State has conducted an independent multi-disciplined review of the objectivity of the analysis.

Conference substitute

In section 1205, the Conference adopts a substitute provision, which includes (1) the House and Senate provision striking language from 23 U.S.C. 112(b)(2)(B)(i) and (ii) on the process for adopting alternative requirements to QBS procedures, clarifying that the time for adopting such alternative procedures has passed, and (2) the House provision authorizing and stating the terms under which a State may procure the services of a consultant under a single contract for both environment analyses and engineering/design work for a project.

SEC. 1206. ACCESS OF MOTORCYCLES

House bill

Section 135 specifies that State or local governments may not restrict access of motorcycles to any highway facility for which Federal-aid funds were used.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1206, the Conference adopts the House provision with modifications to clarify that this provision only applies to Federally-assisted highways open to traffic and to laws that apply only to motorcycles and the primary purpose of which is to restrict access of motorcycles. This provision does not override or affect the applicability of any local jurisdiction's safety laws or such jurisdiction's authority to regulate safety.

SEC. 1207. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES

Subsection 121(a) provides that the funds made available under section 127(a)(3)(C) of the House bill to carry out the ferry boat and ferry terminal program authorized in section 1064 of ISTEA shall be available until expended.

Subsection 121(b) requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and to identify potential domestic ferry routes. The provision requires the study to be submitted to Congress.

Subsection 121(c) amends 23 U.S.C. 129(c) to expand the conditions in which Federal funds may be used in ferry construction to include publicly operated ferry boats and terminal facilities and to permit federally-funded ferries to be leased without the approval of the Secretary.

Senate amendment

Subsection 1232 clarifies that the construction of ferry boats and ferry terminal facilities are eligible uses of National Highway System, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement program funds. This simply clarifies how the program is currently administered and does not amend or weaken any of the underlying eligiblity requirements of the NHS, STP, or CMAQ programs.

Section 1816 reauthorizes the ferry boat and ferry terminal program in section 1064 of ISTEA.

Subsection 1817 requires the Secretary to conduct a study of ferry transportation in the United States, including the territories, to identify existing ferry operations and develop information on the ferry routes. The Secretary is required to submit the study to Congress within one year of enactment of this Act.

Conference substitute

Subsection 1207(a) amends 23 U.S.C. 129(c) to expand the eligible uses of Federal funds in ferry construction to include publicly operated or majority publicly owned ferry boats and terminal facilities, if the Secretary determines that a majority publicly ferry boart or facility provides substantial public benefits. In subsection 1207(b), the Conference reauthorizes the ferry boat and ferry terminal facilities program in section 1064 of ISTEA, provides that the funds made available to the program shall remain available until expended, and establishes a $20 million annual set-aside for ferry boats, ferry terminal facilities, and approaches to such facilities within marine highway systems that are part of the NHS and as designed for Alaska, New Jersey, and Washington state.

In subsection 1207(c) the Conference adopts the House provision requiring a study of ferry transportation, with modifications. The substitute adds language to ensure the study includes identification of the potential for high speed and alternative-fueled ferry services. It also requires that the study be submitted to the Committee on the Environment and Public Works of the United States Senate, rather than the Commerce, Science and Transportation Committee.

The Conference does not adopt the Senate language concerning ferry boat and ferry terminal facility eligibility for NHS, STP, and CMAQ funds.

SEC. 1208. TRAINING

House bill

Subsection 129(a) amends section 140(a) of title 23 to allow a State to reserve training positions for persons who receive welfare assistance, except that such placement shall not adversely impact current employees or positions.

Subsection 129(b) expands the list of eligible activities under the training program to include summer transportation institutes and training in highway technology.

Senate amendment

Subsection 2009 moves the highway construction training provisions of 23 U.S.C. 140(b) to 23 U.S.C. 506(d) to consolidate the highway education and training provisions in the research subtitle. Proposed subsection 506(d) continues to allow the Secretary to develop and administer highway construction and technology training programs and to develop and fund summer transportation institutes. This section allows the Secretary to deduct up to $10 million each year before making apportionments under section 104(b) for these programs. In developing and administering these training programs, the Secretary may reserve training positions for individuals who receive welfare assistance from a State.

Subsection 1702 makes a conforming amendment to strike 23 U.S.C. 140(b).

Conference substitute

In section 1208, the Conference adopts a substitute provision. In subsection 1208(a), the Conference adopts the House provision to permit the Secretary to reserve training slots for welfare recipients, with a modification that any such reservation of training slots shall not preclude workers participating in an apprenticeship, skill improvement, or other upgrading program from being referred to or hired on to highway projects. In subsection 1208(a), the Conference adopts the provision included in both the Senate and House bills to include highway technology training and the development and funding of summer transportation institutes as eligible activities under 23 U.S.C. 140(b). Subsections 1208(b) and (c) amend section 140 to clarify the apportionments from which funds may be deducted for highway training and supportive services.

SEC. 1209. USE OF HOV LANES BY INHERENTLY LOW-EMISSION VEHICLES

House bill

Section 145 authorizes States to permit an electric vehicle with fewer than 2 occupants certified as an Inherently Low Emission Vehicle to operate in high occupancy vehicle lanes until September 30, 2003, and authorizes the State to revoke this permission if the State determines it is necessary.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with a modification eliminating the requirement that the low-emission vehicle be only an electric vehicle.

SEC. 1210. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1603 establishes a new program, the purpose of which is to provide for the completion of Advanced Travel Forecasting Procedures (ATFP), formerly known as the Transportation Analysis Simulation System (TRANSIMS), and to provide support for early deployment of ATFP programs to State governments, metropolitan planning organizations, and other transportation management areas. The ATFP model is a large-scale travel simulation that will provide a practical mechanism for transportation planning, particularly with respect to congestion, air quality, and safety, including crash prevention. A total of $4 million for fiscal year 1998; $3 million for fiscal year 1999; $6.5 million for fiscal year 2000; $5 million for fiscal year 2001; $4 million for fiscal year 2002; and $2.5 million for fiscal year 2003 in contract authority is provided for this section.

Conference substitute

The Conference adopts the Senate provision.

SEC. 1211. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION LAWS

House bill

Subsection 134(h) repeals a requirement that the Federal government oversee certain bridge commissions created by Congress in Public Law 87–441. Such duties would be assumed by State and local governments.

Subsection 136(a) makes certain changes and additions to Section 1105(c) of ISTEA relating to high priority corridors.

This subsection clarifies that all of ISTEA High Priority Corridor 18 and that portion of High Priority Corridor 20 from the vicinity of Carthage, Texas, to Laredo, Texas, at the Mexican border together are part of Interstate Route I–69. It also directs States to erect Interstate Route I–69 signs along segments that are at Interstate standards and connect to existing Interstates and specifically, along U.S. 59 in the Houston area. The National Highway System Designation Act of 1995 designated Corridors 18 and 20 as future Interstates and gave States the authority to erect signs designating them as future Interstates. It is the intent of the Committee that States have the authority to erect signs specifically designating future Interstate Route I–69 along all of Corridor 18 and along the designated portions of Corridor 20.

As the New York State Department of Transportation submits its plans for the development of Route 219, the Federal Highway Administration is encouraged to consider, as one of the benefits of the project, the economic development opportunities that would be afforded the Seneca Indian Nation located at the junction of Route 219 and Route 17. For example, the design and construction of a facility that included a welcome center that provided traveler and tourist information would be a valuable economic development initiative.

Senate amendment

Section 1124 modifies section 355 of the National Highway System Designation Act of 1995 to permit New Hampshire to meet the safety belt use law required under 23 U.S.C. 153 through a performance requirement. Through the end of fiscal year 2000, New Hampshire's is deemed to have met the safety belt use requirements of section 153 upon certification by the Secretary that the State has achieved: (1) a safety belt use rate in each of fiscal years 1997 through 2000 of not less than 50 percent; and (2) a safety belt use rate in each succeeding fiscal year thereafter of not less than the national average safety belt use rate.

Seciton 1206 amends section 205 of the National Highway System Designation Act of 1995 which states that the Secretary shall not require States to use or plan to use the metric system before September 30, 2000. The amendment made by section 1206 allows States to choose when and if to implement the metric system with respect to designing, advertising, or preparing plans, specifications, timetables, or other documents, for a Federal-aid highway project. This section does not require any State to modify its current use of the metric system for Federal-aid highway projects.

Subsection 1208(a) terminates the right-of-way revolving fund established in 23 U.S.C. 108(c) and provides a closeout period for obligations already authorized from the fund. This program was terminated as a revolving loan fund because of the new rules required of all credit programs in the Credit Reform Act of 1990. Credits based on conversion or reimbursements are to be applied to the Highway Trust Fund rather than to the revolving fund. Twenty-three States currently have active right-of-way revolving fund projects. This section provides for a 20-year close out period from the date that right-of-way funds were advanced to give these States sufficient time to complete these unfinished projects.

Subseciton 1208(b) terminates a tolling pilot program that has accomplished its intended purpose. Pilot toll agreements that were executed under 23 U.S.C. 129(k) are still valid.

Subseciton 1208(d) repeals the 1962 Bridge Commission Act, Pub. L. 87–441. This Act relates to bridge commissions and authorities created by an act of Congress. It provides for Federal approval of such commissions' memberships and requires annual audits. A commission ceases to exist by transferring ownership of the bridge to the States. Initially, five bridge commissions were subject to the Act. Today, only one commission remains, the White Country Bridge Commission, which operates the New Harmony Bridge across the Wabash River between Indiana and Illinois. While under the 1962 Bridge Commission Act, the FHWA has the authority to appoint commissioners and review the commission's financial operations, these actions could be administered more effectively and efficiently at the State or local level. This provision removes this unnecessary Federal oversight of the White County Bridge Commission.

Section 1802 amends subsection 1105(c) of ISTEA to modify a high priority corridor route in Louisiana.

Section 1810 allows the Secretary of Transportation, the Federal Railroad Administrator, and their designees to serve as ex-officio members of the Board of Directors of the Pennsylvania Station Redevelopment Corporation.

Seciton 1811 allows the Secretary of Transportation, the Federal Railroad Administrator, and their designees to serve as ex-officio members of the Board of Directors of the Union Station Redevelopment Corporation.

Section 1814 amends paragraph 1105(c)(18) of ISTEA to modify a high priority corridor.

Conference substitute

In subsection 1211(a), the Conference adopts the Senate provision on the Pennsylvania Station Redevelopment Corporation.

In subsection 1211(b), the Conference adopts the Senate provision on the Union Station Redevelopment Corporation.

In subsection 1211(c), the Conference adopts the Senate provision on safety belt use law requirements, with a minor technical amendment.

In subsection 1211(d), the Conference adopts the Senate provision permitting metric conversion at the States' option.

In subsection 1211(e), the Conference adopts the Senate provision terminating the right-of-way revolving fund.

In subsection 1211(f), the Conference adopts the Senate provision terminating the pilot toll collection program.

In subsection 1211(g), the Conference finds that provisions in both the House and Senate bills repealing a 1962 bridge commission act to be substantially equivalent and adopts the Senate language.

In subsection 1211(h), the Conference adopts the House and Senate provisions making changes and additions to subsection 1105(c) of ISTEA concerning high priority corridor routes, with several modifications.

Subsection 1211(i) directs the Secretary to conduct a feasibility study for a certain future corridor segment and direct consideration of Highway 99 in I–69 studies.

Subsection 1211(j) modifies the scope of a project authorized under the Surface Transportation and Uniform Relocation Assistance Act of 1987.

In subsection 1211(k), the Conference adopts the House provision repealing section 146 of the Surface Transportation Assistance Act of 1982 relating to lane restrictions.

Subsection 1211(l) amends section 1045 of ISTEA relating to a substitute project in Wisconsin.

SEC. 1212. MISCELLANEOUS

House bill

Subsection 129(c) establishes a motor carrier operator training facility in Minnesota.

Subsection 129(d) establishes a motor carrier operator training facility in Pennsylvania.

Subsection 132(a) authorizes the Secretary to fund the production of a documentary about infrastructure to promote infrastructure awareness. A total of $1 million in contract authority is authorized for each of fiscal years 1998 through 2000 from the Highway Trust Fund, other than the Mass Transit Account, to carry out this project.

Subsection 134(g) amends 23 U.S.C. 302 to clarify that section 302 does not limit reimbursement of eligible indirect costs to State and local governments. This will make the Federal-aid highway program consistent with other Federal programs, reducing an administrative burden caused by requiring States to develop separate accounting systems.

Subsection 134(i) amends section 1023 of ISTEA to extend an axle weight limitation exemption for mass transportation buses. This subsection also amends the vehicle weight provisions in 23 U.S.C. 127 with respect to certain cargo in the States of Colorado and Louisiana and with respect to certain highways in New Hampshire and Maine.

Senate amendment

Section 1410 directs the Secretary to analyze the safety, infrastructure, cost recovery, environmental, and economic implications of the operation of heavier weight vehicles on Interstate Route 95 in Maine and New Hampshire and establishes a temporary moratorium on the withholding of funds from Maine and New Hampshire under 23 U.S.C. 127.

Section 1704 makes technical corrections to 23 U.S.C. 302. It changes the term "State highway department" to "State transportation department" to emphasize and reflect the intermodal focus of these departments. It eliminates the requirement for a secondary road unit as there is no longer a secondary system and secondary plans have been eliminated. It also establishes that compliance with section 302, as revised by this section shall have no effect on the eligibility of costs. This subsection eliminates 302(b) regarding the construction of projects on the secondary system.

Conference substitute

In subsection 1212(a), the Conference adopts the Senate provision amending 23 U.S.C. 302, concerning State transportation departments.

In subsection 1212(b), the Conference adopts the House provision concerning an infrastructure awareness documentary, with modifications. The substitute states that a total of 60 percent of the total project cost of $4.8 million will be provided from the Highway Trust Fund and the remaining 40 percent is required to be provided by the private sector. Credit is given for funds received to date. The substitute provides a total of $880,000 for fiscal year 1998 and $1 million for each of fiscal years 1999 and 2000, and $800,000 for fiscal year 2000 from the Highway Trust Fund, other than the Mass Transit Account, for this project.

In subsection 1212(c), the Conference adopts the House provision concerning the axle weight limitation for mass transportation buses.

In subsection 1212(d), the Conference adopts the House provision concerning vehicle weight limitations in Colorado, Louisiana, Maine, and New Hampshire, with a modification based on the Senate vehicle weight study provision requiring each State to conduct a study analyzing the economic, safety, and infrastructure impacts of the exemptions provided in this subsection, including the impact of not having such an exemption. $200,000 is provided to each State for the study.

In subsection 1212(e), the Conference authorizes $2.5 million for each of fiscal years 1999 through 2001 for grants to a driver training and safety center.

In subsection 1212(f), the Conference authorizes funding for grants to establish a welcome center in Point Pleasant, West Virginia.

In subsection 1212(g), the Conference provides that Minnesota may obligate funds that have been allocated under 23 U.S.C. 117 for a project in the State for any other project in the State for which funds are so allocated.

In subsection 1212(h), the Conference provides that the Federal share of the cost of a project on the Baltimore Washington Parkway shall be 100 percent.

In subsection 1212(i), the Conference directs the Secretary to make grants to a not-for-profit organization engaged in promoting bicycle and pedestrian safety to operate a clearinghouse and establish educational programs on improving bicycle and pedestrian safety.

In subsection 1212(j), the Conference adopts the House provision establishing a motor carrier operator training facility in Minnesota.

In subsection 1212(k), the Conference adopts the House provision establishing a motor carrier operator training facility in Pennsylvania.

In subsection 1212(l), the Conference authorizes funding in fiscal years 1999 and 2000 for the High Priority Las Vegas Intermodal Center.

In subsection 1212(m), the Conference authorizes funding in fiscal year 1999 for several seismic design, engineering, and deployment projects.

In subsection 1212(n), the Conference deauthorizes a segment of a navigation project in Biloxi Harbor, Mississippi.

In subsection 1212(o), the Conference provides a complete waiver from the application of federal environmental statutes to a specified project on Corridor O of the Appalachian development highway system in Pennsylvania.

The scope of the waiver in the provision, which states that "the Secretary shall approve and the Commonwealth of Pennsylvania is authorized to proceed with final design, engineering and construction", means that notwithstanding all federal statutes not otherwise determined in the provision to apply, the state may proceed with all remaining phases of the project. No other federal agency approval or permit is required unless such approval or permit is specified in the provision.

The phrase "the Secretary shall approve" means that the Secretary of Transportation may only approve the plans, specifications and engineering for the project and release funding for the project. The phrase was included to ensure that the Secretary would approve any application for releasing a request for funding for the project since he has a unique responsibility among all federal agencies with respect to a highway project to approve funding. It should not be read to give other federal agencies authority over the project indirectly by any authority they might otherwise have with respect to decisions of the Secretary, nor should the phrase in any way be construed to permit other federal agencies authority over the project since their involvement in the project is waived unless specifically reserved.

Finally, the provision provides that environmental reviews already performed by the Commonwealth of Pennsylvania satisfy all Federal environmental laws. Any analysis and mitigation measures provided in those reviews, but no others, must remain in effect.

In subsection 1212(p), the Conference amends the Act of October 21, 1978 (Pub. L. 95–495) regarding the boundary waters canoe area.

In subsection 1212(q), the Conference authorizes funding from the General Fund for three projects in New York.

In subsection 1212(r), the Conference provides for the transfer of ownership by the Secretary of the Army of a bridge on U.S. Route 13 in the vicinity of St. Georges, Delaware.

In subsection 1212(s), the Conference conditions the use of Federal-aid highway funds for a project in Georgia.

In subsection 1212(t), the Conference directs the Secretary to designate a segment of State Route 26 in Pennsylvania as the Nittany Parkway.

SEC. 1213. STUDIES AND REPORTS

House bill

Subsection 133(h) requires the Secretary to conduct a study to determine the practices in the States for specific service food signs.

Subsection 134(j) requires a study of the impact of truck weight standards on specialized hauling vehicles.

Subsection 139(b) requires the General Accounting Office (GAO) to evaluate procurement practices and project delivery. The study shall access the impact a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Section 141 directs the Transportation Research Board to conduct a study on the current laws, regulations, and practices regarding truck sizes and weights and to make recommendations, taking into account impacts on the economy, safety, environment and service to communities.

Section 412 directs the Secretary to conduct a study on the effectiveness and deterrent value of State laws and regulations pertaining to penalties for violations of commercial motor vehicle weight laws. The Secretary shall issue a report to Congress not later than two years after the date of enactment of this Act.

Senate amendment.

Subsection 1113(a) requires the GAO to report to Congress on the Department's methodology for determining highway needs using the Highway Economic Requirement System (HERS), a computer program developed to use economic criteria and engineering criteria in estimating highway investment requirements. The GAO is required to provide to Congress, within 3 years of enactment of this Act, an assessment of the extent to which the model is useful in estimating an optimal level of highway infrastructure investment.

Subsection 1113(b) requires the Comptroller General to submit a report to the Congress on the International Roughness Index (IRI), an index that is being used to measure the pavement quality of the Federal-aid highway system. The IRI is a data input used in the HERS model. Concerns have been raised as to the reliability of the IRI measurement across different manufacturers and types of pavements and this study shall indicate the extent to which the IRI measurement is reliable.

Subsection 1113(d) requires the GAO to conduct a study on Federal-aid highway procurement practices and project delivery. The study shall access the impact that a utility company's failure to relocate in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects.

Section 1126 requires the Secretary to conduct a study on the extent and effectiveness of the use by various States of uniformed policy officers on Federal-aid highway construction projects. Some States use police officers extensively on their highway construction projects, while other States use virtually no police officers for work zone traffic control. Work zone safety has been a high priority issue for the FHWA, traffic engineering professionals, and highway agencies. This section requires the Department of Transportation to submit a report to Congress on the results of the study not later than 2 years after the effective date of this section.

Section 1813 requires the Secretary to conduct a comprehensive assessment of the state of transportation infrastructure on the southwest border between the United States and Mexico. The Secretary is required to submit the report to Congress one year after the date of enactment of this Act.

Conference substitute

In subsection 1213(a) the Conference adopts the Senate provision concerning the Highway Economic Requirement System.

In subsection 1213(b), the Conference adopts the Senate provision on the International Roughness Index.

In subsection 1213(c), the Conference adopts the Senate provision concerning the study of the use of uniformed police officers, with a modification to require that the study be conducted in consultation with law enforcement organizations.

In subsection 1213(d), the Conference adopts the Senate provision on assessing the state of transportation infrastructure on the southwest border, with a modification to ensure that the assessment of the adequacy of law enforcement and narcotics abatement activities include their relationship to infrastructure in the border area.

In subsection 1213(e), the Conference adopts the House provision concerning the study of procurement practices and project delivery.

In subsection 1213(f), the Conference adopts the House provision on specialized hauling vehicles, with a modification to require the study include, but not be limited to, an analysis of the economic, safety, and infrastructure impacts of truck weight standards.

In subsection 1213(g), the Conference adopts the House provision on specific service food signs, with modifications. The substitute provides language to clarify that recommendations for modifications to the Manual on Uniform Traffic Control Devices for

Street and Highways that result from this study should be made only if appropriate.

In subsection 1213(h), the Conference adopts the House provision on the study of State motor vehicle weight penalties.

In subsection 1213(i), the Conference adopts the House provision on the study regarding the regulation of weights, lengths, and widths of commercial motor vehicles.

In subsection 1213(j), the Conference directs the Secretary to work with the State of Oklahoma to carry out a traffic analysis regarding a trade processing center.

In subsection 1213(k), the Conference directs the Secretary to study the feasibility of providing high speed rail passenger service from Atlanta, Georgia, to Charleston, South Carolina.

SEC. 1214. FEDERAL ACTIVITIES

House bill

Subsection 117(e) requires the Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior, and in consultation with other interested persons, to conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts. The subsection authorizes $500,000 for fiscal year 1998 for the study and directs the Secretary to report to Congress on the results of the study by September 30, 1999.

Subsection 117(f) provides funding to the Smithsonian Institution for transportation-related activities, including exhibitions and educational outreach programs, the acquisition of transportation-related artifacts, and transportation-related research programs, and authorizes $5 million annually to carry out these activities.

Subsection 117(g) directs the secretary to set aside parkways and park highways funds in fiscal years 1998 through 2000 for the planning, design, and construction of a visitors center.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In subsection 1214(a), the Conference adopts the House provision to study methods to improve pedestrian and vehiclular access to the Kennedy Center.

In subsection 1214(b), the Conference adopts the House provision funding transportation-related exhibits, artifacts, and research at the Smithsonian Institution, but reduces the annual authorization for these activities from $5 million to $1 million.

In subsection 1214(c), the Conference adopts the House provision funding the New River Visitors Center.

In subsection 1214(d), the Conference authorizes and provides for the allocation of $1.5 million in additional contract authority for each of fiscal years 1998 through 2003 for each State that has within its boundaries part or all of an Indian reservation having a land area of 10 million acres or more.

In subsection 1214(e), the Conference directs the Secretary to make an annual $1 million grant to the Minnesota Historical Society for the establishment of the Minnesota Transportation History Network.

In subsection 1214(f), the Conference authorizes $200,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to resurface the entrance road to the Sachuest Point National Wildlife Refuge.

In subsection 1214(g), the Conference authorizes $300,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to remove asphalt runways at Ninigret National Wildlife Refuge and $5 million for each of fiscal years 1999 through 2003 for the State of Rhode Island to make improvements to the T.F. Green Intermodal Facility.

In subsection 1214(h), the Conference authorizes $500,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service for the Middletown visitor center at Sachuest Point National Wildlife Refuge.

In subsection 1214(i), the Conference authorizes $75,000 for fiscal year 1999 for the U.S. Fish and Wildlife Service to pave the entrance road to the Ninigret National Wildlife Refuge.

In subsection 1214(j), the Conference authorizes $1 million for each of fiscal years 1999 through 2003 for the U.S. Fish and Wildlife Service for the education center at the Rhode Island National Wildlife Refuge complex.

In subsection 1214(k), the Conference authorizes $1 million for fiscal year 1999 for the National Park Service to revitalize the Tredegar Iron Works as a visitor center for Richmond National Battlefield Park.

In subsection 1214(l), the Conference authorizes $800,000 for each of fiscal years 1999 through 2003 to the Corps of Engineers for the State of Missouri to use to resurface and maintain city and county roads that provide access to Corps of Engineers reservoirs.

In subsection 1214(m), the Conference authorizes $250,000 for each of fiscal years 1999 and 2000 to the Department of the Interior for the Shenandoah Valley Battlefield National Historic District Commission to use to develop a Civil War battlefield plan for the Shenandoah Valley.

In subsection 1214(n), the Conference provides that the Administrator of the General Services Administration shall seek the approval of the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure before taking any action that leads to government ownership of the Department of Transportation's headquarters facility.

In subsection 1214(o), the Conference authorizes $3 million for each of fiscal years 1999 and 2000 for the environmental review, planning, design, and construction of a historical and cultural visitors center and museum at Fort Peck, Montana.

In subsection 1214(p), the Conference authorizes $5 million in fiscal year 1999 for the State of Mississippi to use to replace and widen the box bridges on the Natchez Trace Parkway.

In subsection 1214(q), the Conference authorizes $2.943 million in fiscal year 1999 for the Lolo Pass Visitor Center in Idaho.

In subsection 1214(r), the Conference provides funding for the Puerto Rico highway program for each of fiscal years 1998 through 2003. This subsection specifics how such funds shall be administered and states that the amounts treated as being apportioned to Puerto Rico shall be deemed to be required to be apportioned to Puerto Rico for purposes of the imposition of any penalty provisions in titles 23 and 49, United States Code.

SEC. 1215. DESIGNATED TRANSPORTATION ENHANCEMENT ACTIVITIES

House bill

Subsection 117(h) authorizes $400,000 for each of fiscal years 1998 and 1999 for the restoration of the Gettysburg, Pennsylvania, train station.

Subsection 118(c) authorizes $1.5 million for each of fiscal years 1998 through 2003 to establish a center for national scenic byways in Duluth, Minnesota. This center would provide technical communications and network support for nationally designated scenic byway routes.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In subsection 1215(a), the Conference adopts the House provision for the restoration of the Gettysburg, Pennsylvania, train station.

In subsection 1215(b), the Conference adopts the House provision on the scenic byways center in Duluth, Minnesota. It is the Conferees' intent that the Center for National Scenic Byways be staffed by the regional planning agency located in northeastern Minnesota. The regional planning agency located in Northeastern Minnesota has experience in transportation planning, tourism planning, resource planning, economic development, and community planning. The regional planning agency has demonstrated its ability to manage scenic byway projects, develop a technical information network, and provide national leadership in supporting the National Scenic Byways Program.

In subsection 1215(c), the Conference authorizes $2 million for each of fiscal years 1999 through 2001 for the State of West Virginia to use for the Coal Heritage Scenic Byway for any purpose eligible under 23 U.S.C. 204(h).

In subsection 1215(d), the Conference authorizes $5 million for fiscal year 1999 and $2 million for each of fiscal years 2000 through 2003 to implement traffic calming measures on Route 50 in Fauquier and Loudoun Counties, Virginia.

In subsection 1215(e), the Conference authorizes $1 million for fiscal year 1999 for a pedestrian bridge over U.S. route 29 in Charlottesville, Virginia.

In subsection 1215(f), the Conference authorizes $600,000 for fiscal year 1999 for construction of the Virginia Blue Ridge Parkway interpretive center.

In subsection 1215(g), the Conference authorizes $2 million for fiscal year 1999 for renovating and preserving the Missouri Route 66 Chain of Rocks Bridge.

In subsection 1215(h), the Conference directs the Secretary to approve the use of National Highway System and Surface Transportation Program apportionments for the construction of Type II noise barriers on a route in Dekalb County, Georgia.

SEC. 1216. INNOVATIVE SURFACE TRANSPORTATION FINANCING METHODS

House bill

Section 119 establishes a variable pricing pilot program. The Secretary may enter into cooperative agreements with up to 15 States to conduct and monitor the pilot projects. The Federal share for a pilot program is 80 percent of the total cost of the program, although the Federal share for any portion of a project may be up to 100 percent. The provision authorizes full Federal participation in the start-up, development, and pre-implementation costs associated with a pilot program for up to three years. Single occupancy vehicles that are part of a pilot program may operate in high occupancy vehicle (HOV) lanes. Pilot programs must include an analysis of how the program affects low income drivers.

Subsection 120(c) creates an Interstate System Reconstruction and Rehabilitation Pilot Program. This program allows up to three facilities to be tolled, provided the toll revenues are used to improve that facility. Any State wishing to participate in the pilot program must enter into an agreement with the Secretary to ensure that no toll revenues are diverted to another facility or purpose. The provision also specifies eligibility and selection criteria for the program.

Senate amendment

Section 1108 renames the congestion pricing pilot program as the value pricing pilot program and codifies the program in title 23, United States Code.

A number of States and local governments have used funds provided under ISTEA to complete feasibility studies and implementation of value pricing projects. This section provides funding and additional flexibility to allow States to continue to implement these projects. In addition, it expands the program, increasing the number of pilot programs eligible for funding from five to 15, and lifting the restriction that only three projects can be conducted on the Interstate System. Funds available under this section may be used for all pre-implementation and design costs to give States more flexibility to study options for different types of value pricing projects.

This section also includes an exemption from the HOV requirement of 23 U.S.C. 102(b) to permit single occupancy vehicles to operate in HOV lanes if the vehicles are part of a value pricing program.

It is expected that each value pricing project will include a thorough evaluation of the project's effects, including its impacts on congestion, air quality, transit use, and other social and economic effects.

Conference substitute

In subsection 1216(a), the Conference adopts the Senate provision on the value pricing pilot program, with two modifications. First, it prohibits Federal funding of pre-implementation, development and startup costs after three years, as provided in the House bill. Second, includes the House provision requiring each pilot program to include, where appropriate, an analysis of the impact of the program on low income drivers. Paragraph 1101(a)(12) authorizes $7 million for fiscal year 1999 and $11 million for each of fiscal years 2000 through 2003 for the value pricing pilot program.

In subsection 1216(b), the Conference adopts the House provision establishing an Interstate System Reconstruction and Rehabilitation Pilot Program.

SEC. 1217. ELIGIBILITY

House bill

Subsection 133(a) makes the improvements and facilities necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System eligible for funds apportioned for the National Highway System and the Surface Transportation Program.

Subsection 133(b) makes the Cuyahoga River Bridge in Ohio eligible to receive funds apportioned under the congestion mitigation and air quality improvement program.

Subsection 133(c) gives the State of Connecticut flexibility in the use of Interstate Construction fund balances. It also gives the State additional obligation authority to use these funds.

Subsection 133(e) clarifies that private entity expenditures for construction of specific toll roads in Southern California may be credited to the State's non-Federal share.

Subsection 133(f) permits the continued collection of tolls on the International Bridge, Sault Ste. Marie, Michigan.

Subsection 133(g) makes certain food services eligible to be listed on current logo signs.

Senate amendment

Subsection 1105(c) clarifies eligibility under the ER program for a 600-foot bypass for Route 1, south of San Francisco, in San Mateo County, which was and is still subject to periodic landslides and closures.

Section 1129 provides eligibility for the Ambassador Bridge in Detroit, Michigan, under the surface transportation program and the National Highway System program.

Section 1804 permits the continued collection of tolls on the International Bridge, Sault Ste. Marie, Michigan.

Section 1809 requires the Secretary to allow the continuance of commercial operations at certain service plazas on Interstate 95 in Maryland.

Conference substitute

In subsection 1217(a), the Conference adopts the Senate provision concerning a project in San Mateo County, California.

In subsection 1217(b), the Conference adopts the Senate provision on the Ambassador Bridge.

In subsection 1217(c), the Conference adopts the House provision on the Cuyahoga River Bridge, with a modification. The bridge is eligible to receive funds from the surface transportation program.

In subsection 1217(d), the Conference adopts the House provision giving Connecticut flexibility in the use of its Interstate Construction funds.

The Conference finds that the House and Senate provision concerning the collection of tolls on the International Bridge at Sault Ste. Marie, Michigan, are substantively equivalent and adopts the Senate language at 1217(e).

In subsection 1217(f), the Conference adopts the House provision concerning food service businesses eligible to be included on logo signs.

In subsection 1217(g), the Conference adopts the Senate provision concerning commercial operations at certain service plazas in Maryland.

In subsection 1217(h), the Conference directs the Secretary to permit the State of Georgia to conduct a welcome center pilot project in Cobb County, Georgia.

In subsection 1217(i), the Conference adopts the House provision concerning State matching share credits for two toll road projects in Southern California.

In subsection 1217(j), the Conference prohibits the collection of tolls on a segment of the Pennsylvania Turnpike for 6 years.

In subsection 1217(k), the Conference provides that funds authorized in this Act for transportation projects in Mississippi may be used to construct, reconstruct, or rehabilitate rail lines in the vicinity of Vicksburg and Jackson, Mississippi.

SEC. 1218. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEVELOPMENT PROGRAM

House bill

Subsection 312(d) provides $5,000,000 per year for the years 1998 through 2003 for grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas.

Senate amendment

Section 1119 establishes the magnetic levitation technology deployment program (MAGLEV) to: (1) provide financial assistance to conduct pre-construction planning activities for a number of selected projects which meet the eligibility requirements established by the legislation, including involvement in a corridor that exhibits partnership potential; and (2) select one of the planned projects for Federal participation in the costs of design, construction and deployment in revenue service. MAGLEV is defined as systems capable of safe use at a speed in excess of 240 miles per hour.

Within 180 days of enactment the Secretary is required to solicit applications for financial assistance for eligible projects. The projects selected for financial assistance in this phase of the program must meet stringent eligibility requirements established by the legislation. Project selection will be on the basis of criteria established by the Secretary prior to solicitation of applications.

Following pre-construction planning activities for selected projects, the Secretary is required to select a single project for Federal participation in the cost of final design, engineering and construction of a segment of the project that can be operated in revenue service. The Federal share of full project costs (including total capital costs of guide ways, stations, vehicles and equipment) shall not exceed 2/3 of total project cost. The use of Federal funds will be restricted to the capital costs of the guide way (excluding stations, vehicles and equipment). The non-Federal share of pre-construction planning activities shall be at least 20 percent.

This section provides $10 million for fiscal year 1999 and $20 million for fiscal year 2000 in contract authority from the Highway Trust Fund to conduct pre-construction activities for selected projects and other necessary purposes. It also authorizes appropriations from the Highway Trust Fund of $200 million for each of fiscal years 2000 and 2001; $250 million for fiscal year 2002; and $300 million for fiscal year 2003. A State is authorized to allocate a portion of its Federal-aid highway apportionments under the CMAQ Program or the STP Program to supplement the assistance received under this section or to use the innovative financing provisions of Chapter 2 of this Act.

Conference substitute

The Conference adopts the Senate provision with modifications. The substitute increases the contract authority for the program to $15 million for fiscal year 1999, $20,000,000 for fiscal year 2000, and $25,000,000 for fiscal year 2001, and it is intended that a portion of these funds can be used for project evaluation. It requires that $5 million be made available for grants for research and development of low-speed superconductivity magnetic levitation technology for public transportation purposes.

The Conference adopts the House provision in title II of the Act.

SEC. 1219. NATIONAL SCENIC BYWAYS PROGRAM

House bill

Section 118 directs the Secretary to carry out a National Scenic Byways program and codifies the program at 23 U.S.C. 162. To be eligible for the program, a road must be nominated by a State or a Federal land management agency. Funds are available for technical assistance, including planning, development of management plans, and safety improvements. The Federal share is the same as for other Federal-aid highway projects. This program is the continuation of a similar program established by ISTEA.

Senate amendment

Section 1501 codifies the National Scenic Byways program at 23 U.S.C. 165. Subsection 165(a) directs the Secretary to carry out the National Scenic Byways program and designate roads having outstanding scenic, historic, cultural, natural or archaeological qualities as National Scenic Byways or All-American Roads. Criteria for designation have been defined in an FHWA interim policy notice, which was published in the Federal Register in May 1995.

Subsection 165(b) directs the Secretary to make grants and provide technical assistance to the States to implement National Scenic Byways, State scenic byways, and All-American Roads projects and to plan, design, and develop State scenic byways programs. Subsection 165(c) lists the eight categories of projects eligible for scenic byways funding under this section. Subsection 165(d) allows the Secretary to authorize scenic byways funds only for projects that protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

Subsection 165(e) provides that the Federal share payable on account of any project under this section shall be 80 percent, except that, for projects on Federal or Indian Lands, a Federal land management agency may contribute the non-Federal share payable on such projects. Subsection 165(f) provides contract authority from the Highway Trust Fund of $17 million in each of fiscal years 1998 and 1999; $19 million for each of fiscal years 2000 and 2001; $21 million for fiscal year 2002; and $23 million for fiscal year 2003.

Conference substitute

In section 1219, the Conference adopts the Senate provision, with a modification to include the House savings clause language, providing that the Secretary shall not withhold a grant or condition receipt of a grant or technical assistance to a State for any scenic byway unless such action is consistent with the authority provided in chapter 1 of title 23. Section 1219 codifies this program at 23 U.S.C. 162.

Paragraph 1101(a)(11) authorizes $23.5 million for each of fiscal years 1998 and 1999, $24.5 million for each of fiscal years 2000 and 2001, $25.5 million for fiscal year 2002, and $26.5 million for fiscal year 2003 for the National Scenic Byways program.

SEC. 1220. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES

House bill

Section 507 requires that the Secretary eliminate programmatic responsibility of regional offices of the Federal Highway Administration (FHWA) as part of the agency's efforts to restructure its field offices, including elimination of regional offices, creation of technical resources centers, and delegation to State offices. The Secretary shall begin implementation of a restructuring plan submitted to Congress not later than December 31, 1998.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

In section 1220, the Conference adopts the House provision, with modifications. The Conference substitute permits the Federal Highway Administration to retain programmatic decisionmaking authority at the regional offices for the motor carrier safety program. It also requires the Secretary to give preference to sites that now house FHWA regional offices and that are in locations that minimize the travel distance between technical resource centers and the FHWA division offices they will serve.

SEC. 1221. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1604 authorizes a new Transportation and Community and System Preservation Pilot Program to investigate and address the relationships between transportation projects, community preservation, and the environment. The pilot program consists of three parts: (1) a comprehensive research program; (2) a planning assistance program to provide funding to States, metropolitan planning organizations (MPOs), and local governments that want to begin integrating their transportation planning with community preservation, environmental protection, and land use policies; and (3) an implementation assistance program to provide funding to States, MPOs, and local governments that have developed state-of-the-art approaches to integrate their transportation plans and programs with their community preservation and environmental planning programs.

The research program established by subsection 1604(b) examines the experiences of communities in uniting transportation, community preservation, and environmental goals with decisionmaking processes. As part of this research, projects carried out with planning or implementation assistance funds made available by this section shall be monitored and analyzed.

The planning assistance authorized in subsection 1604(c) is intended to provide financial resources to States and communities that wish to explore integrating their transportation programs with community preservation and environmental programs. In providing this planning assistance, the Secretary is directed to give priority consideration to applicants that demonstrate commitments to public involvement and to bring non-Federal resources to the proposed projects.

The implementation assistance authorized in subsection 1604(d) provides financial resources to States and communities that have established community preservation programs to enable them to carry out projects that address transportation efficiency while meeting community preservation and environmental goals. Any activities eligible for funding under title 23 or chapter 53 of title 49 are eligible for assistance under this program, including corridor preservation activities necessary to carry out transit-oriented development plans or traffic calming measures.

Subsection 1604(d) authorizes $20 million for each of fiscal years 1998 through 2003 to carry out this program.

Conference substitute

In section 1221, the Conference adopts the Senate provision, with some modifications. First, the Conference provision expands the research and planning elements of this program to include (1) the consideration of the role of the private sector in shaping the relationships between transportation, community preservation, and the environment and (2) the examination of ways to encourage private sector development patterns to achieve the program's goals. Second, the Conference provision modifies the funding authorized to carry out this program by authorizing $20 million for fiscal year 1999 and $25 million for fiscal years 2000 through 2003.

SEC. 1222. ADDITIONS TO APPALACHIAN REGION

House bill

Subsection 112(f) adds Elbert and Hart counties in Georgia to the Appalachian region.

Senate amendment

Section 1812 amends section 403 of the Appalachian Regional Development Act of 1965 to add Hale county in Alabama, Elbert and Hart counties in Georgia, Yalobusha county in Mississippi, and Montgomery and Rockbridge counties in Virginia to the Appalachian region.

Conference substitute

The Conference adopts the Senate provision with modifications adding Macon county in Alabama to the Appalachian region and technically amending section 405 of the Appalachian Regional Development Act to ensure that section 403 of such Act is still in effect.

SEC. 1223. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES

House bill

Subsection 130(a) states the purpose of this section is to assist and support States and local governments with surface and aviation-related transportation issues necessary to host international quadrennial Olympic and paralympic events in the United States.

Subsection 130(b) authorizes the Secretary to give priority to transportation projects related to Olympic events from certain highway and transit discretionary accounts.

Subsection 130(c) authorizes the Secretary to participate in State and metropolitan planning activities related to Olympic events.

Subsection 130(d) authorizes the Secretary to provide assistance from funds provided for the general operating expenses of the Federal Highway Administration for the development of an Olympic and Paralympic transportation management plan.

Subsection 130(e) authorizes the Secretary to provide funds to States and local governments for carrying out transportation projects related to an international quadrennial Olympics. It also establishes the Federal share of the cost of such projects at 80 percent.

Subsection 130(f) defines State or local government eligibility for Federal funds under this section.

Subsection 130(g) authorizes the Secretary to give preference in aviation programs for projects that are Olympics related.

Senate amendment

Section 1130 authorizes the Secretary to provide assistance to State and local governments with surface transportation planning and projects relating to international quadrennial Olympic or Paralympic events. Subsection 1130(b) provides that the Secretary may give preference, in allocating Interstate and bridge discretionary funds, to transportation projects relating to Olympic or Paralympic events. Subsection 1130(c) authorizes the Secretary to participate in transportation planning with States and MPOs on transportation projects relating to Olympic or Paralympic events. Subsection 1130(d) provides that funds made available for highway research, technology, and training programs may be used to develop an Olympic and a Paralympic transportation management plan. Subsection 1130(e) authorizes the Secretary to provide funding to States and local governments for transportation projects relating to an Olympic or Paralympic event, and provides that the Federal share of the cost of each such project shall be 80 percent. Subsection 1130(f) defines State or local government eligibility for Federal funds under this program. Subsection 1130(g) authorizes to be appropriated such sums as are necessary for each of fiscal years 1998 through 2003 to carry out this section.

Conference substitute

The Conference adopts the Senate language with a modification expanding the program to include assistance for the Special Olympics International movement.

SEC. 1224. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1132 authorizes a new grant program that provides funds to assist the States in their efforts to rehabilitate or repair and to preserve the Nation's historic covered bridges.

Subsection 1132(a) defines the term "covered bridge" as a roofed bridge that is primarily made of wood and includes the roof, flooring, trusses, joints, walls, piers, footings, walkways, support structures, arch systems, and underlying land. It defines the term "historic covered bridge" as a covered bridge that is at least fifty years old or is listed on the National Register of Historic Places.

Subsection 1132(b) directs the Secretary to development and maintain a list of historic covered bridges and collect and disseminate information concerning historic covered bridges. It also directs the Secretary to foster educational programs relating to the history, construction techniques, and contribution to society of historic covered bridges. It also directs the Secretary to sponsor or conduct research on the history of covered bridges. It also directs the Secretary to sponsor or conduct research, and study techniques, on protecting covered bridges from rot, fire, natural disasters, or weight-related damage.

Subsection 1132(c) directs the Secretary to make a grant, subject to availability, to a State that submits an application. A grant may be made for a project to rehabilitate or repair or preserve a historic covered bridge. It may be made only if, to the maximum extent possible, the project is carried out in the most historically appropriate manner and preserves that existing structure of the bridge, and the project provides for the replacement of wooden components with wooden components.

Conference substitute

The Conference adopts Senate amendment.

SEC. 1225. SUBSTITUTE PROJECT

House bill

Subsection 144(a) authorizes the Secretary to approve substitute highway and transit projects under the Interstate substitute program in 23 U.S.C. 103(e)(4) in lieu of the Barney Circle Freeway project in the District of Columbia. Subsection 144(b) provides that, upon such approval, the Barney Circle project shall not be eligible for funds under subsection 108(b) of the Federal-aid Highway Act of 1956 and the substitute projects shall be funded from the District of Columbia's unexpended Interstate apportionments and allocations that are not subject to lapse. Subsection 144(c) specifies the Federal share payable on any substitute project approved under this section. Subsection 144(d) requires that any approved substitute project must be under contract for construction, or construction must have commenced, within 4 years of the date of enactment of this section.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision.

SEC. 1226. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS

House bill

Subsection 134(a) removes three obsolete provisions from 23 U.S.C. 115(b). They are a provision related to bond interest on Interstate projects under construction on January 1, 1983, a limitation in the repayment of interest on Interstate and National Highway System projects, and a requirement that the Secretary approve an advance construction project for it to be considered completed.

Subsection 134(b) removes an outdated provision at 23 U.S.C. 118(e) regarding total payments to a State in any fiscal year. In its place, it reinstates a provision that was once in title 23 but was inadvertently omitted when amended by ISTEA. This reinstated provision permits obligations incurred in prior fiscal years that are released in a current fiscal year to be made available for reobligation in such current year.

Subsection 134(f) strikes an outdated provision at 23 U.S.C. 124(b) concerning the construction of toll routes necessary to complete the Interstate System. The provision is no longer needed since the Interstate is complete.

Subsection 134(e) strikes an outdated provision at 23 U.S.C. 126 concerning the use of motor vehicles taxes to fund highway construction projects.

Senate amendment

Section 1203 removes an outdated provision from 23 U.S.C. 118 and replaces it with a provision that permits obligations incurred in prior fiscal years and released in a current fiscal year to be made available for re-obligation.

Subsection 1702(a) technically amends title 23, United States Code, to move the title's declarations of policy and definitions to their own sections within title 23.

Subsection 1702(b) amends 23 U.S.C. 115(b) to strike three out-of-date provisions concerning bond interest and completion of advance construction projects.

Subsection 1702(c) amends 23 U.S.C. 116 to clarify when a State's duty to maintain a Federal-aid highway shall cease, but does not impose any additional requirement on the State to maintain a highway nor does it relieve any maintenance requirements in current law. It simply clarifies existing policy.

Subsection 1702(d) technically amends 23 U.S.C. 119(a) concerning Secretarial approval of projects on the Interstate System.

Subsection 1702(e) amends 23 U.S.C. 124 to strike an out-of-date provision on construction of toll roads necessary to complete the Interstate System.

Subsection 1702(f) strikes 23 U.S.C. 126, an out-of-date provision on the use of motor vehicle and fuel taxes for highway projects.

Subsection 1702(i) revises 23 U.S.C. 136(m) to provide a definition of "primary system."

Subsection 1702(j) corrects an out-of-date reference to the Federal-aid urban system in 23 U.S.C. 137(a) concerning fringe and corridor parking facilities.

Subsection 1702(k) makes technical amendments to 23 U.S.C. 140 concerning nondiscrimination.

Subsection 1702(l) technically amends 23 U.S.C. 142(a)(2) concerning Secretarial approval of certain STP projects.

Subsection 1702(m) strikes an out-of-date provision, 23 U.S.C. 147, on priority primary routes.

Subsection 1702(n) strikes an out-of-date provision, 23 U.S.C. 148, on development of a national scenic and recreational highway.

Subsection 1702(o) strikes out-of-date language from 23 U.S.C. 152(e) concerning the apportionment of hazard elimination funds.

Subsection 1702(p) strikes an out-of-date provision, 23 U.S.C. 155, concerning access highways to public recreation areas on certain lakes.

Conference substitute

In subsection 1226(a), the Conference finds that the House and Senate provisions striking three out-of-date provisions from 23 U.S.C. 115 are substantively equivalent and the Conference adopts the Senate language with a purely technical modification.

In subsection 1226(b), the Conference adopts the House provision amending 23 U.S.C. 118 concerning the effect of the release of Federal-aid highway funds.

In subsection 1226(c), the Conference finds that the House and Senate provisions striking out-of-date language from 23 U.S.C. 124(b) on the construction of toll roads are substantively equivalent and the Conference adopts the provision.

In subsection 1226(d), the Conference finds that the House and Senate provisions striking 23 U.S.C. 126 concerning the use of motor vehicle and fuel taxes for highway construction projects are substantively equivalent and the Conference adopts the House language.

NONDISCRIMINATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1703 amends section 324 of title 23, U.S.C. by moving the provision on discrimination on the basis of sex to section 140 as subsection (d). Under current law, both of these sections address discrimination.

Conference substitute

The Conference does not adopt the Senate provision.

WETLAND RESTORATION PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1503 authorizes the Secretary to establish a national wetland restoration pilot program. This discretionary pilot program shall fund restoration projects to offset the degradation of wetlands resulting from highway construction projects carried out before December 27, 1977. The Secretary is required to submit a report on the results of the program every three years. This provision provides contract authority in the amount of $12 million for fiscal year 1998; $13 million for fiscal year 1999; $14 million for fiscal year 2000; $17 million for fiscal year 2001; $20 million for fiscal year 2002; and $24 million for fiscal year 2003 to carry out this program.

This section is devoted to historic losses of wetlands only. Funds provided in this program are not intended to reward State departments of transportation for knowingly degrading wetlands through highway construction. Therefore, the funds provided in this section are not to be used to mitigate wetlands losses from current and future highway projects or from projects carried out after December 1977.

Conference substitute

The Conference does not adopt the Senate provision.

Subtitle C—Program Streamlining and Flexibility

SEC. 1301. REAL PROPERTY ACQUISITION AND CORRIDOR PRESERVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1202 amends sections 108 and 323 of title 23, United States Code, to expand the flexibility provided to State and local governments to compete for land resources. It provides for the advanced acquisition of real property not only for highway projects, but for all transportation improvements under title 23. This section removes restrictive language and outdated programs, revises language, and adds opportunities for States and local governments to utilize early property acquisition when necessary, while retaining maximum flexibility to leverage the use of Federal funds.

The provision provides an alternative means of leveraging Federal funds apportioned to each State by providing a credit based on the value of publicly-owned lands incorporated within a federally funded project. This provision is consistent with the credits already permitted for donated real property and services. The provisions added by this section expand the choices available to State and local governments in fashioning financial strategies to best serve their transportation objectives.

Conference substitute

The Conference adopts the Senate provision with a modification to clarify that costs of services are not eligible as a credit for non-Federal share.

SEC. 1302. Payments to States for Construction

House bill

Subsection 134(d) amends 23 U.S.C. 121 to remove a restriction which applies the Federal/non-Federal matching rate to each payment that a State receives. This amendment will make the Federal-aid highway program more like other Federal programs, including the Federal transit program, and will give the State greater flexibility in managing their funds.

Senate amendment

Section 1204 amends 23 U.S.C. 121 to remove a restriction that applies the Federal/non-Federal matching share requirement to each payment a State receives. The revised section 121 makes the requirement applicable to total project costs rather than to individual voucher payments. The increased flexibility provided by these changes will result in a simplified program that is easier for State departments of transportation to administer. The changes recognize that the important restriction is that the total project meets the Federal share requirement. The changes also make the Federal-aid-highway program more compatible with other Federal programs, particularly the Federal mass transportation program; projects are often administered jointly by FHWA and the Federal Transit Administration.

Conference substitute

The Conference adopts the House provision, making only technical modifications and retaining the provision as a separate section, as in the Senate bill.

SEC. 1303. PROCEEDS FROM THE SALE OR LEASE OF REAL PROPERTY

House bill

The House bill contains no comparable provision.

Senate amendment

Section 156 of title 23, United States Code, requires States to change fair market value for the use of airspace acquired in connection with a federally funded project. Section 1205 expands the requirement in section 156 to apply to the net income generated by a State's lease, sale, or other use of all real property acquired with Federal financial assistance from the highway account of the Highway Trust Fund. The revised section 156 applies the same standard to all real property interests acquired with Federal-aid highway funds. As in current law, the Secretary may grant exceptions for social, environmental, or economic purposes.

Conference substitute

The Conference adopts the Senate provision with the inclusion of the following clarifying report language. The purpose of the exception retained in this provision is to give the States (with the Secretary's approval) the flexibility to charge less than fair market value for lands bought with Highway Trust Fund dollars if the lands, once sold or leased, would be used for some purpose of public benefit that would outweigh the general desire to receive fair market value for the property, such as if the lands would be used as parkland or as a recreation area.

SEC. 1304. ENGINEERING COST REIMBURSEMENT

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1210 amends 23 U.S.C. 102(b) to provide an exception to the requirement that a State commence construction or acquisition of right-of-way on a project within 10 years after using Federal funds for preliminary engineering for such project. The exception requires the State, before the expiration of the 10-year period, to request a longer time period and for the Secretary to determine that the request is reasonable.

Conference substitute

The Conference adopts the Senate provision, with a modification requiring that the State commerce construction or acquisition of right-of-way within 10 years or such longer period as the State requests and the Secretary determines to be reasonable.

SEC. 1305. PROJECT APPROVAL AND OVERSIGHT

House bill

Subsection 139(a) amends 23 U.S.C. 106 to require life cycle costs analysis on each usable project segment on the National Highway System and requires the analysis to conform with Executive Order 12893 on infrastructure investment.

Section 501 consolidates and codifies the current practices used by the Secretary to approve and oversee Federal-aid highway projects and further streamlines that process. This section requires that for projects on the NHS (including the Interstate system), the Secretary and each State will enter into an agreement as to the appropriate level of Federal oversight. The Secretary may not assume a greater degree of responsibility than under current law. For all non-NHS projects, the States will assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects. For projects on the NHS but not on the Interstate system, a State shall assume all of the Secretary's current responsibilities for design, plans, specifications, estimates, the awarding of contracts, and the inspection of projects unless the State or the Secretary determines that such assumption is not appropriate.

Section 504 requires the preparation of a financial plan for any highway or transit project costing over $1 billion that is proposed to be funded with Federal funds, and requires that the plan be based on detailed annual estimates (including reasonable assumptions of future increases) of the cost to complete the project.

Senate amendment

Subsection 1222(a) amends 23 U.S.C. 106, which addresses Federal and State responsibilities for surface transportation projects. This section permits the Secretary to discharge to the State with their approval the Secretary's responsibilities under title 23 for the design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System. For non-NHS projects, a State may request that the Secretary no longer review and approve the design, plans, specifications, estimates, contract awards, and inspection of projects under title 23.

Subsection 1222(a) also requires the Secretary to prepare a financial plan for any projects with an estimated total cost of $1 billion or more.

Conference substitute

In subsection 1305(a), the Conference adopts a substitute project approval and oversight provision. The substitute requires that the State shall assume the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards and inspection of projects that are not on the National Highway System unless the State determines that such assumption is not appropriate. In addition, the State may assume responsibility for projects on the NHS but not on the Interstate system unless the State or Secretary determines that such assumption is not appropriate.

In any case where States must meet surface quality regulations set forth by the Federal Highway Administration, they may look for leadership to a private Midwestern engineering institute which has served as a State certifying contractor for the past eleven years. The FHWA may work with this institution in carrying out this National certification program and use the existing expertise in the area.

In subsection 1305(b), the Conference adopts the House provision concerning financial plans, with a modification codifying the provision at 23 U.S.C. 106(h).

In subsection 1305(c) the Conference adopts the House life-cycle cost provision with modifications. This provision eliminates the mandate that States conduct life-cycle costing procedures on each usable project segment of $25 million or more on the National Highway System. Instead, it provides that the Secretary shall develop a set of procedures to be issued as recommendations to the States for conducting analyses of the life-cycle costs for projects on the National Highway System. In making a recommendation, the Secretary shall consult with AASHTO, and such recommendations shall be based on the principles identified in Executive Order 12893.

Life-cycle cost analysis is a process to reduce costs and improve quality and performance. In order to achieve these goals, the Secretary's recommendations shall suggest a uniform analysis period and uniform discount rates as established in OMB Circular A-94 for all Fedeal-aid National Highway System projects. The recommendation shall incorporate factors such as a documented, vigorous maintenance schedule, user costs, and the life of the project. The States are encouraged to use the recommendations to the maximum extent possible on National Highway System projects.

SEC. 1306. STANDARDS

House bill

The House bill contains no comparable provision.

Senate amendment

Subsection 1222(b) eliminates the requirement that the Secretary issue Interstate maintenance guidelines and adds that safety considerations of a project may be met by phase construction.

Conference substitute

In section 1306, the Conference adopts the Senate provision with a modification. The conference provision language clarifies that the safety considerations are to be consistent with an operative safety management system or a statewide transportation improvement program approved by the Secretary.

SEC. 1307. DESIGN-BUILD CONTRACTING

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1224 provides authority, two years after the date of enactment of this Act, for State transportation departments to use the design-build approach for construction of eligible title 23 project segments. Design-build is an innovative method of highway contracting that is only allowed on an experimental basis under current law. It differs from traditional contracting in that it combines, rather than separates, responsibility for the design and construction phases of a highway project. This section allows States to use their State design-build contracting procedures in statute or procedures authorized under section 303M of the Federal Property and Administrative Services Act of 1949.

The benefits of the design-build approach include greater accountability for quality and costs, less time spent coordinating designer and builder activities, firmer knowledge of project costs, and a reduced burden in administering contracts. Design-build is particularly advantageous for accelerating project delivery. For example, a study of 11 design-build projects in Florida found that this innovative contracting method produced significant improvements in project performance as compared to non design-build projects. The average design-build construction time was 21.1 percent shorter than the average for non design-build projects. In addition, actual design-build procurement times were 54 percent less than the normal design procurement time allocated for projects using traditional contracting methods. The design-build projects also produced a 4.7 percent reduction in after-bid changes to the contract.

Despite the potential advantages of design-build, it may not be an appropriate method for carrying out every highway project. Therefore, this section provides minimum cost requirements for potential design-build projects. To qualify for the award of a design-build contract, the cost of each usable segment of a highway project must be at least $50,000,000. In the case of an Intelligent Transportation Systems project, the total cost of the project must exceed $10,000,000.

Conference substitute

In section 1307, the Conference adopts the Senate provision with the following modifications. Subsection 1307(a) allows a State to award a design-build contract for a project using any procurement process permitted by applicable State and local law. Subsection 1307(c) requires the Secretary to consult with the American Association of State Highway and Transportation Officials and affected industry representatives before issuing regulations to carry out this section. Subsection 1307(e) provides that the design-build amendments made in this section shall take effect 3 years after the date of enactment of this Act and provides that, during the 3-year transition period, the Secretary may approve design-build contracts to be awarded using any procees permitted by applicable State and local law. Subsection 1307(f) requires the Secretary to submit a report to Congress within 5 years after the date of enactment of this Act. The report shall analyze the effectiveness of design-build contracting procedures.

SEC. 1308. MAJOR INVESTMENT STUDY INTEGRATION

House bill

Section 503 requires the Secretary to issue new regulations to eliminate the major investment study (MIS) requirement as a separate requirement and integrate this requirement, which is a requirement in the planning regulations, into the environmental review process for transportation projects. The two processes are currently not integrated, although many of their requirements and purposes overlap and are similar.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with a modification to require that the new regulations promulgated under this section integrate the MIS requirement as part of the analyses required to be undertaken pursuant to the planning provisions of title 23 and chapter 53 of title 49, United States Code, and the National Environmental Policy Act of 1969 for Federal-aid highway and transit projects. The Conference provision also specifically limits the scope of such regulations; they shall be no broader than the scope of the current MIS requirement in 23 CFR 450.318.

SEC. 1309. ENVIRONMENTAL STREAMLINING

House bill

Section 502 establishes a coordinated environmental review process for highway construction projects so that whenever practicable, all environmental reviews, analyses, opinions and any permits, licenses, or approvals that must be issued by a Federal agency are conducted concurrently and within cooperatively established time periods. The time periods must be consistent with those established by the Council on Environmental Quality (CEQ) in implementing the National Environmental Policy Act (NEPA). Agreed upon time periods may be extended by the Secretary, if, upon good cause shown, the Secretary and the Federal agency determine that an extension is necessary as a result of new information that could not reasonably have been anticipated when the time periods for review were established. In the event that an agency fails to complete its review or analysis within an agreed upon time period, the Secretary may close the record.

The House bill further directs the Secretary, in consultation with CEQ, to establish a State environmental review delegation pilot demonstration program to allow a limited number of States to assume responsibility for implementing NEPA for highway projects. The pilot program is authorized for three years.

Senate amendment

Section 1225 requires the Secretary to develop an integrated decisionmaking process for surface transportation projects. Using the environmental review process under NEPA, the section establishes a mechanism to coordinate the permitting process for surface transportation projects, encouraging consolidation of Federal, State, local and Tribal decisionmaking to maximum extent practicable, and early consideration of environmental impacts. The section further encourages the use of collaborative, problem solving and consensus building approaches to implement the integrated process.

Conference substitute

The Conference adopts the House language with the following three modifications. First, the provisions establishing a pilot program to delegate responsibility for compliance with the requirements of NEPA to up to eight States is deleted. Second, the language directing agencies to provide due consideration to the determination of the Secretary with respect to the purpose and need of a highway project is deleted. Third, the conference substitute clarifies that the authority of the Secretary to close the record in the event that another agency fails to meet an agreed-upon deadline for completing its environmental review of a proposed project is limited to the record with respect to the matter before the Secretary.

Both the House and Senate bills seek to address the same concerns: the delays, unnecessary duplication of effort, and added costs often associated with the current process for reviewing and approving surface transportation projects. The U.S. Department of Transportation has, through its administrative initiatives, attempted to address some of these problems. Legislation is appropriate, however, to further improve the integration and coordination of decisions relating to highway projects. Better and earlier coordination among the agencies involved in the decisionmaking process for highway projects should help reduce conflicts and their associated delays and costs.

The fundamental goals of the environmental streamlining provisions are to establish an integrated review and permitting process that identifies key decision points and potential conflicts as early as possible; integrates the NEPA process as early as possible; encourages full and early participation by all relevant agencies that must review a highway construction project or issue a permit, license, approval or opinion relating to the project; and establishes coordinated time schedules for agencies to act on a project.

To accomplish these goals, the Conference substitute adopts the House provision encouraging the Secretary to enter into memoranda of agreement (MOAs) with the agencies responsible for reviewing the environmental documents prepared under NEPA or for conducting other environmental review, analyses, opinions or issuing any license, permits or approvals relating to a project. It is expected that Federal, State and other agencies involved in reviewing and approving a project, or components of a project, will use the MOA process to establish cooperatively determined time periods to complete their work and, more generally, to describe how, and the extent to which, the various permitting requirements and environmental reviews relating to the project will be integrated. MOAs may include a variety of interagency agreements. In order to avoid subsequent conflicts and delays on a project, agencies are encouraged to solicit early public input in the development of an MOA.

The Conference substitute retains the House provisions regarding the joint development of time periods for each agency involved in the review and approval of a project to complete its review. The language further provides that any environmental review, including those required under NEPA, conducted with respect to a project shall generally be done concurrently unless conducting a concurrent review would result in a significant adverse effect on the environment, would substantively alter Federal law, or would not be possible without information developed during the review process. This last exception is intended to ensure that agencies are not put in the position of having to complete environmental reviews before they have sufficient information to conduct a meaningful review.

The provisions relating to the Secretary's authority to close the record have been modified to clarify the extent of the Secretary's authority to issue a record of decision for a project in the event that another agency fails to meet the agreed upon deadline for completing its review of any environmental documents required for the project under NEPA. The Secretary's authority to close the record authority does not extend to reviews, analyses, opinions or decisions conducted by another agency on any permit, license or approval issued by that agency. For example, if a project requires the Corps of Engineers to issue a permit under section 404 of the Clean Water Act, the Secretary may not restrict the Corps' review with respect to its decision to issue the 404 permit, even if the Corps fails to meet a deadline set forth in a MOA with the Secretary. Therefore, the conference substitute includes language affirming that the Secretary's authority to close the record is limited to the record on the matter pending before the Secretary. This still allows the Secretary to issue a record of decision on a highway project, even if other agencies have not completed their review of the environmental documents required under NEPA for the project.

The conference substitute allows the additional costs associated with Federal agencies complying with this streamlined process to be considered eligible project expenses under the Federal-aid highway program. Such costs may only be for the additional amount the Secretary determines are necessary to Federal agencies to meet the time periods for environmental review where such time periods are less than the customary time for such review.

For purposes of this section, the term Federal agency includes any Federal agency or State agency carrying out affected responsibilities by operation of Federal law.

These provisions make a number of significant procedural changes and improvements to the process for reviewing and approving highway projects. It is expected that the Secretary will publish regulations, after public notice and comment, to implement these new procedures.

SEC. 1310. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS

House bill

Section 505 creates a new uniform transferability of Federal-aid highway funds and codifies this provision at 23 U.S.C. 110. (This creates a second section 110 in title 23, because section 1105 of this Act codified the revenue aligned budget authority provision at 23 U.S.C. 110.)

Subsection 505(a) applies to any highway program or set-aside within a program which does not allow at least 50 percent of the apportioned or set-aside funds to be transferred to another category. The provision allows any State to transfer up to 50 percent of any funds apportioned to it, as well as any funds within that apportionment that have special requirements or constitute a set aside, to any other category of funds.

Subsection 505(b) sets rules for the transferability of certain funds set aside within the Surface Transportation Program. STP funds set aside at the 1991 funding levels for the hazard elimination and rail-highway grade crossing programs, metropolitan planning funds, and the sub-State suballocation may not be transferred. For funds set aside for transportation enhancements, up to 50 percent of the difference between the amount set aside for enhancements for the fiscal year and the amount of the sub-State suballocation in fiscal year 1996 can be transferred. For funds apportioned for the CMAQ program, a State may transfer up to 50 percent of the difference between its CMAQ funding for the fiscal year and its fiscal year 1997 CMAQ apportionment.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with several modifications. The conference substitute provides that the maximum amount a State may transfer of its STP enhancements and safety set-aside flexible funds is 25 percent of the difference between the increase in each such set-aside over the fiscal year 1997 amount of each such set-aside. This modification (1) reduces the maximum percent a State may transfer from 50 to 25, (2) permits flexible safety set-aside funds to be transferred, but retains the prohibition against transferring hazard elimination and rail-road highway grade crossing funds, and (3) changes the comparison year from fiscal year 1996 to fiscal year 1997. The Conference substitute also changes the comparison year for determining CMAQ transferability; under this provision, a State may transfer 50 percent of the difference between the amount of its CMAQ apportionment for the fiscal year and the amount such apportionment would be had the CMAQ program been funded at $1.35 billion.

SEC. 1311. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS

House bill

Section 506 requires that the Secretary establish and publish the criteria used for the awarding of discretionary grants, that such criteria conform to Executive Order 12893 (relating to infrastructure investment) to the extent practicable, and that preference be given to donor States when considering equal applications for grants. It also requires that the Secretary submit to Congress 14 days before awarding a discretionary grant an explanation of how the selected projects conform to the published guidelines.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference adopts the House provision, with several modifications. First, the Conference provision does not include the requirement that preference be given to donor States. Second, rather than requiring explanations to be submitted 14 days before awards of discretionary grants, the Conference provision requires the Secretary to submit to Congress at least quarterly a list of the projects selected under the discretionary grant projects for programs listed in subsection (c) of this section, along with an explanation of how such projects were selected using the criteria required under this section. Third, the Conference provision modifies the list of the programs covered by this provision.

DESIGN FLEXIBILITY

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1236 clarifies 23 U.S.C. 109 regarding the Secretary's responsibilities regarding planned future traffic needs and the Secretary's responsibilities in reviewing State plans for proposed highway projects. This modification eliminates the requirement that the Secretary ensure that a State plan for a highway project must accompany future traffic demands. As revised, subsection 109(a) only requires that the Secretary ensure that future traffic needs were considered.

Conference substitute

The Conference does not adopt the Senate provision.

MIDCOURSE CORRECTION

House bill

Section 508 directs the Secretary to withhold certain funds for fiscal 2001 until August 1, 2001 unless Congress enacts a law making midcourse corrections to the highway and transit programs. At a minimum, the midcourse correction must include a funding distribution for the high cost interstate program, approve a system of performance bonuses, approve an Appalachian development highway system program, and approve projects within the transit capital program.

Senate amendment

The Senate bill contains no comparable provision.

Conference substitute

The Conference does not adopt the House provision.

Subtitle D—Safety

SEC. 1401. HAZARD ELIMINATION PROGRAM

House bill

Section 138 amends 23 U.S.C. 152 to require that hazards to bicyclists be included in the hazardous locations inventory. This section also directs States to carry out hazard elimination projects so as to minimize any negative impact on safety and access for bicyclists and pedestrians. This section also authorizes the Secretary to approve any safety improvement project described in 23 U.S.C. 152(a) and makes conforming amendments to subsections 152(f) and (g).

Senate amendment

Section 1404 expands the eligibility of the current hazard elimination program to include a full range of safety improvements for bicyclists and pedestrians, including multimodal and community safety programs; spot improvement programs for rapid-response of low costs hazards such as potholes, roadway and trail debris, and unsafe drainage gates are eligible for funding under this program. This section also makes traffic calming measures eligible for hazard elimination funds. The prohibition on States using hazard elimination funds to correct hazards on routes on the Interstate system is eliminated. This section also revises the reference to "Highway safety improvement project" in subsection 152(b) to read "safety improvement project" to reflect the multimodal focus of the hazard elimination program.

Conference substitute

The Conference adopts the Senate provision with modifications. It clarifies that to be eligible under this section, a project must be related to a public surface transportation facility. The Conference substitute does not adopt the Senate language making public transportation vehicles and any public transportation facility that the Secretary determines to be appropriate eligible for hazard elimination funds. The Conference provision also makes technical and conforming amendments to 23 U.S.C. 152. In carrying out this section, States should minimize any negative impact on safety and access for bicyclists and pedestrians in accordance with 23 U.S.C. 217.

SEC. 1402. ROADSIDE SAFETY TECHNOLOGIES

House bill

Subsection 126(a) requires the issuance of guidance to the States on the proper uses of various types of crash cushions. The States shall use such guidance to evaluate the use of such crash cushions and whether the cushions or other safety appurtenances should be installed at specific highway locations.

Subsection 126(b) requires the Secretary to (1) study the means of improving safety and road capacity through the use of movable road barrier (positive separation) technologies, (2) report to Congress within one year after the date of enactment of this Act on the results of such study, and (3) provide the report to States for their use on appropriate projects on Federal-aid highways.

Senate amendment

Section 3107 requires the Secretary to issue guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions. States are required to use this guidance in evaluating the safety and cost-effectiveness of using different crash cushion designs or other safety appurtenances.

Conference substitute

The Conference adopts the House provision with a modification to extend the report deadline to 18 months after enactment, rather than one year.

SEC. 1403. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1406 establishes a new program to encourage States to promote and increase seat belt usage in passenger motor vehicles. This new program provides incentive grants to States that either obtain a State seat belt use rate above the national average, or increase the State seat belt usage. The Secretary shall determine annually: (1) those States that achieved a usage rate higher than the national average, and the amount of Federal government budget savings from Federal medical insurance programs associated with the higher seat belt usage rate; and (2) those States that realized an increase in the seat belt rate compared with the State's base rate, and the resulting Federal government budget savings from Federal medical insurance programs.

Under this section, the Secretary is required to allocate to each State in fiscal years 1999 through 2003, the amount of Federal medical savings that resulted from either increases in seat belt usage over the national average or increases over the State's base rate. States may use such funds for any project eligible for assistance under title 23, United States Code. This section provides $60 million for fiscal year 1998; $70 million for fiscal year 1999; $80 million for fiscal year 2000; $90 million for fiscal year 2001; and $100 million for fiscal years 2002 and 2003.

Conference substitute

The Conference adopts the Senate provision, with modifications increasing authorizations for the programs and providing that, for fiscal year 1999, any unallocated funds under this section shall be apportioned to the States as STP funds, and for fiscal years 2000 through 2003, the Secretary shall use any unallocated funds authorized under this section to make allocations to States that have developed plans to carry out innovative projects to promote increased seat belt use rates.

SEC. 1404. SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS

House bill

Section 209 directs the Comptroller General to conduct a study to evaluate the effectiveness of State 0.08 and 0.02 blood alcohol content (BAC) laws in reducing the number and severity of alcohol-related crashes. This section requires the Comptroller General to report to the Congress within two years with the results of the BAC study.

Senate amendment

Section 1408 directs the Secretary to withhold 5 percent of a State's Interstate Maintenance, National Highway System, and Surface Transportation Program apportionments in fiscal year 2002 and 10 percent of such apportionments in fiscal year 2003 and thereafter if the State has failed to enact and enforce a law providing that an individual with an alcohol concentration of 0.08 percent or greater while operating a motor vehicle has committed the offense of driving while intoxicated. The section also provides that if a State has funds withheld from apportionment under this section on or before September 30, 2003, and then comes into compliance with this section within 3 years, the Secretary shall apportion to the States the withheld funds. If a State fails to come into compliance within the 3-year period, the withheld funds shall lapse.

Conference substitute

In section 1404, the Conference adopts a substitute provision authorizing a total of $500 million for incentive grants. The Conference substitute directs the Secretary to apportion the funds authorized to carry out this section to any State that has enacted and is enforcing a law providing that an individual with an alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to have committed a per se offense of driving while intoxicated. States may obligate funds apportioned under this section for any project eligible for assistance under title 23, United States Code, and the Federal share of such project shall be 100 percent.

The Conference adopts the House provision in title II of the Act.

SEC. 1405. OPEN CONTAINER LAWS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1409 directs the Secretary to withhold 5 percent of a State's Interstate Maintenance, National Highway System, and Surface Transportation Program apportionments in fiscal year 2002 and 10 percent of such apportionments in fiscal year 2003 and thereafter if the State fails to have in effect a law prohibiting any open alcoholic beverage container or the consumption of any alcoholic beverage in the passenger area of a motor vehicle located on a public highway. The section also provides that if a State has funds withheld from apportionment under this section on or before September 30, 2003, and then comes into compliance with this section within 3 years, the Secretary shall apportion to the States the withheld funds. If a State fails to come into compliance within the 3-year period, the withheld funds shall lapse.

Conference substitute

The Conference adopts the Senate provision, with a modification providing for the transfer, rather than the withholding, of a State's IM, NHS, and/or STP funds. For fiscal years 2001 and 2002, States that have failed to enact or enforce an open container law shall have 1½ percent of their IM, NHS, and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures and law enforcement activities to prevent drunk driving. In addition, the State may elect to use all or a portion of the transferred funds for the State's hazard elimination program. For fiscal year 2003 and thereafter, States that have failed to enact or enforce an open container law shall have 3 percent of their IM, NHS and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures or law enforcement activities to prevent drunk driving, with the State able to use all or a portion of the transferred funds for the State's hazard elimination program.

SEC. 1406. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1405 establishes a new program to address the growing problem of repeat, hard core drunk drivers with high alcohol concentrations by requiring States to enact repeat intoxicated driver laws or else have a percentage of their highway construction funds transferred to their Section 402 highway safety program. The section requires States to enact and enforce penalties for drunk drivers who have an alcohol concentration of .15 or greater, and who have been convicted of a second or subsequent drunk driving offense within 5 years. Minimum penalties shall include a license suspension of not less than 1 year, an assessment of the individual's abuse of alcohol and recommended treatment regimes as appropriate, and either an assignment of 30 days community service or 5 days imprisonment.

For fiscal years 2001 and 2002, States failing to enact or enforce the described minimum penalties for repeat drunk drivers with high alcohol concentrations shall have 1½ percent of their INHS and/or STP funds transferred to their Section 402 program to fund alcohol-impaired driving countermeasures and law enforcement activities to prevent drunk driving. For fiscal year 2003 and thereafter, States that have failed to enact or enforce a repeat intoxicated driver law will have 3 percent of their INHS and STP funds transferred to their Section 402 program.

Conference substitute

The Conference adopts the Senate provision with a modification to provide that States may use all or a part of the transferred funds for the State's hazard elimination program.

RAILWAY-HIGHWAY CROSSINGS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1403 amends 23 U.S.C. 130 to expand the eligibility of railway-highway funds to include trespassing countermeasures in the vicinity of the crossing, safety education, enforcement of traffic laws and publicly sponsored projects at privately owned railway-highway crossings. States are required to report to the Department on completed crossing projects funded under this subsection for inclusion in the DOT/American Association of Railroads National Grade Crossing Inventory.

This section eliminates the requirement that half the funds authorized under section 130 be available for installation of protective devices at railway-highway crossings. These activities, however, remain eligible for funding under this section.

Conference substitute

The Conference does not adopt the Senate provision.

FLEXIBILITY OF SAFETY PROGRAMS

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1233 gives States additional flexibility with respect to safety set-aside requirements. This provision requires each State to set aside 2 percent of its surface transportation program apportionment for railway-highway crossings; 2 percent of its STP funds for hazard elimination activities; and 6 percent of its STP funds for railway-highway crossings or hazard elimination activities.

Additional discretion is given to each State to transfer up to 100 percent of its 6 percent STP safety set-aside funds to its section 402 safety program or to its motor carrier safety program allocation. The requirement that half the funds authorized and expended under section 130 be available for installation of protective devices at railway-highway crossings is eliminated. The revised section, however, retains this use as an eligible activity.

Conference substitute

The Conference does not adopt the Senate provision.

Subtitle E—Finance

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE AND INNOVATION

House bill

The House bill contains no comparable provision.

Senate amendment

Subtitle C, Chapter 2, establishes a Federal credit assistance program for major surface transportation projects under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA).

Conference substitute

In sections 1501 through 1504, the Conference adopts the Senate provision, with certain modifications. The TIFIA program is designed to assist major surface transportation projects with their own revenue streams, which can attract substantial private capital with a limited Federal investment. This program offers the sponsors of large transportation projects a new tool to leverage limited Federal resources, stimulate additional investment in our Nation's infrastructure, and encourage greater private sector participation in meeting our transportation needs.

Eligible projects for TIFIA assistance include any projects eligible under title 23 (highway and transit capital projects) as well as international bridges and tunnels, inter-city passenger bus and rail facilities and vehicles (including Amtrak and magnetic levitation systems), and publicly-owned intermodal freight facilities. Examples of the types of projects which may benefit from this program are the Woodrow Wilson Bridge, the Farley/Pennsylvania Station project in New York City and the State of Florida's proposed high-speed rail project between Miami, Orlando and Tampa. Project sponsors may be governmental units, private entities, or public-private partnerships. The Conferees wish to reiterate language concerning the Florida high-speed rail project in the Senate committee report section on TIFIA. This project represents an effort by the State of Florida to bring a new technology to the United States by using an innovative public-private partnership that does not rely on Federal grant support. The State of Florida's request for a Federal loan equal to 1/3 of project costs should receive favorable consideration from the Department of Transportation, provided it meets the program criteria.

To be eligible for credit assistance, a project must meet certain threshold criteria. It must cost at least $100 million or 50 percent of a State's annual apportionment of Federal-aid funds, whichever is less. (For intelligent transportation system projects, the minimum cost is $30 million, due to the substantial capacity enhancements attainable with but a limited investment.) The project also must have the potential to be self-supporting from user charges or other non-Federal dedicated funding sources, be on a State's transportation plan and, at the time of funding, be on a fiscally-constrained State transportation improvement program. An application for credit assistance may be submitted by a State or local government or other entity. The Secretary will select among potential candidates based on various criteria, including the project's regional or national significance, its potential economic benefits, its credit-worthiness, the degree of private sector participation, and other factors.

Forms of assistance that can be provided under this program consist of direct loans, loan guarantees, and lines of credit. In all cases the Federal role will be that of a minority investor, with Federal participation limited to not more than 33 percent of total project costs. The Secretary is authorized to enter into agreements with project sponsors of containing terms and conditions designed to assist the projects in leveraging additional funds, while ensuring that the program operates in a fiscally-prudent manner. The State in which a project is located may identify a State or local government entity to assist the Secretary in servicing the Federal credit instrument.

The Secretary may provide credit assistance to demonstrate to the capital markets the viability of making transportation infrastructure investments where returns depend on residual project cash flows after serving senior municipal revenue bonds or other capital markets debt. An objective of the program is to help the financial markets develop the capability ultimately to supplant the role of the Federal government in helping finance the costs of large projects of national significance. That is why loan guarantees are limited to major institutional lenders, such as defined benefit pension funds, which may be potential providers in the future of supplemental and subordinate capital for projects. The Conference would like the Secretary to encourage Federal borrowers to prepay their direct loans or guaranteed loans as soon as practicable from excess revenues or the proceeds of municipal or other capital market debt obligations. The Secretary also may sell off direct loans to third parties or into the capital markets, if such transactions can be arranged upon favorable terms.

The Conference recognizes that the Congress enacted the Deficit Reduction Act of 1984 provision prohibiting the combination of Federal guarantees with tax-exempt debt, because of concerns that such a double-subsidy could result in the creation of an "AAA" rated security superior to U.S. Treasury obligations. Accordingly, any project loan backed by a loan guarantee as provided in TIFIA must be issued on a taxable basis.

The Conference wants to ensure that projects receiving TIFIA assistance are financially sound. Each project, at the time of its application for assistance, is required to furnish a preliminary rating opinion letter from one of the bond rating agencies identified by the Securities and Exchange Commission as a "Nationally Recognized Statistical Rating Organization," indicating that the project's senior debt obligations have the potential to achieve an investment-grade bond rating. The Secretary shall consult with the Office of Management and Budget, each rating agency providing such an opinion letter, and any other financial experts the Secretary deems necessary, in order to determine the credit instrument's appropriate subsidy cost (capital reserve) pursuant to the Federal Credit Reform Act of 1990. Until such time as a formal investment-grade rating is assigned, the Secretary shall not extend credit in an amount exceeding the estimated subsidy cost. The Conference believes that analytical techniques that are widely-accepted by the capital markets, such as those used by the rating agencies to evaluate the financial stability of municipal bond insurance companies, should be drawn upon to estimate the appropriate subsidy cost.

TIFIA expressly requires that projects adhere to Title VI of the Civil Rights Act, the National Environmental Policy Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The Conference also recognizes that highway and transit capital projects assisted under TIFIA will retain adequate protections for labor in terms of prevailing wages, as required under title 23 provisions.

The bill provides $530 million of contract authority, funded from the Highway Trust Fund, to fund the budgetary or subsidy costs of the Federal credit instruments between fiscal years 1999–2003: $80 million in fiscal year 1999; $90 million in fiscal year 2000; $110 million in fiscal year 2001; $120 million in fiscal year 2002; and $130 million in fiscal year 2003. (As with other Federal credit programs, the non-budgetary or financing costs of the Federal credit instruments will be funded from the General Fund.) The bill caps the nominal amount of credit instruments supported by this contract authority at $1.2 billion for each of fiscal years 1998 and 1999; $1.8 billion for fiscal years 2000 and 2001; and $2.3 billion for each of fiscal years 2002 and 2003.

The Conferees are aware that present Federal income tax law prohibits the use of direct or indirect Federal guarantees in combination with tax-exempt debt (section 149(b)) of the Internal Revenue Code of 1986. The TIFIA provisions of the conference agreement do not override or otherwise modify this provision of the Code.

The Conference finds that developing, implementing, and evaluating financial assistance programs such as TIFIA is a critical mission of the Department of Transportation. To ensure the financial and programmatic success of TIFIA, the conference strongly encourages the Secretary to establish an organizational structure within the Department in which financial assistance activities and programs can be closely coordinated and monitored.

In order to evaluate the effectiveness of this program, the Secretary is required to submit a report to Congress within four years of the date of enactment of this bill. The report should summarize the program's financial performance to date and recommend whether the objectives of the program would be best met by continuing the program under the authority of the Secretary, establishing a Government corporation or Government-sponsored enterprise to administer the program, or by relying upon the capital markets to fund projects of regional and national significance without Federal participation.

CHAPTER 2—STATE INFRASTRUCTURE BANK PILOT PROGRAM

SEC. 1511. STATE INFRASTRUCTURE BANK PILOT PROGRAM

House bill

The House bill contains no comparable provision.

Senate amendment

Section 1301 codifies the State Infrastructure Bank (SIB) Pilot Program authorized in the NHS Designation Act of 1995. This section includes modifications to increase the flexibility of the SIB program. The current 10-State limit on the number of participants in the SIB program is eliminated, thus enabling any State to establish a State Infrastructure Bank. The percentage limitation regarding funds a State can transfer to use in State infrastructure banks is eliminated. The 10-State limit unnecessarily restricted States from pursuing this financial mechanism and the percentage limitation unnecessarily limits the States' use of this mechanism. The need to maintain separate highway and transit accounts also imposed an accounting burden on States that was inconsistent with financial flexibility desired in a financing entity such as a State Infrastructure Bank and was therefore eliminated.

Conference substitute

In section 1511, the Conference adopts a substitute provision, retaining most of the Senate provision, but with some significant modifications. First, the Conference adopts a four-State pilot program. Rather than permitting every State to establish a SIB under this section, the Conference provision states that the participating States under this section are California, Florida, Missouri, and Rhode Island. Second, the Conference provision modifies the Senate language by expressly providing, in paragraph 1511(i)(2), that the requirements of titles 23 and 49, United States Code, shall apply to repayments from non-Federal sources to a SIB from projects assisted by the SIB, and that such repayments shall be considered to the Federal funds.

Subtitle F—High Priority Projects

SEC. 1601. HIGH PRIORITY PROJECTS

House bill

Subsection 127(b) authorizes the high priority projects program as subsection (j) of section 104 of title 23. Funds for this program are exempt from the obligation limitation imposed on the Federal-aid highway program. Subsection 127(b)(2) authorizes a State in carrying out a project with Federal funds to divide or segment the project provided that the division or segmentation complies with the requirements of the National Environmental Policy Act of 1969.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

The Conference adopts the House provision with modifications. Subsection 1601(a) establishes the program of high priority projects in section 117 of title 23. The provision is very clear that it is establishing a program of projects, not a series of individual programs. In fact, 23 U.S.C. 117(a) provides that any unallocated funds are available to the Secretary. Although this program is now subject to an overall obligation limitation, it is the intent of the Conference that this program functionally operate, to the extent possible, as if this program were exempt from the obligation limitation.

In subsection (h) of section 117, it provides that "[f]unds allocated to a State in accordance with this section shall be treated as amounts in addition to amounts a State is apportioned under sections 104, 105, and 144 for programmatic purposes." (emphasis added) The aim of this provision is to ensure that high priority project funding is treated as additive to the National Highway System, Interstate maintenance, surface transportation program, congestion mitigation and air quality improvement, bridge, and minimum guarantee funds that the State would otherwise receive. In fact, this provision was specifically added to give guidance to states with internal formulas for the distribution of federal-aid funds.

In addition, section 1601 provides, in new 23 U.S.C. 117(g), that "[o]bligation authority attributable to funds made available to carry out this section shall only be available for the purposes of this section and shall remain available until obligated . . . ." This means that the obligation authority provided for high priority projects is reserved solely for such project funds and cannot be used for any other Federal-aid highway program or project. Further, section 1102 of TEA 21, which directs the distribution of obligation authority for all Federal-aid highway programs, provides in subsection 1102(g) that obligation authority distributed for a fiscal year for high priority projects "shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years." The treatment of obligation authority for high priority projects under these two provisions further articulates the intent of Congress that high priority project funds and obligation authority shall be separate from and in addition to a State's regular Federal-aid highway apportionments.

Furthermore, including high priority projects in the minimum guarantee calculation serves the separate purpose of ensuring that the distribution of Federal-aid highway funds between the States is as equitable as possible. It does not mean that each State's high priority projects were funded from what would have been the State's regular formula apportionments, and therefore provides no support for the position that project funds should be offset from a district's allocation of Federal-aid highway formula funds. This interpretation is contrary to the express language of section 1601, as cited above.

Subsection 1601(b) clarifies that by listing high priority projects in section 1602 of this Act and similar projects in previous legislation, Congress is establishing the limits of the projects for purposes of eligibility for associated Federal-aid highway funding. The listing or identification of a project is not intended to define the scope of the project for purposes of complying with all Federal requirements, including those of the National Environmental Policy Act (NEPA). As the associated Federal-aid highway funding for these projects typically is not sufficient to finance the Federal share of all improvements within the project limits, Congress recognizes that a State needs the flexibility to advance logical segments of the overall project. Any segment of a project must still have to connect logical termini, have independent utility, and not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. This provision does not waive safety or contracting requirements for the underlying segment.

In the case of the South Lawrence Trafficway in Kansas, the State may advance the segment between U.S. 59 and Kansas Route 10 as a non-Federally funded project without triggering NEPA.

Subsection 1601(c) makes conforming amendments to the table of contents for title 23.

SEC. 1602. HIGH PRIORITY PROJECTS

House bill

Subsection 127(c) establishes the high priority projects for 1998 through 2003.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 1602 establishes the high priority projects for 1998 through 2003.

SEC. 1603. SPECIAL RULE

House bill

Contains no comparable provision.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 1603 provides how projects are included in certain calculations.

TITLE V—TRANSPORTATION RESEARCH

Subtitle A—Funding

SECTION 5001. AUTHORIZATION OF APPROPRIATIONS

Senate bill

Section 2201 of the Senate bill provides contract authority for fiscal years 1998 through 2003 to carry out the research and technology programs, the international highway transportation outreach program, the infrastructure investment needs report, and the study of the future strategic highway program.

House bill

Subparagraphs 127(a)(3)(F),(G), and (H) authorize funding for discretionary highway research programs; transportation education, professional training, and technology deployment; and the transportation technology innovation and demonstration program for fiscal years 1998 through 2003.

Section 625 of the House bill allocates the funds made available under subparagraph 127(a)(3)(G) of the bill for the National Highway Institute, the local technical assistance program, the Eisenhower Fellowship Program, the national technology deployment initiative program, and university transportation centers.

Conference substitute

Subsection 5001(a) and (b) of the Conference substitute provide contract authority for fiscal years 1998 through 2003 for the following research programs: surface transportation research under 23 U.S.C. 502, 506, 507, and 508, and section 5112 of this Act; the technology deployment program; training and education; the Bureau of Transportation Statistics; and university transportation research.

Subsection 5001(c) suballocates certain research funds for specific projects and programs, such as long term pavement performance, innovative bridge research and construction, the National Highway Institute, and commercial vehicle ITS infrastructure.

Subsection 5001(d) authorizes the Secretary to transfer up to 10 percent of the funds allocated within each paragraph of subsection (c) for any other project or program within that paragraph.

SECTION 5002. OBLIGATION CEILING

Senate bill

Subsection 2201(c) of the Senate bill establishes a limitation on obligations for the research and technology program, the international highway transportation outreach program, the infrastructure investment needs report, and the study of the future strategic highway program.

House bill

Subsection 103(e) of the House bill provides that the general obligation limitation for Federal-aid highway programs established in subsection 103(a) applies to transportation research programs carried out under chapter 3 of title 23, United States Code, and title VI of the House bill.

Conference substitute

Section 5002 of the Conference substitute establishes, for each of fiscal years 1998 through 2003, an annual limitation on obligations of amounts made available under subsection 5001(a) for research programs.

SECTION 5003. NOTICE

Senate bill

The Senate bill contains no similar provision.

House bill

Whenever funds authorized under this title or amendments thereto are subject to a reprogramming notice the House and Senate Committees on Appropriations, Section 604 requires concurrent notice to the Committees on Transportation and Infrastructure and on Science of the House of Representatives and to the Committees on Environment and Public Works and on Commerce, Science, and Transportation of the Senate. The section also requires the Secretary to provide notice to these committees of any major reorganization of programs, projects, or activities of the Department for which funds are authorized by this Title at least 15 days prior to the reorganization's effective date.

Conference substitute

The Conference adopts the House provision with a modification to strike reference to the Senate Committee on Commerce, Science, and Transportation.

Subtitle B—Research and Technology

SECTION 5101. RESEARCH AND TECHNOLOGY PROGRAM

Senate bill

Section 2005 amends the table of chapters in title 23 by adding a new chapter, "Chapter 5—Research and Technology," and provides definitions for their terms "safety" and "federal laboratory".

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts this Senate provision.

SECTION 5102. SURFACE TRANSPORTATION RESEARCH

Senate bill

Section 2005 revises and recodifies 23 U.S.C. 307 at 23 U.S.C. 502 and authorizes the Secretary to carry out research, development, and technology transfer activities with respect to motor carrier transportation and all phases of highway planning and development. It requires the Secretary to develop and carry out programs to facilitate the application of products that will improve the safety, efficiency, and effectiveness of the Nation's transportation system. Mandatory elements of the research program are delineated and appropriate reporting requirements are specified. Section 2006 establishes an advanced research program, Section 2007 requires the Secretary to continue the long-term pavement performance program (LTPP), and Section 2012 requires the Secretary to make a report to Congress on the Nation's infrastructure investment needs.

House bill

Section 611 amends 23 U.S.C. 307 by requiring the Secretary to continue research on the long term performance of pavements (LTPP) and advanced long term highway research. The section changes the existing seismic research program to include all surface transportation modes and requires a biennial report on the condition of the Nation's highways and bridges. The section also requires research into several specific areas, including research on the use of recycle materials such as paper and plastic fiber reinforcement systems.

Conference substitute

The Conference adopts the House provision after blending a number of Senate provisions into the final text including the provision from Section 2005 recodifying the general research provision in Chapter 5 of title 23 U.S.C. and provisions from Sections 2006, 2007 and 2012.

SECTION 5103. TECHNOLOGY DEPLOYMENT

Senate bill

Section 2011 directs the Secretary to develop and administer a national technology deployment initiatives (NTDI) program to significantly accelerate the adoption of innovative technologies by the surface transportation community to increase the efficiency and durability and improve the safety of the Nation's transportation system. The Secretary shall continue deployment partnerships established through the strategic highway research program (SHRP). Section 2013 requires the Secretary to establish and carryout an innovative bridge research and construction program.

House bill

Section 622 establishes a new national technology deployment initiative. The initiative's purpose is to increase the use of research results by the transportation community: The initiative is to be conducted in cooperation with interested parties and coordinated with other technology transfer activities.

Conference substitute

The Conference substitute blends the House and Senate provisions and includes the innovative bridge program within the technology deployment initiative. The provision also includes a directive that the Secretary integrate programs under this section with other technology transfer efforts.

SECTION 5104. TRAINING AND EDUCATION

Senate bill

Section 2009 moves the highway construction and training provisions of 23 U.S.C. 140 into Chapter 5 of title 23 and requires the Secretary to continue to operate the National Highway Institute (NHI) within the FHWA along with the Local Technical Assistance Program (LTAP) and the Eisenhower Fellowship Program.

House bill

Section 621 continues the NHI while Section 623 continues the Eisenhower Fellowship Program and the LTAP program. The LTAP program is modified to include industry advancements in the area of concrete and concrete structures in LTAP program activities.

Conference substitute

The Conference adopts the Senate provision, but does not move the highway construction and training provisions of 23 U.S.C. 140 into Chapter 5 of title 23. The substitute increases the percentage of certain Federal-aid highway funds a State may use for education and training of State and local transportation agency employees.

SECTION 5105. STATE PLANNING AND RESEARCH

Senate bill

Section 2008 continues the provision under current law that directs 2 percent of certain categories of funds apportioned to the States for each fiscal year to be available to fund state planning and research, including statewide planning under Section 135 of title 23, U.S.C.

House bill

Section 612 continues the provision under current law and adds a new Highway Noise Research Center.

Conference Substitute

The Conference adopts the House provision.

SECTION 5106. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM

Senate bill

Section 2010 continues the current activities aimed at improving U.S. firms access to foreign markets. This section also adds a new provision to enable States to use their State Planning and Research Program funds for international highway transportation activities.

House bill

Section 613 expands and broadens the purposes of this program to include the promotion of U.S.highway transportation goods and services and expands the list of eligible activities to include the gathering and dissemination of information on foreign transportation markets and industries. The section allows the Secretary to accept funds from cooperating organizations to reimburse the FHWA for salaries and expenses and allows States to use their State planning and research funds to participate in the International program.

Conference substitute

The Conference incorporates both the House and Senate provisions.

SECTION 5107. SURFACE TRANSPORTATION-ENVIRONMENT COOPERATIVE RESEARCH PROGRAM

Senate bill

Section 2017 establishes in Title 23 a Transportation and Environment Cooperative Research Program as well as an advisory board to recommend environmental and energy conservation research, technology and technology transfer activities related to surface transportation. The Secretary of Transportation may contract or make grants to the National Academy of Sciences to carryout the research and technology activities of this program. The section also calls for the Secretary to conduct a study and prepare a report on the relationship between highway density and ecosystem integrity.

House bill

Section 633(a) of the House bill establishes the program in Title 49 and requires that the program include research designed to develop more accurate models for evaluating transportation measures as well as transportation system designs which are usable by State and local governments, to better understand factors contributing to demand for transportation, and to develop indicators of economic, social and environmental performance of transportation systems to facilitate analysis of potential alternatives.

Conference substitute

The Conference adopts the House language as 23 U.S.C. 507, adding the Senate study of the relationship between highway density and ecosystem integrity and additional priorities as determined by the Advisory Board to the research program under this section.

SECTION 5108. SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING

Senate bill

Section 2001 requires the Secretary to establish a strategic planning process to determine national priorities for transportation research and development, coordinate federal activities in the area, and evaluate the impact of Federal investment in research. The Secretary is also required to submit to Congress a report on strategic plans, goals and milestones to help guide research, development and technology transfer activities during a five year period.

House bill

Seciton 633 requires the Secretary to establish a performance-based strategic planning process consistent with the Government Performance and Results Act of 1993. The strategic planning process shall address deficiencies in the current program, as identified by the General Accounting Office, Transportation Research Board, and other transportation research and development stakeholders, by setting a strategic direction, defining national priorities, coordinating federal efforts and evaluating the impact of the federal investment in surface transportation R&D. As envisioned by the Results Act, a strategic plan shall be developed to include review and comment from outside sources, the National Research Council and other advisory boards. The plan shall be submitted and updated as required by the Results Act. Under this section, the Secretary is also required to submit a report describing the Department's efforts to establish competitive merit review procedures for programs covered by the strategic plan required under this section. It is the Conferees' expectation, in the absence of more specific legislative instructions, that applications for research and development funding from the Department will be evaluated, to the extent feasible, by academic peers and that strict procedures to ensure that only the most meritorious of applicants will be funded. Consistent with the Results Act, the Secretary is also expected to develop performance measurement procedures for evaluating the programs so that programs are designed with specific goals in mind and evaluated on how well those goals are achieved.

Conference substitute

The conference adopts the House provision.

SECTION 5109. BUREAU OF TRANSPORTATION STATISTICS

Senate bill

Section 2004 expands the list of topics to be covered by the Bureau of Transportation Statistics (BTS) to include transportation related variables influencing global competitiveness, the impact of international trade on the nation's economy and on domestic transportation facilities and services, and transportation's impact on the ability of domestic U.S. businesses to reach foreign markets. This section also requires the BTS Director to coordinate responsibilities for long-term data collection with other efforts to implement the Government Performance and Results Act (GPRA). This section codifies the following existing BTS initiatives: (1) the BTS' Transportation Data Base, including various data on competing and complementary modes of transportation, intermodal combinations, international movement, and local and intercity movements; (2) the BTS' National Transportation Library; and (3) the general content of the BTS' National Transportation Atlas Data Base (NTAD). This section requires the Director of BTS to study freight factors, such as diesel fuel data and miles of international trade traffic. The BTS Director also is required to recommend to Congress what improvements are needed in such data collection for use in the highway apportionment formula. This section authorizes the BTS to establish grants and enter into cooperative agreements with public and nonprofit organizations to conduct research and development for BTS' major activities.

House bill

Section 631 makes certain changes to the purposes and authorities of the Bureau of Transportation statistics and provides funding for the Bureau. It requires the establishment of a national transportation library, an atlas database, and an intermodal transportation data base. The Bureau is authorized to make research and development grants. Provisions are included ensuring that certain proprietary or private information that is gathered by the Bureau in the course of its work is not disclosed. The Bureau is given certain responsibilities under the Government Performance and Results Act of 1993.

Conference substitute

The Conference adopts the Senate provisions without the study requirements and all related provisions.

SECTION 5110. UNIVERSITY TRANSPORTATION RESEARCH

Senate bill

Section 2003 directs the Secretary to make grants to or contract with non-profit institutions of higher learning to establish one university transportation center in each of the 10 Federal administrative regions that comprise the Standard Federal Regional Boundary Systems. This section also directs the Secretary to make grants to not more than 4 additional university transportation centers to address advanced transportation issues. It outlines the selection criterion and eligibility requirements for the above grants, and limits the Federal share of the cost of establishing and operating a university transportation center and carrying out related research activities under this section to not more than 50 percent.

House bill

Subsection 624(a) establishes the University Transportation Research program in Chapter 55 of Title 49 consolidating the existing University Transportation Centers and University Research Institutes. The program consists of ten center representing each Federal region and an additional ten centers selected at large. The selection criteria, objectives of the program, and other requirements are established. Any university receiving a grant under this program for FY 1997 will receive grants in FY 1998 and FY 1999. The subsection lists universities and consortia the Secretary shall consider along with other applicants, when selecting grant recipients.

Subsection 624(b) conforms the table of sections for chapter 55 of Title 49.

Subsection 624(c) establishes and funds the Appalachian Transportation Institute.

Subsection 624(d) continues and funds the ITS Institute.

Conference substitute

The Conference finds that the House and Senate provisions are similar and adopts the House provisions with modifications. In section 5110, the conference continues the 10 regional university transportation centers (designated as group A) and establishes a new program to fund additional centers (designated as groups B, C, and D). The institutions in each category are enumerated in 49 U.S.C. 5505(j). All institutions listed in groups A through D receive a grant in fiscal years 1998 and 1999. Beginning in fiscal year 2000, special rules apply for making grants within each group based on specified selection criteria. The conference includes the requirement contained in both bills that establishes the Federal match as 50 percent.

SECTION 5111. ADVANCED VEHICLE TECHNOLOGIES PROGRAM

Senate bill

Section 2016 directs the Secretary to encourage and promote the research, development and deployment of transportation technologies that will use technological advances in multmodal vehicles, vehicle components, environmental technologies, and related infrastructure to remove impediments to an efficient and cost-effective national transportation system. It defines the term "eligible consortium" and the conditions that need to be fulfilled in order to receive assistance under this section. It requires the Secretary to report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on the projects undertaken by the eligible consortia and the progress made in advancing the purposes of this section.

House bill

Seciton 312(b) enables the Secretary to make grants and enter into contracts and cooperative agreements to promote the development and early deployment of innovation in mass transportation technology, services, management, or operational practices. It defines the eligibility criteria for funding under this section as well as "eligible consortium". This section limits the Federal share of costs from these programs to 50 percent of the net project costs.

Conference substitute

The Conference adopts the Senate provision with the modification that the Secretary include the House Committee on Science to the list of legislative committees receiving the report.

SECTION 5112. STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM

Senate bill

Section 2015 directs the Secretary to enter into a cooperative agreement with the Transportation Research Board of the National Academy of Sciences (referred to as the 'Board' in this section) to conduct a study to determine the goals purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under 23 U.S.C. section 307(d). It directs the Board to consult with the American Association of State Highway and Transportation Officials in the implementation of this study. This section instructs the Board to submit a final report on the results of this study to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

House bill

Section 611(e) is substantially the same as the Senate version but requires the results of the study additionally to be sent to the Committee on Science of the House of Representatives.

Conference substitute

The Conferees adopt the House provision.

SECTION 5113. COMMERCIAL REMOTE SENSING PROJECTS AND SPATIAL INFORMATION TECHNOLOGIES

Senate bill

Section 2020 authorizes $10 million each year from FY 1999–2004 for the Secretary to establish a remote sensing program to optimize highway routing through favorable terrain. The Secretary is to carry out this section in cooperation with the National Aeronautic and Space Administration and a consortium of university research centers.

House bill

Section 611 encourages the Secretary to develop a program to study the use of remove sensing and spatial information systems. The Secretary is to consult with other federal agencies and universities experienced in this area to carry out the program.

Conference substitute

The Conference adopts the Senate provision as modified to specify that the program should utilize commercial remote sensing products. This is consistent with long-standing space policy of utilizing commercial resources wherever possible, both to save taxpayer money and to support the burgeoning commercial remove sensing industry.

SECTION 5114. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM

Senate bill

The Senate bill contains no comparable provision.

House bill

Section 605 expresses a sense of Congress that the Department of Transportation should give high priority to making sure that all of its computer systems are reprogrammed to ensure effective operation in the year 2000 and beyond. The Department needs to assess immediately the risk of year 2000 problem present for its systems and to develop a plan and a budget to correct Year 2000 problems for its mission-critical programs. The Department also need to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time.

Conference substitute

The Conference adopts the House provision.

SECTION 5115. INTERNATIONAL TRADE TRAFFIC

Senate bill

Section 2004 of the Senate bill includes a provision directly the Bureau of Transportation Statistics to conduct a study of international trade traffic, including measures of international trade that could be used as formula factors, and to submit the results of this study to Congress within 3 years of the date of the enactment of this Act.

House bill

The House bill contains no comparable provision.

Conference substitute

The conference adopts the Senate study provision in section 5115.

SECTION 5116. UNIVERSITY GRANTS

Senate bill

The Senate bill contains no comparable provision

House bill

Subsection 211(a) of the House bill directs the Secretary to make grants to establish and maintain a center for transportation injury research at the State University of New York at Buffalo. $2 million in each of fiscal years 1998 through 2003 is authorized for this research. This funding shall be use by the Calspan University of Buffalo Research Center to conduct research and testing of invehicle systems and infrastructure-based technology to improve emergency notification, crash characterization, dispatching and delivery of medical and other services to crash victims.

Subsection 211(b) directs the Secretary to make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development relating to head and spinal cord injuries. $500,000 in each of fiscal years 1999 through 2003 is authorized for this research.

Conference substitute

Subsection 5116(a) directs the Secretary to make grants to the University of California at San Diego to upgrade earthquake simulation facilities at the University and authorizes $1 million for each of fiscal years 1999 through 2002 for such grants.

Subsection 5116(b) directs the Secretary to make grants to the University of Alabama at Huntsville for global climate research and authorizes $200,000 for each of fiscal years 1999 through 2003 of such grants.

Subsection 5116(c) directs the Secretary to make grants to Auburn University for asphalt research and authorizes $250,000 for each of fiscal years 1999 and 2000 for such grants.

Subsection 5116(d) directs the Secretary to make grants to the University of Alabama at Tuscaloosa for advanced vehicle research and authorizes $400,000 for each of fiscal years 1999 through 2003 for such grants.

Subsection 5116(e) directs the Secretary to make grants to Oklahoma State University for the Geothermal Heat Pump Smart Bridge Program, and authorizes $1 million for each of fiscal years 1999 through 2001 and $500,000 for fiscal year 2002 for such grants.

Subsection 5116(f) directs the Secretary to make grants to the University of Oklahoma for the Intelligent Stiffener for Bridge Stress Reduction and authorizes $1 million for each of fiscal years 1999 and 2000 and $500,000 for fiscal year 2001 for such grants.

Subsection 5116(g) directs the Secretary to make grants to the University of Alabama for the study of advanced trauma care and authorizes $750,000 for each of fiscal years 1999 through 2003 for such grants.

In subsection 5116(h), the Conference adopts the House provision on the center for transportation injury research.

In subsection 5116(i), the Conference adopts the House provision on head and spinal cord injury research.

SECTION 5117. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM

Senate bill

The Senate bill contains no similar provision.

House bill

Section 632 directs the Secretary to carry out a transportation technology innovation and demonstration program. This section directs the program to develop or improve systems for the use of concrete pavement, motor vehicle safety, asphalt pavement, hazardous materials monitoring, motor carrier advanced sensor control, outreach and technology transfer activities, transportation economic and land use system, intelligent transportation infrastructure, and corrosion control and prevention. It directs the Secretary to make grants to the Texas Transportation Institute to continue the Translink Research program and to continue research into the fundamental properties of asphalts and modified asphalts. It establishes a national center for transportation management and research and development, as well as an infrasture technology institute.

Conference substitute

The Conference adopts the House provision with modifications such that the Secretary is directed to study corrosion control and prevention and develop transportation economic and land use systems. The Secretary is further directed to continue research into the fundamental properties of asphalts and asphalts. This section also establishes an Advanced Traffic Monitoring and Response Center, and a Recycled Materials Resource Center.

SECTION 5118. DREXEL UNIVERSITY INTELLIGENT INFRASTRUCTURE INSTITUTE

Senate bill

The Senate bill contains no similar provision.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts a provision to establish the Intelligent Infrastructure Institute at Drexel University in Pennsylvania to advance infrastructure research.

SECTION 5119. CONFORMING AMENDMENTS

Senate bill

Section 2019 of the Senate bill contains a series of amendments to title 23 U.S.C. to conform the title to the changes made by this act.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference adopts the conforming amendments.

MULTIMODAL TRANSPORTATION RESEARCH AND DEVELOPMENT PROGRAM

Senate bill

Section 2002 establishes the program to conduct research and technology development for intermodal and multimodal projects. The Secretary shall consult among the Administrators of the operating administrations of the Department and other federal officials with research responsibilities to establish program priorities.

House bill

The House bill contains no comparable provision.

Conference substitute

The Conference does not adopt the Senate provision.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NOT ABOUT POLITICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, as Congress approaches the conclusion of what history will surely judge among the most solemn week in the history of Congress, I rise to address my colleagues tonight in this special order and in this great Chamber. For it was on this very floor that we all swore allegiance by the same oath, to the same Constitution, to one mighty Nation before the one true God.

In the hallways and passages beyond, this Congress has found itself consumed by the events leading up to a regrettable decision. Speculation of impending elections, national budgets, the economy, and the fate of legislation have all been proffered and examined through the prism of the President's uncertain fate.

Today, my remarks are not about politics. They concern things having nothing to do with party, power, or influence. Today I would like to send a strong message to my daughters, Jennifer, Emily, and Sara. They do not care about politics, they do not care about it any way. And at their young ages, they should not have to.

In fact, I am troubled as a father that they are now asking as many questions as they do about our President, broaching subjects that young girls should not have to consider, and about which no father in America should ever have to endure. But I want them to care very much about what I am about to say.

Tonight, I speak as much as I can, no matter whether I am in Washington or in Colorado, no matter if I am too busy or not, no matter how many fund-raising calls I have to return, I try to teach them everything I know about what is important in life; and I try to show them by words and by my actions what I believe to be from the bottom of my heart what I am telling them. It is a huge responsibility, bigger than I ever imagined, because I know that they look up to me.

Jennifer and Emily and Sara, I would never want to let you down. I think about that a lot. And whenever I think about the difficulties of setting a good example, I wonder if I am up to the challenge, but then I think about the example of my own father and the one he set for me. I feel guilty for even thinking about taking the easy way out.

I am so proud of my father, and I want you to be proud of me. Although I talk to you often, I know that words rarely have the same impact that actions have, but today, all I have are words.

I have always taught my children that America is a great country; in fact, the greatest country in the world. I know that they understand that, because they know that what their mother and I feel about the American flag and what we think about the Star Spangled Banner, the Pledge of Allegiance and what the word patriotism means are of paramount importance.

I think they also know that I love America not because I happen to be born in America and because I am an American, but because America stands for certain things. To be proud to be an American also means to be proud of what America stands for, and I want them to be proud as Americans. I want them to stand for what America stands for.

For the last several months, they have been becoming more and more aware of various controversies concerning the President, questions about the truth and words that they have never heard before, like impeachment.

My daughters, this controversy matters. It matters a lot. And it affects you and it will affect everyone in America.

America faces a moral crisis today, and as of this very moment, no one knows what the outcome will be. Americans are confused and divided about moral issues as they have rarely been before, and our moral confusion affects almost every aspect of our life, even if one does not care about politics. Even the word "moral" is confusing to people, and "values" is a word used endlessly by politicians, its meaning lost among the other slogans and buzzwords of the day.

"Moral" means it is about right and wrong. "Moral" means it is about good and bad. I try to teach my children about right and wrong every day, and their mother does too. It is the most important thing we teach. I want them to grow up with a clear sense of right and wrong. I do not want them to suffer from the same confusion that many others are suffering right at this moment.

Many people say that I have no right to tell anyone what is right and what is wrong, even though I am a father. Given the many times I have tried to teach my children right from wrong, they might find that to be pretty strange. But many people do not even believe that there is right and wrong anymore.

Jenny, Emily and Sara, in time, you will come to your own conclusions about all this, but in the meantime you will hear us talk about right and wrong more than you would like. Again, because it is the most important thing we can give you, and because it is a sign that we care about what kind of people you grow up to be. It is a sign that we love you very, very much.

One thing we teach you is that it is wrong to lie. When we ask you a question, we expect you to tell the truth, no matter how much it hurts. Even if it means that you might get in big trouble, we know that telling the truth is habit forming.

People who get in the habit of lying just seem to have a hard time telling the truth about anything. Some people are such habitual liars that they never break out of the habit, and when you do not tell the truth, people no longer believe you. They will not trust you, and people you respect will not want to have anything to do with you.

My wife and I try to teach our children many other things, in addition to telling the truth, that are very important. Kindness to those who are suffering, or who are in need is another thing that we want our children to learn.

□ 1830

Taking advantage of a person who is weaker than you is wrong. Failing to extend kindness to a person in need is in the same category. Loyalty to your family and friends is right. Betrayal of those you love is wrong.

Loyalty is important because it is about trust. Your friends, your family know you and come to trust you. When you break that trust, you hurt the people you have been counting on and who have been counting on your loyalty and your trust.

Many of these simple things are not more than common decency. The kinds of qualities you find in people whom you admire because they are honest, good-hearted souls that make life a truly special gift.

It is true that life is not always so simple and there are times when anyone will find themselves torn between two terrible choices. But the basics of right and wrong should never be in doubt. And one's integrity, one's worth as an honorable person is always something that everyone should care a lot about. It is also something that no one can ever take away. Only you can abandon it. You can lose your house, your job, your loved ones, but only you decide whether or not you will be able to keep your integrity.

Mr. Speaker, if my daughters were here in front of me today, I would tell them that only you can decide whether or not you will be able to keep your integrity. To my daughters I would say my message to you today concerns not only you, but the people you will meet in life, the people in our neighborhood, the families you will marry into, the State in which you live and the country that we all love.

I want you to care about the honesty and integrity of our country. I want you to care about other people in your lives, and I want those people to care about you too. I want you to cherish other people who care about honesty and integrity. I want you to avoid those who do not. That means you must judge. You must be able to say with firm conviction what is right and what is wrong. You must not be afraid to ever do so, no matter what anyone else says.

I do not want to live in a country where people are afraid to make judgments or who could not even make them if they wanted to. I do not want to live in a country where people are indifferent to the truth, where lies are told and accepted as easily as the truth is. I do not want to live in a country where people are so morally confused that they have to ask why it all matters. I do not want to live in a country where wrongdoing, lies, deceit and betrayal are dismissed with the comment that "everyone else does it."

My daughters, I want you to know that, by God, everyone else does not do it. Everyone else does not do it. I do not care what the polls say. I do not care what sophisticated people living in New York or Washington, D.C. think. I do not care if the people who belong to exclusive clubs have something to say about it.

To each of my daughters, I do not care if you are the last person on this planet. I want you to be a person of honesty and integrity who knows right from wrong and who is not afraid to say so. I want you to think that honoring the promises you make to other people are promises that must not be broken. I want you to think that the promises you make to God are promises that matter even more.

Most of all, I want you to know that these are the things that matter most. And that is my message today from your father who loves you very, very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY of Texas). The Chair will remind the visitors in the gallery that they should not display approval or disapproval.

CONSERVATIVE GOVERNMENT REFLECTS VALUES THAT MAKE AMERICA GREAT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute.)

Mr. GIBBONS. Mr. Speaker, allow me to restate what President Eisenhower said a long time ago, and I quote: "In all those things which deal with people, be human. In all those things which deal with people's money, or their economy, or their form of government, be conservative and do not be afraid to use the word."

And so today, Republicans come forward with programs in which there are such words as "balanced budgets," and "cutting expenditures," and all the kind of things that mean this economy must be conservative, it must be solvent.

But they also come forward and say we are concerned with every American's health, with a decent house for him, and we are concerned that he will have a chance for health and his children for education. We are going to see that he has power available to him. We are going to see that everything takes place that will enrich his life and let him as an individual, hard-working American citizen have full opportunity to do for his children and his family what any decent American should want to do.

These remarks were made by President Eisenhower in 1954, and they are still ringing true today for the American people and the Republican party.

Let the other side stop their demagoguing and begin supporting a conservative government that reflects rather than undermines the values that have made America great: Faith, family, personal freedom and responsibility.

DON'T WAG THE DOG

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, he is "wagging the dog." To those who think the White House scandal is a private matter having no effect on the country, just ask America's farmers and ranchers.

On the eve of the impeachment vote, President Clinton vetoed the agriculture appropriations bill. Without warning, without compassion, and without logic, the President pulled the rug out from underneath America's farmers and ranches.

In the movie "Wag the Dog," a fictional President created a make-believe war in another country. But today, the real President has declared real war on real farmers and real ranchers, real Americans with real families.

Mr. Speaker, this President's escapade to move the crisis he created from the White House to the farmhouse is an outrage. Do not attack America's farmers, Mr. President. Do not insult the ranchers. Do not destroy the farm economy. Do not do it, Mr. President. Do not wag the dog.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:

Mr. BLUMENAUER, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BLAGOJEVICH, for 5 minutes, today.

Mrs. CARSON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. TAUSCHER, for 5 minutes, today.

The following Members (at the request of Mr. Saxton) to revise and extend their remarks and include extraneous material:

Mr. RIGGS, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today,

Mr. FOLEY, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes each day, today and on October 11.

Mr. MICA, for 5 minutes, on October 11.

Mr. WELLER, for 5 minutes, on October 11.

Mr. JONES, for 5 minutes, on October 11.

Mrs. CHENOWETH, for 5 minutes, on October 11.

Mr. GIBBONS, for 5 minutes, on October 11.

Mr. BOB SCHAFFER of Colorado, for 5 minutes, on October 11.

Mr. SOLOMON, for 5 minutes, on October 11.

Mr. STEARNS, for 5 minutes, on October 11.

Mr. SALMON, for 5 minutes, on October 11.

Mr. MANZULLO, for 5 minutes, on October 11.

Mrs. CUBIN, for 5 minutes, on October 11.

Mr. REDMOND, for 5 minutes, on October 11.

Mr. KOLBE, for 5 minutes, on October 11.

Mr. FOLEY, for 5 minutes, on October 11.

Mr. HAYWORTH, for 5 minutes, on October 11.

Mr. BILBRAY, for 5 minutes, on October 11.

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $9,376.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1752. An act to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; to the Committee on Resources.

S. 2087. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Resources.

S. 2133. An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; to the Committee on Resources.

S. 2401. An act to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park; to the Committee on Resources.

S. 2402. An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College; to the Committee on Resources.

S. 2500. An act to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas; to the Committee on Resources.

S. Con. Res. 83. A concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on Government Reform and Oversight.

ADJOURNMENT

Mr. GIBBONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, October 11, 1998, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11630. A letter from the Under Secretary of Defense for Acquisition and Technology, Department of Defense, transmitting a report to Congress containing a plan to reduce overhead costs of the supply management activities of the Defense Logistics Agency and the military departments so that the overhead costs for each fiscal year after fiscal year 2000 do not exceed eight percent of net sales at standard price by Inventory Control Points during that year; to the Committee on National Security.

11631. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Ginnie Mae MBS Program: Book Entry Securities [Docket No. FR-4331-1-01] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11632. A letter from the Acting Director, Financial Crimes Enforcement Network, transmitting the Network's final rule—Amendment to the Bank Secrecy Act Regulations——Exemptions from the Requirements to Report Transactions in Currency—Phase II (RIN: 1506-AA12) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11633. A letter from the Director, Office of Management and Budget, transmitting a report to Congress on appropriations legislation within seven days of enactment; to the Committee on the Budget.

11634. A letter from the Secretary of Education, transmitting Final regulations—Federal Work-Study Programs (RIN: 1840-AC56), pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

11635. A letter from the Secretary of Health and Human Services, transmitting a Consolidated Report to Congress on the Community Services Block Grant (CSBG) Program Implementation Assessments (PIAs) for Fiscal Years 1992-1997; to the Committee on Education and the Workforce.

11636. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6176-1] received October 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11637. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Idaho: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6176-7] received October 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11638. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Taipei for defense articles and services (Transmittal No. 99-02), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

11639. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a notification that an emergency exists which requires that consent to the proposed transfer, of electronic counter-measure pods, on a temporary basis to the Governement of Norway, become effective immediately in the national security interests of the United States; to the Committee on International Relations.

11640. A letter from the Director of Congressional Affairs, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act from October 1, 1997 to September 30, 1998, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

11641. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received October 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11642. A letter from the Director of Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Department's final rule—Audit Requirements for Institutions of Higher Education and Other Non-Profit Organization [Docket No. 980925248-8248-01] (RIN: 0605-AA12) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11643. A letter from the Secretary of Transportation, transmitting the Department of Transportation's first annual Performance Plan under the Government Performance and Results Act of 1993; to the Committee on Government Reform and Oversight.

11644. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Geothermal Resources Leasing and Operations [AA-610-08-4141-02] (RIN: 1004-AB18) received October 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11645. A letter from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting the Department's final rule—Bulletproof Vest Partnership Grant Act of 1998 [OJP (BJA)-1192] (RIN: 1121-AA48) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11646. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents, members of their families, and for other purposes; to the Committee on the Judiciary.

11647. A letter from the Secretary of Transportation, transmitting a report with recommendations on the feasibility and environmental benefits of requiring tank vessels to carry oil spill prevention and response equipment; to the Committee on Transportation and Infrastructure.

11648. A letter from the Secretary of Labor and Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the 23nd Annual Report of the Corporation, which includes the Corporation's financial statements as of September 30, 1997, pursuant to 29 U.S.C. 1308; jointly to the Committees on Education and the Workforce and Ways and Means.

11649. A letter from the Administrator, Department of Health and Human Services, transmitting a report on the agencies plan for achieving a drug-free workplace, pursuant to Public Law 102—321, 101(a) (106 Stat. 327); jointly to the Committees on Government Reform and Oversight and Appropriations.

11650. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Hospice Wage Index [HCFA-1039-N] (RIN: 0938-AI87) received October 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAXTON: Report of the Joint Economic Committee on the 1998 Economic Report of the President (Rept. 105–807). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 3529. A bill to establish a national policy against State and local interference with interstate commerce on the Internet or online services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; with an amendment (Rept. 105–808 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2526. A bill to amend title 5, United States Code, to make the percentage limitations on individual contributions to the Thrift Savings Plan more consistent with the dollar amount limitation on elective deferrals, and for other purposes (Rept. 105–809). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on Rules and Ways and Means discharged from further consideration. H.R. 3529 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3529. Referral to the Committees on Rules and Ways and Means extended for a period ending not later than October 10, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

[Omitted from the Record of October 7, 1998]

By Mr. STARK (for himself, Mr. Dingell, Mr. Brown of Ohio, Mr. Matsui, Mr. Coyne, Mr. Levin, Mr. Cardin, Mr. McDermott, and Mr. McGovern):

H.R. 4727. A bill to amend title XVIII of the Social Security Act to delay the 15% reduction and to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted October 10, 1998]

By Mr. HYDE (for himself and Mr. Moran of Virginia):

H.R. 4785. A bill to provide for relief from excessive punitive damage awards in cases involving primarily financial loss by establishing rules for proportionality between the amount of punitive damages and the amount of economic loss; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 4786. A bill to amend the Federal Election Campaign Act of 1971 to require the deposit of certain contributions and donations to be returned to donors in a special account, and for other purposes; to the Committee on House Oversight.

By Mr. RUSH (for himself, Mr. Davis of Illinois, Mr. Fawell, Mr. Jackson of Illinois, Mr. Lipinski, Mr. Porter, Mr. Poshard, Mr. Weller, Mr. Gutierrez, Mr. Shimkus, and Mr. Yates):

H.R. 4787. A bill to designate the facility of the United States Postal Service at 7748 South Cottage Grove Avenue in Chicago, Illinois, as the "John H. Sengstacke Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. LAFALCE:

H.R. 4788. A bill to amend the Consumer Credit Protection Act to enhance the advertising of the terms and costs of consumer automobile leases, to permit consumer comparison of advertised lease offerings, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WELLER (for himself and Mr. Ney):

H.R. 4789. A bill to require criminal and abusive work history background checks for direct care employees in nursing facilities, home health agencies, and hospice programs under the Medicare and Medicaid Programs, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REDMOND:

H.R. 4790. A bill to amend the Federal Election Campaign Act of 1971 to ban the acceptance of cash contributions greater than $100 in campaigns for election for Federal office; to the Committee on House Oversight.

By Mr. BARTON of Texas:

H.R. 4791. A bill to establish rules for the payment of damage awards for future losses in certain health care liability actions; to the Committee on the Judiciary.

By Mr. BLILEY:

H.R. 4792. A bill to improve the adoption system of the District of Columbia; to the Committee on Government Reform and Oversight.

By Mr. BLILEY (for himself and Mr. Oberstar):

H.R. 4793. A bill to amend title 5, United States Code, to allow Federal agencies to reimburse their employees for certain adoption expenses; to the Committee on Government Reform and Oversight.

By Mr. CRAMER:

H.R. 4794. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mrs. Johnson of Connecticut, Mrs. Kennelly of Connecticut, Mr. Ramstad, and Mr. Weller):

H.R. 4795. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. ENSIGN:

H.R. 4796. A bill to amend the Housing and Community Development Act of 1974 to prohibit the use of funds for any facility a primary purpose of which is the distribution or use of tobacco products; to the Committee on Banking and Financial Services.

By Mr. GOSS:

H.R. 4797. A bill to amend the Coastal Zone Management Act of 1972 to require that a State having an approved coastal zone management program must be provided a copy of an environmental impact statement to enable its review under that Act of any plan for exploration or development of, or production from, any area in the coastal zone of the State; to the Committee on Resources.

By Mr. KUCINICH:

H.R. 4798. A bill to provide for the restructuring of the electric power industry; to the Committee on Commerce.

By Mr. PALLONE:

H.R. 4799. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and antifraud provisions, to amend title XIX of the Social Security Act to provide financial assistance for those individuals who are too poor to afford the premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce; for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself and Mr. Greenwood):

H.R. 4800. A bill to amend the Public Health Service Act to provide for the establishment of a national program of traumatic brain injury and spinal cord injury registries; to the Committee on Commerce.

By Mr. TAUZIN (for himself, Mr. Dingell, Mr. Oxley, Mr. Boucher, Mr. Rogan, Mr. Bonior, Mr. Goodlatte, Mr. Klink, Mr. Hastert, Mr. Wynn, and Mr. Burr of North Carolina):

H.R. 4801. A bill to ensure the restoration and preservation of State authority over intrastate telecommunications; to the Committee on Commerce.

By Mr. TAUZIN:

H.R. 4802. A bill to ensure that digital data services are made widely available to the American people; to the Committee on Commerce.

By Mr. TAUZIN:

H.R. 4803. A bill to authorize electronic issuance and recognition of migratory bird hunting and conservation stamps; to the Committee on Resources.

By Mr. TOWNS:

H.R. 4804. A bill to amend titles XI, XVIII, and XIX of the Social Security Act to permit paid staff other than nurse aides and licensed health professionals to provide feeding and hydration assistance to residents in nursing facilities participating in the Medicare and Medicaid Programs and to provide special training requirements for such staff, and to establish a program to ensure that such facilities do not employ individuals who have a history of patient or resident abuse or have been convicted of certain crimes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself and Mr. PETERSON of Minnesota):

H. Con. Res. 348. Concurrent resolution urging the President and Chile to engage in negotiations to conclude a free trade agreement between the United States and Chile, in the absence of fast track authority; to the Committee on Ways and Means.

By Mr. TOWNS:

H. Con. Res. 349. Concurrent resolution expressing the sense of Congress that the United States strongly supports any assistance that can be provided to the Government and people of Turkmenistan to build pipelines or take any other measures that will lead to the resumption of natural gas exports; to the Committee on International Relations.

By Mr. STUMP:

H. Res. 592. A resolution providing for the concurrence by the House with amendments in the Senate amendment to H.R. 4110; considered and agreed to.

By Mr. BLILEY (for himself and Mr. OBERSTAR):

H. Res. 593. A resolution permitting payments to be made by the House of Representatives to reimburse Members, officers, and employees for qualified adoption expenses; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 158: Mr. JOHN.

H.R. 326: Mr. BALLENGER.

H.R. 900: Mr. CUMMINGS, Mr. STRICKLAND, Mr. BRADY of Pennsylvania, Ms. MILLENDER-MCDONALD, and Ms. HARMAN.

H.R. 1126: Mr. PORTMAN.

H.R. 1215: Mr. BURR of North Carolina.

H.R. 1525: Mr. PETERSON of Minnesota and Mr. TURNER.

H.R. 2275: Ms. SLAUGHTER.

H.R. 2333: Mr. METCALF.

H.R. 2346: Mrs. MYRICK, Mr. NEY, and Mr. SANDLIN.

H.R. 2708: Mr. KIND of Wisconsin and Mr. REDMOND.

H.R. 2754: Ms. MILLENDER-MCDONALD and Mr. GEJDENSON.

H.R. 3157: Mr. ADERHOLT.

H.R. 3514: Mr. PASTOR.

H.R. 3634: Mr. SHIMKUS and Mr. BURR of North Carolina.

H.R. 3780: Mr. NEAL of Massachusetts, Ms. DUNN of Washington, Mr. SHAW, and Mr. HULSHOF.

H.R. 3792: Mrs. MYRICK, Mr. LOBIONDO, and Mr. LIPINSKI.

H.R. 3855: Mr. YATES.

H.R. 3899: Mr. DOYLE, Mr. CASTLE, Mr. BOUCHER, and Mr. DAVIS of Florida.

H.R. 3949: Mr. STUPAK.

H.R. 4358: Mr. SCHUMER.

H.R. 4383: Mr. HASTERT.

H.R. 4477: Mr. NEY, Ms. SLAUGHTER, Mr. SERRANO, Mr. POMEROY, Mrs. MORELLA, Ms. FURSE, and Ms. PELOSI.

H.R. 4552: Mr. REYES.

H.R. 4609: Mr. HOBSON and Mrs. ROUKEMA.

H.R. 4627: Ms. CARSON, Ms. DELAURO, and Mr. GEJDENSON.

H.R. 4646: Ms. MILLENDER-MCDONALD, Ms. DELAURO, and Mr. SANDERS.

H.R. 4654: Ms. SLAUGHTER.

H.R. 4674: Mrs. CAPPS, Mr. VISCLOSKY, and Mr. BALDACCI.

H.R. 4675: Mr. LEWIS of California.

H.R. 4683: Mrs. WILSON and Ms. DUNN of Washington.

H.R. 4689: Mr. MASCARA, Mr. NEAL of Massachusetts, Mr. MCHUGH, Mr. WAXMAN, Mr. LATHAM, Mr. HAYWORTH, and Mr. BOEHLERT.

H. Con. Res. 126: Mrs. FOWLER and Mr. SPRATT.

H. Con. Res. 258: Mr. BRADY of Pennsylvania.

H. Con. Res. 328: Mr. LAHOOD and Mr. METCALF.

H. Res. 519: Mr. HOEKSTRA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 859: Mr. HALL of Texas.

H.R. 3014: Ms. WATERS.

EXTENSIONS OF REMARKS

THE DANTE B. FASCELL NORTH-SOUTH CENTER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GILMAN. Mr. Speaker, today Representative LEE HAMILTON and I are introducing H.R. 4757, to honor our esteemed former colleague, the former Chairman of the International Relations Committee Dante Fascell.

This bill will rename the educational institution known as the North/South Center, as the Dante B. Fascell North-South Center.

Chairman Dante Fascell was responsible for establishing this Center in 1991 to promote better relations between the United States and the nations of Latin America and the Caribbean and Canada through cooperative study training and research. Today, we recognize the significant contribution Dante Fascell has made to U.S. Latin American relations and indeed to so many other aspects of our foreign policy. He was dedicated legislator and statesman. It is a privilege to sponsor this measure to provide a modest means of recognizing a truly great American.

Accordingly, I urge my colleagues to fully support this measure.

H.R. 4757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NORTH/SOUTH CENTER AS THE DANTE B. FASCELL NORTH-SOUTH CENTER.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended

(1) by striking subsection (a) and inserting the following:

"(a) SHORT TITLE. This section may be cited as the "Dante B. Fascell North-South Center Act of 1991";

(2) in subsection (c)

(A) by amending the section heading to read as follows: "DANTE B. FASCELL NORTH-SOUTH CENTER. "; and

(B) by striking "known as the North/South Center," and inserting which shall be known and designated as the Dante B. Fascell North-South Center,"; and

(3) in subsection (d) by striking "North/South Center" and inserting "Dante B. Fascell North-South Center".

SEC. 2. REFERENCES.

(a) CENTER. Any reference in any other provision of law to the educational institution in Florida known as the North/South Center shall be deemed to be a reference to the "Dante B. Fascell North-South Center".

(b) SHORT TITLE. Any reference in any other provision of law to the North/South Center Act of 1991 shall be deemed to be a reference to the "Dante B. Fascell North/South Center Act of 1991".

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mrs. CAPPS. Mr. Speaker, I rise today in support of beginning a fair and focused impeachment inquiry. I will as every member of the House should cast a vote of conscience on this grave Constitutional matter.

Let me be clear. I have been appalled by the President's behavior in this matter. His affair with Monica Lewinsky was reckless and reprehensible. Lying to his family and the American people about it was outrageous. He has tarnished the office of the Presidency and his own positive record of accomplishment. President Clinton must be held accountable.

The question before us today is not whether or nor there will be an inquiry. The question before us is what kind of inquiry will there be.

I support what the American people are calling for an expeditious impeachment inquiry that will allow our country to being this issue to a close and to move on. I cannot in good conscience support an endless series of unfocused hearings that may distract Congress from dealing with the important issues facing the nation.

Of course, if the House is presented with further allegations from the Independent Counsel, the Judiciary Committee can examine them as well.

But today the House should take a step toward completing this inquiry fairly, thoroughly and quickly. There is no reason we cannot finish this by the end of the year.

Mr. Speaker, I have heard from thousands of my constituents on this issue. Their comments and advice range from calling for the President's resignation or impeachment to insisting that the House drop the entire matter. While they may differ in their beliefs and positions, in the end their most common theme is that they want to see this matter come to an expeditious resolution.

We should follow their advice.

TRIBUTE TO GEORGE WIMBERLY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great friend, great Arkansan, and great American. I speak of Mr. George Wimberly, who has served his community as a member of the City Manager Board for the City of Little Rock; Mayor of the City of Little Rock, Arkansas; and as a member of the Arkansas General Assembly. All of these positions are significant, but they are completely overshadowed by his accomplishments as a friend and servant to his fellow man.

George has owned and operated a neighborhood pharmacy, Buice Drug Store, in the Stiff Station area of Little Rock for over forty years. He is personally involved in the day to day care of each and every one of his customers. George provides not only medicine, advice and counsel, love, attention and service, but he also has a genuine concern for the well being of everyone he knows. Every person that comes in contact with George gets the same consideration.

When George Wimberly is your friend you know that there is one person in the world that you can count on. He has been my dear friend since childhood and has befriended generations of my family members. He is a wealth of knowledge about our heritage and when he reads this he will say, "What would Wimpy say about this?"

He has provided free medical advice, service, and products for anyone in need. He continues to check on shut-ins and the disabled in the community and is the only link to the outside world for many of them. He is from the school that thinks character and honesty are premier qualities and practices these beliefs.

Because he has lived and served among us for 78 years we are better for it and the world is a better place to live. As they say in the place I come from, the One Horse Store, he is a "good man" and I am proud to call him my friend.

A YEAR OF ACHIEVEMENTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARCIA. Mr. Speaker, efforts to promote equality, success, and opportunity are appreciated by all Americans. An organization, in my district, is truly dedicated to helping African-Americans succeed in the business community and sets a powerful example. It was formed to overcome hardships, and to support each other in furthering their success. This month the Saginaw African-American Minority Business Association (S.A.A.M.B.A) is celebrating a year of outstanding achievements by designating October as National Minority Business Month.

The weekend of October 23rd, S.A.M.B.A. will be hosting a Minority Business Conference. This conference will bring together Saginaw area minority business owners. The conference will offer the members of S.A.A.M.B.A. many different helpful workshops and motivational keynote speakers, in hopes of providing a solid foundation for the advancement of African-Americans in business.

S.A.A.M.B.A. advances the development of area African-American minority businesses to succeed in the community. This organization builds relationships with financial institutions in the area. S.A.A.M.B.A. also sponsors training workshops, seminars or conferences like this one, educates and answers questions of African-American business owners and other people with similar interests. This organization's efforts to increase membership each year have been successful and its members look forward to many more years of building relationships and promoting business opportunities.

The first Civil Rights legislation was enacted in 1964, and the fight for equal treatment under the law continues today. Dr. Martin Luther King dreamed of a color-blind world, and organizations like S.A.A.M.B.A. are committed to supporting his ideal by helping African-Americans in business. They work to achieve equality for African-Americans, and are constantly changing attitudes in the business community. Our country has come a long way, but we have much work to do, and organizations like S.A.A.M.B.A. are paving the way for minorities in the business world.

Mr. Speaker, the Saginaw African-American Minority Business Association is a strong foundation for African-American adults, youth and the community. I urge you and our colleagues to join me in recognizing the outstanding contributions to the community and congratulating the President, Corrine S. Williams and the dedicated staff of S.A.A.M.B.A. on their accomplishments this year.

IN HONOR OF CAPTAIN JAMES SPRAYBERRY, WINNER OF THE CONGRESSIONAL MEDAL OF HONOR

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARR of Georgia. Mr. Speaker, today I honor a great American hero: Captain James Sprayberry, born in LaGrange, Georgia. As a soldier in Vietnam, Captain James Sprayberry selflessly risked his own life to repeatedly charge enemy machine gun nests to rescue pinned-down American soldiers. In the process, he personally saved many of their lives, while killing twelve enemy soldiers, destroying two machine-guns, and eliminating numerous enemy bunkers. For this extraordinary bravery, Captain Sprayberry was awarded the Congressional Medal of Honor, our nation's highest military decoration. On October 26, 1998, a road in my district will officially be named after him.

In times of peace, it is far too easy to forget that freedom carries a high price. Captain Sprayberry was willing to pay that price. He deserves the undying gratitude of a grateful nation that enjoys peace today thanks to the sacrifices he and all of our other veterans have made over the years.

AGAINST HOUSE CONCURRENT RESOLUTION 254

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to comment on House Concurrent Resolution 254 which passed the House on September 14, 1998. I inaccurately voted in favor of this bill when I should have voted "no."

The bill calls upon the Government of Cuba to expatriate to the United States Ms. Joanne Chesimard as well as all other individuals who have fled the U.S. from political persecution and received political asylum in Cuba.

I wish to officially go on record as opposed to this measure. Unfortunately, the bill was placed on the suspension calendar, which is usually reserved for non-controversial measures. Furthermore, none of the many advocacy groups that monitor this vote informed my office of their concern.

I oppose H. Con. Res. 254 because I support the right of all nations to grant political asylum to individuals fleeing political persecution. The United States grants political asylum to individuals from all over the world. Other independent nations have the same right, including Cuba.

I strongly believe that the right for various governments to grant political asylum should not be disturbed. I am aware of the fact that this body often does not agree with the particular decisions made by other independent governments regarding political asylum. However, I have stood before this house many times defending and advocating for the rights of immigrants and refugees in the United States. Just as we maintain our right as a nation to welcome those from other shores, whether immigrant or refugee we must respect the Cuban Government's right to grant political asylum for individuals from the U.S. fleeing political persecution.

TRIBUTE TO MEREDITH BIXBY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Meredith Bixby from Saline, Michigan.

On October 18, 1998, the Saline Culture and Commerce Center will open the Bixby Marionette Exhibit. This exhibit includes over 100 of Meredith Bixby's hand-crafted marionettes which he gave to the City of Saline.

Meredith Bixby is affectionately known as the "Master of Marionettes." His company "Meredith Marionettes Touring Company" toured the Midwest and South for more than 40 years, performing in schools, theaters and community centers.

I personally admire Meredith Bixby because his stated goal was, "to present programs that we [that is Meredith and his wife Thyra] thought were in good taste." This is an element so often missing in theater productions of today.

I want to commend Meredith Bixby for his hard work and dedication. It is estimated that in 88 years, he has performed more than 20,000 marionette plays.

A TRIBUTE TO RICHARD CHERRY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to pay special tribute to Richard Cherry, a member of the American Legion in my district. Dick is being feted by his comrades and friends at a special Appreciation Dinner to be held on November 14, 1998 at the Adams Township Post No 553 of the American Legion. I will be proud and humbled to participate in this well-deserved recognition.

Dick Cherry currently serves as National Committeeman for the more than 164,000 members of the Ohio American Legion. In his 29 years with the Legion, he has also served as Commander of the Department of Ohio, First Vice and Second Vice Commander of the Department of Ohio, Commander of the Great First District of Ohio, Commander of Lucas County, Commander of the Adams township Post, and Delegate to Lucas County, the First District, Department of Ohio, and National Organization. He also diligently labors on countless committees on the County, District, Department of Ohio, and National levels.

A member of the United States Army, Dick is a veteran of the Korean War who served with the Second Division, 23 Infantry Battalion. With the deepest of understanding of the importance of remembering our nation's veterans, he is an active member of the Toledo Soldiers Memorial Association, and the Lucas County Veterans Service Commission, and the Soldiers and Sailors Relief Association.

Listing his involvement in civic and veteran organizations only gives one a glimpse of the man. Dick Cherry is a man of the greatest compassion and empathy, with a sharp mind and a deep soul. He has been a trusted advisor to me on veterans issues, offering wise counsel regarding health care in our nation's VA medical centers, compensation and pension benefits for veterans and their families, and the "veterans position" on national issues. In any forum, he conducts himself with dignity and grace, quietly but effectively conveying the message that we must never forget our veterans, their courage, or the sacrifices they made to bring us the freedom we know today.

If a measure of a man is the esteem in which others hold him, then Dick Cherry is a man beyond measure. I join his wife Carol, his family, friends, and colleagues in paying homage to a most down-to-earth yet most remarkable man.

IN HONOR OF THE SESQUICENTENNIAL OF FLOYD SPRINGS UNITED METHODIST CHURCH LOCATED IN FLOYD COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor the Floyd Springs United Methodist Church of Floyd County, Georgia which is celebrating its Sesquicentennial anniversary this fall. For 150 years, since its founding in 1848, the church has been a focal point for the worship of God, religious education, and community service to the Floyd Springs area and beyond. The church is a part of the Rome-Carrollton District, North Georgia conference of the United Methodist Church, and is located at 1954 Floyd Springs Road, Armuchee, Georgia.

Institutions of faith have always provided a vital service to America; by encouraging moral behavior, assisting citizens in need, and guiding the spiritual development of millions. For 150 years, Floyd Springs United Methodist Church has been in the forefront of that cause. Now, in 1998, we need the spiritual Christian leadership and service this great church offers.

The congregation has planned special activities during October to commemorate this historic event, and I am proud to lend my voice to this effort.

IN HONOR OF ERIC DELUCIEN AND NEW DIRECTIONS, INC.

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. CAPPS. Mr. Speaker, I rise to bring to the attention of my colleagues a courageous 5-day journey passing through my district on the Central Coast today.

Eric DeLucien, an Americorps volunteer, is undertaking a 500 mile fundraising bike ride from San Francisco to Los Angeles, California, which will benefit New Directions, Inc.'s education fund. New Directions Inc., a nonprofit self-help program, provides free comprehensive rehabilitative services to homeless veterans with histories of chronic substance abuse and other disorders like Post-Traumatic Stress Disorder. Through this program, veterans receive the encouragement and job training they need to compete in today's job market.

My late husband, Walter Capps, was empathetic to the plight of all veterans; I share his concern and commitment to this community. I hope that this bicycle fundraiser will increase public awareness to the problems facing many of our veterans today, and I would like to thank New Directions, Inc. for providing the opportunities and tools they need to succeed.

Mr. Speaker, I conclude that the On the Road for Homeless Vets bike ride is a noble cause, and commend Eric DeLucien and New Directions, Inc. for their dedication to improving the lives of veterans in our country.

TRIBUTE TO LOUIS STOKES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. OWENS. Mr. Speaker, over the past few months there have been many tributes to our departing colleague, Congressman LOU STOKES. The accolades have been lengthy because there is a great deal to be said about the thirty year record of Congressman STOKES. Unfortunately, the most senior Members have been accorded the privilege of speaking first, and thus, I have been deprived of my opportunity to also praise LOU STOKES.

As a Member who has worked with LOU STOKES for sixteen of his thirty years, I feel I have known him long enough to speak with authority but not so long and so close that I have lost my capacity for some objectivity. We are all familiar with the concept of the "Renaissance Man" with a broad array of talents. In the power arena LOU STOKES is a "Renaissance Political Man." He possesses the unique ability and capacity to perform as a deal maker; as a champion for issues; as a program innovator; as a team player and institution builder.

Watching LOU perform over the years has been an inspiring learning experience. As a key member of the Appropriations Committee he has repeatedly made the right deals for worthwhile programs. When the authorizing committee, ten years ago, established Title III–B for the direct funding of Historically Black Colleges and Universities, STOKES did the necessary homework to obtain immediate funding for this program which has now provided more than one billion dollars for higher education. Beyond serving as a conduit or vehicle for the obtainment of dollars, LOU served as an advocate and champion for the neglected African American colleges.

We have watched and greatly appreciated LOU STOKES' use of power to address complex and difficult problems. His service on the Ethics Committee, the Intelligence Committee and numerous groups that took him beyond the call of duty, has led to the acquisition of enormous amounts of respect and influence. He has repeatedly used this influence to introduce constructive innovations without lengthy legislation. Hundreds of minority youth have benefited from programs for interns and fellows originated by LOU in the various agencies of government.

Despite the enormous responsibilities which have come with his accrued powers, LOU has remained a consummate team player and institution builder. The personality cult has never claimed STOKES. He has worked tirelessly to build the Congressional Black Caucus. The CBC Health Braintrust is the model for all current and future meaningful Braintrust operations. Certainly the inspiration for a strong CBC Education Braintrust has come via the observance of the Health Braintrust. More people are engaged year round in the Health Braintrust than in any other CBC activity. This organization is the primary beneficiary of STOKES' habit of doing careful homework. Without a doubt the Health Braintrust is an institution that LOU has made strong enough to endure long after his resignation.

LOU STOKES, the "Renaissance Political Man" has not only performed magnificently in Washington, but also back home. His imprint is deeply embedded in the governance of his City of Cleveland, Ohio. Despite the fact that he still has many years left to enjoy his retirement, LOU has already been enshrined as a hero of his city. The new state-of-the-art Cleveland Public Library building bears the name of Congressman LOUIS STOKES. Needless to say, as the only Librarian ever elected to Congress, I find this achievement profoundly impressive.

For his comprehensive, across the board performance LOU STOKES stands high above his peers. When you consider the attributes and character traits necessary for productivity and success in the political arena, most Members of Congress can claim certain areas of strength while admitting to other areas of weakness. But only LOU can lay claim to titles all across the spectrum. He is a great deal maker, a champion advocate for issues; a program innovator, a team player; and an institution builder.

LOU STOKES, the "Renaissance Political Man" leaves very high standards for all future Members of Congress to utilize to measure their performance and their productivity.

CONGRESS SHOULD TAKE ACTION TO PRESERVE MEDICARE'S HOME HEALTH BENEFITS BEFORE ADJOURNMENT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COYNE. Mr. Speaker, I rise in support of efforts to reform Medicare's home health payment system now, before unreasonably low payment caps negatively impact quality and access to care. While they are not as comprehensive as the changes that I and many other members sought, the changes H.R. 4567 makes to the interim payment system (IPS) will give much-needed relief to home care agencies in my Congressional district and many others.

I am very concerned that we are considering paying for this change by expanding Roth IRAs. This expansion would raise the $2.4 billion we need in the first 5 years, but it will cost us $10.7 billion in the years after that. Financing this much-needed change in this way is a little like borrowing from a loan shark. We get a little bit of money now, but we'll have an even bigger bill to pay later.

The Senate is working on a version of this bill which would give even more relief to efficient agencies and would block the 15% across the board cut scheduled for next year. Home health agencies in my district have told me the impending 15% cut will have a destructive effect on their ability to provide services, and I would prefer not to wait until next year to address their concerns. The Senate bill is not paid for using the Roth IRA method, which I believe is better policy. Wednesday night I joined several of my colleagues in introducing a House bill which is nearly identical to the bipartisan Senate bill.

I will support H.R. 4567 in an attempt to move the process forward and craft a home health care solution in this Congress. However, I hope the House will move toward the Senate position in the conference. I believe doing so will give us a better bill, one which provides more relief for efficient agencies and frees all agencies from the specter of the 15% cut.

CONGRATULATIONS, SAGINAW

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARCIA. Mr. Speaker, I rise today to applaud the good work of the City of Saginaw, in my 5th District of Michigan, and particularly the leadership of the Saginaw City Council and City Manager Reed Phillips. In October 1998, at the 71st annual Water Environment Federation Conference in Orlando, the City of Saginaw was presented with the Environmental Protection Agency's 1998 National Sewer Overflow Control Program Excellence Award. The award is presented for innovation and quality for their combined sewer overflow control measures.

As we in the 5th District well know, the Saginaw River is a major contributor to the health or problems in the Saginaw Bay and Lake Huron. During our communities' long history in the region, we have struggled to reverse the degradation of the river and the lake from our cities and industry. A major role in that effort lies with city officials in our area. The Saginaw City Council and Mr. Phillips have provided a cutting edge example of how we can return our environment to the safe, healthy and productive resource whose beauty has made our region one of the largest tourist attractions in the Midwest.

Combined sewer overflows are a critically important problem in our country, particularly in the Northeastern, Midwestern and Northwestern United States. This 19th century engineering breakthrough represents an environmental nightmare for our cities of today. Periodic heavy rainfall can lead to releases which compromise our rivers, streams, lakes and oceans.

The efforts of Mr. Phillips to make me aware of this crisis in Saginaw, Bay City and other towns in our State led me to introduce H.R. 4242, the Combined Sewer Overflow Control and Partnership Act of 1998. Only massive expenditures of limited municipal resources can solve this problem today. With Reed's help, I learned that a national grant program is essential to long term solutions to this problem.

This is why, Mr. Speaker, that the creativity and innovation of the City of Saginaw is so impressive. To gain national recognition for success in attacking a problem which seems to have no solution is truly a victory for our citizens and our environment. Instead of giving up in the face of nearly insurmountable odds, the City of Saginaw has dedicated itself to making progress, and has proven that dedication and effort can change the course of rivers.

Mr. Speaker, I ask you and our colleagues to join me today in applauding the City of Saginaw and City Manager Reed Phillips, and cherishing the environment which they so dutifully protect.

THIRD BAPTIST CHURCH TO CELEBRATE ITS 130TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to give special recognition to the Third Baptist Church in Toledo, Ohio. Beginning November 11, 1998 and concluding November 15, 1998, the church will celebrate its 130th anniversary with a host of celebration activities.

I am pleased to commemorate this anniversary. This milestone is a testament to faith, to the strength of community, and to the values of family and tradition. The 130 year long journey of Third Baptist Church has only come about through the faith and perseverance of its congregants. As their lives have been made richer by their faith, so, too, has our community been made richer by the church's presence. This church in the heart of one of Toledo's oldest neighborhoods has housed generations of souls uplifted by the strength of prayer and each other as God's Word was celebrated each Sunday for 130 years.

Third Baptist Church has been a cornerstone of the community, and is strongly supported by its members. Generations worship together, in the truest sense of church and community. Third Baptist's motto is "Celebrating Our Goodly Heritage Through Worship and Praise." Its members live this testament, coming together to offer joyful songs, inspirational prayers, and deep, personal worship.

As 130 years are celebrated through several days, I know that the spirit of the church's ancestors will be felt, and they will join today's membership in the commemoration. As we look back on the past, may we also direct our vision toward the future.

TRIBUTE TO THE FARMERS' ADVANCE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor the Farmers' Advance published in Camden, Michigan.

On October 13, 1998, the Farmers' Advance and its precursor, The Camden Advance, will have served rural readers and advertisers for 100 years.

As a farmer, I rely on the Farmers' Advance to keep me abreast of the weekly sales and prices of farm commodities, livestock and equipment. I also appreciate the excellent coverage of youth activities in 4–H and FFA shows and sales. In this rapidly changing time, the Farmers' Advance continues to chronicle and celebrate traditional farm family values through its stories and photographs.

The Camden Advance was first published in 1898. Lee Graham, publisher and editor, set the type under lamplight and printed the paper on a hand press.

In 1953, its name was changed to the Farmers' Advance. Today, the Farmers' Advance reaches readers in every county in Michigan, northern Indiana, northern Ohio, and Ontario, Canada.

I want to commend this wonderful publication for its dedication to serving farms and rural areas and promoting farm family values for 100 years.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong opposition to the resolution presented by my colleague from Illinois, Mr. HYDE, to initiate an open ended, unlimited impeachment inquiry of the President of the United States of America.

This resolution is an attempt to do through parliamentary means what could not be done in the last two elections: unseat the President of the United States of America.

Let me state here on the floor of the House what most Americans already know.

This inquiry is not about sexual indiscretion. We have allegations of Presidential sexual indiscretions, some going back 200 years and involving slave women who certainly had no defense against predatory relationships. But no such impeachment inquiry has been initiated before.

This is not about lying. We have had allegations of Presidential lying about the trading of munitions for covert foreign aid and Presidential lying about personal federal income taxes. But no such impeachment inquiries were initiated in response.

Mr. Speaker, there are some in this House who have campaigned for the impeachment of this President for more than six years. Their campaign, fueled by $40 million spent by the Office of Special Council, tens of millions spent by private sources, and millions more spent by assorted Congressional Committees, and the inevitable accompanying leaks have yielded us only a sad, sordid marital infidelity and an endless supply of headlines.

These relentless campaign to impeach the President now hold their sponsors hostage to their own rhetoric. Having failed to find an impeachable offense, there is now relentless pressure to make do with the $60 million scandal to make the scandal fit the bill.

Mr. Speaker, our Constitution contains a number of examples of purposely ambiguous language in addition to the phrase "high Crimes and Misdemeanors." Consider such language as "due process."

It is precisely such elegant and flexible language which has enabled our democracy to develop, to encompass ever broader sectors of Americans, in ever deeper and more empowering ways.

It is reasonable to expect that as the process of electing our chief executive has become more and more democratic, enfranchising more Americans, more and more directly, that the process for removing that chief executive, of undoing the will of the people, would demand higher and higher standards. It is reasonable to expect that the Congress should not take into itself the power to limit a President, in James Madison's words ". . . to a tenure during the pleasure of the Senate."

When we "dumb down" the Constitution to meet the needs of partisan politics we inflict deep and lasting harm on our political and Constitutional system. This is the real Constitutional crisis. I do not believe it is accidental that all of our nation's encounters with Presidential impeachment come following periods of great national turmoil either the executive or legislative branch attempting to use extra-constitutional means of imposing its will on the policy of the nation. Like the attempt to impeach President Johnson in the wake of the Civil War and the debate over how to incorporate African Americans into the body politic or the attempt of President Nixon to undermine his political opponents in the closing days of the War in Vietnam; current attempts to undo the results of two Presidential elections will leave deep, lingering wounds on our nation, but, in the long run, will fail in their attempt to make an end run around the will of the people.

Undoing our Constitution will not advance the search for solutions to the great national and international problems facing America: global economic crisis and growing economic inequality, the undoing of decades of struggle for racial equality in America: the resurgence of national strife around the world, the need to address fundamental problems in health care, education, environment and housing, preserving social security and a host of other critical issues.

I urge my colleagues to oppose this insidious attempt to use, or rather misuse, the power of impeachment.

RETIREMENT OF ARKANSAS STATE REPRESENTATIVE JOHN MILLER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to recognize one of Arkansas' dedicated citizens, on the event of his retirement. It is my privilege to recognize the accomplishments and achievements of Representative John Miller, as he is retiring from the Arkansas State House of Representatives.

State Representative John Miller has served the people of Izard County and portions of Independence and Sharp Counties in the Arkansas General Assembly for 36 years and is retiring this year. As former speaker of the House, John ranks third in seniority in the 100-member House of Representatives.

Before becoming a member of the Legislature, John served as county and circuit clerk in Izard County, chairman of the state Developmental Disabilities Planning Council, as a member of the Melbourne Lions Club and of the chambers of commerce in Melbourne, Batesville, Calico Rock and Horseshoe Bend. He also served on the boards of directors for the Calico Rock Medical Center, the Arkansas Easter Seals Society, North Arkansas Human Services Systems, Inc., Lions World Services for the Blind, the White River Planning and Development District, and Advocacy Services, Inc.

In the 1st District of Arkansas, we say "he is a good man." When you get to Izard County, the roads get wider, the people are happier, life is better and the future is brighter because of John Miller. He is a credit to public service and humanity and the world is better because he is here. I am proud to call him my friend.

CARLOW COLLEGE'S CONTINUING EDUCATION PROGRAMS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COYNE. Mr. Speaker, I rise today to honor Carlow College for its efforts in making education available to more working adults.

Carlow College, located in Pittsburgh, Pennsylvania, was founded in September 1929, as a Catholic institution primarily for women.

Education is very important in today's rapidly changing society. For the past twenty years, Carlow College has continued to make education accessible throughout the Pittsburgh region with the Carlow Weekend College program, started in 1978, and the Carlow Accelerated Program, which began in 1988. These programs give students the choice of either evening courses in the Accelerated Program or weekend classes in the Weekend College. Classes are offered during times that are convenient for most working adults, so that they may continue their education without quitting their regular jobs. This enables many working adults to complete a bachelor's degree. Students may also attend courses designed to upgrade their technical and management skills.

These programs today have 1,100 students and 12 majors. Classes are now offered at nine locations, and the College is currently working to take advantage of the Internet by offering courses on-line.

I want to call national attention to these innovative programs at Carlow College. As Congress works to expand the knowledge and skills of the American work force, it should look at some of the ground breaking programs that are already underway at institutions like Carlow. Thank you.

TRIBUTE TO VIRGINIA HAYES

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. CAPPS. Mr. Speaker, I rise today to honor the memory of Virginia Hayes of Oceano, California. Stricken with Parkinson's disease, Virginia never denied the reality of her diagnosis, living her life with courage and facing her death with dignity; and in so doing truly symbolized the silent struggle of every person afflicted with Parkinson's.

There are at least one million Americans living with Parkinson's, a chronic neurological disorder affecting muscle movement. Its relentless progression systematically robs its victims of every aspect of their lives a process that dramatically impacts the lives of spouses, families and other loved ones.

While it's commonly accepted that Parkinson's disease is not fatal, no one can tell that to the Hayes family. To the end, Virginia's spirit was strong and brave, but after 23 years of fighting, her otherwise healthy body was exhausted and eventually overcome, her struggle to live defeated by the ravages of Parkinson's.

Just a few months before her death, Virginia took part in the production of an advocacy video designed to educate about Parkinson's disease and promote increased research funding. Titled "The Faces of Parkinson's," the video is a dramatic presentation of Parkinson's effect on individuals and their families. With husband Paul at her side, Virginia allowed us an unflinching look at how Parkinson's devastated her independence and her life. Through her courage, she has left a legacy which serves to inform and inspire us all, and hopefully will in some way lessen the burden on those who share her struggle.

Undoubtedly, this public contribution is but one small piece of the legacy Virginia has left her family and friends those who stood by her throughout her battle with Parkinson's, as well as other circumstances of life that challenge and reward us all. While Parkinson's disease took her life, it clearly did not define it. The strength it takes to face adversity with resolve and wit is found deep inside. Virginia found and nurtured that place inside herself and understood that love is stronger than death.

I am honored to pay tribute to Virginia Hayes, and to offer our sincerest condolences and best wishes to her husband and her entire family.

CLAY HIGH SCHOOL IN OREGON, OHIO TO REDEDICATE THE CLAY MEMORIAL STADIUM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I would like to take this opportunity to recognize the administration, faculty, staff, students and families of Clay High School in Oregon, Ohio. On October 9, 1998, the Clay High School community will rededicate the Clay Memorial Stadium.

In December, 1941, our nation entered the greatest conflict in human history. Young people from all walks of life served in our armed forces. Many soldier, sailors, airmen and marines came from the Oregon, Ohio, area and served with honor and distinction as we freed the world of Axis terror and fascism. Some of these young people never returned. They gave their lives for freedom with the hope that our nation and their community would always cherish the gifts that America offers.

It was in this spirit that the Oregon, Ohio, community dedicated the Clay Memorial Stadium, in 1948, to the young men and women who gave their lives in defense of liberty. This year marks the 50th Anniversary of the stadium. The Clay High School family and the Oregon community at large are now embarking on a renovation project to make the stadium's World War II memorial the focus of the facility. The community also plans to add memorials to those who served in Korea, Vietnam and the Gulf War. The renovated stadium promises to be a renewed memorial to those who have made the supreme sacrifice and a symbol of youth and hope as we enter the 21st Century.

Mr. Speaker, as the Congressional author of legislation to create a national World War II Memorial it gives me much pride to represent the citizens of Oregon, Ohio in this great House. They and the nation will never forget the sacrifice of the millions of men and women who gave their lives to freedom in the victory over tyranny that defined world history for the 20th century.

Our community extends warm appreciation to the citizens of Oregon, Ohio as they rededicate the Clay Memorial Stadium.

IN HONOR OF PAT PEACOCK

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to Pat Peacock, a lady who means a lot to my family and the community she lives in. Ms. Peacock is from Stuttgart, AR, the "Duck and Rice Capital of the World." It is partly because of Ms. Peacock and her ambassadorial role that Stuttgart and the Grand Prairie are known far and wide as the only place to be, for a least a few days, during duck hunting season. She has worked tirelessly to promote her community and Stuttgart has reaped the rewards of all her hard work.

Ms. Peacock was instilled with a sense of service to others. Her love of the outdoors and appreciation for the need to preserve the precious heritage where she grew up, has defined her lifetime involvement to conservation and wildlife organizations. She has given countless hours to ensure that our children will inherit and appreciate what our generation has been privileged to enjoy. Her many awards include: Arkansas Conservationist of the Year, inducted into the Arkansas Outdoor Hall of Fame, member of the Game and Fish Commission, Outstanding Volunteer of the Year for Arkansas and Women's Champion Duck Caller.

Pat Peacock for many years owned and operated a small business in Stuttgart called Majestic Inc. She began as a salesperson while in high school. From that time, Ms. Peacock helped build the business into one with a fine reputation throughout the state. The competition from chain department stores in nearby cities and discount stores that hurt Main Street were tough on her small business but Pat worked hard and fine tuned her business successfully.

Pat has turned another page now. She has moved on to new challenges and opportunities. I wish her well and want to express my thanks for what she has done for the community of Stuttgart, Arkansas and Arkansas County.

RECOGNIZING THE WORK OF THE AIR LAND EMERGENCY RESOURCE TEAM

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to bring to the Congress' attention the work of 17 young men who served the people of Russia from March 3–April 14, 1998, by remodeling an orphanage in Moscow to improve the living conditions. These young men paid their own way and learned the lessons sacrifice, hard work and commitment to their fellow man. You know the Bible says, "Whatever you did for one of the least of these brothers of mine, you did for me." These young men should be commended for their willingness to serve others: Daniel Falkenstine, Texas; David Franzen, Wisconsin; Peter Franzen, Wisconsin; Rob Gray, Indiana; Nathan Hoggatt Texas; David Kress, Alabama; John Munsell, Ohio; Robert Nicolato, Ohio; John Nix, Michigan; Steve Nix, Michigan; Timothy Petersen, Georgia; Todd Teepell, Louisiana; Joshua Thomas, Oregon; Neil Waters, Texas; Jared Wickam, Illinois; and Amadi Williams, California.

Mr. Speaker, I would like to bring to the attention of this Congress, 56 men who gave of themselves to help the people of Omaha, Nebraska in the wake of the snow disaster which hit this city in the late fall of 1997. These men traveled many miles at their own expense to assist the citizens in removing debris and fallen trees. These men are to be commended for their sacrifice, dedication and commitment to those in need: Jonathan Bendickson, British Columbia; Brian Biddle, Ohio; William Bradford, Arizona; Jacory Brady, Colorado; Jesse Brown, Venezuela; Trevor Cangelosi, Louisiana; Jonathan Carlisle, Missouri; Daniel Chapman, Michigan; Patrick Chapman, Michigan; Thomas Chapman, Michigan; James Connelly, California; Stephen Copu, Illinois; Jason Dandurand, Washington; Steve Dankers, Wisconsin; Brendon Dees, Missouri; Richard Dizney, Washington; Daniel Falkenstine, Texas; Stever Farrand, Colorado; Bret Fogel, Ohio; Ronald Fuhrman, Michigan; Robert Gray, Indiana; David Hansen, Oregon; Ben Hardbuck, Texas; David Hens, Nebraska; Daniel Hess, Nebraska; Nathan Hoggatt, Texas; Joshua Horvath, Texas; and Geary Howell, Mississippi.

Joshua Irving, Texas; Aaron Jongsma, Ontario; Nathan Jongsma, Ontario; Caleb Kaspar, Oregon; Justin King, Michigan; Jason Kingston, Texas; Robert Matlack III, Mississippi; Jay Miller, Nebraska; Samuel Mills, Texas; Bill Moore, Texas; Benjamin Moore, Iowa; Marc Moore, Iowa; Nathanael Nazario, Puerto Rico; Robert Nicolato, Ohio; Aaron Pennington, Nebraska; Nathan Pennington, Nebraska; Jason Raymond, Mississippi; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Jason Ruggles, Michigan; Jeremy Savage, Washington; Jonathan Schultz, Mississippi; Chad Sikora, Michigan; Daniel Storm, Nebraska; John Tanner, Michigan; Todd Teepell, Louisiana; Neil Waters, Texas; and Patrick Walsh, Florida.

Mr. Speaker, I would like to recognize 15 men who gave their time and talent from January 14-March 7, 1998, to assist the citizens of La Luz, Oaxaca, Mexico in cleaning up debris and repairing roads washed out in the wake of a hurricane that thrashed this city in the early months of 1998. The Mayor of San Pedro Tututepec, Oaxaca invited these men to promote hope, good will and charity between the United States and Mexico. They should be commended for their sacrifice and commitment to serve their fellow man in a time of great need: Samuel Dandurand, Washington; Daniel Davis, California; Paul Elliott, Wyoming; Caleb Kaspar, Oregon; Matthew Lindquist, Michigan; Jason Luksa, Texas; Ben Mirecki, Ontario; Keon Pendergast, California; Matthew Pierce, Mississippi; Isaac Reichardt, Michigan; Greg Rozeboom, Michigan; David Thomas, Texas; Patrick Walsh, Florida; Daniel Weed, New York; and Jesse Young, Arkansas.

Mr. Speaker, I want to commend 147 men who spend nearly a month in the city of Birmingham, Alabama last spring to help clear debris and remove trees uprooted by a tornado. Working under the direction of the Rock Creek County Emergency Management Agency, these men gave their time and talent, from April 10-May 13, 1998, to help those in need. I believe that at a time when so many in our society put themselves first, these men sacrificed for others and in the process learned valuable lessons about hard work and dedication: Jeffrey Achenbach, Tennessee; Samuel Alexander, California; Joseph Amis, Indiana; Chad Anderson, California; Aaron Berg, Ontario; Nathan Beskow, Oregon; Daniel Boyd, Texas; Caleb Boyette, Florida; Jacob Braddy, Arizona; Jacory Brady, Colorado; Ryan Breese, Illinois; Daniel Buhler, California; Jason Butler, Alabama; Rodian Cabeza, New York; Daniel Chiew, Singapore; Aaron Childress, Arkansas; Frederick Cohrs, Washington; Abram Daher, Washington; Jason Dandurand, Washington; Samuel Dandurand, Washington; Daniel Davies, Indiana; Jeremy Davis, New Jersey; Brendon Dees, Missouri; Jonathan De Haan, Kentucky; Brady Dougan, Arkansas; Benjamin Downey, Colorado; Nathan Downey, Colorado; Randolph Doyer, Texas; Reuben Dozeman, Michigan; Olof Ekstrom, Oregon; Jonathan Elam, Indiana; Paul Elliott, Wyoming; Paul Ellis, Mississippi; and Micah Emmons, Montana.

Andrew Farley, California; Gilbert Fernandez, California; David Fishback, Ontario; Scott Forrester, Tennessee; James

Frasure, Ohio; Jeremy Fugleberg, North Dakota; Ronald Fuhrman, Michigan; Jhareme Fuller, Michigan; Joel George, Colorado; Elvio Gross, New York; Michael Hadden, Georgia; James Harry, Michigan; Matthew Harry, Michigan; Zechariah Hamilton, Florida; Adam Hawkins, Arizona; Scott Hayes, New York; David Hens, Ohio; William Hicks, California; Mario Huber, Pennsylvania; Jordan Jaeger, Iowa; Jeremy Jansen, Kansas; Andres Johansson, Washington; Joshua Johnson, Washington; Michael Jones, Texas; Aaron Jongsma, Ontario; Nathan Jordan, Louisiana; Kevin Kelleher, Alabama; Clayton Kelleher, Alabama; Michael Kelleher, Alabama; Lindsay Kimbrough, Illinois; Jason Kingston, Texas; Joshua Knaak, Alberta; Richard Knight, Michigan; James Kimball, North Carolina; Luke Kujacznski, Michigan; Jeremy Kuvik, New York; Joshua Lachmann, Indiana; Aaron Larid, Texas; Daniel Lamb, California; Dustin Ledden, New York; Jesse Long, Washington; Lucas Long, Washington; and Brandon Loverde, New York.

James Lovett, Washington; Jason Luksa, Texas; Joshua McDonald, Florida; James Marsh, North Carolina; Paul Matthewson, Washington; Kirk McCutcheon, California; Charles Mead, Arizona; Christopher Millard, New York; Timothy Mirecki, Ontario; Jason Monnin, Florida; Timothy Moye, Georgia; Nathan Nazario, Washington; Barry Newsom, Alabama; Jonathan Newsom, Alabama; Patrick O'Brien, California; Jonah Offtermatt, Texas; Jeffrey Ogren, Alabama; Jason Orcutt, Alabama; Stephen Parrish, Tennessee; Sean Pelletier, Virginia; James Penner, Ohio; Jason Raymond, Mississippi; Daniel Reynolds, Minnesota; Elisha Robinson, Pennsylvania; Joshua Robinson, Arizona; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Benjamin Rupport, Oregon; Jonathan Russell, California; Joshua Rutledge, California; Jeremy Sandlin, Alabama; Sean Sangree, Pennsylvania; Daniel Schroeder, Arkansas; Jonathan Schultz, Mississippi; Jonathan Scott, California; Matthew Sellers, Phillipines; Brock Shinkle, Kansas; Keith Showalter, Ohio; Paul Southall, Ohio; Scott Stephens, Texas; Kevin Stickler, North Carolina; Benjamin Stixrud, Washington; and Jesse Scroggins, Alabama.

Will Scroggins, Alabama; Christopher Sullivan, Minnesota; Joshua Svenhard, California; Nathanael Swanson, New Brunswick; Justin Swartz, California; John Tanner, Michigan; Ryan Thomas, Alabama; John Thornton, Tennessee; William Tucker, Alabama; David Tucker, Alabama; Jefferson Turner, Georgia; Andrew Van Essen, Ontario; James Volling, Ontario; Jeffrey Wall, California; Daniel Weathers, Washington; Jonathan Wharton, Texas; Shane White, Kentucky; Nathan Williams, Kentucky; David Wilson, Alabama; Samuel Wilson, Alabama; Thomas Wood, Washington; John Worden, California; John Yarger, Colorado; Jesse Young, Arkansas; Joshua Young, California; and Tesley Zehner, Wyoming.

Mr. Speaker, I want to pay recognition to 39 young men who traveled to Nashville, Tennessee to clear fallen trees and debris in the wake of a tornado which hit the city in May, 1998. These men gave their time and talent, from May 14–22, 1998, to provide relief for families and the community. One area hit hard by the tornado included President Andrew Jackson's historical Heritage home. These men made the sacrifice to serve others: Jeff Achenbach, Tennessee; Chad Anderson, California; Jacob Braddy, Arizona; Jacory Brady, Colorado; Daniel Buhler, California; Rodian Cabeza, New York; Aaron Childress, Arkansas; Abram Daher, California; Daniel Davies, Indiana; Jonathan De Haan, Kentucky; Randolph Doyer, Texas; Andrew Farley, California; Joseph Farley, California; Gilbert Fernandez, California; Elvio Gross, New York; Zehariah Hamilton, Florida; Adam Hawkins, Arizona; Joshua Johnson, Washington; Michael Jones, Texas; Nathan Jordan, Louisiana; Lindsay Kimbrough, Illinois; Joshua Knaak, Alberta; Jeremy Kuvik, New York; Aaron Laird, Texas; James Marsh, North Carolina; Paul Mathewson, Washington; Charles Mead, Arizona; Jason Monnin, Florida; Jonah Offtermatt, Texas; Vladimir Robles, Dominican Republic; Eric Rozeboom, Michigan; Daniel Schroeder, Mississippi; Brock Shinkle, Kansas; Paul Southall, California; John Tanner, Michigan; John Thornton, Tennessee; Andrew Van Essen, Swaziland; John Yarger, Colorado; and Tesley Zehner, Wyoming.

THE "YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HYDE. Mr. Speaker, the Year 2000 Information and Readiness Disclosure Act (S. 2392) is intended to promote the voluntary sharing of information needed to discover, avoid, or fix problems with year 2000 calculations in our nation's software, computers, and technology products. In all civil litigation including certain antitrust actions, the Act limits the extent to which year 2000 statements can be the basis for liability and it prevents certain evidentiary uses, against the maker, if a subset of such statements. However, the Act ensures that only responsible, good faith information-sharing gets such protection.

In particular, the Act protects good faith sharing of two kinds of year 2000 information: a board category called "year 2000 statements," and a narrower subcategory called "year 2000 readiness disclosures." Year 2000 statements and readiness disclosures can include any year 2000 related subject matter, but year 2000 readiness disclosures must be in writing, be clearly labeled, and concern one's own products or services. Certain already-existing year 2000 statements may be designated as year 2000 readiness disclosures and receive the protections applicable to year 2000 readiness disclosures under the Act. The protections given to year 2000 statements and readiness disclosures protect all those who help in any way to make a year 2000 statement or readiness disclosure, so a broad group of individuals and entities are protected.

The Act encourages the use of the Internet to provide notice of all matters relating to year 2000 processing. In addition, the Act protects against disclosure and use in civil actions year 2000 information voluntarily provided to the government under a "special data gathering request." Finally, the Act creates a temporary exemption to the antitrust laws for sharing of year 2000 information, unless it results in an actual agreement to boycott, allocate markets, or fix prices.

The Act does not create new causes of action or expand any existing causes of action, nor does it create new obligations or duties. The Act does not create any duty to provide notice about a year 2000 processing problem. The intent of this legislation is to promote sharing of year 2000 information. This would be frustrated if any year 2000 statement were the sole basis for any finding of liability on the part of the maker. Furthermore, it is not the intent of this legislation to hold the maker of a year 2000 readiness disclosure liable for the adequacy or sufficiency of its disclosure where such disclosure is not otherwise required by law or contract. The Act also does not affect existing contracts, tariffs, intellectual property rights or consumer protections applicable to solicitations or offers to sell consumer products.

The Act's protections are limited. The Act does not change or address in any way liability for a year 2000 processing failure; does not change or reduce any underlying duty, standard of care or liability for a year 2000 failure; does not apply to certain consumer transactions; does not prevent any underlying facts regarding a failure being demonstrated in court; does not prevent any governmental entity from requiring the disclosure of any information; and does not preclude any claim to the extent it is not based on a year 2000 statement.

The Act prevents the use as evidence against the maker of only a narrow range of year 2000 statements year 2000 readiness disclosures to prove the truth of the disclosure. They can, however, be put into evidence to demonstrate matters other than their truth. Further, year 2000 readiness disclosures can be used to in contract litigation as part of the evidence necessary to show anticipatory breach, repudiation, or similar actions, although they should not be the sole evidence supporting liability. A judge can limit (but not totally abrogate) this protection in order to prevent an abusive or bad-faith use of the disclosure contrary to the purposes of the Act.

Year 2000 statements other than year 2000 readiness disclosures can be brought into evidence for any purpose. However, they may not be the basis for any finding of liability against the maker, except where the maker knew the statement was false, made it with intent to deceive, or made it with reckless disregard as to its truth or falsity.

In cases of alleged trade defamation, product disparagement, and the like, year 2000 statements generally can be the basis of liability only if the maker knew the statement was wrong or was reckless about the statement's truth or falsity.

Internet website notice is generally deemed adequate. Important exceptions exist, however, and Internet website notice alone is not deemed adequate in cases of personal injury or serious property damage. In specified circumstances, in order to obtain the benefits of the Act, sellers, manufacturers, or providers of year 2000 remediation products or services must inform their customers about the effects of this Act during the course of solicitations or offers to sell.

For purpose of actions brought under the securities laws, year 2000 statements contained in filings with the Securities and Exchange Commission or Federal banking regulators and disclosures or writings that, when made, accompanied the solicitation of an offer or sale of securities are not covered by the Act.

The following section-by-section analysis illustrates important details of the Act.

Section 1, Short Title. This section entitles the Act the "Year 2000 Information and Readiness Disclosure Act".

Section 2, Findings and Purposes. This section lays out the findings underlying the bill and the board purposes the bill is intended to serve.

Potentially millions of pieces of technology can not recognize certain dates around the year 2000. Because year 2000 processing problems could incapacitate government, commerce, and utilities, correcting the year 2000 problem is a matter of national and global interest.

Prompt, candid, and thorough disclosure and exchange of information about year 2000 readiness would enhance year 2000 readiness. Concern about liability is impeding the sharing of such information. Uniform legal standards regarding year 2000 information are in the national interest.

Enacted under the Commerce Clause power, this Act's purpose is to promote disclosure and exchange of year 2000 information by establishing uniform legal principles.

Section 3. Definitions. This section defines various terms.

The term "antitrust laws" means section (a)(1) of the Clayton Act (15 U.S.C. §12(a)) and section 5 of the Federal Trade Commission Act (15 U.S.C. §45), to the extent that section applies to unfair competition, and similar State law.

The term "consumer" means an individual who acquires a consumer product for purposes other than resale.

The term "consumer product" means any personal property or service that is normally used for personal, family, or household purposes.

The term "covered action" used to define the types of litigation subject to the Act is intentionally broad. It means a civil action of any kind arising under Federal or State law, except one brought by a Federal, State, or other government entity, agency, or authority acting in its regulatory, supervisory, or enforcement capacity. In other words, "covered action" does not include regulatory, enforcement, and criminal actions brought by government entities.

The term "maker" means each person or entity, including a State or subdivision thereof, that issues or publishes any year 2000 statement. It also means each such person or entity that prepares, develops, issues, approves, or publishes any year 2000 statement. The term is defined very broadly to ensure that all entities, public or private, may benefit from the Act, including all those who help to make a year 2000 statement or readiness disclosure by reviewing, advising on, or commenting on it. Fairness requires that anyone who assists in the formulation of the year 2000 statement should receive the same protection given to the entity that actually issues or publishes the statement.

The term "republication" means any repetition, in whole or in part, of a year 2000 statement originally made by another.

The term "year 2000 Internet website" means an Internet website or other similar electronically accessible service, clearly designated as an area where year 2000 statements are posted or otherwise made accessible to the public. Elsewhere, the Act specifically recognizes use of the Internet and similar means of communication for purposes of providing notice. This is intended to encourage companies, government, and the public to use all current technologies such as the Internet to address year 2000 processing problems by sharing and widely disseminating year 2000 information in as timely and cost-effective manner as possible.

The term "year 2000 processing" means processing, transmitting, or receiving of date data from, into, and between the 20th and 21st centuries, and leap year calculations. The "year 2000 problem" or "millennium bug" is not simply a software problem and is not strictly related only to January 1, 2000. Year 2000 processing includes a wide variety of date-related data processing functions in microchips, software, "firmware," and other products.

The term "year 2000 readiness disclosure" means any written year 2000 statement (a term defined elsewhere) clearly identified on its face as a year 2000 readiness disclosure, inscribed in a tangible medium or stored and retrievable in perceivable form, and issued or published by or with the approval of a person or entity with respect to year 2000 processing of that person or entity or of products or services offered by that entity. The "year 2000 readiness disclosure" is a narrower, more highly protected subset of year 2000 statements. Year 2000 readiness disclosures can include the same year 2000-related subject matter as year 2000 statements. The difference is that year 2000 readiness disclosures must be (a) clearly identified as such, (b) in writing, and (c) about the maker's own products or services.

The term "year 2000 remediation product or service" means a program or service designed by one person or entity to detect or correct year 2000 processing problems in the product or service of a different person or entity. A "year 2000 remediation product or service" is not one that is designed or used to detect or correct year 2000 processing problems in its provider's own products or services. Under this definition, the producer of a software program does not provide a year 2000 remediation product or service if it attempts to fix the product or service it provided, if it provides an upgrade or "patch" for the product or service it provided, or if it sells a product that essentially replaces an existing product or service (regardless of who manufactured or provided that product or service). In contrast, a person or entity that sells products or services for the purpose of detecting or correcting year 2000 processing problems in others' products (including programming in microchips, software, and "firmware"), does offer year 2000 remediation products or services within the meaning of this definition.

The term "year 2000 statement" mean any communication or other conveyance of information assessing year 2000 processing capabilities, concerning plans to verify year 2000 processing capabilities, concerning testing of year 2000 processing by products, or services utilizing products, or relating to year 2000 processing. A year 2000 statement may contain a very broad array of information potentially useful to anyone seeking to discover, avoid, or correct a year 2000 processing problem. Year 2000 statements may be in any format, oral or written, and address year 2000 processing or readiness in any way.

In actions under the securities laws (as that term is defined in federal law), the term "year 2000 statement" excludes statements in documents filed with the Securities and Exchange Commission or with federal banking regulators, as well as statements or writings made contemporaneously with and accompanying an offer to engage in a securities transaction. The latter part of this exclusion is intended to apply to year 2000 statements that are incorporated in an express solicitation for example, year 2000 statements made by a broker as part of a "sales pitch" designed to induce the purchase of shares.

Section 4. Protection for Year 2000 Statements. This section and section 5 establish certain protections relating to year 2000 statements and readiness disclosures. The two sections are intended and designed to stimulate voluntary, good faith information-sharing with the public, among companies, and with the government. They limit certain uses in litigation of year 2000 statements and readiness disclosures. However, such limitations are themselves restricted in order to promote though they cannot guarantee only the sharing of useful and valid information.

Section 4(a). Evidence Exclusion. No year 2000 readiness disclosure shall be admissible against the maker to prove the accuracy or truth of any year 2000 statement in such readiness disclosure, except that a year 2000 readiness disclosure may be admissible in a claim for anticipatory breach, repudiation, or a similar claim against the maker. A court may limit application of this subsection if the year 2000 disclosure amounted to bad faith or fraud or was well beyond what is reasonable to achieve the purposes of the Act.

Under this subsection, the narrow category of year 2000 readiness disclosures is given greater protection than year 2000 statements. Year 2000 readiness disclosures may not be admitted into evidence against the maker to prove the truth or accuracy of any matter asserted in them. This is meant to provide protection for disclosure of all information, including accurate and helpful information about the nature and scope of year 2000 problems, solutions, and readiness.

Subsection 4(a) does not create any new cause of action, expand or reduce any existing cause of action, or otherwise create any new right or obligation. Neither does this subsection change or reduce any liability for a year 2000 failure, restrict alternative means of obtaining information, or prevent any fact underlying a claim related to failed year 2000 processing from being demonstrated in court through evidence other than year 2000 readiness disclosures. This section does not prevent the maker of the year 2000 statement within a year 2000 readiness disclosure from using its own year 2000 readiness disclosure in litigation for any purpose.

For example, in a breach of warranty action against a manufacturer based on damages arising from a failed computer system, a year 2000 readiness disclosure issued by the manufacturer that contained a statement that the system had year 2000 processing problems could not be introduced against the manufacturer to prove that the system had year 2000 processing problems. Where a year 2000 readiness disclosure included a statement that the system had no year 2000 processing problems, that statement could be admitted (along with evidence that the maker knew it was false) to show that the maker intended to mislead. In both cases, any information provided by the manufacturer outside of the year 2000 readiness disclosure or obtained in discovery during the litigation would be admissible to prove the existence of year 2000 processing problems.

Subsection 4(a) has two narrow exceptions.

First, year 2000 readiness disclosures may be admissible in actions under anticipatory breach, repudiation, and similar contract claims, however designated. In general, a year 2000 readiness disclosure should not be the sole evidence supporting liability in such actions. A year 2000 readiness disclosure suggesting that products or services have year 2000 processing problems should prompt concerned persons and entities to thoroughly investigate the nature and scope of the problem, and whether and how it affects the maker's ability to perform under a contract. A year 2000 readiness disclosure could, however, be specific enough to leave no question about the maker's inability to perform on a contract.

Second, a judge may limit (but not totally abrogate) this subsection's evidentiary protection in order to prevent a fraudulent, bad faith, abusive, or similar use of the year 2000 readiness disclosure contrary to the purposes of the Act. A judge cannot admit a year 2000 readiness disclosure at will, but only if use of such disclosure goes clearly beyond the purposes served by the Act. For example, a party should not be permitted to simply mark all of its year 2000-related documents as year 2000 readiness disclosures, send them to a business partner, and claim that they are, thereby, not admissible in an action related to a subsequent year 2000 processing failure.

Subsection 4(b). Liability for False, Misleading, and Inaccurate Year 2000 Statements. To the extent an action is based on a false, inaccurate, or misleading year 2000 statement, the maker generally shall not be liable. If it was not a republication, the maker may be liable if the statement was material and if the maker made the year 2000 statement with actual knowledge that it was false, inaccurate, or misleading; with intent to deceive or mislead; or with reckless disregard for its accuracy. The term "reckless disregard" was derived from the public figure defamation standard established by the Supreme Court in *New York Times* v. *Sullivan*, 376 U.S. 254 (1964). If the year 2000 statement was a republication, the maker may be liable if the year 2000 statement was material and if the maker made the year 2000 statement with actual knowledge that it was false, inaccurate, or misleading; with intent to deceive or mislead; or without notice in such year 2000 statement that the maker has not verified the contents of the republication, or that the maker is not the source (in which case the source must be identified in the year 2000 statement or the republication). In addition to proving all other elements of the action, each of these elements must be established by clear and convincing evidence.

Subsection 4(b) addresses protections provided to the entire class of year 2000 statements. The intent is to ensure that good-faith, honest attempts to provide important, needed year 2000 information do not become the basis for liability if the information later turns out to have been inaccurate in some way. In an unprecedented, urgent, changing situation such as dealing with the year 2000 problem, the best information available today may be outdated tomorrow through no fault or dereliction of the information's provider. Subsection 4(b) treats statements differently when they contain information obtained from another source, allowing one source to republish information learned from another if the republisher discloses that is doing so and identifies the original source. When the republication is made on an Internet website, notice provided on the republisher's website can be adequate for this purpose where the website contains clearly identified links to websites maintained by the original source.

Subsection 4(c). Liability for Defamation or Similar Claims. In a defamation, trade disparagement, or similar action based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker shall not be liable unless clear and convincing evidence shows that the maker of the year 2000 statement knew it was false or was reckless as to whether it was true or false.

Subsection 4(c) addresses the treatment of year 2000 statements alleged to be untrue in litigation based on defamation, trade disparagement, or a similar claim, however denominated. Here, the Act specifies that year 2000 statements, whether the maker is the source or merely passing along information, may be the basis of liability only if all other existing requirements of the claim are proved, and there is a further showing, by clear and convincing evidence, that the maker made the statement with knowledge of its falsity, or with reckless disregard for the truth. The standard here is modeled on the public figure defamation standard established by the Supreme Court in *New York Times* v. *Sullivan*, 376 U.S. 254 (1964).

Subsection 4(d). Year 2000 Internet Website. When the adequacy of notice about year 2000 processing is at issue, posting notice in a commercially reasonable manner on a year 2000 website shall be deemed an adequate mechanism for providing notice, unless this mechanism is contrary to prior representations, is inconsistent with a regular course of dealing, or occurs where actual notice is clearly most reasonable. This section does not affect other law, require notice regarding year 2000 processing, preclude or suggest types of notice, or mandate the content or timing of any notice.

Subsection 4(d) is intended to encourage the use of the Internet to provide notice of all matters relating to year 2000 processing problems and solutions. Because technologically sophisticated parties have ready recourse to the Internet, and because posting on a website provides a cost-effective and widely accessible means of dispersing information, this subsection makes it clear that, absent contravening circumstances, website notice is appropriate. Thus, subject to exceptions discussed below, use of an Internet website to provide year 2000 information is deemed adequate notice in any litigation in which the adequacy of notice is at issue.

The exceptions specified in this subsection include: (a) cases where use of website notice would be contrary to express prior representations regarding the mechanism of notice that were made by the party giving notice; (b) cases where reliance on website notice would be contrary to the regular course of dealing between the parties (This exception would apply where, for example, the party providing notice has in the past engaged in a regular course of communicating with the recipient by mail or telephone. In light of such a regular practice, website notice would not be deemed adequate.); and (c) cases, not involving prior representations regarding notice or a regular course of dealings between the parties, where actual notice is clearly the most commercially reasonable means of providing notice.

This last exception envisions circumstances where the cost of providing actual notice is relatively low, the injury that might be caused by a failure to provide notice is known to be relatively high, the party providing notice knows the identities of the potential recipients, and the party providing notice has a practicable means of providing actual notice. For example, this exception could come into play if a vendor sold expensive or custom manufacturing components to eleven manufacturers, knowing that notice of year 2000 processing problems is essential to operation of their plants. In such circumstances, actual notice would likely be the most commercially reasonable means of providing notice.

In contrast, actual notice would not be commercially reasonable if a producer sold numerous components or copies of software to numerous third parties, who in turn incorporated those products into products that were sold further down the distribution chain, particularly to numerous or unidentified. customers. In those circumstances, the original producer could not by reasonable effort discover and provide notice to all of the parties who ultimately came into possession of its product and the producer could not know the existence, nature, or scope of potential injury caused by not providing actual notice. Website notice in this case would be deemed adequate. The use of the word "clearly" in this exception indicates that the presumption should be weighted in favor of finding website notice to be adequate.

Congress recognizes that the Internet and related electronically accessible systems are fast becoming a reliable, standard resource for transmission of information, especially among sophisticated parties. It anticipates that the primary or default means for providing notice of year 2000 processing information, year 2000 readiness disclosures, and other information related to the year 2000 problem will typically be the Internet and similar electronic formats. However, this subsection does not alter Federal or State statutory or regulatory (as distinct from common law) notice requirements, and is not intended to increase the effect of any existing law or duty regarding the method of providing, or the content of notice. Moreover, this provision is not intended to preclude the use of any other means of providing notice.

Subsection 4(e). Limitation on Effect of Year 2000 Statements. A year 2000 statement shall not amend or alter a contract or warranty, unless the parties have agreed otherwise, the year 2000 statement was made in conjunction with formation of the contract or warranty, or the contract or warranty provides for amendment or alteration through such a statement.

Subsection 4(e) addresses limitations on the effect of year 2000 statements (including year 2000 readiness disclosures). Year 2000 statements do not, in general, amend or otherwise alter an existing contract, tariff, or warranty. Exceptions exist where there is a written agreement to so make amendments, where the year 2000 statement was part of the formation of a contract or warranty, and where the contract, warranty, or tariff specifies that it may be amended by a year 2000 statement. In those cases, other law determines the effect of a year 2000 statement on a contract, tariff, or warranty.

Subsection 4(f). Special Data Gathering. A federal entity may designate a request for voluntary provision of year 2000 information as a "special year 2000 data gathering request." Except with the consent of the provider of information, such information shall not be subject to disclosure under the Freedom of Information Act ("FOIA"), shall not be disclosed to any third party, and may not be used in any civil action (though the same information, acquired separately, may be so used).

Subsection 4(f) is premised on existing government power to request voluntary submission of detailed company-specific information in order to ascertain the year 2000 readiness of an industry or economic sector. The government may request that the information be submitted to a non-governmental entity that agrees to coordinate such data gathering, including providing analyses of that data. The subsection protects any and all information provided to the government or such third party voluntarily acting at the government's request from release to any entity or individual without the consent of the provider.

This immunity is accomplished in three ways: (a) All information provided pursuant to this process is deemed exempt from disclosure under FOIA. (To the extent that such provided data could be said to be held by the government acting through a third party, FOIA would still not require the release of such data without the submitting entity's permission.); (b) Neither the government nor a third-party data gatherer may disclose such data without the permission of the providing entity; and (c) Neither the government nor any third party may use the information, either directly or indirectly, in any civil litigation.

However, to ensure that this protection is not misused, the subsection provides that information can be used by anyone for any purpose if it has been voluntarily made public or if it is obtained by independent legal means. A litigant may utilize any lawful means to obtain information directly from the providing entity, or from any recipient other than the recipient under the special year 2000 data gathering request.

Section 5. Temporary Antitrust Exemption. Consistent with recent year 2000-related Business Action Letters issued by the Department of Justice, this section provides that the antitrust laws shall not apply to conduct or communications solely for the purpose of correcting or avoiding year 2000 processing problems, and only to the extent necessary to achieve such purposes. This broad exemption has certain limitations. First, the exemption protects only conduct occurring between the date of enactment of the Act and July 14, 2001 (inclusive) (as provided in subsection 7(a)). It does not protect conduct occurring thereafter, though the cessation of the statutory exemption need not affect the position taken by the Department of Justice in Business Action Letters. Second, this exemption does not apply to conduct that involves or results in agreements to boycott any person, allocate markets, or fix prices.

Section 6. Exclusions.

Subsection 6(a). Effect on Information Disclosure. The Act does not affect the authority of any government to require provision or disclosure of any information. This subsection clarifies that the intent of Congress is not to limit the ability of a Federal or State entity, agency, or authority to act in an enforcement capacity with respect to any Federal or State statute or regulation governing the disclosure or non-disclosure of information.

Subsection 6(b). Contracts and Other Claims. The Act does not alter any right under contract or tariff. In an action brought by a consumer, the Act does not apply to a year 2000 statement made in the course of a solicitation. The Act does not apply to a year 2000 statement about a year 2000 remediation product or service made in a solicitation unless the maker provides notice that the year 2000 statement is subject to the Act and that the Act may reduce the purchaser's legal rights.

Subsection 6(b)(1) reiterates that a basic premise of this Act is to leave any contractual relationships (public or private), and any enforcement of rights under those relationships, unaffected. Where the terms or effect of a contract are in conflict with the provisions of this Act, the contract or agreement will control. Conversely, nothing in the Act affects the enforceability of provisions that limit the liability of contracting parties. Moreover, Congress does not intend that plaintiffs use this provision to evade the protections provided by this Act by restating as contract claims causes of action that actually sound in tort.

One example of the appropriate use of this provision would be where a contract provided one party with the explicit contractual right to receive from another party an accurate year 2000 statement or a year 2000 statement which is the product of the exercise of "reasonable efforts" by the other party. In that situation, subsection 4(b) which provides a different standard of performance would not apply. Similarly, where a contract provides for delivery of notice by means other than an Internet website, this Act would not treat notice delivered via an Internet website as adequate. In addition, the evidentiary exclusion of subsection 4(a) would not apply in a situation where a party provides a year 2000 readiness disclosure pursuant to a contractual obligation to provide year 2000 readiness information.

Subsection 6(b)(2)(A) provide that the Act does not apply in actions by consumers against persons or entities that make year 2000 statements directly to them in solicitations (including advertisements) or offers to sell consumer products in other words, activities that are entirely ancillary to requests for purchases.

Subsection 6(b)(2)(B) provides that sellers, manufacturers, or providers of year 2000 remediation products or services, in soliciting remediation business or offering to furnish their remediation product or service, must provide additional notice to obtain the benefits of the Act. Such notice is specified in the Act and is intended primarily to alert unsophisticated clients of such remediators that, in any litigation, this Act may affect the buyer's ability to use the remediators' statements in court. This provision does not require or imply that every written or oral statement be accompanied by the specified notice. Rather, it is intended to require that once, during the solicitation or offering of service, the remediation provider must provide the specified notice to the prospective purchaser or client, consistent with the procedures set out in Subsection 4(d).

Subsection 6(b)(3) provides that the Act does not preclude a claim to the extent it is not based on a year 2000 statement. For example, if a lawsuit advanced causes of action both for negligent misrepresentation based on the alleged inaccuracy of a year 2000 statement and for product defect (based on a year 2000-related product failure), the first cause of action would likely be precluded by the Act, but the second would not.

Subsection 6(c). Duty or Standard of Care. The Act does not impose any more stringent standard of care on the maker of a year 2000 statement. The Act does not preclude any disclosure additional to a year 2000 statement or disclosure. The Act does not alter the standard or duty of care owed by a fiduciary.

An essential purpose of the Act is to reduce liability concerns about release of year 2000 processing information. Consistent with that purpose, Subsection 6(c)(1) provides that nothing in this Act should be interpreted as imposing liability where none would exist absent the Act. Specifically, it is the intent of Congress that a maker not be liable for the adequacy or sufficiency of a year 2000 readiness disclosure regarding the maker's products or services, where notice of the maker's year 2000 readiness is not otherwise required by law or contract, unless section 4(b) standards are not met.

Also, Subsection 6(c)(3) is intended to clarify that Congress did not intend the Act except to the limited extent specified in Subsection 4(b), regarding false, misleading or inaccurate year 2000 statements, and in Subsection 4(c), regarding defamatory or disparaging year 2000 statements to preempt, alter, or affect in any way existing State law regarding any duty or standard of care owed by a fiduciary. For instance, the duty of loyalty owed by a fiduciary is not affected by this Act.

Intellectual Property Rights. The Act does not affect any party's intellectual property rights of any kind whatsoever.

Injunctive Relief. The Act does not preclude injunctive relief. Thus, for instance, while a claim for damages resulting from a false, inaccurate, or misleading year 2000 statement is governed by subsection 4(b), that subsection has no impact on the right of a claimant to receive injunctive relief preventing further communication of false or misleading information contained in a year 2000 statement.

Section 7. Applicability.

Effective Date. The Act is effective on the date of its enactment. It applies to lawsuits brought after July 14, 1998 that deal with (a) year 2000 statements made between July 14, 1998 and July 14, 2001 (inclusive); (b) year 2000 readiness disclosures made between the date of enactment of the Act and July 14, 2001 (inclusive); and (c) year 2000 statements designated as year 2000 readiness disclosures (as described below).

Previously Made Readiness Disclosure. A year 2000 statement made between January 1, 1996 and the date of enactment of the Act (inclusive) may be designated a year 2000 readiness disclosure if it complied with the requirements of a year 2000 readiness disclosure (other than being designated a "year 2000 readiness disclosure") at the time it was made and if, within 45 days of the enactment of the Act, the maker gives individual notice of the designation to prior recipients or posts such notice on its year 2000 website and gives such notice by the same method the year 2000 statement was previously made. Designation of a year 2000 statement as a year 2000 readiness disclosure shall not have effect against any person or entity who proves by clear and convincing evidence that it would be prejudiced by the designation and who timely objects to the designation.

Section 8. Year 2000 Council Working Groups. The President's year 2000 Conversion Council (see Exec. Order 13,073, 63 Fed. Reg. 6,467 (1998)) may establish working groups who will engage outside organizations to address year 2000 problems. The Council shall maintain public information on the working groups and their members. The Council shall seek balance among the working groups. The Council shall maintain and publish information on attendance and participation at meetings. Meetings shall be announced in advance and held publicly, to the extent consistent with the Act's purposes. The Federal

Advisory Committee Act shall not apply to working groups.

This section replaces the Federal Advisory Committee Act requirements which otherwise might have been applicable to some of the work of the Council. Though the Act gives the Council no new powers, working groups may be established by the Council to advise it, discuss year 2000 problems in various sectors of the nation's economy, share information, and otherwise promote the purposes of this Act. Congress expects that the Council will disband, rendering this section inoperative, reasonably promptly after the turn of the century.

Section 9. National Information Clearinghouse and Website. In cooperation with other Federal agencies and with the private sector, the General Services Administration ("GSA") shall establish and maintain until July 14, 2002 a national year 2000 website, designed to assist consumers, small businesses, and local governments in obtaining various year 2000 information. GSA shall consult with a variety of federal entities. GSA shall report to Congress 60 days after the enactment of the Act on compliance with this section.

REGARDING A BILL REQUESTING THE SECRETARY OF THE TREASURY TO PREPARE A REPORT ON THE FINANCIAL STATUS OF THE COMMONWEALTH OF PUERTO RICO

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing a bill that would require the Secretary of the Treasury to prepare a report on the current Federal program costs, and Federal revenues, attributable to the Commonwealth of Puerto Rico and on other matters relating to the taxation of residents of the Commonwealth of Puerto Rico.

Regardless of when or how Congress determines the ultimate political status of Puerto Rico, there are urgent issues of Federal fiscal policy relating to the present commonwealth system in Puerto Rico that will not wait. Congress must address issues of fiscal equity and responsibility for the 3.8 million U.S. citizens of Puerto Rico, without being held hostage to the on-going political status debate.

At current levels of Federal spending in Puerto Rico, now approximately $10 billion annually, U.S. taxpayer dollars will be used to subsidize the current commonwealth system in Puerto Rico at a cost in excess of $100 billion over the next ten years. Yet, there are no plans or even proposals that Congress can consider with respect to introduction of Federal income tax and other Federal taxes from which Puerto Rico was temporarily exempted earlier in this century.

Congress never intended to make Puerto Rico a permanent haven from Federal taxation. If the commonwealth system of local government under Federal powers is to continue, even the current spending levels require Congress to consider imposition of some part or all of those Federal taxes that currently are not collected in Puerto Rico.

In simple fairness to the taxpayers of the nation as a whole, continued subsidization of the current commonwealth relationship will require Congress to consider issues of fiscal equity and responsibility for Puerto Rico. Ultimately, subsidization must end one way or the other, and phasing in Federal taxes should lead to a lower overall tax rate for the U.S. citizens of Puerto Rico as full integration into the national economic and fiscal system are achieved and currently very high local taxes are reduced.

For now, the purpose of this measure is simply to ensure that Congress will be prepared to address these issues in an informed manner. We need to begin planning now rather than waiting until the urgent need for a plan arises. This provision will require the Secretary of Treasury to provide Congress with a recommended course of action in the event that introduction of Federal taxes not currently collected by the IRS is determined by Congress to be in the best interests of Puerto Rico and the nation as a whole.

HONORING THE DISTINGUISHED CAREER OF JAMES "BOOTS" DONNELLY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GORDON. Mr. Speaker, I rise today to congratulate James "Boots" Donnelly on a successful career as head coach of the Middle Tennessee State University football team.

Boots' 22-year career record as a collegiate head coach stands at 151–92–1. He recently announced he will be stepping down at the end of the 1998 season, after a 20 year career as head football coach at MTSU, his alma mater.

Boots' record and awards are impressive: the eighth winningest coach in Division 1–AA history, 1997 Tennessee Sports Hall of Fame inductee, recorded 12 straight winning seasons between 1981 and 1992, four Ohio Valley Conference championships, 10 national top 25 finishes and five Coach of the Year awards. Fourteen of Boots' players have gone on to play in the National Football League.

MTSU has Boots to thank for the opportunity to begin Division 1–A play in 1999.

The hallmark of Boots' success has been his interaction with his players. When recruiting players, he not only assessed their athletic ability, but also their character, integrity and intelligence. Once a recruit joined the Blue Raiders, Boots taught him the importance of team spirit and discipline, traits that would remain with the player throughout his life. He has always had the respect and admiration of his players and assistant coaches.

Boots is a keen judge of character. He knows to stay away from people with "big hats and no cattle" and those who can "find a bone in ice cream."

His teams were always well-prepared and disciplined. When game time came, they "stepped up to the licking block, stayed in the buggy when the horse rared up and never spit on the bit."

Although Boots always desired to win, and usually did, he took loses with his usual good humor. He understood that "sometimes you get the chicken, and sometimes you get the feathers."

Again, Boots, congratulations on 22 years as a winning collegiate head football coach. Thank you for the contributions you have made to your players, fans and the MTSU community.

CONGRATULATING FAYETTE COUNTY 4-H AWARD RECIPIENTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAUL. Mr. Speaker, I would like to offer congratulations to several fine young men and women from my district who have distinguished themselves in the Fayette County 4–H. As my colleagues know, 4–H is one of the finest youth-oriented organizations in our nation, developing character in our future leaders.

Fayette County 4–H will be recognizing with special awards the following young people on Saturday night, October 9, and I know my colleagues join me in congratulating them and wishing them the best for the future.

Receiving the Gold Star award are Michelle Cernoch, Ashley Dittert, and Vickie Sanders.

Receiving the Silver Star award are Bradley Klesel and Billie Jo Murphy.

Receiving the "I Dare You" award are Heather Woelfel and Shayne Markwardt.

Receiving the "Outstanding Jr." award are Jenifer Klesel, Melanie Cernoch and Kelly Orsak.

And receiving the "Outstanding Sub Jr." award are Adam Mayer, Jodie Kristynick, and Brandon Otto.

A TRIBUTE TO LUCAS COUNTY MENTAL HEALTH BOARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the Lucas County Mental Health Board in Northwest Ohio. The year 1998 marks the 30th anniversary of the Lucas County Mental Health Board, and the agency is celebrating a commemorative event on September 9, 1998 to recognize the achievement.

The Lucas County Mental Health Board ably and effectively has served thousands of our most vulnerable citizens through three decades which have seen monumental change and a complete overhaul in the treatment of mental basis. Through it all, the Lucas County Mental Health Board has adapted, growing to meet the changing needs of its clients and their families. The agency administers sites throughout the county which handle the unique needs of children with mental illness, people with milder forms of illness, those who are most severely disabled, families, and people needing short term help to get them through the rough spots of their lives. Always, the people of the Lucas County Mental Health Board strive to provide these services remembering the dignity of those they counsel, providing both caring treatment and advocacy.

I am pleased to take this opportunity to salute the men and women, past and present, of the Lucas County Mental Health Board whose careers have been dedicated to lifting the stigma and the suffering of mental illness from so many. Their efforts and their victories large and small are commendable, and are truly making our community and the lives of its residents a better place. For their unsung efforts, we offer a grateful thank you.

IN HONOR OF GREGORY A STRATTON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Greg Stratton, the man who was elected to the Simi Valley City Council in the same election as I, and who succeeded me as Mayor of the city I still call home. Greg's guidance as mayor for the past 12 years has kept Simi Valley a most extraordinary place to live, even as it has matured and endured its share of arrows and hardships.

Greg was elected to the Simi Valley City Council in 1979, but his involvement in the community began long before that. Soon after he moved to Simi Valley, Greg began making a difference through his involvement in the Simi Valley Jaycees and his role in helping to found the Boys & Girls Club of Simi Valley. He served on the City Incorporation Study Committee and chaired a Neighborhood Council.

In 1986, he was elected Mayor of Simi Valley. Under his leadership, Simi Valley has consistently been recognized as one of the safest cities of its size in the country. For the past 18 years, the city has also been recognized for the quality of its Financial Reporting program by the Government Finance Officers Association, a testament to Greg's reputation as a fiscal conservative, or as some would say tightwad.

During his tenure as councilman and mayor, Greg was vital in preserving the community's hillsides and controlling residential development through the City's Hillside Performance Standards and City Council-initiated Growth Control Ordinance. Those balanced measures still allowed for residential and business growth in an orderly fashion.

Greg also deserves credit for the construction of several new city facilities, including the City Hall in 1984, the Senior Citizens Center at about the same time, and a Transit Maintenance Facility for the city's bus fleet in 1989/90. A new, 53,000-square-foot, state-of-the-art Police facility opened adjacent to City Hall this month.

Greg was also instrumental in bringing other government services to Simi Valley and centrally locating them at the Civic Center. Among them are construction of a state Department of Motor Vehicles office in 1989 and construction of a County courthouse in 1990.

Also under his direction, the City's Sanitation Treatment Plant was expanded and was recognized by the State of California as "Plant of the Year."

Being Mayor, however, does not mean just providing government facilities. A brand new facility for the Boys & Girls Club opened in 1996 under his guidance. The Community Methodist Church was restored and transformed in a 300-seat Cultural Arts Center in 1985. Amtrak passenger rail and Metrolink commuter services came to Simi Valley under his reign.

New businesses have come in, providing a needed equilibrium in the community. Potholes have a short lifespan. Smut has been discouraged. Gang activity has decreased.

Greg exhibited true leadership when a trial was thrust upon the community that threatened to unfairly soil its name and again when the Northridge earthquake devastated much of the city. It is a leadership that will be sorely missed.

However, Greg's legacy will live on. In 1995, he launched the Vision 2020 Project, a strategic planning process designed to lead the city's evolution well into the next millennium. It was launched as a community project, ensuring its endurance even as Greg moves on.

Mr. Speaker, Greg is retiring from public office, but I have no doubt he and his lovely wife, Ede, will continue to make their presence known in all aspects of the Simi Valley community. I know my colleagues will join me in wishing him godspeed in any endeavors he wishes to tackle.

SANTA BARBARA COMES TO WASHINGTON: THE CAPITAL CONFERENCE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. CAPPS. Mr. Speaker, on September 16, I was proud to welcome 35 community leaders from my home town of Santa Barbara, California to Washington for a Capital Conference. It was an honor to host a distinguished group of educators, business leaders, community activists, and elected officials for a series of discussions with leading Federal policy makers.

The Capital Conference focused on some of the most important issues facing Santa Barbara and our nation, including technology, education, business, and the media. We talked with William Kennard, the Chairman of the Federal Communications Commission about the e-rate, cable rates, and telecommunications issues. We had very fruitful dialogues with Minority Leader RICHARD GEPHARDT and Secretary Richard Riley about education. Monterey Congressman SAM FARR and noted political commentator Eleanor Clift spoke at lunch. At the White House, we discussed a range of issues with several senior aides, including Press Secretary Mike McCurry.

Throughout the day, my neighbors from Santa Barbara had the opportunity to learn first-hand about efforts underway in Washington to deal with critical policy issues. But even more important was the chance for my colleagues in government to hear directly from the grassroots about how Federal initiatives are working or not working.

The day concluded with a reception at the Library of Congress and a lecture by Santa Barbara's own noted poet and philosopher Noah benShea. I was pleased to co-host the evening's events with the Santa Barbara News-Press, the Santa Barbara County Board of Education, and the McCune Foundation. Noah's talk, entitled "Creating a Caring Society," was enlightening and enjoyable, and I would like to commend some selected passages to my colleagues.

EXCERPTS FROM "CREATING A CARING SOCIETY"

(By Noah benShea)

I am generally of the opinion that most of us don't lack for insight but the character to act on what we know. Character is insight's chariot.

Greatness is not always what you reach but what you reach for. In the Bible it is written that "justice, justice, shall you pursue." It is the pursuit of justice that is noble. It is the reaching out to others that is caring . . . Justice and caring are targets that we are no less for not reaching but much less for not chasing.

To be indifferent to the fate of others is to live outside the passions of love and hate. A society that is indifferent is uncaring. A society that is indifferent is, by definition, neither passionate nor compassionate.

Now is a time for forward looking people to stop and look backward. Look at those who looked beyond themselves. Listen to those who heard higher voices . . . People with power are required to care about those without power. And how people with power treat those without power is the defining profile of a society.

Caring is not a political issue except as our politics fails to make caring an issue. Caring is not a matter of left and right but looking out for those who are on both our left and right. Caring is not a matter of left and right but who is left out and not who is right.

BUD MANSFIELD TESTIMONIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. STUPAK. Mr. Speaker, it is often clear in retrospect that an individual's lifetime of varied jobs and experiences were but preparation for a task that would allow him utilize all the skills and wisdom he had accumulated. There is such a man in my Congressional District, and as Bud Mansfield retires from his post as Executive Director of the Sault Area Chamber of Commerce, I'd like to take this opportunity to reflect on his fine career.

What qualities might we seek in a chamber director? We would look for someone with genuine business experience, someone who has deep roots in the area and involvement in the community, and someone who knows both the upside and downside of business ventures. We would look for someone with the salesperson's skills to sell the community to a developer and sell a developer to the community, and someone with such a work ethic that, as his last day of employment approaches, says that he doesn't plan to really retire, ever.

It's quite clear, Mr. Speaker, that I have been describing Francis "Bud" Mansfield, who has devoted his life to work and to volunteer efforts in the Sault Ste. Marie area on the eastern end of Michigan's Upper peninsula.

Bud earned his stripes in the world of business early, delivering messages for Western Union on his bicycle at the age of 12, as area residents were reminded in a recent article in the Sault Evening News. He earned his stripes, literally, in the Michigan National Guard. He worked in the men's department of a local department store, started his own cleaning business, joined the sales force of a local General Motors vehicle dealership, and eventually acquired that dealership. Bud, however, soon became one of the economic victims of the closing of Kincheloe Air Force, one of two base closings that has devastated my district and an event that later presented Bud Mansfield, the chamber director, with special challenges.

Let me take a moment to state, for the record, several of almost 50 organizations which Bud Mansfield has helped shape, guide or support in his role as chamber director. A program like Habitat for Humanity would be familiar to you, Mr. Speaker, but there are other programs, such as Artrain and Rails to Trails, that are special Michigan success stories.

Sault St. Marie has a unique location. It is an important border crossing into Canada and it is the site of the Soo Locks, which link Lake Superior with Lake Huron. These geographical features ensured that Bud would have a role to play with the Joint International Committee, with the Internal coordinating Committee for Joint Relations, and with a Soo Locks operations committee.

Bud also served on the board of local Catholic schools, and as he said in his recent Evening News interview, he weathered the closing of that school system in the late 1970s with great sorrow. He later served on the board of the Sault Area Public Schools.

It's clear that Bud won't stop moving, working and traveling after he leaves the chamber. He and his wife Mary have eight children, all of whom, according to Evening News, have moved back to Michigan. In the interview with Bud, he also stated he has considered doing some writing.

So maybe, Mr. Speaker, a life of varied jobs wasn't just shaping Bud for his chamber work. Maybe the real adventure for this 71-year-old lies just around the corner. I ask my colleagues to join me in wishing the best for Bud Mansfield, a dedicated community servant.

HONORING MONROE TOWNSHIP HIGH SCHOOL

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to recognize Monroe Township High School, who will host the Twelfth Congressional District's "hi-tech" fair on October 19, 1998.

More than 20 companies, agencies and universities will exhibit their latest technology to high school students from across the district. Among those attending is Princeton Plasma Physics Laboratory, who will demonstrate their medical "arm wrestling" machine; the FBI, who will demonstrate a new DNA profiling program and Rutgers University, who will display their computer-based visualization of feed digestion called the "electric cow." Other attendees include U.S. Army CECOM, the Sarnoff Corporation, NASA, the University of Medicine and Dentistry, Lucent Technologies, Lockhead Martin and Monmouth University.

In the last decade, New Jersey has become home to many technological companies. With the increase in computer usage, our children have become more technologically advanced than their parents and many other adults. The "hi-technology" fair is a unique opportunity which will greatly benefit not only the students who attend it, but the companies and universities that participate. By creating an early interest in technology, we can encourage our young people to consider scientific and technological fields for future careers and ensure that our state remains a leader in these areas.

I salute Monroe Township High School for hosting this event and for recognizing the importance of a strong technology curriculum. It is my honor to have this great high school within the borders of the twelfth congressional district.

GLOBAL WARMING TREATY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CALVERT. Mr. Speaker, yesterday I submitted a portion of a study performed by the Business Roundtable which details the devastating economic consequences that could occur if the United States ratified the global warming treaty negotiated in Kyoto last December. Today I am submitting the introduction of a similar study performed by the CONSAD Research Corporation, one of the foremost economic research organizations. I would urge all my colleagues to consider this analysis as the debate surrounding the Protocol continues.

Finally, I would encourage all Members to review a report the Department of Energy's own Energy Information Administration released today. The report is just one more warning of the possible disastrous consequences of ratifying the Protocol. The report can be found on the Internet at www.eia.gov.

THE KYOTO PROTOCOL: A FLAWED TREATY PUTS AMERICA AT RISK

SECTORAL AND REGIONAL ECONOMIC IMPACT ANALYSIS

INTRODUCTION

CONSAD Research Corporation, one of the Nation's leading economic forecasting firms, conducted a May 1998 economic analysis of the proposed Kyoto Protocol. Their analysis parallels findings by other leading economic forecasters which detail the negative impact this treaty will have on employment, economic output, and standard of life for working families, senior citizens, and those who live on fixed or low-incomes. The study provides a 50 state breakdown of job losses And economic dislocation due to policies enacted to implement the Kyoto Protocol.

CONSAD Research's key findings are that, implementation of the Kyoto Protocol will mean:

Consumers and businesses will be forced to pay higher energy costs. the resulting increase in energy costs will also drive up prices on all consumer goods;

Approximately 3.1 million fewer American workers will be working in the year 2010 as a direct result of this treaty (assuming high permit fee range);

U.S. Gross Domestic Product (GDP) in the year 2012 will decline by the least $177 billion and perhaps by as much as $318 billion;

Key strategic industries (aluminum, pulp and paper, chemical, and others) will experience persistent employment losses as well as losing market share for these products in international markets;

Every region of the U.S. will experience increased unemployment due to the treaty, with the greatest loses occurring in California, Arizona, Louisiana, Oklahoma, and Texas;

The highest job losses will be in high-skilled, high-wage employment sectors, with many U.S. workers being forced to take employment in lower-paying jobs in service-related industries rather than facing prolonged periods of unemployment; and

The U.S. standard of living will decrease as working families are forced to reduce consumption of goods and services in every major category including food, energy, and health care.

POW/MIA RECOGNITION DAY IN LOUISIANA

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COOKSEY. Mr. Speaker, I rise today to recognize the proclamation of Governor Mike Foster declaring September 18 as "POW/MIA Recognition Day" in Louisiana.

I served in the Air Force during the Vietnam War and I know very well that far too many of our brave soldiers did not return from this war. We owe those who have served and those who gave the ultimate sacrifice an undying debt. While this debt is impossible to repay, we can begin by giving all the families the peace of mind that has been missing along with their loved ones and provide them the fullest possible accounting for those still missing.

Mr. Speaker, I submit the text of the proclamation for printing in the RECORD.

STATE OF LOUISIANA PROCLAMATION

Whereas, 2,086 Americans are still missing and unaccounted for from the Vietnam War, including 26 from the state of Louisiana, and their families, friends and fellow veterans still endure uncertainty concerning their fate; and

Whereas, U.S. Government intelligence and other evidence confirm that Vietnam could unilaterally account for hundreds of missing Americans, including many of the 446 still missing in Laos and the 75 still unaccounted for in Cambodia, by locating and returning identifiable remains and providing archival records to answer other discrepancies; and

Whereas, the President has normalized relations with Vietnam, believing such action would generate increased unilateral accounting for Americans still missing from the

Vietnam War, and such increased results have yet been provided by the government of Vietnam; and

Whereas, the state of Louisiana calls on the President to reinvigorate U.S. efforts to press Vietnam for unilateral actions to locate and return to our nation remains that would account for hundreds of America's POW/MIAs and records to help obtain answers on many more.

Now, therefore, I, M.J. "Mike" Foster, Jr., Governor of the state of Louisiana, do hereby proclaim September 18, 1998, as "POW/MIA Recognition Day" in the state of Louisiana, in honor of all American POW/MIAs, in particular the 26 from Louisiana, and encourage all citizens to observe this day with appropriate ceremonies.

LADIES LITERARY CLUB OF SYLVANIA, OHIO TO CELEBRATE ITS CENTENNIAL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the Ladies Literary Club of Sylvania, Ohio in my district. The club proudly celebrates its centennial this year, with a special event on October 14, 1998. Members past and present will celebrate the 100th year of active study of the fine arts, with a luncheon and historical presentation.

In October of 1898, four women who lived in Sylvania met in the home of Mrs. Walter Cutler, the wife of a Congregational Minister, to begin the study of Oliver Wendall Holmes' "The Autocrat of the Breakfast Table". Regularly since that day, the ladies of Sylvania continued to gather to discuss works of literature. They meet once a month. September through May, with the membership by invitation only remaining at thirty.

The purpose of the club since its inception has been "to read, listen, share, and be aware of the world around us." The ladies of the club live by words from Audobon: "Use the talents you possess; the woods would be silent if no birds sang but those who could sing best." In keeping with the group's first study, a message from an 1884 Address given by Oliver Wendall Holmes carries this motto a step further, and captures the spirit of the Ladies Literary Club of Sylvania, Ohio. Holmes noted, ". . . as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived." Through what is certainly lively discussion not only of arts and literature but also the events of the day, the ladies of the club have celebrated and participated in their times, their discussions weaving their way through the fabric of each of their lives in ways both big and small and perhaps even they didn't always realize. Their discussions may have helped shape their actions, and their actions may have helped shaped their times.

It is truly a gift that the Ladies Literary Club of Sylvania, Ohio have continued for 100 years. It is a privilege to be among members of an organization which, in the words of one of its members, "will have touched three centuries". I wish both past and present members of the Ladies Literary Club of Sylvania, Ohio my heartiest congratulations on this momentous achievement, and wish them well as they are poised to begin a new century.

HONORING RICHARD CHAMBERS OF ALMA HIGH SCHOOL ALMA, MICHIGAN "PRINCIPAL OF THE YEAR"

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CAMP. Mr. Speaker, it is with great pride that I rise today to recognize Mr. Richard Chambers as "Principal of the Year," from the great State of Michigan. As the Principal and Chief Administrator of Alma High School, in Alma, Michigan, Richard has promoted and maintained a solid system of education for eight-hundred students and eighty faculty over the past six years. Prior to his position at Alma High School, Mr. Chambers fulfilled several roles as principal, educator, and business associate for many great institutions throughout Michigan. Certainly, his participation with groups such as the local rotary club, the Michigan Department of Education Review Committee, the North Central Association evaluation team, and the National Association of Secondary School Principals, demonstrate the strong and influential leader Mr. Chambers is within his community. With a successful career beginning in 1964 when he started as a high school teacher and interim principal Richard has enriched the lives of thousands of students.

Based in a small town of roughly ten-thousand citizens, Alma High School has been selected a Class B, Michigan Exemplary School. Of the eight-hundred students who attend classes at Alma High School, 75 percent are expected to continue their education at some level of a post-secondary institution. This multitude of success is a direct result of Dick's interaction with his students and faculty. Today's society invests incredible merit in school to work programming and the broad curriculum offered at Alma High produces great incentive for post-secondary education.

Much of the success of today's public school system depends on strong leadership from both teachers and the administration. The honor of "Principal of the Year" establishes a sense of security for the community to know such a special person is leading their school. This is the type of leader every school district needs. Alma High School is blessed to have the strength of Richard Chambers as their Principal. I know the parents, students and faculty associated with Alma High School, join me in recognizing Mr. Richard Chambers for his outstanding accomplishment.

THE BAHA'IS IN IRAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PITTS. Mr. Speaker, I am deeply concerned about recent reports that the government of Iran has executed a member of the Baha'i faith, and imprisoned and condemned others to death solely because of their religious beliefs. In addition, reports suggest that Iranian officials arrested 32 Baha'i teachers in a crackdown against those of the Baha'i faith.

The recent execution of Mr. Ruhollah Rowhani for proselytism is the first execution of a Baha'i in six years and, unfortunately, it was accompanied by the death sentence of other Baha'is. Just last week, two of these sentenced men had their death sentence confirmed. Mr. Sirus Zabihi-Moghaddam and Mr. Hedayat Kashefi Najafabadu were arrested in the fall of 1997 for holding meetings for religious "family life." Reports reveal that after no legal representation at secret trials at the beginning of 1998, the two men were sentenced do death. Unfortunately, there are other Baha'is in similar situations.

Mr. Speaker, the government of Iran must be held accountable for violating the fundamental human right of religious liberty for the Baha'i and other religious minority believers in Iran. If the leadership of Iran desires to play a role in the international community, they must uphold religious liberty and all fundamental human rights for all people.

I, and other Members of Congress, Senators and the American people will be watching closely to see whether or not the Iranian government protects the rights of its people, or continues to blatantly violate international human rights norms.

IN MEMORY OF THE HONORABLE FRANK PIOMBO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. ESHOO. Mr. Speaker, I rise today before the House to celebrate the life of a most distinguished citizen and incomparable friend, retired Superior Court Judge Frank Piombo, who passed away peacefully at his home in Redwood City, California, on September 21, 1998. A Memorial Mass was held at Our Lady of Mt. Carmel Catholic Church in Judge Piombo's parish on September 25th.

Born and reared in San Francisco, Frank Piombo was a resident of Redwood City for 51 years, making the Bay Area his lifelong home. For this decision we, the residents of San Mateo County, are very grateful because we shall forever remember the contributions he made both to our community and our country.

To his country, Frank gave years of dedicated and courageous service. During World War II, he served in the 100th U.S. Infantry, earning a Bronze Star and a Purple Heart. After the War, he continued to serve in the Army Reserves, achieving the rank of Colonel.

A distinguished graduate of the California educational system, Judge Piombo did undergraduate work at Stanford and the University of California at Berkeley, graduating from U.C.'s Hastings College of the Law in 1949.

To his community, Frank Piombo devoted himself to a career in public service. He was a Deputy District Attorney for San Mateo County, as well as City Attorney for the City of Millbrae. In 1971, he was appointed a Municipal Court Judge, and later that year Governor Ronald Reagan elevated Frank Piombo to the Superior Court.

His devotion to the community extended beyond his judicial duties. He was active in the Elks, the Eagles, and the Sons of Italy. He was known for contriving some of the best practical jokes on scores of people and these stories are now legendary. His love of card games was a well established fact, and he was known to show up at a moment's notice for a game.

Nothing in the world meant more to Frank Piombo than his family. He was married for 47 years to the love of his life, Lydia, and they were blessed with five children: Lee, Robert, Nancy, Susan and Jan, as well as ten magnificent grandchildren.

Mr. Speaker, Frank Piombo's life was a beautiful combination his deep pride in his Italian-American heritage, his patriotism rooted in the Constitution and the law, his great faith which gave him guidance and unswerving belief in the beatitudes, and love of the family which was unparalleled. His gift to me was our friendship and I shall treasure this all my life. I ask that the entire House honor this good and faithful citizen because of how he lived and who he was. Frank Piombo was the best of America.

A 50TH WEDDING ANNIVERSARY TRIBUTE TO IRENE AND AL DALPIAZ

HON. JERRY LEWIS

OF CALIFORNIA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LEWIS of California. Mr. Speaker, my colleague Mr. NEY and I would like to bring to your attention today the 50th wedding anniversary of our dear friends, Irene and Al Dalpiaz of Dover, Ohio. Al and Irene will mark the occasion during a special celebration with their children and grand-children next weekend in Medeira Beach, Florida.

Irene Sikora and Albert Dalpiaz were married on October 2, 1948 at St. Mary's Church in Dennison, Ohio. From their first meeting at a dance, Al and Irene knew they shared a special bond. Irene was the oldest of eight daughters and, in the early days of their courtship, usually had a difficult time getting rid of her sisters when Al would come calling. From the beginning, they were a handsome couple. Unfortunately, the wedding photographer forgot about their wedding and only showed up at the end of their ceremony. Ironically, Al and Irene spent their honeymoon in Washington D.C.

Al and Irene's first son, Larry, was born in 1954. Seven years later, the family moved to Dover, Ohio and their favorite (and only) daughter, Elaine, was born. Kevin was born four years later. Al was the co-owner of Tusco Service where he was a genius installing and repairing air conditioning and refrigeration units. In those days, especially, that was a bonus; their home was the first on the street to have central air conditioning. Al left Tusco in the 1970's and worked at Cummins Diesel until his retirement in the late 1980's. After a stint of being a full-time mom, Irene returned to work as a secretary at Dover Public Schools in the late 1970's.

The Dalpiaz family was, and remains, a very tight-knit family. Family summer vacations to the Smokey Mountains, Daytona Beach and Myrtle Beach were very common. Like most Italian families, "la familia Dalpiaz" was tremendously dedicated to those things in their life that meant the most to them spending time with grandparents, aunts, uncles, and cousins as well as their commitment to work, school, the needy, and the Catholic Church. That commitment is extraordinarily special today as it relates to their grandchildren, Anthony and Gabriel. For many years, Al and Irene have also looked out for those less fortunate and to this day provide the most needy in Tuscarawas County with food and clothing. In short, they have made a special commitment to showering their family and those around them with love.

While Al and Irene are officially retired, one would not know it from watching them. Like many people half their age, these two are always on the go. In recent years, they have traveled to Hawaii, England, Scotland, Florida, and their favorite destination, Las Vegas. In all of our days, we have rarely seen a Catholic woman like Irene with such a serious affliction for gambling on the nickel slot machines! Al tells his friends that the reason he and Irene enjoy their travel so much is because they are casually spending their kids' inheritance. Al, himself, has a tremendous reputation and has made local headlines for his marvelous garden where he produces garlic, parsley, lettuce, beans, and enough tomatoes to feed the entire state. In fact, Al has shared seeds with us both and his reputation continues to grow. He also enjoys spending time at the local Elks Lodge and VFW Hall in Dover.

Mr. Speaker, we ask that you join us and our colleagues in recognizing the 50th anniversary of these two very special people. Al and Irene Dalpiaz are among the kindest people we know and it is only fitting that the House of Representatives pay tribute to them today.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. OWENS. Mr. Speaker, on the occasion of the historic vote to launch an impeachment inquiry I have joined with the overwhelming majority of Democrats to vote for an alternative compromise. This action has allowed us to avoid destructive fragmentation and continue our united leadership of the majority of Americans. At the end of this statement I will attach my original position on this matter which remains as my present position. We are dealing with sins, not high crimes and misdemeanors. Government should not invade the jurisdiction of religion and the clergy.

Leadership for a difficult and thorny national situation is the challege faced by minority Democrats who can do nothing to completely halt the abuses of the Republican majority. Despite the Democratic alternative, an impeachment process that is highly partisan and vicious will go forward. But now the Republicans can never say that they have bi-partisan support. Joining with fellow Democrats I voted for an alternative compromise in order to continue the process of cementing our position with that of the majority of Americans. I wanted to personally just say no; to drop the impeachment inquiry. Reluctantly I left the highest ground; however, the Democractic compromise call for time limits and scope limits on the Judiciary Committee process still represents high ground. On October 8th the record will show that Democrats sacrificed some credibility in order to contribute to a resolution of this damaging political crisis. Every reasonable American citizen should feel comfortable with our position of reconciliation. We could have just said no. But our leadership guidance message was: "limit the scope and limit the time." The vital business of the country is waiting.

PREVIOUS STATEMENT RELEASED ON SEPTEMBER 8, 1998

As a member of Congress I am sorry that there is an escalating hysteria that may lead to the religious lynching of a great president. President Clinton has gone further than he should have been asked to go in offering a public statement about his intimate personal life. In view of the fact that absolutely on one has charged that a national security issue is involved in this matter, all further government inquiries should be dropped. The nation has in no way been placed at risk. Certainly nothing took place which touched on bribery, treason, or high crimes and misdemeanors. For those who continue to expand their detailed probe and to pass judgement through the prism of their hypocritical Victorian values, we concede their right to wallow in their "Peyton Place" preoccupations. There is, however, a profound difference between crimes and sins.

It is of utmost importance that we acknowledge and support the spirit of our Constitution which discourages the state from investigating private morality and affirms the right of every American, even the President, to separately negotiate his sins with his God.

MARTIN ARMY COMMUNITY HOSPITAL EARNS HONOR

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COLLINS. Mr. Speaker, I rise to extend my congratulations to the Martin Army Community Hospital at Fort Benning, Georgia on the announcement of its third "Accreditation with Commendation" by the Joint Commission on Accreditation of Healthcare Organizations, an honor bestowed upon only the finest hospitals in the nation. It is also the only hospital in the U.S. Army Medical Command to receive this acknowledgment for three consecutive triannual surveys.

Martin Army Community Hospital (MACH) was named in honor of Major General Joseph I. Martin, MC, a pioneer in field medicine and medical military education and training. The hospital has served the Fort Benning/Columbus communities since 1955 and provides quality care to approximately 9,000 inpatients and 585,000 outpatients. MACH's principal customers are active duty and retired members and their dependents who are eligible beneficiaries for DOD health services.

Receiving "Accreditation with Commendation" is a significant achievement, one that recognizes exemplary performance and commitment to providing quality care. Fort Benning is fortunate to have as incredible a facility as MACH serving its community. I congratulate Martin Army Community Hospital on its continued excellence.

PERSONAL EXPLANATION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. RIGGS. Mr. Speaker, I was absent from the House of Representatives on Monday, October 5, 1998 and Tuesday, October 6, 1998 and consequently missed several votes. Had I been present, the following is how I would have voted:

Rollcall No. 480: Yea.

Rollcall No. 481: Nay.

Rollcall No. 482: Yea.

Rollcall No. 483: Yea.

Rollcall No. 484: Yea.

THE CENTENNIAL CELEBRATION FOR THE PITTSFORD VOLUNTEER FIRE DEPARTMENT IN PITTSFORD, NY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the legacy of the Pittsford Volunteer Fire Department in Pittsford, NY. The fire department will celebrate its 100th year of service on November 29, 1998.

The Pittsford Volunteer Fire Department was organized in 1898, after a series of tragic fires. The Village responded by installing a water works and passing a resolution authorizing the formation of a volunteer fire brigade to respond to fires and other emergencies. The fire department, which was established with approximately 50 men, started as two independent hose companies, known as the "Pittsford Village Active Hose Co. No. 1" and "Iroquois Hose Co. No. 2."

Until the first fire hall was built in 1907 on a lot purchased by the Village, the volunteers stored their equipment in a number of village locations including the Methodist Church. Prior to the fire hall, all Department business was conducted in the Cole Building, on the southwest corner of Main Street and Monroe Avenue at the four corners in the Village.

With a proud tradition of voluntarism, the Fire Department has thrived and grown over the years. Using donations and moneys received from the Village, the Fire Department has been able to update its equipment, utilize new methods in fire prevention and control, and most recently establish a new fire hall in 1987. However, the cornerstone of the Department's success has been the dependability and generosity of its volunteers.

I take great pride in knowing that a volunteer fire department of Pittsford's high caliber protects families and businesses in my home district. I send my sincere and heartfelt thanks to the Pittsford Volunteer Fire Department for all its contributions throughout the past century.

Mr. Speaker, I ask that my colleagues pause to join with me and many others in congratulating the Pittsford Volunteer Fire Department of Pittsford, NY on 100 years of service to humanity.

CELEBRATING THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HINCHEY. Mr. Speaker, on the occasion of the Republic of China's National Day, I wish to offer my congratulations to her people and her leaders. Taiwan has had a remarkable record of accomplishment in recent years, and deserves recognition as a model for other nations and our thanks for its constructive partnership with our nation.

Taiwan is a model for other nations in two ways especially. First, it is living proof that democracy works. Not only were the current leaders of Taiwan elected in free and fair elections, but they have not flinched from the most difficult moments emerging democracies face: turning over offices to others when their own party loses. They have not only allowed open competition for office, but have promoted open discussion of the full range of issues facing their nation. Despite intense pressures, they have insisted that the people of Taiwan have the right to determine their nation's future.

Second, Taiwan is a model of a stable economy. Just two years ago, it was grouped with other Asian nations with successful economies. Today, it stands virtually alone, while those other nations are in turmoil.

Unfortunately, however, when Taiwan's example and its assistance could be most beneficial to the world community, it continues to be isolated from that community. Restoration of its membership in the United Nations would end that isolation. It would make sense to invite Taiwan to be a full and willing partner in international activities. Now more than ever we especially need its economic resources and expertise in dealing with today's crises, and I am convinced that its Asian neighbors and other developing nations could benefit greatly from its counsel.

I also hope that the leaders of mainland China will have the wisdom to learn from Taiwan's example, and to see that democracy works. We must also let them know that aggression and coercion, whether implicit or explicit, do not work.

I wish also to take this occasion to congratulate President Lee Teng-hui on his accomplishments as the Republic's leader, and his success in steering his country through difficult economic and political waters. As we all know, President Lee is an alumnus of Cornell University in my district in Ithaca, New York. The people of Ithaca were delighted to have him as a guest, and would all be delighted to see him again.

Finally, I would like to thank Stephen Chen for his service as Taiwan's chief representative in Washington. Those of us who have had the honor and pleasure of meeting Mr. Chen and working with him appreciate his service in maintaining and improving the bridge between us and his country.

IN RECOGNITION OF JOHN DORIN, MAYOR OF THE YEAR

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. McDADE. Mr. Speaker, I rise today to honor a public servant whose devotion to his community is renowned, Mayor John Dorin of Montoursville, Pennsylvania. Mayor Dorin was unanimously named by the Association of Mayors of the Boroughs of Pennsylvania as the tenth recipient of the Outstanding Mayor Award.

John Dorin has accomplished much in the 16 years he has served as mayor of Montoursville Borough. A leader in the true sense of the word, Mayor Dorin has been able to bring together service organizations, business people and citizens to undertake and complete necessary community projects. He was instrumental in organizing the Montoursville Chamber of Commerce, Montoursville Crime Watch, the DARE program, and Montoursville Senior Citizens Organization.

In 1996, Montoursville suffered through a tragic loss of family, friends and young people in the crash of TWA Flight 800, which carried members of the Montoursville High School French Club and their chaperones on an educational trip to France. As news of the crash reached Montoursville, Mayor Dorin quickly came forward to help the families of the victims. He tirelessly advocated on behalf of the families to get information and services, and helped coordinate the efforts of the community and the school district as Montoursville mourned and coped with the tragedy.

John Dorin has always been ready and willing to help his neighbors, and his long and successful tenure as mayor has been marked by compassion, leadership and efficiency. His selection as Pennsylvania Outstanding Mayor is well-deserved, and is endorsed by the Montoursville Borough Council and the Borough's police chief, school superintendent, and borough secretary.

Mr. Speaker, Mayor John Dorin has touched the lives of many people in Montoursville and in Pennsylvania's 10th Congressional District. I ask that you and our colleagues join me in congratulating John Dorin on being selected as Pennsylvania Outstanding Mayor, and in commending him for his shining example of citizenship and public service.

IN HONOR OF LOUIS ANTHONY TRANGHESE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to invite my colleagues to join me in recognizing my friend, Louis Anthony Tranghese, who is retiring after 49 years with the Construction and General Laborers' Local Union No. 999 in Springfield, Massachusetts. A leader in his profession, a devoted family man, a friend to many Louis has served his community with pride and distinction. On Friday, October 16, 1998, a testimonial dinner will be held in his honor. It is a tribute long overdue.

Born and raised in the historic South End of Springfield, Louis Tranghese learned at an early age the importance of organized labor in our society. At age 14, he watched as his father Carlo, Arthur Coia and James Merloni played active roles in a newspaper strike. It was a defining moment, and from that point Louis knew that he wanted to dedicate his life to the concerns of working men and women.

In 1948, the graduated from Technical High School and soon joined Local Union 999. It was the beginning of a remarkable career that would last a half-century. From his humble start as a waterboy to Business Manager, a position which he held for over twenty years, Louis Tranghese became a leader in an organization he cared deeply about. He was always proud to call himself a laborer.

While Louis was busy with his professional career, he also found time to start a family. In 1956, he married the former Judie Monette, his wife and partner of nearly 40 years. The couple had four daughters: Carla, Gina, Lisa and Trisha who today own and operate the Dance Connection in East Longmeadow, Massachusetts. The Tranghese's are equally proud of their six grandsons and three granddaughters.

Mr. Speaker, I ask all the Members of the United States House of Representatives to join me in offering our sincere gratitude to Louis Tranghese. His service, dedication and commitment to the Local Union No. 999 has been extraordinary. He has been a reflection of what is best about America. As he prepares to retire, let us wish him health, happiness and nothing but the best in the years ahead.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. SISISKY. Mr. Speaker, JERRY SOLOMON has been a friend of mine for a long time. We are not friends because we always agree with each other. We don't. Where we do agree is that JERRY SOLOMON has a rock solid commitment to national security.

There have been many times over the last few years when I have gone to him, as the Rules Committee chair, on critical national security issues.

He has stood up for our young men and women in uniform every single time. And I have also had a chance to travel with him overseas.

We have both played a part in the North Atlantic Assembly, the parliamentary arm of NATO.

I have attended North Atlantic assembly meetings for 15 years, and I can assure you JERRY SOLOMON is one of the most highly respected American participants.

And this is coming from members of parliaments throughout Europe. Believe me, one thing I've learned over the years is: our counterparts in Europe have high standards and long memories.

Their respect for JERRY SOLOMON is built on many years of experience in government and diplomacy.

In a world where the most valuable common currency is one's word, one's integrity, and one's honor, JERRY SOLOMON is a very wealthy man.

He has been a pillar of fairness. He has been a staunch advocate of national security. And he will be hard to replace.

My wife and I wish JERRY and his wife the very best as they begin the next stage of their life together.

I am honored to have served with you, and even more honored to have you as a friend.

THE 10TH ANNIVERSARY OF THE BLACK HEALTH COALITION OF WISCONSIN

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, The Black Health Coalition of Wisconsin will celebrate tonight its 10th anniversary and its commitment to improving the health status of African-Americans in the state of Wisconsin.

Since 1988, The Black Health Coalition has dedicated itself to insuring that all people in Wisconsin enjoy equitable and comprehensive health. At its inception, twelve organizations that shared a common commitment bonded together to forge a partnership in health. Their efforts have translated into today's Black Health Coalition which reaches the lives of thousands of people in Wisconsin.

Today's celebration has an appropriate theme: "And Still We Rise." It is appropriate because it speaks to the commitment of the Black Health Coalition of Wisconsin to continue its important work. It is appropriate because it indicates the Black Health Coalition's pride in its work. And it is appropriate because it conveys the message that the Black Health Coalition works on behalf of everyone and excluded no one.

I congratulate the Black Health coalition on its ten years of remarkable achievements and fantastic efforts on behalf of the people of Wisconsin, and especially the people of my home city of Milwaukee.

DEICE HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KANJORSKI. Mr. Speaker, I rise to day to pay tribute to James J. Deice, the 1998 Person of the year of the Italian-American Association of Luzerne County. I am proud to have been asked to participate in the Association's annual Columbus Day Dinner on October 11.

Jim played both football and track as a student at West Pittston High School. He majored in English at the University of Scranton and graduated with a B.A. in Education in 1969. He later obtained his Master's degree from West Chester University, Penn State University and University of Scranton.

After graduating from college, Jim took a teaching job in Royersford, Pennsylvania but in 1972, he returned to Northeastern Pennsylvania to teach English at Pittston Area Senior High School. Jim also coached Pittston Area's track, football and wrestling teams. He coached the wrestling team to its first-ever District Title in 1996–97. For this achievement, he was honored by his fellow coaches as Coach of the Year. He retired from coaching in 1997. That same year, Jim received the Gerard M. Musto Teacher of the Year Award from the National Honor Society at Pittston Area.

In additional to teaching and coaching, Jim has made his commitment to our community clear by his involvement in numerous activities outside of school. He is a member of the Knights of Columbus, UNICO, and the Serradifalco Society. He is Chairman of he Pittston City Parking Authority and is active with the Pittston Tomato Festival Committee, co-chairing the parade for that yearly event. For five years, Jim chaired the track-and-field events for he Special Olympics of Luzerne County. during the 10 years Jim has been a member of the Italian-American Association, he has served as President and chaired several communities. He is currently the Chairman of the Association's Board of Director.

Mr. Speaker, I am proud to bring the many accomplishments of Jim Deice to the attention of my colleagues. Jim is a community leader and outstanding role model for the youths he helps to shape each day. I applaud the Italian-American Association for their choice of honoree this year and send my best wishes to Jim and his family as he accepts this prestigious honor.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. DINGELL. Mr. Speaker, I rise today to recognize my good friend and colleague who has served his constituents and the United States well during his tenure in Congress. He has served this great institution for the last 20 years as a Member of the United States House of Representatives, and a total of 31 years as a public servant.

Congressman SOLOMON and I have worked together on many issues sometimes on opposite sides, but we have remained friends and always strived for bi-partisanship on issues of importance to our constituents and to the people of the United States.

My friend, "Closed-rule" SOLOMON's service on the Rules Committee is exemplary and he will be missed.

Mr. Speaker, I ask my colleagues to join me in honoring an extraordinary man who has spent his career as a public servant helping others. I will miss him and his wisdom, but I know that he will not be far away. I salute him and his accomplishments. I have enjoyed working with him in the House of Representatives.

A TRIBUTE TO DR. MICHAEL DOSIK OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the U.S. House of Representatives to join my voice with the John T. Mather Hospital community as we honor Dr. Michael Dosik for his many years of outstanding service and leadership, including his tenure as the chief of Mather Hospital's Division of Hematology/Oncology since 1981.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual "One Enchanted Evening" fundraising dinner. At this year's gala, Dr. Dosik will be honored with the "Theodore Roosevelt Award" for his dedicated volunteer service to Mather Hospital and the community it serves. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from Mather Hospital's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

It is fitting that Dr. Dosik should be honored on the same evening that Mather Hospital will raise money for breast cancer treatment. Since receiving his medical degree from Cornell University in 1966, Dr. Dosik has dedicated his professional career to the treatment of malignant diseases. As an oncology-generalist, Dr. Dosik is recognized for his continuing efforts to introduce innovative therapeutic interventions to his patients. He is greatly respected by peers and patients alike for his medical insight and compassionate, humane approach to treating the person, as well as the disease.

That Mather Hospital's October 23, benefit for the Fortunato Breast Health Center and Breast Cancer Treatment is of particular importance to Dr. Dosik, for he serves as the Center's Co-Medical Director and chairs the weekly breast cancer conference. He has also made significant contributions as an active member of the American Cancer Society and Long Island Cancer Council. He resides in Setauket, Long Island with his wife Lyn and their Daughter Diana. He and Lyn also have a 23-year-old daughter, Lia.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Dr. Michael Dosik, a very deserving recipient of the "Theodore Roosevelt Award" for his dedicated service to the hospital and our entire Long Island community.

THE REPUBLIC OF CHINA'S NATIONAL DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to express my congratulations to the Republic of China. Tomorrow, October 10, 1998, is Taiwan's National Day. Taiwan is a country fondly known as the "Little Tiger." Rightfully so, Taiwan has a strong economy and is an excellent trading partner for countries like the United States. In fact, Taiwan is our sixth largest trading partner.

In the last few years, Taiwan's economy has grown at a spectacular rate and has become one of the wealthiest nations in the world. Taiwan's wealth can be seen in their strong manufacturing industry and in their citizens' commitment to make Taiwan an effective trading partner. Taiwan has done remarkably well during the Asian financial crisis, and I hope that Taiwan will continue to prosper.

I wish President Lee Teng-hui, Vice President Lien Chan, Foreign Minister Jason Hu and Ambassador Stephen Chen of the Republic of China continued success in leading Taiwan and their citizens.

IN RECOGNITION OF JAMES F. McCONNELL UPON HIS RETIREMENT AS PRESIDENT AND CEO OF THE FLUSHING SAVINGS BANK

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents of the Fifth Congressional District of the State of New York and the staff of the Flushing Savings Bank as they honor James F. McConnell upon his retirement as the bank's president and CEO.

Mr. McConnell's background is both diverse and effective. Prior to his election as president of the Flushing Savings Bank he held prominent management positions with AMBAC Industries of Garden City, New York and the EDO Corporation of College Point. He joined the Flushing Savings Bank in 1974 as Vice-president and Treasurer. Realizing his keen sense of leadership and a most effective approach to getting things done, the bank appointed him president in 1981, appointed him to its board of directors in 1983 and elected him Chief Executive Officer in 1990.

Mr. McConnell's multiple leadership talents reach far beyond the Flushing Savings Bank. He has served on the Board of Directors of the Community Bankers Association of New York State from 1987 to 1997 and served as the Association's Chairman from 1990–1991. He was highly instrumental in negotiations which led to the successful merger of the Savings Bank Association of New York State with the New York League of Savings Institutions, thereby creating the Community Bankers Association.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me and rise in honor of James F. McConnell, who has imparted a sense of professionalism, leadership and community responsibility. His record is one of dynamism and productivity which readily emerges as a yardstick by which all such future efforts are measured.

TRIBUTE TO DR. TOM GIUGNI

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HORN. Mr. Speaker, I rise today to pay tribute to Dr. Tom Giugni, who is retiring as Executive Director of the Association of California School Administrators. Dr. Giugni's retirement marks the end of a 40-year career of service in public education.

Public schools are filled with dedicated people whose main objective is to make life better for the students and the communities which they serve. But on occasion, there are those who outshine even the brightest educators. Dr. Giugni is such a person. Teachers, parents, administrators, and the business community have consistently looked to him for ideas, direction, and inspiration in serving students.

Dr. Giugni's distinguished career began humbly in 1956 as a substitute teacher in St. Helena, California. Five years later, he had worked his way up to the level of principal in the St. Helena Unified School District, and he has never looked back. He has served six different California school districts, including four as Superintendent. I had the pleasure of working with Dr. Giugni when, during his tenure as Superintendent of the Long Beach Unified School District, he served on the Education Advisory Committee of the Graduate School of Education at California State University, Long Beach, where I was president.

He was a dynamic Superintendent. Under his leadership, the Long Beach district became one of the most decentrated in the United States. The central bureaucracy was cut back. Creativity and innovation became the watchwords in the schools. Parent councils were created. Parents played an increasing role. Principals worked to encourage the best ideas and performance from their faculty.

For the first time in California the elementary and secondary schools were closely linked with a major university, California State University, Long Beach. Many post-secondary institutions have their education majors intern in the schools. But the CSULB Long Beach Unified School District was a true partnership in which university students and faculty members as well as student organizations across the university involved themselves with the schools and their students.

Dr. Giugni has further served California through active participation in numerous civic and professional organizations, including as a member of area Chambers of Commerce and Industry Education Councils, an advisor to California colleges and universities, and an advocate of events to fight cancer and drug abuse. His knowledge and expertise have been recognized by several respected educational journals who have published his articles, and he has received countless awards honoring his leadership.

Dr. Giugni committed his career to improving education. His genuine concern for students, his vision, and his ability to rally support for public schools will be greatly missed. All of us who know him wish him well and doubt that he will be inactive in retirement

A TRIBUTE TO DR. HARISH MALHOTRA OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join with the staff and patrons of John T. Mather Hospital as they honor Dr. Harish Malhotra of Shoreham, Long Island, with the "Theodore Roosevelt Award" for his dedicated service to Mather Hospital and the Long Island community.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual "One Enchanted Evening" fundraising dinner. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from Mather Hospital's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

A native of India, where he earned distinction as a "Gold Medal" doctor at the University of New Delhi for his work in surgery, Dr. Malhotra has achieved great success as a surgeon because he remains an avid student of his craft. A voracious reader, Dr. Malhotra is dedicated to the continual development of his talent for healing the sick and injured. "If you don't read a lot and keep constant," Dr. Malhotra said, "you can't take good care of your patients." Because of his lifelong pursuit of knowledge and inner desire to make the absolute most of his skills, Dr. Malhotra is able to take very good care of his patients.

It was while researching innovative surgical technologies that Dr. Malhotra learned of the bold, new bone marrow and stem cell transplants. Moved by the positive results of these surgical techniques, Dr. Malhotra founded the first Bone Marrow and Peripheral Blood Stem Cell Transplantation Program in Suffolk County, one of the most successful programs of its kind in the United States.

When he's not working with his patients or reading up on the latest surgical techniques, Dr. Malhotra is usually found on the golf course, or spending time with his wife Maureen and six-year-old son Kiran.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Dr. Harish Malhotra, a very deserving recipient of the "Theodore Roosevelt Award" for his dedicated service to the hospital and our entire Long Island community.

CITIZENS' VOICE CELEBRATES 20TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Citizens' Voice newspaper of Wilkes-Barre, Pennsylvania, which is celebrating its twentieth anniversary on October 9, 1998. Despite tremendous obstacles, the Citizens' Voice has survived and thrived as a daily newspaper in a competitive market.

In the fall of 1978, 205 employees of the Wilkes-Barre Publishing Company who were on strike decided to create their own paper. That decision led to the publishing of the first edition of the Citizens' Voice. Since then, the paper has grown to a circulation of approximately 38,000. During that time, the Voice has received numerous awards from local and state professional organizations.

The Voice's first "home" was a building scheduled for demolition by the Redevelopment Authority on North Main Street in Wilkes-Barre. In early 1979, the Voice moved to the mezzanine of the Hotel Sterling in the heart of downtown Wilkes-Barre. In June of 1984, the Voice moved to its present headquarters on North Washington Street in Wilkes-Barre.

Mr. Speaker, not too many cities the size of Wilkes-Barre have two daily newspapers anymore, but I think the presence of both papers has lead to an improvement in the quality of coverage provided to area residents. I applaud the Citizens' Voice for its twenty years of excellence and wish the paper future success.

CONGRATULATIONS TO POLISH AMERICAN VETERANS' CLUB OF WILBRAHAM, MA ON ITS 50TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity today to congratulate the Polish American Veterans;' (PAV) Club of Wilbraham, Massachusetts on its 50th anniversary.

The PAV in Wilbraham has for half a century played a vital role in its community. In celebration of this noteworthy occasion, I take this opportunity to express my personal congratulations to each and every member of the Club, and to enter the complete history of the Polish American Veterans' Club of Wilbraham, Massachusetts into today's CONGRESSIONAL RECORD.

THE HISTORY

The hostilities of World War II had come to a close and the veterans were returning to their homes where their families were anxiously preparing a warm welcome. The local Organizations and merchants also combined their efforts to extend their greetings through a "Welcome Home Day." The men and women who were being honored at these events formed a new segment in our community, "Veterans of the Armed Forces of the United States." The loose social association these men held in the months following their return coupled with their similarity of interests, ambitions and background inspired the idea for the formation of an organizational of local Veterans.

Uniting any group into a functioning organization required the leadership of a person who is familiar with the aspirations and problems of the group, along with a deep interest in their progress. The Veterans of the Tri-Town area were fortunate in having a man who qualified in every respect as an organizer. His interest in the welfare of this body must have had a great influence on leading them into organization. The man, Father A. Rys, then curate of the Immaculate Conception Parish. His uniting efforts during these important organizational meetings resulted in the formation of a strong "Polish American Veterans Club."

Father called the first meeting on February 23, 1947, where various types of Veterans groups were discussed. A committee, headed by Edward Haluch, was formed to do research into an organization that would function best in this area. The new club was to be founded by the Veterans of Polish extraction from the Indian Orchard, Ludlow and Wilbraham area to encourage social acquaintances among members for the advancement of social, educational and economic welfare of its members. With these ideals in mind, a committee was delegated the task of drawing By-Laws. Thus, the first meeting had set the organizational wheels in motion. During subsequent meetings officers were elected and committees for an efficiently functioning organization were appointed. The first few officers were: President, John Klebania; First Vice President, Al Sambor; Second Vice President, Mitchell Kowalski; Clerk, Emil Wysik, Financial Secretary, Joseph Popeo; Treasurer, Bernie Smola; Service Officer, Dr. Francis Bacewics; and Sergeant at Arms, Louis Grondalski.

The name of the club was to be "The Polish American Veterans of Indian Orchard, Ludlow and Wilbraham."

Founded on the principle of social unity and community service, the club prospered in the ensuring years. From its inception, a vigorous athletic program was sponsored, the most successful of all being the baseball team which drew an enthusiastic following. They identified the organization throughout the Western Massachusetts area when they captured the Knights of Columbus Tournament in 1949 and were runner-up for the Western Massachusetts Amateur Baseball Championship in 1950. The basketball team was no less successful, in that they shared the limelight in completing the season as Western Massachusetts Champions in 1952. The bowling league and hockey team kept the members active in the winter months. In addition to the organized league activities an intramural basketball program was initiated and impromptu volleyball games or golf matches filled what spaces remained in the sports calendar. Trophies representing championships in every major sport are held by the club.

In 1949, the Club Members remodels the old dairy building on 4½ Action Street as their temporary home and for ten years it served as an informal meeting place for members. The good management of the small clubhouse plus the aid of the members had placed the organization in a financial position which made the erection of new quarters possible. The purpose of this venture was to house all the club activities and to serve as a meeting place for the entire community.

A building committee was appointed and in January 1959 at a specially called meeting, the plans for the new building were accepted by a vote of the body. The dedication of the "Polish American Veterans Club" was held on January 30, 1960.

The membership broadened its scope in community service. We expanded our sports program to include the youth in the area by sponsoring baseball, girls' softball, hockey, soccer and basketball. We also sponsored a visit of the West Point Glee Club for a performance at the Springfield Auditorium. Many Club Members and their families had the pleasure of meeting the cadets personally by sharing their homes for an evening stay.

The Polish American Veterans were instrumental in the renovation of the Kosciuszko Garden at West Point Military Academy. The Sunshine Village and many charitable organizations receive annual donations. The Ludlow Hospital was given a sizable donation for their fund drive. The cost of a classroom was given to Christ the King Social Center. A new Church Altar was presented to the Immaculate Conception Church. The Fire and Police Departments in the Tri-Town area received life-saving and communication equipment. The area Libraries are given hard cover books periodically. The annual United Polish Clubs Scholarship Dinner-Dance is held in the Veterans Ballroom. Biannual bus trips to the Holyoke Soldiers Home fill buses with Members, the Auxiliary, Polish pierogies, rye bread, horseradish, kielbasa and home baked pastries plus prize winning money for Bingo Games which is shared with the resident patient veterans. The Post also adopted a wing at the Holyoke Soldiers Home for which we funded interior decorations and supplies.

The greatest highlight in the Club history was the founding of the "Polish American Auxiliary." The women organized in 1952 under the same policy and the same aims as the Veterans Club. The "Auxiliary" has been indispensable in providing assistance to the Club. They have been a mainspring in devising fund raising methods. Our major fund raisers are joint ventures of the Veterans and the Auxiliary. The Labor Day Weekend Picnic and the Annual Breakfast-Brunch.

In June 1962, the Wilbraham Post became affiliated with the Polish American Veterans of Massachusetts. Our Post hosted State Conventions in 1964, 1970, 1976 and 1984. The most outstanding was the 1976 Convention and Parade complete with 15 State Posts and their Marching Bands. The march was led by our own "Minute Men" dressed in Revolutionary War Uniforms. This Parade was one of our contributions to the year-long celebrations of the United States 200th Birthday Party. Many of our Club Veterans and Auxiliary Members served as officers in the State Department of the Polish American Veterans of Massachusetts. To this date, 6 Club Veterans have been elected State Commanders and 2 Auxiliary Members were elected State Presidents.

The Town of Wilbraham generously deeded to the Polish American Veterans surplus Pine School land along with a parcel which was taken from the Polish American Veterans by eminent domain for School purposes. This enabled the Club to construct additional paved off-aces parking, an outdoor pavilion and open land for recreational activity.

Socially we continue to celebrate the annual Dinner-Dance; the Joint Installation of Officers; a Spring-Fling; a Steak Barbecue; a Hawaiian Night; the Membership Jamboree and the Children's Party. There are also Bowling and Golf Tournament Banquets. This gives all our members and their friends additional opportunity for continued fellowship in a most friendly atmosphere.

There is a more serious side to this organization. Annually, the Members and the Auxiliary gather in their Parade Dress for a march to church to pray for the souls of the deceased Members and Comrades who perished in battle. The Gold Star Mothers were always revered at the ceremonies.

Services and wreath placing are also conducted at "Our Lady of Peace" monument adjacent to the Immaculate church, at the 1987 dedicated "Polish American Veterans Triangle" and concluding at our quarters "Memorial Monument Green." The Full Military Honors given the deceased are witnessed by the many who gather to join in prayer for their souls.

Many of our Members serve or have served the Community and State in various capacities. As trustees in Hospitals, Church Councils, Community Council, Senior Councils, in elected Political Offices and other service areas. The Polish American Veterans have established outstanding records and are a guiding influence in our community.

CELEBRATION OF THE 100TH ANNIVERSARY OF THE BUTTS COUNTY COURTHOUSE IN JACKSON, GEORGIA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. COLLINS. Mr. Speaker, I rise today to honor the 100th Anniversary of the Butts County Courthouse in Jackson, Georgia. The anniversary celebration is being held tomorrow, and I wish to submit the remarks I prepared for the occasion for the Congressional Record.

I want to express my deep appreciation to the citizens of Butts County for inviting me to be a part of the 100th anniversary celebration for our county courthouse. During the long and rich history of our county, this beautiful building has endured the test of time. It has long out-lived its predecessors which were all destroyed by fire.

And over the past century, it has seen many fine men and women elected by their fellow citizens to honorably serve Butts County. It is good to see so many of those who have served here today for this celebration. I myself had the honor and privilege to have served as Chairman of the County Commission.

It was 22 years ago Julie, my family and I began our public service. But I had public service running through my veins long before I ran for office. As most of you know, I was born here in Jackson at the O.B. Howell Clinic. In fact, I was spanked to life by three-term Commission Chairman O.B. Howell himself. I was raised by a mother who was a Flovilla City Councilwoman and a father who always said he wanted to serve on the County Commission. I was destined to be in politics.

But my career in public service would never have occurred without the support, hard work and endurance of my wife, Julie, and my children. I began that career right here at home as Chairman of the Butts County Commission. I then moved to the Georgia State Senate where I served two terms.

Today, I have the honor of serving as a United States Representative in the peoples' house in our nation's capitol. I would not have been able to persevere unless my family had been at my side through all of those years and all those campaigns. I also owe the people of Butts County a debt of gratitude for the support you have given me. I regret that state politics prevented me from representing you in the United States Congress.

I have been asked, "was it worth the time, the effort and the money?" My answer is always, "Yes."

I have always had a strong desire to give something back to the community, the state and the country that have been so good to me. And, at each step of the way, I have grown a little more.

In many respects, the most challenging and rewarding office I have held is County Commissioner. I was young, energetic and a know-it-all. Serving as a Commissioner taught me the rigors of public service, and it taught me humility. During my first month in office, January of 1977, a winter storm with freezing rain brought the rural roads of our county to a standstill. Many fine citizens volunteered to help the county meet the challenge of getting our roads open and people moving again.

I have laughed and joked that we broke up DUIs in Butts County by bargaining with Probate Judge Gene Blue to sentence all of those convicted of DUI to 30 days on the County Commission. DUI arrests declined dramatically.

The accomplishment for which I am most proud was negotiating the contract to install water lines connecting Jackson with Flovilla and Jenkinsburg.

The saddest experience I had as Commissioner was my defeat for reelection in 1980. I had many goals I still wanted to accomplish for the people of Butts County. My good friend and fellow Commissioner, Mr. Everett Brisco, and I knew we would be defeated. I told him during one of our many rides around the County that "a loss in this election may lead to a major victory in the future."

Time and the people of Butts County were good to me. You elected me to represent you in the Georgia State Senate.

During my four years there, I had the opportunity to participate in shaping the laws on issues of great importance to us all education, taxes, crime, the economy and many others.

In 1993, I took on a new challenge United States Representative for Third Congressional District of Georgia. I have found that many of the issues and concerns in which I was involved as a Butts County Commissioner and as a Georgia State Senator are also issues that concern the Congress only on a national scale. But while we in Congress engage in great debates over our national defense, the direction of our government, the fate of the President and the future of our children, I am always reminded from where I come.

Shortly after my election to Congress in 1992, I received a letter from my childhood friend, Frank Duke. In that letter Frank wrote, "It is a long way from Flovilla, Georgia to Washington, D.C." He also enclosed a photograph of the town of Flovilla. We are now grown and gone our separate ways. But Frank's letter and photograph remind me of the hopes and ambitions we had.

And it reminds me of the values and principles we were taught by our parents, our teachers, and the wonderful people of a small town. I have kept that letter and photograph to remind me of my home and the lessons I learned with Frank and the others so many years ago.

As I conclude, I would like to read to you the quote by the great poet Longfellow which is printed in the dedication of the History of Butts County Georgia. It is worthy of reflection by all those who are elected to serve. It reads:

> Each one performs his work and then leaves it
> Those that come after him estimate
> His influence on the age in which he lives.

Thank you and God Bless You.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. LEWIS of California. Mr. Speaker, the House of Representatives will today make one of the most solemn decisions it can make next to a declaration of war whether to proceed with a full congressional inquiry into allegations that the President's actions warrant his removal from office. A bipartisan majority of the House, including members of the President's own political party, will support the resolution to hold hearings and further investigate the President's conduct.

The historical significance of today's action does not escape me. This is only the third time in our nation's history that Congress has voted to proceed with an impeachment inquiry. Today, particularly, I feel a burden of responsibility as never before during my years of public service.

Like most Americans, I have weighed very carefully the evidence presented thus far by the Independent Counsel. From the very beginning, I have wanted to give the President every benefit of the doubt. I have wanted to believe that he was telling the truth. But it is now clear that he has not been truthful with the American people, with the Congress, with his staff, and with his own wife and family.

No man, not even the President, is above the truth or above the law. Each man and woman must be held accountable to the duly established laws of the United States. In this matter before us, it is very important that the legal process, as outlined in our U.S. Constitution, continue to its conclusion. That means that the Congress, and more specifically, the House Judiciary Committee, will now hold hearings to determine if the President's actions warrant his impeachment.

The time this investigation has taken, and the toll it has taken on our country, is a direct result of the President's efforts to deny the truth and delay the process. He could have and should have told the truth from the very beginning but instead he chose repeatedly to lie. Anyone who has served in a court proceeding knows the significance of taking an oath to tell the truth, the whole truth, and nothing but the truth. A violation of that oath is perjury. It is now evident that the President has lied under oath. To maintain the fundamental integrity of our system of government, he must be held accountable for his actions.

These actions have not taken place in a vacuum. From the Oval Office to the President's Cabinet, the President has had a dramatic effect upon our responsibilities at home and abroad. While it is still too early to predict the outcome of this crisis, one thing has become increasingly clear: by his own evasion of the truth, the President's effectiveness and the standing of the United States throughout the world has been severely diminished.

Meanwhile, the work of this Congress is continuing. While the media is focused primarily on the Judiciary Committee's work, Congress continues to address the enormous challenges facing our country and the world. The United States now faces enormous tests on both the domestic and world stage terrorist bombings, of our embassies, Saddam Hussein thumbing his nose at UN inspections, North Korea's development of nuclear weapons, and an increasingly fragile peace in Northern Ireland. Closer to home, we are addressing real challenges before us the future of Social Security, improving education, reducing taxes on American families, and averting a government shutdown.

In closing, President Clinton's careful and calculated legal response has not served him or our country well. This is a sad day in our nation's history. The President and the President alone bear full responsibility for the action Congress is taking today. We must move forward with this process. In encourage our Members to support the Committee's resolution.

TRIBUTE TO HENRY A. SCHMITT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. ESHOO. Mr. Speaker, I rise today to honor Henry A. Schmitt, a widely-known and respected leader of the transportation industry for over 35 years, on the occasion of his retirement from CNF Transportation Inc. at the end of this year. He began his CNF career with a background as a trucking security analyst, working for several Wall Street financial firms in New York City for more than 15 years.

As Vice President of Corporate Relations, Mr. Schmitt manages CNF's communications with the Wall Street financial investment community. His other responsibilities include CNF's government and corporate relations, including oversight of the company's extensive scholarship and charitable contributions activities.

Mr. Schmitt joined CNF from Wall Street in 1978 as Assistant Vice President of Investor Relations. He later became Assistant Vice President and Director of Corporate Relations, and was subsequently named Assistant Vice President and Director of Corporate and Financial Relations. Mr. Schmitt was elected a Vice President in 1988. He is a member of the company's Executive Administrative Committee and Chairman of the CNF Transportation Inc. Political Action Committee.

Throughout his career, Mr. Schmitt has been active in a number of industry and professional associations. In addition to participating on many special industry task forces and committees, he served on the Executive Committee and was a member of the Policy and Finance Committee of the American Trucking Associations. The Western Highway Institute elected him as President in 1994 and Chairman in 1995. He also served as both President and Chairman of the Cargo Airline Association (when it was the Air Freight Association).

Mr. Schmitt has long been an active member and rose to become chairman of the Public Affairs Council of the Conference Board. He is a past director of the U.S. National Investor Relations Institute, and the founder/chairman of the NIRI's Silicon Valley Chapter as well as an active member of both the New York and San Francisco Securities Analyst Societies, affiliates of the Financial Analysts Federation.

A past member of the Advisory Board of the California Institute, he also served as CNF's deputy to both the California Business Roundtable and the U.S. Chamber of Commerce from 1985–1996, and was a member of the California Chamber of Commerce Public Affairs Council. When on Wall Street, he served as chairman of the Motor Carrier Analysts Group, the association of senior security analysts with responsibility for trucking industry securities.

The Citizens Scholarship Foundation of America elected him to serve on its National Advisory Board of Trustees for the period 1995–2001. In 1996, he was appointed a trustee of the Charles Armstrong School, an elementary school in Belmont, California that educates children with problems of dyslexia. He assumed the additional post of school treasurer in 1998. A native of Rochester, New York, Mr. Schmitt attended Lehigh University in Bethlehem, Pennsylvania, earning a bachelor's degree in finance in 1963.

I'm very proud to have the Schmitt family as constituents. I'm grateful for the countless contributions Mr. Schmitt has made throughout his career. Few have contributed as much to their industry and by doing so California's 14th Congressional District has been enhanced as well.

I ask my colleagues to join me in honoring this exceptional individual who has given so much to his industry, his community, and his country. We wish Henry Schmitt and his wife a happy, healthy and rewarding retirement.

A TRIBUTE TO MR. VINCENT BOVE OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join with the John T. Mather Hospital community as they pay special honor to Vincent Bove of Belle Terre, Long Island, for his 25 years of outstanding leadership in the Hospital's Board of Directors.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for the hospital's 33rd annual "One Enchanted Evening" fundraising gala. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from the annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment. At the gala, Vinny Bove will receive the inaugural "Mather Special Recognition Award" for his tireless efforts to create the hospital's Ambulatory & Inpatient Surgical Pavilion.

As the owner of Laurel Hill Nurseries, Vinny Bove brought an entrepreneurial spirit and energy to Mather Hospital 25 years ago when he joined the Board of Directors. He has focused that energy on expanding Mather's medical services while nurturing its financial health. As the Chairman of the Hospital's Board of Directors. Vinny Bove was instrumental in the successful campaign to raise funds for hospital expansions in 1973 and 1983, as well as separate efforts to finance a new Emergency Room and the Ambulatory & Inpatient Surgical Pavilion.

His efforts to make Mather Hospital the best it can be would make its namesake proud. As Vincent Bove has said, if John T. Mather were to visit his hospital today, "we could show how we've cared for this hospital, and how it's grown over the years. We've really done it right."

Vincent Bove's efforts to grow John T. Mather Hospital into one of Long Island's leading health care providers seem almost Herculean to his friends and admirers. But for him, it was truly a labor of love. Mather grew on me over the years, Vinny has said, "It plays a very important part of my life because it's so important to the community, and I'm a very community-minded person." Vincent Bove's love and selfless dedication to the community is also evident in this public service as the Mayor of the Village of Belle Terre.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community in honoring Vincent Bove, a very deserving recipient of the inaugural "Mather Special Recognition Award" for his 25 years of service to the hospital.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. McNULTY. Mr. Speaker, when I get up in the morning, the first two things I do are to thank God for my life and thank veterans for my way of life. Because if it had not been for the sacrifices of the men and women who wore the uniform of the United States military through the years, I would not have the privilege as a citizen of the United States of going around bragging about how we live in the freest and most open democracy on the face of the earth. Freedom is not free. We have paid a tremendous price for it.

I shall always be grateful to those who, like my brother Bill, made the supreme sacrifice. And to people like that man right there, JERRY SOLOMON, who served with distinction in the United States military and then came back to our home region in upstate New York, became a successful businessman, and more importantly in my eyes entered a career in public service. From his local government roles to his national leadership role today, he has rendered such outstanding service to us all.

I have been in the United States Congress for half of JERRY SOLOMON's tenure. And what a privilege it has been, JERRY, over these past 10 years, to serve with you, as a team. Together we have accomplished a great deal for the Capital Region of the State of New York, but I will not go into those items right now.

One day on the House steps, I think I was in my first or second term, we were having pictures taken with our respective constituents. JERRY grabbed me and asked the photographer to take a picture of the two of us. He later inscribed that photo and sent it over to my office and it is on my office wall today and it will stay there. It says, "Mike thanks for being part of the one-two-punch for the Capital District." Let me acknowledge, there was never any doubt about who was number 1 and who was number 2.

But I want to say to my friend, JERRY, what a great honor it has been to be number 2 on that team with you. And today I want to look you in the eye and say thank you for your service to our country, for the tremendous service you gave to your constituents throughout your long and distinguished career, and most importantly, to thank you for what you gave to me. You have been a true and loyal friend. And while you are leaving here and I regret that deeply the one thing I take comfort in knowing is that our wonderful friendship will continue.

TRIBUTE TO THE HONORABLE GERALD SOLOMON

SPEECH OF

HON. F. JAMES SENSENBRENNER, Jr.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. SENSENBRENNER. Mr. Speaker, I rise to pay tribute to GERALD SOLOMON, the distinguished gentleman from New York, as he prepares to retire after 20 years of service to the country and his constituents, the last four years as Chairman of the House Rules Committee.

JERRY SOLOMON and I came to Congress together in 1978. In his ten terms representing New York's 22nd District in the House, his colleagues and his constituents have come to know him as a positive force for common sense legislation. JERRY's legacy is one of military preparedness, fiscal responsibility, strong foreign policy and government accountability.

As a former United States Marine, JERRY brought a unique knowledge of the necessities of military readiness to his legislative agenda. In the 1980's, he worked to strengthen our armed services, joining other exemplary leaders such as Ronald Reagan in helping to ensure a peaceful end to the Cold War and the United States' position of strength in the post-Cold War world. His work with the North Atlantic Assembly and his mastery of NATO issues proved an invaluable asset to the House as we considered foreign affairs and national security issues.

But JERRY SOLOMON's importance to the House does not stop there. His colleagues know him as a Member who recognized the patriotism and dignity of this country's veterans and fought tirelessly to see that the government provided them the rights and benefits they so richly deserve.

JERRY SOLOMON also devoted significant energy to securing accountability in our government, taking a principal role in creating the line item veto legislation passed by Congress in 1996. And it is important legislation like this that passes through JERRY's hands each day. As Chairman of the Rules Committee, he continues to dedicate himself to providing for the smooth movement of the many and varied pieces of legislation that come before the House in each session.

His shoes will undoubtedly be hard to fill. I join my colleagues in wishing a JERRY a fond farewell and a successful retirement. We aspire to continue his level of leadership and commitment.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. BILBRAY. Mr. Speaker, this is a highly emotional and complex matter. In the bright light of historical significance, we must remember that this solemn result will become the standard applied to future presidents, Democrat or Republican. The issue is larger than William Jefferson Clinton.

I want to emphasize that contrary to what the media coverage may imply, Congress is not obsessed with this matter. The full House has spent a total of only 4 hours debating this issue. During the same week in which this vote was taken, the House and Senate approved House bill 8, my bill to crack down on commuter vehicles from Mexico which do not meet California vehicle emission standards. The President is expected to sign the bill into law. The House is also considering my legislation to hold Mexico accountable on its agreements to fix sewage infrastructure in Tijuana. Only Judiciary Committee members are concentrating on the impeachment inquiry. The rest of us are working on important budgetary, education, health care, environmental and Social Security issues.

As you may know, I have always avoided unnecessary partisanship, and have refrained from criticizing the President's every move during his tenure. He is our elected President and I am obligated by the Constitution to work with him on behalf of my district. It is in the best interest of our nation for Congress to remain focused on the important matter of governing our country, while allowing the members of the House Judiciary Committee the opportunity to perform their duty of reviewing the high volume of documents provided by the Independent Counsel. As I said, Congress has been working effectively on a host of other issues.

However, today the full House of Representatives was required to devote its time to considering the resolution from the Judiciary Committee requesting authority to proceed with an *impeachment inquiry. This was not a vote to impeach President Clinton.* Even a majority of the Democrats on the Judiciary Committee wanted to proceed with an impeachment inquiry. The difference between the Republican and Democrat inquiry proposals was in its length and scope. It is interesting to note that even "The Washington Post" and "The New York Times," two newspapers whose editorial positions are historically left of center, supported the Republican position on the length and scope of the inquiry.

By a vote of 258 to 176 the House decided to proceed with an inquiry. I voted with the majority. Again, most of the Democrats voting against the resolution were not opposed to proceeding with an impeachment *inquiry.* They simply had legitimate concerns on its length and scope. They were requesting that the inquiry be finished by Thanksgiving of this year. Under the resolution that was approved (House Resolution 581) the inquiry will terminate at the end of this year.

Though the President and others in public life deserve some semblance of privacy, like most Americans I am very disappointed in the President's decision to have a relationship with a subordinate employee in the White House. This type of behavior is unacceptable in any workplace including in a hallway near the Oval Office. His lack of judgment was appalling for a man of his age and position.

However, the ultimate question before us is not one of sexual conduct. It is whether perjury and obstruction of justice were committed in the magnitude to require impeachment. I am still reviewing the alleged impeachable offenses outlined in the report and by the Judiciary Committee counsels. I am determined to sort out the facts. This is why I supported the resolution to proceed with an *inquiry.* Second only to a declaration of war, voting on bills of impeachment is Congress' most serious duty. Without a process to determine the facts there would be no reasonable way to reach a decision on such a vote.

I, personally, hope that the evidence is not substantial enough to require a constitutionally mandated vote on impeachment. But, it would be irresponsible of me to develop a final position on impeachment until after the Judiciary Committee has completed the impeachment inquiry and all the evidence and rebuttals are on the table. The Independent Counsel has only submitted a preliminary report to Congress because he believes that there was enough evidence in the Lewinsky matter to demonstrate perjury, witness tampering, and obstruction of justice as grounds for impeachment. Congress expects a full report on all of the other allegations, including Whitewater, Filegate, Travelgate, to be submitted by the Independent Counsel in the coming months.

Despite unfortunate initial "jockeying" by both sides, I have faith and confidence in my House colleagues, both Republican and Democrat, to ultimately perform this constitutional duty in a fair and bipartisan manner. An issue as grave as possible impeachment of the President must not in appearance or fact be driven by partisan considerations. We have embarked on a very solemn process and it is necessary for the House to remain dignified by not allowing these proceedings to be taken to a personal or political level. It is imperative that the laws of our land be strictly followed because next to sending our men and women to war, this is our most difficult responsibility.

Like other parents, I have had a difficult time explaining this issue to my children. Ultimately, I used it as an object lesson: No matter how embarrassing the truth may be, honesty is always the best policy. The President could have spared the country, his family and himself much pain had he told the complete truth. Lying about an affair should be a private matter between a husband and wife. Unfortunately, the President was under oath in a judicial process. Now the Congress and country is forced to proceed under a constitutional mandate. Congress must remain cognizant of the fact that the result will be a standard to which Presidents from now on will be held.

Many letters and e-mails to my office have reflected a lack of understanding of the process. I would like to reiterate that IF, AFTER completion of the impeachment inquiry, the House votes in favor of impeachment, it does not mean the President is automatically removed from office. The process would then move to the Senate where he would be tried, with the Chief Justice of the Supreme Court presiding over the proceedings. It would take a conviction supported by two-thirds (66 out of 100) of the Senate to remove the President from office. Under the Constitution, there is no authority given for the House and Senate to "censure" the President.

I will do everything in my power to ensure that this matter does not overwhelm the important legislative issues before Congress.

TRIBUTE TO JOHN D'AMELIO

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise today to speak in honor of John D'Amelio, the president of the California School Boards Association of 1998 of his continuous efforts on behalf of children and education throughout his community and throughout the state of California.

John D'Amelio, a retired teacher, has been a board member of the Escondido Union High School District in San Diego County for eight years. In 1996 he was appointed by Governor Pete Wilson to serve on the Commission for the Establishment of Academic Content and Performance Standards. D'Amelio has been an active contributor to CSBA, and has served as a member of the association's Delegate Assembly since 1990 and as a regional director since 1992. In addition he has served on a number of CSBA committees, including the Legislative Network, Education Legal Alliance Committee, Nominating Committee, Annual Conference Committee and Assessment Task Force.

Throughout his many years of serving the community as a teacher and board member, D'Amelio also found time to volunteer outside of these roles. He founded a community organization for at-risk minorities, served as a director on a preschool board, and became a classroom "grandpa".

Mr. Speaker, I wish to publicly thank John D'Amelio for his dedication to the youth of California. He is one who understands the value of education and has had the generosity to sacrifice much of his life to such a noble cause.

A TRIBUTE TO DR. CHRISTOPHER BEATTY OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join my voice with the John T. Mather Hospital community as they honor Dr. Christopher Beatty of East Setauket, Long Island, for his many years of outstanding service and leadership, including his tenure as the chief of General Surgery at Mather Hospital.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual "One Enchanted Evening" fundraising dinner. At this year's gala, Dr. Beatty will be honored with the "Theodore Roosevelt Award" for his dedicated volunteer service to Mather Hospital and the community it serves. This year, in recognition of October as National Breast Cancer Awareness Month, the proceeds from Mather Hospital's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

For Dr. Beatty, winning Mather Hospital's "Theodore Roosevelt Award" has become somewhat of a family affair. His father also won the award in 1965 for his own many years of service as a member of the Hospital's Board of Trustees. Dr. Beatty received his medical degree from Georgetown University and completed his internship at Roosevelt Hospital in New York. Following a five-year surgical residency, Dr. Beatty served his country as a Major in the U.S. Army Medical Corps for two years in Stuttgart, West Germany.

A truly gifted surgeon, Dr. Beatty relishes his chosen field because of the genuine satisfaction he derives from being able to use his talents to cure a sick patient. "Surgery is the only branch of medicine where you can actually put your hands on the disease, take it out and see the good results in a relatively short period of time," Dr. Beatty has said.

The only thing more important than surgery in Dr. Beatty's life is his family, his wife, Lindsay and their daughters Shannon, Allison and Devon. When not in surgery or spending time with his family, Dr. Beatty tends to his many rose bushes and is an avid tennis player and runner.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Dr. Christopher Beatty, a very deserving recipient of the "Theodore Roosevelt Award" for his dedicated service to the hospital and our entire Long Island community.

MARY McAFEE WINS MILKEN AWARD

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. WILSON. Mr. Speaker, during a time when the kids of this nation search for role models, Mary McAfee has become one to her students. Zuni Elementary School principal Mary McAfee was recently awarded $25,000 from the Milken Family Foundation. The Milken award is given to only 160 educators nationwide who display excellence in education.

During her six years as Zuni Elementary's principal, Mary has improved curriculum, focusing on the enhancement of her school's technology, and for adapted learning to "real world" situations. Teachers at Zuni think she is an exceptional and caring principal, and one of New Mexico's best.

Mary McAfee is a role model for us all. She has put in countless hours and effort to improve our future by improving the schools our children attend. Mary was nominated by her co-workers to recognize the hard work she has done to improve our children's education. And, she is just one of the great educators in New Mexico.

Thanks to the Milken Foundation for recognizing one of New Mexico's best, and thanks to Ms. McAfee for her dedication to her students and teachers.

TRIBUTE TO FRANK 'HYLO' BROWN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ROGERS. Mr. Speaker, on the evening of Tuesday, October 13, the people of Johnson County, Kentucky, are coming together to pay tribute to Frank "Hylo" Brown, an old-time bluegrass singer and songwriter from River, Kentucky, in Johnson County, who has inspired bluegrass and country music lovers for decades.

A talented inspiring musician, young Frank Brown was born in River in 1922. He earned the nickname of "Hylo" because of his incredible vocal range, but it was his compassion and insight as a human being and a musician that have earned him the respect and admiration of those who know him and his music.

Despite being a success on the bluegrass music circuit, he has always remembered where he came from a small town called River, a one-room school house, and a coal miner's heritage. Even today, fans still come by the old home place where Hylo currently lives to see his collection of memorabilia from over 50 years of writing and performing.

Hylo once said, "I never set the world on fire, but I made a living." To the people who know him, he did a lot more than that. That is why the people of Paintsville and Johnson County are paying tribute to Hylo, commending him for over 50 years of bringing music into our homes and our hearts; being a Legendary Bluegrass Balladeer; the loyalty he has shown to Johnson County and the people of eastern Kentucky; and the kindness and consideration he has shown his fellow performers.

Hylo Brown has not only earned the right to have his name forever placed alongside the U.S. 23 Country Music Highway, in eastern Kentucky, but he has earned our respect and admiration not just because of the joy of his music has brought us over the years, but because of the good, decent man he has been to all those he has known throughout his life. I commend Hylo Brown, and I commend the people of Paintsville and Johnson County for recognizing his accomplishments.

HONORING PARAMOUNT UNIFIED SCHOOL DISTRICT FOR THEIR PEACEBUILDERS PROGRAM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HORN. Mr. Speaker, I rise today to call attention to an excellent program at work among students in the Paramount Unified School District in my Congressional District. It is called PeaceBuilders, and its mission is simple: to focus on the positive. It has been proven, both through academic studies and through the individual experiences of PeaceBuilders' participants, that a focus on positive social relations rather than negative, dangerous, or risky behaviors results in increased school attendance, improved academic performance, and decreased violent acts.

The program centers on four basic principles: praise people; give up put-downs; notice hurts and right wrongs; and, seek wise people. When PeaceBuilders praise people, they notice and express sincere appreciation when someone demonstrates acts of kindness or caring, giving attention to positive rather than negative actions. By giving up put-downs, program participants recognize and avoid what has become a mainstay of negative interaction in our culture. They also learn non-violent ways to respond when they are put-down. PeaceBuilders who notice hurts and right wrongs learn ways to make amends when they have caused another person pain, or merely to help another person in need. Finally, when they seek wise people as friends, mentors, and role models, PeaceBuilders surround themselves with the tools they need for continued success and an even brighter and more positive future.

Mr. Speaker, with so much attention today given to the negative, I want to shine the spotlight on the positive. I applaud the Paramount Unified School District not only for adopting this program, but for fully embracing it. Paramount was declared the "Outstanding PeaceBuilders District of the World for 1997–1998" by Heartsprings, Inc., the home of PeaceBuilders. The proclamation states that they "have been instrumental in the design of a K through 8 model which will henceforth be known as the 'Paramount Model.' May you continue to be a Model for the World to follow." Congratulations to paramount on this great accomplishment, and may you spread your positive message to all of our nation's schools.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition of the Republican impeachment inquiry. The way the House proceeds on an impeachment inquiry is very serious and must be considered in a deliberative manner. Unfortunately, the proposal before us does not create a focused inquiry with realistic time limits on the length and scope. Instead of offering a proposal that is sound and has reasonable standards on what impeachable offenses are, the Republican leadership is rejecting a focused inquiry and is forcing us to vote on a proposal that is endless and causes damage to a fair and just process.

Mr. Speaker, the question at hand is not whether or not to proceed with a formal impeachment inquiry. The question is how do we proceed? We considering such an important matter, will we place such a vote in the hands of election year politics or do we place this vote and process in the hands of fairness, the tenets of our Constitution and good judgement?

Mr. Speaker, it is my hope that my colleagues base their vote on the latter. We have a chance to send this proposal back to the judiciary committee and instruct them to develop a plan that is focused and fair.

However, the lines seem to be drawn and the Republican leadership has convinced their members to vote along party lines. The last chance for a pragmatic approach is lost.

Therefore, I encourage my colleagues of both parties to join together and defeat the Republican proposal. In the face of fairness, the Republican majority's effort will move forward with an open-ended process designed not to follow the path of truth, but to simply embarrass the President one month before the congressional elections. All of us in Congress should be committed to searching for the truth, not political points. But if we choose to forego the search for truth, we do so with a blatant disregard for principles of fairness and justice.

Mr. Speaker, if we move with a process based on those ideas, then as a lawmaking body, we can get back to the important issues that have evaded us this session. In the waning days of the legislative session, we still have a chance to save Social Security, pass a real patients' bill of rights, improve the quality of education and protect our environment. I plan to fight and oppose this arbitrary measure, and support a fair process. That process will put an end to this investigation in a timely fashion and gets the House of Representatives back on track to work on the issues that truly matter to this great nation.

A TRIBUTE TO MR. ALAN BECK OF JOHN T. MATHER HOSPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in the House of Representatives to join with the John T. Mather Hospital community as they honor Alan Beck of Port Jefferson, Long Island, for his many years of outstanding service and leadership to the hospital, including his efforts to create the Mather Leadership Council.

On Friday evening, October 23, hundreds of friends, volunteers and staff will gather for Mather Hospital's 33rd annual "One Enchanted Evening" fundraising dinner. At this year's gala, Alan Beck will be honored with the "Theodore Roosevelt Award" for his dedicated volunteer service to Mather Hospital and the community. In recognition of October as National Breast Cancer Awareness Month, proceeds from Mather's annual benefit will go to the Fortunato Breast Health Center and Breast Cancer Treatment.

A successful media entrepreneur, Alan Beck has owned radio stations in Baltimore, Minneapolis, Cincinnati and on Long Island. A graduate of the University of Maryland, Alan worked in radio in Baltimore and New York through 1980. It was the following year when he founded American Media, Inc. and bought Long Island radio station WALK, which he soon turned into the country's most successful suburban radio station. Alan worked to grow his company, adding radio stations in markets nationwide before selling the business to Chancellor Broadcasting.

Though Alan has sold his radio operations, he still manages American Media, a media consulting firm. As the chairman of the Mather Leadership Council since 1977, the year he created the body, Alan has worked tirelessly to support the mission of Mather Hospital. Drawing upon his skills and talents as a successful businessman, Alan has led fundraising for the Adolescent Psychiatric Recreation Area Project, the Prostate Cancer Awareness program and the Hospital's Capital campaign. Under his command, the Mather Leadership Council has grown to 70 members, each dedicated to making Mather Hospital the best it can be.

So, Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join the entire John T. Mather Hospital community as we honor Alan Beck, a very deserving recipient of the "Theodore Roosevelt Award" for his dedicated service to the hospital and our entire Long Island community.

TRIBUTE TO REID CHAPEL A.M.E. CHURCH OF SUMTER, SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Reid Chapel African Methodist Episcopal Church of Sumter, South Carolina. The Reid Chapel A.M.E. Church was organized as a Mission in the spring of 1952. The original founders of the church were: Rosa Bell Guess, Carlos Guess, Julia Banding, Evons Banding, Hester Jenkins, David Jenkins, Robin Cabbagestalk, Herbert Isaac Sr., Alice Gaines and Willie Gaines.

After meeting every Sunday for approximately two years, Mr. and Mrs. Guess approached the Presiding Elder of the Sumter District, the late Rev. Marcellus F. Robinson and then pastor of Mt. Pisgah A.M.E. Church in Sumter, former Bishop of the Seventh Episcopal District the Rt. Rev. Frederick Calhoun James, who took their wishes to purchase property for a church to the late Bishop Frank Madison Reid, Sr. Bishop Reid agreed and shortly thereafter purchased the land and had a ground breaking ceremony. Within a year, the church was built and the dedicatory service was held in October 1955.

The first stewards were Rosa Guess, Julia Banding and Robina Cabbagestalk and Hester Jenkins. The first trustees were Carlos Guess, Evons Banding, David Jenkins and Gus Allen. The first superintendent of the Sunday School was Gus Allen. The first church sextons were the Guess and Blanding children. Rosa Guess served as the church secretary. Thelma Guess and James Linton were the musicians and Choir directors. The first Sunday School teachers were Marguerite Guess, LeAnn Jenkins, and Annie Lee Green. The first pastor to be assigned to the church was the late Rev. Ben L. Burroughs of Kingstree, S.C.

During the first revival services held at the church, nineteen youths came to Christ. Vacation Bible School was held during the summer. The first teachers were Marjorie Robinson, E. Mitz Pringle, Ruth Robinson, Deloris Ham and a few others. Softball and basketball games were sponsored by Reid Chapel, and sewing classes were conducted by Rosa Guess and the late Hallie B. Hampton.

All Sunday School books and the other materials were donated by Mt. Pisgah A.M.E. Church. The piano, which is still being used, was given to the church by the late Elder Robinson. Mt. Pisgah A.M.E. Church family under the leadership of Rev. F.C. James donated the first set of pews and hymnals. During the 1970's, the church's attendance declined to less than five, and it became impossible to maintain a full time pastor. The church doors were closed. In the 1980s, Reid Chapel's doors were reopened. And in 1987, the Annual Conference connected Reid Chapel and St. Michael to form a circuit under the pastorate of Rev. Vermell Humes. After Hurricane Hugo in 1989, the mission closed again.

At the 1991 Annual Conference, Bishop F.C. James appointed Rev. Eliza E. Black to pastor the closed mission. This new "Venture of Faith" began on September 19, 1991. The doors of Reid Chapel opened at 8:30 AM. Arriving with the new pastor was her faithful and supporting spouse Theodore, her youngest daughter Antonia Black, two of her grandsons Michael and Renard Black, and a niece Amanda Johnson. By ten o'clock, twenty odd adults and children had come to welcome the new pastor and to share the first morning service ever in the 39 year old history of the mission. When the invitation to membership was extended, Reid Chapel received its first member, Willie M. Martin.

In the Spring of 1994, Reid Chapel purchased a house adjacent to the church's property. Isaac Wims, a member of the community and supporter of Reid Chapel, completely renovated the two bedroom home as a special gift to the church. This property became Reid Chapel's Resource Center. Ground was broken for the Educational Building. It took the congregation only two years to complete the 2560 square foot edifice.

The worship service was moved from the small original block sanctuary to the multipurpose room to the new Educational Building in November, 1995. Church records reveal that there were times that more than 100 worshipers packed into the pews of that little chapel. Many conversions, baptisms, weddings and funerals are logged in the church files. It took less than one conference year to complete the work on the sanctuary.

Officially, Pastor Black was the contractor on record and provided the administrative functions. Her son Randolph Black, a Trustee of the church, a highly skilled brick mason and contractor, directed the work. He also laid many of the blocks himself. The building committee consisted of the faithful Stewards (Henry Murray, Rebecca Hall, Kenneth Black, Rosa Guess, and Marguerite Jones) and Trustees (Randolph Black, Debra Bradley, Almeta Murray, Margie Bradley, Christopher Hall, Rachael Madison, Elizabeth Mack, Besena Bradley and Collette Bradley). It was Randolph Black who received the vision and the plan to build the sanctuary furniture. Matthew Jones and Billy Olden assisted in executing the vision. These men literally built the chancellor rail, communion table, offering table and the flower stands. Margie Bradley assisted Billy Older in finishing the furniture. Most of the wood was donated by Debra Bradley. The decorative work was donated by Williams Furniture Company, Inc. Henry Murray continued to be the dutiful steward and helper.

While the community has called this church Reid Chapel, the founding fathers legally identified the church as "The Walnut Hill Community AME Church" which remained the official name of the church until December 1997. At that time, proper documents were drawn up and presented to the Rev. Robert L. McCants, Presiding Elder of the Sumter District and the Rt. Rev. John Hurst Adams, the Presiding Bishop of the Seventh Episcopal district of the African AME Church to legally claim the known name, and the "legal" name Walnut Hill Community AME Church was officially removed from all documents.

Today the Reid Chapel African Methodist Episcopal Church stands ready to serve all of the citizens of the Walnut Hill Community, and the City and County of Sumter. I appreciate my colleagues joining me in honoring this great church and its outstanding leaders.

REGARDING: REPUBLIC OF CHINA'S NATIONAL DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ORTIZ. Mr. Speaker, in recent years, the Republic of China on Taiwan has emerged as a major economic power in the world. Recent world economic events offer a special lesson in the power of democracies in global economic affairs.

Their economic success is directly attributable to freely elected democratic leadership. These leaders understand that a strong economy is necessary for political reform. The fact that Taiwan has survived the latest Asian financial crisis relatively unscathed is the lesson in the power of democracy.

From its one-party past, the Republic of China has grown into a more sophisticated democracy with a number of political parties. The Republic of China strongly supports individual freedom, human rights, and a dialogue with any other country in the world.

Mr. Speaker, let us show our admiration of our friends in the Republic of China by congratulating them on their 87th National Day, October 10, 1998.

At a time when it is even more apparent that the world's economies are interconnected, the United States can find an oasis of strong economic fundamentals in the Republic of China.

TRIBUTE TO DR. MARY P. SMITH, AN ARDENT LEMONADE MAKER

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAYNE. Mr. Speaker, if we are lucky we have come in contact with a person who instinctively makes lemonade out of the lemons of life. There is such a woman in my district who is being honored on Thursday, October 8. She is Dr. Mary Smith. Thirty years ao Dr. Smith saw a need for day care programs in Newark, New Jersey. She used her vision, commitment and steadfastness to establish Babyland Nursery, Inc. Babyland Nursery, Inc., now known as Babyland Family Services, Inc. has evolved into a model for urban day care throughout the nation.

In 1968, Dr. Smith started with 26 children in a seven-room basement apartment in central city Newark to establish one of the first day care programs in the United States and the first non-profit interracial day care center in New Jersey to provide day care for children from 2½ months to five years old. If we go back to 1968, we will remember it was a time that women while moving into the workforce had very limited resources for child care. This sometimes meant that these families had to depend on public assistance for survival rather than become self-sufficient. Today, we see the benefit of providing safe, clean, and educatable day care services. The lack of day care was a lemon to Dr. Smith. She took her knowledge, skills and foresight to make some lemonade that has quenched the thirst of day care need for countless families and children.

Babyland Family Services, Inc. has evolved to comprise 11 different facilities offering 20 separate programs that benefit over 1,500 children, women and families each year. It has a staff of over 200, volunteer support of almost 700 and a reputation that extends to the international arena.

Mr. Speaker, I am sure my colleagues will want to join me in thanking Dr. Mary Smith and Babyland as they are recognized for their hard work and dedication to the health, well-being and education of children from urban areas. I would also like to encourage all citizens to become interested in helping the future, our children, thus ensuring a brighter future for them and the generations to come.

CELEBRATION OF THE COMPLETION OF THE KIDS' CREATED KINGDOM PROJECT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KLINK. Mr. Speaker, I rise today to recognize the efforts of the organizers and the volunteers of the Kids' Created Kingdom project. In only five days the volunteers built a 15,000 square foot, state-of-the-art playground complex for the children of Ellwood City. Six hundred people gathered to celebrate their achievements with a picnic and dedication the evening it was finished.

I would like to pay special recognition to some of the key individuals in this project. The Project General Coordinators were Tim Post and Earla Marshall. The Core Committee consisted of Harold Marshall, Cindy Falotico, Joe Carofino, Jeff Berendt, Steve Oliver, Ellwood "Woody" Hazen, Rick and Sharon McClintick, Terri and Larry Crespo, Tom Yoho, Mary Post, Nan Beachem, Beverly Todd, Kim Rangel, Carole Houghton, Julie D'Amico, Cathy Basler, Rosina Betz, Sharon Razani, Wesley Calve, Peggy Figurel, and Robin Lucas. The Construction Site Captains were Bo Rossi, Ernie Mallary, Jerry Maine, Jerry Hulick, Sam and Beth Kasper, Allen Polochak, "Skip" Volpe, Dave Buana, Joe Hawrylak, Jim Palagallo.

These individuals along with many volunteers worked hard to not only construct the playground but to raise the necessary funds. The project planning began in September 1997. They were able to raise the 85,000 dollars needed in only seven months. Again I would like to commend them on their efforts to improve the community of Ellwood City for its children.

TRIBUTE TO JIM RUPP

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to my constituent and dear friend, Mr. "Jolly" Jim Rupp of Decatur, Illinois who has recently passed. He was a devoted public official and my condolences and best wishes go to his family and all who will miss him.

Some of my Illinois colleagues may remember Jim as Decatur's mayor from 1966 to 1976 and state senator until 1986. But anybody who knew Jim, knew him as "Jolly Jim." He was always happy, rarely ever down in spirit. His smile would warm you up on the coldest of mornings, and his personality was genuine. Jim got along with anybody and everybody. This was his best quality not only as a politician, but as a person. He was cut from a different type of political cloth. Jim realized that politics relied on personal qualities, and paying attention to the grass roots. He would make visits just about everywhere he represented to arouse interest in issues, and gain support from constituents. In fact, he was once quoted that he loved making these visits so much, that he could rarely ever complete a personal house chore. Nevertheless, he took the concept of politician to mean personable, and in touch with his constituents, which is a quality public officials still need to follow.

Jim grew up in New Jersey, and served in World War II and the Korean War proudly for this nation. He married Florence Reineke in 1944, who unfortunately passed away last December. He moved to Decatur in the 1950's and became partner and later sole owner of Creighton-Jackson Insurance Agency. Jim was then elected mayor several years later in 1966. He also offered much of his time outside of public office in the Decatur community. Jim was a member of the Rotary International, VFW Post 99, Decatur Shriners Club and the American Legion Post 105. Moreover, Jim was a devout Christian and a charter member of Woodland Chapel Presbyterian Church. He is survived by his sons James and Jeffrey and their families.

Mr. Speaker, please join me in recognizing Mr. Jim Rupp, whose dedication to his community has had a profound impact on those who knew him, including myself. It has been an honor to represent him in the United States Congress. I will miss "Jolly Jim" immensely. His style was so unique and he was so humble. Many of our national and local leaders need to follow in his footsteps to succeed in politics and in life as he did.

A TRIBUTE TO FRANK PALLONE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ACKERMAN. Mr. Speaker, earlier today at a meeting of the Congressional Caucus of India and Indian Americans a number of our colleagues honored me by electing me Co-Chairman of the Caucus. In doing so, I am being asked to fill a pair of big shoes by succeeding the Caucus's founder and first Co-Chairman, FRANK PALLONE.

Mr. Speaker, the Caucus on India and Indian Americans was founded more than five years ago by FRANK. His district has a large and vibrant Indian American community, and FRANK decided their voice needed to be heard in the Congress. What began as a handful of Members five years ago has been transformed into a thriving Caucus of more than one hundred Members, making the Caucus one of the largest ethnic Caucuses in the Congress.

Mr. Speaker, much of this success and growth is a tribute to FRANK PALLONE's leadership and energy. During his term as Co-Chairman, he has worked tirelessly in the House to improve relations between India, the world's largest democracy, and the United States, the world's oldest democracy. The Caucus has been a forum for important discussions between the Caucus Members and senior politicians, diplomats and industrialists from India. Outside Washington, FRANK also has been very active, traveling to cities around the United States where he has met with hundreds of Indian American community leaders.

Mr. Speaker, as the Caucus of India and Indian Americans enters its sixth year, I know my colleagues join me in congratulating FRANK on a job well done. I am certain the other Members of the Caucus agree with me that we are looking forward to his continued strong participation as a senior Member of the Caucus and to his strong support of the interests of the Indian American Community.

RESOLUTION REASSERTING U.S. OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SALMON. Mr. Speaker, I am pleased to introduce with Representative JIM SAXTON and Majority Whip TOM DELAY a resolution calling on President Clinton to publicly and unequivocally state that the United States will actively oppose a unilaterally declared Palestinian state and that any such action would have severe negative consequences for Palestinian relations with the United States. Though the United States has traditionally oppose a unilaterally declared Palestinian state, recent statements by the Administration have been ambiguous, and contradictory to its previous policy. This shift in the attitude by the U.S. government has been followed by recent announcements by the Palestinian Authority of their intention to declare a Palestinian state unilaterally. Such a declaration would be a violation of the Oslo Accords. It would also pose a threat to Israel, and it would have a destabilizing effect on the entire Middle East. Therefore, it is urgent that the U.S. reaffirms its opposition to a unilateral declaration of a Palestinian state.

For decades U.S. policy has been to oppose steadfastly the creation of an independent Palestinian state irrespective of how it is declared. The Administration's evolving policy on Palestinian statehood is skillfully explored in Robert Satloff's piece "New Nuances" that appeared in the July 13th New Republic. The author points to four sets of comments by Administration officials that have called into doubt the longstanding U.S. policy. (1) On May 7th, First Lady Hillary Rodham Clinton advocated the establishment of a Palestinian state. (2) On May 18th, Assistant Secretary of State for Near Eastern Affairs Martin Indyk refused to express firm U.S. opposition to the unilateral declaration of an independent Palestinian state, but rather restated traditional U.S. policy as a preference. (3) Also on May 18th, Vice President AL GORE made similar comments. (4) And finally, at a May 28th White House briefing, spokesman Michael McCurry refused to rule out the possibility that the United States would refuse to recognize a unilaterally declared Palestinian state. Mr. Satloff summarized the comments as follows: "The United States strongly prefers a negotiated outcome of final status issues between Israel and the Palestinians and will work to achieve that goal. However, if the two sides do not reach agreement by May 1999 and the Palestinians issue a unilateral declaration of statehood over Israeli objections, the U.S. may or may not recognize that state."

Since these statements by the U.S. government, Palestinian Authority Chairman Yasser Arafat, his cabinet and the Palestinian legislature have repeatedly threatened to unilaterally proclaim the establishment of a Palestinian state when the Oslo Accords expire on May 4, 1999. In mid-July, Chairman Arafat stated that "there is a transition period of 5 years and after 5 years we have the right to declare an independent Palestinian state." Even more recently, on September 24th, Chairman Arafat's cabinet threatened to unilaterally declare a Palestinian state that would encompass a portion of Jerusalem: "At the end of the interim period, it (the Palestinian government) shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state." (The Columbian, Mark Lavie, Associated Press, September 25, 1998.) Chairman Arafat continued his push for statehood on September 28th in a speech before the United Nations, calling upon world leaders to support an independent Palestinian state:

> I would like to call upon all of you from this place—the source of international legitimacy and peacemaking, the guardian of freedom, security and stability, and the source for the achievement of justice and prosperity for humankind—to stand by our people, especially as the five-year transitional period provided for in the Palestinian-Israeli agreements will end on the 4th of May, 1999 and our people demand of us to shoulder our responsibilities, and they await the establishment of their independent state.

A unilateral declaration of statehood would be a renouncement of the Oslo Accords and could ignite hostilities. The Oslo Accords make no provision for the creation of a Palestinian state and, in fact, prohibit the Palestinian Authority from taking any actions that would affect the sovereignty of the Israeli-administered territories. Earlier this week Assistant Secretary of State Indyk said that a declaration of statehood "becomes a recipe for an almost immediate confrontation . . ." (Hillel Kuttler, Jerusalem Post, October 4, 1998). The threat of designating Jerusalem as the capital of a unilaterally declared Palestinian state is particularly offensive. It is also an affront to official U.S. policy. The Jerusalem Embassy Act of 1995 codified that "Jerusalem should be recognized as the capital of the State of Israel."

In light of Chairman Arafat's repeated threats to unilaterally declare a Palestinian state, and due to the lack of clarity in the Administration's position on this issue, it is important that Congress urge the President to state explicitly that a unilateral declaration of Palestinian statehood is in contravention to longstanding U.S. policy and is a violation of the Oslo Accords, and the United States will oppose and refuse to recognize such as action.

REGARDING THE "TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998" (H.R. 3888)

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORBES. Mr. Speaker, I rise today in strong support of the "Telecommunications Competition and Consumer Protection Act of 1998" (H.R. 3888).

Enactment of the "Telecommunications Competition and Consumer Protection Act of 1998" is critical to end the problem of "slamming," that effects more than 20,000 consumers a year, according to the General Accounting Office. This legislation imposes a set of requirements that, when implemented by the industry, will eliminate the financial incentive for any carrier to make illegal changes in a consumer's selection of his or her telecommunications carrier.

Equally important are changes that I pressed for and that were made to the bill when it was marked up by the full Commerce Committee. This legislation avoids imposing burdens that will be as extensive or intrusive as some traditional rules and regulations placed on the telecommunications industry, while taking away the financial incentive for a carrier to engage in "slamming."

The "Telecommunications Competition and Consumer Protection Act of 1998" takes the approach of encouraging telecommunications providers to abide by a code of contact that includes a self-policing mechanism. While this type of code is a common practice in many industries, it has yet to be adopted by telecommunications providers in the context of protecting consumers from "slamming." H.R. 3888 encourages the industry, under the direction of the Federal Communications Commission, to put in place the requirements of such a code. Under the code approach, the Commission shall engage in limited and minimal regulatory oversight; it will serve as a backstop, ensuring the proper code provisions are in place and, where appropriate, punishing those who willfully violate the code. By agreeing to adhere to the code, carriers can avoid more burdensome regulation and the significant civil penalties that can be imposed against companies that fail to follow the code and "slam" unsuspecting consumers.

This bill strikes the proper balance and I believe it will stop the unacceptable practice of "slamming." I urge my colleagues to support it.

IN RECOGNITION OF THE SERVICE OF ROBERT E. CHASE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. HARMAN. Mr. Speaker, I want to join the family and friends of Robert E. (Bob) Chase and commend him on his retirement at the end of this month as Assistant City Administrative Officer for the City of Los Angeles.

Bob, is retiring after 41 years of distinguished service during which he served the citizens of Los Angeles and four mayors—Norris Poulson, Sam Yorty, Tom Bradley and Richard Riordan. Soon after he first joined the city in 1957, Bob rapidly rose in the city administrative office, being named to the position of assistant city administrative officer and executive officer in 1971 in recognition of his management skills. These same skills earned him recognition within the Metropolitan Chapter of the American society for Public Administration, which elected him president in 1975.

Bob's record tenure as Executive Officer of the city administrative office has been a source of stability and reassurance to the city's residents. Indeed, the office has been at the center of all of the major events and changes which have shaped the city of Los Angeles. Most importantly, the administrative office enjoys a nationally-recognized reputation overseeing the fiscal affairs of the nation's second largest city—due, undoubtedly, to Bob's talents and those of the fine staff he assembled.

Mr. Speaker, I am proud that Bob Chase is a constituent. He is an example of the high quality of public servants who serve the city and one of many who devote considerable time and effort to build a strong and stable community.

I know bob is looking forward to spending more time with his wife, Sallie, and their family. from time to time, I understand he will also hone his already formidable skills at golf. In all these future ventures, I wish him the very best and, again, join in thanking him for his service to the residents of the City of Los Angeles.

CELEBRATING BURBANK MIDDLE SCHOOL'S 50TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GREEN. Mr. Speaker, I rise to congratulate and pay tribute to Burbank Middle School on their 50th Anniversary. This wonderful school has been serving the community of Houston, Texas faithfully for 50 years, and is well deserving of recognition and praise.

Burbank Middle School is truly a model school that has a distinguished student body and staff.

Burbank was dedicated on September 20, 1949, with 1,700 students, parents, teachers, and school administrators in attendance.

The building's original cost was $2,250,000. This was a large investment in those days and demonstrates the commitment that the residents had for quality education.

The dedication of the cornerstone was performed by past school board president Ewing Warlein. During the ceremony, he said: "This great structure is dedicated to education in the finest sense of the word and is not only a monument to education, but a monument to the American way of life, to free enterprise and our constitutional form of government. This building is dedicated not only to the education of the children in this district but also to the boys and girls of generations yet unborn."

Education is the key to our children's future and the key to our country's continued success. The teachers and staff at Burbank Middle School also believe this and have worked hard to ensure that all their students have an opportunity for quality education.

The twenty-first century will bring new challenges for our young people, and we have an obligation to educate them to deal with these challenges. With the leadership of the parents, teachers, and staff of Burbank Middle School, we can accomplish anything.

For years, families have know this school as a living monument in the community, making it a good place to study and learn. I am certain that the strength of this community would not be what it is today without the commitment of this school. I am honored to congratulate the members of the Burbank Middle School for making it a source of community pride for the past 50 years.

HURRICANE RELIEF FOR PUERTO RICO RESIDENTS

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ROTHMAN. Mr. Speaker, today I rise to extend my deepest sympathies and offer my support to those on the island of Puerto Rico who have suffered losses due to the damage caused by Hurricane Georges. I would also like to clear up some confusion regarding the Federal Emergency Management Agency (FEMA), the Federal agency currently working to alleviate the pain and suffering caused by the hurricane.

I recently learned that erroneous reports regarding the funding of FEMA have been circulating in Puerto Rico. Some in the Commonwealth have stated to the press that funding for the FEMA program is obtained from local taxes and user fees within Puerto Rico and thus, the inhabitants of Puerto Rico are being forced to fully fund the FEMA relief efforts on their own. These reports are completely untrue.

On the contrary, the funds for FEMA come from the U.S. Treasury general fund and are appropriated by the Appropriations Committees in the House of Representatives and the Senate. The general fund is supported by the collection of federal taxes and federal user fees from citizens of the mainland of the United States. Thus the burden of FEMA relief efforts is not being incurred solely by citizens of the Commonwealth of Puerto Rico.

I urge all of my colleagues in the United States Congress to join me in continuing efforts to aid our fellow American citizens in Puerto Rico in their time of need. We need to continue to seek disaster relief funding for FEMA before Congress adjourns.

HONORING CLIFFORD R. HOPE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. MORAN of Kansas. Mr. Speaker, I rise today to introduce legislation naming the post office in Garden City, Kansas after former Congressman Clifford R. Hope.

Mr. Hope represented the 7th Congressional district in Kansas from 1927 to 1957. During those 30 years, Mr. Hope rose in prominence in the House and eventually became the Chairman of the House Committee on Agriculture. In fact, he was the last Republican of the Agriculture Committee prior to the Republican party gaining control of the House in 1994.

During Mr. Hope's political career, he rose first in the Kansas House of Representatives becoming the Speaker of the Kansas House. Following his election to Congress, Mr. Hope became the Chairman of the House Agriculture Committee and was deeply involved in establishing many of the agricultural programs still in existence today. In addition to his work on behalf of agriculture, Mr. Hope was a strong advocate for defense programs and was heavily involved in the military programs essential to the war efforts of World War II.

Mr. Speaker, as a fellow Kansan it is with pride that I associate myself with Mr. Hope and I am honored to introduce this legislation.

A TRIBUTE IN MEMORY OF BENNY WATERS

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. MEEKS of New York. Mr. Speaker, it is with a great sense of loss that I pay tribute to Mr. Benny Waters, a jazz legend and the oldest touring jazz musician, who died on August 11.

Benjamin Arthur Waters was born the youngest of seven children to Edward and Francis Waters on January 23, 1902 in Brighton, Maryland. Mr. Waters started his musical education at age 5 with organ lessons, and he soon moved to reed instruments. While in high school, still in the pre-jazz era, he played syncopated music with Charlie Miller's band. In his late teenage years he attended the Boston Conservatory of Music, where he studied theory and arranging and gave private clarinet lessons. Among his pupils was Harry Carney, who went on to play baritone saxophone with Duke Ellington.

In 1952, a turning point came in Waters' life when he was asked to join Jimmy Archey's Band for a European tour. The saxophonist decided to stay on in Paris and remained there making it his home wile touring festivals and giving concerts in Europe for the next 42 years. Last year, the French government presented Waters with its distinguished "Chevalier Legion d'Honneur."

Failing eyes and the need for cataract surgery brought the saxophonist home and unfortunately resulted in losing his eyesight. Waters' never-failing buoyancy and upbeat spirit brought him to the attention of the "Statesmen of Jazz" Tour, and he was invited to become a founding member. Through his performance, he achieved new stature at home in America. Waters, along with his fellow "Statesmen," contributed his time to Arbors Records for the "Statesmen" CD, and its sales are donated to perpetuate the nationwide and international tours. His most recent recording was "Birdland Birthday—Live at 95."

In blindness, he persevered, averaging 100 dates a year until this year, making a second-floor apartment in Hollis, Queens—a suburban town in my district—his home base. Jazz historians indicate that Benny was one of only six survivors of jazz recording artists of the late 1920s who were still active, along with Claude "Fiddler" Williams, Benny Carter, Lionel Hampton, Spiegel Willcox and Rosy McHargue.

Benny will be missed by his family, friends, colleagues, fans and communities across the world.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. ACKERMAN. Mr. Speaker, I rise to voice my strong objections over the Republican resolution ordering an impeachment inquiry against President Clinton. This has become a one-sided, all-out and disgraceful witch hunt into the private life of the President, and I strongly disagree with its objectives and methods.

Although I believe that the President's behavior with Ms. Lewinsky was indefensible and disgraceful, and I certainly do not condone it, it is in no way an impeachable offense. Given the existing evidence, I believe that there is no basis for impeachment of the President. Lying about an extramarital affair, regardless of to *whom,* does not rise to the level of an impeachable offense, as defined by the Constitution: "* * * the President shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." While the President's behavior was offensive, I believe that it does not fit this definition. I sincerely doubt that the farmers of the Constitution had Kenneth Starr's report—which focused on private sexual behavior—in mind when drafting the impeachment clause.

It is time for us to put this issue behind us and move onto matters that are vital to our nation. Our country has many challenges to confront, and it is imperative that Congress give its attention to the very important issues that affect the daily lives of all Americans—such as improving our education system, protecting Medicare and Social Security, and strengthening the world economy. Over the course of the 105th Congress, we have witnessed an abuse of power.

And it is this Congress that is guilty of the abuse. You see, Mr. Speaker, we abuse the power we have when children go to bed hungry, and we do little or nothing about it.

We abuse our power when Social Security is in trouble and we sit idly by;

We abuse our power when we don't address the problems of the environment, such as polluted waterways and dirty air;

We abuse our power when our health care system is ill, and we don't cure it;

We abuse our power when we allow the tobacco companies to poison our children without regard;

We abuse our power when our campaign financing system needs reform and we ignore it;

We abuse our power when our students are lagging behind those of other nations and we don't address the issue properly;

I think it has become painfully obvious that the Republican leadership wants to simply ignore the priorities that remain important to the general public, while insisting on following through with a purely partisan and never-ending investigation into the private life of our President. This is something that I simply cannot be a party to and that I strongly oppose.

PATRICIA ROBERTS-HARRIS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. POSHARD, Mr. Speaker, I rise today to recognize one of Illinois' most prominent government officials and a dear constituent of Mattoon, Illinois, Mrs. Patricia Roberts-Harris. It is an honor to acknowledge one of the 19th congressional districts own as Mrs. Fran Phillips-Calhoun and the Patricia Roberts-Harris Commemorative Campaign celebrate and organize their energy on a U.S. postal stamp and a biographical book on Pat Harris.

As many of my colleagues may remember, Pat was a distinguished official in both the United States government and the arena of international diplomacy. But before she became the first black female U.S. cabinet member and the first black female ambassador, she was one of Illinois' favorite daughters. A native of Mattoon, she was proud of Illinois and wanted to do more for the United States and the African-American community. Pat was the only daughter born to Bert Fitzgerald an Hildren Brodie Roberts of Mattoon. During her early childhood, Pat's family owned a farm and she attended the local elementary and middle school in Mattoon. By high school age, her family moved to Chicago, where she finished at Englewood High School. Pat later attended Howard University in 1942 and graduated within three years, summa cum laude. She wanted to return back to Illinois and get involved in the Chicago community as an activist at the Young Women's Christian Association (YWCA).

However, it was in Washington where Pat became so well known in the first of numerous prestigious positions. In 1949, she worked for Delta Sigma Theta Sorority as executive director and with Howard University as dean of students and professor of law. She even had enough time to fit George Washington law school into the picture, where she graduated first in the graduating class of 1960. Within five years, Pat was appointed by President Lyndon Johnson as the first black female ambassador to Luxembourg. She also later became the first black female U.S. Secretary of Health, Education and Welfare under President Jimmy Carter.

Pat had a tremendous professional career, as well as a style unlike anyone else in public office. She had a unique way or organizing and formulating policy strategies effectively. Pat's expectations were high, but she took every turn and situation in life head on. This was evident as professor, ambassador, public official and particularly when she served as as co-chair for President Kennedy's National Women's Committee for Civil Rights in 1963. She not only played an essential leadership role in this position, she garnered support for the enactment of the Civil Rights Act of 1964. In 1985, Pat passed away. She bequeathed part of her will to a public affairs program named in her honor at her alma mater of Howard University. Pat wanted to make sure that future generations would have the same opportunities as she, and continue to pursue her goals through government internships. This demonstrates just how dedicated Pat Harris was to the African-American community and spreading the influence of public service to other.

Mr. Speaker, it is an honor to recognize Pat Harris as the commemorative campaign continues organizing her postal stamp, and as Mr. Calhoun completes writing her childhood biography on this great public official. I wish the organization, and Mrs. Calhoun, my very best wishes and future success as they finish highlighting the many accomplishments of Pat Harris.

TRIBUTE TO MRS. MINAL KUMAR

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MINK of Hawaii. Mr. Speaker, I take this opportunity to give thanks for the life of Minal Kumar, an extraordinarily dedicated and effective advocate for the health of women and children in the State of Hawaii. As the only public health nutritionist on the island of Kauai, Mrs. Kumar, in the span of only six years, managed to triple the number of clients served by the State Department of Health's Women, Infants, and Children (WIC) programs and for the first time extended WIC programs to the island of Niihau.

Minal Kumar's special mission was to encourage women to breast-feed their infants because of the significant health benefits breast-fed babies enjoy and because of the special bond that breast-feeding promotes between mother and child. Mrs. Kumar is remembered with great fondness by the people of Kauai for her commitment to the health of women and children and for her personal contribution to relief efforts after Hurricane Iniki devastated the island.

It has been almost a year since Minal Kumar's passing, but she has not been forgotten by her many friends and admirers on Kauai. A garden at the Kauai office of the Hawaii Department of Health was dedicated this past summer and a memorial fund benefiting Hawaii Mothers' Milk has been established in her name. I send my heartfelt aloha to Minal's loving family—her husband Dr. Krishna Kumar, daughter Roshni, and son Akash—and I ask all of my colleagues to join me in honoring the memory and special contributions of Minal Kumar.

THE HOUSEPARENT PROTECTION ACT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PITTS. Mr. Speaker, today I am introducing legislation to provide an exemption from Department of Labor (DOL) wage and hour regulations to employees of private, nonprofit institutions who serve as houseparents.

Houseparents are men and women who work and live in certain institutions and care for and supervise residents of the institution. Usually in compensation for their services, houseparents receive a fixed annual salary, food, lodging, and transportation.

Mr. Speaker, there are several wonderful homes in my district that use the houseparent model. They are: a home for teenage mothers with small children, a home for pregnant young women, a home for disabled adults, as well as several homes for troubled and abused children. These homes have been very effective in caring and ministering to these needy individuals. Because of the care and support of their houseparents, most of these individuals are able to leave the group home and become productive members of society.

Mr. Speaker, the Department of Labor's recent interpretation of the Fair Labor Standards Act (FLSA) as it applies to houseparents has resulted in lawsuits and large legal fees for a small non-profit group home in my district, and several other homes across the nation. Houseparents serve a much different purpose than other caretakers of institutions. Houseparents volunteer to permanently reside at the group home in which they work. Caring for the individuals in their home is more of a calling to them than an occupation.

The DOL, however, has decided that these houseparents should be paid minimum wage and overtime pay for the time they are at the home. This means that many houseparents would need to be paid 24 hours a day, even for the time they are sleeping, or not directly caring for the residents of the home. This ridiculous interpretation by the DOL has driven up the cost of operating these homes to the point that many of them can no longer provide services and have been shut down. Other homes are being forced to use a type of employment model whereby "teams" of houseparents would be required to work in eight-hour shifts to care for the residents. Not only does this shift model also drive up costs, but also destroys the family-like arrangement of the home.

Mr. Speaker, houseparents serve a very important role in these institutions. They create a family atmosphere for individuals who do not have parents or whose parents are unable to care for them. Individuals who work in these homes do so out of a selfless calling, and provide structure and care for a vulnerable group of people in our country. My bill will end the Department of Labor's policy of stopping houseparents from caring for people who need their loving support.

HONORING AURORA METALS ON ITS 100TH ANNIVERSARY

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. HASTERT. Mr. Speaker, I rise today to congratulate the management and workforce of a firm in my District which is celebrating its one hundredth year of operation.

On October 18, 1899, the Aurora Metal Company was formed to reclaim metallic lead for the manufacture of hardware and decorative items. In the ensuing years, the company grew and prospered, pioneering the new technology of vacuum casting.

In World War II, the Aurora Metal Company, along with industries across this nation, put its skill and determination to helping our Nation win the war, and received the prestigious Army-Navy E Award for outstanding production of war materials. In fact, the Aurora Metal Company was the smallest firm west of the Alleghenies to receive the honor.

Today the company, now known as Aurora Metals Division LLC, located in Montgomery, IL, employs 160 people and maintains a state-of-the-art foundry, machine shop and tool and die manufacturing facility. And the talent, hard work and diversity of its workforce has contributed greatly to its success. The firm's dedication and commitment to providing high quality products at a fair price represent the ideals that have made our nation great, and are, in no small part, what have enabled Aurora Metals to grow and prosper.

Mr. Speaker, I urge you and my colleagues to join me in honoring the workers and management of Aurora Metals on reaching this centennial milestone and wish them continued success for the future.

TRIBUTE TO ROBERT P. GAJDYS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CARDIN. Mr. Speaker, I rise today to honor Robert P. Gajdys, who is retiring after 8 years as executive director of the Community Assistance Network, Inc., Baltimore County's non-profit community action agency. The Community Assistance Network (CAN) operates over three dozen programs that serve the diversified needs of more than 50,000 low-income families.

An outspoken advocate for the poor and disadvantaged, Bob Gajdys turned CAN from an agency with a $100,000 deficit to one with $250,000 surplus. Because of his leadership and exceptional abilities, CAN has built and strengthened regional partnerships, worked to develop statewide anti-poverty strategies, and received national recognition for program excellence.

Before his tenure at CAN, Bob spent 32 years working for the Federal Government. He has served as Director of Personnel at NOAA, Director of Administration at the Federal Mediation and Conciliation Service, and Deputy Director of the Office of Program Development and Accountability at the Department of Labor.

A Native American of the Mohawk tribe, Bob also served as Deputy Director of Indian and Territorial Affairs at the Department of the Interior. He was designated by President Jimmy Carter in July, 1979 as a charter member of the Senior Executive Service.

I invite my colleagues to join me in honoring Robert P. Gajdys for his dedication and commitment to the poor and disadvantaged. Although he is retiring as Executive Director of CAN, we know that he will continue to be a voice for those who cannot speak out for themselves.

HONORING TWO EAGLE SCOUTS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor two young men in my district who have earned the distinguished rank of Eagle Scout, Mr. Joshua Westly Robinson and Mr. Loren Christopher Robinson. These twin brothers from Coats, North Carolina exemplify leadership and community service, serving as a bright hope for the future of America.

Joshua Westly Robinson began his Scouting career as a member of Cub Scout Pack 779 in 1989. As a Cub Scout, Joshua earned the God and Me and God and Family Religious Awards, his WEBELOS Badge, and nineteen Activity Badges. In January of 1993, he earned his Arrow of Light Cub Scout Badge and bridged over to Boy Scout Troop 779. He has served as a Troop Guide, Patrol Leader, and Senior Patrol Leader as a member of Troop 779. To date, he has earned a total of 56 Merit Badges. Joshua is currently a Brotherhood Member in the Order of the Arrow, and Honor Camper's Organization.

Joshua embodies the idea of a student athlete, earning many academic awards while participating in four team sports at Erwin Triton High School. Currently, Joshua is a junior at the North Carolina School of Science and Mathematics. He earned his Eagle Scout Award on December 12, 1997 and is currently eligible to wear a Gold Palm.

Loren Christopher Robinson also began his Scouting career as a member of Cub Scout Pack 779 in 1989. He earned both the God and Me and God and Family Religious Awards, and nineteen Activity Badges on his way to becoming a WEBELOS Scout in 1992. He became a Boy Scout in 1993 after achieving the Arrow of Light Award. As a member of Troop 779, Loren has served as Patrol Leader and as Assistant Senior Patrol Leader. To date, Loren has earned 50 Merit Badges and is currently a Brotherhood Member of the Order of the Arrow.

Loren is currently a Junior at Erwin Triton High School where he excels in the sport of swimming. He has won many state and local awards, including representing the state of North Carolina in national competition. Loren earned his Eagle Scout Award on August 17, 1998.

As a former Scout leader myself and a recipient of the Silver Beaver Award, I know the difference that Scouting can make in young lives. I congratulate Joshua Westly Robinson and Loren Christopher Robinson on their momentous achievements. I wish them both all the best in their future endeavors.

ART OF THE GOLD RUSH—A FASCINATING AND IMAGINATIVE EXHIBITION AT THE NATIONAL MUSEUM OF AMERICAN ART

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my distinguished colleagues in the House to an outstanding exhibition entitled "Art of the Gold Rush," which will be on display at the Smithsonian Institution's National Museum of American Art from October 30, 1998 until March 7, 1999. I am pleased that the Smithsonian has chosen to celebrate the 150th anniversary of this defining moment in the history of Northern California and in the development of the American West in such an appropriate manner.

On January 24, 1848—nine days before California was formally ceded to the United States by Mexico—an obscure laborer and European immigrant named James W. Marshall discovered a few nuggets of gold in the South Fork of the American River at Sutter's Mill. He presented his find to his employer, Captain John A. Sutter, who joined Marshall in a fruitless attempt to keep news of the treasure secret.

Slowly, but with unabashed excitement inspired by the hope of a quick fortune, reports of the discovery leaked throughout the Bay Area. Proclaimed the Californian newspaper on May 29: "The whole country from San Francisco to Los Angeles, and from the sea shore to the base of the Sierra Nevadas, resounds with the sordid cry of GOLD, GOLD, GOLD!"

Before long, the gold euphoria spread across the entire country and around the world. Declared President James K. Polk in a message to Congress on December 5: "The accounts of abundance of gold are of such an extraordinary character as would scarcely command belief were they not corroborated by the authentic reports of officers in the public service." The following year, tens of thousands of adventurers and dreamers descended upon San Francisco, hoping for a "lucky strike" and a lifetime of wealth. In the process, the City by the Bay swelled from a sleepy outpost of 800 non-Native American individuals in 1848 to a major city of over 100,000 by the end of the following year. The first public schools, representative governmental bodies, and cultural institutions in the State of California evolved from this unplanned invasion of explorers, immigrants, and deserting seamen.

"Art of the Gold Rush" highlights the social and cultural transformation wrought by these extraordinary changes. Taking place just a few years after the invention of the daguerreotype (photograph), the Gold Rush was the first major event in history to be photographed. The "Art of The Gold Rush" captures this historical coincidence skillfully, as emotions such as ambition, disappointment, hope, and confusion can be observed in the 150 rare images featured in the exhibition. Each of the subjects of these pictures presents a unique and evocative perspective of this turbulent time, from the mourning mother and child wearing blank expressions of loneliness and fear to the macho miner whose tough exterior hides his pain as both a failed miner and a sufferer of cholera, "500 miles away from my wife and not a person about me who would do any thing without pay."

Mr. Speaker, these photographs, along with the sixty-five significant paintings, watercolors, and drawings that also make up this beautiful exhibition, represent the true, lasting gold of the 49ers. The outstanding and talented curators of "Art of the Gold Rush," Drew Heath Johnson and Marcia Eymann, deserve the gratitude of all who love the history of our great land and all who appreciate and cherish the city of San Francisco.

I urge my colleagues to see Art of the Gold Rush at the National Museum of American Art where it will be on display from October 30, 1998, to March 7, 1999, and in celebrating the 150th anniversary of Northern California's Gold Rush.

IN HONOR OF THE 50TH ANNIVERSARY OF ST. ELIAS POST 1618 OF THE CATHOLIC WAR VETERANS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to St. Elias Post

1618 of the Catholic War Veterans on the occasion of their 50th anniversary.

The date October 7, 1948 is very significant for members of St. Elias Church and the Catholic War Veterans community. On this date, St. Elias Post 1618 was installed as a Catholic War Veterans Post under the leadership of George Kudlak as Commander and Rev. Demetrius Yackanich as Chaplain. Stephen J. Zipay was a member of the initial Officers Roster and Charter Membership.

Throughout the years, veterans of World War I and World War II were joined by veterans of the Korean and Vietnam conflicts to create a unified veterans organization in Greenpoint, Brooklyn. These veterans combined their Catholic heritage and patriotism as veterans of the United States Armed Forces.

With the establishment of a headquarters building, many visitors joined in annual events sponsored by the St. Elias Post 1618. Special guests included sports figure Stan Musial and Bishop Fulton Sheen. St. Elias Post sponsors annual parades throughout the streets of Greenpoint.

On November 15, 1998, St. Elias Post 1618 will celebrate the 50th anniversary of their post and of the installment of their officers. Stephen J. Zipay will maintain the exclusive honor of having been installed for the 50th time. He has maintained every position in St. Elias Post 1618 throughout his tenure, including an entire decade as post commander.

Mr. Speaker, I am honored to bring to your attention this important anniversary in the history of St. Elias Post 1618 of the Catholic War Veterans. I am proud to have such a dedicated veterans organization in my district.

CELEBRATING THE 87TH ANNIVERSARY OF THE REPUBLIC OF CHINA ON TAIWAN

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SALMON. Mr. Speaker, I extend my best wishes and greetings to the Republic of China on Taiwan on the 87th anniversary of the founding of their nation.

Under President Lee Teng-hui and Vice President Lien Chan's leadership, the Republic of China continues its excellent record of economic growth and its historic democratization. Since I lived in Taiwan in the 1970's, we have seen a different Republic of China emerge. It is now a major trading nation, and its GNP is one of the world's largest. Its growth in per capita income has improved the lives of the 21 million hardworking men and women of Taiwan. Furthermore, the rapid democratization and constitutional reforms on Taiwan in recent years have made Taiwan a model for many nations.

I also applaud President Lee for resuming bilateral discussions between Taiwan and the Chinese mainland.

Happy Birthday to Taiwan.

HONORING RONALD L. MACE FOR PUBLIC SERVICE FOR AMERICANS WITH DISABILITIES

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ETHERIDGE Mr. Speaker, I rise to honor the life of Ronald L. Mace, a North Carolinian who worked to make the world a more accessible place for persons with disabilities. Mr. Mace was an architect who envisioned environments that were accessible and comfortable for everyone. He was a pioneer in the fight for the rights of millions of disabled Americans and by removing architectural barriers.

Mr. Mace cannot be recognized enough for his contributions. His innovative ideas about incorporating accessible design into the North Carolina building code eventually became the backbone of many State and Federal accessibility laws, including the Americans With Disabilities Act. Mr. Mace coined the term "universal design" for his concept.

Mr. Mace was a mentor to thousands of persons with disabilities, himself disabled by polio at the age of 9. By his example and through his work, Mr. Mace instilled confidence and purpose and encouraged many to be proud members of the disability community and to contribute to the cause of disability rights. Life, to Mr. Mace, was to be lived with dignity and integrity. He believed that we should celebrate our differences and tear down the artificial barriers that place unnecessary constraints on our interactions with one another.

When Ronald L. Mace passed away on June 29, 1998, North Carolina and the Nation lost a great citizen. As Americans, we owe him a debt of gratitude because disabled and non-disabled alike benefit from his life's work. It is our responsibility to continue to work toward making his vision of a world of accessible and comfortable environments a reality for everyone.

Dr. Carol Grant Potter, a colleague, friend, and protege of Mr. Mace who continues to be inspired by him, offered the following eloquent tribute to Mr. Mace in the Raleigh News and Observer. Dr. Potter, herself remarkable and born with phocomelia (shortening of the extremities), has contributed immeasurably to efforts to remove architectural barriers. She holds a doctoral degree in rehabilitation from Southern Illinois University, has served on the Governor's Study Commission on Architectural Barriers, was appointed by President Carter to serve on the national Architectural and Transportation Barriers Compliance Board, and is currently a planner with the North Carolina Council on Developmental Disabilities.

I encourage my colleagues to read Dr. Potter's moving tribute.

N.S.'S GIFT TO BARRIER-FREE LIVING

(By Carol Grant Potter)

Raleigh.—For once, the 5-year-old was tall enough to do whatever she wanted to do. She didn't have to stand on tiptoe or be lifted up to the "adult" height, as was usually the case. Some day she will know that the man who played a major role in making that happen was the man she was gazing at in the casket, set on a low-bred stand a foot off the floor.

As the child touched the man's shirt lightly, her mother directed her attention to the side of the casket.

"See his wheelchair, honey. That's how he got around. It's motorized and it can go fast!"

Ronald L. Mace, the Raleigh architect and disability rights leader who died June 29, dreamed of environments that are accessible and comfortable for everyone, regardless of age or ability. He coined the term "universal design" for the concept.

All of us at Ron's funeral could reach his body and share equally in the grief of his death and celebration of his life. We gathered as a community, people who use wheelchairs, guide dogs, interpreters and other means of accommodation, along with just as many folks who have no disabilities.

People came from everywhere to share memories filled with humor, tears, gratitude, respect and love for a man who touched so many lives.

I first met Ron when he consulted with Governor's Study Commission on Architectural Barriers in 1972. We on the commission gained tremendously from his innovative ideas about incorporating accessible design into the North Carolina building code. Who could have known then that his designs would shape the landscape of the entire country? Eventually they became the backbone of many state and federal accessibility laws, including the Americans with Disabilities Act.

Personally, Ron taught me a lot about living—really living—with a disability. He encouraged me, by example, to be a proud member of the disability community to contribute my individual strengths, whatever they may be, to the cause of disability rights.

Ron reached out to thousands of people with disabilities, instilling confidence and purpose by sharing his knowledge and expertise with everyone. Being a mentor was second nature to him, although he probably never realized he was "mentoring." He had a way of promoting others rather than himself, a quality that made him a leader in the truest sense of the word.

Ron's life was not about heroism or inspiration. It was about having the courage to be true to your beliefs and experiences, living with integrity, dignity and respect for everyone, and celebrating differences among us without the constraints of unnecessary, artificial barriers. His life challenges us to continue building community among people with disabilities and our families, and use our collective strength for the common good.

As Ron did, we who are older must share our disability experience, both the struggles and victories, with the next generation who will be tomorrow's disabilities rights leaders. Finally, Ron would expect us to keep the Americans with Disabilities Act strong and meaningful in North Carolina and our nation so that everyone benefits—disabled and non-disabled alike.

At Ron's funeral, parked on the street was a long line of modified, accessible vans, some with wheelchair lifts extended, bringing the community together once again. Like the 5-year-old girl, I also gazed at the man in the casket and felt deeply the blessing of his life. I didn't have to stand on tiptoe or be lifted up to tell him goodbye. That day, the little girl and I could do what we wanted to do.

REMARKS OF UN DEPUTY SECRETARY GENERAL LOUISE FRÉCHETTE AT RECEPTION MARKING 50TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LANTOS. Mr. Speaker, this year marks the 50th anniversary of the signature of the Universal Declaration of Human Rights, which was proclaimed on December 10, 1948, after its adoption by the General Assembly of the United Nations without a dissenting vote.

Mr. Speaker, the Universal Declaration sets forth fundamental human rights for women and men everywhere, and it is "a common standard of achievement for all peoples and all nations." It has become the most widely accepted international statement of fundamental human rights. It is frequently referred to in resolutions and covenants adopted by international organizations, in multilateral and bilateral treaties, and in laws and decrees of many nations.

Earlier this year, this House adopted H. Con. Res. 185, a resolution which I introduced with the support of our colleagues JOHN EDWARD PORTER of Illinois, the co-chairman of the Congressional Human Rights Caucus, and CHRISTOPHER SMITH of New Jersey, the Chairman of the Subcommittee on International Operations and Human Rights of the House Committee on International Relations. That resolution notes the important 50th anniversary of the Universal Declaration of Human Rights this year and recommits the United States to the principles expressed in the Universal Declaration.

Mr. Speaker, earlier this week, the distinguished Deputy Secretary General of the United Nations, Louise Fréchette, represented the United Nations and spoke at a reception here on Capitol Hill in honor of the 50th anniversary of the Universal Declaration of Human Rights. The reception was given by the United Nations in cooperation with the Congressional Human Rights Caucus. On that occasion, Mr. Speaker, Mme. Fréchette delivered an excellent statement.

Louise Fréchette has had a distinguished diplomatic career in her native country of Canada. Prior to her appointment as Deputy Secretary General of the United Nations, Mme. Fréchette served as the Deputy Defense Minister of Canada and played a particularly important role in Canada's participation in a number of United Nations peacekeeping operations.

Mr. Speaker, I ask that Mme. Fréchette's speech be included in the RECORD, and I urge my colleagues to give it careful and thoughtful attention.

DEPUTY SECRETARY-GENERAL STRESSES UNITED NATIONS DUTY TO TRANSLATE INTO PRACTICE ORGANIZATION'S COMMITMENT TO HUMAN RIGHTS

I would like, at the outset, to extend the appreciation of all of us in the United Nations system for the commendable work of the Human Rights Caucus in focusing the attention of Congress on human rights and violations of those rights around the world.

In this fiftieth anniversary year of the Universal Declaration of Human Rights, that focus has never been more important. The world is changing: modern technology, communications and open borders have led to a movement and exchange of ideas on a scale never seen before. Those nations which fail to uphold basic principles of acceptable behavior can no longer hide behind their borders.

For the United Nations, that makes all the more compelling our duty to translate into practice our commitment to human rights. For decades, the primary focus in human rights was on establishing international norms and standards. That work was largely successful.

In the 1990s, the emphasis has shifted to implementation. Human rights monitors are often attached to peacekeeping operations. We run advisory services to strengthen the judiciary. Special rapporteurs are investigating torture, child labor and child prostitution, religious intolerance and violence against women. I am pleased to report that we now have more staff working on human rights in the field than at Headquarters.

And, of course, the United Nations provides global leadership on human rights in the person of Mary Robinson, who, as High Commissioner for Human Rights, has raised the profile of the issue around the world.

Hand in hand with human rights come issues of democratization and good governance. Increasingly across the world, it has become an established norm that military coups by self-appointed juntas against democratically-elected governments are simply not acceptable. The United Nations is receiving more requests for electoral assistance than ever before. In the past five years, we had no fewer than 80 such requests. The United Nations helps teams of international observers assess the legitimacy of an electoral process and its outcome. We guide, monitor and sometimes run elections in various countries.

The Declaration of Human Rights is not a legally binding document. Yet, it has been a fundamental source of inspiration for national and international efforts to protect and promote human rights and freedoms.

The main principles of the Declaration have inspired the constitutions of many countries which have become independent since it was written. Conceived as a "common standard of achievement for all peoples and all nations" the Declaration has become a yardstick by which to measure the respect for, and compliance with, international human rights standards.

The first article of the Declaration is quite simple. Let me quote it to you "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Nobody personified that spirit of brotherhood better than Raoul Wallenberg. That fact was acknowledged here in Washington 17 years ago yesterday, when Wallenberg became the third foreigner to be given honorary citizenship of this country—thanks to legislation written by you, Congressman [TOM] LANTOS.

Wallenberg's life and achievements highlighted the vital difference an individual can make amidst conflict and suffering. His intervention gave hope to victims, encouraged them to fight and resist, to hang on and bear witness.

Remembering his life should be an inspiration for others to act; for future generations to act; for all of us to act.

Congressman LANTOS, I know that you owe much to Raoul Wallenberg. But I also know we owe much to you, to your indefatigable work in the cause of human rights and in keeping his legacy alive. You, like him, provide an example to us all.

And the work of the Congressional Human Rights Caucus provides an invaluable example of what can be achieved when we join forces to achieve common goals. Such partnerships strengthen immeasurably the work of governments and the United Nations.

For although the United Nations is an association of sovereign States, the rights it exists to uphold and defend belong to people.

It follows that people everywhere have a responsibility to speak up for those rights, whenever they see them threatened, wherever they know them to be violated. For your work in that regard, I thank you all.

INTRODUCTION OF LEGISLATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today to introduce legislation that will restore the dream of homeownership to middle-and low-income families.

Mr. Speaker, the sight is all too familiar in urban and rural America: boarded-up homes, abandoned lots, blighted communities. These sights demonstrate that the dream of homeownership is fleeting for some and that these dreams can become nightmares when financial hardship occurs. But what often goes unspoken in discussing this issue is the fact that some of these abandoned properties were purchased under federal mortgage programs intended to help middle-and low-income Americans. This leads us to ask: what improvement can we make to federal mortgage assistance programs so that people can keep their homes and live the American dream?

This is the goal of my legislation, the Homeowners Emergency Mortgage Assistance Act. This bill makes needed changes in the way the Federal Housing Administration (FHA) administers its mortgage guarantee program and will keep the dream of homeownership alive for people facing temporary financial difficulties. Under the bill, property owners who fail to pay their mortgage for two months, due to no fault of their own, would not be subject to immediate foreclosure. Often, homeowners cannot honor their mortgage payments because of factors beyond their control. For example, the FHA does not require inspections on homes it guarantees. After a home is purchased, serious structural dilapidation may be uncovered. In such cases, the home may be falling apart and the homeowner will not be able to both repair the damage and pay their mortgage. The home becomes unlivable and is foreclosed. This further blights the neighboring area and ends the homeowners's dream.

To resolve this unfortunate situation, my bill would provide temporary mortgage assistance to homeowners in needed for a period no longer than 36 months. The assistance would have to be payed back to the FHA and would not be offered if FHA officials deem that the homeowner would be able to honor their mortgage obligations and pay back the emergency assistance after this time period.

Saving people's homes in this manner is a win-win proposition for the government, for the homeowners, the lenders and for the adjacent communities. As you know, the FHA guarantees 100 percent of mortgage loans provided by private leaders to middle- and low-income families under the National Housing Act. Yes, 100 percent. When a home is foreclosed, the FHA has to pay the lender the entire cost of the mortgage. As you can imagine, this is tremendously costly. It can also be avoided in many cases.

In such cases, temporary assistance can make all the difference for homeowners, allowing homeowners to pay for repairs and honor their mortgages. The FHA saves money because the temporary assistance they provide is far less costly then paying the full cost of the mortgage. In addition, the temporary assistance must be payed back thus recouping additional taxpayers' dollars. The lenders are equally satisfied because they are receiving their monthly assessments. And the community is preserved from blight that would otherwise reduce property values throughout the area. The Homeowners Emergency Mortgage Assistance Act is a solution that restores the dream of homeownership for everyone concerned.

The program has also been "battle-tested." My legislation is based on a very successful program in Pennsylvania. More than 24,000 Pennsylvania families faced with possible foreclosure have received help from the state's Homeowners Emergency Mortgage Assistance Program (HEMAP). Pennsylvania's Republican Governor Tom Ridge and Democratic leaders throughout the state have hailed the program as a cost-efficient means to prevent homelessness. In Pennsylvania, 90 percent of assistance payments have been payed back and only eight percent of HEMAP loans have resulted in foreclosure. This record of success should be duplicated at the federal level.

Saving homes, money and neighborhoods is what government programs should work to achieve. The Homeowners Emergency Mortgage Assistance Act will accomplish these vital goals. I urge my colleagues to co-sponsor this legislation and work with me to maintain the dream of homeownership for middle-and low-income Americans.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FOSSELLA. Mr. Speaker, it is with a heavy heart that I rise today to support this resolution. I say this not as a Republican, not as a New Yorker, but as a person who loves this great country and all it represents.

Earlier today, the gentleman from New York, Mr. NADLER, stated in essence: "This matter will be the most divisive issue this nation has faced since Vietnam. While I do not question the gentleman from New York's belief that he believes this to be true, I do take exception to the comparison and respectfully disagree. Here is why—during the Vietnam War, as has been the case with every war or military conflict since our Nation's birth, men and women were sent overseas with a willingness to die for freedom, liberty and to defend the rule of law. In the case before us, the President of the United States has been charged with violating the rule of law that so many Americans have died for and are still willing to die for at a moment's notice all over the globe. The same rule of law that we must ensure applies equally to every single American, including the President of the United States.

This matter goes to the very heart and soul of what America is all about. This matter will determine whether we defend the Constitution, or destroy it. I hope and pray that each distinguished Member of this body places America first and that each Member sees through the clouds of rhetoric to uphold the rule of law.

It is the rule of law that unifies this country. It is the rule of law that allows each American the opportunity to enjoy and to pursue what our Founding Fathers and every generation of Americans since have always hoped for—that each American be entitled to life, liberty, and the pursuit of happiness. If we, indeed, cherish the notions of personal freedom and individual liberty granted to every single American, then we will seek to vindicate the rule of law and proceed with this matter with all deliberate speed and an unbreakable bond with each other toward fairness, equity and justice for each party involved, including the President of the United States.

Mr. Speaker, too many Americans have died to defend these principles we hold so sacred. Too many generations of Americans have given so much to wish reluctantly that this matter just disappear. Just as important, Mr. Speaker, with the Almighty blessing, generations of Americans yet unborn will look back to this day and claim this to be one of America's finest hours, not as a sideshow that some are trying to depict this as.

Each Member of this body still must maintain an obligation and responsibility to be bound to our oath of office. The same oath of office voluntarily taken by the President of the United States. Accordingly, Mr. Speaker, I support this resolution.

THE GOOD FRIDAY TRADE AND INVESTMENT ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. MCDERMOTT. Mr. Speaker, I rise today to introduce legislation that targets a trade and investment initiative toward Northern Ireland and the border counties of the Irish Republic. My view is that using existing trade and investment tools to stimulate economic hope and opportunity in the Irish region is the best chance we have for ensuring the Good Friday Peace Agreement is fully implemented.

Over the past few months, my thoughts, hopes, and concerns have fixed upon the Irish region. From the peaks of the Good Friday Peace Agreement and election of the first local government in Northern Ireland in over twenty five years, to the valleys of Drumcree, the arson deaths of three young brothers in Ballymoney, and the horrors of the Omagh bomb, my hopes for that troubled land have twisted and turned with events seemingly beyond our ability to impact or entirely understand.

Northern Ireland needs our nation's support and assistance at one of its most critical stages along the path to lasting peace and consensual self government. On the very edge of undertaking their governmental duties and offices as set forth in the Good Friday Peace Agreement, the political leaders face one final fence—the decommissioning issue—that stands between them and the promise of a democratic and prosperous government for both communities. Time is short and a clear sign of support from Congress could help lift the parties over the last hurdle.

As you know, Irish free trade legislation has been slowed by resistance from the European Union, which considers a free trade agreement between the U.S. and Northern Ireland and the Border counties as a threat to their customs union. As member states of the EU, both Ireland and Britain have viewed free trade legislation with some trepidation.

Faced with continued resistance to the Irish free trade legislation, I concluded that a fresh attempt to fashion legislation that could address European reticence while quickly delivering meaningful trade and investment assistance to Northern Ireland was in order.

I have developed legislation that targets existing trade and investment tools such as the Generalized System of Preferences (GSP) to assist Northern Ireland's exporters to grow their economy and job base. The legislation also ensures that the Overseas Private Investment Corporation (OPIC) generates private sector focus and interest in Northern Ireland and the Border area and makes sure that women entrepreneurs have meaningful access to that funding. I have additionally utilized the International Fund for Ireland as a channel to increase funding for projects that will create rapid job growth in the private sector. Finally, I have targeted five projects for funding and support that will provide both immediate and mid-term job generating growth.

While there are few days left before adjournment, I am determined to advance this new bill as far as the legislative schedule and the leadership will allow. I ask for your help, assistance, and cosponsorship. A clear, serious and solid signal of support to the parties in Northern Ireland is crucial for their continued forward progress. For your information, I have attached an executive summary of the bill and some recent news items which illustrate the need for a reinvigorated effort on our part.

GOOD FRIDAY TRADE AND INVESTMENT ACT

(1) Statement of policy/findings:

a. Economic growth and stabilization of Northern Ireland (NI) and Irish Republic Border Counties (IR) are key to full implementation of the Good Friday Peace Agreement.

b. The Omagh bombing is a clear example of a small town that desperately needs immediate relief and assistance for reconstruction. The pace and scale of aid and investment in Omagh and other towns recently bombed—Banbridge, Markethill, and Newtownhamilton—could determine whether the Agreement holds.

c. The International Community, including the European Union and the World Trade Organization (WTO), has a strong record of responding to historic political and economic circumstances. It has fought for and approved WTO waivers, such as transitional measures to take account of German Unification and the Treaty of Lome, that allow necessary international flexibility and cooperation to enhance trade and investment and stabilize economically deprived and politically revitalized regions.

d. The U.S. can continue its crucial role in the peace process by creating and promoting economic growth through trade and investment in the region's severely economically deprived areas. In addition to promoting trade and investment in NI and IR, the U.S. should consider grant assistance to aid communities suffering terrorist attacks.

e. Fair employment practices in Northern Ireland are an essential element for an expanding full employment economy. Congress notes with approval the constant efforts undertaken by the Northern Ireland Fair Employment Commission and Employment Tribunal to achieve this end. Congress is also aware that the Good Friday Peace Agreement established an Anti-discrimination Committee to augment the work done by the Committee and Tribunal. Congress believes their continuing efforts constitute persuasive evidence that economic justice principles contained herein are being effectively safeguarded, secured and promoted for all communities. (Assistance in legislation is contingent on MacBride principles as agreed to in H.R. 1757 conference report).

f. The strengthening of a police force acceptable to both communities in Northern Ireland is essential for the formation and success of a peaceful and prosperous civil society. The Congress notes the Independent Commission on Policing is to report on the policing problems in Northern Ireland. The President, taking into consideration the recommendations of the Commission, shall report to Congress on a bi-annual basis how the United States can assist in the establishment of an acceptable policing force in Northern Ireland with the highest level of professionalism.

(2) OPIC directive: OPIC shall establish $300 million in equity funds for infrastructure and business development in NI and IR. Funds should emphasize investment in severely economically deprived counties in NI and IR as well as emphasize the role of women.

a. Women into Business Fund: No less than 20% of the equity fund should be dedicated to encourage investment by women entrepreneurs and should be targeted to ventures headed or owned by women.

b. New Technology Fund: No less than $10 million shall be dedicated to investment in projects emanating from new technologies.

(3) Increased funding for the international fund for Ireland (IFI) by $30 million this year and that U.S. contribution to IFI shall not fall below $40 million/year through 2003. The President shall ensure that enhanced contribution is used for projects in severely economically deprived areas.

a. 50% of annual U.S. contribution should go to projects that are most likely to produce jobs and economic expansion. The projects funded shall be selected by the Directors of the IFI in consultation with members of the Economic Development Committee of Northern Ireland Assembly, and members of the Cross Border Economic Committee from the Republic of Ireland. The President also shall report to Congress a list of suggested projects. For FY '99 the following projects shall be given first consideration.

i. $8 million in financing for Omagh Memorial and other Science Parks. The UK plans to set aside $16 million to support the creation of Science Parks in Northern Ireland to bring to the marketplace the fruits of the scientific research undertaken in Northern Ireland's two universities. The IFI should consider leveraging this investment by allocating funds to establish 5 science parks in Belfast, Coleraine, Magee College, Armagh, and Omagh—each of which are located near existing research centers and campuses. It is the hope that these parks could attract additional private sector businesses and generate between 20 and 30 viable businesses over a 5-year period.

ii. $5 million in co-financing to the $8 million Innovation Fund established by the UK to provide support for technology-transfer start-ups with commercial potential.

iii. $250,000 over 2 years toward the strengthening of existing ties between Handmade in America and the Northern Ireland craft sectors. Enhancing the existing partnership would go a long way toward boosting the contribution of craft industry to employment and economic growth and deepen cultural, heritage, artistic, and commercial relations between the U.S. and Northern Ireland.

iv. $250,000 for executive development. One of the key weaknesses in the Northern Ireland economy is the relatively low level of skills and competency at the middle management level in both the public and private sector. Closing the skills gap must include continuous executive development. An executive development program for up to 50 executives drawn from local government and private sector can be developed to meet these training needs. A 20-week program of workshops, peer learning, peer assessment and internships could be implemented between a university such as the Ulster Business School and a U.S. Business school. Local government and business could be encouraged to co-finance the project with the IFI.

v. $13 million for Springvale Project to tackle twin problems of urban economic regeneration and the growth of further and higher education. Springvale would be a university campus in a very deprived area of West Belfast, the scene of much of the terrorist violence and community strife over the past 30 years. Springvale project would be supported by the Central Government, the University of Ulster and Belfast Institute of Further and Higher Education. IFI support would represent a significant vote of confidence for this important initiative.

(4) Department of Commerce initiatives for NI and IR shall emphasize the awareness of U.S. business opportunities and the creation of joint ventures in the region. DOC shall consolidate its current activities and focus on promoting awareness of regional business opportunities, encouraging joint ventures, and emphasizing the development of women-owned businesses.

(5) Generalized system of preferences amended to allow NI & IR Border Counties to qualify as a "beneficiary developing country" through 2008 or 10 years after receipt of WTO waiver. (Requirements of eligibility—transhipment protections—based on 1985 U.S.-Gaza free trade agreement that includes Qualified Industrial Zones, territories of Egypt and Jordan.)

Implementation of provision contingent on USTR receiving waiver from WTO. USTR must work with EU, UK, and IR to seek waiver from WTO and it must be sought within one year of enactment of this legislation. USTR must report on an annual basis to Congress on the progress of their waiver attempt and the status of US–IR–NI trade relations. USTR report must also include recommendations on how to effectively expand US–NI–IR trade.

(6) Definitions of eligible counties and fair employment principles (MacBride principles of H.R. 1757 conference report).

[From USA Today, May 5, 1998]

JOBS, INVESTMENT KEY TO PEACE IN NORTHERN IRELAND

(By David J. Lynch)

DERRY, NORTHERN IRELAND—One in every seven jobs in this city is with a U.S. company, the legacy of a friendly financial invasion the past decade. Now, further such investment is critical. If the economy doesn't produce more jobs, last month's historic peace deal could be stillborn.

"There's a direct correlation between unemployment and violence," says former U.S. senator George Mitchell, who chaired the Northern Ireland peace talks.

Despite 30 years of sectarian conflict, Northern Ireland's economy in the 1990s has grown jobs faster than any other part of the United Kingdom. But early hopes for a peace boom likely are unfounded. Instead, job growth threatens to stall—just when it is most needed to bolster political stability. An overvalued currency is pinching exporters. Budget cuts promise pink slips in government offices, where a stunning one-third of all workers are employed. And the European Union is expected to trim subsidies to farmers, still reeling from the mad cow disease export ban.

BOOSTING TRADE WITH USA

So, Northern Ireland officials are accelerating efforts to promote trade and investment with the USA.

U.S. companies already are prominent fixtures here. DuPont has produced synthetic materials at a giant plant outside this city since 1960. Seventy miles southeast in Belfast, Ford Motor employees 650 workers making water pumps and other car parts.

The past four years, U.S. employers accounted for more than 53% of foreign investment in Northern Ireland. The USA is a key part of the province's economic strategy—and nowhere more so than in Derry.

In July, local officials expect to welcome a 60-member Silicon Valley delegation, including executives from Hewlett-Packard and Informix, headed by San Jose, Calif., Mayor Susan Hammer. And this fall, about a half-dozen would-be entrepreneurs from Derry and San Jose will switch cities for six months to two years, says Barney Toal, a development officer with Derry Investment Initiative, a public-private partnership.

The U.S. participants will get access to the local university's supply of well-educated though inexperienced, computer whizzes. Those headed to the USA are hoping Silicon Valley's Midas touch rubs off. "There is a risk they'll develop the business and stay over there," Toal says. "At the same time, we're hoping some Americans stay here."

If they do, they will be living in a city founded in 546, which more than a millennium later gave birth to the Catholic civil rights movement. Early protest marches in the late 1960s drew the world's attention to British rule. When British paratroopers shot 13 demonstrators to death in January 1972, the bloody course of the next two-and-a-half decades was fixed.

A major issue in those early marches was economic discrimination against the city's Catholic majority. But the spreading violence brought the economy to a standstill for everyone. At one point in the summer of 1973, only 20 of the city's 150 shops were undamaged by terrorist bombs. Maeve Gallagher, a teen-ager at the height of the conflict known simply as "The Troubles," worked in her father's plastics store. "It was blown up several time. We were actually down there helping clean up the broken glass," she says.

Today, Gallagher, 33, an accountant, and her engineer husband work here for Seagate Technology, the U.S. disk-drive maker. The Gallaghers are among the beneficiaries of a flood of foreign cash.

FROM SHIPYARDS TO SEAGATE

For much of its 77-year existence, the province was a heavy manufacturing arm of the British economy. But recent years have seen changes that would be familiar to residents of the "Rust Belt" states of the midwestern USA. Belfast's Harland & Wolff shipyard once was famed as the builder of the SS Titanic. Today, the yard's idle elbow-shaped cranes bear mute witness to the region's deindustrialization.

An early coup in the ongoing economic overhaul was Seagate's 1994 opening of a disk-drive component plant. The company, which had been wooed by Ireland and Scotland as well, settled on the North largely because of the ready supply of educated workers, says Ken Allen, 38, a Seagate vice president. Salaries for similar workers in Ireland have been bid up because of Dublin's success in attracting high-tech companies.

Meanwhile, concerns over possible workforce instability amid Northern Ireland's periodic turmoil were easily assuaged. "The hard fact is that when somebody gets a job, they're going to damn well hang onto it," says Town Clerk John Keanie. "They're not going to put it at risk."

Last year, Northern Ireland's output grew 3.1% while unemployment fell to 7.9%, well below 1990's 12%. If peace takes hold, the province could see a tourist bonanza. Up to 20,000 new jobs would result if tourism rose to the 7% of gross domestic product that it constitutes in Ireland, Coopers & Lybrand says. Meanwhile, the North's jobless rate is still higher than in the rest of the United Kingdom, and its growth rate pales compared with that of its southern neighbor, the best-in-Europe "Celtic Tiger" economy.

TRAILING ITS NEIGHBORS

The North suffers because of the high value of the British pound, which has cut exporters' profits and thus depressed hiring. And too many workers—193,000 of a total workforce of about 600,000—draw government paychecks. The economy must grow by about 2% just to absorb likely public sector cuts, says Coopers & Lybrand.

Prolonged joblessness is an especially malignant problem. Almost half of the 60,000 unemployed have been without work for more than one year. Until early last year, Eddie McIntyre was among them. Then, thanks to a last-minute cancellation, he got into a coveted computer training program. Early last year, when a job operating production machines opened up at Seagate's local factory, he was chosen. "It's changed everything for me," says McIntyre, 45, who was born and raised in the Catholic ghetto here known as the Bogside.

Derry's efforts to cultivate U.S. economic links began about a decade ago. On frequent trips to the USA, Derry's John Hume, an architect of the peace agreement as leader of the Social Democratic Labor Party, tapped an extensive network of Irish-American political contacts, including Sen. Edward Kennedy, D–Mass. Hume pitched Northern Ireland to companies looking for a European foothold. "There had been a substantial amount of support for violence coming from America," Hume says. "I told them the real help they could give us was economic."

In those days, when car bombs and bullets appeared to fill Northern Ireland's streets, the province was a tough sell.

Declan O'Hare, who ran the investment promotion office in New York in the late 1980s, says, "You'd have doors slammed in your face. You'd say you were from Northern Ireland and people didn't want to see you."

Now, with U.S. investment last year of $620 million, vs. about $50 million 10 years ago, the Derrymen get a different reception. In March, Hume spoke to more than 500 U.S. executives on a tour of Boston, New York and Washington—several times the number he attracted during previous visits.

And for those who still think Northern Ireland is synonymous with random violence? Says Allen: "I feel a lot safer in Derry than in Minneapolis or Chicago or many other American cities."

[From the Irish Times, Sept. 9, 1998]

Poverty in Republic Is Second in UN Report

(By Paul Cullen)

The Republic has the highest concentration of poverty among Western countries outside the U.S., according to a United Nations report published today.

In spite of growing wealth and improving social services, the Human Development Report 1998 reveals wide disparities in the distribution of wealth within the State.

Irish women are worse off economically than in any other industrialised country. They are also less likely to hold positions of influence in business or politics. Functional illiteracy here is higher than in the 16 other industrialised states covered by the survey, and Irish long-term unemployment ranks second-highest.

The report, from the UN Development Programme, echoes the annual report of the Combat Poverty Agency published earlier this week. This said that up to onethird of the population is at risk of poverty, while 9 to 15 percent live in persistent poverty.

Most of the data in the UN report comes from 1995, before the Celtic Tiger phenomenon took effect. Some indicators, such as unemployment, have improved since then, while others have remained static.

The Human Poverty Index (HPI) ranks Ireland 16th out of the 17 countries, with 15.2 percent of the population in poverty. Only the U.S., with 16.5 percent in poverty, is worse. The UK comes 15th and top of the list is Sweden, with a rating of 6.8 percent.

The HPI was included in the report for the first time this year to expose internal disparities in wealth within the richer countries.

In the main measure of quality of life contained in the report, the Human Development Index, the State comes 17th out of 175 countries. This is the same as last year, and marks the end of a period of steady improvement in the rankings.

Since it was first compiled in 1990, HDI has become a widely accepted measure of quality of life. It is based not only on income levels but also on life expectancy and education levels.

For the fifth year in a row, Canada tops this index. Canadians rank first in overall health, general level of education and the degree to which an average person enjoys a decent standard of living. France and Norway follow in second and third places.

African countries occupy the bottom 15 places in the index. Sierra Leone comes last, but other politically unstable countries such as Rwanda are not listed this year because of the difficulties in gathering information.

The report says consumption, if properly regulated and directed, offers a route out of poverty for the world's poor. "For the more than one billion people living at or near the margin, increased consumption is essential. For those at the top, it has become a way of life," says the UNDP administrator, Mr. Gus Speth.

Mr. Speth says massive increases in consumption often place at risk those who benefit least in the first place. Thus, global warming caused by increases in carbon dioxide emissions primarily threaten the poor of low-lying developing countries such as Egypt and Bangladesh.

While consumption increases have proved "the life-blood of human advances", spending is misdirected. Europe spends 8 billion a year on ice-cream, when 6 billion would provide water and sanitation for all. Almost 12 billion is spent annually on pet food in Europe and the U.S., when 9 billion would provide basic health and nutrition for the poor.

According to the report, the wealth of the world's 225 richest people is equal to the annual income of half the world's population. The richest three people are wealthier than the poorest 48 countries.

[From the Financial Times, Sept. 22, 1998]

Rural Areas Complain of Pitiful Neglect—Towns Such as Ballina in County Mayo Typify the Region's Poor Relation Status

(By Kieran Cooke)

The town of Ballina lies on the western edge of Ireland, surrounded by the bleak but hauntingly beautiful landscape of County Mayo. The Moy, one of Europe's finest salmon rivers, flows by churches and old warehouse buildings. The Atlantic wind whips down streets lined with fishing tackle shops and pubs.

Mention of the Celtic tiger brings a wry smile to the face of Terry McCole, a Ballina college principal and former head of the local urban district council. "People round here say Ireland's economic tiger must have run out of steam on its journey to the west from Dublin. The politicians and planners have largely ignored this part of the country. Dublin and the east have been grabbing the bulk of investment and benefits of economic growth—we're left to fight over the crumbs."

Mr. McCole's views are echoed all along Ireland's Atlantic seaboard—from County Donegal in the northwest to County Clare in the southwest. Ireland, say the government's critics, is fast becoming a two-nation state. On the eastern side of the country are the increasingly wealthy areas around Dublin and Cork, sucking up inward investments and EU funding. On the other are the disadvantaged border, midland and western counties, bereft of investment and facing serious population declines.

Ballina, County Mayo's biggest town with a population of 8,000, has an unemployment rate of 25 per cent—over twice the national average. In the early 1970s Asahi, the Japanese group, opened a synthetic fibres plant near the town with the promise of 1,100 jobs. At its peak, employment reached 500—the plant was forced to close down last year due to worldwide overcapacity for its product.

"The government does not have any proper regional policy," says Mr. McCole. "The whole system is designed for the cities. The one place in the west that is really thriving is Galway, which has attracted millions in investment and is now the fastest growing city in Europe. But we have had to fight very hard to achieve some progress."

Ballina's efforts have met with some success. A 110m hotel and apartment complex is being built in central Ballina. The tourism industry is flourishing. More than 150,000 attended a recent festival there—attractions included an animal olympics, with heavy betting on the duck and pig races.

A number of small industries, including a seed potato enterprise, have been established. A computer company is creating 100 jobs. Coca Cola recently announced a multimillion pound investment in a research facility in the town which will employ 150 people. And there are plans to set up a small university institution, specializing in theological studies.

"There's no doubt there is a confidence that was absent five years ago," says Terry Reilly, editor of the local Western People newspaper. "But in comparison with what's going on in the east of the country, development in this area is still slow. The great worry is when the economic downturn comes—as it inevitably will—what will happen here? The west has always been the last area to receive the benefits of economic growth and the first to be hit by a decline."

Many schools, hospitals and police stations in the area have been forced to close. The road and rail network is in dire need of updating. Graduates are forced to migrate to the east in search of jobs—the result is a declining skills pool in the west and problems of overcrowding and rapidly increasing house prices in the east, primarily in Dublin. More than a third of Ireland's population now lives in the Dublin area.

Next year Brussels is due to review Ireland's Objective One status, under which the country has received millions of pounds of EU development funding. Mr. Reilly and many others say the government won those funds due to the underdeveloped state of the west of the country—but then proceeded to spend the bulk of the Brussels money in the east.

Due to the rapid growth of its economy, Ireland is almost certain to lose its Objective One status. However, many in the west are determined to fight for its retention in their region.

"So far we've had lots of government reports and initiatives but no real action," says Mr. McCole. "What's encouraging is that local people are now getting on with developing the area, with or without government help. Perhaps we'll breed our own Celtic tiger."

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CONYERS. Mr. Speaker, I am inserting into the RECORD two insightful and useful editorials from The Nation magazine. The first one, titled "Clinton, Starr and the Constitution" points out that "this inquiry has been driven by politics from the start." The Nation, which has been a strident critic of Bill Clinton almost from the beginning of his Presidency, states that "Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy."

It also rightly points our that "What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform."

The second editorial points out that the tactics of this investigation have amounted to "sexual McCarthyism." In drawing a powerful historical analogy, the Nation points suggest that "the Enemy Other is sexual rather than political deviance." Just like during the 1950's, there have been secret grand jury leaks, wiretapping has been used to entrap witnesses and the legal process is being used to punish or defame people for activities that may be "politically and culturally anathema," but not necessarily crimes. Hence the need for the public to hear all the salacious details contained in the Ken Starr report.

I bring these fine editorials to the attention of my colleagues and the public.

[From The Nation, Oct. 5, 1998]

CLINTON, STARR AND THE CONSTITUTION

Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy. It is crucial to the future of all three that it be repudiated before its damage becomes irreversible.

We have no great affection for the President, who has systematically betrayed almost everyone and everything for which he professed to stand during his six years in office. But those failings should not obscure the great danger posed by the possibility of Starr and his minions forcing Bill Clinton out of office. Whatever the degree of the President's responsibility for bringing this calamitous situation on his own head—and that responsibility is considerable—the nation cannot allow itself to be decapitated by what is, at its core, a politically motivated witch hunt.

Clinton's actions ought not to be the subject of an impeachment inquiry. Starr went after possibly more serious allegations against the President related to Whitewater, Filegate and Travelgate, but despite a nearly crazed obsession with nailing his prey, he apparently came up empty-handed. He has therefore been forced to base an impeachment case entirely on Clinton's adulterous affair and attempts to cover it up.

A principled man, comfortable with himself and the Constitution, should be able to argue that no citizen may be compelled to testify about intimate details of his sex life unless there is a showing of transcendent public need. Clinton could have invoked provisions of the First, Fourth and Fifth amendments to create a zone of privacy, a so-called intimacy privilege. But instead, Clinton appears to have lied—more than once. Let the lawyers argue whether this technically qualifies as perjury. Clinton would be wise to quit quibbling and rely on the good sense of the American people to see that Congress addresses this transgression (which does not compare with Clinton's more serious failures in addressing the nation's problems of growing corporate power and inequality) with a punishment that fits the crime. One of the most striking aspects of this surreal situation has been the consistency of the public's insistence that what happened between Monica Lewinsky and Bill Clinton is their own business, and that of their families. The punditocracy's obsession with the salacious details of Oval Office sex has been matched by its hypocrisy in playing morality police to an audience that does not care what the pundits think.

The Constitution says that Congress shall impeach only for "treason, bribery, or other high crimes and misdemeanors." The President's lawyers are on firm ground when they assert, "The impeachment clause was designed to protect our country against a President who was using his official powers against the nation, against the American people, against our society. It was never designed to allow a political body to force a President from office for a very personal mistake."

This inquiry has been driven by politics from the start. Kenneth Starr is a partisan conservative Republican who has been the spearhead of an unprincipled, well-funded attack on the Administration almost from the moment it took office. Lest we forget: Starr, former chief of staff to Reagan Attorney General William French Smith, was chosen for his current job in 1994 by a three-judge panel that itself was selected by Chief Justice William Rehnquist, who would preside over the Senate in the event of an impeachment trial. Starr considered writing an amicus brief to advance Paula Jones's case against the President. Starr continued, as a million-dollar-a-year lawyer, to represent the tobacco industry while investigating Clinton and planned to accept a Richard Mellon Scaife-funded deanship at Pepperdine University until a national uproar forced him to give it up. And Starr's office is under investigation for the unprofessional and possibly illegal manner in which it leaked information designed to damage the President.

Whether it achieves its goal of inspiring Clinton's impeachment, Starr's investigation has succeeded beyond its originators' wildest dreams. It has crippled the Administration and the Democratic Party. What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform. Not much planning for the future appears to be under way in the White House, as Democrats run for cover in hopes of surviving what could be major Republican gains come November.

More significant, however, is the damage that Starr and his team have done to time-honored constitutional prerogatives and common decency. President Clinton's right to privacy has been shredded. Starr has used his unlimited powers to threaten White House staff and to intimidate Lewinsky and her family. He has eviscerated the right of attorney-client privilege for public officials, and he has abused the grand jury system. And the hymn-singing, Bible-quoting Starr has produced the best-read piece of Puritan pornography in human history. In his zeal to remove the President, he has transformed the American political process into an exercise in voyeurism.

Rather than needlessly drag the country through the degrading process of impeachment hearings based on Starr's document, the House Judiciary Committee might consider conducting a debate that assumes the truth of all the allegations in the Starr report. The question for the committee would then become: Are these charges serious enough to rise to the level of being "high crimes and misdemeanors"? If not, in what would essentially be the granting of a motion to dismiss, the committee could decide not to present the House with articles of impeachment. The process could stop right there. It would then remain only for Congress to decide whether to drop the matter or to censure the President, in a form to be determined. The President, for his part, could do his party and the country a favor by admitting he lied and making clear that he would accept such a censure. A censure resolution, if it comes to that, should be narrowly focused on the nation's top law-enforcement official lying under oath in his Paula Jones deposition. It should not give credence to Starr's unproven claims of grand jury perjury and obstruction of justice.

Going forward, Congress should also insure, by way of changes in statutes governing the independent counsel's office, that no person will ever again be vested with the uncontrolled power that Kenneth Starr has so effectively misused. Inquisitions, sexual or otherwise, are "inappropriate" in a constitutional democracy.

STARRISM

Everyone from Alan Dershowitz to a front-page classified advertiser in the New York Times has sounded the alarm about "sexual McCarthyism" in connection with Kenneth Starr, his report and all the rest.

The word "McCarthyism," as many have pointed out [see Navasky, "Dialectical McCarthyism(s)," July 20] is a misnomer since it describes a phenomenon that began before the junior senator from Wisconsin arrived on the scene and persisted after he was retired from it. And each time this umbrella term for the excesses of the anti-Communist crusade is recycled as a metaphor for the latest political mugging, it loses something of its original power and precision as a description of a social pathology.

Moreover, in the case of Starr & Co. the metaphor seems inexact because McCarthy was notorious for the sloppiness of his methods, the manipulation of numbers (first there were 205, then fifty-seven, then eighty-one card-carrying Communists in the State Department) and, as often as not, getting the wrong guy. Whereas the sexual allegations against Clinton appear to be well documented, and Starr seems obsessively precise and meticulous (although the closer one looks at his report the less confidence one has in its integrity).

Is "sexual McCarthyism" a misleading metaphor for what is happening? Not really. Though there are obvious differences, there are at least three significant similarities between then and now. It's important to identify what they are before too many reputations get shredded, too many democratic values violated, too many dangerous precedents established, too much privacy invaded.

First and foremost, there is the attempt to demonize a political target as the Enemy Other. Historians like the late Frank Donner have demonstrated how the great Red hunt of the fifties exploited the nativist impulse, which identifies the foreign with the radical and the immoral.

In the days of the domestic cold war it meant Hoover, McCarthy, Nixon, HUAC, et al.—cheered on by such as the Rev. Billy Graham and the American Legion—arguing that to be a Communist (or fellow traveler) was to be a "dirty Red," an agent of an international conspiracy, a spy. The reason Arthur Miller's play The Crucible, about the Salem witch trials of the 1600s, spoke so eloquently to the 1950s was that just as there were no witches in Salem, there was no internal Red menace in the United States of the fifties—no Enemy Other that justified the hysteria that resulted in the wholesale invasion of the rights and liberties of citizens.

Today we have independent counsel Kenneth Starr, Representatives Henry Hyde and Newt Gingrich, with Chief Justice William Rehnquist waiting in the wings to preside over impeachment proceedings in the Senate—cheered on by such as the Christian Coalition and William Bennett—arguing in effect that to have (dirty) sex in the Oval Office means one should be thrown out of office. The Enemy Other is sexual rather than political deviance, the target of opportunity is the President rather than the CP. Arthur Miller's image of a witch hunt fueled by repressed sexuality leading to a form of cultural hysteria survives from the fifties to link the two episodes.

Second, the Red hunters of the fifties succeeded in deploying the legal process to punish people for activities that may have been politically and culturally anathema, but in and of themselves were not crimes. During the fifties, that meant summoning accused members of the Communist Party (a legal organization) before official tribunals and asking them questions the investigators knew would be difficult or impossible for them to answer, thereby forcing them to choose among silence (which landed the Hollywood Ten in prison for contempt of Congress), blacklisting (which was visited on anyone who invoked the Fifth) or betrayal (former comrades who answered the $64 question—"Are you now or have you ever been . . .?"—were next asked to name the names of others).

Today Starr uses Clinton's unwillingness to testify about the intimate details of his (perfectly legal) sex life, and his inability—for reasons of *Realpolitik*—to invoke his Fifth Amendment right not to incriminate himself, to try to trap him into the crimes of perjury, obstruction of justice and the abuse of power. When is the last time a "target" was forced to answer questions, especially intimate ones, before a grand jury?

Third, in the fifties, under the rubric of national security, the FBI and other investigative agencies routinely violated the privacy and civil liberties of alleged subversives via legally dubious wiretapping, bugging, the use of informers and intrusive interrogations. Today, Linda Tripp, acting in tandem with the independent counsel and perhaps lawyers for Paula Jones, tries to induce Monica Lewinsky to say things that can be used to entrap the President in contradictory testimony. This may or may not qualify as perjury or grounds for impeachment but is calculated to cause personal and political embarrassment and shame.

The parade of analogies marches on. There were secret grand jury leaks then; now the special prosecutor, in league with the Republican majority, arranges for the entire grand jury transcript to be circulated on the World Wide Web. The press then was complicit with the McCarthyites in the sense that it passively reported irresponsible charges on the front page and didn't get around to publishing corrections until days later, usually on page 47. These days the conglomerated and highly technologized media are anything but passive. They are leading the posse, attempting to whip up a political hysteria that thus far the public seems disinclined to indulge. We are lucky in that, for it would be a disastrous precedent—far beyond what McCarthy wrought—to drive a President out of office as a result of a public hubbub over his private conduct.

My own study of the McCarthy era led me to conclude that the purpose of the Congressional and other investigations of those years was not to write legislation or to develop new information (HUAC, for example, already had obtained from undercover agents all the names it was insisting witnesses recite in public). Rather, the hearings and trials and investigations of those years were for the most part degradation ceremonies. One shudders at the prospect of Congressional hearings or a Senate trial that recycles the pornographic materials Starr claims it was necessary to assemble. In the long run history has decided that it was not HUAC's or McCarthy's targets that were degraded. It was the country itself. Let us not let it happen again.—VICTOR NAVASKY.

TRIBUTE TO THE UKRAINIAN CULTURAL CENTER IN WARREN, MICHIGAN

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. LEVIN. Mr. Speaker, I rise to honor the Ukrainian Cultural Center, Warren, Michigan, as they celebrate 20 years as the heart of the Ukrainian community in Michigan. The Center will commemorate this occasion with a banquet and cultural celebration on October 18, 1998.

The Ukrainian Cultural Center is home to more than forty arts, civic, cultural, educational, social, sports and youth organizations. Included in these are the member organizations of the Ukrainian Congress Committee of American branch for Southeastern Michigan.

In addition to lending financial support in grants and aid to community organizations and individuals, the Center's beautiful conference halls, classrooms, gym and social club host a variety of programs and special events throughout the year. The Ukrainian Cultural Center is not only a showpiece in the community but serves as a key site for instruction on Ukrainian literature, history, language, arts and leisure activities.

The Ukrainian Cultural Center houses the Ukrainian Museum, which collects and displays historical artifacts and religious relics.

The Ukrainian Library makes available to all many Ukrainian language books and periodicals. Additionally, the Center publishes print, audio and video material relevant to Ukraine American community.

The Ukrainian Cultural Center is key to assuring the strength of the Ukrainian ethnic identity and to all teach fellow Americans bout the rich Ukrainian Culture. The Center also serves as an important forum to ring to others the history of Ukraine's successful struggle for independence.

The Center is integral part of not only the Ukrainian community, but all of metropolitan Detroit and Michigan. It remains as one of the best examples of the many colorful ethnic backgrounds that weave such a wonderfully diverse community profile.

The Ukrainian Cultural Center has hosted many distinguished guests in the past 20 years, including two sitting U.S. Presidents and the first President of Independent Ukraine.

I have had the distinct pleasure to attend a wide variety of functions at the Ukrainian Cultural Center. Some have been meetings with leaders of Ukraine; others have been social or cultural events; and still others have been for exchanges of ideas with a wide range of leaders and other members of the Ukrainian-American community which thrives in the 12th Congressional District.

On so many of these occasions, I have seen the particularly effective endeavors of Borys Potapenko, the Center's Director of Operations, Bhodan Fedorak, President of the Center's Board of Directors, and other officers who all devote so much of their time to the Center's unique position in the Ukrainian-American and the broader community.

So, I ask my colleagues to join me as we extend our sincere congratulations to the Ukrainian Cultural Center for their 20 wonderful years, and our hopes for continued success in the future.

IN HONOR OF GEORGIA AND DIMITRIOS KALOIDIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Georgia Dimitrios Kaloidis. Mr. and Mrs. Kaloidis will be honored by Hellenic Public Radio-COSMOS FM at the Phidippides Award Dinner for their passionate advocacy of Hellenism on Friday, October 9.

Dimitrios Elias Kaloidis and Georgia Christou Kaloidis (nee Manolakos) were born in Laconia, Greece. They graduated from high school in Athens. Dimitrios emigrated to the United States in 1955, followed by Georgia in 1963. Once in the U.S. Dimitrios became involved in the restaurant business and Georgia studied computers and business administration. They married in 1974.

Together they founded a chain of restaurants and initiated major real estate ventures. Currently, the Kaloidises are developing the Terrace on the Park in Flushing Meadow, Queens, and one of the largest multiplex cinemas in the country.

Georgia and Dimitrios Kaloidis' charitable endeavors are wide and varied. Most notably, the Kaloidises have made a strong investment in our youth, most specifically in their education through multimillion dollar gifts to primary schools, cultural and educational centers and scholarship trusts.

His Eminence, Archbishop Spyridon, has charged Dimitrios to head the committee for the unification of the four Greek parochial schools in Brooklyn.

The Hellenic Public Radio COSMOS FM Phidippides Award is presented to persons in recognition of their efforts in the advocacy of Hellenism.

Recipients of this prestigious award have worked to sustain vitality of Hellenism.

Dimitrios and Georgia Kaloids, who have no children of their own, have more than exemplified the characteristics of the Phidippides Award. Their involvement in education plays a substantial role in the growth of future generations of the Hellenic community.

Mr. Speaker, I am honored to bring to your attention the important charitable work Georgia and Dimitrios Kaloidis have done for the Hellenic community. I am proud to have such citizens in my district.

TRIBUTE TO DR. ELIZABETH KARLIN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. NORTON. Mr. Speaker, Dr. Elizabeth Karlin, a physician and humanitarian, who possessed uncompromising compassion and belief in humane medical treatment for women, died of a brain tumor on July 27, 1998. She was 54 years old. Elizabeth Karlin was a mother of two children, an impresario of folk music, a general practitioner of medicine in rural Tanzania, an internist specializing in endocrinology, an abortion provider, and a national leader in the movement to provide access to abortion as part of a full range of health services for women and families.

Dr. Karlin served as Director of the Women's Medical Center in Madison, Wisconsin. She was a founding member of the Board of Directors of Physicians for Reproductive Choice and Health and a Clinical Assistant Professor in the Department of Internal Medicine at University Hospitals in Madison. She received her BA from Antioch College and graduated with honors from the University of Wisconsin Medical School. The American Medical Women's Association awarded her its Reproductive Health Award in 1993 and its highest honor, the Elizabeth Blackwell Award in 1996.

Because of her outspoken belief in providing the best possible care for women faced with unintended pregnancies, Elizabeth Karlin was targeted by extremists, who stalked her in her neighborhood and staged protests in front of her home. In a New York Times article in 1995, Dr. Karlin explained why she had chosen such a courageous, but difficult path when she said: "I don't do abortions because it's a filthy job and somebody has to do it. I do them because it is the most challenging medicine I can think of. I provide women with nurturing, preventive care to counteract a violent religious and political environment. I hope to do it well enough to prevent repeat abortions . . . My job is to stop the next abortion. To do this we expect our patients to leave us empowered, more informed, healthier, and, yes, happier than when they came in."

Dr. Karlin testified before the Congressional Women's Caucus in October 1997, urging the importance of American women's access to contraception and new contraceptive research. Following the hearing, the Congressional Women's Caucus, pressed for the full range of contraceptive coverage for federal employees in their benefit plans.

A role model for many and an apologist to no one, Dr. Karlin set a high standard for doctors who strive to provide women with the best medical care possible under the worst of circumstances.

HOUSE OF REPRESENTATIVES—*Sunday, October 11, 1998*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BRADY of Texas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 11, 1998.

I hereby designate the Honorable KEVIN BRADY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of the Psalms.
Praise the Lord.
Praise the name of the Lord, give praise, O servants of the Lord, you that stand in the house of the Lord, in the courts of the house of the Lord!
Praise the Lord, for the Lord is good; sing to his name, for he is gracious!
O give thanks to the Lord, for he is good, for his steadfast love endures forever.
O give thanks to the God of all gods, for his steadfast love endures forever.
O give thanks to the Lord of lords, for his steadfast love endures forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SANDLIN) come forward and lead the House in the Pledge of Allegiance.

Mr. SANDLIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GOALS FOR A GENERATION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, goals for a generation is the future of America and it is the responsibility not just of the Republican Party but this Congress as a whole, for it alone will build the bridge to the 21st century.

So far adhering to these goals has brought us, the American people, a balanced budget, tax cuts, a Patient Protection Act, education reform that brightens the future of every child in America and legislation that will help save Social Security.

Under this agenda, we are continuing to improve our public and private schools by sending money directly back to classrooms for more teachers, more computers, safer buildings and teacher testing.

We will also expand the notion that every American should have the financial security that comes from secure jobs. This job security, coupled with a simpler tax code and a fairer IRS, will keep our economy strong and boost savings and America's investments.

Our government should reflect rather than undermine the values that have made America great, faith, family, personal freedom and responsibility. By protecting and strengthening a Republican government and citizen accountability, the Republican Party will continue to deliver on its promises that made these goals a reality for all America.

ON CONGRESSIONAL ACTIVITY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I can hardly believe what I have just heard. The Republican Party, which has used its majority in Congress to deny people access to education, to deny them access to health care, refuses to take any steps to deal with HMO reform or the seniors, a quarter of a million of which have lost their health insurance, comes here and claims they are doing a good job.

Harry Truman could not find a rating low enough for this Congress. We should not leave here until we deal with the education issues, until we deal with the health care issues. You had time to try to give big tobacco a $50 billion tax cut. We ought to spend a few hours in these last days to make sure that senior citizens do not have to be frightened every day about whether or not their HMO is going to drop them. The gentlemen on that side of the aisle get the same kind of constituents as I do. They look to us for help. I do not know what answer you are going to give them. This new freedom that is out there in the health care system means doctors and hospitals and patients have no rights. We have got to change that. The country is going to judge us on that. I hope everybody watching at home calls their Congressman and tells them they want the education package and they want HMO reform. It is the only way to move this group, to let them know that the American people are angry and frustrated, and now is the time to act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair, not to the television viewing audience.

DISAGREEMENT BETWEEN REPUBLICANS AND DEMOCRATS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I would beg all the Members to roll up their pants. It looks like it is getting heavy around here. The party of bigger government and higher taxes disagrees with the party of less government and lower taxes. The party of bigger government and higher taxes is threatening to shut down the government if the party of less government and lower taxes stands firm against creating more big government, more Federal bureaucracy in Washington, D.C., more spending on Federal programs.

Well, I got some news for the President and the party of bigger government and higher taxes. My constituents did not send me here to do exactly the opposite of what I have promised I would do. They sent me here to reduce the size of government, not expand it. They sent me here to cut the size of Federal bureaucracy, not make it bigger. They sent me here to give local schools more say over how they run their affairs, not less. They sent me here to make sure that the government lives within its means, not find new ways for government to get around its budget agreements. Regardless of the

---

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

excuse the Democrat agenda is always the same, more spending and more government.

DEMOCRATS OFFER EDUCATION INITIATIVES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I had the opportunity last night to go back to my district in New Jersey and I explained to my constituents that I saw at a function last evening how this do-nothing Congress was looking to adjourn and go home as quickly as possible because the Republican leadership refused to address education initiatives, refused to address the need for HMO reform and was talking about a tax break for the wealthy at the expense of Social Security. We need to save Social Security for future generations. But I was told by my constituents that the one thing that was the most important, that they did not want to see this Congress adjourn until we addressed it, was education, and the Democrats have two initiatives. One is to hire 100,000 teachers, new teachers across the country with Federal dollars that would reduce the size of the classroom, and the second one was to try to provide some funding to help local school districts to modernize their schools, to either build new schools or additions or to upgrade the schools that need to be restored. We are going to make sure that that happens here. We are telling the Republican leadership and our colleagues on the other side we are not going to run out of this place quickly. This has been a do-nothing Congress but at least before you go home, try to do something, put some sort of down payment on these education initiatives that are so important, not to Democrats, not to Republicans but to the American people.

These are the kids. We have to think about the future of this country. The future of this country is in its children and in public education, not vouchers for private schools but public education, and doing things to upgrade public education, doing things to help in the classroom, doing things that make it possible to have safer and smarter schools. That is what the Democrats are all about. We have been talking about this for a long time. President Clinton brought it up in his State of the Union Address. Now is the time to do something about it.

TIME FOR ACTIONS TO MATCH WORDS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the President said in his 1996 State of the Union Address that the era of big government is over. I suppose that depends on what the definition of "is" is. I suppose that if you look at his recent attacks on Republicans in Congress, especially on education, the President and his liberal allies in Congress are threatening to shut the government down if Congress does not spend more money on education and create more education bureaucracy right here in Washington. Republicans want to send more money to the classroom. Liberals want to give the Federal Government an overpowering role in local schools. Republicans think that Federal bureaucrats have done enough damage to education, thank you very much. Liberals want to spend the money by taking it away from Social Security, while Republicans are happy to stay right here and continue to work to get more money into the classrooms, while keeping the budget agreement caps which means that there must be spending offsets by not taking money away from Social Security. If the era of big government is over, then it is time for the President's actions to match his words.

UNDERACHIEVING CONGRESS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, by the calendar it says Sunday but in fact it is spin day, the day the Republicans come before the American public and try to spin their way out of this do-nothing Congress. Well, they get offended when you say do-nothing, so let us say underachieving Congress. The fact of the matter is we on the Democratic side want to stay here and deal with the issue of education. We need to invest more money in public education. The Republicans will try to tell you that they want to send money back to the States because money is going into bureaucracy. That is not true. Less than 2 percent of the Department of Education's budget is spent on administration. Ninety-eight percent goes directly to the States and localities. That is our position. The States and counties and local communities need more money to hire teachers, to train teachers, to put computers in classrooms. If we want a world-class education system, we have to make a world-class investment. That is why we are fighting. That is why we are here. The White House and the congressional Democrats say we must invest more in education. The Republicans simply want to go home and do nothing.

PLEA TO PRESIDENT: HELP US FIND REAL SOLUTIONS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague from Maryland. His math comes up short. Only 2 percent of Federal spending goes to administration? That is just not true. But then again there is a lot that goes on here that seems to be part of the spin cycle.

Mr. Speaker, I noted with great interest this morning the President met with the minority leadership. In 2 years' time he has never bothered to sit down with the people who run the House of Representatives, members of the majority, to craft a policy for America's future. It has been very interesting, Mr. Speaker. In fact tomorrow on the President's itinerary are two fund-raisers, one in Florida, the other in New York. The final one is to benefit a Member of this House who sits on the Judiciary Committee and who has aspirations of joining the other body. Now even in a town as cynical and as hard-bitten as Washington, D.C., can people not see some conflict of interest? We are happy to stay as long as it takes to make sure that education is left up to the people, not the Washington bureaucrats. Mr. Speaker, we implore the President of the United States to join us to find real solutions.

LET US MAKE A DIFFERENCE IN KIDS' LIVES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this is absurd. Republicans taking credit for improving education is like saying that Jerry Springer is in the business of improving television. It really is quite extraordinary. My Republican colleagues say that the President wants to shut the government down. Friends, American public, understand: This government is shut down. Let me tell you what the Republican-controlled majority has not been doing in the last 2 years of the 105th Congress. No budget. No budget. No appropriations bills. No managed care reform. No campaign finance reform legislation. No tobacco legislation to help to save your kids. No education program. They say, "Let's raid Social Security to pay for other things in this budget."

Let me just say this to you, that yes, what we need to focus on in these last remaining hours of this Congress is our kids' education. Let us in fact reduce class size. Let us get 100,000 more teachers. Let us make a difference in our kids' lives.

WHERE IS THE PRESIDENT?

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, I say to my good friend from Connecticut that this is a do-nothing-that-the-liberal-likes Congress, that is for sure. But I am here working today. I do not mind. I was elected to do a job and I am going to do it. But what about the President, where is he? Maybe in Martha's Vineyard, Aspen, Camp David? Where is the President? I bet the American people do not know that he spent 152 days out of the 283 days this year fund-raising, traveling, and on vacation. On top of that, I bet the American people do not know that he had only two Cabinet meetings this year. We know what those Cabinet meetings were. He shows up the day before adjournment and starts talking about education. The day before adjournment.

Mr. Speaker, tomorrow is another workday, and alas according to reports the President will be in Palm Beach in the afternoon for pina coladas, for raising money, and then he will be jetting off to New York City for dinner for more fund-raisers. Enjoy yourself, Mr. President. We know how draining those two cabinet meetings were this year. But we will stay here as long as it takes and work on the budget. After all, the American people expect nothing less.

□ 1415

THIS CONGRESS HAS ONLY WORKED 108 DAYS THIS YEAR—FIRE THE REPUBLICAN CONGRESS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, it is not a mystery why this has been one of the least productive congresses in history, why this is a do-nothing Congress, because this Congress has only worked 108 days this year. Most working people worked in excess of 225 days, 250 days this year. This Congress only worked 108 days. Now they find out after 108 days of working that they did not do their work, that they are not done. They say, "Where is the President?" The President has been waiting for the appropriations bills. The President has been waiting for the budget. This is the first Congress since 1974 that had no budget. This is a Congress that cannot pass seven of its appropriations bills. There is nothing for the President to sign because they cannot get the appropriations bills out of the House of Representatives. They cannot get agreement among the Republicans in the House or the Republicans in the Senate.

Mr. Speaker, if most Americans worked as few days as this Republican Congress, they would be fired. Their employers would ask for their money back. Maybe that is what the public ought to do is fire the Republican Congress.

REPUBLICANS PASSED 21 INITIATIVES GIVING GREATER CONTROL TO LOCAL EDUCATION

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, as I look back over the last 2 years, one thing is very clear. The Republican majority in the House and Senate has given a 21-gun salute to education, passing 21 initiatives to give greater local control to local education and put dollars in the classroom. While the Democrats want to put more money in Washington bureaucracy, we want the dollars to the classroom. In fact, 30 cents on the dollars today that we appropriate here in Washington stay in Washington on government bureaucracy. Thanks to this Republican Congress we now have the lowest loan rates for student loans in 17 years. We have been doubled that the last 3 years the amount of Pell grant, grant money to help low-income students go on to college, and we provided $500 million more this year for special education.

Earlier this year, just 2 weeks ago, the House of Representatives passed an effort to save Social Security and to help education. Found it very interesting that the President called our efforts to make prepaid college tuition programs tax exempt, to help with school construction costs, the President calls that squandering that extra tax revenue and squandering the surplus.

It is interesting our effort to help schools with the tax cut plan would have cost $7 billion in surplus. Our President wants to spend twice as much, $14 billion, on defense spending, the State Department and a computer fix for government bureaucrats.

PRESIDENT RAISING BIG DOLLARS IN PALM BEACH FOR TV ADS THAT DO NOT TELL THE TRUTH

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, as the Representative from Palm Beach County joining the gentleman from Florida (Mr. SHAW) also representing Palm Beach, we are quite surprised that the President would assume that the negotiations to continue the good work of this Congress would be held in the island of Palm Beach. CLAY SHAW and I stayed here to work on the people's problems. We are here throughout the weekend to solve the budget crisis. Regrettably the President and, I understand, the Vice President are traveling to Palm Beach, Florida to raise more money. In fact, the chairman of the Florida State Democratic Party suggested that they should probably not come because they were bleeding all of the dollars out of the State and bringing them here to Washington, D.C.

So let us understand what this is all about, not about working, not about saving this Nation, not about helping our children, not about helping education. It is about going down to Palm Beach, Florida, a place that I love, to raise big dollars to come back and assault the integrity of the American public with more money on TV ads that do not tell the truth.

So, if the President wants to solve the government's problems, stay in Washington tomorrow, work through the weekend, like we are. We can make some significant gains for the American taxpayers.

HOW MEAN HAS THIS COUNTRY GOTTEN?

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise this Sunday afternoon here in Washington with, like the rest of us, probably really missing our families and wishing we could be with them. But I happened to think about my daughter who was about the age that I was when this town and this country was calling out for the best in people, asking them to bring out what is the best in America by joining the Peace Corps. I did that.

In the Peace Corps I lived as minority in another land, and I learned the greatness of the United States. Incredible to see how much we can do around the world. And I knew then that I was going to enter a political career to try to right wrongs and make life better.

Here we are, Mr. Speaker, at the end of the 105th session, and I look back, and I think, oh my God, how mean has this country gotten? How mean is their right-wing leadership in their party? They want to take away public education and privatize it, remove the safety net. They want to make Social Security neither social, nor secure. They want to have people in their medical careers have to deal with insurance companies rather than doctors.

I plead with my colleagues to get away from the meanness. Go back to the dreams of America. We can cure a lot.

WAG THE DOG

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, it would be really helpful if we did not attack each others motives. I do not consider myself a mean person. I consider myself like other Members of this body on both sides, deeply committed to the issues we believe in, and we confuse the

American people because they do not understand what is going on right now. They look at this and say this looks a lot like the NBA strike lockout where we have people on both sides with strong differences of opinions. But they are adults; why can they not sit down?

Obviously we both care about education. We differ how to do it. We obviously both care about health care. We disagree how to do it. We obviously both want to see a form of government; in this case some of us are more local than state-oriented and some are more federal, but it is not that we are not trying to do a good government.

In 1995, actually right after the 1994 elections, we had a historic point in American history. For 40 years we had had a Democratic Congress, and all of a sudden we had a conservative Republican Congress and a liberal Democratic President, and we had those passions on both sides tested, and we went through this before. This is now our fourth time. There is no reason that we cannot come to an agreement unless there is another political reason, unless there is a wag-the-dog problem going on right now where the President is trying to distract attention.

We know he feels passionately, we feel passionately. Let us be adults and get it resolved.

WITH A $500-PER-CHILD TAX CREDIT THIS IS A DO-SOMETHING CONGRESS

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, as my colleagues know, the fact that Congress does not pass a lot of laws does not mean it is a do-nothing Congress. Did my colleagues ever stop to realize that a Congress that passes a lot of laws is the same one that passes a lot of regulations? Creates more programs? More bureaucrats? Evidently to some people on the other side, they think that that is a productive Congress.

But, as my colleagues know, for every family in the United States beginning this year that has a child under 17 year old the parents will be able to keep $400 more of their taxes, and after that, $500 more of their taxes, a $500 child credit. We Republicans believe the American people know how to spend their hard-earned dollars a lot better than the United States Congress. With a $500 per child tax credit, they can keep that as opposed to paying taxes. That is a do-something Congress.

FOR LIBERAL DEMOCRATS EDUCATION IS ABOUT MONEY, MONEY, MONEY

(Mrs. CHENOWETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Mrs. CHENOWETH. Mr. Speaker, as my colleagues know, education is a perfect example of an issue where liberal Democrats and conservative Republicans disagree. For a liberal Democrat education is about one thing and one thing only. It is more money, more money, more money from Washington, D.C.

Now last year they were here arguing for more money for education, and so we gave it to them. Education did not improve. The year before it was the same argument. We gave them more money. Education did not improve. And the year before that, and the year before that, and the year before that, and the year before that, and every single year for the past 30 years.

Mr. Speaker, my question for the liberals is at what point do they conclude that maybe, just maybe, it is not the money from Washington, D.C.? The answer, of course, is that it is not the money, and even the liberals know it. They have created more Federal bureaucracies, more Washington, D.C. programs of dubious value and more administrative extravagances.

Education achievement has not improved, but that is no surprise at all.

A DO-NOTHING CONGRESS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I was sitting over in my office looking at my clips from the newspaper, and I come across one here I thought I would mention to my colleagues. This is the Washington Post, October 6, in their editorial section: A do-nothing Congress whose year has been spent deflecting good bills while barely pretending to legislate is now down to the task it cannot avoid. It has yet to pass 9 of its 13; well, really it is 7 of its 13; regular appropriation bills, and they go on and say on most of this stuff the President would be wrong to yield, he should veto the Republicans.

Now the Republicans are out here today saying that we are trying to pick a fight, and so the paper says the Republicans say the President is trying to pick a fight on these issues, even to the point of shutting down the government to divert attention from their own failures. They seek thereby to disarm him. In fact, it is they who seek to divert attention from their own record which for most of the year consists of thwarting legislation that deserves to pass and now consists, in too many cases, of trying to sneak into law provisions that ought to fail. The President should swat them on it.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHAT REPUBLICANS HAVE DONE FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, today I want to talk a little bit about what the Republicans have done for education. We have heard a lot about how we were trying to eliminate public education. Nothing could be further from the truth. We want to make strong public schools with local control, local authority.

Now if my colleagues compare what the President is proposing with his hundred thousand teachers, we have heard that number before. We heard about the Cops On The Street Program which promised 100,000 police on the streets. Well, according to Attorney General Janet Reno, we never did get 100,000 police to the street. In fact, we only got 18,000 police to the street, and for those 18,000, they were only partially funded. The first year they got 75 percent, the second year they got 50 percent, the third year they got 25 percent, and the fourth year the local governments had to completely fund those 18,000 policemen. Well they only got partially funded. They went ahead and hired the policemen on good faith. Then the amount of funding from the Federal Government got reduced, and the portion of the local funding continued to increase. So what happened in all these local governments that were trying to do the right thing by hiring these police is they ended up raising their taxes. So they got fewer policemen that they were promised and higher taxes than what was anticipated. Now we have the plan for 100,000 teachers, again partially funded, and over the next few years the funding goes down, down, down while local government taxes go up, up up, and along with that comes the bureaucracy.

Now the average employee in the Department of Education here in Washington, D.C., makes $52,000 a year. Go home and ask the children's teacher if they make $52,000 a year. They do not make that in Wichita, Kansas, not the average teacher, but yet that is what the average bureaucrat does here, and they do not educate any children. All they do is demand more paperwork, more paperwork, more paperwork.

Well, let us just go over a little bit what we have done just this year, in the 105th Congress what the Republicans have done. First of all, we put some common sense into the concept of national testing. This fast track nature of what the White House had initiated was unverified. It took a long process, it started many educations on an alarming rate of trying to do things that they had, that they could not put a final bottom line on. It was like hitting a moving target.

Now we have done testing in Kansas. We have a program called QPA. It measures progress. It has testing requirements. Other States are already doing it. So here we have a duplication of effort in Washington, D.C., on education standards. Well, we put some common sense to that in the Republican Congress.

The next thing we did is put dollars into the classroom. The purpose was to consolidate 31 top-down programs into block grants to the States, and under this bill at least 95 percent of the money coming from the Federal Government had to go into the classroom for classroom activities or services. Now for Kansas that meant an extra $2½ million going into the classroom. Well, it is not being spent here in Washington, D.C., which is the big difference in philosophy between what happens between the Republicans and the liberals. The Republicans and conservatives would like to see the money get into the classroom, not being spent here in Washington, D.C. on a bloated bureaucracy.

□ 1430

Another thing that has occurred here is we have the Higher Education Amendment of 1998. The purpose of this is to reauthorize the Higher Education Act of 1965 with the lion's share of the Federal funding going for higher education. This year it is in excess of $40 billion a year, where the Republican Congress wants to get money into higher education.

Another program was the Community Service Block Grant and Low Income Housing Energy Assistance Program, LIHEAP, to help some of the local communities revitalize their high poverty neighborhoods and empower low income individuals and communities to become self-sufficient. It had new initiatives in it for literacy, youth development, fatherhood and community policing.

Another program was the Reading Excellence Program. This legislation developed in response to the President's America Reads Program to use volunteers to improve the reading skills of children, where we would reform the way reading is taught in our Nation's schools. Working together, we perfected a program.

Another program was the English Fluency Act. This legislation is directed at reforming the current Bilingual Education Act to provide funds to states to address the needs of English language learners and ensure that they learn English as soon as possible.

Another program, the Juvenile Crime Control and Delinquency Prevention Act. The purpose of this legislation is to help local areas have safer schools.

I could go on for another 10 or 12 programs, but the bottom line is the Republicans believe in local schools and local empowerment. We think you can spend your money more wisely than any government agency and that you will love your children more than any government program.

PROGRESS REPORT ON CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, we can talk all we want here, or the Republicans can talk all they want, about what they are going to do in terms of education, because most of the legislation that was just read by the gentleman in the well is legislation that they have proposed, it is legislation that may have passed this House, it is legislation that they cannot get agreement with the Senate on, or it is legislation that has come out of the committee but their caucus is in disagreement on much of that legislation.

I appreciate and I was at the signing with the bipartisan delegation of the reauthorization of the Higher Education Act. That is what Congress is supposed to do. Congress is supposed to reauthorize that act when it comes due and there is no Congress that has failed to do that.

But this Congress has failed to do much more. It has failed to meet the needs of America's schoolchildren by failing to address the need to reduce class size for our younger students. It has refused to meet the need to improve our schools, the crumbling schools, some $12 billion worth of construction that is immediately necessary, not only to make schools safe, not only to make them healthy for our children, not only to modernize those that need it, but also to make them ready for the technology that is the key to much of the educational opportunity for the students.

So this Congress has struck out on education. This Congress has struck out on managed care, where they decided they would go with the monied interest of the insurance companies and the HMO companies against the American people, against the American people and their desire to once again have a doctor-patient relationship, a doctor-patient relationship that deals with the health care problems of the patient, as opposed to the bottom line and the stock price of the HMO corporation or of the insurance company that keeps meddling with the decisions of doctors to prescribe medicine, to prescribe treatment, to prescribe tests or to prescribe surgery.

Each and every time the doctor wants to do this, he has to pick up the phone, the doctor has to call an 800 number, get some bureaucrat on the phone and say can I have an MRI? I believe this person may have a tumor. Can I have surgery? We have discovered a tumor and now we would like to cut it out on a timely basis.

They say no, you are going to have to wait 30 days. No, send them out for massage, send them to the whirlpool. Send them anywhere except to surgery, where they need it to try to stem the ravages of cancer or other malignancies.

That is what the American people have asked us to do. This Congress could not do it. This Congress could not do it because they decided they would deal with the money interests, just as they decided they would deal with the monied interests and they would kill campaign finance reform, they would kill the ability of the American people to have a greater participation in the election process, to develop grassroots, to make sure the people in our districts are not overridden by all of the soft money that comes in in the last days of a campaign. This Congress struck out in that effort.

This Congress struck out on the effort for tobacco legislation, to try to recover for the Federal taxpayer some of the billions of dollars that they have spent in the Medicare program taking care of the victims of tobacco, taking care of the victims of cancer that is related to tobacco. The states are recovering that, but somehow the Federal Government is unable do that. Why? Because they could not stop the flow of the tobacco contributions to the Republican party. They just could not get off that addiction that they have, not only to tobacco, but to tobacco campaign contributions. So this Congress struck out on that.

Finally, as Americans are working harder and harder and more Americans are working more than ever, we thought they ought to at least get a wage to allow them to support their families. But this Congress could not see it that way. It decided that once again it would go with their campaign contributions from the Small Business Association, from the Restaurant Association, and they would deny America an increase in the minimum wage, so those people who are working at the minimum wage would be able to support themselves and their families.

These are people that go to work all week long, all month long and all year long, but at the end of the year, they end up poor. So what do we do? We have the government subsidize them in food stamps, we have the government subsidize them in housing, we have the government subsidize them in medical care, because their wages do not allow them to procure these basic necessities of life for them or their family. Why? Because the minimum wage is not high enough.

But this Congress, this do-nothing Congress, chose not to do anything about the minimum wage, not to do anything about managed care, not to do anything about campaign finance reform, not to do anything about the crucial bills dealing with the improvement of education and bills to protect the environment.

So this Congress that has only worked 108 days this year, this Congress that has chosen to be out of town more days than it has been here, this Congress that has chosen to come to work Tuesday night at five o'clock and leave Thursday night at five o'clock, this Congress that chose to extend the August break an extra week, this Congress that chose not to work in January, February or March more than a couple of days, this Congress now cannot find time to deal with the basic necessities of our children's education, to get a budget and to pass the appropriations bills.

That is why this Congress is being hailed by editorial boards and people all over the country as a do-nothing Congress. And I would just ask the same courtesies on time that you give the Republican Members on the other side of the aisle. The Chair belongs to the whole House, not to one party or the other.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY of Texas). The Chair will attempt to enforce strictly the five-minute limit on both sides of the aisle.

REPORT ON BIPARTISAN LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, I will lower the decibels. I do not have any reason to make any political statements. I do not have that need. The President, on the other hand, has misled the American people with a radio address yesterday, and I think I should try to make sure the American people truly understand what is going on. In his speech, in which he dealt primarily with education, he said we should be able to make real bipartisan progress on education.

Well, Mr. President, in the entire history of this body, there has never been a greater effort at bipartisan legislation in relationship to education, and in the last 24 years, I can assure you there has never been a better effort.

So, Mr. President, we sent you the Higher Education Act, a bipartisan effort. We sent you special education, IDEA. We sent you the Workforce Investment Act. We sent you loan forgiveness for new teachers. We sent you quality teaching grants. We sent you emergency student loan. They are all law, Mr. President. We sent you seven.

We also have awaiting on your desk school nutrition, including help after school, so that we can try to deal with the problems of juvenile delinquency. We sent you charter school legislation, Mr. President, in bipartisan fashion, $100 million extra every year for five years. We sent you quality Head Start. And what are your people trying to do? They are trying to eliminate the quality from the Head Start bill that we sent to you.

We have sent you vocational education for the 21st Century, not the 20th or the 19th. We sent you community service block grant. We sent you $500 million extra for special education, and you sent a budget up here which as a matter of fact reduced spending for special education.

We have a Reading Excellence Act waiting for you to sign, Mr. President. All you have to do is decide whether that is truly your first priority, and it surely should be your first priority. All of those bills, 14, and a lot of them in a bipartisan fashion.

Well, you said in your speech that our Nation needs 100,000 new highly qualified teachers to reduce class size in the early grades. Mr. President, where do you get your statistics? Every study I have seen has indicated that there is no shortage of elementary teachers now or in the foreseeable future. We have more than 100,000 elementary teachers now who are working in department stores, who are working at fast food places, who are working in offices, because they cannot get a teaching job.

Now, Mr. President, there are some places where they need teachers, but these 150,000 who are out there who do not have a teaching job did not want to go to center city, did not want to go to rural America. So what did we do to try to help that situation? If you read our higher education bill, Mr. President, you will discover that we give some breaks in relationship to your loan that you have if you will go to center city, if you will go to rural America.

Now, Mr. President, if you know the Elementary Secondary Education Act, you also know that Title I allows them to employ teachers. If you wanted to do that, why not increase that amount of money?

You see, as I said at the White House, who gets credit is not important if you are trying to help improve the quality of education. So you do not need something special that says, "I get credit because I did this." It is there. It is in Title I. All you have to do is put more money in that particular area.

In the higher education bill we also dealt with quality, because you mentioned quality. We made it very clear to all teaching training institutions, this is the 21st Century and we expect you to turn out quality teachers for that 21st Century. Right in the bill, Mr. President. You signed it. I was there.

□ 1445

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members to address their remarks to the Chair and not to the President in the second person.

THE ROLE OF FEDERAL MONEY IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR of California. Mr. Speaker, I want to go back to my statement that I made in the 1-minute on the spirit I felt in this country when I remember first getting involved and getting committed.

Many of us are sitting here as parents. I think we have children growing up, and as a parent, we are more worried about the future of this country and this world for their livelihood. We all want to make the world better. I do not think that our Congress, with all the capability we have, a lot of very bright people elected on both sides of the aisle, are really focusing in on trying to bring out the best that is in America. I think that is where we are failing.

We can get into the specifics of a program, and whether it is a mood to go to what I think is a fear of privatization, let us remove the safety nets, the gentleman is right. The last speaker talked about it. It is not who gets the credit. I believe that. We can accomplish a lot in life if we do not care who gets credit for it. But we have to accomplish it. What we are doing is not accomplishing it.

One of the speakers earlier said we have too much Federal money in education. That is just factually wrong. That is wrong, wrong, wrong. Of all the money spent in education in America, the Federal contribution is 7 percent. Seven percent. That is not too much money. There is not anybody in America that will not tell us that if we have a top priority, it is educating our kids to prepare them for the 21st century.

We have heard a lot of reasons. It has been debated and it will be stated here again today, I am sure. Why can we not do that? The one thing we have never done in this country, the Federal Government has never put one Federal dollar into school construction, not even a penny.

If we are going to have overcrowded classrooms, and we all agree they are, if we are going to have more teachers to have smaller classrooms, which everybody agrees we need, then we have to build more space. We have to do that by offering incentives other than the mechanisms that are there.

My colleagues, the gentlemen from California, know that we have a requirement in California that to pass the school bond issue to construct school buildings, you have to get a two-thirds vote. In a lot of communities where the need is great, they can never get the two-thirds vote. There is no option. There is no option. Nobody is out there volunteering to build public schools for free out of their own private contributions.

Mr. Speaker, we have to put some money into the school construction effort. The President, as we all learned in high school when we took government classes, the President proposes and we dispose. The President stood here in this very room and proposed to us that we put money into school construction.

He had a clever idea, that we would give tax incentives so private individuals could pick up the interest rates on school bonds, as an incentive for schools to use more of the money for school construction, rather than less.

What happened to it? It was destroyed here in Congress. We talked about putting 100,000 new teachers in the classroom. People say that is too much Federalism. If we go to a police chief in the United States today and ask if the Cops on the Street program is too much federalism, all of my chiefs of police that have received these Cops in the Street program told me they have never seen less bureaucracy. It is very easy, once you have made the decision that you want them, to get them. The program for schools would be the same way. There is not a lot of Federal bureaucracy there.

Do Members know what it would do over the next 7-year period if we took the President's proposal and adopted it here? It would provide in our State alone, in California, 9,271 new teachers by the year 2005. We need those teachers. We need those classrooms. We need computers. We need all of the things that people talk about. But we are not going to get there if we are going to try to say well, the Federal Government should not help.

I am passionate about this, because I think what we do in this country that is so great, and we are picking away at it and wanting to lose it, is that we have one Nation, indivisible. That indivisibility, it seems to me, is the safety net; that we will treat everybody, at least in this country, with a minimum amount of care.

If we look at the education programs that we have created in the United States, they are that safety net. They are Head Start, they are ESEA Title I, they are grants to college students, Pell grants, they are things that are out there as safety nets. They are not the education system. The gentleman is absolutely right; America's education is run by the local school districts. But they cannot do it alone. We need to help them. Do not deny them the opportunity to do that.

EDUCATION HAS BEEN A PRIORITY TO THIS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I have often listened to the debate in these Chambers. Sometimes I feel like I am in a schoolyard where we have fourth-graders taunting each other back and forth, saying my program is better than yours, and you are a bad guy because you are not saying my program is a good program. We just have to remember that today is an election year, and we are just 3½ weeks away from that date.

I also noted that one of my colleagues tried to elevate the debate by quoting the Washington Post. Once I did that. I was back home in a town meeting back in my district. I quoted the Washington Post, and I kind of realize at times when I read the Washington Post that they don't like anybody. Two weeks ago they were calling on the President to resign. Now they are saying Congress is bad.

Whether or not Members want to quote the Washington Post, folks in Hegewish and south Chicago, they don't care what the Washington Post says. They are looking for a solution.

One thing I found from town meetings, meetings at the union hall, the VFW, the grain elevator, or a suburban women's club meeting, they are saying that they are tired of partisan politics. They are looking for solutions. That is why they are pretty proud of what this Congress has done in the last few short years.

If we think about it, think of all the things we were told that we could not do. I am one of those who was elected in 1994, this new Republican majority for the first time in 40 years.

I was told by the Washington Post and the New York Times and all the other liberals in the world that we cannot balance the budget, but we did it. They told us that we could not cut taxes, but we did it. They told us we could never reform welfare, but we did it. They told us we could not restructure the IRS, but we did it.

If we think about it, this Congress in the last 2 years has done some big things that we were told we could not do by many of those on the other side of the aisle. We balanced the budget for the first time in 28 years, we cut taxes for the middle class for the first time in 16 years, we reformed our welfare system, helping kids and families for the first time in a generation, and we restructured the IRS, taming the tax collector for the first time ever.

Those are pretty big accomplishments, something I am really proud of, because it took a Republican Congress to do that, and I am pleased that a Democrat President joined with us in a bipartisan effort to bring those four accomplishments and those four solutions home.

We are often asked, what is our next challenge? What more can we do to change how Washington works and to make Washington more accountable to the folks back home? Clearly, education is a priority for all of us.

When I am back home and I am walking through, whether it is Lincoln Way High School, which is one of the best in the Nation, in New Lenox, or in the south side of Chicago, in the Chicago public schools, or LaSalle Peru in the Illinois Valley, and I talk to local school board Members, administrators, teachers, and parents, they say, Congressman, about 4 to 6 cents of every dollar we spend on our public schools comes from Washington, but we also want you to know that with that 4 to 6 percent of the funding we spend on our local public school comes two-thirds of the paperwork we have to fill out.

If we look at how those dollars actually get spent when we appropriate them in Washington, only about 70 cents on the dollar actually reaches the classroom. Thirty cents on the dollar gets spent on bureaucratic overhead before it gets back to Illinois schools. Something is wrong. We need to do a better job.

Over the last few years we have made a difference, trying to change how Washington works to make sure when we appropriate funding that it counts, and education was a big winner last year when we balanced the budget. Not only did we make education a priority, but we increased funding for education in our budget by 10 percent, a $5.4 billion funding increase over the previous year, even while balancing the budget.

Unfortunately, 30 cents on the dollar stays here in Washington. One clear message from the folks back home is we need to leave less money in Washington and get more money back to the classroom. That is why I am proud that we passed earlier this year legislation that will put more dollars into the classroom by streamlining the process, not saying 70 cents on the dollar, but actually 95 cents on the dollar reaching the classroom.

I am proud that this Republican Congress has given us the lowest student loan rates in 17 years, and that we have doubled Pell grants to twice what they were when I was sworn in 4 years ago to help low-income students better afford college with an outright grant. This year while the President ignored special ed, we provided $500 million more for special education in our local public schools.

Last year, while we were working to balance the budget, we created the first ever school construction bond program, providing almost $1 billion in helping build new classrooms for our schools. We increased funding for Head Start low-income kids in my district.

Mr. Speaker, education is a priority. We have given it a 21-gun salute. This House has passed 21 initiatives to help education in just the last 2 years. Education is a priority.

A FEDERAL GOVERNMENT STILL TOO BIG, WITH A DEFENSE BUDGET TOO SMALL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Idaho (Mrs. CHENOWETH) is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Speaker, the Treasury Department will announce that the Federal budget is in surplus for the first time since 1969. Only 2 short years ago the President of the United States submitted a budget with a $200 billion deficit, as far as the eye can see, if Members will recall.

What happened? There are a lot of Americans, and most Americans, including us, who really do not care where the credit falls, just as long as this Congress stays committed to a balanced budget and reducing the size of government. But it is important to understand how we got here, where we are today, so we can continue on the path of sound economic recovery.

Remember when the country was faced with large, chronic deficits at the beginning of the 1990s? Congress faced a choice. To cut the deficit, lawmakers had one of two choices to make, to cut spending or to raise the taxes. President Clinton and his allies here in the Congress chose to, remember, raise taxes. Congress at that time was still under the control of the Democrats, so President Clinton was able to get through the largest tax increase in the history of this great Nation.

Republicans, on the other hand, wanted to reduce the deficit by cutting spending. Republicans believe that government is too big and too bossy, and they believe that Washington wastes too much of our money. One would think that this is an obvious point to us, because it is to the American people. After all, even the President himself said in his 1996 State of the Union Address that the era of big government was over.

If only that were true, Mr. Speaker. We can see now that this declaration was nothing more than words. Big government is alive and well, and it is bigger than ever. In fact, the Democrats have come back with still more ways to increase the size and power of government every year since.

While we can say that government is not quite as big as it would have been if the Republicans had not taken control of the Congress in 1995, the truth is that government continues to grow, and any attempts to cut government, no matter how wasteful and counterproductive the program may be, the liberals will immediately attack our resistance to more and bigger government as being extremist or mean-spirited.

It has never occurred to them that it is perhaps mean-spirited on the part of a Federal government to have so little respect for the working men and their labor that Washington takes between one-quarter and one-third of their precious money every month from their paycheck.

So that still leaves us with the very important question, how did we go from $200 billion deficits, as the President had proposed, as far as the eye can see, only 2½ years ago, to the budget surplus that we now enjoy?

Let me tell the Members, remember, it is true that there have been some reductions in spending, but almost all of them have come out of one place it should not have come out of, Mr. Speaker. That is the Pentagon. Defense spending is now dangerously low, and our military forces are not what they should be.

Mr. Speaker, we know that to be the truth, but our Democrat colleagues, in their boundless faith in human nature, ignore history and simply do not believe in the fundamental precept that America must achieve peace through strength.

□ 1500

As for other spending, Republicans did manage to limit the number of new spending initiatives of President Clinton and the Democrats over the past few years. But the primary reason why the budget is in surplus today is because revenues are way, way, way up. Liberals will point to the President's 1993 tax increase as a reason why revenues are up, hoping that we will not examine the budget tables ourselves to see if, in fact, this is true.

Revenues are up primarily from the number of people who are taking advantage of low tax rates on capital gains, the part of the economy that is the lifeblood of any dynamic growing economy.

President Reagan cut the tax on capital gains, and the Republicans cut it again just last year. Savers, investors, entrepreneurs, and other job creators are taking advantage of that, and the economy is benefiting from that. Jobs are being created, and revenues have soared. That, Mr. Speaker, is primarily the reason why the budget is now in surplus when it was in deep red only a few years ago.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from Washington (Mr. SMITH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GEJDENSON) is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, it seems to me that, if we go back before the battles that have raged in the last several weeks, there has to be a fundamental question of why we came to Congress.

I grew up in the town of Bozrah, a town about 2,400 people. I knew that, oftentimes, those neighbors of mine could not compete when they were trying to deal with large corporations or an oppressive government. It seemed to me the obligation of an elected representative is to come here and be their voice, to fight for our friends and neighbors when they cannot do it on their own.

What is our answer to what is happening to seniors on Medicaid HMO programs? What is our answer to the average family that lives in fear that the health care program they have paid for will not protect them when it is necessary?

My wife went in for a 4½ hour operation. They removed a disk from her neck. They took a piece of bone from her hip. They put it back into her neck. A 4½ hour operation. She gets back to the hospital room around 5 o'clock.

The doctor comes by 6:30 and says, you know, I would really like to keep you here, but I know the insurance company is not going to pay. But I am going to try. You will probably get stuck with a bill. She was all wired up with all the things that kill pain and what have you that you need after an operation. So she said fine.

The next day, of course, the claim was rejected by the insurance company. That did not shock us, frankly, because we thought that was going to happen. What shocked us is what happened to the doctor. The doctor got a letter from the insurance company saying do not try to do this again. Do not worry about what your patient needs or what the long-term impact is. Just dump them out on the street.

My wife would get along. We have got family. We would find a way to help her. But there is some people that do not have a lot of family. When we were going back for a checkup, we saw this woman. She could not have been 4-foot tall. She had a piece of metal in the front of her chin and two pieces on the back of her head. She had the marks from that halo when you have a serious neck operation.

My wife said to her, "What happened to you?" She says, "Oh, I came in for a hernia operation. I am 76 years old. It is same-day surgery, you know. As soon as I had the surgery, they sent me home. I walked in the door, passed out, and broke my neck. I spent the last 4 months in the hospital."

Most times, when we are dealing with an issue, it has such a limited impact that we have to seek out those who have been victims. We have to go out and hold hearings. These just come at us from our family and everybody else.

My brother runs the family dairy farm. One night, Ike felt his entire right side of his face losing all muscle control. He is 40-some years old. That kind of thing scares people. I do not know if it would scare a doctor, but it scared the heck out of me.

Ike thought it was serious. He drove down to the emergency room. The insurance company said, "No, no, just because you lost all sensation in the right side of your face, that is not serious."

I am not a doctor. Again, I cannot tell my colleagues what would have happened to my brother's girlfriend had she had a real medical system. She was 38 years old when she died after they refused to look at her tumor, after they refused to test her tumor.

What is this Congress doing? This Congress is sitting around here, and its leaders are fighting about whether you can fire or prevent the hiring of a former Democrat for a job downtown. Is it not wonderful, we have a fight where the Republican leadership is trying to tell public corporations they are not supposed to hire Democrats.

If you have been a Democrat, the rule is you cannot have a job. Do my colleagues know what? If this was organized crime, we would call it a RICO operation. My colleagues are out there trying to deny people health care; and when people want to work here, they want some kind of sign-off from the Republicans.

I am telling my colleagues this country needs health care reform. This is not about good politics, which it is. It is about people's life and death.

The leadership of this Congress is spending more time trying to make sure somebody does not get a job downtown than taking care of the health care of people of this country.

The same goes for education. The same goes in 100 different areas. We have not done the work we ought to do on pensions. In my district, a company closed, and the same day 100 people were notified they had no jobs. They found out their pension had been absconded with, been stolen or lost by the individual who managed it.

We need to make some changes to make sure that will not happen again. But not this majority Congress. They are worried about whether Dave McCurdy, former Congressman, can get a job downtown.

It started this way when they took over. The first thing they told people was fire the Democrats. They got rid of all the assets that poor people and workers had to gather information here. They want to represent powerful people, and that is just fine, but do not kid the American people. Do not go into that well and tell me you care about health care.

COME HOME, MR. PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I think it would be very helpful to all of the constituents in my district to sort of cut through the shrill rhetoric on the other side of the aisle today and kind of get behind what is driving all of this political force.

See, it appears to me that the Democratic leadership and the President have placed petty politics above the interest of American children, America's veterans, America's seniors, and recently America's farmers.

The farm bill that was just vetoed recently had more money in it than the President's request, but it did not spend it on the programs that the Federal Government and the President wanted, so he vetoed it. It was not that it was anything in the best interest of America to do, but he vetoed it for politics.

Let us just take a look at what is behind this injustice to the American people. The principal motivation for the President and the Democratic leadership's intended shutdown of government is sort of to take the spotlight off the scandals that the President has gotten himself into.

It is also evident that the President has been AWOL, absent without leave, from his duties during most of the year. Let us consider this. The first 282 days of 1998, Mr. Clinton spent 45 percent, or approximately 127 days, working for his employer, the American taxpayer.

So what has he done with the majority of his time as President this year? Let us take a look at that. Fund raising. I think the new motto of the White House ought to be "Show me the money, Mr. President."

Mr. Clinton has spent 56 days away from his job raising money, gaining millions and millions of dollars from wealthy elitists, big business tycoons, liberal special interests, and media moguls.

Note that most of these fund-raisers, of course, were outside of the Washington, D.C. area. All totaled, Mr. Clinton has attended 97 today. Tomorrow in Florida will be number 98. Special interest fund-raisers gathering up those millions and millions of dollars, rather than working with Congress on problems facing all Americans.

The "Show me the money, Mr. President" ought to be here working with the working Congress. Let us take the vacations that he has had. Please do not get me wrong. There is nothing wrong with a much-needed break from a hectic work schedule. But there is something wrong when the vacations start interfering with the job of being President of the United States.

Not many hardworking men and women around this country have the luxury of working only 127 days and getting 32 days vacation, paid at that by the taxpayers of the United States.

Let us see, that would include 13 days at Martha's Vineyard, 9 days in Camp David, 5 days in the Virgin Islands, 4 days at a Utah ski resort, and, oh, yes, 1 day in Aspen, Colorado. Obviously, the only thing that got in the way of all of these vacations was his fund-raising schedule.

All this is bad enough, but it does not end there. Let us take the travel abroad, overseas junkets. During this time frame, the President spent 45 days abroad visiting 13 different countries, including Ghana, Chile, Uganda, Senegal, Germany, Rwanda, England, Ireland, Russia, Northern Ireland, and, oh, yes, a $50 million trip to China just to pay homage and tribute to the barbarians of Tiananmen Square.

But, my colleagues, that is not all. Outside the fund-raisers, vacations and expensive junkets abroad, the President has spent an additional 22 days on the road at photo-ops in telegenic settings outside of the Washington area. Most of these photo-ops were strategically placed with an eye to upcoming elections like New York, Illinois, Wisconsin, Texas, and even the scenic area of Lake Tahoe.

Mr. Speaker, it is very obvious that the duties of the President are being pushed aside at a time when there are critical issues facing America's children, veterans, seniors, and, yes, even farmers today.

Even as we speak here today, Congress is in session working, doing its job to help save Social Security, promote and improve our children's education, and to provide for America's veterans.

Yet, the President is once again preparing to go to another fund-raiser tomorrow in Florida. That is right. The President is once again planning to be AWOL while we here in Congress are hard at work solving our Nation's problems.

Clearly, it is time for America's part-time President to clear his travel calendar, clear his fund-raising calendar, clear his vacation calendar, and stay home so that we can get the Nation's work done.

INVEST IN AMERICA'S CHILDREN AND EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

Mr. SANDLIN. Mr. Speaker, American children, American education, what better investment could we make? What higher priority could we have in the United States Congress than in our children?

Mr. Speaker, today, we have heard a lot of talking back and forth about the name of this Congress. I do not know about that, and I do not particularly want to get involved in that, but I do know this, we have an opportunity today to be known as the "do something good Congress," because we can take one vote, take one day, and we can invest in America's children, and we can invest in education.

We have had a lot of talk today about who controls education. Education is properly controlled at the local level. In Texas, local citizens elect a local school board that hires a local superintendent, and they have local teachers that teach local children of local parents that support our local schools.

But that does not mean that the Federal Government cannot be helpful. We can be a junior partner in education. We can help provide the tools and the capital that our local communities need to address local problems and educate local children.

A junior partner is not controlling, but he is important. We need to meet our important responsibility and obligation to America's children by joining with local communities in education.

Let me talk briefly about four areas of concern. Number one, smaller classes. Studies confirm that young students in classrooms between 15 and 20 students learn more rapidly, and they learn better than other children.

The Federal Government, as a junior partner, can make capital available, can make funds available to help communities hire more teachers on a cost-shared basis, on a cost-shared basis. $7.3 billion over the next 5 years would put us on track to hiring 100,000 new teachers to spread across this country in grades one through three and will reduce the class size to 18 children.

If we ask teachers how best to bring down violence in school and how best to teach children, they say bring down class size.

School modernization. In order for our students to learn and compete in the economy of the 21st century, schools must be well equipped. A 1996 GAO study found that, over a quarter of Texas schools have at least one building in need of extensive repair, and over half of the schools in Texas have schools with at least one major building feature that has to be replaced, such as all of the plumbing, all of the air conditioning. There are similar problems across the entire United States.

To address this shortfall, the Federal Government can provide tax credits. We can give credits to folks to pay interest on nearly $22 billion in bonds to build and renovate public schools. We have an obligation to build schools in this country and to make those facilities available for our children like our parents did for us, because, Mr. Speaker, nearly one in every three schools in America today was built before World War II.

□ 1515

That is just not right, and we can do better and we must do better for the children of this country.

Let us talk about safer classrooms. Drug use among our 12th graders, over half of whom have already tried drugs, is up. Only 30 percent of public elementary schools in this country have afterschool programs and in rural areas, such as where I am from in Texas, the number drops to 12 percent. The Federal Government should continue to make grants available to work in partnership with local government and communities for prevention, for early intervention and enforcement efforts.

Further, we should authorize funding for school-based partnerships between local law enforcement agencies and school districts to combat crime, to combat drug activities and to make sure that our children have a safe place to learn.

Finally, better technology. Give our kids the skills they are going to need for the jobs that are coming up in the next century. We need to ensure that our children have the necessary technology in the classroom. That means modern computers, Internet connections, educational software, educated, well-paid, enthused, encouraged teachers that are ready, willing and able to teach our children.

CHANGE IN ORDER OF TAKING SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, I ask unanimous consent to substitute for the gentleman from Colorado (Mr. BOB SCHAFFER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

HMO REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COBURN) is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, I want to comment on the tone that we heard from the gentleman from Connecticut. I am a physician. I still practice. What we were supposed to have received from Mr. GEJDENSON was that the problems in the health care field today have come about because of this Congress. They have come about because of a law called ERISA that this Congress a number of years ago passed. And the thing that strikes me rather peculiarly is what we hear as HMO attacks instead of attacks on physicians who are not doing their job.

The number one job of a physician is to do no harm. I want to tell my colleagues, if I do an outpatient surgery, which I do almost every weekend, and my patient is not ready to go home, I fight and fight and fight, but I do not give up. My patient stays there until they are ready to go home. Do you know what? I win those battles with HMOs. I do not lose those battles. What we are really hearing is the inability of physicians to have backbone to stand up.

The law that created the situation that we have today was created several years ago, not by a conservative Republican Congress, but by a rather liberal Democrat Congress. I do not usually say anything partisan on this floor, but the tone of the speech is inappropriate for this august body. To not challenge that tone will do more to destroy this institution than anything I know. We passed a bill, it is called the Patient Protection Act. It is not designed to put more lawyers at work and increase health insurance costs by lining the pockets of people who are going to challenge HMOs through the court system. There is no question we have to make changes. Those changes are being made. They have been made with this Congress. But the very idea that this Congress, this Republican Congress, is responsible for the emotional diatribe that we just heard is anything but the truth.

The truth is, we have tremendous cost pressures on health care in this country. HMOs have done a lot to help us solve those problems. Are they perfect? No. Have they made mistakes? No. Is there any physician before HMOs were created that has not made a similar mistake of letting someone go home too soon? No. So we can emotionalize these issues. We can try to make them a campaign issue, but what we do is serious damage to the real problems that we have to solve in this country.

And my heart is broken that we have the kind of discourse that we have in this House that creates a false paper tiger and then sets it down. To the American public, I apologize for what we heard in the past 30 minutes from the gentleman from Connecticut. It is my hope that we can carry on conversations in this House that come up to the level of integrity, honesty and maturity that this House deserves.

CHANGE IN ORDER OF TAKING SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. ROEMER) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent to substitute for the gentleman from Indiana (Mr. ROEMER).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

ON THE EDUCATION AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I think it is a very unusual occasion that we are experiencing today, that this House would be engaged in discussing important issues on a Sunday. It is even more unusual because we had expected to adjourn on October 9, Friday. We were given a calendar that so indicated.

The reason that we are all here on a Sunday and expect to even be meeting on a Federal holiday tomorrow is that the Republican-controlled Congress has not been able to work out its own differences with respect to very, very important bills, particularly those that the Constitution requires that we pass before we go home having to do the funding of government.

I rise today to pay special attention to the items that I am concerned with on the education agenda. I came to the Congress initially in 1965 because I was deeply concerned about the future of education at that point. Ever since then in the 20 years that I have served in Congress, I have spent almost the entire time by serving on the education committee. I also serve on budget. I asked to be assigned to budget because I felt that so many of the issues that related to education were dependent upon funding. So some years ago I sought a seat on the Committee on the Budget and I was so honored to serve. We worked very hard. We produced our budget resolution and for the first time since the budget process was enacted in the early 1970s, this is the first time that the Congress has not voted on a budget resolution.

So something is happening within the Republican majority that has caused us to be here today on a Sunday and not to be able to finish on time. One of the major bills that we have not been able to pass is the Labor, HHS, Education appropriations bill. It never came out of our House Committee on Appropriations and it is still locked in tremendous disagreement within the Republican conference, as well as with the Senate and with the administration and with House Democrats.

Earlier there were comments about the President's schedule and how he was not attending to the business at hand. I would like to say that this Congress has a record of only being in session 106 days this entire year up to Friday, October 9. This is a record of sorts. I have not gone through all the history, but certainly this must be a record of inattention to the country's business and certainly by the number of bills enacted, this is one of the shabbiest of all records. We have only enacted 241 bills.

So getting back to the appropriations bills, I want to point out some of the real differences. The appropriations bill, as it came out of our House Committee on Appropriations, cut about $2 billion from the administration's education budget initiatives. Goals 2000, for instance, the school reform bill, the appropriations bill cut funding for Goals 2000 by $245 million or by 50 percent below fiscal year 1998 levels. It would have reduced the ability of 6,000 schools to serve 3 million students nationwide to implement the school reform efforts. Goals 2000 has been a primary target of the Republican majority. It was one of those programs that was included in the so-called Dollars to the Classroom effort which eliminated, consolidated 31 programs into one gigantic block grant authorizing the States to spend that money in any way they wished.

So here again Goals 2000 has been cut back. School to work cuts, the appropriations bill cuts funding for school to work by $250 million, 63 percent below fiscal year 1998 levels, undermining the ability of over a million students in 3,000 high schools to experience this exemplary program. Here again, schools to work was one of the programs listed in the Dollars to the Classroom bill which consolidated 31 programs in a block grant. So again the appropriations bill kind of expresses the sentiment of the Republican majority that they want to wipe out this program.

CHANGE IN ORDER OF TAKING SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to substitute for the gentleman from Florida (Mr. STEARNS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DEEP DISAGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, once again it is important to point out why we are here. We have a Democratic President and a Republican Congress with disagreements. We have disagreements that are deep and heartfelt. However, we have known these disagreements since at least January 1, probably for the last 4 years since. Every year at this time we come down to the same disagreements. It is over protection of human life. It is over national testing, over the census. It is whether to and how to spend the budget surplus. It is over tax cuts, over IMF and U.N. funding. This list is no surprise. We have known it all year long. So where have the negotiators been? Why can we not sit down, or is there something else going on? Is there something that maybe perhaps the President of the United States would like to take attention away from and try to relive 1995, where we can try to say the Republicans are trying to do a shutdown.

It is pretty clear that we have surrendered almost everything in this appropriations bill and that there is an election going on and those of us who are in the House have to run this year. We are not the ones holding up the process right now. We have been trying to negotiate. We have been trying to work through. Later on today in a special order I want to point out something that I have been going through, this new book on the tapes of Richard Nixon, which were released for the first time. Thanks to the efforts of the author, Stanley Cutler, we can now read in actual words much of the abuse of power that goes through.

I am struck by the similarities that have occurred in this White House. I want to just kind of give you an overview of what I want to go into in more detail later.

One, limit the testimony. This is Haldeman talking to Nixon. So they have granted Sloan temporary immunity and he is going to cover what he knows about the Watergate stuff, which is nothing, and that gets him out of the thing. Two, limit the scope of the investigation, just as the FBI director and Mr. LaBella have alleged this Justice Department is doing. Peterson of the Justice Department is working with that knowledge directing the investigation along the channels that will not produce the kind of answers we don't want produced. Three, finish now, no fishing expedition. This is about a year and a half before the impeachment hearings. Nixon says it is over, otherwise it is a fishing expedition. We have had enough of this. Four, early on they were overstating the potential damage. They talk about trying to build up expectations of indictments and then pulling it back. Five, they complained about spending too much money on investigation. Dean tells the President the resources that have been put against this whole investigation to date are really incredible. It is larger than the JFK assassination. Six, build up expectations so the news is less damaging as it comes out. Seven, October 13, 1972 discussion, they complained about the press obsession. Eight, they took advantage of the public's belief that Presidents actually act logically.

I will go through the actual transcripts later. Nine, this is incredible, what is is, December 11, 1972, Nixon, Haldeman and Erlichman. Erlichman says the Watergate thing, I don't think there is anything to add to what we have already said. Haldeman says, you might resay it. Erlichman, that nobody in the government did this thing. Haldeman says, the White House. Nixon says, what do you mean Watergate White House. Nobody currently in the government. Haldeman says, currently employed in the government, say currently employed. Nixon says, ever involved in the government. Erlichman says, now you have Liddy and Hunt who were at one time employed.

□ 1530

Nixon says, but while they were doing it even, while they were doing it. Erlichman, that's right. Then employed I could say. Nixon says, no one who is an employee of the White House, who is an employee of the White House. And Erlichman says, either at the time of the incident or since? And Nixon says, or since, that's what I mean. Erlichman says, yes. 10, the everybody does it defense. Our Democratic friends said a lot of these things, too, and never got caught, Nixon says. 11, this is just partisan politics. Haldeman tells Nixon, because for the first time in our history we have one of the political parties using the machinery of government to investigate the other political party. Boy, I've been hearing that a lot. 12, coordinate the witnesses. 13, conspiracy to commit perjury. They discuss that. 14. Hidden clues in their testimony and how Sam Erwin was able to pick it out. 15, unapologizing. Nixon says in a conversation with Ray Price, the President, the only problem is that if you get sackclothed too much then you know you no longer can be President. If you go too far in terms of saying, well, I take all the blame and I don't blame these poor fellows and all that, then you think, well, this poor dumb President, why didn't he resign? 16, whining about the special prosecutor and the grand jury. 17, the country is fed up with all this. Haig tells the President, the country is just fed up with all this. It just wants to get on. That is all through the book, by the way. 18, is that all they're doing back there? Dole tells the President, May 23, 1973, Dole, my farmers have criticized, you know, is that all they're doing back there, all they're talking about is Watergate, what about the farm bill, the REA bill, they're sick of it. 19, rally the party's Members of Congress. This is coming towards the end. They say, why don't we go down to the Hill and talk to all the, Dole and Bush are meeting with the President and Dole says to talk just frankly about how important this is that the Republicans, not for Richard Nixon but for the presidency and the party that we do something, and Bush says, I like that, it's a great idea. Then there is even the loyal scheduler, Nixon and Rosemary Woods. He says to take something home. And she says she has it already home, at his request.

I want to go into these quotes more later because I personally think this is Wag the Dog.

DEMOCRATS NEED TO GROW UP AND HELP REPUBLICANS SOLVE NATION'S PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. SALMON) is recognized for 5 minutes.

Mr. SALMON. Mr. Speaker, I would like to say it is wonderful to be here today, but I like most of you on both sides of the aisle would much rather be home attending church with my family, but we cannot be there because we have got work to do. I am not going to stand here and say that this Congress has accomplished everything that I wanted it to accomplish. In fact there are a lot of things that it could have and should have done that it did not. But as far as the rhetoric is concerned, when I listened to some of the folks, especially those on the other side of the aisle flailing their arms around and squealing in high decibels much like Barney Fife on the Andy Griffith Show, I now know why people are disenfranchised, why they decide they do not want to go to the polls. They are sick and tired of these people back in Washington, D.C. acting like a bunch of juveniles. For the last 4 years since I have been in Congress, I think of all of the things that the Democrats have said about the Republicans. Number one, that the Republicans want to starve the children. Remember back with the school lunch program, that we just want to decimate all the programs for the kids because we do not love kids. We must be child haters. That we wanted to pollute the environment. Somehow that we who are Republicans have some different kind of biological system that is impervious to the pollutants and carcinogens in the atmosphere and in the water, that we somehow would like to pollute the water, that we get glee out of making people suffer, that we want people who are being covered by health care to die, to be sick, to be thrown out of the hospitals, that we do not want to educate the children. If you believe all of these things that the Democrats are saying, then you must believe that we are the worst kind of human beings, somewhat a combination of Jeffrey Dahmer and Charles Manson. You guys need to give it a rest. You get on the verge of being ridiculous. Nobody believes that there are people like that in this country that want to come back to Washington, D.C. and cause mayhem on the American public. It just sounds silly and you need to stop it. I came here as an American first, not as a Republican, as an American, to come here and get the job of the people done. I have four kids in the public schools. I am proud of the job that my public schools do for my children. But I juxtapose that with what I see the results of the American education system producing. Forty percent of our children are dropping out of school across America. Then I look at the TIMS report, and I see that we end up 20th in the math and sciences, scoring 20th, and we are beaten by war-torn Slovenia. Why is that? If you believe what the Democrats are saying, they want to just go ahead and give you more of what we have been getting. Keep dumping money into this bureaucracy back in Washington, D.C. Keep giving you more of what you are getting. Forty percent dropout rate, 20th on the international test scores in math and sciences. Enough is enough. What we are doing is not working. Let us give parents a little bit more say. Let us give the local school boards and the local teachers a little bit more say in how to handle the classrooms. I think it is a crime that teachers have to go to school worried for their lives. I think it is a crime that we have so tied their hands in the American political system that they cannot discipline children, that when children try to poison them or children try to hurt them, that they cannot really do anything for fear of lawsuit. We have a lot of work to do. I think it is a crime that a teacher can be a terrible teacher, can produce the most substandard of results and not be fired, that a teacher can be grossly incompetent and because of tenure, they are protected. I think there are a lot of things that are wrong with our system. I do agree, I think that we need to dedicate more resources when it comes to education. Again I am going to restate, I have four children in the public school system, two of them in high school, one in junior high and one in elementary school. I believe that we need to give our teachers more. But I want to give them 100 percent. I do not want to filter it through Washington, D.C. and send through a pittance of it back to the teachers and back to the classroom to help my children. We want to sit down at the table. We want to fix these problems. If the President were here in Washington, D.C. instead of off campaigning and raising money from special interest groups, if he were here, we could solve these problems. We would like to do that. Because there is so much at stake, so much more at stake than these elections that are going to happen in the next 3½ weeks. But you would think that Armageddon is about to happen, that we Republicans are back here like Simon Legree trying to figure out how to poison the water, how to fail the children, how to poison the senior citizens, kick them out of the hospitals, feed them dog food. Come on guys, you need to stop it, grow up and let us go on and solve the problems of the American people.

CHANGE IN ORDER OF TAKING SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentlewoman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

WHAT IS GOING ON IN CONGRESS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, it is interesting to be here on a Sunday afternoon after watching the talking heads on television this morning. I listened to the distinguished gentleman from Oklahoma who cannot understand the gentleman from Connecticut's outrage at what has happened in the medical system. I am a physician and you are a physician. I have spent time on telephones calling Omaha, Nebraska trying to get additional time for my patients in hospitals. I understand. It does take a persistent doctor. But it should not be necessary for you and I and all our colleagues in the medical profession to spend their time arguing with some bureaucrat who has never seen the patient making a decision about how long you can keep a patient in the hospital. I think the American people understand that. They understand that doctors have somebody between them and the patient. It is always an insurance company person. The failure of this Congress, even if you want to take your bill, your patient protection bill, you could not get it through the Senate. You guys did not come around here enough. The majority party cannot work with the majority party in the Senate to get something done. It is an absolute failure. There is an article here in the newspaper today. It is an analysis, it is on the editorial page of the New York Times. I will enter it in the RECORD. It is by Mr. Herbert. It is called the GOP Cover Story. He talks about the impeachment the other day. He says,

> It was, frankly, chilling. To watch Newt Gingrich presiding over the possible impeachment of a Democratic President, even one as spectacularly vulnerable as Bill Clinton, is insane.

He said,

> This is the same Newt Gingrich who several years ago told a group of young Republicans: "I think one of the great problems we have in the Republican Party is that we don't encourage you to be nasty. We encourage you to be neat, obedient, loyal, faithful and all those Boy Scout words, which would be great around the campfire but lousy in politics."

And then he says,

> The Republican Party, refashioned by Mr. Gingrich and his right-wing cronies, no longer has that problem. Since winning control of Congress in 1994, it has consistently pursued a mean-spirited extremist agenda and is now determined to turn the self-inflicted wounds of the President into an even larger majority.

Now, he says and this is what the American people should be thinking about:

> Try to imagine the implications of a bigger, more powerful, more aggressive, more right-wing regime of Republicans in Congress. This is a party that is not content with trying to roll back abortion rights. It is fighting on several fronts against contraception. Just last week the Republican leadership in the House, under pressure from the right, killed a measure that would have required Federal health plans that cover prescription drugs to cover the cost of contraceptives. No one seemed to think it was crazy to have abortion foes opposing a measure that would reduce the need for abortions. They could not grasp that.

He goes on to talk about the party that fought a meat inspection system designed to protect the people from the deadly E. coli. Members from my State, where we had children die, lingering deaths of E. coli infection voted against increasing meat inspections. I know we do not want big government. But there are some things the government should do. It should inspect the meat. Children should not die in fast food restaurants or in children's hospitals after a month of hospitalization of something contracted in a fast food restaurant. There is no question.

He also says,

> Of course, you can't expect much from the Republicans because their whip denounced the Environmental Protection Agency as the Gestapo of the government.

The Gestapo of the government. This is the kind of talk we get.

He goes on to talk about the leadership's ethics and talks about a whole bunch of things, including one of the leadership who comes out on the floor and delivers tobacco checks on the floor to Members of Congress. I mean, this is right here on the floor. We talk about why we need campaign finance reform. We got Members and the leadership of the majority party walking around handing out checks right here on the floor, while we are fighting about whether we should do something about tobacco. There is lots more but the people ought to be worried about what is going on in this Congress.

G.O.P. COVER STORY

Throughout Thursday's impeachment debate in the House you could hear the uncharacteristically low-keyed voice of the G.O.P.'s chief inquisitor.

"The gentleman from Missouri is recognized for three minutes," Newt Gingrich would say. Or he would rap his Speaker's gavel for quiet and ask, oh so formally and respectfully, "Does the gentleman move the previous question?"

Every now and then he would smile hideously, reminding us that hypocrisy is as abundant in Washington as fertilizer on the farm.

It was, frankly, chilling. Newt Gingrich presiding over the possible impeachment of a Democratic President, even one as spectacularly vulnerable as Bill Clinton, is insane.

This is the same Newt Gingrich who several years ago told a group of young Republicans: "I think one of the great problems we have in the Republican Party is that we don't encourage you to be nasty. We encourage you to be neat, obedient and loyal and faithful and all those Boy Scout words, which would be great around the campfire but are lousy in politics."

The Republican Party, refashioned by Mr. Gingrich and his right-wing cronies, no longer has that problem. Since winning control of Congress in 1994, it has consistently pursued a mean-spirited extremist agenda and is now determined to turn the self-inflicted wounds of Bill Clinton into an even larger majority.

Try to imagine the implications of a bigger, more powerful, more aggressive, more right-wing regime of Republicans in Congress.

This is a party that is not content with trying to roll back abortion rights. It is fighting on several fronts against contraception. Just last week the Republican leadership in the House, under pressure from the right, killed a measure that would have required Federal health plans that cover prescription drugs to cover the cost of contraceptives. No one seemed to think it was crazy to have abortion foes opposing a measure that would reduce the need for abortions.

This is a party that tried to eliminate Federal nutrition standards for school meals and fought hard against a meat inspection system designed to protect the public from the deadly E. coli bacteria.

It's a party that attacked Medicare and Medicaid and went out of its way to trash the environment. Clean air? Clean water? Forget about it. Representative Tom DeLay of Texas, the majority whip and a sharp critic of Mr. Clinton, denounced the Environmental Protection Agency as the "Gestapo of the Government."

You want ethics? Pull the clips on Mr. Gingrich and learn how not to behave. Or check out John Boehner of Ohio, chairman of the House Republican Conference. I wrote a column in 1996 describing how he took money from tobacco lobbyists and handed it out to certain of his colleagues on the floor of the House, while the House was in session.

These are men who couldn't find the high road if they approached it by parachute.

There is no doubt that Bill Clinton brought his problems on himself. He destroyed his own Presidency. But there are consequences to be paid if the Republicans are allowed to feast too ravenously on the political spoils.

Democrats have already lost the opportunity to control the campaign season with discussions of such issues as the rights of patients in the era of managed care, the need to move boldly to rebuild the public school system, the concerns of working Americans in a chaotic economic environment and the outlook for Social Security.

Having been handed the gift of Monica Lewinsky, the Republicans are running with her. She conceals their real agenda. If they can parlay the Monica madness into substantially increased majorities in the House and Senate, they can renew their conservative assault on government and their submersion of the interests of ordinary working Americans and the poor.

Keep in mind that this is a party that crafted extraordinary tax breaks for billionaires while claiming the sky would fall if the minimum wage was raised to $5.25 an hour.

Bill Clinton and the Democrats fended off the most extreme aspects of the so-called Republican revolution of the mid-90s'. Now Mr. Clinton has given the right-wingers the opportunity to take care of their unfinished business. Only the voters stand in the way.

COMMENTS FROM A CONSTITUENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, I would just say, I put in 70, 80 hours a week and nobody has ever accused me of killing children because Republicans are withholding money from the FDA for E. coli. It is a shameful remark for the last speaker to say that. We gave the power to Secretary Glickman to use whatever resources are necessary to the Department of Agriculture to fight E. coli. To be accused of killing children. No wonder a constituent of mine Beatrice Mock wrote a letter to me, I picked it up this morning. She said:

> Dear Congressman, after listening to the pros and cons of the last few weeks, I decided to call your office and voice my objection to what is happening in Washington. Somehow this quotation came to mind and seems to sum up much of what should be said. If as it seems our Congressmen, Senators and President are only interested in the power their offices gives them and not what is best for the country, only in getting reelected time after time, then we are doomed.

She went through and stated that the numerous members of her family that have fought in every war except World War I started with the Spanish-American war. She said, "So you see, I have a vested interest in seeing our leaders held accountable for their actions." She enclosed a quotation from, I think a State Senator, William Boroh, found in an old Bible that belonged to her family. Here is the quotation:

> The salvation of our Republic depends on the people, the strength of might and clarity of purpose of the average voter. Democracies tend to make moral cowards of public men. Unless people rise to the task and demand high ideals and truly American standards, then there is no hope from State legislators, from spineless Congresses or listening to officials.

She concluded,

> This quotation should be spoken again and again. Much of your tasks are or may be unpleasant. However, your constituents are expecting you to find your voice and to speak your conscience.

Mr. Speaker, that letter says it all. Values and character do not depend on polls. Let me quote something. Harry Truman once commented on the importance of polls to leadership, with the following insight.

□ 1545

> I wonder how far Moses would have gone if he had taken a poll in Egypt. What would Jesus Christ have preached if he had taken a poll in Israel? Where would the Reformation have gone if Martin Luther had taken a poll? It is not the polls or the public opinion of the moment that counts. It is right and wrong, and leadership, men with fortitude, honesty and a belief in right that makes epics in the history of the world.

Some things are right, and some things are wrong, and these do not depend upon the philosophy of the day.

There was an article that appeared in the Washington Times about 4 years ago about Daimion Osby, Fort Worth teenager by the name of Daimion Osby. He was 18 years old, was charged with shooting and killing two other young men, Willie Brooks and Marcus Brooks. They were his cousins. Mr. Osby's lawyers came up with a pathetically cynical defense. The youth committed fratricide because he suffered from, quote, "urban survival syndrome," they argued. In other words, he blew away his unarmed cousins because he thought they were out to get him.

This is not accepting responsibility for one's actions, and irony of all ironies, as I came into the office this morning and saw this letter from my constituent, I picked up Dic DeVos' book on rediscovering American values at home, and it fell open to the chapter on accountability. It is exactly what my client was calling for in her letter when she said:

"So you see I have a vested interest in seeing our leaders held accountable for their actions."

And Dick DeVos says:

> Some like to blame others for what goes wrong in their lives. Others blame God. When we hold ourselves accountable, we accept the blame for wrong choices. Accountability is part of my faith. I believe that we are all accountable to God for the choices we make. Thankfully God is forgiving, but we must acknowledge our mistakes before him. Accountability depends on honesty and humility as well as fairness and courage. This means simply recognizing and accepting responsibility and the consequences for past mistakes and for the state in which we find ourselves. Individuals can receive rewards for accomplishments and victories.

Mr. Speaker, it is accountability for one's actions for which my client has written this letter and which I am glad to share with this body today.

DEMOCRATS' APPROACH BEST SOLVES THE PROBLEMS OF EDUCATION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, time and time again, Americans have said that they want Congress to deal with the real issues, the issues that affect their daily lives and that affect the future of their young people. Education is such an issue.

We are here this weekend debating, and some say fighting, over the question of education and America's future. We on the Democratic side have a clear proposition. We believe that we need to invest more money in public education.

As my colleagues know, recently we got a wake-up call of sorts. In a battery of international tests, American students lagged behind their foreign counterparts. Moreover, as we talk about the global economy and the 21st century, what we realize is that we need more technical training for our students in order to compete in the global economy.

That is why education has become the issue of the day. That is why the debate rages.

What I would like to do is talk about the two perspectives and two approaches to solving the problem of education in this country.

On the Republican side they have advocated basically two things:

One, a voucher program. They want to use the District of Columbia as a laboratory in which to take money out of public schools, put it in private schools and say this new competition from the private school sector will create better schools. That is clearly erroneous because they do not put enough money into a voucher program to make it work. Private schools do not have to take all types of students; public schools do. We do not need to put money into a voucher program for private schools because 9 out of 10 American students will always end up in the public school system, and we need to make an investment in the public school system.

Next, they come up with the notion that they like to call dollars to the schools, to the classroom. What I call it is dollars from the classroom because what their proposal does by creating a block grant is to cut over $2 billion from public education and then tell us we are actually putting more dollars in the classroom.

Now we have to understand their premise is that too much money is being spent on bureaucracy. That is simply not true. The fact of the matter is only 2 percent of the entire Federal budget in education for the Department of Education goes to Federal administration. The rest goes to your State, your county and your city to administer education programs. So do not let them come up and suggest, well, there is too much bureaucracy. It is certainly not Federal bureaucracy. We do have that 2 percent, though, and that is used to monitor Federal programs to make sure the money is not wasted at the local level. So they want to take this money out of the Federal sector and take, basically cut it out, of the budget. That is what their dollars from the classroom does.

Let me tell my colleagues some of the things that they cut. They cut educational technology challenge funds. They cut the Eisenhower Teacher Training Program. They cut school to work. Why would you cut a school to work program that is helping students make the transition? They cut the After School Learning Program. Why would you cut a program that helps students after school hours when they are most likely to get in trouble? It does not seem to make a lot of sense.

Now they talk about their Dollars to the Classroom. I did a little research, and from my State of Maryland we will lose $10 million as a result of the Republican approach. So I do not call it Dollars to the Classroom; it is clearly for the State of Maryland and, for most other States, dollars from the classroom.

Now let us turn to the Democratic approach. We believe we need to do a couple of fundamental things to improve education in America. First, we need to hire a hundred thousand new teachers for the elementary school, grades 1 to 3, to reduce class size. That is what we are fighting about over the weekend, whether we need to make that investment, because more teachers mean smaller classes, and smaller classes mean a better learning environment.

Second, we want to invest in modernizing our schools. Over a third of our schools need major repairs. That is to say that they need heating systems, air-conditioning systems, that their boiler systems do not work very well. Over half of our schools have major environmental problems that we need to confront and are not prepared to adapt to the Internet. They cannot be wired to the Internet.

So what we have is a situation in which outmoded, crumbling schools cannot deliver a quality education, and again we on the Democratic side believe we need to make an investment in public education to modernize our school system.

We also have a problem of overcrowded schools. The President came to my school district, we visited a school. The school was only 5 years old, but yet it had 6 trailers outside to teach kids. The trailers do not have air-conditioning, the trailers do not have restrooms. You do not have a proper educational environment.

So here we are. We are confronting the 21st century. We know that we lag behind our international counterparts, and we know we need to modernize our schools. I think the Democratic approach best solves the problem of education in America.

THE NEED FOR HATE CRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, on the front page of virtually every newspaper in America yesterday, I saw a story that sickened me when I read it and should shock every Member of this body. Matthew Shepard, the 21-year-old student at the University of Wyoming who was described by a family member as an incredibly caring person with a big heart, mind and soul, was lured Tuesday night from campus by two young men, driven a mile outside of town, bludgeoned with a blunt instrument and tied to a fence like a dead animal. Close to death, with his head battered and burn marks on his body, he was discovered 12 hours later by two passing cyclists who at first said they mistook his unconscious body for a scarecrow. Today, as we deliberate here, young Matthew Shepard is lying in a coma, clinging to life.

Why was this young man singled out for such a barbaric act of violence? According to all accounts, he was attacked simply because he was gay. This is the latest in a series of brutally violent crimes committed against people for no other reason than the color of their skin, their sexual orientation or their religion.

For example, in southern Virginia last year, a soft-spoken black man was soaked in gasoline, burned alive, and then beheaded in the yard of his slayer. The victim was the only son of his parents, who were incredibly proud of his service in the Marines. He was targeted for this act of violence, it was discovered, simply because he was black.

Likewise in April 1994, two African American men murdered a white father of three in Lubbock, Texas. The killers later stated that they had set out to find a victim this time who was white.

Earlier this year in Illinois, a Hispanic family mourned the loss of their son who was kicked and verbally abused as he lay on the ground bleeding to death, shortly after being in a car accident with the assailant. According to the authorities, the driver of the other car was upset that his car had been damaged and went over to the victim and repeatedly kicked him in the stomach while shouting, "Mexican, go back to Mexico."

And all of us by now have heard about the recent slaying in Texas of James Byrd, a disabled black man. The Nation was horrified to hear the account of Mr. Byrd who was offered a ride by three young men in a pickup truck. After luring him into their vehicle, buying him beer and driving him to a remote location, the men beat Byrd unconscious, chained him to their truck and dragged him around until he was beheaded.

Incidents like these underscore the need for Congress to move forward and pass pending hate crime legislation sponsored by my colleague from Florida (Mr. MCCOLLUM). We have a responsibility as lawmakers and as human beings to do everything in our power to punish those who commit hate crimes of any kind to the fullest extent of the law. But it is equally important for us to speak out loudly against those individuals and organized groups like neo-Nazis, white supremacists, and skinhead sects which target people based on benign traits like skin color, sexual orientation or religion.

Today we should all keep Matthew Shepard and his family and his friends in our prayers as we reflect on this brutal act of violence. If we are in fact to survive as a society, we have got to come to grips with these horrible, horrible crimes that are being committed around us, and we have got to teach our children different, we have got to set examples.

The two young couples that disposed of the body of a baby in a trash can as they celebrated their evening prom continue to underscore how terribly weak we are becoming as a Nation and how careless we are becoming with facts and how we are not protecting each other from these types of acts of violence.

So, again I urge my colleagues to speak forcibly on this floor about protecting every human being on this earth. And we may have our differences, we may disagree on a lot of things, but to witness these kind of crimes being repeated and repeated and repeated, and allow them to go unchallenged, and allow it to be, well, because he was different, or that just happened because he was hanging out around the wrong types of people. Even the characterization of a legislator several years ago when he said, homosexuals are like gay bulls; they are worthless and should be sent to the packing plant. When legislators and people of authority start talking about other people like that, you wonder what impact it may have on average Americans who are sitting, listening.

□ 1600

DOING THE PEOPLE'S BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Spreaker, I thank my colleague from Florida for his thought-provoking remarks.

Mr. Speaker, I have listened with interest to many different perspectives on this floor and in this chamber on this Sunday afternoon when we remain in session intent on doing the people's business.

Mr. Speaker, I was especially astounded to hear a lecture in ethics from the other side, particularly from one Member who finds himself ethically-challenged and, indeed, involved in civil litigation concerning what many would define as an ethical problem, and yet that is the level of absurdity we have reached in Washington, when those who are suspected of doing wrong often stand to claim their endeavors to be right.

So it is sadly, Mr. Speaker, at the other end of Pennsylvania Avenue, where this morning our President met with leaders of the minority party, but failed to meet with the leadership of this House from the conservative majority. Indeed, in discussing with the leadership of the majority party the phenomenon, apparently this President has not met with the majority leadership throughout this two years of the 105th Congress.

Yet tomorrow, Mr. Speaker, the President of the United States will leave our Federal capital, intent on raising funds for electioneering. First he will go to Palm Beach, Florida, and then tomorrow night he will go to New York City. New York City? Yes, New York City. He will be there to raise money for a Member of this House who sits on the Committee on the Judiciary and who has aspirations of joining the other body here on the hill.

Now, Mr. Speaker, I understand how hard bitten and cynical Washington, D.C. has become. Indeed, in stark contrast to my usual weekend activities when I am back home in position to listen and learn from the constituents of the 6th District of Arizona, I had the opportunity this morning to watch the various Sunday news programs, and came away from those just a bit chagrined by the ferocity of the spin cycle, and the seeming hunger on the part of the media elite to cast aside the Constitution and find some unconstitutional or extra-constitutional remedies for the plight in which our President finds himself.

Mr. Speaker, we should all remember, we stood here as a body 435 strong in January of 1997, raised our right hands and swore to uphold and defend the Constitution of the United States. Those in the Executive Branch take a similar oath. And for anyone in any office to suggest that we cast aside the Constitution and constitutional principles to embrace some remedies of convenience, do our constitutional republic a grave disservice.

Indeed, Mr. Speaker, I would call upon the President of the United States to cancel his questionable fundraising activities tomorrow, to stay in Washington, D.C. and to do something unique, indeed, novel: To call the leadership of the Congress and to join with Members of this House and the other body in constructive solutions to the challenges we face. Otherwise, Mr. Speaker, let us state clearly, so there will be no doubt, we are prepared to stay here as long as it takes.

COMMENTS ON CONGRESSIONAL ACTIVITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the speaker who preceded me in the well waxed eloquent about the President of the United States leaving town for a short while tomorrow to do some fundraising for the Democrats, and he took great opprobrium to that. But I would remember twice in this Congress in the midst of the legislative session when the House went out of session, in the middle of the week, on a Wednesday at 4 o'clock in the afternoon, so the Republicans could get on corporate jets and fly up to New York for the largest fund-raiser held in the history of the United States. Their corporate buddies flew them up there. Wasn't that nice?

What is the result? The work is not done. It is not surprising. Congress has been in session 108 days working here in Washington, D.C. this year. The average American working for wages has put in 200 days so far this year, and they have gotten their job done, every day, day in and day out. Congress, having worked under the Republican leadership one-half as many days and being paid generously quite more, has not gotten its work done.

There is nothing for the President to sit down and talk to the Republican leadership about. The Republican leadership cannot even agree among themselves. On the House side they have tried to cut taxes by taking the money and stealing it from the Social Security trust fund. The Republican leadership in the Senate has wisely chosen not to go down that path.

The Republicans in the House passed a de minimis, not very helpful, but better than nothing HMO reform to give patients some little bit of rights, nowhere near what we would have done on the majority side or even some Republicans wanted to do on their side and were blocked by their own leadership. The Senate has denied that.

So there is no agreement between the Republican leaders of the House, the Flat Earth Society, and the Republican leaders of the Senate, those who are sometime in the era of Christopher Columbus and discovered the Earth is round, but not much further ahead of that in history. They cannot agree. So how can the President sit down with a bunch of turkeys who cannot agreeing among themselves within their own parts I?

Yesterday when we were talking about the failure of the Republicans to do anything for education, smaller class size, more teachers, rebuilding and building schools across America, something that would be a real benefit to the American people, when we talked about the failure to do anything for patients rights, when we talked about the attacks on the Social Security trust fund, the chairman of the Committee on Rules jumped up and said, "That is right, but we have cut taxes."

Now, I would ask those who are listening today, are your taxes really lower than they were four years ago when the Republicans took power? In fact, the answer is no. The first returns on the 1997 Taxpayer Relief Act are in. The results are striking.

Seventeen of the 80 percent, that basically figures out to about 14 percent of the people earning less than $59,000 a year, got a generous tax cut of $6. I hope you did not spend it all in one place. Maybe you put it away for retirement or the kids' college. That is great.

Now, we go after the $59,000 to $112,000 bracket. They did a little better, $81. But that is not where the money really went. Guess what? Two-thirds of the taxpayer relief under the Republican bill passed last year went to people whose incomes average $660,000 a year, and guess what? They got $7,135. Now, the families struggling on a $59,000 income got $6. The families struggling, the Republican constituency, just struggling to make ends meet on $666,000 a year, they got $7,000.

But, don't worry, they will spend that money in a way to put Americans to work. Of course, the Republicans are against any increases in the minimum wage and they are following a trade policy which is driving down wages in America.

But they have done great things for the American people, great things, but they cannot get their work done here in Washington, D.C. They have raised a pile of money, and they want to go home and spend it to change the subject from what they have not done in Washington, D.C. or what they have done in killing HMO reform, in killing tobacco legislation, in attacking the Social Security trust fund, and what they have not done for education and what they have not done for average working families.

Shame on the Republican Party.

FOREIGN POLLUTION AT AMERICAN BEACHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BILBRAY) is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, let me just say to my colleague as somebody who owns a tax business in a working class neighborhood where not one client makes over $100,000, I think it is fair to know that tax reductions for the working class people in this country are coming in the next few years, mostly because bipartisan negotiation put off a lot of those reductions. So I do not want to get into that. I am just meaning to address the fact that the partisan bickering has gone so far that people that would normally be outraged and would obviously never vote certain ways are voting ways totally contrary to what their personal belief is. It is either that, or they are just so busy fighting that they are not reading what is being proposed and what they are voting on. It is too easy to vote “no” against a Republican because he is a Republican, or vote “yes” for a Republican because he is a Republican, or vote “no” because he is a Democrat.

The point I am talking about is this summer, as a father, I was taking my children to our beaches in Imperial Beach, Southern California, and this is what we were greeted with, pollution signs that were closing our beaches and saying to children, you are not allowed to go in this water.

I want you to notice that the sign is a bilingual language sign. That is for a good reason. I will explain it later.

The point being, was this a corporation that polluted our beaches? Why was Washington not doing something about it? In fact, this pollution problem has gone on for 20 years. The fact is the reason why it was not taken care of is not because it was a corporation, and I think my colleagues on both sides of the aisle would say they would be outraged if an American business was polluting the beaches so badly that children could not go in the water.

The real outrage about this issue was it was not an American business or citizens polluting these waters, it was a foreign government desecrating U.S. territory with sewage in such large magnitudes that it not only affects the environment so you cannot get in the water, but it is also destroying the largest estuary and sanctuary in the Pacific coast.

You can say wait a minute, Mr. BILBRAY, how could a foreign government actually be polluting and desecrating American soil? Let me just give you a little geography lesson here.

The San Diego-Tijuana Tijuana border happens to be cut by the Tijuana River. But, unlike a lot of rivers, the Tijuana River flows north into the United States.

Now, that normally would not be a problem, except for the problem that Tijuana has been growing so fast, a lot of it by economic development, that the sewage lines are broken and are flowing into the Tijuana River, flowing through the Tijuana estuary and preserve, and going up into the surf zone for the United States.

Now, you understand, these beaches have been impacted for 20 years. Well, the Federal Government has told us, and I will tell you this as a young mayor of 27 years old, I was told by the Carter administration, that is how far this problem has gone, that, Mr. Mayor, we don't want to do anything that may be embarrassing to Mexico, because we are trying to close a deal on oil.

I would just ask my colleagues on both sides of the aisle to consider the fact that someone said we do not want to confront a major corporation with polluting our water because it might embarrass them.

I do not think my colleagues on the other side of the aisle would ever stand for their neighborhoods being polluted, and in fact would not support allowing $200 million of taxpayer funds to be wasted or not put to appropriate use. $200 million is going to be spent by the taxpayers of the United States to address this problem, and the problem is continuing.

Now, what was the resolution voted against by all but 28 Members of the Democratic Caucus? The resolution said if Mexico does not stop polluting U.S. waters, Congress will take a look at our treaties that relate to Mexico. Can you imagine that being so outrageous, that if the pollution keeps going, we are going to continue to shut it down? That we are just going to ignore it, because we do not want to even look at our treaty obligations?

I do not believe my colleagues who voted against this bill read the bill or understood the bill, and I do not believe that all but 28 Members of the Democratic Caucus believes that they should vote no to clean up the sewage problems and the pollution problems along our border.

☐ 1615

I do believe they got wrapped up in this partisan bickering this week that says if a Republican proposes it, let us vote against it. They voted against it, even though it was against the environment.

I would ask every one of them to go back to their constituents and say, citizens, I believe that our treaties with Mexico are more important than the environment; that Washington should continue not to address this issue comprehensively, that Washington should find excuses for Mexico polluting our waters.

Mr. Speaker, no one in this House has worked longer and harder at working with Mexico, at taking care of this problem. But we do not solve problems by ignoring them or walking around them. I have dear colleagues on this side that come from my State that I will continue to work on pollution problems with, but because we got so wrapped up in the partisan bickering, we had votes that were totally contrary to the historical facts, and desecrated our environment.

Mr. Speaker, I would ask my colleagues on both sides of the aisle, put the partisanship away. Let us vote for our children, our environment, and quit finding excuses to vote no on everything that comes before this floor.

THE FEDERAL ROLE IN FUNDING FOR EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BALLENGER) is recognized for 5 minutes.

Mr. BALLENGER. Mr. Speaker, I think everybody has heard that great and wonderful quotation about “We are from the Federal Government and we are here to help you.”

I don't know how many are old enough to remember the good old days before the Federal Government got into funding the education program that we all have throughout our country. I think, unless I am mistaken, since they got in there and we were taking test scores and things like that, the grades have gone down.

The Federal Government's assistance has been fabulous. They come up and say, we are going to give you 6 percent of all your funding. That is what they have done so far. Six percent is all the Federal Government gives us in funding education at the local level, but they give us 100 percent of the rules and regulations by which we have to operate.

I know at this particular time, back in the 1960s, I kept trying to tell people, do not accept Federal money because it will come with strings, and you will not have the slightest idea what they are going to tell you to do the next day. But they did.

It was not too long ago, I think about 6 or 8 months ago, or maybe when we first came in and got control of Congress, we decided that somebody, somewhere, ought to come up with the idea of preventing unfunded mandates.

Let me give Members an idea of unfunded mandates. Unfunded mandates are what the Federal Government says you have to do if you accept their money. So here we are, accepting 6 percent of the money from the Federal Government, and they come up with new ideas. One of the ones they came up with, and I am not saying that this particular idea was terribly wrong, it is called IDEA. It is the Individuals with Disabilities Education Act.

Basically, what it was is children with disabilities were not getting a proper education, so the Federal Government, being thoughtful and thinking of what was right and what was wrong, decided we are going to mandate to you folks back home in your school system, we are going to mandate that you take this special education pot and take care of these children.

So they did. They mandated that we do it, and guaranteed, let me just tell the Members, they guaranteed that they would fund up to 40 percent of this total amount of money that was going to be given to run this special education program.

So far, and I have been here in Congress 12 years now, under the Democrats they never raised anything. They got up to 7 percent and that is where they stopped. They never got any higher. They were supposed to come up with 40, and promised us in blood, we will give you 40 percent of the costs, but they never did. They never got up over 7 percent. Really, we took control 4 years ago, and we have increased it to 11 percent. But stop and talk about a mandate, this program is underfunded by $10 billion.

The President has come along with a great and wonderful idea, 100,000 new teachers. Can Members imagine how they are going to fund these teachers? Why in the world, if they are coming up with all these brilliant ideas, do we not fund programs that we have already brought up?

The fact of unfunded mandates is one of the major things. I was a county commissioner for 8 years. We spent time after time trying to figure out, if we took the Federal money, what were the strings they were going to put on it and make us do? If we wanted money for a sewer but we had to apply for water, we could not use it for whatever is necessary. At one time under President Nixon, they decided to open it up and let them take Federal money and do with it what they thought they really needed, but that is not the way it operates still.

We passed that program several years ago, just a couple years ago, about unfunded mandates. Let me say, they are coming along now and telling us how much they are going to help us with construction of schools. The Federal Government is going to step into this and help get school construction started.

I do not know if Members have ever heard of a thing called the Davis-Bacon Act. The Davis-Bacon Act says if there is a dollar's worth of Federal money in any construction, they must pay what is a little higher than union wages. In an area like mine in the South, and we are a right-to-work State, if we accepted a dollar's worth of Federal money to construct schools in our State, it would cost us 30 percent more.

In other words, if we wanted to build a $1 million school and we accepted the Federal money, because of the additional labor costs, it would cost us $1,300,000, a complete loss of $300,000 worth of local money because we accepted something from the Federal Government.

All of these great and wonderful things about the 100,000 teachers, and helping us with schools, all of this is going to cost money from somewhere, yet the Democrats and the President have promised, they have guaranteed the elderly, and I happen to be one that collects Social Security, they guaranteed us that they are going to protect Social Security come hell or high water. They are going to take care and make sure that it is untouched. Yet, just in the education programs alone, they have to be spending billions and billions of dollars that we do not have.

So where do they get the money? The money obviously has to come from the surplus. There is, everybody knows, no surplus. It belongs to Social Security, so anything we do is basically Social Security money being used by the Democrats to fund their favorite dream.

PARTISAN DIALOGUE ON EDUCATION NO LONGER HOLDS THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, we are all aware this is a Sunday afternoon. As one of my colleagues noted earlier, we would rather be somewhere other than here. I, for one, would like to be home with my family, and with my children. I would have liked to have been there last night, when he played goalie for his soccer team for 2 games in a row, because the other goalie was out sick or had an obligation. But instead, we are in Washington, D.C. working on the Nation's business.

I noted with interest the President's speech yesterday. The Nation's business at this point is finalizing our budget process and coming to agreement. Yesterday we held a little press conference out on the steps of the Capitol. We called on the President to join us, to join us in resolving our differences in getting the Federal Government funded for the next year and to move on with the Nation's business. Unfortunately, we have not been able to achieve that because there is disagreement.

We should not set aside our principles. We disagree legitimately on the scope and role of the Federal Government. We believe that we need a smaller Federal Government. The other side believes we need a larger Federal Government. We believe we need more local control. The other side believes we should federalize almost all of the issues.

We have reached a point, though, where we must find a common middle ground. The President has decided that we cannot reach that middle ground because, he says, the Republicans are failing to pass his education initiative.

It really is sad that the dialogue in this country becomes partisan and no longer holds the truth. In this case, the Republican record on education is one that the Nation should be proud of, and one that the President actually, I believe, supports and has supported.

In the 105th Congress, in this Congress, this Congress has sent the President seven different measures which he has enacted and signed into law: The Higher Education Act, the Special Education Fund, the WorkForce Investment Act, the Loan Forgiveness for New Teachers Act, the Quality Teaching Grants Act, The Emergency Student Loans Act, and The Prohibition on Federal Tests Act.

We also have seven additional bills waiting for the President's signature: school nutrition, charter schools, quality Head Start, vocational education, Community Service Block Grants, $500 million plus for special education, and the Reading Excellence Act. This is a record of which every single American should be proud, a record of the Congress doing its job to fund education.

Yet, I was saddened to hear in the President's radio address yesterday this issue made partisan. The President, it seems, wants his ideas imposed on education. What does he want specifically? Number one, he wants national testing. Number two, he wants new teachers, 100,000 new teachers, but he does not want them hired under Title I, the existing Federal program that funds the hiring of teachers.

He wants them in a new program, the Bill Clinton new teachers program, and he wants 5,000 new classrooms. He wants those in the Bill Clinton New Federal Teacher Construction Classroom Act, so that he can have his name on it. That is what this issue is about.

Yet, let us look at the record, because the record is one in which Republicans have an excellent record on education, and in which the history of education is actually quite sad for the Federal Government in total and for the Democrat Congress in particular.

Let me talk specifically about the issue of special education. We all understand special education. We understand the IDEA Act. We have talked about it. I recall very distinctly standing on this floor last year and fighting for more funds for IDEA, for funding for children with special education needs.

Let us talk about why I was fighting for that, where this Congress stands and where this country is, and why what the President says he wants is not what this Congress did under Democrat leadership, and is not what this Congress is even doing now when we are trying to get funds into special education.

Let me make this very clear. Current Federal law, passed under a Democrat Congress, says that 40 percent of the cost of educating, that is, the increased cost of educating a special education child, a child with special needs, 40 percent of that cost is supposed to be borne by the Federal Government. The remaining 60 percent is supposed to be picked up by the State and local governments; 40 percent Federal, 60 percent State and local.

That is what the law says, in theory, passed by the Democrat Congress and Congresses before the 104th Congress. But what is the reality? The reality is that when the Republicans took control of this Congress, only 6 percent was being funded by the Federal Government. Now we have moved that up to 12 percent, but we are falling millions of dollars short. This list shows how many millions. We are falling short in Los Angeles Unified District by $60 million every single year.

Mr. Speaker, I urge my colleagues, if we will fund IDEA, the districts can take care of their own education needs without passing the President's Federalization initiative.

CONGRESS ACHIEVES LITTLE, WHILE EDUCATION NEEDS IN AMERICA ARE GREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, let me just make one comment, to start off with. First of all, let me just thank my colleagues who are here this late afternoon on a Sunday. There has been a lot said on the other side of the aisle about wanting to be home with family, and that we are here working. We all would love to be home with our families today and yesterday, and for a holiday tomorrow, but let us put this in the context of what we are talking about, the reason that we are not home.

The reason is very simple, that this is a Republican-controlled Congress that in fact has failed to get done the very basics in terms of legislation and process that our Federal Government relies on. Do not take my word for it. The statistics are all there. This is a Congress that has worked the least number of days in decades, 108. It has been said that regular people, real people, over 250 days they have worked, hard work every single day.

They have enacted the least number of bills in decades. They have not even passed a budget, and that is the first time. I do not keep the records. They have not passed the budget, and that is the first time since the budget process in the United States was created. Think about that, Mr. Speaker. They have failed to pass even routine spending bills on time.

I want to make one more comment before I yield to my colleagues who are here. It has also been said on the other side of the aisle that the President has not been engaged in the process. I want to send to my Republican colleagues a very simple book that is called "How Bills Become Law" in this country. Every child in our school understands the process. That is that the House and the Senate must determine what gets done in a piece of legislation before the President signs that piece of legislation.

□ 1630

I will tell my colleagues that this Republican-controlled Congress has not brought the bills together so that, in fact, the President could act on it. So he is waiting for this crowd to get its act together.

One more point, I will say that there are Democrats and Republicans in this body. What we need to know and understand is that, in fact, yes, the majority party controls. When there is that control, that means that they have charge of the calendar; that is what bills come up, what bills do not come up. They are in charge of the schedule of when we do what we do. The long and the short of it, they are in charge. They are responsible for legislation that gets accomplished or not accomplished in this body.

Do not let them get away with saying that it is other people's fault.

Mr. Speaker, I yield to my colleague, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding and for the points that she has made.

It might seem unusual to our visitors in the gallery that, on a Sunday afternoon, they would see Members of Congress on the floor of the House, or to people who are watching C–SPAN, it would be unusual for live C–SPAN covering the House on a Sunday afternoon.

But the fact of the matter is is that Congress is stuck in Washington, D.C. because the Republican Congress has failed to finish its work for the year. They have failed in the grossest fashion possible.

They were supposed to have a budget on October 1. There is no budget. They were supposed to have finished the appropriations bills to run the government of the United States and conduct our obligations. Only six of the appropriations bills have been passed. The major ones have not. They have, so far, been unable to get them to the President of the United States.

As the gentlewoman Connecticut has pointed out, this is a Congress that has only worked 108 days so far this year. The average American have worked somewhere around 250 days to this day. Many people in my district and others working, out of the 283 days, sometimes working almost the full 283 days as so many people work Saturdays and Sundays along with the 5-day week.

But this Congress decided that it could come in on Tuesday at 5 o'clock most weeks, Monday at 5 o'clock, and it can leave on Thursday. It can leave on Wednesday. It would not come in at the end of the August break. It would stay out an extra week. The result is they simply have not done their work.

They have not done their work for another reason also, and that is pointed out in the Washington post this morning in their lead editorial where they simply say that the Republicans had no agenda for this year.

The Republicans were coming to town just to manage the Congress to try to keep the numbers that they have so that they can retain the power in the Congress, but they really had no agenda for the American public.

The tragedy is that the American public had an agenda for this Congress. The American public had an agenda of improving public education, of asking the Congress to help local school districts rebuild crumbling schools to make them technologically competent, to deal with the education of our children, to make them safe for our children, to go and to repair the falling ceilings and repair the roofs, to try to help out the local communities.

Local communities are doing this. But many communities need additional help. They are just simply too poor to do that. The American public had an agenda to try to help get HMO reform, to get a Patients' Bill of Rights so that patients and doctors would once again be in control of their health care so that, when the doctor says you need an MRI or the doctor says you need a prescription of a certain drug, you get that because your doctor who has been trained in medicine knows best for you. He knows your care. He has watched you as a patient. He understands your problems.

What do we have today? We have doctors getting on the phone and calling bureaucracies, calling 800 numbers, pleading so that they can have their parents have an MRI so that they can diagnose whether or not they might have a tumor or not have a tumor or so that they can do surgery or not do surgery.

They are constantly told by the HMO bureaucracies, wait 30 days, let us see if it cures itself. Rarely, ladies and gentlemen, do tumors cure themselves. Rarely do these kinds of things happen. But the HMO is trying to save money.

So the American public was asking the Congress, help us put doctors and patients back in the control of health care. That was not done.

Campaign finance reform. The American public was astonished 2 years ago at the campaign finance scandals, the amount of special interest money coming into our campaigns. The Congress refused to act on that agenda.

Tobacco legislation to try to stop teenage smoking to try to recover health care costs that we spent with people who received cancer from smoking. The Republican Congress failed on that to protect the environment.

Again, as the Washington Post said, that no serious problems were addressed, and no serious environmental problems either. In fact, they said the great success of this Congress was doing damage control against the Republican agenda to eviscerate the environmental laws of this country.

So that is why my colleagues and myself are on the floor here on a Sunday afternoon, because the Congress, the Republican Congress, I should say, we have had this agenda. We have proposed legislation. The Democrats have proposed all this legislation. The Republicans have refused to enact it. They refuse to the work.

So now we find ourselves here on a Sunday afternoon, we find ourselves with no budget the first time since 1974, and with many of the important appropriations bills not passed and an important agenda dealing with problems in this country not addressed by this Congress.

Ms. DELAURO. Mr. Speaker, I yield to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) very much. She has really brought us together.

It is interesting today. We have the Congress Member, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from New Jersey (Mr. PALLONE). Congress Members from the West coast, obviously we could not get home this weekend, those of us from California, Oregon and Washington.

We are here to talk about that this year is the 105th session of Congress. We should have been home, adjourned sine die, all the business done. If this were a school year or business year, we would be over, and everything would be done.

Here we are on a Sunday afternoon talking about the failures of this Congress and particularly the failures in education. If the story is going to be written about education and the GOP leadership on education, I think the headlines would say "Republicans: Underachievers and proud of it," because they have never been able to put together a substantive program for education to really address the needs that have been unmet: the unmet needs of school buildings that need money for construction and repair, the unmet needs for new teachers, the unmet needs for educational opportunities, zones to provide in those hardest of areas sort of an involvement to really deal with the root causes of people unable to get a good education, expanding the access to after-school learning, and expanding access to educational technology.

They have all been the bills that the President asked us. As the gentlewoman pointed out, the President comes here and addresses the Nation every year and, in that speech, outlines what the goals for this Nation should be. He proposes to this Congress.

We are supposed to dispose. The only way we can dispose is to put our cards in that slot right there and around this room and get the majority vote of 218 votes.

Here today we hear the Republicans attacking the President of the United States for traveling, traveling on international business. I mean, he has had incredible successes in China, incredible successes in Europe, incredible successes in Latin America, and he is being criticized for it. He does not have to be here in this room to get his business done.

Members of Congress have to be here. Where are they? They are not getting the business done. So the leadership of this House, the Republican leadership of this House should be ashamed of the fact that we are here overtime without a budget, underbudgeted for education, and not meeting the felt needs, the desires of the men and women who have sent us here to provide what is essentially the only thing that the Federal Government can do, and that is that safety net for education.

We hear the debate here on the floor that we do not want safety nets anymore. We want to just privatize education. When the schools of the District of Columbia came up for funding, Congress did not approve that funding and turned around and said we want to privatize this education.

What my colleagues are saying is this voucher system. It did not work in California. It was rejected there. They want to ram it down our throats and say, "Californians, you were wrong. We are going to give you vouchers whether you like it or not."

It is time that we, the United States Congress, go back to the basics of this country, go back to what supports the domestic tranquility. We cannot have peace around the world until we have peace at home. We cannot have peace at home until every father and mother, every parent of every child in this country has satisfaction that the schools they are sending their children to are safe, sound, and excellent centers for learning. We get there from here unless we adopt what the President of the United States asked this Congress to do.

Mr. Speaker, I commend the gentlewoman for allowing us to have this time to discuss that.

Ms. DELAURO. Mr. Speaker, I want to thank the gentleman from California (Mr. FARR).

Mr. Speaker, I yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, Congress is still in Washington, and we are here on a Sunday because the Republican leadership has simply failed to do their job. It is quite simple. For the first time in a quarter of a century, since the adoption of the Budget Act, Congress has failed to adopt even a first budget resolution.

The leaders of the House, otherwise known as the flatterer society, and the leaders of the Senate, perhaps a slightly more progressive group recognizing the shape of the earth, have failed to agree on the basics of a budget.

The leaders of the House want to have a huge tax cut raided from the Social Security trust funds. The leaders from the Senate somewhat prudently have not decided to do that.

But, then again, the leaders in the House, when confronted with anger across America from people being denied essential care for themselves and their loved ones, and physicians even rising in anger when they are being denied tests and care that they know that their patients want, with all that pressure, the insurance industry, which pretty much sponsors the other side of the aisle at election time, could not be fully protected.

So they passed, better than not, but not much of a patient and providers bill here in the House, an HMO bill. But even that was too much for the leaders in the Senate because it might jeopardize their fund-raising with the insurance industry in a year when they hope to make big gains in the Senate.

Of course tobacco, well, that did not go anywhere on either side with the Republican leaders, despite the fact that the American people are appalled to see the rise in teenage smoking and what that will yield 10 and 15 and 20 years down the road.

So here the Congress has no budget, many major bills denied. But at least we could salvage something. We could salvage the President's education initiative, something that all Members of Congress, no matter what side of the aisle they come from should be able to agree upon.

They should be able to go home to their own districts and see the fact that the schools are crumbling and overcrowded, and there are trailers parked on what used to be the playground because there are too many kids to fit in the school.

If they went inside the school, the public schools, they would find that the classes were about twice what they were when they were kids when they went to public school. A lot of people on the other side of the aisle did not. They would see that the teachers are carrying more classes and working harder. There is no counselors anymore in most of the schools. They would support the President's initiative to help add teachers to the schools, reduce class size, and rebuild our crumbling schools and make them safe for our kids.

But they tell us there is no money to do that. There is no money to do that.

Wait a minute. Was it not the same leadership here on the House side just a couple of weeks ago who jammed through tax cuts that were paid for by raiding the Social Security Trust Fund, otherwise known as the budget surplus?

□ 1645

They could find money to do that. They could find money to cut taxes in an election year favoring the usual suspects. But no, there is no money for the schools and the kids and the teachers. They say there is no money.

Look at the Department of Defense appropriation this year. It adds $4.1 billion, not million, billion dollars of pork projects that were not requested by the Pentagon. This is the same Pentagon that has now come up to the hill and said, we need more money, we need gas for the tanks, the soldiers do not have ammunition, the housing is crumbling for the enlisted ranks. I want to take care of those things, but guess what, the Republican majority already spent that money. They spent it on pork projects that the Pentagon did not ask for. But they tell us there is no money for the kids and the schools and the teachers.

Now, somehow they can find money for the mythical space station that we are building with the former Soviet Union. This thing is only about 2,000, 3,000 percent over budget, 10 years behind schedule. We keep pretending that they are going to build parts of it over there. Now we have to pay them to build parts of it over there, in addition to building the parts over here, but pretending they are building them over there. It has no mission. There is $40 billion over the next 10 years. But there is no money for the schools and the kids and the teachers. What is wrong with these people? What is wrong with them? Where are their priorities?

Well, they do have some priorities when it comes to education. Eliminate the Department of Education, priority number one. Divert billions of dollars from public school funding to private school vouchers. That is their answer to the crumbling public schools. And the large class sizes and the lack of public funding, take that money and give it to the private schools. Cut school lunches for poor kids and end equal opportunity for higher education. Cut student loans, give higher subsidies to the banks so they will give some student loans.

Mr. GEJDENSON. Mr. Speaker, I just think that it is interesting where the priorities are, as the gentleman points out. I am sorry I offended the gentleman earlier today about the intensity of my statement. Frankly, when I find friends and relatives and constituents losing their health care, dying because of bad health care, it does bring out an emotional response. It is infuriating and frustrating. But then when you look where they are putting their efforts, instead of trying to deal with HMO reform, trying to make sure that seniors do not get bumped out of their managed care health care, they are trying to get oil companies extra breaks in the royalties they owe the taxpayers of this country.

They came to this Congress saying they wanted to run it like a business. You tell me what business takes the family assets, the family owned oil reserves and says, let Exxon walk away with a little more of it. They spent time here, when they could not get any of the education product done, they got a $50 billion tax break for the tobacco companies, snuck it in a bill, lo and behold, when we found out even they were unable to keep it there so we repealed that tax break. They gave, again, a $50 billion tax break to tobacco companies.

On health care, they spent more time trying to make sure that unmarried couples in San Francisco could not get health care provided by their community than they did in trying to protect the health care of the rest of us. And if you go to education, the President seems to be able to figure things out in a way that works and a way the American people understand.

In the area of crime, the President said one of the things we need is more people on the street. That is how we all grew up. There was a cop on the corner. You got to know them. They knew what was going on. The President says, we want 100,000 cops. They say, that is terrible. They were against the 100,000 cops. It took them 3 years. The public was on board. Every first selectman and mayor was on board. The police chiefs knew it worked. The Republicans were still swinging around with guys who were against the crime bill. Then they figured that one out.

I do not know when they are going to figure out the education one. Let me tell you something, the United States is in a very competitive international market. It is in chaos now. We will now compete with countries that instead of paying 15 cents for every dollar an American makes, we will be competing with countries that make 2 and 3 and 4 cents for every dollar an American makes. Our workers have to be better trained and better educated. And if we do not invest in education, we are not going to have the kind of future that we want for all of our children.

We need to make sure that we are here working on things for the people.

The Speaker has a new club. He got in enough trouble with his last set of clubs. This new club is the Speaker's people call you up and they tell you you have just been appointed to a panel. You are on an advisory panel for the Speaker of the House. Then they want you to send in, $1000, $2000, $3000.

They talk about the President fundraising. What they do not tell anybody is they have a several hundred million dollar advantage in almost every account.

At the end of the day, the people know what this fight is about. They are trying to make sure we do not focus on health care, on education, and retirement security. They would rather have us talk about anything than the things that affect the people. Time enough to give big tobacco a tax break. Time enough to give oil companies some of their royalties that they should have paid us. Not enough time for average citizens. That is what is wrong with this Republican Congress.

Mr. DEFAZIO. Mr. Speaker, the gentleman forgot a couple highlights of things they did propose. They did propose elimination of the School to Work program for high school students. I suppose somehow in their world that is going to better prepare our students for employment after school and to compete in the world economy. Beyond me. I wish they would come down here and explain that. I thought it was a pretty good thing to have school to work opportunities for high school kids. In fact, my State has embarked statewide on a program to bring that about.

They have also eliminated in school interest subsidy for student loans. I borrowed a bunch of money to go to college. I thought it was a lot of money when I graduated. I owed about $12,000 when I got out. I am talking to kids now getting out with bachelor's degrees from higher education with $25- and $30,000.

Mr. MILLER of California. The gentleman raised the point of student loans. The President just signed the higher, reauthorization of the Higher Education Act. The tragedy of that bill is that the Republicans fought us for the last 2 years at every turn where we had the ability to make it less expensive for students who graduated from college to consolidate their loans, to save hundreds and hundreds of dollars in interest costs, to refinance those loans at lower rates. They fought that effort even when the administration tried to do it again this year, the Republicans came down on them like a ton of bricks.

Then when we tried to lower the cost of student loans, the Republicans fought us the whole way, finally agreed to lower the cost of student loans just a little bit so that they could say they lowered the cost. The fact of the matter is, this whole year, I serve on the Committee on Education and the Workforce, this whole year they have fought on behalf of the banks to retain the ability of the banks to suck money out of the student loan program, to take it out in fees, to take it out in higher interest rates. And what does that do? That just means for more students they have to work more hours or they cannot go to college or they have to defer it or take fewer units, costing their families more and more money.

So it is just incredible that they would spend 2 years, at a time when we had a chance to dramatically lower the cost of student loans, they fought us at every turn. They fought us at every effort we made either to consolidate loans or to reduce the interest rates on loans. They just fought for the banks. It is what they have spent their time doing in this session, as you pointed out. They have fought in this session for every special interest.

But they missed a really very simple agenda for the American public. Take care of our health care. Make sure our doctor can prescribe what we need, provide a minimum wage so that families can support themselves, get rid of the teen smoking and recover the money that tobacco companies have taken from this country because of cancer and tobacco. Give our children a chance to get a world class education in a safe school by reducing class sizes, by repairing the buildings, by having high standards for our teachers, high standards for our students and accountability for the school districts back to the parents.

I had a provision in one of the bills and they fought me on it. I said, parents ought to know the qualifications of the teachers that teach their students. Is this teacher qualified to teach your student history or mathematics or biology? They fought that effort.

This is not a complicated agenda that the President brought to this Congress, that the Democrats have brought to this Congress, but more importantly, that the American people have brought to this Congress. Because the gentleman from Oregon points out, most of their time has been spent here on these efforts on behalf of special interests trying to protect little nuances and tax breaks and special deals that allow them to go around the public interest. I appreciate the gentleman raising those points.

Mr. DEFAZIO. To go back to the student loans for a moment, because that is something that I am pretty exercised about, there was an absolutely Titanic struggle here on behalf of the banks to say, the bankers actually came in to me and I said, I always thought the theory of interest was that there was risk. With these student loans, the government guarantees that you get 100 percent back no matter what happens, plus your interest, no matter what happens. The student dies, goes bankrupt, leaves the country, you will get it back. So why are the interest rates so high?

Their eyes got big and they looked at me and said, well, very profitable. Yes. Guess what? We can charge the students 8, 9 percent interest for loans that are guaranteed by the Federal Government. So after much pressure from our side and from the parents and the families and the kids, the Republicans had to lower the interest rate just a little bit for the kids, but they gave an additional subsidy to the banks. So the banks are still going to get a guaranty of 100 percent repayment. They are still getting obscenely high interest rates. Interest rates are falling through the floor and the banks are getting an increase in the interest rates and the kids are not getting the loans.

Direct student loans, take out the middlemen. What do we need the banks in the middle for? Why should we guarantee the loans and give them a subsidy and give them those high interest rates and take the money out of the kids' pockets? If we had direct student loans through the institutions, through the kids, like I got when I was in college, another 600,000 kids could get student loans of $4000 or $5000 this year, if we just took out the banks' profits.

They say, that is too complicated. They said we tried to do an experiment. It did not work. Ross Perot was running the program.

But it can work, and that can be a much better way of doing this. And you can give more kids a higher education.

I just want to make one other point before I have to leave. The gentleman touched on this. From what they have not done, by not reforming HMOs and the insurance industry, from what they have not done in terms of dealing with teenage smoking, from what they have not done in terms of raising the minimum wage or protecting the environment, they have gotten some very rich and powerful friends. And those rich and powerful friends are rewarding them handsomely. That is why they are in a hurry to get out of Washington, D.C. now, not because they want to do a good job or get the job done or leave with the job done. They want to go home and start spending the obscene amounts of campaign cash that they have piled up.

I would just ask the people that are watching television today, when they watch those ads come piling out in October and up in the first few days of November, when they see them four and five to one, as a Democrat, I would like them to think, where did all that money come from? Where did all that money come from? It came from the HMOs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYWORTH). The Chair would remind Members that it is improper to address the television audience. Members should address their comments to the Chair.

Mr. DEFAZIO. Mr. Speaker, I said the people watching. I did not say you, the people watching. I did not attempt to garner their attention directly.

In any case, the point is made.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Oregon, and I yield to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentlewoman from Connecticut, who is doing a real public service in coming out here and organizing this effort to talk about education.

As I listen to this education business about loans, I think about my own circumstance, my own family. My sister told me that she will be 54 years old when she gets through paying off her loans. These are loans that were for a PhD at the University of Chicago in the 1970s. She is going to be paying until another 6 or 7 years.

When interest rates have fallen, all of us who have a house, we go out and we refinance our loan. We drop our interest rate. I bought a house at 8 percent. I am now down at 6 percent. And I save myself all kinds of money.

A student cannot do that. You cannot refinance a student loan. If they really cared about children in the middle class, they would make it possible for you to refinance the loan. You can do it if you have a house. You go in and you get a home improvement loan and you use that home improvement money to pay off your college loan. Then you pay at 6 percent and you get tax deductibility. That is how they make people work around the law and put the students out there and let the banks squeeze them endlessly.

As I was sitting here thinking about this whole education thing, I was thinking about what is a democracy based on? A democracy is based on an educated electorate. If you do not have people who are educated and can understand and participate, you lose the democracy. And we have done some things here in this last couple weeks which are, if you think about them in that context, are very destructive.

We had a big debate out here about how many H-1B visas we are going to give. Now, most people do not what an H-1B visa is because our grandparents or our great grandparents came and they just kind of walked in here. But now if you come to the United States, you have to have some kind of a visa, and it either has to be a work visa or you are coming here because your family has been here and you are unifying the family or maybe there is so many could come in from each country.

□ 1700

But we have a special category. It is called an H-1B visa. This is a visa that we give to people who have a special skill somewhere in the world. We say, we need that skill in the United States, so we will give you one of those visas, come on in and work here. You can't stay, but we will use you, we can pay you as little as possible, give you no benefit, but if you are willing to come here, we will take you in on that basis.

Last year we passed the bill and we said we need 60,000 of those people in the United States next year. Lo and behold, industry in this country was so desperate for trained people that we had used those 60,000 visas by the 1st of July. So in come the Republicans and say, we need 150,000 more. We have to go out into Poland and Czechoslovakia and Germany and India and Cambodia and we have got to find these 150,000 people and let them come in here.

If you think about that, what that says is we are not training enough people in this country to fill the jobs that are available. These are not $5 an hour jobs flipping hamburgers in some fast food joint. These are in my district at Microsoft where we pay 30, 40, 50, $60,000 to these people, and they cannot find an American who qualifies for that job, so they have to go to India, or the Ukraine, or Uganda or somewhere and find them.

So when the President says that the focus of this country and this Congress ought to be developing an educational system that prepares our kids for the jobs of the 21st century, he is talking about making Americans available for those H-1B visas. The problem in politics is that a lot of times we always think in 2-year terms or maybe 4. We do not think about the fact that we are really sewing the seeds for 20 years from now if we don't educate our kids, if in those first 3 years we do not learn to read. Then they are not going to know how to read a computer, ma'am, when they get an opportunity to work as a computer operator, or as a programmer.

If they do not learn basic math—my daughter teaches in the Seattle schools. She teaches sophomore remedial math. She said to me, dad, you can't believe how many kids don't know how to use a ruler. She has to take them out in the parking lot and say, all right, now here is what a ruler is about. How big a parking space, so they measure out the parking space. Then she says to them, why is that parking space this size. The kids finally say oh, so the car will fit in. So they measure the car. Lo and behold, a parking space is a little bit larger than an automobile, a standard automobile.

Now when you are taking 15 and 16-year-old kids who come through our system and they do not have the capacity to make the logical connections between a ruler and a parking space, you have got serious difficulties in our educational system. So when the President says we need 100,000 new teachers to get those kids in the first 3 years where they learn to add and subtract and do fractions and they learn to read and write. That is what that is all about. It is not about somehow the Federal Government taking over education. It is supplementing those school districts in this country, and Seattle has not got a bad school system. But we still have kids who are not making it, who are not getting it, because the schools are too big or too whatever, and we need to 'add this kind of thing.

Now, the other thing is this whole business about school buildings. My daughter is in a school building that was built before the Second World War. When they try and wire for computers, God help you. You have to have Rube Goldberg come in to put together the wiring to work inside a building that was built 50 years ago. That is not the oldest building in Seattle. There are a lot of buildings, and all over this country, and we say to our kids, well, we want to get you ready for a job. But we do not give them the opportunity to deal with the very things that they are going to have to do when they go out into the world. To me, it is a tragedy.

There was an editorial in this morning's newspaper which I think is the one that just stops me sort of sometimes. When we look at what we have spent our time and energy in here, Bob Herbert in the New York Times said, having been handed the gift of Monica Lewinsky, the Republicans are running with her. She conceals their real agenda. If they can parlay the Monica madness into substantial increased majorities in the House and Senate, they can renew their conservative assault on government and on their subversion of the interests of ordinary working people and the poor.

You cannot say it any clearer. If the poor, if the lower classes in our country, in the middle class in our country, if we do not come up with ways to give them an education, this democracy will lead to fascism. You will have to have the government with a soldier on every corner like they do in half the countries of the world. The reason we have a democracy is because people are educated. If we do not educate them, we will have turmoil in this country that we are not prepared for. That is why what the President is saying is that this is a long-term plan in the best interests of all Americans.

I congratulate the two of you for putting this together.

Ms. WOOLSEY. I would like to have a little dialogue with the gentleman about workers and H1-B visas, because something else that is totally missing is some incentive, an encouragement for businesses to retrain their current workforce. Technology is growing so fast and beyond the workforce. Employers are hesitating or refusing to train their existing workers. That must be something we do. That is why we need H-1B visas. One, we do not teach our young people, and, two, we do not retrain our existing workforce.

Mr. McDERMOTT. Some of us are really worried that the H-1B visa is a way around taking your existing workforce and raising them up to the level that you need them, rather, go get somebody somewhere else who you can hire for $10,000, $20,000 less, do not have to pay for a pension, do not have to pay for health care or anything else and put them in the job rather than taking an existing worker. There is a lot of concern among many people who look at the workforce and say that the issue of retraining is one of the most fundamental issues to labor peace in this country. You cannot go and get somebody from somewhere else and stick them in a job when there is somebody standing there that could be trained to do that.

Ms. WOOLSEY. That is right. The other connect there is that person is being laid off because they are not trained, quite often is a very senior worker, needing Social Security. And what are we saying? We are raising the age of Social Security. That is the threat. In order to save it, privatize it, raise the age, give less. But certainly do not train workers so they can stay on the job. They need that Social Security at the time they will be laid off and it will not be available to them.

Ms. DeLAURO. Let me just make a comment before I recognize the gentlewoman from California. The theme that both of our colleagues were talking about, education in this country has been the great equalizer. I think it is true to talk about the fundamental part of our democracy. What I mean by education being the great equalizer is that youngsters have the opportunity to succeed despite their gender, their religion, their socioeconomic status, political party affiliation. It says that your God-given talent is what is in fact that which allows for your success in our society. That has truly been the premise of public education.

I will just take myself for example. I am the daughter of a garment worker. My mom worked in the sweatshops. My dad sold insurance. They killed themselves literally to make sure that I had a good education, so that in fact that I could have opportunities that they never had. That is the same with probably the majority of people who serve in this body.

Ms. WOOLSEY. If you will yield, I will tell you my story.

Ms. DeLAURO. Which is so frightening in terms of what is at stake when we are talking about public education and what this institution and the majority party in this institution has refused to recognize.

Just one more point. I got the finest education in the same way that any corporate executive or any scientist or any academic could get and was allowed to be able to have the honor and the privilege of serving in this body. So it is a precious, precious gift, if you will, that we need to preserve this ability. It is values. It is what we prize and what we value in our society is this ability for education.

Ms. WOOLSEY. If the gentlewoman will yield on this thought, then later I have more words. Thirty years ago my children and I were abandoned by their father. My children were 1, 3 and 5 years old. I went to work immediately. I had good job skills fortunately. I was a very healthy young woman. My children were healthy. We were really fortunate. But the most fortunate part of that horrible situation was that I had a good education. I had 2 years of college. I quit college so that I could help my children's father finish school. But I had enough education to get job opportunities and make those job opportunities work for my family and myself while I continued to finish my college education. Without that education, I do not know where we would be today, because it made all the difference in the world in my self-esteem, and in my ability to go forward.

Mr. PALLONE. If the gentlewoman will yield, I am going to join in by pointing out my background as well. My father, who probably is listening because today is Columbus Day and he told me he might listen to us.

Ms. DELAURO. We were supposed to be marching in parades today, in the heart of the Italian-American community.

Mr. PALLONE. In New Jersey. That is right. My father was a policeman for about 25, 30 years and is retired now from the police force. The same is true. We grew up, we never had to worry about anything, but we were middle class, went to public school and basically the quality of the education in the public school was, I think, as good as it gets. That is all we are saying. But if I have to go back to that same school or other schools in my district today, you will find that many of them do not have the money to keep up with the plant, as I would say.

When we talk about this money that we are looking to see for modernization of the schools, which really is sort of the main object, if you will, of what we are asking the Republicans to do before we get out of here, is that we would like to get this modernization fund available for the local communities. It is not so much that a lot of communities need additional schools or need to build additions to their schools, which is true. A lot of them are overcrowded now and they need new schools and this money that we are asking for that be appropriated could be used for that purpose. But I find that many of the school districts just cannot afford to keep up with technology anymore. In other words, they need to be rewired for computers, they need to have things done so that they can keep up with the high tech age, so to speak. It is very different today than it might have been 20, 30 years ago, or even 10 years ago, where the local community of course never had an easy time raising the funds to build the school or renovate the school but they did not have all the problems that are associated now with all the changes that occur in technology every day. I have found that when I go back and I talk to some of the school districts, they are just looking for some additional help just to make the changeover, if you will, to the high technology age. Now, of course there are others that have crumbling roofs. I have some in my own district that are in pretty bad shape where I have been in the auditoriums and I have seen the water leak through. So there are some that are very decrepit. But you will not find a single school district in this country now, I do not think, that does not need some kind of assistance because of all the demands that exist now on the physical plant of the school building.

Again, I know I hear my Republican colleagues say, well, you know, schools should be local, everything should be done locally. We are not arguing that the curriculum should not be decided by the local school board, that the local school board should not decide who to hire or what to do on a daily basis. We are just talking about the money that they need, because local property taxes are so high, it is very difficult for them to get along. So all we are saying is give us a little down payment here. Do not rush out of this place immediately without having done your job. Address the education needs, address the need to modernize the schools. If they would just do that, I will be honest with you, all the other things that I would like to see done here, but if they would just do that, I would be happy.

Ms. WOOLSEY. The gentleman is right on target. If the school needs upgrading and wiring, that is what they need.

□ 1715

If a school needs roofs, paint, that is what they need, and, if we do not invest in those children, in their schools, what are we saying to them? We are telling those children you do not matter. We want you to get an education, but we do not want it to be the best it could be. And we are not saying, take our Federal tax dollars and wire that plug or that particular room; we are just saying, use those tax dollars to benefit our children because we know they all need a good education. And public education makes that possible, and we want to invest in them.

Ms. DELAURO. Well, interestingly enough, you know, to further talk about this a bit, is that 90 percent of our youngsters are in public schools.

Now, we do have problems with the public school system. No one is suggesting that we cannot make improvements, which is what precisely we are talking about, and in terms of the modernizing, again the piece that is, it is not just about the bricks and the mortar. It is in fact about providing that opportunity for youngsters to be able to have a learning environment which is a secure one and at the same time have a learning environment which, in fact, plugs them into an Internet to utilize advanced technology.

I did a survey, a modernization survey, in my district. I visited the Orange Avenue School for a tour. We had a round table discussion with superintendents about school modernization needs. There were 71 schools who responded, and this is what I found in my own district.

The average age of the elementary school buildings is 50 years old. More than half of the elementary schools regularly hold classes in areas not designed to be classrooms, including cafeterias, hallways, mobile or temporary rooms and storage areas, literally closets being turned into classrooms. The average class size was still 23 students, even with the makeshift facilities, which is why we have been talking about reducing classroom size to 18 in the grades from 1 to 3.

All of the schools that responded said that they had some computers for students to use. More than 50 percent of the schools have no computer lab or a room where there are computers. The majority of the schools have no computers designated for teachers' use, nor is there programing to teach teachers as to how to teach our kids to use computers, and many schools do not have computers in every classroom. I would venture to say that today computers are becoming like textbooks; where you have a text book for every child, you have to have computers for every child.

Let me just make one more point about modernization because our colleagues on the other side of the aisle will say the Federal Government wants to get involved in construction of schools. Not true. Very simply what we are talking about here is that what the President's initiative, what the Democratic initiative is, and what we like to have accomplished before we leave here, it is to help with Federal tax credits to pay interest on $22 billion in bonds to build or to modernize public schools. That helps the local community float the bonds that they need to construct the school. We do not want to be building schools and have the Federal Government pay for the building of these schools, but we want to try to provide that local government with the opportunity of getting some relief on their taxes with regard to the bonds.

What does that do for the local community? You know what it does for the local community? It lowers their tax obligation. That is what we are talking about. And it is very simple, it can be done, and we truly do have the obligation to make sure that we do this. That is what we are calling for: Do this before we get out of Washington, D.C.

Ms. WOOLSEY. You know in California, our very conservative Republican Governor put into place the decrease in class sizes for grades K through 3. Well, guess what we found out? We did not have enough certified teachers, we did not have classrooms, and good that the idea was, yes, reduce the class size. We did not have the infrastructure or the trained teachers to support even what this very conservative Republican Governor wanted.

Ms. DELAURO. I yield to the gentleman from New Jersey.

Mr. PALLONE. As I said, I think that the school modernization is probably the most important aspect of this education agenda that we have been trying to push, but I also think that this proposal, which originally came from President Clinton to hire a hundred thousand additional teachers, is equally important. And again it is modeled in many ways on the COPS grant program where the President has basically instituted a program, and we approved it in Congress, to hire a hundred thousand additional policemen. Let me say that that COPS grant program, because I heard some of my colleagues on the other side of the aisle criticize it earlier, and I was shocked to hear some of the Republicans criticize that program because I know how effective it has been in my district. We have had, almost every community has been able to hire additional police because of that COPS grant, and it is a community program. In other words, the policemen have to be put on the beat in the community, in many cases tied into recreation and other programs that they work on during the evening or during off hours. It has been terribly successful. I have had so many people in my hometown, in Long Branch, where I was supposed to be at the Columbus Day parade today, tell me how it has made a difference in terms of the crime rate has gone down significantly as a result of this.

Now we are saying we want to model that in the same way. We want to give those towns money so that they can hire additional teachers and bring class size down. I think it is either 1 to 3 or K to 3 in the lower grades.

Now we know that anybody who has been involved in education, I know both of my colleagues who are here with me today have been, have talked about this in the past, know in the last few years all kinds of research has come out to point out that early childhood development is so crucial, even down to like 6 months or a few months, zero. And so what we are saying is that we want to make sure at that early level, and I mean it is not even that early because we are talking kindergarten or first grade, but whatever, that when these kids start in the public schools that they have those small class sizes.

And again, you know, you could talk to people who say, well, I went to a one-room schoolhouse and there were 30 kids in the class. Well, again, things are different today. In many ways I wish that they were like they used to be, but they are not. A lot of these kids come to school already with some major problems, and they cannot have a class that has 30 kids in it because they are not going to learn anything. So, if you combine the fact that we are trying to reach these kids at a young age, that we have a lot of problems that need to be addressed today at that young age, you have to bring classes down. I think this would actually bring it down to 18 or so, the average in the classroom and the country. And I cannot stress how important that is, and do not let anybody on the other side tell you that the COPS grant program was a failure. If we can build on that, we will have another very successful program, and, I will say, for not a lot of money.

Ms. DELAURO. I would just say that, you know, when we talk about reduced class size, again like modernization is not bricks and mortar, lower class size says the following: I am a teacher, I can give more individual attention to each of the youngsters I have in a classroom. Better learning, better standards, more accountability. And you know what else? More discipline in the classroom. Parents today want to make sure that their youngsters are in schools that are safe, in a learning environment with a teacher who has time to devote attention to them.

And you are absolutely right about we have a very successful model on which to base this program, and it is one that universally school officials and administrators and parents and teachers are clamoring for.

I think it is important to note, because we are going to be out of time in a few minutes here, that our colleagues will talk about their accomplishments in education, but I do not think that we ought to be fooled by their commentary.

Child literacy program, America Reads, zero funding. Summer jobs, zero funding. Out of school youth, zero funding. School modernization, zero funding. Class size reduction, zero. New teachers, zero. Shortchanging Head Start programs, Goals 2000. When they talk about taking the money, Dollars to the Classroom, that eliminates Goals 2000, the Eisenhower training program that trains our teachers, several other critical programs that provide for basic skills for our young people.

We have an obligation. We serve here because the people who we represent trust us, and they trust us with their children.

Let us take the remaining days of this session and do something to improve public education in this country. We can do it. There is support for doing it. We need to do it. That is what we should be about.

I yield to either of my colleagues for any final comments.

Ms. WOOLSEY. Well, I have a comment. When our colleague, Mr. PALLONE, talked about small one-room school houses, those schools were homogeneous. Everybody in that class looked the same, came from the same kind of background and environment. Now we are talking about classrooms with as many as 17 different languages in one classroom. Tell me that these young children do not need one-on-one attention from their instructor.

Mr. PALLONE. If the gentlewoman will yield, I would just say that again, one of the things that really has been bothering me about this Republican Congress is that, you know, they will pay lip service to education, but they wasted so much time trying to take money away from public education by instituting voucher programs that basically take public dollars and give it to private schools, and we had to go on for weeks and months fighting those proposals. If they had just not wasted that time, we would not be in the situation we are in today.

You know some of our colleagues have said, well, you know, it is time to go home, we got to get out of here quickly. They wasted so much time trying to attack the public school system. We heard talk again about abolishing the Department of Education. You know, again, how can we have any kind of standards or have any kind of supervision of what goes on out there if we do not have a Department of Education?

So, you know, I honestly believe that in many ways what the Republican leadership has been trying to do here is to basically break down or even destroy in some ways public education. I mean, if they are going to spend all their time and say we are going to take these dollars from public education and give it to private schools, we are never going to get to the initiatives that we are talking about.

That is why I get very annoyed when I hear them say, well, we care about education because we know that their whole history for the last 2 years and even for the 4 years that they have been in the majority is to try to break down the system and not allow dollars to go to public education.

Ms. DELAURO. The one thing they want to do is to return education to the limited few and the rich instead of using education as that great equalizer that allowed us our success to be able to come here.

MOST OF OUR PROBLEMS CAME FROM WHEN THE DEMOCRATS CONTROLLED THE CONGRESS

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. DELAY) is recognized for 60 minutes as the designee of the majority leader.

Mr. DELAY. Mr. Speaker, I commend the gentleman from Arizona, sitting in the chair, for his endurance on a Sunday afternoon in listening to what has just gone on.

I listened to the discussion all this day, and I find it rather fascinating. The shrillness of my colleagues on the other side of the aisle I think reflects their sense of denial. Most of what they have said is that they are trying to continue the policies so that they can continue to support their philosophy of government that has failed. We have tried their way for well over 50 years, and most of the problems that they describe, the problems with our public school system, with our government, with health care, most of that came from when they controlled this Congress.

□ 1730

They have controlled most of the local governments, the state governments, this Congress, for the last 30 to 40 years, and the result are the problems that they have described.

The problem is that their solutions are more of the same, more money, more big government. "We know better." You heard just 15 minutes ago, the gentleman from New Jersey, talking about the fact that "I know what my local school boards need more than they do." Well, he ought to run for the school board, because that is where the decisions ought to be made, not here on this floor and not by the President of the United States.

For my colleagues and others, let me try to kind of put in perspective where we are today. I find it fascinating that the President of the United States showed up for the first time to talk to his budget people the day before the targeted date of adjournment, last Thursday. That is the first time that I have heard or read about that the President has met with his budget people about the spending and appropriations bills that we are trying to pass. That is the first time I have heard that this President has been engaged this year on anything that is going on in the Congress of the United States.

The day of adjournment, on Friday, the President announces that he is not going to accept the work of this House or the Senate unless he gets his education package. That is the first time since his State of the Union message that I have heard that he has been engaged in the process.

This President has been totally disengaged this whole year. In fact, I can contend that this year is nothing more than a reflection of what we have been going through for the last four years. This President's normal method of operation is he does not get engaged at all until the end, and then he comes in and demands more spending and bigger government and more programs. And, because he is President, he could shut down the government like he did in 1995. We have to deal with this President to get him to sign the legislation. Yet during the whole process, he is not engaged.

The American people need to really understand what is going on here. The President himself today in a meeting with Democrat leadership, I find it very strange, he has not this entire year, in fact I think if we go back two years, has not called on the Republicans, the majority leadership, to meet with him at all. But today he meets with the Democrat leadership, and he announces that he has been engaged in this educational program all along. All he could cite was he talked about it in his State of the Union message and he sent it up in his budget.

I defy anyone to bring to me one bill written that was initiated by this President this year. One bill. Just show me the bill. Show me the bill. This President has not initiated one thing.

Now, he has taken credit for the economy, but I also challenge you to show me one thing he has initiated in this Congress and followed through on and got passed that was good for the economy. I deny anyone. The only thing I could think of was that he wanted Fast Track authority, negotiating authority for Fast Track. A little less than a year ago we tried to pass that. He could only deliver 32 of his Democrats to vote for fast track. I found out, because I am the Whip and working the votes, that many Democrats that wanted to vote for fast track did not trust this President, so they voted against it.

But this year he has not lifted a finger for education, not a finger for education, yet on the targeted adjournment date, Friday, he stands up and says, "I want my education bill," and he makes veiled inferences that he will shut down the government unless he gets what he wants.

This is the same President that has not even met with his cabinet but twice this year. He has only met with his cabinet twice in this whole year. The first time he met with them was to explain to them that he had no sexual relations, and the second time he met with them was to apologize to them for having sexual relations. That is the only time he has met with his cabinet. Now, during these meetings he did not meet on the world economic problems with Secretary Rubin. In the cabinet meeting he did not talk with the Secretary of Education.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYWORTH). The Chair would remind the gentleman that he should not refer to personal charges against the President.

Mr. DELAY. I apologize, Mr. Speaker.

In cabinet meetings also he did not discuss his foreign policy, his failed foreign policy with Secretary of State Madeleine Albright. He has only met with his cabinet twice this year.

Now, he has been out on the campaign trail. He has been to 97 fund-raisers this year. He has been away from his office attending to other things rather than work 152 days out of the 280 days so far in this year. This President is not engaged in what is going on.

I want to talk a little bit about what he is holding us up about.

Mr. Speaker, I will talk about that in a minute. I am also going to try to put this in a little more perspective. Being in leadership, we have had to deal with this administration at the end of every year on these same things that we have always done, and it is just fascinating to watch.

I remember in 1995 when the President of the United States vetoed the continuing resolution and shut down the government. The government shut down for a few days. I will never forget, I think it was November 19, anyway, it was a Sunday night, an agreement was made with this President to reopen the government, and the agreement was that he would work with us to balance the budget, to save Medicare from bankruptcy and some other issues.

Within 15 minutes after opening the government, the President and his staff walked out, held a press conference, and reneged, reneged, on everything in that agreement.

Now, we have had to deal with that for the last 4 years. In fact, just this weekend they sent staff over here to make an agreement on drug policy, and there has been a lot of work by the chief deputy whip, Dennis Hastert, and others in this House, to put together a very comprehensive antidrug policy, but the administration or the staff of the administration has fought us every step of the way.

So they have been negotiating over last week, and finally came to some sort of an agreement. Of course, the President sent staff to make the agreement. And then after they had an agreement, the staff went back to the White House, we were informed that the staff that was negotiating with the majority leadership could not negotiate for the White House, and, therefore, reneged on the agreement.

Well, how in the world are we going to do business when you have a President of the United States that you cannot trust his word to hold an agreement for longer than an hour? That is what we are going through right now.

The other thing too, some of the sticky points with this administration is this President is fighting to the death for foreign aid to North Korea. That gives me an opportunity to talk about this administration's foreign policy.

It is amazing to me that some people in this House commend the President for being such a great and effective

President, but when you analyze his foreign policy, it is a complete disaster.

He wants more foreign aid for North Korea. Now, this is the President that was concerned, as we all were, with North Korea building nuclear weapons and threatening that part of the world. So he went and made an agreement with North Korea to stop doing that, and if they would do that, then what we would do would be we would give them more foreign aid and we would build them electric power plants.

Well, we have been giving them foreign aid. We find out that most of that foreign aid has gone to the military, not to the people of North Korea, and we are building their reactors for electricity, but the North Koreans are continuing with their building of nuclear weapons, and just this last summer shot a missile over the top of Japan.

You look at the President's policies in Iraq. Now, the President of the United States sent aircraft carriers in January and February to stand up to Saddam Hussein. He told the American people he was going to be tough on Saddam Hussein. Yet this summer we find out that he has surrendered to Saddam Hussein.

The President of the United States moved his trip from November to June to China, from November to June, and he goes to China and kow-tows with the communist leaders of China. He is accepted in Tiananmen Square where freedom fighters were gunned down, and he honored the troops that gunned down the freedom fighters in Tiananmen Square. And as he was leaving China, by the way, the trip costs about $50 million, while he was leaving China, he undermined the democracy on Taiwan and has never since then stood up and tried to support the democracy on Taiwan.

In the Middle East, they now are having photo ops with Arafat and Netanyahu in the last few days and weeks, and they are about to have a summit on Israel. Well, he has not lifted a finger to enforce the Oslo Accords and make Arafat comply with the agreements. That is where the problem is.

Now, all of a sudden, we find out we are going to pull everybody together, have a few more photo ops, but undermine what the people of Israel are trying to do. In fact, the President's own wife back in May said it might be a pretty good idea to have a Palestinian state in Israel, which would completely explode that part of the world. Yet the President of the United States has not emphatically stood up and said no, we will continue with our policy of opposing a unilateral move to create a Palestinian state in Israel.

I could go on and on. Russia was a complete fiasco. Nothing came out of Russia. This President, who wants to be treated different than any other American in this country and undermine the rule of law, went to Russia and demanded that they institute the rule of law. He was laughed at by the world because of that.

So part of the hangup and the reason we are here on Sunday afternoon negotiating with staff, not with the President, negotiating with staff, is that the President is holding us up. He could have come to us weeks ago and told us exactly what he needed and we could have been negotiating and probably would have met our targeted adjournment date.

Another hangup is he wants us, us being the American people, to take our hard-earned taxpayer money and give it to the International Monetary Fund, a failed agency, an agency that has undermined the economies of Russia and Indonesia, now is trying to undermine the economies of Brazil, a failed agency, they want to continue their failed programs by funding the IMF, and they do not want any reforms. They want the American people to give up their hard-earned taxpayer money and give it to the International Monetary Fund with no reforms so they can make secret loans at below market rates to failing economies of countries that ought to be moving towards a free market system, and what they want to do is prop up the kinds of political systems that have failed, and that is part of the problem of the economy in the world.

The other thing too that really grates on me a little bit, when we are trying to get our work done, you have the President sending out his attack dogs. Again, you know, we saw these attack dogs for eight months out defending this President, trying to destroy their enemies and misleading the American people for eight months. Now they are back out. I saw one on CNN late edition this morning, Paul Begala. And the misleading statements that Mr. Begala made were unbelievable. He said that we did not need a vote of inquiry in this House. He obviously does not know how the House operates. In order to proceed with impeachment proceedings you absolutely have to have a vote of inquiry to give the committee the right to proceed.

He said that Ken Starr was undermining the process by sending a letter right before we voted on the inquiry inferring that there would be more referrals coming from Ken Starr and just berated Ken Starr and tried to once again destroy the Independent Counsel because of this letter.

That letter was in answer to a bipartisan request coming from HENRY HYDE, the chairman of the Committee on the Judiciary, and the ranking member JOHN CONYERS, asking Ken Starr if there might be some referrals.

□ 1745

Maybe this is a good time to talk about the 100,000 police officers that the gentleman from New Jersey was saying was such a successful program, because Paul Begala said that they had hired 100,000 police officers.

Mr. Speaker, that is not true. It has been about 4 or 5 years now that the program, another failed program passed by the Democrat Congress, was signed by the Democrat president, creating 100,000 police officers. The person, Ken Avery, we checked with, who is spokesman for the COPS program in the Justice Department, says that the vast majority of our jurisdictions have plans in place to retain officers beyond the lines of their grant.

This is a requirement of the grant program, that they agree, upon acceptance of the grant, and what that means is if they accept this money, it is only money for 3 years. Then the money is shut off and they have to keep that police officer on the payroll. In other words, they need to raise taxes locally, and that is the Federal Government causing local governments to raise taxes for a Federal program.

Avery himself says that the COPS program has only placed around 58,000. In 4 years, they have placed 58,000 cops, of this great 100,000 cop program on the streets of more than 10,000 cities and towns.

It is absolutely amazing to me that Members can stand here in this well and praise a program that not only has failed, because they do not, most of the police or law enforcement agencies around the country do not want the Federal Government, with their big sticky hands, in their business, and they think it is a poorly-designed program in the first place, and they do not want any part of it. Now the President is holding up the entire process of this Congress in order to put 100,000 teachers in.

Do Members really believe a program designed by this president would actually put 100,000 teachers in the classroom? They could not, over 4 years, put 100,000 cops on the street. This whole notion of these little things in this education proposal by the President, that these will change the educational system and save our schools.

It was brought up by my good friend, the gentleman from Texas (Mr. SANDLIN) much earlier in the day, he was talking about the outlandish problems that he is seeing in East Texas about the school system. I need to remind the gentleman that part of the problem with the public schools in my great State of Texas is because the Democrats ruined them. I was there in 1984, and I will never forget it, I was in the State legislature, in the Texas House, when the Democrat Governor, Mark White, petitioned Ross Perot to design education reform in Texas.

Take what I am about to say and extrapolate it to the Federal Government. Before Mark White and Ross Perot ruined education in Texas,

Texas's local school districts controlled the education of their children. Texas, thank goodness, had set up funding for local schools way back when Texas was a Republic, and continued it when it became a State, so we had good, honest funds coming to our local school districts. But the school districts were in control of their local schools.

What did the Democrat, Mark White, do? He took away local control and centralized it in Austin, Texas. He created the Texas Education Board. All decisions are made in Austin, Texas, for all the local school boards. The local school boards now are nothing more than administrators for State mandates.

I submit that my friends on the other side of the aisle and the President of United States want to do the same thing. They constantly are trying to take away local control. They are trying to take away decisions made by parents, elected school boards, and teachers, and put them right here in Washington. They do it systematically, one little program after another over the years.

I say to my good friend, the gentleman from Texas, they not only took away local control and put it in Austin, Texas, but in order so that they could not get to that board, they laid in another layer of bureaucracy called the Regional Educational Centers, so that local control, the local school districts had to go through one layer of bureaucracy before they could ever get to the State Board of Education.

I just think that we have a very sad situation going on outside this Chamber. I think what the basic problem here is that we have two very different philosophies of government.

I think the best example of their philosophy is in the school system right here in Washington, D.C. They have piled money on the school system of Washington, D.C. so high that it has collapsed under the weight. The school system here is bankrupt in ideas, bankrupt in substance. The children here, a little over 50 percent of them do not even finish high school. The teenage pregnancy rate is at an all-time high.

If we talk about not being able to fix buildings, they have more money than any other school district in America, and they have crumbling schools in Washington, in our national capital. Why? Because the bureaucrats have the money, that is why. The teachers do not have the money. The students do not have the money. The bureaucrats have the money. They believe it is the government's money. I believe it is the American family's money.

They have created a government so big that over 50 percent of the income of American families goes to government. If we add up State, local, and Federal taxes and the cost of regulations, 50 cents out of every hard-earned dollar that the American family makes today goes to the government.

Would it not be incredible if we could do what we want to do and get a president to sign our bills to shrink the size of government, eliminate wasteful Washington programs, eliminate some wasteful Washington bureaucrats; not create more, eliminate them, so that the American family could have more money in their pocket, so that if they want better schools to be built, they will have the money to pay the taxes in their local school districts, empowered by them, to raise the taxes to pay for the schools that they need?

No, we are going to keep the government growing bigger and bigger. We are going to keep it growing, and get more and more bureaucrats. We are going to get more and more of the Federal Government sticking their sticky fingers into our school districts, because that is what the President of the United States demands. But it is not their money.

It boggles my mind all the time. It is the same pocket that all the money comes from, the American family's pocket. That is where this money comes from. But why would we take the money out of the families in Sugarland, Texas, send it up to Bill Clinton, so that he can send it back to Sugarland, Texas, to hire more teachers and build more schools? It does not make sense. And it fails, because it is a failed philosophy. It is a failed notion.

We are trying to, to the best of our ability, trying to stop this president and we cannot, because he is president. If we are going to do the people's business, we have to negotiate with this president.

I hope he stays home tomorrow. He is going on another one of those fundraising trips. I challenge the President to stay here and work on these issues. He is going down to Palm Beach, Florida, to have another fundraiser and pina colada with Greg Norman. Then after that he is going to New York City, and he is going to raise some more money in New York City for a person, by the way, the gentleman from New York (Mr. CHARLES SCHUMER) who happens to be on the Committee on the Judiciary.

Mr. Speaker, I hope the President stays here. We are going to stay here. Many of my colleagues have said we are trying to get out of town and we are trying to rush this, and we want the President to give us what we want so we can get out of town and go home and campaign.

Nothing could be farther from the truth. We know what we are about. We know what we are locked into. We will stay here all the way through the election. I will say it again, we will stay here gladly all the way through the election to get the people's business done.

It is amazing to me that people are complaining about a Congress that is not getting its work done, that we are the do-nothing Congress. They are partially right, we are the do-nothing-that-the-liberals-like Congress. We are in the majority, and we do not buy into the minority's philosophy. All their bills that they want us to pass, we are not going to pass them, because we do not believe in their philosophy.

The majority of this House does not believe in paying trial lawyers for health care. That is their Patient Bill of Rights. The President has not written a patient's bill of rights. We have not seen a bill from the President, but that is their Patient Bill of Rights. We have not seen a bill from the President on his education policies, but they say they have one.

Mr. Speaker, what we are here to do is what the American people have sent us to do. I get a little weary of people speaking for the American people. The American people believe this, the American people believe that, the American people whispered in my ear this afternoon and told me this.

I watch the American people, and the American people have rejected their philosophy. It is not by some poll, it is not by someone whispering in my ear, it is by election. The American people have rejected their philosophy all across this country.

The Republican Party has gained over 500 State legislative seats since Bill Clinton has been president. It has gained 14 governorships. We now have 75 percent of the American people living under a Republican Governor. We have taken the United States Senate, we have taken the United States House for the first time in 40 years, and held onto it for the first time, back-to-back Republican Houses, in 68 years. We have even had over 370 Democrats switch to the Republican Party all across this Nation. That is the real American people speaking.

Mr. Speaker, Members can say whatever they want to on this floor about who is at fault, back and forth, but we have tried it their way. We have tried it Bill Clinton's way.

Let me just finish with this. It is amazing to me that the President of the United States would hold up spending that amounts to about $1.7 trillion over his little, small education program. The American people ought to think about that just a minute, because we know what this is about.

This is another sham. This is another attempt to mislead the American people. This is another rhetorical outtake to try to win the election in November and take back the House, or give the President some sort of credibility and legitimacy. The American people have not bought it in the last 2 elections, and they are not going to buy it in this election.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the distinguished majority whip, for yielding to me. Mr. Speaker, as I have had the honor and privilege of serving in this House, I am struck by what our colleague, the gentleman from Texas, tells us tonight, because we have seen example after example, sadly, of this President and this administration saying one thing and then doing another.

In fact, I think about the historic budget agreement that was reached last year by this allegedly do-nothing Congress to balance the budget for the first time in a generation, to set up budget caps, ceilings that were to remain inviolate.

Now, as my colleague, the gentleman from Texas, points out, in the last nanosecond of the 11th hour, perhaps based on focus groups and extensive polling, suddenly, education becomes the watchword; sadly, not in an effort to improve education, which we believe is too important to be left up to Washington bureaucrats, but because of the endless posturing and preening and electioneering that continues, regardless of the dates on the calendar, but now has grown more frenetic and frantic, given the constitutional questions that confront us, and also our constitutional heritage of an election that approaches the first Tuesday following the first Monday in November. It is very insightful.

Mr. DELAY. I would just remind the gentleman it did not take the President 6 months to break this agreement. In his budget, and the only thing he has actually submitted to Congress was his budget, in his budget he broke the caps, he expanded government, he raised taxes, and created an incredible tax increase.

What is worse, as the President, who is claiming to be the education president, in his own budget he cut the IDEA program. That is the program that has been discussed earlier, the mandate from the Federal Government on local schools to provide education for our disabled students through special education programs.

□ 1800

Yet they promised they would provide 40 percent of that expense for IDEA. In the President's own budget, he cut IDEA.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, indeed, as I stand here from this unique vantage point in the House, I note that just behind the gentleman is a rostrum. On an annual basis, we invite the President of the United States here to offer a State of the Union message.

I remember this year the President's insistence when he said, about moving from the politics of deficit to the policies of surplus, not one penny out of the surplus unless it goes to save Social Security. Save Social Security first.

Yet, almost within the twinkling of an eye, there was the administration petitioning the Congress for close to $3 billion for spending in Bosnia. How profound. How prophetic the words of the columnist from the Arkansas Democrat Gazette, Paul Greenberg, who instructed all of us years ago, Mr. Speaker, in the case of President Clinton, listen not so much to what he says, instead, watch what he does.

And it has been trying, challenging, and ultimately tragic that we are beset by a chief executive who so often, in so many different circumstances, says one thing and then does another.

Mr. DELAY. Mr. Speaker, I want to follow up on that just a moment, saying one thing and doing another. The President evidently wants to become the education President in the last week of the 105th Congress.

He said on the day that was designated as the targeted adjournment day, the day that he started this effort, on the day that we had targeted to adjourn, "Members of Congress should not go home until they pass a budget that will strengthen our public schools for the 21st century."

The President, what he does, his record is, he has vetoed a D.C. scholarship bill to provide 2,000 of this capital's poorest children a chance to escape one of the worst school districts in this Nation. I described this school district earlier.

He vetoed the education savings accounts this year to provide middle income families with tax relief for elementary and secondary education expenses. He vetoed a back to basics common sense literacy program. He vetoed lowering costs for school construction bonds. He vetoed incentives for teacher testing and merit pay.

He vetoed safe schools, a safe school antigun provision. He vetoed a tax relief for employer provided education assistance and qualified State tuition programs. He vetoed seven pro-education bills.

He was so sinister in paying homage to the National Education Association that he would take away 2,000 scholarships from the poorest of the poor in the Nation's capital and give those scholarships to the parents of those poor children so that they could take those kids and put them in a school and hopefully get them an education.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, since this White House is so poll driven, that is the one time this administration ignored the polling in this Federal capital district.

In the District of Columbia, where over 70 percent, well nigh close to 80 percent of parents, when given the choice, said, yes, we want to have an option and educational scholarships for our children. That should come as no surprise, Mr. Speaker.

Imagine the dilemma of parents whose heads hit the pillow every night knowing that they are sending their children into unsafe, unproductive schools, where their safety is threatened, where sadly they are not learning.

Yet, to have that wiped away in a show of allegiance to factions and groups who insist they want to improve education but instead seem to want to expand the educational bureaucracy is yet another reason why we find ourselves in this dilemma of the factually challenged White House and a factually challenged President.

Mr. DELAY. Mr. Speaker, I appreciate the comments of the gentleman from a Arizona (Mr. HAYWORTH).

Mr. Speaker, I am very happy to yield to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I want to thank our majority whip. He has been a leader in pointing out a lot of the inconsistencies and problems of this administration as well as being a strong voice for conservative principles. It is an honor to be associated with the gentleman in this special order.

I think the gentleman has made the basic point here that, and I wanted to elaborate on it and get into it a little bit in detail, because I chose when I got elected to Congress in 1994 to pick to go onto the Committee on Education and the Workforce and to choose that as my first choice, not something that many Republicans do.

Because I wanted to come in and do battle. My background, besides being in the private sector business, I had been a staffer for 10 years for first Congressman and then Senator COATS and was Republican staff director with the Children, Youth, and Families Committee in the House for 4 years, and then worked as legislative director and deputy chief of staff for Senator COATS in the Senate where, predominantly, I worked with a lot of the difficult social issues.

I do not think there is anybody that is going to deny the importance of education or how we need to deal with education. We may have some differences of local, State, and Federal, and we even have differences within our party, and the other party has differences.

We are not really going to question, I do not believe, that the President is committed to education. I was over at the White House for the higher ed markup the other day, and I think he is very committed to certain parts of that education.

But we do have a fundamental question of what is happening right now and why we are here this weekend. The President was up here for the State of the Union Address. We saw what is coming now. He said, we are going to use all the surplus for Social Security. Then, for about 15 or 20 pages, for about 45 minutes went on with spending program after spending program that would have bankrupted this government for the next 10 years.

Just in child care alone, he had, I am forgetting, it was like $20 billion. It was a phenomenal kind of the twofer approach that we are starting to see now.

Mr. DELAY. Mr. Speaker, I think it is called the Clinton pivot.

Mr. SOUDER. Yes. Mr. Speaker, he is moving so fast, it is hard to tell when it is an actual pivot.

Mr. Speaker, then what happened this year, he sent down a series of proposals, as he does regularly, to try to nationalize education. Because his philosophy of education is that, unless he does something, nothing is happening in education, unless it comes out of the President. When he was governor, it had to come out of the governor. But now that he is President, it has to come out of the President.

As they propose these different things, the Democrats did not even pick them up. We heard very little about it in the Committee on Education and the Workforce; occasionally a whine here or there, occasionally a whine on the floor. But basically his policies just lay in state almost.

We went through several major pieces of legislation, the higher education bill, where we worked and wound up with a bipartisan bill that has many important parts to it that was signed last week. We just completed and passed through a bill to reauthorize Head Start, community services block grant, and other things.

We have been working for 4 years trying to get compromises on vocational education and job training legislation. We did Dollars to the Classroom through here. We have been moving education bills, as has been pointed out today numerous times, 25 different bills in this 2-year term.

We have been moving education bills, and the President basically signs them. In fact, the day after he blasted us for not having an education policy, he invited us over to the White House to sign the higher ed bill.

Then yesterday, he blasted us on education. Probably in the next day or two, we will have a signing of the Head Start bill. There is a disconnect here of what is going on. The gentleman very well prepared, I think, the general public for what is going on here.

In the last couple of days, he has refound these education bills. There can only really be two explanations. One is that he realized, contrary to all the grandstanding that we hear, because the process that we hear is, just give us a clean appropriations bill and put nothing on it, and that the Republicans, I heard this on some news broadcast yesterday, again the Republicans want to put additional things on the spending bills.

Why would we want to do that? Maybe because he vetoes everything else that has substantive reform. The only way to do it is to put it on an appropriations bill. But he is doing the same thing. He wants to put unauthorized, which is basically not allowed by House rules, new programs on appropriations bills.

Whatever he is saying about Republicans on pro-life principles and other things, he is doing on education principles. That is point one.

Point two is, as I have pointed out several times today, this looks very much like the "Wag The Dog" movie. I personally do not believe that the movie was very realistic. I do not believe a President of the United States, including in the terrorism incident, would put American lives at stake just for his own political gain.

But I do believe a President would put something like this to try to make us look like we are the bad guys in Congress. I mean, with all due respect to our majority whip, and I do not mean this personal to him because he is a strong conservative, but some of us believe we have already negotiated too much away in this budget, that sometimes our negotiators, probably when they were growing up on Halloween, when they went to the door and said trick or treat, they gave the people the candy rather than the people giving them the candy.

We seem more than willing to surrender in these appropriations bills, yet the President still does not want to deal. Why does he not want to deal? Maybe because today's Washington Post and other papers have "Are the Republicans Going to Shut Down the Government" on the front page, instead of whether or not what problems he has with impeachment, with Monica Lewinsky, with Chinese contributors, and so on.

If I can take one more minute before we engage. One of the issues is national testing, that national testing is something that neither his base likes; teachers do not like it. The blacks and Hispanics are worried they are going to discriminate against them.

Conservatives do not like it because, if you have a national test, potentially every home school or every Christian school, everybody who has concerns about a national test could all of a sudden have a standard that they cannot get into college, they cannot get Federal employment, they cannot get into the military. It could become the standard around the country. We do not know what are going to be in these national tests.

The President every year wants to fight over this national testing.

Mr. DELAY. Mr. Speaker, the national tests, therefore, leads to involvement of the Federal Government in designing curriculum. The gentleman just before us, in the special order before us, was talking about, we do not want to get into the curriculum. Yet, the national testing is the back doorway of the Federal Government designing curriculum for our local schools.

Mr. SOUDER. Absolutely. Mr. Speaker, will the gentleman yield?

Mr. DELAY. Certainly, I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, how could you have a national test? Every teacher with a right mind and every principal would say teach to the test. That means, to teach to the test, they have to have courses that have the subject matter that is in the test. It is not even logical. I mean, anybody with basically about a first grade or a Head Start or preschool education ought to be able to figure that is curriculum.

But I wanted to give a couple reasons this afternoon why the President should actually oppose national testing to see if we can move him in the direction. Because this is the report card for President Clinton the first semester.

If the subject is math, he clearly would get a D minus because he misses basic arithmetic. For example, he sent over ag. appropriations that were less than what he vetoed the other day. I mean, wait a second here. Let us look at the math. This is like blaming us for school lunches when his bill was actually less than we funded in school lunches but then said we tried to cut it.

His math does not work. He can't be for a balanced budget and say our tax cuts are taking away from the surplus. But he can propose surplus. His math is D minus, is a little generous.

In history, we have an incomplete, because, clearly, he is following the Nixon parallel well. He has read up on Nixon. He has got all the things, yell at the special prosecutor, stonewall them, all that down. But he does not understand other parts of history too well. So we gave him an incomplete there.

In citizenship, he gets an F. He fails to grasp the basic concept of a respect for the legal process. The perjury, what you tell your staff to do, that is a clear F.

Health. He fails there with an F. He fails to master the dangers of illegal drugs. In fact, just the other day, apparently we thought we had an agreement on the two drug bills. Senator LOTT now says that, since General McCaffrey agreed with this, the President apparently said General McCaffrey did not speak for this administration, and they want to go through the drug bill piece by piece.

He continues the lack of I did not inhale, all that kind of thing. Plus he relies on lawyers instead of doctors. Basic health, he thinks the way that we get health care reform in this country is to put it in the hands of the lawyers.

In foreign languages, we did give him an A. He interacts well with the Chinese unable to speak English. He has clearly done really well in a lot of the fund-raising from overseas. Nonnationals contributed to his campaign. So he gets a good A in foreign languages.

We should have given him an A in English, too, because he really is precise. He tries to sort out exactly what "is" means. He tries to go through the preciseness of the English language to make sure that he is avoiding saying anything he did not mean.

Mr. DELAY. Mr. Speaker, in fact, he is very good. He is trying to rewrite the dictionary.

Mr. SOUDER. Yes. Mr. Speaker, that is a good point.

In science, we gave him a D. He misimplies census statistics. Clearly he does not know how to count and what the Constitution means regarding counting and what math means there. Sampling is one thing, but when we come down to actually getting a count, sampling does not really work.

Furthermore, he fails on missile defense. Clearly, Moscow is 80 percent protected. We do not have anything protected. He does not understand some basic science there. We could also throw in environmental science in here where he has no real understanding of the fundamentals of the environmental science.

□ 1815

In government, he would get a D. He lacks knowledge of the role of Congress. He was elected, he keeps reminding people he was elected President. We were elected to control the House and the Senate. At some point here, somebody has got to make a deal. We are are all adults. We get upset that we cannot see pro basketball right now. We say, why cannot adults, knowing they have the differences, sit down. It is not like there are any surprises. It is not like they have not been been talking and warning each other for two years. Unless one side has a posturing point here, we ought to be able to sit down and do that. Economics, we give him a C minus. He does not understand tax incentive very well. He does understand what a balanced budget is but, then he wants to spend the surplus. He signed the agreement. Gave him a C minus there.

Mr. DELAY. I might also add, you cannot spend the surplus on tax cuts for the American family, but it is okay to spend the surplus for all his government programs.

Mr. SOUDER. He clearly does not deserve more than a C minus.

Mr. DELAY. You are being magnanimous.

Mr. SOUDER. I try to be generous to the President when possible. In physical education he got an A. He is an excellent golfer and a jogger. No comment beyond that.

In attendance, we have had an attendance problem. We have a serious attendance problem. He spent 153 days this year traveling, 32 for vacation, 57 for fund-raisers and other extraneous events. He has only held two cabinet meetings so clearly we have a focus and attention problem. Just out of the kindness of my heart, we did not put a conduct rating up. In fact, the question is what exactly would you write in a conduct. It would be very hard if you were his teacher to give him a conduct rating.

But given all this, you would think that this would persuade him that he should be against national testing, because with a national test he himself would not be able to pass.

Mr. DELAY. I appreciate the gentleman and his comments. I think he puts it so succinctly and directly that the American people can understand what is really going on here.

Mr. HAYWORTH. Again, Mr. Speaker, there is another aspect to this ongoing saga that we would be remiss if we did not point out. Because as my colleague from Indiana just briefly touched on, there seems to be a tendency in this town for members of the fourth estate, that is to say, the press, to view things with a prism that always and forever supplies a benefit of the doubt to the executive branch and to the administration.

You mentioned that in terms of the alleged government shutdown that may be formulated at this time.

I think it is also important, again, to review the itinerary that we understand the President will follow tomorrow. Tomorrow the President will not be involved in negotiations to end this stalemate. The President will instead first go to Palm Beach, Florida and then follow up that trip with a trip tomorrow night to New York City to fund raise for his political party and for candidates including in New York City a gentleman who serves in this House, who also serves on the Committee on the Judiciary and who entertains ambitions of moving across this Capitol into the other body.

Now, again, I should point out that we certainly know why Washington fancies itself a sophisticated place, sometimes sophisticatedly cynical. But even with the collective mindset of journalists and the punditocracy in Washington, D.C., certainly, Mr. Speaker, we can detect some conflict of interest. Indeed, my colleague from Indiana, in his other position in oversight on the yet another committee, we understand that given campaign finance difficulties of the minority party in this Chamber, apparently in excess of $1 million, some $1.7 million has yet to be refunded that the minority party in this Chamber claimed they would do given the status of those contributions and the apparent illegalities involved. Does the gentleman from Indiana have a comment on that?

Mr. SOUDER. Yes. Hopefully later today we will be talking further about that. In fact, this is interesting, the board that I chose to put the national testing on is one I had earlier of 94 witnesses who have fled the country or pled the fifth.

The problem is that you have to change this part up here a lot. It is now 116 or 118 people. We know that a number of these witnesses, they have had to refund the money, but others are still pending. If they would talk to us, we probably would have a lot more money that has been illegal. As Chairman HOEKSTRA'S oversight investigation of the Teamsters, he sees the same money laundering pattern there. As these things move up, you start to see the same names pop up in different places. They have some real problems. They would like to make this whole discussion of what Congress has been focusing on just about the legal questions or about personal affairs of the President or people in the White House, but the truth is that it is a lot more complicated. It would be nice if some people helped come forward to clean up the process that this government has sunk into.

Mr. HAYWORTH. I thank the gentleman for his comments. Again, I am somewhat amazed and chagrined that now over 100 people, almost 120 people have either taken the fifth amendment or fled the country with regard to this investigation. It only compounds the difficulty that sadly we see in this city within this government, within the executive branch.

As I was looking at the report card offered the President by my colleague from Indiana, Mr. Speaker, I thought about my own children, their educational experience and the fact that our youngest, John Micah, not to be confused with the gentleman in the chair from Florida tonight, but John Micah with an "h" at the end of his middle name, is fond of a new endeavor at school, being a year out of kindergarten and being 4½, something called connect the dots. And it is a metaphor for what is transpiring within the executive branch of this government, to the point where we have moved past connecting the dots in some areas of conduct and, to mix metaphors, we have moved from that endeavor of connecting the dots to Hans Christian Andersen's fairy tale of the emperor's new clothes or the lack thereof.

It is amazing, again, to see the willingness of people to turn away, to actually try, through the punditocracy to distract us, to suggest that constitutional procedures should not be followed, that it really would be better to try and find an unconstitutional or extra constitutional third way that is just as devoid of reality as any fanciful tale you could find in children's literature.

Mr. DELAY. The gentleman is right. I think he has expounded on his premise of where he quoted Paul Greenberg, do not watch what the President says, watch what he does. The gentleman from Indiana, as he says, is on the Committee on Education and the Workforce.

My question is, who is in charge? We do not know who to deal with anymore. We have been here all weekend. We are going into more negotiations tomorrow, and who knows how long we will be here. And again, I tell my colleagues on the other side of the aisle, we will stay here until we get it done. But this whole notion of who is in charge and what he says and how he backs up what he says, we have already talked about the fact that having 100,000 teachers being paid for by the Federal Government would be as successful as the 100,000 cops that they have not funded yet. There are only 58,000 that have actually been put on the streets because nobody, most people do not want to participate.

The gentleman is on the Education Committee. I seem to remember that along with that, the President wants to improve the technology, put computers in every classroom, those kinds of things. In fact, I think his quote was, the budget should also bring cutting edge technology to the classroom, the library.

Does not the Department of Education have a trust fund and they have had a trust fund to bring technology to the classroom and it has been in place for over 2 years. And not one dime has been spent on improving technology in the classroom. So they have this bunch of money sitting out there. That was not good enough.

The President of the United States got the phone companies to raise taxes on phone calls, we call it the Gore tax on long distance, to help fund this effort, and that was not even part of the agreement, when the bill was actually passed a couple of years ago. Another almost shutdown where the President demanded new programs and things like that. But there is money there. There is a trust fund set up, and they cannot even spend it. So they propose a program for rhetorical reasons. They get what they want by negotiating out the final outcome of spending, yet when they are given it, they cannot even implement it. They are so incompetent they cannot even implement those programs.

Mr. SOUDER. I think it is important for those who may not be real C–SPAN junkies who may be watching today, you did not say the President is trying to provide Gortex to people. It is a Gore tax. The vice president has proposed a tax on all American consumers to pay for one of their pet programs. A lot of times when we say it real fast, it sounds like Gortex.

I think you have hit the fundamental point. There is a difference. In my heart of hearts, I believe that the President and the First Lady have a sincere commitment to education. I believe, however, they want to nationalize it. Furthermore, the way they do that is they poll test. I had the unusual experience, when I was working with Senator COATS for 2 years, to work with Dick Morris, who is a very brilliant pollster, but he tests different things to see, and these things get the highest response, even down to the words with the little things on your arm where you try to see which words get the response.

My daughter is an elementary ed and her secondary emphasis in education is preschool education. And as I mentioned, I am on the committee. I also am more of a neoconservative than a particular libertarian. We may have some differences on this, but there is a framework for the Federal Government within to work. That is, if certain school districts, say, in inner city Chicago or New York do not get covered or do not have the property tax base and they do not get covered at their State, we have developed programs at the Federal level, chapter 1, TRIO accounts and so on, to say for the very poor there is a Federal role. We also, because a lot of States and local governments ignore the handicap, have developed a program called IDEA. We developed Head Start. It is not that the Federal Government is not in education.

Quite frankly, almost everybody in this body votes for those particular programs every year. The question is that that was a very particular need. These, I believe, as you stated, are poll driven. Even when the money is there, they do not use it. There is no reason that every school district has to surrender their sovereignty on computers and that type of thing, that there can be, there are plenty of targeted funds that can be better used.

We did far better for this country by balancing the budget, getting interest rates down, getting taxes down in local communities and giving families more money to work with so they can try to make the decisions at the local schools. If we are going to fund Federal programs, it takes a lot of gall for the President of the United States to propose new programs when he has not funded the programs for the handicapped children in this country. If he is going to spend money, he ought to give it to those who are hurting and where we have a consensus, not come up with new gimmicks.

Mr. DELAY. I appreciate the gentlemen from Arizona and Indiana participating in this special order. The insight was very valuable.

□ 1830

MANAGED CARE REFORM AND OTHER TOPICS

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to start out this evening by pointing out that the problem that I as a Democrat and I think most of the Democrats have with what has been happening here the last 2 years is not necessarily that we are not willing to debate with the Republicans on these issues because in many ways I think that what happened today in the discussion that we have had today on both sides of the aisle has been rather interesting. The problem is that on most of the Democratic initiatives which I think are the initiatives that the average citizen is concerned about, we have not had the opportunity to bring them up. We have talked as Democrats about how we want to bring up before the Congress adjourns education concerns, money to modernize our schools, to hire additional teachers, 100,000 new teachers. We are going to talk this evening in the next hour quite a bit about HMO reform. We have talked about the need to address Social Security because we know that eventually down the road there is not going to be enough money in the Social Security trust fund. But what we have found is that the Republican leadership does not allow these things to come up. They do not even allow, and the very debate that we have had tonight in the context of these special orders is not a debate that we are allowed to have on legislative issues because the legislation that deals with these education or HMO, health care concerns or Social Security concerns, we do not get an opportunity to deal with it. The Republicans control the House. The Republicans decide what comes to the floor. And they have basically stalled and not allowed most of these concerns that the American public has to even be considered. That is why we are here tonight on Sunday to debate this, why we are demanding that these issues be addressed before we go home, and all we keep hearing from the other side of the aisle is that they want to get out of here quickly, they think they have completed their business. Well, they have not completed their business. We would like to point that out.

I yield to the gentlewoman from Connecticut who started the special orders earlier this afternoon and who has been our leader on so many of these issues.

Ms. DELAURO. I thank the gentleman from New Jersey. I just wanted to make a couple of points before we start our hour's time here. The gentleman who led the previous discussion here this evening is the third-ranking leader in the House of Representatives, the majority whip. I think it was interesting to note that he commented about the government shutdown 2 years ago. What is quite extraordinary to note is that the government was shut down twice, unheard of in the history of the United States, by the Republican majority because, as my colleague from New Jersey has rightly said, and sometimes people do not understand this, when the party is in power and they have the majority, they control what happens here. You can say anything that you want about the Democrats were in the majority and you could agree or disagree on what they have, but the fact of the matter is that the Republicans control both the House and the Senate. But an interesting point, because he talked about how terrible a government shutdown would be and that is not what they were looking for and that it was the President looking for a government shutdown. Well, I was so stunned by a comment that the majority whip made when the government was shut down 2 years ago that quite honestly I had it blown up and I have it in my office because I could not believe anyone who held such an honor and held a position in this body would say such a thing. It was in a Texas newspaper and I am happy to provide it to anyone who would like to see it. I am not making this up. He said that when he heard that the government was reopened, that it was the worst moment, and I am paraphrasing, the worst moment of his life. He was grilling steaks on his balcony with some other Republican members, and he said, "We should have kept the government closed for as long as it was necessary."

Now, he has the luxury of saying that because he was earning a salary while the government was closed and people who were furloughed or laid off had no idea whether or not they were going to get their salaries, and the hundreds and hundreds of services that are supplied by this United States Government were shut down. So that he truly is someone who, in fact, was pleased that the government was shut down in the past, and I hasten to view that he would not mind if that happened again. That is where they are going.

I might also make just one more point. We are talking about how this Republican majority, how they legislate and the reasons for what they do and how that is tied in to special interest money. There is a big argument, if you will, a feud, GOP Feuding About Lobbyists. The point here, and it is in the papers here, again the majority whip is locked in a feud with the chairman of the Republican Conference because what they want to do is to dump the choice of president of something called the Electronic Industries Alliance. The long and the short of it, the person that is scheduled to become the president of this organization is a former Member of the House, Representative Dave McCurdy, who is a Democrat from Oklahoma. Essentially what they want to do, and this is by their own admission here, this is a quote, they want to send a message to this EIA that Republicans will not deal with trade associations and lobbying groups run by Democrats. Now, this is a quote by John Linder who is the head of their Republican Congressional Campaign Committee who says, quote, we think they, "they" being the trade associations, et cetera, ought to look back and see who won the last couple of elections. And Mr. Linder confirmed that Republican leaders held intellectual property legislation, that means that our patents, all of our inventions, that laws restricting foreign governments, speaking of foreign governments, Chinese, everywhere where they are stealing our intellectual property around the world. What he is saying is that they held the legislation hostage that would have restricted foreign governments from stealing our intellectual property. He confirmed, "Republican leaders held intellectual property legislation favored by these EIA members hostage, quote, to send a message, that if you don't play by the Republican rules and don't do business with the Democrats, we are not going to pass legislation and you are not going to be able to get anything done up here." That is the way this Republican majority is dealing, fast and loose, fast and loose with the lives of the people in this country. It is on intellectual properties, it is on tobacco, 3,000 of our kids start to smoke every single day, a thousand of whom die. And they refused to pass tobacco legislation in this body. They are the single biggest recipients of tobacco dollars in the country. So who are they kidding when they talk about what they want to do for the American public? It was Mr. DELAY, it was Mr. GINGRICH who said, "There isn't enough money in our system. That's why we cannot pass campaign finance reform." And it was the Republican leadership of this House who said take Social Security dollars and squander them away.

Mr. PALLONE. "And let Medicare wither on the vine."

Ms. DELAURO. That is right.

Mr. PALLONE. That was Speaker NEWT GINGRICH's quote.

Ms. DELAURO. I believe it was Mr. ARMEY, the second-ranking member, who said Social Security is not a system that ought to be in existence or that we ought to have a part of. We need to remember some of those things.

In terms of public education, what we were talking about before, they would just as soon see public education come crumbling down and take public education and take those dollars and put them in the hands of the very few and the very rich and take away our birthright to education in this country.

Mr. PALLONE. I want to introduce the gentlewoman from California, but I just wanted to follow up on one of the things that the gentlewoman from Connecticut said. I am glad that she brought up this issue of Mr. DELAY, his remarks that he made when the government had been shut down by the Republicans and he regretted the fact that it was not shut down longer. There is a basic difference of philosophy here, or ideology, and, that is, that this Republican leadership does not believe in the government essentially, and they believe that it is better if the government does nothing. I have had many Republicans on the other side of the aisle the last couple of days say, "Well, it doesn't matter if we're labeled as the do-nothing Congress because a do-nothing Congress is better." Many of them actually believe that. They do not look at the concerns that we have for the health and the safety and the protection of the average American as something that is actually positive. Remember that the issues that we feel that they should be raising, managed care reform, as far as many of them are concerned, there is no need for managed care reform because they do not have a problem with the insurance industry basically running roughshod over the American people and not providing medically necessary procedures and operations and length of stay in the hospital that a person needs to provide for adequate health care.

As far as education issues, I think the gentlewoman is right when she says that for many of them they would just as soon not have public education. So when we talk about modernizing school or class size, that is not their concern. They want more students to go to private schools. They are not concerned about public education. When we talk about Social Security, we have heard some of these same leaders say that Social Security was a bad thing from the beginning, so they are not concerned about whether or not we bring up efforts to try to shore up Social Security. She mentioned teen smoking. The same thing. Let the tobacco interests sell whatever they want to whomever. That is laissez faire. They believe that. They are not going to have us play some role in trying to protect young people or teenagers from smoking. And on down the line. Minimum wage. They do not want to raise the minimum wage. We have had to fight that so many times. Every time it has been raised here, it has been a battle by the Democrats to try to raise minimum wage. As far as they are concerned, there is no need to deal with that. For them to talk about how they really care about these issues, they do not care about these issues, they want to go home and they are proud of the fact, many of them, not all, but many of them that this is a do-nothing Congress. I yield to the gentlewoman from California.

Ms. WOOLSEY. I thank the gentleman from New Jersey and I thank the gentlewoman from Connecticut for this day of standing up for the rights of the minority party. I was listening to the majority whip yammer along about the fact that blaming everybody else for this being a do-nothing Congress. Of course if he had anything to say about what they had achieved, they would have stood there and told us what they had done. Instead, they talked and talked and talked about why nothing had happened and pointed fingers and blamed others. If they had managed this Congress any better than the Soviets managed Chernobyl, they would have something to say. If they had been working on the American public's needs instead of trying to raid Social Security, trying to cut taxes so the wealthy could benefit, trying to give education tax breaks for private schools, cheating the public education funding and threatening our national resources with anti-environmental riders, maybe they would have achieved enough that they could have stood up there earlier and said, "But this is what we did." But instead they had to say, "Oh, it's everybody else's fault, not ours." I will quote the Vice President in his saying, "The right hand does not know what the far right hand is doing," if they had their ranks together. They are the majority. And at what cost have they left this country without really anything except renaming National Airport to the Ronald Reagan Airport. They have not produced a managed care bill. There has been no bill to train and hire more teachers so we can reduce class size. They have no bill to modernize our schools, no safeguards for our Social Security, nothing to reduce teen smoking, no increase in minimum wage for working families, and the campaign finance bill that passed the House over their dead bodies, if Members can remember what Majority Whip DeLay said and what the Speaker said about campaign finance reform. And then when we did pass it, it could not get through the Republicans in the other body. They forget. They forget that children, 25 percent of our population are 100 percent of our future. Because of that, they are setting a record, a record that has not been broken for generations, for the least amount of days worked, the least number of bills enacted and the first time since the budget process was created, they have failed to pass a budget. This is not management. This is disaster. That is why they are complaining over there and trying to blame somebody else. But our families deserve better. It is time for a change.

Let me tell you how this has affected our children. 71,682,000 of our population in the United States are children. 10,000,743 more American children have no health insurance, that is up over 10 million from the start of this Congress. This number has continued to rise during the 105th Congress. It continues. Five thousand schools in the United States are in desperate need of repair and many are unfit learning environments.

☐ 1945

Zero, none, of the 100,000 teachers needed to reduce class size and improve education quality have been approved; 14,113,000 children are living in poverty. This is in the richest Nation in the world. Despite a very strong economy, children continue to represent 40 percent of the impoverished while compromising only 20 percent of the Nation's population, and yet we have to remember 100 percent of the Nation's future. Seventy-three percent more children have taken up a daily smoking habit. Each day 3,000 kids become habitual smokers. Of these 1,000 will die of smoking-related illnesses.

It is time that we turn the debate to the needs of our children, our seniors, our environment. Enough about politically inspired investigations, and excessive partisanship and wasteful spending on duplicative and wasteful Republican committee investigations that have ended in dead ends, costing millions of American dollars. Instead, we have to do something about managed care reform. We have to have campaign finance reform. We have to have bills that will reduce teen smoking. We have to have bills that will enhance environmental protections. And we must raise the minimum wage. Then our children will be considered our number one priority. But most of all, making them our number one priority, we must invest in their education. We cannot leave here without an agreement for 100,000 more teachers and new and improved classrooms.

Twenty-five percent of our population are our children. One hundred percent of our future are those same children.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman, and I wanted to point out tonight, if we could just spend a little time on the issue of HMO reform, because all three of us went over to the Senate; I believe it was a couple days ago now when the democratic majority leader Mr. DASCHLE tried for the last time, and he has tried many times, to bring up the issue of HMO reform or the Democratic, really bipartisan, proposal that we call the Patients Bill of Rights. And many of us in the House, the three of us included, went over to the Senate and basically stood in the back of the room to show our support for the effort to bring up HMO reform, and, as you know, it was a defeated. We had a couple of Republicans that joined all the Democrats, but not enough because we do not have the majority to bring it up and to discuss it.

Again, we were only asking that the Senate take up the issue on the floor. The issue of whether they passed something, the Patients' Bill of Rights or any kind of managed care reform, never came up. Again, we are just asking that they consider these things as part of the debate, and that was denied, and that unfortunately probably means the death knell of that issue in the Congress for this year.

What I wanted to point out very emphatically, if I could, is that what the Democrats and some Republicans, this is not just a Democratic issue, but it is something opposed by the Republican leadership; what the Democrats are asking for are very simple common sense protections.

Most people, when I discuss this with them, unless they have had a problem with their HMO, you know, because maybe they have been healthy and have not had to deal with this, they think that these things are already there. They are surprised to learn that these protections do not already exist, and just to give you an idea, I just listed some of the main ones here that we would like to have provided for all patients, all Americans, is guaranteed access to needed health care specialists; if you need a specialist, that you should be able to get one; access to emergency room services. Many people go to the emergency room and are either turned away or find out later that their health insurance will not cover the emergency room care. Continuity of care protections, access to timely internal and external appeal; if the HMO or insurance company denies you a particular procedure, then you should be able to appeal that and have it overturned. Limits on financial incentives to doctors. Unfortunately, and many people are surprised to learn, that doctors in many managed care organizations are actually encouraged and given extra money if they limit the number of people that are provided care, assuring doctors and patients can openly discuss treatment options. Can you imagine? I do not think there is anybody probably who thinks that there is anything out there that would deny doctors and patients the right to openly discuss treatment options. We live in a free society, we value the first amendment, and yet many of the HMOs tell their physicians that they cannot talk about treatment options that are not covered by the health insurance. It is called the gag rule, which is un-American. Assuring that women have direct access to OB/GYN; I know that Congresswoman DeLauro has been very much involved with that and some of the other issues that women have been denied by their insurance companies, various types of care, and lastly an enforcement mechanism that insures recourse for patients who are maimed or die because of health plan actions. Many people do not know that if their HMO denies them a particular type of care and they are seriously insured or die from it, that they cannot sue the HMO. Well, they should be able to.

We are just pointing these things out because we think that every American should be guaranteed these basic protections. But if we do not enact them into law, if we just proceed with this do-nothing Congress that says that the government does not have to do anything, you know laissez-faire, or whatever the term is, then we have a situation where these insurance companies simply deny care, decide what is medically necessary, and you have no recourse, and that is what we are trying to prevent.

Mr. Speaker, I yield to the gentlewoman again.

Ms. WOOLSEY. Well, you said that maybe some of our colleagues have never experienced the shortcomings of managed care because they are healthy. Well, oops, maybe it is because they can afford other coverage. It might have something to do with people being wealthy, and I think we have to remember that, and we have to continually remember that if an appeal process does not have real teeth, it is not an appeal process.

There is some very good managed care providers in my district, the Sixth Congressional District in California. I mean they are models for the Nation. But I tell you we can be assured that even these good managed care providers are going to have to give up some of their quality, some of their standards if we do not have real reform because they will have to compete, and they will be competing against providers that do not do as well, do not do as much, do not have protections, and everybody is going to lose because we will be slipping sliding to the lowest rung of the ladder; there is no question about it.

We have to have real managed care reform, and the doctors in my district want it. They want to be part of making the decision about health care with their patient. They do not want to have to be listening to what a clerk in an insurance company is telling them that they can to or not do for their patient. The patient and the doctor want to make those decisions, and the insurance company is responsible for paying for it.

Mr. PALLONE. I want to thank the gentlewoman and yield to the gentlewoman from Connecticut.

Ms. DELAURO. I think that this is such an appropriate discussion, and it is such an issue that is on the minds of the American people, and that is what is being flaunted here. It is not us. It is about what the American people have talked about in terms of the whole managed care system which they find is out of control.

There was a recent Times CNN poll that found that 76 percent of Americans support managed care reform. Only 41 percent said that they were very confident that their health care plan would pay for their treatment if they really got sick. And now you have another, and most people, and I think everybody saw it, As Good As It Gets, the movie where there is the great applause line when Helen Hunt expresses her frustration with the HMOs and managed care because people feel that that is out of control, that they, in fact, have no way of being able to handle this system.

More recently we have found that the HMOs are pulling out of Medicare and leaving seniors on their own. It has happened in my State of Connecticut where we have 12,000 people now who are, you know, trying to scramble around for what they are going to do for their health care. Now, it is not only happening in Connecticut, it is happening all over the country. So, the fact is that the public truly knows that the managed care system is out of control.

Now we tried to address that, as both my colleagues have pointed out, with a very simple set of guidelines, if you will, in which my colleague from New Jersey mentioned about emergency room care, and speciality care and continuity of care if your employer changes plans, and employers change plans every year now.

Just interesting to note that that was a bipartisan piece of legislation. There are lots of folks said if we can put the bickering aside and do something on behalf of the American public, let us set the record straight. It is a bipartisan piece of legislation. Dingell, Ganske, a number of other folks including the gentleman from New Jersey who worked very hard on this issue that could have passed this House in a heartbeat. But go back to the notion that who was in charge? Who has the jurisdiction to bring up the legislation? Who has the jurisdiction to hold hearings?

Three days of hearings on the issue of managed care reform; contrast, 63 days of hearings on politically-motivated investigations. More to the point: 2 days of hearings on renaming National Airport the Ronald Reagan Airport.

Now for 3 days, only 3 days for our health care system, they finally passed; they brought up after months and months, they passed this sham bill, sham bill, and I just want to mention it because they will come up and claim that they passed a HMO bill, but let me just say that it makes things worse, the bill that they passed. It does not guarantee coverage of emergency care, it does not guarantee privacy of medical records. That is your medical records which today is such a problem with regard to employment or with regard to insurance coverage can be given away to anyone without your knowledge. It would not guarantee access to specialists, it does not guarantee the continuity of care if your doctor is arbitrarily dropped from the plan, does not hold health plans accountable for their decisions when things go wrong. And above all, above all, it will not give the power to decide what is medically necessary to your doctor.

That is the fundamental reason people want to see health, managed care reform because of they want doctors to make the decisions along with them, with themselves.

Again, this is thwarting the will of the public, it is thwarting the will of the majority in both the House and in the Senate, and they recently, just 2 days ago, defeated managed care. That is not the way that this place should be operating. We are here to represent people's interests. We are not for political reasons to thwart the will of the people particularly on their health care and their health and their safety.

Mr. PALLONE. The gentlewoman points out, makes a very good point I should say, with regard to the HMO reform, and that is that, as we know, back in August, there was so much heat, if you will, on the Republicans to deal with the issue of managed care reform, so many constituents who were clamoring that they take up the issue that they finally did just on one day with a very brief debate on the House floor allow the issue to come up. But what they did as a result of that was to pass a bill that was actually worse than the status quo.

I have not been dwelling that much on that, although I think we should talk about it a little bit because when it went over to the Senate, they would not even take that sham bill up. So we are faced in a situation now where they will not even bring it up again because they think that, you know, circumstances have changed and the public is not paying as much attention to that, which I think is garbage. There is no question that the public is still very much concerned about it.

But if we can just take a minute to elaborate a little more on this sham bill that they brought up, and I think you pointed out this issue of medical necessity which is really the heart of this debate because when we say that a person is not getting care, it is usually because they are not allowed to have a certain operation or they are told they cannot stay in the hospital more than 2 days for a certain procedure, and so the decision about what is medically necessary in that case, just to have the operation or to stay the extra few days, is essentially made by the insurance company.

□ 1900

What the Democratic or bipartisan, if you will, Patients' Bill of Rights says is that medical necessity will be based on generally accepted principles of professional medical practice.

So it goes back to what the physicians and the physician groups say is necessary, as opposed to what the insurance companies say. They do not change that in their bill. They simply say it is up to the insurance company to decide what is medically necessary.

This kind of trickery goes on for just about everything in their bill. Emergency room care is another example. You can theoretically go to any emergency room under the Republican bill, but there is no guarantee that the insurance company is going to pay for it.

We use this example of severe pain, because under the Democratic bill, we use a lay person's standard, a prudent layperson. Obviously the prudent or typical citizen, if you will, if they get severe pain in their chest, figures they had better go to the emergency room because they may be having a heart attack.

Under the Republican bill there is no guarantee that severe pain is a basis for your getting emergency room care. You could go to the emergency room with what you think is a heart attack because you have severe pain, and, if it turns out you do not have a heart attack, they do not pay the emergency room.

Ms. DELAURO. If you survive, they do not pay. Only if you die.

Mr. PALLONE. I just want to mention one more example. We laugh, but it is not funny; but it is ridiculous when you think about it. I talked about the gag rule before where they do not allow or many of the HMOs do not allow the physicians to talk about procedures that are not covered by the insurance plan. In the GOP bill, a health plan would still be allowed to restrict communications between doctors and patients, because their bill only prohibits gagging doctors who contract directly with the HMO plan. What they do not tell you is that most doctors subcontract with health plans and their bill does not prohibit plans from gagging doctors who subcontract with plans.

So here again we have got all these little quirks in their legislation, little exceptions and things that turn out to be big exceptions that still impact the majority of the people.

There are similar things with the financial incentives, where most insurance companies can still create financial incentives for doctors who do not provide care.

So, again, I have not stressed this too much, because I would have at least appreciated if the Senate would bring up any managed care reform bill and let us debate the issue the way we have tonight in this special order. But we did not even get that. So there is almost no point in talking about what should or should not be in the bill, because they will not let us bring the bill up.

I yield to the gentlewoman from California.

Ms. WOOLSEY. We should not be surprised, because a year ago, November 1997, let me read to you from the New York Times.

> Business and insurance lobbyists who helped kill President Clinton's health plan in 1994 are mobilizing a new campaign to block more modest proposals that would set Federal standards for quality of care. Republican leaders of Congress are urging the lobbyists to step up their activities against an array of managed care reform bills, backed by consumer advocates as a way to protect patients in a turbulent medical market.

That was the first. Then the times reported on October 22, 1997 that Melody Harnad, a Federal Affairs Counsel at the Health Insurance Association of America, summarized the situation in a confidential memo to her supervisor, the vice president of the association, and she said,

> The message we are getting from the House and Senate GOP leadership is that we are in a war and need to start fighting like we are in a war. Republican leadership is now engaged on this issue and is issuing strong directives to all players in the insurance and employer community to get activated.

Well, I would like to say that there was a lot of fear in 1993 when I was first sworn into the House of Representatives, a fear of a single payer national health care system.

Well, I think we are going to get there sooner than we ever thought, because, with attitudes like this, the public has to be fearful that they will have health care in their future, a national health care system could protect them and will.

Ms. DELAURO. If the gentlewoman will yield for one second, because I think it is interesting, and this is a quote, because we started talking earlier about how special interest money plays into this effort. It happened, as we pointed out, with tobacco, and there was a $40 million ad campaign by the tobacco companies to defeat tobacco legislation, and they succeeded. They succeeded.

Now, this is what Senator LOTT said, that the Senate Republicans need a lot of help from their friends on the outside. "Get off your butts; get off your wallets."

Then we see another $40 million ad campaign by the group of votes here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members must not make personal references to members of the Senate.

Ms. DELAURO. Mr. Speaker, then the leader of the other body, that was his quote, so that in fact what you understand here is that they wanted their folks to get up, get their money out there, and defeat managed care reform. Another $40 million ad campaign to defeat managed care reform, one of the single biggest issues that the American public is trying to grapple with today. It just reinforces the point of how this Republican-controlled Congress is dealing with legislation that faces people.

Ms. WOOLSEY. Taking my time back, it worked. Did it not work? We do not have managed care health reform in this Congress.

Now we have to change it. The people of this country have to know what is happening, and I thank both of you for making this possible so we can speak to the issues and the people who are listening can hear the issues, and we can be moving forward. We need a Congress that cares about health care, our seniors, our children and our environment, and this Congress and its majority does not.

Mr. PALLONE. I want to thank the gentlewoman. Let me talk a little bit more about health care, if I can, and then maybe we could also bring up this whole debate over Social Security, if you would like, because I think that is another one of the major points that I feel needs to be addressed and that the Republicans have gone on off on a totally different course.

I was so glad when you mentioned about the President's health care plan a few years ago, because, if we remember, at the time the President brought up his proposal for universal health care, it was a different proposal. It was not a single payer system, it was a different approach. But, nonetheless, he was responding to the fact that so many Americans, and more Americans every day, did not have health insurance.

Many of the issues that we have brought up are sort of aspects of that. We talk about managed care reform, we talk about portability, we talk about preexisting conditions, about people being denied care. But, most important, the President was addressing the fact that more and more Americans do not have health insurance.

What we have found since the President's plan was defeated by the special interest lobbyists and their multimillion dollar campaign was the number of people that have no health insurance has gone up. There was a report that came out just a few weeks ago that had an all-time high, it was over 40 million Americans, 42 or 43 million Americans have no health insurance. So we know the concern he had then was a legitimate concern, and, in fact, the situation is getting much worse.

Now, we have tried sort of dragging and kicking to get this Republican Congress over the last few years to address some of these concerns. We did manage to get a kids health initiative passed last year. But what we found, in fact, we had a hearing just a couple of weeks ago in the Committee on Commerce on the kids health initiative, because that initiative came out of the Committee on Commerce and was also another focus of our Democratic Health Care Task Force, is that although we were now on the way to ensuring about 5 million more young children, that the number of uninsured children is rising at a much more dramatic rate than it was when we were trying to address this kids health initiative. So as fast as we are with this new program trying to ensure more kids, the number of children uninsured is growing even larger.

The main reason for that is because so many people who are working, and we are not talking about people who are on welfare or eligible for Medicaid, we are talking about families that are working, who cannot get health insurance for their kids because more and more employers are not providing for health insurance, are not given the opportunity for health insurance on the job.

I have always felt what we needed to do was somehow encourage more employers to provide health insurance. I do not know how you do that, whether it is a mandate or through some tax incentives or whatever, but the HMO reform, as important as it is, only helps those who already have insurance. The numbers who do not have insurance continues to grow.

This Republican Congress, it just ignores this whole health insurance debate, and essentially, as Ms. DELAURO said, is basically just in the pockets of the insurance industry, and they do not want any of these reforms to take place. They just do not want to hear it, every aspect of this health insurance debate.

We are at the end of this session. We are not going to be able to address most of these things. But we cannot let them go home, we cannot let them go home without addressing some of these concerns, whether it is HMO reform or the education initiatives or some of the other concerns that we have brought up here.

As I said before, with all the things I think should have been done in this Congress, if I was able to say that I only stayed here a few more days and was at least able to get the school modernization program passed, I would be happy and say okay, "let's go home." But, right now, they are not willing to address any of these things, and we just have to keep pointing it out over and over again.

Ms. DELAURO. I think the gentleman is right. Also, just because of what they will say on the other side of the aisle, I would just say this: There are reasonable people, as I said, because the managed care reform bill was a bipartisan piece of legislation. It was the leadership who will not bring it to the floor. I think that is critical, because this is not bickering back and forth. We could have done this. We had enough votes.

Mr. PALLONE. If I could just take my time back a second, you remember that we have our Democratic Health Care Task Force, but the Republicans had set one up also, and they had come forward at some point in the summer, early in the summer, with a patient protection bill that was very similar to the Patients' Bill of Rights. Some of the people on there had actually endorsed the concept of our Patients' Bill of rights. But when Speaker GINGRICH got a copy of that thing, he immediately said, "No way. We are not going ahead with this." He obviously showed it to the insurance industry and they said, "No way, this is much too protective of the interests of the patients," and he told them literally, "Go back to the drawing board."

They went back, two or three more weeks, and they came out with this awful bill that they eventually brought up in one day.

Ms. DELAURO. That is precisely the point. Let us listen to the public. We reflect their interests here. We put a piece of legislation together. Let us get it passed.

The other thing they would say is that this was going to drive the cost of health insurance sky high and make it unable for people to pay for.

Wrong. The CBO analysis, Congressional Budget Office analysis of the Patients' Bill of Rights of 1998, was it would have only a minimal effect on premiums, with most individuals paying only about $2 more per month for all of the protections that have been cited in the past. So they should not have said that.

Mr. PALLONE. If you remember, we had many of the Members of the Texas delegation, and these are not ideological liberals by any means, Democrats, many of them of conservative ideology, who had the experience in Texas where Texas passed a Patient Protection Act, and it was very similar to what we want at the Federal level. The results are already in and show that the cost is practically nothing. I think it was like 34 cents a month or something like that.

One of the reasons that the cost was so minimal, and this was brought out by one of our task force hearings where we had someone testify from some of the Texas organizations that were involved, was because it led to prevention. In other words, it was sort of like what Congresswoman WOOLSEY was saying: Once the HMOs have this sort of floor that they have to provide these basic protections, they are very careful to make sure that the level of health care that is provided is of good quality, and you have preventative measures taking place so that you do not get lawsuits, you do not get all these problems that result from the current system, because they know they are being watched, and it actually cuts the costs down considerably.

Ms. WOOLSEY. One thing I would like to call to everybody's attention is that these 10 million children that are not covered, more than 80 percent of them live in families with at least one working parent.

□ 1915

That is a huge number. We are not talking about welfare recipients, we are talking about the working poor who work every day as hard as everybody else, or harder, at maybe more than one job, and they cannot afford health care for their children. One of the reasons that businesses do not provide it is that health care costs are going up again.

One of the reasons we supported HMOs in the first place, and HMOs were going to be the savior for health care, is because the cost of health care leveled as the number of HMOs grew in this Nation. Now we have passed that nexus. Health care costs are going up in rapid, rapid numbers, and the quality of the HMO is going down, so we have to put that floor. That is what HMO reform would do, managed care reform. I thank the gentleman.

Mr. PALLONE. Mr. Speaker, I know we only have about 10 or 15 minutes left, but if we could just spend a little time talking about the Social Security issue and what the Republicans tried to do a few weeks ago with regard to these tax breaks for the wealthy versus Social Security, because this was very disturbing to me.

We passed the Balanced Budget Act last year. For the first time in a long time, this year there was a bit of a surplus in the budget. However, when we look at the budget, we realize very clearly that that surplus is totally the result of money that has been set aside in the Social Security trust fund, because at some time down the road that trust fund money is going to be needed to pay out benefits to senior citizens. We know that at some point, even more money is going to have to be available than what is set aside in the trust fund years down the road.

But they had the audacity a few weeks ago to suggest and to actually pass on the House floor a bill that would take money from the surplus for tax breaks, a lot of which, from what I can see, would just help wealthy corporations. But regardless of who it helps, they would be taking this money out of the Social Security Trust Fund. They actually had to change the House rules or get around the House rules because the money was coming directly from the Social Security Trust Fund.

When I talk to the senior citizens in my district, I do not even have to explain this to them. They know it right off the bat. They understand. They become very upset, because if we start skimming this trust fund, we are going to aggravate the problem that we already have in not having enough money to pay out benefits in the future.

Then what is going to happen is the pressure is going to be on to reduce benefits, either by raising the age or eliminating the COLA or somehow changing the Social Security program. That gets back to what the gentlewoman from Connecticut (Ms. DELAURO) was saying again; this Republican leadership does not care about

Social Security anyway, so that probably fits into their scheme.

I am thankful at least, in this case, that the Senate did not take up this terrible bill. It just goes again to show the kinds of things we have had to deal with and the kinds of things we have wasted our time with in this Republican Congress.

Ms. DELAURO. When we voted, I know the gentleman from New Jersey (Mr. PALLONE) did and the gentlewoman from California (Ms. WOOLSEY) and I did, we voted for tax cuts. We all support tax cuts. We voted for the tax cuts, and we said that they would go into effect when there was a law in place that would make sure that the Social Security system was solvent. Because in fact with this opportunity for a surplus, the Social Security Trust Fund surplus allows us to have the surplus, so in fact you are using the surplus and then shortchanging Social Security.

We vetoed four tax cuts. I support tax cuts. Men and women are working hard today. Families are literally throwing every hour that they have into the workplace, and they are barely staying even. We need to do that.

However, the point was, let the tax cuts go into effect when we are sure that Social Security is solvent, so the beneficiaries today will keep getting their benefits, and, if you will, my generation, the gentleman's kids' generation, will have the opportunity.

I want to just tell the gentleman why, because this is critical. Social Security is 60 years old. It has been one of the major success stories of this country. We have men and women who are working hard all their lives, and now for their financial security and their retirement years they rely on Social Security. Today two-thirds of America's seniors rely on Social Security for over one-half of their income.

That is staggering, and is why we cannot be political with Social Security. Social Security, we cannot play fast and loose with it. It has to be a thoughtful and reflective process. We have the opportunity immediately to take a look at this potential surplus in order to be able to make it solvent over the next 75 years. This is going to be the critical issue in the next session of the Congress.

There are going to be a number of issues that are going to come up, such as privatizing Social Security, which is something that I lean against, because the other piece, which is important to note, Social Security provides for a guaranteed annual income for these two-thirds of seniors who rely on Social Security for over half of their income. There is a guaranteed annual income.

The privatizing solutions remove that guaranteed annual income, so we need to be very, very careful with it. That is what we were saying by that vote a couple of weeks ago in this body: Let us not raid Social Security, let us make sure it is safe for the next 75 years. Then, yes, let us move to tax cuts, targeted tax cuts for working families today in this country.

Mr. PALLONE. Again, the biggest concern I have is that so much time was wasted on this debate. The Republicans basically knew this was going nowhere, so what happens? We are back here again today. They have not accomplished anything in terms of trying to achieve any of these goals relative to education, HMOs, or Social Security.

The issue is how to deal with Social Security in the long run and try to shore up Social Security for the future. Instead, they waste all this time again, forcing us into a situation where we are going to be back in session here tomorrow. There is no budget, there is so little time, and basically they are saying, look, do not worry about it. Go home. A do-nothing Congress is fine with us. We take pride in it.

It is just very upsetting. I think the only thing we can do is keep doing what we are doing now, keep demanding something be done. Mainly, I think the education initiative is something we can try to achieve over the next few years.

I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I, for one, am embarrassed at how little this Congress has produced. I would think the leadership of this Congress, of this House, would be red in the face when they look at themselves in the mirror.

I, too, voted for Social Security first and tax cuts afterward. But I want to tell the Members, I represent if not the, one of the best-educated districts in the Nation. They know about this stuff. They have been saying to me since the day I was elected in 1992, when is the Congress going to pay back what this country owes our Social Security Trust Fund? I have said, it is going to be paid back. We are on our way to a surplus. It will happen then.

I am telling the Members, it had better happen, because if we do not, not only are we putting the Generation Xers and the baby boomers at risk, we are putting our national debt at risk, because a great percentage of that national debt is what we owe back to the Social Security trust.

It is a win-win. It is a two-fer, if we take care of Social Security. We need to get Social Security off-budget. Social Security deserves to stand on its own. It must be secure. I will not fool around with privatizing Social Security, but I certainly would encourage people to have a base, and we have to find a way to encourage people to invest more. We cannot just depend on Social Security for our retirement, because that is not enough. It is not intended for that. It is intended for a safety net. So, Social Security first; tax cuts, yes, particularly for middle-income working families, next.

Mr. PALLONE. My fear is that in the same way, and I do not know when it was, I think it was in the seventies or maybe eighties before any of us were here in Congress, that the Congress actually passed a law raising the payroll tax on Social Security to make sure that there were enough benefits. That is my fear.

In other words, what is going to happen here is if this money from this trust fund keeps getting siphoned off for these tax breaks or whatever it happens to be, then 10 or 20 years from now, the next Congress or future Congresses will be faced with actually having to raise taxes in order to pay for the benefits.

What we are doing now, or what the Republicans are doing now, is taking that money away, or they are not succeeding, but they are trying to take it away for tax breaks, and they are going to make future generations possibly pay more taxes to make sure that money is there. That is the possibility we could have down the road.

Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Speaker, I just want to say, and it kind of sums it up for me about this Congress, it is really the political equivalent of the Maytag repairman. The Maytag repairman's phone never rang because nobody ever needed his help.

Our phones are ringing off the hook here, but we have a Republican Congress that refuses to pick up the line. All the Democrats are saying on these issues is, let us answer the call from the American public.

First and foremost, we have talked about HMO reform, we have talked about saving Social Security, but what we are asking for in these next several days while we are here is education reform. Let us reduce the size of classrooms, 100,000 teachers in grades 1 through 3, and let us in fact modernize our classrooms, provide those tax credits to local government, so that they can float the bonds to build the schools, and it will bring down their own property taxes, if you will. Let us do that for the good of our children. That is what we are claiming to want to do in the next several days.

We can talk all we want about what has not been done. We have a few more days. This we can get done. I think we have an obligation to go for it.

Mr. PALLONE. Mr. Speaker, I agree with the gentlewoman. I regret to say that HMO reform is dead, and that there is no opportunity here to really deal with the Social Security issue anymore, because they have run the clock.

But at least over the next few days if we can get the budget to include these two education initiatives, the modernization of the schools and the 100,000 additional teachers, then at least we can say that we have accomplished something before this do-nothing Congress goes home. We are just going to be out there every day saying that. We are not leaving. We are not leaving this place until we get some response from the other side of the aisle on these two issues.

Again, I started off today by saying that when I was back in New Jersey in my district and I was at an event, this is what the people were talking about. I had a lot of educators there, I had a lot of elected officials on the local level, and as the gentlewoman from Connecticut (Ms. DELAURO) was saying, they were saying they need to modernize their schools, and they cannot do it. They cannot get the bonding. The cost of the interest rate on the bonding is so excessive that they either cannot do it, or the taxpayers are upset because of the amount of money that is involved.

We need to address these issues. I know the gentlewoman has the dozen education initiatives that they failed to do. I wish the gentlewoman would go over that.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I would be happy to. This is the dirty dozen that the Congressional Republicans wanted to do to our public schools: eliminate the Department of Education; divert billions of dollars in public school funds for private school vouchers; cut school lunches for poor children; block-granting critical education programs, and when we block-grant those programs, we eliminate programs, and there is no accountability by the Governors as to where that money is being spent; ending equal opportunity in higher education; tax cuts for wealthy taxpayers who send their children to private schools; eliminating summer jobs; eliminating school-to-work; ending school interest subsidies for student loans; eliminating safe and drug free schools. That is the litany, that is the legacy of this Republican Congress.

Mr. PALLONE. Hopefully, we can get something done before we adjourn.

□ 1930

PRIDE IN THE UNITED STATES CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 60 minutes.

Mr. SCARBOROUGH. Mr. Speaker, before I begin and respond to a lot of things we have heard, and there is an awful lot to respond to, I want to say a couple of words about two people that were in the news today that all America needs to remember.

First of all is Clark Clifford, who was a wise man to many Presidents. He helped Harry Truman in dealing with the union crisis also certainly helped LBJ in Vietnam. He was a good public servant. He was a wise man. Any clouds that may have come over his life in his waning years certainly are insignificant compared to his public service.

Also we need to be thinking about Matthew Shepherd. He was a young college student who was brutally beaten a few days ago. I find it kind of ironic that Amnesty International this past week issued a report talking about human rights in America the same week that this happened.

While it certainly was not sanctioned by this government, I believe all of us who are public officials must do all we can to publicly condemn these type of actions. Certainly all of America's prayers need to be with Mr. Shepherd today.

There is also obviously strife in the District of Columbia as we have heard. It has always been that way, I guess, from the time that our President Adams, our second President openly loathed our third president Thomas Jefferson. This is a bit of tradition in Washington, but those two gentlemen learned how to disagree without being disagreeable.

Unfortunately, as we have heard today, that has just not been the case. We need this honest debate. There are differences. But I am continually disappointed by the tone of the rhetoric from the other side.

This is what I heard just about 15 minutes ago, quote, "the Republican majority does not care at all about America's health care, about our children's education, or about the environment." This is not quite as bad as the last session when I think I was called a Nazi because I was a Republican probably about 5 or 10 times by the minority because they disagreed with our efforts to balance the budget. This shrill rhetoric does nobody any good.

I have a question to ask. Who says I do not care about our children's educational system, when I have got two boys in public schools back in Pensacola, Florida, just because I do not believe that bureaucracies in Washington, D.C. should have more money, more power, and more authority, and just because I believe that the teachers that I meet when I take my children to student night, to open house night at Cordova Park Elementary School, just because I have faith in the principal that oversees my children every day, just because I have more faith in local school boards than bureaucracies in Washington, D.C., does that really mean that I hate public education? Of course it does not.

But we are 3 weeks away from the election, and this shrillness. It is offensive. We also hear that we hate the environment because we do not agree with their form of regulatory burdens that they have thrown on America for over 40 years while they were in the majority.

Listen, I have got a stream in my backyard. I have got blue skies overhead. My children drink from the water supplies that Democratic parents' children drink from. Who says we do not care about the environment? Again, it is the shrillness.

They have lowered the level of public discourse, and I think it is shameful. We do not need to disparage Democrats just because they believe in a centralized bloated bureaucracy. I can disagree with them without being disagreeable.

I am not going to say that they hate their children just because their policies failed in education from 1954 to 1994. I am not going to say that they hate their grandparents because, over the past 40 years while they were in control, they did not put aside one cent for Social Security.

But after four years, we have already put a plan together to save $1.6 trillion to save for senior citizens and keep Social Security solvent. I am not going to say that they hate senior citizens. I am just going to say that they are misidentified, that their way was the way of LBJ and FDR and generations past.

But we are going into a new era, and we need to go into that era with a bit higher public discourse. They say that we take pride in doing nothing in Washington, D.C. in this do-nothing Congress. Well, I do not want to get into this partisan wrangling, but facts are stubborn things, and the American people have been misled.

I think the American people need to hear the facts. Four years ago, when we got here, Americans had a $250 billion deficit that was strapping them down and strapping the economy down. We had Alan Greenspan, Fed chairman, say, if we balance the budget like the Republicans are proposing in 1995, we will see unprecedented growth in America.

Four years later, we have a $70 billion surplus the way that Washington calculates the surplus. And true to the Fed chairman's prediction, we have unprecedented growth in America. Interest rates did come down. America's economy has been stronger over the past 4 years than ever before.

Am I proud of that? Yes, I am proud of that. I am proud of the fact that we also did something about welfare reform. We promised we would do something about welfare reform. The President promised in 1992 that we would do something about welfare reform. But when the Democrats were in control, he did not do it. When we got into control, he had to do it.

In the first 6 months, the welfare rolls of America dropped by almost 8 percent. We have a long way to go. But am I proud of the first step we took in welfare reform? Yes, I am proud, and America is proud.

Tax relief, I hear them say that they agree that we need tax relief. But I have never heard of a single tax relief bill that the Democrats have supported since we have been here, not a single one. But we gave Americans the first tax cut in 18 years and tax cuts that will help them educate their children, tax cuts that will help grow the economy, that will keep interest rates down, and have if put student loan rates at their lowest of percentage point. That helps all of Americans. Am I proud of that? Yes, I am proud of that.

Despite all of the wrangling and all of the screaming and all of the moaning about how horrible this Congress has been, the public opinion polls show that more Americans are pleased with the performance of this Congress, over 60 percent. The newspapers say it has been a historical high more than it have ever been.

So am I proud of our accomplishments, yes, I am. Am I discouraged by their rhetoric? Certainly I am. They talk about health care, about how we do not want our families to have good health care. That is insulting.

My father underwent open heart surgery a year ago. He would not have been able to afford it himself. Obviously, we have a health care system that is the best in the world. We have to improve on that and get more Americans in to have access to health care. We have to curb some of the abuses, and that is what we did when we tried to pass a health care reform bill earlier this year.

But it has never been enough. We actually heard 20 minutes ago a Member from the minority party dream wistfully, and I could not believe it, but they cannot help showing their hand sometimes, dreaming wistfully of the day when America will once again recognize that we need a single payer health care system, that we need to socialize medicine in America.

I am sorry. I thought that is what the President tried to do in 1993 and 1994. Have Americans decided in the past 3 years that they were wrong when they elected us to Congress in part because he tried to socialize one-seventh of the economy with the health of the Democrats? No.

Americans still do not want socialized health care. Even if that is what the liberal extreme left wants, we have to chart a moderate course for health care reform.

I also hear them talking about tobacco, the evils of tobacco, and how the Republican Party is fueled by greed, lust, and tobacco money. I cannot help but remember the articles that came out after the 1996 campaign that showed that, no, the Democratic National Committee did not take money from tobacco companies. Instead, they let their State parties take money from tobacco companies, and then they funneled the money to President Clinton's campaign, to the Democratic House Members' campaign, to the Democratic Senate Members' campaigns. The same campaigns where they were shaking their fist on television talking about how they hated big tobacco. They hated it so much they did not take the money directly, they had to take it under the table.

I am saying this as somebody who has not been a friend for big tobacco. I voted against tobacco subsidies before. I will do it again. I think it is bad policy for America. I think it is bad policy for the health of our children. But I also think it is bad to have this level of disingenuousness coming from the other side. Do not attack tobacco if you are taking their money under the table.

Again, we hear about Social Security; last time, we wanted to cut taxes to raid the Social Security Trust Fund. Well, I do not hear them saying anything about the $17.1 billion that President Clinton and the Democrats want to use today to take from the Social Security Trust Fund to fund more government spending in Washington, D.C., more employment of bureaucracies, and more regulations.

The moral of the story today, it appears on October 11, 1998, is that the Democratic Party thinks it is bad to give Americans a tax cut if that takes a dime out of the Social Security Trust Fund. But if we are talking about feeding bureaucracies, making the Federal Government even fatter and bigger and more obtrusive, then that type of gutting of the Social Security surplus is okay.

Again we have inconsistencies. They just cannot seem to get their story straight. They cannot get their story straight on education either. We are the do-nothing Congress on education? I do not think so. I think we proposed one of the most dramatic bills for education reform that has been proposed here in 40 years.

We had a very radical message, a very dangerous message. The message was this, it was a message of Jefferson and Madison, it was that we are a Nation of communities, not a Nation of bureaucracies.

We had the Dollars to the Classroom Act. We said we were going to give 95 percent of the money in Washington, D.C. in education to the classrooms. That is radical in Washington, D.C. in 1998. But we are actually going to spend education money in the classrooms.

I can tell my colleagues, I have been around the classrooms in, not only my children's classrooms, but also across my district, across this country, and then in Washington, D.C., and I can tell my colleagues the classrooms are in dire need of more money, better books, better facilities, better computers, more teachers, and smaller classroom sizes.

But we are not going to get that by keeping the money in Washington, D.C. and growing the education bureaucracy. They are very fearful that power may actually slip out of the hands of Washington bureaucracies and their allies and instead go to teachers and parents and principals.

I am fearful that that will not happen. Because, while they were in control from 1954 to 1994, we saw the educational standards and the system in this country skid at an unprecedented alarming rate.

We have got to do better. My two boys deserve it. Our children deserve it. Their children deserve it. We are not going to do that as long as we continue to fight to protect the status quo.

Let us get all the money we can get into the classrooms. We are not a do-nothing Congress. I really do not want to tread too much into this area, but I think it is necessary, because we have been attacked as being a do-nothing Congress.

I think it is important to set the record straight, that the same party that is attacking us as being a do-nothing Congress, even after we passed this historic balanced budget agreement, the economy is booming. Welfare rolls are down. The Social Security trust fund is solidified.

What we found is that we have a Democratic Party whose leader has held only two cabinet meetings in 1998. Think about that for a second. Here we are being attacked for not doing enough. The President, their President, our President has only held two cabinet meetings this entire year.

We know during the first cabinet meeting, he used it to mislead his cabinet officers. The second cabinet meeting was to apologize for misleading his cabinet officers.

I think we deserve better. I think we deserve more honesty from our leaders when they attack us for doing nothing to actually put that mirror up and see what they have done.

Instead of vetoing every single education proposal that we have sent to the White House, seven education proposals, every single one of them vetoed, I think they need to turn around and start being constructive.

□ 1945

They are saying they are going to keep us in town. That is fine. We will stay in town. We will debate the issue of education. We will debate who has done better on saving the Social Security trust fund. We will debate on who has done better by balancing the budget for the first time in a generation. We will debate about who has done a better job cutting taxes for the American people. We will do that as long as they want to do it.

The American people are on our side. They are the ones that need to worry about getting back to their district and justifying what has been going on with the Democratic Party over the past 7, 8, 9 months.

In a free and open debate, in what Thomas Jefferson called the free marketplace of ideas, we are going to win every time, because in the end we believe like Jefferson, Madison, Washington and our Founding Fathers, that the genius of America does not lie in Congress or in the Senate or the White House or in bureaucracies across Washington, D.C. but, instead, the genius of America rests in communities.

We are a Nation of communities. We are a Nation of individuals. We are a Nation of people that actually know pretty well how to govern ourselves and how to educate our children and how to take care of our parents and grandparents.

What is at the bottom of their argument? Regrettably, it is the paternalistic belief that they know how to educate my children better than I do, they know how to take care of my children and my parents' and my grandparents' health better than local governments and State governments. And they know how to spend our checks that we get from working better than we know how to spend our money. It is total arrogance. It is the arrogance that drove them out of power in 1994, and it is the arrogance that is going to haunt them again three weeks from now.

I think we can do better. I think we can continue fighting to do the things that we have been doing. I think we need to ask the President to become engaged in this process, to stop calling out focus groups and pollsters and saying, how can I save myself from this political crisis that I find myself in? We need the President of the United States to come back to Washington, to sit across the table, to negotiate instead of doing what he continues to do.

I told you that he held two cabinet meetings all year for not the best of reasons. Well, he has held over 96 fundraisers this year. In fact, tomorrow he is going to be holding a fund-raiser in Palm Beach, Florida, would we all not like to be there, and New York City. So he is going to be holding as many fundraisers tomorrow as he held cabinet meetings all year.

Is this really a President that is serious about doing the Nation's business, about reforming education and health care and Social Security and balancing the budget and cutting taxes, or is it a President who is desperately doing everything he can in his political power to hold on to his office for at least three more weeks until the midterm elections?

There are some disturbing questions to be asked that we are not going to go into. I want to talk about policy. I want to talk about education because they talked about education. I want to talk about our great record on Social Security and keeping Social Security solvent. We want to talk about taxes. We want to talk about balancing the budget for the first time in a generation. We want to talk about doing all the things that we have done.

We will let the Committee on the Judiciary talk about the impeachment proceedings, but if they want to talk issues, we will talk issues. The American people, I get people calling up saying, you people need to do the people's business. Well, all of this that we are talking about, education, Social Security, health care, that is the people's business. That affects government. But what also affects the American people is whether they have an honest and trustworthy President and honest and trustworthy Members of Congress. And those are tough questions that have to be asked.

At the end of the process, we certainly hope that America will be stronger because of it, but it will be stronger, we know already, because of the great policy objectives that we have put forward over the past four years that have been such a success.

Mr. Speaker, I yield to my friend, the gentleman from Indiana (Mr. SOUDER) who has done a fantastic job with me on the Committee on Government Reform and Oversight.

Mr. SOUDER. I wanted to make a brief comment associating myself with your earlier remarks. One thing, I was a little concerned that you were going to discourage them from advocating socialized medicine when, in fact, you and the gentleman from Oklahoma (Mr. COBURN) and I owe a lot of our presence here, as you point out, to the fact that they advocated socialized medicine in 1993 and 1994. And I hope they continue to advocate that because it goes contrary to the American will.

I want to associate myself with two other things that you said. I think it is very important for the Speaker and anybody watching this discussion to understand. When the venom comes out of the other side's mouth and they talk about the radicals and the people who are extremely conservative, the truth is that they are talking about, if anybody else, you and me and the gentleman from Oklahoma (Mr. COBURN).

Do you know what? I do not take tobacco money. I sent tobacco money back. I do not even take the affiliates of tobacco money. I, too, like you am concerned about the impact of tobacco on my kids. Yet we are the class of 1994. We are supposed to be these conservatives. Who are they talking about exactly? Furthermore, they talk about education and beating on it, saying we are not doing anything. In the higher education bill, there was bill developed by the gentleman from Pennsylvania (Mr. FATTAH) that he worked with the President on called High Hopes. Not a lot of Members in on our side advocated that. I was a cosponsor. In committee we talked together and you cast the deciding vote.

The fact is, the number one priority of the President in education would not be there if the gentleman from Florida (Mr. SCARBOROUGH) and the gentleman from Indiana (Mr. SOUDER) had not voted in committee giving them their margin of one to get it through.

We are supposed to be the terrible people. We are the people they are constantly fingering. We have reached over and tried to work together. We have tried to give them tobacco. We have tried to pass bills through here. We have tried to move the Patients' Bill of Rights and different health legislation through. What we do not see is any accommodation from the other side except venom.

I thought you did a good job of pointing that out.

Mr. SCARBOROUGH. I have to tell you, it has been very discouraging to see for the past four years Republicans sitting on the floor, talking on the floor and balancing the budget, cutting taxes, saving over a trillion dollars for Social Security. And from the first day that we got here, all I have seen is venomous attacks.

I remember the first day we got here, it was the Speaker's book deal, that this was somehow a horrible affront to western civilization. Then they dredged up that story about the Nazi historian and it went down hill from there. Now I am told that I do not care about my children's public education. I care very much about my children's public education, just as I care as deeply about the education of children who are south of the Anacostia River, who will not be getting to go to the schools that the President and the Vice President's children were able to go to when they were here, because the President vetoed a bill that would have given children south of the Anacostia River the same opportunity that his children had.

Now, listen, this is a tough business. I certainly am not saying that the President and the Vice President's children should not have had that opportunity, but I am saying, why do you not give the children in Anacostia and inner city Washington, D.C. the same opportunity that your children and our children have? It only seems fair.

One other thing on the radical remark. If we are radical, then so, too, are the 65 percent of Americans who agree with what we are doing. I guess the only people that are rational are those in the 35 percent minority, because they are basically saying that 65 percent of Americans are backward and dangerous and radical.

Mr. SOUDER. I, too, want to point out that I have two children in college. Both of them went through public schools, through elementary, junior high and high school. My youngest is going through public schools. I went through public schools. I get tired of people lecturing me, whose kids are in private schools, about public schools. I thought that was a very good point.

Mr. SCARBOROUGH. As a public figure, I have seen that time and time again. You have, I do not want to put a label on them but for lack of a better use of a label, liberals telling me how much I hate public schools while their children are going to private schools. I do not know about the gentleman from Oklahoma (Mr. COBURN) but I know you and I are not country club Republicans. I know he is not either. We are not Rockefeller Republicans by any stretch. We have an awful lot more in common than a lot of those Members claiming that we hate public education. Our children are going to public schools, and I have got to tell you, I am glad every day that they are.

Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. I want to identify with a few of your remarks. Being from Oklahoma, I went to all the public schools, all of my kids went to public school. I have, my third daughter, my youngest daughter is now a senior at Oklahoma State University. Public schools is something that we need to enhance, and nobody here is saying we should not. The question is, how many of the dollars are spent on the children and how many of the dollars are spent in the classroom and how many of the dollars are sent there for a merit raise for an outstanding teacher versus how many of the dollars are spent above that school all the way back to Washington?

The fact is only 60 percent of the dollars are getting to our children. Why should not our teachers be some of our highest paid professionals? Why? Because it is getting chewed up in administrative costs from Washington before it ever gets there.

It is interesting, not long ago they published a study done in Massachusetts, an 8th grade literacy test, 40 percent of the teachers in the State of Massachusetts could not pass an eighth grade literacy test. That is not an affront from me towards the teachers of Massachusetts, but it brings to bear the very real problem. We put the dollars in the wrong place.

If we want excellence, then we have to concentrate the dollars in the classroom. I hope you will yield me about 4 or 5 minutes. There is an area that, another area in Washington that I would like to address and just take a little break here for a minute, if I could.

It has to do with the Office of Inspector General. This is an office that was created to create a balance. The Inspector General in all the different departments in this country was designed to be a balance, to look at, to make sure, to both report to Congress and to the Secretaries that, under the laws, that each of those departments were running properly. It was established to promote economy, efficiency, effectiveness, to prevent fraud, waste and mismanagement in the programs that each of those agencies operate.

There is a particular inspector general, Ms. Susan Gaffney. She was nominated for the HUD Inspector General post in 1993 by President Clinton, was sworn in and confirmed by the Senate. This lady is somebody we can be proud of. She is a career lawyer who has worked to expose fraud and abuse and to expose those who perpetrate and steal the very tax dollars that people bring to the operation of this government.

She has been in the housing industry since 1970. She has had the following awards: the Presidential Meritorious Rank award, the Distinguished Honor award, the Joint Financial Management Improvement award for distinguished leadership, and because of those awards, she was appointed and placed to be the watchdog over the housing programs in this country.

She came in under Secretary Cisneros' tenure and had a great relationship, developed good input and had a wonderful course, where she helped that agency control the dollars and made sure that fraud and abuse were not present.

However, I am sad to report that at this time the situation at HUD is very much different. There is no question that Secretary Cuomo and Ms. Gaffney share the same strong commitment to HUD's mission. However, the department appears very uncomfortable with the concept of an independent Inspector General who has dual reporting responsibility to both the Secretary and to this Congress.

I believe that Inspector General Gaffney wishes to do the job to the best that she can and to bring accountability to HUD, its programs and the taxpayers who support it.

Over the past couple of years a series of events suggests that there have been efforts to tarnish her superb reputation, her record and to limit her ability to do her job. I want to share some of those for the record.

Number one, the Acting General Counsel of HUD, a key aid to the Secretary, asserted that the OIG audit reports should be issued only through the Office of the Secretary, violating the laws that we have set on the books. The OIG was not authorized to have its own office of counsel. The OIG was violating its memorandum of understanding with the HUD General Counsel. These actions contradict the concept of an independent counsel and an independent Inspector General.

□ 2000

A deputy general counsel at HUD stopped a routine investigation of an Equal Employment Opportunity complaint against the Inspector General and instead contracted with two law firms outside of the agency to do a wide-ranging investigation of the complaint. A typical EEO investigation costs $3,000. HUD is paying $100,000 to outside lawyers for the investigation that is ongoing. Number three. On two occasions, the Secretary has cut the office of Inspector General's budget request without notification, without consultation. In February of this year, the Secretary advised Ms. Gaffney to take care in reporting on his program initiative HUD 2020 in the OIG's semiannual report to Congress. The Secretary stated that he was having HUD 2020 evaluated by outside private sector program consultants and their reviews would be very positive. The Secretary said that he did not want Ms. Gaffney to be humiliated by filing a report at odds with the others, regardless of what the truth was. In fact the Secretary spent $412,000 contracting for outside reviews which the Inspector General had a parallel review going on at the same time. One of the reasons is they gave very different results. Despite authorizing language in the Inspector General Act of this government and precedent and other offices of the Inspector General throughout the government, HUD's general counsel opined that the HUD Inspector General not establish its independent personnel function without the approval of the Secretary. Congress has decisively resolved this issue by inserting language in the Senate-House conference report in the omnibus bill on the HUD's 1999 appropriation. The reason I stand here and share this with you is the apparent assault on government accountability and the apparent assault that this Inspector General is under.

When I was elected in 1994, the majority who voted for me wanted a change. They wanted sunshine, they wanted open government, they wanted less government and they wanted more efficient government. They wanted an accounting of the tax dollars that is coming out of their paycheck every day. One of the ways we achieve a goal like that is to make agencies accountable. One of the greatest assets that I have as a Congressman is the Inspector General's office. They have an expert knowledge of governmental areas and critiques of programs. I think the gentleman from Florida would agree when we have Cabinet secretaries undermining the position that was placed there to hold them accountable in the first place, that we have something very wrong ongoing. It is my charge through this House that the Secretary let the Inspector General do her job, that she would not be harassed, she would not be limited and that her exemplary record be used to make sure that our tax dollars are used in an appropriate way for those that are depending on our assistance for housing.

With that, I change the debate back. I think that is something that needs to be said. It is unfortunate that we see this many times coming out of this administration. This is not the only area where we have seen this type of coercion take place in trying to move the government in a way other than sunshine and other than light. I thank the gentleman for yielding.

Mr. SCARBOROUGH. I thank the gentleman. Really it does fit right in with what we were talking about when we were talking about who to trust, about whether we were being misled in this debate or not and whether or not we can trust the administration officials to properly execute and faithfully execute the laws of this country.

Mr. COBURN. One key point. We heard that the Republicans had not done anything for municipal bond funding for schools. The President vetoed a tax cut for schools in terms of their ability to float bond issues. He vetoed it from his own desk. So to claim that we did not do it, we did it, we passed it, we sent it to him and he vetoed it. So the misdirection. One of the things you do when you are on offense, if things are not going real well is you misdirect. You go a different direction. That is what we see on the football field. That is what we are seeing in terms of playing with the truth.

Mr. SCARBOROUGH. I thank the gentleman. It is disingenuous. It is disturbing and again whether you are talking about tobacco, whether taking tobacco money under the table, shuffling the money around in a different way; whether you are talking about health care reform where they are still dreaming of socialized medicine; if you are talking about Social Security where they claim that we are raiding the trust fund, yet they want to spend $17.1 billion that they would take directly out of the surplus on new government programs; whether you talk about what we have done over the past 4 years in setting aside over $1 trillion for the Social Security trust fund. Again and again it is disingenuous.

Mr. COBURN. I have a question for the gentleman. Where did the $1.6 trillion of IOUs that are in the Social Security bank account now come from?

Mr. SCARBOROUGH. The gentleman is exactly right. For 40 years the Democratic Congress borrowed, begged or stole from the general budget and got $1.6 trillion out of the Social Security trust fund. That has changed dramatically just in the past 4 years. I have got to say, I think I would have a hard time getting on this floor and saying with a straight face that after that sorry record over 40 years, I would have a hard time pointing at somebody else that has made Social Security solvent.

Mr. SOUDER. You would at least think they would come out and say they are sorry. "We're sorry that for 40 years we did this." Maybe it would take seven speechwriters to sort through this over time to get the "sorry" part down just right. But how you can come down here and not even say you are sorry and then point at us who have just gotten here, barely 4 years in control, have balanced the budget for the first time, have a surplus actually putting the money over in Social Security and then to point at us just takes an incredible amount. At the very least you should say you are sorry.

Mr. SCARBOROUGH. It depends on what the definition of "sorry" is.

Mr. COBURN. I would just make one other assumption. We have tried to slow the growth of spending. We have tried to send money back to the people that are sending the money here. We have done that at the same time while we want to protect what money is coming into Social Security today. We always hear we cannot do it. We cannot do it. That is based on the assumption that the government is this wonderfully efficient operating machine, 110,000 IRS employees. How efficient are we that we need 110,000 IRS employees? How efficient are we at all these different Cabinet levels? How efficient are we at the Department of Education with our 6,000 employees that are mandating on the people that I represent what they will and will not do while at the same time for years the commitment to IDEA, education for those with disabilities, was promised by this government to be 40 percent of the cost. It has never come close. So what we have is school boards having to maintain a federally mandated budget program to meet the requirements of IDEA while we do not send them any money. It is called an unfunded mandate. If we would just pay our share, what we promised to send to the local school districts for IDEA, every school district in the country would average about a $500,000 to a $1 million increase in their budget this next year.

Mr. SCARBOROUGH. That point the gentleman made, that really answers why we got elected in 1994. The question was to the American people, who do you trust? Do you trust politicians with your children's education or do you trust parents? Democrats for 40 years trusted politicians in Washington. We trusted parents. Do you trust bureaucrats at the Department of Education bureaucracy or do you trust teachers? I can tell you I know my children's two teachers. I do not know a single bureaucrat right down the street at the Department of Education. If my child is having trouble reading, or with his math, if he is having trouble in his school, I can go to the source. I do not want 60 percent of their paperwork that they have to do coming from Washington, D.C., and that is what an Ohio study said it did come from. I would rather them have that time working on lesson plans for my children. It does come back to the question of who do you trust.

If I could just say one more thing and then I will yield to the gentleman, because what he brought up at HUD reminds me of something that I found out about a year ago in this Chinese campaign finance scandal. There was an international fugitive who wanted to go to the White House and there was this pesky employee at the National Security Council that said, "No, we're not going to let an international fugitive in the White House." So the international fugitive goes to the head of the Democratic National Committee and he says, "I'm an international fugitive. They will not let me in the White House. There's this pesky woman down at NSC who won't let me in. Can you fix it?" The DNC chairman says, "Sure. I'll call my friend at the CIA, Bob." He scribbles down on notes that were later subpoenaed, "Call CIA Bob." He called CIA Bob, he went around this government employee that was trying to keep government clean, to keep this international fugitive out of the White House and, sure enough, like a lot of other things that happened in 1996, it got murky and they did not listen to the people that were put there to be watchdogs for the White House, for the administration, for this government, for this city and for America. As a result, America suffered because of it.

Mr. COBURN. I will finish up with this. As I travel around my district, every time I encounter a teacher I ask them two questions. Is it the system that is the problem or the kids? If you could discipline in the classroom and you had the time, would our kids do better? Uniformly, every time, they say, I do not have the time to fill out the paperwork and teach the kids. I do not have the ability to instill the discipline in my classroom without the support of the structure of law to make it that I am not sued every time I try to control the environment in my classroom. So what we are really asking teachers to do is to teach with both arms tied behind them. We take half their time away filling out paperwork and then another third of their time trying to control discipline in a positive way that eliminates any ability for corporal punishment or significant absence of privileges if in fact you do not participate and behave. One of the things we have to do is dollars to the classroom. The block-granting of education programs have to go directly to the school districts. And individual school districts have to spend that money on the kids, on the teachers. The only other thing we can do is we can download the paperwork burden for our teachers, and that starts right here, by eliminating programs, eliminating departments so that paperwork is not generated in the first place. If we do that, we will see changes just like we saw in welfare reform. If we will start using a commonsense approach that is based on proper incentives and proper punishments when behaviors are not right, then we will see the kind of response in education that we all want from our public school system.

Mr. SCARBOROUGH. I thank the gentleman. And most importantly it will not be Washington making those decisions. It will be teachers and parents and principals who are going to be empowered for the first time in 40 years to make that decision. For the life of me, I really cannot figure out why my friends on the extreme left will not allow Washington to get out of the way and get those dollars to the classroom where they need it so desperately.

Mr. COBURN. I would just add one other thing. Somebody may think that I am one of those extreme conservative radicals. A father, a grandfather, I deliver babies on the weekend still. I love children. But I also know if they do not have guidance and if they do not have discipline, they are going to be in trouble, and they desire that guidance. Do not ever kid yourself. They want to be disciplined in a way that will give them a future. It is natural that they would desire it.

Mr. SCARBOROUGH. I thank the gentleman from Oklahoma for coming and speaking with us today. He has certainly helped out. I yield to the gentleman from Indiana.

Mr. SOUDER. I thank the gentleman from Florida for yielding. It is once again really important to remind people why on a Sunday night we are here and not with our kids and families. There is nothing going on in the negotiations right now in the budget agreement that we did not know were going to be in the final conditions 12 months ago. There is no excuse that we are here. As I would like to point out again as I did earlier, the plain truth of the matter is many of us believe our leadership has negotiated too much away. In fact when they were kids, I bet they were the kind of kids who when they went trick-or-treating and they knocked on somebody's door and said trick-or-treat and the person came to the door, they probably gave the person candy out of their pumpkin. We have in effect surrendered much of what we fought for. The plain truth of the matter is that the President has a lot of leverage right now, but why would he not want to deal? Why given the fact that we have gone through these same points, we had a shutdown in 1995, we are down to the end here, we know what things we are going to debate over, human life, over the size of government, over national testing, over census, what could possibly be a motivation?

Well, one of the things that has been much talked about in this country is a movie called "Wag the Dog." The dog, the tail wagging the dog, because of an allegation in that movie that because of a personal affair of the President he decided to start through a movie thing a war. Now, in this case clearly there is no war. I am not making any allegations that the movie in fact says anything about this President regarding that type of incident. But there is a legitimate question, is there a secondary motivation? Is there in fact a tail that wags a dog in this case where the tail says, in effect, I need a second show, I need to be able to say to the general public that there is another crisis that may take precedence over this crisis. And that in this case I think that there has been a pattern.

I want to go through, rather than talk about this President, I want to talk about a different President. I want to talk about Richard Nixon. There is a new book called Abuse of Power. Stanley Cutler has gone through the tapes which he fought through courts to try to have made public.

☐ 2015

We do not have such tapes with this current President and probably given what has happened with the Nixon tapes we may not in future years. But there are some dramatic things on this that come across very similar to many of the things we have been hearing over the last few months, and I want to put some of these in the RECORD.

Number, point number one: Limiting the testimony, July 20, 1972, Bob Haldeman is talking to the President, quote, so they branded slow and temporary immunity, and he is going to cover what he knows about the Watergate stuff, which is nothing, and that gets him out of the thing. Now what they had planned to do is he was going to take the fifth, but this avoids his having to take the fifth, which is much better because he has no guilt, where under the Watergate thing he has some of the other. They just opened a new line of prosecution. We have seen that in limiting the testimony today too regarding some people in this administration.

Two: Limit the scope of the investigation. In 1972, Bob Haldeman again talking to the President: Petersen, the Justice Department, is working with that knowledge, directing the investigation along the channels that will not produce the kind of answers we do not want produced.

Now he also goes on to say that Petersen also feels that the fact that there were some lines in this case that ran to the White House is very beneficial because it slowed them down in pursuing things because they are all of the view that they do not want to indict the White House, they only want to indict the, they want to tighten up the case on that criminal act, Watergate, and limit it to the degree that they can. This is in fact exactly what the FBI director and Mr. LaBella who did the Justice Department investigation said in their memos to the Justice Department which is that the Attorney General had limited the investigation to narrow parts and would not broaden the investigation. That is in that memo that they will not release.

Number 3: We need to finish this investigation, no fishing expedition. We have been hearing that for 4 years now. On August 2, 1972, Bob Haldeman said this to Nixon. The Attorney General has ordered the director of the FBI to end the investigation. He said they have got all they need to wrap up their case that is on Watergate. The President: Do you think that is correct? Haldeman: Yes. Nixon said really it is over. Otherwise it is a fishing expedition. We have had enough of those. As the gentleman from Florida knows, we have heard over and over, fishing expedition, fishing expedition.

Number 4: Overstate the potential damage. This is in September now with the President, Haldeman and Colson. Haldeman goes on saying that you know there is a perverse theory that we walk through this this morning. We might be better off with the Watergate story. It is not doing us much harm. The President says, yes, not much. What I mean is the harm that is done when the reporters are in a hurry too much. Haldeman: That is right, but the difference also is that the indictments will be less than anticipated rather than more. The indictments do not, see they said all along if the indictments or guilt reaches into the upper levels of the Committee on the White House, then there is the problem, and they did not at this time, which is what we have been seeing here, limiting. You say it might be this bad, and then it comes in this bad, and everybody goes, oh well, that is a relief.

Number 5: Complaints about spending too much money on the investigation, something we hear constantly. September 15, 1972, 5:27 p.m., Nixon, Haldeman and Dean, John Dean says quote, the resources that have been spent against this whole investigation to date are really incredible. It is truly a larger investigation than was conducted against the after inquiry of the JFK assassination.

Number 6: Build up expectations so news is less damaging. Here it is Nixon and Colson, and they are talking about leaking false information through a friend in the media, that the spread is going to be 19 points over McGovern, and Nixon then says 27 points, and Colson says it will sandbag him, it will sandbag him, and Nixon says sandbag them always, that is right.

Number 7: Complain about press obsession, avoiding real issues, October 13, 1972, 7:26 p.m., Nixon and Colson. Nixon: They have to attack the press for its double standard. Colson: Yes, I think that is the only way. Nixon: And by making it an all-out assault on the press for their double standard and the rest and say now come on, you are going to report this campaign, let us report what is happening.

By the way, I have been going through this book, and last night I spent 3 hours because the more I heard this the more I thought this is what we hear in the Committee on Government Reform and Oversight all the time.

Mr. SCARBOROUGH. And you are right, it is, and you talk about the press. We have heard continued complaints about how the press is on a witch-hunt and that they are absolutely enraged that over 115 or over 120 newspapers have called for the President's resignation, and these are independent newspapers. The Philadelphia Inquirer, the Atlanta Constitution are not conservative journalists by any stretch of the imagination, but they have attacked the press as being on a witch-hunt, and the question is, I guess for a conservative, is why would the New York Times, why would the Washington Post, why would other newspapers question this President in the way they have? Why would newspapers like the Chicago Tribune, the Philadelphia Inquirer, the Atlanta Constitution, call for his resignation? And I think what you have to come to a conclusion is that there are some people that take their job very seriously, and they have integrity, and that is the decision, the journalistic decision that they have come to, and yet they get attacked just like Ken Starr gets attacked, just like anybody that has ever sort of been caught in the President's headlights gets savagely attacked.

I read a news article about a former Miss America in fear for her life and her family's life, and we have seen the hit squads that are out there, and it is just regrettable.

Mr. SOUDER. Well, as I went through this I found I have gone through seven parallels, and I found 21 minimum.

Number 8: Take advantage of the public's belief the Presidents act logically. November 1, 1972, Nixon and Erlichman. Erlichman: We do not mind being called crooks, but not stupid crooks. Nixon: We know we will never convince them on our morality, but do they think we are that dumb?

9: What is is. It is incredible, history repeating itself. December 11, 1972—

Mr. SCARBOROUGH. And, excuse me, when you say what is is, you are referring to?

Mr. SOUDER. What the verb is.

Mr. SCARBOROUGH. What the President said in his testimony, it depends on what your definition of is is?

Mr. SOUDER. Yes, I am saying that there appears to be historical parallels.

Erlichman says the Watergate thing, I do not think there is anything to add what we have already said. Haldeman said you might re-say it. Erlichman: That nobody in the government did this thing. Haldeman: The White House. Nixon: What do you mean Watergate White House? Nobody currently in the government. Haldeman: Currently employed in the government, say currently employed. Nixon: Ever involved in the government. Erlichman: Now you have Liddy and Hunt who were at one time employed. Nixon: But while they were doing it even, while they were doing it? Erlichman: That is right. Then employed I can say. Nixon: No one who is an employee of the White House, who is an employee of the White House. Then he goes on. Erlichman says either at the time of the incidence or since. Nixon: Or since, that is what I mean, yes. Because in fact they were still employed but not at the White House. They were another branch of government. That is the precision of the is, that they had it down, that they were at the White House earlier, they are now in another branch of government, but if they said is in a certain way, it implied they weren't employed by the government.

Parallel Number 10: Everybody does a defense. January 2, 1973, Nixon and Colson. Nixon: Our democratic friends did a lot of things too and never got caught.

Number 11: This is just partisan politics. February 6, 1973, Haldeman says something we heard almost weekly. Haldeman: As we start into the Senate thing, which is that there is a dire threat to the two party system, because for the first time in our history we have one of the political parties using the machinery of government to investigate the other political party. He is trying to get them all stirred up. It is not going to make any difference, and he does not have any illusions that it will. He is just trying to make a case that this is a totally partisan thing.

12: Coordinate the witnesses. March 6, 1973, John Dean said, well, I think the most important thing for our handling the hearings are, one, any witnesses that go up are well prepared. You know, re-reading your speech on the Hiss case again showed how effective investigators can be if one witness does not know what the other witness or there is a dichotomy between the witnesses. I want to make a direct point here. I sat in on the deposition of Jane Sherborne, and she told us how they coordinated the White House witnesses both before and after.

Number 13: Conspiracy to commit perjury, Nixon and Haldeman. Haldeman: I said that that is a conspiracy to commit perjury even if Magruder did in fact later commit perjury or even at the time he was answering Dean's questions commit perjury. He said not if Dean advised him to tell the truth, and I said what if Dean did not advise him of anything. He said, okay, I take that back, but I will simply say to you that there was a conspiracy to commit perjury and there was a conspiracy to commit justice.

14:——

Mr. SCARBOROUGH. And if this can be the gentleman's last one? And if I can ask the gentleman if he can submit all of those into the RECORD, I think that will be helpful.

Mr. SOUDER. Okay, one I want to finish on then is the loyal secretary/scheduler, Nixon and Rosemary Woods. Two points, one Woods. He said says, well, I think he is too a nice man, referring to a man, but because of that fact is it even safe for me to talk on the phone? Nixon says, no, do not talk on the phone. Woods says I will call this girl today and say as soon as he gets back into town, say I need to see him. In other words, do not do it at the White House.

Then in another amazing parallel Nixon and Rosemary Woods, June 12, 1973. Nixon: You know, Rose, you know that money you got from that fellow? I would like to find a way to get that to the campaign committee. I do not know how it could be done. Woods: I am concerned. Who can hand it to them? Who can hand it to that does not have to say he has got it? It is safe and sound already. Nixon: Third parties. You never know when it is going to be investigated. Woods: But I do not think he would need it, but if so, it is out of the safe, it is in my home.

We have seen this over and over, and it is amazing parallel, and I will submit them all for the RECORD.

Mr. SCARBOROUGH. And I thank the gentleman, and I thank again Dr. Coburn and everybody else that has come to the floor today to debate the issues that affect Americans, to debate health care, to debate education, our firm belief that communities and teachers and parents should form the alliance to educate our children for the next generation instead of simply bureaucrats and politicians and Washington, D.C., to debate Social Security, to take pride in the fact that in just four short years we have put aside so much more to protect the solvency of the Social Security, especially when you consider that over 40 years our friends on the left did not put aside a single cent, to debate about other issues that have an impact on Americans like tax reform and tax relief for working class Americans.

I have been very surprised that over the past few years every time we try to present a tax cut that would help Americans, that would help lighten the load for parents who want to educate their children, every time we have tried to pass an educational reform that would get dollars into the classroom, every time we have tried to pass educational reforms, every time we have tried to guarantee children in the inner city of the District of Columbia south of Anacostia River and points north the same opportunity that so many people in this Chamber are able to give to their children, every single time it is met with a veto.

And so tonight on a Sunday night approaching 8:30 Eastern Daylight Time, we are here, we are ready to work. We would ask the President to hold his third Cabinet meeting of the year tomorrow and at that Cabinet meeting talk about education reform, talk about saving Social Security the way we have over the past several years, talk about continuing to balance the budget without spending $17.1 billion in new dollars that will be taken directly out of the Social Security Trust Fund. Let us talk about the issues that affect Americans instead of running around the country talking about fund-raising and also obsessing over a shutdown strategy that does not do my children or the President's children or America's children any good.

I again thank my friends for coming to the floor and speaking tonight, and I certainly hope that the President will stay in town, work hard and give us a process that every American can be proud of.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. ADAM SMITH of Washington, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. CLEMENT, for 5 minutes, today.

Mr. GEJDENSON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. GORDON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Ms. DELAURO, for 60 minutes, today.

Mr. PALLONE, for 60 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. GOODLING, for 5 minutes, today.

Mr. BALLENGER, for 5 minutes, today.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 10, 1998:

H.R. 3694. To authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3790. To require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

H.R. 4248. To authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

H.R. 4194. Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

On October 9, 1998:

H.J. Res. 133. Making further continuing appropriations for the fiscal year 1999, and for other purposes.

ADJOURNMENT

Mr. SCARBOROUGH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8:30 p.m.), under its previous order, the House adjourned until tomorrow, Monday, October 12, 1998, at 12:30 p.m for morning hour debates.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey:

H.R. 4805. A bill to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes; to the Committee on International Relations.

By Mr. POMEROY:

H.R. 4806. A bill to authorize the carrying out of a flood damage reduction and recreation project at Grand Forks, North Dakota, and East Grand Forks, Minnesota; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3710: Mr. FOX of Pennsylvania.

H.R. 4065: Mr. CALVERT.

EXTENSIONS OF REMARKS

HONORING SOLVAY POLYMERS, INC., AND SOLVAY INTEROX, INC.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Solvay Polymers, Inc., and Solvay Interox, Inc., Battleground Road Plant Site, upon their selection by the La Porte/Bayshore Chamber of Commerce as the 1998 Industry of the Year. Solvay's commitment to building a better future for the La Porte/Bayshore community has made it an example all industry can follow.

Solvay Polymers and Solvay Interox are subsidiaries of Solvay America, Inc., a holding company for the Solvay Group, a multinational group of chemical and pharmaceutical companies headquartered in Brussels, Belgium, with operations in more than 40 countries. Some 600 employees and approximately 500 contractors work at the two companies' Battleground Road plant. Located on 274 acres, the plant in more than four decades has grown from a one-product site into the two businesses that manufacture a wide range of products.

In addition to being an integral part of the area economy, the two companies also contribute greatly to the community. Their employees participate in such organizations as La Porte's Local Emergency Planning Council, Citizens' Advisory Council, La Porte Education Foundation, La Porte/Bayshore Chamber of Commerce, and Boys and Girls Harbor. The employees contribute almost 5,000 volunteer hours annually to surrounding communities. The company's stated goal is for La Porte citizens to feel that the community is a better place because of their neighbors, Solvay Polymers and Solvay Interox.

Dedication to worker safety and environmental performance has also been a hallmark of the two companies. Their employees actively participate in the Chemical Manufacturers Association's Responsible Care program, which promotes continuous improvement of health, safety, and environmental performance. Through a pollution prevention and waste minimization program, the plant reduced emissions of government reportable waste compounds by 50 percent between 1987 and 1996. The site holds a charter membership in Clean Texas 2000, and employees are dedicated to demonstrating a high level of commitment to the continued safe operations of the plant, along with the safety of the surrounding community.

The Battleground Road plant has a significant history. Solvay's predecessor at the site, Celanese Corporation, started plastic production at the plant in 1957, making it one of the first sites to produce high-density polyethylene. Today, Solvay Polymers, the plastics company, annually produces 1.7 billion pounds of high-density polyethylene and nearly 800 million pounds of polypropylene at this site. This combined production level makes the site one of the world's largest plastic production facilities.

These plastics are used to make many products essential to everyday life. For example, high-density polyethylene is used to manufacture milk bottles, gas tanks, children's play toys, plastic bags, and liners. Polypropylene products include food containers for products such as ketchup and syrup, carpet backing, and children's products such as car seats and high chairs. The site's new polypropylene gas-phase line makes a special impact resistant polymer used to make automobile bumper fascias and other car parts.

The second company, Solvay Interox, produces more than 100 million pounds of hydrogen peroxide each year. This product is used in the pulp and paper industry as a wood pulp bleach and also has many environmental applications such as wastewater treatment and cleanup of contaminated soil. The company's high purity hydrogen peroxide is used as a cleaning and etching agent in the semiconductor industry. The site also produces persalts (percarbonates and perborates), which are used as color-safe brightener/deodorizers for fabric detergents.

Mr. Speaker, I congratulate Solvay Polymers, Inc., and Solvay Interox, Inc., on being named the La Porte/Bayshore Chamber of Commerce 1998 Industry of the Year. This honor is well deserved for their work in expanding business and job opportunities, producing products vital to our everyday lives, their commitment to environmental protection and worker safety, and their many contributions to the community.

IN HONOR OF THE 100TH ANNIVERSARY OF THE FRANK E. CAMPBELL BURIAL AND CREMATION COMPANY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Frank E. Campbell Burial and Cremation Company on the occasion of its centennial anniversary. On Wednesday, October 21, Cardinal John O'Connor will be a special guest at Frank E. Campbell's 100th anniversary celebration.

In 1898, when Frank E. Campbell first opened the doors of his funeral home, he revolutionized the way people thought about funeral service. In the late nineteenth century, most funerals were conducted in private homes. But since a majority of New York City residents were living in apartments by this time, they did not have the capacity to handle large events.

Frank Campbell also understood the need of families to have time to grieve for their loved ones. By transferring the burden of planning a funeral from the families to a funeral home, Campbell eased the time of mourning.

Frank Campbell's funeral home combines a peaceful and serene atmosphere with an attentive and courteous staff. Over the past one hundred years, the Frank E. Campbell Burial and Cremation Company has served families from every strata of society including royalty of many nations and members of the arts and entertainment world. Frank Campbell's makes a concerted effort to honor the individual in the style in which he or she lived.

Over the past century, Frank E. Campbell has become a landmark on the Upper East Side of Manhattan.

Mr. Speaker, I am honored to bring to your attention the Frank E. Campbell Burial and Cremation Company as it celebrates 100 years of serving New Yorkers in their times of grief.

RAILROAD ECONOMIC REGULATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BACHUS. Mr. Speaker, Dr. Alfred E. Kahn, the noted economist and "father of deregulation," has rightly earned our gratitude for his work over the years. With all due respect, however, Dr. Kahn is doing himself and his many admirers a disservice in his continued calls for increased economic regulation of the freight railroad industry in this country.

Dr. Kahn testified on April 22, 1998, before the Subcommittee on Railroads of the Committee on Transportation and Infrastructure. At that hearing, he testified at length on his perception of anti-competitive conduct by the rail industry and his suggestions on steps that should be taken to alleviate such conduct. Dr. Kahn has repeated his viewpoints at other times and in other venues in recent months, including testimony to the Surface Transportation Board. Most recently, an interview with Dr. Kahn was the basis for an article in the October 5, 1998 issue of Traffic World. In that interview, Dr. Kahn continues to advocate misguided railroad reregulation.

At the April 22, 1998 hearing at which I was present and engaged in considerable discourse with proponents of reregulation, Dr. Kahn was challenged by a number of experts in railroad economics and finance. In my opinion, his pronouncements were inconsistent with operating and marketplace realities. I respectfully submit he likewise errs on a number of points in the recent Traffic World article, including the following:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dr. Kahn's basic premise is that service by a single railroad is equivalent to monopolization and that competition does not now exist for shippers. To the contrary, railroads face intense competition from other railroads, from other modes such as trucks and barges, and from other sources for the vast majority of their traffic. Shippers of all types, including those which are served by only one railroad, almost always have ways to obtain competitive transportation. And because of this competition, rail customers exert meaningful power in negotiating railroad rates and services.

In those relatively few cases wherein shippers do not have effective transportation options, existing maximum rate regulation protects shippers form egregious railroad rates. In two recent cases, for example, two utilities were awarded millions of dollars in reparations by the STB because they were deemed to have been charged unreasonably high rates by the railroads that served them. In response to criticisms by Dr. Kahn and others that rate reasonableness case procedures were cumbersome, lengthy and expensive, expedited procedures for small shipper cases were recently implemented by the STB, though shippers have not taken advantage of them to date.

Dr. Kahn is wrong in dismissing the likelihood of reduced investment in rail infrastructure if mandated access forces rates too low. Under forced access, railroads would be unable to recoup the full costs of their investment in their infrastructure.

Without the ability to cover total costs, railroads would be unable to maintain or increase their investment commitment. This would lead to deterioration and/or shrinkage of the national rail system and reduced service levels. Given the vital importance of transportation to the national and global economies, this is the last thing the national transportation system needs.

Dr. Kahn is wrong in claiming that "structural remedies" such as mandated competitive access would assure rail-to-rail competition and permit market forces to determine rate and service levels. In fact, under a system of forced access, government bureaucrats would have to regulate anew an incredible variety of price and operational decisions, creating a system of economic regulation that would be far more costly and pervasive—and far less effective—than the current system.

Proponents of mandated access, like Dr. Kahn, essentially advocate that freight railroads should be regulated on the basis of how many railroads serve an individual shipper, rather than on the presence or absence of competition. They propose that access to a railroad's privately owned and maintained infrastructure by its competitors should be mandated, and that the fees for access should be set by regulation, not by competitive market forces. This uneconomical reregulation of freight railroads is an attempt to gain short-term rate reductions for some shippers, at the expense of other rail customers, railroad investors and society in general.

Deregulation of the U.S. railroad industry has led to tens of billions of dollars in savings since 1980 to shippers and, ultimately, to all of us. It would be a tragedy of enormous proportions to jettison these gains in favor of cleverly disguised regulation that has failed in the past and would fail again.

A TRIBUTE TO THE LATE MAYOR, ANTHONY E. O'BLOCK

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KLINK. Mr. Speaker, I rise today to honor the memory of Anthony O'Block, the distinguished and memorable first Mayor of Plum Borough. In his thirty years of service, Mayor O'Block, through his extraordinary commitment and diligence, placed the needs of his community front and center. He immigrated as a small child to the United States from Slovenia and settled in Plum.

His early life in Plum was extremely modest, yet in the spirit of the American dream, he established his own construction company, presided over the successful People's Bank of Unity, and was one of the most respected figures in Pennsylvania Democratic politics. Despite his successes, he never forgot his roots, his family, or his neighbors throughout the borough. His love for his community led him to tirelessly focus on the needs of others and of the entire borough. During his tenure, Plum Borough gained recognition as a prosperous community, both for businesses and for families.

Through his contributions to the growth and the development of the Plum community, he expanded social and community services, attracted business investment, and made the Borough a truly exceptional place in which to live. All this was accomplished while keeping taxes at an all time low, a truly remarkable task.

Mr. Speaker, I once again urge my colleagues to rise in tribute to Mayor Anthony E. O'Block. Mayor O'Block honored his family, his friends, and his community. He will forever be remembered as a friend and mentor to so many people. He will truly be missed.

TRIBUTE TO DR. ANTHONY S. LENZO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I rise before you to congratulate one of Northwest Indiana's most noble, selfless, and dedicated individuals: Dr. Anthony S. Lenzo, of Crown Point, Indiana. On October 11, 1998, Dr. Lenzo will be honored by the Cesare Battisti Lodge #27, as this year's Member of the Year. In addition to his many years of service to the Lodge, he is being honored for his tireless efforts as a community leader.

The Cesare Battisti Lodge #27 has been honoring its most dedicated members since 1966. A lifelong member of the organization, Dr. Lenzo serves as an excellent role model for both members of the Cesare Battisti Lodge, and for the people of Indiana's First Congressional District. Not only has he maintained a lifelong membership with Lodge #27, Dr. Lenzo has been a lifelong leader of the Lodge. He is currently the financial secretary and the editor of the Lodge newspaper. As Walter Lippman said, "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." Dr. Lenzo's efforts in the community, in addition to his nationwide efforts for peace, have certainly inaugurated an enduring legacy. For many years, he has worked to have the United Nations designate a "Weekend of Prayer, Meditation, and Thought on the Futility of War and the Desperate Need for Peace in the World." In his own words, "It will be a thankful day when we can once again live in peace . . . peace in the world, peace within our nations, peace in our neighborhoods, peace in our streets."

Since he began his campaign for peace, Dr. Lenzo has met with great success. He has received positive responses from former Secretary-General of the United Nations Boutros-Boutros Ghali, Pope John Paul II, and Elizabeth Taylor. Nearly all who hear Dr. Lenzo's plea for peace commend him on his campaign. I also commend Dr. Lenzo for his activism, leadership, and ardent dedication to a noble cause. This campaign is as poignant now as it was in January 1991 when I first called your attention to it. As members of NATO stand poised to initiate air strikes in Kosovo and Serbia, Dr. Lenzo's works remind us of the gravity of the actions they contemplate. As options are considered, his message to these nations is to keep the goal of peace in sight. Dr. Lenzo's suggestion that we step back and remember to whom we are accountable is as important now as it was then.

Mr. Speaker, Dr. Tony Lenzo is an inspiration to us all. I ask that you and my distinguished colleagues join me in commending Dr. Lenzo for not only his award as Cesare Battisti Lodge #27's Member of the Year, but also for his extraordinary campaign for world peace. His superhuman efforts and selfless dedication are an example for every citizen of the United States to emulate. Northwest Indiana is lucky indeed to have such a resident.

IN HONOR OF THE ATHENIANS FEDERATION OF ATHENS CELEBRATION OF THE LIBERATION OF ATHENS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Athenian Federation of the United States of America and Canada. The Association is organizing the twentieth Archieratical Tedeum to commemorate the Liberation of Athens from the Nazis 54 years ago.

The official Archieratical Tedeum will be held at the Greek Orthodox Church Cathedral in New York City on Sunday, October 11, in the presence of the Consular, officials of the Greek community, Greek organizations and members of the Greek community.

The Tedeum commemorates the Liberation of Athens from Nazi occupation by the Allied Forces on October 12, 1944.

On April 27, 1943, Nazi tanks entered Athens as the remnants of the British forces evacuated Greece. The citizens of Athens lived under the siege of Nazi terror and occupation for three and a half years until liberation when the Allied Forces hoisted a Greek flag on the holy rock of Acropolis, signaling the end of the occupation. The Greek flag replaced the flag of the Nazi regime which hung over the Acropolis of Athens throughout the occupation.

The anniversary of the liberation is celebrated annually in Athens and amongst Greek communities here in the United States.

Mr. Speaker, I am honored to bring to your attention this important anniversary in the history of Greece, Greek citizens, and Greek-Americans. The Athenian Federation of U.S.A. and Canada makes a remarkable effort to keep the spirit of freedom alive with their annual Archieratical Tedeum. I am proud to have such a strong Greek community in my district and an organization such as the Athenians Federation of U.S.A. and Canada to promote issues of importance to this wonderful community.

THE PLIGHT OF THE MONTAGNARDS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to bring the attention of the Congress to the Montagnard refugees from the Central Highlands of Vietnam.

The Montagnards were loyal allies of American Special Forces and served bravely with our U.S. military troops during the Vietnam War. Montagnards have suffered terribly in Vietnam for their religious and political beliefs at the hands of the Vietnamese Communists and they continue to suffer. I strongly support human rights and strongly oppose persecution throughout the world; values at the heart of our faiths and our American democracy.

Since 1986, my State of North Carolina has been privileged to receive several hundred Montagnard refugees from the Central Highlands of Vietnam. There are over one thousand Montagnards who now live in Greensboro, Raleigh, and Charlotte, thanks to the hard work and compassion of people of faith and human rights activists such as Lutheran Family Services of North Carolina. The Department of State has called the resettlement of this new immigrant community one of the most successful resettlement programs in the United States.

The Montagnards have become U.S. citizens, they enrich our nation, they are productive, proud people who love freedom and the chance for survival that this nation has offered them. The Montagnards stood by our nation and now we should do all we can to insure that their family members are allowed to emigrate from Vietnam.

I am encouraged by the emphasis Ambassador "Pete" Peterson, himself a former Vietnam Prisoner of War and Member of Congress, has promised to place on the plight of the Montagnards. Our nation must strengthen its efforts in gaining measurable Vietnamese cooperation in processing applications for emigration under the Orderly Departure Program (ODP) and the Resettlement Opportunity for Vietnamese Returnees agreement (ROVR). We should expect and demand progress on all of the Montagnard cases. These families have waited too long to be reunited with loved ones.

IN HONOR OF MORT MEYERS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Mort Meyers, as he will soon be receiving the Humanitarian of the Year award from the David Posnack Jewish Community Center in Davie, Florida. Mort's record of public service on behalf of the people of South Florida is truly impressive and deserving of this formal recognition.

Born in Detroit, Mort moved to Florida after his brother Dennis took up residence in Miramar. After a series of sales jobs, Mort bought a coffee shop on Hollywood's City Hall Circle, where he and his wife Ethyl spoiled their customers rotten. Even Mort's mother Gussie became involved, making her signature cakes and pastries that are now known as "Gussie's Goodies."

Times change, and so did the Meyers family. Mort and his brother Dennis joined their father in a surplus electronics and hardware venture. After some rough times early on, the family ultimately achieved a great deal of success. Today, Mort is involved with the family business—Arco Distributors in Davie, Florida—selling industrial adhesives, electronic components, and point of sale equipment. However, Mort's devotion to his business is only part of his story.

Over the past 29 years since Mort Meyers arrived in Florida, the community has benefited greatly due to Mort's presence. A Founding Member of the Davie Coalition of Condos and Homeowners Associations, he has served on the Davie Economic Development Council, the Davie/Cooper City Chamber of Commerce's Economic Development Committee, the Davie Budget Committee, and the Davie Visions 2000 Committee. In addition, Mort was Vice President of the Davie Democratic Club and chairman of the South Broward Park District. Mort also served with distinction on the Jewish Federation of Broward County's Board of Directors.

Much of Mort's time over the past 10 years has been devoted to his involvement at the David Posnack Jewish Community Center. The award that the Center is bestowing on Mort Meyers is surely a reflection of his dedication and hard work. He has been involved with the Center since the dedication of its land site—serving on committees, donating money for camps or program scholarships, maintaining the building itself, and more.

Mr. Speaker, all who know him or know of him will surely agree that Mort Meyers is an extraordinary individual. With his impending acceptance of the Humanitarian of the Year award from the David Posnack Jewish Community Center, I wish to convey a heartfelt congratulations and many thanks to him for his work benefiting the entire South Florida community.

WORLD POPULATION AWARENESS WEEK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MORELLA. Mr. Speaker, in my capacity as Co-Chair of the Congressional Coalition on Population and Development, and on behalf of my fellow Co-Chair, Congressman SAWYER, I would like to share with our colleagues the following proclamation, endorsed by 19 of our colleagues, regarding World Population Awareness Week:

WORLD POPULATION AWARENESS WEEK

World population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries.

A total of 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one U.S. dollar or less a day; 1.5 billion people—nearly one-quarter of the world's population—lack an adequate supply of clean drinking water or sanitation; more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished.

Demographic studies and surveys indicate that in the developing world there are at least 120 million married women—and a large but undefined number of unmarried women—who want more control over their fertility but lack access to family planning. This unmet need for family planning is projected to result in 1.2 billion unintended births.

The 1994 International Conference on Population and Development in Cairo determined that a combination of political commitment and appropriate programs designed to provide universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

We, the following members of the United States House of Representatives are pleased to support the week of October 24–31, 1998 as World Population Awareness Week, and urge all citizens to take cognizance of this event and to participate appropriately in its observation.

Constance A. Morella, Thomas C. Sawyer, Brad Sherman, Sam Gejdenson, Karen McCarthy, Lloyd Doggett, James P. McGovern, Elizabeth Furse, Maurice D. Hinchey, John Lewis, George E. Brown, Jr., Marcy Kaptur, Jim McDermott, Martin Frost, David E. Price, Benjamin A. Gilman, Nita M. Lowey, Carolyn B. Maloney, Tom Lantos.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. STOKES. Mr. Speaker, I rise in opposition to the Hyde impeachment inquiry resolution. This is a sad day in the history of our Nation when the majority in Congress continues to search for an impeachable crime—in its ongoing political mission—to destroy the President of the United States.

While the American people do not condone the behavior of the President, they do want him to have a fair hearing. The excessive investigation of President Clinton has gone too far, and has gone on far too long.

What is needed is a fair, common sense and responsible inquiry not a continuing witch hunt. The American people and the President and his family deserve better.

So, Mr. Speaker, the matter at hand is not about whether to proceed with an impeachment inquiry. It is about how we should proceed. We must first consider the constitutional standard for such. For the sake of the American people and the Clinton family, this inquiry must be done fairly and concluded quickly.

I am concerned that the majority unilaterally announced at a recent news conference that they intended to ask for an inquiry of impeachment before considering the constitutional standard for the impeachment of a President. We must begin with a consideration of the constitutional standard for impeachment, a comparison of the allegations with the standard, and an examination of the sufficiency of the evidence, before any vote is taken on conducting formal inquiry proceedings.

I firmly believe that we must rise above all partisan and political differences. Therefore, it is imperative that the Congress and the American people proceed with due caution and appropriate fairness to President Clinton and his family without allowing philosophical differences to divide us. President Clinton has led our country well, and like any other American citizen he has a right to due process.

As such, whatever our personal beliefs may be, we must work together to ensure that President Clinton is not denied that right. That responsibility rests with each of us individually and collectively.

Mr. Speaker, I ask my colleagues to oppose the Hyde impeachment inquiry resolution.

COMMENDING GARY AND IRIS GREENBAUM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Gary and Iris Greenbaum, of Munster, Indiana. On November 1, 1998, Gary and Iris will be honored for their exemplary and dedicated service to our community and to the State of Israel. Their praiseworthy efforts will be recognized at the Northwest Indiana-Israel Dinner of State, as they receive the 1998 Israel Builders of Freedom Award. The Freedom Builder Awards are given each year to worthy recipients who demonstrate their dedication and service to Israel, the State of Israel Bonds, the Jewish community, and our own community. The Greenbaums are most certainly worthy recipients of this year's award. True community activists, Gary and Iris give much of their time to local charities and service organizations. These community groups include the Munster Citizens Police Commission, the Northwest Indiana Jewish Welfare Federation, the Gleaner Food Depository, Temple Israel, Congregation Beth Israel, and the local Jewish Federation.

Gary and Iris, longtime residents of Munster, hale from Gary and Chicago, respectively. After both graduated from Indiana University, they returned to Gary's native region, Northwest Indiana, and have made our area their permanent home. In 1971, Gary started his career as an insurance agent. After a few years gaining quality experience, in 1976 he founded the Greenbaum Insurance Agency, located in Griffith, Indiana; Iris also works for the Agency as its most important unpaid worker in her dual role as office manager and insurance agent. Gary and Iris are the parents of two sons, Jason and Evan, of whom they are immensely proud. Both Gary and Iris have their own interests outside of work and their dedicated community activities. Gary is an antique automobile buff, and Iris is a master gardener; both enjoy traveling together. They plan on continuing their charity and community work, in addition to providing affordable, local insurance services to Northwest Indiana residents.

In the words of Gary himself, "I believe every Jew has the solemn responsibility to safeguard his brothers from oppression by helping to guarantee that Israel exists as a haven where any Jew can choose his own destiny." As America has served as a haven of freedom and opportunity for immigrants the world over, so her citizens now reach out and ensure that the freedom-loving peoples of the world are safe and secure. To quote Thomas Paine, "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it." No one is more deserving of the opportunity and freedom guaranteed by America than Gary and Iris Greenbaum; their efforts have truly gone above and beyond the call of duty.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Gary and Iris Greenbaum for receiving the 1998 Israel Builders of Freedom Award. Their dedicated service to both the State of Israel and our Northwest Indiana community is commendable and admirable. No government, leader, or military can safeguard the twin blessings of freedom and opportunity without the labors of dedicated, conscientious citizens. With their support, our world has become a better place, a place of freedom, democracy, and opportunity. Indiana's First Congressional District is proud to count two such dedicated, conscientious citizens, Gary and Iris Greenbaum, among her residents.

TRIBUTE IN MEMORY OF JUDGE MARSHALL CRAIG

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. EMERSON. Mr. Speaker, I would like to take this opportunity to eulogize a great man who lived in my Congressional District in Sikeston, MO. Judge Marshall Craig died on August 31, 1998, at the age of 91. As an editorial in the local newspaper written by Mike Jensen stated "Judge Marshall Graig was in a league of his own. Universally respected and genuinely admired by all of those who knew him . . . he leaves a legacy of community involvement, professional accomplishment and unparalleled admiration. We will likely not see another of his caliber come along for many years."

Judge Craig was born on February 10, 1907, near Hickman Mills in Jackson County, MO, to the late Robert Lee and Theodocia Cowherd Craig. He graduated from high school in Columbia, MO, in 1926, from the University of Missiouri-Columbia in 1930, and from the University Missouri Law School in 1932. He played basketball for the Missouri Tigers, leading his team to the Big-Six Championship in 1930, as the team captain. He was selected to the First Team All-conference squad that same year.

Craig was an assistant U.S. Attorney in St. Louis, and later served as prosecuting attorney in Mississippi County. He served his country in the U.S. Army during World War II, prior to moving to Sikeston and joining the Bailey Law Firm as a partner. He served four terms as Circuit Judge and was then appointed as the first senior judge in the State of Missouri.

Judge Craig loved his family, church and community and took an active role in every organization he deemed important . . . and they were many. He received almost every honor and award that existed in Sikeston. In Mr. Jenson's editorial he stated, "If you wanted instant credibility on any board or for any issue or cause, the first name to surface was Marshall Craig. His reputation brought that degree of authority and respect. To many of us, if Marshall Craig thought it was a good idea, that was good enough for us."

Judge Craig also had a profound effect on a member of my staff when he presided over the adoption proceedings of my Executive Assistant, Kacky Garner, when C.W. and Lucille Martin adopted her. Kacky has related to me that Judge Graig often told her that having been involved in her adoption and then watching her grow to adulthood in that happy home was one of the nicest and most rewarding things he ever got to do as a Judge.

One son, Michael H. Craig of Memphis, TN, one daughter, Nancy McMahon of Sikeston; four grandchildren and four great-grandchildren survive Judge Craig. His wisdom, strength of character, and faith will never be forgotten by all those who knew and respected him. He was truly a great American.

DYSTONIA AWARENESS WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PACKARD. Mr. Speaker, I rise today to recognize Dystonia Awareness Week, October 11–18, 1998. This important occasion was brought to my attention by my constituent, Mr. Robert W. McCabe of Vista, California.

Dystonia is the third most common movement disorders after Parkinson's Disease and Tremor, affecting over 300,000 people in North America alone. Dystonia is a neurological disorder causing involuntary spasms that are disabling and often extremely painful.

The American public knows little about dystonia, and many people react to its physical manifestations by avoiding those who suffer from the disorder. Greater recognition and understanding of dystonia is much-needed in both the medical and lay communities. I urge all citizens to learn more about this disorder and to support those who are affected by it.

There is no cure for dystonia at this time. In 1997, however, the gene for early-onset generalized dystonia was discovered, offering hope for future research and development of a possible cure. I would like to add my name to the list of supporters of dystonia research and encourage every Member of Congress to do the same.

In conclusion, Mr. Speaker, I invite my colleagues to join me in recognizing October 11–18, 1998 as Dystonia Awareness Week.

A TRIBUTE TO HENRY OTIS BARBOUR

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. MURTHA. Mr. Speaker, I rise today to pay tribute to Henry Otis Barbour, a long-time employee of Army Navy Country Club, who passed away suddenly on August 23, 1998. Otis, as all the members at the club affectionately called him, was the sixth of ten children born to the late Richard and Helen Barbour.

He was educated in the public school systems of Arlington County, Virginia and Washington D.C. When he was nine years old he began frequenting Army Navy Country Club retrieving golf balls in order to make a little spending money. He continued this practice until he was offered a permanent position at the club.

In every successful organization there are one or two individuals that directly contribute to its success; Otis was one of those special people. For forty-four years he mastered nearly all the support services of the golf course—from caddying, to maintaining the range, to servicing and maintaining more than 90 golf carts, to helping members understand the intricacies of the golf swing. Many have said that Otis knew more about the golf swing than all the golf professionals at Army Navy Country Club combined. When you arrived at the club, be it rain or shine, summer or winter you could always count on being greeted by a tip of the hat from Otis.

In the truest sense of the word—he was a gentleman—who generously shared what he had with all he encountered.

The members of Army Navy Country Club can consider themselves fortunate to have known Otis, and worse off for having lost him at such a young age.

To all his relatives I send my condolences. Otis you will be missed but never forgotten.

SPEECH GIVEN BY BEZALEL BRIAN BENSON FOR THE DISABLED AMERICAN VETERANS AUXILIARY STATE CONVENTION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. LEE. Mr. Speaker, I call your attention to the work of the Disabled American Veterans Auxiliary (DAVA), Oakland Unit No. 7 with students in my community. We are particularly proud of the speech that twelve year old Bezalel Brian Benson delivered at the annual Americanism program held February 14, 1998. The inspiring quality of this speech moves me to share it with you.

Bez, as he is called, is an outstanding student at St. Joseph's Elementary School. He came to the attention of DAVA because of two essays which won first place in the DAVA State contests held in 1997 and 1998 entitled: "Why I Love America" and "What the Flag Means To Me." The following is the text of his speech of February 14th:

Good afternoon. To the California State Senior Vice Commander Donna Stennett, junior State Commander Evonne Oden, Acting Commander of the Auxiliary for Unit #7 Pat Kinzel, Co-chairman Gloria Almodovar; Members of the Auxiliary and honored guests.

It is a blessing to be here this afternoon. It was an honor to win the overall contest of the district last year, and to win first place in the California State Disabled American Veterans Essay Contest. I was also blessed with receiving a personal letter from the President of the United States, President Bill Clinton, a flag flown over our nation's Capitol, and a letter of authenticity.

Over the last year, I have maintained my status as an "A" student, I was appointed to the journalism team at St. Joseph Elementary School, and again made it to the school's spelling bee finals. Because of God's blessings and freedom of our nation, these achievements were made possible.

At this time I would like to talk about why we should show appreciation through our actions for the war veteran's tremendous efforts.

After learning about the history of America throughout my life, I have realized just how much effort, courage, and bravery it took to make America a free country and a great one as well.

Over the years Americans have sacrificed for what they believed in. The 13 colonies in North America sacrificed by bravely rebelling against England and going through many hardships and conflicts. They did this for the cause of freedom. The war veterans, the government of the United States, and even U.S. citizens sacrificed during both World War I and World War II, the Korean War, the Vietnam War, and even the war on Bosnia. They did this because they believed in fighting for people's rights and the gift of freedom. Change often comes by sacrifice and that is what Americans have done.

After imaging how I would have felt participating in a war, I realized that times were pretty scary. It must have been hard having bullets whizzing past your head, and the ground shaking beneath your feet because of cannon fire. It must have been hard running on the battlefield, dodging bullets, with explosions all around you. It must have been hard living every day with the fear of death, and not knowing if you will ever see your families again.

Yet these war veterans who stood up to their country succeeded during these hardships because they had strength from God and a strong love for America.

When you have God in your life, and you love Him truly and honestly, and you call upon Him for guidance, you will have an inner strength that no person or thing can take away from you. A strength so powerful, that not even the fear of death can destroy it. I'm sure that these war veterans had strength from God and a strong love for America.

Because of the veterans' efforts in these wars, they helped America become one of the greatest countries on the face of the earth. Because of their love and sacrifice we live in a nation today that is governed by a fair and democratic government. Because of their efforts they helped protect not only the rights of Americans over the years, but the rights of other people throughout the world as well.

I believe that all Americans should show appreciation for the veterans' tremendous effort. We must realize that many people died for us! We must realize that someone lost an arm, or lost their legs for the sake of our freedom. So don't you think that we should do our part, and give something back to them, by helping to make America the best country it can be? Our veterans fought and died for America, so shouldn't we take care of the country they loved, and continue to make it a better place for all of us? If we don't, we will literally ruin and destroy our country, and all the efforts of our war veterans will be wasted. One person cannot make America a great country. But if we all try to be the best Christians we can be, America will continue to be a wonderful nation.

If we do this, then the 12,000 Americans who died for us in World War II alone would have died to make America a great country and not for any reason at all. If we do this, then the men and women who died for our freedom, the men that lost their limbs, the families whose men and women became widows, the children who would never see their parents again will know that they fought for a worthy cause. If we do this, America, will continue to be a great nation, and the war veterans' efforts will not be wasted.

As Americans we must follow the example of the war veterans. In our everyday lives, we must show bravery, courage, and effort through our actions, whether it is in the work force, taking care of a child, or trying to make people's lives better through science and technology. We must take care of the standards of living that the war veterans helped to give us.

If all the people in this diverse culture act in a superb manner everyday, then our country will be superb as well. That is why I would like to be the very best person I can be. I would like to follow the example of the war veterans, and give something back to these courageous fighters.

I and many other youth my age will try to do our best to continue to carry the torch for freedom. We should and we will have God as the guidance of our lives as we try to lead the United States into the 21st century.

With God as my leader, I will try to walk on the roads of life with the Holy Spirit as my light and I will try to use the lessons that the war veterans have taught me to overcome life's obstacles and challenges. The war veterans have made a tremendous impact on all our lives, and all of us as Americans must continue to carry the touch of freedom.

I would like to thank you for inviting me here today, and I praise the Lord for allowing me to live in a country I love, the United States of America.

OPEN COMPETITION FOR THE U.S. WIRELESS TELECOMMUNICATIONS INDUSTRY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CRANE. Mr. Speaker, on behalf of myself, as chairman of the Ways and Means Trade Subcommittee, and my distinguished colleague and ranking member of the Subcommittee, ROBERT MATSUI, I rise today to inform my colleagues of a critically important telecommunications trade issue. While companies from around the world are busy developing innovative new wireless telecommunications devices, potentially serious roadblocks to the free trade of these products are being erected in the form of exclusionary standards.

The European Union (EU) is on the verge of adopting legislation that would mandate the use of exclusionary third generation wireless standards incompatible with existing American-developed telecommunications equipment and systems. If this measure were adopted, all other technologies, specifically American-developed technology, would be blocked from competing in Europe as a matter of law.

In addition, the European Telecommunications Standards Institute (ETSI) recently adopted a single third generation wireless standard, Wideband CDMA (W–CDMA), and has submitted this one standard to the International Telecommunications Union (ITU) for approval. This is an inappropriate role for Europe's regulators: picking winners by administrative fiat. That is the role of the marketplace.

These regulations will harm the United States in numerous ways. American jobs will be lost, American-developed telecommunications products and services will quickly become obsolete, and billions of dollars of American investment that built telecommunications networks will be kept out of Europe's vast marketplace. It should be noted that no such arbitrary rules prevent European developed technologies from competing for customers in the American market. Further, the EU's actions in this regard run directly counter to the laudable trade liberalization goals contained in the Transatlantic Economic Partnership (TEP)—a recently announced initiative between the EU and the United States.

In response to a recent inquiry made by Mr. MATSUI regarding this issue, U.S. Trade Representative Charlene Barshefsky stated that the administration would actively monitor the EU's commitment to transparent and non-trade distorting standards, including the possible use of the World Trade Organization dispute settlement procedures.

Congressman MATSUI and I are concerned that the same problem may emerge in Japan. Japan is also considering a new wireless telecommunications standard and could adopt an identical exclusionary standard as Europe, which could have the same effect in disadvantaging U.S. suppliers.

Such actions by Japan and Europe threaten to disrupt the fair and objective evaluation of telecommunications standards currently underway at the International Telecommunications Union (ITU). If countries prematurely adopt standards and make them mandatory before the ITU has fully evaluated different proposals and had a chance to encourage harmonization, then a valuable opportunity to ensure fairness and consideration of global needs will have been lost.

In the Americas, we have tried to build a consensus on how to approach the development of wireless standards through the Inter-American Telecommunication Commission (CITEL). On September 18, a CITEL resolution was adopted to guide member states participating in the ITU standards process. The guidelines were designed to ensure that the standards selection process does not adversely affect users and suppliers of existing wireless networks based on U.S. technology, which must incorporate a new standard to provide advanced services. The United States strongly endorsed these principles and on September 30, formally asked Japan to adopt similar principles as it considers its new wireless standards.

As the representatives of the Ways and Means Trade Subcommittee, Mr. MATSUI and I urge our colleagues to insist that the telecommunication markets in Europe and Japan open themselves to American innovation, in the same manner that American markets are open to foreign competition.

We anticipate that this issue will be an important one for the 106th Congress. The Congress, together with Office of the United States Trade Representative, will vigorously monitor this important trade issue, ensuring that the worldwide market in this rapidly emerging technology is open for American-developed technologies and standards.

IN RECOGNITION OF THE HONORABLE D. FRENCH SLAUGHTER, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. WOLF. Mr. Speaker, Virginians were saddened to learn of the recent death of the Honorable D. French Slaughter, Jr. Our colleagues may recall that he represented the 7th District of Virginia, areas of which are now part of the 10th District, which I represent.

We don't have many heroes today, sadly, but French Slaughter was a true American hero. He fought in World War II, was wounded and decorated. When his country needed him, he went.

He was also a true Virginia gentleman. He served in the General Assembly for 20 years. He was the father of the community college system in Virginia. Mr. Slaughter and I worked together in Congress to help save a number of historic Civil War battlefields. We also worked together to help the Virginia Inland Port in Front Royal, Virginia.

Mr. Slaughter was a dedicated public servant. I was proud to call him my friend and to serve in Congress with him. We send our deepest sympathies to his family.

I would submit for the RECORD the obituary notice from the October 4, Washington Post.

D.F. SLAUGHTER DIES AT AGE 73; CONGRESSMAN FROM VIRGINIA

(By Martin Weil)

Daniel French Slaughter Jr., who was elected to Congress four times as a Republican from Virginia's 7th District, which includes parts of the Washington suburbs, died Oct. 2 in a nursing home in Charlottesville. The 73-year-old lawyer, a Culpeper resident, had Alzheimer's disease.

Mr. Slaughter was elected to Congress in 1984 and announced in 1991 that he was resigning after a series of mild strokes.

The district he represented stretched from Manassas southeast to Fredericksburg and west to Charlottesville. While in Congress, Mr. Slaughter was known for providing residents of his district with a high level of constituent service.

During one of his congressional campaigns, a Democrat criticized Mr. Slaughter for maintaining a low profile on Capitol Hill. "He does what he gets paid for," a state Republican official said in his defense, "and that's why people like him."

In 1991, after his retirement was announced, another state party official praised his integrity and said that he "epitomizes what is a real Virginia gentleman."

While in Congress, Mr. Slaughter was viewed as one of the last Virginia officials who had sprung from the rural, conservative political machine founded by the late senator Harry F. Byrd (D).

While serving in the General Assembly from 1958 to 1978, Mr. Slaughter supported "massive resistance," a policy under which many Virginia localities shut down the public schools rather than integrate them.

Mr. Slaughter said later that he could not think of specific votes that he would change if he had the chance. He added that he believed "in equal opportunities for everyone."

Mr. Slaughter, who generally used his first initial and was known as French, was born in Culpeper. He attended Virginia Military Institute before serving in the Army infantry in World War II, and receiving the Purple Heart.

After the war, he graduated from the University of Virginia and its law school and practiced law in Culpeper.

While in the General Assembly, he was regarded as a key proponent of the state's community college system.

In Congress, he served on the Judiciary, Small Business, and Science, Space and Technology committees. He emphasized issues of significance to the elderly, particularly health care. A Health Care Safety Account bill he introduced would have allowed tax credits for people older than 65 who set up special savings accounts to pay health care expenses.

In 1990, he boycotted a speech given to a joint congressional session by Nelson Mandela, now South Africa's president. He said he believed that Mandela refused to rule out violence in the struggle against apartheid.

Survivors include a son, D. French Slaughter III, of Charlottesville; a daughter, Kathleen Slaughter Smith, of Gilbert, Ariz.; a brother, Johnson Slaughter, of Houston; and nine grandchildren.

TRIBUTE TO KAY SCHULZE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BRADY of Texas. Mr. Speaker, I rise today to pay tribute to a very unique, special person—Kay Schulze of Bryan-College Station, Texas.

It's been said that a person has not lived a perfect day unless you have done something for someone who will never be able to repay you. By that measure, Kay has enjoyed many a perfect day.

Originally a native of Ohio, where much of her family still resides, Kay worked hard to put her young husband through school. In a home rich with love and faith, Kay raised four children of whom she is unabashedly proud. She didn't just teach, but practiced daily her strong belief that human dignity, economic freedom and individual responsibility are the characteristics that distinguish our nation.

As her children entered their teenage years, Kay saw an opportunity to increase her citizen duty-to-country and began volunteering in local Ohio elections for public office. It was an obligation she learned early in life through her uncle who served with distinction in the State Legislature of Ohio. In 1980 she proudly attended her first GOP national convention.

Four years later Texas received the gift of her enthusiasm and work ethic when her family moved to College Station, Texas. Kay wasted little time in continuing her civic duty and sharing her wonderful leadership skills, serving as president of the Republican Women of Brazos County no less than three terms. Time and time again she happily shouldered the time-consuming task of coordinating local get-out-the-vote phone banks and encouraged young and old alike to become more involved in shaping the direction of our democracy. Inevitably, by unanimous acclamation, in 1990 Kay was honored as the Brazos County Volunteer-of-the-Year by the Republican Party of Brazos County. Somehow, through it all, she always makes time to be a good friend, wife, mother and confidant to those in need of common-sense advice.

Many citizens who serve in public office in Brazos County, the Texas Legislature and in the halls of the United States Congress owe a great debt to the tireless efforts of Kay Schulze. I am delighted to admit that I would not now be serving my first term in the U.S. House of Representatives representing the Eighth Congressional District of Texas had Kay Schulze not believed in me. For the past two years she had also served on my Texas A & M University Agricultural Intern Selection Committee, interviewing and recommending bright young students who she believes can contribute to serving the constituents of our district.

Kay Schulze is a phenomenal person with a wonderful intellect, an unshakable faith and a very, very good heart. I am proud and blessed to call her my friend.

Recently, I am sad to report, Kay rejoined her family in Ohio as she continues her courageous battle against cancer. But there is no spot on this Earth distant enough to reach beyond the love, thoughts and prayers of her dedicated friends in Texas.

America is a better place today because of Kay Schulze.

NEW GLOBAL ECONOMIC PLAN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAUL. Global leaders are scurrying around to put together, as quickly as possible, a new plan to solve the international financial crisis.

The world economies have been built on generous credit expansion with each country inflating their currencies at different rates. Additionally, each country has had different political, tax, and regulatory policies leading to various degrees of trust and stability. Economies that have "enjoyed" inflationary booms, by their very nature, must undergo a market correction. The market demands deflation of all excesses, while the politicians and special interests agitate for continued credit inflation. Under these circumstances, financial assets may deflate in price but monetary inflation continues and the currency is further depreciated thus putting serious pressure on the dollar; as in the case of the United States.

Fluctuating fiat currencies, no matter how inefficient as compared to a world commodity monetary standard, function solely because exchange rates are allowed to fluctuate and currency movements across borders are freely permitted as capital seeks the most efficient market. This process provides an indication when host countries need to improve monetary and fiscal policy.

A gold standard solves capital flow problems automatically and avoids all currency speculation. Gold prevents excesses from developing to any dangerous level.

Decades ago, the gold standard was abandoned and now our global planners want to take another step to regulate all capital flows throughout the world thus removing the only good indicator left to warn of dangers ahead and the need for sound reform. The rapid transfer of capital around the world is the messenger and not the cause. Killing the messenger will only hide and increase distortions while prolonging the economic pain.

The proposal of the Group of 22 to regulate capital flows through a new "World Central Bank" prevents any effort to restore efficient market mechanisms and prevents any serious discussion for using gold as the money of choice.

All money managers in major countries decry currency controls by any individual country yet are now about to embark on a new world-wide approach to regulating all capital flows—a global economic plan to socialize all world credit. But, it won't work because the plan is deeply and inherently flawed.

First, the plan demands additional appropriations to transfer wealth from the richer to the poorer nations through increased funding of the International Monetary Fund, World Bank, Development Bank, and direct foreign aid programs.

Second, it calls for more credit expansion by the richer nations, more loan guarantees, and export-import bank credits and, indirectly, by providing credit to the Exchange Stabilization Fund and possibly to the Bank International Settlements.

Third this plan calls for an international government agreement to strictly control capital flows and mandate debt forgiveness in contrast to allowing countries to default. Controlling swift movements of capital is impossible and any attempt only encourages world government through planning by a world fiat monetary system. Any temporary "benefit" can only be achieved through an authoritarian approach to managing the world economy, all done with the pretense of preserving financial stability at the expense of national sovereignty and personal liberty.

Let there be no doubt, the current chaos is being used to promote a new world fiat monetary system while giving political powers to its managers.

Instead, we should be talking about abandoning the paper money system we have lived with for 27 years. It has, after all, brought us the current world-wide financial mess.

Free markets and stable money should be our goal, not further institutionalizing of world economic planning and fiat money at the sacrifice of personal liberty. Indeed, we need a serious discussion of the current crisis but so far no one should be encouraged by the direction in which the Group of 22 is going. Our responsibility here in the Congress is to protect the dollar, not to sit idly by as it's being deliberately devalued.

STARTING TO USE THE NEWLY RATIFIED TREATY AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. LEE. Mr. Speaker, I rise to call to the attention of the Honorable Members of the House, and the American people, the recently ratified Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This is one of the five basic human rights treaties the United States has ratified.

I am following the lead of Congressman RONALD V. DELLUMS, who read into the RECORD important sections of the International Convenant on Civil and Political Rights. It is important that its provisions become part of our thinking and that we carry out our treaty commitments as we build enforcement of human rights law throughout this country at the federal, state and local levels. Our work against torture and other illegal practices in this country will strengthen work against torture in other countries.

This Convention Against Torture entered into force for the United States on October 21st, 1994 with no fanfare or coverage by the media. By ratifying this Convention, the United States made it part of the supreme law of the land under the U.S. Constitution, Article VI, paragraph 2. And the U.S. Government committed itself to take three steps:

1. To publicize the text throughout the nation, including notifying the states to publicize the text at the state and local levels;

2. To prepare a report on "the measures they have taken to give effect to their undertakings" under the treaty within one year after its entry into force, and every four years thereafter;

3. To meet with the UN Committee Against Torture after filing each report in order to work toward compliance with all provisions of the Convention in all federal agencies and at the state and local levels.

The treaty describes at length what the United States and all signatory nations must do to stop torture. Article 16 commits each nation to take the same steps to stop cruel, inhuman or degrading treatment or punishment. In order to stop both kinds of practices, the United States made a commitment in Article 10 to "ensure that education and information regarding the prohibition against torture [and other cruel, inhuman or degrading treatment or punishment] are fully included in the training of law enforcement personnel, . . .", as I will read in full later.

I am happy to report to the House, and to the American people, that experience with UN human rights treaties is that the reporting process works. Studies show that 32 out of 36 countries have improved their human rights laws after going through the reporting process more than once. The method of enforcement is familiar to many of us: it is the mobilization of shame. The Committee hears from a government, dialogues with officials of that government, makes its report, which it discusses with that government, and then can report its findings to the UN General Assembly.

However, the United States has not yet filed its first report, due Oct. 21, 1995. The second U.S. report will be due Oct. 21, 1999. Each report by the UN Committee Against Torture must mention that the U.S. has not met its treaty obligations to date.

I now offer several pages of excerpts from the Convention. All deletions are marked with. . . . The full treaty is available in International Legal Materials, Volume 23, page 1027 and Volume 24 at p. 535 (1985). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1) entry into force for the United States 21 October 1994 (President signed 18 April 1988; see 136 Cong. Rec. S17491–2, October 1, 1990.

The States Parties to this Convention, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of he human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person, Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms, Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, . . .

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world, Have agreed as follows:

PART I

Article 1:1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2: 1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3: 1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4: 1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5: 1. Each State party shall take such measures as may be necessary to establish -its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph I of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6: 1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7:1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8:1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9:1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings. . . .

Article 10:1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11: Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view of preventing any cases of torture.

Article 12: Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14: 1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15: Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16: 1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17: 1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. . . .

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting. . . .

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. . . .

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. . . .

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18: 1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. . . . After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19: 1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.

ON THE REAL STORY ABOUT WORKERS' COMPENSATION FRAUD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KUCINICH. Mr. Speaker, I rise to present the findings of a significant, new report on workers' compensation fraud, prepared for the Injured Workers Bar Association. The report finds that allegations of fraud due to false worker's claims are far out of proportion to their occurrence. I ask that my colleagues consider these findings.

WORKER'S COMPENSATION FRAUD: THE REAL STORY

(Prepared by the Labor Research Association, Greg Tarpinian, executive director)

Executive Summary

Escalating workers' compensation insurance premiums in the late 1980s and early 1990s set off a series of unsubstantiated charges about widespread claimant fraud as a major cost driver in the workers' compensation system. A number of states passed anti-fraud legislation and began to pursue fraud cases and to collect information about fraud on a serious basis. These efforts have uncovered no evidence to support the charges of widespread claimant fraud and, in fact, have revealed that employer fraud is a far larger drain on the system. The misplaced focus on claimant fraud has created an atmosphere of fear and intimidation for injured workers with legitimate claims. It has also distracted policymakers, law enforcement officials and the public from the real fraud problem in workers' compensation: employer fraud.

Dramatic increases in workers' compensation premiums throughout the late 1980's and early 1990's fueled unsubstantiated charges that costs were high in part because workers abused the system, fraudulently collecting benefits for faked injuries or remaining on benefits far longer than their recovery required. The American Insurance Association estimated fraud losses at 10% of the cost of claims paid, or about $3 billion. The National Insurance Crime Bureau doubled the ALA's estimate to $6 billion, even though it was involved in only 99 fraud prosecutions in 1994 and 134 in 1995 nationwide. The Coalition Against Insurance Fraud adopted the AIA's estimate. One insurance company president put the cost of workers' compensation fraud at $30 billion a year. These huge numbers grabbed the attention of the public and policyholders. The presumption in the press and in the state houses was that fraud was rampant and that most workers' compensation fraud was claimant fraud.

Since that time, more than half of the states have passed legislation on workers' compensation fraud, with most of the laws directed primarily at claimants. Thirty-three states currently have active workers' compensation insurance fraud units, many of them geared to fighting claimant fraud. In every State, some claimant fraud has been discovered; publicity about these cases has created a deterrent for workers who might contemplate fraudulent claims. But it has also created an atmosphere that Frederick Hill, California analyst for Firemark Research of New Jersey, describes as the "unwarranted and anecdotal vilification of the work force."

In its extensive investigation of workers' compensation fraud, the Santa Rosa Press Democrat concluded that, "The perception that workers are cashing in by faking or exaggerating injuries has created a climate of mistrust in which every person who is injured and files a claim can become the subject of suspicion by insurance adjusters, doctors and industry lawyers." Perhaps most importantly, the fixation on claimant fraud has distracted policymakers, enforcement agencies, and the public from growing evidence of the real problem: millions of dollars in employer and provider fraud.

Fixation on Claimant Fraud

Few experts believe that claimant fraud is a major cost driver in workers' compensation. But some estimates, including those adopted by California Governor Pete Wilson, suggest that fraud accounted for 25% of all employers' workers' compensation costs and 10% of the claims. In California, a wave of legislation in the late 1980s and early 1990s was fueled by allegations from employers that workers' compensation costs were too high and that fraud was rampant in the system. But between 1979 and 1991, insurance carriers in California reported only 532 cases of alleged fraud.

According to the Santa Rosa Press Democrat, "Some insurance companies saw fraud as a way to explain why premiums were soaring, and politicians and the media jumped on the bandwagon." The Press Democrat found that, "While some insurance companies claim one out of three workers lie about their injuries, or 33%, the actual number of fraud cases sent to prosecutors is less than 1 out of 100, or less than 1%.

In its estimates of fraud within its own State, Kentucky reversed California's estimate of fraud accounting for 10% of claims and 25% of costs, saying that "as much as 25% of all workers' compensation claims involve some element of fraud, accounting for 10% of paid premium." Kentucky then calculated its own fraud losses as $60 million a year. It noted, however, that "while the extent of the fraud cannot be quantified, there is no doubt that workers' compensation fraud is in the public eye. Reports of fraud . . . are proliferated by the media."

High workers' compensation costs led to more anti-fraud efforts. The Arkansas legislature created the Workers' Compensation Fraud Investigation Unit in 1993, in response to then-escalating workers' compensation costs. In its first year of operation, the new Fraud Unit opened 116 investigations, leading to 10 claimant fraud prosecutions and five employer fraud prosecutions, and quickly discovered that the employer cases accounted for a large portion of the dollar value involved.

New York's massive 1996 workers' compensation legislation, including its fraud provisions, resulted a directly from employer claims that workers' compensation costs were out of control. New York State Controller H. Carl McCall announced flatly in October of 1997, "Fraud is a factor in New York's compensation costs." A statement from his office made the link between rising costs and the presumption of widespread fraud, stating that, "In response to the high cost of workers' compensation, reforms aimed at fraud detection and prosecution were enacted in 1996." But according to the New York State Insurance Department's annual report on insurance fraud, workers' compensation fraud represented only 3% of all the fraud reports in the state in 1996, the year that the legislation was passed.

Of the more than $6 million in insurance fraud documented in the New York report, workers' compensation claimant cases accounted for less than 2%. The report cited cases of pharmacists, physicians, and medical clinics making a total of almost $3 million in fraudulent claims. Three cases of premium embezzlement totaled over half a million dollars. The report cited only five cases of claimant fraud totaling $107,300. Like other states that are pursuing workers' compensation fraud, New York is quickly discovering that the real drain on the system stems from employer and provider fraud.

Common Forms of Employer Fraud

The best evidence from the states that have pursued fraud and generated detailed records indicates that for every $1 lost in claimant fraud, at least $4 to $5 (and in some states as much as $10) are lost through premium fraud. Premium fraud includes a number of schemes used by employers to reduce the workers' compensation insurance premiums by underreporting payroll, misclassifying employees' occupations and misrepresenting their claims experience. According to the National Council on Compensation, the most common frauds include:

Underreporting payroll. Employers reduce their premiums by not reporting parts of the work force, paying workers off the books or creating a companion corporation to hide a portion of the employees.

Declaring independent contractors. Employers avoid premium payments for employees by classifying them as independent contractors even though they are legally employees.

Misclassifying workers. Employers intentionally misrepresent the work employees do to put them in less hazardous occupational categories and reduce their premiums.

Misrepresenting claims experience. Employers hide previous claims by classifying employees as independent contractors or leased employees or creating a new company on paper.

Employers deliberately underestimate employment projections at the beginning of the premium year and essentially receive an interest-free loan from the insurance company for the amount that would have been required to insure new employees.

In addition to premium fraud, employers often fail to purchase workers' compensation insurance, despite state laws mandating that they do so. There are also reports of employers instructing injured workers to seek treatment under group health insurance than workers' compensation, employers discouraging workers from filing workers' compensation claims and firing workers who file claims.

Recognizing the Real Fraud

While some states and the media continue to focus on claimant fraud, states that have pursued workers' compensation fraud in a serious way are now concluding that the emphasis on claimant fraud is misplaced, and employer fraud is by far the greater problem. According to Jerry D. Stewart, the bureau chief of workers' compensation/law enforcement operations at the Division of Insurance Fraud in Florida. "Historically, there has been a common presumption that those committing the most costly type of workers' compensation fraud have been claimants whose actions, such a double-dipping or claims for false injuries, drove up the cost of workers' compensation insurance. While claims fraud is a significant problem in Florida it pales in comparison with the occult type of fraud known as 'premium fraud,' where loss estimates range around $400 million. Stewart notes that, "Premium fraud scams are costly to companies in Florida, causing workers compensation insurance rates to escalate and legitimate companies to lose business because they are less able to compete with companies shirking the system."

In Florida, the construction industry, the state Workers' Compensation Oversight Board, and the House of Representatives Committee on Financial Services all lobbied for increased enforcement of premium fraud and stiffer penalties for employers. Since 1996, Florida has turned its attention to premium fraud, with dramatic results. Florida now has a special strike force mobilized solely to fight premium fraud. The state prosecutor has also impaneled a statewide grand jury to hear complex insurance fraud schemes such as premium fraud. During the last months of 1997, 11 persons were charged with racketeering and schemes to defraud, which involved $7.5 million in workers' compensation premium fraud losses.

In one case, a Palm Beach leasing firm misclassified employees and underreported their payroll, thus avoiding payment of more than $800,000 in workers' compensation insurance premiums. Another case involved underreporting of payroll at a large fruit harvesting company, with fraud charges totaling $3.5 million. Yet another employer in central Florida was charged with defrauding insurers of $2 million while operating one of the state's largest temporary employment agencies. The employer disguised the high-risk nature of the work done by many of the employees, concealed its claims history, prevented insurance companies from conducting audits and lied on applications for workers' compensation insurance. In January of 1998, two Florida insurance executives and their attorney were charged with multiple criminal counts in connection with the $100 million collapse of two insurance companies caused by kickbacks to reduce workers' compensation premiums.

Under a state law that took effect in 1994, Wisconsin's Division of Workers' Compensation now collects information and issues annual reports on fraud. In 1994, the division referred to the district attorney five cases of claimant fraud, involving $44,674, out of 73,678 work-related injuries reported for the year. In its 1997 study, the division concluded that, "There is no evidence that criminally prosecutable fraud is more than one percent of all reported claims in Wisconsin—a far cry from the 20–30% estimates thrown about elsewhere." In 1996, there were 152 allegations of workers' compensation claimant fraud made to the division in Wisconsin. Eleven of those were referred to the district attorney, and seven were pursued, with fraud losses valued at total of $175,389. The division found that fraud is involved in six-tenths of one percent of all reportable claims in Wisconsin.

A Texas study of workers' compensation fraud conducted by the state's Research and Oversight Council on Workers' Compensation found that, "In 1996, health care provider fraud was the most expensive type of fraud detected in the Texas workers' compensation system in terms of total dollars lost ($1,200,952), accounting for over eight times the dollar amount of injured worker benefit fraud ($134,351)." In 1996, only 18 injured worker benefit fraud cases were referred to district attorneys, with an average fraud of $7,464 per case, compared with 46 health care providers, with an average fraud of $26,108 per case.

The Texas report found, however, that insurance carriers spent more money investigating injured worker benefit fraud than any other type of workers' compensation fraud. In 1996, Texas insurance carriers spent an average of $1,257 per claimant fraud investigation, compared with $991 per employer premium fraud investigation and $823 per health care provider fraud investigation. In 1996, the nineteen insurers studied spent over $5.5 million investigating workers' compensation fraud in Texas, yet recovered a total of $1,520,179. Of the 4,077 cases of claimant fraud that the carriers investigated, only 18 were referred for criminal prosecution. The report concluded: "It is clear that more resources should be spent fighting the most expensive and overlooked types of workers compensation fraud: employer premium and health care provider fruad."

A 1995 law that requires the reporting and investigation of premium fraud has helped to shift the focus in California. "In terms of dollar costs, there's no question that employer fraud today costs more dollars to carriers and to the industry than employee fraud," according to Richard Schultz, a spokesman for the State Compensation Insurance Fund, California's largest compensation insurer. A recent study by the California Department of Industrial Relations and the Employment Development Department (EDD) calculated that 19% of employers—nearly one out of every five—either underreport payroll to EDD or have no workers' compensation insurance. The California Department of Insurance concludes that, "Losses on premium fraud can and usually do exceed the amount of loss in claimant fraud, and, in some instances, medical mill fraud. For example, in several cases where criminal charges have already been filed, losses due to premium fraud for each case are estimated to be in excess of $5 million.

New York's new anti-fraud efforts have dramatically increased arrests for workers' compensation fraud. In 1997, the New York Insurance Department investigated 408 cases of alleged workers' compensation fraud and made 37 arrests, with $900,000 saved by insurance companies and more than $1.2 million in court-ordered restitution. Although New York continues to focus on claimant fraud, its investigations have uncovered premium fraud cases of far greater significance than any of the claimant cases. In one recent case, the comptroller of a trucking company pleaded guilty to mail fraud after he falsified the company's payroll records to defraud the State Insurance Fund of more than $1.2 million in workers' compensation insurance premiums.

Massachusetts's largest workers' compensation fraud case for 1997 involved an employer who fraudulently reduced the premiums for his rubbish collection workers by classifying them as clerical workers, hiding payroll and using shell corporations to evade surcharges based on the business's unfavorable prior accident history. The employer concealed more than $1 million in payroll from insurance auditors.

Employers also abuse the system when they fail to provide workers' compensation insurance for their employees or take out a policy but then fail to pay the premiums. California is beginning to investigate employers who fail to provide workers' compensation insurance. In March of 1998, California launched a three-part pilot project to match computer databases from various state agencies to identify employers who are illegally uninsured for workers' compensation. According to John C. Duncan, Director of the California Department of Industrial Relations, the project is designed to "level the playing field for law-abiding insured employers and reduce the taxpayer burden created by those who are not."

California's Commission on Health and Safety and Workers' Compensation 1997 report concludes that, "Especially in industries with high premium rates, the illegally uninsured employer is able to underbid the insured employer. Insured employers are again disadvantaged when taxes are raised to cover costs shifted to government services to assist the injured workers of employers who are illegally uninsured."

Several other states, including Wisconsin and Colorado, are also using proactive programs to identify uninsured employers using computerized lists of employers and workers' compensation politics. In New York, a 1997 audit by the state comptroller's office revealed that employers owe more than $500 million in overdue unpaid workers' compensation insurance premiums to the State Insurance Fund. Failure to secure workers' compensation insurance is only a misdemeanor offense in New York. In West Virginia, the state has been forced to initiate a series of lawsuits to force payment of more than $100 million in unpaid workers' compensation premiums.

Medical Provider Fraud

Workers' compensation fraud also occurs among medical providers. These forms of fraud evolve as the nature of medical care changes over time. Outright fraud occurs when providers bill for treatments that never occurred or were blatantly unnecessary. Some of the newer forms of medical provider fraud include kickbacks from specialists and other treatment providers to referring physicians, and provider upcoding, where provider charges exceed the scheduled amount. Providers also shift from the less expensive, all-inclusive patient report to supplemental reports, which add evaluations and incur separate charges.

Medical provider schemes include: creative billing—billing for services not performed; self-referrals—medical providers who inappropriately refer a patient to a clinic or laboratory in which the provider has an interest; upcoding—billing for a more expensive treatment than the one performed; unbundling—performing a single service but billing it as a series of separate procedures; product switching—a pharmacy or other provider bills for one type of product but dispenses a cheaper version, such as a generic drug.

Newer forms of fraud and abuse occurring under managed care arrangements include: underutilization—doctors receiving a fixed fee per patient may not provide a sufficient level of treatment; overutilization—unnecessary treatments or tests given to justify higher patient fees in a new contract year; kickbacks—incentives for patient referrals; internal fraud—providers collude with the medical plan or insurance company to defraud the employer through a number of schemes.

According to the National Council on Compensation, "The increased use of managed care for workers' compensation, as well as for other insurance lines, is bringing new twists to old schemes," Managed care creates more opportunities for fraud because of the financial relationships and incentives between players.

Although the campaign against California medical mills wiped out a substantial part of medical provider abuse in that state, new cases continue to emerge. In October of 1997, for example, a pharmacist plead guilty to 21 counts of fraudulent workers' compensation insurance billing. The pharmacist increased his revenues by up to 500% per prescription on more than $600,000 of drugs sold over a four year period.

Insult Added to Injury

Because of the assumption of widespread claimant fraud, injured workers who file a workers' compensation claim may be subjected to insulting questions and treated as malingerers and cheats. Under the auspices of "fraud prevention," they may face endless questioning and unnecessary medical examinations. They may be subjected to constant video surveillance by private investors hired to follow their every move. Their employer may refuse to provide light duty work, or take retaliatory actions against them when they return to work. If they look for another job, their application may be screened for prior workers' compensation claims.

Although some of these tactics are used in legitimate attempts to investigate questionable claims, they have also become part of a broad employer attempt to intimidate workers from filing workers' compensation claims. Under the pretext of controlling what has been falsely presented as rampant claimant fraud, injured workers are discouraged form exercising their legitimate rights to workers' compensation benefits. As a recent Michigan study demonstrated, the real problem in workers' compensation is not that too many workers claim benefits, but that too few do so. The study, sponsored by the National Institute for Safety and Health, found that only one in four workers with occupational diseases file for workers' compensation. Unsubstantiated charges of rampant claimant fraud undermine public confidence in the system and discourage legitimately injured workers from seeking the benefits they need and deserve.

In California, a detailed investigation by state auditors found that "workers' compensation insurers violated workers' rights in about half the claims it audited." The violations included "unacceptably high amounts" of unpaid benefits, late payments, inaccurate benefit notices and failure to notify injured workers of their rights. In describing the experience of many workers' compensation claimants. The Santa Rosa Press Democrat found that many injured workers slam into a wall of suspicion and distrust that will paralyze them with shame and frustration and delay their recovery. One of the injured workers interviewed by the newspaper commented: "You get the feeling that even though you have a legitimate complaint and a six-inch scar, you're somehow a malingerer."

The grossly overstated estimates of claimant fraud have not only subjected injured workers with legitimate claims to fear and intimidation, but have also obscured a more serious look at the workers' compensation system and the benefits it provides. The real question is not why there is so much claimant fraud, but why there is so little. In most states, workers' compensation benefits provide little more than poverty-level existence. Workers often wait weeks and months for payments.

Many employers refuse to provide light duty or alternative jobs for workers who might be able to go back to work in a modified capacity while they continue to recover, so workers are forced to continue on inadequate benefit payments even though they may be able to work in some capacity. Some injured workers lose their jobs or are only offered positions at much lower pay. It is little wonder that so many claimant fraud cases involve workers illegally continuing to accept benefits when they are in fact working at another establishment. Too many times, inadequate benefits put people in desperate straits, and they take desperate measures as a result. A system that leaves people in poverty invites abuse.

The presumption of widespread malingering and dishonesty undercuts any meaningful discussion of the adequacy of benefits and provides a convenient response for those opposed to the benefit increases that are so critically needed in many states. Until the misplaced focus on claimant fraud is overcome, district attorneys will continue to fry the small fish while the big fish go free, and the voting public will remain distracted by anecdotes.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. DAVIS of Illinois. Mr. Speaker, on September 17, 1998, I was unavoidably detained from casting my vote on Roll Call number 448. However, if I had been present, I would have voted "aye" on this amendment.

PRESCRIPTION DRUG PRICING

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERRY. Mr. Speaker, I rise today to announce the formation of the Prescription Drug Task Force.

I have enjoyed working with Representatives ALLEN and TURNER to form the task force.

The task force will work to bring attention to issues involving the costs and availability of prescription drugs.

The task force will serve as a clearinghouse for information on these issues and will host educational forums, briefings, and hearings.

One of the things we will focus on is continuing to hold forums like the one we hosted last week, where members will be given an opportunity to participate in discussions and learn how consumers are being affected by the pricing decisions of pharmaceutical companies.

One thing I would like to talk about tonight is how the most profitable industry in existence (that is legal) and why that industry's practice of making excessive profits from the elderly and uninsured Americans is bad news.

According to industry ratings of Fortune 500 companies—pharmaceutical companies are the most profitable businesses in existence. They made $24.5 billion in profits last year. Pharmaceutical companies had a 17.2 percent return on revenues. That compares to telecommunication companies who had an 8.1 percent, computers and office equipment manufacturers who had 7.3 percent, food and drug stores that made 1.7 percent.

One might think the successful pharmaceutical companies would be of tremendous benefit to American consumers. This couldn't be more wrong.

And unfortunately, while the pharmaceutical companies are making tremendous profits, the American people are being gouged. Thousands of consumers, especially seniors, have found themselves affected by the price of prescription drugs in this country.

Studies that have been conducted by the minority staff of the Government Reform and Oversight Committee for several Members of Congress, including myself, over the last several months. These studies have shown the prices seniors and other consumers are charged are significantly higher than what pharmaceutical companies charge their favored customers such as HMOs, insurance companies and the Federal Government.

Because of this price gouging, seniors across the country are gathering their friends and traveling to other countries such as Mexico and Canada to purchase prescription drugs because to buy them in our own country, is just too expensive. Why not go somewhere else when you can pay a lower price somewhere else?

Here's the reality—prescription drug prices are higher in the United States than they are in neighboring countries. According to the General Accounting Office (GAO), prescription drugs in the U.S. were priced about 34 percent higher than the same products in Canada.

The average price for products sold in the U.S. was $45.17, ranging from $2.35 (for Deltasone, 5 mg. tablets) to $304.32 (for PCE, 333 mg. tablets). The average price for the same products sold in Canada was $33.78, ranging from $1.29 (for Deltasone) to $211.98 (for PCE). The comparisons were based on data collected from both countries for 121 prescription drugs in the same quantities for each product.

Also, the group Public Citizen conducted a study of eight newly developed antidepressant and antipsychotic medications. They found that the prices for each of these eight drugs were higher in the U.S. than they were in 17 other European and North American countries. That's every country looked at in the study.

The study showed that on average, American prices were twice as high as other countries', and for individual comparisons with other countries, the American price was as much as six times higher.

The consequences are that many individuals who need these new drugs, for financial reasons, are not getting the treatment they need.

GAO says the reason for this differential in the drug prices in the two countries is because Canadian law controls prices of both new drugs entering its market and any increases in prices of pharmaceuticals already on the market.

If the manufacturers see profits in countries with price controls and/or government purchasing plans, why do they charge higher prices elsewhere?

When consumers in one area cannot buy in another, the seller may be able to increase its profits by engaging in what economists call price discrimination. That is what is going on in our country, pure and simple, price discrimination. And what this price discrimination amounts to is our seniors are being ripped off.

Mr. Speaker, if someone were going around stealing from seniors in your town or city, stealing right out of their homes and their pockets, people would be outraged. The police would be called and those thieves would be arrested. Then why are we allowing the pharmaceutical companies to rob our seniors? Isn't price discrimination the same thing?

We try to allow people to live longer, but then when a doctor prescribes a drug, the senior can't take it because they can't afford it.

We live in the richest country in the world but we allow people to starve, go without heat, and only take half of their medicine because they can't afford to take the prescribed amount. It is also wrong that seniors have to travel hundreds of miles for medication, they need, often just to stay alive.

PRESCRIPTION DRUG PRICING

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank Congressman ALLEN and Congressman BERRY for their work in organizing today's special order.

As we are hearing today, many seniors are unable to afford the cost of prescription drugs due to a lack of insurance coverage and excessive drug price inflation.

Ninety percent of Americans over 60 years or older take one or more medications. The days when someone only takes one drug a day are long gone. Today's seniors take three or four drugs a day at least. At the same time, 45 percent of seniors, age 65 and older, do not have prescription drug coverage.

High drug costs, coupled with this lack of coverage, often means making choices between groceries, heating oil, or prescription drugs. How many of our constituents have had to choose between buying certain foods at the grocery store or buying high blood pressure medicine? How many of them had to make sacrifices, just so they could buy their medicines?

For three out of four seniors, prescription drugs represent the highest out-of-pocket medical care cost; only long term care costs more.

The prices of the top selling prescription drugs have risen nearly four times the general rate of inflation between 1985 and the early 1990s. Meanwhile, the Federal Government and the taxpayer spends billions of dollars to help find drugs to treat the diseases of our generation: cancer, Alzheimers, high blood pressure, diabetes, and other chronic conditions.

The industry must do their share as well, and so far they are not doing enough. The pharmaceutical industry is the most profitable industry in the world. In FY 96, it made over $106 billion in sales and revenues and $16.2 billion in sheer profits.

One example of the profits made in the pharmaceutical industry is from the drug TAXOL. TAXOL is an anti-cancer drug that treats breast, lung, and ovarian cancers. It makes $800 million in profits annually. The NIH budget supplied $32 million of the money needed to research this drug. Furthermore, a cancer patient taking TAXOL may pay in excess of $100,000, while the cost to the pharmaceutical company that manufacturers this drug is only about $500 per patient. We pay for the development of these medications, and then pay high prices for their use.

The bill that I introduced this spring with two of my colleagues, Republican Congressman TOM CAMPBELL of California and Independent Congressman BERNIE SANDERS of Vermont, gets at both the need for seniors' prescription drug coverage and the rising costs of these medicines. The bill, called Making Affordable Prescriptions for Seniors Act, will provide up to $500 of such assistance, for any legally marketed prescription drug that is safe and effective according to the FDA.

Also, I am a proud sponsor of the Prescription Drug Fairness Act, by Congressman ALLEN and Congressman BERRY.

The Prescription Drug Fairness for Seniors Act protects senior citizens from drug price discrimination and makes prescription drugs available to Medicare beneficiaries at reduced prices.

The legislation is a "win-win" bill because it allows pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the low prices available under the Federal Supply Schedule. The legislation has been estimated to reduce prescription drug prices for seniors by over 40 percent.

It is time that we help alleviate the burden on our nation's seniors and become accountable for rising drug costs. It is only fair that we end the need to make choices between a good nutrition and shelter or critical medication.

PRESCRIPTION DRUG PRICING

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. ALLEN. Mr. Speaker, I am pleased to join my colleagues to address a very serious problem, the high price of prescription drugs. We only have a few remaining days left in this Congress. I would like to spend this time discussing the issues which matter to the American people such as HMO reform, reducing class size, and yes, improving the health and well being of our seniors.

As I travel throughout the first district of Maine, people, particularly seniors, share their experiences regarding the high cost of prescription drugs.

The high cost of prescription drugs is particularly difficult for seniors, who use one third of all prescriptions. While the average American under 65 uses only four prescriptions a year, the average senior uses 14 prescriptions a year. Furthermore, most older Americans suffer from more than one chronic condition, such as hypertension, diabetes, arthritis, glaucoma and circulatory problems.

Medicare does not provide prescription drug coverage, so many seniors do not have prescription drug coverage and must incur these expenditures out-of-pocket.

To bring attention to some of the above mentioned problems, and to consider appropriate action, I have joined my colleagues, Representative MARION BERRY and Representative JIM TURNER in establishing the Prescription Drug Task Force.

Last June I requested that the Government Reform and Oversight Committee investigate whether pharmaceutical companies are taking advantage of older Americans through price discrimination, and, if so, whether this is part of the explanation for the high drug prices being paid by older Americans.

According to a recent Standard & Poor's report on the pharmaceutical industry, "drugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care companies. This practice is known as 'cost shifting.'" I understand that this is the first study which attempts to quantify the extent of price discrimination and how it affects seniors.

The study investigated the prices of the 10 brand name drugs with the highest sales to the elderly (Zocor, Prilosec, Fosamax, Norvasc, Relafen, Procardia XL, Cardizem CD, Zoloft, Vasotec & Ticlid).

The study estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies and HMOs, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores in the first district of Maine.

These prices are compared to the prices paid by the drug companies most favored customers. Then, for comparison purposes, the study estimates the differential between retail prices and prices for favored customers for other consumer items.

This study has since been conducted in a number of congressional districts across the country. This is clearly a problem not only in Maine—but nationwide. A national report summarizing the investigations in our districts has been completed. I would like to take a few moments to share some of the findings of the national report.

Older Americans and others who pay for their own drugs are charged far more for their prescription drugs than are the drug companies' most favored customers, such as large insurance companies and health maintenance organizations.

A senior paying for his or her own prescription drugs must pay, on average, almost twice as much for the drugs as the drug companies' favored customers. This unusually large price differential is approximately four times greater than the average price differential for other consumer goods. The average price differential for the ten prescription drugs used in this study was 86 percent, while the average price differential for the other items was only 22 percent.

Other drugs commonly used by seniors that are not among the top ten have even higher price differentials. For example, an equivalent dose of Synthroid, a commonly used hormone treatment, would cost the favored customers only $1.75, but would cost the average senior almost $30.00! This is a price differential of 1,603 percent!

The high price of prescription drugs is not the fault of our pharmacists. Pharmacies have relatively small markups for prescription drugs—somewhere between 3–22 percent. Large pharmaceutical companies drive up the prices. Drug manufacturers make six times more profit on prescriptions than retail pharmacies.

A recent lawsuit alleged that pharmaceutical companies have created a dual price system of drug distribution. Drug companies give discounts to the big managed care companies and HMOs, while charging higher prices to independent drugstores and pharmacy chains. Four of the pharmaceutical companies chose to settle for $350 million. Other cases are still pending.

Drug companies make unusually high profits compared to other companies. The average manufacturer of brand name consumer goods, such as Proctor & Gamble of Colgate-Palmalive, has an operating profit margin of 10.5 percent. Drug manufacturers, however, have an operating profit margin of 28.7 percent—nearly three times greater.

Unquestionably, pharmaceuticals have improved the lives of millions of people with very serious illnesses and chronic disabilities. Each year, drug companies introduce new drugs that restore the health, extend the life expectancy and improve the quality of life for people. However, these contributions are not a license for profiteering and price gouging.

The problems outlined in these reports, are not simply a series of numbers and charts and dollar amounts. These problems affect real people, everyday, in Maine and throughout the nation.

Recently, I joined several of my colleagues to introduce H.R. 4627, the Prescription Drug Fairness for Seniors Act. When we introduced the bill we were joined by one of my constituents, Vi Quirion.

Vi traveled from Maine to Washington to speak not only of her difficulties, but also of those of her friends and neighbors. Vi has arthritis and stomach troubles. She lives on about $900 per month from Social Security and cannot afford supplemental coverage for her prescriptions.

Vi, like many seniors, cuts back on her medication or does not take it at all. As she said: "I can't afford to pay my prescriptions and gas and eat too. If I don't take Relafen it won't kill me, but it will certainly change my life. I won't be able to walk. We should not have to live like that."

It was for Vi and those like her that we introduced the Prescription Drug Fairness for Seniors Act. No older American should ever again have to choose between buying the drugs prescribed by their doctors and buying food for their tables or heat for their homes.

The legislation achieves these goals by allowing pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the low price available under the federal supply schedule through the Secretary of the Department of Health and Human Services. The legislation has been estimated to reduce prescription drug prices for seniors by over 40 percent.

I understand that Pharmaceutical Research and Manufacturers of America President Alan Homer recently said: "the well-meaning efforts of the bill's sponsors unfortunately are likely to backfire on America's seniors. In a very real sense, this bill is a dagger pointed at the hearts of America's senior citizens."

This quote comes from an industry whose annual profits of the top ten drug companies is nearly $20 billion. Pharmaceuticals rank as the number one industry in return in revenues and return on assets. Yes, pharmaceuticals rate well above the telecommunications and computer industries.

It is time to level the playing field and stop this price discrimination. It is time to put seniors' lives ahead of pharmaceutical profits. Support the Prescription Drug Fairness for Seniors Act.

PRESCRIPTION DRUG PRICING

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORD. Mr. Speaker, at its core, the issue we are discussing today—the astronomically high prices seniors pay for prescription drugs—is about fairness.

Anyone in America who has older relatives or friends who are living on a fixed income and taking prescriptions drugs, understands first-hand the devastating impact that the high cost of medication can have on the health and well-being of seniors.

As we all know, with age comes a greater susceptibility to health problems. As such, it is no surprise that: on average Americans over the age of 65 spend three times as much of their income (over 20%) on health care than Americans under the age of 65; 75% of Americans 65 and older take prescription drugs; on average older Americans take 2.4 prescription drugs at any one time; and even though older Americans only comprise 12% of the population, they take 33% of the nation's prescription drugs.

One would think that since older Americans make-up such a large segment of the market for prescription drugs that they would pay reasonable prices for their medication.

Unfortunately, that is not the case. Rather due to a pharmaceutical industry practice known as "cost-shifting" and the limited powers of seniors, they get the short end of the stick compared to HMO's and other "most favored customers" when it comes to the cost of drugs.

For example, studies conducted by the Government Reform & Oversight Committee of Congressional districts across the nation (see Attachment "Prescription Drug Pricing in the 9th Congressional District in Tennessee, Drug Companies Profit at the Expense of Older Americans") shows that for commonly prescribed drugs, seniors on average pay between 96%–104% more than "most favored customers." Back home in my Congressional District, seniors who have suffered a stroke or have high blood pressure or depression, can pay anywhere from $110–$275 for their prescription medication. For the senior in my District that is taking the national average of 2.4 prescription drugs, that means a medication bill of: at least $264 a month or $3,168 a year; or at most $633 a month or $7,600 a year.

No matter how you cut it, these prices and the discrepancy in cost between what seniors and HMOs pay is fundamentally unfair and must come to an end. In my view, if anything, seniors and not HMOs should be the "most favored customers" of pharmaceutical companies.

Fortunately, thanks to the leadership of my colleagues JIM TURNER and TOM ALLEN, we now have legislation—the Prescription Drug Fairness Act and the Prescription Drug Fairness for Seniors Act—designed to help level the playing field when it comes to the cost of prescription drugs. Under these measures, the price of medication for seniors will be reduced, among other ways, by: providing Medicare beneficiaries with a drug benefit card that will entitle the holder to purchase drugs at reduced prices from participating pharmacies; and allowing pharmacies to purchase drugs at the same lower price as the Federal Government, thus allowing pharmacies to pass the savings on to seniors.

As Congress continues in the weeks and months ahead to discuss and debate the scope and nature of health care reform, it is critically important that we take the time to confront issues like this—issues that affect the ability of millions of Americans to receive quality health care in an efficient and cost effective manner.

As a public policy maker at the federal level, I believe Congress has a responsibility to help protect seniors—who because of their pressing health needs and limited incomes are particularly vulnerable—from the unreasonably high costs of prescription drugs.

The Prescription Drug Fairness Act and the Prescription Drug Fairness for Senior Act are designed to accomplish just that.

PRESCRIPTION DRUG PRICING IN THE 9TH CONGRESSIONAL DISTRICT IN TENNESSEE DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

EXECUTIVE SUMMARY

This staff report was prepared at the request of Rep. Harold E. Ford, Jr. of Tennessee. In Mr. Ford's district, as in many other congressional districts around the country, older Americans are increasingly concerned about the high prices that they pay for prescription drugs. Mr. Ford requested that the minority staff of the Committee on Government Reform and Oversight investigate this issue.

Numerous studies have concluded that many older Americans pay high prices for prescription drugs and have a difficult time paying for the drugs they need. This study, the first of its kind in Tennessee, presents new and disturbing evidence about the cause of these high prices. The findings indicate that older Americans and others who pay for their own drugs are charged far more for their prescription drugs than are the drug companies' most favored customers, such as large insurance companies and health maintenance organizations. The findings show that a senior citizen in Mr. Ford's district paying for his or her own prescription drugs must pay, on average, over twice as much for the drugs as the drug companies' favored customers. The study found that this is an unusually large price differential—more than five times greater than the average price differential for other consumer goods.

It appears that drug companies are engaged in a form of "discriminatory" pricing that victimizes those who are least able to afford it. Large corporate and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts their favored customers.

Older Americans are having an increasingly difficult time affording prescription drugs. By one estimate, more than one in eight older Americans has been forced to choose between buying food and buying medicine. Preventing the pharmaceutical industry's discriminatory pricing—and thereby reducing the cost of prescription drugs for seniors and other individuals—will improve the health and financial well-being of millions of Americans.

A. Methodology

This study investigates the pricing of the ten brand name prescription drugs with the highest sales to the elderly. It estimates the differential between the price charged to the drug companies' most favored customers, such as large insurance companies and HMOs, and the price charged to seniors. The results are based on a survey of retail prescription drug prices in chain and independently owned drug stores in Mr. Ford's congressional district in Tennessee. These prices are compared to the prices paid by the drug companies' most favored customers. For comparison purposes, the study also estimates the differential between prices for favored customers and retail prices for other consumer items.

B. Findings

The study finds that:

Older Americans in Tennessee pay inflated prices for commonly used drugs. For the ten drugs investigated in this study, the average price differential in Mr. Ford's district was 115% (Table 1). This means that senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers.

TABLE 1: AVERAGE RETAIL PRICES FOR THE BEST-SELLING DRUGS FOR OLDER AMERICANS IN TENNESSEE ARE TWICE AS HIGH AS THE PRICES THAT DRUG COMPANIES CHARGE THEIR MOST FAVORED CUSTOMERS

Prescription drug	Manufacturer	Use	Price for favored customers	Retail Prices for Tennessee senior citizens	Price differential for Tennessee senior citizens (percent)
Ticlid	Hoffman-LaRoche	Stroke	$33.57	$120.02	258
Zocor	Merck	Cholesterol	42.95	111.05	159
Prilosec	Astra/Merck	Ulcers	58.38	118.97	104
Norvasc	Pfizer Inc.	High Blood Pressure	58.83	118.02	101
Procardia XL	Pfizer Inc.	Heart Problems	67.35	133.07	98
Relafen	Smithkline Beecham	Arthritis	62.58	122.76	96
Vasotec	Merck	High Blood Pressure	56.08	109.32	95
Fosamax	Merck	Osteoporosis	31.86	58.28	83
Zoloft	Pfizer, Inc.	Depression	123.88	220.10	78
Cardizem CD	Hoechst Marrion Roussel	Angina/Hypertension	99.36	175.02	76
Average price differential					115

For other popular drugs, the price differential is even higher. This study also analyzed a number of other popular drugs used by older Americans, and in some cases found even higher price differentials (Table 2). The drug with the highest price differential was synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Tennessee was 1,512%. An equivalent dose of this drug would cost the manufacturer's favored customers only $1.78, but would cost the average senior citizen in Tennessee $28.69. For Micronase, a diabetes treatment manufactured by Upjohn, an equivalent dose would cost the favored customers $6.89, while seniors in Tennessee are charged $48.33. The price differential was 601%.

TABLE 2: PRICE DIFFERENTIALS FOR SOME DRUGS ARE MORE THAN 1,500%

Prescription drug	Manufacturer	Use	Prices for favored customers	Retail prices for Tennessee senior citizens	Price differential for Tennessee senior citizens (percent)
Synthroid	Knoll Pharmaceuticals	Hormone treatment	$1.78	$28.69	1512
Micronase	Upjohn	Diabetes	6.89	48.33	601

Price differentials are far higher for drugs than they are for other goods. This study compared drug prices at the retail level to the prices that the pharmaceutical industry gives its most favored customers, such as large insurance companies and HMOs. Because these customers typically buy in bulk, some difference between retail prices and "favored customer" prices would be expected. The study found, however, that the differential was much higher for prescription drugs than it was for other consumer items. The study compared the price differential for prescription drugs to the price differentials on a selection of other consumer items. The average price differential for the ten prescription drugs was 115%, while the price differential for other items was only 22%. Compared to manufacturers of other retail items, pharmaceutical manufacturers appear to be engaging in significant price discrimination against older Americans and other individual consumers.

Pharmaceutical manufacturers, not drug stores, appear to be responsible for the discriminatory prices that older Americans pay for prescription drugs. In order to determine whether drug companies or retail pharmacies were responsible for the high prices being paid by seniors in Mr. Ford's congressional district, the study compared average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that Tennessee pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The retail prices in Tennessee are 8% above the published national Average Wholesale Price. The differential between retail prices and a second indicator of pharmacy costs, the prices from one wholesaler, is only 27%. This indicates that it is drug company pricing policies that appear to account for the inflated prices charged to older Americans and other customers.

I. THE VULNERABILITY OF OLDER AMERICANS TO HIGH DRUG PRICES

This report focuses on a continuing, critical issue facing older Americans—the cost of their prescription drugs. Numerous surveys and studies have concluded that many older Americans pay high costs for prescription drugs and are having a difficult time paying for the drugs they need. The cost of prescription drugs is particularly important for older Americans because they have more medical problems, and take more prescription drugs, than the average American. This situation is exacerbated by the fact that the Medicare program, the main source of health care coverage for the elderly, fails to cover the cost of most prescription drugs.

According to the National Institute on Aging, "as a group, older people tend to have more long-term illnesses—such as arthritis, diabetes, high blood pressure, and heart disease—than do younger people."[1] Other chronic disease which disproportionately affect older Americans include depression and neurodegenerative diseases such as Alzheimer's disease, Lou Gehrig's disease, and Parkinson's disease.*

According to the American Association of Retired Persons, older Americans spend almost three times as much of their income (21%) on health care than do those under the age of 65 (8%), and more than three-quarters of Americans aged 65 and over are taking prescription drugs.[2]

The average older American takes 2.4 prescription drugs.[3] More importantly, older Americans take significantly more drugs on average than the under-65 population.[4] It is estimated that the elderly in the United States, who make up 12% of the population, use one-third of all prescription drugs.[5]

Although the elderly have the greatest need for prescription drugs, they often have the most inadequate insurance coverage for the cost of these drugs. A 1996 AARP survey indicated that 37% of older Americans do not have insurance coverage for prescription drugs.[6] As a result, many older Americans—a large percentage of whom live on a limited, fixed income—are forced to pay the full, out-of-pocket expense of prescription drugs.

The primary reason for this burden is that, with the exception of drugs administered during in-patient hospital stays, Medicare generally does not cover prescription drugs. While Medicare managed care plans may offer optional prescription drug coverage, they are available only as an option subject to the discretion and fiscal priorities of the health plans. Moreover, these Medicare managed plans currently serve only a small portion of the Medicare population.

Although Medicare beneficiaries can purchase supplemental "Medigap" insurance privately, these policies are often prohibitively expensive or inadequate. For example, one of the standardized Medigap policies available provides only a $3,000 drug benefit, while still leaving beneficiaries vulnerable to a high deductible and to paying at least half of their total drug cost.[7]

Medicare beneficiaries without public or private prescription drug coverage are the group most at risk of high out-of-pocket prescription drug costs. According to the Senate Special Committee on Aging, this group includes those "who are not poor enough to receive Medicaid, do not have employer-based retiree prescription drug coverage, and cannot afford any other private prescription drug insurance plans."[8]

The high costs of prescription drugs, and the lack of insurance coverage, directly affect the health and welfare of older Americans. In 1993, 13% of older Americans surveyed reported that they were forced to choose between buying food and buying medicine.[9] By another estimate, five million older Americans are forced to make this difficult choice.[10]

---

*Footnotes appear at end of article.

II. ARE DRUG COMPANIES EXPLOITING THE VULNERABILITY OF OLDER AMERICANS?

Rep. Harold E. Ford, Jr. of Tennessee asked the minority staff of the Committee on Government Reform and Oversight to investigate whether pharmaceutical manufacturers are taking advantage of older Americans through price discrimination, and if so, whether this is part of the explanation for the high drug prices being paid by older Americans in his congressional district. This report presents the results of this investigation.

Industry analysis have recognized that price discrimination occurs in the prescription drug market. According to a recent Standard & Poor's report on the pharmaceutical industry, "[d]rugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care customers. This practice is known as 'cost shifting.'"[11] Under this practice, "drugs sold to wholesale distributors and pharmacy chains for the individual physician/patient are marked at the higher end of the scale."[12]

Although industry analyses acknowledge that price discrimination occurs, they have not estimated its degree or impact. This report, prepared at Mr. Ford's request, is the first attempt to quantify the extent of price discrimination and its impact on senior citizens in Tennessee.

The study design and methodology used to test whether drug companies are discriminating against older Americans in their pricing are described in part III. The results of the study are described in part IV. These results show that drug manufacturers appear to be engaged in substantial price discrimination against older Americans and other individuals who must pay for their own prescription drugs. Drug manufacturers' profitability is discussed in part V.

III. METHODOLOGY

A. Selection of Drugs for this Survey

This survey is based primarily on a selection of the ten patented, nongeneric drugs with the highest annual sales to older Americans in 1997. The list was obtained from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE). The PACE program is the largest out-patient prescription drug program for older Americans in the United States for which claims data is available and is used in this study, as well as by several other analysts, as a proxy database for prescription drug usage by all older Americans. In 1997, over 250,000 persons were enrolled in the program, which provided over $100 million of assistance in filling over 2.8 million prescriptions.[13]

B. Determination of Average Retail Drug Prices for Seniors in Tennessee

In order to determine the prices that the elderly are paying for prescription drugs in Tennessee, the minority staff and the staff of Mr. Ford's congressional office conducted a survey of ten pharmacies in Mr. Ford's congressional district. Mr. Ford represents Tennessee's 9th Congressional District, located in Memphis.

C. Determination of Prices for Drug Companies' Most Favored Customers

Drug pricing is complicated and drug companies closely guard their pricing strategies. The best publicly available indictor of the prices companies charge their most favored customers, such as large insurance companies and HMOs, is the Federal Supply Schedule (FSS).

The FSS is a price catalog containing goods available for purchase by federal agencies. Drug prices on the FSS are negotiated by the Department of Veterans Affairs. The Prices on the FSS closely approximate the prices that the drug companies charge their most favored nonfederal customers. According to the U.S. General Accounting Office (GAO), "[u]nder [General Services Administration] procurement regulations, VA contract officers are required to seek an FSS price that *represents the same discount off a drug's list price that the manufacturer offers its most-favored nonfederal customer* under comparable terms and conditions."[14] Thus, in this study, FSS prices are used to represent the prices drug companies charge their most favored customers.

D. Determination of Prices Paid by Pharmacies

The survey also looked at two other pricing indicators: (1) the Average Wholesale Price (AWP) and (2) the prices charged pharmacies by a large drug wholesaler. These two prices provide an indicator of the extent of markups that are attributable to the pharmacy (in contrast to those that are due to the drug manufacturer). The AWP is an average of prices charged by the drug wholesalers to retail pharmacies. The AWP prices were obtained from the 1997 Drug Topics Red Book.[15] As another measure of wholesale prices, the study used the wholesale prices charged pharmacies by McKesson, the world's largest wholesaler.

E. Determination of Drug Dosages

When comparing prices, the study used the same criteria (dosage, form, and package size) used by the GAO in its 1994 report, Prescription Drugs: Companies Typically Charge More in the United States Than in Canada. For drugs that were not included in the GAO report, the study used the dosage, form, and package size common in the years 1994 through 1997, as indicated in the Drug Topics Red Book.

F. Comparison of Price Differentials for Other Retail Items

In order to determine whether the differential between FSS prices and retail prices for drugs commonly used by older Americans is unusually large, the study compared the prescription drug price differentials to price differentials on other consumer products. To make this comparison, a list of consumer items other than drugs available through the FSS was assembled. FSS prices were then compared with the retail prices at which the items could be bought at a large national chain.[16]

IV. DRUG COMPANIES CHARGE OLDER AMERICANS DISCRIMINATORY PRICES

A. Discrimination in Drug Pricing

For the ten patented, nongenetic drugs most commonly used by seniors, the average differential between the price that would be paid by a senior citizen in Mr. Ford's congressional district and the price that would be paid by the drug companies' most favored customers was 115% (Table 1). The study thus showed that the average price that older Americans and other individual consumers in Mr. Ford's district pay for these drugs in more than double the price paid by the drug companies' favored customers, such as large insurance companies and HMOs.

For individual drugs, the price differential was even higher. Among the ten best selling drugs, the highest price differential was 258% for Ticlid, a stroke treatment manufactured by Hoffman-LaRoche. Zocor, a cholesterol-reducing drug manufactured by Hoffman-LaRoche, had a price differential of 159%.

For other popular drugs, the study found even greater price differentials. The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Tennessee was 1,512%. An equivalent dose of this drug would cost the most favored customers only $1.78 but would cost the average senior citizen in Tennessee $28.69. for Micronase, a diabetes treatment manufactured by Upjohn, the price differential was 604%.

Every drug looked at in this study had a large price differential. Eight of the ten best-selling drugs had price differentials of over 80%. Four of the ten drugs had price differentials over 100%. Cardizem CD, the drug with the lowest markup, still had a differential of 76%.

B. Comparison With Other Consumer Goods

The study also analyzed whether the large differentials in prescription drug pricing could be attributed to a volume effect. The drug companies' most favored customers, such as large insurance companies and HMOs, typically buy large volumes of drugs. Thus, it could be expected that there would be differences between the prices charged the most favored customers and retail prices. The study found, however, that the differentials in prescription drug prices were much greater than the differentials in prices for other consumer goods. The study found that, in the case of other consumer goods, the average differential between retail prices and the prices charged most favored customers, such as large corporations and institutions, was only 22%. The average price differential in the case of prescription drugs was more than five larger than the average price differential for other consumer goods. This indicates that a volume effect is unlikely to explain the large differential in prescription drug pricing.

C. Drug Company Versus Pharmacy Responsibility

Finally, the study sought to determine whether drug companies or retail pharmacies were responsible for the high prices being paid by older Americans. To do this, the study compared the average wholesale prices that pharmacies pay for drugs to the prices at which the drugs are sold to consumers. This comparison revealed that pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. The study found that the average retail price for the ten most common drugs was only 8% higher than the published national Average Wholesale Price, and only 27% higher than the price available directly from one large wholesaler. This finding indicates that it is drug company pricing policies, not retail markups, that account for the inflated prices charged to older Americans and other individual customers. These findings are consistent with other experts who have concluded that because of the competitive nature of the pharmacy business at the retail level, there is a relatively small profit margin for retail pharmacists.[17]

Moreover, the study found few differences between retail prices at pharmacies in different parts of Mr. Ford's district. Further, although there were variations in prices between chain and independent pharmacies, these differences were small and not systematic.[18]

V. DRUG MANUFACTURER PROFITABILITY

Drug industry pricing strategies have boosted the industry's profitability to extraordinary levels. The annual profits of the top 10 drug companies is nearly $20 billion.[19]

Moreover, the drug companies make unusually high profits compared to other companies. The average manufacturer of branded consumer goods, such as Proctor & Gamble or Colgate-Palmolive, has an operating profit margin of 10.5%. Drug manufacturers, however, have an operating profit margin of 28.7%—nearly three times greater.[20]

These high profits appear to be directly linked to the pricing strategies observed in this study. For instance, Merck, the country's largest pharmaceutical manufacturer, had an increase in profits of 15% to 18% in the second quarter of 1998. According to industry analysts, Merck's increased profits were due in large part to sales of Zocor and Fosamax.[21] Both of these drugs are sold at large price differentials to seniors and other individual consumers in Mr. Ford's district. Zocor, which is sold in Mr. Ford's district at a price differential of 159%, itself accounts for 6% of Merck's revenue.[22]

Overall, profits for the major drug manufacturers are expected to grow by about 20% in 1998, compared to 5% to 10% for other companies on the Standard & Poors Index. The drug manufacturers' profits are expected to grow by up to an additional 25% in 1999.[23] According to one analyst, "the prospects for the pharmaceutical industry are as bright as they've even been."[24].

APPENDIX A.—INFORMATION ON PRESCRIPTION DRUGS ANALYZED IN THIS STUDY

Brand name drug	Dosage and form	Indication	Prices (dollars)				
			FSS	Major wholesaler	AWP	Average retail price	Price differential (percent)
Ticlid	250 mg, 60 tablets	Stroke	$33.57	$99.44	$108.90	$120.02	258
Zocor	5 mg, 60 tablets	Cholesterol reducer	42.95	85.47	106.84	111.05	159
Norvasc	5 mg, 90 tablets	Blood pressure	58.83	97.92	125.66	118.02	101
Relafen	500 mg, 100 tablets	Arthritis	62.58	88.88	111.10	122.76	96
Prilosec	20 mg, 30 capsules	Ulcer	58.38	99.20	108.90	118.97	104
Procardia XL	30 mg, 100 tablets	Heart	67.35	105.05	131.31	133.07	98
Fosamax	10 mg, 30 tablets	Osteoporosis	31.86	50.91	51.88	58.28	83
Vasotec	10 mg, 100 tablets	Blood pressure	56.08	85.56	102.94	109.32	95
Cardizem CD	240 mg, 90 tablets	Angina	99.36	154.10	165.42	175.02	76
Zoloft	50 mg, 100 tablets	Depression	123.88	172.44	215.55	220.10	78
Average price differential							115

APPENDIX B.—THE 10 TOP SELLING PATENTED, NON-GENERIC DRUGS FOR SENIORS RANKED BY TOTAL DOLLAR SALES

Rank	Drug	Manufacturer	Indication
1	Prilosec	Astra/Merck	Ulcer.
2	Norvasc	Pfizer, Inc	High Blood Pressure.
3	Zocor	Merck	Cholesterol reduction
4	Zoloft	Pfizer, Inc	Depression.
5	Procardia XL	Pfizer, Inc	Heart Problems.
6	Vasotec	Merck	High Blood Pressure.
7	Cardizem CD	Hoechst Marion Roussel	Angina.
8	Ticlid	Hoffman-LaRoche	Stroke.
9	Fosamax	Astra/Merck	Osteoporosis.
10	Relafen	Smithkline Beecham	Arthritis.

Source: Pharmaceutical Assistance Contract for the Elderly ("PACE"), Pennsylvania Department of Aging, Annual Report to the Pennsylvania General Assembly (January 1–December 31, 1997).

APPENDIX C.—PRICE COMPARISONS FOR NON-PRESCRIPTION DRUG ITEMS

Item	FSS price	Retail price	Differential (percent)
Binder Clip, small, 1 box	$0.49	$0.49	0
Rubber Bands, 1 lb	2.57	2.67	4
Toilet Paper, 96 Rolls	44.74	47.98	7
Rolodex, 500 cards	13.24	14.29	8
Tape Dispenser	1.44	1.69	17
Wastebasket, Plastic, 13 qt	2.95	3.49	18
Scissors	10.88	12.99	19
Pencils, #2, 20-pack	1.03	1.26	22
Paper Towels	22.94	29.98	31
Post-It Notes	2.08	2.89	39
Envelopes, 500, White, 20 lb. weight	6.45	9.49	47
Correction Fluid, 18 ml., dozen	6.66	9.99	50
Average price differential			22

FOOTNOTES

[1] National Institute on Aging (NIA), NIA Age Page (www.nih.gov/nia/health/pub/medicine.htm).

[2] AARP Public Policy Institute and the Lewin Group, Out of Pocket Health Spending By Medicare Beneficiaries Age 65 and Older: 1997 Projections (February 1997).

[3] AUS/ICR for the American Association of Retired Persons, National Pharmaceutical Council, and Pharmaceutical Executive Magazine, Survey on Prescription Drug Issues and Usage Among Americans Aged 50 and Older, I (May 1996).

[4] Senate Special Committee on Aging, Developments in Aging: 1996, 1 S. Rep. 36, 105th Cong., 1st Sess. 121 (1997).

[5] Senate Special Committee on Aging, Developments in Aging: 1993, 1 S. Rep. 403, 103d Cong., 2d Sess. 35 (1994).

[6] AARP Public Policy Institute and the Lewin Group, supra note 1.

[7] Families USA Foundation, Worthless Promises: Drug Companies Keep Boosting Prices, 6 (March 1995).

[8] Senate Report 36, supra note 4, at 122.

[9] Families USA Foundation, supra note 7, at 6.

[10] Senate Special Committee on Aging, A Status Report—Accessibility and Affordability of Prescription Drugs For Older Americans, S. Rep. 100, 102d Cong., 2d Sess. 2 (1992).

[11] Herman Saftlas, Standard & Poor's, Healthcare: Pharmaceuticals, Industry Surveys, 19–20 (December 18, 1997).

[12] Id., at 19.

[13] Pharmaceutical Assistance Contract for the Elderly ("PACE"), Pennsylvania Department of Aging, Annual Report to the Pennsylvania General Assembly (January 1–December 31, 1997).

[14] U.S. General Accounting Office, Drug Prices: Effects of Opening Federal Supply Schedule for Pharmaceuticals Are Uncertain (June 1997) (emphasis added).

[15] Medical Economics Company, Inc., 1997 Drug Topics Red Book.

[16] The items were binder clips, rubber bands, toilet paper, rolodexes, tape dispensers, wastebaskets, scissors, pencils, paper towels, post-it notes, envelopes, and correction fluid.

[17] National Association of Chain Drug Stores, Did You Know ... (pamphlet) [citing financial data assembled by Keller Bruner & Company, P.C., Certified Public Accountants (1995)].

[18] In 1993, independent pharmacies sued 19 drug manufacturers, alleging that the differential between the prices charged most favored customers and the prices charged pharmacies violated antitrust laws. In 1996, 11 of these drug manufacturers agreed to settle with the pharmacies. Under this agreement, these pharmaceutical companies promised to offer pharmacies the same price discounts as favored customers like large HMOs if the pharmacies could show the same ability to move market share as the favored customers. On July 13, 1998, four additional drug manufacturers agreed to a settlement under similar terms.

Unfortunately, the results of this study cast doubt on whether these agreements are likely to end the price discrimination practices of the large pharmaceutical companies. Eight of the ten most popular prescription drugs in this survey—Zocor, Norvasc, Prilosec, Procardia XL, Relafen, Vasotec, Fosamax, and Zoloft—are covered by the agreement reached in 1996, and there is still large price discrimination for all of these drugs. Synthroid is also covered under the agreement, and this drug has a price differential of 1,512%.

The reason for the continued high price differentials may be that, unlike hospitals or HMOs, pharmacies cannot control decisions made by doctors about what drugs to prescribe, and thus are unable to demonstrate to the drug manufacturers that they can influence market share. The doubts raised by this study are consistent with the observations of other industry analysts, who note that "there is already intense skepticism among retail buying groups for independent drugstores about whether the smaller independents will have the ability to qualify for the potential windfall and pass the savings on to customers." Wall Street Journal, Drug Makers Agree To Offer Discounts For Pharmacies, July 15, 1998, p. B4, column 3.

[19] See 1998 Fortune 500 Industry List (www.pathfinder.com/fortune500/indlist.html).

[20] Paul J. Much, Houlihan Lokey Howard & Zukin, Expert Analysis of Profitability (February 1988).

[21] USA Today, Drugmakers Have Healthy Outlook (July 20, 1998).

[22] IMS America, Top 200 Drugs of 1997 (1998).

[23] USA Today, supra note 22.

[24] Id., D1.

PRESCRIPTION DRUG PRICING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SANDERS. Mr. Speaker, I want to bring attention to a crisis in our nation. Our seniors are dying because they cannot afford the medication prescribed to them by their doctors. Either they don't take their medicine, or they stop eating in order to save money to fill their prescriptions. This is a travesty.

I am pleased to join my colleagues in supporting the Prescription Drug Fairness for Seniors Act, which will allow elderly Americans to purchase their prescriptions at a lower and fairer price. Currently, many large groups, such as HMOs, insurance companies, and hospitals, purchase drugs at a reduced price from the pharmaceutical companies. These are known as most favored customers. However, one group that makes up about one-third of the drug-buying market is left out of this discount—Medicare beneficiaries.

The Prescription Drug Fairness for Seniors Act will give Medicare beneficiaries a drug benefit card that they can use to purchase prescription drugs at reduced prices from participating pharmacies. The Government Reform and Oversight Committee estimates that seniors will be able to receive more than a 40-percent discount. This will be a much-needed, in fact, lifesaving, change for our nation's elderly citizens.

The average income for all seniors was $17,000 in 1996. However, that number plummets to only $13,000 per year for elderly women, or just over $1,000 per month. Many seniors pay at least one-half that amount for prescription drugs. It is absurd to charge those individuals who can least afford it the highest prices for their needed medication. I've heard from seniors in my state that they not only are paying a huge amount of their monthly income for prescriptions, but that they don't know how they can deal with the prices that continue to rise.

And our seniors are somewhat lucky in Vermont. There are two programs run by the state that give low-income seniors help with paying for their prescription drugs. One program, V-HAP, is for very low-income seniors who earn too much for Medicaid. This program allows seniors to pay just a few dollars a month for their drugs. The other program, VScript, has a higher income threshold and gives seniors with chronic illnesses a 50-percent discount on their prescriptions. And still, many seniors either do not know about these state programs, or they take advantage of them and still find it difficult to pay for their drugs, even with the 50-percent discount!

In two recent cases in Vermont, my constituents went to have their prescriptions refilled and found that the price had more than doubled in less than 2 months with no notice to them. This is ridiculous! One of the pharmacists even had the audacity to ridicule one of my constituents when she became upset at the huge increase in price and wondered how to pay for it.

Another of my constituents, Katherine Bentley, whose story is mentioned in my Vermont report on seniors' drug prices, was unable to pay her electric bill because she was paying almost $600 per month—more than half her income—for her prescription drugs. This forced her out of her home and she still cannot afford all of her medication. Our seniors deserve to be treated much, much better than this.

In recent years, many Members of Congress, including myself, have advocated having Medicare cover prescription drugs. I still believe that this is a fair, solid proposal. However, why should the Federal Government take up the cost of this plan when the pharmaceutical companies, with annual profits in the billions of dollars, which put them on the Forbes 50 list annually, could and should offer the same discount to Medicare beneficiaries as they offer to HMOs and insurance companies? Who do we side with here? The multibillion dollar pharmaceutical companies or poor, sick, elderly Americans who need prescription drugs? It is only fair to allow Medicare beneficiaries with their considerable buying power, to get the same discount on their drugs as large corporations.

In addition to allowing seniors to purchase drugs at this reduced rate, another solution to providing lower-cost drugs for all Americans, including the elderly, is to reinstate the reasonable pricing clause at NIH. This provision was repealed in 1995. It directed NIH to take into account the cost that a pharmaceutical company would charge future customers for a drug before agreeing to issue a cooperative research and development agreement (CRADA). I have introduced bipartisan legislation, along with Representatives ROHRABACHER, CAMPBELL, and PATRICK KENNEDY, to reinstate this provision. The bill is H.R. 3758, the Health Care Research and Development and Taxpayer Protection Act.

Let me detail how important the reasonable pricing clause is. Today, drug companies charge whatever they want for drugs. Taxpayers get hit twice—once when their tax dollars go to develop these drugs at NIH and again when they have to buy the medication.

Here are some examples of how the taxpayers are gouged by the pharmaceutical companies: Taxol, a breast cancer treatment drug, costs its manufacturer, Bristol Myers Squibb, $500. Bristol Myers Squibb turns around and charges $10,000 for that drug. This drug makes the pharmaceutical company $1 million every day. In this decade, two million women will be diagnosed with breast cancer—½ million of them will die. They are dying because they do not have $10,000 for Taxol, which would save thousands of lives. Levamisole, which was sold by Johnson&Johnson as an anti-worm drug for sheep at six cents a pill, was found to treat colon cancer. With this discovery, Johnson&Johnson began charging $6 a pill, a 100-percent markup. Colorectal cancer killed over 50,000 Americans in 1995. Again, seniors are dying because they cannot afford these ridiculously expensive drugs to treat their cancer.

I hope that we can pass both pieces of legislation quickly—both the seniors drug pricing legislation and the NIH reasonable pricing clause legislation—as many of my constituents have urged, so that no more seniors are forced out of their homes, or are forced to choose between food or medicine. This is disgraceful and we need to give seniors access to their medication at a fair price.

PRESCRIPTION DRUG PRICING

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. TIERNEY. Mr. Speaker, and I would first like to thank my good friend from Maine, Tom Allen, for his work to end the gouging of prices for prescription drugs by pharmaceutical companies.

We have heard horror stories about seniors forgoing food, electricity or other necessities in order to pay for their monthly medications. In some instances, seniors will choose one medication of the other, alternating each month, because they simply cannot afford to be buying everything they need. We have seen the profits of pharmaceutical companies skyrocket to nearly $20 billion a year. And there profits will continue to grow, at the expense of our nation's seniors. It is time to end this cycle of discrimination.

In Massachusetts, we are fortunate to have a number of safety nets in place to help seniors with their prescription drug needs. Our state Medicaid system, MassHealth, protects the poorest of the poor. Our State Pharmacy Program provides up to $750 a year in prescription drug coverage. The State Legislature even passed a law in 1994 to require all Medicare-HMO's to provide an optional prescription drug benefit. Approximately 75 percent of the 211,000 beneficiaries in the state enrolled in Medicare HMO's benefit from this option.

However, there are many who fall through the cracks and for reasons beyond their control, are not eligible for any federal or state assistance.

For example, Georgia LaPine from North Andover, MA is a 74 year old retiree who is completely dependant on her monthly Social Security check. She is on numerous medications, including three different asthma inhalers, thyroid pills, nitroglycerine for a heart condition, and Lorazepam for her nerves. She cannot afford to purchase all of these medications each month. Subsequently, she was forced to forgo her heart medication, and has had trouble affording groceries. Georgia tries to put money aside each month to buy the medication she needs, but each time she foregoes any medication or doesn't eat properly, her condition worsens. She constantly worries about her monthly prescription requirements and as a result, her asthma and anxiety problems have worsened.

And it is not only the seniors who suffer. Thousands of independent pharmacies go out of business each year because they simply cannot afford to purchase certain drugs from pharmaceutical companies. Pharmacists in my district care about their customers and have told me how painful it is to explain to a senior citizen why the medication that cost $15 last month now costs $65. But, if the pharmacy doesn't stock the medications, they will lose considerable business.

Jack Collins of Lynn Fells Pharmacy in Saugus, MA, stated "They know that we will expose them and their pricing policies . . . it's independent pharmacist who will take the time to explain to a senior citizen just how they are being ripped off. We are their enemies and they are determined to eliminate us." He goes on to say that, "If you and your colleagues in Congress don't stand up to this cartel and level the playing field on prescription pricing, the people in this country paying cash for their medicines will continue to neglect filling their prescriptions, necessitating more hospital visits and further driving the cost of health care through the roof."

It if becomes too late this session to act on legislation such as Mr. Allen's Prescription Drug Fairness for Seniors Act, I would urge my colleagues on both sides of the aisle to make this a priority for the 106th Congress. This is not a partisan issue. Every district has seniors like Georgia LaPine and independent pharmacists like Jack Collins. We constantly talk about protecting seniors and helping small businesses. We simply cannot continue to provide pharmaceutical companies with research and development funding and close our eyes to discriminatory pricing schemes that target seniors, among others, or their exorbitant price increases. This legislation that we have introduced would benefit seniors and pharmacies by allowing them to purchase low-cost prescription drugs by taking advantage of the purchasing power of existing Federal Supply Schedule prices.

This is a plan that is budget neutral, and which, given the drug manufacturers' uncommon profit margins, need not adversely affect prices in general. This is an effective and much-needed solution. I urge both the Republican and Democratic Leadership to make this issue a priority for the next session.

AUTHORIZING AWARD OF CONGRESSIONAL MEDAL OF HONOR TO THEODORE ROOSEVELT

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CLAY. Mr. Speaker, if there had been a recorded vote rather than a voice vote on H.R. 2263, a bill to confer the Congressional Medal of Honor on Colonel Theodore Roosevelt, I would have voted "no". To honor the former President some 100 years after his alleged act of bravery during the battle of San Juan Heights, Cuba, would be just another example of how American history is constantly and erroneously revised.

Common sense should dictate that if Mr. Roosevelt accomplished the great and valiant deeds of heroism that he (Mr. Roosevelt) claims, then he would have been awarded the medal many years ago. If Roosevelt's popularity immediately following the Spanish American War played a major role in his being elected governor of New York and helped his many friends in the highest places of government, why was he denied the honor?

Roosevelt enlisted the aid of his political powerful friend, Senator Henry Cabot Lodge to pursue the matter and still was rejected. The primary basis for the rejection was there were no eyewitnesses to Mr. Roosevelt's courageous actions. His superior officers, Generals Leonard Wood, Joseph Wheeler and William Shafter all submitted glowing endorsements of Roosevelt's "distinguished gallantry", but they were viewed with little merit as none of them actually witnessed his alleged heroic charge. The only credible eyewitness was Roosevelt's personal publicist, Richard Harding Davis, who accompanied Roosevelt to Cuba.

Hundreds of highly decorated units of black soldiers were among the first to be sent to Cuba in 1898 to fight in the Spanish American War, including the 9th and 10th Calvary and the 24th and 25th Army Regiments. These heroic soldiers waged a furious battle, capturing El Caney and charging the enemy from the summit at San Juan Hill. Their acts of bravery enabled Colonel Roosevelt and his "Rough Riders" to win San Juan Hill the following day. According to an article which appeared in the *Washington Times* on February 8, 1991, "Neither Col. Theodore Roosevelt, whose name is most commonly associated with the battle of San Juan Hill, nor any other Roughrider reached the summit before the black calvary".

The Americans outnumbered the Spanish militia 10 to 1, but the undermanned Spaniard troops fought fiercely from their concrete blockhouses. American casualties were heavy. More than 200 were killed or injured. Five Negro soldiers won Congressional Medals of Honor for bravery in the battle at El Caney and San Juan Hill. They were Dennis Bell, Edward Baker, Fitz Lee, William Thomkins and George Wanton. Secretary of the Navy, Frank Knox, lauded them as being the "bravest men" he had ever seen.

Mr. Speaker, Teddy Roosevelt was no hero at San Juan and his insistence that he was is not sufficient to justify the House of Representatives authorizing the President to award him the Congressional Medal of Honor. This high distinction is reserved for those who have performed extraordinary fetes of bravery.

DESIGNATING OCTOBER 16TH AS "SAN DIEGO MAGAZINE DAY"

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. BILBRAY. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to San Diego Magazine on their 50th anniversary by joining the residents of San Diego in proclaiming October 16th "San Diego Magazine Day."

The San Diego publication has earned a reputation for remaining on the forefront of issues which are important to San Diegans. It is also known for articles which are always intelligently written, witty, and never cynical or disparaging. Throughout the years, the magazine has remained a source of unbiased and comprehensive coverage of local news and perspectives for its readers.

Since its debut in 1948, San Diego Magazine has followed matters which are still relevant today such as: the improvement of the downtown library; the San Diego airport which was designed to grow to meet the needs of the city; the need for an efficient public transportation system, and the need for better city planning in Mission Valley. In the last two decades, the magazine has also published stories addressing San Diego's exponential growth as a major business market, technology center, and tourist destination.

Fifty years of striving for excellence has paid off for San Diego Magazine. Its recent sweep of 17 Press Club Awards for high accomplishment in journalism, special publications, and art direction has made it a standard upon which many other regional magazines are modeling their publications.

Mr. Speaker, on behalf of my constituents, I extend my highest congratulations to San Diego Magazine on their Golden Anniversary. We look forward to many more years of forward-thinking and entertaining articles which beautifully reflect the character of the San Diego area.

LONG-TERM CARE PATIENT PROTECTION ACT OF 1998

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. TOWNS. Mr. Speaker, When a family makes the difficult decision to place an aging relative in a nursing home, they trust the institution to care properly for their loved one. However, over the last few years, numerous concerns have been raised about the quality of care and standards within the nursing home industry. At a time when this industry is experiencing explosive growth, I believe it is imperative that Congress institute safeguards to protect the most vulnerable members of our society.

As the Ranking Member of the Subcommittee on Human Resources, which has held numerous hearings examining our nation's nursing homes, I believe that introducing the Long-Term Care Patient Protection Act of 1998 today will take a pivotal step in the right direction. This bill represents part of the Administration's efforts to improve quality of care within the nursing home industry, and serves as a complement to H.R. 4686, a bill introduced by my esteemed colleague, Mr. Joseph P. Kennedy, II, of Massachusetts.

Specifically, the Long-Term Care Patient Protection Act of 1998, would allow qualified and trained paid staff other than nurses aides and licensed health professionals to provide feeding and hydration assistance to residents in nursing facilities participating in the Medicare and Medicaid programs. It would also prevent a nursing facility from using any individual as a feeding and hydration assistant in the facility unless the individual has completed a training and competency evaluation approved by their respective state.

Mr. Speaker, I urge my colleagues to join my efforts to assist millions of families across this nation by supporting the Long-Term Care Patient Protection act of 1998.

TRIBUTE TO CHIEF OF POLICE, NORMAN N. CHAPMAN, JR.

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. SCARBOROUGH. Mr. Speaker, on October 14, 1998, the citizens of Pensacola and the State of Florida will be losing a man who has dedicated his life to protecting the people of Florida and ensuring the triumph of justice in our community. This gentleman has distinguished himself as a community leader, a dedicated law enforcer, and one of our nation's leaders in the war on crime. The man I speak about today is Chief Norman Chapman of the Pensacola Police Department.

I could praise Chief Chapman for his nearly twenty-five years of law enforcement, during which he served in all phases of Uniform Patrol, Tactile Patrol in high crime areas, the Detective Bureau, Investigations, and in Personnel and Training. I could mention the modernization and efficiency that Chief Chapman brought to the Pensacola Police Department over the last four years as Chief of Police. Or I could applaud his efforts to bring to justice Ted Bundy, one of history's most heinous mass murderers. But I'm sure Norman would say that those accomplishments were just part of his duty.

However, in my opinion, Mr. Speaker, Norman has gone above and beyond the call of duty throughout his distinguished career in the field of law enforcement. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a law enforcement professional who always went the extra mile to protect our citizens while striving to support and defend the Constitution of the United States. During his tour in Viet Nam, Norman Chapman came to know and respect our God given rights of freedom. He has never forgotten how important those rights are to the American way of life.

Norman's overall attitude and dedication to public service has been a model in the lives of the hundreds of law enforcement officers and professionals that he has trained, supervised, and encouraged. His legacy will remind new recruits that when at all possible, law enforcement officers should go beyond the call of duty to assist citizens in any way possible and to protect our system of justice from any and all adversaries.

As Norman departs the Pensacola Police Department, he can take pride in knowing that he influenced so many people in a positive way. As a father of two young boys, I sleep better at night knowing that our streets are safer and that our children are protected because of the life-long efforts of Norman N. Chapman, Jr.

HOLY ROSARY CELEBRATES 90TH ANNIVERSARY

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. MALONEY of Connecticut. Mr. Speaker, it is with great joy that I bring to the attention of the House of Representatives and the American public the celebration in my congressional district of the 90th Anniversary of Holy Rosary Parish in Ansonia, Connecticut.

In the very early 1900's, the rather large Catholic Italian community of Ansonia was served by another local parish that was first formed by Irish immigrants. Church leaders in Hartford recognized the distinct cultural and language differences in the existing parish and moved to create a new one. And, on October 4, 1908, the Feast of the Holy Rosary, Reverend Bonforti celebrated the first Mass for the Ansonia Italian community and took the name, Holy Rosary, in honor of the feast day.

Over the next several decades, the Church continued to grow and serve the community. Many people played a major role in this growth process, including the Reverend Peter Manfredi, who on April 3, 1913, was assigned to the church as its administrator and served in this capacity for over forty years. While ministering to the needs of the parishioners, he gave the church a firm foundation that helped guide it through some very difficult times. Reverend Anthony Salemi came to Holy Rosary in July, 1954. Through his enthusiasm and spiritual dedication, he led the church for the next decade, and most notably, through the rigors of purchasing and paying off their first church building. Miss Annie Larkin, a lay person, established the religious education program as well as most other church parish organizations and served the church as a Sunday school teacher for more than thirty years.

The Reverend Vincent Iannetta, who served as pastor for thirty years starting in June, 1965, provided the leadership that led to a new church and under whose tenure the parish truly matured. Father Ronald Genua now serves as pastor and in just three short years has touched and enriched the lives of parishioners throughout the congregation.

Mr. Speaker, Holy Rosary is a mainstay of the community and serves this diverse parish well. On behalf of the 5th Congressional District and the House of Representatives, I congratulate all parishioners and clergy, past and present, on this 90th Anniversary and send best wishes for a very successful celebration and all continued success.

TRIBUTE TO ADDISON McLEON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in honoring a man whose contributions to his community and to the entire state of New Jersey are legendary, former Assemblyman Addison McLeon of Jersey City. He will be honored on October 22, 1998 at a special event: "A Tribute to Addison McLean: A Lifetime of Community Leadership."

Mr. McLeon made history when he was elected the first African American from Hudson County to serve in the State Assembly, a post he held from 1966 to 1970. He also served in the Jersey City Housing Authority, beginning in 1954; as a member of the Jersey City Board of Education; as Director of Housing for the Essex County Urban League; and as a member of the Jersey City Branch of the National Association for the Advancement of Colored People (NAACP). In addition, he is the founder of the Civic Awareness Council, a citizens' action organization.

Assemblyman McLeon, who was born on June 17, 1921, attended public schools in Jersey City, including School Number 14 and Lincoln High School. He enrolled in Lincoln University, Pennsylvania in 1940, but his education was interrupted by World War II in 1944. He served in the U.S. Air Force during the war, rising from the rank of private within a year to Personnel Sergeant Major, the highest rank for enlisted men. He returned to Lincoln University in September of 1948 and received a Bachelor of Arts degree. He married the former Louise Williams and they produced three children.

Although former Assemblyman McLeon is retired now, he has remained an active and passionate advocate for the cause of justice and continued progress. He has truly been an inspiration to all who have had the privilege of knowing him.

Mr. Speaker, I know my colleagues join me in congratulating former Assemblyman McLeon and wishing him all the best.

HONOR THE VICTIMS OF THE UKRAINIAN FAMINE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. BONIOR. Mr. Speaker, the Ukrainian famine of 1932–33 stands as one of the most tragic events of this century.

Millions of Ukrainian men, women and children were starved to death in one of the cruelest acts of inhumanity every recorded.

Ukraine was the breadbasket of Europe. Its land was rich and productive. Its farmers helped to feed the world.

So it made no sense in 1932 when peasants began to scavenge around in harvested fields for food—or when their diets were reduced to nothing but potatoes, beets and pumpkins.

Peasants began leaving Ukraine, trying to search for food in Russia and other neighboring territories, but they were soon turned back.

Instead of planting seeds for the next crop, peasants were reduced to feeding those seeds to their children.

As a result, little grain was harvested for the next crop, and the situation grew worse.

Soon, people began dying—millions of people.

Incredibly, as many as ten million may have died in this famine.

That's fully one-quarter of the people in rural Ukraine.

Of course, the truth about the famine was not revealed for far too long a time.

The Kremlin was starving the people of Ukraine to death, because Josef Stalin and the Soviet dictators wanted to avoid mass resistance to collectivization.

So they killed the peasants—slowly, deliberately, diabolically—through mass starvation.

The West did little at the time to put an end to the man-made famine. They continued to buy grain at cheap prices from Russia, taking more food away from the Ukrainian people.

We should never forget this tragedy.

We should honor the memory of the millions of victims.

And we should support the efforts of the people of Ukraine, who were subjected to the famine and to decades of oppressive Soviet rule, as they continue on their path to democracy, respect for human rights, and economic progress.

Mr. Speaker, I urge my colleagues to support this important resolution and stand together with the people of Ukraine.

TRIBUTE TO STEVE WATKINS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a member of my staff who has decided to pursue a new career.

Steve Watkins has been a part of my team since I came to Congress in 1997. Indeed our association goes further than that as he was the Press Secretary for my first campaign for Congress. Steve was critical in managing my transition from candidate to Member and establishing a healthy relationship with members of the press in Arkansas. Within a short time I named him District Director in recognition of the vital role he was playing in the 1st District.

As a native of the 1st District and a resident of Jonesboro, Steve has given his time, talent, and dedication to the people of Arkansas for the last two years. He has helped them with their interactions with the federal government, with vital water and sewer projects, and responded to their concerns.

Steve has decided to pursue a career with Arkansas State University, his alma mater, and although their gain is our loss, Steve will always be a part of our team wherever he is.

Steve I wish you the best of success in your new career and continued happiness for you, Audrey, Adam and Emma. On behalf of the people of the 1st District, of my wife Carolyn, and of all your colleagues in Jonesboro and Washington, I thank you for a job well done and wish you continued happiness and success.

WORLD FOOD PROGRAMME'S FRONTLINE: DOUGLAS BRODERICK OF ROCKLAND COUNTY, NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. GILMAN. Mr. Speaker, Douglas Broderick of Rockland County, New York, is an important part of the U.N. World Food Program's (WFP) history. Working for WFP since 1992, Broderick has been on the frontline of numerous crises including the former Yugoslavia, Somalia, and Rwanda.

Today, as a WFP Senior Advisor to the Country Director in North Korea, Doug Broderick is the senior American helping to run the biggest emergency operation in WFP's history.

WFP, which has been marshaling food aid for North Korea since government mismanagement and destructive floods hit the country, appealed to the international community to provide more than 600,000 tons of emergency food aid worth $346 million for the 12 months through next March. Three years of disastrous flooding, droughts, and tidal waves exacerbated the already existing agricultural problems facing North Korea. The result has been chronic food shortages, widespread hunger, and malnutrition.

From Mr. Broderick's base in Pyongyang, WFP is currently delivering 392,000 tons of food to over 6 million persons or almost one-third of the population. He helps manage WFP operations including a staff of 74 and sub-offices in Chongjin, Hamhung, Sinuiju, and Wonson.

By the end of 1997, WFP was able to provide emergency food to over 2.6 million children aged 6 and under, one million hospital patients as well as 250,000 farmers participating in food-for-work agricultural projects.

In North Korea, children make up the largest group of recipients—totaling 5 million. WFP's aid targets the most vulnerable populations—children, pregnant, and nursing women, orphans and hospital patients.

On the event of World Food Day, I want to hail Doug Broderick and his team who are saving lives each day in North Korea. On behalf of Rockland County and the Nation as a whole, we are proud of Doug and his WFP colleagues in their work to end hunger around the world.

CONSOLIDATED TAX RETURN LEGISLATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. CRANE. Mr. Speaker, today, I am introducing, along with Representatives NANCY JOHNSON, BARBARA KENNELLY, JIM RAMSTAD and JERRY WELLER, legislation which would repeal a number of limitations contained in the consolidated return provisions of the Internal Revenue Code. These limitations, which were enacted in 1976, are a relic from a time when the financial services world, and the taxation of financial institutions, particularly insurance companies, was far different from today. The limitations serve no purpose today other than to make the application of the tax laws more complicated for both the taxpayers who have to follow them and for the Internal Revenue Service which must devote an inordinate amount of resources to review the tax returns when they are filed. Needless to say, these restrictions also place affiliated groups of corporations which include life insurance companies at an economic disadvantage compared with other corporate groups.

I had hoped that we would have been able to consider tax simplification in the consolidated return provisions this year, as part of our ongoing efforts to make the tax laws easier to understand and administer. Unfortunately, that did not happen. It is my hope that introduction of this bill now will serve as a vehicle to focus attention on this problem and lead to repeal of these limitations when we consider tax legislation next year.

BACKGROUND

With that introduction, I would like to give a short explanation of the issues that this legislation addresses.

The consolidated return provisions in the tax laws were enacted so that the members of an affiliated group of corporations could file a single tax return. The right to file a "consolidated" return is available regardless of the nature or variety of the businesses conducted by the affiliated corporations. The thinking behind this is easy to understand. We should be taxing a complete business entity, not separate parts. It should not matter whether an enterprise's businesses are operated as divisions within one corporation or as subsidiary corporation with a common parent company. If the group is one economic unit, it should have to file only one tax return each year. The tax return should reflect the taxable income of the entire enterprise.

Corporate groups which include life insurance companies, however, are denied the ability to file a single consolidated return until they have been affiliated for at least five years. Even after groups with life insurance companies are permitted to file on a consolidated basis, they are subject to two additional limitations that do not apply to any other type of affiliated group. First, non-life insurance companies must be members of an affiliated group for five years before their losses may be used to offset life insurance company taxable income. Second, non-life insurance affiliate losses (including current year losses and any carryover losses) that may offset life insurance company taxable income are limited to the lesser of 35 percent of life insurance company taxable income or 35 percent of the non-life insurance company's losses.

Prior to 1976, life insurance companies could not file consolidated returns with other affiliated companies. The inability to file consolidated returns was of little consequence until the 1960s and early 1970s when states first began to change the laws to allow life insurance companies to have subsidiaries. Thus, the rules in present law were considered a modest step in the right direction.

The historical argument against allowing life insurance companies to file consolidated returns with other, non-life companies was that life insurance companies were not taxed on the same tax base as non-life companies. This argument is unfounded today. Prior to 1958, life insurance companies were taxed under special formulas that did not take their underwriting income or loss into account. Legislation enacted in 1959 took a major step toward taxing life insurance companies on both their investment and underwriting income. In fact, at the time the present law rules were under consideration in 1976, the Treasury Department took the position that full consolidation was consistent with sound tax policy.

In 1984 and 1986, Congress reviewed the taxation of life insurance companies and made a number of substantial changes that have resulted in these companies being subject to tax on their total income at the regular corporate tax rates. Today, life insurance companies are as fully taxed on their income as are other corporations. There is no reason to treat them differently today.

THE PROBLEM

The current restrictions placed affiliated groups of corporations which include life insurance companies at an economic disadvantage compared with other corporate groups and also create substantial administrative complexities for taxpayers and the Internal Revenue Service. The five-year limitations, in particular, create irrational disparities between groups containing life insurance companies and other consolidated groups. Let me provide three examples:

1. When a consolidated group acquires a target consolidated group with a life insurance company member, the target group is deconsolidated. This means that, unlike other groups, intercompany gains in the target group would be triggered into income while losses would continue to be deferred.

2. For the five year period following a consolidated group's acquisition of a life insurance company, gains on any intercompany transaction cannot be deferred. Gains of other groups, which are allowed to file a consolidated return, are allowed to be deferred.

3. Section 355 spin off transactions raise questions concerning the five year ineligibility period for the spun-off company even if the group had existed and been filing a consolidated return for many years.

The ability to file consolidated returns is particularly important for affiliated groups containing life insurance companies. Many corporations in other industries can, in effect, consolidate the returns of affiliates by establishing divisions within one corporation, rather than operating as separate corporations. Unfortunately, state law and other, non-tax, business considerations generally require a life insurance company to conduct its non-life business through subsidiaries. The inability to file consolidated returns thus operates as an economic barrier inhibiting the expansion of life insurance companies into related areas.

SOLUTION

There are no sound reasons to deny affiliated groups of corporations including life insurance companies the same unrestricted ability to file consolidated returns that is available to other financial intermediaries (and corporations in general). Allowing the members of an affiliated group of corporations to file a consolidated return prevents the business enterprise's structure, i.e., multiple legal entities, from obscuring the fact that the true gain (or loss) of the business enterprise is the aggregate of the gain (or loss) of each of the members of the affiliated group. The limitations contained in present law are so clearly without policy justification that they should be repealed.

The legislation we are introducing today will repeal the two five-year limitations for taxable years beginning after this year. For revenue reasons, the legislation will phase out the 35% limitation over seven years. This bill should be a part of any simplification or taxpayer relief legislation that may be enacted next year, and I hope my colleagues will join me in this worthwhile effort.

HONORING MEGHAN ANN ELLWANGER, WINNER OF THE NATIONAL BUSINESS PLAN COMPETITION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. KIND. Mr. Speaker, I rise today to commend a young lady from my congressional district who has made the State of Wisconsin proud. Meghan Ann Ellwanger, of Somerset, Wisconsin, has proven herself to be an astute entrepreneur at the age of 15. Her business plan for "Berry Patch Nannies" won the 1997–98 Business Plan Competition sponsored by "An Income of Her own" a nonprofit organization dedicated to improving the economic literacy of teen girls.

Berry Patch Nannies will be a business devoted to the raising of goats and the sale of goat products which include milk, cheese, and soap lotion. It will also be an "environmentally aware business with products that are drug, disease and pest free." Miss Ellwanger gained some of the experience she will need to implement her plan for Berry Patch Nannies while she was operating Meghan's Poultry Palace, a family operated poultry business. Miss Ellwanger plans to cover her startup costs by applying for a 4–H business loan. She intends to invest her profits in a college education.

I wish her success and congratulate her on this impressive accomplishment.

LITTLE ROCK NINE MEDALS AND COINS ACT

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the bill H.R. 2560 to present Gold Medals to Ernest Green, Elizabeth Eckford, Jefferson Thomas, Dr. Terrence Roberts, Carlotta Walls Lanier, Minniejean Brown Trickey, Gloria Ray Karlmark, Thelma Mothershed-Wair, and Melba Pattillo Beals, collectively known as the Little Rock Nine.

I was a 16-year-old college freshman at Arkansas A.M. of N. College in Pine Bluff, Arkansas; and on a daily basis we waited with baited breath to hear or see what had taken place on that day at Central High School in Little Rock. The nine young people gave all of us a sense of pride and fulfillment as we observed their strength, courage, and determination. They were all outstanding; however, I was particularly struck by the fact that my mother, a very soft-hearted and genteel woman, declared Minniejean Brown as her hero.

These were indeed heady times for all of us in Arkansas and especially so, for those of us who were Black. Daisy Bates, president of the Little Rock NAACP became a goddess for those of us who were liberation hungry and searching for equality, equal justice, and equal opportunities. Attorney Wiley Branton, Dr. Cleon Flowers, Attorney Flowers, Dentist Mazique, President Lawarence A. Davis, Dean J.B. Johnson, Earl Evans, and others became in my mind great civic and community leaders. I am indeed pleased to see this recognition provided to the Little Rock Nine as evidence of the significant role which they, their parents and leaders like Daisy Bates and Wiley Branton played in the school desegregation and Civil Rights Movement in this country. They were Golden Children and deserve Gold Medals.

I thank you, Mr. Speaker, and yield back the balance of my time.

TRIBUTE TO AMERICAN YOUTH SOCCER ORGANIZATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise before you today to pay tribute to the American Youth Soccer Organization (AYSO) and its chairman of the board, Burton K. Haimes. AYSO was founded in Torrance, CA in 1964, "everyone plays" and "balanced team" philosophies have generated a youth soccer program which has literally swept the country.

Today, AYSO has 900 regional programs and 46,000 teams. The division into geographic regions has resulted in a grassroots program with local leadership. AYSO soccer is a family affair with more than 600,000 players ranging from 4½ through 18 years old. An average of one parent per family actively participates in AYSO acting as coach, referee, team parent, administrator or sponsors. AYSO is currently supported by more than 250,000 volunteers. Through AYSO, youngsters of diverse backgrounds, ethnicity, and athletic abilities are given the opportunity to participate in soccer. AYSO and its sponsors are proud to provide quality programs for its youngsters and volunteers.

Today's AYSO program is different in many respects from its origin. The emphasis is now placed on the training and development of adult volunteers. That way they can be sure the quality as well as the quantity of their programs increases. AYSO, with the help of noted experts, is working to improve the education of volunteers in the areas of child development, human behavior, sports psychology, ethics and sportsmanship.

AYSO programs work because their volunteers work. They work because they believe in the programs. Their phenomenal growth reflects AYSO's commitment to a healthy competitive atmosphere for youth soccer players and a concern for the development of caring and responsible individuals.

Recognizing the special needs within our communities, AYSO has carefully created unique programs including: TEAM-UP to provide assistance where there are ongoing economic challenges, be it rural area, small town, Native American reservation or the inner city; VIP (Very Important Player) program created to provide a quality soccer experience for children whose physical or mental challenges make it difficult to successfully participate on regular AYSO teams; CAP (College Athlete Program) designed to prepare soccer players to attend college and play soccer while in college; Girls Initiative to promote girls' participation in soccer along with fostering the development of women as coaches, referees and administrators; and Safe Haven designed to address the growing need for child and volunteer protection through an educational program that includes accreditation, volunteer certification, and protection policies.

Mr. Speaker, distinguished colleagues, please join me in honoring the American Youth Soccer Organization (AYSO); the role model for sportsmanship and citizenship in our country today.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak about an issue of vital importance to the women of this Nation—breast cancer prevention. As a woman and a mother, I feel that there are few issues as important to women's health as the breast cancer epidemic facing our Nation.

The resolution in front of us today expresses the sense of the House of Representatives that mammograms and biopsies are crucial tools in the fight against breast cancer. As you may know, breast cancer is the most commonly diagnosed cancer in American women today.

An estimated 2.6 million women in the United States are living with breast cancer. Currently, there are 1.8 million women in this country who have been diagnosed with breast cancer and 1 million more who do not yet know that they have the disease. It was estimated that in 1996, 184,300 new cases of breast cancer would be diagnosed and 44,300 women would die from the disease.

Breast cancer costs this country more than $6 billion each year in medical expenses and lost productivity. These statistics are powerful indeed, but they cannot possibly capture the heartbreak of this disease which impacts not only the women who are diagnosed, but their husbands, children and families.

The most effective technique for early detection of breast cancer is mammography. When detected early, the probability that a woman can survive breast cancer is 90%. Safe and accurate testing offered through mammography is essential to save women's lives.

I am sure that all Members support this resolution today. I support it on behalf of all of our daughters, sisters, mothers, and grandmothers. We must continue to do whatever we can in order to detect, treat and prevent this devastating disease.

HONORING CHIEF PHILLIP MARTIN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise today to honor Chief Phillip Martin who has made the Mississippi Band of Choctaw Indians an American success story.

The changes Chief Martin has implemented show that he is a true friend of the Choctaw Nation and all Native Americans. His vision of self-sufficiency and commitment to entrepreneurship has helped his people succeed. Chief Martin has reversed the injustices faced by his people by establishing an independent and productive reservation-based economy. This is a testament to the understanding and foresight of tribal governments.

It is my sincere hope that others will follow the course Chief Martin has set in establishing private enterprise for the Choctaws. His determination and vision has been rewarded by his many accomplishments. I am certain these positive investments will continue to help his fellow citizens for many years to come.

LYNN D. ALLEN, A DEDICATED PUBLIC SERVANT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. KNOLLENBERG. Mr. Speaker, I rise today to thank Lynn Allen for his dedication to public service.

Born and raised in Pontiac, Michigan, Lynn served in WWII as a combat pilot. After completing his service, Lynn entered college at the University of Detroit and graduated from Northern Illinois University's College of Optometry, earning B.S. and doctors degrees.

After 18 years of practice as an optometrist, Lynn was elected in 1968 as the Oakland County Clerk and Register of Deeds, a position he holds today. Lynn has served the people of Oakland County honorably and with distinction. An innovative leader, Lynn helped design and implement the first on-line computer court system in the world and established an on-line system for campaign finance reporting.

Lynn has served as the president of the Michigan Clerks' Association and has been selected as the County Clerk of the Year in the State of Michigan. Currently, Lynn serves as chairman of the Court Committee for the Michigan Clerks and chairman of the Court and Charter Committee for the International Association of Clerks, Recorders, Election Officials and Treasurers.

In addition to his official duties, Lynn has made many other contributions to his community. He has been active in the Jaycees and has been named the Pontiac Jaycees Man of the Year. He has also been an active member in the West Pontiac Kiwanis Club, the American Legion, the Oakland County Sportsman's Club, and the First Presbyterian Church.

Lynn is retiring as the Oakland County Clerk and Register of Deeds on October 16. His leadership will be missed. He has made Oakland County and the State of Michigan a better place to live.

I wish Lynn and his wife, Mary Ann, the best of luck in their future endeavors.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

SPEECH OF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. GORDON. Mr. Chairman, I rise in opposition to Title II, the Music Licensing Exemptions title in S. 505, the Copyright Term Extension Act. Although some characterize this provision as a "compromise," this provision is entirely unfair to American songwriters.

Mr. SENSENBRENNER's "compromise" on Musical Licensing would exempt certain sized bars and restaurants from paying royalties for radio and television broadcasts in their establishments.

Restaurant owners must pay produce vendors for the fruit and vegetables they serve, alcohol distributors for the beer and wine they sell and furniture suppliers for the tables at which their customers sit. It is absurd to suggest that you should not be compensated for the use of someone's music. Intellectual property must enjoy the same status as real or personal property; a person cannot use or improperly interfere with another's property without facing consequences.

In my home State of Tennessee, music is one of our area's largest economic assets, and it is vital that the United States maintain high protection and enforcement standards in the U.S. and throughout the world.

Mr. Chairman, I have letters from constituent songwriters and Opry performers that don't understand why writers of books, movies, television programs are all compensated each time their work is enjoyed, and songwriters should not be allowed the same protection and compensation.

I believe it is hypocritical of the leadership of this body to pass this lop-sided provision, when tomorrow, we bring to the floor the conference report on H.R. 2281, the WIPO International Copyright Treaty Implementation Act. H.R. 2281 strengthens U.S. copyright laws regarding the transmission of copyrighted materials. Tonight, this music licensing exemption weakens copyright protection for songwriters and their creative works.

Commerce Secretary William Daley wrote in a letter to Speaker GINGRICH stating strong opposition to the Sensenbrenner music licensing exemption. Specifically, Secretary Daley points out that our trading partners will claim that an overly broad exemption violates our obligations under the Berne Convention for the Protection of Literary Works and the Agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPs Agreement).

We should be concerned that passage of Title II would sacrifice U.S. interests of U.S. music copyright owners abroad in order to satisfy the demands for uncompensated use of music domestically. The American music industry is the most successful in the world, and royalties from foreign performances are an important source of income for U.S. artists and composers, who are small businesses too. If we expand the exemptions as written, other countries could use this as an excuse to adopt exemptions in their own copyright laws, leading to economic losses to U.S. music copyright owners in the hundreds of millions.

Songwriters are small business-persons that are engaged in an extremely difficult and competitive occupation. It is often only after years of struggle that a writer can even begin to make a living.

As I said before, music is intellectual property—and the owners should be paid for the use of their product—particularly when other businesses are making money by using their work.

Finally, I agree with Rep. Mary Bono in hopes that the House will revisit this issue and its detrimental effect on American songwriters and our international trade agreements in the next session. Enacting Title II of this bill is a grave mistake.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENTS ACT OF 1998

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. EVANS. Mr. Speaker, I rise today in support of the bill, H.R. 4567, although I do so with some reservations. The Committee on Veterans' Affairs has a long tradition of bipartisanship in developing constructive policy to meet the needs of veterans. Under the leadership of Chairman BOB STUMP, our Committee considered, perfected and approved, H.R. 1362, the Veterans Medicare Reimbursement Act of 1997. I continue to believe H.R. 1362 better addresses the needs of veterans and VA while simultaneously providing Medicare savings. These Medicare savings would result from authorizing VA to charge the Health Care Financing Administration for certain care provided by VA to certain Medicare-eligible veterans using a discounted Medicare fee schedule or capitated payment rate. H.R. 1362 was approved by the Veterans' Affairs Committee with the support of the Administration and all of the major veterans' services organizations. Working with the Senate Committee on Veterans' Affairs, the Senate Finance Committee included a provision similar to H.R. 1362 in its version of the Balanced Budget Act of 1997. Unfortunately, this provision was not included in the conference agreement. I hope that future negotiations with the Senate will yield a measure more like H.R. 1362—a more thoughtful and cautious approach than the measure we are considering today.

My support for the measure before us today is due to VA's desperate need for funding from non-appropriated sources on which the Administration is depending. Since it received authority to retain medical care cost recovery funds, VA collections have actually declined. VA intended to use both Medicare reimbursement and medical care cost recovery funds to provide 10-percent of its funding from non-appropriated sources. VA's inability to collect the levels of funds it anticipated from these sources has resulted in a serious unanticipated budget shortfall.

Now VA faces a new challenge—the Under Secretary for Health has committed to "take all comers" into its health care system and provide them with specified health care benefits. Since VA has already committed to enrolling both veterans who bring payment for services to the door with them and veterans without such funding, VA will have no additional incentive to treat those in higher-income groups. I am uncertain what the consequences of Dr. Kizer's decision to enroll all veterans will be for VA, but I know that additional resources will better ensure its ability to honor this commitment without limiting access to care to other veterans with a higher priority to care.

I commend the gentleman from California, Mr. Thomas, for his work on behalf of VA-Medicare Subvention. However, I believe we need to re-assess VA's health care funding sources and end the funding "shell game" which has subjected VA to an uncertain revenue stream for the last three years. It hasn't worked. If VA is to be a high-quality health care system, Congress must be committed to funding the VA with adequate appropriated resources for the next fiscal year and years to come.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENTS ACT OF 1998

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MINK of Hawaii. Mr. Speaker, although I am an original cosponsor of the original version of H.R. 4567, the Medicare Home Health Care Interim Payment System Refinement Act, I am rising in reluctant support for the bill.

The Balanced Budget Act of 1997 implemented a poorly designed formula for Medicare payments to home health agencies which devastated home health agencies around the country. Reimbursements were slashed across the board and more than a thousand home health agencies either closed or began refusing to accept Medicare beneficiaries. The number of Medicare-Certified Home Health Agencies in my home State of Hawaii went from 28 in October 1997, to 22 in August 1998. A 22 percent decline in ten months.

For every agency that is closed, there are several hundred patients who are abandoned. The situation compels immediate action and I am very pleased the House is addressing this problem. Nonetheless I believe more can be done.

I am distressed that this bill is not retroactive. Many agencies have continued to operate in the red for the past year clinging to the hope that Congress would enact retroactive legislation to fix the payment problem. Agencies will not get assistance for losses they took this year and because of this, many will close even with the additional payments provided by this bill.

Furthermore this bill does not address the additional problems that would be created by the impending home health payment reduction scheduled for September 1999. Unless we address this problem we will be in the same situation next September, as we are in now.

Since H.R. 4567's introduction, numerous unrelated provisions have been added to the bill. One of my main objections to this bill is the inclusion of language expanding the Roth IRA limit from $100,000 to $145,000. This is a tax shelter for the wealthy and will cost U.S. taxpayers almost $5 billion over 10 years while providing little, if any, benefit to the majority of the population.

I am pleased that the bill will enable Medicare to reimburse the VA for services provided to Medicare eligible Veterans by VA facilities. This change is fiscally responsible and is predicted to save the Federal Government money in the long run. However, I am concerned that services previously paid for by the VA would now be extracting scarce resources from the Medicare Trust Fund.

In conclusion, although the meager home health payment increase is not at the level I would have liked, this is a step in the right direction and I am relieved that struggling home health agencies will receive some assistance.

TURKMENISTAN: AN OPPORTUNITY TO ENHANCE POLITICAL STABILITY IN CENTRAL ASIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to introduce a sense of the Congress resolution supporting United States assistance to the Republic of Turkmenistan to build pipeline routes or take other measures necessary to resume the export of natural gas.

Turkmenistan, a newly independent Republic, bordering the oil and gas rich Caspian Sea, plays a vital role in the stability of Central Asia, a region that is quickly becoming one of the most strategically important areas in the world.

As we enter the 21st century, it should be the goal of the United States to support the exploration and use of cleaner sources of energy, without hampering economic growth. Turkmenistan, a country with one of the largest reserves of natural gas in the world, plays a key role in reaching this goal.

At this point, political and economic factors have hindered Turkmenistan from exporting its natural gas to the world. The United States must act to assist Turkmenistan in resuming the sale of its natural gas. The resumption of Turkmen gas sales is one of the main hurdles that must be overcome before economic and political stability comes to this region.

Without stability, Central Asia could cease to be a viable source of clean energy for the world, and also deteriorate into a "hot spot" where different cultures and political forces could combine to create a threat to our national security.

Again, Mr. Speaker, I ask my fellow members to support this resolution, and in so doing give Turkmenistan encouragement to promote stability and democratization in the region.

TRIBUTE TO DR. IVOR L. GEFT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Ivor L. Geft, one of the most dynamic and dedicated physicians in Los Angeles. Dr. Geft is the recipient of The Jewish

Healthcare Foundation—Avraham Moshe Bikur Cholim's Ahavas Chesed Award. He is being recognized for his excellence in caring for the health and welfare of all citizens of Los Angeles, regardless of age, sex, creed, or color.

The Talmud states, "He who does Charity and Justice is as if he had filled the whole world with kindness." In the spirit of these words, Dr. Geft continuously performs acts of charity and justice that brings an incredible sense of loving kindness and hope to the greater community of Los Angeles. His dedication to increasing the well being of the ailing is unique. Known for visiting patients young and old alike, he can be spotted in a variety of hospitals and homes throughout Los Angeles around the clock. Amidst the busy schedule of a cardiologist, Dr. Geft does not hesitate to make time for any of his patients. His commitment to helping others has significantly improved the quality of life in our community.

Dr. Geft's compassion is coupled with his reputation as one of the most well respected cardiologists in the city of Los Angeles. Dr. Geft serves as a physician specializing in cardiology, primarily at Cedars-Sinai Medical Center. He also travels throughout the city and has privileges to UCLAHospital, Midway Hospital, and Century City Hospital. He is an associate clinical professor at the UCLA School of Medicine. However, his well earned reputation began prior to his practice in Los Angeles. Dr. Geft was senior cardiologist at Shaare Zedek Hospital and worked as a fellow in cardiology at the Hadassah Medical Center in Jerusalem, Israel. He attended school at the University of Cape Town in South Africa.

Dr. Geft's list of accomplishments is tireless. He is a member of the world renowned Royal College of Physicians in the United Kingdom. He is also a member of the Israel Board of Cardiologists. He belongs to the California Medical Association, is a fellow at the American College of Cardiology, and is a member of the Israel Medicine Society. His leadership abilities have been recognized by many, including the American Heart Association, who awarded him the Young Investigators Award. Today, his talents are being recognized once again.

Mr. Speaker, please join me in honoring Dr. Geft for his love, dedication, and passionate service to his patients and the community of Los Angeles.

HONORING HENRY B. GONZALEZ FOR 4½ DECADES OF SERVICE TO THE HOUSE AND THE PEOPLE OF THE 20TH CONGRESSIONAL DISTRICT OF TEXAS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a privilege to stand here and extol the achievements of Congressman GONZALEZ. His legacy is as extensive as it is grand, and I find myself awed by his accomplishments.

Congressman GONZALEZ has served in Congress for 38 years. From the moment that he entered the Congressional service on November 4, 1961, Congressman GONZALEZ has represented his constituents, his State, and his Nation with the utmost loyalty and dignity.

As the Representative of the San Antonio area, Congressman GONZALEZ has served on the House Committee on Banking, Finance, and Urban Affairs and on its housing subcommittees. As the Chairman of the Banking Committee from 1989 to 1994, the Congressman conducted over 500 hearings that covered topics ranging from the Bush Administration's pre-war policy toward Iraq to the Bank of Commerce and Credit International scandal.

While acting as Chairman of the Banking Committee, Congressman GONZALEZ also guided 71 bills through the legislative process. Among these important measures were bills that provided important services such as making more credit available to small businesses and strengthening laws pertaining to financial crimes. As a member and a Chair, Congressman GONZALEZ assisted in the restoration of the savings and loans industry and helped to overhaul the deposit insurance system.

Beyond his work with the Banking Committee, Congressman GONZALEZ has actively promoted legislation that dealt with areas such as civil rights, education, veterans, and equal opportunity.

As the Chairman of the Subcommittee on International Development Institutions and Finance, the Congressman sponsored the "Gonzalez Amendment" that protects U.S. citizens' overseas property from expropriation without just compensation from a foreign government.

As the Chairman of the ad hoc Subcommittee on the Robinson-Patman Act, Antitrust Legislation, and Related Matters, Congressman GONZALEZ preserved the interests of small businesses. Moreover, the report he issued as the Chair is now revered by antitrust lawyers.

Most significantly, the Congressman helped his constituents by authoring a series of public laws over a six year period that paved the way to San Antonio's hosting of the 1968 World's Fair. That event generated business for the Congressman's district and resulted in a convention center, an exhibit hall, additional hotels, a new theater and restaurant district, and additional shops.

We will miss Congressman GONZALEZ's dedication and service as a Member of Congress. I know that my home State of Texas will miss the service of one of our great Americans on its behalf in the U.S. Congress. On behalf of Texas, I would like to thank Congressman GONZALEZ for his accomplishments. I wish him the best as he embarks on his well-earned retirement.

HONORING ROBERT C. JAZWINSKI, SHENANGO VALLEY CHAMBER OF COMMERCE 1998 PERSON OF THE YEAR AWARD

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise today to honor Robert C. Jazwinski who was awarded the Shenango Valley Chamber of Commerce 1998 Person of the Year Award.

This award is presented annually by the Shenango Valley Chamber of Commerce in order to honor a person who exemplifies leadership, commitment, and devotion to the Shenango Valley area. Robert Jazwinski's efforts in supporting and promoting the Shenango Valley have been exemplary.

The Shenango Valley is grateful that Mr. Jazwinski has decided to make it his home along with his wife Sally and three daughters Alison, Sarah and Jenny. He is the president and chief executive officer of Jazwinski Financial Services. Robert has established himself as a Certified Public Accountant, Certified Financial Planner and Specialist and has been recognized by the Personal Financial Planning Division of the American Institute of Certified Public Accountants with high distinction.

Mr. Jazwinski has been committed to the Shenango Valley because he cares about bringing its citizens together. He has served on the board of directions of the chamber of commerce and as a commissioner for the city of Hermitage. Currently, he is an F.H. Buhl Trustee, executive vice president of the Shenango Valley Foundation, and a member of the board of directors for the executive committee and treasurer of the Penn Northwest Development Corporation.

It is an honor to recognize Mr. Jazwinski and his achievements. He is a man who has made an important difference in the Shenango Valley.

NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1997

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support for S. 459, a measure to reauthorize the Native American Programs Act of 1974. The purpose of this bill is to amend the Native American Programs Act to extend the authorization to fiscal year 2000 of appropriations for programs administered by the Administration for Native Americans (ANA) with the Department of Health and Human Services. This legislation would also reauthorize, for a period of 1 year, the Native Hawaiian revolving loan fund.

Mr. Speaker, this legislation is critical to continue the availability of a modest amount of grant funds used by native communities nationwide to foster economic growth, develop tools for good governance and promote social welfare.

In 1974, the Native American Programs Act was enacted by Congress to assist tribes and other Native American communities with developing social, economic, and governance strategies in order to become economically self-sufficient. Since its enactment, hundreds of tribes, reservation communities, and other native organizations have benefited from the programs funded under this Act, programs which foster the development of stable, diversified local economies by developing the physical, commercial, industrial and/or agricultural components necessary for a functioning economic base.

ANA has provided grants for governance, social, and economic development projects; grants to assist with tribal recognition efforts; grants for projects to assist tribes in their capacity to meet environmental requirements; grants to support projects which promote the survival and preservation of Native American languages and funds to support the Native Hawaiian revolving loan fund. These projects have served to improve the quality of living for thousands of Native American families and communities.

The ANA funding policy is to assist Indian Tribes and Native American organizations to plan and implement their own long-term strategies for social and economic development. The aim is to increase local productivity and reduce dependence on government social services. This legislation will extend until fiscal year 2000 the authorization for these modestly funded yet very successful programs to strengthen and rebuild tribal communities around the United States.

I wish to thank my good friends, Senator CAMPBELL, Senator INOUYE and Senator MURKOWSKI for their efforts to extend the authorization for these valuable resources to improve opportunities for self-sufficiency for Native American, Native Hawaiian, Pacific Islander and other native peoples.

Mr. Speaker, the programs authorized in this measure are critical to fostering social and economic self-sufficiency—a goal shared by this Congress as we move toward greater fiscal responsibility in all American communities. I urge my colleagues to act favorably and expeditiously on this measure.

COMMEMORATING THE 160TH ANNIVERSARY OF MONROE TOWNSHIP, NEW JERSEY

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to congratulate the people of Monroe Township, New Jersey as they celebrate their 160th anniversary.

Monroe, named after our fifth president, James Monroe, became a township on February 23, 1838. The first people to inhabit the land were the Leni Lenape Indians, followed by those seeking religious freedom from England and Scotland who arrived in the mid-seventeenth century. Both groups were attracted to the area's fertile soil, abundant water and miles of woodland. When Monroe became a township 160 years ago, it's population was only 2,435.

Over the past 160 years, Monroe has grown from a rural, farming area into an active residential and commercial community. But residents and visitors to this beautiful town can still enjoy its working horse and produce farms and plush woodlands. Monroe Township is the home of five large planned retirement communities where almost half of their population of roughly 27,000 people reside. It boasts a strong educational system, many parks and recreation facilities and a close-knit community atmosphere.

I wish to commend Monroe Township and all of the people of Monroe on this historic anniversary. It is an honor to have this great township within the borders of the twelfth congressional district.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BLILEY. Mr. Speaker, the attached letters are submitted for inclusion in the RECORD.

OCTOBER 6, 1998.

Hon. TOM BLILEY, *Chairman,*
House Committee on Commerce, Washington, DC.

DEAR CHAIRMAN BLILEY: On behalf of the National Breast Cancer Coalition (NBCC), I am writing to thank you for your support and leadership in reauthorizng the Mammography Quality Standards Act (MQSA). By adopting national standards for the provision of mammography, the Congress has helped ensure that women get the highest quality screening.

We would also like to commend your leadership for working so hard to include a direct notification provision in this year's reauthorization. This is a very important issue for women. As you know, NBCC believes along with the Agency for Health Care and Policy Research (AHCPR) that the best public health policy is for women to receive direct written notification of the results of their mammogram. Direct notification will permit women to make informed medical decisions at a critical time.

Our experience as activists and consumers is that without a requirement that facilities provide direct written notification to patients—it won't always happen. Without direct reporting, some women, waiting to hear from their physician may make the tragic assumption that "no news is good news." It is for that reason that your leadership on including this requirement is so significant.

Thank you again for your commitment to this issue. We look forward to continuing to work with you to eradicate breast cancer.

Sincerely,

FRANCES M. VISCO,
President.

AUGUST 3, 1998.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR REPRESENTATIVE BLILEY: On behalf of the National Breast Cancer Coalition (NBCC), I want to thank you for your leadership in the reauthorization of the Mammography Quality Standards Act (MQSA). This program, which establishes minimum national quality standards for mammography facilities and personnel as well as a rigorous annual inspection program to ensure those standards are being met, is an important component in the arsenal for fighting breast cancer.

The NBCC is extremely pleased that the Committee has included language that would require facilities to provide direct written notification of mammographic results to all patients. We join the Agency for Health Care Policy Research (AHCPR) and other experts and consumers in believing that direct notification is the best public policy.

We also understand that the bill includes language that would permit the Food and Drug Administration (FDA) to conduct a limited demonstration project to determine the feasibility of inspecting high-performing mammography facilities on a less than annual basis. While we have concerns about backing away from annual inspections, we have been working with the Committee to ensure that any demonstration project is done on a restricted basis with regard to the facilities that are selected for inclusion in the program. Moreover, the demonstration, not to begin before April 1, 2001, should be constructed with the utmost caution to ensure facilities continue to adhere to tough national mammography standards.

We look forward to working with the Committee to continue to find ways to improve the MQSA program. Thank you again for your leadership and support.

Sincerely,

FRAN VISCO,
President.

STATEMENT OF CHRISTINE BRUNSWICK, VICE PRESIDENT, NATIONAL BREAST CANCER COALITION, SEPTEMBER 23, 1998

Thank you very much for the opportunity to speak today. On behalf of the National Breast Cancer Coalition, I want to begin by thanking Chairman Bliley, Chairman Bilirakis, and the Members of the House Commerce Committee for their leadership in reauthorizing H.R. 4382, the Mammography Quality Standards Act. MQSA establishes minimum national quality standards for mammography facilities and personnel and also includes a rigorous annual inspection program to ensure those standards are met. These are essential components in the fight against breast cancer.

H.R. 4382 improves mammography screening by providing all patients—for the first time ever—with direct written notification of their mammography test results. NBCC believes that women are entitled to know the results of their own mammograms and that they should not have to rely solely on their physicians to notify them of their results.

NBCC believes that written notification is the right public policy. It permits women to make informed medical decisions at a critical time. Public health organizations and consumer advocates have stressed consistently that women are entitled to know the results of their exams and that it is the facilities' responsibility to provide direct written notification of mammography results to all patients. For numerous reasons, many health care providers do not always communicate the results of mammograms to patients. And some women, waiting to hear from their physician, may make the tragic assumption that "no news is good news."

As the Mammography Quality Standards Act was originally adopted into law, there was already a requirement for self-referred women to be directly notified about the results of their mammography. Without a requirement that all patients are notified directly, the concern is that women may not hear about their mammography results until its too late.

NBCC is not alone in supporting direct written notification. Based on extensive review of the literature, expert testimony, and contributions of an independent multidisciplinary panel of private-sector clinicians, other experts and consumers, the Agency for Health Care Policy Research (AHCRP) strongly recommended direct written notification in the Clinical Practice Guideline:

"Any written communication must have language that is carefully constructed to impart results without causing undue anxiety, to promote a relationship between the woman and health care provider, and to encourage the woman to take the next step."

The Food and Drug Administration (FDA) has stated that it "continues to believe that written notification of mammographic results is the most reliable way to guarantee that each patient is notified of results and that any necessary follow up will occur," and that it "agrees with consumer groups that written notification of mammographic results represents the 'best practices' in ensuring that each and every woman is clearly and effectively notified of the results of her mammogram . . ."

I am here today on behalf of the National Breast Cancer Coalition to ask the Senate to adopt the re-authorized version of MQSA that has already been passed by the House. While the Senate re-authorized the MQSA (of 1992) last year, that legislation did not include a direct notification requirement. H.R. 4382 would require that written notification be provided to every patient in terms easily understood by the general public.

Our experience as activists and consumers is that without a requirement that facilities provide direct written notification to patients—it won't happen.

On behalf of NBCC, I am pleased to join Chairman Bliley, Chairman Bilirakis, and sponsors of H.R. 4382 in asking that the Senate pass the House passed MQSA reauthorization into law this year.

September 21, 1998.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, Committee on Commerce,
U.S. House of Representatives.
Hon. MICHAEL BILIRAKUS,
Chairman, Subcommittee on Health and the Environment.

DEAR GENTLEMEN: The National Alliance of Breast Cancer Organizations (NABCO) is extremely grateful for your continued support of the National Mammography Quality Standards Act and efforts to assure its reauthorization as soon as possible. Additionally, we were pleased by the outcome of the Committee's August 5th deliberations and report including certain amendments, and have encouraged Senators Jeffords, Kennedy, and Mikulski to promote the adoption of the House language into the Senate bill. In our opinion, the House Commerce Committee's amendments offer strong enhancements to the original language of the Act and will benefit women throughout the country by further improving the quality of their mammography screening.

First, an increasing number of women are now receiving the results of their mammograms directly from their mammography provider, but it is not mandatory for the providers to do so in most cases. In the unanimous opinion of the Quality Determinants of Mammography Guideline Panel convened by the Agency for Health Care Policy and Research "A report should be sent to the health care provider and results passed on to the woman." NABCO strongly supports every woman's right to receive the results of her screening mammogram directly, in a timely manner, and in language that is meaningful to her.

Second, although the implementation of the Act is not yet fully realized, lessons learned from the on-site inspection process highlight the opportunity to improve on the efficiencies of resources dedicated to assuring the high standards of mammography quality the Congress intended. To that end, we support the concept of demonstration projects which will provide further analysis of the relationship between duration and frequency of those on-site inspections.

Finally, the provision strengthening the independent and objective role of reviewing mammographers lends further credence to the specific training they receive, which women want, deserve and expect from facilities certified by the Federal Government.

Many thanks for your support of the breast cancer cause. Please do not hesitate to contact us if we may be of assistance in any breast cancer issues that come before you.

Sincerely,
KIMBERLY CALDER,
MPS, Associate Executive Director.

SEPTEMBER 22, 1998.

Hon. TOM BLILEY,
Chairman, House Commerce Committee,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN BLILEY: We want to thank you and the other cosponsors of the Mammography Quality Standards Act for legislation that offers millions of Americans a greater measure of hope as we confront the battle against breast cancer. The House acted wisely when it passed your bill.

It is our sincere hope the Senate will act quickly to pass the House version. While the Senate bill also takes steps to advance mammography standards, it does not include the direct notification provisions in the House version. Personal notification of test results in terms women can understand can help save lives and should be part of final legislation. We urge Congress to pass a final bill this session.

Thank you for your concern and efforts on this important issue of public health.

Sincerely,
SUSAN N. NATHANSON, PH.D.,
Executive Director,
Y-ME National Breast Cancer Organization.

STATEMENT BY JENNIE R. COOK, AMERICAN CANCER SOCIETY BOARD CHAIR, ON PENDING ACTION ON THE MAMMOGRAPHY QUALITY STANDARDS ACT

"Good afternoon. I'm Jennie Cook, Chairman of the National Board for the American Cancer Society. Let me first begin by saying that it is an honor to be here today with so many distinguished members of Congress. On behalf of the American Cancer Society, I want to thank the U.S. Congress for all efforts to promote the highest standards in quality mammography. I also want to thank Chairman Bliley and Representative Bilirakis and many other key members of the committee for making this event possible. Without their leadership, we wouldn't be here today.

"One of the first lines of defense in the fight against breast cancer has been to encourage screening, earlier diagnosis and prompt appropriate treatment. The American Cancer Society strongly believes that every woman in this country has a right to a mammogram of the highest standards of quality, and we are committed to seeing that all women have access to high quality mammography, as well as other medical interventions that have been convincingly shown to reduce morbidity and mortality from breast cancer.

"The five-year survival rate for a woman with localized breast cancer has risen to about 97 percent today, largely through the advent of early detection of the disease. The potential for early detection to be effective is an empty promise if the quality of mammography is low. Since early detection is so important, all women should feel confident that mammography facilities in their communities achieve high standards. Just last week, the U.S. House of Representatives helped make this goal achievable through the continuation of Mammography Quality Standards Act.

"The Mammography Quality Standards Act, or MQSA, represents an important milestone in the fight against breast cancer. Women can now continue to have confidence in the quality of their mammograms because mammography facilities are being certified in accordance with federal standards. The reauthorization process made it possible to enhance MQSA—to make it even better than it was the first time around. We are especially pleased that the U.S. House of Representatives included a provision to directly notify women of their mammogram results in easy-to-understand language—which is a top priority of the American Cancer Society.

"Consumer and public health advocates have consistently stressed that communicating mammography results directly to women is a vital component of medical care and a necessary quality standard. Women are entitled to timely, accurate and easily understood information about the results of their mammograms. Studies have shown that women believe their mammography results are normal if they are not contacted after their examination. If in fact the information about a suspicious mammogram has fallen through the cracks, appropriate follow-up care is often unnecessarily postponed. A delay in diagnosis due to poor communication can have adverse consequences for women and their doctors. For women, it can mean fewer treatment options and reduced chances at survival. For physicians, communication failures represent system failures and, consequently, failures to meet the needs of their patients. Thus, direct notification establishes that the interpreting physician, the referring physician and the woman all play a role in ensuring that appropriate follow-up takes place.

"Once again, on behalf of the American Cancer Society, I want to thank the U.S. Congress for taking up this important legislation, and I urge the U.S. Senate to pass HR 4382 in time for National Breast Cancer Awareness Month in October."

FISH AND WILDLIFE REVENUE ENHANCEMENT ACT OF 1998

SPEECH OF

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. SKAGGS. Mr. Speaker, I rise in support of this bill. It's essentially identical to one (H.R. 2291) I introduced last year to improve the ability of the Fish and Wildlife Service to carry out its responsibilities in Colorado and around the country. I'm glad my colleague Senator ALLARD chose to carry the bill in the Senate.

The Service is responsible for storage and disposal of a great variety of fish and wildlife and wildlife-related items that come into federal ownership under a variety of laws.

Hundreds of thousands of these items are collected at two facilities in Commerce City, Colorado. Most are in the National Wildlife Property Repository, while dead eagles and eagle parts (including feathers) go to the National Eagle Repository.

From the general repository, the Service makes many items available to other agencies and to museums, zoos, schools and colleges for scientific, education, and official purposes. From the Eagle Repository, eagles and eagles parts are made available to Native Americans for religious purposes.

These distributions meet a real need. In 1996, the eagle repository filled more than 1,300 requests, while between July, 1995 and February, 1997 more than 5,700 items were shipped from the general repository to organizations around the nation.

But many more items come into the general repository than are needed for such distribution. Under applicable law, the Service has to retain some of these items that aren't distributed. But others can be sold—and that's where this bill comes in.

Under current law, proceeds from sales of these unneeded items can be used for rewards and for some storage costs, but can't be used to defray the costs of the sales themselves. This bill would change this so that the Service could use the money from the sales to pay for the appraisals, auction expenses, and other costs of those sales, as well as for processing and shipping of items and for any steps needed to clear title to them.

It's estimated that in the first year after enactment, the bill will generate about a million dollars in additional funding for the Service. That will help make these programs more self-supporting, cutting red tape and making it easier for the Service to carry out these important activities.

The bill would not authorize sales of any items that can't be sold now, and it would not change any of the other rules regarding protection or management of fish or wildlife.

I think it's good sense as well as good government. I'm glad that the Senate has now passed this companion measure, and I urge the House to concur and clear the bill for signing into law.

Finally, let me remind my friend from California that this bill really originated on this side of the aisle. Equitable treatment of minority legislation on the suspension calendar is an objective I share. However, this bill is bipartism—and it should pass.

INTERNATIONAL CHILD LABOR RELIEF ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak in support of the International Child Labor Relief Act today.

This bill authorizes the payment of $30 million for FY 1999, 2000 and 2001 for the U.S. Labor Department, to be used as the U.S. contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

According to UNICEF statistics, between 200,000 and 250,000 child laborers exist worldwide, 95% of whom are in underdeveloped countries. The total includes children working on family farms and other argibusinesses, in factories and perhaps most tragically in the sex industries.

Countries including India, Nepal, Pakistan, parts of Central American and Burma many young girls and young women are forced into prostitution. In Sudan and Mauritania, thousands of ethnic minority children have been kidnaped and sold into slavery. We are all aware of the problems worldwide of child labor and child abuse.

Last year, I supported Representative LANTOS' legislation, H.R. 1870, The Young American Worker's Bill of Rights, in order to set minimum standards for protecting children in the workplace. I urge my colleagues to support this legislation. We must do whatever we can to keep children safe.

TRIBUTE TO ALLSTATE HISPANIC MARKETING TEAM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise before you today to pay tribute to the Allstate Hispanic Marketing Team and Advertising and Brand Development Group for their vision and commitment to better serve the needs of Latino community.

President Kennedy once said, "For those to whom much is given, much is required." This recognition is to honor the individuals who have exemplified such leadership, volunteerism, and dedication. Committed to their industry leadership stance, these Allstate leaders have activity engaged in building relationships with organizations in meaningful ways to develop solutions that make a positive difference for individuals and communities.

Pioneering programs that range from the development of the "En Buenas Manos" (Good Hands) Award which commemorates individuals who volunteer their time and energy to improve the quality of life in the Latino community, to the sponsorship of national events such as the National Council of La Raza Conference (NCLR), and the Olmos Latino Book and Family Festival is what sets Allstate apart.

The list of cultural and civic Hispanic events in which Allstate and its vast network of agents participate as individuals and as a company is long, and includes festivals, parades, conferences, and other national and local events of special interest.

In addition to its commitment to providing its customers with the highest levels of service, Allstate, through its Hispanic Marketing Team and Advertising and Brand Development Group, has forged relationships and spearheaded programs that deal with issues such as housing and community development, education, employment and job training, immigration, health and safety, and leadership.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to the Allstate Hispanic Marketing Team and the Advertising and Brand Developing Group. They have shown unwavering commitment to the community and deserve our recognition and praise. "Con Allstate . . . Usted Está En Buenas Manos."

THE DIGITAL DATA SERVICES ACT OF 1998

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. TAUZIN. Mr. Speaker, I am today introducing legislation to assure that a duly licensed low powered television station may utilize its authorized spectrum to offer to the public digital-based interactive broadcast services, and wireless Internet access, one or two way, portable or fixed, or connection to the Internet via the Interactive Video and Data Service (IVDS).

The Federal Communications Commission demonstrated sound judgment in granting limited "experimental authority" to such stations to develop alternative approaches for offering to the general public digital data services, including wireless Internet access at reasonable prices, and I want to make their authority permanent.

In its short period of existence, the Internet has grown to become an important medium for the conduct of commerce, the education of our children, and the maintenance of the informed and enlightened electorate necessary to a free society. Given its status in the United States as a substantial educational, promotional, commercial and distribution channel, the Internet is one of the engines which is driving the United States economy to record levels of productivity and employment.

One of the shortcomings of the technology is that it is wire bound. Through the efforts of the Federal Communications Commission and private entrepreneurs, however, that shortcoming is being ameliorated. There are currently a number of low-power television stations in the United States which have obtained experimental authority to provide Internet service because this service is an innovative use of the spectrum which will benefit the public.

It is the policy of the United States, as evidenced by the provisions of Sections 7, 10, 11, and 273 of the Communications Act of 1934, as amended, to remove barriers to entry and to foster innovation in the telecommunications marketplace. The legislation I am introducing today is designed to ensure that these low power stations offering Internet service may continue to provide the public with high speed wireless Internet access.

Recent history of telecommunications aptly illustrates the demand and utility of wireless access. Wireless telecommunications has been a substantial enhancement to the United States economy. Wireless Internet access promises even greater but similar economic benefits. Use of low-power television stations for wireless Internet access would facilitate the provision of the Internet to schools and public libraries without the necessity for expensive rewiring of those facilities. For these reasons, there is substantial public interest benefit in encouraging the provision of wireless Internet access.

I anticipate that the subcommittee on telecommunications will take this matter up early next year. I ask my colleagues to join me in supporting this effort.

ASSISTIVE TECHNOLOGY ACT OF 1998

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MORELLA. Mr. Speaker, I am very pleased that yesterday the House passed S. 2432, the Assistive Technology Act of 1998. The bill, with its House amendments, will soon be brought before the Senate for its consideration and I look forward shortly to its enactment and signature into law by the President.

In June of this year, I introduced H.R. 4603, the Assistive and Universally Designed Technology Improvement Act for Individuals with Disabilities. H.R. 4603 was also introduced in the Senate as S. 2173, offered by my distinguished Senate colleague from Missouri, Mr. Bond. I am very pleased that S. 2432 incorporates a number of provisions from my bill, H.R. 4603.

Mr. Speaker, my Technology Subcommittee has held two hearings, and two exhibitions, in this Congress on the need to promote greater access to technology for people with disabilities. The testimony from the hearings demonstrated that clear need.

As a result of the hearings, the Technology Subcommittee was impressed with the need for a greater emphasis to develop assistive technologies. Yet, the area of assistive technology is greatly overlooked by the Federal Government and the private sector.

While the importance of assistive technologies spans age and disability classifications, assistive technologies still do not maintain the recognition in the Federal Government necessary to provide important assistance for research and development programs or to individuals with disabilities. The private sector generally lacks adequate incentives to produce assistive technologies and end-users lack adequate resources to acquire assistive technology.

It is also believed that there are insufficient links between federally funded assistive technology research and development programs and the private sector entities responsible for translating research and development into significant new products in the marketplace for end-users. Accordingly, new partnerships—involving the public and private sectors—must be formed to aid Americans with psychical disabilities improve their quality of life and provide a means for acquiring a job to become self-sufficient.

The Assistive Technology Act of 1998 legislates a number of recommendations made in my Technology Subcommittee hearings. We heard of the need to promote greater interest in assistive technologies, to enhance investment opportunities by the Federal Government, as well as public and private entities, in addressing the unmet technology needs of individuals with disabilities, and to allow for increased methods by which individuals with disabilities could purchase assistive technologies. This bill would do just that.

The Act builds on the success of the Technology-Related Assistance for Individuals with Disabilities (known commonly as the "Tech Act" or as Public Law 100–407) that we enacted back in 1988. The Tech Act supports all 50 States in providing for the technology needs of our nation's 49 million disabled citizens, focuses the Federal investment in technology that could benefit individuals with disabilities, and supports micro-loan programs to provide assistance to individuals who desire to purchase assistive devices or services.

Title I of the Assistive Technology Act authorizes funding for a number of grant programs for five years, from fiscal years 1999 through 2004, extending the Tech Act after its sunset this year. Under the Act, States will be able to continue the successful programs of technology assistance that has served the disabled community well for the past decade.

In the 10 years since the enactment of the Tech Act, every State has established programs that promote assistive technologies to individuals with disabilities. For example, a very successful partnership has been established with my home state of Maryland to help people with disabilities access assistive technology services and devices.

Additionally, the Assistive Technology Act will help States establish and strengthen systems to inform people with disabilities in determining their best technology options. While there has been a great deal of progress in the creation of new assistive technologies, information about these devices is difficult to find and inconsistent. The Act would authorize the development of a national, on-line resource and distance learning center for people with disabilities. The Act also offers an on-line website to inform the disabled community of newly created assistive technology devices.

Mr. Speaker, assistive technologies are being used to increase, maintain, and improve the functional capabilities of individuals with disabilities. By encouraging the development of assistive technologies, we are offering people with disabilities the abilities they all seek—the ability to successfully compete in the modern workplace and the ability for independence in the home. I urge my colleagues to support this important bill and I will work towards enactment of this worthy legislation.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

SPEECH OF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BARTON of Texas. Mr. Speaker, I would like to express my support for legislation passed by the House of Representatives on October 9, 1998, H.R. 4567, "The Medicare Home Health Care Interim Payment System Refinement Act," as it was amended by the Commerce Committee. This legislation will remedy some of the problems the home health agencies in my state and district are facing with the interim payment system passed in the Balanced Budget Act of 1997.

The state of Texas is a unique state in more ways than one. We have a very large and ever-growing population. We also have a very high number of "new" home health agencies, meaning agencies established after October 1, 1994. According to the September 1998 General Accounting Office report to Congress on Home Health Agency Closures, Medicare-certified home health agencies in Texas grew from 961 agencies in 1994 to 1,949 agencies in 1997. According to that same report, 134 agencies have closed recently, leaving the state with 1,758 agencies as of August 1, 1998, still more, many more agencies than existed in the state in 1994. As you can see, Texas, as opposed to a state like New Hampshire which has only 46 home health agencies, has been affected greatly by the interim payment system.

One issue I have been very involved with as the Chairman of the House Commerce Subcommittee on Oversight and Investigations is the problem of fraud and abuse in the Medicare and its effect on the continued solvency of the program. One of the changes made in the Balanced Budget Act of 1997 was to move Medicare home health care reimbursement to a prospective payment system (PPS). Since there were impediments to going to a PPS immediately, an interim payment system (IPS) was established for reimbursement to home health care agencies. As stated above, the IPS has caused problems for many agencies, especially newer agencies. The problems with the IPS and the fact that HCFA recently announced that they will not meet the original October 1, 1999 date set for the PPS to be enacted required Congressional action to straighten out some of the problems with the IPS.

There are obviously some bad actors in home health care, but there are many more good ones. I do not believe it was the Congress' intention for good operators to be punished by regulations that are too punitive. The honest providers who want to provide quality care should not be penalized.

The legislation considered by the House makes a move in the right direction. I commend the principals involved, Ways and Means Chairman BILL ARCHER and Health Subcommittee Chairman BILL THOMAS, as well as Commerce Chairman TOM BLILEY and Health Subcommittee Chairman MICHAEL BILIRAKIS, on achieving some legislative relief for the home health agencies in my state as well as across the country.

I do not believe that I am alone in the sentiment that we will be revisiting the home health care issue in the 106th Congress for there are additional issues yet to be considered. I do support this home health package and its contribution towards a workable, efficient, and common sense solution for home health care agencies across this country.

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 4353, "The International Anti-Bribery and Fair Competition Act" and ask permission to revise and extend my remarks.

This legislation provides the underlying authorities for the implementation of the Anti-Bribery Convention of the Organization for Economic Cooperation and Development which criminalizes the bribery of foreign public officials.

I would like to compliment the principal sponsor of this legislation, the gentleman from Virginia, Chairman BLILEY, for his leadership in this issue and for his assistance and cooperation in including reporting provisions that ensure that the administration carefully monitors the implementation of this OECD Convention, that it be updated and amended to include other officials, including political parties, party officials or candidates, and that nongovernmental groups such as Transparency International have a role in the review process.

Mr. Speaker, since the Foreign Corrupt Practices was adopted in 1977, the U.S. was the only country that prohibited the practice of bribery of foreign officials.

From the point of view of our Committee, fighting corruption on an international basis is important for reasons beyond just "levelling the playing field" for business.

It is also important because corruption, in and of itself abroad harms American interests. Corruption of public officials abroad undermines democracy and retards development: funds are diverted from the intended use into the hands of ruling elites who perpetuate their power. This is truly a vicious circle—one that has to be broken.

Even though it has taken decades for the world to begin to follow our unilateral effort, and I stress the word "unilateral", I believe the prize is worth having.

With The passage of this implementing legislation today I am pleased that we will soon be taking part in a 29-nation OECD-led effort toward this same goal. It is critical that we pass this important legislation so the U.S. can continue to take the lead in ensuring that bribery and corrupt practices be driven from the international marketplace.

Accordingly, I urge the adoption of this measure.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. SNOWBARGER. Mr. Speaker, I rise in support of H. Res. 581. The House Judiciary Committee must hold a formal inquiry into whether the charges set forth by the Independent Counsel are sufficient grounds for the impeachment of the President of the United States.

We shirk our constitutional duty as Members of the U.S. House of Representatives if we bury our heads in the sand in the face of evidence that the President—having sworn an oath to tell the truth, the whole truth and nothing but the truth—may have committed perjury before a Federal judge and before a grand jury, may have involved other administration officials in a cover-up, and may have conspired to suborn perjury.

The President's apologists on the other side of the aisle are quick to point out that Mr. Clinton's admitted pattern of lies were to cover up an affair with a White House intern. The lies with which we are concerned were not to his family. Let us face the fact that his lies also were a deliberate effort to subvert justice in a sexual harassment suit filed against him by another workplace subordinate. He was a defendant, trying to dodge a judgment by fudging the truth.

To ignore the President's transgressions, to allow this President to escape the scrutiny he has earned by his own actions, would be to establish a precedent in which perjury by future elected officials would be permissible. That is not tolerable in a nation based on the sanctity of law.

What do we say to the 100-plus prison inmates who are behind bars for their failure to tell the truth in courtrooms if we abdicate our duty to further investigate this President? What do we say to Susan McDougal, a friend of Mr. Clinton's who languished in prison for 18 months after refusing, like our President, to fully answer the questions of a grand jury? Do we tell them that our President is above the law?

More importantly, what do we say to those who are victims of such perjury in the future? Do we tell them justice does not matter and lies under oath are no longer really important?

Mr. Speaker, Justice is blind so she cannot be influenced by the sight of who is before her, no matter how exalted an office he may hold. Her scales are balanced so that all before her are treated equally. If a man who holds the highest office of trust the people of this Nation can bestow may—with impunity—unbalance those scales through perjury, none of our fine legal and judicial institutions mean anything other than a cynical farce.

The President is still presumed innocent. By voting for this resolution, I am not voting for a rush to judgment or a preordained result. That would be just as much an abuse of the process as ignoring the charges because they are made against the President. The Independent Counsel has presented his report and the evidence supporting it cites possible impeachable offenses. The President has the right to present his formal defense. But for him to do so, there must be an inquiry. That is why we must pass this resolution.

CONFERENCE REPORT ON H.R. 3874, WILLIAM F. GOODLING CHILD NUTRITION REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. JACKSON-LEE. Mr. Speaker, thank you for the opportunity to speak on this important bill. This program, the Women, Infants and Children nutrition program provides nutrition education and supplemental food to low-income pregnant and post-partum women, infants and children up to age five. The purpose of the bill is to reauthorize through the year 2003, the WIC nutrition program. It also contains other provisions including breastfeeding promotion which I have supported through my co-sponsorship of the Lactation in the Workplace Act.

This program will also reauthorize a national summer food program for children of low income families, because children need to eat even when they are out of school. In my opinion, Mr. Speaker, there is nothing more important than making sure our children and our families are safe and healthy.

WIC provides our children with the basics they need. This is not a luxury program, it is a necessity, and we must continue to reauthorize it!

I cannot imagine that anyone would vote against this bill that keeps our children fed, and helps our families survive. Thank you for the opportunity to speak here today.

TRIBUTE TO ALLSTATE INSURANCE COMPANY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise to acknowledge the Allstate Insurance Company for its leadership and dedication to enhance the lives of the members of the communities it serves and for its strategic commitment to the diverse Hispanic community. Today Allstate is the leading national company among Hispanics for auto, property, and life insurance.

The Allstate Insurance Company and its agent network have a long heritage of caring and commitment. For over sixty years Allstate has actively supported the community by establishing "Helping Hands" activities, the philanthropic efforts of the Allstate Foundation, programs such as the Allstate Giving Campaign and All-American City Awards, and by their participation in the President's Summit for America's Future and important working relationships with the National Council of La Raza (NCLR). HAPCOA (Hispanic American Police Commanders Association) and SER (Service, Employment and Redevelopment).

Add to this the more than one million hours Allstate employees and their families volunteer annually to shelters, hospitals, soup kitchens, schools, and places of worship and we see how Allstate keeps the tradition of giving alive.

Throughout its history the company has been tirelessly involved in providing time and financial resources to civic, charitable, humanitarian, government, and educational causes as well as safety and prevention programs that target teen drivers, fire prevention, theft, and child, property, and home safety.

Becoming a major sponsors of the 1998 Latino Book and Family Festival and supporting Edward James Olmos' efforts to link culture through literacy and education, further demonstrates the Allstate commitment to support programs that are of importance to their customers and to each of us.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to the Allstate Insurance Company, a role model of good corporate citizenship for Corporate America.

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

SPEECH OF

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 5, 1998

Mr. LEACH. Mr. Speaker, I would like to include for the Record the following statement memorializing an understanding between the Committee on Commerce and the Committee on Banking and Financial Services relating to a specific provision of H.R. 1756:

Section 2 of H.R. 1756 amends Chapter 53 of Title 31 of the United States Code to direct the Secretary of the Treasury to "regularly review enforcement efforts under this subchapter and other provisions of law and, when appropriate, modify existing regulations or prescribe new regulations for purposes of preventing" money laundering and related financial crimes. On June 25, 1998, the distinguished Chairman of the Committee on Commerce, Mr. Bliley, wrote me to express the concern that "such a broad mandate could be interpreted to authorize the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify regulations promulgated pursuant to the Federal securities laws, or to grant the Secretary of the Treasury new or additional authority to prescribe regulations applicable to entities that are regulated pursuant to the Federal securities laws."

In response, I hereby affirm that it is not the Banking Committee's intent for the language in Section 2 to grant the Secretary of the Treasury any new or additional authority over entities that are regulated pursuant to the Federal securities laws, or to require or encourage the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify, or recommend the modification of, regulations promulgated under the Federal securities laws.

TRIBUTE TO MARK BERRY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. BERRY. Mr. Speaker, I rise today to recognize a great American. Mark Berry is the kind of man that has made this country the great Nation it is today. He works hard, plays by the rules, and asks only to be given a chance.

Mark is a man who started literally from scratch, with little more than the great heritage we share, and built a nice farm and agribusiness. He is a leader in his Church, community, and his profession that he loves so. His accomplishments also include bringing three wonderful children into the world and raising them to be successful adults and productive citizens. Their heritage will be his good name.

He is the kind of man that always does much more than his share when there is a need. He never asks, "Do I owe it to them?" only "Do they need my help?" His generosity knows no bounds.

He follows the tradition of his father in teaching generations of young people how to hunt and fish and is much beloved because of this. His skills in this area are considerable partly because he assigns a high priority to pursuing this avocation. He is the kind of man that a mother and father will look upon and say "He is my son and I am so proud of him." Lloyd and Eleanor Berry, I am sure, absolutely burst with pride today.

His community of Bayou Meto has benefited from his service for all of his years and this world is a better place because he is here.

Mark and I have been associated in business for all our adult lives and have never had a cross word.

It is my good fortune for him to be my brother whom I love dearly.

TRIBUTE TO THE HONORABLE GERALD SOLOMON (R-NY)

SPEECH OF

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. SPENCE. Mr. Speaker, it is with a great sense of personal pleasure that I join in this tribute to a truly exceptional Member of Congress, United States Marine, and American patriot, the gentleman from New York, Jerry Solomon. After 20 years of dedicated service in Congress, Jerry has chosen to retire for a truly honorable and understandable cause—to spend more time with his beloved family.

As a friend, colleague and longtime fan, I find it difficult to find the words to properly express the many contributions Jerry has made to his country, the military and this institution. Jerry served as a United States Marine during the Korean War. His military service marked the beginning of a lifetime of service and commitment to a strong national defense and to the welfare of our armed forces. Whenever and wherever there was a debate or a reason for this House to act to protect or advance the cause of American national security, you could always count on finding Jerry Solomon in the thick of it, fiercely determined and dedicated to ensuring we not sacrifice or place in danger our most precious commodities—our freedom and liberty in a dangerous world.

I can state without equivocation that there has been no greater advocate for the brave men and women in uniform who stand at the ready to protect the freedoms that we enjoy. Whether fighting to protect veterans benefits, the integrity of the selective service or adequate resources for our military, Jerry has always worked to ensure that the Congress fulfills its greatest Constitutional duty—to provide for the defense of this nation.

As the Chairman of the House National Security Committee, I have been particularly blessed to be able to turn to Chairman Jerry Solomon for the past four years for help and guidance in bringing the annual national defense authorization bills before the Rules Committee and the House floor. Our Committee's record of success on the House floor can be largely attributed to Jerry's tireless commitment to a fair and open process coupled with an unmatched devotion to our American men and women in uniform and commitment to maintain a strong defense.

These efforts have been particularly important in a time when most Americans take today's economic prosperity and relative global peace for granted. Jerry has always recognized the important role that a strong U.S. military plays in maintaining America's global leadership. He truly understands that the end of the Cold War was not the end of a dangerous world. Indeed, the end of the Soviet Union meant only that the many threats to U.S. national security, including regional unrest, terrorism, proliferation of weapons of mass destruction, and ethnic violence, would no longer be contained by the Cold War.

Jerry's departure from this House will be a loss to this nation. He will leave behind a huge and difficult gap to fill in the contingent of members dedicated to the honorable but increasingly frustrating cause to halt the further erosion of U.S. military capability. However, his leadership, his dedication and his tireless efforts toward this cause will continue to serve as an inspiration to those of us left behind.

I wish to offer my very best wishes to Jerry and his wife, Frieda, and their family as he pursues what I am sure will be another distinguished career in the years ahead. I personally will miss his friendship and guidance, but I know that this fighting spirit will remain in this chamber long after his departure. As a fellow former member of the maritime services, I offer Jerry the traditional navy fond farewell—"Fair Winds and Following Seas!"

CONFERENCE REPORT ON S. 2206, COATS HUMAN SERVICES REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my support for the Conference Report on Coats Human Services Reauthorization Act because its good for our working families and good for our children.

The Conference Report reauthorizes the Head Start, Community Services Block Grant, and Low-Income Home Energy Assistance Program through Fiscal Year 2003.

The purpose of this legislation is to promote school readiness by enhancing the social and cognitive development of low-income children, to low-income children and their families, of health, educational, nutritional, social, and other services based on a families needs.

The Conference Report will provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, an the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient. In addition, this legislation will strengthen a community ability for planning and coordinating the use of a broad range of Federal, State, local, and other assistance related to the elimination of poverty, so that this assistance provided for in this report can be used in a manner responsive to local needs.

The development and implementation of these programs designated to serve low-income communities and groups with the maximum feasible participation of residents of the communities and members of the groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that the programs are otherwise meaningful to the intended beneficiaries of the programs.

IN MEMORY OF VENTURA AND LOS ANGELES COUNTY'S FALLEN OFFICERS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to seven law enforcement officers who have fallen in the line of duty over the past twenty-two months.

Police officers undertake a solemn oath to protect and serve their fellow citizens and, if necessary, sacrifice their lives to fulfill this duty. The following seven brave individuals—Officer Charles Andrew Lazzaretto, Officer Van Derrick Johnson, Deputy Sheriff Shayne Daniel York, Deputy Sheriff Michael Lee Hoenig, Police Officer Steven Gerald Gajda, Officer Filbert Cuesta, and Ventura County Senior Deputy Lisa D. Whitney—have paid the ultimate price for the preservation of public safety and civility in the cities of my district.

Selflessly, they dedicated their lives to protecting others and serving our communities. Like their colleagues across the country, they carried out their duties each day with courage and honor. Without trepidation, they confronted the dangers inherent in their line of work and ultimately gave their lives in the service of our community. To these brave souls we extend our gratitude. To their families, we extend our most heartfelt sympathies and appreciation. Their memories will linger in our hearts. Their sacrifices have not been in vain.

Mr. Speaker, distinguished colleagues, please join me in remembering these seven members of the law enforcement community who, like so many others before them, have given their lives to protect others, doing so with unrivaled courage, valor, and honor.

COMMEMORATING THE 150TH ANNIVERSARY OF PEAPACK REFORMED CHURCH

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to congratulate the congregation of Peapack Reformed Church as they celebrate their 150th anniversary.

The church is part of the Dutch Reformed Church in the U.S.A., the oldest Protestant denomination in this country founded when the Dutch settled in New Amsterdam. Peapack Reformed Church originally met in meeting houses throughout the Peapack-Gladstone area until they built and moved into their present church building.

The congregation is a small, close-knit community, dedicated to each other as well as to those in their surrounding area. They have an annual, "Community Day," a day when the honor the people of the Peapack-Gladstone community-at-large. The day features historical tours, a barbeque and events for the children of the community. The church also hosts two events every year in order to raise money for the Central New Jersey Visiting Nurses Association.

I wish to congratulate the congregation of Peapack Reformed Church for 150 years of serving the cause of Christ in central New Jersey. It is my honor to have this church within the borders of the twelfth congressional district and I wish them well in their desire to continue for another 150 years.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. STABENOW. Mr. Speaker, today, Members of the United States House of Representatives will make a critical decision affecting the lives of the people we represent. Men and women, young and old, who work hard everyday and care about their families want us to deal with President Clinton's irresponsible behavior and lack of truthfulness in a fair and responsible manner. And, they want us to do so as quickly as possible so that we can return to the important issues affecting their families. They also want us to rise above partisan self-interest and do what's best for the country—not as Democrats and Republicans, but as Americans.

I am deeply concerned that this Congress will not meet that test today. We have two proposals before us. The question is not whether or not to proceed, but how to proceed. One proposal gives us the opportunity to come together in a bipartisan way and vote to begin an inquiry into impeachment on the issues raised in the Starr Report, and to bring this inquiry to conclusion by the end of this year.

The Republican alternative is an open-ended, unchecked process that could continue throughout the next Congress with no requirement to limit its focus on the issues formally presented by the Special Prosecutor. In all good conscience, I cannot endorse this process since I sincerely do not believe it is in our nation's best interest. It is not in the interests of the families I represent to put our country in suspended animation for months and months when we have the ability to bring this to a responsible conclusion this year.

I, therefore, intend to support the proposal to proceed with an impeachment inquiry with a deadline of December 31, 1998. This motion allows an extension of the deadline if an extension is supported by the evidence. But, most importantly, the proposal I support does not allow millions of dollars and hours to be spent without any accountability for timely results.

I believe the American people deserve no less from us. We must address this crisis fairly and responsibly and get back to the people's business. I implore my Republican colleagues to join us and to join America in a process of which we can all be proud.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. ORTIZ. Mr. Speaker, throughout this whole unseemly matter, I have tried desperately to cling to the dignity of the instruction of the Constitution to guide my actions. I have carefully weighed the evidence we have seen so far: the Referral from the Office of Independent Counsel (OIC), the President's taped testimony, and the reams of evidence in support of the OIC Referral. As a grand juror in this process, evaluating the evidence carefully, and privately, is consistent with my constitutional role.

Today, the House allows the Judiciary Committee to move forward on the investigatory phase of the impeachment process. We are not voting on impeachment; that is the duty of the Senate. We are not quite yet to the actual grand jury phase of this process; we are at the point where Congress' prosecutors and investigators are asking to complete that part of the Constitutional obligation. My vote today is based on only what the OIC has referred to us.

It is important to complete the process. We should be fair. We have yet to see witnesses deposed or cross-examined, nor weighed additional evidence. Today the House has a choice, to investigate only what the OIC referred to us and be finished by the end of the year, or to continue the steady drumbeat of those things already investigated by the FBI, the OIC and the Congress. There is no need for such a shotgun approach.

Today's vote is in deference to the Constitution. No one will report this, but that Constitutional deference should be the single most important point made in analyzing Democratic votes on either plan to continue the investigation. The House vote to analyze, for those who wish to do that, is the next full House vote; that will speak to the actual question of impeachment.

My votes today, for democratic alternative and in opposition to the Republican plan, are an indication that what we have received from OIC may be sufficient for the inquiry. Again, remember, this was not a vote on the question of impeachment, it is a vote for the HJC to proceed with the inquiry. The next possible action by the House will be any action we may take on actually referring articles of impeachment to the Senate. The final question of impeachment rests with the Senate.

MEDICAL OPTICAL SIGNAL PROCESSOR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to bring attention to a new technology called the medical optical signal processor. Today, in the world of ever-advancing medical technology, key words like telemedicine, laser surgery, and computer second opinion are used to address the new frontiers that are being discovered through the leveraging and exploitation of existing technologies. But, now is the time for these new frontiers in medicine to be even further challenged. It is time that we expand our horizons and to stock our arsenals with new and innovative technologies. It is ironic that one of the most potent and promising weapons in our technological arsenal may be as elementary or as fundamental as simple light. The use of light to process data is not new or particularly difficult. In fact, the use of light is not very different from the way the human eye and brain work in processing visual data. This new technology is called the medical optical signal processor (MOSP).

The domestic medical landscape is pursuing unprecedented change to combat the spiraling costs of health care. Cost containment and resources consolidation are forcing commercial and military healthcare providers to turn to sources outside the traditional medical community to improve the quality of care. The concept of transitioning optical signal processing (OSP) technology to enhance present and future medical imaging systems detecting and identifying key pathologic features within two-dimensional medical imagery may prove not only cost effective but may validate the leveraging of dual use technologies between the military and commercial sectors. MOSP has not only great promise in civilian and military medical applications has shown great promise and it leverages upon the advances already being made in its use for automatic target recognition (ATR) in both civilian and military applications.

Many of my colleagues on the House Science Committee, as well as those on the traditional defense oversight committees, are dedicated to finding and funding the best technologies that will allow the U.S. to make quantum leaps ahead in improving our security and our way of life. In an era when the American people expect their elected officials to be prudent and careful stewards of their federal budget dollars, it is important that we carefully choose those areas of research that will bring a greater return on our investment. I believe medical optical signal processing may be a technology that does just that.

MOSP is best utilized in developing an advanced imaging system for the management of breast and prostate cancer. MOSP has a compelling and potential benefit in all areas of radiology in enhancing and analyzing imagery. It enjoys an advantage as a two-dimensional processor with the power of multiple Cray computer imagery processing in a small package. It can leverage the sensitivity of X-rays and specificity of high definition ultrasound in a multi-sensor correlation. It exploits recent OSP technology to create self-adapting imaging systems, which places minimal demands on operator skills while improving soft tissue contrast. All this facilitates a broad spectrum of diagnostic and therapeutic options. But most importantly, if reduces the trauma to the patient.

Congress has been a major supporter of the OSP industry, and lately has recognized the need for optical processing to resolve next-generation pattern recognition in military applications. Congressional assistance is needed in supporting further military and commercial application opportunities for optical correlators. In the FY97 National Defense Authorization Act the House National Security Committee wrote:

> The committee is aware of the potential of optical correlators for signal processing and anomaly detection in military systems. The committee believes optical correlators also have similar potential in medical research such as for the detection of tumors.

The Secretary of the Army's "Report to the House Committee on National Security on the Potential Use of Optical Correlators in Medical Research," addressed the use of optical correlators for signal processing and anomaly detection in military systems. It points out one of the early advantages of OSP technology as:

> * * * a key component is the high speed correlator which does the actual comparison and reports out numerical scores on the degree of similarity between objects in the image and targets of interest, be they enemy tanks or cancerous cells.

The report focuses on the military application of OSP technology in the need to significantly speed up the computation process of features found in imagery. It does not address the many other changes in this technology over the last three years. But, the report does specifically address cancer in one statement:

> * * * In cancer screening applications, this means a higher probability of detecting a cancerous mass while simultaneously reducing the probability of falsely reporting benign tissue as cancerous.

In 1997, the Congress continued to address the use of optical correlators in missile technology, both for the navy and Air Force. For the first time, funding was added to the Standard Missile program of the US Navy, and for a continuation of a US Air Force Air-to-Ground missile (AGM) effort called, optical processor enhanced LADAR (OPEL). But unfortunately due to defense budget constraints, additional funds were not found and the medical application was not appropriated.

In 1998 the House further attempted to deal with the potential medical application of OSP, by providing authorization to the US Army. The House National Security Committee wrote that:

> * * * The committee also recommends an increase of $2.0 million in PE 62787A for applied research in the use of low cost optical correlator technology in medical diagnosis . . .

It was hoped that this seed money would provide the spark to improve the quality of care of the men and women protecting out country and open new medical imagery analysis technology in medical areas outside of radiology such as ophthalmology, dermatology, trauma or triage treatments, and many others. Unfortunately, due to the constraints in this year defense budget, the Congress was unable to support adding funds to this year's appropriations for the Army to proceed with this program. To this member, this was extremely shortsighted.

In 1993 the NCI reported that one-in-eight women would contract breast cancer at some point in her lifetime. One in four men may face the same fate at the hands of prostate cancer.

When an abnormal breast or prostate mass is detected by mammography or by a physician's clinical examination, a biopsy is almost always recommended. A pathologist examines the tissue to determine if the lump is cancerous. The psychological trauma this creates in anyone is beyond measure and is normally endured over many weeks of tests and waiting. Healthcare should be effective and as timely as possible to prevent any emotional and traumatic episodes to one's life. Optical processing is the technology that can drive the current process from weeks to one day: examine—biopsy—results. Improving the quality of care to the patient and their families. As we fight cancer, we can also reduce the trauma it brings.

Photonics Spectra, a leading publication for the Optical industry, quoted the report of the Committee on Optical Science and Engineering, a group created by the national Research Council, as saying:

> * * * that light-based technologies have a vast and growing range of critical applications in virtually every scientific discipline and a large number of industrial fields * * * In healthcare, it urges that the National Institute of Standards modify its disease oriented structure to provide more funding for optical technologies.

Optical signal processing technology that is properly adapted for embedded use in medical ultrasound imaging systems, will create a paradigm shift within the radiology industry leading to a new generation of higher performance systems with outstanding soft tissue visualization capabilities. It will also leverage the correlation and benefits of multiple radiological systems. In as much as all of us, as Members of Congress, the stewards of our nation's health and well being. It is essential that we remain: informed of the advances in science and technology, vigilant to providing the leadership and insight needed to move forward when an opportunity avails itself, and the wisdom to seize and leverage that opportunity. Through leveraging the investment and advances already made in optical processing technology, we can continue to exploit this technology not only for its military and commercial target recognition applications but for its potential to bring better quality of care to civilian and military medical systems. We owe it to our nation to move forward with this good ideal. We owe to the nation to move forward with this good technology. I hope all my colleagues on both sides of the aisle will join me next year in supporting this type of research and technology throughout the entire federal science and technology budget because the advances and victories of science and technology are non partisan. They are victories in which all Americans will share. While the revages of cancer and other diseases will not pick sides or discriminate, it will strike us all regardless of our political beliefs or our stature in life. We owe nothing less to our friends and colleagues in the Congress who have suffered the anguish of breast and prostate cancer for themselves and for their loved ones, but more importantly, we owe it to the millions of our constituents, who hope everyday that we, as their stewards of the budget, will make the right decisions for them that allows this nation to remain healthy and safe.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. WEYGAND. Mr. Speaker, I rise this morning to express my support for this legislation which provides some measure of relief to certain home health care agencies in my state. I want to thank my colleagues, Mr. McGOVERN, Mr. COBURN, Mr. CARDIN, Mr. STARK and others who have worked hard on this issue with me since last year.

Last May, I sponsored an amendment to the Budget Resolution which was the first legislative action taken on IPS reform during the 105th Congress. This amendment, which passed unanimously, was significant because it called upon this Congress to take active steps to restore fairness and equity to the IPS. It called upon Congress to examine the effects of the IPS on low cost agencies and stressed the importance of accomplishing reform before the 105th Congress adjourned. I am pleased that Congress has addressed this issue and hope we can pass something which will be signed by the president soon.

Although this legislation before us today does not provide the amount of financial assistance that I believe is necessary, I believe it represents a first step to restoring some of the unfair and inequitable cuts enacted by the Balanced Budget Act.

The home health care provisions within this bill will help some home health care agencies, particularly those in my home state operating below the national average. By providing fifty-percent of the difference between an agency's current per beneficiary limit and the national average, Medicare will provide some additional reimbursement to many agencies in my state.

The legislation also permits home health care agencies operating above the national average to continue receiving the reimbursement they currently receive. Although some of these high cost agencies may be deserving of higher reimbursement, I have concerns that this payment policy continues to provide rewards to home health care agencies which were not frugal prior to the passage of the Balanced Budget Act, and effectively continues to penalize agencies which worked tirelessly to contain their costs. This is due, in part, to the large reliance to agency-specific data, as mandated by the Balanced Budget Act. I had wished that the resolution to this issue would have better addressed this situation and created a more level playing field, and home that with ongoing communications with the Senate and the Administration, we can work to further refine this measure to restore more equity into the home health care system.

I am disappointed that this legislation does not provide' relief retroactively to home health care agencies. As you are aware, the Balanced Budget Act subjected home health care agencies to per beneficiary limits for cost reporting periods beginning on or after October 1, 1997. Some home health care agencies throughout the nation have been operating with low per beneficiary limits during their current cost reporting periods and need assistance now. While this legislation will provide much needed relief to some home health care agencies for cost reporting periods beginning during or after fiscal year 1999, it will not provide immediate relief to many deserving home health care agencies.

While I am pleased we have reached this point and will support this bill, there remains a great deal to be done. With the passage of the Balanced Budget Act, Congress mandated an additional fifteen percent cut in home health care if the new payment system is not fully implemented. The administration signaled in August that the new system will not be ready before October 1, 1999 so the cut remains a real threat to home health care agencies in the very near future. We need to address this issue and I look forward to working with my colleagues to delay or repeal this 15% cut next year.

I want to express my appreciation to the Committees on Ways and Means and Commerce for recognizing the situation home health care agencies and their Medicare beneficiaries face. Home health care is an important service that we must work our hardest to preserve. Home health care allows seniors to remain home and retain their dignity and independence. While this legislation does not accomplish all I had wanted, I support its efforts, applaud its goal and urge my colleagues to support it.

SENSE OF HOUSE REGARDING NATIONAL SCIENCE POLICY

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf of this resolution, which states that the report entitled "Unlocking

Our Future: Toward a New National Science Policy" shall be used by this Congress as a starting point for our future science policy.

I would first like to recognize the hard work that Congressman EHLERS has put into this report. I would also like to let him know that I look forward to working with him, and the other Members of the Science Committee in the future, towards implementing some of the ideas set forth in this Report.

However, I would also like to add that I support this resolution because it indicates that this report should "serve as a framework for future deliberations". It is a start to a process, one which I hope to work within so that others can add their views and values to the development of a true "National Science Policy". Therefore, I would like to note some issues, which were omitted from the report, which I hope will be added to our agenda on science, math, and engineering.

The report fails to fully address the problem of under-represented populations in the fields of science and technology. We all know that there is a severe shortage of minorities, women, and people with disabilities in these areas, yet the report does not make any real acknowledgement of the situation, and as a result, it does not contain any ways to make it any better. I hope to change that as we move forward in the development of our National Science Policy.

I believe that Congress should play a role in making sure that every segment of society receives the benefits of, and helps develop our scientific advances. Already, we have passed legislation, with bi-partisan support, to improve the involvement of minorities and women in the hard sciences. Just a few weeks ago, we overwhelmingly passed the Advancement of Women in Science, Engineering, and Technology Act, which will ensure that women are encouraged to enter the fields of science and technology. I have also gotten bipartisan support in the Science Committee, where I was able to amend several bills to ensure that minority students are able to take advantage of federal grant programs made available through the Federal Aviation Administration (FAA) and NASA. I am proud of that work, not only because of what it does for under-represented groups in science, but also because my friends on the other side of the aisle saw the importance of the issue, and were willing to make the decision that we need to get all Americans involved in science. Therefore, I would propose that any official "National Science Policy" include this important issue so that we can continue to work to improve this situation throughout the next Congress.

I also believe that we need to work to include the social and behavioral sciences in our science policy, which were given little or no attention in this report. Although I see the importance in making sure that we progress in the area of basic research and the "hard sciences", we should not focus on those two disciplines exclusively. The social sciences should continue to be developed so that we can better grapple with problems that affect our entire nation, like improving our education system, and working towards better public health. Furthermore, the behavioral scientists have a unique understanding of the human mind that cannot be captured by biologists or medical doctors.

For the report to omit these important disciplines is a disservice to those respective scientific communities, and it is only worsened by the fact that the Report advocates that the hard sciences be used actively in the legislative process. While I applaud the application of the hard sciences to our activities, I also see the social and behavioral sciences playing an important role here in Congress, and will work towards ensuring it. This is especially true in light of the fact that the courts have actively rebuked the use of social science materials in cases like McClesky v. Kemp (1987). Although I do not agree with the outcome of that case, I feel that it properly illustrates the fact that the social sciences, and the use of statistics, must be used to remedy the problems that afflict large segments of society—like the undercount in the Census. It is more than ironic that through current times, the most compelling use of a social science study by the judiciary created perhaps the most monumental court decision of our time, Brown v. Board of Education. For those reasons, I hope that we can better integrate all of the sciences in our National Science Policy.

I would also like to add that I hope our National Science Policy will include further efforts to improve our K–12 institutions. Because K–12 is crucial in the development of science and math-savvy college students and workers, I believe we must concentrate a good portion of our resources on turning out good engineers, mathematicians, and scientists. We all know how important that is for our economy, the technology industry is the fastest growing segment of our society, and just a few weeks ago, we had to vote on whether or not to expand the number of visas available to highly-skilled workers from outside the United States! We could easily solve that problem by ensuring that all students graduating from high school have more than rudimentary skills in the areas of math and science and are encouraged to follow up on that education in a college or university.

Having highlighted these issues and with the understanding that I would like them included in our future discussions, I would like to endorse the use of this Report as a starting point for bringing science, math, and engineering to the forefront of our national agenda.

HONORING RANDALL J. COLEMAN, 1998 HENRY EVANS VOLUNTEER OF THE YEAR AWARD

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is with great pride that I rise today to honor Randall Coleman who recently received the Henry Evans Volunteer of the Year Award.

This award is presented annually by the Shenango Valley Chamber of Commerce in order to honor a person who not only volunteers his time to support the chamber, but also volunteers in other community organizations. Randall Coleman has shown a lifelong commitment to volunteer service.

Mr. Coleman lives in the Shenango Valley with his wife Ann and son Grant. He has had a distinctive and promising career with Penn Power where he currently serves as the Mercer County Area Manager. But is Mr. Coleman's active role in the community that makes him a invaluable asset. He currently serves as a president of the Kiwanis Club of Sharon, as a member of the Pennsylvania Electric Association, the Pennsylvania Economy League, Private Industry Council, and the National Association of Industrial Office Properties, the American Heart Association as well as serving as a member in the fundraising cabinet of the United Way of Mercer County in its construction division.

Mr. Coleman served as the coordinator of volunteers for the Special Olympics of Mercer County. However, Randall Coleman feels that his most rewarding experience was teaching handicapped children to swim as an American Red Cross Lifeguard. It was a rewarding experience because for these children achieving this goal is more difficult because of their special needs.

I am proud to recognize Mr. Coleman's achievements today. He is certainly an asset to our community in western Pennsylvania.

ROBERT GEAKE, A DEDICATED PUBLIC SERVANT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize a distinguished public servant in my home State of Michigan, State Senator Robert Geake.

Born on October 26, 1936, in Detroit, MI, Bob grew up in the neighboring suburb of Ferndale. He attended the University of Michigan, earning a B.S. in special education, an M.A. in guidance and counseling, and a Ph.D in education and psychology.

After completing his education, Bob pursued a career in psychology and became an accomplished psychologist. In 1972, Bob was elected to the Michigan House of Representatives where he served with distinction until being elected to the State Senate in 1977.

Senator Geake established himself as the Michigan Legislature's expert on mental health issues. He also took an interest in anti-crime measures and spearheaded Michigan's anti-stalking laws. Under his leadership, Michigan has the nation's toughest and most enforceable laws against stalking. Senator Geake has also led the fight to enact tough penalties against drunk driving and sponsored legislation to eliminate Michigan's inheritance tax. A leader on child development and family issues, Senator Geake has been instrumental in passing legislation to crack down on dead beat parents who are delinquent in their child support payments.

Senate Geake is known in Lansing as a statesman and one of the most effective lawmakers in the State Legislature. A recent analysis by the Detroit News indicated that Senator Geake ranked first among the 148 Michigan lawmakers in the numbers of bills passed.

Senator Geake is retiring from the State Senate at the conclusion of his term this year.

His leadership will be missed. Senator Geake has been a strong advocate for Michigan families. His efforts to cut taxes, strengthen families, and make our communities safe from violent crime have made Michigan a better place to live.

I wish Senator Geake and his wife, Carol, the best of luck in their future endeavors.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Ms. PRYCE of Ohio. On October 10, 1998, I was absent due to an illness in my family. I received an official leave of absence from the majority leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

H.R. 4567. To revise Medicare program—On suspending the rules and passing the bill (Rollcall No. 516) "aye,"

H. Con. Res. 334. Relating to Taiwan's participation in the World Health Organization—On suspending the rules and agreeing to the concurrent resolution (Rollcall No. 517) "aye."

H. Con. Res. 320. To support the Baltic people of Estonia, Latvia and Lithuania—On suspending the rules and passing the concurrent resolution (Rollcall No. 518) "aye."

H.R. 2616. Charter Schools Senate Amendments—On suspending the rules and passing the bill (Rollcall No. 519) "aye."

S. 852. Auto Salvage—On suspending the rules and passing the bill (Rollcall No. 520) "aye."

FCC AND TELEPHONE COMPETITION

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. TAUZIN. Mr. Speaker, today I am introducing legislation with several original cosponsors. They are Mr. DINGELL, Mr. OXLEY, Mr. BOUCHER, Mr. ROGAN, Mr. BONIOR, Mr. GOODLATTE, Mr. KLINK, Mr. HASTERT, Mr. WYNN, and Mr. BURR. Mr. speaker, this legislation essentially begins the process of reviewing the inadequacies of FCC implementation of the local competition provisions of the Telecommunications Act of 1996. Specifically, our bill amends provisions contained in section 271 of the Act, dealing with interLATA (long distance) entry by the Bell Companies.

It is frustrating that nearly three years have passed since the Telecom Act of 1996 was enacted into law. Five applications for long distance service have been received by the FCC, and four have been denied. The fifth, an application approved by the Louisiana Public Service Commission by a vote of 4–1, is now pending at the FCC. Frankly, I am not encouraged that it will be granted when the FCC makes its decision on October 13 of this year.

The Telecommunications Act of 1996 was intended to open up competition in both the local and long-distance markets; but, the FCC appears determined to preserve the long-distance service monopoly that traditional interexchange companies have enjoyed since the conception of the telephone. Today, only business subscribers are realizing more choices from competitors to incumbent LECs.

This legislation will attempt to codify what the intent of the conferees was during their deliberations on the 1996 Act. That is, the states should have explicit authority over determining intrastate interLATA service in their respective states. In addition, the legislation we are introducing today would modify other provisions of the law as noted in the attached talking points.

I look forward to working with all of our colleagues early in the 10th Congress to loudly send a message to the FCC, the Department of Justice, and the administration that the "status quo" is no longer acceptable. Only true, open competition in all markets will be acceptable now, not later.

HIGHLIGHTS OF INTERLATA COMMUNICATIONS IMPROVEMENTS ACT OF 1998

State Jurisdiction Over Intrastate InterLATA Services. The legislation authorizes the state public service commission to grant BOC applications to provide intrastate InterLATA telecommunications services upon satisfaction of Track A/B, the competitive checklist and public interest requirements. If the State fails to act on an intrastate InterLATA application within the 90-day decision period, the application is deemed granted.

Resale Authority. On February 8, 1999, BOCs would be authorized to resell the InterLATA services of unaffiliated companies.

Amendments to Track A/Track B. The Track A/Track B requirement would be eliminated effective February 8, 1999. In addition, the legislation removes the requirement that a Track A company provide telephone exchange service exclusively or predominantly over its own facilities. It also provides that Track B is satisfied if the BOC's statement of generally available terms and conditions ("SGAT") has been approved by the state public service commission or if the state public service commission has permitted such SGAT to take effect.

FCC Consultation with State PSC. The legislation directs the FCC to affirm the evaluation of the state public service commission concerning BOC compliance with Track A/Track B and the competitive checklist unless the FCC determines by clear and convincing evidence that the state evaluation is clearly erroneous.

Public Interest Determination. Effective February 8, 1999, the public interest requirement of Section 271 is deemed to be satisfied upon a finding that the BOC has satisfied the competitive checklist.

Incidental InterLATA Services. The legislation would expand the definition of "incidental InterLATA services" to include data communications and international telecommunications and information services.

Section 271 Approvals and Denials. Decisions approving or denying Section 271 applications must include a written determination of whether the BOC has complied with the statutory standard for InterLATA relief.

THE MEDICARE MEDICAL NUTRITION THERAPY ACT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. ENSIGN. Mr. Speaker, it is rare for any legislation in the House of Representatives to obtain the support of a majority of its Members. In fact, fewer than 1 percent of all bills introduced in the 105th Congress have reached this status. I would like to announce with pride that a bill I sponsored, H.R. 1375, the Medical Nutrition Therapy Act, has achieved this remarkable level of support.

Over 220 of our colleagues support this measure because they recognize that the absence of coverage for nutrition therapy services is a glaring omission in current Medicare policy. Medical science makes clear that properly nourished patients are better able to resist disease and recover from illnesses than those who are malnourished. We also know that elderly Americans are at a higher risk of malnutrition than others in society due to the naturally occurring aging process.

Despite this knowledge, Medicare does not cover nutrition assessment and counseling services by registered dietitians—what is commonly known in the health care field as medical nutrition therapy (MNT). As a result, the elderly either pay for this service out of their own pockets, or go without. This is not a choice that those on fixed incomes should have to make. Medical nutrition therapy is medically necessary care and ought to be a covered benefit.

I am convinced that this bill is an important part of the solution to saving Medicare. It will help us cut costs without sacrificing the quality of patient care. Emperical evidence shows that MNT is effective for patients with diabetes, heart disease, cancer, and other costly diseases that are prominent among the elderly. It lowers treatment costs by reducing and shortening the length of hospital stays, preventing health care complications and decreasing the need for medications. Yet still, we do not provide senior coverage for this care.

It should be noted that support for medical nutrition therapy is not confined to Congress. Major patient advocacy groups including the American Cancer Society, the American Heart Association, the National Kidney Foundation, the American Diabetes Association, and the National Osteoporosis Foundation also support coverage for MNT. These groups understand that appropriate nutrition therapy saves money and lives.

Any measure that achieves such an impressive level of political support is deserving of serious deliberation in this body. While I regret that this bill will not be taken up in the remaining days of this Congress, I urge the leadership of both parties to make this bill a top priority next year. While the Balanced Budget Act helped strengthen the Medicare program in the short term, additional reforms will be necessary to prepare the program for the coming retirement of the Baby Boom generation. Congress will be remiss if it overlooks medical nutrition therapy as part of those long-term reforms.

In closing, I want to thank the American Diabetic Association and the Nevada Diabetic Association for their fine work in helping me educate Members of Congress about this important measure. The dedicated health and nutrition professionals represented by those groups can be proud of how far this bill had advanced in the 105th Congress and confident that we will ultimately succeed in these efforts.

TRIBUTE TO NATIONAL PARK SUPERINTENDENT EDWARD WOOD

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. UNDERWOOD. Mr. Speaker, today I would like to extend sincere thanks to the outgoing Superintendent of the War in the Pacific National Park on Guam, Edward W. Wood, Jr., for his dedicated service. A 25-year veteran of the National Park Service, Mr. Wood has served with distinction, especially during his tenure as Superintendent of the War in the Pacific National Park and the American Memorial Park for the past seven years of his career.

As many of my colleagues know, the War in the Pacific National Park commemorates the bravery and sacrifice of those veterans who participated in the campaigns of the Pacific theater during World War II and preserves the natural, scenic, and historic values of our beautiful island. This park commemorates something especially close to all our hearts, the sacrifice of the American soldiers to liberate our islands and the loyalty that the people of Guam demonstrated during this critical time in our island's history. In this sense, Mr. Wood's commitment to ensuring that the park met its mission is deeply appreciated by all of us.

As my colleagues may remember, one of the initial pieces of legislation I introduced when I first arrived to this institution, in the 103d Congress, was a bill to enhance the War in the Pacific National Park by appropriating funds and authorizing approval for an overlook at Asan Bay and a Memorial Wall of Names, to honor all those who suffered during the time of enemy occupation. This effort would not have turned successful without the support and collaboration of Mr. Wood.

It is fitting, that we on Guam pay tribute to his service and accomplishments during his time as Superintendent of the only national park on our island. He has contributed significantly to the development of both the War in the Pacific National Historic Park and the American Memorial Park on the island of Saipan. Most recently, in 1997, he shared the National Park Foundation's National Partnership Leadership Award with the Government of the Commonwealth of the Northern Mariana Islands for their combined efforts to develop American Memorial Park, which specifically honors the Americans and Marines who gave their lives during the Marianas campaign of World War II, arguably the most significant battle of the Pacific operation.

In addition, Mr. Wood has also been recognized and has received several Special Achievement Awards for his work in diversity recruitment, operational excellence, community involvement, and assistance to other government agencies.

Mr. Wood, Si Yu'os Ma'ase for your dedication to the people of Guam and to the War in the Pacific National Park. Good luck in your future endeavors. Your service brings honor to the National Park Service.

HONORING FATHER MATEO SHEEDY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Ms. LOFGREN. Mr. Speaker, I rise to honor a true humanitarian and an outstanding member of my hometown community of San Jose, California.

Father Mateo Sheedy has selflessly served our community, providing assistance to those most in need of a helping hand. Particularly, Father Sheedy has championed the cause of recent immigrants. He has worked tirelessly to ensure that farm workers—those who feed America—are treated with dignity and respect. In concert with churches and the United Farm Workers he has succeeded in ensuring that farm laborers' working conditions are safe, and that their wages fair. His work with ESL classes and citizenship courses have helped countless immigrants attain United States citizenship.

Father Sheedy has been embraced by the local Mexican-American community and has been instrumental in solving some of the problems plaguing our neighborhoods. His inclusive style has brought together rival gangs—allowing families to live in safe, nurturing neighborhoods. His innovative gun return program has been very successful.

At Sacred Heart Church where he serves as pastor, Father Sheedy has committed himself to improving the quality of life for every member of our community. He has worked with our youth—encouraging them to stay out of gangs and in school. Along with local universities, Father Sheedy has created a tutorial center and has spearheaded efforts to gain college scholarships for kids.

Father Sheedy has also been a beacon of hope and faith—attending to the very sick and providing solace to their families. Now Father Sheedy is himself very ill, and our thoughts and prayers are with him.

On October 22, 1998, Father Mateo Sheedy will be honored with the Heart of Jesus Award, recognizing his vast sacrifices for our community. I ask my colleagues to join me in congratulating Father Sheedy for receiving such a special award. He is to be commended for his noble efforts.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. BECERRA. Mr. Speaker, on October 5, 1998, I was on official business during rollcall votes Nos. 480, 481, and 482. Had I been present for the votes, I would have voted "no" on No. 480, "yes" on 481, and "yes" on 482.

GRANTING CONSENT OF CONGRESS TO POTOMAC HIGHLANDS AIRPORT AUTHORITY COMPACT ACT

SPEECH OF

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BARTLETT of Maryland. Mr. Speaker, S.J. Res. 51 would provide Congress' consent to a compact between the States of West Virginia and Maryland establishing the Potomac Highlands Airport Authority. This legislation has been passed by the Senate and has the support of the Senators from both States and the Members of Congress from the districts concerned.

This bill is of great importance to my constituents as well as to me personally. As you may know, in 1944 the city of Cumberland, located in Allegany County, Maryland, purchased land 3 miles south of the city in Wiley Ford, West Virginia for the construction of an airport. In 1976 the States of Maryland and West Virginia entered into a compact establishing the Potomac Highlands Airport Authority.

The need for the compact stems from the unusual nature of the airport. It is located in one State, but owned by a municipality in another. Accordingly there has been a certain degree of uncertainty about the ability of the airport authority to guarantee to pay for loans they may receive. This was discovered as the Authority was in the process of undertaking a 20-year $10 million expansion program and had applied for a loan from the Department of Agriculture. In its denial of the loan, the Department replied that it could not provide the loan unless Congress were to provide its consent to the bi-state compact between West Virginia and Maryland.

The loan from the USDA represented an important part of this expansion program. While congressional approval of the compact will obviously facilitate the improvement of the airport specifically, it will also have a positive impact on the economic development of region as a whole.

As you may know, the Greater Cumberland Regional Airport, is located in rural Appalachia. According to the Department of Labor's Bureau of Labor Statistics, Allegany County, Maryland has an unemployment rate of 8.5 percent, almost 90 percent higher than the national average. This number does not even consider the great number of people who have become so discouraged that they have stopped seeking employment. The simple reason for this high unemployment rate is that the area has suffered from the closing of a number of employers and has been unable to attract employers sufficient to replace the lost jobs.

The critical task in the coming years will be for local and State leaders to attract new employers to the area. In working with businesses that are considering moving to area, one of the critical deciding factors for their relocation is access to first rate infrastructure. Businesses considering moving to the region will need to know commercial aviation users. The Potomac Highland Airport Authority has a 20-year plan that will allow it to expand to accommodate the increased utilization of the facility. The House's approval of this bill is an important step in providing the Potomac Highlands Airport Authority with the tools necessary to be an active participant in the region's expansion.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Ms. PRYCE of Ohio. Mr. Speaker, during the week of October 5, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

Monday, October 5, 1998

H.R. 4614—New Hampshire Land Conveyance Act: Motion to Suspend the Rules and Pass the bill (Roll Call No. 480): Aye.

H.R. 1154—The Indian Federal Recognition Administrative Procedure Act of 1997: Motion to Suspend the Rules and Pass the bill (Roll Call No. 481): Nay.

H.R. 4655—Establishing a Program to support a Transition to Democracy in Iraq: Motion to Suspend the Rules and Pass the bill (Roll Call No. 482): Aye.

Tuesday, October 6, 1998

H.R. 4194—VA-HUD Appropriations Act for FY 1999: On Agreeing to the Conference Report (Roll Call No. 483): Aye.

H. Res. 575—Waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules: On Agreeing to the Resolution (Roll Call No. 484): Aye.

H.R. 4259—The Haskell Indian Nations University and Southwestern Indian Polytechnic Systems Act of 1998: On Agreeing to the Cummings of Maryland Substitute Amendment (Roll Call No. 485): Nay.

Wednesday, October 7, 1998

H.R. 3694—Intelligence Authorization Act for FY 1999: Motion to Recommit (Roll Call No. 486): Nay; On Agreeing to the Conference Report (Roll Call No. 487): Aye.

H. Res. 573—Providing for the consideration of H.R. 4570, the Omnibus National Parks and Public Lands Act: On Passage (Roll Call No. 488): Aye.

H.R. 4570—Omnibus Parks and Public Lands Act: On Passage (Roll Call No. 489): Nay.

H. Res. 579—Waiving all points of order against the Conference Report on H.R. 4104, the Treasury, Postal Services, and Independent Agencies Appropriations for FY 1999: On Agreeing to the Resolution (Roll Call No. 490): Aye.

H.R. 4616—Designating the Corporal Harold Gomez Post Office: On the Motion to Suspend the Rules and Pass the bill (Roll Call No. 491): Aye.

H.R. 2348—Designating the Mervyn Dymally Post Office Building: On the Motion to Suspend the Rules and Pass the bill (Roll Call No. 492): Aye; On the Motion to Recommit with Instructions (Roll Call No. 493): Nay.

H.R. 4104—The Treasury, Postal Services, and Independent Agencies Appropriations for FY 1999: On Agreeing the Conference Report (Roll Call No. 494): Aye.

Thursday, October 8, 1998

House Journal of October 8, 1998: On Approving the House Journal (Roll Call No. 495): Aye.

Quorum: On the Call of the House (Roll Call No. 496): Present.

H. Res. 581—Authorizing and directing the Committee on the Judiciary to investigate whether sufficient grounds exist for the impeachment of William Jefferson Clinton, President of the United States: On the Motion to Recommit with Instructions (Roll Call No. 497): Nay; On Agreeing to the Resolution (Roll Call No. 498): Aye.

Adjourn: Motion to Adjourn (Roll Call No. 499): Nay.

H. Res. 584—Further providing for the consideration of H.R. 4274: On Ordering the Previous Question (Roll Call No. 500) Aye; To Table the Motion to Reconsider (Roll Call No. 501) Aye; On Agreeing to the Resolution (Roll Call No. 502) Aye; To Table the Motion to Reconsider (Roll Call No. 503) Aye.

H.R. 4274—The Labor, Health and Human Services Appropriations for FY 1999: On Agreeing to the Istook Substitute Amendment to the Greenwood Amendment (Roll Call No. 504): Nay.

H.R. 3150—Bankruptcy Reform Act: On the Motion to Recommit the Conference Report with Instructions (Roll Call No. 505): Nay; On Agreeing to the Conference Report (Roll Call No. 506) Aye.

H. Res. 565—Expressing the Sense of the House of Representatives Regarding the Importance of Mammograms and biopsies in the Fight Against Breast Cancer: On the Motion to Suspend the Rules and Agree (Roll Call No. 507): Aye.

H. Con. Res. 331—Expressing the Sense of Congress Concerning the Inadequacy of Sewage Infrastructure Facilities in Tijuana, Mexico: On the Motion to Suspend the Rules and Agree (Roll Call No. 508): Aye.

H. Res. 557—Expressing Support for the U.S. Government Efforts to Identify Holocaust-Era Assets: On the Motion to Suspend the Rules and Agree (Roll Call No. 509): Aye.

H.R. 3874—Child Nutrition and WIC Reauthorization Amendments of 1998: On the Motion to Suspend the Rules and Agree to the Conference Report (Roll Call No. 510): Aye.

H.J. Res. 133—Further Continuing Appropriations for Fiscal year 1999: On Passage (Roll Call No. 511): Aye.

Saturday, October 10, 1998

Question of Privilege—noticed by Mr. Visclosky on Oct. 8, 1998: On motion to table the appeal of the ruling of the Chair (Roll Call No. 512) Aye.

H. Res. 589—Waiving Clause 4(b) of rule XI for special rules and suspensions On ordering the Previous Question—(Roll Call No. 513) Aye.

H. Res. 588—Rule governing consideration of H.R. 4761 On agreeing to the resolution—(Roll Call No. 514) Aye.

H. Res. 592—Providing for concurrence by House with amendment in the Senate amendment to H.R. 4110. On suspending the rules and agreeing to the resolution—(Roll Call No. 515) Aye.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

SPEECH OF

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. BILIRAKIS. Mr. Speaker, today the House of Representatives approved H. Res. 565, a resolution emphasizing the importance of mammograms and biopsies in the fight against breast cancer. Since October is "National Breast Cancer Awareness Month," it is particularly appropriate that the House passed this resolution before adjournment.

Last month, I was proud to work with Chairman BLILEY to secure approval by the House of Representatives of H.R. 4382, legislation to reauthorize the Mammography Quality Standards Act. This important law was enacted in 1992 to improve the quality of breast cancer screening exams by establishing national standards for mammography facilities. Without question, it has been an overwhelming success.

Screening mammography is currently the most effective technique for early detection of breast cancer. This procedure can identify small tumors and breast abnormalities up to two years before they can be detected by touch. More than 90 percent of these early stage cancers can be cured, according to the Food and Drug Administration.

The use of screening mammography provides a ray of hope in the fight against breast cancer. Early detection of breast cancer through accurate and reliable mammograms can spare women from undergoing radical surgery—and often save their lives. Enactment of H.R. 4382 will help reduce the threat of breast cancer by providing women the tools they need to detect this terrible disease in its early stages.

As chairman of the Health and Environment Subcommittee, however, I believe the federal government can and should do more to support cancer research. Specifically, I support an increased financial commitment to fund the biomedical research necessary to find a cure for breast cancer.

To that end, I have endorsed a proposal to double Federal funding for the National Institutes of Health over the next five years. I have also authored legislation to allow taxpayers to designate a portion of any income tax refund to support NIH research efforts.

For the hundreds of thousands of patients, families, caregivers and friends whose lives have been touched by breast cancer, we must renew and strengthen our commitment to ending this terrible disease. H. Res. 565 places appropriate emphasis on the importance of mammograms and biopsies in the fight against breast cancer, and I urge Members to support this resolution.

EXPRESSING CONCERNS REGARDING INDONESIA'S PRISONERS OF CONSCIENCE IN WEST PAPUA NEW GUINEA (IRIAN JAYA)

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. FALEOMAVAEGA. Mr. Speaker, I have come before our colleagues and the Nation several times regarding Indonesia's brutal suppression of the Melanesian people of West Papua New Guinea, or Irian Jaya province, as the Indonesian Government has renamed West Papua.

Last month, I welcomed the announcement of a significant development in the Indonesian Government's position on West Papua. According to press reports from Jakarta, Indonesia's President B.J. Habibie agreed to call for a national dialog on West Papua as soon as possible.

The proposed dialogue, supported by Indonesian Parliamentary leader Abdul Gafur and the Indonesian Council of Protestant Churches, was to address a three-part agenda covering: (1) human rights, (2) autonomy matters, and (3) issues of independence.

Although President Habibie's pronouncement was very welcome news, I am disturbed by recent developments in West Papua that have called into question his sincerity in pushing for true reform.

Within the past week, the Indonesian authorities have shown a shocking disregard for political openess in West Papua by arbitrarily incarcerating several leaders and local officials in West Papua.

On October 1, Amnesty International issued an action alert regarding the arrest of Don Falsy, a respected civil servant with the Regional Development Planning Body in Jayapura.

According to Amnesty International, it is "concerned for the safety of Don Falsy who has been in detention since 29 September 1998 and who has been denied access to his lawyers, raising fears that he is at risk of ill-treatment."

Amnesty International states that "Don Falsy was arrested without a warrant at his home in Jayapura, the capital of the province of Irian Jaya, by local police and taken . . . he continues to be detained."

Noting that Don Falsy's arrest is in connection with his alleged role in planning a meeting in Jayapura to discuss the independence of West Papua, Amnesty International states that "Don Falsy is a possible prisoner of conscience who appears to have been detained for the peaceful exercise of his beliefs."

Mr. Speaker, the arrest of Don Falsy for his political beliefs is not an isolated case. Also taken into custody last week for the association with Don Falsy were church leader, Reverend Augustinus Ansanai, and two local officials, Baas Yufuwai and Marinus Mehuwe. And just yesterday, another prominent Papuan leader, Theys H. Eluay, was arrested by the Indonesian police on questionable charges of subversion.

Mr. Speaker, I urge our colleagues to join Amnesty International in calling upon the Indonesian Government to allow Don Falsy and other jailed Papuan leaders immediate, regular and on-going access to their lawyers. Furthermore, we request that the Indonesian authorities ensure that these prisoners of conscience are protected from ill-treatment, and that they be promptly released from custody if they are being held solely for the peaceful expression of their belief in support of West Papuan independence.

Mr. Speaker, while the Government of Indonesia has committed itself to the Universal Declaration of Human Rights—including Article 19 which holds that "Everyone has the right to freedom of opinion and expression . . ."—the recent arrests in West Papua are a flagrant violation of this solemn commitment for which Jakarta should be condemned and held accountable.

COMBAT TROOPS PULL OUT OF IRIAN JAYA

JAKARTA, Indonesia (October 4, 1998—British Broadcasting Corporation)—The Indonesian armed forces are reported to have ended their special operations in the province of Irian Jaya. The move comes amid mounting evidence of past army atrocities. Irian Jaya is the third region in the Indonesian archipelago where the military has scaled down its activities following President Suharto's resignation.

Pro-independence rebels have engaged in a low-level conflict with the military in Irian Jaya since the mid 1960s. The decision by the armed forces to end the special status of Irian Jaya follows a cease fire agreement with one of the rebel groups. Antara, the state-run news agency, quoted a regional commander as saying combat troops would withdraw but other soldiers would remain to guarantee security.

Major-General Amir Sembiring said a cease fire had been agreed to between the military and the separatist Free Papua Movement (OPM) rebels. "The military operation status has been revoked and our activities will be shifted to safeguard vulnerable areas," he added. But he also said he had ordered the immediate arrest of protesters who had raised separatist flags in the northern town of Manokwari on Friday.

ALLEGATIONS OF TORTURE AND KILLINGS

The military's withdrawal follows a new policy of reducing activity in troubled areas in order to avoid the human rights violations which harmed Indonesia's international image under Mr. Suharto. Combat operations against the pro-independence movement in East Timor stopped in June. That coincided with an offer of autonomy from President B.J. Habibie which has given new hope for an end to the conflict there.

In August, the armed forces also pulled troops out of the province of Aceh after revelations of widespread abuses against the local population. Human rights groups hope the move in Irian Jaya will end similar abuses there. Many allegations of torture and extra-judicial killings have been made against the soldiers who went into a remote area of the province in 1996 after separatist rebels took a number of Indonesians and Europeans hostage.

SOME IRIANS CALLING FOR INDEPENDENCE

Irian Jaya, home to one of the world's biggest gold and copper mines, the Freeport, is a former Dutch East Indies territory of 1.5 million people. It forms the western half of the huge island of new Guinea, with independent Papua New Guinea occupying the eastern half.

Our correspondent Jonathan Head says just as the Indonesian authorities are adopting a softer approach towards dissent, they are facing more open hostility in Irian Jaya. The political changes in Jakarta have prompted many Irians to campaign for an independent state despite warnings from the military that this is unacceptable.

Those soldiers who remain in the province have the difficult task of trying to contain the growing opposition to Indonesian rule without resorting to the heavy-handed tactics of the past.

SENSE OF THE HOUSE REGARDING IMPORTANCE OF MAMMOGRAPHY AND BIOPSIES IN FIGHTING BREAST CANCER

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. PELOSI. Mr. Speaker, I rise today to recognize October as Breast Cancer Awareness Month. The statistics on breast cancer present an alarming picture. In 1998, in the state of California alone, there were 17,600 new cases of breast cancer among women and 4,300 deaths from breast cancer. Nationwide, approximately 180,000 new cases of breast cancer will be diagnosed this year and more then 43,000 women will die from the disease. One out of nine women in the U.S. will develop breast cancer in her lifetime. This risk has increased from one out of 14 in 1960.

While the statistics are staggering, we can be encouraged by the progress in the areas of research, technology and early detection which have increased survival rates to about two million breast cancer survivors in America today. With over 43,000 women dying from breast cancer each year, early diagnosis and patient education are critical in the battle against this deadly disease.

Mammogram testing can reveal breast cancer at its earliest stage—up to two years before it is obvious in a breast exam. Recently, both the House and Senate passed a measure to reauthorize the Mammography Quality Standards Act to ensure that national quality control standards are met for mammography. Women can rest assured that under the Mammography Quality Standards Act, national quality control standards are enforced by regular inspection and that every facility performing mammographies will be held to the standards for safety, well trained technicians and accurate readings.

More than one million breast biopsies are performed each year in the U.S. and approximately 80% of these biopsies are proven benign. A recent non-surgical biopsy procedure called the mammotome allows women to choose a less invasive alternative to surgical biopsies with minimal scarring and no general anesthesia. This ground breaking procedure will provide women with an alternative to surgery and should ultimately result in better care and treatment for women.

While early detection is saving lives, we must not become complacent about local cancer rates and the potential link between environmental factors and breast cancer and other cancers. In a recent review, the Center for Disease Control (CDC) has concluded that the incidence of invasive breast cancer in San Francisco has been determined to be comparable to other areas in the nation. However, I believe it is essential that the CDC continue to monitor local cancer rates and further national research on the link between cancer and the environment, particularly in light of questions about an increased incidence of breast cancer in the Bayview Hunters Point area.

As a Member of the House Appropriations Committee on Labor-Health and Human Services-Education, I have requested that the National Academy of Sciences study the status of scientific knowledge of the environmental causes of breast cancer and identify research needs and establish research priorities in this area.

In addition, I am joined by several of my colleagues, to request that the General Accounting Office conduct a comprehensive review of federal environmental health research activities.

Mr. Speaker, during Breast Cancer Awareness Month, let us renew our commitment to fighting breast cancer by increasing funding levels for research and for breast and cervical screening programs. We must also continue to educate and inform women about regular self-examination, physician examination, and to ensure access to low-cost, effective mammograms.

If we continue our national commitment to research and prevention efforts in the fight against breast cancer, the discovery of causes and cures for a disease that has no apparent cause or cure may soon become a long awaited reality.

HONORING THE CENTENNIAL CELEBRATION OF THE EAST ROCHESTER VOLUNTEER FIRE DEPARTMENT IN EAST ROCHESTER, NEW YORK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Ms. SLAUGHTER. Mr. Speaker, today I rise to pay special tribute to the East Rochester Volunteer Fire Department in East Rochester, New York. The fire department celebrated its 100th year of service on May 23, 1998.

The East Rochester Volunteer Fire Department was organized in 1898, after a serious barn fire in the village of Despatch brought attention to the need for a fire brigade. A meeting was held at Despatch Hall and the Despatch Fire District was formed, consisting mostly of local businessmen.

Shortly after a second fire, the village of Despatch voted to allocate funds to cover the purchase of land, equipment, and the construction of a public hall, that was later turned over to the fire department. Later the village of Despatch was renamed the village of East Rochester.

With a proud history of voluntarism, the Fire Department has thrived and grown over the years. Using donations and moneys received from the village, the fire department has been able to update its equipment, and utilize new methods in fire prevention and control. However, the cornerstone of the department's success has been the dependability and generosity of its volunteers.

I take great pride in knowing that a volunteer fire department of East Rochester's high caliber protects families and businesses in my district. I send my sincere and heartfelt thanks to the East Rochester Volunteer Fire Department for all its contributions throughout the past century.

Today, I ask that my colleagues pause with me to honor the legacy of one of America's greatest volunteer organizations: the East Rochester Volunteer Fire Department of East Rochester, New York.

A TRIBUTE TO ARTHUR AND ISABEL WATRES

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. McDADE. Mr. Speaker, I rise today to pay tribute to the many contributions of Arthur Watres and his mother, Mrs. Reyburn (Isabel) Watres, to Lacawac in Wayne County, Pennsylvania.

Thanks to the Watreses, Lacawac has a brilliant future, but Lacawac also has a rich history. The property which makes up Lacawac was a grant of land from the British crown to the family of William Penn which was acquired by James Wilson, a signer of the Declaration of Independence. In 1849, a large portion of this land was acquired by Burton G. Morss, who built a sawmill and tannery on the Wallenpaupack River at Ledgedale—then a sizable frontier town.

The tannery burned in 1895, and Morss closed his business. At the turn of the century, William Connell bought the property in order to build a summer estate. Connell began his career driving a coal wagon. He worked hard, saved and bought the company following the Civil War. He later served in the U.S. House of Representatives and unsuccessfully sought the Republican nomination for Governor of Pennsylvania in 1902.

When William Connell died in 1909, none of his eleven children wanted to maintain the estate. They all lived in Scranton, and Lacawac was a long train ride to a rough and dusty coach ride away.

Lacawac was then touched by another remarkable man, Colonel Louis A. Watres, a major figure in Scranton for 50 years, who went to work after completing the fourth grade. He continued to educate himself throughout his life. He clerked for Judge John Handley, read for the bar and established himself in practice. He also pursued a successful political career as County Solicitor, State Senator, Lieutenant Governor of Pennsylvania, and two-time Republican nominee for Governor. He quickly rose through the ranks of the Pennsylvania National Guard to become colonel of the 11th Regiment during the Spanish American War. Colonel Watres organized the Spring Brook Water Company which became part of the Pennsylvania Gas and Water Company. It was a Wallenpaupack dam project that made it necessary to acquire the Connell property.

Colonel Watres' two grandchildren visited Lacawac for an occasional picnic or weekend over the years. The awesome natural beauty of Lacawac appealed to Arthur Watres, and he moved there with his recently-widowed mother, Mrs. Reyburn Watres, in 1948.

The entrance road was almost impassable. The dock had collapsed into the lake. The roof of every building leaked. The screening was gone. The staining of the shingles and painting of trim had been neglected for two decades. Porches and sills were riddled with termites and timber ants.

The Watreses joined the Nature Conservancy. At the suggestion of Dr. Richard Pough, that organization's first president, they arranged for scientists from the Philadelphia Academy of Natural Sciences to visit Lacawac. At that time, Lacawac was found to be the southernmost unpolluted glacial lake in the United States and an ideal baseline lake for research.

The Watreses formed the Lacawac Sanctuary Foundation in 1966, and turned over the lake,. most of the infrastructure and much of the land to the Foundation. After many difficult years, the board was reorganized in 1990 and the relationship with the Lehigh University Earth and Environmental Sciences Department was formalized.

Lacawac lies within 100 miles of 140 institutions of higher learning, and the Lacawac Sanctuary Foundation is committed to drawing to this beautiful, natural laboratory a strong and significant scientific community to work for the benefit of mankind.

Mr. Speaker, we are all richer for the natural beauty around us. Thanks to the foresight of the Watreses, the magnificence of Lacawac continues both to inspire the love of our region's natural beauty and to encourage responsible scientific and personal stewardship of the land.

HONORING NANCY J. SCHILLING

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Nancy J. Schilling, a dedicated civil servant in Evansville, Illinois, in my Congressional district.

Nancy serves as the city clerk for the village of Evansville and as the Randolph County Civil Defense Director. While her husband, Danny and two children, Roxie and Ryan have always known what a great wife and mother they have, Evansville has been equally blessed in benefiting from Nancy's dedication to her community.

During the flood of 1993, the citizens of Evansville realized just how fortunate they were to have Nancy Schilling as the city clerk. At a time when Evansville was under great strain facing the damage from the flood, she became the organizing force in rebuilding the community. Nancy coordinated efforts with the National Guard, Army Guard, and Coast Guard to assist in a rapid response flood relief plan. She was also instrumental in securing state and federal grant money to provide critical additional support for southern Illinois.

What is most notable about Nancy Schilling is her willingness to meet any challenge presented to her with a friendly smile and determined spirit. Evansville recently recognized her as their Citizen of the Year. I commend Nancy for this well-deserved tribute, honoring her integrity, compassion, and outstanding commitment to Evansville.

Mr. Speaker, I ask my colleagues to join me in recognizing Nancy Schilling for the fine example she has set for us all.

IN HONOR OF JULIE MOSES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my thanks to Julie Moses, an American Association for the Advancement of Science legislative fellow who has worked diligently in my office for the past year. I am grateful for her outstanding efforts on my behalf.

Her invaluable contribution in staffing hearings, writing letters, undertaking legislative research and her particular expertise in space and technology related issues proved that my confidence in her was well placed. I echo the sentiments of my entire staff in expressing that she proved more than capable in the face of this challenging work. The professionalism, determination, and drive that she demonstrated in her time with us is much appreciated.

I hope that she learned as much in working with us as we learned from the experience of working with her. I wish to thank her again for being an important part of our collective success. I wish her luck in all her future endeavors.

LITTLE ROCK NINE MEDALS AND COINS ACT

SPEECH OF

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. FORD. Mr. Speaker, I rise today in support of H.R. 2560, a bill to award the Congressional Medal of Honor to Jean Brown Trickey, Carlotta Walls Lanier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas—better known to the nation as the Little Rock Nine.

When I read, hear, and think about the personal sacrifices that these young men and women were forced to make in the struggle to give real meaning to our nation's founding principles of freedom, opportunity, liberty, equality, and justice for all, I am humbled and forever thankful.

With a display of honor, dignity, and integrity well beyond their years, each one of these pioneers for progress endured and overcame unthinkable emotional, verbal, and physical abuse as they fought to breakdown an entire nation's legacy of prejudice and racial hatred at the schoolhouse door.

Mr. Speaker, as we seek to begin paying America's debt of gratitude to these heros and heroines—known as the Little Rock Nine—by awarding them the Congressional Medal of Honor, let us not forget that we stand on the brink of a new millennium with the chance to learn from the lessons and legacies of our past and contemplate the challenges and choices that lie ahead.

As we recognize the contributions of the Little Rock Nine and consider how their lives have made the future brighter for today's young people, I am reminded of the words of Dr. Martin Luther King, that: "we are all caught in an inescapable network of mutuality, tied in a single garment of destiny. What affects one directly affects all indirectly." Mr. Speaker, bearing in mind this undeniable principle, I believe if America is to fulfill the legacy of the Little Rock Nine and move from what has been in the 20th century to what can be in the new millennium, then—as a nation—we must strive to acknowledge, embrace, and realize our diversity to its fullest.

OMNIBUS NATIONAL PARKS AND PUBLIC LANDS ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4570) to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes:

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 4570, the Omnibus National Parks and Public Lands Act of 1998. This compilation of many separate bills contains provisions which waive current environmental protections, provide subsidies and benefits to exclusive special interests, and undermine protections for national parks and public lands.

Due to the many destructive environmental provisions contained in this measure, opposition remains truly bipartisan in nature, with groups ranging from the League of Conservation Voters, to Taxpayers for Common Sense expressing their disapproval.

While many provisions contained in this measure enjoy broad support from the administration and Members alike, this omnibus measure includes many "poison pill" sections which were assured to fail individually. The administration continues to oppose provisions, contained in H.R. 4570, which would endanger our Nation's natural resources. The President has indicated that he will veto the measure in its current form.

I am concerned that the majority has chosen not to provide, sufficient opportunity to remedy and find consensus among Members regarding the deficiencies contained in this bill. In fact, there are seventeen provisions within this measure which have never been heard or taken up before the Committee on Resources. An additional forty-eight have yet to be reported out of committee. However, the bill's sponsors have chosen to combine these provisions without opportunity for and the benefit of debate or amendment. Such heavy handed and partisan tactics espouse the worst qualities of legislating in a politically motivated environment.

I take particular exception to several sections included in this bill. For example, I object to efforts which hinder Presidential authority, as granted under the Antiquities Act, to protect our most significant and valuable natural resources on Federal lands. Also, I am opposed to efforts to accelerate timer harvesting on Federal lands in the name of "forestry management."

In addition to circumventing the environmental review process under the National Environmental Policy Act (NEPA), this section does not allow for careful and prudent planning for timber harvesting. Further, it creates additional timber subsidies through a new credit program established for loggers. Such "poison pill" sections in this omnibus measure need to be addressed on a singular basis without hindering the passage of other noncontroversial provisions.

Mr. Chairman, while I support many of the provisions contained in this omnibus act, I cannot support them with the many more environmentally adverse sections contained in this bill. Until such adverse provisions are removed from this bill, I will urge my colleagues to vote against H.R. 4570, while continuing to work toward enactment of a bill that is responsive to the needs of our national parks and public lands.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4274) making appropriations for he Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes:

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to the Labor-HHS-Education Appropriations Act for fiscal year 1999. this legislation essentially denies the weakest and most vulnerable of our nation's citizens important programs which provide positive opportunities to succeed in life. It shortchanges the youth of our nation by virtually eliminating the Administration's education agenda, subjects millions of America's most vulnerable families to hardships with the elimination of LIHEAP, dismantles common sense programs that help young people prepare for the world of work; and severely undercuts funding for programs which tackle labor issues such as adequate wages, organizing rights, worker health and safety enforcement.

As a former educator, I am a strong supporter of programs that invest in our nation's children. Education is the most important investment we can make to ensure the welfare of our nation's future. Our public schools face enormous challenges in the next several years, including record high numbers of students, increasing proportions of students with disabilities, billions of dollars in unmet infrastructure needs and the challenge of making education technology available to all students. To often I must report that as public schools struggle critics make their task more difficult rather than offer the resources. This irresponsible appropriation clearly ignores the fact that education has consistently been rated as a top priority of our constituents—it is almost impossible to list all of the negative provisions included, but let me highlight, some of the "lowlights". The Republican bill eliminates Title I reading and math assistance for 520,000 disadvantage students; eliminates Perkins college loans and Byrd Scholarships for 120,000 students, cuts $300 million from Goals 2000 and Eisenhower teacher training programs and turns them into block grants; and cuts funding or drug and violence prevention coordinators at 6,500 middle schools. It cuts funding for the School-to-Work program by $250 million, eliminates funding for Star Schools, thereby shutting down innovative programs for using technology and telecommunications equipment in the classroom in low-income school districts. This Republican effort will withdraw funding for the Summer Youth Employment and Training program and will prevent over 530,000 young Americans from gaining work experience and learning the valuable work ethics.

Proponents of this bill gloss over and ignore these drastic cuts in education and will instead applaud the needed and provided increases for Pell Grants, TRIO, Impact Aid and Special education. However, the bill provides only a $537 million, or 1.8% increase in program levels for the department of education—a figure which falls substantially below the 2.2% inflation rate projected for FY 99, so we are going backwards.

But that's not all. This bill doesn't just target the youth of our Nation to accept far less. H.R. 4274 is extreme in its disregard for the protection of our workforce. It provides inadequate funding for federal laws which protect their health and safety, and their right of workers to organize and bargain collectively. In addition, this bill ignores the growing need for highly skilled workers, cutting, nearly in half, the number of people who can participation in employment and training programs. This continued attack upon America's labor force and the extreme underfunding of principal programs which protect workers' wages, pensions, and equal opportunity rights is truly a slap in the face to the working families of America.

Finally, I am disappointed with this measure's elimination of funding for the Low-Income Housing Energy Assistance Program, or LIHEAP. LIHEAP provides heating and cooling assistance to 4.3 million low-income households by way of nurturing an effective funding partnership with all levels of government and the private sector. This is a crucial need in cold weather states such as Minnesota.

You don't have to be a meteorologist, scientist or environmentalist to notice the weather patterns in the past few years. Most Minnesotans are familiar with the extremes in weather-related conditions: dangerous winter temperatures down to 30 degrees below zero combined with even more frigid arctic windchills, producing advisory warnings against stepping outside with exposed skin for more than five minutes. We Minnesotans in turn sympathize with Texans this past summer, where at least 79 people died due to heat-related illnesses during the long, 100-plus degree heatwave. These extremes in temperatures translate into unpredictable energy bills for everyone, but have particularly dire consequences for individuals struggling on a limited income, and disparities of income have persisted and compound this program zero funding policy path.

It is estimated that the average American household spends 6.8 percent of its income on energy bills during the most expensive heating and cooling seasons. A low-income household spends an average of 17.4%, and sometimes up to 30%. That's at least two and a half times the average burden. We're talking about the poor elderly, children, low-income single parents—persons already hit with the struggles of welfare-to-work and cuts in Medicare coverage.

Yet in the wake of tornadoes, floods, hurricanes, and other natural disasters, the Republican leadership has seized upon this opportunity to create a battle between underserved populations. The Labor-HHS-Education bill justifies taking money out of LIHEAP to pay for an increase in our nation's medical research program. While I understand the importance of advancements in medical research, robbing Peter to pay Paul does not alleviate the long-term health, nutrition and safety problems caused by placing low-income individuals in between a rock and a hard place, forcing them to decide whether to heat or eat. Energy assistance is one of the simplest and most effective ways of preventing individuals from having to make that choice. Should we really expect the poorest of the poor, the working poor to be the qualitative cut that will help us fight the great ills that have faced mankind through the ages.

I urge my colleagues to express their commitment to a more preventive approach to meeting the needs of underserved populations. Vote no on the current Labor-HHS-Education appropriations package.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

SPEECH OF

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. SCARBOROUGH. Mr. Speaker, I rise in support of Title I of S. 505, the Copyright Term Extension Act, but rise in opposition to title II of the bill, relating to fairness in music licensing. Title II amounts to bad legislative decision-making for at least three reasons: (1) it is a shortsighted policy; (2) it is potentially an unconstitutional taking; and (3) it violates our multilateral treaty obligations which is likely to result in trade sanctions of property of songwriters.

First, by exempting most commercial establishments from paying copyright licensing fees for the public performance of music, the proposal will radically reduce the royalties that performing rights organizations (BMI, ASCAP and SESAC) will collect on behalf of songwriters. Admittedly, proponents of eroded protection—those that want a free ride off the backs of creators—are numerous and organized. But, this is no reason to enact legislation that will extinguish the flame of creativity and will chill the progress of science and the useful arts.

Second, the right to own private property free from arbitrary government interference is a basic tenet of American life. In fact, the right to own property is as ancient as humankind itself, with the enforcement of property rights being a part of legal systems worldwide. Under our constitutional scheme of government, property cannot be "taken" by government action without just compensation. Although debate swirls around the definition of the term "taking", common sense dictates that the term refers to any acts that diminish or deprive any legally protected right to use, possess, exclude others, or dispose of one's property, real or intellectual. Title II of the bill "takes" the property of songwriters and "gives" it to commercial establishments to use without compensation. In my opinion, it is taking without due process of law and just compensation and is therefore unconstitutional.

Third, the Secretary of Commerce has already advised Congress that fairness in music licensing reform legislation violates our international treaty obligations. His words have been seconded by a drumbeat of statements from the United States Trade Representative, the Register of Copyrights, and the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks that an overly broad exemption in section 110(5) of the Copyright Act would "violate our obligations under the Berne Convention for the Protection of Literary and Artistic Works." I believe that Title II will result in a WTO finding that we have violated our multilateral treaty obligations.

For these reasons, I oppose Title II of the bill but because I support Title I, I will not ask for a recorded vote.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

SPEECH OF

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. HILL. Mr. Speaker, I rise to support S. 391, the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998."

S. 391, sponsored by Senator DORGAN of North Dakota and cosponsored by his colleague from North Dakota and his colleagues from Montana and South Dakota, was originally introduced as a companion bill to H.R. 976. My legislation was brought up in the House under suspension of the rules and passed on September 8, 1997.

After receiving the referral of H.R. 976 the Senate Committee on Indian Affairs held a hearing on the measure on October 21, 1997 and favorably reported an amendment in the nature of a substitute on November 4, 1997. In order to address concerns raised by the Administration, the Committee on Indian Affairs held a legislative hearing on S. 391 on July 8, 1998. Only July 29, 1998 the committee favorably reported S. 391 with an amendment in the nature of a substitute. The Senate passed S. 391 on October 9, 1998.

The major difference between H.R. 976 as passed by the House and S. 391 as passed by the Senate concerns the amount of the judgment fund to be distributed to the three Sisseton and Wahpeton tribes. Under H.R. 976, these tribes would receive the interest on the undistributed funds and the lineal descendants would receive the principal originally allocated to them in the 1972 act. Under S. 391, the tribes will receive about 28.3 percent of the undistributed funds and the lineal descendants will receive about 71.6 percent. This disposition of the fund was resulted from extensive consultations by the Senate Committee on Indian Affairs both with the tribes and with the Administration. The Administration, in turn, consulted with representatives of the lineal descendants.

While in my opinion the tribes should receive the funds provided in the House passed measure the allocation funds in S. 391 represents a reasonable approach to accommodating the concerns and interests of the Administration, the tribes and lineal descendants. The cap S. 391 places on the amount of funds to be distributed to unaffiliated lineal descendants is particularly important. The United States has an important government-to-government relationship with these tribes and a trust responsibility to them that supports providing to the tribes the greatest percentage possible of the judgment fund that is compensation for the taking of lands owned by the tribes. Providing the greatest percentage possible will improve the desperate economies of these tribes while diminishing the amount of the fund that will be distributed per capita to unaffiliated lineal descendants to whom the United States does not owe the same trust obligation.

Apart from changing the tribal allocation, much of the remainder of S. 391 is the same as or similar to provision contained in H.R. 976. There are, however, certain new provisions that make more acceptable the reduction in the distribution to the tribes. One is a provision that tightens the methods used by the Secretary to verify the Sisseton and Wahpeton Mississippi Sioux Tribe lineal ancestry of new applicants who seek to participate as lineal descendants. The methods used by the Secretary with respect to those already identified as lineal descendants resulted in only 65 of those 1,988 individuals tracing ancestry to a member of the Sisseton and Wahpeton Mississippi Sioux Tribe. Since the judgment fund is compensation for lands taken from this aboriginal tribe it stands to reason and the 1972 act says as much explicitly, that eligibility to participate as a distributee must be based on lineal descendance from the aboriginal tribe. The only way to assure this is to have applicants identify a lineal ancestor who was a member of the tribe. S. 391 now more emphatically requires this. The Secretary, under S. 391, must use certain specified rolls to establish that an applicant has a lineal ancestor who was a member of the aboriginal tribe. However, it is not sufficient to simply identify an ancestor on one of the rolls referred to in S. 391. In addition it is necessary to ascertain that, that ancestor was a member of the aboriginal Sisseon and Wahpeton Mississippi Sioux Tribe. If the use of a particular roll does not permit the Secretary to determine that aboriginal tribe membership, then the Secretary must use other rolls, closer in time to the existence of the aboriginal tribe, to assure that an applicant has identified a "specific Sisseton and Wahpeton Mississippi Sioux Tribe lineal ancestor."

Section 8 is another important provision in S. 391. Subsections (a) and (f) of this section guarantee that if the lineal descendants bring suit challenging the constitutionality of the allocation to the tribes, the tribes will have the right to intervene in that suit to challenge the constitutionality of the allocation that S. 391 makes to the lineal descendants. Most importantly, the tribes will have the right to have their constitutional claims heard and determined on the merits. This was an important provision requested by the tribes as part of the negotiations that resulted in the reduction of the tribal allocation from that allowed under H.R. 976. The tribes' constitutional claims have never been determined on the merits despite the Federal court in Montana and United States Court of Appeals for the Ninth Circuit both stating that the tribes' claims merited litigation. These courts nevertheless was compelled to dismiss the claims as barred by a statute of limitations. A subsequent constitutional challenge by the tribes was dismissed on res judicata grounds by the Federal court in the District of Columbia. Section 8 of S. 391 will now allow these claims to be determined on the merits. In the context of S. 391, which also allows the lineal descendants to challenge the distribution made to the tribes, it is basic fairness to level the playing field by allowing the tribes to challenge the distribution to lineal descendants without the impediment of the types of defenses that in the past prevented the tribes from securing a merits disposition of their constitutional claims.

Subsection (f)(1) of S. 391 would preclude the tribes, once they receive a distribution under this act, from litigating a claim to challenge the distribution to lineal descendants arising under the 1972 act. However, if such a challenge commenced prior to the receipt of a distribution, that challenge is not impeded from proceeding. Also subsection (f)(2), as mentioned, protect the right of the tribes to secure a disposition on the merits of any claim they bring in intervention under subsection (a).

This bill has bipartisan support.

I urge my colleagues to support this measure.

SENATE—*Monday, October 12, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Five hundred and six years ago, after 34 days at sea, Christopher Columbus sighted land. The sailors on his three ships were near committing a mutiny. In Europe, kings and courtiers scoffed and wise men called him a fool. In spite of the ridicule and the impossible odds, Columbus said, "It was the Lord who put it into my mind; I could feel His hand upon me. All who heard of my project rejected it with laughter, ridiculing me. My hope is in the One who created and sustains me. He is an ever-present help in trouble. When I was extremely depressed, He raised me up with His right hand, saying, 'O man of little faith, get up, it is I; do not be afraid.'"

Let us pray.

Almighty God, Sovereign of history, we praise You for the courage that You gave to Christopher Columbus over five centuries ago. Grant us an explorer's heart, intent on discovering and doing Your will. Overcome our fears; give us hope and vision. May we press on in spite of the cautious voices that would distract us from our calling to follow Your voice. As Columbus followed Your vision, help us to be faithful and obedient to Your vision for our Nation. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. This afternoon, the Senate will begin a period of morning business. Following morning business, the Senate will consider any legislation that may be cleared by unanimous consent only. It is expected that the House will send over a 2-day continuing resolution that will keep the Government operating until midnight Wednesday. That will allow us to continue our negotiations on the omnibus appropriations bill.

I can report that we have been meeting, of course on Sunday afternoon, and we have been meeting this morning, and we are back in sessions now between the House, the Senate and the administration. I think some progress is being made. It is, as most negotiations of this type, forward two, back one. A lot of the appropriations work has been done. We are now talking about language problems and also beginning to consider the supplemental appropriations final composition.

As a reminder to all Members, it is hoped that the remaining legislation of the 105th Congress can be cleared by unanimous consent. However, if a rollcall vote is needed on the omnibus bill, all Members will be given ample notice in order to plan their schedules accordingly. It would appear to me at this time that there probably would not be—well, there will not be any recorded votes on any subject other than the omnibus bill, and that it may not occur until sometime Wednesday. We would look at the possibility of Wednesday morning, but it could be Wednesday afternoon. I think it will be a physical situation at that time, just physically getting the work done and allowing everybody to review it to make sure it is as we had agreed it would be. If there develops here in the next 3 or 4 hours the possibility that there could be a final vote Tuesday afternoon late, we will immediately notify all Members. But it appears that if a vote is required, it will probably be sometime during the day Wednesday, at least as things now stand.

I thank my colleagues for their patience and their assistance.

1999—THE YEAR OF AVIATION

Mr. LOTT. Mr. President, despite the fact that the Senate passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act of 1998, it looks like next year will be the year for aviation. This is disappointing, since S. 2279 promised to bring much needed air service to underserved communities throughout the Nation—a promise that will be delayed.

The first session of the 106th Congress should prove to be an important year for our Nation's air passengers. My top aviation policy priority remains to increase regional jet competition and flight service to smaller markets. Most Americans do not live in "Hub" cities and thus do not benefit from the range of choices and concentration of air service options. I look forward to working with my colleagues, on both sides of the aisle, and on the Commerce Committee to insure that rural and underserved communities receive adequate air transportation with improved flight service and more affordable airline tickets.

Commerce Committee Chairman MCCAIN has been a tremendous help. He understands the needs of underserved markets, and fully appreciates that adequate and affordable air service is a vital economic development issue for smaller cities. He too wants to improve the quality and quantity of flights originating from smaller airports. He gets it. I look forward to working with the chairman to build upon the principles set forth in the Ford Act.

Senator SLADE GORTON of Washington, chairman of the Subcomittee on Aviation, has provided pivotal guidance and has been instrumental in bringing focus to the many aspects of aviation. His inclusive and enthusiastic approach has engaged all who work with him.

Additionally, Senator BILL FRIST proved to be a great asset and a very effective advocate for the rural aviation community during this past session. His hard work brought small and underserved communities closer to receiving much needed public policy changes for flight service improvements. I look forward to looking with him in the next Congress to insure that small town America's aviation interests are met.

Aviation policy always effects the management and administration of local airports. Mr. Dirk Vanderleest of the Jackson International Airport is one outstanding Mississippi airport director that counseled me on the needs of small and under served markets. His wisdom is cherished, and his efforts to push Mississippi's aviation priorities are appreciated.

Mr. Gene Smith of the Golden Triangle Regional Airport in Columbus also counseled me on Mississippi's aviation needs. He served as a member of the National Civil Aviation Review Commission and distinguished himself as a supporter for regional jet air transportation. I hope the recommendations made by Mr. Smith and the other Commissioners are not overlooked in the next Congress. I look forward to his continued input in our Nation's future aviation policy discussions.

Next year will be a watershed year for aviation policy. Quality air service for all Americans should be the focus of any aviation legislation. Quality air service is good for economic development, and it is good for Americans in the 21st Century.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. COATS). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Massachusetts, under the previous order, has 15 minutes.

Mr. KENNEDY. I thank the Chair.

COLUMBUS DAY

Mr. KENNEDY. Mr. President, I wish to pay tribute to the Chaplain for his very fine prayer in opening the Senate today. I think Christopher Columbus would be proud of us. We are doing the business of the Nation that he discovered, and we honor Italian Americans today for all of their contributions.

I don't think there is a place in the Nation where the cause for celebration is more lively or more deeply felt than in my State of Massachusetts, where sons and daughters of Italian immigrants have made such an extraordinary contribution in so many different aspects of life. We honor those brave Italian Americans who faced the seas and struggled for their existence, for their deep-seated commitment to family and to their religion and for their sense of optimism and hope in coming here to the United States. I think we honor them best by being about the business of working families today on Columbus Day and in the final hours of this Congress.

Mr. President, I would like to reserve about the last minute and a half of my time, if I might.

THE EDUCATION PRIORITY

Mr. KENNEDY. Mr. President, I wish to address the Senate briefly this afternoon on an issue of which the President, Senator DASCHLE, and Congressman GEPHARDT, and other members of Congress, have spoken on so many different occasions, and most particularly during the last several days—the negotiations on appropriations which are taking place, even as we meet here this afternoon, on whether we are going to give the education the priority that it deserves. I believe families all over this country want us to get education funding high priority.

Families across the country want the federal government to be a helping hand in improving public schools. This year, the nation will set a new record for elementary and secondary school enrollment. The figure has reached an all-time high of 53 million students—500,000 more students than last year. Communities, states, and Congress must work together to see that these students receive a good education.

Local communities are doing the very best they can to keep up with the increasing demand for good facilities and high academic standards. States are helping. But the issue today is whether we at the Federal Government are going to be a partner in helping to improve public schools for communities and families across the country. I believe we must be a strong education partner. The President believes we must be a strong education partner. We are very hopeful that the final negotiation allocate scarce resources to strengthening the education of the children of the nation.

Mr. President, we know at the outset that money in and of itself is not the answer, but it is a pretty clear indication about what a nation's priorities are. If we look over what the budget was for 1998, we will see that only 2 percent of the Federal budget was actually appropriated in for education. I think most Americans would believe that that percentage ought to be a great deal higher. I certainly do. The President does.

I rise this afternoon to commend the President for making the case he has made in ensuring that in this final funding agreement, we give high priority to education. Some may wonder why we have to be concerned about federal support for education?

I want to review just for a few moments, Mr. President, the decision that was made by the Republican leadership in the House of Representatives in the earlier part of the year that shows why we have to stay here and fight for education funding. If Americans are wondering why the President continues to make statements about the importance of education, let's just review for a few moments how Republicans in the House of Representatives cut funding for education in June of this year. They cut $421 million below the President's request for title I.

Now, it is important to try to understand what the title I program is. The role of the Federal Government in education is to target the children in our country that need the most help. We have made a commitment to children from economically distressed families that they would get extra help in order to help them increase their academic achievement. We can see the need reflected in a wide variety of indicators. In reading, for example, 40 percent of fourth graders are reading below grade level. We decided as a nation that we would give extra help in reading, math, and other academic subjects, to those children who would qualify. That has been a time-honored program. An increase in support for the program was in the President's budget and it was paid for. But our Republican friends decided to cut the program by $421 million below President Clinton's request. I think that cut was a mistake, but that was a decision made by the House of Representatives.

Then, the cut a time-honored piece of legislation known as the Eisenhower Teacher Training Program—a program that helps teachers upgrade their skills so they will be more effective teaching science and math—by $50 million below last year. I believe very strongly that one of our main objectives as a nation should be to have a well-qualified teacher in every classroom in this country. The Eisenhower Teacher Training Program has played a very important and significant role in helping communities meet that goal. Nonetheless, that program was significantly cut back.

I think all of us understand there are political leaders—Members of Congress, those who are running for Governor, those who are running in local communities—who are talking about the importance of new technology in their schools.

We in Massachusetts were 48th out of 50 States in access to the Internet just 4 years ago. Then, in Massachusetts, we formed what was called Net Day, a cooperative effort between the private sector and the public sector, to improve children's access to technology. Now Massachusetts ranks 10th in the country in schools wired to the Internet. That was done by a cooperative effort of the software industries, labor, educators, business and communities. 50 miles of cable were laid down in Boston, voluntarily. All of the people who helped wire those schools understand the importance of having new technology and having Internet access.

Therefore, it is difficult for me to understand why, the House of Representatives cut education technology programs by $137 million below the President's program, and zeroed out the Star School Program, which brings distance learning to rural and underserved communities.

With the school budgets being cut back, critical programs are often eliminated such as music, the arts, and health programs. In addition, rural and underserved communities often have difficulty finding qualified math and science teachers. So, we developed a Star School Program so that all communities would have access to the best teachers who would be able to enter those schools through satellite. It was an overwhelming success. It has been evaluated and reevaluated and it has been one of the most effective programs that we have, particularly in rural areas —in urban areas as well, but particularly in rural areas. But the Star Schools program was zeroed out.

They even cut support for after-school programs. After-school programs have an important impact on providing children opportunities for constructive activities, such as doing their homework with the assistance of a tutor. It also benefits families because when children go home and see their parents who have been working hard all day, the parents will not be in the situation where they must say, "Go upstairs and do your homework," but they might have some quality time with their children.

After-school programs also help keep children safe, drug-free and out of trouble. We know that juvenile crime peaks in the after-school hours between, 3 p.m. to 8 p.m. By developing after-school programs, we enhance education but we also have a dramatic reduction in juvenile crime and delinquency. The 21st Century Community Learning Center program is a modest program to help create models for other communities in the best practices for after-school programs. But, the Republicans cut the program by $140 million below the President's level.

Beyond that, Republicans in the House eliminated the Summer Jobs Program. A program that provides summer jobs for children who are in some of the most difficult educational and economic situations. A program that is a lifeline in so many communities across this country. Yet they zeroed it out—they didn't' just cut it by a quarter, or cut it in half, or cut it by three-quarters, but they eliminated it.

If you go to Chicago—and I see our friend, Senator DURBIN, from Illinois, who is an expert about this—to find out what is being done to reform their schools, you will find that they are providing academic enrichment and work experiences to children during the summer vacation. But, the Republicans zeroed out every single nickel for the Summer Jobs Program.

If you are asking, as we have heard the Speaker asking and the Republican leader asking, Why should we be suddenly so concerned about education? We need to be concerned because families across the nation want us to help improve education, but instead, Republicans cut the title I program that help the neediest children. They cut the Eisenhower Teacher Training Program. They eliminated the Summer Jobs Program. They cut $130 million from the technology programs for schools. They cut the afterschool program. That is why these hours are important; they make a difference.

The President has proposed that we make needed investments in reducing class size and modernizing our schools. He is making that speech against a background of a GAO report that schools have $112 billion in repair and modernization needs that they cannot address.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask for an additional minute and a half.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. We ought to be doing all we can to repair and modernize the nation's public schools.

What kind of message are we sending to every child in America who goes to a school with leaking pipes, exposed wiring, broken windows, faulty heating systems, and no air conditioning? The message we are sending to every child is, they don't make a difference, they don't count.

We believe, and the President believes, that the children count, and it is important to provide them with safe, modern schools. We are here in these final days, to make sure that, unlike the Republican judgment that was made in the House of Representatives in June of this past year, any budget that is going to bear the President's signature or have our vote is going to make these needed investments in education that are essential for every working family in this country.

Mr. SARBANES. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mr. SARBANES. Will the Senator agree with me that with this emphasis on the global economy, if we don't educate our children to the fullest measure of their capacity, we are not going to be able to compete internationally? It has assumed a dimension now that we have never confronted before in terms of our economic survival in the world economy.

Mr. KENNEDY. The Senator is absolutely correct. By every kind of indicator of which countries are going to continue to survive and prosper in a world economy, education is the linchpin for these initiatives.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

EDUCATION

Mr. GORTON. Mr. President, it has been interesting to listen to the Senator from Massachusetts beating so industriously upon a dead horse. But the issue before the Congress, I suspect, in these last few days is not going to be on the level of support that the Congress and our appropriations bill provides for the education of our children in all 50 States across the country.

The debate now between the President and the leadership who are working on this budget is over who gets to spend it. The President believes, and the Senator from Massachusetts has outlined in his remarks a whole series of categorical aid programs—money for this specific program, money for that specific program—each of which carries with it its own bureaucracy here in Washington, DC, and, generally speaking, a bureaucracy of the State and always administrators in each school district to fill out all of the forms and to make all of the applications for assistance from the Federal Government. To that extent, an individual school district is lucky if 60 cents or 70 cents out of every dollar supposedly devoted by the Federal Government to education, in fact, ever gets to the classroom and to the students.

No, the battle in these last few days is not going to be over whether or not we shouldn't supply perhaps another billion dollars or more than a billion dollars above what we are already appropriating for the education of our children. It is going to be over whether or not we trust the teachers, the parents, the principals, the superintendents, the elected school board members and thousands of school districts across the United States to determine how that money can be most effectively spent on their students.

Mr. CRAIG. Will the Senator from Washington yield?

Mr. GORTON. He will.

Mr. CRAIG. About a year ago, the Senator from Washington came to the floor and offered an amendment that would dramatically change the way money flows out of Washington back to local schools, local units of education. And as I remember, there was a resounding vote here on the floor in favor of that.

Mr. GORTON. The Senator from Idaho exaggerates a little bit. It was a winning vote; it wasn't quite resounding.

Mr. CRAIG. It was a dramatic vote in the sense that Senators were voting their conscience about where the public wanted the educational dollar to go, not to get bound up in the Federal bureaucracy and have a lot of it spun off here, as the President apparently would want, but for that money to move right back to local units of education. Is that not true, and was that not the goal of this Congress?

Mr. GORTON. This Senate voted for just such a program last year. This Senate voted for just such a program this year. This Senate did so, I am convinced, because while the Federal Government, in spite of all of the speeches on the floor of the Senate and of the House of Representatives, comes up with only about 7 or 8 percent of the money that is spent in our schools that are, of course, primarily locally and State-operated, it comes up with 50 or 60 percent of the rules and regulations that must be met by our school districts, by hiring administrators, not teachers, people to fill out forms and read Federal regulations rather than librarians and new equipment for our students.

It was our attempt last year, and has been our attempt this year, and I hope and trust will be our policy when we finish an appropriations bill in a few days, that we trust the people in the States and in our communities and in our schools to come up with better judgments about the varying priorities of their students than can President Clinton or a Department of Education bureaucracy here in Washington, DC.

The thrust of the point that I have been attempting to make for a couple of years now is just exactly that: Where should this money be spent? Are we the experts here in this body on how each of 14,000 school districts should go about educating its children? Or is the true expertise in those school districts themselves?

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from Kentucky is recognized to speak for up to 15 minutes.

Mr. SARBANES. Mr. President, will the Senator yield me just 2 minutes?

Mr. FORD. Mr. President, I would like to give everybody some time, but I don't have but 15 minutes myself.

Mr. President, I ask unanimous consent that I might have 20 minutes so I can yield to the Senator from Maryland.

The PRESIDING OFFICER (Mr. GORTON). Is there objection?

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Will the Senator restate his unanimous consent request?

Mr. FORD. I say to my friend from Idaho, I have 15 minutes. The Senator from Maryland would like to have a couple of minutes. I ask my time be extended so I can give him up to 5 minutes.

Mr. CRAIG. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. FORD. I yield 5 minutes to my friend from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

A PARTNERSHIP IN EDUCATION

Mr. SARBANES. Mr. President, I want to say in view of the comments that were just made, the Eisenhower Program, I ask the Senator from Massachusetts, that dealt with math and science as I understand it?

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. That was a program that we put into place during the Eisenhower administration.

Mr. KENNEDY. The Senator is correct.

Mr. SARBANES. As I recall, it was done on an overwhelming bipartisan basis.

Mr. KENNEDY. The Senator is correct again.

Mr. SARBANES. It was designed to improve the quality of math and science teachers in the classroom. Now we are being told we are trying to direct where the funds should go. The first point I want to make is that this has a long pedigree coming right from the Eisenhower administration.

Mr. DURBIN. Will the Senator yield?

Mr. SARBANES. Yes, I will yield to the Senator.

Mr. DURBIN. I think it is very interesting. The comments made by the Senator from the State of Washington suggested an enormous percentage of the funds which were being appropriated at the Federal level were spent on administration. I have in my hand an April 1998 report by the Secretary of Education that was requested by appropriators from Congress that is based on data from States, the Coopers & Lybrand financial analysis model, and GAO reports, completed this summer, which I think should be part of the RECORD on this debate, and it says:

> One-half of 1 percent of the Federal funding for elementary and secondary education programs is spent on Federal administration.

One-half of 1 percent.

> States retain on average an additional 2 percent. The remaining 97.5 percent goes to local school districts.

End of quote from the report. To suggest that it is 50 to 60 percent cost of administration really doesn't square with the facts given us in this report.

> Across more than 20 major State formula programs, States, in fiscal year 1995, retained an average of only 4 percent of the money at the State level; they distributed the remaining 96 percent to school districts and other recipients, such as colleges and universities. For the program under the Elementary and Secondary Education Act, the percent retained at the State level was even lower—about 2 percent. For Title I, the largest Federal elementary and secondary program, States retain only about 1 percent of the funds. . .
>
> The Department uses a very small portion of our appropriation for Federal administration. In fiscal year 1999, we will expend only about $87 million to administer some $20 billion in elementary and secondary programs; these funds come from a separate Program Administration budget account, not from funds appropriated for grants to States or school districts. Even with the addition of related research, leadership, and operations costs, the Department spends only the equivalent of about 0.5 percent of elementary and secondary funds for Federal administration.

Mr. SARBANES. I thank the Senator for his intervention. That is a very important point. Because the critics stand up and say it is all going to administration. Now we learn 2.5 percent of it, Federal and State, as I understand it from the Senator, is going to administration. I think we need to underscore that.

I want to come back to this notion that we are trying to direct where the money should go and somehow that is a departure from past practice or hasn't in the past, at least, had strong bipartisan support.

It is clear that math and science is one of the critical areas. I earlier asked the Senator, wasn't this whole education emphasis important to the U.S. competitive role in the world economy. We can look at what other countries are doing, and we know the kind of investments they are making in math and science. We started with the Eisenhower administration, and that, I think, was at the time of Sputnik that that program was energized to try to improve the quality of math and science. We had some successes, but there has been a relapse, there has been a lapse back, and one of the programs that was cut, as I understand it from the Senator from Massachusetts, and which he is emphasizing we need to restore, is this program to improve the quality of the math and science teachers in the schools all across our country. Is that correct?

Mr. KENNEDY. Yes, absolutely correct.

Mr. SARBANES. Mr. President, it seems to me—and the other program, I take it, is we have a deterioration in the physical quality of many of our public schools in the Nation. Young children are going to school in circumstances that no one would tolerate. In fact, I understand some of these schools do not meet ordinary building standards. And there are serious problems in that regard.

Once again, we are trying to emphasize a program. Of course, another aspect of what the President is pushing for is more teachers in the classrooms so we can have smaller class sizes, which most people agree is extremely important in the lower grades where we are trying to teach reading and we first introduce young people into their education.

In fact, I ask the Senator, what is the situation with respect to overcrowded classrooms across the country?

Mr. KENNEDY. The Senator is quite correct in his general summation of the approach of the President. And that is: One, to have smaller class sizes; two, to upgrade and modernize schools; three, to have an effective after-school program; four, to enhance the quality of teaching in the classroom; five, to ensure that we are going to have access to the new technology and that that is going to be available in the public schools so these children are going to be able to move ahead; six, to raise academic standards for all children; and then seven, to try to get the encouragement to those students to go on to higher education.

That is all part of the partnership, among the local community, the States, and the Federal Government. This is not just a singular effort; this is a partnership. And when you eliminate the Federal assistance in that partnership, you undermine critical support for improving education that is so important to families and their children.

Mr. SARBANES. If I recall the chart that the Senator earlier displayed on juvenile crime, it peaks in the hours I think between about 3 and 8 p.m., which makes the after-school programs extremely important.

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. SARBANES. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kentucky has 15 minutes.

Mr. FORD. I yield the floor, Mr. President, and will take my time later because some here need to go ahead. I am happy to yield.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska has up to 30 minutes under the previous order.

NATIONAL SECURITY AND INFORMATION TECHNOLOGY

Mr. KERREY. Mr. President, in the last 15 years America has been invaded by what has been known as information technology. Like the body snatchers of "Alien" that penetrated deep into the human body, computers and communication technologies have penetrated deep into our lives. Unfortunately, the "Alien" metaphor may not be apt since for the most part we have invited this force into our homes.

We invited these technologies into our homes and our businesses because they allowed us to do things faster, to do things better and to do things cheaper. Among other things these technologies have reduced the cost of running a home, made our businesses more competitive, opened new markets by bringing buyers and sellers closer together, and expanded the horizons of our students not to mention adding entertainment value to our lives.

The good news of computer and associated communication technology have been offset by our growing dependence. To see how much we are dependent one need only look at the high level of concern surrounding the Y2K problem. Computer software is written so that at a second after midnight on January 1, 2000, while hundreds of millions of humans will be celebrating the end of an old millennium and the beginning of a new, our computers will act as if it is January 1, 1900. To the machines this will be the equivalent of day light saving century.

To some this is the beginning of a humorous and good news story: No income tax, a chance to correct the terrible mistakes of the past 100 years, and so forth. However, for those who operate our banking, emergency response, air traffic control, and power systems this will be nothing to laugh at. So dire are the predictions of some who understand how dependent on computers and software we have become that they talk as though they are storing up food and medical supplies just in case.

None of this would have happened if the century had ended 20 years earlier because computers, chips, and microprocessors were not yet running things. Twenty years ago I was hearing people tell me about how computers were going to change the world. It would be 5 more years before I had my first personal computer: an Apple IIE. In 1983 portable computers were available to those with strong backs or a fork lift. E-mail was in its infancy. The internet was 10 years away from its grand opening to the public. Software was built into mainframes and was available to those who knew how to navigate the procession of prompts and confusing signs. Speed was a snail's pace. Capacity was like a rain drop in the desert.

Mr. President, what happened in the past 20 years is that we were thirsty for the things a computer could do for us. Rapid and accurate calculations enabled even small businesses to get costs under control. Personal computers empowered us. Desk tops enabled us.

Lap tops liberated. Decision making - once driven from the top down by men and women with MBA degrees—has been distributed outward and downward.

Mr. President, now, any PC or Macintosh with average speed and power with state of the art connectivity makes its user a publisher, broadcaster, editor, opinion maker, and analyst of large amounts of previously confusing data.

Advances in computer and telecommunications technology have spurred change and growth in our economy. These changes have generated wealth and jobs by creating new businesses and destroying old ones. Market oriented businesses have had to adjust or perish. Public institutions, because of the nature of democracy—in other words, Majority rules but narrow interests win elections—have been changing much more slowly.

Slowly but surely the work of transferring knowledge from a teacher to a student is being done with the assistance of computers, software, and new systems where new skills are needed.

The vision of this 1998 IRS Restructuring and Reform Act is that this agency will move from a paper to an electronic world. The National Imaging and Mapping Agency—a consolidated combat support agency—will in a few years talk about maps as those things we used in the good old days back when dinosaurs roamed the Earth.

In fact, nowhere are the changes of the computer age more pronounced than in our military and intelligence gathering forces, which is what I choose to discuss on the floor today. Computers and communication technologies have made America's fighting forces stronger and more effective. We should be proud of the men and women who have trained and prepared themselves to take advantage of these new tools.

However, we also need to be alert to a hard truth: With strength comes vulnerabilities. Just as Achilles was held by his heel as he was dipped in the potion that made him unbeatable, we need to be alert to those small spaces where a determined enemy could do us great harm.

If we are to maintain our economic success and provide the security our citizens expect and deserve, we must as a nation turn to address our weaknesses.

The ability of people to use information technology to reach into our homes and to amass vast amounts of personal data threatens our sense of privacy. The omnipresence of this technology has caused our society to develop a dependency on silicon chips and the wires that connect them. And, the connectivity that now brings us so many benefits may also be a vulnerability that nations and terrorists could use to threaten our security.

We have been blessed by our dominance in high-technology industries and in our society's acceptance of new information technology. Information systems are the backbone of America's telecommunications and electrical power grids, banking and finance systems, our transportation systems, broadcast and cable industries, and many other businesses besides. They have helped American workers become more productive, have brought new efficiencies in the use and distribution of resources, and have helped our Nation grow to be the most advanced and competitive economy in the world.

We owe a large part of that success to the ingenuity, perseverance, and vision of America's information technology companies and their employees. The story of how computer companies started in garages can grow into multibillion dollar corporations is almost legendary. An industry virtually nonexistent twenty five years ago has brought enormous wealth and opportunity to thousands of Americans.

Mr. President, information technology has transformed our Nation's economy, and, as we enter into the 21st century, our Nation's livelihood will depend on continued development of this industry. But the wonder of this technology is how its success has brought extraordinary changes to other aspects of our lives.

Modern information technologies provide us with unheard-of opportunities in education, business, health care, and other life-enriching areas. Information technology empowers people to continue their educations and upgrade their skills throughout life. Education no longer ends at the schoolhouse door. In addition, new technologies are extending lifesaving medical care to remote rural areas and promoting healthy communities across the country. These new avenues to information better inform our electorate, and the improved means of communication make it far easier for individual citizens to express their views to the general public and to their elected representatives.

In combination, these technological benefits allow people—both young and old—to develop new skills, explore new interests, and improve their lives.

America's technological strength is the envy of nations around the globe. But that strength, if not understood and protected, may also be our Achilles' heel.

We have been blessed this year with a number of warnings about this grave and far-reaching threat. We have been blessed with warnings about the interdependence of our information infrastructures, the interlocking network that can make local hospitals and airports victims just as easily as multinational corporations and media conglomerates. We need to heed the warning and respond to this danger.

Just a few weeks ago, the media reported that the electronic mail programs the vast majority of Americans use had vital, hidden flaws.

Simply opening an e-mail message could unleash a malicious virus and allow that virus to freeze your computer, steal data, or erase your hard drive. I realize there are some people in the United States—many of them here in the Senate—who still do not use e-mail. But our society today relies upon electronic mail for use in Government and commercial communications, for business management and project coordination, and personal entertainment and missives. A malicious person could potentially have used these flaws to blackmail people or companies, to disrupt Government and commercial activity, or to sabotage civilian or military databases.

Just a few months ago, one satellite orbiting more than 22,000 miles above the state of Kansas began tumbling out of control. It was the worst outage in the history of satellites. By conservative estimates, more than 35 million people lost the use of their pagers, including everyone from school children and repairmen to doctors, nurses, and other emergency personnel.

All of that was the result of one small computer on a satellite 22,000 miles into outer space.

Earlier this year, we were in the middle of a very tense standoff with Saddam Hussein. And we were able to track an attack on the Pentagon's computer system to a site in the Middle East, in the United Arab Emirates. There was a legitimate question at the time: Was this an act of war? Was it a terrorist? Or was it, as it turned out to be, teenage hackers inappropriately and illegally using their home computers? The implications of an effective attack against our military's information systems would be devastating during a time of crisis. This attack failed, but will we be as fortunate in the future?

I do not think these incidents are a statement about software companies, the satellite industry, or teenage computer aficionados.

These incidents are a warning—loud, clear, and wide—about the dependence of the American economy and the American people on information technology. Our use of information technology has helped us achieve and maintain our status as the world's strongest nation. But our dependence on information technology also brings exploitable weaknesses that, like the Lilliputians to the giant Gulliver, may enable our weaker adversaries to cause great damage to our nation.

In Jonathan Swift's tale, the Lilliputians used their mastery of mathematics and technology to defeat their much more powerful adversary Gulliver. Today, weaker adversaries may use their mastery of information technology to invade our privacy, steal from our companies, and threaten our security.

The revolution in Information Technology has propelled the United States to an unparalleled position in the global economy. The principles of freedom and democracy that we champion are ascendant throughout the world.

We have the world's largest economy, and we trade more than any other nation. Our military strength, in conventional and nuclear terms, is greater than that of any other nation. In short, we are the sole remaining superpower in the world.

And yet, we still find ourselves vulnerable to individuals or groups—terrorists, criminals, saboteurs—who have a fraction of the manpower, weaponry, or resources we possess. In many ways, we are a technological Gulliver. America's massive shift toward an economy that is based on information technology has been a mixed blessing. Because we have the most complex, multifaceted economy, we are a multifaceted target.

And our strategic vulnerability has risen hand-in-hand with our economic power. Like the Lilliputians, there are people who have used the principles of mathematics and science to master technology.

They are so small in scale compared to the threats that we usually see that we have to strain our eyes just to identify them and figure out what they are doing. Gulliver, if you recall, did not win his freedom with a single act or weapon. He used a combination of things: sometimes he used his power, sometimes he used wit, and he learned from his experience how to deal with his adversaries.

Mr. President, Congress urgently needs to establish a bipartisan agenda designed to create more economic opportunities in technology and to close our vulnerabilities. The following is my attempt to suggest what is needed:

1. We need more competition, not less. Congress passed the Telecommunications Act of 1996 with the hopes of increasing competition and improving access to communications technologies. Unfortunately, competition has not developed on the scale anticipated when the Act was passed.

Nearly 3 years after the Act, most telecommunications customers lack the ability to simply switch telephone companies. In 1999 I hope Congress will make changes in the law needed to bring the benefits of competition - lower prices and higher quality - to the American household.

2. We need a special effort to make technology a part of our educational system. More money should be appropriate for research and training. Regulations need to be written so the market can offer curricula-relevant courses to students in the home and school. We need to settle the disputes surrounding the E-Rate so our school boards can plan and budget accordingly.

3. We need bipartisan agreement on how to protect privacy and security. The encryption debate has hobbled our efforts to write laws that enable our law enforcement and national security agencies to carry out their mission of keeping Americans safe while harnessing the power of the market to increase security and privacy.

Any discussion of security on-line must inevitably involve encryption issues. Over the past five years, the debate over encryption policy has pitted law enforcement, national security, privacy, and commercial interests against one another. Yet, all these interests would agree that providing security in our public networks is essential to fully exploit the potential of information technology.

Personal privacy in the digital world should not suffer at the hand of unreasonable export laws. Therefore, Congress should take action in the coming year to remove export restrictions on encryption products of any strength. I am confident that through cooperation between Government and industry, encryption can be exported without compromising the legitimate needs of law enforcement and national security. A compromise can be crafted if all parties, both private and public, are willing to work together to solve the common goal of maintaining America's national security in the new digital age.

4. We should create in law a panel consisting of members of Congress, Administration officials, and leaders in high-technology industries to address the implications of information technology on our society and our security. We should also create a new national laboratory for information technology that will both perform research in this field and serve as a forum for further discussions of the issues arising from information technology.

Mr. President, it is this fourth idea—a new panel and a new laboratory—

that I would like to discuss today. Why do we need this?

We need this, for starters, because the new threat of information warfare requires a new paradigm in which the military must rely like never before on other organizations and institutions to achieve success.

Even if all of the information safeguards for the Defense Department's data, equipment, and operations were airtight, that would not be adequate. Currently, more than 95% of all wide-area defense telecommunications travel on commercial circuits and networks. And it would be impossible to replicate that type of capability on our own.

Should an electronic attack come, it will likely not be aimed just at military targets, but at civilian sectors as well. It is not simply that the private sector relies on the military. The military relies on the private sector.

That is one reason we as a government cannot afford to ignore the defense of the public and private sector infrastructure: We cannot do our most basic job—protecting national security—without that.

In this new world of technology, if one of us gets tripped, we all risk a fall.

Our Government, as it is now organized, can scarcely cope with these new challenges. We need to address the development and vulnerability of the American information infrastructure now. The regulatory frameworks established over the past 60 years for telecommunication, radio and television may not, in fact, most likely will not, fit the Information Economy. Existing laws and regulations should be reviewed and revised or eliminated to reflect the needs of the new electronic age.

As a government, we need to reassess the areas of responsibility of our different parts, and the lines of authority that connect them, to ensure we are best organized to face this threat.

More than two dozen federal agencies have either jurisdiction or a direct interest in the regulation of information technology as it applies to national security or electronic commerce. The Congress is no better off. In Congress, some 19 committees are responsible for legislation on the same issues.

The Government has much to offer, through our understanding of security concepts and technology, along with the vulnerabilities of information technology and systems. We are strongly committed to share this knowledge with the private sector. Such partnerships are crucial, but there are some pitfalls, and we will need to build a balanced approach. For example: We have to be careful not to give the impression that Government wants to increase its involvement in the day-to-day operations of individual businesses.

This is not at all the case, and few things will drive the private sector away like the potential for more Government intrusion and regulation.

"Government Knows Best" is not the message we want to send.

As a general principle, Government should step in only when problems exceed the capabilities of the private sector and the remedies of the marketplace. However, in cases where there are no reasonable business reasons for companies to make preparations, such as to counter a coordinated, simultaneous attack against multiple infrastructures, then Government should be prepared to provide economic incentives and support.

A natural market exists for security and, ultimately, that will be our best course of action: a solution that combines the entrepreneurial strength and energy of the private sector with the national mission of the Government.

One cannot overstate how important it is to get the Government-industry relationships right, because without them as a foundation, the value of all other efforts will be significantly diminished. A fundamental challenge in many cases is getting information about vulnerabilities and threats itself, and this simply cannot be done without the foundation of public-private sector information sharing. We cannot solve this by unilateral Government efforts. We have to move together to solve it.

Mr. President, it is no surprise that both the Government and private sector are finding this difficult and complicated and frustrating. To combat cyber attacks—whether by terrorists, spies, disgruntled employees, pranksters—one needs both technical sophistication and cooperation among numerous companies, agencies and nations.

It is going to be imperative for the protection of our information infrastructure that the private sector, national security officials, and law enforcement work together—not just on this issue, but on issues for the future.

Many fear these discussions would lead to Government intrusiveness and abuse of power. Americans have always had a healthy skepticism towards Government power and our Constitution sets strict limits on what Government can and cannot do. We are a strong and vibrant nation directly because we enjoy rights of free speech, free assembly, and against unreasonable searches and seizures. Information technology can allow us greater exercise of those rights. When we examine the security of information technology, these rights must remain our guiding principles, and our Government policies should reflect them.

We must get past the suspicion between the private sector and Government and move forward. The information infrastructure is vital to America's defense and to America's economy and we cannot preserve one without protecting the other.

Here we need two things: First, we need a mechanism that transcends narrow organizational politics to bring consensus; and, secondly, we need a facility for advanced research into information technology protection that also provides a venue for constructive and ongoing dialog with industry, the Government, and academia.

I believe Congress should act as soon as possible to create a blue-ribbon panel of top federal officials, key leaders from Capitol Hill, and experts from the high-technology field to address the issues of information assurance, infrastructure protection, and encryption that cut across committee lines. We need to have a panel that can speak with authority on both politics and policy.

From the White House, we need to see a commitment of time, attention, and resources at the highest levels.

Cabinet officers need to play an active role in shaping the solutions that are going to emerge from such a panel. These issues are complicated and they have far-reaching implications, so at the end of the day we need to have leaders in their respective areas—Cabinet and Cabinet-level officials—who are prepared to forge the necessary compromises and make the case to industry and to the public. Congress needs to take a similarly pragmatic approach. Committee chairpersons, with their expertise in different areas and institutional memory, need to be on this panel and give it all the attention they would a piece of legislation. But in addition we need to acknowledge the politically charged nature of these issues and be prepared to deal with them. So I propose that we not only have representatives by issue area, but representatives who are designated to speak for each major faction in the Congress: a representative of the majority in the Senate, and one for the House, a representative of the minority in the Senate, and one for the House, and representatives of the legislative caucuses that have an interest.

Clearly Government cannot do this alone. We need the perspective, the insight, and the vision of experts who are part of the developments in the information technology field and who can predict on the basis of that experience where technology is going. We need their expertise and a willingness to work with their government, for otherwise this problem will only grow worse. The panel I envision must therefore have a strong component of private sector experts devoted both to the advancement of technology and to the security of our country.

The complement to this Congressional panel should be a forum where Government, industry, and academic officials can work on these problems in a systematic, confidential, and dispassionate way. I propose that we learn from our experience and look to those models of industry-and-Government cooperation that have worked in the past.

We can learn from agencies like the National Safety Transportation Board, DARPA, and other federally funded research and development centers. Specifically, Congress should pass legislation that would enable the President to create a new national laboratory and research facility to address information infrastructure protection. The role and mission of such an organization would be to target those specific areas that are now suffering from sporadic, contradictory, or insufficient attention.

We must have a structure that can address the entire range of national security planning and execution—in other words, threat assessment and evaluation, development of requirements, R&D, acquisition and procurement, development of strategy and the conduct of operations across the entire spectrum, from large-scale conflict to peacekeeping and operations other than war. But this center would also help develop techniques, policies, and procedures to make civilian and commercial information technologies secure.

To accomplish that mission, the information technology laboratory would have to: Support research and development by industry or Government-industry consortiums that aims to protect our privacy, shield our commercial interests, and defend our nation against information technology threats; ensure that there is a secure conduit for the exchange of information about security threats; provide a forum for developing and managing responses and contingency plans, both directly and in cooperation with a national command authority.

The Information Technology Laboratory would be funded through annual appropriations as a Federally Funded Research and Development Center. But it should also be able to establish fee-based contracts with agencies of federal, state, and local government as well as universities for specific services so that budget costs could be kept to a minimum.

The Information Technology Laboratory could also contract with private industry to do research and development, while taking special precautions to protect the confidentiality of proprietary data or information. The laboratory would also report annually to the appropriate oversight committees in Congress and the President.

In just four years from now, knowledge and information workers will make up one third of all the workers in our multi-trillion dollar economy. We can create a safe corridor for their passage to the next century. Or we can continue to talk past each other while the Information Superhighway attracts more and more robbers and frauds and terrorists.

We need to come to this task with a clear sense of purpose and full understanding of the urgency involved. America has gained much from information technology, and stands to gain much more as these systems mature. Our future depends on the success of this technology.

But that success and our security depend on finding the policies and practices that will identify and correct vulnerabilities before they are exploited. Together, I am certain we can address this problem. In a noble but imperfect democracy such as ours, answers are not impossible, they are only impending. I look forward to working with my colleagues to face this challenge. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

UNANIMOUS-CONSENT AGREEMENT—CONTINUING GOVERNMENT FUNDING

Mr. CRAIG. Mr. President, on behalf of the majority leader, I have a couple of unanimous-consent requests.

I ask unanimous consent that when the Senate receives from the House legislation providing for continued Government funding until midnight on Wednesday, October 14, the resolution be considered agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Reserving the right to object, Mr. President, and I am sure I won't. Let me check for just a moment.

Mr. CRAIG. Mr. President, I believe it has been cleared with the other side.

Mr. FORD. Mr. President, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m. today, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, with that, I will continue now and speak in morning business for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

EDUCATION

Mr. CRAIG. Mr. President, a great deal has been talked about here this afternoon as to what this Congress and our President will do on the issue of education. I am, once again, pleased to see our President engaged and spending time talking about education. He spent so much time skipping class and trying to avoid detention that he failed to learn about what Republicans and the majority here in Congress have been doing on behalf of education for the last good many months.

It is with that in mind that I would like to, for a few moments, talk about what we have done and what is being done. I am pleased that the President is once again engaged. We finally got his attention in the last week. He is staying in the White House and trying to work with us to resolve some of these issues. That is important. It is time that Congress adjourn, but most important, we must finish our work before we go.

The President did come home on occasion to veto a few bills this year, but he seems to have forgotten them. He seems to have forgotten the Coverdell A+ education bill that he vetoed, which would have provided educational savings accounts, would have allowed parents to set aside $2,000 a year per child for educational expenses, and teacher testing and merit pay would reward teachers for their performance in the classroom. That was part of the bill that he vetoed. It also included dollars to the classroom, which would put money directly from the Federal Government into helping students instead of the bureaucrats. It is interesting that my colleagues on the other side, a few moments ago, introduced information about what GAO said. Let me tell you what the Federal Government said, what the Department of Education said about its own problems with paperwork and the burning up of valuable educational dollars. The U.S. Department of Education estimates that it takes approximately 48.6 million paperwork hours—the equivalent of almost 25,000 employees working 40 hours a week for a full year—to complete the paperwork involving the administration of the Federal education programs. The Senator from Washington spoke about the amount of time that local units of education use filling out the paperwork.

In my State of Idaho, as is true in Iowa, Ohio or any other State across the Nation, 50 percent of its paperwork burden is directly related to the 5 percent of the money that it gets. What happened? The President vetoed it. He came home, focused for a few moments, vetoed it, and left town again.

What about the tax regarding the College Tuition Program, encouraging parents to save for their child's college education? That, too, was vetoed by the President.

So when this President stands up and says, "I want billions of dollars more for education," what he is saying is, "I want billions of dollars more here in Washington to be run through a Federal system to be directed out for education," while this Senate voted, by a majority, to do quite the opposite—to literally turn the public loose to fund education without Federal strings.

Eighty-four percent of Federal elementary and secondary education funds are used for instruction, according to the April 1998 report by the U.S. Department of Education. What happened to the other percentage? Let's see. I guess that would be 16 percent. What happened? Overhead and administration. That is what it cost to get the money out.

You see, there is a game played in this town. It is how big you can build the agency and how many times you can roll the paper before you send the money out.

That is exactly what this Congress tried to avoid. That is exactly what we did avoid with legislation passed by this Senate and passed by the House and vetoed by this President.

Now that we are attempting to adjourn our Congress, just in the last few days the President is home back in school, not avoiding classes, and he is trying to spend, or spin his story about education.

Mr. President, why did you veto all of these productive pieces of legislation that were passed by a majority, a bipartisan majority, in Congress? Why did you veto legislation that, when polled, well over 60 percent of the American people said it gave more power to the family, to the parent, to the local education school board? That is what America wants. They don't want 100,000 federally paid-for teachers and a bureaucracy to go along, and over 20 percent of the money staying right here to be spent on thousands and thousands of hours of paperwork.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky still has his 5 minutes.

Mr. FORD. I thank the Chair very kindly. I appreciate it very much.

RETIREMENT OF SENATE COLLEAGUES

Mr. FORD. Mr. President, as the 105th Congress comes to a close, I want to take a moment to say thank you to my fellow colleagues who, like me, will be retiring this year.

I came to the Senate in 1974 with Senators GLENN and BUMPERS. It was a different time, when campaigns were still won by going door to door, when the Senate itself was much more open to compromise and bipartisanship.

Despite the changes in the Senate, Senator BUMPERS has continued to be a voice for his State, never giving up the fight for something in which he believed. And when the Senate itself began to listen, they began to respond. In fact, after fighting 19 years to reform the National Parks concessions operations, he finally won approval of the legislation on last Thursday.

And while it's true the Senate long ago lost its reputation as a place of eloquent debate, my colleague from Arkansas has proven time and again the power of words with his skillful oratory, whether the issue was arms control, education or balancing the budget. In all my years here in Washington, I was never so moved as I was by a speech he gave on preserving the Manassas, Virginia, Civil War Battlefield. He not only changed votes, but he reminded his colleagues and the American people that our greatest strength lies in our ability to give voice to our beliefs and to our constituent's concerns.

Like Mark Twain who came into this world with Halley's comet and left this world with the return, Senator GLENN came into the public eye with his historic orbit around the earth and he will close out his public career with another historic flight into space. In between, he's demonstrated over and over that he's truly made of the "right stuff."

As the "Almanac of American Politics" wrote, he is "the embodiment of the small town virtues of family, God-fearing religion, duty, patriotism and hard work . . .". And over the years, he has brought the same fight and determination that made him a brilliant fighter pilot to his efforts to expand educational opportunities, increase funding for scientific research, to clean up nuclear waste sites, promote civil rights and to make our government more efficient.

Despite their long list of contributions in the Senate, perhaps their greatest contributions to this nation are still to come. Senator BUMPERS has talked about going back to Arkansas to teach and Senator GLENN has said once he gets back down to earth, he'll work to steer young people toward public service. I can't think of a greater honor than to say I've served alongside these two men and shared their vision of a better America.

I also want to thank my two retiring colleagues on the other side of the aisle. We may not have always agreed on which road to take, but I believe we always shared a deep commitment to our country and its betterment. Whether you agree or not with Senator COATS' position on the issues, everyone in this chamber will agree he's willing to roll up his sleeves and do the hard work necessary to accomplish his goals. He's brought the same tenacity to the Senate that found him at three percent in the polls when he began his first congressional bid and had him winning by 58 percent on election day. He got that win the old-fashioned way, organizing block by block and pressing his case one-on-one.

Senator KEMPTHORNE has only been a part of this institution for just one term, but he has already proven that he can work with his colleagues to pass laws, like the unfunded mandates bill, in a place where it's often easier to move mountains than a piece of legislation. The Safe Drinking Water Act of 1996 was a perfect example of his ability to bring together scientists, activists on both sides of the issue, and public health experts to craft legislation that each one had a stake in seeing succeed. So while he may have spent just a short while in these Halls, he demonstrated that it is only through compromise that we can achieve solutions in the best interest of the nation.

So Mr. President, let me tell my fellow retirees what a privilege it has been to serve with you over the years and how grateful I am for your commitment to public service and the American people.

FAREWELL TO THE SENATE

Mr. FORD. Mr. President, I want to make a few brief remarks, share a few thoughts, and express my heart felt thanks to a number of individuals who have made my life in the Senate a little bit easier and a little bit more enjoyable than it otherwise would have been.

I have been privileged to serve in this body since December 28, 1974. As I look back, it is amazing how much progress we have made as a country during that period. The average life expectancy in this country has increased by 4 years. The average per capita income after adjusting for inflation, has risen 40 percent during this time period. The portion of adults with at least a high school diploma has risen from about two-thirds of adults to more than four-fifths. The percentage of adults with at least a bachelor's degree has risen from 14 percent to 25 percent.

So we are living longer and healthier lives, we are wealthier, and we are better educated.

And the quality of life has improved in many other ways as well. We have an almost unlimited ability to communicate. The developments with computers in recent years have been almost breathtaking. Children understand computers at an early age—often before they even start school. The percentage of homes with computers keeps rising. We have cell phones and laptops and cable TV and satellite dishes and fax machines. Our access to information is better and faster than ever.

We have opportunities to travel more, live in bigger homes, and eat more nutritious meals. We spend more on entertainment than ever.

But Mr. President, our challenges are probably greater than ever.

I entered the Senate at the beginning of a period of deep cynicism and distrust of government, having just come through the Vietnam war and Watergate. We have always had a very healthy distrust of government in this country, but 1974 was an especially troublesome time. And I have witnessed a fascinating national debate on the role of government during the period since. The cynicism from Watergate evolved into a crisis of confidence in our country, and a growing feeling by some through the 1980's that government was the major source of many problems in our society, not the solution.

But the debate of the role of government has continued to evolve. I think we are at the point today where there is a fairly broad consensus among Americans about certain aspects of government.

There is a consensus about certain things that Americans want from their government—a strong defense, the best educational system in the world, managing the economy in an efficient way, including balanced budgets, low inflation, low interest rates, low unemployment, and the least amount of taxation and regulation possible. Americans want fair rules in the workplace and the marketplace, from family leave to fair trade to basic consumer protection. They want an adequate infrastructure to sustain a successful and growing economy. And they expect minimal safety and health protections, from law enforcement to food and drug safety to providing health care for the elderly and the poor.

I have found that almost all of my colleagues want these things as well. We often differ on the best approach, or the best philosophy, for meeting these goals and providing what our constituents want, but we are all basically after the same things.

Some of my colleagues on the other side of aisle still use the rhetoric from the 1980's about being for lower taxes and smaller government. Who could be against that? But most of these same colleagues are also for all of the things I just mentioned. They would agree with me that these are all things that our constituents demand and expect us to address. We all want the smallest government possible, but we want government to deliver on all of these things. So it is a challenge for all of us.

And the future challenges for the next Congress and beyond will be even more complex. I mentioned earlier that we are living longer. The standard retirement age has not gone up since I came to the Senate. In fact, the average private sector retirement age has gone down. But we live longer. The percentage of the population age 65 and older is up to about 13 percent today, and is projected to continue to grow. During my tenure in the Senate, I have seen federal spending on Social Security grow from $64 to $380 billion. I have seen Medicare spending increase from $13 to $220 billion. And roughly half of Medicaid spending, which has gone from $7 to $100 billion in the budget, is attributable to nursing home care. These three areas alone—Social Security, Medicare, and Medicaid—have gone from about 25 percent of the total budget to roughly 42 percent of the total budget. Without question, the major budget issue in the next few years is how we deal with the costs associated with the elderly.

And it is a quality issue as well. Many of the same trends which are currently affecting managed care in the private sector will certainly affect the quality of medical care received by the elderly. I wish we had made more progress in these areas before my time in the Senate expired. I wish my colleagues well in addressing these issues and urge them to do so earlier rather than later. I know many colleagues share my sentiments.

The other area I would urge my colleagues to address is the financing and operation of campaigns. Here is an area that has changed dramatically during my 24 years. When I announced my retirement from the Senate, I mentioned the two "M's,"—Money and Meanness—as major reasons why I chose not to run again. Now that we are in the midst of the current campaign season, I believe even stronger about this issue. As reported in the newspaper yesterday, PACs have collected almost $360 million in the last 18 months. We all like to say that the money does not influence how we vote and how we think, but, truthfully, it is a matter of degree. There needs to be a stronger ethic of avoiding even the appearance of a conflict of interest. We need more of that in politics—much more of it. Senators who solicit campaign contributions and then within a very short period of time are casting votes and making decisions on matters which greatly affect both the contributors and the Senator's constituents place themselves in very difficult situations. It goes to the heart of our system of Democracy, and whether it works or will continue to work. There has got to be a better way. There are also a lot of ideas around here on how to make a better way. I can only hope some of these ideas are translated into law in the very near future.

So, Mr. President, I wish may colleagues well. I will miss the institution dearly. I will miss the daily interaction with my colleagues, many of whom have become such dear friends to me. Let me thank you for your friendship. And lastly, let me thank staff. My personal office staff, both here and in the state offices, have been like family to me. I have tried to treat them that way, and it has been mutual. The committee staff and floor staff I have been privileged to work with over the years have all been great to me as well—they make this place run and make us all look good from time to time. I thank them all for their support and service to our country. This country would not be nearly what it is without office, committee and floor staff. As I leave the Senate, please know that I will keep you all in my thoughts and prayers, and wish all of you good luck and happiness in the years to come.

Mr. President, for perhaps the last time, I yield the floor.

Mr. DORGAN. Mr. President, will the Senator from Kentucky yield for a moment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. Mr. President, if the Senator from North Dakota wants to be recognized, very shortly I have to take the Chair and I want to make my statement.

Mr. DORGAN. I wonder if I might ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR WENDELL FORD

Mr. DORGAN. I did want to say, having listened to the Senator from Kentucky, my expectation is that virtually every Member of this Senate, Republican and Democrat alike, shares my feelings about the Senator from Kentucky. He is tough, he is honest, he gets things done in the Senate, and we are going to miss him a great deal.

I know the Senator from Montana feels that way, as does the Senator from Texas. Some of our other colleagues are not here. But one of the privileges of serving in this body is serving with some of the best men and women I have ever had the opportunity to work with in my life, and I count among that group the Senator from Kentucky, Senator FORD.

I would like to say, as he leaves the Senate, I thank him for his public service to our country. He, because he served in this body, has contributed to the well-being of America. We are going to miss him a great deal. I expect he will not be going far. I know he is going fishing, and I know he is going to be involved in public service in his own way, dealing with educating young people about civic responsibilities and about government. I just want to say he has contributed a substantial amount of service to his country and we are deeply indebted to him for it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I associate myself with those words. We hate to see Senator FORD go.

I ask unanimous consent, after I make a short statement, that my colleague from Texas may follow me because he picks up on the same idea. I have to assume the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BURNS. I thank the Chair and I thank my colleague on the other side.

EDUCATION

Mr. BURNS. Mr. President, as we started to hear this debate this morning, and talking about different ways of accomplishing things here on a nonpartisan basis, it started off a little on the partisan side. Education is very dear to the hearts of all of us because all of us, probably, have had a connection with kids and so have been involved in education. I still have one going to school. But to hear the other side talk, we have done nothing about that.

You know, we have increased the funds for special education since the Republicans took over in 1994.

We passed education savings accounts that would empower parents to make choices for their own children with regard to books and computers and this type stuff. That was a bad idea to the President. He vetoed it. I guess he wants to empower bureaucracy rather than empower parents.

We passed the opportunity scholarships, a highly popular program here in Washington, DC, that would allow parents more choice of where to send their kids to school. That was vetoed.

We passed a $2.74 billion education bill for classrooms, and we guaranteed that 95 percent of it would get to kids. That met with stiff opposition from the President.

Encouraging States to implement teacher testing and merit pay, what is wrong with that? That got vetoed by the President.

Strengthening safe schools, the antigun program—that was vetoed.

Tax relief to employers who provide workers education assistance, folks we are retraining in this rapidly changing world of technology? Vetoed by the President.

I have to look and say all at once: 2 plus 2 is not making 5, when we start talking about education and who wants to do what for whom.

I just noticed here, earlier this year my good friend from Massachusetts said we have "a relationship with Federal, State, and local community levels in terms of education; it is a partnership." Tell me how good this partnership is. The Federal Government only provides 7 percent of the money but 50 percent of the paperwork. That should not surprise you a lot if you have been around government at any time.

In 1969, our expenditure was $68 billion; in 1996, it was $564 billion; and yet even by their own admission, education continues to struggle and go down. That is the point I wanted to make here. I would say whenever we start looking at education, the answer lies in the realization that you cannot kill or do away with an idea. Ideas rule the world. The only way you get rid of a bad idea is with a better one. I think we have come up with some awfully good ideas.

I yield to my friend from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I wanted to give our colleague who has to preside an opportunity to speak first. I thank him for arranging for me to be recognized.

SENATOR WENDELL FORD

Mr. GRAMM. Mr. President, I am sorry our colleague from Kentucky has left the floor. I would like to add my voice to those who thanked him for his service. In an era where there are so many cellophane politicians, when there are so many people in public life who talk like newscasters but you can never quite tell what they are talking about when they get through speaking, I think WENDELL FORD has been a welcome relief from that. He is a politician who has texture. When he speaks you may think he is wrong—which I often do—but you never question the fact that he is sincere, and when he speaks you know what he is talking about. I find the longer I serve in this great Senate, the more respect I have for people who stand for something and who speak up for it and who say what they think.

EDUCATION AND THE BUDGET DEBATE

Mr. GRAMM. Mr. President, I wanted, today, to come over and talk about education. I have come back to town to help in some of these negotiations to try to complete the session, but upon hearing Senator KENNEDY this morning, I felt compelled to come over and speak. I have several ideas I want to talk about. I would like to first talk about why we are talking about education. Here we are, 2 days before the session ends. In fact, as of last Friday, in the budget negotiations, no one at the White House had brought up education at all. Why suddenly do we have the focus on education?

I would like to explain why this focus has come about and what I think it is trying to hide. I would like to talk about Senator KENNEDY's education proposals. I would like to talk about the budget debate we have before us. I would like to talk about the failure of our current system. And then I would like to talk about how we ought to change it. That is an awful lot of subjects, but having listened to Senator KENNEDY, I feel compelled to speak a little on this subject.

I would say this is a subject I know something about. I taught for 12 years at Texas A&M prior to coming to Congress. In fact, I often say that I taught economics for 12 years at Texas A&M and I have been teaching it in Washington, now, for 20 years. You will not be surprised to hear me say my students at Texas A&M were a lot smarter than the students I have now. And, also, they were a lot more interested in learning. I say that partially in jest.

So when I talk about education, it is something I know something about, because I have had the great experience of people calling me "Teacher." I don't know of any title—maybe "Rabbi," maybe "Preacher," maybe "Mr. President"—but there are not many titles that are more important than being called "Teacher."

First of all, I want to remind everybody, we were busy negotiating on the budget all last week and up through Friday nobody raised the education issue. And why should they? The President, in his fiscal year 1999 education appropriation, requested $32 billion. In the spending bill that we currently have pending in the Senate, we provide $32 billion. So it was not surprising that after a week's negotiation in trying to come together on this budget, there had been relatively little discussion about education, because the President had proposed $32 billion of spending, we had provided $32 billion, and while I am going to talk a little bit about the differences of how we provide it, the basic point was, this was not a budget issue.

But over the weekend, in his radio show, and then as his representatives appeared on television on Sunday, suddenly the administration has opened a massive new education front. They are saying this Congress has not done enough for education, they are unhappy about what the Congress has done in education, and they want more. Why is this happening? Sadly, I am here to tell you that it is a smokescreen to cover up a robbery. There is a robbery underway on Capitol Hill right now. The working men and women of America are in danger of having $25 billion stolen from them this year and in the last week of Congress.

I have to say, in a city which is marked by cynicism, it is one of the most cynical acts that I have ever observed. I want to be especially critical of the President of the United States on this issue, something I have not made a habit of doing.

The President, in his State of the Union Address—the Presiding Officer was there, and I am sure if the American people remember anything any political figure has said about anything other than scandal this year, they will remember that the President, in his State of the Union Address—I ask unanimous consent for 25 additional minutes.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mr. DORGAN. Reserving the right to object, the Senator from Illinois is waiting to speak. I, by consent, am waiting to speak as well. That brings it to 30 minutes the total requested by the Senator from Texas?

Mr. GRAMM. Excuse me, I didn't hear, Mr. President.

Mr. DORGAN. Will that bring to 30 minutes the time requested by the Senator from Texas?

Mr. GRAMM. I didn't request any time. I don't know where the 5 minutes came from.

Mr. DORGAN. I thought I heard the Senator request 25 additional minutes.

Mr. GRAMM. I was told by the Chair there was 5 additional minutes. I don't know if the world comes to an end—

Mr. DORGAN. I have no objection. I thought he asked for 25 additional minutes. I have no objection to 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Going back to my robbery occurring on Capitol Hill, the reason it seems to me we are suddenly discussing something that was not an issue all last week is because there is a real issue now that the White House doesn't want to talk about, and that real issue is that we are in the process of seeing a demand from the White House that the Congress spend $25 billion that was never in the President's budget.

Many of you will remember in the State of the Union Address when the President stood up and said, "Save Social Security first; save every penny of the surplus; don't spend any of it; don't give any of it back in tax cuts; save Social Security first." Quite frankly, Mr. President, I thought it was a good idea.

I have opposed efforts by some in my own party to go ahead and cut taxes now rather than waiting until next year when we can fix Social Security, I believe, permanently and then debate a tax cut. But what happened is that in January, February, March and all through the spring, the President said, don't increase spending and don't cut taxes. Then suddenly during the summer, his message started to change, which was the first giveaway. The message suddenly became: Don't cut taxes, and he stopped talking about spending.

Now the President is demanding in the final days of this session that we spend an additional $20 billion to $25 billion, every penny of which would come out of the surplus, and every penny of which would come out of Social Security. So a President who threatened to veto a tax cut that would have taken $6.6 billion away from the surplus is now demanding that Congress, as a price to be able to finish business and adjourn, spend an additional $25 billion.

We had a surplus for the first time since 1969 as of October 1. Today is October 12, and so far, if the President's requests are met, we are spending an additional $2 billion a day. In other words, this is going to be the shortest recorded surplus in American history, and I am concerned about it.

Let me talk a little bit about education, since the President has raised the subject. First of all, in Senator KENNEDY's remarks today, we heard the same old song that people have sung in Washington since 1960. That basic siren song is: If we just had a little more money, we could make it work; that the only thing wrong with education in America is we don't have enough money, and if we spent more money and we let Washington tell you how to spend it, everything would be great.

Let me just review a few facts and figures in response to Senator KENNEDY.

First of all, in 1969, we spent $68.5 billion on education in America. Today, we are spending $564.2 billion on public education, K through 12.

What has happened during that period? As spending has grown almost 1,000 percent, SAT scores have stagnated, reading scores have declined and American students have moved from the top of the list in math and science to either the bottom or near the bottom in both math and science. Today, American students on international tests rank last in physics; they rank next to last in mathematics.

When you look at those scores you say, "Well, if we just had more money, we could change that." But I remind my colleagues, we have increased spending during the period where these scores have plummeted from $68.5 billion to $564.2 billion.

One of our problems is we spend the money so inefficiently. Listen to these numbers: For every dollar we spend on education in Washington, DC, 15 cents never gets out of Washington; 15 cents stays here in our massive Federal bureaucracy; 48 cents ends up going to bureaucrats between here and the classroom; and 37 cents out of every dollar we spend in the name of education in Washington, DC, actually gets to the classroom for actual instruction, providing facilities, or providing that teacher in that classroom.

No wonder that we rank last in physics and next to last in mathematics when our current program, which Senator KENNEDY helped build and which he loves, gets 37 cents out of every dollar we spend in Washington into the classroom.

We are hearing today that what we really need to do is we need to do something about class size.

First of all, I think it is obvious to anybody that you would rather your child be in a small class than a big class. But if you can see this chart, what has happened since 1960 is that class sizes have gone down dramatically.

The pupil-teacher ratio for public K through 12 education was 25.8 to 1 in 1960 when SAT scores were close to their maximum they ever achieved. In 1996, there was 17.1 to 1 or, in other words, a 51-percent decrease compared to today s level.

I think lowering the class size is a wonderful thing, but I simply point out that contrary to all the rhetoric about how perfect the world would be if it were lowered, we have lowered it by 51 percent in the last 36 years, and the net result has been a dramatic decline.

Is the Senator telling me that my 25 minutes is up?

The PRESIDING OFFICER. Five minutes.

Mr. GRAMM. I asked for 25 minutes.

The PRESIDING OFFICER. Under the previous order, it was limited to 5 minutes.

Mr. GRAMM. I ask unanimous consent that I may have an additional 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAMM. Mr. President, my point is that while declining pupil-teacher ratio is a wonderful thing, and we would all like to have our own children given the maximum instruction in the most intense way, the plain truth is that in the last 36 years, we have had a dramatic decline in the ratio of pupils to teacher while results have declined.

This gets me to what the real debate is on education. Obviously, the real debate is not money. The President requested $32 billion; the Senate bill provides $32 billion. The debate is about who is going to spend the money. Republicans have proposed something that sounds revolutionary in Washington, but in America it sounds eminently reasonable; and that is, except for that money which is targeted to things like special education, we want to give the bulk of the money directly to school systems so that local teachers, local administrators and local school boards can set priorities for using money, so that if in my hometown of College Station we think the answer is a lower pupil-teacher ratio, we can use the money for that purpose; if we think the answer is something else, we can use it for that purpose.

Another thing we are hearing about is building schools. I know our dear colleague who is presiding said that a bad idea never dies, that you can't kill an idea with facts. And I understand this will not kill that idea. We will be talking about it for the next 10 years. But I want to point out something which shows, I think clearly, why the Federal Government should not be setting policy where we have Members of the Senate voting for education policy in schools we have never put our foot in, children we have never personally met, families where we do not know their situation.

What I have here is the population of enrollment in K through 12. I do not want to draw on this chart which I got from somebody else, but I want you to look right here where we are in 1998. We have just come off a very rapid increase in students, but we are now in a period where the population of students in K through 12 is flattening out.

Doesn't it strike you as interesting that we are talking about the Federal Government mandating that local communities spend more of our money and theirs on schools at the very time where it is clear that in the past 10 years our problem has been school construction, but as we look at the future it is obvious that the population of students is beginning to flatten out? That is typical of the Federal Government. That is what happens when you have people in Washington setting education policy for students in College Station—when only two Members of the Senate have ever been in a school in College Station, and they are the two Senators from Texas.

What is the difference between what the President wants to do and what the Congress wants to do? The biggest difference is, the Congress wants to spend the same $32 billion but let local school boards, local parents, local teachers decide—do they want to build more schools, do they want to do something about the pupil-teacher ratio, do they want to buy computers. We want them to decide.

Finally, let me put this chart up here and just remind anyone who is interested in this debate that this Congress has been very active on education matters, that, first of all, we have the $32 billion appropriation bill—the same amount the President asked for; it is just spent differently. More of it is spent locally and not in Washington. We happen to believe that is better. The President thinks it is not better.

But rather than debating us on the issue—because I am sure someone at the White House has done a poll or focus group and they have discovered what we know, and that is, parents in College Station think they know a little bit more about their children's needs than we know in Washington—so rather than debate those, the President is now saying that we are shortchanging education.

The truth is, we have provided every penny the President asked for, roughly $32 billion—both the request and appropriation—it is just that we are letting local school boards and local teachers spend it. The President would spend it here in Washington.

But finally, before my time runs out again, I remind my colleagues that we have done quite a bit on education in this Congress. First of all, we passed a bill that provided education savings accounts which let parents set aside up to $2,000 a year which they could use for tutors, they could use to send their children to summer school enrichment programs, they could use for afterschool programs; and, yes, if they chose to send their children to parochial or private schools, they could do it. And what happened? Vetoed by the President. It did not represent the teachers union agenda and so the President vetoed it.

We provided literacy funding. The President vetoed it.

We had a merit pay system for teachers. Can you imagine paying good teachers better than we pay bad teachers? Can you imagine having a system where you would actually pay a teacher more if they did a better job of teaching? Well, we could imagine it, but the President and the teachers union could not imagine it, nor could they tolerate it, so the President vetoed it.

We provided a school choice system for low-income families so that working families in cities like Washington could do what President Clinton did, and that is, they could choose to send their children to private schools if they chose to. But the President vetoed it.

We provided tax relief for parents whose kids used a State prepaid tuition plan. This is one of the most exciting new developments around the country where if you want your child to go to Texas A&M—that is your dream—you have to do two things: One, you set up a program and you pay in advance and pay off the tuition, and, obviously, you get a big discount if you start when your child is 6 months old or before they are born; and the second thing they have to do is get in. But we had a system to make it easier for working parents who had the big dream to realize it. The President vetoed it.

We had a system for tax relief for employer-provided education assistance. Employers all over the country are saying, "Our kids do not have the skills we need." So we had a better idea in Congress. We said, OK, if you want to send your employees back to school, to junior college or technical school, or to the University of Missouri, or anywhere, you can do it on a tax-free basis because you are investing in the future of America. And guess what? The President vetoed it.

And finally, our major initiative of this Congress—for the first time since I have been in Congress, we have been successful in doing something that I came to Congress to try to do, and that is, to get the Federal Government out of the business of dictating education policy to local school boards. We, for the first time ever, passed a provision that would allow local school boards to take the money and spend it as they believed to be in the interest of their children.

Maybe people in Washington know better about what children should do and take; but it is interesting, when you ask them, "Well, if you know so much about kids in the elementary school at College Hills in College Station in the first grade class, tell us their names," they don't know them. But they think they know an awful lot about what should be done.

We believe that local people should set priorities. We passed a bill to do that. The President threatened to veto it.

So my final message is, Mr. President, first of all, your administration did not even raise education until Friday. We have been negotiating for a week. This is a ruse to cover up an effort by this administration to bust its own budget and to spend Social Security money. That is what this is about.

Secondly, the President proposed $32 billion for educational appropriations. We have provided $32 billion for education, but we have provided it so that local school districts make more decisions and Washington makes fewer.

So if the President wants to debate, let's debate about the real issue. The real issue is not how much money is spent, it is who is doing the spending.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I correct in assuming I am recognized under the previous unanimous consent order?

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

THE BUDGET AND PRIORITIES

Mr. DORGAN. Mr. President, I listened with interest to the Senator from Texas. He is always interesting in his presentations. During my presentation, I will take issue with a number of the comments he has made.

At the start, I want to indicate it is not, in my judgment, the case that this issue of education has just recently been raised in recent days. The last few days, certainly, have included a lot of references to education by the President and by others, but going back to January and February of this year, the President and Members of Congress on this side of the aisle were pushing very hard for education changes that we think would strengthen the school systems and strengthen opportunity for education for all children in this country.

I want to speak more generally, first, and then I will address a couple of those issues. I am enormously disappointed that we come to the middle of October in this session of Congress, the 105th Congress, and find that at the end of this long, arduous Congress, we have half a dozen, maybe a dozen people somewhere in a room—Lord only knows where the room is—negotiating a third to half of the Federal budget in appropriations bills that the Congress didn't get completed.

First of all, in this year, the Congress passed no budget. It is the first time, as I understand it, since 1974—no budget. The requirement is that the Congress shall pass a budget by April 15. This Congress didn't pass a budget. This Congress, by its inaction, said, no, we don't think there ought to be a budget. That is No. 1.

No. 2, because the Congress didn't even bother to pass a budget, it didn't pass a good number of its appropriations bills. So we came to the end of the fiscal year, months after when the appropriations bills should have been completed, many months after the budget should have been passed, and the Congress had to pass a continuing resolution to keep the government operating. Then we have this closed-door bunch of folks in a room making deals on how to resolve these final issues.

During this Congress, at a time when no budget was enacted and a good many appropriations bills were not completed, the Congress said no to campaign finance reform, not once, not twice, a good number of times. No, we don't want to do campaign finance reform. They said, no, we don't want to do HMO or a Patients' Bill of Rights reforming the managed care system and providing certain rights to patients in this country. They said no to tobacco reform, don't want to do that; no to the education proposals offered in the President's budget calling for reduction in class size.

Incidentally, I take issue with the charts used moments ago, and I guess most parents who have kids in school will take issue with that chart, suggesting somehow that classroom sizes are decreasing rather than increasing. I think most parents understand that is not the case in their schools. It is not unusual for kids to be going to school with 22, 24, 28, 30 children in their class. The question is, Does that make a difference? Does it make a difference for a teacher when there are 15 in the class versus 30 in the class? Does it make a difference in terms of the personal attention a teacher can devote to children with 30 kids in a class versus 15 to 18? The answer is, of course.

This Congress, in passing no budget and missing most of its appropriations bill, said no to campaign finance reform, no to tobacco, no to Patients' Bill of Rights, no to the education proposal offered by the President on school construction and reduction in class size.

In the old western movies you will recall the folks that rode themselves into a box canyon, took their hat off and scratched their heads wondering why they were being attacked on all sides. Because they road into a boxed canyon is why they are under attack. That is exactly what happened in this Congress.

Is it surprising that a Congress that doesn't pass a budget and doesn't finish its appropriations bills finds itself today, on Monday, October 12, in a situation where we are scrambling, trying to figure out who is doing what with whom, to determine what kind of spending we have in dozens and dozens and dozens of areas? Does it surprise anybody we have this kind of a mess at the end of this session? I don't think so.

The previous speaker just spoke of a robbery. He used the term "robbery" to describe the amount of money that some are proposing to be offered to deal with certain education issues. I personally think it is a significant and exciting and wonderful investment in the young children of our country to invest in education. That is not a robbery. That is a remarkably effective investment for this country.

Investment in health care is not a robbery. That is a remarkable investment for the people of this country.

How about for family farmers? Part of this debate is what we do for family farmers in the middle of a farm crisis. No one should think that would be a robbery, to take some funds during the middle of a farm crisis and say to family farmers when prices collapse and you are down and out, we want to give you a helping hand to help you up and help get you through this tough time. That is the issue here. The issue is what are our priorities?

Let me give an example of a robbery. Yes, there are robberies taking place. I understand there is a tax extender bill that some in Congress are trying to slip in, another $500 million little tax incentive for some of the biggest economic interests to move their jobs overseas, make it a little sweeter deal. We have a perverse incentive in our Tax Code to say if you want to move American jobs overseas, we will pay you for it, we will give you a tax break. Just take those good old American jobs, shut your plants, move them overseas, and we will give you a tax break. Talk about perversity. We have people working to try to juice that up, increase the tax break. That is a robbery. It robs America of jobs it needs, it robs us of the revenue we ought to have to invest in kids and invest in health care.

The point is, priorities. What are our priorities? What do we think is important? At the start of this century, if you lived in America you were expected to live an average of 48 years of age. Almost 100 years have elapsed and now if you live in this country you are expected, perhaps, to live to be 78. Forty-eight to 78—30 years added to the lifespan of the average American. Is that success? Yes, I think so. You could solve all the Social Security problems and all the Medicare problems, all the financing of those issues could be solved if you simply take the life expectancy back to the 1940s or the 1920s or the 1900s. However, for a range of reasons, life expectancy has increased dramatically in our country in one century.

We have invested an enormous amount in health care research, National Institutes of Health. I am one, and some of my colleagues have joined me, who wants to increase the investment in health research. We know 50 years ago if someone had a bad heart, bad knee, bad hip or cataracts, they wouldn't be able to see, they wouldn't be able to walk, and they would probably die after a heart attack. Now they have knee surgery, get a new hip, get their heart muscle and arteries unplugged, have cataract surgery, and they come to a meeting in that small town and feel like a million dollars. All of that is possible because of research, an expenditure in health care in this country. It is remarkable. It has been remarkably effective. The same is true with education.

My colleague from Illinois is going to follow me on the floor. He will remember—and I have told my colleagues this on previous occasions—he will remember Claude Pepper, who served with us in the U.S. House. The first time I went to Claude Pepper's office, I saw two pictures behind his chair. One was Orville and Wilbur Wright making the first airplane flight; it was autographed to Claude Pepper. Orville autographed the picture before he died. And then a photograph of Neil Armstrong standing on the moon, and that photograph was autographed to Congressman Pepper.

I thought, what is the interval between leaving the ground to fly, and flying to the moon? What is that interval? It is the most remarkable investment in human potential and in education compared to anywhere else on Earth. All of the kids that went to our school, that became the best scientists, the best engineers, the best at whatever they could be the best at, and we discovered we could develop the technology, through research, to learn how to fly, learn how to fly all the way to the moon. And standing on everyone's shoulders with accomplishment after accomplishment, we have now understood that virtually anything is possible. That comes from massive investment in education. That is what the interval in the two pictures told me—that investing in America's children in education has paid dividends far beyond our wildest imagination.

That is why I come here today.

Let me make one additional point with respect to family farmers. I have talked about investment in health care and education. Investment in America's family farmers is also one of the best investments our country has ever made. We have the best food in the world for the lowest percent of disposable income anywhere on the Earth. Who produces that food? A lot of families living out there in the country, by themselves, taking risks that almost no one else takes—the risk that they might lose everything they have, this spring, this summer, this fall if a seed doesn't grow, or if a seed grows and is destroyed by nature, or if it grows and is not destroyed and they harvest it and take it to the elevator and it is worth nothing. These family farmers just inherit, by the nature of what they do, the most significant risk you can imagine.

That is why this country, for 60 or 70 years, has said we want to try to help farmers when we have these price depressions, we want to build a bridge to help them over the price valleys. That is what this fight has been about in recent days here in Congress. That is what the President's veto is about—about trying to get this country to say, during a time of severe crisis in family farming, during a time of abject price collapse, where the price of wheat has gone down 60 percent in 2 years—our farmers in North Dakota have lost 98 percent of their income in 1 year alone. Ask yourself, in any city, on any block, any occupation, what would happen to you if you lost 98 percent of your income? Would you be in a severe crisis? Despite that, what do we do about that? Can we extend a helping hand? Can we say, during these tough times, that we want to help you over this valley because we want you in our future?

Family farmers matter to this country. If we lose family farmers, we will have lost something about ourselves that is very important—broad-based economic ownership, with families living on the land and producing America's foodstuffs. That is what the fight is about. I am not saying one side is all right and the other side is all wrong. But I am saying to those who say that farmers aren't worth it at this point, just let them float in some mythical free market, that we just don't have the money, or those who perhaps would say if you use the money to save family farmers, it is "robbery"—I don't understand that.

This, after all, is about priorities. What are our priorities? What is important to us? A hundred years from now, everybody in this room will likely be dead. The only way anybody might determine about our value system as a people is to look at how we chose to spend our resources. What did we think was important? Education? Family farmers? Did we think it was important to deal with health care? What were our priorities?

President Clinton, at the start of this year, asked for the education priorities dealing with school construction and class size. He asked, at the start of this year, to deal with health care issues—Medicare, managed care, and the Patients' Bill of Rights. He asked, at the start of this year, for a tobacco reform bill. He asked, at the start of this year, for campaign finance reform.

Sadly, we now come to the 12th hour and we have a bunch of folks sitting in a room somewhere trying to negotiate probably a third of the Federal budget, or a third of the Federal spending, by themselves. I just think that is a terrible way for Congress to conduct its affairs. My hope is that when all of these fights are done and the dust has settled, we will have achieved a result that says the priorities for us at this point are to try to save family farmers during a time of crisis, the priorities for us are to invest in our kids and our schools, and the priorities for us are to decide that, in the future, we ought to do our work in Congress the way the law describes. Let's pass a budget, pass some bills, do the regular order, and not end up another session the way this session appears to be ending.

Mr. President, I know that the Senator from Illinois is waiting to speak. Let me also say, as I conclude, that the Senator from Illinois has been very active on the issue of tobacco legislation, as well as education issues. I think he has been a remarkably effective addition to the U.S. Senate. It has been my pleasure to serve with him in the 105th Congress.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to address the Senate for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 105TH CONGRESS

Mr. DURBIN. Mr. President, let me say at the outset to my friend from North Dakota, whom I served with in the House of Representatives, he has been not only our floor manager of debate during the course of this 105th Congress, but he has also been an active leader for his State. The leadership he showed along with Senator CONRAD, as well as Senators DASCHLE and JOHNSON of South Dakota, during the crisis that faced their States earlier when they dealt with floods and fires—it seems like all the furies at once—was the type of leadership that is extraordinary, and I thank him for that.

I know we are going to have even more discussion in the days ahead about the current agricultural crisis in his State. I see his colleague, Senator CONRAD, on the floor and I know that they are going to carefully monitor the debate going on now about an omnibus spending bill to try to do their best to help struggling farmers in their State—and, I add, in my State of Illinois, which has its own share of difficulties.

I have brought to the floor here a volume, which those of us in the Senate know very well, and perhaps those in the gallery may recognize, and those at home may find new. It is "The History of the U.S. Senate" compiled by one of our colleagues here, Senator ROBERT BYRD. He is the preeminent Senate historian. He has written this history to try to capture what the Senate means and what it has meant to the United States. I have seen it several times, and I have read portions of it. I am determined that I am going to finish it from cover to cover soon. I looked through it to try to remember if there was another Senate that you could point to that was parallel to what we are seeing here today.

This is the conclusion of my first 2 years in the U.S. Senate, representing my home State of Illinois. Prior to that, I served for 14 years in the House of Representatives. I am no stranger to Capitol Hill, but I am a newcomer to this body. I am surprised that I stand here today on October 12, some 12 days into the new fiscal year, and say that we are still here. We were supposed to be gone, supposed to have finished our work and gone home. Unfortunately, we have not.

As the Senator from North Dakota indicated, there is a great deal still being debated. The size and scope of this debate is mind-boggling—that we would be talking at this moment about still having unresolved questions concerning about a third to a half of the Federal budget that we appropriate.

How can we be in on October 12 still talking about these things? It is because several things have occurred, which are not historic and not in a positive way. This Congress, this House and this Senate, under Republican leadership, failed to pass a budget resolution for the first time in 24 years. So what? Well, the budget resolution is supposed to be the game plan—not the President's game plan, but Congress' game plan—of how we will spend money and reach certain budgetary goals, as well as policy goals.

I can recall, in the 16 years I have been on the Hill, that there were long and arduous and heated debates about our goals. We would get them out of the way and pass the budget resolution, usually around the date it was due, which is April 15. Does that date ring a bell with people in the gallery? We all meet our obligation to pay our taxes on April 15. Congress was supposed to meet its obligation to pass a budget resolution by April 15, but it failed. It has now failed for almost 6 months.

A great deal of blame has been assigned to the President for this mess that we are in today in the 105th Congress. But any honest appraisal suggests that the President had nothing to do with the budget resolution. That was Congress' responsibility. The President doesn't even sign it. It is a resolution, not a law. The House passes it, the Senate passes another, they come to conference and agree, and then set out to spend the money. And they never could agree. The Republican House and the Republican Senate could not reach an agreement between them, and here we are today. That is unfortunate. Eight to ten of our appropriations bills have not been passed.

We are still working on theories and concepts when we should be wrapping things up and going home. We are going to pass stopgap spending measures to try to keep the Government going while we reach an agreement that should have started back on April 15.

I would like to address a couple of specific issues which this 105th Congress has failed to address as well, not just the budget but other issues equally important.

Earlier this afternoon, Senator KENNEDY of Massachusetts spoke to education issues, as did Senator GRAMM of Texas, and, to no one's surprise, there is a big difference of opinion about what we should do, if anything, about education. I, frankly, think that we have a responsibility at the Federal level. Certainly, the vast resources invested in education come from State and local sources, but we invest some 6 to 7 percent at the Federal level for programs like title I. If your child is falling behind in the classroom, specialized tutoring is available through that Federal program and programs that are designed for disabled children. If you have a child who has a learning disability, a physical disability, some mental handicap, they may have a chance to come to a regular school and a classroom because of the Federal program. Vocational education, a critically important element, is one that I think we all understand is important for a lot of students who will never need to get a college degree but need a good job.

Federal expenditures—college loans, I wouldn't be standing here today without one. Frankly, I think that it is a good investment for all Americans. Yet, there are those who question whether or not there should even be a Department of Education.

In the senate debate in Illinois, the Republican candidate has said that he can't find the word "education" in the Constitution. He uses that for an argument that perhaps the Federal Government shouldn't be involved in it. I see it differently. I think the preamble to the Constitution about promoting the general welfare of America necessarily includes looking at education.

Think about the turn of the last century, from the 19th century to the 20th. And think about this for a moment. Between 1890 and 1910, in that 20-year period of time, on average in America we built one new high school every day for 20 years. What was going on? Was it a building by a Federal program? No. But it was a decision by States and localities that they were going to democratize education. So at the turn of the century, 10 percent of kids graduated from high school. By the 1930s, it was 30 percent. And now it is up over 90 percent. We have democratized education. What do we have to show for it?

Think about the comments of the Senator from North Dakota. Think about the dramatic progress we have made. Think about Orville and Wilbur Wright, and Neil Armstrong, to the return of JOHN GLENN from space. Incidentally, this is his desk right here—a man who serves in the Senate now, and on October 29 he will be launched into space again. We are all so excited about that prospect. But the fact that there is a space program and that we have come so far has a lot to do with education.

What will we do in the next century in terms of our investment in education? Will we step back and hope things will work out for the best, or will we show initiative?

President Clinton in his State of the Union Address in January of this year suggested an initiative that I think is a sensible one—100,000 new teachers. Can it make a difference? You bet it can. And 100,000 new cops across America has made a difference in communities from Cairo to Chicago in my home State of Illinois. And 100,000 new teachers would mean reducing class size until we can say that in K through 3, your child in the classroom will have no more than 17 classmates in the room. Ask any schoolteacher what the difference is between having 18 first graders and 30 first graders. It is dramatic.

A teacher spoke the other day here in the Capitol and said, "There are days in my classroom of 30 kids when I don't get a chance to speak to each individual child in the course of the day." She says, "I go home at night saddened because I have never really believed that you can educate a child unless you can connect personally."

President Clinton says 100,000 new teachers. The Republicans in the Senate and the House have not honored that. Now it is a subject of debate.

The President suggested in his State of the Union Address reducing class sizes for the lower grades. I honestly believe that if we want to graduate quality high school graduates, quality college graduates, you have to start at the beginning—childhood development, K through 3, the basics, reading and writing and spelling so that kids get a good start.

That is the President's program. That is one of the things we are debating. It is one of the things that has been seriously overlooked by this Congress. In fact, the Republicans in Congress have cut the title I program, specialized tutoring, for kids who might fall back a grade. They have cut teacher training at a time when our teachers should, frankly, be getting more skills instead of fewer. They have cut the summer jobs program for kids.

I can tell you a lot of kids don't have a chance to work during the summer. They not only don't make a few bucks and don't have a work experience, but they are tempted to do the wrong thing instead of the right thing. And they have cut technology grants to students and schools that need them so they can bring in the right technology. That is one of the things this 105th Congress has failed to do.

They talk about crumbling schools. One of the earlier speakers said it is really not a problem that we ought to worry about.

Take a look at this chart. K through 12 enrollment is at an all-time high, and is continuing to rise over the next 10 years. Where are these kids going to go to school? Where are their classrooms? Unfortunately, a lot of the classrooms that currently exist are deficient.

This year K through 12 enrollment reached an all-time high, and continues to rise for the next 7 years. We need 6,000 new public schools by 2006 just to maintain the current class size. Due to overcrowding in schools, they are using trailers for classrooms, undermining discipline and increasing student morale.

What about those existing classrooms and these crumbling schools? On this particular issue, I salute my colleague, Senator CAROL MOSELEY-BRAUN of Illinois, who has really taken the national initiative on this.

Look at the state of current schools in America. Fourteen million children learn in substandard schools. Seven million children attend schools with asbestos, lead paint and radon in the ceilings or the walls. Twelve million children go to school under leaky roofs. One-third attend classrooms without enough panel outlets and electric wiring for computers. If we do nothing about this, the burden will shift considerably to the property taxpayers across America.

But if we have a Federal initiative, as the President suggested, to build and repair 5,000 schools, it is going to help the kids prepare for our clear needs with more enrollment and to reduce the burden on local property taxpayers.

Let me mention a few other issues that have failed in this Congress. One of the current questions that is asked of most pollsters in almost every poll is, Does this candidate really care about you? It is an open-ended question. It is an invitation for the person who is being asked the question to really say, "Well, I don't know if Senator so-and-so really cares about me. I would say no." Or yes, whatever it might be. I think the appropriate question for the 105th Congress is, Did the 105th Congress really care about you as Americans and American families? When it came to education, the cutbacks that I have talked about clearly are not responsive to the needs of many families trying to raise their children.

In the area of managed care reform, so that we would change health insurance to give doctors more say in treating us and our children, and those we love, so that hospitals would be able to make the right decisions for us medically rather than an insurance company, this Congress, this 105th Congress with the Republican leadership, failed to pass a Patients' Bill of Rights and managed care reform. For those families worried about quality health care, I am not certain that we have demonstrated that this Congress and this leadership in Congress cares about us.

An issue near and dear to me is the question of tobacco. I started this fight about 12 years ago when I banned smoking on airplanes, joining Frank LAUTENBERG of New Jersey in that effort. We had a chance this year, a historic opportunity because of the initiative of State attorneys general, to bring the tobacco companies and have them face their responsibility to the American people. We failed. We failed because 14 Republican Senators voted in an effort to stop us from having that happen.

That is a sad commentary, because while we languish in this body and cannot face our responsibilities to these tobacco companies, they continue to market and sell their products to our children. I have never in my life met a parent who has said to me, "I have great news. My daughter came home last night and she started smoking." I have never met that parent. Maybe some day I will. Maybe some of the Senators in this body have met those parents. I have not.

As we have been unable to address this issue about tobacco companies, the number of American kids taking up smoking has risen 73 percent in the last 8 years. More than 1.2 million start smoking every day—kids under the age of 18—and are likely to be addicted, and one-third of them are likely to die because they did it. The rate of smoking—becoming smokers—is increasing. And this Senate turned its back and refused to take action to hold the tobacco companies accountable in their merchandising, their retailing and sales to kids—another failure of the 105th Congress.

Another one clearly is in the area of campaign finance reform. I mentioned managed care reform. Some insurance companies that don't provide good care didn't want to see managed care reform; they succeeded in the Senate. Certainly the tobacco companies didn't want to see us change the way that they sell their product, and they succeeded. Now take a look at the contributions in this campaign, find out which candidates receive the most money from just those two groups, for example, and you will find the same Senators who voted to kill the tobacco bill, voted to kill the Patients' Bill of Rights, will be the ones receiving the money.

We have tried on a bipartisan basis to pass campaign finance reform. This 105th Congress has failed. Nothing on education, nothing on managed care reform, nothing on tobacco reform, nothing on campaign finance reform, and no budget resolution, no effort to preserve Social Security or Medicare over the long term, no expenditures on behalf of the things that are critical for us.

This Congress has stepped away from its responsibilities. Some have called it the worst Congress that has ever served in this building. I am not certain I would go that far, although I searched Senator BYRD's history of the Senate to find a more ineffectual Senate, and I can't find one. But I will keep looking.

Another area where this Congress failed is when it comes to sensible gun control. Let's face it; the gun lobby holds sway in the Senate. Take a look at the rollcalls. Efforts that we have had by Senators BOXER and KOHL to require people to keep a trigger lock on their guns so that they are safely stored away from children failed on this floor. A bill which I introduced which held the owners of guns responsible to safely store their guns away from children was defeated.

I am not arguing about your right to own a gun here, but I say if you own one, for goodness sakes, store it safely away from the child. The kids who are showing up in these schools and opening fire on their classmates and teachers are kids who have brought guns from home, guns that didn't have a trigger lock, guns that weren't locked away, guns that became instruments of death in the hand of a child. When a 4-year old can reach into a grandmother's purse, pull out a loaded handgun and shoot another 4-year-old, as happened last year in America, it raises a serious question about whether that gun owner has accepted her responsibility to store that gun safely.

That radical notion of holding gun owners responsible for storing their guns safely is the law in 15 States and was defeated soundly in this Chamber because the gun lobby didn't want it. And the Brady law, which has stopped literally hundreds of thousands of convicted felons, people with a history of serious mental illness and the like, from buying guns expired, and as it expires the waiting period of 3 to 5 days to check on the background is going to go away in many States.

This Senate and this House of Representatives failed to respond. Does this Senate, does this House care about families across America? When you look at the litany here, frankly, there is not much to point to.

Some have suggested it is not an ineffectual Senate or Congress; it is a retrograde Congress—one that is moving back, and I think that is true. We have now reached that pinnacle where we are moving toward a real balanced budget, and having reached that pinnacle many in leadership on the Republican side can't think of a reason why they are here. And failing that, they have failed the American people time and again on education, on health care and protecting our children.

I hope that in the closing hours, in some room here in the Capitol where the negotiators are sitting together trying to work out their differences, they will at least listen carefully to the administration and to the Democratic side. We do need to do something about education before we leave, something about 100,000 teachers across America and smaller classroom sizes. I hope we will have more money for title I, more money for summer jobs, more money for teachers and technology grants.

It is not likely we are going to have a Patients' Bill of Rights. It is not likely we are going to have a tobacco bill. We are certainly not going to have campaign finance reform. But in 3 weeks the voters of this country get a chance to go to the polls. They get to look forward and decide what their vision of the 106th Congress will be—more of the same or new and different leadership.

I hope that they agree, as I do, there is an important national agenda, an agenda which should be served whether the leadership is Democrat or Republican. This 105th Congress will put its tail between its legs and go whimpering out of town, back to their States, back to their districts to carry on the campaigns, but we squandered an opportunity here, an opportunity to lead, an opportunity to show that we truly care about families across America.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. NICKLES. Mr. President, will the Senator yield to me for 30 seconds?

Mr. ASHCROFT. Without losing the floor, I would be happy to yield to the majority whip.

CHANGE OF VOTE

Mr. NICKLES. Mr. President, on rollcall No. 295, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NICKLES. I thank my colleague from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I thank the Chair.

THE WORST OF ALL OUTCOMES: CLINTON SPENDS THE SOCIAL SECURITY SURPLUS

Mr. ASHCROFT. Mr. President, I believe these are times in which anyone, anywhere would wish to live—times of boundless opportunity when distant horizons are brought near. Since the second year of Ronald Reagan's first term, America has seen her GDP climb every year but one. Our unemployment rate stands at a historic low. Poverty has dropped by more than ten percent. And our budget is in surplus for the first time in a generation.

For the first time since 1969, the federal government will run a surplus estimated to be $70 billion. It is a surplus that could allow us to do so much for so many. We could free American families from a debilitating tax burden or help the forgotten middle class keep more of what they earn with tax relief.

Beyond meaningful tax relief, the surplus offers another great potential—ensuring the long-term solvency of the Social Security Trust Fund.

The surplus is an opportunity for us to honor our commitment to the men who scaled the cliffs at Normandy and the mothers who sent their son to defend America's freedom halfway around the world. It is, Mr. President, a once in a lifetime chance for us to make the paper IOUs in the Social Security Trust Fund real—to pay our debts and keep our word. We can use the surplus to do this.

Unfortunately, the President and his apologists on Capitol Hill have a different plan. It is an attack given to platitudes rather than principle, an approach long on meaningless rhetoric and short on meaningful reform. It is a plan that calls for a return to the profligate spending of yesterday at the cost of a brighter tomorrow.

As I suggested last Monday on the Senate floor, since late September the President has submitted a series of requests to fund new "emergency" spending initiatives. And, because current law subjects discretionary spending to annual caps through FY 2002, this so-called "emergency" spending would increase the discretionary spending caps, decrease the budget surplus, and take money from the Social Security Trust Fund.

And what are the President's "emergency" spending requests? What are the eleventh hour developments that have made Social Security's solvency a low priority instead of a high one? The President is proposing that the equivalent of at least 24% of this year's surplus—$14.4 billion to date—be spent on a Bosnia deployment that is now four years old, government computer repairs, increased embassy security and a variety of other initiatives.

Now, I will be the first to concede that many of the President's requests constitute real and important funding issues. But emergencies? Mr. President, the lives of our elderly are too important for half-truths and doublespeak.

Social Security should not be betrayed by emergencies that are conjured up and have been anticipated for quite some time. The definition of an emergency is not something that we have known about for 4 years or 2 years or something that we are really trying to get money to spend in the last fiscal year and not in this one.

In his January 1998 State of the Union address, President Clinton made the following statement: "What should we do with this projected surplus? I have a simple four word answer: Save Social Security first. . . . I propose that we reserve 100 percent of the surplus—that's every penny of any surplus—for Social Security."

And just 10 days ago, the President repeated his demand again (October 2, 1998). "I made it clear and I want to make it clear again. . . . We simply have to set aside every penny of it [the budget surplus], . . . to save Social Security first."

Unfortunately, Mr. President, you can't have it both ways. We can't hide from the truth. More to the point, you can't save Social Security by wasting the surplus on mislabeled emergencies or more big spending. Even as I speak here, the President and his aides are working to see that our seniors' Social Security checks either are shipped overseas or squandered on more bureaucrats in Washington, DC, with more spending programs proposed for money to be shipped overseas or bigger bureaucracies here in the nation's capital. Tragically it is what Chairman Greenspan warned us about just weeks ago. Referring to whether the surplus should be spent, saved, or returned to the taxpayers, Greenspan said, ". . . I am also, however, aware of the pressures that will exist to spend it, and that in my judgment would be the worst of all outcomes."

Greenspan says, ". . . the pressures . . . to spend it . . . would be the worst of all outcomes."

Mr. President, if increased spending is labeled as "emergency" as an accounting gimmick in order to authorize us to spend the surplus, I will not be a party to it. Labeling the taxpayers' money "emergency" doesn't make it any less wasteful. Just because it is called emergency doesn't prevent it from adding government and adding bureaucracy. As was said by another, putting a sign on a pig and calling it a dog doesn't make the pig any less of a pig. And there is going to be plenty of pork in this "Mother of All Pigs," that is coming to the Senate for its approval by way of a proposal for spending.

For example, the Wall Street Journal this morning reported that Labor, Health and Human Services and Education account for the single largest part of the Omnibus bill in terms of add-ons sought by the Administration. The President wants a total of $1.6 billion, including almost $1.2 billion for his "class size" initiative and another $182 million for a child care block grant.

Mr. President, all of this $1.6 billion dollars in increased education spending is paid for from the Social Security Trust Fund. The President has not offered one dime in spending cuts to pay for his "priorities," which he has labeled as "emergencies."

What is equally as shocking is that the underlying Labor/HHS/Education appropriations bill is estimated to be about $4 billion over its spending allocation even before accounting for the extra money sought by the Administration this weekend.

The President should explain to the voters that his pledge to "save every penny of any surplus" was untrue. His promise to "save Social Security first" was just a slogan—offered during his State of the Union with a wink and a nod, and broken days later.

Only days after first promising to save the surplus, he submitted a budget to Congress calling for $150 billion in additional spending. And in the entire legislative year since the President made his pledge, he has done nothing to fix the Social Security problem—and far too much to fix the blame. He has wasted this entire year, just as he is proposing to waste our senior's Social Security checks on overseas deployments and projects.

If the President truly meant what he said about Social Security, he would propose real fixes instead of empty promises. If the President truly meant what he said about saving the surplus, he would not be trying to spend the taxpayer's money under the camouflage of bogus "emergencies."

This whole notion of false "emergency" spending is a dangerous ploy. It puts the President of the United States in the position of the little boy who cried wolf. If and when we face a true emergency, we will be forced to fund it through this discredited process. And when that time comes, we will regret having engaged in this sleight-of-hand, in this legerdemain, in this charade. Words should have real meaning, Mr. President, and actions should have consequences. Two lessons we would do well to remember.

Mr. President, the normal appropriations process is what every American family does when they plan their spending for the upcoming week, or month, or year. Families measure how much they can afford to spend, and where they have to cut back. In some years, when there is an illness or a recession, they may have emergency savings that they use. Perhaps it is a rare occurrence—one they take only in extraordinary circumstances.

But think what would happen if families used their savings for non-emergencies—for a new car or a new dress. They would quickly find themselves unprepared for true emergencies.

The Federal Government should treat its emergencies the same way families do. Necessary but non-emergency problems should be addressed by achieving savings in lower priority federal spending programs.

The President's commitment to send troops to Bosnia was made 4 years ago. It is time to account for that in the normal appropriations process. The Year 2000 problem is a very real threat. But it is also a problem that we have known about for some period of time—since we do have calendars here in Washington. No, instead of anticipating the need and including it in the regular budget process, the President has chosen to ask for this kind of additional funding in the "emergency" category. The President is crying wolf and I only hope the Republican Congress has the good sense say, "No."

Mr. President, I don't agree always with what I read in the newspaper, but here's an editorial with which I do agree. "Republicans rightly point out," the Christian Science Monitor recently noted, "that there's a double standard here: It's OK for Clinton and the Democrats to propose spending $20 billion of the coming surplus for 'emergencies,' but when the GOP suggests returning some of it to taxpayers, that's a 'threat' to Social Security." (Christian Science Monitor editorial, September 28, 1998)

The Christian Science Monitor had it right in that editorial. And the double standard is even worse than the Monitor suggests. For when this $20 billion is spent, the money will be gone. Whereas if we had given it back to the taxpayer, at least we would have provided some measure of relief from the highest tax burden in the history of this republic—a helping hand to the forgotten middle class.

And that is the key question here. Who owns the surplus? President Clinton and the Democrat Party see the surplus as own private slush funds—money he can hoard with the shield of false promises, but spends whenever it suits them.

I would argue that the American people own the surplus. And it is time to give it back. As we have learned with all too great a frequency in recent years, if we leave the surplus in Washington, supposedly far-sighted bureaucrats will find a way to spend it.

For there is no end to the good Washington believes it can do with their brains and our money. This town specializes in spending.

I believe it is time for us to make the American people aware of the deceitful and dishonorable efforts to use the budget surplus on mislabeled emergencies and increased spending. I came to Washington 4 years ago to cut taxes and decrease government interference in our lives.

I also made a sacred commitment that I would protect and defend the Social Security Trust Fund. I intend, therefore, to oppose any effort to spend the elderly's Social Security checks on overseas deployments or the bureaucracy in Washington, D.C., and mislabeling those things as "emergencies" will not change my commitment or determination.

Mr. President, I yield the floor.

PRESIDING OFFICER (Mr. GRAMS). The Senator from North Dakota.

THE BUDGET

Mr. CONRAD. Mr. President, I rise today to respond to some of the things I have heard over the weekend, and now some of the things I have heard on the floor of the Senate. I heard over the weekend on some of the talk shows that the reason the Congress does not have its work done for the year, the new fiscal year which began October 1, is that it is the President's fault.

We have no budget resolution passed by this Congress. For the first time in 24 years, there has been a failure to pass a budget resolution. That budget resolution was due by April 15. The President plays no role in a budget resolution; that is the responsibility of this Congress. In fact, the President does not even have a chance to sign or veto a budget resolution. It is purely the responsibility of this Senate and the House of Representatives, and these bodies have failed in their responsibility, and they have failed for the first time in 24 years.

It is easy to blame the President for everything in this town, but when it comes to a failure to pass a budget resolution, it is not the President's fault. The fault lies right here, right here in the U.S. Senate and at the other end of this building in the House of Representatives. It was our responsibility to pass a budget resolution. It was our obligation to pass a budget resolution. That is the blueprint that is to be followed in order to coordinate all of the appropriations bills.

Little wonder, now that the new fiscal year has already started. The new fiscal year started October 1, and we don't have our work done. In fact, most of the appropriations bills have not been passed. That is not Bill Clinton's failure. That is not President Clinton's failure. That is the failure of this Congress.

I also heard colleagues assert that the President is proposing spending the surplus. That is not true. The President is not proposing spending the surplus. The new spending on education the President is proposing is to be fully offset. He is not spending the surplus on education. That additional spending will be paid for by reducing other spending. That is the President's proposal, not spending the surplus.

Then we hear assertions that the President is proposing spending the money on emergencies. Anybody who understands the budget rules of Congress understands that we set the budget rules and we say that if the money is for an emergency, it does not count in the normal budget process. Those are our rules. Now I hear my colleagues standing up and blaming the President. It is not his fault that we have said if it is emergency spending it is outside the normal budget process.

What are these emergencies? I heard a lot of talk moments ago that this is for bureaucrats in Washington. Wait a minute. What are the emergencies that have been designated by our own rules as emergencies?

First of all, money for the farm crisis that is occurring across America. If that is not an emergency, I don't know what is. We have had a series of natural disasters all across America, and much of this spending that the President has proposed as emergency spending is to respond to natural emergencies, natural disasters. That is exactly what we should do.

It doesn't stop there, because we also have a crisis in agriculture because of collapsed income. In my State, from 1996 to 1997, farm income dropped 98 percent. If that is not a disaster, I don't know what is. I will just say to my colleagues who say the disasters in agriculture are not emergencies, go ask your farmers and see what they say. I tell you, the farmers in my State say it is an emergency. They understand they have had extraordinary natural disasters, from the incredible drought in Texas and Oklahoma to the extraordinary wet conditions in my part of the country that has led to an outbreak of a disease called scab that has decimated the crops. That, according to our own budget rules, is an emergency, and when you have an emergency, it is outside the normal budget process. The President is not advocating spending the Social Security surplus, he is following the rules that we have laid down.

What are some of the other emergencies the President has asked us to respond to? One is the terrorist bombing of our Embassies in Africa. The terrorist bombings, are those emergencies? Without question, they are. That is according to our own budget rules. That is not money for bureaucrats in Washington, that is money to respond to a terrorist attack on the United States of America, and, according to our own budget rules, rules that we set down, that is an emergency.

The President is not advocating spending the Social Security surplus. Interestingly enough, it is our colleagues on the other side of the aisle who proposed dipping into the surplus. It is our colleagues on the other side of the aisle who proposed a massive tax-cut scheme that would be spending the Social Security surplus, because every penny—every penny—of their tax cut schemes would have come out of the Social Security surplus—every penny. That is raiding Social Security, and the President stood up and said, "No, you don't touch that money." He said to them not to touch it. He is not touching it. He is following the rules that we have laid down. Those are the facts.

When I look at the history of how we have gotten to where we are, I also have to respond to what I heard from some of my colleagues, that the Republican majority here is responsible for the first budget surplus in 30 years. Mr. President, here is the record on our budget deficits. This shows we have balance for the first time in 30 years. These are the deficits. We can see the deficits rose until, in the last administration, they reached $290 billion. In every year of this administration, the deficits have come down, so that this year we are showing a $70 billion surplus.

When our colleagues say that it is the Republicans who brought us to a balanced budget, I have to say, wait a minute, let's check the record, let's check the facts. In 1993, the President put before Congress a plan to dramatically reduce the deficit. The Democrats supported that plan. Not a single Republican voted for it—not one. Not one Republican in the House, not one Republican here in the Senate, voted for that deficit reduction plan—not one. Yet, that plan is the only plan in the 12 years I have been in the Senate that has worked. It was a 5-year plan to reduce the deficit. It cut spending and it raised taxes on the wealthiest 1.5 percent of the people in this country.

The Republicans say, yes, but we had a bipartisan budget deal in 1997 that we played a role in, and it is the reason that we balanced the budget. I will give my friends on the other side of the aisle some of the credit. It is true, they participated, along with Democrats. That was a bipartisan plan in 1997. This chart shows how much of the deficit reduction has come from the 1993 plan and how much of it has come from the 1997 plan. What you can see is that nearly 90 percent of the deficit reduction that has occurred flowed from the 1993 plan that not one single Republican voted for—not one. This part of the job has been done by the 1997 plan that was a bipartisan agreement. It accounts for about 15 percent of the total. Those are the facts.

When I hear my friends on the other side of the aisle beating their chests saying they are the ones who balanced the budget, wait just a minute; the action that has done most of the heavy lifting was done by Democrats, and Democrats alone, in 1993. In 1997, the balanced budget plan, the thing that finished the job off, was done by both parties walking hand in hand. Those are the facts.

The result of the economic policy that was put in place by the 1993 5-year plan has been one of the most successful economic plans ever adopted by this country. Again, not a single Republican voted for it. In fact, they said at the time—I remember so well because I am on the Budget Committee and I am on the Finance Committee, and I remember our friends across the aisle saying, "If you pass this plan, it is not going to reduce the deficit, it is going to increase the deficit."

Our friends across the aisle said, "It won't reduce inflation, it will increase inflation."

Our friends across the aisle said, "If you pass this plan, it is going to crater the economy."

Well, they were wrong on each and every count.

Here is what has happened in terms of economic growth: During the Clinton administration, it has average 3.9 percent; during the Bush administration, 1.3 percent; the Reagan administration, 3 percent; the Carter administration, 3.6 percent; the Ford administration, 0.9 percent; the Nixon administration, 3.6 percent; the Johnson administration, 5.3 percent.

In other words, this plan, this economic plan, has the highest level of private sector economic growth of any administration since the Johnson administration. Of course, in the Johnson administration the economy was fueled by a war. This is a peacetime expansion of an economy that has been remarkable and the strongest of any administration since the Johnson administration.

On job growth, the economic plan that we put in place in 1993 has produced now over 17 million jobs—17 million jobs. The Reagan administration, that administration, generated 8.7 million.

On real business productive investment, we see the highest rate of growth of any administration in decades—see real business productive investment growing at a rate of nearly 13 percent a year.

That is the economic record. You can see we passed the economic plan in 1993; it has been virtually straight up since that time.

That is not the only measure of economic performance. If we look at the inflation rate, we see that the inflation rate is now at its lowest in 33 years—lowest rate of inflation in 33 years.

If we look at unemployment, we see that unemployment is at the lowest in 28 years—again, largely a result of the economic plan put in place in 1993, without a single vote from the other side—not one. That economic plan has produced truly remarkable results.

If we look at interest rates, we can see, going back to 1977, we now have the lowest interest rates—measured as yield on a 30-year Treasury bond—the lowest in 20 years; under 5 percent for the first time in 20 years.

If we look at other measures of the economic plan that was put in place by this President, and with votes of the Democratic Party, we can see the effect on welfare caseloads. Welfare caseloads now—the percentage on welfare—are the lowest in 29 years. That was the successful welfare reform plan that we passed. And we passed a crime bill that has produced 5 years in a row of declining violent crime in America. That is the record.

When our friends want to talk about the record, they do not ever want to compare the results in the last three administrations. So maybe we should remind them of what the results were in the last three administrations.

This shows the Reagan administration record on deficits. When he came in, the deficit was about $80 billion. When he left, it was up to $150 billion. In between, it had gone up to over $200 billion a year in deficits.

When the Bush administration came in, the deficit was running about $150 billion a year. Before he was done, it was $290 billion a year.

Then the Clinton administration came in, and we passed the 1993 plan—again, without one single Republican vote—and each and every year of that 5-year plan the deficit has come down, until this year we have the first balanced budget in 30 years.

When I say it is the first balanced budget, let me just say that in Washington what they call a balanced budget is not what we call a balanced budget anywhere else in America. In Washington, they call a balanced budget one that counts the Social Security surpluses.

Here is another way of looking at what has happened. It shows that we have made dramatic progress. It also shows that we have not yet truly balanced the budget. The blue line shows what they talk about in Washington when they talk about the budget. But it is important to understand that it includes all of the revenue of the Federal Government and all of the expenditures of the Federal Government.

That would make some sense if some of the revenues were not coming from trust funds. And if you exclude the Social Security trust fund, what you see is much the same pattern; that is, a dramatic reduction in the deficits. But what you also find is that if you exclude the Social Security surplus, we still have a deficit this year of $35 billion.

Now, it is true, that is down dramatically from the last year of the Bush administration, when the true deficit, instead of being $290 billion, was really $341 billion if you excluded the Social Security surplus. But if you exclude the Social Security surplus this year, instead of having a $70 billion surplus, you have a $35 billion deficit.

Some economists say, well, you really ought to put it all together. Well, maybe that is why they are economists. I can tell you this: If you were running a company and you tried to take the retirement funds of your employees and throw those into the pot, you would be in big trouble because that is a violation of the law. It is called fraud. You cannot take the retirement funds of your employees, throw those into the pot, and say you have balanced your operating budget. But that is what is done with the Federal budget.

So I think it is important to understand that while it is true we have made enormous progress, we have come down dramatically with respect to the deficit, and in fact in terms of a unified budget, we are balanced for the first time in 30 years. If we did not count the Social Security surplus, we would still have a deficit of $35 billion.

Mr. President, let me just conclude by saying, the fact is, when I hear our colleagues say, No. 1, President Clinton is responsible for our failure to have a budget resolution, that is absolutely untrue. There is not a Member of this body who does not understand the President does not have one thing to do with the budget resolution. The budget resolution is just that—it is a resolution by both Houses of Congress. It is our responsibility to pass a budget resolution, and this Congress has failed.

For the first time in 24 years, there is no budget resolution. The Senate passed a budget resolution, but the Republicans in the House and the Republicans in the Senate could never agree, and so for months the appropriations bills were delayed. So here we are at the start of a new fiscal year—no budget, no appropriations bills, and we are sitting here wondering how it is going to end.

I think we know how it is going to end, Mr. President. It is going to end with a huge continuing resolution. There will probably be thousands of pages. There will probably be seven or eight appropriations bills all glommed into one package. And remember what Ronald Reagan said about that kind of process? He said in his 1987 State of the Union Address:

> . . . the budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

Our Republican friends in the House and the Senate must not have been listening to former President Reagan, because they have not stopped it. In fact, what they have done is, every year for the last 3 years that they have been in control of this Senate and the House, that is exactly what they have done. They failed to do their work on time and, instead, they have handed us a stack of thousands of pages in a continuing resolution, with no time to review.

And Ronald Reagan said the very next year, on February 18 of 1988, in his budget message:

> As I have stressed on numerous occasions, the current budget process is clearly unworkable and desperately needs a drastic overhaul. Last year, as in the year before, the Congress did not complete action on a budget until well past the beginning of the fiscal year. The Congress missed every deadline it had set for itself just 9 months earlier.

He could have been referring to this Congress, because this Congress has failed to meet every single budget deadline. In fact, for the first time in 24 years, they have produced no budget. Our colleague across the aisle was talking about how a family operates. I do not know many families that never bother to come up with a budget, but that is what has happened here under the leadership of our friends on the other side of the aisle. For the first time in 24 years, there is no budget—none. That is their failure, not the President's failure. It is their failure.

President Reagan went on to say that Congress missed every deadline. He said, "In the end, the Congress passed a year-long 1,057-page omnibus" appropriations bill with an accompanying conference report of over 1,000 pages and a reconciliation bill over 1,100 pages long.

President Reagan said:

> Members of Congress had only 3 hours to consider all three items. Congress should not pass another massive continuing resolution [President Reagan said in 1988.]

He went on to say:

> —and as I said in the State of the Union Address, if they do, I will not sign it.

What a difference 10 years makes. Ten years ago, a Republican President said there should not be passed another continuing resolution. But here we are with a Republican-controlled Congress who has failed to even write a budget. That is the most basic responsibility of any Congress, to write a budget. This Congress, under Republican control, has failed in that most basic duty for the first time in 24 years. Why? Because the Republicans in the U.S. Senate who did pass a budget resolution—we passed it on a bipartisan basis—could never get together with the Republicans in the House of Representatives. So what we have is a colossal failure.

I don't know how else to say it, but this is mismanagement on a grand scale. I hope people will remember what the record is because it does make a difference. America has enjoyed unprecedented prosperity in the last 5 years, prosperity that I believe came in significant part because of an economic plan that was passed in 1993, the 5-year budget plan, that actually did the job. It reduced the budget each and every year. I will show the comparison chart again.

It reduced the budget each and every year since it was passed. When President Bush left town, he had a $290 billion deficit. If you weren't counting Social Security surpluses, it was even worse than that; it was $341 billion. Let's talk on a unified basis for a moment because that is how the press always reports it. Clinton came in and each and every year after we passed that 1993 plan, the deficit has come down. So now we have a $70 billion surplus.

Again, I am quick to say I don't consider this a surplus because it is counting the Social Security surplus. Nonetheless, dramatic progress has been made in reducing the deficit. That has given rise to the strongest economy in almost anyone's memory.

Our friends on the other side who are now in control are responsible for a dramatic failure, a failure to write a budget for the United States of America. The result is, here we are, the new fiscal year has started, we have no budget, half the appropriations bills aren't done, they will all be rolled into a stack of paper that will be probably 3 feet high, it will be slammed on our desks, and we will be told to vote on it 3 hours later.

What a way to govern. What a way to manage.

It is not Bill Clinton's fault that no budget was written here. A budget resolution is the distinct responsibility of the Congress. This Congress has failed.

I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

The PRESIDING OFFICER. Under the previous order, H.J. Res 134, received today from the House, is deemed as passed.

The joint resolution (H.J. Res. 134) was considered read the third time and passed.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOUSE-PASSAGE OF THE DIGITAL MILLENNIUM COPYRIGHT ACT CONFERENCE REPORT

Mr. HATCH. Mr. President, last Thursday the Senate approved, by unanimous consent, the conference report on H.R. 2281, the Digital Millennium Copyright Act (DMCA). I rise today to laud the House's action in adding its vote of approval to that of the Senate. The bill now goes to the President, who I expect will move swiftly to sign this important legislation into law.

As I said last Thursday, and on many other occasions, I believe the DMCA is one of the most important pieces of legislation to be considered by Congress this year, even in recent memory. It has been over twenty years since such significant copyright law reforms have been enacted in this country, and this vote has come at a critical juncture in our nation's transition to a "digital millennium."

But all this would not have happened without the critical support of countless parties who have come together in negotiations to refine the bill and reach a compromise that best promotes American interests at home and abroad. Once again, I want to thank all of the conferees who participated in bringing this legislation to closure.

In particular, I want to recognize the efforts of my counterparts on the Senate side, Senator LEAHY and Senator THURMOND. I also want to convey my appreciation for the dedicated efforts of Congressman HENRY HYDE, the distinguished Chairman of the House Judiciary Committee, Congressman JOHN CONYERS, the distinguished Ranking Member of the House Judiciary Committee, and Congressman HOWARD COBLE, the distinguished Chairman of the House Subcommittee on Courts and Intellectual Property. They have been committed to seeing this bill through from the start and have been wholly undeterred by other pressing business that has occupied the House Judiciary Committee in recent weeks. I also want to recognize Congressman TOM BLILEY, the distinguished Chairman of the Commerce Committee, for his willingness to consider the Senate's views objectively and dispassionately.

In addition, I want to acknowledge once again the hard work done by staff. In particular I want to recognize the efforts of Manus Cooney, Edward Damich, and Troy Dow of my staff, whose long hours and tireless efforts were key to guiding this bill through every stage of the legislative process. Bruce Cohen, Beryl Howell, and Marla Grossman, of Senator LEAHY's staff, likewise provided invaluable assistance on all levels. I also want to thank Garry Malphrus of Senator THURMOND's staff for his work in conference, as well as Paul Clement and Bartlett Cleland of Senator ASHCROFT's staff for their invaluable assistance in reaching key compromises in the Judiciary Committee. Finally, I want to thank the House staff, including Mitch Glazier, Debra Laman, Robert Raben, David Lehman, Bari Schwartz, Justin Lilley, Andrew Levin, Mike O'Rielly, and Whitney Fox.

I also want to recognize the long hours and persistent dedication of the many people who engaged in hard-fought, but ultimately fruitful, private-sector negotiations on related issues. Many of the compromises embodied in this legislation would not have been reached without the support of these parties. For example, we would not be lauding the passage of a bill today at all were it not for the willingness of the copyright industries, Internet service providers, educators, libraries, and others in the fair use community to come together at the direction and under the supervision of the Judiciary Committee to arrive at a consensus position regarding standards for limiting the copyright infringement liability of Internet service providers.

Many other negotiations were conducted and agreements reached that made this legislation possible, including agreements between copyright owners and manufacturers of the consumer electronics devices that make the use of their works by the public possible. One such agreement reflects the understanding of the motion picture industry and consumer electronics manufacturers regarding standards for the incorporation of certain copyright protection technologies in analog videocassette recorders. This agreement was the basis for the new section 1201(k) of the Copyright Act, as added by the DMCA, which requires analog videocassette recorders to accommodate specific copy control technologies in wide use in the market today. I have received a letter from Mr. William A. Krepick, President and Chief Operating Officer of Macrovision Corporation—the producer of such copy protection technology—assuring me of his commitment to adhere to the spirit of this agreement by making such technology available on reasonable and nondiscriminatory terms, which in some circumstances will include royalty-free licenses. I would ask unanimous consent that the text of this letter be incorporated in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HATCH. Mr. President, the DMCA is a remarkable bill that is the result of a remarkable process. By enacting this legislation in a timely fashion, the United States has set the marker for the rest of the world with respect to the implementation of the new WIPO treaties. As a result, the United States can look forward to stronger world-wide protection of our intellectual property and a stronger balance of trade as inbound revenues from foreign uses of our intellectual property continue to increase. I am pleased to have been a part of this great effort, and I look forward to the President's signing of H.R. 2281.

EXHIBIT 1

MACROVISION CORPORATION,
Sunnyvale, CA, October 7, 1998.

HON. ORRIN HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I am writing this letter to you in your capacity as Chairman of the Senate-House Conference Committee on the Digital Millennium Copyright Act of 1998. We understand that the Conference Committee is prepared to include in the final legislation to be reported to the Senate and House of Representatives a provision that requires that analog videocassette recorders manufactured and/or sold in the United States must conform to two analog copy control technologies certain aspects of which are proprietary to Macrovision Corporation. As you may know, Macrovision Corporation has been in business for 15 years providing various copy control technologies to help copyright owners protect their valuable intellectual property. We license various technologies to hardware manufacturers, including manufacturers of consumer electronics and various computer-based products, and to Hollywood movie studios and other independent video producers.

We are a small company and have worked very hard over the past two-and-a-half years to demonstrate to the consumer electronics, computer, and motion picture companies and industries that our copy control technologies offer the best solution to digital-to-analog copy protection for the DVD format, as well as in its traditional analog videocassette application. We have worked with the companies and industries to ensure that compatability and effectiveness are assured, and, as a result, our technologies have been required for use to provide protection of the analog outputs of DVD playback devices implementing the two encryption-based copy protection systems now in the market—the Content Scramble System (CSS) and DIVX.

We support the legislative proposals that are being considered by the Conference Committee, in the form of Subsection "k" and its corresponding legislative history as attached to this letter. We also recognize the unique position that such legislation provides to our technology and our company. Accordingly, we are writing to assure you and your colleagues on the Conference Committee that we will not abuse our position in our licenses for the technologies for which responses are being required by this legislation. Specifically, we are willing to assure you and the Committee that any licenses that may be necessary to implement these technologies will be offered on reasonable and non-discriminatory terms, as that phrase is commonly used and understood in industry standards processes. We will modify certain terms and conditions of our baseline analog copy control license agreements—and offer the same modifications to existing licensees—if this legislation is enacted in order to eliminate our contractual requirements that analog videocassette recorders manufactured in or sold in the United States respond to our technologies and that certain display device manufacturers ensure that their products are compatible with our technologies, in the sense of not displaying visible artifacts or distortions in the authorized playback of material protected using our analog copy control technologies. The first of these requirements will now be the subject of the statutory requirement that is the subject of the legislative provision.

The second requirement will now be the subject of an inter-industry forum on compatability issues, that will afford all interested parties an opportunity to work together to resolve such issues as they arise. We hasten to add that we do not expect such problems to arise, since our technologies have been proven to the satisfaction of the manufacturers that they do not cause problems, and we do not expect to make any material modifications to them in the future. Manufacturers already know what the technologies are and can test their products before finalizing their design. We commit to you and your colleagues that any changes that are made to our technologies will be the result of inter and intra industry consensus on the changes before they are made. Nevertheless, in order to reassure everyone involved, we are prepared to cooperate in the inter-industry forum that is being established. We have been assured that this forum will be established within six months after passage of this legislation and will include equal representation from the consumer electronics, computer, and movie studio industries.

With regard to our licensing terms, we commit to you and your colleagues that we will from the date of enactment adhere to the following points—which are essentially reflective of our current licensing policies. First, as stated above, our proprietary analog copy protection technology will be offered on reasonable and non-discriminatory terms, as that phrase is used in the normal industry parlance. Second, in relation to certain specific circumstances:

(a) Manufacturers of consumer-grade analog VHS and 8mm analog video cassette recorders/camcorders that are required by the legislation to conform to our proprietary analog copy protection technologies (and any new format analog videocassette recorder that is covered by paragraph (1)(A)(v) of the legislation and thereby required to conform to our proprietary analog copy control technologies) will be provided royalty-free licenses for the use of our relevant intellectual property in any device that plays back packaged, prerecorded content, or that reads and responds to or generates or carries forward the elements of these technologies associated with such content;

(b) In the same circumstances as described in (a), other manufacturers of devices that generate, carry forward, and/or read and respond to the elements of these technologies will be provided with licenses carrying only modest fees (in the current dollar range of $25,000 initial payment and lesser amounts as recurring annual fees);

(c) Manufacturers of other products, including set-top-boxes and other devices that perform similar functions (including integrated devices containing such functionality), will be provided with licenses on reasonable and non-discriminatory terms, including royalty and other considerations.

In the absence of the specific attached legislative and explanatory language, Macrovision would not have made the above referenced commitments regarding our licensing terms and our contract clauses on VCR responsiveness and playability issues. We very much appreciate the work of you and your colleagues in helping to draft and, hopefully, ultimately enact this legislation. We also appreciate and acknowledge the leadership and cooperation of certain companies and individuals in getting this proposal to this point.

I understand that this letter will be incorporated into the official report of the Conference Committee and that the Conferees are relying on our representation herein. If you or other members of the Conference have any questions or need any clarification on any point, please do not hesitate to contact me, or have one of your staff contact me.

Sincerely,

WILLIAM A. KREPICK,
President/COO.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

Mr. HATCH. Mr. President, I am delighted at the recent passage of S. 505, the Sonny Bono Copyright Term Extension Act. The main purpose of the bill is to ensure adequate copyright protection for American works abroad by extending the U.S. term of copyright protection for an additional 20 years. The late Sonny Bono was an avid supporter of the bill, and he fully appreciated what its passage would mean to the American economy. It is therefore an appropriate memorial to this fine American.

20 years ago, Mr. President, Congress fundamentally altered the way in which the U.S. calculates its term of copyright protection by abandoning a fixed-year term of protection and adopting a basic term of protection based on the life of the author. In adopting the life-plus-50 term, Congress cited three primary justifications for the change: (1) the need to conform the U.S. copyright term with the prevailing worldwide standard; (2) the insufficiency of the U.S. copyright term to provide a fair economic return for authors and their dependents; and, (3) the failure of the U.S. copyright term to keep pace with the substantially increased commercial life of copyrighted works resulting from the rapid growth in communications media.

Developments over the past 20 years have led to a widespread reconsideration of the adequacy of the life-plus-50-year term based on these same reasons. Among the main developments is the effect of demographic trends, such as increasing longevity and the trend toward rearing children later in life, on the effectiveness of the life-plus-50 term to provide adequate protection for American creators and their heirs. In addition, unprecedented growth in technology over the last 20 years, including the advent of digital media and the development of the national Information Infrastructure and the Internet, have dramatically enhanced the marketable lives of creative works. Most importantly, though, is the growing international movement towards the adoption the longer term of life-plus-70.

Thirty five years ago, the Permanent Committee of the Berne Union began to reexamine the sufficiency of the life-plus-50-year term. Since then, a growing consensus of the inadequacy of the life-plus-50 term to protect creators in an increasingly competitive global marketplace has lead to actions by several nations to increase the duration of copyright. Of particular importance is the 1993 directive issued by the European Union, which requires its member countries to implement a term of protection equal to the life of the author plus 70 years by July 1, 1995.

According to the Copyright Office, all the states of the European Union have now brought their laws in compliance with the directive. And, as the Register of Copyrights has stated, those countries that are seeking to join the European Union, including Poland, Hungary, Turkey, the Czech Republic, and Bulgaria, are likely, as well, to amend their copyright laws to conform with the life-plus-70 standard.

The reason this is of such importance to the United States is that the EU Directive also mandates the application of what is referred to as "the rule of the shorter term." This rule may also be applied by adherents to the Berne Convention and the Universal Copyright Convention. In short, this rule permits those countries with longer copyright terms to limit protection of foreign works to the shorter term of protection granted in the country of origin. Thus, in those countries that adopt the longer term of life-plus-70, American works will forfeit 20 years of available protection and be protected instead for only the duration of the life-plus-50 term afforded under U.S. law.

Mr. President, as I've said previously, America exports more copyrighted intellectual property than any country in the world, a huge percentage of it to nations of the European Union. In fact, in 1996, the core U.S. copyright industries achieved foreign sales and exports exceeding $60 billion, surpassing, for the first time, every other export sector, including automotive, agriculture and aircraft. And, according to 1996 estimates, copyright industries account for some 5.7 percent of the total gross domestic product. Furthermore, copyright industries are creating American jobs at nearly three times the rate of other industries, with the number of U.S. workers employed by core copyright industries more than doubling between 1977 and 1996. Today, these industries contribute more to the economy and employ more workers than any single manufacturing sector, accounting for over 5 percent of the total U.S. workforce. In fact, in 1996, the total copyright industries employed more workers than the four leading noncopyright manufacturing sectors combined.

Clearly, Mr. President, America stands to lose a significant part of its international trading advantage if our copyright laws do not keep pace with emerging international standards. Given the mandated application of the "rule of the shorter term" under the EU Directive, American works will fall into the public domain 20 years before those of our European trading partners, undercutting our international trading position and depriving copyright owners of two decades of income they might otherwise have. Similar consequences will follow in those nations outside the EU that choose to exercise the "rule of the shorter term" under the Berne Convention and the Universal Copyright Convention.

The public performance of musical works is one of the copyright rights that will be benefited by the 20-year extension. But—ironically—in title II of the bill, Mr. President, we are cutting back on that right by expanding the exemption that currently exists in the Copyright Act for "mom-and-pop" establishments. Because of the public performance right, businesses that use music to attract customers are required to obtain a license. The licenses can be obtained from the performing rights organizations (PROs), namely, ASCAP, BMI, and SESAC. The PROs, in turn, pay the owners of copyright in the music—music publishers, composers, and/or songwriters—from the proceeds. Because the rates charged by the two biggest PROs, ASCAP and BMI, are monitored by the Rate Court of the U.S. District Court of the Southern District of New York, the rates today amount to a very small amount per annum per business. The rates are even smaller for the kinds of performances covered by title II of the bill—performances of music over television and radio sets that businesses turn on for the benefit of their customers. And, as I said, "mom-and-pop" establishments do not have to pay anything. Nevertheless, some have sought for over 3 years to eliminate the licensing of music that arrives in a business establishment through the reception of radio and TV signals.

I have a stellar record in supporting legislation that benefits small business, but this includes songwriters, who themselves are small businesses. I have yet to discover a reason to eliminate or even reduce the charge for the commercial use of some one else's property. In my view, property is property whether it's dirt or intangible, and I have always been a defender of property rights.

The associations that want to eliminate the public performance right for business establishments have held up passage of copyright term extension for more than three years, although they had no quarrel with copyright term extension on its merits. Since copyright term extension is so important to America, Mr. President, I began a series of negotiations last year to try to resolve the problem. Other negotiations were begun by others, and, in the end, a compromise was worked out. This compromise is included in title II of the bill.

Title II greatly expands the current "mom-and-pop" exemption in the Copyright Act. Indeed, data supplied by the Congressional Research Service reveals that over 65.2% of restaurants will be exempt.

But lest we think that the music licensing issue has been put to bed, I want to sound a note of caution. Despite the months of negotiations that produced title II, an unanticipated problem popped up just as a compromise was reached—the exemption contained in title II applies to radio broadcasts licensed by the FCC and does not cover Internet radio. We did not have time to address this problem, and, frankly, the novel nature of Internet radio precluded a simple solution. This issue concerns me, however, and I will turn to the music licensing question again in the future, if I see that a disparity exists between FCC-licensed radio and Internet radio. I would not want businesses to turn away from new technology because of artificial forces acting on the market. If we do turn to this question, we may discover that it is impossible to integrate Internet radio and TV into the exemption without modifying its scope.

Nevertheless, Mr. President, on balance, S. 505 is a good bill. I'm glad it passed, and I'm glad that a compromise was worked out on music licensing to allow the copyright term to be extended. I thank all who had a hand in the solution.

WIPO COPYRIGHT TREATIES IMPLEMENTATION ACT CONFERENCE REPORT

Mr. GRAMS. I rise in support of the WIPO Copyright Treaties Implementation Act Conference Report adopted by the Senate on October 8, and commend the Senator from Utah for his efforts in crafting legislation that will greatly aid American copyright owners and users in the digital world. This legislation is of great importance to the citizens of Minnesota, including many companies that produce copyrighted materials as well as the hard-working men and women employed by them.

As the Senator form Utah is also aware, however, I have a great interest in Senate action to protect database owners, to continue the availability of quality and reliable products and services for users here and abroad. Earlier this summer, I introduced S. 2291 to provide this protection, and worked to include this language into the WIPO Implementing legislation. I greatly regret this legislation could not be included as part of this Conference Report.

Would the Senator from Utah and his colleagues on the Judiciary Committee agree to take up this issue as a priority item early in the 106th Congress? I believe we need fair and balanced database protection legislation, similar to S.2291.

Mr. HATCH. I thank the Senator from Minnesota for his comments. This will be a top priority for the Committee next year. I intend to hold a hearing on database legislation and move for prompt consideration in the 106th Congress.

Mr. GRAMS. I thank the Senator from Utah and look forward to working with you early next year.

TRIBUTE TO SENATOR DIRK KEMPTHORNE

Mr. DOMENICI. Mr. President, it is with great pride and honor that I rise today to pay tribute to my retiring colleague from Idaho, Senator DIRK KEMPTHORNE. In his six years of service to the United States Senate, he has proven himself to be a very thoughtful and determined leader and I am honored to have the opportunity to rise and speak on his accomplishments.

It was a pleasure to work with Senator KEMPTHORNE as he crafted one of the most important bills we have passed in the United States Senate, the Unfunded Mandates bill. I was particularly pleased that the private sector was included in the assessment of Unfunded mandates and DIRK was generous and extraordinarily helpful to me and my staff throughout the legislative process as we developed and negotiated this legislation. Not only did the junior Senator from Idaho manage two weeks of debate on the Senate floor which sometimes lasted 12 hours a day, but his skillful leadership and influence brought affected parties to the table to negotiate and produce legislation which passed both the House and Senate by overwhelming margins. Clearly, without his strong commitment to American small businesses, this objective would not have been achieved.

In addition to his service on the Small Business Committee and Armed Forces Committee, Senator KEMPTHORNE was given the responsibility of chairing the Drinking Water, Fisheries, and Wildlife subcommittee of the Environment and Public Works Committee. He wrote an update of the Safe Drinking Water Act which won bipartisan praise. He worked many long and arduous hours crafting legislation to reauthorize and reform the Endangered Species Act, an issue extremely important New Mexico and other WesternStates. DIRK's perseverance and hard work was instrumental in laying the groundwork for long overdue reform of this law and I am hopeful that we can be as diligent and compromising as he has been in crafting and passing ESA reform legislation in the future.

The state of Idaho is fortunate to have a statesman of his caliber. During his tenure, he has earned the respect and admiration of his colleagues on both sides of the aisle because of his unique ability to negotiate, compromise, and foster positive working relationships not only with his colleagues, but between federal, state, and local governments. These skills will serve him well as he faces new challenges in the future. Although we will miss his presence in this body, I know that he will continue to be a valuable asset not only to the state of Idaho but to this Nation.

Finally, I understand the challenges and difficulties associated with raising a family while serving in Congress and I respect and admire his decision to do what is right for his family and their future. Nancy and I wish DIRK, Patricia, and their children all the best.

TRIBUTE TO SENATOR JOHN GLENN

Mr. DOMENICI. Mr. President, I would like to pay tribute on my behalf, and on behalf of the people of New Mexico, to a true American patriot, Senator JOHN GLENN. It has indeed been a privilege to serve in this Chamber for 24 years with a man of such honor and distinction.

Although I only served with Senator GLENN on the Senate Governmental Affairs Committee for a brief time, I have been able to witness firsthand JOHN GLENN's legendary fairness and leadership. I doubt there has ever been a Senator who could match his dogged determination. He worked tirelessly for many years to cut government waste and improve the efficiency of government, and I applaud his efforts.

Since his arrival in 1974, JOHN GLENN has championed the cause of space exploration and research, an area of particular interest and importance to my home state of New Mexico. He has long understood, and I strongly concur with him, that the United States has a unique opportunity and obligation to the pursuit of knowledge and exploration of the heavens. Thanks to Senator GLENN's continuing sense of duty and service to his country, we will expand our understanding of space and its effects on the human body.

The success of our space program has enabled our children to dream of different worlds, our scientists to explore the nature of matter and the origins of time, and us to be able to look up into the night sky and to understand what we see. JOHN GLENN played a crucial role in achieving this success. His flight on *Friendship 7* was one of the first indications of the greatness of America's space program. His flight on *Discovery* will be a continuation of the greatness JOHN GLENN helped established—and a confirmation of the contributions senior Americans can, and do, make in our society.

JOHN GLENN's life as a military hero, space pioneer, and statesman is the stuff of legends. Although his time here in the Senate draws to a close, he assures us that the legend will grow when he takes off on the shuttle *Discovery* later this month. It truly has been a pleasure to work with the distinguished Senator from Ohio. Good luck, JOHN GLENN, and God Bless.

TRIBUTE TO SENATOR WENDELL FORD

Mr. DOMENICI. Mr. President, it is with great respect that I rise today to express my gratitude to the distinguished Minority Whip, Senator WENDELL FORD, for his 22 years of service to the United States Senate. I have been here since the beginning of his Senate career and have witnessed his many accomplishments over the years. His tenure has represented a shining example of hard work, honesty, and integrity.

Senator FORD and I served on the Energy and Natural Resources Committee for many years together and shared a mutual interest in energy policy. He has been a strong advocate of the disposal of chemical weapons at the Blue Grass Army Depot in Kentucky and has stood firm in his commitment to exploring safe, affordable, and environmentally sound alternatives to chemical weapons incineration. He understands the threats of nuclear proliferation and we have shared a common desire to ensure proper stewardship of nuclear stockpiles across the globe. I have appreciated his valuable contribution to this mission and will miss his presence on the Energy and Natural Resources Committee.

An accomplished public servant, Senator FORD served his country in World War II, was elected Governor of the Commonwealth of Kentucky, and as a Senator, established himself as a national leader in energy, aviation, and federal-election reform policy. However, he may be best known for his steadfast commitment to serving the people of his beloved home state, Kentucky. He has diligently sought to create opportunities for the people of America and I am confident that upon his return to Kentucky, he will continue to give as generously of himself as he did during his 22 years of service in Congress.

I believe that I speak on behalf of all members of the Senate when I say that WENDELL's leadership, talent, and friendship will be sorely missed. I am grateful that I had the opportunity to work with him and hope that when the time comes for me to leave office, I will be as well respected as Senator WENDELL FORD by my constituency and colleagues on both sides of the aisle.

WENDELL, on behalf of myself and the State of New Mexico, I commend you on job very well done and wish you and Jean continued health and happiness in your retirement.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, in light of the Columbus Day holiday—a day in which we honor Christopher Columbus for discovering a debt-free nation—I am unable to report to Congress our nation's outstanding federal debt from the close of business Friday, October 9, 1998. I do however feel obliged to submit the federal debt from years past.

With no holiday in site for an escalating national debt, I report, Mr. President, that one year ago, October 9, 1997, the federal debt stood at $5,409,087,000,000 (Five trillion, four hundred nine billion, eighty-seven million).

Twenty-five years ago, October 9, 1973, the federal debt stood at $459,857,000,000 (Four hundred fifty-nine billion, eight hundred fifty-seven million).

Mr. President, as we stand in the twilight of budget negotiations for fiscal year 1999, I remind my distinguished colleagues that we must curb the desire to spend, spend, spend. Even with a holiday weekend our federal debt reflects an increase of more than $5 trillion—that is more than 5 million million—during the past 25 years.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 100-696, announces the appointment of the Senator from North Dakota, Mr. DORGAN, as a member of the United States Capitol Preservation Commission.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBATE DURING THE FINAL DAYS OF THE 105TH CONGRESS

Mr. GRAMS. Mr. President, I want to talk a little bit about some of the impending debate going on right now to try to close out these final days of this Congress. As you know, most of the talk is centered around the issue of education. While I was sitting here listening, I thought really that most Members of Congress that are up for election were back home campaigning. But I guess they are not, because some have been here this afternoon campaigning on the floor of the Senate. I heard today some of the outlines of what was basically their very liberal agenda, which did not pass some very radical proposals that this Congress did not accept.

They talked about delays and about the lack of work in this session, but they didn't mention that this Congress has required more cloture motions just to try to get issues onto the floor. We have also heard, I think, some real tall tales of revision of the history of budget negotiations, et cetera, talking about how much credit should go to this President for the current economic benefits that we are reaping. But somehow they forget a lot of the work done during the 1980s, like the tax cut, deregulation of many industries, the productivity of workers and companies that have basically produced more revenue for this Government to allow us to balance the budget. It really hasn't been anything that this President has done to balance the budget.

If you talked about this big budget plan offered in 1993—which I am proud to say not one Republican supported because the centerpiece of that plan was just like every other Democratic proposal over the last 40 years—that was to raise taxes on the American people in order to try to solve what they saw as a crisis or problem, but the real intent was to enlarge and expand the size and scope of Government, to bring more control to Washington. This plan raised $263 billion in new taxes—the largest tax increase in history in this country—which has now taken the average American family to the highest levels of taxation in history, with over 42 percent for the average American going to taxes. That means you work just about as much time to support Government as you are allowed to work to raise your family, to support your family—health care, educational needs, food, clothing, shelter, et cetera.

I have to say that if it was such a great idea to raise taxes and that solves the problems, I don't know why we don't simply say let's raise taxes to 100 percent of what you make so the Government can be real sure that it takes care of every need that you have, and we can be on the floor here bragging next year, or the year after and the year after how great Washington has done.

When you see some of the waste, fraud and abuse in this Government, the bureaucracy—and we can sit here and say that Washington can handle problems better than the American family. Mr. President, that kind of baffles the mind. Some people think raising taxes and sending more money to Washington is a godsend, and it has somehow taken care of all the problems in this country, when I don't think too many people out there would want Washington to be their own financial adviser when they can't even count on Social Security to be there. I wanted to express more concern and basically disappointment over what appears to be an eleventh-hour attempt now by the President to force straitjacket education policy on our Nation's schools and children.

The President brought this up a year ago in his State of the Union Address. There has been no legislation or ideas brought to the floor on increasing the size or putting more teachers into the classroom. Everybody can agree that education is probably one of the most important things that we need in this country. Again, I don't know if people want to give that control over to Washington and have them hiring teachers, telling us who we can hire and fire in the classroom. They would go from there to what the curriculum is going to be. Then they would tell us what to teach the children and what books to read.

When you talk about revision of history and what we have heard here on the budget issues alone, can you imagine what our textbooks are going to be like when we hear some apologizing for Christopher Columbus? Can you imagine the difference in the wealth and lifestyle of this great country? In some of our textbooks, Christopher Columbus is being viewed as somebody who did things wrong. Sure, there were problems back then, and there were new diseases brought to this continent. But to say now that we should be apologizing for what Christopher Columbus did, or maybe apologize for how this country ended World War II—nobody wanted to use the bomb, but to rewrite the stories of the *Enola Gay* and say America was somehow responsible for World War II, we didn't start the war. We had to find a way to end it. It was not a pleasant way to do it, but it did save lives from the day-to-day fighting. There would not have only been thousands more American soldiers who would have died, in addition to the thousands who died in World War II, but thousands more Japanese civilians would have been killed as well.

Mr. President, President Clinton and others in Congress have decided to renew their one-size-fits-all argument that they know how best to spend education dollars for each and every student, in each and every school in the country, from the inner city to rural classrooms.

Education for all is a top priority, as I mentioned. All of us have the top priority of education for our children and grandchildren. That politicians are using it today as a last-ditch political coverup, I believe, is beneath contempt. The central charge being made is that the Republican-led Congress hasn't met the demands for increases in education spending. This simply is not the case.

According to the Senate Budget Committee, in the last three budget cycles during which Republicans have controlled Congress, this Congress has provided $79 billion, or 97 percent of the President's education requests.

In other words, in 5 of the last 6 years, there has been less than a 3-percent difference between the President's request for education outlays and what Congress has provided. And to suggest otherwise is nothing but pure politics.

As we have seen time and time again in Washington, it is very easy to just go out there and try to up the ante. When I say that, what they are trying to do out here is bribe the American people with your money. In other words, they just want to take a little bit more of our money to Washington, raise your taxes, erode your tax bases, take more money away from your tax base to support your own local schools so they can up the ante out here in Washington, because Washington can't give you anything. It can't enrich your school districts until it takes something from you. So it has to take money from you to bring it to Washington and promise you something that they are going to give back, but with a lot of strings—and by the way, a lot less money, because by the time you support the buildings and bureaucracy here in Washington, you are only getting pennies on the dollar back.

Somehow, they promise you something, but they don't tell you who is going to pay for it. Sure, some might be getting more money back than they paid, but most Americans are going to pay more in taxes to get this type of help from Washington. When you give that control to Washington, you as parents lose control at home over what decisions are going to be made, whether it is over teachers, curriculum, et cetera.

So upping the ante here, its easy for somebody to try to outbid the other, saying let's do $3 billion or $5 billion or $7 billion—it is all your money. So it is easy to up the ante so as to be able to complain that Congress isn't spending enough. We have seen this painfully played out, for example, in making emergency moneys available for our Nation's farmers.

One tell-tale sign that the administration's proposals are for "show" only is that they cannot be met without breaking the budget. I heard here a while ago that the spending bidding wars the President is talking about right now is not going to break the budget, that it is all offset. I don't know where it is coming from. I haven't seen the offsets. The only offset I have seen is that it is going to come out of the budget surplus.

Something in the neighborhood of $20 billion of surplus money is already being spent by this administration. He is trying to twist the arms of the Republican Congress to go along with this looming threat of a possible Government shutdown, or saying we don't care about education, or we don't care about the American farmer. But somehow Republicans wanted to give a tax break because some of the surplus money is from larger revenues due to income growth. We say, if we are overbilling the American people, maybe we should give some money back. They say, you can't do that, and they say they think about Social Security first. That tax cut would have been about $7 billion in the year 1999. That was too much money to give $7 billion back, which would amount to basically less than $1 a month per person in this country.

That is a huge tax cut—less than $1 a month—$7 billion? They couldn't do that. But yet $20 billion of that surplus can be spent. And they are saying, "Well, we are not taking this out of the surplus; we are going to offset it." I would like to know where they are offsetting it, and, if they are offsetting it in some programs, I would like to know where those programs are going to be able to get along with less money, after all of this year trying to work out budgets through our committees. The President knows this.

The only offset proposal has been through increased tobacco taxes. That is what we heard earlier this year. That is how the President was going to pay for 100,000 new teachers. That is how the President was going to pay for rebuilding new schools. And that, by the way, is the prerogative, the responsibility, the opportunity, of the local school boards and school districts. They should be doing this—not the Federal Government, because the Federal Government then has to make money from them to give back to them. But, in the meantime, they lose a lot of control and authority. But when there was no tobacco bill this year—again, this is one of the radical liberal agendas that did not pass this Congress that we have heard complaints about. Again, I am very proud to have voted against that piece of legislation. But there is no money there.

So, if there is no money from the tobacco legislation, now the President is saying we are going to have to dip into something else. But it is going to come out of the surplus, and that is the extra money that you have worked for, which Washington now has and won't give back. Congress has rejected that plan. The President has now proposed an alternative method of financing his proposal.

Another giveaway as to the political nature of this last-minute demagoguing is the plain fact that simply spending more money in Washington for the sake of spending more money does nothing to solve the education problems in this country. I think the President should pay attention to the fact that it is going to take a little more time and a little more effort to solve these problems than he has been willing to devote in the past.

If this is such an important issue, which I think it is, I think we need to have Congress to bring it before our committee. Let's sit down and debate it and lay it all out and see where the advantages are, how much it is going to cost and where the money is going to come from, rather than the President trying to again break arms and jam it into an omnibus budget bill. In fact, spending money blindly may ultimately do more harm than good.

According to a recent article in the Washington Post,

> The nation's largest study examining the use of computers in schools has concluded that the $5 billion being spent each year on educational technology is actually hurting children in many cases because the computers aren't being put to good use.

While I support teaching out kids to use technology, and computers are an important part of this, I do not believe high-tech classrooms are the only priority.

And, while spending great sums of money on technology-education is feelgood politics for those who spend the money, it can come, as we've seen, at the expense of our kids.

Last year, the American Management Association found that two-thirds of managers said new employees had strong computer skills, but that only 29 percent said the employees could write competently.

I am always reminded of a story, because I think it suggests some very serious education problems in this country: A small school district in northern Minnesota was being given an award because their students had ranked among the top in the scores that year. In the test scores out there, their students had ranked among the top. Somebody came up, and while they were going through some of the records, they noticed that this school district had some of the lowest costs per pupil in the State. So the question was asked: "How can you account for having higher test scores when you have had some of the lowest spending per pupil year?" The principal said, "I don't know how to explain it." He said, "All we can basically do is offer our kids the basics."

In other words, they were teaching them to read, to write, and to do arithmetic rather than the "feel good" diversity type programs that we see teachers now hamstrung with today. They can spend less than half of their costs on the basics, because the Government dictates today already preclude them from teaching their kids the basics.

When they talk about money in this country, that we are not spending enough money—we spend more on education; it is only second to health care. About $450 billion a year goes to education. That is more than any country in the world spends per student per year. In fact, if you look at the numbers, the United States spends nearly twice as much per student per year as any country in the world. Yet we rank 14 out of 14 of the industrialized nations in the world in test scores when it comes to math and sciences and the ability to write.

So, if other countries can spend less and get more, where is the problem? The problem isn't the amount of money that we are spending on education, it is how that money is being used. And now, to say if we could only come back and throw some more money at it—I will give you an example. Back in the 1950s, if we adjusted to inflation today, the States were spending an average of about $600 per student per year in education. Today, 1998, we are spending well over $6,000 per student per year—from $600 in 1950 to over $6,000 today.

The District of Columbia spends over $10,000. In Minnesota, the city of Minneapolis spends over $10,000 per student and yet has some of the lowest test scores in the State.

So, again, is it the money? Or is it some of the ways that we are teaching our children, or some of the programs, or the time that our kids are being given to study the basics in order to learn?

I think the ones who really come out on the short end of this are the students. While we are up here debating all of this, saying that we need all this curriculum, that we need all this money, that we need all this stuff, our kids are graduating with some of the lowest test scores around the world, without the ability to compete in the next generation. They are the ones being shortchanged while a lot of this debate is going on here. I think those problems show that our students are not learning the basics despite our spending efforts.

Over the last 30 years, as I have mentioned, we have increasingly spent more of the Nation's money on education. Nominal spending has risen eightfold since 1969.

Furthermore, a recent Wall Street Journal article reports that in the past 45 years the average pupil-teacher ratio in this country has already fallen by 35 percent. In the past 45 years, the student-teacher ratio has fallen 35 percent. Yet, our test scores have fallen with it. The SAT scores have stagnated, and the international tests have put them at the bottom.

In Math and Science General Knowledge tests, United States students ranked 16th out of 21 in science, behind Russia and Slovenia but ahead of Cyprus.

In math, United States students ranked 19th out of 21 countries, behind Russia, Slovenia, Hungary, and Lithuania. America already outspends every other country per child on education, and ranked among the bottom of all.

Clearly, simply spending more money is not the answer to better learning. If it were, we certainly wouldn't have these sorts of test scores to show for it.

The answers to our education problems do not lie in "wired classrooms." No computer can take the place of a good teacher. Instead, I believe that the answers to learning are found in each and every teacher-child relationship, in each and every classroom.

There is no amount of money that can replace a teacher who cares and wants to reach kids, and has the freedom to do so.

This freedom comes with the authority to make decisions based on local needs—not dictates from Washington, not more control from Washington, not more strings attached to the classrooms from Washington. I have continually supported plans which would return money and also return control from Washington to parents, to teachers, and to local school districts. After all, I think they know best how to spend their education dollars.

Plans such as the Education Savings and School Excellence Act would have been an important step toward accomplishing this.

This bipartisan education reform legislation would have allowed low- and middle-income families to open education savings accounts to pay for the particular education needs of their children—from textbooks to tutoring to tuition.

Unfortunately, for families and students, President Clinton vetoed this legislation. There has been an agenda dealing with education in this Congress this year. It has gone nowhere, because the President and those Members on that side of the aisle—the Democrats—have disagreed and have stalled the efforts, or have vetoed it with the President's plan, claiming that it would divert resources from public education. This is false. The Education Savings and School Excellence Act would not have touched 1 cent of Federal spending for education—would not have touched 1 cent of the surplus either. It would have come from parents being able to set aside more of their own money so that they could decide how they wanted to spend it for their children's education—whether they needed additional tutoring, or tuition to go to a private or parochial school, or whatever the parent decided they needed. But they vetoed that plan.

The reason the President vetoed this legislation—and I will be generous with this inference—is because he thinks he knows what is best for each and every student if America.

But I would ask my colleagues to reflect on this for just a moment and to see if they aren't forced to come to the same conclusion: To think that the U.S. Government should impose a rigid generic formula on day-to-day decisions for all students is nothing short of frightening.

So, Mr. President, I thank you very much for the time, and I hope we can work out these questions in the remaining days. Some of the questions now do not relate to the amount of money being spent on education but is being narrowed down to who is spending it, who controls it. I think the Republicans have made it very clear that if the money is to be spent, it should go to local school districts so that the parents and the teachers and local officials can decide how that money should be spent, not Washington. But on the other side, they would rather have the money come here to Washington so they can disperse it, so they can tell parents, teachers, local school districts and local officials how those dollars should be spent. I think Americans would rather have those local options left to themselves because this is incrementalism at its best. If you let Washington get its foot in the door, the camel's nose under the tent, it is only going to be a matter of time before they want more and more control over education in this country.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Vermont is recognized.

EDUCATION IN THE 105TH CONGRESS

Mr. JEFFORDS. Mr. President, over the past several days, the White House has bombarded the airwaves with rhetoric suggesting that congressional Republicans have turned a deaf ear to the needs of our nation's students. Hearing all this, I have to say I feel like I have entered a parallel universe. Less than one week ago, I was standing in that same White House listening to the President laud one of the most significant bipartisan achievements of the 105th Congress—enactment of the Higher Education Amendments of 1998.

Lost in all the pre-election maneuvering is any recognition of the solid record of accomplishment by this Congress on behalf of students from preschool through graduate school. I would like to take a few minutes to review that record.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

One of the first measures considered by the 105th Congress was the Individuals with Disabilities Education Act (IDEA) Amendments of 1997. The development of this legislation involved a level of cooperation which is virtually unprecedented—between Republicans and Democrats, House and Senate, and Congress and the Administration. The leadership demonstrated by Senator LOTT was critical to the success of this effort, as was the many hours of work by my colleagues on the Labor and Human Resources Committee—particularly Senators KENNEDY, COATS, HARKIN, FRIST, DODD, and GREGG.

The result of this bipartisan effort is a law which strengthens our assistance to States for making a free appropriate public education available to children with disabilities. Major principles underlying the reauthorization bill included: placing an emphasis on prevention; basing procedures and paperwork on common sense and accountability for results; developing a coherent policy for dealing with disciplinary actions; and offering local school districts options for fiscal relief.

In addition, we have followed up words with action by providing substantial funding increases for IDEA. I was extremely disappointed that the Administration's fiscal year 1999 budget included no increase for special education funding for children with disabilities from 3 through 21 years of age—not even an adjustment for inflation. Fortunately, due to the prodding of Senator GREGG and others, Congress had increased special education funding by more than 60 percent over the past two years. In fiscal year 1996, we provided about $2.3 billion for IDEA state grants. That figure was increased to $3.1 billion in FY 1997 and increased again to $3.8 billion in FY 1998. We expect to add at least another $500 million this year.

TAXPAYER RELIEF ACT

Bipartisan cooperation also led to the inclusion of a substantial investment in education as part of the Taxpayer Relief Act signed into law last summer. This act contains 11 types of education tax breaks amounting to $40 billion over 5 years—the most significant of which is the HOPE Scholarship credit.

EMERGENCY STUDENT LOAN CONSOLIDATION ACT

Late last year, the President signed into law a measure designed to provide relief to borrowers who were unable to consolidate their student loans due to the suspension of the Direct Loan consolidation loan program. On August 26, 1997, the Department of Education suspended its consolidation loan program in an effort to deal with the backlog of 84,000 applications which had piled up prior to that time.

NATIONAL SCIENCE FOUNDATION

This summer, Congress completed action on the first major reform of the National Science Foundation in a decade. Approved unanimously by both bodies of the Congress, this legislation responds to our Nation's changing research and technology needs and provides $11 billion over three years to ensure our continued world leadership in science and technology. As a result of leadership provided by members of the Senate Labor and Human Resources Committee, particularly Senators KENNEDY, FRIST, DODD, and COLLINS, these funds will be used to support more than 19,000 competitively awarded projects at over 2,000 colleges, universities, elementary schools, and high schools.

Through this authorization, we provided for the greatest investment in basic math, science, and engineering research in our Nation's history. An often overlooked feature of the measure is the dramatic investment being made to develop and strengthen our Nation's human resources.

The reauthorization bill reflects the critical need for greater investment in systemic education reform, professional development, curriculum reform, as well as informal science education. It provides more than $1.2 billion over three years to strengthen our nation's capacity to teach math and science to secondary and elementary students. More than $300 million of these funds will be used to ensure that our Nation's math and science teachers have the knowledge and skills they need to prepare their students. Another $300 million will be used to support model efforts at systemic education reform. An additional $800 million will be used to strengthen the quality and availability of math, science and engineering education at our nation's colleges and universities.

ADULT EDUCATION AND FAMILY LITERACY

Yet another example of the progress which can be made when partisan differences are set aside is legislation signed into law by the President this August, which supports programs that assist educationally disadvantaged adults in developing basic literacy skills, achieving high school equivalency certification, and learning English. These provisions comprised the education component of comprehensive legislation known as the Workforce Investment Act to which Senators KENNEDY, DEWINE, and WELLSTONE made significant contributions throughout the process.

The Adult Education and Family Literacy Act provides assistance for those adults most in need of acquiring literacy skills. Of the approximately 4 million adults who annually receive services under this program, 75 percent usually come into the program with below 8th grade literacy skills.

This legislation emphasizes the importance of coordinating adult education programs with employment and training activities and family literacy initiatives. It also establishes a comprehensive accountability system to assess the effectiveness of the activities undertaken by States and local communities. The establishment of accountability measures will enable the federal government to optimize its investment in adult education and family literacy activities. This investment stands at $385 million today.

HIGHER EDUCATION ACT

As I mentioned earlier, one of the most significant bipartisan achievements of this Congress is the Higher Education Amendments which were signed into law last week. From the start of this process, in both the House and Senate, the development of this legislation was a joint venture on the part of Republicans and Democrats. In the Senate, I worked closely with Senators KENNEDY, COATS, and DODD each step of the way. In addition, every single member of the Labor and Human Resources Committee—as well as many Members outside the committee—made positive contributions to this measure.

Since its inception in 1965, the Higher Education Act has been focused on enhancing the opportunities of students to pursue postsecondary education. The grant, loan, and work study assistance made available by this Act has made the difference for countless millions in pursuing their dreams for a better life.

In the face of rising college costs, the 1998 amendments have provided students with the lowest cost loans in nearly two decades. With increasing concern about the quality of our nation's teachers, this act will take giant steps in improving teacher preparation. And with students, parents, and—frankly—Senators concerned about the delivery of student aid, this act completely overhauls the federal role by placing it in the hands of a professional and accountable agency within the Department of Education.

I believe the lasting legacy of this reauthorization bill will be its provisions dealing with teachers. At its foundation, it embraces the notion that investing in the preparation of our nation's teachers is a good one. Well prepared teachers play a key role in making it possible for our students to achieve the standards required to assure both their own well being and the ability of our country to compete internationally. In fact, the continued health and strength of our nation depends on our country's ability to improve the education of our young people. Integral to that is the strength and ability of our nation's teaching force. Without a strong, competent, well prepared teaching force, other investments in education will be of little value.

CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT

The story does not end here, as several other important education initiatives are "in the pipeline" on the way to the President. Last week, the House and Senate gave final approval to legislation designed to more fully develop the academic, technical, and vocational skills of secondary and postsecondary students enrolled in vocational and technical education programs in order for the United States to be more competitive in the world economy.

This legislation is an important complement to the Workforce Investment Act and benefitted from the same bipartisan teamwork which produced that Act. The Workforce Investment Act streamlined and consolidated a myriad of job training programs and also put into place tough accountability mechanisms. The 1998 Perkins reauthorization emphasizes the important balance between a strong academic background and a vocational and technical education system that reflects today's global economy.

There are presently between 200,000 and 300,000 unfilled positions in the technology field. The reason for the difficulty in filling these positions is not because of low unemployment numbers, but because of the lack of skilled workers. These positions require an excellent vocational education system and the ability to pursue further technical education following high school.

READING EXCELLENCE ACT

Also in line for signature by the President is the Reading Excellence Act. The purpose of this legislation is to improve both the reading skills of students and the instructional practices for teachers who teach reading, and to expand family literacy programs—including the Even Start program. States and local communities will work together as a partnership in providing professional development activities to teachers and other instructional staff and in carrying out family literacy efforts.

HEAD START

Under the leadership of Senator COATS, and with the assistance of Senators DODD and KENNEDY, we will also enact this Congress a reauthorization of the Head Start program. Recognizing the critical role of the preschool years in a young child's development, this legislation expands the Early Head Start program for our youngest children in a manner which balances the desire to make this program available to more children and families and the need to ensure that every Head Start program meets the high standards of quality that we have demanded.

The new evaluation and research provisions will provide much-needed information about how the program operates, help identify the "best practices," and will guide the grantees, the Department of Health and Human Services, and Congress to continue the improvements in Head Start which began four years ago.

CHARTER SCHOOLS

Finally, the President will soon be presented with the Charter School Expansion Act of 1998. Senators COATS and LIEBERMAN are to be particularly commended for their skill and persistence in forging a bipartisan alliance on behalf of this legislation. The purpose of this legislation is to provide financial assistance for the planning, design, and initial implementation of new charter schools. This assistance will enhance the efforts of states and local communities to increase the number of charter schools and will help meet the President's goal of having 3,000 charter schools by the year 2000.

In terms of education, I believe that the 105th Congress is among the most productive in my memory. The actions we have taken this Congress touch the lives of students of all ages—from youngsters in Head Start and Even Start, to special education students, to high school vocational students, to college undergraduates and graduate students, to adults in need of remedial education.

It is unfortunate that all of this work seems to have been forgotten. It is also unfortunate that no one is acknowledging that congressional Republicans stand ready to spend as much money on education as we have offsets to support.

Instead, an effort appears to be underway to convince the American public that failing to fund an untested and unauthorized program to reduce class size should be taken as a sign of total neglect of education by this Congress. The facts just don't support that conclusion. The number of teachers is not as important as the quality of teachers. On the Federal level we must focus on promoting and ensuring quality. We don't necessarily need millions of new teachers—what we really need are millions of good teachers.

To hear the President and his advisers, hiring more teachers and reducing classroom size is the silver bullet which will solve the many deficiencies now plaguing our elementary and secondary schools. What we should all know by now is that there are no silver bullets when it comes to assuring the quality of education.

Rather, the only way to achieve the goals we seek is through the constant, day-to-day plugging away on behalf of the highest possible standards in all our education endeavors. I believe that the Congress is doing its part and that we have the legislative record to back that up.

RECOGNIZING THE CONTRIBUTIONS OF THE CITIES OF BRISTOL, TENNESSEE AND BRISTOL, VIRGINIA

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 214, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A resolution (H. Con. Res. 214) recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 214), with its preamble, was agreed to.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. JEFFORDS. Mr. President, I ask unanimous consent the Senate now proceed to consideration of Calendar No. 466, S. 1259.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 1259) to authorize appropriations for fiscal years 1998 and 1999, for the United States Coast Guard, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. TABLE OF SECTIONS.

The table of sections for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of sections.

Title I—Appropriations; Authorized Levels
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

Title II—Coast Guard Management
Sec. 201. Severance pay.
Sec. 202. Authority to implement and fund certain awards programs.
Sec. [202.] *203.* Use of appropriated funds for commercial vehicles at military funerals.
Sec. [203.] *204.* Authority to reimburse Novato, California, Reuse Commission.
Sec. [204.] *205.* Eliminate supply fund reimbursement requirement.
[Sec. 205. Authority to implement and fund certain awards programs.]
Sec. 206. Disposal of certain material to Coast Guard Auxiliary.

Title III—Marine Safety and Environmental Protection.
Sec. 301. Alcohol testing.
Sec. 302. Penalty for violation of International Safety Convention.
Sec. 303. Protect marine casualty investigations from mandatory release.
Sec. 304. Eliminate biennial research and development report.
Sec. 305. Extension of territorial sea for certain laws.
Sec. 306. Law enforcement authority for special agents of the Coast Guard Investigative Service.

Title IV—Miscellaneous
Sec. 401. Vessel Identification System amendments.
Sec. 402. Conveyance of communication station Boston Marshfield receiver site, Massachusetts.
Sec. 403. Conveyance of Nahant parcel, Essex County, Massachusetts.
Sec. 404. Conveyance of Eagle Harbor Light Station.
Sec. 405. Conveyance of Coast Guard station, Ocracoke, North Carolina.
Sec. 406. Conveyance of Coast Guard property to Jacksonville University, Florida.
Sec. 407. Coast Guard City, USA.
Sec. 408. Vessel documentation clarification.
Sec. 409. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information.

TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) *FISCAL YEAR 1998.*—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1998, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,740,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $379,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $645,696,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

(b) *FISCAL YEAR 1999.*—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1999, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,740,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $379,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $675,568,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program,

$26,000,000 to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) *1998 END-OF-YEAR STRENGTH.*—The Coast Guard is authorized an end-of-year strength for active duty personnel of 37,660 as of September 30, 1998.

(b) *1998 MILITARY TRAINING STUDENT LOADS.*—For fiscal year 1998, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,368 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 797 student years.

(c) *1999 END-OF-YEAR STRENGTH.*—The Coast Guard is authorized an end-of-year strength for active duty personnel of such numbers as may be necessary as of September 30, 1999.

(d) *1999 MILITARY TRAINING STUDENT LOADS.*—For fiscal year 1999, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, such student years as may be necessary.

(2) For flight training, such student years as may be necessary.

(3) For professional training in military and civilian institutions, such student years as may be necessary.

(4) For officer acquisition, such student years as may be necessary.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) [Warrant Officers.—] *WARRANT OFFICERS.*—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting ", unless the officer is separated with an other than [Honorable Discharge] *honorable discharge* and the Secretary of the Service in which the Coast Guard is operating determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.".

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting ", unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of severance pay.".

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

(a) Section 93 of title 14, United States Code, is amended —

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).".

SEC. [202.] *203.* USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by [Section 203] *section 202* of this Act, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(x) rent or lease, under such terms and conditions as are deemed advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.".

SEC. [203.] *204.* AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant *of the United States Coast Guard* may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. [204.] *205.* ELIMINATE SUPPLY FUND REIMBURSEMENT REQUIREMENT.

Subsection 650(a) of title 14, United States Code, is amended by striking ["The fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof."] *the last sentence* and inserting "In these regulations, whenever the fund is reduced to delete items stocked, the Secretary may reduce the existing capital of the fund by the value of the materials transferred to other Coast Guard accounts. Except for the materials so transferred, the fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.".

[SEC. 205. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

[(a) Section 93 of title 14, United States Code, is amended —

[(1) by striking "and" after the semicolon at the end of paragraph (w);

[(2) by striking the period at the end of paragraph (x) and inserting "; and"; and

[(3) by adding at the end the following new paragraph:

["(y) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).".]

SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST GUARD AUXILIARY.

(a) Section 641 of title 14, United States Code, is amended—

(1) by striking "to the Coast Guard Auxiliary, including any incorporated unit thereof," in subsection (a) ; and

(2) by adding at the end thereof the following:

"(f)(1) Notwithstanding any other law, the Commandant may directly transfer ownership of personal property of the Coast Guard to the Coast Guard Auxiliary (including any incorporated unit thereof), with or without charge, if the Commandant determines—

"(A) after consultation with the Administrator of General Services, that the personal property is excess to the needs of the Coast Guard but is suitable for use by the Auxiliary in performing Coast Guard functions, powers, duties, roles, missions, or operations as authorized by law pursuant to section 822 of this title; and

"(B) that such excess property will be used solely by the Auxiliary for such purposes.

"(2) Upon transfer of personal property under paragraph (1), no appropriated funds shall be available for the operation, maintenance, repair, alteration, or replacement of such property, except as permitted by section 830 of this title.".

TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION

SEC. 301. ALCOHOL TESTING.

(a) ADMINSTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended—

(1) by striking "(1)" in subsection (c);

(2) by redesignating paragraph (2) of subsection (c) as subsection (d)(1) and by redesignating subsection (d) as subsection (e);

(3) by striking "may" in the second sentence of subsection (d)(1) as redesignated, and inserting "shall"; and

(4) by adding at the end of subsection (d), as redesignated, the following:

"(2) The Secretary shall establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such incident is conducted no later than two hours after the incident is stabilized.".

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking "$1,000" and inserting "$5,000".

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking "$1,000 for a first violation and not more than $5,000 for a subsequent violation; or" and inserting "$5,000; or".

SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

[(a) IN GENERAL.—]Section 2302 of title 46, United States Code, is amended by adding at the following new subsection:

"(e)(1) A vessel may not be used to transport cargoes sponsored by the United States Government if the vessel has been detained by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention.

["(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting an appeal of the detention on which the prohibition is based.

["(3) The head of a Federal Agency may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel is currently in compliance with applicable international safety conventions to which the United States is a party.

[“(4) As used in this subsection, the term ‘cargo sponsored by the United States Government’ means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.”.]

“(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting an appeal of the detention on which the prohibition is based.

“(3) The head of a Federal Agency may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel is currently in compliance with applicable international safety conventions to which the United States is a party.

“(4) As used in this subsection, the term ‘cargo sponsored by the United States Government’ means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.”.

SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after “public” and inserting a period and “This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.”.

SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOPMENT REPORT.

[(a)] Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. [2701 et seq.] *2761)* is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) Ports and Waterways Safety Act.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

“(5) ‘Navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

(b) Subtitle II of Title 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

“(17a) ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.”.

(2) Section 2301 of that title is amended by inserting “(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)” after “of the United States”.

(3) Section 4102(e) of that title is amended by striking “on the high seas” and inserting “beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured”.

(4) Section 4301(a) of that title is amended by inserting “(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)” after “of the United States”.

(5) Section 4502(a)(7) of that title is amended by striking “on vessels that operate on the high seas” and inserting “beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured”.

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

“(2) is operating—

“(A) in internal waters of the United States; or

“(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.”.

(7) Section 8502(a)(3) of that title is amended by striking “not on the high seas” and inserting: “not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured”.

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

“(2) [is] operating—

“(A) in internal waters of the United States; or

“(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.”.

SEC. 306. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) Authority.—Section 95 of title 14, United States Code, is amended to read as follows:

“§95. Special agents of the Coast Guard Investigative Service law enforcement authority

“(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

“(A) To carry firearms.

“(B) To execute and serve any warrant or other process issued under the authority of the United States.

“(C) To make arrests without warrant for—

“(i) any offense against the United States committed in the agent’s presence; or

“(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

“(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

“(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

“(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of transportation or the Attorney General.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

“95. Special agents of the Coast Guard Investigative Service; law enforcement authority.”.

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

Title 46, United States Code, is amended—

(1) by striking “or is not titled in a State” in section [12102(a);] *12102(a);*

(2) by adding at the end of section 12301 the following:

“(c) A documented vessel shall not be titled by a State or required to display numbers under this chapter, and any certificate of title issued by a State for a documented vessel [than] *shall* be surrendered in accordance with regulations prescribed by the Secretary.

“(d) The Secretary may approve the surrender under subsection (a) of a certificate of title covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.”;

(3) by striking section 31322(b) and inserting the following:

“(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.”;

(4) by striking “mortgage or instrument” each place it appears in section 31322(d)(1) and inserting “mortgage, security agreement, or instrument”;

(5) by striking section [31322(d)(1)(3)] *31322(d)(3)* and inserting the following:

“(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this [subsection”;] *subsection.”;*

(6) by striking “mortgages or instruments” in subsection 31322(d)(2) and inserting “mortgages, security agreements, or instruments”;

(7) by inserting “a vessel titled in a State,” in section 31325(b)(1) after “a vessel to be documented under chapter 121 of this title,”;

(8) by inserting “a vessel titled in a State,” in section [31325(b)(8)] 31325(b)(3) after “a vessel for which an application for documentation is filed under chapter 121 of this title,”; and

(9) by inserting “a vessel titled in a State,” in section 31325(c) after “a vessel to be documented under chapter 121 of this title,”.

SEC. 402. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) Authority to Convey.—

(1) In general.—The Secretary of Transportation may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts.

(2) Limitation.—The Secretary shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) Identification of property.—

(A) The Secretary may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Secretary shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and [conditions;] *conditions:*

(A) The Secretary may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Secretary considers appropriate to protect the interests of the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1998.

SEC. 403. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant, United States Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate.

SEC. 404. CONVEYANCE OF EAGLE HARBOR LIGHT STATION.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Eagle Harbor Light Station, Michigan, to the Keweenaw County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3), (4), and (5) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property—

(A) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(B) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the person to which the property is conveyed may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The person to which the property is conveyed is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) REVERSION BASED ON USE.—The conveyance of the property described in subsection (a) is subject to the condition that all right, title, and interest in the property conveyed shall immediately revert to the United States if the property, or any part of the property ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history.

(6) MAINTENANCE OF PROPERTY.—The person to which the property is conveyed shall maintain the property in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

SEC. 405. CONVEYANCE OF COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant, United States Coast Guard, or his designee (the "Commandant") may convey, by an appropriate means of conveyance, all right, title, and interest of the United States of America (the "United States") in and, to the Coast Guard station Ocracoke, North Carolina, to the ferry division of the North Carolina Department of Transportation.

(2) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—The conveyance of any property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) EASEMENTS.—The Commandant may reserve utility, access, and any other appropriate easements upon the property to be conveyed for the purpose of—

(i) use of the access road to the boat launching ramp;

(ii) use of the boat launching ramp; and

(iii) use of pier space for necessary search and rescue assets (including water and electrical power).

(B) MAINTENANCE.—The ferry division of North Carolina Department of Transportation, and its successors and assigns shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial and workmanlike manner necessary for the use of any easements created under subparagraph (A).

(C) REVERSIONARY INTEREST.—All right, title, and interest in and to administered by the general services administration if the property, or any part thereof, ceases to be used by the Ferry Division of North Carolina Department of Transportation.

(D) OTHER.—Any other terms and conditions the Commandant may consider appropriate to protect the interests of the United States.

SEC. 406. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to the University of Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University, Florida.

SEC. 407. COAST GUARD CITY, USA.

The community of Grand Haven, Michigan, shall be recognized as "Coast Guard City, USA".

SEC. 408. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title 49, *46*, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking "president or other"; and

(2) inserting a comma and "by whatever title," after "chief executive officer".

SEC. 409. SANCTIONS FOR FAILURE TO LAND OR TO BRING TO; SANCTIONS FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) IN GENERAL.—Chapter 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

"§2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding and providing false information

"(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

"(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which, a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable

international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1).

"(b)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to bring to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest or other law enforcement action authorized by any Federal law; or

"(C) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is false.

"(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to bring to.

"(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

"(e) For purposes of this section—

"(1) A 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

"(2) an aircraft 'subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

"(3) an aircraft 'without nationality' includes—

"(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

"(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft;

"(4) the term 'bring to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

"(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

"(f) Any person who intentionally violates the provisions of this section shall be subject to—

"(1) imprisonment for not more than 3 years; and

"(2) a fine as provided in this title.

"(g) An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

"2237. Sanctions for failure to land or to bring to; sanctions for obstruction of boarding or providing false information.".

Mr. JEFFORDS. I ask unanimous consent the committee amendments be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendments were withdrawn.

AMENDMENT NO. 3813

Mr. JEFFORDS. Senator SNOWE has a substitute amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Ms. SNOWE, proposes an amendment numbered 3813.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. SNOWE. Mr. President, today the Senate is considering S. 1259, the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000. Members of the Subcommittee on Oceans and Fisheries have been working on this legislation for much of the past year. My substitute amendment incorporates changes made to the bill since the Commerce Committee reported it, and which enjoys strong bipartisan support. These changes are based on comments that we received from a number of senators.

The Coast Guard is one of our nation's most important agencies. It aids people in distress, prevents injury and the loss of life, defends our oceans borders from the scourge of illegal drugs and other national security threats, maintains the safety of our waterways, and performs many other essential missions with a high degree of professionalism. My State of Maine has a 3,500 mile coastline, and the Coast Guard plays an indispensable role in the safety and economy of the many people who live along the coast. The same is true for every other coastal state in the nation.

In 1996, we enacted the Coast Guard Authorization Act of 1996, which authorized the Coast Guard through fiscal year 1997. The substitute amendment before us today reauthorizes appropriations and personnel levels for the Coast Guard through fiscal year 2000. In each of fiscal years 1999 and 2000, it authorizes $100 million over the administration's fiscal year 1999 for drug interdiction activities. These increases will restore Coast Guard drug interdiction to the fiscal year 1997 level. The amendment also includes various provisions that, among other things, are designed to provide greater flexibility to the Coast Guard on personnel administration, streamline the inventory management process, eliminate an unnecessary reporting requirement, enhance the safety of marine transportation, and strengthen Coast Guard law enforcement activities.

Several provisions of the amendment that are particularly important to people in Maine and other states deserve special mention. Section 301 requires the Coast Guard to ensure that alcohol testing of vessel crew members is conducted within 2 hours of marine accidents, unless safety considerations prevent it. This section also increases the maximum civil penalties for failure to adhere to alcohol/drug testing procedures and for operating a vessel while intoxicated.

Section 310 requires the Coast Guard to issue a report identifying U.S. waters out to 50 miles that cannot currently be reached within 2 hours by a Coast Guard search and rescue helicopter. The report must identify options to ensure that these areas can be covered by a helicopter within 2 hours.

Section 313 authorizes the Secretary of Transportation to establish, in consultation with the International Maritime Organization, two mandatory ship reporting systems in Cape Cod Bay and the Great South Channel (east of Cape Cod). Ships entering these areas will have to report to the Coast Guard so that the Coast Guard may track their movements and provide them with information on whale sightings. The provision is intended to protect against ship strikes of the highly endangered Northern right whale.

Title V of the bill contains S. 1480, the Harmful Algal Bloom and Hypoxia Research and Control Act, a bill that I have sponsored with a number of senators on both sides of the aisle. The Commerce Committee recently reported the bill with unanimous bipartisan support. It directs the administration to develop plans for dealing more effectively with harmful algal blooms like pfiesteria and hypoxia, or the dead zone, in the Gulf of Mexico. It also authorizes additional funding for NOAA's research and monitoring activities on harmful algal blooms and hypoxia.

Mr. President, I wish to emphasize one very important point with respect to these plans in title V, particularly the plan on Northern Gulf of Mexico hypoxia. The language in its provision requires the plan to be developed in conjunction with the States. The intent of this language is to ensure that the States play a substantial and constructive role in each stage of the development of the plan, and that their concerns and recommendations will be address by the administration before a plan is completed. Finding creative and sensible solutions to the Gulf of Mexico hypoxia problem will not be possible without the advice and cooperation of the affected States.

This bipartisan bill reflects many months of painstaking effort and compromise. It will help to ensure that the Coast Guard will be able to perform its critical missions over the next 2 years. I urge my colleagues to support the bill.

Mr. KERRY. Mr. President, I am pleased to support the bill before us today which would authorize the programs and activities of the U.S. Coast Guard for fiscal years 1998, 1999 and 2000.

Mr. President, Massachusetts with its hundreds of miles of coastline, unforgiving storms, active maritime and fishing industries, and thriving recreational boating population, needs the Coast Guard at full strength. So does the rest of the nation.

That is why I am pleased to support the bill before us today. I would like to describe some of the ways in which this bill addresses the challenges facing the Coast Guard. Our nation's maritime navigational infrastructure is of critical importance to a healthy economy. Over 95 percent of our nation's imports and exports are transported through our coastal waters by commercial shipping. This bill authorizes funds for the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft. In addition, I am extremely pleased that the bill authorizes necessary funding which will extend the useful life of the LORAN-C System. While the Differential Global Positioning System (DGPS) has revolutionized precise navigation by ships and aircraft, we must recognize that there are still millions who rely on LORAN-C.

One of the most important functions of the Coast Guard is to promote marine safety and environmental protection. This bill calls on the Secretary to establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such an incident is conducted no later than 2 hours after the incident occurs.

I am pleased to see included here a provision designed to protect right whales. I worked closely with the Coast Guard and others to ensure that this bill included language that calls on the Secretary to implement and enforce two mandatory ship reporting systems, consistent with international law. One of these areas is located offshore of the Cape Cod Bay and Great South Channel. Upon entry into one of these areas, ships will be made aware of right whale sightings in order to lower the possibility of collision with these marine mammals.

I am very pleased that this bill includes three land conveyances which transfer properties from the Coast Guard to Massachusetts communities: conveyance of communication station Boston Marshfield receiver site; conveyance of Nahant Parcel, Essex County; and conveyance of the Coast Guard Loran Station Nantucket.

Mr. President, I am especially supportive of this bill's inclusion of language which will relieve the hiring freeze on the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), first imposed following the 1995 National Performance Review. This provision, which I am pleased to have sponsored, will guarantee consistent stewardship of the NOAA Corps and the very important role the Corps plays in NOAA and to our Nation. This legislation will restore stability and renew the good faith contract made with the men and women of the NOAA Corps by establishing a minimum and maximum authorized strength for our nation's seventh uniformed service.

The NOAA Corps is an indispensable part of NOAA: a pool of professionals trained in engineering, earth sciences, oceanography, meteorology, fisheries science, and other related disciplines. Corps officers serve in assignments within the five major line offices of NOAA. They operate ships, fly aircraft into hurricanes, lead mobile field parties, manage research projects, conduct diving operations, and serve in staff positions throughout NOAA. They operate the ships that set buoys used to gather oceanographic and meteorological data on unusual weather phenomena such as El Nino. They fly research aircraft into hurricanes that record valuable atmospheric observations. They conduct hydrographic surveys along our nation's coast in order to make our waters safe for maritime commerce.

This legislation will establish staffing levels for the NOAA Corps that will provide some assurance of long term viability. It is time that we reaffirm our commitment to studying the earth's oceans and atmosphere by insuring that the NOAA Corps is staffed at the appropriate level.

Finally, Mr. President, let me again turn to the Coast Guard provisions in this bill. The Coast Guard is essential to the safety and well-being of citizens in every coastal state and in every state with navigable waters. Today, over 50 percent of the U.S. population lives within coastal areas and directly benefits from the services the Coast Guard provides. But, indirectly, the Coast Guard, in the performance of its mission, is there to protect every American and every visitor to our coastal waters. In fact, more than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment; to enforce fishery and other laws and treaties; maintain aids to navigation; prevent illegal drug trafficking and illegal immigration; and preserve defense readiness. S. 1259 will make management improvements and enhance law enforcement authority for the Coast Guard, enhancing its ability to accomplish these missions. I urge my colleagues to support this bill.

Mr. BREAUX. Mr. President, I rise today to support S. 1259, the United States Coast Guard Authorization Act. As many of my distinguished colleagues know, I have a great deal of admiration for the Coast Guard, as well as for Coast Guard men and women that carry out critical missions for our country. Before going into greater detail on the importance of the Coast Guard, I wish to discuss an amendment that Senator FORD and I intended to offer to this bill, but have withdrawn in order to address certain concerns raised by my colleague from Rhode Island, Senator CHAFEE. Our amendment would have eliminated the unjustified use of strict criminal liability statutes that do not require a showing of criminal intent or even the slight negligence in oil spill incidents.

Through comprehensive congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as "OPA90," the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the course of the last eight years, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. Reasonable, measured refinements in federal law are urgently required to preserve the objectives of OPA90 by preventing the unjustified use of strict criminal liability in oil spill incidents. Accordingly, I have been working with my distinguished colleague from Kentucky, Senator FORD, and other members of the Senate to include legislation in this bill to enact such refinements.

As stated in the coast Guard's own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill "could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge". With increasing frequency, responsible operators in my home state of Louisiana and elsewhere in the United States who transport oil are unavoidably exposed to potentially immeasurable criminal fines and, in the worst case scenario, jail time. Not only is this situation unfairly targeting an industry that plays an extremely important role in our national economy, but it also works contrary to the public welfare.

Mr. FORD. As my colleague from Louisiana well knows, most liquid cargo transportation companies on the coastal and inland waterway system of the United States have embraced safe operation and risk management as two of their most important and fundamental values. For example, members of the American Waterways Operators (AWO) from Kentucky, Louisiana, and other states have implemented stronger safety programs that have significantly reduced personal injuries to mariners. Tank barge fleets have been upgraded through construction of new state-of-the-art double hulled tank barges while obsolete single skin barges are being retired far in advance of the OPA90 timetable. Additionally, AWO members have dedicated significant time and financial resources to provide continuous and comprehensive education and training for vessel captains, crews and shore side staff, not only in the operation of vessels but also in preparation for all contingencies that could occur in the transportation of oil products. As of today, more than 90 percent of the tugboats, towboats and barges owned and operated by AWO member companies are in compliance with the AWO Responsible Carrier Program (RCP), a program developed by the towing industry, on its own initiative, to improve the overall safety, efficiency, and quality of its marine operations. The RCP, complemented by advanced training programs such as the ground breaking wheelhouse resource management and simulator training program for towboat operators, is greatly enhancing the professionalism of mariners engaged in the transportation of oil products.

Mr. President, I know that the commitment to marine safety and environmental protection by responsible members of the oil transportation industry from Kentucky and elsewhere is real. They continue to work closely with the Coast Guard to upgrade regulatory standards in such key areas as towing vessel operator qualifications and navigation equipment on towing vessels. That commitment is demonstrated by industry-driven safety initiatives like the Responsible Carrier Program mentioned above and the Coast Guard-AWO Partnership, which brings the leadership of the industry together with government to solve marine safety and environmental protection problems.

Mr. BREAUX. through the efforts of AWO and other organizations, the maritime transportation industry has achieved an outstanding compliance record with the numerous laws and regulations enforced by the Coast Guard. Let me be clear: responsible carriers, and frankly their customers, have a "zero tolerance" policy for oil spills. For example, I am aware of a major marine transportation company headquartered in Louisiana that has a record of having performed over 5,300 liquid cargo transfer operations without spilling or contaminating any of the almost 2.8 billion gallons it transferred over a recent three year period. Additionally, the industry is taking spill response preparedness seriously. Industry representatives and operators routinely participate in Coast Guard oil spill crisis management courses, PREP Drills, and regional spill response drills. Yet despite all of the modernization, safety, and training efforts of the marine transportation industry, their mariners and shoreside employees cannot escape the threat of criminal liability in the event of an oil spill, even where it is shown that they "took all reasonable precautions to avoid [a] discharge".

Mr. President, as you know, in response to the tragic *Exxon Valdez* spill, Congress enacted OPA90. OPA90 mandated new, comprehensive, and complex regulatory and enforcement requirements for the transportation of oil products and for oil spill response. Both the federal government and maritime industry have worked hard to accomplish the legislation's primary objective—to provide greater environmental safeguards in oil transportation by creating a comprehensive prevention, response, liability, and compensation regime to deal with vessel and facility oil pollution.

Mr. FORD. As my colleague from Louisiana has most ably demonstrated, OPA90 is working in a truly meaningful sense. To prevent oil spill incidents from occurring in the first place, OPA90 provides an enormously powerful deterrent through both its criminal and civil liability provisions. Moreover, OPA90 mandates prompt reporting of spills, contingency planning, and both cooperation and coordination with federal, state, and local authorities in connection with managing the spill response. Failure to report and cooperate as required by OPA90 may impose automatic civil penalties, criminal liability and unlimited civil liability. As a result, the number of domestic oil spills has been dramatically reduced over the past eight years since OPA90 was enacted. Coast Guard statistics reflect that in 1990 there were a total of 35 major and medium oil spills, seven of which were major spills. In 1997, as a direct result of OPA90, there were no major oil spills and the number of medium spills had been reduced to eight. In those limited situations in which oil spills unfortunately occurred, intensive efforts commenced immediately with federal, state and local officials working in a joint, unified manner with the industry, as contemplated by OPA90, to clean up and report spills as quickly as possible and to mitigate to the greatest extent any impact on the environment. OPA90 has provided a comprehensive and cohesive "blueprint" for proper planning, training, and resource identification to respond to an oil spill incident, and to ensure that such a response is properly and cooperatively managed.

OPA90 also provides a complete statutory framework for proceeding against individuals for civil and/or criminal penalties arising out of oil spills in the marine environment. When Congress crafted this Act, it carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation among all of the parties involved in the spill prevention and response effort. In so doing, the Congress clearly enumerated the circumstances in which criminal penalties could be imposed for actions related to maritime oil spills. In particular, OPA90 properly imposes criminal liability for negligent violations and provides for punishment of up to one year imprisonment and/or fines between $2500 and $25,000 per day. The punishment for each knowing violation was increased by OPA90 to up to three years imprisonment and/or fines between $5000 and $50,000 per day. Furthermore, OPA90 added and/or substantially increased criminal penalties under other pre-existing laws which comprehensively govern the maritime transportation of oil and other petroleum products.

Mr. BREAUX. My colleague from Kentucky and I do not advocate nor do we support any effort to change the tough criminal sanctions that were imposed in OPA90. The criminal sanctions under OPA90 properly follow the traditional notion of what constitutes a criminal act in this country, namely, that a crime occurs when a knowing, intentional act is committed or when a party's conduct is so egregious that "negligence" has occurred. These tough, comprehensive OPA90 provisions collectively operate as a major deterrent for oil spills and should not be changed.

However, responsible, law-abiding members of the maritime industry in Louisiana and elsewhere are concerned by both the justice Department's willingness in the post-OPA90 environment to use strict criminal liability statues and the Coast Guard's increasing attention to criminal enforcement in oil spill incidents. As you know, strict liability imposes criminal sanctions without requiring a showing of criminal knowledge, intent or even negligence. These federal actions imposing strict liability have created an atmosphere of extreme uncertainty for the maritime transportation industry and Oil Spill Response Organizations (OSROs) about how to respond to and cooperate with the Coast Guard and other federal agencies in cleaning up an oil spill. Criminal culpability in this country, both historically and as reflected in the comprehensive OPA90 legislation itself, typically requires wrongful actions or omissions by individuals through some degree of criminal intent or through the failure to use the required standard of care. However, Federal prosecutors have been employing other antiquated, seemingly unrelated "strict liability" statutes that do not require a showing of "knowledge" or "intent" as a basis for criminal prosecution for oil spill incidents. Such strict criminal liability statutes as the Migratory Bird Treaty Act and the Refuse Act, statutes that were enacted at the turn of the century to serve other purposes, have been used to harass and intimidate the maritime industry, and, in effect, have turned every oil spill into a potential crime scene without regard to the fault or intent of companies, corporate officers and employees, and mariners.

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*) provides that "it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, . . . any migratory bird . . .", a violation of which is punishable by imprisonment and/or fines. Prior to the *Exxon Valdez* oil spill in 1989, the MBTA was primarily used to prosecute the illegal activities of hunters and capturers of migratory birds, as the Congress originally intended when it enacted the MBTA in 1918. In the *Exxon Valdez* case itself, and prior to the enactment of OPA90, the MBTA was first used to support a criminal prosecution against a vessel owner in relation to a maritime oil spill, and this "hunting statute" has been used ever since against the maritime industry. The "Refuse Act" (33 U.S.C. 407, 411) was enacted 100 years ago at a time well before subsequent federal legislation essentially replaced it with comprehensive requirements and regulations specifically directed to the maritime transportation of oil and other petroleum products. Such strict liability statutes are unrelated to the regulation and enforcement of oil transportation activities, and in fact were not included within the comprehensive OPA90 legislation as statutes in which criminal liability could be found. With the prosecutorial use of strict liability statutes, owners and mariners engaged in the transportation of oil cannot avoid exposure to criminal liability, regardless of how diligently they adhere to prudent practice and safe environmental standards. Although conscientious safety and training programs, state-of-the-art equipment, proper operational procedures, preventative maintenance programs, and the employment of qualified and experienced personnel will collectively prevent most oil spills from occurring, unfortunately spills will still occur on occasion.

Mr. FORD. Mr. President, to illustrate Senator Beaux's point, please permit me to present a scenario that highlights the dilemma faced by the maritime oil transportation industry in Kentucky. Imagine, if you will, that a company is operating a towing vessel in compliance with Coast Guard regulations on the Mississippi River on a calm, clear day with several fully laden tank barges in tow. Suddenly, in what was charted and previously identified to be a clear portion of the waterway, one of the tank barges strikes an unknown submerged object which shears through its hull and causes a significant oil spill in the river. Unfortunately, in addition to any other environmental damage that may occur, the oil spill kills one or more migratory birds. As you know, under OPA90 the operator must immediately undertake coordinated spill response actions with the Coast Guard and other federal, state, and local agencies to safeguard the vessel and its crew, clean up the oil spill, and otherwise mitigate any damage to the surrounding environment. The overriding objectives at this critical moment are to assure personnel and public safety and to clean up the oil spill as quickly as possible without constraint. However, in the current atmosphere the operator must take into consideration the threat of strict criminal liability under the Migratory Bird Treaty Act and the Refuse Act, together with their attendant imprisonment and fines, despite the reasonable care and precautions taken in the operation and navigation of the two and in the spill response effort. Indeed, in the Coast Guard's recently issued environmental enforcement directive, the statement is made that "[t]he decision to commit the necessary Coast Guard resources to obtain the evidence that will support a criminal prosecution must often be made in the very early stages of a pollution incident." Any prudent operator will quickly recognize the dilemma in complying with the mandate to act cooperatively with all appropriate public agencies in cleaning up the oil spill, while at the same time those very agencies may be conducting a criminal investigation of that operator. Vessel owners and their employees who have complied with federal laws and regulations and have exercised all reasonable care should not continue to face a substantial risk of imprisonment and criminal fines under such strict liability statutes. Criminal liability, when appropriately imposed under OPA90, should be employed only where a discharge is caused by conduct which is truly "criminal" in nature, i.e., where a discharge is caused by reckless, intentional or other conduct deemed criminal by OPA90.

Mr. BREAUX. As the scenario presented by my colleague from Kentucky demonstrates, the unjustified use of strict liability statutes is plainly undermining the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills in Louisiana and elsewhere in the United States. As we are well aware, tremendous time, effort, and resources have been expended by both the federal government and the maritime industry to eliminate oil spills to the maximum extent possible, an to plan for and undertake an immediate and effective response to mitigate any environmental damage from spills that do occur. Clearly unwarranted and improper prosecutorial use of strict liability statutes will have a "chilling" effect on these cooperative spill prevention and response efforts. Indeed, even if we were to believe that criminal prosecution only follows intentional criminal conduct, the mere fact that strict criminal liability statutes are available at the prosecutor's discretion will intimidate even the most innocent and careful operator. With strict liability criminal enforcement, responsible members of the maritime transportation industry and faced with an extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperate fully despite the risk of criminal prosecution that could result from any additional actions or statements made during the course of the spill response. Consequently, increased criminalization of oil spill incidents introduces uncertainty into the response effort by discouraging full and open communication and cooperation and leaves vessel owners and operators criminally vulnerable for response actions taken in an effort to "do the right thing".

Mr. FORD. In the maritime industry's continuing effort to improve its risk management process, it seeks to identify and address all foreseeable risks associated with the operation of its business. Through fleet modernization, personnel training, and all other reasonable steps to address identified risks in its business, the industry still cannot manage or avoid the increased risks of strict criminal liability (again, a liability that has no regard to fault or intent). The only method available to companies and their officers to avoid the risk of criminal liability completely is to divest themselves from the maritime business of transporting oil and other petroleum products, in effect to get out of the business altogether. Furthermore, strict liability criminal laws provide a strong disincentive for trained, highly experienced mariners to continue the operation of tank vessels, and for talented and capable individuals from even entering into that maritime trade. A recent editorial highlighted the fact that tugboat captains "are reporting feelings of intense relief and lightening of their spirits when they are ordered to push a cargo of grain or other dry cargo, as compared to the apprehension they feel when they are staring out of their wheelhouses at tank barges", and "that the reason for this is very obvious in the way that they find themselves instantly facing criminal charges * * * in the event of a collision or grounding and oil or chemicals end up in the water". These views were eloquently expressed as well by two tank vessel masters in a recent House hearing on strict criminal liability for oil pollution. Certainly, the federal government does not want to create a situation where the least experienced mariners are the only available crew to handle the most hazardous cargoes, or the least responsible operators are the only available carriers. Thus, the unavoidable risk of such criminal liability directly and adversely affects the safe transportation of oil products, an activity essential for the public, the economy, and the nation.

Mr. BREAUX. Therefore, Mr. President, despite the commitment and effort to provide trained and experienced vessel operators and employees, to comply with all Coast Guard laws and regulations, to abide by the safety and other operational mandates of the AWO Responsible Carrier Program and other similar industry initiatives, and to provide for the safe transportation of oil as required by OPA90, maritime transportation companies in Louisiana, Kentucky, and elsewhere still cannot avoid criminal liability in the event of an oil spill. Responsible, law-abiding companies have unfortunately been forced to undertake the only prudent action that they could under the circumstances, namely the development of criminal liability action plans and retention of criminal counsel in an attempt to prepare for the unavoidable risks of such liability.

These are only preliminary steps and do not begin to address the many implications of the increasing criminalization of oil spills. The industry is now asking what responsibility does it have to educate its mariners and shoreside staff about the potential personal exposure they may face and wonder how to do this without creating many undesirable consequences? How should the industry organize spill management teams and educate them on how to cooperate openly and avoid unwitting exposure to criminal liability? Mr. President, my colleague from Kentucky and I have thought about these issues a great deal and simply do not know how to resolve these dilemmas under current, strict liability law.

Mr. FORD. In the event of an oil spill, a responsible party not only must manage the cleanup of the oil and the civil liability resulting from the spill itself, but also must protect itself from the criminal liability that now exists due to the available and willing use of strict liability criminal laws by the Federal Government. Managing the pervasive threat of strict criminal liability, by its very nature, prevents a responsible party from cooperating fully and completely in response to an oil spill situation. The OPA90 "blueprint" is no longer clear. Is this serving the objectives of OPA90? Does this really serve the public welfare of our nation? Is this what congress had in mind when it mandated its spill response regime? Is this in the interest of the most immediate, most effective oil spill cleanup in the unfortunate event of a spill? We think not.

Mr. BREAUX. To restore the delicate balance of interests reached in the enactment of OPA90 almost eight years ago, I strongly believe that the Congress should reaffirm the OPA90 framework for criminal prosecutions in oil spill incidents, and work to enact legislation that reasserts the role of OPA90 as the statute providing the exclusive criminal penalties for oil spills. My colleague from Kentucky and I have proposed such legislation that will ensure increased cooperation and responsiveness desired by all those interested in oil spill response issues, while not diluting the deterrent effect and stringent criminal penalties imposed by OPA90 itself. My colleague from Kentucky and I are hopeful that we can work with Senator CHAFEE and other Members of the Congress to ensure the passage of such reform measures to preserve the oil spill prevention and response objectives of OPA90.

Mr. President, another issue of great importance which is addressed in this legislation is the double hull alternative design study. Section 417 directs the Secretary of Transportation to coordinate with the Marine Board of the National Research Council to conduct necessary research and development for alternative tanker designs to the double hull. If this effort utilizes technical performance standards it will undoubtedly enhance development designs such as the central ballast tanker system. These, American designs, some of which have already passed rigorous scientific tests and meet or exceed international shipbuilding standards, have not in my mind received appropriate attention. In my opinion, this may be due to inaccurate interpretation of Congress' intent which the Coast guard believes restricts any consideration of alternative designs to the double hull.

Let me be clear, I am not opposed to the double hull design. In fact, I believe there is a place for the double hull. However, to consider only the double hull, while ignoring new, innovative technology which has been developed since the passage of the Clean Water Act and OPA90 exhibits bad judgment and simply put is bad policy. It is estimated that 8,000 tankers will have to be constructed or redesigned by 2015 to meet the requirements of the petroleum industry. This equates to a ship building program which the industry conservatively estimates to be worth $400 billion, all of which will be built by foreign shipyards if we do not pursue alternative designs. For those who do not believe that U.S. shipyards can't compete—just look at what's happening right now. Currently, there are two hundred double hull tankers under construction or contract around the world of which only two have been built in the United States, both of which lost money for the U.S. shipyard. In fact, I am told that the U.S. shipyard which built these two double hull ships has refused to construct anymore. Without incorporating innovative design and technology, our shipyards and U.S. workers will lose out to Japanese, Korean, Norwegian and other foreign yards and workers.

Mr. President, this issue is about more than jobs. Being from Louisiana, I am intimately familiar with the importance of this issue from an environmental standpoint. I grew up on Louisiana's Gulf coast and know first hand how environmentally sensitive our wetlands and coastlines are and also appreciate how important their health is to the livelihood of the many people who live along the richest fishery in the world. Therefore, it should come as no surprise that all of us in Louisiana, and I suspect just about all those who live along the Gulf Coast, are extremely concerned with the safety and reliability of oil transport vessels in our waters. Innovative designs like the central ballast tanker system will add a greater degree of safety in our waters an will further protect our sensitive and vitally important coastal ecosystem.

I am confident that the Secretary, in conjunction with the Marine Board, the Coast Guard and industry leaders will pull together to consider and eventually approve alternative designs to the double hull so our waters can be cleaner and safer and our shipyards and

American workers will successfully participate in tanker construction in the years to come.

Mr. President, as I initially indicated, I have a great deal of admiration for the U.S. Coast Guard. I therefore, stand here today in support of S. 1259 the United States Coast Guard Authorization Act.

The Coast Guard is essential to the safety and well being of the citizens of my home state of Louisiana, as well as every other coastal State, every State with navigable waters and even several landlocked States.

Using Louisiana as an example, with its hundreds of miles of coastline, active maritime and fishing industries, and thriving recreational boating population the Coast Guard must be at full strength. The payback to our nation is unparalleled. For instance, every year the Coast Guard:

Saves about 5,000 lives;

Conducts 65,700 search and rescue missions;

Responds to 11,680 hazardous waste spills;

Protects vital marine habitats from encroachment and pollution;

Maintains 50,000 aids to ensure maritime safety; and

Keeps $2.6 billion worth of drugs off U.S. streets.

In the Greater New Orleans area alone, the Coast Guard:

Conducted over 300 search and rescue missions;

Responded to 2500 pollution incidents;

Investigated nearly 700 marine casualties;

Conducted over 2700 vessel inspections; and

Seized hundreds of pounds of drugs (Marijuana and Cocaine).

In the event my distinguished colleagues aren't already amazed let me continue. More than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment, to enforce fishery and other laws and treaties, maintain aids to navigation, prevent illegal drug trafficking and illegal immigrants, and preserve defense readiness. I believe it's our responsibility to ensure that the Coast Guard has adequate resources for its missions as it prepares for the next century. As I've outlined, the resources we provide to the Coast Guard have a direct impact on our communities. The Coast Guard's Search and Rescue Program alone provides a four-to-one return on their Operating Expenses Appropriation and only scratched the surface of what the Coast Guard does for America, everyday, around the clock. This pay-pack is unrivaled and can only be claimed by a few agencies, including the Coast Guard.

Always serving as an example, over the past 4 years, the Coast Guard on its own initiative to reduce overhead eliminated close to 4,000 positions and streamlined to save approximately $400 million per year. This has resulted in the smallest Coast Guard since 1967, yet their workload has grown substantially over the past 3 decades. Over the years, we the Congress has continued to expand the Coast Guard's mission. The "can-do" attitude they continually display should serve as an example to us all. However, we can no longer force this proud maritime service to do more with less.

I now call my colleagues to action. The Coast Guard's fiscal year 1999 budget request contains the minimum funding necessary to sustain Coast Guard operations. As a co-sponsor of the Western Hemisphere Drug Elimination Act, I strongly support increased counter-drug operations, but I believe earmarks to increase them at the expense of several other Coast Guard missions inside a net reduction in operating expenses is not possible.

It goes without saying how important the Coast Guard is to our Nation. I urge my colleagues to assure all necessary funding be secured in the 1999 Transportation Appropriations Bill, expected on the floor any day now. Restoration of earmarks are paramount to avoid necessary loss of life and negatively impacting public safety. I urge my colleagues to ensure the Coast Guard is provided a fiscal year budget very close to the President's request.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. HOLLINGS. Mr. President, I am pleased to join with my Commerce Committee colleagues in supporting legislation to authorize the U.S. Coast Guard. This agency enjoys widespread, bipartisan support—and for good reason. The Coast Guard has an important job and does it well. Last year alone, the Coast Guard conducted 12,449 fisheries enforcement boardings; prevented 103 thousand pounds of cocaine and 102 pounds of marijuana from reaching the streets; gave safety instruction to 570 thousand recreational boaters; responded to 13,654 reports of water pollution or hazardous spills; prevented property loss of $2.5 billion; and saved almost 5,000 lives.

The legislation before us today recognizes the vital contribution that the Coast Guard makes to the war on drugs. It authorizes $100 million over the President's request in fiscal year (FY) 1999 and FY 2000 for drug interdiction. This will allow the Coast Guard to conduct more operations like the one carried out by the Coast Guard Cutter *Dallas* in November of 1997. The *Dallas*, which is homeported in my hometown of Charleston, was participating in a joint surveillance operation with the U.S. Navy, the U.S. Drug Enforcement Agency, and the Colombian Navy. During the operation, the *Dallas* fired 25 warning shots in pursuit of a 40-foot boat spotted off the coast of Columbia and recovered 1 of the 2 tons of cocaine netted in the operation.

This bill authorizes a Coast Guard budget of $3.8 billion for FY 1998, $4.07 billion for FY 1999, and $4.35 billion for FY 2000 covering six appropriations accounts: (1) operating expenses; (2) acquisition, construction, and improvement of equipment and facilities; (3) research and development; (4) retired pay; (5) alteration and removal of bridges; and (6) environmental compliance and restoration. In addition, it authorizes $10 million in FY 1999 and $35 million in FY 2000 for capital expenses related to LORAN-C navigation infrastructure.

S. 1259 also provides for end-of-year military strength and training loads and addresses a number of Coast Guard-related administrative and policy issues. Among such issues, the bill provides for: authority to waive severance pay for officers separated with an other than honorable discharge; removal of the cap on warrant officer severance pay; use of funds for awards programs and car rental for funerals; transfer of equipment to Coast Guard Auxiliary; arrest authority for Special Agents of the Coast Guard Investigative Service; and a prohibition on new navigational assistance user fees through FY 2000.

In addition, the bill enhances the Coast Guard's safety and law enforcement missions. It includes provisions to: require alcohol testing within two hours of a serious marine incident; assess national marine transportation system needs; evaluate the use of emergency position indicating beacons (EPIRBs) by operators of recreational vessels; and establish criminal penalties for the failure of a person to land an aircraft or heave to a vessel when ordered by a Federal law enforcement officer. At this point, I would like to highlight a few key provisions of S. 1259.

GEORGETOWN LIGHT

S. 1259 would convey the only working lighthouse in South Carolina, the Georgetown Light on North Island in Winyah Bay, to the South Carolina Department of Natural Resources (SCDNR). SCDNR owns the property surrounding Georgetown Light and uses it as a wildlife preserve. It has been brought to my attention that the Coast Guard would like to deactivate the light inside of the lighthouse and replace it with a light on an existing tower. SCDNR and members of the community would like to see the light inside of the lighthouse maintained. But the Coast Guard is concerned that the only cost-effective way to maintain this light is through structural modifications to the old lighthouse that could mar its historic character. However, I am confident that the Coast Guard, SCDNR, historic preservation officials, and the local community will sit down and come to a mutually-agreeable solution for operating this aid to navigation.

PANAMA CANAL TONNAGE CALCULATION

At my request, the bill includes a provision to require the Panama Canal Commission to report on the methodology used to calculate tolls charged to deck container vessels. The tolls currently charged to container ships with on-deck containers are inconsistent with the 1969 International Convention on Tonnage Measurement of Ships (ITC 69). I am concerned that the current tonnage calculation system might adversely impact the traffic of containerized cargo through the Panama Canal. I will continue to monitor the fee structure to ensure that it is fair and does not adversely impact East Coast ports such as Charleston.

NAVIGATIONAL ASSISTANCE USER FEES

S. 1259 would prohibit the Secretary of Transportation from implementing any new navigational assistance user fee until September 30, 2000. Such a fee might discriminate inequitably among users of Coast Guard aids to navigation. While I am not sure that the Coast Guard would have the authority to impose such a fee, I am glad that we could make the law clear on this point.

USE OF EPIRBS FOR RECREATIONAL VESSELS

In the past year, we have heard several tragic stories of lives lost when recreational vessels sink off of our nation's coast. Some of these vessels were close to shore and within range of Coast Guard rescuers but could not be located. They might have been found and tragedy been averted had the vessels been equipped with EPIRBs—devices which broadcast a vessel's position. While non-profit organizations like BOAT/US have encouraged EPIRB use through education and rental programs, more can be done. That is why I have included a provision to require the Coast Guard to evaluate and provide recommendations to stimulate the use and availability of EPIRBs by recreational vessels.

LAW ENFORCEMENT ENHANCEMENT

In 1790, Secretary of the Treasury Alexander Hamilton ordered the construction of Revenue Cutters to stop smuggling and enforce tariffs. Today, the Coast Guard continues that mission, facing an increasingly sophisticated threat from illegal drug smugglers. Providing new authority to deal with an old problem, S. 1259 contains Administration-requested measures to enhance law enforcement. These measures establish sanctions (including seizure and forfeiture) for failure to land an aircraft at the order of a federal officer enforcing drug or money-laundering laws, and for obstructing boarding of a vessel by a Federal Aviation Administration (FAA) revocation of aircraft or airman certificates for such a violation, establish Coast Guard and Customs Service air interdiction authority, and set civil penalties of $15,000 for violations of that authority. In addition, this provision requires that FAA establish conditions, based on observed conduct or prior information, for ordering a plane to land. These provisions are not intended to restrict or affect in any way the Federal Government's current broad authority to conduct border searches. Rather, they should safeguard innocent owners from concerns over unwarranted interference with their operations. I am optimistic that the bill strikes an appropriate balance with the need to assure innocent citizens that they will not be forced to land.

VESSEL IDENTIFICATION SYSTEM AMENDMENTS

The bill would make corrections to the Coast Guard's vessel identification system to make a vessel titled in a state eligible for Federal documentation and to ensure that a preferred mortgage remains preferred if a state title is surrendered for another state title or for federal documentation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) CORPS OFFICERS

Finally, S. 1259 would set a floor on Corps officers of 264 and a ceiling of 299 through FY 2003, designate a flag officer at the Director of the Corps, and lift the hiring freeze on NOAA Corps officers. The Corps has not been permitted to recruit new officers since October 1994, and this methodical, de facto elimination of positions has continued without the oversight or approval of the Congress. While we have been discussing the status of this service, the natural retirements and attrition of time have been slowly bleeding the strength out of the NOAA Corps. The Corps stands below 245 members, down 44 percent from its highest level of 439 in 1995. This provision is intended to settle the issue so that Corps officers and their families are no longer in limbo and NOAA can focus on completing its core missions.

Mr. President, over the past two centuries, the U.S. Coast Guard has built an enduring reputation throughout the world for its maritime safety, environmental protection, humanitarian, and lifesaving efforts. We have all watched the valiant and often heroic work of Coast Guard seamen and officer as they rescue desperate refugees who have taken to the seas in crowded and makeshift boats. Even in the remote regions of the world, the Coast Guard is present, actively engaged in the enforcement of United Nations' embargoes against countries like the former Republic of Yugoslavia and Iraq. The men and women of the Coast Guard respond with equal dedication during times of war and peace. I ask my colleagues to recognize this service by joining me in supporting S. 1259.●

JONES ACT WAIVER/CAMDEN IRON AND METAL

Mr. TORRICELLI. Mr. President I thank Senator SNOWE, Senator McCAIN, and Majority Leader LOTT for working with us to craft a compromise regarding the coastwise eligibility of Barge APL–60. This limited certification will allow the barge to be used by Camden Iron and Metal in an important new Navy ship disposal initiative. Thanks to the diligent efforts of Senators LAUTENBERG and SPECTER, initial funding of $7.5 million for this ship disposal initiative has been included in the FY99 defense appropriations bill. I would just like to clarify with the Senator from Maine that it is her understanding that this provision will apply to all work done by the barge in connection with the initiative for as many years as the initiative continues.

Ms. SNOWE. Yes, that it is my understanding.

Mr. LAUTENBERG. I, too thank Senator SNOWE, Senator McCAIN, Majority Leader LOTT, and Senators HOLLINGS and BREAUX for their assistance on this important economic development initiative. The program will involve the development of an environmentally sound method for dismantling the Navy's many decommissioned vessels. Camden Iron and Metal, a critical partner in this initiative, intends to transport pieces of the Navy's ships on the barge from the shipyard to its facility in Camden for further processing. It is a very important project in the city of Camden and I am grateful for their help. I recognize that discussions are under way with the House regarding the Coast Guard authorization and want to ask the chairman for a commitment to giving this provision priority consideration in those discussions.

Ms. SNOWE. I will do every thing I can to ensure that this provision is in any final Coast Guard legislation.

Mr. LAUTENBERG. I thank the Senator from Maine.

Mr. TORRICELLI. Again, I thank the Senator from Maine, Senator McCAIN, the Majority Leader, as well Senators HOLLINGS and BREAUX.

Mr. McCAIN. Mr. President, I rise in support of the Coast Guard Reauthorization Act of 1998, 1999, and 2000. The Coast Guard is a branch of the armed forces and a multi-mission agency. The Coast Guard is responsible for our national defense, search and rescue services on our nation's waterways, maritime law enforcement, including drug interdiction and environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety. This bill will provide the Coast Guard with funding and authority to continue to provide the United States with high quality performance of its diverse duties through fiscal year 2000. I commend the men and women of the Coast Guard who serve their country with honor and distinction.

This bill authorizes $100 million over the Administration's budget request in fiscal years 1999 and 2000 for drug interdiction activities. This additional money will restore drug interdiction funding to approximately the same level which the Coast Guard spent on the war on drugs in 1997. As the primary maritime law enforcement agency, the Coast Guard has played an essential role in our nation's war on drugs. The Commandant of the Coast Guard serves as the Administration's drug interdiction coordinator. With the leadership provided by the Coast Guard, several successful drug interdiction operations performed with other federal agencies have proven to be quite effective. In Operation Frontier Shield, 36,262 pounds of cocaine were seized off the coast of Puerto Rico, and in three months during Operation Frontier Lance, 2,990 pounds of cocaine were seized off the coast of Haiti. Despite these successful operations, the Administration has not provided for an actual increase in drug interdiction funding levels in its fiscal year 1999 budget request. The funding included in this bill signifies the Commerce Committee's endorsement of the Coast Guard's continued role in the war on drugs.

In addition to funding the important multi-missions of the Coast Guard, this bill makes a series of programmatic changes which will help the Coast Guard operate in a more efficient and effective manner. I will briefly highlight and explain several provisions contained in the bill. The bill gives the Coast Guard parity with the Department of Defense for severance pay. It gives the Coast Guard discretion in making decisions related to severance pay for officers being separated with a less than Honorable Discharge and removes the existing cap on warrant officer severance pay. In both instances, the Committee expects the Coast Guard to implement this provision in a fair and uniform manner.

The bill also prohibits a foreign-flag vessel which has been detained for a violation of an international safety convention to which the United States is a party from carrying cargo sponsored by the United States Government for one year after the violation. The Committee intends this penalty to be triggered in the case of serious violations of such conventions.

The bill authorizes the Coast Guard to establish seasonal helicopter search and rescue capability based in Westhampton, NY, from April 15 through October 15. Due to the discretionary nature of this provision, the Committee fully expects the Coast Guard to continue to maintain its complete search and rescue mission based on need. By including this provision, the Committee does not intend to extend any inference of priority for the establishment of such search and rescue capability in a manner that contravenes meeting higher priorities.

The bill authorizes the Coast Guard to administratively convey excess lighthouses. In granting such authority, the Committee is focused on the historic preservation of the lighthouses. However, the Committee expects the Coast Guard to take factors, such as the protection of the taxpayer, into consideration when making such an administrative conveyance. For example, if a conveyance is the source of a local controversy or would result in a waste of taxpayer dollars, the Committee would anticipate that the Coast Guard would exercise its discretion and not make the conveyance.

The bill also provides an administrative process for obtaining a waiver of the coastwise trade laws to allow vessels to commercially operate in the coastwise trade under certain conditions. The waiver authority allows the Administration to process non-controversial waiver requests in a more expeditious manner than the Congress and improve the responsiveness of the federal government in meeting the needs of many vessel-operating small businesses. I introduced this provision separately as S. 661 and it was adopted by the Committee.

The bill includes S. 1480, the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998. This bill was adopted by the Committee and provides funding for Federal research, monitoring, and management activities to address harmful algal blooms and hypoxia on a national scale.

The bill includes a provision which authorized the Commandant of the Coast Guard to recognize the community of Grand Haven, Michigan as "Coast Guard City USA". The community has a long and lofty tradition of making the Coast Guard at home in Grand Haven. Senator ABRAHAM, Senator LEVIN, and Representative HOEKSTRA worked tirelessly to secure this recognition for Grand Haven. The bill contains discretionary language because the Committee was concerned about possibly precluding any other community in the United States from attaining such recognition under any circumstances.

This bill represents a comprehensive set of improvements which should enhance the efficiency and effectiveness of the day-to-day operation of the Coast Guard. Finally, I would like to express my gratitude and that of the full Commerce Committee to staff who worked on this bill, including Clark LeBlanc, Sloan Rappoport, Jim Sartucci, Penny Dalton, Jean Toal, Carl Bentzel, as well as Tim Cook, a Coast Guard fellow, who provided valuable insight into life in the Coast Guard and how certain provisions in the Coast Guard bill would benefit the men and women in uniform, and Stephanie Bailenson, a Sea Grant fellow, who helped develop the harmful algal bloom legislation and provided an essential scientific perspective on the bill.

Mr. INHOFE. I would like to enter into a colloquy with my friend Senator MCCAIN, who is the chairman of the Senate Commerce Committee, in order to clarify an amendment to the Coast Guard authorization bill. This provision, which was adopted in committee as part of S. 1259, has the unintended effect of raising serious safety concerns for general aviation pilots. It would make it a criminal offense if a pilot knowingly disobeys an order to land, but there is no explicit requirement for reasonable suspicion of criminal activity. It also could make an aircraft owner responsible for paying thousands of dollars to reclaim their aircraft, even if they are totally innocent of any wrongdoing.

As the Senator knows, I have been a pilot for over 40 years, and I understand that an "order to land" could be a dangerous and traumatic experience for a pilot. In fact, the International Standards, Rules of the Air, published by the International Civil Aviation Organization says "interceptions of civil aircraft are, in all cases, potentially hazardous."

The provision was intended to provide additional authority to U.S. law enforcement officers to curtail maritime and aviation drug smuggling near the border, which I'm sure all of us agree is a laudable goal. However, because of the potential danger and immense burden to pilots, I believe some relatively minor changes should be made to the amendment.

With that in mind, I have drafted some changes to the language that I would appreciate the House and Senate considering during their deliberations. These changes will directly address the concerns of the general aviation community without undermining the ability of law enforcement to track and stop pilots involved in illegal activity.

Mr. MCCAIN. I thank my friend, Senator INHOFE, for raising these issues. As he said, the goal of this amendment is to help U.S. law enforcement officers fight the war on drugs. The provision would make it unlawful for a pilot subject to U.S. jurisdiction to knowingly disobey an order to land issued by an authorized Federal law enforcement officer. The provision does try to address the issues you raise by requiring that the FAA write the regulations to define the means by and circumstances under which it would be appropriate to order an aircraft to land. The regulations would include guidelines for determining when an officer may issue an order to land based on observed conduct, prior information, or other circumstances.

Clearly, safety must be a primary consideration in the formulation and administration of these guidelines. Let me also assure the Senator from Oklahoma that the intent of this provision is not to allow for seizure of aircraft owned by people whose planes have been stolen, borrowed or rented and used illegally without the owner's knowledge. If the general aviation community still has concerns, we will work with you to make sure the issues involving safety and fair treatment of innocent pilots are thoroughly considered. As we discuss the Coast Guard bill with the House, we will work with you and review the language in this provision. I want to assure my friend that I will discuss all of your concerns and recommendations, and recommendations from other Senators with our colleagues in the House.

Mr. INHOFE. I thank the Senator. I appreciate his willingness to work with me on this issue which is of great important to the general aviation community.

Mr. JEFFORDS. I ask consent the Snowe amendment be agreed to, and the bill be considered read a third time.

The amendment (No. 3813) was agreed to.

The bill (S. 1259), as amended, was considered read the third time.

Mr. JEFFORDS. I ask consent the Senate proceed to Calendar No. 221, H.R. 2204.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. I further ask consent that all after the enacting clause be stricken and the text of S. 1259, as amended, be inserted in lieu thereof. I further ask consent that the bill then be read a third time and passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, and finally S. 1259 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2204), as amended, was considered read the third time and passed.

ECONOMIC DEVELOPMENT ADMINISTRATION REFORM ACT OF 1998

Mr. JEFFORDS. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 575, S. 2364.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2364) to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3814

(Purpose: To provide a complete substitute)

Mr. JEFFORDS. Mr. President, Senator CHAFEE has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. CHAFEE, proposes an amendment numbered 3814.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. I ask unanimous consent the substitute be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment was agreed to.

So the bill (S. 2364), as amended, was considered read the third time and passed.

The title was amended so as to read:

A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES TO CERTAIN MEMBERS OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 658, H.R. 700.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause an insert in lieu thereof the following:

SECTION 1. FINDINGS.

Congress finds that—

(1) among its purposes, the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 951 et seq.) (referred to in this section as the "Act") was intended to provide for a reasonable degree of equalization of the value of allotments made to members of the Agua Caliente Band of Cahuilla Indians;

(2) the Act was enacted in response to litigation in Federal courts in Segundo, et al, v. United States, 123 F. Supp. 554 (1954);

(3) the case referred to in paragraph (2) was appealed under the case name United States v. Pierce, 235 F. 2d 885 (1956) and that case affirmed the entitlement of certain members of the Band to allotments of approximately equal value to lands allotted to other members of the Band;

(4)(A) to achieve the equalization referred to in paragraph (3), section 3 of the Act (25 U.S.C. 953) provided for the allotment or sale of all remaining tribal lands, with the exception of several specifically designated parcels, including 2 parcels in the Mineral Springs area known as parcel A and parcel B;

(B) section 3 of the Act restricted the distribution of any net rents, profits, or other revenues derived from parcel B to members of the Bank and their heirs entitled to equalization of the value of the allotments of those members;

(C) from 1959 through 1984, each annual budget of the Band, as approved by the Bureau of Indian Affairs, provided for expenditure of all revenues derived from both parcel A and parcel B solely for tribal governmental purposes; and

(D) as a result of the annual budgets referred to in subparagraph (C), no net revenues from parcel B were available for distribution to tribal members entitled to equalization under section 3 of the Act referred to in paragraph (1);

(5) by letter of December 6, 1961, the Director of the Sacramento Area Office of the Bureau of Indian Affairs informed the regional solicitor of the Bureau of Indian Affairs that the equalization of allotments on the Agua Caliente Reservation with respect to those members of the Band who were eligible for equalization had been completed using all available excess tribal land in a manner consistent with—

(A) the decree of the court in the case referred to in paragraph (2); and

(B) the Act;

(6) in 1968, the files of the Department of the Interior with respect to the case referred to in paragraph (3), the closure of which was contingent upon completion of the equalization program, were retired to the Federal Record Center, where they were subsequently destroyed;

(7) on March 16, 1983, the Secretary of the Interior published notice in the Federal Register that full equalization had been achieved within the meaning of section 7 of the Act (25 U.S.C. 957);

(8) section 7 of the Act states that "allotments in accordance with the provisions of this Act shall be deemed complete and full equalization of allotments on the Agua Caliente Reservation"; and

(9) the regulations governing the equalization of allotments under the Act referred to in paragraph (1) were rescinded by the Secretary, effective March 31, 1983.

SEC. 2. DEFINITIONS.

In this Act:

(1) BAND.—The term "Band" means the Agua Caliente Band.

(2) PARCEL B.—The term "parcel B" means the parcel of land in the Mineral Springs area referred to as "parcel B" in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. EQUALIZATION OF ALLOTMENTS.

(a) IN GENERAL.—The full equalization of allotments within the meaning of section 7 of the Act entitled "An Act to provide for the equalization of allotments on the Agua

Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 957) is deemed to have been completed.

(b) Expiration of Entitlement.—By reason of the achievement of the full equalization of allotments described in subsection (a), the entitlement of holders of equalized allotments to distribution of net revenues from parcel B under section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)) shall be deemed to have expired.

SEC. 4. REMOVAL OF RESTRICTION.

(a) In General.—The fourth undesignated paragraph in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)), is amended by striking "east: *Provided*," and all that follows through the end of the paragraph and inserting "east.".

(b) Applicability.—The amendment made by subsection (a) shall apply as if this section had been enacted on March 31, 1983.

(c) Subsequent Distributions.—Any per capita distribution of tribal revenues of the Band made after the date of enactment of this Act shall be made to all members of the Band in equal amounts.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (H.R. 700), as amended, was considered read the third time and passed.

EXPRESSING SENSE OF CONGRESS REGARDING FOREST SERVICE POLICY FOR RECREATIONAL SHOOTING AND ARCHERY RANGES

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. Con. Res. 123 and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 123) to express the sense of Congress regarding the policy of the Forest Service toward recreational shooting and archery ranges on Federal land.

The Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 123) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. Con. Res. 123

Whereas the Forest Service is developing a national policy to guide its management of existing and proposed shooting and archery ranges on national forest land;

Whereas when managed appropriately, firearm and archery sports are a legitimate use of national forest land;

Whereas the Forest Service has proceeded with closure actions of recreational shooting ranges on Forest Service land without prior notification to Congress or the general public;

Whereas on March 10, 1997, the Forest Service suspended the special-use permit of the Tucson Rod and Gun Club located in the Coronado National Forest near Tucson, Arizona; and

Whereas the Forest Service is evaluating alternative sites in the Coronado National Forest that could be used by the Tucson Rod and Gun Club for firearm and archery sports, the Secretary of Agriculture has directed the expeditious completion of the environmental assessment, and the Forest Service has committed to notify Congress of its decision by November 20, 1998: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS REGARDING PUBLIC RECREATIONAL AND MULTI-PURPOSE USE OF UNITED STATES FOREST SERVICE LAND.

It is the sense of Congress that—

(1) the Forest Service should not close shooting or archery facilities without prior notification to Congress and the general public unless there is an immediate threat to public safety;

(2) notification to Congress of any plan for closure of a shooting or archery facility should include the reasons for the closure, including any potential for imminent public safety endangerment;

(3) the Forest Service should avoid unreasonable restrictions in the issuance of special-use permits for firearm and archery sports facilities;

(4) the Forest Service should fully evaluate alternative sites in the Coronado National Forest and provide, to the extent consistent with the environmental assessment, a reasonable alternative that would allow the Tucson Rod and Gun Club to quickly open a safe facility for firearm and archery sports; and

(5) the Forest Service should adhere to its deadline of November 20, 1998, for a decision on a site for the Tucson Rod and Gun Club.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1722 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1722) to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3815

(Purpose: To provide for a complete substitute)

Mr. JEFFORDS. Mr. President, Senator Frist has a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. Jeffords], for Mr. Frist, proposes an amendment numbered 3815.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Health Research and Prevention Amendments of 1998".

TITLE I—PROVISIONS RELATING TO WOMEN'S HEALTH RESEARCH AT NATIONAL INSTITUTES OF HEALTH

SEC. 101. RESEARCH ON DRUG DES; NATIONAL PROGRAM OF EDUCATION.

(a) Research.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking "1996" and inserting "2003".

(b) National Program for Education of Health Professionals and Public.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

"EDUCATION REGARDING DES

"Sec. 1710. (a) In General.—The Secretary, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly known as DES). To the extent appropriation, such national program shall use methodologies developed through the education demonstration program carried out under section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1999.

"(b) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 102. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by striking "and 1996" and inserting "through 2003".

SEC. 103. RESEARCH ON CANCER.

(A) Research on Breast Cancer.—Section 417B(b)(1) of the Public Health Service Act (42 U.S.C. 286a–8(b)(1)) is amended—

(1) in subparagraph (A), by striking "and 1996" and inserting "through 2003"; and

(2) in subparagraph (B), by striking "and 1996" and inserting "through 2003".

(b) Research on Ovarian and Related Cancer Research.—Section 417B(b)(2) of the Public Health Service Act (42 U.S.C. 286a–8(b)(2)) is amended by striking "and 1996" and inserting "through 2003".

SEC. 104. RESEARCH ON HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

"HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

"Sec. 424A. (a) In General.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

"(b) Coordination With Other Institutes.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

"(c) Certain Programs.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

"(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

"(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

"(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

"(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

"(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

"(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 105. AGING PROCESSES REGARDING WOMEN.

Section 445H of the Public Health Service Act (42 U.S.C. 285e–10) is amended—

(1) by striking "The Director" and inserting "(a) The Director"; and

(2) by adding at the end the following subsection:

"(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 106. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

Section 486(d)(2) of the Public Health Service Act (42 U.S.C. 287d(d)(2)) is amended by striking "Director of the Office" and inserting "Director of NIH".

TITLE II—PROVISIONS RELATING TO WOMEN'S HEALTH AT CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking "through 1998" and inserting "through 2003"; and

(2) in paragraph (2), by striking "through 1998" and inserting "through 2003".

SEC. 202. NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended by striking "through 1998" and inserting "through 2003".

SEC. 203. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(a) Services.—Section 1501(a)(2) of the Public Health Service Act (42 U.S.C. 300k(a)(2)) is amended by inserting before the semicolon the following: "and support services such as case management".

(b) Providers of Services.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(1) in paragraph (1), by striking "through grants" and all that follows and inserting the following: "through grants to public and nonprofit private entities and through contracts with public and private entities."; and

(2) by striking paragraph (2) and inserting the following:

"(2) Certain applications.—If a nonprofit private entity and a private entity that is not a non-profit entity both submit applications to a State to receive an award of a grant or contract pursuant to paragraph (1), the State may give priority to the application submitted by the nonprofit private entity in any case in which the State determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.".

(c) Authorizations of Appropriations.—

(1) Supplemental grants for additional preventive health services.—Section 1509(d)(1) of the Public Health Service Act (42 U.S.C. 300n–4a(d)(1)) is amended by striking "through 1998" and inserting "through 2003".

(2) General program.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended by striking "through 1998" and inserting "through 2003".

SEC. 204. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION.

Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking "through 1998" and inserting "through 2003".

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3815) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1722), as amended, was considered read the third time and passed.

Mr. FRIST. Mr. President, I am pleased to rise today before we adjourn the 105th Congress to acknowledge significant legislation addressing women's health needs in the United States. I originally introduced S. 1722, the "Women's Health Research and Prevention Amendments of 1998," on March 6, 1998, with our Majority Leader, Senator Trent Lott, to increase awareness of some of the most pressing diseases and health issues that confront women in our country. I am gratified that the Senate has moved to enact this legislation which will reauthorize important women's health activities at the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC).

We introduced this bill to create greater awareness of women's health issues and to highlight the critical role our public health agencies, the NIH and CDC, play in providing a broad spectrum of activities to improve women's health—including research, screening, prevention, treatment, education, and data collection. The bill has enjoyed broad bipartisan support, which is a testament to the need to combat the diseases affecting women and to maintain the crucial health services that help prevent these diseases. Today we move from raising awareness of these important issues to acting upon them.

This bill includes valuable provisions which support basic and clinical research at the National Institutes of Health. Among other things, these provisions reauthorize research on osteoporosis and aging processes in women; the drug diethylstilbestrol (DES) which was widely prescribed from 1938 to 1971 and has been shown to be harmful to pregnant women and their children; and breast and cervical cancer. These provisions also establish a new program focused on cardiovascular disease—the number one cause of death in women. The reauthorization of these research programs will help assure scientific progress in our fight against these diseases and will lessen their burden on women and their families.

At the Centers for Disease Control and Prevention, the bill reauthorizes the National Breast and Cervical Cancer Early Detection Program which provides for crucial screening services for breast and cervical cancers to underserved women. It is especially fitting that we enact this legislation today since October is Breast Cancer Awareness month. The American Cancer Society estimates that this year more than 180,000 women will be diagnosed with breast cancer and more than 40,000 women will lose their lives. These are not just statistics—they represent our mothers, sisters, aunts, and daughters. It is with them in mind that we pass this legislation today.

The bill also includes reauthorizations of data collection activities through the National Center for Health Statistics and the National Program of Cancer Registries, the leading sources of national data on the health status of U.S. women. These programs make significant contributions to the health and well-being of women in the United States.

Mr. President, I am proud of our work on women's health. I would like to take this opportunity to thank our Majority Leader, Senator LOTT, for his leadership and support on this issue. I would also like to thank Anne Phelps and Zoë Beckerman of my staff for their hard work on the reauthorization of these programs.

PROVIDING FOR CHANGE IN EXEMPTION FROM CHILD LABOR PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2327, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3816

(Purpose: To make certain technical corrections concerning the effective date)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 3816.

The amendment is as follows:

In section 2 of the bill, strike subsection (b) and insert the following:

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act shall become effective on the date of enactment of this Act.

(2) EXCEPTION.—The Amendment made by subsection (a) defining the term "occasional and incidental" shall also apply to any case, action, citation or appeal pending on the date of enactment of this Act unless such case, action, citation or appeal involves property damage or personal injury.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3816) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2327), as amended, was considered read the third time and passed.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 386, S. 1642.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1642) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3817

Mr. JEFFORDS. I understand Senator GLENN has a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. GLENN, proposes an amendment numbered 3817.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TITLE.

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 1998."

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) to simplify Federal financial assistance application and reporting requirements;

(3) to improve the delivery of services to the public;

(4) to facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term "Federal agency" means any agency as defined under section 551(1) of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term "Federal financial assistance" has the same meaning as defined in section 7501 (a)(5) of title 31, United States Code under which Federal financial assistance is provided, directly or indirectly, to a non-federal entity.

(4) LOCAL GOVERNMENT.—The term "local government" means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code);

(5) NON-FEDERAL ENTITY.—The term "Non-federal entity" means a State, local government, or non-profit organization.

(6) NON-PROFIT ORGANIZATION.—The term "Non-profit organization" means any corporation, trust, association, cooperative, or other organization that—

(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

(8) TRIBAL GOVERNMENT.—The term "tribal government" means an Indian tribe, as that term is defined in Section 7501(a)(9) of title 31, United States Code.

(9) UNIFORM ADMINISTRATIVE RULE.—The term "uniform administrative rule" means a government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

(2) demonstrates active participation in the interagency process under section 6(a)(2);

(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the Government Performance and Results Act.

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(B) EXTENSION.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-federal entities during development and implementation of the plan. Consultation with representatives of State, local and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

SEC. 6. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, and representatives of non-federal entities, shall direct, coordinate and assist Federal agencies in establishing—

(1) A common application and reporting system, including:

(A) A common application or set of common applications, wherein a non-federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

(B) a common system, including electronic processes, wherein a non-federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies;

(2) An interagency process for addressing:

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-federal entities; and

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including appropriate information sharing consistent with the Privacy Act of 1974;

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Agencies shall submit to the Director, upon his request and for his review, information and other reporting regarding their implementation of this Act.

(d) EXEMPTIONS.—

The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which will be available to the public through OMB's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans;

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS.

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective five years after such date of enactment.

Mr. JEFFORDS. I ask unanimous consent that the substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3817) was agreed to.

Mr. JEFFORDS. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD, without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1642), as amended, was considered read the third time and passed.

USDA INFORMATION TECHNOLOGY REFORM AND YEAR-2000 COMPLIANCE ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the agriculture committee be discharged from further consideration of S. 2116 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2116) to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3818

Mr. JEFFORDS. Mr. President, Senator LUGAR has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. LUGAR, proposes an amendment numbered 3818.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LUGAR. Mr. President, today I rise in support of S. 2116, the USDA Information Technology Reform and Year-200 Compliance Act of 1998. This legislation aims to centralize all year 2000 computer conversion and other information technology acquisition and management activities within the Office of the Chief Information Officer of the Department of Agriculture. Centralization is the most efficient way to manage the complex task of ensuring that all critical computer functions at the department are operational on January 1, 2000. It is also a wiser and more effective way to construct an information technology infrastructure to enable USDA's hundreds of computer systems to interoperate, which unfortunately they cannot now do.

The Department of Agriculture is charged with enormous responsibilities and its year 2000 readiness is crucial. It has a diverse portfolio of over 200 Federal programs throughout the Nation and the world. The department delivers about $80 billion in programs. It is the fourth largest Federal agency, with approximately 30 agencies and offices. The department is responsible for the safety of our food supply, nutrition programs that serve the poor, young and old, and the protection of our natural resources. Since 40 percent of the non-tax debt owed to the Federal Government is owed to USDA, the department has a responsibility to ensure the financial soundness of taxpayers' investments.

The centralized approach to the year 2000 issue at USDA led to a lack of focus on departmental priorities. This approach resulted in a lack of guidance, oversight and the development of contingency plans. Responsibility for keeping the mission-critical information technology functioning should clearly rest with the Chief Information Officer. I am pleased that Secretary of Agriculture Glickman has pledged his personal commitment to the success of year 2000 compliance and has made it one of the highest priorities for USDA.

The General Accounting Office has long chronicled USDA's history of problems in managing its information technology investments. In August 1993, USDA received authority to spend up to $2.6 billion on a project called Info Share. The goal of Info Share was to improve operations and delivery of services by reengineering business processes and developing integrated information systems. In August 1994, GAO warned that the acquisition of information technology without business process reenginering would be problematic. Ineffective planning and management resulted in USDA's wasting $100 million on Info Share before it was ultimately disbanded.

An August 1998 GAO report warned that USDA's ongoing effort to modernize information technology at its field service centers, faces significant risks. The department could spend more than $3 billion on the project by 2011. The report revealed that USDA has not completed a comprehensive plan for the modernization and lacks the project management structure needed to manage a project of this magnitude. Specifically, USDA has not assigned a senior-level official with overall responsibility, authority and accountability for managing and coordinating the project to ensure it is completed on time and within budget.

In March of this year before a House agriculture subcommittee and again in May before the Senate Agriculture Committee, GAO testified in support of strong Chief Information Officer leadership at USDA. The Information Technology Management Reform Act of 1996, the Clinger-Cohen Act, seeks to strengthen executive leadership in information management and institute sound capital investment decision-making to maximize the return on information systems. Consistent with provisions of that act, more accountability and responsibility and responsibility over the substantial investments the department makes in information technology were recommended by the GAO. The GAO also noted major weaknesses in USDA's component agency efforts and testified that mitigating the risk of year 2000 disruptions requires leadership.

Last year, I introduced S. 805, a bill to reform the information technology systems of the Department of Agriculture. It gave the Chief Information Officer control over the planning, development and acquisition of information technology at the department. Introduction of that bill prompted some coordination of information technology among the department's agencies and offices. This revised legislation, which includes input from the administration, is now needed to strengthen that coordination and ensure that centralized information technology management continues in the future.

This legislation requires that the Chief Information Officer manage the design and implementation of an information technology architecture based on strategic business plans to maximize the effectiveness and efficiency of USDA's program activities. Included in the bill is authority for the Chief Information Officer to approve expenditures over $200,000 for information resources and for year 2000 compliance purposes, except for minor acquisitions. To accomplish these purposes, the bill requires the secretary to transfer up to 10 percent of each agency's information technology budget to the Chief Information Officer's control.

The bill makes the Chief Information Officer responsible for ensuring that the information technology architecture facilitates a flexible common computing environment for the field service centers based on integrated program delivery and provides maximum data sharing with USDA customers and other federal and state agencies, which is expected to result in significant reductions in operating costs.

The bill requires the Chief Information Officer to address the year 2000 computing crisis throughout USDA agencies, between USDA and other Federal, State, and local agencies and between USDA and private and international partners.

Mr. President, this is a bill whose time has come. Unfortunately, USDA's problems in managing information technology are not unusual among government agencies, according to the General Accounting Office. I commend the attention of my colleagues to this bill designed to address a portion of the information resource management problems of the Federal Government and ask for their support of it.

Mr. BOND. I rise to engage the chairman of the committee in a colloquy to clarify a provision of the bill. Mr. Chairman, Section 8 of S. 2116 requires the Secretary of Agriculture to transfer up to 10 percent of the information technology or information resource management funds from each office or agency to the account of the Chief Information Officer. Some of my constituents have expressed concern that this transfer of funds may cause a reduction in the number of employees in an office or agency. A scenario has been brought forth where an office or agency finds it necessary to reduce the number of its employees, using a variety of methods, to facilitate the transfer of funds. Would the chairman address this point?

Mr. LUGAR. At no point during deliberations with the Department of Agriculture was it ever envisioned the transfer of information technology funds would cause reductions in force or furloughs. In fact, great care was taken early in the process to exclude salaries and expenses and intergovernmental payments from the calculations used to determine the amount necessary to adequately fund the development of an information technology architecture. This legislation does not authorize reductions in force or furloughs. The information technology architecture includes telecommunications, service center implementation, and site licenses for computer software and hardware. As introduced, the bill required a transfer of 5 percent of the information technology funds from each office and agency to the Chief Information Officer. Five percent of those funds represented approximately $40 million. Further negotiations with the department resulted in a revision in the bill that permits the Secretary to transfer up to 10 percent of the information technology funds. This amendment gives the Secretary the flexibility he requested to adjust transfers commensurate with the information technology architecture needs of each office and agency. This transfer authority terminates on September 30, 2003. I hope this addresses the Senator's concerns.

Mr. BOND. I thank the Chairman for the clarification.

Mr. CONRAD. I also rise to engage the chairman of the committee in a colloquy to clarify the provision of the bill. Mr. Chairman, I appreciate your response to the question from the Senator from Missouri. Workforce reductions at Farm Service Agency as well as other agencies within the U.S. Department of Agriculture have impacted the quality of services provided. Employees of the U.S. Department of Agriculture have expressed concern that fund transfers authorized by Section 8 of S. 2116 would be made from an agency's Salary and Expenses budgets and could result in additional workforce reductions. Given the increasing workload at Farm Service Agency field offices in many States, I feel that it is vital that this concern be addressed. Mr. Chairman, is it your intention that fund transfers will be made in a manner which does not jeopardize funds available for salaries?

Mr. LUGAR. As I noted in my earlier remarks, that is my intention. It is my hope that the Secretary will avoid such actions. If, however, the Secretary considers a reduction-in-force or furloughs, I expect that he will first consult the committee before going forward with such actions.

Mr. CONRAD. I thank the Chairman for his helpful remarks.

Mr. JEFFORDS. I ask unanimous consent that the substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3818) was agreed to.

Mr. JEFFORDS. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2116), as amended, was considered read the third time and passed.

ORDERS FOR TUESDAY, OCTOBER 13, 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Tuesday, October 13, 1998. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask unanimous consent that there be a period for the transaction of morning business until 12 noon with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator KENNEDY, 20 minutes; Senator LOTT or his designee, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, on Tuesday, the Senate will convene at 11 a.m., and begin a period of morning business until 12 noon. Following morning business, the Senate will await the outcome of the negotiations on the omnibus appropriations bill. As a reminder to all Members, it is hoped that the remaining legislation of the 105th Congress can be disposed of by unanimous consent. However, if a rollcall vote is needed on the omnibus bill, all Members will be given ample notice in order to plan their schedules accordingly.

I have one more unanimous consent request.

DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 264, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 264) to designate October 8, 1998, as the Day of National Concern About Young People and Gun Violence.

The Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 264

Whereas every day in America, 15 children under the age of 19 are killed with guns;

Whereas in 1994, approximately 70 percent of murder victims aged 15 to 17 were killed with a handgun;

Whereas in 1995, nearly 8 percent of high school students reported having carried a gun in the past 30 days;

Whereas young people are our Nation's most important source, and we, as a society, have a vested interest in helping children grow from a childhood free from fear and violence into healthy adulthood;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of this day will give American students the opportunity to make an earnest decision about their future by voluntarily signing the "Student Pledge Against Gun Violence", and sincerely promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That—

(1) the Senate designates October 8, 1998, as "the Day of National Concern About Young People and Gun Violence"; and

(2) the President should be authorized and requested to issue a proclamation calling upon the school children of the United States to observe that day with appropriate ceremonies and activities.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 12, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3610. An act to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

H.R. 3910. Ac act to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

H.R. 4566. An act to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

H.R. 4567. An act to amend titles XI and XVIII of the Social Security Act to revise the per beneficiary and per visit home health payment limits under the medicare program, to improve access to health care services for certain medicare-eligible veterans, to authorize additional exceptions to the imposition of civil money penalties in cases of payments to beneficiaries, and to expand the membership of the Medicare Payment Advisory Commission.

H.R. 4735. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 295. Concurrent resolution expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people.

H. Con. Res. 320. Concurrent resolution supporting the Baltic people of Estonia, Latvia, and Lithuania, and condemning the Nazi-Soviet Pact of Non-Aggression of August 23, 1939.

H. Con. Res. 334. Concurrent resolution relating to Taiwan's participation in the World Health Organization.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2186) to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2431) to establish an Office of Religious Persecutions Monitoring, to provide for the imposition of sanction against countries engaged in a pattern of religious persecution, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2616) to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2886) to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3528) to amend title 28, United States Code, with respect to the use of alternative dispute resolution process in United States district courts, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3796) to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3903) to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4309) to provided a comprehensive program of support for victims of torture.

The message also announced that the House has passed the following bills, with an amendment, in which it requests the concurrence of the Senate:

S. 391. An act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

S. 852. An act to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuild vehicles.

S. 1408. An act to establish the Lower East Side Tenement National Historic Site, and for other purposes.

S. 1525. An act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

The message further announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 469. An act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

S. 1677. An act reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1718. An act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriations of additional amounts for the acquisition of real and personal property.

H.R. 4110. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, without amendment:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 1333. An act to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges.

S. 2106. An act to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes.

S. 2240. An act to establish the Adams National Historic Park in the Commonwealth of Massachusetts, and for other purposes.

S. 2246. An act to amend the Act which establish the Federal Law Olmstead National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes.

S. 2285. An act to establish a commission, in honor of the 150th Anniversary of the Seneca Falls Convention, to further protect sites of importance in the historic efforts to secure equal rights for women.

S. 2413. An act providing the conveyance of Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona unless the conveyance is made to the town of Pinetop-Lakeside or is authorized by Act of Congress.

S. 2427. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

S. 2468. An act to designate the Biscayne National Park Visitor Center as the Dante Fascell Visitor Center.

S.J. Res. 58. Joint resolution recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government.

MESSAGES FROM THE HOUSE

At 4:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 145. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 134. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the joint resolution (S.J. Res. 44) proposing an amendment to the Constitution of the United States to protect the rights of crime victims (Rept. No. 105–409).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Report to accompanying the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas (Rept. No. 105–410).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1427: A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes (Rept. No. 105–411).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 2625. A bill to impose restrictions on the sale of cigars; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI:

S. 2626. A bill to amend title XIX of the Social Security Act to provide a children's enrollment performance bonus; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2627. A bill to amend the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. MACK:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 2626. A bill to amend title XIX of the Social Security Act to provide a children's enrollment performance bonus; to the Committee on Finance.

THE HEALTH CARE FOR AMERICA'S CHILDREN ACT OF 1998

• Mr. TORRICELLI. Mr. President, during last year's passage of the balanced budget agreement, Congress achieved a great victory. We created a new $24 billion program to fund children's health—the State Children's Health Insurance Program.

Even with that historic effort, our work is far from finished. There are 10 million children in this country without health insurance. But even more troubling is that nearly half of these children are eligible for Medicaid health coverage yet remain unenrolled.

This is the great tragedy of Medicaid. Barriers to enrollment like complicated application forms, inaccessible sign-up procedures, and demeaning eligibility processes are preventing families from enrolling their kids. A recent report by the Agency for Health Care Policy and Research (AHCPR) stressed the need for states to engage in outreach activities to increase enrollment of Medicaid-eligible children. Likewise, President Clinton recently identified Medicaid outreach as a high priority of his administration.

The bill I am introducing today would go a long way toward getting these children enrolled. This bill, the Health Care for America's Children Act of 1998, would create an incentive program to reward states who engage in outreach activities to enroll the 4.7 million uninsured children who are eligible for Medicaid. States who employ effective outreach activities like shortened and simplified applications, presumptive and continuous eligibility, and outstationing of eligibility workers in schools and day care centers, would be eligible for a performance bonus.

State adoption of these outreach activities is critical to removing the barriers to enrollment and ensuring that all eligible children get the Medicaid health insurance to which they are already entitled. According to the Congressional Budget Office (CBO), adoption of these outreach measures would increase the number of children enrolled in Medicaid by 700,000 each year after the year 2000. That means that by the year 2007, we could have all eligible children covered.

Lack of health insurance can be devastating to the health status of children. Children without health insurance are four times more likely to go without needed medical or surgical care. And children without health care are less likely to grow up to be healthy productive adults, less likely to receive timely preventive care, and less likely to receive treatment even for serious illnesses.

Unmet health care needs also translate into higher costs over the long run. Uninsured children are more likely to need emergency room care at twice the cost of office-based care. Each dollar invested in immunization saves $7.40 in future medical costs.

Ensuring that children have access to health care is an investment in our future. Over 10 million uninsured children in this country is a crisis. But it is a travesty that we have the means to cover almost half of these children and are failing to do so. In the words of Albert Camus (CAM-OO), "perhaps we cannot prevent this from being our world which children suffer, but we can lessen the number of suffering children."

Mr. President, I ask that the Health Care for America's Children Act of 1998 be included in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care for America's Children Act of 1998".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Over 10,000,000 children in the United States, 1 in 7, lack health insurance coverage.

(2) Nearly half of those children (4,700,000) are eligible for health benefits coverage through the medicaid program but are not enrolled in that program.

(3) Children without health insurance coverage are 4 times more likely to go without needed medical or surgical care.

(4) One out of 5 children who are uninsured for a year or longer are missing all of their current immunizations.

(5) Children without health insurance are less likely to have a family doctor, less likely to receive timely preventive care, and less likely to receive treatment, even for serious illnesses.

(6) Uninsured children are more likely to need emergency room care at twice the cost of office-based care.

(7) A recent report by the Agency for Health Care Policy and Research (AHCPR) stressed the need for States to engage in outreach activities to increase the enrollment of medicaid-eligible children.

(8) Outreach activities like shortened and simplified applications, presumptive and continuous eligibility, and outstationing of eligibility workers in schools and day care centers have been found to be effective in getting medicaid-eligible children enrolled in the medicaid program.

SEC. 3. MEDICAID CHILDREN'S ENROLLMENT PERFORMANCE BONUS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:

"(x)(1) IN GENERAL.—Beginning with fiscal year 1999 and each fiscal year thereafter, in addition to any other payment under this title, the Secretary shall pay to each State that satisfies the requirements of paragraphs (2) and (3) a children's enrollment performance bonus under this subsection for such fiscal year in such amount as the Secretary shall determine.

"(2) DEMONSTRATION OF IMPLEMENTATION OF OUTREACH STRATEGIES.—A State shall demonstrate to the satisfaction of the Secretary that the State has a commitment to reach and enroll children who are eligible for medical assistance under, but not enrolled in, the State plan under this title through effective implementation of each of the following outreach activities:

"(A) STREAMLINED ELIGIBILITY PROCEDURES.—

"(i) IN GENERAL.—The State uses streamlined procedures described in clause (ii) for determining the eligibility for medical assistance under, and enrollment in, the State plan under this title of—

"(I) children in families with incomes that do not exceed the effective income level (expressed as a percent of the poverty line) that has been specified under such State plan (including under a waiver authorized by the Secretary or under section 1902(r)(2) for the child to be eligible for medical assistance under section 1902(l)(2) or 1905(n)(2) (as selected by a State) for the age of such child; and

"(II) children determined eligible for such assistance, and enrolled in the State plan under this title in accordance with the requirements of paragraphs (1) and (2) of section 1931(b).

"(ii) PROCEDURES DESCRIBED.—The streamlined procedures described in this clause include—

"(I) using shortened and simplified applications for the children described in clause (i);

"(II) eliminating the assets test for determining the eligibility of such children; and

"(III) allowing applications for such children to be submitted by mail or telephone.

"(B) CONTINUOUS ELIGIBILITY FOR CHILDREN.—The State provides (or demonstrates to the satisfaction of the Secretary that, not later than fiscal year 2001, the State shall provide) for 12-months of continuous eligibility for children in accordance with section 1902(e)(12).

"(C) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State provides (or demonstrates to the satisfaction of the Secretary that, not later than fiscal year 2001, the State shall provide) for making medical assistance available to children during a presumptive eligibility period in accordance with section 1920A.

"(D) OUTSTATIONING AND ALTERNATIVE APPLICATIONS.—The State complies with the requirements of section 1902(a)(55) (relating to outstationing of eligibility workers for the receipt and initial processing of applications for medical assistance and the use of alternative application forms).

"(E) SIMPLIFIED VERIFICATION OF ELIGIBILITY REQUIREMENTS.—The State demonstrates to the satisfaction of the Secretary that the State uses only the minimum level of verification requirements as are necessary for the State to ensure accurate eligibility determinations under the State plan under this title.

"(3) REPORT ON NUMBER OF ENROLLMENTS RESULTING FROM OUTREACH.—A State shall annually report to the Secretary on the number of full year equivalent children that are determined to be eligible for medical assistance under the State plan under this title and are enrolled under the plan as a result of—

"(A) having been provided presumptive eligibility in accordance with section 1920A;

"(B) having submitted an application for such assistance through an outstationed eligibility worker; and

"(C) having submitted an application for such assistance by mail or telephone.

"(4) NO SUBSTITUTION OF SPENDING.—Amounts paid to a State under this subsection shall be used to supplement and not supplant other Federal, State, or local funds provided to the State under this title or title XXI. Amounts provided to the State under any other provisions of this title shall not be reduced solely as a result of the State's eligibility for a performance bonus under this subsection.".●

By Mr. TORRICELLI:

S. 2627. A bill to amend the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

FIREARMS SAFETY AND CONSUMER PROTECTION ACT OF 1998

● Mr. TORRICELLI. Mr. President, today I introduce the Firearms Safety and Consumer Protection Act of 1998. I am sure that this bill will face opposition, but I am equally sure that the need for this bill is so clear, and the logic so unquestionable, that we will soon see hunters, law enforcement agents and other gun consumers fighting for the passage of the legislation.

Mr. President, I have long fought against the gun injuries that have plagued America for years. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And in the 104th Congress, even in the midst of what many consider a hostile Congress, we told domestic violence offenders that they could no longer own a gun. These were each measures aimed at the criminal misuse of firearms.

But there is another subject that the NRA just hates to talk about—the countless injuries that occur to innocent gun owners, recreational hunters, and to law enforcement. Every year in this country, countless people die and many more are injured by defective or poorly manufactured firearms. Yet the Consumer Product Safety Commission, which has the power to regulate every other product sold to the American consumer, lacks the ability to regulate the manufacture of firearms.

Amazingly, in a nation that regulates everything from the air we breathe, to the cars we drive, the cribs that hold our children, the most dangerous consumer product sold, firearms, unregulated. Studies show that inexpensive safety technology and the elimination of flawed guns could prevent a third of accidental firearms deaths. Despite this fact, the Federal Government powerless to stop gun companies from distributing defective guns or failing to warn consumers of dangerous products.

Ths gaping loophole in our consumer protection laws can often be disastrous for gun users. To take just one recent example, even when a gun manufacturer discovered that it had sold countless defective guns with a tendency to misfire, no recall was mandated and no action could be taken by the Federal Government. The guns remained on the street, and consumers were defenseless. Time after time, consumers, hunters, and gun owners are each left out in the cold, without the knowledge of danger or the assistance necessary to protect themselves from it.

For too long now, the gun industry has successfully kept guns exempt from consumer protection laws, and we must finally bring guns into line with every other consumer product. Logic, common sense, and the many innocent victims of defective firearms all cry out for us to act—and act we must.

To that end, I am introducing the Firearms Safety and Consumer Protection Act, legislation giving the Secretary of the Treasury the power to regulate the manufacture, distribution, and sale of firearms and ammunition. The time has come to stop dangerous and defective guns from killing American consumers. I urge my colleagues to support this bill, and I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Firearms Safety and Consumer Protection Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—REGULATION OF FIREARM PRODUCTS

Sec. 101. Regulatory authority.
Sec. 102. Orders; inspections.

TITLE II—PROHIBITIONS

Sec. 201. Prohibitions.
Sec. 202. Inapplicability to governmental authorities.

TITLE III—ENFORCEMENT

SUBTITLE A—CIVIL ENFORCEMENT

Sec. 301. Civil penalties.
Sec. 302. Injunctive enforcement and seizure.
Sec. 303. Imminently hazardous firearms.
Sec. 304. Private cause of action.
Sec. 305. Private enforcement of this Act.
Sec. 306. Effect on private remedies.

SUBTITLE B—CRIMINAL ENFORCEMENT

Sec. 351. Criminal penalties.

TITLE IV—ADMINISTRATIVE PROVISIONS

Sec. 401. Firearm injury information and research.
Sec. 402. Annual report to Congress.

TITLE V—RELATIONSHIP TO OTHER LAW

Sec. 501. Subordination to the Arms Export Control Act.
Sec. 502. Effect on State law.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the public against unreasonable risk of injury and death associated with firearms and related products;

(2) to develop safety standards for firearms and related products;

(3) to assist consumers in evaluating the comparative safety of firearms and related products;

(4) to promote research and investigation into the causes and prevention of firearm-related deaths and injuries; and

(5) to restrict the availability of weapons that pose an unreasonable risk of death or injury.

SEC. 3. DEFINITIONS.

(a) SPECIFIC TERMS.—In this Act:

(1) FIREARMS DEALER.—The term "firearms dealer" means—

(A) any person engaged in the business (as defined in section 921(a)(21)(C) of title 18, United States Code) of dealing in firearms at wholesale or retail;

(B) any person engaged in the business (as defined in section 921(a)(21)(D) of title 18, United States Code) of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; and

(C) any person who is a pawnbroker.

(2) FIREARM PART.—The term "firearm part" means—

(A) any part or component of a firearm as originally manufactured;

(B) any good manufactured or sold—

(i) for replacement or improvement of a firearm; or

(ii) as any accessory or addition to the firearm; and

(C) any good that is not a part or component of a firearm and is manufactured, sold, delivered, offered, or intended for use exclusively to safeguard individuals from injury by a firearm.

(3) FIREARM PRODUCT.—The term "firearm product" means a firearm, firearm part, nonpowder firearm, and ammunition.

(4) FIREARM SAFETY REGULATION.—The term "firearm safety regulation" means a regulation prescribed under this Act.

(5) FIREARM SAFETY STANDARD.—The term "firearm safety standard" means a standard promulgated under this Act.

(6) NONPOWDER FIREARM.—The term "nonpowder firearm" means a device specifically

designed to discharge BBs, pellets, darts, or similar projectiles by the release of stored energy.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the designee of the Secretary.

(b) OTHER TERMS.—Each term used in this Act that is not defined in subsection (a) shall have the meaning (if any) given that term in section 921(a) of title 18, United States Code.

TITLE I—REGULATION OF FIREARM PRODUCTS

SEC. 101. REGULATORY AUTHORITY.

(a) IN GENERAL.—The Secretary shall prescribe such regulations governing the design, manufacture, and performance of, and commerce in, firearm products, consistent with this Act, as are reasonably necessary to reduce or prevent unreasonable risk of injury resulting from the use of those products.

(b) MAXIMUM INTERVAL BETWEEN ISSUANCE OF PROPOSED AND FINAL REGULATION.—Not later than 120 days after the date on which the Secretary issues a proposed regulation under subsection (a) with respect to a matter, the Secretary shall issue a regulation in final form with respect to the matter.

(c) PETITIONS.—

(1) IN GENERAL.—Any person may petition the Secretary to—

(A) issue, amend, or repeal a regulation prescribed under subsection (a) of this section; or

(B) require the recall, repair, or replacement of a firearm product, or the issuance of refunds with respect to a firearm product.

(2) DEADLINE FOR ACTION ON PETITION.—Not later than 120 days after the date on which the Secretary receives a petition referred to in paragraph (1), the Secretary shall—

(A) grant, in whole or in part, or deny the petition; and

(B) provide the petitioner with the reasons for granting or denying the petition.

SEC. 102. ORDERS; INSPECTIONS.

(a) AUTHORITY TO PROHIBIT MANUFACTURE, SALE, OR TRANSFER OF FIREARM PRODUCTS MADE, IMPORTED, TRANSFERRED, OR DISTRIBUTED IN VIOLATION OF REGULATION.—The Secretary may issue an order prohibiting the manufacture, sale, or transfer of a firearm product which the Secretary finds has been manufactured, or has been or is intended to be imported, transferred, or distributed in violation of a regulation prescribed under this Act.

(b) AUTHORITY TO REQUIRE THE RECALL, REPAIR, OR REPLACEMENT OF, OR THE PROVISION OF REFUNDS WITH RESPECT TO FIREARM PRODUCTS.—The Secretary may issue an order requiring the manufacturer of, and any dealer in, a firearm product which the Secretary determines poses an unreasonable risk of injury to the public, is not in compliance with a regulation prescribed under this Act, or is defective, to—

(1) provide notice of the risks associated with the product, and of how to avoid or reduce the risks, to—

(A) the public;

(B) in the case of the manufacturer of the product, each dealer in the product; and

(C) in the case of a dealer in the product, the manufacturer of the product and the other persons known to the dealer as dealers in the product;

(2) bring the product into conformity with the regulations prescribed under this Act;

(3) repair the product;

(4) replace the product with a like or equivalent product which is in compliance with those regulations;

(5) refund the purchase price of the product, or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use;

(6) recall the product from the stream of commerce; or

(7) submit to the Secretary a satisfactory plan for implementation of any action required under this subsection.

(c) AUTHORITY TO PROHIBIT MANUFACTURE, IMPORTATION, TRANSFER, DISTRIBUTION, OR EXPORT OF UNREASONABLY RISKY FIREARM PRODUCTS.—The Secretary may issue an order prohibiting the manufacture, importation, transfer, distribution, or export of a firearm product if the Secretary determines that the exercise of other authority under this Act would not be sufficient to prevent the product from posing an unreasonable risk of injury to the public.

(d) INSPECTIONS.—In order to ascertain compliance with this Act and the regulations and orders issued under this Act, the Secretary may, at reasonable times—

(1) enter any place in which firearm products are manufactured, stored, or held, for distribution in commerce, and inspect those areas where the products are manufactured, stored, or held; and

(2) enter and inspect any conveyance being used to transport a firearm product.

TITLE II—PROHIBITIONS

SEC. 201. PROHIBITIONS.

(a) FAILURE OF MANUFACTURER TO TEST AND CERTIFY FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a firearm product to transfer, distribute, or export a firearm product unless—

(1) the manufacturer has tested the product in order to ascertain whether the product is in conformity with the regulations prescribed under section 101;

(2) the product is in conformity with those regulations; and

(3) the manufacturer has included in the packaging of the product, and furnished to each person to whom the product is distributed, a certificate stating that the product is in conformity with those regulations.

(b) FAILURE OF MANUFACTURER TO PROVIDE NOTICE OF NEW TYPES OF FIREARM PRODUCTS.—It shall be unlawful for the manufacturer of a new type of firearm product to manufacture the product, unless the manufacturer has provided the Secretary with—

(1) notice of the intent of the manufacturer to manufacture the product; and

(2) a description of the product.

(c) FAILURE OF MANUFACTURER OR DEALER TO LABEL FIREARM PRODUCTS.—It shall be unlawful for a manufacturer of or dealer in firearms to transfer, distribute, or export a firearm product unless the product is accompanied by a label that contains—

(1) the name and address of the manufacturer of the product;

(2) the name and address of any importer of the product;

(3) a specification of the regulations prescribed under this Act that apply to the product; and

(4) the certificate required by subsection (a)(3) with respect to the product.

(d) FAILURE TO MAINTAIN OR PERMIT INSPECTION OF RECORDS.—It shall be unlawful for an importer of, manufacturer of, or dealer in a firearm product to fail to—

(1) maintain such records, and supply such information, as the Secretary may require in order to ascertain compliance with this Act and the regulations and orders issued under this Act; and

(2) permit the Secretary to inspect and copy those records at reasonable times.

(e) IMPORTATION AND EXPORTATION OF UNCERTIFIED FIREARM PRODUCTS.—It shall be unlawful for any person to import into the United States or export a firearm product that is not accompanied by the certificate required by subsection (a)(3).

(f) COMMERCE IN FIREARM PRODUCTS IN VIOLATION OF ORDER ISSUED OR REGULATION PRESCRIBED UNDER THIS ACT.—It shall be unlawful for any person to manufacture, offer for sale, distribute in commerce, import into the United States, or export a firearm product—

(1) that is not in conformity with the regulations prescribed under this Act; or

(2) in violation of an order issued under this Act.

(g) STOCKPILING.—It shall be unlawful for any person to manufacture, purchase, or import a firearm product, after the date a regulation is prescribed under this Act with respect to the product and before the date the regulation takes effect, at a rate that is significantly greater than the rate at which the person manufactured, purchased, or imported the product during a base period (prescribed by the Secretary in regulations) ending before the date the regulation is so prescribed.

SEC. 202. INAPPLICABILITY TO GOVERNMENTAL AUTHORITIES.

Section 201 does not apply to any department or agency of the United States, of a State, or of a political subdivision of a State, or to any official conduct of any officer or employee of such a department or agency.

TITLE III—ENFORCEMENT

Subtitle A—Civil Enforcement

SEC. 301. CIVIL PENALTIES.

(a) AUTHORITY TO IMPOSE FINES.—

(1) IN GENERAL.—The Secretary shall impose upon any person who violates section 201 a civil fine in an amount that does not exceed the applicable amount described in subsection (b).

(2) SCOPE OF OFFENSE.—Each violation of section 201 (other than of subsection (a)(3) or (d) of that section) shall constitute a separate offense with respect to each firearm product involved.

(b) APPLICABLE AMOUNT.—

(1) FIRST 5-YEAR PERIOD.—The applicable amount for the 5-year period immediately following the date of enactment of this Act is $5,000.

(2) THEREAFTER.—The applicable amount during any time after the 5-year period described in paragraph (1) is $10,000.

SEC. 302. INJUNCTIVE ENFORCEMENT AND SEIZURE.

(a) INJUNCTIVE ENFORCEMENT.—Upon request of the Secretary, the Attorney General of the United States may bring an action to restrain any violation of section 201 in the United States district court for any district in which the violation has occurred, or in which the defendant is found or transacts business.

(b) CONDEMNATION.—

(1) IN GENERAL.—Upon request of the Secretary, the Attorney General of the United States may bring an action in rem for condemnation of a qualified firearm product in the United States district court for any district in which the Secretary has found and seized for confiscation the product.

(2) QUALIFIED FIREARM PRODUCT DEFINED.—In paragraph (1), the term "qualified firearm product" means a firearm product—

(A) that is being transported or having been transported remains unsold, is sold or offered for sale, is imported, or is to be exported; and

(B)(i) that is not in compliance with a regulation prescribed or an order issued under this Act; or

(ii) with respect to which relief has been granted under section 303.

SEC. 303. IMMINENTLY HAZARDOUS FIREARMS.

(a) In General.—Notwithstanding the pendency of any other proceeding in a court of the United States, the Secretary may bring an action in a United States district court to restrain any person who is a manufacturer of, or dealer in, an imminently hazardous firearm product from manufacturing, distributing, transferring, importing, or exporting the product.

(b) Imminently Hazardous Firearm Product.—In subsection (a), the term "imminently hazardous firearm product" means any firearm product with respect to which the Secretary determines that—

(1) the product poses an unreasonable risk of injury to the public; and

(2) time is of the essence in protecting the public from the risks posed by the product.

(c) Relief.—In an action brought under subsection (a), the court may grant such temporary or permanent relief as may be necessary to protect the public from the risks posed by the firearm product, including—

(1) seizure of the product; and

(2) an order requiring—

(A) the purchasers of the product to be notified of the risks posed by the product;

(B) the public to be notified of the risks posed by the product; or

(C) the defendant to recall, repair, or replace the product, or refund the purchase price of the product (or, if the product is more than 1 year old, a lesser amount based on the value of the product after reasonable use).

(d) Venue.—An action under subsection (a)(2) may be brought in the United States district court for the District of Columbia or for any district in which any defendant is found or transacts business.

SEC. 304. PRIVATE CAUSE OF ACTION.

(a) In General.—Any person aggrieved by any violation of this Act or of any regulation prescribed or order issued under this Act by another person may bring an action against such other person in any United States district court for damages, including consequential damages. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(b) Rule of Interpretation.—The remedy provided for in subsection (a) shall be in addition to any other remedy provided by common law or under Federal or State law.

SEC. 305. PRIVATE ENFORCEMENT OF THIS ACT.

Any interested person may bring an action in any United States district court to enforce this Act, or restrain any violation of this Act or of any regulation prescribed or order issued under this Act. In any action under this section, the court, in its discretion, may award to a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 306. EFFECT ON PRIVATE REMEDIES.

(a) Irrelevancy of Compliance With This Act.—Compliance with this Act or any order issued or regulation prescribed under this Act shall not relieve any person from liability to any person under common law or State statutory law.

(b) Irrelevancy of Failure To Take Action Under This Act.—The failure of the Secretary to take any action authorized under this Act shall not be admissible in litigation relating to the product under common law or State statutory law.

Subtitle B—Criminal Enforcement

SEC. 351. CRIMINAL PENALTIES.

Any person who has received from the Secretary a notice that the person has violated a provision of this Act or of a regulation prescribed under this Act with respect to a firearm product and knowingly violates that provision with respect to the product shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. FIREARM INJURY INFORMATION AND RESEARCH.

(a) In General.—The Secretary shall—

(1) maintain a Firearm Injury Information Clearinghouse to collect, investigate, analyze, and disseminate data and information relating to the causes and prevention of death and injury associated with firearms;

(2) conduct continuing studies and investigations of firearm-related deaths and injuries and the resulting economic costs and losses;

(3) collect and maintain current production and sales figures for each person registered as a manufacturer under the Gun Control Act;

(4) conduct research on, studies of, and investigation into the safety of firearm products and improving the safety of firearm products; and

(5) develop firearm safety testing methods and testing devices.

(b) Availability of Information.—On a regular basis, but not less frequently than annually, the Secretary shall make available to the public the results of the activities of the Secretary under paragraphs (1), (2), and (3) of subsection (a).

SEC. 402. ANNUAL REPORT TO CONGRESS.

(a) In General.—The Secretary shall prepare and submit to the President and Congress at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the most recently completed fiscal year.

(b) Contents.—Each report submitted under subsection (a) shall include—

(1) a thorough appraisal, including statistical analyses and projections, of the incidence of injury and death and effects on the population resulting from firearm products, with a breakdown, as practicable, among the various types of such products associated with the injuries and deaths;

(2) a list of firearm safety regulations prescribed that year;

(3) an evaluation of the degree of compliance with firearm safety regulations, including a list of enforcement actions, court decisions, and settlements of alleged violations, by name and location of the violator or alleged violator, as the case may be;

(4) a summary of the outstanding problems hindering enforcement of this Act, in the order of priority; and

(5) a log and summary of meetings between the Secretary or employees of the Secretary and representatives of industry, interested groups, or other interested parties.

TITLE V—RELATIONSHIP TO OTHER LAW

SEC. 501. SUBORDINATION TO ARMS EXPORT CONTROL ACT.

In the event of any conflict between any provision of this Act and any provision of the Arms Export Control Act, the provision of the Arms Export Control Act shall control.

SEC. 502. EFFECT ON STATE LAW.

(a) In General.—This Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law regulating or prohibiting conduct with respect to a firearm product, except to the extent that such provision of law is inconsistent with any provision of this Act, and then only to the extent of the inconsistency.

(b) Rule of Construction.—A provision of State law is not inconsistent with this Act if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this Act.●

By Mr. MACK:

S. 2628. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business and meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

TAX DEDUCTIBILITY OF BUSINESS MEAL EXPENSES

● Mr. MACK. Mr. President, last year in the Taxpayer Relief Act of 1997, we included a provision to correct an unfair and unsound tax policy of the Clinton administration concerning business meal deductions. The 1993 Clinton tax increases included a reduction in the percentage of business meal expenses that could be deducted, from 80 percent down to 50 percent. The administration marketed this as an attack on the "three martini lunch," but the tax increase was in fact a big blow to the wallets and pocketbooks of working class Americans whose jobs require them to be stranded far from home.

Workers who are covered by federal "hours of service" regulations—long-haul truckers, airline flight attendants and pilots, long distance bus drivers, some merchant mariners and railroad workers—have no choice but to eat their meals on the road. Their meal expenses are a necessary and unavoidable part of their jobs. The Clinton administration's business meal tax increase hit these occupations hard. For the average trucker, making between $32,000 and $36,000 annually, this tax increase might be greater than $1,000 per year. This is a lot of money to these hard-working taxpayers.

Congress addressed this inequity last year, passing a provision that would gradually raise the meal deduction percentage back to 80 percent for these workers. But a slow, gradual fix is not good enough. Today I am introducing a bill that would immediately restore the 80 percent deduction for truckers, flight crews, and other workers limited by the federal "hours of service" regulations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (3) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

"(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.●

ADDITIONAL COSPONSORS

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

AMENDMENTS SUBMITTED

COAST GUARD AUTHORIZATION ACT OF 1998

SNOWE AMENDMENT NO. 3813

Mr. JEFFORDS (for Ms. SNOWE) proposed an amendment to the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000".

SEC. 2. TABLE OF SECTIONS.

The table of sections for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of sections.

Title I—Appropriations; Authorized Levels

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. LORAN-C.

Title II—Coast Guard Management

Sec. 201. Severance pay.
Sec. 202. Authority to implement and fund certain awards programs.
Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.
Sec. 204. Authority to reimburse Novato, California, Reuse Commission.
Sec. 205. Eliminate supply fund reimbursement requirements.
Sec. 206. Disposal of certain material to Coast Guard Auxiliary.
Sec. 207. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Sec. 208. Report on excess Coast Guard property.
Sec. 209. Fees for navigation assistance services.
Sec. 210. Aids to navigation report.

Title III—Marine Safety and Environmental Protection

Sec. 301. Alcohol testing.
Sec. 302. Penalty for violation of international safety convention.
Sec. 303. Protect marine casualty investigations from mandatory release.
Sec. 304. Eliminate biennial research and development report.
Sec. 305. Extension of territorial sea for certain laws.
Sec. 306. Safety management code report and policy.
Sec. 307. Oil and hazardous substance definition and report.
Sec. 308. National Marine Transportation System.
Sec. 309. Availability and use of EPIRBS for recreational vessels.
Sec. 310. Search and rescue helicopter coverage.
Sec. 311. Petroleum transportation.
Sec. 312. Seasonal Coast Guard helicopter air rescue capability.
Sec. 313. Ship reporting systems.
Sec. 314. Interim authority for dry bulk cargo residue disposal.

Title IV—Miscellaneous

Sec. 401. Vessel identification system amendments.
Sec. 402. Conveyance of lighthouses.
Sec. 403. Administrative authority to convey lighthouses.
Sec. 404. Conveyance of Communication Station Boston Marshfield Receiver site, Massachusetts.
Sec. 405. Conveyance of Nahant Parcel, Essex County, Massachusetts.
Sec. 406. Conveyance of Coast Guard Station Ocracoke, North Carolina.
Sec. 407. Conveyance of Loran Station Nantucket.
Sec. 408. Conveyance of Reserve training facility, Jacksonville, Florida.
Sec. 409. Conveyance of decommissioned Coast Guard vessels.
Sec. 410. Amendment to conveyance of vessel S/S Red Oak Victory.
Sec. 411. Transfer of Ocracoke Light Station to Secretary of the Interior.
Sec. 412. Vessel documentation clarification.
Sec. 413. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding and providing false information.
Sec. 414. Dredge clarification.
Sec. 415. Great Lakes Pilotage Advisory Committee.
Sec. 416. Documentation of certain vessels.
Sec. 417. Double hull alternative designs study.
Sec. 418. Report on maritime activities.
Sec. 419. Vessel sharing agreements.
Sec. 420. Report on SWATH technology.
Sec. 421. Report on tonnage calculation methodology.
Sec. 422. Authority to convey National Defense Reserve Fleet Vessel, American Victory.
Sec. 423. Authority to convey National Defense Reserve Fleet Vessel, John Henry.
Sec. 424. Authorized number of NOAA Corps commissioned officers.
Sec. 425. Coast Guard City, USA
Sec. 426. Marine transportation flexibility.

Title V—Administrative Process for Jones Act Waivers

Sec. 501. Findings.
Sec. 502. Administrative waiver of coastwise trade laws.
Sec. 503. Revocation.
Sec. 504. Definitions.

Title VI—Harmful Algal Blooms and Hypoxia

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Assessments.
Sec. 604. Northern Gulf of Mexico hypoxia.
Sec. 605. Authorization of appropriations.
Sec. 606. Amendment to National Sea Grant College Program Act.
Sec. 607. Amendment to the Coastal Zone Management Act.

Title VII—Additional Miscellaneous Provisions

Sec. 701. Applicability of authority to release restrictions and encumbrances.

TITLE I—APPROPRIATIONS; AUTHORIZED LEVELS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1998, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,715,400,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $397,850,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000 to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $653,196,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $17,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

(b) FISCAL YEAR 1999.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1999, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,808,000,000, of which

$25,000,000 shall be derived from the Oil Spill Liability Trust Fund and of which not less than $408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $505,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $62,000,000 shall be available for expenses related to drug interdiction.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and cue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanoraphic research, and defense readiness, $18,300,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $691,493,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $26,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

(c) Fiscal Year 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,880,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund and of which not less than $408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $665,969,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which not less than $62,000,000 shall be available for expenses related to drug interdiction.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $23,050,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $730,327,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the bridge alteration program, $26,000,000, to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities functions (other than parts and equipment associated with operations and maintenance), $21,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) 1998 End-of-Year Strength.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 37,944 as of September 30, 1998.

(b) 1998 Military Training Student Loads.—For fiscal year 1998, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,424 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 814 student years.

(c) 1999 End-of-Year Strength.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,038 as of September 30, 1999.

(d) 1999 Military Training Student Loads.—For fiscal year 1999, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,424 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 810 student years.

(e) 2000 End-of-Year Strength.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,313 as of September 30, 2000.

(f) 2000 Military Training Student Loads.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,424 student years.

(2) For flight training, 98 student years.

(3) For professional training in military and civilian institutions, 283 student years.

(4) For officer acquisition, 825 student years.

SEC. 103. LORAN–C.

(a) Fiscal Years 1999 and 2000.—There are authorized to be appropriated to the Department of Transportation, in addition to the funds authorized for the Coast Guard for operation of the LORAN–C System, for capital expenses related to LORAN–C navigation infrastructure, $10,000,000 for fiscal year 1999, and $35,000,000 for fiscal year 2000. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) Report.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on cost-sharing arrangements among Federal agencies for such capital expenses related to LORAN-C navigation infrastructure, including, but not limited to, the Coast Guard and the Federal Aviation Administration.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) Warrant Officers.—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) Separated Officers.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting ", unless the Secretary of the Service in which the Coast Guard is operating determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

(c) Exception.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting ", unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

(a) Section 93 of title 14, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and "; and

(3) by adding at the end the following new paragraph:

"(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including but not limited to state and local governments and commercial and nonprofit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).".

SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by section 202 of this Act, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(x) rent or lease, under such terms and conditions as are deemed advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.".

SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant of the United States Coast Guard may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. 205. ELIMINATE SUPPLY FUND REIMBURSEMENT REQUIREMENT.

Subsection 650(a) of title 14, United States Code, is amended by striking the last sentence and inserting "In these regulations, whenever the fund is reduced to delete items stocked, the Secretary may reduce the existing capital of the fund by the value of the materials transferred to other Coast Guard accounts. Except for the materials so transferred, the fund shall be credited with the value of materials consumed, issued for use, sold, or otherwise disposed of, such values to be determined on a basis that will approximately cover the cost thereof.".

SEC. 206. DISPOSAL OF CERTAIN MATERIAL TO COAST GUARD AUXILIARY.

(a) Section 641 of title 14, United States Code, is amended—

(1) by striking "to the Coast Guard Auxiliary, including any incorporated unit thereof," in subsection (a); and

(2) by adding at the end thereof the following:

"(f)(1) Notwithstanding any other law, the Commandant may directly transfer ownership of personal property of the Coast Guard to the Coast Guard Auxiliary (including any incorporated unit thereof), with or without charge, if the Commandant determines—

"(A) after consultation with the Administrator of General Services, that the personal property is excess to the needs of the Coast Guard but is suitable for use by the Auxiliary in performing Coast Guard functions, powers, duties, roles, missions, or operations as authorized by law pursuant to section 822 of this title; and

"(B) that such excess property will be used solely by the Auxiliary for such purposes.

"(2) Upon transfer of personal property under paragraph (1), no appropriated funds shall be available for the operation, maintenance, repair, alteration, or replacement of such property, except as permitted by section 830 of this title.".

SEC. 207. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) Authority.—Section 95 of title 14, United States Code, is amended to read as follows:

"§95. Special agents of the Coast Guard Investigative Service law enforcement authority

"(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

"(A) To carry firearms.

"(B) To execute and serve any warrant or other process issued under the authority of the United States.

"(C) To make arrests without warrant for—

"(i) any offense against the United States committed in the agent's presence; or

"(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

"(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

"(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Transportation or the Attorney General.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

"95. Special agents of the Coast Guard Investigative Service law enforcement authority.".

SEC. 208. REPORT ON EXCESS COAST GUARD PROPERTY.

Not later than 9 months after the date of enactment of this Act, the Administrator of the General Services Administration and the Commandant of the Coast Guard shall submit to the Congress a report on the current procedures used to dispose of excess Coast Guard property and provide recommendations to improve such procedures. The recommendations shall take into consideration measures that would—

(1) improve the efficiency of such procedures;

(2) improve notification of excess property decisions to and enhance the participation in the property disposal decisionmaking process of the States, local communities, and appropriate non-profit organizations;

(3) facilitate the expeditious transfer of excess property for recreation, historic preservation, education, transportation, or other uses that benefit the general public; and

(4) ensure that the interests of Federal taxpayers are protected.

SEC. 209. FEES FOR NAVIGATION ASSISTANCE SERVICE.

Section 2110 of title 46, United States Code, is amended by adding at the end thereof the following:

"(k) The Secretary may not plan, implement or finalize any regulation that would promulgate any new maritime user fee which was not implemented and collected prior to January 1, 1998, including a fee or charge for any domestic icebreaking service or any other navigational assistance service. This subsection expires on September 30, 2000.".

SEC. 210. AIDS TO NAVIGATION REPORT.

Not later than 18 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the use of the Coast Guard's aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.

TITLE III—MARINE SAFETY AND ENVIRONMENTAL PROTECTION

SEC. 301. ALCOHOL TESTING.

(a) Administrative Procedure.—Section 7702 of title 46, United States Code, is amended by striking the second sentence of subsection (c)(2) and inserting the following: "The testing may include preemployment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing.".

(b) Increase in Civil Penalty.—Section 2115 of title 46, United States Code, is amended by striking "$1,000" and inserting "$5,000".

(c) Increase in Negligence Penalty.—Section 2302(c)(1) of title 46, United States Code, is amended by striking "$1,000 for a first violation and not more than $5,000 for a subsequent violation; or" and inserting "$5,000; or".

(d) Post Serious Marine Incident Testing.—

(1) Chapter 23 of title 46, United States Code, is amended by inserting after section 2303 the following:

§2303a. Post serious marine incident alcohol testing

"(a) The Secretary shall establish procedures to ensure that after a serious marine incident occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such incident is conducted no later than 2 hours after the incident occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the incident.

"(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the incident, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the incident occurs.".

(2) The table of sections at the beginning of chapter 23 of the title 46, United States Code, is amended by inserting after the item related to section 2303 the following:

2303a. Post serious marine incident alcohol testing"

SEC. 302. PENALTY FOR VIOLATION OF INTERNATIONAL CONVENTION.

Section 2302 of title 46, United States Code, is amended by adding at the following new subsection:

"(e)(1) A vessel may not be used to transport cargoes sponsored by the United States Government if the vessel has been detained by the Secretary for violation of an applicable international convention to which the United States is a party, and the Secretary has published notice of that detention.

"(2) The prohibition in paragraph (1) expires for a vessel 1 year after the date of the detention on which the prohibition is based or upon the Secretary granting appeal of the detention on which the prohibition is based.

"(3) The Secretary may grant an exemption from the prohibition in paragraph (1) on a case by case basis if the owner of the vessel to be used for transport of the cargo sponsored by the United States Government can provide compelling evidence that the vessel was detained due to circumstances beyond the owner's control and that the vessel is currently in compliance with applicable international conventions to which the United States is a party.

"(4) As used in this subsection, the term 'cargo sponsored by the United States Government' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.".

SEC. 303. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after "public" and inserting a period and "This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.".

SEC. 304. ELIMINATE BIENNIAL RESEARCH AND DEVELOPMENT REPORT.

Section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amended by striking subsection (e) and by redesignating subsection (f) as subsection (e).

SEC. 305. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

"(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

"(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(2) Section 2301 of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(3) Section 4102(e) of that title is amended by striking "operating on the high seas" and inserting "owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(4) Section 4301(a) of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(5) Section 4502(a)(7) of that title is amended by striking "on the high seas" and inserting "beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States".

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

"(2) is operating—

"(A) in internal waters of the United States; or

"(b) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.".

(7) Section 8502(a)(3) of that title is amended by striking "not on the high seas" and inserting "not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

"(2) operating—

"(A) in internal waters of the United States; or

"(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.".

SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POLICY.

(a) IN GENERAL.—Chapter 32 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 3206. Report and policy

"(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

"(1) The Secretary shall conduct a study—

"(A) reporting on the status of implementation of the International Safety Management Code (hereinafter referred to in this section as 'Code');

"(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

"(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

"(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

"(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candidness of such reporting and auditing. These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

"(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

"(3) Not later than 18 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

"(b) POLICY.—

"(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

"(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

"(B) any other measures to achieve full compliance with and effective implementation of the Code; and

"(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

"(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

"(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal Register and provide opportunity for public comment on the policy.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 31 of title 46, United States Code, is amended by inserting after the item relating to section 3205 the following:

"3206. Report and policy".

SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION AND REPORT.

(a) DEFINITION OF OIL.—Section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)) is amended to read as follows:

"(23) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act;".

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Congress on the status of the joint evaluation by the Coast Guard and the Environmental Protection Agency of the substances to be classified as oils under the Clean Water Act and Title I of the Oil Pollution Act of 1990, including opportunities provided for public comment on the evaluation.

SEC. 308. NATIONAL MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation, through the Coast Guard and the Maritime Administration, shall, in consultation with the National Ocean Service of the National Oceanic and Atmospheric Administration and other interested Federal agencies and departments, establish a task force to assess the adequacy of the nation's marine transportation system (ports, waterways, and their intermodal connections) to operate in a safe, efficient, secure, and environmentally sound manner.

(b) TASK FORCE.—

(1) The task force shall be chaired by the Secretary of Transportation or his designee and may be comprised of the representatives of interested Federal agencies and departments and such other non-federal entities as the Secretary deems appropriate.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the task force.

(c) ASSESSMENT.—

(1) In carrying out the assessment under this section, the task force shall examine critical issues and develop strategies, recommendations, and a plan for action. Pursuant to such examination and development, the task force shall—

(A) take into account the capability of the marine transportation system to accommodate projected increases in foreign and domestic traffic over the next 20 years;

(B) consult with senior public and private sector officials, including the users of that system, such as ports, commercial carriers, shippers, labor, recreational boaters, fishermen, and environmental organizations; and

(C) sponsor public and private sector activities to further refine and implement the strategics, recommendations, and plan for action.

(2) The Secretary shall report to Congress on the results of the assessment no later than March 31, 1999. The report shall reflect the views of both the public and private sectors. The Task Force shall cease to exist upon submission of the report in this paragraph.

SEC. 309. AVAILABILITY AND USE OF EPIRBS FOR RECREATIONAL VESSELS.

The Secretary of Transportation, through the Coast Guard and in consultation with the National Transportation Safety Board and recreational boating organizations, shall, within 24 months of the date of enactment of this Act, assess and report to Congress on the use of emergency position indicating beacons (EPIRBs) and similar devices by the operators of recreational vessels. The assessment shall at a minimum—

(1) evaluate the current availability and use of EPIRBs and similar devices by the operators of recreational vessels and the actual and potential contribution of such devices to recreational boating safety; and

(2) provide recommendations on policies and programs to encourage the availability and use of EPIRBS and similar devices by the operators of recreational vessels.

SEC. 310. SEARCH AND RESCUE HELICOPTER COVERAGE.

Not later than 9 months after the date of enactment of this Act, the Commandant shall submit a report to the Senate Committee on Commerce, Science, and Transportation—

(1) identifying waters out to 50 miles from the territorial sea of Maine or other States that cannot currently be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(2) providing options for ensuring that all waters of the area referred to in paragraph (1) can be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(3) providing an analysis assessing the overall capability of Coast Guard seach and rescue assets to serve each area referred to in paragraph (1) with-in 2 hours of a report of distress or request for assistance from such waters; and

(4) identifying, among any other options the Commandant may provide as required by paragraph (2), locations in the State of Maine that may be suitable for the stationing of a Coast Guard search and rescue helicopter and crew, including any Coast Guard facility in Maine, the Bangor Air National Guard Base, and any other locations.

SEC. 311. PETROLEUM TRANSPORTATION.

(a) DEFINITIONS.—In this section:

(1) FIRST COAST GUARD DISTRICT.—The term "First Coast Guard District" means the First Coast Guard District described in section 3.05–1(b) of title 33, Code of Federal Regulations.

(2) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(3) WATERS OF THE NORTHWEST.—The term "waters of the Northeast"—

(A) means the waters subject to the jurisdiction of the First Coast Guard District; and

(B) includes the water of Long Island Sound.

(b) REGULATIONS RELATING TO WATERS OF THE NORTHWEST.—

(1) TOWING VESSEL AND BARGE SAFETY FOR WATERS OF THE NORTHEAST.—

(A) IN GENERAL.—Not later than December 31, 1998, the Secretary shall promulgate regulations for towing vessel and barge safety for the waters of the Northeast.

(B) INCORPORATION OF RECOMMENDATIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), the regulations promulgated under this paragraph shall give full consideration to each of the recommendations for regulations contained in the report entitled "Regional Risk Assessment of Petroleum Transportation in the Waters of the Northeast United States" issued by the Regional Risk Assessment Team for the First Coast Guard District on February 6, 1997, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(ii) EXCLUDED RECOMMENDATIONS.—The regulations promulgated under this paragraph shall not incorporate any recommendation referred to in clause (i) that relates to anchoring or barge retrieval systems.

(2) ANCHORING AND BARGE RETRIEVAL SYSTEMS.—

(A) IN GENERAL.—Not later than November 30, 1998, the Secretary shall promulgate regulations under section 3719 of title 46, United States Code, for the waters of the Northeast, that shall give full consideration to each of the recommendations made in the report referred to in paragraph (1)(B)(i) relating to anchoring and barge retrieval systems, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) prevents the Secretary from promulgating interim final regulations that apply throughout the United States relating to anchoring and barge retrieval systems that contain requirements that are as stringent as the requirements of the regulations promulgated under subparagraph (A).

SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RESCUE CAPABILITY.

The Secretary of Transportation is authorized to take appropriate actions to ensure the establishment and operation by the Coast Guard of a helicopter air rescue capability that—

(1) is located at Gabreski Airport, Westhampton, New York; and

(2) provides air rescue capability from that location from April 15 to October 15 each year.

SEC. 313. SHIP REPORTING SYSTEMS.

Section 11 of the Ports and Waterways Safety Act, as amended (Public Law 92–340) (33 U.S.C. 1230), is amended by adding at the end of the following:

"(d) SHIP REPORTING SYSTEMS.—The Secretary, in consultation with the International Maritime Organization, is authorized to implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean: Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39′ N., 70 deg. 37′ W; then northeast to 42 deg. 45′ N., 70 deg. 13′ W; then southeast to 42 deg. 10′ N., 68 deg. 31 W, then south to 41 deg. 00′ N.; 68 deg. 31′ W; then west to 41 deg. 00′ N., 69 deg. 17′ W; then northeast to 42 deg. 05′ N., 70 deg. 02′ W, then west to 42 deg. 04′ N., 70 deg. 10′ W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39′ N., 70 deg. 37′ W) and in the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6′ W with the southern and northern boundary at latitudes 30 deg. 00′ N., 31 deg. 27′ N., respectively).".

SEC. 314. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) IN GENERAL.—

(1) Subject to subsection (b), the Secretary of Transportation shall implement and enforce the United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes (hereinafter referred to as "Policy") for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States.

(2) Any discharge under this section shall comply with all terms and conditions of the Policy.

(b) EXPIRATION OF INTERIM AUTHORITY.—The Policy shall cease to have effect on the date which is the earliest of—

(1) the date that legislation providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States is enacted;

(2) the date that regulations authorized under existing law providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States are promulgated; or

(3) September 20, 2000.

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

(a) IN GENERAL.—Chapter 121 of title 46, United States Code, is amended—

(1) by striking "or is not titled in a State" in section 12102(a);

(2) by adding at the end thereof the following:

§"12124. Surrender of title and number

"(a) A documented vessel shall not be titled by a State or required to display numbers under chapter 123, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary of Transportation.

"(b) The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 121 of title 46, United States Code, is amended by adding at the end thereof the following:

"12124. Surrender of title and number".

(c) OTHER AMENDMENTS.—Title 46, United States Code, is amended—

(1) by striking section 31322(b) and inserting the following:

"(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.";

(3) by striking section 31322(d)(3) and inserting the following:

"(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this subsection.";

(4) by striking "mortgages or instruments" in subsection 31322(d)(2) and inserting "mortgages, security agreements, or instruments";

(5) by inserting "a vessel titled in a State," in section 31325(b)(1) after "a vessel to be documented under chapter 121 of this title.";

(6) by inserting "a vessel titled in a State," in section 31325(b)(3) after "a vessel for which an application for documentation is filed under chapter 121 of this title,"; and

(7) by inserting "a vessel titled in a State," ion section 31325(c) after "a vessel to be documented under chapter 121 of this title,".

SEC. 402. CONVEYANCE OF LIGHTHOUSES.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—the Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Light Station Sand Point, located in Escanaba, Michigan, to the Delta County Historical Society.

(B) Light Station Dunkirk, located in Dunkirk, New York, to the Dunkirk Historical Lighthouse and Veterans' Park Museum.

(C) Long Branch Rear Range Light, located in Jacksonville, Florida, to Jacksonville University, Florida.

(D) Eagle Harbor Light Station, located in Michigan, to the Keweenaw County Historical Society.

(E) Cape Decision Light Station, located in Alaska, to the Cape Decision Lighthouse Society.

(F) Cape St. Elias Light Station, located in Alaska, to the Cape St. Elias Light Keepers Association.

(G) Five Finger Light Station, located in Alaska, to the Juneau Lighthouse Association.

(H) Point Retreat Light Station, located in Alaska, to the Alaska Lighthouse Association.

(I) Hudson-Athens Lighthouse, located in New York, to the Hudson-Athens Lighthouse Preservation Society.

(J) Georgetown Light, located in Georgetown County, South Carolina, to the South Carolina Department of Natural Resources.

(2) IDENTIFICATION OF PROPERTY.—The Commandant or Administrator, as appropriate, may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Commandant or Administrator, as appropriate, may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant or the Administrator, as appropriate, may consider, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history.

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Commandant or the Administrator, as appropriate, provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant or Administrator, as appropriate, considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant or Administrator, as appropriate;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term "aids to navigation" means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) OWNER.—The term "owner" means the person identified in subsection (a)(1), and includes any successor or assign of that person.

(3) DELTA COUNTY HISTORICAL SOCIETY.—The term "Delta County Historical Society" means the Delta County Historical Society (a nonprofit corporation established under the laws of the State of Michigan, its parent organization, or subsidiary, if any).

(4) DUNKIRK HISTORICAL LIGHTHOUSE AND VETERANS' PARK MUSEUM.—The term "Dunkirk Historical Lighthouse and Veterans' Park Museum" means Dunkirk Historical Lighthouse and Veterans' Park Museum located in Dunkirk, New York, or, if appropriate as determined by the Commandant, the Chautauqua County Armed Forces Memorial Park Corporation, New York.

(d) EXTENSION OF PERIOD FOR CONVEYANCE OF WHITLOCK'S MILL LIGHT.—Notwithstanding section 1002(a)(3) of the Coast Guard Authorization Act of 1996, the conveyance authorized by section 1002(a)(2)(AA) of that Act may take place after the date required by section 1002(a)(3) of that Act but no later than December 31, 1998.

SEC. 403. Administrative authority to convey lighthouses

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end thereof the following:

"§ 675. Administrative authority to convey lighthouses

"(a) NOTIFICATION.—Not less than one year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State in which the lighthouse or light station is located that such property is excess to the needs of the Coast Guard.

"(b) ADMINISTRATIVE AUTHORITY TO CONVEY.—

"(1) Prior to reporting to the General Services Administration that a lighthouse or light station is excess to the needs of the Coast Guard, the Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to such lighthouse or light station and associated real property to the State in which the lighthouse or light station is located, a local government in that State, or a nonprofit organization dedicated to lighthouse, historic, or maritime heritage preservation located in that State.

"(c) TERMS OF CONVEYANCE.—

"(1) IN GENERAL.—The conveyance of property under this section shall be made—

"(A) without payment of consideration; and

"(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant may consider, including the reservation of easements and other rights on behalf of the United States.

"(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

"(A) the property, or any part of the property—

"(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history;

"(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

"(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

"(B) at least 30 days before that reversion, the Commandant provides written notice to the owner that the property is needed for national security purposes.

"(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant considers to be necessary to assure that—

"(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

"(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant;

"(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

"(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

"(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

"(4) OBLIGATION LIMITATION.—the owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

"(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by adding at the end thereof the following:

"§675. Administrative authority to convey lighthouses.".

SEC. 404. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts (the "Town") unless the commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) LIMITATION.—The Commandant shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) the Commandant may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Commandant may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 405. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant (the "Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(d) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 406. CONVEYANCE OF COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States of America in and to the Coast Guard Station Ocracoke, North Carolina, to the State of North Carolina unless the Commandant , or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—The conveyance of any property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) EASEMENTS.—The Commandant may reserve utility, access, and any other appropriate easements upon the property to be conveyed for the purpose of—

(i) use of the access road to the boat launching ramp;

(ii) use of the boat launching ramp; and

(iii) use of pier space for necessary Coast Guard vessel assets (including water and electrical power);

(B) MAINTENANCE.—The State shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner necessary for the use of any easements created under subparagraph (A) and to comply with maintenance conditions established for property prior to transfer and pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq) and other applicable laws; and

(C) OTHER.—Any other terms and conditions the Commandant may consider appropriate to protect the interests of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the State;

(2) the State fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the State that the property conveyed is needed for national security purposes.

SEC. 407. CONVEYANCE OF COAST GUARD LORAN STATION NANTUCKET.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the United States Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to approximately 29.4 acres of land, together with the improvements thereon, at Coast Guard LORAN Station Nantucket, Nantucket, Massachusetts, to the Town of Nantucket, Massachusetts ("the Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) IDENTIFICATON OF PROPERTY.—

(A) The Commandant may identify, define, describe, and determine the real property to be conveyed under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of real property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the following terms and conditions:

(i) The Town shall not, upon the property conveyed, allow, conduct, or permit any activity, or operate, allow, or permit the operation of, any equipment or machinery, that would interfere or cause interference, in any manner, with any aid to navigation located upon property retained by the United States at Coast Guard LORAN Station Nantucket, without the express written permission from the Commandant.

(ii) The Town shall maintain the real property conveyed in a manner consistent with the present and future use of any property retained by the United States at Coast Guard LORAN Station Nantucket as a site for an aid to navigation.

(iii) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) the property, or any part thereof, ceases to be owned and used by the Town;

(B) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in paragraph (1); or

(C) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 408. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) In General.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard may dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value unless the Commandant, or his delegate, in his sole discretion determines that the sale would not provide a public benefit.

(b) Right of First Refusal.—Before a sale is made under section (a) to any other person, the Commandant of the Coast Guard shall give to the City of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 409. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) In General.—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to each of 2 decommissioned "White Class" 133-foot Coast Guard vessels to Canvasback Mission, Inc. (a nonprofit corporation under the laws of the State of California; in this section referred to as "the recipient"), without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of providing medical services to Central and South Pacific island nations;

(B) not to use the vessel for commercial transportation purposes except those incident to the provisions of those medical services;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in times of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and poly-chlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under paragraph (1)(C);

(2) the recipient has funds available that will be committed to operate and maintain each vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in the amount of at least $400,000 per vessel; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) Maintenance and Delivery of Vessels.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) Other Excess Equipment.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as a medical services vessel in Central and South Pacific Islands.

SEC. 410. AMENDMENT TO CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

Section 1008(d)(1) of the Coast Guard Authorization Act of 1996 is amended by striking "2 years" and inserting "3 years".

SEC. 411. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Administrator of the General Services Administration shall transfer administrative jurisdiction over the Federal property consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 412. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title 46, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking "president or other"; and

(2) inserting a comma and "by whatever title," after "chief executive officer".

SEC. 413. SANCTIONS FOR FAILURE TO LAND OR TO HEAVE TO; SANCTIONS FOR OBSTRUCTION OF BOARDING AND PROVIDING FALSE INFORMATION.

(a) In General.—Chaper 109 of title 18, United States Code, is amended by adding at the end new section 2237 to read as follows:

"§ 2237. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding and providing false information

"(a)(1) It shall be unlawful for the pilot, operator, or person in charge of an aircraft which has crossed the border of the United States, or an aircraft subject to the jurisdiction of the United States operating outside the United States, to knowingly fail to obey an order to land by an authorized Federal law enforcement officer who is enforcing the laws of the United States relating to controlled substances, as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), or relating to money laundering (sections 1956–57 of this title).

"(2) The Administrator of the Federal Aviation Administration, in consultation with the Commissioner of Customs and the Attorney General, shall prescribe regulations governing the means by, and circumstances under which, a Federal law enforcement officer may communicate an order to land to a pilot, operator, or person in charge of an aircraft. Such regulations shall ensure that any such order is clearly communicated in accordance with applicable international standards. Further, such regulations shall establish guidelines based on observed conduct, prior information, or other circumstances for determining when an officer may use the authority granted under paragraph (1).

"(b)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States to—

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest or other law enforcement action authorized by any Federal law; or

"(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

"(c) This section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any Federal law enforcement officer under any law of the United States to order an aircraft to land or a vessel to heave to.

"(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver is conclusively proven by certification of the Secretary of State or the Secretary's designee.

"(e) For purposes of this section—

"(1) a 'vessel of the United States' and a 'vessel subject to the jurisdiction of the United States' have the meaning set forth for these terms in the Maritime Drug Law Enforcement Act (46 App. U.S.C. 1903);

"(2) an aircraft 'subject to the jurisdiction of the United States' includes—

"(A) an aircraft located over the United States or the customs waters of the United States;

"(B) an aircraft located in the airspace of a foreign nation, where that nation consents to the enforcement of United States law by the United States; and

"(C) over the high seas, an aircraft without nationality, an aircraft of United States registry, or an aircraft registered in a foreign nation that has consented or waived objection to the enforcement of United States law by the United States;

"(3) an aircraft 'without nationality' includes—

"(A) an aircraft aboard which the pilot, operator, or person in charge makes a claim of registry, which claim is denied by the nation whose registry is claimed; and

"(B) an aircraft aboard which the pilot, operator, or person in charge fails, upon request of an officer of the United States empowered to enforce applicable provisions of United States law, to make a claim of registry for that aircraft;

"(4) the term 'heave to' means to cause a vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and sea state; and

"(5) the term 'Federal law enforcement officer' has the meaning set forth in section 115 of this title.

"(f) Any person who intentionally violates the provisions of this section shall be subject to—

"(1) imprisonment for not more than 3 years; or

"(2) a fine as provided in this title;

or both.

"(g) An aircraft that is used in violation of this section may be seized and forfeited. A vessel that is used in violation of subsection (b)(1) or subsection (b)(2)(A) may be seized and forfeited. The laws relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any of the provisions of this section; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose. A vessel or aircraft that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 109 of title 18, United States Code, is amended by inserting the following new item after the item for section 2236:

"2237. Sanctions for failure to land or to heave to; sanctions for obstruction of boarding or providing false information.".

SEC. 414. DREDGE CLARIFICATION.

Section 5209(b) of the Oceans Act of 1992 (46 U.S.C. 2101 note) is amended by adding at the end thereof the following:

"(3) A vessel—

"(A) configured, outfitted, and operated primarily for dredging operations; and

"(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.".

SEC. 415. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended to read as follows:

"§9307. Great Lakes Pilotage Advisory Committee

"(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

"(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

"(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

"(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(4) shall meet at the call of—

"(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(B) a majority of the Committee.

"(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

"(2) The membership of the Committee shall include—

"(A) 3 members who are practicing Great Lakes pilots and who reflect a regional balance;

"(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

"(C) 1 member representing the interests of Great Lakes ports;

"(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

"(E) 1 member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

"(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

"(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.C.S. App.).

"(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

"(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

"(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

"(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

"(B) travel or transportation expenses under section 5703 of title 5.

"(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

"(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2003.

"(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.".

SEC. 416. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

(1) MIGHTY JOHN III (formerly the NIAGRA QUEEN), Canadian official number 318746.

(2) DUSKEN IV, United States official number 952645.

(3) SUMMER BREEZE, United States official number 552808.

(4) ARCELLA, United States official number 1025983.

(5) BILLIE–B–II, United States official number 982069.

(6) VESTERHAVET, United States official number 979206.

(7) BETTY JANE, State of Virginia registration number VA 7271 P.

(8) VORTICE, Bari, Italy, registration number 256, if the vessel meets the ownership requirements of section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802).

(9) The barge G. L. 8, Canadian official number 814376.

(10) FOILCAT, United States official number 1063892.

(11) YESTERDAYS DREAM, United States official number 680266.

(12) ENFORCER, United States official number 502610.

(13) The vessel registered as State of Oregon registration number OR 766 YE.

(14) AMICI, United States official number 658055.

(15) ELIS, United States official number 628358.

(16) STURE, United States official number 617703.

(17) CAPT GRADY, United States official number 626257.

(18) Barge number 1, United States official number 933248.

(19) Barge number 2, United States official number 256944.

(20) Barge number 14, United States official number 501212.

(21) Barge number 18, United States official number 297114.

(22) Barge number 19, United States official number 503740.

(23) Barge number 21, United States official number 650581.

(24) Barge number 22, United States official number 650582.

(25) Barge number 23, United States official number 650583.

(26) Barge number 24, United States official number 664023.

(27) Barge number 25, United States official number 664024.

(28) Barge number 26, United States official number 271926.

(29) PACIFIC MONARCH, United States official number 557467.

(30) FULL HOUSE, United States official number 1023827.

(31) W.G. JACKSON, United States official number 1047199.

(32) EMBARCADERO, United States official number 669327.

(33) S.A., British Columbia, Canada official number 195214.

(34) FAR HORIZONS, United States official number 1044011.

(35) LITTLE TOOT, United States official number 938858.

(36) TURMOIL, British official number 726767.

(b) FALLS POINT.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT, State of Maine registration number ME 5435 E.

(c) TERMINATION.—The endorsement issued under subsection (a)(10) shall terminate on the last day of the 36th month beginning after the date on which it was issued.

(d) NINA, PINTA, AND SANTA MARIA REPLICAS.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C) App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may authorize employment in the coastwise trade for the purpose of carrying passengers for hire for each of the following vessels while the vessel is operated by the las Carabelas Columbus Fleet Association under the terms of its agreement of

May 6, 1992, with the Sociedata Estatal para la Ejucucion de Programas y Actuaciones Conmeroratives del Quinto Centario del Descubrimiento de America, S.A., and the Spain '92 Foundation:

(1) NINA, United States Coast Guard vessel identification number CG034346;

(2) PINTA, United States Coast Guard vessel identification number CG034345; and

(3) NAO SANTA MARIA, United States Coast Guard vessel identification number CG034344.

(e) Barge APL–60—.

(1) In general.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the barge APL–60 (United States official number 376857).

(2) Limitations.—The vessel described in paragraph (1) of this subsection may be employed in the coastwise trade only for the purpose of participating in the ship disposal initiative initially funded by the Department of Defense Appropriations Act, 1999, for the duration of that initiative.

(3) Termination.—A coastwise endorsement issued under paragraph (1) shall terminate on the earlier of—

(A) the completion of the final coastwise trade voyage associated with the ship disposal initiative described in paragraph (2); or

(B) the sale or transfer of the vessel described in paragraph (1) to an owner other than the owner of the vessel as of October 1, 1998.

SEC. 417. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.

Section 4115(e) of the Oil Pollution Act of 1990 (46 U.S. Code 3703a note) is amended by adding at the end thereof the following:

"(3)(A) The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct the necessary research and development of a rationally based equivalency assessment approach, which accounts for the overall environmental performance of alternative tank vessel designs. Notwithstanding sections 101 and 311 of the Clean Water Act (33 U.S.C. 1251 and 1321), the intent of this study is to establish an equivalency evaluation procedure that maintains a high standard of environmental protection, while encouraging innovative ship design. The study shall include:

"(i) development of a generalized cost spill data base, which includes all relevant costs such as clean-up costs and environmental impact costs as a function of spill size;

"(ii) refinement of the probability density functions used to establish the extent of vessel damage, based on the latest available historical damage statistics, and current research on the crash worthiness of tank vessel structures;

"(iii) development of a rationally based approach for calculating an environmental index, to assess overall overflow performance due to collisions and groundings; and

"(iv) application of the proposed index to double hull tank vessels and alternative designs currently under consideration.

"(B) A Marine Board committee shall be established not later than 2 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000. The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the results of the study not later than 12 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 1998, 1999, and 2000.

"(C) Of the amounts authorized by section 1012(a)(5)(A) of this Act, $500,000 is authorized to carry out the activities under subparagraphs (A) and (B) of this paragraph.".

SEC. 418. REPORT ON MARITIME ACTIVITIES.

Section 208 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1118) is amended by striking "each year," and inserting "of each odd-numbered year,".

SEC. 419. VESSEL SHARING AGREEMENTS.

(a) Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by adding at the end thereof the following:

"(g) Vessel Sharing Agreements.—An ocean common carrier that is the owner, operator, or bareboat, time, or slot charterer of a United States-flag liner vessel documented pursuant to sections 12102(a) or (d) of title 46, United States Code, is authorized to agree with an ocean common carrier that is not the owner, operator or bareboat charterer for at least one year of United States-flag liner vessels which are eligible to be included in the Maritime Security Fleet Program and are enrolled in an Emergency Preparedness Program pursuant to subtitle B of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187 et seq.), to which it charters or subcharters the United States-flag vessel or space on the United States-flag vessel that such charterer or subcharterer may not use or make available space on the vessel for the carriage of cargo reserved by law for United States-flag vessels.".

(b) Section 10(c)(6) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(6)) is amended by inserting "authorized by section 5(g) of this Act, or as" before "otherwise".

(c) Nothing in this section shall affect or in any way diminish the authority or effectiveness of orders issued by the Maritime Administration pursuant to sections 9 and 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and 839).

SEC. 420. REPORT ON SWATH TECHNOLOGY.

The Commandant of the Coast Guard shall, within 18 months after the date of enactment of this Act, report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.

SEC. 421. REPORT ON TONNAGE CALCULATION METHODOLOGY.

The Administrator of the Panama Canal Commission shall, within 90 days of the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the methodology employed in the calculation of the charge of tolls for the carriage of on-deck containers. The report shall also include an explanation as to why the 8.02 percent coefficient was determined to be the upper limit and maximum cap for on-deck container capacity, and why any increase in that coefficient would be inappropriate.

SEC. 422. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, AMERICAN VICTORY.

(a) Authority to Convey.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as "the Secretary") may convey all right, title, and interest of the Federal Government in and to the vessel S.S. AMERICAN VICTORY (United States official number 248005) to The Victory Ship, Inc., located in Tampa, Florida (in this section referred to as the "recipient"), and the recipient may use the vessel only as a memorial to the Victory class of ships.

(b) Terms of Conveyance.—

(1) Delivery of vessel.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) Required conditions.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) Additional terms.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(e) Other Unneeded Equipment.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 423. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, JOHN HENRY.

(a) Authority to Convey.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as "Secretary") may convey all right, title, and interest of the United States Government in and to the vessel JOHN HENRY (United states official number 599294) to a purchaser for use in humanitarian relief efforts, including the provision of water and humanitarian goods to developing nations.

(b) Terms of Conveyance.—

(1) Delivery of vessel.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date;

(C) at no cost to the United States Government; and

(D) only after the vessel has been redesignated as not militarily useful.

(2) Required conditions.—The Secretary may not convey a vessel under this section unless—

(A) competitive procedures are used for sales under this section;

(B) the vessel is sold for not less than the fair market value of the vessel in the United States, as determined by the Secretary of Transportation;

(C) the recipient agrees that the vessel shall not be used for commercial transportation purposes or for the carriage of cargoes reserved to United States flag commercial vessels under section 901(b) and 901f of the Merchant Marine Act, 1936 (46 U.S.C. app. 1241(b) and 1241f);

(D) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polycholorinated bipheyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(E) the recipient provides sufficient evidence to the Secretary that it has financial resources in the form of cash, liquid assets, or a written loan commitment of at least $100,000.

(F) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency.

(G) the recipient agrees to document the vessel under chapter 121 of title 46, United States Code.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) PROCEEDS.—Any amounts received by the United States as proceeds from the sale of the M/V JOHN HENRY shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 U.S.C. App. 1241a) and shall be available and expended in accordance with section 6(a) of the National Maritime Heritage Act (16 U.S.C. App. 5405(a)).

SEC. 424. AUTHORIZED NUMBER OF NOAA CORPS COMMISSIONED OFFICERS.

(a) Section 2 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a) is amended—

(1) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(2) by inserting before subsection (b), as redesignated, the following:

"(a)(1) Except as provided in paragraph (2), there are authorized to be not less than 264 and not more than 299 commissioned officers on the active list of the National Oceanic and Atmospheric Administration for fiscal years 1999, 2000, 2001, 2002, and 2003.

"(2) The administrator may reduce the number of commissioned officers on the active list below 264 if the Administrator determines that it is appropriate, taking into consideration—

"(A) the number of billets on the vessels and aircraft owned and operated by the Administration;

"(B) the need of the Administration to collect high-quality oceanographic, fisheries, hydrographic, and atmospheric data and information on a continuing basis;

"(C) the need for effective and safe operation of the Administration's vessels and aircraft;

"(D) the need for effective management of the commissioned Corps; and

"(E) the protection of the interests of taxpayers.

"(3) At least 90 days before beginning any reduction as described in paragraph (2), the Administrator shall provide notice of such reduction to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives.".

(b) Section 24(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853u(a)) is amended by inserting "One such position shall be appointed from the officers on the active duty promotion list serving in or above the grade of captain, and who shall be responsible for administration of the commissioned officers, and for oversight of the operation of the vessel and aircraft fleets, of the Administration." before "An officer".

(c) The Secretary of Commerce immediately shall relieve the moratorium on new appointments of commissioned officers to the National Oceanic and Atmospheric Administration Corps.

SEC. 425. COAST GUARD CITY, USA.

The Commandant of the Coast Guard may recognize the Community of Grand Haven, Michigan, as "Coast Guard City, USA". If the Commandant desires to recognize any other community in the United States in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives at least 90 days before approving such recognition.

SEC. 426. MARINE TRANSPORTATION FLEXIBILITY.

(a) IN GENERAL.—Section 218 of title 23, United States Code, is amended—

(1) by striking "the south Alaskan border" in the first sentence of subsection (a) and inserting "Haines";

(2) in the third sentence by striking "highway" in the third sentence of subsection (a) and inserting "highway or the Alaska Marine Highway System";

(3) by striking "any other fiscal year thereafter" in the fourth sentence of subsection (a) and inserting "any other fiscal year thereafter, including any portion of any other fiscal year thereafter, prior to the date of the enactment of the Transportation Equity Act for the 21st Century";

(4) by striking "construction of such highways until an agreement" in the fifth sentence of subsection (a) and inserting "construction of the portion of such highways that are in Canada until an agreement"; and

(5) by inserting "in Canada" after "undertaken" in subsection (b).

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

SEC. 501. FINDINGS.

The Congress finds that—

(1) current coastwise trade laws provide no administrative authority to waive the United States-built requirement of those laws for the limited carriage of passengers for hire on vessels built or rebuilt outside the United States;

(2) requests for such waivers require the enactment of legislation by the Congress;

(3) each Congress routinely approves numerous such requests for waiver and rarely rejects any such request; and

(4) the review and approval of such waiver requests is a ministerial function which properly should be executed by an administrative agency with appropriate expertise.

SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE LAWS.

Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwide trade as a passenger vessel, a small passenger vessel, or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

(1) United States vessel builders; or

(2) the coastwise trade business of any person who employs vessels built in the United States in that business.

SEC. 503. REVOCATION.

The Secretary may revoke an endorsement issued under section 502, after notice and an opportunity for public comment, if the Secretary determines that the employment of the vessel in the coastwise trade has substantially changed since the issuance of the endorsement, and—

(1) the vessel is employed other than as a passenger vessel, a small passenger vessel, or an uninspected passenger vessel; or

(2) the employment of the vessel adversely affects—

(A) United States vessel builders; or

(B) the coastwise trade business of any person who employs vessels built in the United States.

SEC. 504. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(2) ELIGIBLE VESSEL.—The term "eligible vessel" means a vessel that—

(A) was not build in the United States and is at least 3 years of age; or

(B) if rebuilt, was rebuilt outside the United States at least 3 years before the certification requested under section 502, if granted, would take effect.

(3) PASSENGER VESSEL, SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms "passenger vessel", "small passenger vessel", "uninspected passenger vessel", and "passenger for hire" have the meaning given such terms by section 2101 of title 46, United States Code.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

SEC. 601. SHORT TITLE.

This title may be cited as the "Harmful Algal Bloom and Hypoxia Research and Control Act of 1998".

SEC. 602. FINDINGS.

The Congress finds that—

(1) the recent outbreak of the harmful microbe *Pfiesteria piscicida* in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation's coastal waters;

(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the U.S. Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in certain cases, harmful algal blooms have resulted in fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

(4) according to some scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

(5) harmful algal blooms may have been responsible for an estimated $1,000,000,000 in economic losses during the past decade.

(6) harmful algal blooms and blooms of non-toxic algal species may lead to other damaging marine conditions such as hypoxia

(reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of U.S. estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia;

(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation's understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.

SEC. 603. ASSESSMENTS.

(a) Establishment of Inter-Agency Task Force.—The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (hereinafter referred to as the "Task Force"). The Task Force shall consist of the following representatives from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Food and Drug Administration;

(10) the Office of Science and Technology Policy;

(11) the Council on Environmental Quality; and

(12) such other Federal agencies as the President considers appropriate.

(b) Assessment of Harmful Algal Blooms.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) Assessment of Hypoxia.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of hypoxia in United States Coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect by hypoxia; and

(C) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(e) Disestablishment of Task Force.—The President may disestablish the Task Force after submission of the path in section 604(d).

SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) Assessment Report.—Not later than May 30, 1999, the Task Force shall complete and submit to Congress and the President an integrated assessment of hypoxia in the northern Gulf of Mexico that examines: the distribution, dynamics, and causes; ecological and economic consequences; sources and loads of nutrients transported by the Mississippi River to the Gulf of Mexico; effects of reducing nutrient loads; methods for reducing nutrient loads; and the social and economic costs and benefits of such methods.

(b) Submission of a Plan.—No later than March 30, 2000, the President, in conjunction with the chief executive officers of the States, shall develop and submit to Congress a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico. In developing such plan, the President shall consult with State, Indian tribe, and local governments, academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also include the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia. At least 90 days before the President submits such plan to the Congress, a summary of the proposed plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $25.5 million in each of fiscal years 1999, 2000, and 2001; to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this section. Of such amounts for each fiscal year—

(1) $5,000,000 may be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

(2) $7,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project under the Coastal Ocean Program established under section 201(c) of Public Law 102–567.

(3) $3,000,000 may be used by the National Ocean Service of the National Oceanic and Atmospheric Administration to carry out a peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate harmful algal blooms;

(4) $5,500,000 may be used to carry out Federal and State annual monitoring and analysis activities for harmful algal blooms administered by the National Ocean Service of the National Oceanic and Atmospheric Administration.

(5) $5,000,000 may be used for activities related to research and monitoring on hypoxia by the National Ocean Service and the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

SEC. 606. AMENDMENT TO NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 212(a) of the National Sea Grant College Program Act (33 U.S.C. 1131(a)) is amended by striking paragraph (2)(C) and inserting the following:

"(C) up to $3,000,000 may be made available for competitive grants for university research, education, training, and advisory services on Pfiesteria piscicida and other harmful algal blooms.".

SEC. 607. AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT.

Section 318(a) of the coastal Zone Management Act of 1972 (16 U.S.C. 1464 (a)) is amended by adding at the end thereof the following:

"(3) up to $2,000,000 for fiscal years 1999 and 2000 for technical assistance under section 310 to support State implementation and analysis of the effectiveness of measures to prevent, reduce, mitigate, or control harmful algal blooms and hypoxia.".

SEC. 608 PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

TITLE VII—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. 701. APPLICABILITY OF AUTHORITY TO RELEASE RESTRICTIONS AND ENCUMBRANCES.

Section 315(c)(1) of the Federal Maritime Commission Authorization Act of 1990 (Public Law 101–595; 104 Stat. 2988) is amended—

(1) by striking "3 contiguous tracts" and inserting "4 tracts"; and

(2) by striking "Tract A" and all that follows through the end of the paragraph and inserting the following:

"Tract 1—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

"Tract 2—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 169.3 feet; thence S45° 28′ 31″ W 75 feet; (Deed Call S45° 30′ 51″ W 75 feet), thence N44° 29′ 09″ W 169.3 feet; thence N45° 28′ 31″ E 75 feet to the point of commencement and containing 12,697 square feet (0.2915 acres).

"Tract 3—Commencing at a point N45° 28′ 31″ E 248.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

"Tract 4—Commencing at a point N45° 28′ 31″ E 123.3 feet and S44° 29′ 09″ E 169.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 50.7 feet; thence N45° 28′ 31″ E 75 feet; thence N44° 29′ 09″ W 50.7 feet; thence S45° 28′ 31″ W 75 feet (Deed Call S45° 30′ 51″ W 75 feet) to the point of commencement and containing 3,802 square feet (0.0873 acres). "Composite Description—A tract of land lying in section 2, Township 10 South—Range 8 West, Calcasieu Parish, Louisiana, and being mone [sic] particularly described as follows: Begin at a point N45° 28′ 31″ E 123.3 feet from point 'A' as shown as plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence N45° 28′ 31″ E 175.0 feet; thence S44° 29′ 09″ E 220.0 feet; thence S45° 28′ 31″ W 175.0 feet; thence N44° 29′ 09″ W 220.0 feet to the point of beginning, containing 0.8035 acres.

ECONOMIC DEVELOPMENT ADMINISTRATION REFORM ACT OF 1998

CHAFEE AMENDMENT NO. 3814

Mr. JEFFORDS (for Mr. CHAFEE) proposed an amendment to the bill (S. 2364) to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Development Administration and Appalachian Regional Development Reform Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ECONOMIC DEVELOPMENT

Sec. 101. Short title.
Sec. 102. Reauthorization of Public Works and Economic Development Act of 1965.
Sec. 103. Conforming amendment.
Sec. 104. Transition provisions.
Sec. 105. Effective date.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Meetings.
Sec. 204. Administrative expenses.
Sec. 205. Compensation of employees.
Sec. 206. Administrative powers of Commission.
Sec. 207. Cost sharing of demonstration health projects.
Sec. 208. Repeal of land stabilization, conservation, and erosion control program.
Sec. 209. Repeal of timber development program.
Sec. 210. Repeal of mining area restoration program.
Sec. 211. Repeal of water resource survey.
Sec. 212. Cost sharing of housing projects.
Sec. 213. Repeal of airport safety improvements program.
Sec. 214. Cost sharing of vocational education and education demonstration projects.
Sec. 215. Repeal of sewage treatment works program.
Sec. 216. Repeal of amendments to Housing Act of 1954.
Sec. 217. Supplements to Federal grant-in-aid programs.
Sec. 218. Program development criteria.
Sec. 219. Distressed and economically strong counties.
Sec. 220. Grants for administrative expenses and commission projects.
Sec. 221. Authorization of appropriations for general program.
Sec. 222. Extension of termination date.
Sec. 223. Technical amendment.

TITLE I—ECONOMIC DEVELOPMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Economic Development Administration Reform Act of 1998".

SEC. 102. REAUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

(a) FIRST SECTION THROUGH TITLE VI—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by striking the first section and all that follows through the end of title VI and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Public Works and Economic Development Act of 1965'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings and declarations.
"Sec. 3. Definitions.

"TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

"Sec. 101. Establishment of economic development partnerships.
"Sec. 102. Cooperation of Federal agencies.
"Sec. 103. Coordination.

"TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

"Sec. 201. Grants for public works and economic development.
"Sec. 202. Base closings and realignments.
"Sec. 203. Grants for planning and grants for administrative expenses.
"Sec. 204. Cost sharing.
"Sec. 205. Supplementary grants.
"Sec. 206. Regulations on relative needs and allocations.
"Sec. 207. Grants for training, research, and technical assistance.
"Sec. 208. Prevention of unfair competition.
"Sec. 209. Grants for economic adjustment.
"Sec. 210. Changed project circumstances.
"Sec. 211. Use of funds in projects constructed under projected cost.
"Sec. 212. Reports by recipients.
"Sec. 213. Prohibition on use of funds for attorney's and consultant's fees.

"TITLE III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

"Sec. 301. Eligibility of areas.
"Sec. 302. Comprehensive economic development strategies.

"TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

"Sec. 401. Designation of economic development districts.
"Sec. 402. Termination or modification of economic development districts.
"Sec. 403. Incentives.
"Sec. 404. Provision of comprehensive economic development strategies to Appalachian Regional Commission.
"Sec. 405. Assistance to parts of economic development districts not in eligible areas.

"TITLE V—ADMINISTRATION

"Sec. 501. Assistant Secretary for Economic Development.
"Sec. 502. Economic development information clearinghouse.
"Sec. 503. Consultation with other persons and agencies.
"Sec. 504. Administration, operation, and maintenance.
"Sec. 505. Businesses desiring Federal contracts.
"Sec. 506. Performance evaluations of grant recipients.
"Sec. 507. Notification of reorganization.

"TITLE VI—MISCELLANEOUS

"Sec. 601. Powers of Secretary.
"Sec. 602. Maintenance of standards.
"Sec. 603. Annual report to Congress.
"Sec. 604. Delegation of functions and transfer of funds among Federal agencies.
"Sec. 605. Penalties.
"Sec. 606. Employment of expediters and administrative employees.
"Sec. 607. Maintenance and public inspection of list of approved applications for financial assistance.
"Sec. 608. Records and audits.
"Sec. 609. Relationship to assistance under other law.
"Sec. 610. Acceptance of certifications by applicants.

"TITLE VII—FUNDING

"Sec. 701. General authorization of appropriations.
"Sec. 702. Authorization of appropriations for defense conversion activities.
"Sec. 703. Authorization of appropriations for disaster economic recovery activities.

"SEC. 2. FINDINGS AND DECLARATIONS.

"(a) FINDINGS.—Congress finds that—

"(1) while the economy of the United States is undergoing a sustained period of economic growth resulting in low unemployment and increasing incomes, there continue to be areas suffering economic distress in the form of high unemployment, low incomes, underemployment, and outmigration as well as areas facing sudden economic dislocations due to industrial restructuring and relocation, defense base closures and procurement cutbacks, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

"(2) as the economy of the United States continues to grow, those distressed areas contain significant human and infrastructure resources that are underused;

"(3) expanding international trade and the increasing pace of technological innovation offer both a challenge and an opportunity to the distressed communities of the United States;

"(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, and State organizations to ensure that existing resources are not wasted and all Americans have an opportunity to participate in the economic growth of the United States;

"(5) in order to avoid wasteful duplication of effort and to limit the burden on distressed communities, Federal, State, and local economic development activities should be better planned and coordinated and Federal program requirements should be simplified and made more consistent;

"(6) the goal of Federal economic development activities should be to work in partnership with local, regional, and State public and private organizations to support the development of private sector businesses and jobs in distressed communities;

"(7) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade and technology programs of the United States; and

"(8) under this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

"(b) DECLARATIONS.—Congress declares that, in order to promote a strong and growing economy throughout the United States—

"(1) assistance under this Act should be made available to both rural and urban distressed communities;

"(2) local communities should work in partnership with neighboring communities, the States, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to address existing, or deter impending, economic distress; and

"(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to take advantage of the development opportunities afforded by technological innovation and expanding and newly opened global markets.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—The term 'comprehensive economic development strategy' means a comprehensive economic development strategy approved by the Secretary under section 302.

"(2) DEPARTMENT.—The term 'Department' means the Department of Commerce.

"(3) ECONOMIC DEVELOPMENT DISTRICT.—

"(A) IN GENERAL.—The term 'economic development district' means any area in the United States that—

"(i) is composed of areas described in section 301(a) and, to the extent appropriate, neighboring counties or communities; and

"(ii) has been designated by the Secretary as an economic development district under section 401.

"(B) INCLUSION.—The term 'economic development district' includes any economic development district designated by the Secretary under section 403 (as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998).

"(4) ELIGIBLE RECIPIENT.—

"(A) IN GENERAL.—The term 'eligible recipient' means—

"(i) an area described in section 301(a);

"(ii) an economic development district;

"(iii) an Indian tribe;

"(iv) a State;

"(v) a city or other political subdivision of a State or a consortium of political subdivisions;

"(vi) an institution of higher education or a consortium of institutions of higher education; or

"(vii) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

"(B) TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE GRANTS.—In the case of grants under section 207, the term 'eligible recipient' also includes private individuals and for-profit organizations.

"(5) FEDERAL AGENCY.—The term 'Federal agency' means a department, agency, or instrumentality of the United States.

"(6) GRANT.—The term 'grant' includes a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code).

"(7) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(9) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(10) UNITED STATES.—The term 'United States' means all of the States.

"TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

"SEC. 101. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

"(a) IN GENERAL.—In providing assistance under this title, the Secretary shall cooperate with States and other entities to ensure that, consistent with national objectives, Federal programs are compatible with and further the objectives of State, regional, and local economic development plans and comprehensive economic development strategies.

"(b) TECHNICAL ASSISTANCE.—The Secretary may provide such technical assistance to States, political subdivisions of States, sub-State regional organizations (including organizations that cross State boundaries), and multi-State regional organizations as the Secretary determines is appropriate to—

"(1) alleviate economic distress;

"(2) encourage and support public-private partnerships for the formation and improvement of economic development strategies that sustain and promote economic development across the United States; and

"(3) promote investment in infrastructure and technological capacity to keep pace with the changing global economy.

"(c) INTERGOVERNMENTAL REVIEW.—The Secretary shall promulgate regulations to ensure that appropriate State and local government agencies have been given a reasonable opportunity to review and comment on proposed projects under this title that the Secretary determines may have a significant direct impact on the economy of the area.

"(d) COOPERATION AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into a cooperation agreement with any 2 or more adjoining States, or an organization of any 2 or more adjoining States, in support of effective economic development.

“(2) PARTICIPATION.—Each cooperation agreement shall provide for suitable participation by other governmental and nongovernmental entities that are representative of significant interests in and perspectives on economic development in an area.

“SEC. 102. COOPERATION OF FEDERAL AGENCIES.

“In accordance with applicable laws and subject to the availability of appropriations, each Federal agency shall exercise its powers, duties and functions, and shall cooperate with the Secretary, in such manner as will assist the Secretary in carrying out this title.

“SEC. 103. COORDINATION.

“The Secretary shall coordinate activities relating to the preparation and implementation of comprehensive economic development strategies under this Act with Federal agencies carrying out other Federal programs, States, economic development districts, and other appropriate planning and development organizations.

“TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

“SEC. 201. GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.

“(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for—

“(1) acquisition or development of land and improvements for use for a public works, public service, or development facility; and

“(2) acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such a facility, including related machinery and equipment.

“(b) CRITERIA FOR GRANT.—The Secretary may make a grant under this section only if the Secretary determines that—

“(1) the project for which the grant is applied for will, directly or indirectly—

“(A) improve the opportunities, in the area where the project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

“(B) assist in the creation of additional long-term employment opportunities in the area; or

“(C) primarily benefit the long-term unemployed and members of low-income families;

“(2) the project for which the grant is applied for will fulfill a pressing need of the area, or a part of the area, in which the project is or will be located; and

“(3) the area for which the project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy.

“(c) MAXIMUM ASSISTANCE FOR EACH STATE.—Not more than 15 percent of the amounts made available to carry out this section may be expended in any 1 State.

“SEC. 202. BASE CLOSINGS AND REALIGNMENTS.

“Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this title for a project to be carried out on a military or Department of Energy installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

“SEC. 203. GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

“(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants to pay the costs of economic development planning and the administrative expenses of organizations that carry out the planning.

“(b) PLANNING PROCESS.—Planning assisted under this title shall be a continuous process involving public officials and private citizens in—

“(1) analyzing local economies;

“(2) defining economic development goals;

“(3) determining project opportunities; and

“(4) formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes.

“(c) USE OF PLANNING ASSISTANCE.—Planning assistance under this title shall be used in conjunction with any other available Federal planning assistance to ensure adequate and effective planning and economical use of funds.

“(d) STATE PLANS.—

“(1) DEVELOPMENT.—Any State plan developed with assistance under this section shall be developed cooperatively by the State, political subdivisions of the State, and the economic development districts located wholly or partially in the State.

“(2) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—As a condition of receipt of assistance for a State plan under this subsection, the State shall have or develop a comprehensive economic development strategy.

“(3) CERTIFICATION TO THE SECRETARY.—On completion of a State plan developed with assistance under this section, the State shall—

“(A) certify to the Secretary that, in the development of the State plan, local and economic development district plans were considered and, to the maximum extent practicable, the State plan is consistent with the local and economic development district plans; and

“(B) identify any inconsistencies between the State plan and the local and economic development district plans and provide a justification for each inconsistency.

“(4) COMPREHENSIVE PLANNING PROCESS.—Any overall State economic development planning assisted under this section shall be a part of a comprehensive planning process that shall consider the provision of public works to—

“(A) promote economic development and opportunity;

“(B) foster effective transportation access;

“(C) enhance and protect the environment; and

“(D) balance resources through the sound management of physical development.

“(5) REPORT TO SECRETARY.—Each State that receives assistance for the development of a plan under this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

“SEC. 204. COST SHARING.

“(a) FEDERAL SHARE.—Subject to section 205, the amount of a grant for a project under this title shall not exceed 50 percent of the cost of the project.

“(b) NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of the cost of a project, the Secretary may provide credit toward the non-Federal share for all contributions both in cash and in-kind, fairly evaluated, including contributions of space, equipment, and services.

“SEC. 205. SUPPLEMENTARY GRANTS.

“(a) DEFINITION OF DESIGNATED FEDERAL GRANT PROGRAM.—In this section, the term ‘designated Federal grant program’ means any Federal grant program that—

“(1) provides assistance in the construction or equipping of public works, public service, or development facilities;

“(2) the Secretary designates as eligible for an allocation of funds under this section; and

“(3) assists projects that are—

“(A) eligible for assistance under this title; and

“(B) consistent with a comprehensive economic development strategy.

“(b) SUPPLEMENTARY GRANTS.—

“(1) IN GENERAL.—On the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the eligible recipient is eligible but, because of the eligible recipient's economic situation, for which the eligible recipient cannot provide the required non-Federal share.

“(2) PURPOSES OF GRANTS.—Supplementary grants under paragraph (1) may be made for purposes that shall include enabling eligible recipients to use—

“(A) designated Federal grant programs; and

“(B) direct grants authorized under this title.

“(c) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

“(1) AMOUNT OF SUPPLEMENTARY GRANTS.—Subject to paragraph (4), the amount of a supplementary grant under this title for a project shall not exceed the applicable percentage of the cost of the project established by regulations promulgated by the Secretary, except that the non-Federal share of the cost of a project (including assumptions of debt) shall not be less than 20 percent.

“(2) FORM OF SUPPLEMENTARY GRANTS.—In accordance with such regulations as the Secretary may promulgate, the Secretary shall make supplementary grants by increasing the amounts of grants authorized under this title or by the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs.

“(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or source of non-Federal funds that may be applicable to a Federal program, funds provided under this section may be used to increase the Federal share for specific projects under the program that are carried out in areas described in section 301(a) above the Federal share of the cost of the project authorized by the law governing the program.

“(4) LOWER NON-FEDERAL SHARE.—

“(A) INDIAN TRIBES.—In the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1) or may waive the non-Federal share.

“(B) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1).

“SEC. 206. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

“In promulgating rules, regulations, and procedures for assistance under this title, the Secretary shall ensure that—

“(1) the relative needs of eligible areas are given adequate consideration by the Secretary, as determined based on, among other relevant factors—

“(A) the severity of the rates of unemployment in the eligible areas and the duration of the unemployment;

“(B) the income levels and the extent of underemployment in eligible areas; and

"(C) the outmigration of population from eligible areas and the extent to which the outmigration is causing economic injury in the eligible areas; and

"(2) allocations of assistance under this title are prioritized to ensure that the level of economic distress of an area, rather than a preference for a geographic area or a specific type of economic distress, is the primary factor in allocating the assistance.

"SEC. 207. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

"(a) In General.—

"(1) Grants.—On the application of an eligible recipient, the Secretary may make grants for training, research, and technical assistance, including grants for program evaluation and economic impact analyses, that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment.

"(2) Types of assistance.—Grants under paragraph (1) may be used for—

"(A) project planning and feasibility studies;

"(B) demonstrations of innovative activities or strategic economic development investments;

"(C) management and operational assistance;

"(D) establishment of university centers;

"(E) establishment of business outreach centers;

"(F) studies evaluating the needs of, and development potential for, economic growth of areas that the Secretary determines have substantial need for the assistance; and

"(G) other activities determined by the Secretary to be appropriate.

"(3) Reduction or waiver of non-federal share.—In the case of a project assisted under this section, the Secretary may reduce or waive the non-Federal share, without regard to section 204 or 205, if the Secretary finds that the project is not feasible without, and merits, such a reduction or waiver.

"(b) Methods of Provision of Assistance.—In providing research and technical assistance under this section, the Secretary, in addition to making grants under subsection (a), may—

"(1) provide research and technical assistance through officers or employees of the Department;

"(2) pay funds made available to carry out this section to Federal agencies; or

"(3) employ private individuals, partnerships, businesses, corporations, or appropriate institutions under contracts entered into for that purpose.

"SEC. 208. PREVENTION OF UNFAIR COMPETITION.

"No financial assistance under this Act shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

"SEC. 209. GRANTS FOR ECONOMIC ADJUSTMENT.

"(a) In General.—On the application of an eligible recipient, the Secretary may make grants for development of public facilities, public services, business development (including funding of a revolving loan fund), planning, technical assistance, training, and any other assistance to alleviate long-term economic deterioration and sudden and severe economic dislocation and further the economic adjustment objectives of this title.

"(b) Criteria for Assistance.—The Secretary may provide assistance under this section only if the Secretary determines that—

"(1) the project will help the area to meet a special need arising from—

"(A) actual or threatened severe unemployment; or

"(B) economic adjustment problems resulting from severe changes in economic conditions; and

"(2) the area for which a project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy, except that this paragraph shall not apply to planning projects.

"(c) Particular Community Assistance.—Assistance under this section may include assistance provided for activities identified by communities, the economies of which are injured by—

"(1) military base closures or realignments, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in diversifying their economies through projects to be carried out on Federal Government installations or elsewhere in the communities;

"(2) disasters or emergencies, in areas with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for post-disaster economic recovery;

"(3) international trade, for help in economic restructuring of the communities; or

"(4) fishery failures, in areas with respect to which a determination that there is a commercial fishery failure has been made under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

"(d) Direct Expenditure or Redistribution by Recipient.—

"(1) In general.—Subject to paragraph (2), an eligible recipient of a grant under this section may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

"(2) Limitation.—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.

"SEC. 210. CHANGED PROJECT CIRCUMSTANCES.

"In any case in which a grant (including a supplementary grant described in section 205) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a project, and, after the grant has been made but before completion of the project, the purpose or scope of the project that was the basis of the grant is modified, the Secretary may approve, subject (except for a grant for which funds were obligated in fiscal year 1995) to the availability of appropriations, the use of grant funds for the modified project if the Secretary determines that—

"(1) the modified project meets the requirements of this title and is consistent with the comprehensive economic development strategy submitted as part of the application for the grant; and

"(2) the modifications are necessary to enhance economic development in the area for which the project is being carried out.

"SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

"In any case in which a grant (including a supplementary grant described in section 205) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a construction project, and, after the grant has been made but before completion of the project, the cost of the project based on the designs and specifications that was the basis of the grant has decreased because of decreases in costs—

"(1) the Secretary may approve, subject to the availability of appropriations, the use of the excess funds or a portion of the funds to improve the project; and

"(2) any amount of excess funds remaining after application of paragraph (1) shall be deposited in the general fund of the Treasury.

"SEC. 212. REPORTS BY RECIPIENTS.

"(a) In General.—Each recipient of assistance under this title shall submit reports to the Secretary at such intervals and in such manner as the Secretary shall require by regulation, except that no report shall be required to be submitted more than 10 years after the date of closeout of the assistance award.

"(b) Contents.—Each report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need that the assistance was designed to address and in meeting the objectives of this Act.

"SEC. 213. PROHIBITION ON USE OF FUNDS FOR ATTORNEY'S AND CONSULTANT'S FEES.

"Assistance made available under this title shall not be used directly or indirectly for an attorney's or consultant's fee incurred in connection with obtaining grants and contracts under this title.

"TITLE III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

"SEC. 301. ELIGIBILITY OF AREAS.

"(a) In General.—For a project to be eligible for assistance under section 201 or 209, the project shall be located in an area that, on the date of submission of the application, meets 1 or more of the following criteria:

"(1) Low per capita income.—The area has a per capita income of 80 percent or less of the national average.

"(2) Unemployment rate above national average.—The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate.

"(3) Unemployment or economic adjustment problems.—The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

"(b) Political Boundaries of Areas.—An area that meets 1 or more of the criteria of subsection (a), including a small area of poverty or high unemployment within a larger community in less economic distress, shall be eligible for assistance under section 201 or 209 without regard to political or other subdivisions or boundaries.

"(c) Documentation.—

"(1) In general.—A determination of eligibility under subsection (a) shall be supported by the most recent Federal data available, or, if no recent Federal data is available, by the most recent data available through the government of the State in which the area is located.

"(2) ACCEPTANCE BY SECRETARY.—The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate.

"(d) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date of the Economic Development Administration Reform Act of 1998 shall not be effective after that effective date.

"SEC. 302. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

"(a) IN GENERAL.—The Secretary may provide assistance under section 201 or 209 (except for planning assistance under section 209) to an eligible recipient for a project only if the eligible recipient submits to the Secretary, as part of an application for the assistance—

"(1) an identification of the economic development problems to be addressed using the assistance;

"(2) an identification of the past, present, and projected future economic development investments in the area receiving the assistance and public and private participants and sources of funding for the investments; and

"(3)(A) a comprehensive economic development strategy for addressing the economic problems identified under paragraph (1) in a manner that promotes economic development and opportunity, fosters effective transportation access, enhances and protects the environment, and balances resources through sound management of development; and

"(B) a description of how the strategy will solve the problems.

"(b) APPROVAL OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—The Secretary shall approve a comprehensive economic development strategy that meets the requirements of subsection (a) to the satisfaction of the Secretary.

"(c) APPROVAL OF OTHER PLAN.—The Secretary may accept as a comprehensive economic development strategy a satisfactory plan developed under another federally supported program.

"TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

"SEC. 401. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS.

"(a) IN GENERAL.—In order that economic development projects of broad geographic significance may be planned and carried out, the Secretary may designate appropriate economic development districts in the United States, with the concurrence of the States in which the districts will be wholly or partially located, if—

"(1) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 301(a);

"(2) the proposed district contains at least 1 area described in section 301(a); and

"(3) the proposed district has a comprehensive economic development strategy that—

"(A) contains a specific program for intradistrict cooperation, self-help, and public investment; and

"(B) is approved by each affected State and by the Secretary.

"(b) AUTHORITIES.—The Secretary may, under regulations promulgated by the Secretary—

"(1) invite the States to determine boundaries for proposed economic development districts;

"(2) cooperate with the States—

"(A) in sponsoring and assisting district economic planning and economic development groups; and

"(B) in assisting the district groups in formulating comprehensive economic development strategies for districts; and

"(3) encourage participation by appropriate local government entities in the economic development districts.

"SEC. 402. TERMINATION OR MODIFICATION OF ECONOMIC DEVELOPMENT DISTRICTS.

"The Secretary shall, by regulation, promulgate standards for the termination or modification of the designation of economic development districts.

"SEC. 403. INCENTIVES.

"(a) IN GENERAL.—Subject to the non-Federal share requirement under section 205(c)(1), the Secretary may increase the amount of grant assistance for a project in an economic development district by an amount that does not exceed 10 percent of the cost of the project, in accordance with such regulations as the Secretary shall promulgate, if—

"(1) the project applicant is actively participating in the economic development activities of the district; and

"(2) the project is consistent with the comprehensive economic development strategy of the district.

"(b) REVIEW OF INCENTIVE SYSTEM.—In promulgating regulations under subsection (a), the Secretary shall review the current incentive system to ensure that the system is administered in the most direct and effective manner to achieve active participation by project applicants in the economic development activities of economic development districts.

"SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO APPALACHIAN REGIONAL COMMISSION.

"If any part of an economic development district is in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the Appalachian Regional Commission established under that Act.

"SEC. 405. ASSISTANCE TO PARTS OF ECONOMIC DEVELOPMENT DISTRICTS NOT IN ELIGIBLE AREAS.

"Notwithstanding section 301, the Secretary may provide such assistance as is available under this Act for a project in a part of an economic development district that is not in an area described in section 301(a), if the project will be of a substantial direct benefit to an area described in section 301(a) that is located in the district.

"TITLE V—ADMINISTRATION

"SEC. 501. ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT.

"(a) IN GENERAL.—The Secretary shall carry out this Act through an Assistant Secretary of Commerce for Economic Development, to be appointed by the President, by and with the advice and consent of the Senate.

"(b) COMPENSATION.—The Assistant Secretary of Commerce for Economic Development shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) DUTIES.—The Assistant Secretary of Commerce for Economic Development shall carry out such duties as the Secretary shall require and shall serve as the administrator of the Economic Development Administration of the Department.

"SEC. 502. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

"In carrying out this Act, the Secretary shall—

"(1) maintain a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal and State governments, including political subdivisions of States;

"(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal, State, and local laws in locating and applying for the assistance; and

"(3) assist areas described in section 301(a) and other areas by providing to interested persons, communities, industries, and businesses in the areas any technical information, market research, or other forms of assistance, information, or advice that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment in the areas.

"SEC. 503. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

"(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Secretary may consult with any persons, including representatives of labor, management, agriculture, and government, who can assist in addressing the problems of area and regional unemployment or underemployment.

"(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Secretary may provide for such consultation with interested Federal agencies as the Secretary determines to be appropriate in the performance of the duties of the Secretary under this Act.

"SEC. 504. ADMINISTRATION, OPERATION, AND MAINTENANCE.

"The Secretary shall approve Federal assistance under this Act only if the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

"SEC. 505. BUSINESSES DESIRING FEDERAL CONTRACTS.

"The Secretary may provide the procurement divisions of Federal agencies with a list consisting of—

"(1) the names and addresses of businesses that are located in areas described in section 301(a) and that wish to obtain Federal Government contracts for the provision of supplies or services; and

"(2) the supplies and services that each business provides.

"SEC. 506. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

"(a) IN GENERAL.—The Secretary shall conduct an evaluation of each university center and each economic development district that receives grant assistance under this Act (each referred to in this section as a 'grantee') to assess the grantee's performance and contribution toward retention and creation of employment.

"(b) PURPOSE OF EVALUATIONS OF UNIVERSITY CENTERS.—The purpose of the evaluations of university centers under subsection (a) shall be to determine which university centers are performing well and are worthy of continued grant assistance under this Act, and which should not receive continued assistance, so that university centers that have not previously received assistance may receive assistance.

"(c) TIMING OF EVALUATIONS.—Evaluations under subsection (a) shall be conducted on a continuing basis so that each grantee is evaluated within 3 years after the first award of assistance to the grantee after the effective date of the Economic Development Administration Reform Act of 1998, and at least once every 3 years thereafter, so long as the grantee receives the assistance.

"(d) EVALUATION CRITERIA.—

"(1) ESTABLISHMENT.—The Secretary shall establish criteria for use in conducting evaluations under subsection (a).

"(2) EVALUATION CRITERIA FOR UNIVERSITY CENTERS.—The criteria for evaluation of a university center shall, at a minimum, provide for an assessment of the center's contribution to providing technical assistance, conducting applied research, and disseminating results of the activities of the center.

"(3) EVALUATION CRITERIA FOR ECONOMIC DEVELOPMENT DISTRICTS.—The criteria for evaluation of an economic development district shall, at a minimum, provide for an assessment of management standards, financial accountability, and program performance.

"(e) PEER REVIEW.—In conducting an evaluation of a university center or economic development district under subsection (a), the Secretary shall provide for the participation of at least 1 other university center or economic development district, as appropriate, on a cost-reimbursement basis.

"SEC. 507. NOTIFICATION OF REORGANIZATION.

"Not later than 30 days before the date of any reorganization of the offices, programs, or activities of the Economic Development Administration, the Secretary shall provide notification of the reorganization to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

"TITLE VI—MISCELLANEOUS

"SEC. 601. POWERS OF SECRETARY.

"(a) IN GENERAL.—In carrying out the duties of the Secretary under this Act, the Secretary may—

"(1) adopt, alter, and use a seal, which shall be judicially noticed;

"(2) subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such personnel as are necessary to carry out this Act;

"(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary determines to be appropriate;

"(4) request directly, from any Federal agency, board, commission, office, or independent establishment, such information, suggestions, estimates, and statistics as the Secretary determines to be necessary to carry out this Act (and each Federal agency, board, commission, office, or independent establishment may provide such information, suggestions, estimates, and statistics directly to the Secretary);

"(5) under regulations promulgated by the Secretary—

"(A) assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Secretary's discretion and on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Secretary in connection with assistance provided under this Act; and

"(B) collect or compromise all obligations assigned to or held by the Secretary in connection with that assistance until such time as the obligations are referred to the Attorney General for suit or collection;

"(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary in connection with assistance provided under this Act;

"(7) pursue to final collection, by means of compromise or other administrative action, before referral to the Attorney General, all claims against third parties assigned to the Secretary in connection with assistance provided under this Act;

"(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), to the extent appropriate in connection with assistance provided under this Act;

"(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Secretary, take any action, including the procurement of the services of attorneys by contract, determined by the Secretary to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance provided under this Act;

"(10)(A) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually;

"(B) compensate individuals so employed, including compensation for travel time; and

"(C) allow individuals so employed, while away from their homes or regular places of business, travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Federal Government service;

"(11) establish performance measures for grants and other assistance provided under this Act, and use the performance measures to evaluate the economic impact of economic development assistance programs under this Act, which establishment and use of performance measures shall be provided by the Secretary through—

"(A) officers or employees of the Department;

"(B) the employment of persons under contracts entered into for such purposes; or

"(C) grants to persons, using funds made available to carry out this Act;

"(12) conduct environmental reviews and incur necessary expenses to evaluate and monitor the environmental impact of economic development assistance provided and proposed to be provided under this Act, including expenses associated with the representation and defense of the actions of the Secretary relating to the environmental impact of the assistance, using any funds made available to carry out section 207;

"(13) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the property of the Secretary; and

"(14) establish such rules, regulations, and procedures as the Secretary considers appropriate for carrying out this Act.

"(b) DEFICIENCY JUDGMENTS.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise pursue claims relating to mortgages assigned to the Secretary.

"(c) INAPPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance provided under this Act if the premium for the insurance or the amount of the services or supplies does not exceed $1,000.

"(d) PROPERTY INTERESTS.—

"(1) IN GENERAL.—The powers of the Secretary under this section, relating to property acquired by the Secretary in connection with assistance provided under this Act, shall extend to property interests of the Secretary relating to projects approved under—

"(A) this Act;

"(B) title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.);

"(C) title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

"(D) the Community Emergency Drought Relief Act of 1977 (42 U.S.C. 5184 note; Public Law 95–31).

"(2) RELEASE.—The Secretary may release, in whole or in part, any real property interest, or tangible personal property interest, in connection with a grant after the date that is 20 years after the date on which the grant was awarded.

"(e) POWERS OF CONVEYANCE AND EXECUTION.—The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest in such property acquired by the Secretary under this Act may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for that purpose, without the execution of any express delegation of power or power of attorney.

"SEC. 603. ANNUAL REPORT TO CONGRESS.

"Not later than July 1, 2000, and July 1 of each year thereafter, the Secretary shall submit to Congress a comprehensive and detailed annual report on the activities of the Secretary under this Act during the most recently completed fiscal year.

"SEC. 604. DELEGATION OF FUNCTIONS AND TRANSFER OF FUNDS AMONG FEDERAL AGENCIES.

"(a) DELEGATION OF FUNCTIONS TO OTHER FEDERAL AGENCIES.—The Secretary may—

"(1) delegate to the heads of other Federal agencies such functions, powers, and duties of the Secretary under this Act as the Secretary determines to be appropriate; and

"(2) authorize the redelegation of the functions, powers, and duties by the heads of the agencies.

"(b) TRANSFER OF FUNDS TO OTHER FEDERAL AGENCIES.—Funds authorized to be appropriated to carry out this Act may be transferred between Federal agencies, if the funds are used for the purposes for which the funds are specifically authorized and appropriated.

"(c) TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purposes of this Act, the Secretary may accept transfers of funds from other Federal agencies if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated.

"(2) USE OF FUNDS.—The transferred funds—

"(A) shall remain available until expended; and

"(B) may, to the extent necessary to carry out this Act, be transferred to and merged by the Secretary with the appropriations for salaries and expenses.

“SEC. 605. PENALTIES.

“(a) FALSE STATEMENTS; SECURITY OVERVALUATION.—A person that makes any statement that the person knows to be false, or willfully overvalues any security, for the purpose of—

“(1) obtaining for the person or for any applicant any financial assistance under this Act or any extension of the assistance by renewal, deferment, or action, or by any other means, or the acceptance, release, or substitution of security for the assistance;

“(2) influencing in any manner the action of the Secretary; or

“(3) obtaining money, property, or any thing of value, under this Act;

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

“(b) EMBEZZLEMENT AND FRAUD-RELATED CRIMES.—A person that is connected in any capacity with the Secretary in the administration of this Act and that—

“(1) embezzles, abstracts, purloins, or willfully misapplies any funds, securities, or other thing of value, that is pledged or otherwise entrusted to the person;

“(2) with intent to defraud the Secretary or any other person or entity, or to deceive any officer, auditor, or examiner—

“(A) makes any false entry in any book, report, or statement of or to the Secretary; or

“(B) without being duly authorized, draws any order or issue, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof;

“(3) with intent to defraud, participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of the Secretary; or

“(4) gives any unauthorized information concerning any future action or plan of the Secretary that might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Secretary;

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

“SEC. 606. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

“Assistance shall not be provided by the Secretary under this Act to any business unless the owners, partners, or officers of the business—

“(1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of the business for the purpose of expediting applications made to the Secretary for assistance of any kind, under this Act, and the fees paid or to be paid to the person for expediting the applications; and

“(2) execute an agreement binding the business, for the 2-year period beginning on the date on which the assistance is provided by the Secretary to the business, to refrain from employing, offering any office or employment to, or retaining for professional services, any person who, on the date on which the assistance or any part of the assistance was provided, or within the 1-year period ending on that date—

“(A) served as an officer, attorney, agent, or employee of the Department; and

“(B) occupied a position or engaged in activities that the Secretary determines involved discretion with respect to the granting of assistance under this Act.

“SEC. 607. MAINTENANCE AND PUBLIC INSPECTION OF LIST OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall—

“(1) maintain as a permanent part of the records of the Department a list of applications approved for financial assistance under this Act; and

“(2) make the list available for public inspection during the regular business hours of the Department.

“(b) ADDITIONS TO LIST.—The following information shall be added to the list maintained under subsection (a) as soon as an application described in subsection (a)(1) is approved:

“(1) The name of the applicant and, in the case of a corporate application, the name of each officer and director of the corporation.

“(2) The amount and duration of the financial assistance for which application is made.

“(3) The purposes for which the proceeds of the financial assistance are to be used.

“SEC. 608. RECORDS AND AUDITS.

“(a) RECORDKEEPING AND DISCLOSURE REQUIREMENTS.—Each recipient of assistance under this Act shall keep such records as the Secretary shall require, including records that fully disclose—

“(1) the amount and the disposition by the recipient of the proceeds of the assistance;

“(2) the total cost of the project in connection with which the assistance is given or used;

“(3) the amount and nature of the portion of the cost of the project provided by other sources; and

“(4) such other records as will facilitate an effective audit.

“(b) ACCESS TO BOOKS FOR EXAMINATION AND AUDIT.—The Secretary, the Inspector General of the Department, and the Comptroller General of the United States, or any duly authorized representative, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that relate to assistance received under this Act.

“SEC. 609. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

“(a) PREVIOUSLY AUTHORIZED ASSISTANCE.—Except as otherwise provided in this Act, all financial and technical assistance authorized under this Act shall be in addition to any Federal assistance authorized before the effective date of the Economic Development Administration Reform Act of 1998.

“(b) ASSISTANCE UNDER OTHER ACTS.—Nothing in this Act authorizes or permits any reduction in the amount of Federal assistance that any State or other entity eligible under this Act is entitled to receive under any other Act.

“SEC. 610. ACCEPTANCE OF CERTIFICATIONS BY APPLICANTS.

“Under terms and conditions determined by the Secretary, the Secretary may accept the certifications of an applicant for assistance under this Act that the applicant meets the requirements of this Act.”.

(b) TITLE VII.—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended—

(1) by redesignating section 712 as section 602 and moving that section to appear after section 601 (as amended by subsection (a));

(2) in section 602 (as added by paragraph (1))—

(A) by striking the section heading and all that follows through “All” and inserting the following:

“SEC. 602. MAINTENANCE OF STANDARDS.

“All”; and

(B) by striking “sections 101, 201, 202, 403, 903, and 1003” and inserting “this Act”; and

(3) by striking title VII (as amended by paragraph (1)) and inserting the following:

“TITLE VII—FUNDING

“SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this Act $397,969,000 for fiscal year 1999, $368,000,000 for fiscal year 2000, $335,000,000 for fiscal year 2001, $335,000,000 for fiscal year 2002, and $335,000,000 for fiscal year 2003, to remain available until expended.

“SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE CONVERSION ACTIVITIES.

“(a) IN GENERAL.—In addition to amounts made available under section 701, there are authorized to be appropriated such sums as are necessary to carry out section 209(c)(1), to remain available until expended.

“(b) PILOT PROJECTS.—Funds made available under subsection (a) may be used for activities including pilot projects for privatization of, and economic development activities for, closed or realigned military or Department of Energy installations.

“SEC. 703. AUTHORIZATION OF APPROPRIATIONS FOR DISASTER ECONOMIC RECOVERY ACTIVITIES.

“(a) IN GENERAL.—In addition to amounts made available under section 701, there are authorized to be appropriated such sums as are necessary to carry out section 209(c)(2), to remain available until expended.

“(b) FEDERAL SHARE.—The Federal share of the cost of activities funded with amounts made available under subsection (a) shall be up to 100 percent.”.

(c) TITLES VIII THROUGH X.—The Public Works and Economic Development Act of 1965 is amended by striking titles VIII through X (42 U.S.C. 3231 et seq.).

SEC. 103. CONFORMING AMENDMENT.

Section 5316 of title 5, United States Code, is amended by striking “Administrator for Economic Development.”.

SEC. 104. TRANSITION PROVISIONS.

(a) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS.—This title, including the amendments made by this title, does not affect the validity of any right, duty, or obligation of the United States or any other person arising under any contract, loan, or other instrument or agreement that was in effect on the day before the effective date of this title.

(b) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against any officer or employee of the Economic Development Administration shall abate by reason of the enactment of this title.

(c) LIQUIDATING ACCOUNT.—The Economic Development Revolving Fund established under section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) (as in effect on the day before the effective date of this title) shall continue to be available to the Secretary of Commerce as a liquidating account (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for payment of obligations and expenses in connection with financial assistance provided under—

(1) the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(2) the Area Redevelopment Act (42 U.S.C. 2501 et seq.); and

(3) the Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(d) ADMINISTRATION.—The Secretary of Commerce shall take such actions authorized before the effective date of this title as are appropriate to administer and liquidate grants, contracts, agreements, loans, obligations, debentures, or guarantees made by the Secretary under law in effect before the effective date of this title.

SEC. 105. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on a date determined by the Secretary of Commerce, but not later than 90 days after the date of enactment of this Act.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Appalachian Regional Development Reform Act of 1998".

SEC. 202. FINDINGS AND PURPOSES.

Section 2 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"(c) 1998 FINDINGS AND PURPOSES.—

"(1) FINDINGS.—Congress further finds and declares that, while substantial progress has been made in fulfilling many of the objectives of this Act, rapidly changing national and global economies over the past decade have created new problems and challenges for rural areas throughout the United States and especially for the Appalachian region.

"(2) PURPOSES.—In addition to the purposes stated in subsections (a) and (b), it is the purpose of this Act—

"(A) to assist the Appalachian region in—

"(i) providing the infrastructure necessary for economic and human resource development;

"(ii) developing the region's industry;

"(iii) building entrepreneurial communities;

"(iv) generating a diversified regional economy; and

"(v) making the region's industrial and commercial resources more competitive in national and world markets;

"(B) to provide a framework for coordinating Federal, State, and local initiatives to respond to the economic competitiveness challenges in the Appalachian region through—

"(i) improving the skills of the region's workforce;

"(ii) adapting and applying new technologies for the region's businesses; and

"(iii) improving the access of the region's businesses to the technical and financial resources necessary to development of the businesses; and

"(C) to address the needs of severely and persistently distressed areas of the Appalachian region and focus special attention on the areas of greatest need so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across the United States.".

SEC. 203. MEETINGS.

(a) ANNUAL MEETING REQUIREMENT.—Section 101 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "(a) There" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There"; and

(2) by adding at the end the following:

"(2) MEETINGS.—

"(A) IN GENERAL.—The Commission shall conduct at least 1 meeting each year with the Federal Cochairman and at least a majority of the State members present.".

(b) ADDITIONAL MEETINGS BY ELECTRONIC MEANS.—Section 101 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in subsection (a)(2) (as added by subsection (a)(2)), by adding at the end the following:

"(B) ADDITIONAL MEETINGS.—The Commission may conduct such additional meetings by electronic means as the Commission considers advisable, including meetings to decide matters requiring an affirmative vote."; and

(2) in the fourth sentence of subsection (c), by striking "to be present".

(c) DECISIONS REQUIRING A QUORUM.—Section 101(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking the third sentence and inserting the following: "A decision involving Commission policy, approval of any State, regional, or subregional development plan or implementing investment program, any modification or revision of the Appalachian Regional Commission Code, any allocation of funds among the States, or any designation of a distressed county or an economically strong county shall not be made without a quorum of the State members.".

SEC. 204. ADMINISTRATIVE EXPENSES.

Section 105 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "(a) For the period" in the first sentence and all that follows through "such expenses" in the second sentence and inserting "Administrative expenses of the Commission"; and

(2) by striking subsection (b).

SEC. 205. COMPENSATION OF EMPLOYEES.

Section 106(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "the salary of the alternate to the Federal Cochairman on the Commission as provided in section 101" and inserting "the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title".

SEC. 206. ADMINISTRATIVE POWERS OF COMMISSION.

Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "1982" and inserting "2001".

SEC. 207. COST SHARING OF DEMONSTRATION HEALTH PROJECTS.

(a) OPERATION COSTS.—Section 202(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "100 per centum of the costs thereof" in the first sentence and all that follows through the period at the end of the second sentence and inserting "50 percent of the costs of that operation (or 80 percent of those costs in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226).".

(b) COST SHARING.—Section 202 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"(f) MAXIMUM COMMISSION CONTRIBUTION AFTER SEPTEMBER 30, 1998.—

"(1) IN GENERAL.—Subject to paragraph (2), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(2) DISTRESSED COUNTIES.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under paragraph (1) may be increased to the lesser of—

"(A) 80 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) TECHNICAL AMENDMENTS.—Section 202 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "Secretary of Health, Education, and Welfare" each place it appears and inserting "Secretary of Health and Human Services"; and

(2) in subsection (c), by striking the last sentence.

SEC. 208. REPEAL OF LAND STABILIZATION, CONSERVATION, AND EROSION CONTROL PROGRAM.

Section 203 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 209. REPEAL OF TIMBER DEVELOPMENT PROGRAM.

Section 204 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 210. REPEAL OF MINING AREA RESTORATION PROGRAM.

Section 205 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 211. REPEAL OF WATER RESOURCE SURVEY.

Section 206 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 212. COST SHARING OF HOUSING PROJECTS.

(a) LOANS.—Section 207(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking "80 per centum" and inserting "50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)".

(b) GRANTS.—Section 207(c)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "80 per centum" and inserting "50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)".

SEC. 213. REPEAL OF AIRPORT SAFETY IMPROVEMENTS PROGRAM.

Section 208 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 214. COST SHARING OF VOCATIONAL EDUCATION AND EDUCATION DEMONSTRATION PROJECTS.

(a) OPERATION COSTS.—Section 211(b)(3) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "100 per centum of the costs thereof" in the first sentence and all that follows through the period at the end of the second sentence and inserting "50 percent of the costs of that operation (or 80 percent of those costs in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)."

(b) COST SHARING.—Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"(c) MAXIMUM COMMISSION CONTRIBUTION AFTER SEPTEMBER 30, 1998.—

"(1) IN GENERAL.—Subject to paragraph (2), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(2) DISTRESSED COUNTIES.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under paragraph (1) may be increased to the lesser of—

"(A) 80 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) TECHNICAL AMENDMENTS.—Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in subsection (a), by striking "Secretary of Health, Education, and Welfare" and inserting "Secretary of Education"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "Secretary of the Department of Health, Education, and Welfare" and inserting "Secretary of Education"; and

(B) in paragraph (3), by striking the last sentence.

SEC. 215. REPEAL OF SEWAGE TREATMENT WORKS PROGRAM.

Section 212 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 216. REPEAL OF AMENDMENTS TO HOUSING ACT OF 1954.

Section 213 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 217. SUPPLEMENTS TO FEDERAL GRANT-IN-AID PROGRAMS.

(a) AVAILABILITY OF AMOUNTS.—Section 214(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking "the President is authorized to provide funds to the Federal Cochairman to be used" and inserting "the Federal Cochairman may use amounts made available to carry out this section".

(b) COST SHARING.—Section 214(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "(b) The Federal" and inserting the following:

"(b) COST SHARING.—

"(1) IN GENERAL.—The Federal"; and

(2) by adding at the end the following:

"(2) MAXIMUM COMMISSION CONTRIBUTION AFTER SEPTEMBER 30, 1998.—

"(A) IN GENERAL.—Subject to subparagraph (B), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(B) DISTRESSED COUNTIES.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under subparagraph (A) may be increased to 80 percent.".

(c) DEFINITION OF FEDERAL GRANT-IN-AID PROGRAMS.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence—

(1) by striking "on or before December 31, 1980,"; and

(2) by striking "Titles I and IX of the Public Works and Economic Development Act of 1965" and inserting "sections 201 and 209 of the Public Works and Economic Development Act of 1965".

(d) LIMITATION ON COVERED ROAD PROJECTS.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by inserting "authorized by title 23, United States Code" after "road construction".

SEC. 218. PROGRAM DEVELOPMENT CRITERIA.

(a) CONSIDERATIONS.—Section 224(a)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting before the semicolon at the end the following: "or in a severely and persistently distressed county or area".

(b) OUTCOME MEASUREMENTS.—Section 224(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (5), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures may be evaluated.".

(c) REMOVAL OF LIMITATIONS.—Section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION.—Financial assistance made available under this Act shall not be used to assist establishments relocating from 1 area to another.".

(d) CONFORMING AMENDMENT.—Section 302(b)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking "Notwithstanding" and all that follows through "the Commission" and inserting "The Commission".

SEC. 219. DISTRESSED AND ECONOMICALLY STRONG COUNTIES.

Part C of title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"SEC. 226. DISTRESSED AND ECONOMICALLY STRONG COUNTIES.

"(a) DESIGNATIONS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Commission, in accordance with such criteria as the Commission may establish, shall—

"(A) designate as 'distressed counties' those counties in the region that are the most severely and persistently distressed; and

"(B) designate 2 categories of economically strong counties, consisting of—

"(i) 'competitive counties', which shall be those counties in the region that are approaching economic parity with the rest of the United States; and

"(ii) 'attainment counties', which shall be those counties in the region that have attained or exceeded economic parity with the rest of the United States.

"(2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—

"(A) conduct an annual review of each designation of a county under paragraph (1) to determine if the county still meets the criteria for the designation; and

"(B) renew the designation for another 1-year period only if the county still meets the criteria.

"(b) DISTRESSED COUNTIES.—In program and project development and implementation and in the allocation of appropriations made available to carry out this Act, the Commission shall give special consideration to the needs of those counties for which a distressed county designation is in effect under this section.

"(c) ECONOMICALLY STRONG COUNTIES.—

"(1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3) and (4), in the case of a project that is carried out in a county for which a competitive county designation is in effect under this section, assistance under this Act shall be limited to not more than 30 percent of the project cost.

"(2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3) and (4), no funds may be provided under this Act for a project that is carried out in a county for which an attainment county designation is in effect under this section.

"(3) EXCEPTIONS.—The requirements of paragraphs (1) and (2) shall not apply to—

"(A) any project on the Appalachian development highway system authorized by section 201;

"(B) any local development district administrative project assisted under section 302(a)(1); or

"(C) any multicounty project that is carried out in 2 or more counties designated under this section if—

"(i) at least 1 of the participating counties is designated as a distressed county under this section; and

"(ii) the project will be of substantial direct benefit to 1 or more distressed counties.

"(4) WAIVER.—

"(A) IN GENERAL.—The Commission may waive the requirements of paragraphs (1) and (2) for a project upon a showing by the recipient of assistance for the project of 1 or more of the following:

"(i) The existence of a significant pocket of distress in the part of the county in which the project is carried out.

"(ii) The existence of a significant potential benefit from the project in 1 or more areas of the region outside the designated county.

"(B) REPORTS TO CONGRESS.—The Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report describing each waiver granted under subparagraph (A) during the period covered by the report.".

SEC. 220. GRANTS FOR ADMINISTRATIVE EXPENSES AND COMMISSION PROJECTS.

(a) AVAILABILITY OF AMOUNTS.—Section 302(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "The President" and inserting "The Commission"; and

(2) in paragraphs (1), (2), and (3), by striking "to the Commission" each place it appears.

(b) COST SHARING.—Section 302(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "75 per centum" and inserting "50 percent"; and

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking "(a) The" and inserting the following:

"(a) AUTHORIZATION TO MAKE GRANTS.—

"(1) IN GENERAL.—The";

(4) by adjusting the margins of subparagraphs (A), (B), and (C) (as redesignated by paragraph (2)) to reflect the amendment made by paragraph (3); and

(5) by adding at the end the following:

"(2) COST SHARING AFTER SEPTEMBER 30, 1998.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), after September 30, 1998, not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(B) DISCRETIONARY GRANTS.—

"(i) IN GENERAL.—Discretionary grants made by the Commission to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in the region may be made without regard to the percentage limitations specified in subparagraph (A).

"(ii) LIMITATION ON AGGREGATE AMOUNT.—For each fiscal year, the aggregate amount of discretionary grants referred to in clause (i) shall not exceed 10 percent of the amounts appropriated under section 401 for the fiscal year.".

(c) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking "Federal Energy Administration, the Energy Research and Development Administration" and inserting "Secretary of Energy"; and

(ii) by striking paragraphs (3) and (4); and

(B) by striking subsections (d) and (e).

(2) Section 210(a) of title 35, United States Code, is amended—

(A) by striking paragraph (11); and

(B) by redesignating paragraphs (12) through (22) as paragraphs (11) through (21), respectively.

SEC. 221. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended to read as follows:

"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to amounts authorized by section 201 and other amounts made available for the Appalachian development highway system program, there are authorized to be appropriated to the Commission to carry out this Act—

"(1) $68,000,000 for fiscal year 1999;

"(2) $69,000,000 for fiscal year 2000; and

"(3) $70,000,000 for fiscal year 2001.

"(b) AVAILABILITY.—Sums made available under subsection (a) shall remain available until expended.".

SEC. 222. EXTENSION OF TERMINATION DATE.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "1982" and inserting "2001".

SEC. 223. TECHNICAL AMENDMENT.

Section 5334(a) of title 5, United States Code, is amended in the second sentence by striking "title 40, appendix, or by a regional commission established pursuant to section 3182 of title 42, under section 3186(a)(2) of that title" and inserting "the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)".

Amend the title so as to read: "A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.".

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

FRIST AMENDMENT NO. 3815

Mr. JEFFORDS (for Mr. FRIST) proposed an amendment to the bill (S. 1722) to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Health Research and Prevention Amendments of 1998".

TITLE I—PROVISIONS RELATING TO WOMEN'S HEALTH RESEARCH AT NATIONAL INSTITUTES OF HEALTH

SEC. 101. RESEARCH ON DRUG DES; NATIONAL PROGRAM OF EDUCATION.

(a) RESEARCH.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking "1996" and inserting "2003".

(b) NATIONAL PROGRAM FOR EDUCATION OF HEALTH PROFESSIONALS AND PUBLIC.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

"EDUCATION REGARDING DES

"SEC. 1710. (a) IN GENERAL.—The Secretary, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly known as DES). To the extent appropriate, such national program shall use methodologies developed through the education demonstration program carried out under section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1999.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 102. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by striking "and 1996" and inserting "through 2003".

SEC. 103. RESEARCH ON CANCER.

(a) RESEARCH ON BREAST CANCER.—Section 417B(b)(1) of the Public Health Service Act (42 U.S.C. 286a–8(b)(1)) is amended—

(1) in subparagraph (A), by striking "and 1996" and inserting "through 2003"; and

(2) in subparagraph (B), by striking "and 1996" and inserting "through 2003".

(b) RESEARCH ON OVARIAN AND RELATED CANCER RESEARCH.—Section 417B(b)(2) of the Public Health Service Act (42 U.S.C. 286a–8(b)(2)) is amended by striking "and 1996" and inserting "through 2003".

SEC. 104. RESEARCH ON HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

"HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

"SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

"(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

"(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

"(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

"(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

"(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

"(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

"(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 105. AGING PROCESSES REGARDING WOMEN.

Section 445H of the Public Health Service Act (42 U.S.C. 285e–10) is amended—

(1) by striking "The Director" and inserting "(a) The Director"; and

(2) by adding at the end the following subsection:

"(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 106. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

Section 486(d)(2) of the Public Health Service Act (42 U.S.C. 287d(d)(2)) is amended by striking "Director of the Office" and inserting "Director of NIH".

TITLE II—PROVISIONS RELATING TO WOMEN'S HEALTH AT CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking "through 1998" and inserting "through 2003"; and

(2) in paragraph (2), by striking "through 1998" and inserting "through 2003".

SEC. 202. NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended by striking "through 1998" and inserting "through 2003".

SEC. 203. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(a) Services.—Section 1501(a)(2) of the Public Health Service Act (42 U.S.C. 300k(a)(2)) is amended by inserting before the semicolon the following: "and support services such as case management".

(b) Providers of Services.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(1) in paragraph (1), by striking "through grants" and all that follows and inserting the following: "through grants to public and nonprofit private entities and through contracts with public and private entities."; and

(2) by striking paragraph (2) and inserting the following:

"(2) Certain applications.—If a nonprofit private entity and a private entity that is not a nonprofit entity both submit applications to a State to receive an award of a grant or contract pursuant to paragraph (1), the State may give priority to the application submitted by the nonprofit private entity in any case in which the State determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.".

(c) Authorizations of Appropriations.—

(1) Supplemental grants for additional preventive health services.—Section 1509(d)(1) of the Public Health Service Act (42 U.S.C. 300n–4a(d)(1)) is amended by striking "through 1998" and inserting "through 2003".

(2) General program.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended by striking "through 1998" and inserting "through 2003".

SEC. 204. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION.

Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking "through 1998" and inserting "through 2003".

DRIVE FOR TEEN EMPLOYMENT ACT

JEFFORDS AMENDMENT NO. 3816

Mr. JEFFORDS proposed an amendment to the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks; as follows:

In section 2 of the bill, strike subsection (b) and insert the following:

(b) Effective Date.—

(1) In general.—This Act shall become effective on the date of enactment of this Act.

(2) Exception.—The Amendment made by subsection (a) defining the term "occasional and incidental" shall also apply to any case, action, citation or appeal pending on the date of enactment of this Act unless such case, action, citation or appeal involves property damage or personal injury.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1998

GLENN AMENDMENT NO. 3817

Mr. JEFFORDS (for Mr. Glenn) proposed an amendment to the bill (S. 1642) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TITLE

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 1998."

SEC. 2. FINDINGS

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public

SEC. 3. PURPOSES

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) to simplify Federal financial assistance application and reporting requirements;

(3) to improve the delivery of services to the public;

(4) to facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS

In this Act:

(1) Director.—The term "Director" means the Director of the Office of Management and Budget.

(2) Federal agency.—The term "Federal agency" means any agency as defined under section 551(1) of title 5, United States Code.

(3) Federal financial assistance.—The term "Federal financial assistance" has the same meaning as defined in section 7501 (a)(5) of title 31, United States Code under which under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the Government Performance and Results Act.

SEC. 5. DUTIES OF FEDERAL AGENCIES

(b) Extension.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee of Government Reform and Oversight of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) Comment and Consultation on Agency Plans.—

(1) Comment.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) Consultation.—The lead official designated under subsection (a)(4) shall consult with representatives of non-federal entities during development and implementation of the plan. Consultation with representatives of State, local and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) Submission of Plan.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

SEC. 6. DUTIES OF THE DIRECTOR

(a) In General.—The Director, in consultation with agency heads, and representatives of non-federal entities, shall direct, coordinate and assist Federal agencies in establishing—

(1) A common application and reporting system, including:

(A) a common application or set of common applications, wherein a non-federal entity can apply for Federal assistance from multiple Federal assistance programs that serve similar purposes and are administered by different Federal agencies;

(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies;

(2) An interagency process for addressing:

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities; and

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal assistance programs, including appropriate information sharing consistent with the Privacy Act of 1974;

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Agencies shall submit to the Director, upon his request and for his review, information and other reporting regarding their implementation of this Act.

(d) EXEMPTIONS.—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant under of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which will be available to the public through OMB's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans;

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for view of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET

This Act shall take effect on the date of enactment of this Act and shall cease to be effective five years after such date of enactment.

USDA INFORMATION TECHNOLOGY REFORM AND YEAR—2000 COMPLIANCE ACT OF 1998

LUGAR AMENDMENT NO. 3818

Mr. JEFFORDS (for Mr. COATS) proposed an amendment to the bill (S. 2116) to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "USDA Information Technology Reform and Year-2000 Compliance Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Management of year-2000 compliance at Department.
Sec. 5. Position of Chief Information Officer.
Sec. 6. Duties and authorities of Chief Information Officer.
Sec. 7. Funding approval by Chief Information Officer.
Sec. 8. Availability of agency information technology funds.
Sec. 9. Authority of Chief Information Officer over information technology personnel.
Sec. 10. Annual Comptroller General report on compliance.
Sec. 11. Office of Inspector General.
Sec. 12. Technical amendment.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) United States agriculture, food safety, the health of plants and animals, the economies of rural communities, international commerce in food, and food aid rely on the Department of Agriculture for the effective and timely administration of program activities essential to their success and vitality;

(2) the successful administration of the program activities depends on the ability of the Department to use information technology in as efficient and effective manner as is technologically feasible;

(3) to successfully administer the program activities, the Department relies on information technology that requires comprehensive and Department-wide overview and control to avoid needless duplication and misuse of resources;

(4) to better ensure the continued success and vitality of agricultural producers and rural communities, it is imperative that measures are taken within the Department to coordinate and centrally plan the use of the information technology of the Department;

(5) because production control and subsidy programs are ending, agricultural producers of the United States need the best possible information to make decisions that will maximize profits, satisfy consumer demand, and contribute to the alleviation of hunger in the United States and abroad;

(6) a single authority for Department-wide planning is needed to ensure that the information technology architecture of the Department is based on the strategic business plans, information technology, management goals, and core business process methodology of the Department;

(7) information technology is a strategic resource for the missions and program activities of the Department;

(8) year-2000 compliance is 1 of the most important challenges facing the Federal Government and the private sector;

(9) because the responsibility for ensuring year-2000 compliance at the Department was initially left to individual offices and agencies, no overall priorities have been established, and there is no assurance that the most important functions of the Department will be operable on January 1, 2000;

(10) it is the responsibility of the Chief Information Officer to provide leadership in—

(A) defining and explaining the importance of achieving year-2000 compliance;

(B) selecting the overall approach for structuring the year-2000 compliance efforts of the Department;

(C) assessing the ability of the information resource management infrastructures of the Department to adequately support the year-2000 compliance efforts; and

(D) mobilizing the resources of the Department to achieve year-2000 compliance;

(11) the failure of the Department to meet the requirement of the Director of the Office of Management and Budget that all mission-critical systems of the Department achieve year-2000 compliance would have serious adverse consequences on the program activities of the Department, the economies of rural communities, the health of the people of the United States, world hunger, and international commerce in agricultural commodities and products;

(12) centralizing the approval authority for planning and investment for information technology in the Office of the Chief Information Officer will—

(A) provide the Department with strong and coordinated leadership and direction;

(B) ensure that the business architecture of an office or agency is based on rigorous core business process methodology;

(C) ensure that the information technology architecture of the Department is based on the strategic business plans of the offices or agencies and the missions of the Department;

(D) ensure that funds will be invested in information technology only after the Chief Information Officer has determined that—

(i) the planning and review of future business requirements of the office or agency are complete; and

(ii) the information technology architecture of the office or agency is based on business requirements and is consistent with the Department-wide information technology architecture; and

(E) cause the Department to act as a single enterprise with respect to information technology, thus eliminating the duplication and inefficiency associated with a single office- or agency-based approach; and

(13) consistent with the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.), each office or agency of the Department should achieve at least—

(A) a 5 percent per year decrease in costs incurred for operation and maintenance of information technology; and

(B) a 5 percent per year increase in operational efficiency through improvements in information resource management.

(b) PURPOSES.—The purposes of this Act are—

(1) to facilitate the successful administration of programs and activities of the Department through the creation of a centralized office, and Chief Information Officer position, in the Department to provide strong and innovative managerial leadership to oversee the planning, funding, acquisition, and management of information technology and information resource management; and

(2) to provide the Chief Information Officer with the authority and funding necessary to correct the year-2000 compliance problem of the Department.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHIEF INFORMATION OFFICER.—The term "Chief Information Officer" means the individual appointed by the Secretary to serve as Chief Information Officer (as established by section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425)) for the Department.

(2) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(3) INFORMATION RESOURCE MANAGEMENT.—The term "information resource management" means the process of managing information resources to accomplish agency missions and to improve agency performance.

(4) INFORMATION TECHNOLOGY.—

(A) IN GENERAL.—The term "information technology" means any equipment or interconnected system or subsystem of equipment that is used by an office or agency in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

(B) USE OF EQUIPMENT.—For purposes of subparagraph (A), equipment is used by an office or agency if the equipment is used by—

(i) the office or agency directly; or

(ii) a contractor under a contract with the office or agency—

(I) that requires the use of the equipment; or

(II) to a significant extent, that requires the use of the equipment in the performance of a service or the furnishing of a product.

(C) INCLUSIONS.—The term "information technology" includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(D) EXCLUSIONS.—The term "information technology" does not include any equipment that is acquired by a Federal contractor that is incidental to a Federal contract.

(5) INFORMATION TECHNOLOGY ARCHITECTURE.—The term "information technology architecture" means an integrated framework for developing or maintaining existing information technology, and acquiring new information technology, to achieve or effectively use the strategic business plans, information resources, management goals, and core business processes of the Department.

(6) OFFICE OR AGENCY.—The term "office or agency" means, as applicable, each—

(A) national, regional, county, or local office or agency of the Department;

(B) county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5));

(C) State committee, State office, or field service center of the Department; and

(D) group of multiple offices and agencies of the Department that are, or will be, connected through common program activities or systems of information technology.

(7) PROGRAM ACTIVITY.—The term "program activity" means a specific activity or project of a program that is carried out by 1 or more offices or agencies of the Department.

(8) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(9) YEAR-2000 COMPLIANCE.—The term "year-2000 compliance", with respect to the Department, means a condition in which information systems are able to accurately process data relating to the 20th and 21st centuries—

(A) within the Department;

(B) between the Department and local and State governments;

(C) between the Department and the private sector;

(D) between the Department and foreign governments; and

(E) between the Department and the international private sector.

SEC. 4. MANAGEMENT OF YEAR-2000 COMPLIANCE AT DEPARTMENT.

(a) FINDING.—Congress finds that the Chief Information Officer of the Department has not been provided the funding and authority necessary to adequately manage the year-2000 compliance problem at the Department.

(b) MANAGEMENT.—The Chief Information Officer shall provide the leadership and innovative management within the Department to—

(1) identify, prioritize, and mobilize the resources needed to achieve year-2000 compliance;

(2) coordinate the renovation of computer systems through conversion, replacement, or retirement of the systems;

(3) develop verification and validation strategies (within the Department and by independent persons) for converted or replaced computer systems;

(4) develop contingency plans for mission-critical systems in the event of a year-2000 compliance system failure;

(5) coordinate outreach between computer systems of the Department and computer systems in—

(A) the domestic private sector;

(B) State and local governments;

(C) foreign governments; and

(D) the international private sector, such as foreign banks;

(6) identify, prioritize, and mobilize the resources needed to correct periodic date problems in computer systems within the Department and between the Department and outside computer systems; and

(7) during the period beginning on the date of enactment of this Act and ending on June 1, 2000, consult, on a quarterly basis, with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on actions taken to carry out this section.

(c) FUNDING AND AUTHORITIES.—To carry out subsection (b), the Chief Information Officer shall use—

(1) the authorities in sections 7, 8, and 9, particularly the authority to approve the transfer or obligation of funds described in section 7(a) intended for information technology and information resource management; and

(2) the transferred funds targeted by offices and agencies for information technology and information resource management under section 8.

SEC. 5. POSITION OF CHIEF INFORMATION OFFICER.

(a) ESTABLISHMENT.—To ensure the highest quality and most efficient planning, acquisition, administration, and management of information technology within the Department, there is established the position of the Chief Information Officer of the Department.

(b) CONFIRMATION.—

(1) IN GENERAL.—The position of the Chief Information Officer shall be appointed by the President, by and with the advice and consent of the Senate.

(2) SUCCESSION.—An official who is serving as Chief Information Officer on the date of enactment of this Act shall not be required to be reappointed by the President.

(c) REPORT.—The Chief Information Officer shall report directly to the Secretary.

(d) POSITION ON EXECUTIVE INFORMATION TECHNOLOGY INVESTMENT REVIEW BOARD.—The Chief Information Officer shall serve as an officer of the Executive Information Technology Investment Review Board (or its successor).

SEC. 6. DUTIES AND AUTHORITIES OF CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Notwithstanding any other provision of law (except the Government Performance and Results Act of 1993 (Public Law 103–62), amendments made by that Act, and the Information Technology Management Reform Act of 1996 (40 U.S.C. 1401 et seq.)) and policies and procedures of the Department, in addition to the general authorities provided to the Chief Information Officer by section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425), the Chief Information Officer shall have the authorities and duties within the Department provided in this Act.

(b) INFORMATION TECHNOLOGY ARCHITECTURE.—

(1) IN GENERAL.—To ensure the efficient and effective implementation of program activities of the Department, the Chief Information Officer shall ensure that the information technology architecture of the Department, and each office or agency, is based on the strategic business plans, information resources, goals of information resource management, and core business process methodology of the Department.

(2) DESIGN AND IMPLEMENTATION.—The Chief Information Officer shall manage the design and implementation of an information technology architecture for the Department in a manner that ensures that—

(A) the information technology systems of each office or agency maximize—

(i) the effectiveness and efficiency of program activities of the Department;

(ii) quality per dollar expended; and

(iii) the efficiency and coordination of information resource management among offices or agencies, including the exchange of information between field service centers of the Department and each office or agency;

(B) the planning, transfer or obligation of funds described in section 7(a), and acquisition of information technology, by each office or agency most efficiently satisfies the needs of the office or agency in terms of the customers served, and program activities and employees affected, by the information technology; and

(C) the information technology of each office or agency is designed and managed to coordinate or consolidate similar functions of the missions of the Department and offices or agencies, on a Department-wide basis.

(3) COMPLIANCE WITH RESULTING ARCHITECTURE.—The Chief Information Officer shall—

(A) if determined appropriate by the Chief Information Officer, approve the transfer or obligation of funds described in section 7(a) in connection with information technology architecture for an office or agency; and

(B) be responsible for the development, acquisition, and implementation of information technology by an office or agency in a manner that—

(i) is consistent with the information technology architecture designed under paragraph (2);

(ii) results in the most efficient and effective use of information technology of the office or agency; and

(iii) maximizes the efficient delivery and effectiveness of program activities of the Department.

(4) FIELD SERVICE CENTERS.—The Chief Information Officer shall ensure that the information technology architecture of the Department facilitates the design, acquisition, and deployment of an open, flexible common computing environment for the field service centers of the Department that—

(A) is based on strategic goals, business reengineering, and integrated program delivery;

(B) is flexible enough to accommodate and facilitate future business and organizational changes;

(C) provides maximum data sharing, interoperability, and communications capability with other Department, Federal, and State agencies and customers; and

(D) results in significant reductions in annual operating costs.

(c) EVALUATION OF PROPOSED INFORMATION TECHNOLOGY INVESTMENTS.—

(1) IN GENERAL.—In consultation with the Executive Information Technology Investment Review Board (or its successor), the Chief Information Officer shall adopt criteria to evaluate proposals for information technology investments that are applicable to individual offices or agencies or are applicable Department-wide.

(2) CRITERIA.—The criteria adopted under paragraph (1) shall include consideration of—

(A) whether the function to be supported by the investment should be performed by the private sector, negating the need for the investment;

(B) the Department-wide or Government-wide impacts of the investment;

(C) the costs and risks of the investment;

(D) the consistency of the investment with the information technology architecture;

(E) the interoperability of information technology or information resource management in offices or agencies; and

(F) whether the investment maximizes the efficiency and effectiveness of program activities of the Department.

(3) EVALUATION OF INFORMATION TECHNOLOGY AND INFORMATION RESOURCE MANAGEMENT.—

(A) IN GENERAL.—In consultation with the Executive Information Technology Investment Review Board (or its successor), the Chief Information Officer shall monitor and evaluate the information resource management practices of offices or agencies with respect to the performance and results of the information technology investments made by the offices or agencies.

(B) GUIDELINES FOR EVALUATION.—The Chief Information Officer shall issue Departmental regulations that provide guidelines for—

(i) establishing whether the program activity of an office or agency that is proposed to be supported by the information technology investment should be performed by the private sector;

(ii)(I) analyzing the program activities of the office or agency and the mission of the office or agency; and

(II) based on the analysis, revising the mission-related and administrative processes of the office or agency, as appropriate, before making significant investments in information technology to be used in support of the program activities and mission of the office or agency;

(iii) establishing effective and efficient capital planning for selecting, managing, and evaluating the results of all major investments in information technology by the Department;

(iv) ensuring compliance with governmental and Department-wide policies, regulations, standards, and guidelines that relate to information technology and information resource management;

(v) identifying potential information resource management problem areas that could prevent or delay delivery of program activities of the office or agency;

(vi) validating that information resource management of the office or agency facilitates—

(I) strategic goals of the office or agency;

(II) the mission of the office or agency; and

(III) performance measures established by the office or agency; and

(vii) ensuring that the information security policies, procedures, and practices for the information technology are sufficient.

(d) ELECTRONIC FUND TRANSFERS.—The Chief Information Officer shall ensure that the information technology architecture of the Department complies with the requirement of section 3332 of title 31, United States Code, that certain current, and all future payments after January 1, 1999, be tendered through electronic fund transfer.

(e) DEPARTMENTAL REGULATIONS.—The Chief Information Officer shall issue such Departmental regulations as the Chief Information Officer considers necessary to carry out this Act within all offices and agencies.

(f) REPORT.—Not later than March 1 of each year through March 1, 2003, the Chief Information Officer shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that includes—

(1) an evaluation of the current and future information technology directions and needs of the Department;

(2) an accounting of—

(A) each transfer or obligation of funds described in section 7(a), and each outlay of funds, for information technology or information resource management by each office or agency for the past fiscal year; and

(B) each transfer or obligation of funds described in section 7(a) for information technology or information resource management by each office or agency known or estimated for the current and future fiscal years;

(3) a summary of an evaluation of information technology and information resource management applicable Department-wide or to an office or agency; and

(4) a copy of the annual report to the Secretary by the Chief Information Officer that is required by section 5125(c)(3) of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425(c)(3)).

SEC. 7. FUNDING APPROVAL BY CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—Notwithstanding any other provision of law, an office or agency, without the prior approval of the Chief Information Officer, shall not—

(1) transfer funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation or any other corporation within the Department) from 1 account of a fund or office or agency to another account of a fund or office or agency for the purpose of investing in information technology or information resource management involving planning, evaluation, or management, providing services, or leasing or purchasing personal property (including all hardware and software) or services;

(2) obligate funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation or any other corporation within the Department) for the purpose of investing in information technology or information resource management involving planning, evaluation, or management, providing services, or leasing or purchasing personal property (including all hardware and software) or services; or

(3) obligate funds (including appropriated funds, mandatory funds, and funds of the Commodity Credit Corporation) for the purpose of investing in information technology or information resource management involving planning, evaluation, or management, providing services, or leasing or purchasing personal property (including all hardware and software) or services, obtained through a contract, cooperative agreement, reciprocal agreement, or any other type of agreement with an agency of the Federal Government, a State, the District of Columbia, or any person in the private sector.

(b) DISCRETION OF CHIEF INFORMATION OFFICER.—The Chief Information Officer may, by Departmental regulation, waive the requirement under subsection (a) applicable to, as the Chief Information Officer determines is appropriate for the office or agency—

(1) the transfer or obligation of funds described in subsection (a) in an amount not to exceed $200,000; or

(2) a specific class or category of information technology.

(c) CONDITIONS FOR APPROVAL OF FUNDING.—Under subsection (a), the Chief Information Officer shall not approve the transfer or obligation of funds described in subsection (a) with respect to an office or agency unless the Chief Information Officer determines that—

(1) the proposed transfer or obligation of funds described in subsection (a) is consistent with the information technology architecture of the Department;

(2) the proposed transfer or obligation of funds described in subsection (a) for information technology or information resource management is consistent with and maximizes the achievement of the strategic business plans of the office or agency;

(3) the proposed transfer or obligation of funds described in subsection (a) is consistent with the strategic business plan of the office or agency; and

(4) to the maximum extent practicable, economies of scale are realized through the proposed transfer or obligation of funds described in subsection (a).

(d) CONSULTATION WITH EXECUTIVE INFORMATION TECHNOLOGY INVESTMENT REVIEW BOARD.—To the maximum extent practicable, as determined by the Chief Information Officer, prior to approving a transfer or obligation of funds described in subsection (a) for information technology or information resource management, the Chief Information Officer shall consult with the Executive Information Technology Investment Review Board (or its successor) concerning whether the investment—

(1) meets the objectives of capital planning processes for selecting, managing, and evaluating the results of major investments in information technology or information resource management; and

(2) links the affected strategic plan with the information technology architecture of the Department.

SEC. 8. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) TRANSFER.—

(1) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall transfer to the appropriations account of the Chief Information Officer an amount of funds of an office or agency determined under paragraph (2).

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of funds of an office or agency for a fiscal year transferred under paragraph (1) may be up to 10 percent of the discretionary funds made available for that fiscal year by the office or agency for information technology or information resource management.

(B) ADJUSTMENT.—The Secretary may adjust the amount to be transferred from the funds of an office or agency for a fiscal year to the extent that the estimate for a prior fiscal year was in excess of, or less than, the amount actually expended by the office or agency for information technology or information resource management.

(b) AVAILABILITY OF FUNDS.—

(1) TRANSFER.—The Chief Information Officer may transfer unexpended funds to an office or agency.

(2) USE.—Funds transferred under paragraph (1) shall only be used for information technology or information resource management.

(c) USE OF FUNDS.—Funds transferred under subsection (a) shall be used by the Chief Information Officer—

(1) to carry out the duties and authorities of the Chief Information Officer under—

(A) this Act;

(B) section 5125 of the Information Technology Management Reform Act of 1996 (40 U.S.C. 1425); and

(C) section 3506 of title 44, United States Code;

(2) to direct and control the planning, transfer or obligation of funds described in section 7(a), and administration of information technology or information resource management by an office or agency;

(3) to meet the requirement of the Director of the Office and Management and Budget that all mission-critical systems achieve year-2000 compliance; or

(4) to pay the salaries and expenses of all personnel and functions of the office of the Chief Information Officer.

(d) TERMINATION OF AUTHORITY.—The authority under this section terminates on September 30, 2003.

SEC. 9. AUTHORITY OF CHIEF INFORMATION OFFICER OVER INFORMATION TECHNOLOGY PERSONNEL.

(a) AGENCY CHIEF INFORMATION OFFICERS.—

(1) ESTABLISHMENT.—Subject to the concurrence of the Chief Information Officer, the head of each office or agency shall establish within the office or agency the position of Agency Chief Information Officer and shall appoint an individual to that position.

(2) RELATIONSHIP TO HEAD OF OFFICE OR AGENCY.—The Agency Chief Information Officer shall—

(A) report to the head of the office or agency; and

(B) regularly update the head of the office or agency on the status of year-2000 compliance and other significant information technology issues.

(3) PERFORMANCE REVIEW.—The Chief Information Officer shall—

(A) provide input for the performance review of an Agency Chief Information Officer of an office or agency;

(B) annually review and assess the information technology functions of the office or agency; and

(C) provide a report on the review and assessment to the Under Secretary or Assistant Secretary for the office or agency.

(4) DUTIES.—The Agency Chief Information Officer of an office or agency shall be responsible for carrying out the policies and procedures established by the Chief Information Officer for that office or agency, the Administrator for the office or agency, and the Under Secretary or Assistant Secretary for the office or agency.

(b) MANAGERS OF MAJOR INFORMATION TECHNOLOGY PROJECTS.—

(1) IN GENERAL.—The assignment, and continued eligibility for the assignment, of an employee of the Department to serve as manager of a major information technology project (as defined by the Chief Information Officer) of an office or agency, shall be subject to the approval of the Chief Information Officer.

(2) PERFORMANCE REVIEW.—The Chief Information Officer shall provide input into the performance review of a manager of a major information technology project.

(c) DETAIL AND ASSIGNMENT OF PERSONNEL.—Notwithstanding any other provision of law, an employee of the Department may be detailed to the Office of the Chief Information Officer for a period of more than 30 days without reimbursement by the Office of the Chief Information Officer to the office or agency from which the employee is detailed.

(d) INFORMATION TECHNOLOGY PROCUREMENT OFFICERS.—A procurement officer of an office or agency shall procure information technology for the office or agency in a manner that is consistent with the Departmental regulations issued by the Chief Information Officer.

SEC. 10. ANNUAL COMPTROLLER GENERAL REPORT ON COMPLIANCE.

(a) REPORT.—Not later than May 15 of each year through May 15, 2003, in coordination with the Inspector General of the Department, the Comptroller General of the United States shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report evaluating the compliance with this Act in the past fiscal year by the Chief Information Officer and each office or agency.

(b) CONTENTS OF REPORT.—Each report shall include—

(1) an audit of the transfer or obligation of funds described in section 7(a) and outlays by an office or agency for the fiscal year;

(2) an audit and evaluation of the compliance of the Chief Information Officer with the requirements of section 8(c);

(3) a review and evaluation of the performance of the Chief Information Officer under this Act; and

(4) a review and evaluation of the success of the Department in—

(A) creating a Department-wide information technology architecture; and

(B) complying with the requirement of the Director of the Office of Management and Budget that all mission-critical systems of an office or agency achieve year-2000 compliance.

SEC. 11. OFFICE OF INSPECTOR GENERAL.

(a) IN GENERAL.—The Office of Inspector General of the Department shall be exempt from the requirements of this Act.

(b) REPORT.—The Inspector General of the Department shall semiannually submit a report to the Committee on Agriculture and the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the progress of the Office of Inspector General regarding—

(1) year-2000 compliance; and

(2) the establishment of an information technology architecture for the Office of Inspector General of the Department.

SEC. 12. TECHNICAL AMENDMENT.

Section 13 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714k) is amended in the second sentence by striking "section 5 or 11" and inserting "section 4, 5, or 11".

ADDITIONAL STATEMENTS

JOAN'S LAW

• Mr. TORRICELLI. Mr. President, on behalf of the family and friends of Joan D'Alessandro, I want to express gratitude for the passage of Joan's Law, a bill I introduced in October 1997, as a provision in H.R. 3494, the Child Protection and Sexual Predator Punishment Act.

Twenty-five years ago, 7-year-old Joan D'Alessandro left her home in Hillsdale, New Jersey to deliver Girl Scout cookies to a neighbor and disappeared. Three days later, that neighbor, confessed to taking Joan's life and changing forever the lives of those who loved her. Joseph McGowan, a school teacher, had raped Joan, killed her, and dumped her broken, battered body in a ravine.

Although McGowan was convicted and sentenced to 20 years in state prison, the nightmare for the D'Alessandro family was far from over. For the past 12 years, they have had to live with the very real prospect that their daughter's killer will walk out of jail one day a free man. Already, McGowan has twice been eligible for parole and a New Jersey appeals court recently ordered another parole hearing. No family should have to suffer the tragedy of the loss of their child and then be forced to relive it again and again through parole hearings and appeals.

In response to their tragic loss, the D'Alessandro family has worked tirelessly at the state level for the enactment of Joan's Law, legislation providing that a child molester who murders a child under 13 in New Jersey will receive life in prison without the possibility of parole. Joan's Law is now on the books in New Jersey and I am proud that we, in this Congress, are seizing the opportunity to enact companion federal legislation.

My original legislation states that any person who is convicted of a serious violent felony should be sentenced to either death or imprisonment for life when the victim of the crime is under 14 years of age and dies as a result of the offense. As included in Senator HATCH's substitute to the House-passed bill, the bill also contains a narrow provision which allows the court to impose a lesser sentence in a case where the defendant has provided substantial assistance in the prosecution of another person. While I would have preferred Joan's Law to move forward as originally introduced, I understand and respect the addition of such a provision. It is a change that was made in consultation with and with the approval of both the D'Allesandro family and the bill's House sponsor, Representative BOB FRANKS.

In am heartened by the swift passage of the Child Protection and Sexual Predator Protection Act both in the Judiciary Committee and on the floor. By including Joan's Law among the bill's provisions we have sent a strong message that our society will neither tolerate nor forgive the brutal acts of a criminal who takes a young life and ensures that this murdere will never bring such harm and grief to another family.•

THE CHARTER SCHOOLS EXPANSION ACT

• Mr. COATS. Mr. President, I am happy to speak today in recognition of the passage by unanimous consent of the Charter Schools Expansion Act, the bi-partisan bill. Senator LIEBERMAN and I introduced this bill last November to help further expand the charter school movement which is so successfully providing new educational opportunities for children all around the country. This bill passed unanimously out of the Labor Committee and was unanimously approved by the Senate.

This important bill builds upon the great success of the original charter school legislation which Senator LIEBERMAN and former Senator Durenberger introduced in 1994. It was Senator Durenberger's timeless promotion of charter schools that educated all of us to the promise and the benefit of this important public educational reform initiative.

The Federal Charter School Grant Program provides seed money to charter school operators to help them pay for the planning, design and initial implementation of a charter school. Since the program's inception, the number of charter schools has tripled, with over 1100 charter schools now operating in 33 States and the District of Columbia.

Charter schools are independent public schools that have been freed from onerous bureaucratic and regulatory burdens in order to pursue clear objectives and goals aimed at increasing student achievement. To increase student achievement, charter schools are able to design and deliver educational programs tailored to meet the needs of their students and their communities.

It is the individualized education available to students through charter schools that makes this a desirable educational alternative for many families. Charter schools give families an opportunity to choose the educational setting that best meet their child's needs. For many low-income families in particular, charter schools provide their first opportunity to select an educational setting which is best suited for their child.

Parents and educators have, in turn, given these programs overwhelmingly high marks. Broad-based studies conducted by the Department of Education and the Hudson Institute show that charters are effectively serving diverse populations, particularly disadvantaged and at-risk children, that traditional public schools have struggled to educate.

With results like these, it is no wonder that some of the strongest support for charter legislation comes from low-income families. Not only do these parents now have real educational choices, but they are actually needed in the charter school environment for everything from volunteering to coaching, fundraising, and even teaching. This direct involvement of families is helping to build small communities centered around the school.

Charter schools can be started by anyone interested in providing a quality education: parents, teachers, school administrators, community groups, businesses and colleges can all apply for a charter. And, importantly, if these schools fail to deliver a high-quality education, they will be closed—either through a district or State's accountability measures or from lack of students. Accountability is literally built into the charter school process—the school must comply with the provision in its charter, and unhappy parents and students can leave if they are not satisfied.

Additionally, a survey conducted last fall by the National School Boards Association (NSBA) found that the charter movement is already having a positive ripple effect that is being felt in many local public school districts. The NSBA report cites evidence that traditional public schools are working harder to please local families so they won't abandon them to competing charter schools, and that central administrators often see charters as "a powerful tool" to develop new ideas and programs without fearing regulatory roadblocks.

Several other studies have recently been released highlighting the success of charter schools around the country. Among other things, these studies have shown that charter schools have successfully met and surpassed the standards outlined in their charters, attracted significant proportions of minority and low-income students, and have higher parental approval rates than public schools.

The results of these studies point to important ways to improve and reinvent public education as a whole. The implications from the success of charter schools indicate that public schools should be consumer-oriented, diverse, results-oriented, and professional places that also function as mediating institutions in their communities.

The purpose of this bill is to further encourage the growth of high-quality charter schools around the country. This bill provides incentives to encourage States to increase the number of high quality charter schools in their State. To qualify for funding under this bill, States must satisfy two criteria. First, they must provide for review and evaluation of their charter schools by the public chartering agency at least once every five years to ensure that the charter school is meeting the terms of its charter and meeting its academic performance requirements. And second, States meet at least one of three priority criteria:

The State has demonstrated progress in increasing the number of high quality charter schools that meet clear and measurable objectives for the educational progress of their students;

* * * * *

To help ensure that the amount of the federal grants are proportional to the level of charter school activity in the State, this bill directs the Secretary to take into consideration the number of charter schools in operation, or that have been approved to open.

During drafting of this bill, the single greatest concern I heard from charter school operators related to their ability to access their fair share of federal education funding. And so, to ensure that charter schools have enough funding to continue once their doors are opened, this bill provides that charter schools get their fair share of federal programs for which they are eligible, such as Title 1 and IDEA. The bill also directs States to inform their charter schools of any Federal funds to which they are entitled.

This bill also increases the financing options available to charter schools and allows them to utilize funds from the Title VI block grant program for start-up costs.

Because it is so important that charter schools are held accountable in return for the flexibility they are given from Federal, state and local laws and regulations, this amendment includes several significant provisions which strengthen accountability. First, under the priority criteria, States must review and evaluate their charter schools at least once every five years to ensure that they are meeting the terms of their charter and their academic performance requirements. They are rewarded for increasing the number of high quality charter schools that are "held accountable in their charter for meeting clear and measurable objectives for the educational progress of their students."

The definitions section of the bill also stresses accountability by requiring a written performance contract with the authorized chartering agency in the State. These written performance contracts include clearly defined objectives for the charter school to meet in return for the autonomy they are given. The performance objectives in the contract are to be measured by State assessments and other assessments the charter wishes to use.

I am confident that this amendment will build on and contribute to the success of the charter school movement. This bill stresses the need for high quality, accountable schools which are given the autonomy they need to provide the best educational opportunity for their students.

With the passage of this bill, a strong signal will be sent to parents and teachers all across this country that they are not alone in their struggle to improve education. We hope to ease their struggle by enabling new charter schools to be developed. More charter schools will result in greater accountability, broader flexibility for classroom innovation, and ultimately more choice in public education. I urge my colleagues to increase educational opportunities for all children by supporting this bill.

Mr. President, I would like to take a moment and thank Senator LIEBERMAN for his tremendous leadership in the area of educational reform. He and I have worked closely on a number of issues over the last several years, and I want to commend him, in particular, for his strong support and leadership on issues concerning increasing educational opportunities for low-income children. He understands so clearly the fundamental importance of providing a high quality education in a safe environmental of our neediest children. In addition to this charter schools bill, which will help to increase educational opportunities for low-income children, Senator LIEBERMAN and I have worked closely for the last 4 years to gain support for publicly-funded scholarships for low-income children. I want to thank him for his unwavering commitment to this issue and his vitally important leadership. His efforts have done much to win bipartisan support for both charter schools and low-income scholarships and I thank him for his strong commitment to our country's neediest children. With the passage of this charter schools bill, Senator LIEBERMAN and I have the pleasure of seeing the first of our joint educational reform initiatives move closer to becoming law.●

1998 WATER RESOURCES DEVELOPMENT ACT

● Mr. GRAHAM. Mr. President, I would like to take this opportunity to make some remarks regarding S. 2131, the Water Resources Development Act which passed the Senate by unanimous consent on October 8, 1998.

I would like to first thank my colleague Senator MACK from Florida for his partnership on our efforts to produce a WRDA bill that reflects the needs of our State. I would also like to thank Senator CHAFEE, Sentor BAUCUS, and Senator WARNER for their leadership on this critical piece of legislation. The 1998 WRDA bill includes many key items for the State of Florida, a few of which I would like to highlight today.

As you know, water issues in Florida include everything from coastal protection to inland water quality management and from statewide drought to statewide flooding. Our history dealing with water resources has caused some of our own problems that we seek to correct today.

In the area of the Everglades and South Florida Ecosystem Restoration: The Everglades restoration project is the largest restoration program in the world. This vast region, which is home to more than six million Americans, seven of the ten fastest growing cities in the country, a huge tourism industry, and a large agricultural economy, also encompasses one of the world's unique environmental resources. Over the past 100 years, manmade changes to the region's water flow have provided important economic benefits to the region, but have also had devastating effects on the environment. Biological indicators in the form of native flora and fauna have shown severe damage throughout south Florida.

The work of the Army Corps of Engineers is essential to this restoration effort. The critical projects authorized in WRDA 1996 have demonstrated substantial success. The South Florida Ecosystem Restoration Task Force, the Governor's Commission for a Sustainable South Florida, local sponsors, and the Army Corps have completed a review of over 100 potential projects, narrowed the list to 35 and ranked them in order of priority for accelerating the restoration of the South Florida ecosystem.

In addition to this extension, the WRDA 1998 bill includes a $27 million authorization for the Hillsboro and Okeechobee Aquifer Storage and Recovery Project. This technology is presently used to create subsurface reservoirs for drinking water. The Army Corps is considering the use of Aquifer Storage and Recovery as a water storage technology for use in implementation of the Restudy. Our action to authorize work on this project will allow early evaluation of the viability of this technology.

Finally, the WRDA 1998 bill includes clarifying language that expenditures by the state of Florida for land acquisitions in the Caloosahatchee River basin are eligible for Federal reimbursement if they are identified as part of the restudy when it is released in July 1999. Our action assures the State of Florida that acquired lands that become part of the restudy will be eligible for Federal reimbursement.

In the area of water supply: One of the unique aspects of the Florida water system is that we frequently experience periods of drought and periods of flooding. This is the nature of a system that has been modified by human manipulation of natural flowways. In the State of Florida, our growing population coupled with the need to protect our natural systems has created a water quality challenge. From 1995 to 1996, Florida added 260,000 new residents, or the equivalent of four new Daytona Beaches. Between 1980 to 1995, Florida's public water supply needs increased 43 percent more than double the national average of 16 percent. This shows no signs of slowing down. Today, Florida continues to grow at the rate of more than 800 people per day.

Many other States on the eastern seaboard face similar challenges. For example, a recent article in New Jersey Monthly stated that New Jersey leads the nation in the percentage of land mass that is classified as having a high vulnerability for serious water quality problems. According to the U.S. EPA, more than 66 percent of the State falls into the most precarious category for water quality.

In addition, as early as 1983, a U.S. Army Corps of Engineers study stated that deficits in water supply for the area in Virginia south of the James River are projected to be as much as 60 million gallons per day by the year 2030. Ground water withdrawals have caused water level declines of as much as 200 feet in some areas. In the State of New York, water levels in aquifers are predicted to decline by as much as 18 feet and low flows in streams may be decreased by 90 percent in parts of Long Island.

In each of these cases, water supply is tied to water quality. Problems such as groundwater overpumping, damage of existing wetlands, and saltwater intrusion of aquifers can cause irreparable damage to our water systems and surrounding ecosystems. For example, since 1906 wetland acreage in the State of Florida has shrunk by 46 percent resulting in a loss of both critical habitats and a key link in the replenishment of our aquifers. The development of alternative water sources that will help to resolve these types of issues and will allow States to provide for future water supply needs without sacrificing environmental protection is my goals.

The WRDA 1998 bill includes a requirement for EPA to study water availability and make recommendations on the adequacy of our existing water supply. The study will form the basis of future water supply programs. The State of Florida is already taking the water supply issue seriously, and in 1998 alone has budgeted $75 million in regional and State funds for development of alternative water supplies. I am looking forward to working with my colleagues on the Environment and Public Works Committee during the next Congress to address the water quality and water supply needs of the State of Florida.

Together, these initiatives will protect the future of the State of Florida by protecting our water resources that are so critical to our environment and our economy.●

COPYRIGHT LEGISLATION

● Mr. THOMPSON. Mr. President, in the closing days of the 105th Congress, the Senate passed two pieces of copyright legislation that will have enormous impact. As Charles Dickens might say, it is the best of times and the worst of times for those who create the property that is protected by copyright.

First, the Senate passed S. 505, which extended the terms of copyrights by 20 years, to life plus 70 years from life plus fifty years. For a number of years, our trading partners and competitors have protected their copyrights for the life of the author plus 70 years. Under the rule of the shorter term, these nations protected American copyrights for only the life of the author plus 50 years. The United States is the world leader in copyright, and should afford the greatest protection for copyrighted works of any nation, both to encourage creativity that benefits all, and for our own national interest with respect to the balance of trade.

The extension of copyright terms will be of enormous benefit to songwriters and others who create copyrighted works. It will benefit the public through enhanced creative activity, and the further public performance of already existing works to be enjoyed by future generations.

But S. 505 contained a bitter pill to swallow, the so-called Fairness in Music Licensing Legislation. These provisions are terribly unfair to those who create music. When a person profits from a public performance of music, he or she should fairly compensate the creator of that music through royalty payments. This is an elemental necessity for the creation of music. To paraphrase Justice Holmes, if music did not pay, no one would write it. The average songwriter receives less than $5,000 per year in royalties, and the average restaurateur pays only a few hundred dollars a year to play music in his establishment, about 1% of revenues. At the same time, the restaurateur uses music to create an ambience that will cause people to come to his establishment, and to spend more time and money there than they would without the music.

But the restaurateurs, retailers, and others wanted something for nothing. The songwriters were even willing to help out the mom and pop restaurants by exempting broadcast performances of their music in about two-thirds of the Nation's restaurants. But that was not good enough for the music users, who had the House pass outrageous legislation that amounted almost to stealing from the songwriters. A House that purports to defend property rights passed the most anti-property rights legislation in many years.

We worked in the Senate to improve that House-passed bill. We preserved vicarious liability, a necessity to ensure that royalties are paid. We prevented retailers and restaurants from challenging their rates in any city they chose, which would have been an unacceptable burden on the ability of songwriters to protect their rights. We eliminated provisions that would have enabled department stores to use music for free. In addition, we increased enforcement of payments because a judge can award double the licensing fees for up to three years instead of current law's limits of statutory damages.

But I still have major concerns about S. 505, even with these changes. Songwriters' property taken from them and used by others without payment. The exemptions are too generous, as they go well beyond the interest of small establishments. In fact, the vast majority of songwriters are smaller business people than many of the establishments that will be exempted from paying royalties by this bill.

At the same time, this bill runs counter to our international treaty obligations under the Berne Convention and the TRIPS Agreement. Those treaties benefit Americans more than any other country. We have the greatest interest in ensuring compliance by all signatory countries with these treaties. Yet we have passed a bill that is inconsistent with these treaty obligations. What will happen when foreign countries do not live up to their promises to protect intellectual property, citing our own example of this legislation back to us? Songwriters may not be the only losers; copyright protects computer software and other non-performing arts creative material. Some of the companies who may be hurt by international retaliation may be member companies of organizations that insisted on the music licensing provisions.

Only time will tell if the World Trade Organization will find that this bill violates international treaties that are binding on this country. But there is a good chance that these unfair music licensing provisions will not be able to stand.

It became clear in the final days of this Congressional session that in order to obtain copyright term extension and the WIPO implementing legislation, unfair music licensing legislation would have to be included. Although the music licensing provisions are considerably better than those contained in the House-passed bill, they are still unfair. However, the 20-year extension in copyright terms is a significant benefit to songwriters, and the WIPO Treaty implementing legislation will assist creative artists in the digital age, as well as enhance worldwide protection of copyrighted materials. In implementing this treaty, it is unfortunate that my colleagues have passed legislation that violates our existing treaty obligations.

Mr. President, there are times when the bad has to be taken with the good. The music licensing provisions are indefensible, but a necessary cost of obtaining very important legislation for the benefit of creative artists. It should not have been this way. I am confident that the music licensing issue is not yet over, and I regret the likely embarrassment that will ultimately fall upon this body when the language it has passed is ruled to violate our treaty obligations.●

ORDER FOR RECESS

Mr. JEFFORDS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, under the previous order, following the remarks of the Democratic leader, Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO OUR DEPARTING COLLEAGUES

Mr. DASCHLE. Mr. President, on Saturday, I had a chance to talk about our good friend, DALE BUMPERS. I'd like to take a few minutes to talk about four other friends who will be leaving us at the end of this Congress.

Shortly after he left the White House, Calvin Coolidge was called on to fill out a standard form. After filling in his name and address, he came to a line marked "occupation." He wrote "retired." When he came to the next line, labeled "remarks," he wrote "Glad of it." I suspect that our colleagues who are retiring at the end of this Congress are also "glad of it"—at least in some small measure. But, in addition to relief, I hope they also feel a sense of pride—both for what they have accomplished here, and the dignity with which they have served.

In a short time here, DIRK KEMPTHORNE has made all of our lives a little better. Thanks in large part to him, the Safe Drinking Water Act is now the law. Senator KEMPTHORNE has also reminded us of the importance of state and local involvement in our decisions. We will all miss him.

I had the good fortune to travel with Senator KEMPTHORNE to the Far East. As most of our colleagues know, as we travel we get to know one another even better. I know him and I admire him and I wish him well in his life after the Senate. I also applaud him for the nature with which he has continued to work with all of us. He has a very conciliatory, very thoughtful, a very civil way with which to deal with colleagues on issues. If we would all follow DIRK KEMPTHORNE's example, in my view, we would be a lot better off in this body. His manner, his leadership, his character, his personality is one that we are going to miss greatly here in the U.S. Senate.

We will also miss DAN COATS. With his thoughtful approach and uncompromising principles, Senator COATS has followed his heart above all else. And, as a result of his support of the Family and Medical Leave Act, millions of Americans are able to follow their hearts, too, and spend more time with their families when they need them most.

When Senator COATS announced his retirement in 1996, he said, "I want to leave (politics) when I am young enough to contribute somewhere else * * * I want to leave when there is still a chance to follow God's leading to something new." Wherever Senator COATS and Senator KEMPTHORNE are led, we wish them both the best. I am confident that they will continue to contribute much to their country and to their fellow citizens.

And we will surely miss our own 3 departing Senators.

DALE BUMPERS, WENDELL FORD and JOHN GLENN are 3 of the sturdiest pillars in this institution. They have much in common. They came here—all 3 of them—in 1974. For nearly a quarter-century, they have worked to restore Americans' faith in their government.

Their names have been called with the roll of every important question of our time. And they have answered that call with integrity and dignity.

They are sons of small town America who still believe in the values they learned back in Charlestown, Arkansas; Owensboro, Kentucky; and New Concord, Ohio. They are also modest men.

Perhaps because they had already accomplished so much before they came to the Senate, they have never worried about grabbing headlines here. Instead, they have been content to work quietly, but diligently—often with colleagues from across the aisle—to solve problems as comprehensively as they can. They have been willing to take on the "nuts and bolts" work of the Senate—what JOHN GLENN once called "the grunt work" of making the government run more efficiently.

They were all elected to the Senate by wide margins, and re-elected by even wider margins. And they all would have been re-elected this year, I have no doubt, had they chosen to run again.

What I will remember most about each of them, though, is not how much they are like each other they are, but how unlike anyone else they are. Each of them is an American original.

As I said, I've already shared my thoughts about DALE BUMPERS. No Senator has ever had more courage than DALE BUMPERS.

And no Senate Leader has ever had the benefit of a better teacher than WENDELL FORD.

No Leader has ever enjoyed such a loyal partnership as I have. No Leader has ever had a better friend and counselor.

For the past 4 years, Senator FORD has been my right hand and much more. He is as skilled a political mind, and as warm a human being, as this Senate has ever known.

Carved inside the drawer of the desk in which WENDELL sits is the name of another Kentucky Senator, "the Great Compromisor," Henry Clay. It is a fitting match.

Like Henry Clay, WENDELL FORD believes that compromise is honorable and necessary in a democracy. But he also understands that compromise is, as Clay said, "negotiated hurt."

I suspect that is why he has always preferred to try to work out disagreements behind the scenes. It allows both sides to bend, and still keep their dignity.

In 1991, WENDELL's quiet, bipartisan style convinced a Senator from across the aisle, Mark Hatfield, to join him in sponsoring the "Motor Voter" bill. Working together, they convinced the Senate to pass that legislation. To this day, it remains the most ambitious effort Congress has made since the Voting Rights Act to open up the voting booth to more Americans.

WENDELL FORD has served the Bluegrass State as a state senator, lieutenant governor, governor and United States Senator. His love for his fellow Kentuckians is obvious, and it is reciprocated.

In his 1980 Senate race, WENDELL FORD became the first opposed candidate in Kentucky history to carry all 120 counties. In 1992, he received the highest number of votes ever cast for any candidate in his state.

Throughout his years in the Senate, Senator FORD has also been a tenacious fighter for the people of Kentucky. He has also been a leader on aviation issues, a determined foe of government waste and duplication, a champion of campaign finance reform, and—something we are especially grateful for on this side of the aisle—a tireless leader for the Democratic Party.

He chaired the Democratic Senate Campaign Committee for three Congresses, from 1976 through 1982. And, in 1990, Democratic Senators elected him unanimously to be our party whip, our second-in-command, in the Senate—a position he still holds today.

We will miss his raspy and unmistakable voice, his good humor and wise counsel.

Finally, there is JOHN GLENN. What can one say about JOHN GLENN that has not already been said?

In all these 24 years, as hard as he tried to blend in with the rest of us, as hard as he tried to be just a colleague among colleagues, it never quite worked, did it?

I used to think that maybe I was the only one here who still felt awed in his presence. Two years ago, on a flight from China with JOHN and a handful of other Senators and our spouses, I learned that wasn't so.

During the flight, we were able to persuade JOHN to recollect that incredible mission aboard *Friendship 7*, when he became the first American to orbit the Earth. He told us about losing all radio communication during re-entry, about having to guide his spacecraft manually during the most critical point in re-entry, about seeing pieces of his fiberglass heat panel bursting into flames and flying off his space capsule, knowing that at any moment, he could be incinerated.

We all huddled around him with our eyes wide open. No one moved. No one said a word.

Listening to him, I felt the same awe I had felt when I was 14 years old, sitting in a classroom in Aberdeen, South Dakota, watching TV accounts of that flight. Then I looked around me, and realized everyone else there was feeling the same thing.

I saw that same sense of awe in other Senators' faces in June, when we had a dinner for JOHN at the National Air and Space Museum. Before dinner, we were invited to have our photographs taken with John in front of the *Friendship 7* capsule. I don't think I've ever seen so many Senators waiting so patiently for anything as we did for that one picture.

A lot of people tend to think of two JOHN GLENNS: Colonel JOHN GLENN, the astronaut-hero; and Senator JOHN GLENN. The truth is, there is only John GLENN—the patriot.

Love for his country is what sent JOHN into space. It's what brought him to Washington, and compelled him to work so diligently all these years in the Senate.

People who have been there say you see the world differently from space. You see the "big picture." You see how small and interconnected our planet is.

Perhaps it's because he came to the Senate with that perspective that JOHN has fought so hard against nuclear proliferation and other weapons of mass destruction.

Maybe because he'd had enough glamour and tickertape parades by the time he came here, JOHN chose to immerse himself in some decidedly unglamorous causes.

He immersed himself in the scientific and the technical. He looked at government with the eyes of an engineer, and tried to imagine ways it could work better and more efficiently.

As early as 1978, he called for Congress to live by the same workplace rules it sets for everyone else. More recently, he spearheaded the overhaul of the federal government procurement system, enabling the government to buy products faster, and save money at the same time.

In 1974, the year he was elected to the Senate, JOHN GLENN carried all 88 counties in Ohio. In 1980, he was reelected with the largest margin in his state's history. The last time he ran, in 1992, he became the first Ohio Senator ever to win 4 terms.

As I said, I'm sure he would have been re-elected had he chosen to run again. But, as we all know, he has other plans.

For 36 years, JOHN GLENN has wanted to go back into space. On October 29, he will finally get his chance. At 77 years old, he will become the oldest human being ever to orbit the earth—by 16 years.

Many of us will be in Houston to see JOHN and his *Discovery* crew mates blast off. If history is any indication, I suspect we will be wide-eyed once again.

In closing, let me say, Godspeed, JOHN GLENN and DALE BUMPERS, WENDELL FORD, DIRK KEMPTHORNE and DAN COATS. You have served this Senate well. You are all "Senators' Senators," and we will miss you dearly.

KOSOVO

Mr. DASCHLE. Mr. President, the closing hours of the 105th Congress are fast approaching. I could not let this Congress end without coming to the Senate floor to address the tragedy in Kosovo. It is a human crisis of immense proportion, and it poses an increasing threat to the United States and the global community.

The last several years have been marked by Yugoslavian President Milosevic's steady escalation of political repression and violence against the people of Kosovo. Acting at Milosevic's behest, Yugoslav forces have driven nearly 400,000 Kosovar Albanians from their homes. Fourteen thousand homes and 400 villages have been razed. Over 700 Kosovar Albanian men, women, and children have been killed.

Within the last several weeks our newspapers have been filled with accounts of atrocities committed by Milosevic's units against scores of unarmed civilians. Among the list of crimes documented by international observers are politically motivated killings; massacres of women, children and elderly persons; torture; arbitrary arrest; detention without cause; denial of fair, public trial; and destruction of private homes.

Further exacerbating this man-made crisis is the fact that winter is fast approaching, placing at peril the health and well being of tens of thousands of displaced persons who have managed to survive Milosevic's cruelties.

After watching this recent string of atrocities, the international community was compelled to respond. On September 23, the United Nations Security Council adopted a resolution condemning the excessive use of force by Milosevic's thugs and demanding that he cease military actions against civilians, withdraw his security units, facilitate the safe return of refugees and displaced persons to their homes, permit unimpeded access of humanitarian organizations to the people of Kosovo, and engage in meaningful negotiations on Kosovo's final status.

Diplomacy has been and should continue to be a major component of our response to this situation. But we must also acknowledge reality. The reality is that meaningful negotiations toward a settlement of Kosovo's status cannot take place in the current environment. Furthermore, words alone have never been enough to slow Milosevic and his henchmen. This was demonstrated to the world all too painfully in Bosnia. Despite numerous appeals from the international community to end his support for the war in Bosnia, Milosevic repeatedly turned a deaf ear, and the hostilities continued unabated.

It was only after NATO carried out a series of airstrikes against military forces supported by Milosevic that a cease-fire became possible.

The circumstances appear to be similar in Kosovo. And, if Milosevic fails to fully and immediately comply with the terms of the U.N. resolution, I believe the time has come for NATO to respond similarly.

The United States and our NATO allies must be prepared to carry out airstrikes against the Federal Republic of Yugoslavia if such action is determined to be the only means of enforcing the U.N. resolution.

I say this for three reasons. First and foremost, continued repression, violence, and instability in Kosovo directly threaten the national security interests of the United States. Kosovo is a tinderbox in the heart of one of the most unstable and critical regions of the world. Balkan history has clearly demonstrated that a spark in this region can rapidly spread into a blaze that engulfs the world. We have already seen refugee outflows into Albania and Macedonia. Two NATO allies, Greece and Turkey, with their competing regional interests, could easily and quickly get enmeshed in this crisis if it continues and widens.

Second, the credibility of NATO, still our most important alliance, hangs in the balance. For nearly 50 years, NATO has been the organization most responsible for keeping the peace in Europe. NATO had great success in the years after World War II and the Cold War. Its post-Cold War utility was proven earlier this decade in Bosnia. What NATO does in Kosovo will go a long way toward determining this crucial alliance's role in the 21st century. A strong, unified NATO is still the best insurance policy we have against large-scale conflict in Europe.

Third, as the west's history with Milosevic in Bosnia proves, if words are to have the desired effect on his behavior, they must be backed up with a credible threat to use force. Indeed, our recent experience in Kosovo itself bears this out. In the past week or two, Milosevic has launched an effort to convince the world that he is fully complying with the requirements of the September 23 U.N. resolution. Not surprisingly, this behavior occurred precisely as the specter of NATO military action began to loom over him. In fact, there may only be one way to achieve peace in Kosovo without the use of force. NATO must demonstrate to Milosevic that it is prepared to use force to compel his compliance. This is precisely the policy toward which this Administration and our NATO allies appear to be moving.

Mr. President, in offering my endorsement for this approach, let me be clear. If air operations and missile strikes against the Federal Republic of Yugoslavia are necessary to force Milosevic to the negotiating table, the United States and our NATO allies should demonstrate that we are prepared to pursue that option. Certainly we should not give the Administration a blank check, but we must accept our responsibility as a world leader and acknowledge that stronger measures may be required. The Administration should continue to consult closely with Congress every step of the way as events unfold.

Milosevic's atrocities have gone on too long. It's time for the United States to defend its national interests and help restore peace to this troubled region. It's time for the world to say no to the torture and slaughter of innocent civilians in Kosovo.

RECESS UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 11 a.m., October 13, 1998.

Thereupon, the Senate, at 6:15 p.m., recessed until Tuesday, October 13, 1998, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Monday, October 12, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 12, 1998.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING) for 5 minutes.

ACCOMPLISHMENTS OF CONGRESS REGARDING EDUCATION MATTERS

Mr. GOODLING. Mr. Speaker, why all the political rhetoric on education this past week? And to make sure everybody understands, the people back home understand, that is exactly what it is, political rhetoric. But why all this political rhetoric in the last week about education?

Well, I think there are probably four reasons. First of all, it is a diversionary tactic. I think no one would deny that. I suppose I can understand it, except it bothers me that children are used in this diversionary tactic.

Secondly, I imagine it has something to do with polls. All the polls say education is a sexy topic. But you want to be careful. Yes, every parent, every grandparent, wants their child to have a quality education. But when you look at those polls and they ask the question, who do you trust least to reform public education at the elementary-secondary level, the answer is almost unanimously the Federal Government. Who do you distrust second, the state government. And who do you most trust, it is local government, parents, school boards, administrators, teachers on the local level.

I guess the third reason would be this administration seems to like to micromanage elementary-secondary education from Washington, D.C., the old top-down method, which, of course, has proved totally unsuccessful.

I guess the last reason is pride of authorship. Every President I have served with seems to want to be remembered as the education President.

So in order to do that, you cannot fund existing programs that might be working well. You have to create new old programs. In other words, you take the old programs, give them a new name, and then say "This is my program." As I said at the White House just last week, who gets credit is not important; the important thing is are we doing something to help all children receive a better education.

Why do I say pride of authorship is so important? Well, obviously if the President wanted to have 100,000 new teachers for elementary grades, even though every study indicates we have 150,000 out there now who are not teaching, they are not teaching because they cannot get an elementary teaching job. In my district, depending on the school district, the waiting list is 50 to 200 applicants for every elementary teaching job. But if he wants 100,000 new teachers, then all he had to do was help me get more money for special education.

Something I have said for 20 years in the minority when there was an overwhelming Democrat majority is fund the special education mandate that you sent out there. You sent a 100 percent mandate on special education to local school districts. You promised you would send them 40 percent of the excess costs. And when I became chairman, you were sending 6 percent.

Forty percent of the excess cost. In other words, 40 percent of what it costs to educate a special ed student beyond what it costs to educate a regular student. Sometimes that is twice as expensive, sometimes ten times as expensive.

Well, let me show you what it would mean to school districts if as a matter of fact they got their 40 percent. Members representing large cities should have been on this year after year after year. The only person I could interest on the other side of the aisle over the years was the gentleman from Michigan (Mr. KILDEE), until about the last year or two, and I have gotten some help from the gentleman from Wisconsin (Mr. OBEY).

Well, in the L.A. Unified School District, the Los Angeles Unified School district, they spend $600 million each year, each year, to fund the Federal 100 percent mandate on special education. $325 million of that has to come from the local tax base. We send them $19 million. If we sent them 40 percent, they would have an additional $60 million every year to reduce class size, to repair buildings, to do all of those things. More of this later on.

COMMENTS ON OUTPUT OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, here it is. It is the 109th workday of this Congress in Washington D.C. Thank God we were in session all weekend, although most Members of Congress have not been here. The leadership has not been evident. But that brings the Congress up to a grand total of 109 days.

Now, the average American holding only one job, and I have a lot of American families in my district holding two or three jobs trying to make ends meet, but those who are just holding down one job have worked 200 days so far this year.

No wonder the Congress' work remains undone. Congress, under the Republican leadership, has worked in Washington, D.C. 109 days. Many of those partial days, like the day that we adjourned at 4 o'clock in the afternoon on a Wednesday because the Republicans had a huge fund-raiser in New York and they had the corporate jets waiting for them out at National Airport, and they all had to jet up to New York and hold this gala event to rake in a few tens of millions of dollars from their corporate sponsors, the same corporate sponsors who wanted them to kill any attempts to curtail teenage smoking and go after the tobacco industry, and the Republican leaders delivered. There is no legislation coming out of this Congress to curtail that, and the rate of teenage smoking is skyrocketing with all the tragic consequences down the road.

Then the insurance industry. They provided quite a few jets that afternoon because they had a real big one they wanted to kill. Tens of millions of Americans are in what are called HMOs, health maintenance organizations. What we found out about these

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HMOs is that they save money by denying Americans and their families and loved ones needed care. The insurance bureaucrats will deny your doctor, will deny you a referral to a specialist, so that they can fatten their bottom line.

Tens of millions of Americans were demanding patients' rights. Even the AMA weighed in. They wanted providers' rights. The doctors are fed up with this too. They want to be able to refer their patients for needed tests. But, guess what? The insurance industry is capable of delivering tens of millions of dollars to the Republican leadership, and, behind closed doors, they decided to kill that legislation. There will be no HMO insurance industry Patients and Providers Bill of Rights in this Congress because of special interest money.

Now, the chairman of the Committee on Rules rose the other day and said it does not matter that we didn't do HMO reform or anything about teenage smoking. It does not matter that we have not passed the education package to decrease class size, to increase the number of teachers and rebuild our crumbling schools, because we did one big thing in this Congress, we passed a tax cut.

Well, let us look at the statistics for the tax cut that was passed by the Republican majority. The families earning less than $59,000, I hope they would all look at their tax return for this year, the 1997 tax year, and compare it to the 1996 tax year and see how much the savings were. Those who got it, about one family in five earning less than $59,000, they got $6. $6. Very generous of the Republican leadership.

Now, families between $59,000 and $112,000, they did a little better. They got $81. That is, those of them who got it. That is 20 percent of the families in that tax bracket.

But, ah ha, thank God some people really got relief under this bill. Two-thirds of the small number of families in this country earning over $112,000 a year, those whose incomes average $660,000 a year, well, they got a tax cut of $7,135. Very nice. Very nice. It could help pay one year's cost for a kid to go to a state institution of higher learning.

Of course, their kids are not going to the state institutions of higher learning. But it could pay for that from one of those other families. The families earning less than $59,000 will get $6 to put toward that education, and those between $59,000 and $112,000 will get $81.

So that is the grand accomplishment of this Congress. That is reason enough not to have done anything for education, for class size, for more teachers for the crumbling schools. That is reason enough for the Republican leadership to have denied tens of millions of Americans patients rights when they need a referral to a specialist, when they need a test, when they need treatment. They are denied, with no appeal, and the Republicans have denied them legislation to fix that. It was within the power of this Congress, but the big money spoke louder than the millions of Americans who needed help.

Then the teenagers getting hooked on tobacco, well, too bad for them too, according to the Republican leadership. There was not time to take care of that problem.

A SOLUTION TO THE BUDGET GRIDLOCK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Washington (Mrs. LINDA SMITH) is recognized during morning hour debates for 5 minutes.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I rise today to offer a solution to the gridlock between this body and the President, one that our President says he is willing to shut down the government over. I ask the President to stay in town at least one day, to cancel his trip to New York to the fund-raiser for an important friend of his, and consider this: There is a simple solution available that will satisfy both the President and Congress and avert the potential crisis that this Nation faces if he does not start paying attention. In fact, the problem could be resolved today.

First of all, both the President and Congress have promised to save Social Security. Now, in order to really put action behind that promise, neither side can spend the phantom surplus Social Security dollars, not through new spending, not through tax cuts.

Second, our focus is on education, a value that we all wholeheartedly say must be a priority. Now, let us keep these two goals in mind and consider the President's words.

One week ago, two weeks ago, about once a week for some time, the President has proclaimed that his top goal is to save Social Security. Now his goal has changed this week, but that is what he has been saying.

This week he says he is going to shut down the government, not for the goal of saving Social Security, but he is going to shut down the government if we do not agree to dig deeply into the Social Security trust fund and spend billions of dollars, new dollars, on education programs.

Now what we have is the President pitting the needs of elderly Americans against the needs of children and asking us, the American people, to choose. He says we have to choose between protecting Social Security for our elderly or shoring up education for the future of our children.

I stand here today to say this is a false choice that Congress and Americans do not have to make. There is another way.

☐ 1245

The solution is simple. Common sense, something that came directly from the people, not this body, and it is to return money directly to local school districts and bypass the bureaucratic cost and the red tape of Washington, D.C., the most asked-for educational change from all the teachers throughout America.

The House of Representatives has passed a model piece of legislation, the Dollars to the Classroom Act, that provides enough money for schools and school districts to hire 110,000 teachers. It just simply does this by taking a portion of the education bureaucracy and block-granting 95 percent of these 31 Federal education programs directly to our local classrooms.

The beauty of this bill is that it allows local people the flexibility to hire more teachers and reduce class sizes; or, if their district needs it more and their class sizes are already low, buy new computers, books or supplies. Basically, they can use the money to buy whatever the children need most, not what is directed by bureaucrats 2,500 miles away.

The President threatens that if we were to do this, he would veto it, because he still believes, as many on the Hill here in Washington D.C. believe, that bureaucrats know better than parents. I think they are wrong.

This budget battle should remind Americans of how difficult it will be for politicians to leave Social Security trust funds alone, so that it is to protect our elderly neighbors that we should be standing here. It is what we should be about. But here we are, just a week away from a promise to save Social Security. Last week, the week after, the week before, and the President came back to town to posture long enough after he read the polls. He knows we care about children. He knows I think daily about my six grandchildren, but he has decided that for the sake of campaigns, that this is the right thing to do.

We need to bypass the bureaucracy. We need to get out of the political rhetoric, and we need to get into the hearts and the neighborhoods and the school districts. We need not to separate generations.

I stand here today to plead with America to call the President back to town to negotiate a fair budget.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 47 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer: You have promised, O gracious God, to be with us wherever we are, in the towering heavens to the deepest oceans, from the moments of high exultation and in tragedy and great despair. We know that we cannot flee from Your presence and Your spirit will never leave us.

This day we pray that Your spirit would encourage us when we need encouragement, that Your spirit would reconcile when we need reconciliation, and when we face anxiety, we pray that peace and hope will be Your gift to all Your people. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ATTENDING FUND-RAISERS

(Mr. HAYWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, yesterday I came to the well of this House, and I asked the President of the United States, Mr. Speaker, to refrain from attending two major fund-raising events, to stay here in Washington and work with the Congress to make the decisions necessary to reach accord on our budget situation. The President, indeed, decided not to go to Palm Beach, Florida, but sadly, Mr. Speaker, the President plans to go on to New York City for not one, but three fund-raising events tonight.

Those three fund-raising events will give him a total of 100 fund-raising events, Mr. Speaker, and yet the President all year long has only held two Cabinet meetings, on both occasions to discuss his personal situation.

Mr. Speaker, I would call on the President again not to attend the fund-raising meetings in New York, especially, as I pointed out yesterday, because they are to benefit a sitting member of the House Committee on the Judiciary, a person with aspirations toward moving to the other side of Capitol Hill and the other body. Even though Washington is hard-bitten and cynical, Mr. Speaker, even our opposition can see the conflict of interest.

THE MYTH OF THE BIPARTISAN WATERGATE ERA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, after voting in overwhelming numbers for the release of the Starr report, many Democrats are now blaming the Republicans for being too partisan in the handling of the President's scandal. These Democrats are implicitly claiming that they had some kind of bipartisan consensus during Watergate. How short their memories are.

In fact, of the 134 staff positions authorized for the impeachment inquiry of 1974, only 12 were for Republican staff, 12 out of 134. When Speaker Carl Albert decided to refer impeachment resolutions to the Rodino committee, no Republicans were included in the meeting. When the committee met to consider subpoena authority, the Republicans proposed that the chairman and ranking member have joint authority. This idea was defeated in a party line vote.

While the Democrats work on forgetting things, Republicans will work to fairly uncover the truth.

IMF FUNDING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the White House said, give the International Monetary Fund $18 billion more, or we will shut the government down. Take it and like it, Congress. Shut up and pass it, Congress.

Enough is enough. When will the Congress grow a backbone? What is going on here, Mr. Speaker? I say if that is the deal, shut the government down. You know not one American will be hurt. We can retroactively take care of them. But I am not for one more penny for the international monetary slush fund.

We give them the money. They buy Chinese products with it. Foreign leaders steal it, and then they vote against us at the United Nations 90 percent of the time.

Beam me up. If we are going to flush another $18 billion down the toilet, then push the handle, Congress, and flush it in America.

I yield back the balance of anything worth flushing with the International Monetary Fund.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF RULES TODAY

Mr. GIBBONS. Mr. Speaker, pursuant to H. Res. 575, I announce the following suspensions to be considered today: H.R. 2349, Gus Hawkins Post Office; H Res. blank, concerning the steel import crisis, H.R. 4738, extending certain provisions and providing tax relief for farmers and small businesses.

GOVERNMENT SHUTDOWN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute.)

Mr. GIBBONS. Mr. Speaker, last Friday the President decided that wag the dog was not good enough. Congress passed a bipartisan agriculture appropriation bill that included billions of dollars in emergency assistance to hard-hit farmers, and the President vetoed it. He played wag the farmer, in a suspicious attempt to divert attention from the national debate over whether or not felonies by the chief magistrate of the United States would rise to the level of an impeachable offense.

Now the President is poised to go to yet another fund-raiser, this one in New York, while the important business of government is left unattended and a government shutdown is upon us.

Mr. President, we in Congress urge that you do not shut the government down. Do not wag the farmer and do not go to New York to raise money from the very people you bash whenever Republicans propose tax cuts. The President should clear his fund-raising calendar and stay in Washington and work with Congress to finish the job we were elected to do.

Mr. Speaker, I suggest the President not shut the government down.

MORE ON THE DO-NOTHING CONGRESS

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DeFAZIO. Mr. Speaker, today is day 109 of work for this do-nothing Congress. No budget, not done, we are going to do another temporary continuing resolution to fund the entire United States Government at 2:30 this afternoon.

The Republican leaders would like to blame the President for the fact that they have failed for the first time in 25 years in Congress to produce a budget resolution and a budget to send to the President. The reason they have failed is we have only worked 109 days here in Washington, D.C., and many of those days were starting at 5:00, out at 6:00. A lot of Americans would love to have that kind of a schedule.

The average American has worked 200 days this year. Day in, day out they have produced. They have worked, and they have gotten a modest salary.

The Republican Congress has worked only 109 days in Washington, D.C., and failed miserably in its most basic task, producing a budget, let alone in producing other legislation to protect Americans against health care fraud and other issues.

ON EDUCATION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, let us compare and contrast what the Democrats want to do with money for education and what Republicans propose to do with the money.

Republicans want the money to go to the classroom. They want their local schools and parents to have more control over those dollars that are spent. Democrats want more Federal control over the money. They want more money to go to the Department of Education, the bureaucracy. The ironic thing is that you will never find a Democrat who will admit more Federal money means more Federal control, more bureaucracy and less power in the hands of the local schools. No, you will never find a Democrat to admit that, but just ask yourself this question, when was the last time Washington intervened and did not ask for more control? When was the last time the experts in Washington, D.C., did not try to tell, have more say in how those Washington dollars were spent?

It all comes down to power and control, more in the hands of parents and local schools or in the hands of the Federal bureaucrats in Washington.

THE GRAY MULE CONGRESS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, this has been called the do-nothing Congress. In the lower Mississippi River Valley, where I come from, they have got a term called gray mule. I call it the gray mule Congress.

What that term means is, in the frontier days, they had a lot of poker games. And if a fellow was not doing well in the poker game, he would jump up about the time he thought the game was going to end, knock the lantern over, turn the lights out, try to steal all the money he could, and take off and run.

That is what the Republican Congress is trying to do to the American people. We come up here at the last minute, no budget, no appropriations, let us cram all this unscrupulous stuff into one bill and try to trick the American people into thinking we are doing their job and taking care of their business when we have not saved Social Security. We have not protected them in the health care area, and the list goes on and on of things we have not done.

Let us recognize this gray mule Congress for what it is.

AVOIDING A GOVERNMENT SHUTDOWN

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, Republicans are willing to work as long as possible and as long as needed to avoid a government shutdown. As evidence of our good faith, Republicans have been working with the other side since the spring to make sure that the government can remain operating while our differences are resolved.

The differences between the two parties are real, despite the constant efforts by some to portray disagreements between conservatives and liberals as partisan politics. In fact, Democrats and Republicans have profound philosophical differences about government's role in society that make conflict inevitable and healthy in a democracy.

Vigorous debate with each side fighting for its beliefs is the hallmark of democracy, and suggestions to the contrary are mistaken. Republicans believe that the Federal Government is too big, too powerful and too intrusive in our lives. Liberals strongly disagree and, in fact, propose new government programs each and every year. We might disagree, but we do not wish to shut the government down.

Mr. President, do not shut the government down.

THE FAILED REPUBLICAN CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is absurd. The Republican-controlled Congress has had this session of the Congress shut down for the last 2 years. They have failed. For 10 months the leadership has stalled, dallied and wasted the American people's time and money.

Republicans are running scared out of town this week, and they will leave without having delivered anything for the people of this country: no small class size for grades 1 through 3, no classrooms connected to the Internet, no guaranteed access to emergency rooms, the right to choose your own doctor, no guaranteed access to specialty care, and no accountability for HMOs for making medical decisions that they are making today, and nothing by way of reform to help Social Security except to raid the Social Security Trust Fund.

They have done a hit and run on the American people. They killed tobacco reform on behalf of special interests, and they killed campaign finance reform for special interests. This Congress, this Republican-controlled Congress, has failed, and the American public knows it.

OCEAN ROUTING

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, for more than a decade, residents of Northern and Central New Jersey have been forced to endure intolerable levels of jet aircraft noise 24 hours a day. Recently the FAA experimented with a route change, but my constituents found that this test of the 260-degree turn was an unmitigated disaster, subjecting them to even more noise. It is time for the FAA to finally test a citizen-driven alternative, ocean routing.

□ 1415

Computer modeling has shown that routing planes over the Atlantic Ocean would be safe and would dramatically reduce aircraft noise for hundreds of thousands of residents.

This plan has widespread support from the New Jersey congressional delegation. I urge the FAA to stop stonewalling and finally give ocean routing a thorough and legitimate test. I call on the FAA to approve a 90-day test of ocean routing so we can determine once and for all whether it can bring peace and quiet to New Jersey communities, while keeping the flying public safe.

REPUBLICANS SHOULD STOP SPINNING TRUTH ABOUT WHO IS TRYING TO SHUT GOVERNMENT DOWN

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, the American public is watching Members of Congress trying to put a spin on why we have not done our work. In the final analysis, the proof of the pudding is in the eating. We have either completed our work or we have not.

We have not completed our work. That is for sure. We are here, and we have not passed all of our appropriation bills. We see people coming to this floor talking about, oh, Mr. President, please do not shut the House down. Well, the buck stops at the top. The Republicans are in charge of this House. They make every decision about how the committees work or when we come to this floor.

I fly all the way from California almost every week. No votes are up. Sometimes, we only work a day and a half. I fly all the way back home, and I come back thinking we are going to work on a Monday. Guess what? No votes.

We do not need to tell the American public about who is going to shut the government down. The American public is smart. They know who is in charge. They know who has not done their work. Let us stop spinning and tell the truth.

REPUBLICAN-CONTROLLED CONGRESS HAS HAD GREAT ACCOMPLISHMENTS IN LAST 2 YEARS

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I look back over the last 2 years, and I have listened to a lot of rhetoric on the left side. And coming from the left there are a lot of those who have said, they just cannot do it. Two years ago, they said, Republicans cannot balance the budget. They said, the Republicans cannot balance the budget and cut taxes for the middle class. They said, the Republicans cannot reform the welfare system. They said, the Republicans cannot fix the IRS; and they said, the Republicans cannot balance the budget and help schools at the same time. Well, we did.

In the last 2 years, this Republican Congress has had great accomplishments: balancing the budget for the first time in 28 years, cutting taxes for the middle class for the first time in 16 years, reforming welfare for the first time in a generation, taming the tax collector for the first time ever; and when we balanced the budget, we increased funding for education by 10 percent.

Today, we have the lowest student loan interest rate in 17 years. We doubled Pell Grants for low-income students who qualified, twice what they gave. We increased funding for Head Start, for Special Ed. We can save Social Security, and we can help our schools.

SINCE 1977, CONGRESS FAILED AT LEAST 11 TIMES TO PASS AT LEAST ONE APPROPRIATION BILL AND SHUT DOWN GOVERNMENT 9 TIMES SINCE 1990

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we are now in the midst of another battle over the budget. The President remains steadfast in his unwillingness to meet and try to find a way to work out a compromise so we can keep the government running.

The President expressed dismay that all 13 appropriation bills had not been passed by the Congress and signed into law. Yet, since 1977, when the Democrats controlled Congress, the Congress failed entirely to pass all 13 appropriation bills 11 times. That is right. At least 11 times a Democrat Congress failed to pass at least one of the appropriation bills at all.

Since 1990, the Democrat-run Congress has shut down the government nine times, the last time in 1990 when they forced President Bush to accept a compromise with them over the budget, which resulted in Mr. Bush breaking his "no new tax" pledge.

I regret today that the Democrats seem to have forgotten how many times they shut the government down.

PRESIDENT SHOULD BE IN WASHINGTON, NOT ATTENDING FUNDRAISERS FOR DEMOCRAT CANDIDATES

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, we have been hearing a lot of panicky people up here today on the other side. The truth is that the basic appropriations have been done for a long time. We have been held up over some disagreements that we have known that were going to come for a year. Yet the administration, apparently because a lot of staffers were running around working on apology statements or coming up with legal strategies, is only now starting to focus and dragging in day after day.

I want to go through one other thing. This is the President's schedule for this afternoon, when we are on the verge of a government shutdown:

At 2:45, he is going to make a statement on the South Lawn;

At 3:05, he boards Air Force One;

At 3:15, he heads for Andrews Air Force base;

When he gets to New York, he arrives at the Wall Street Landing Zone.

Then, at 5:05, he boards a motorcade that departs for Wall Street for a fundraiser at the Waldorf-Astoria Hotel;

At 5:05, he arrives at the Waldorf-Astoria Hotel;

At 5:55, he greets a reception in honor of a New York gubernatorial candidate;

At 6:30, he concludes his remarks; and

At 6:45, he goes over to the Hilton Towers for a fundraiser for the gentleman from New York (Mr. CHARLES SCHUMER).

He should be here, not at hotels in New York raising money.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

The Clerk read as follows:

SENATE AMENDMENTS

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Protection of Children From Sexual Predators Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

Sec. 101. Use of interstate facilities to transmit identifying information about a minor for criminal sexual purposes.
Sec. 102. Coercion and enticement.
Sec. 103. Increased penalties for transportation of minors or assumed minors for illegal sexual activity and related crimes.
Sec. 104. Repeat offenders in transportation offense.
Sec. 105. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.
Sec. 106. Transportation generally.

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

Sec. 201. Additional jurisdictional base for prosecution of production of child pornography.
Sec. 202. Increased penalties for child pornography offenses.
Sec. 203. "Zero tolerance" for possession of child pornography.

TITLE III—SEXUAL ABUSE PREVENTION

Sec. 301. Elimination of redundancy and ambiguities.
Sec. 302. Increased penalties for abusive sexual contact.
Sec. 303. Repeat offenders in sexual abuse cases.

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

Sec. 401. Transfer of obscene material to minors.

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

Sec. 501. Death or life in prison for certain offenses whose victims are children.
Sec. 502. Sentencing enhancement for chapter 117 offenses.
Sec. 503. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.
Sec. 504. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.
Sec. 505. Increased penalties for pattern of activity of sexual exploitation of children.
Sec. 506. Clarification of definition of distribution of pornography.
Sec. 507. Directive to the United States Sentencing Commission.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

Sec. 601. Pretrial detention of sexual predators.
Sec. 602. Criminal forfeiture for offenses against minors.
Sec. 603. Civil forfeiture for offenses against minors.
Sec. 604. Reporting of child pornography by electronic communication service providers.
Sec. 605. Civil remedy for personal injuries resulting from certain sex crimes against children.
Sec. 606. Administrative subpoenas.
Sec. 607. Grants to States to offset costs associated with sexually violent offender registration requirements.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

Sec. 701. Authority to investigate serial killings.
Sec. 702. Kidnapping.
Sec. 703. Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

Sec. 801. Prisoner access.
Sec. 802. Recommended prohibition.
Sec. 803. Survey.

TITLE IX—STUDIES

Sec. 901. Study on limiting the availability of pornography on the Internet.
Sec. 902. Study of hotlines.

TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§2425. Use of interstate facilities to transmit information about a minor

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2425. Use of interstate facilities to transmit information about a minor.".

SEC. 102. COERCION AND ENTICEMENT.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or attempts to do so," before "shall be fined"; and

(B) by striking "five" and inserting "10"; and

(2) by striking subsection (b) and inserting the following:

"(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.".

SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both."; and

(2) in subsection (b), by striking "10 years" and inserting "15 years".

SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§2426. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

"(b) DEFINITIONS.—In this section—

"(1) the term 'prior sex offense conviction' means a conviction for an offense—

"(A) under this chapter, chapter 109A, or chapter 110; or

"(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

"(2) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2426. Repeat offenders.".

SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD PORNOGRAPHY IN DEFINITION OF SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE.

(a) IN GENERAL.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"§2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

"In this chapter, the term 'sexual activity for which any person can be charged with a criminal offense' includes the production of child pornography, as defined in section 2256(8).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.".

SEC. 106. TRANSPORTATION GENERALLY.

Section 2421 of title 18, United States Code, is amended—

(1) by inserting "or attempts to do so," before "shall be fined"; and

(2) by striking "five years" and inserting "10 years".

TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.

(a) USE OF A CHILD.—Section 2251(a) of title 18, United States Code, is amended by inserting "if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(b) ALLOWING USE OF A CHILD.—Section 2251(b) of title 18, United States Code, is amended by inserting ", if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer," before "or if".

(c) INCREASED PENALTIES IN SECTION 2251(d).—Section 2251(d) of title 18, United States Code, is amended by striking "or chapter 109A" each place it appears and inserting ", chapter 109A, or chapter 117".

SEC. 202. INCREASED PENALTIES FOR CHILD PORNOGRAPHY OFFENSES.

(a) INCREASED PENALTIES IN SECTION 2252.—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

(b) INCREASED PENALTIES IN SECTION 2252A.—Section 2252A(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking "or chapter 109A" and inserting ", chapter 109A, or chapter 117"; and

(2) in paragraph (2), by striking "the possession of child pornography" and inserting "aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography".

SEC. 203. "ZERO TOLERANCE" FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking "3 or more" each place that term appears and inserting "1 or more"; and

(2) by adding at the end the following:

"(c) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

"(1) possessed less than 3 matters containing any visual depiction proscribed by that paragraph; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

"(A) took reasonable steps to destroy each such visual depiction; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.".

(b) MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)(5), by striking "3 or more images" each place that term appears and inserting "an image"; and

(2) by adding at the end the following:

"(d) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

"(1) possessed less than 3 images of child pornography; and

"(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

"(A) took reasonable steps to destroy each such image; or

"(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.".

TITLE III—SEXUAL ABUSE PREVENTION

SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.

(a) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States Code, is amended by striking "younger than that person" and inserting "younger than the person so engaging".

(b) REDUNDANCY.—Section 2243(a) of title 18, United States Code, is amended by striking "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or".

(c) STATE DEFINED.—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(6) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.".

SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

"(c) OFFENSES INVOLVING YOUNG CHILDREN.—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.".

SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.

Section 2247 of title 18, United States Code, is amended to read as follows:

"§2247. Repeat offenders

"(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

"(b) PRIOR SEX OFFENSE CONVICTION DEFINED.—In this section, the term 'prior sex offense conviction' has the meaning given that term in section 2426(b).".

TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.

(a) IN GENERAL.—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"§1470. Transfer of obscene material to minors

"Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 71 of title 18, United States Code, is amended by adding at the end the following:

"1470. Transfer of obscene material to minors.".

TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

"(d) DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

"(A) the victim of the offense has not attained the age of 14 years;

"(B) the victim dies as a result of the offense; and

"(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

"(2) EXCEPTION.—With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.".

SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117 OFFENSES.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for offenses under chapter 117 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other Federal Sentencing Guidelines.

SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines for—

(A) aggravated sexual abuse under section 2241 of title 18, United States Code;

(B) sexual abuse under section 2242 of title 18, United States Code;

(C) sexual abuse of a minor or ward under section 2243 of title 18, United States Code; and

(D) coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant used a computer with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in any prohibited sexual activity.

SEC. 504. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant knowingly misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in a prohibited sexual activity.

SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term "distribution of pornography" applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

In carrying out this title, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this title, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the Federal Sentencing Guidelines for substantially the same offense.

TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.

Section 3156(a)(4) of title 18, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) any felony under chapter 109A, 110, or 117; and".

SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2253 of title 18, United States Code, is amended by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,".

SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.

Section 2254(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,"; and

(2) in paragraph (3), by striking "or 2252 of this chapter" and inserting "2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,".

SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) In General.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by inserting after section 226 the following:

"SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

"(a) Definitions.—In this section—

"(1) the term 'electronic communication service' has the meaning given the term in section 2510 of title 18, United States Code; and

"(2) the term 'remote computing service' has the meaning given the term in section 2711 of title 18, United States Code.

"(b) Requirements.—

"(1) Duty to report.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances from which a violation of section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), is apparent, shall, as soon as reasonably possible, make a report of such facts or circumstances to a law enforcement agency or agencies designated by the Attorney General.

"(2) Designation of agencies.—Not later than 180 days after the date of enactment of this section, the Attorney General shall designate the law enforcement agency or agencies to which a report shall be made under paragraph (1).

"(3) Failure to report.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly and willfully fails to make a report under that paragraph shall be fined—

"(A) in the case of an initial failure to make a report, not more than $50,000; and

"(B) in the case of any second or subsequent failure to make a report, not more than $100,000.

"(c) Civil Liability.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

"(d) Limitation of Information or Material Required in Report.—A report under subsection (b)(1) may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

"(e) Monitoring Not Required.—Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

"(f) Conditions of Disclosure of Information Contained Within Report.—

"(1) In general.—No law enforcement agency that receives a report under subsection (b)(1) shall disclose any information contained in that report, except that disclosure of such information may be made—

"(A) to an attorney for the government for use in the performance of the official duties of the attorney;

"(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

"(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law; or

"(D) as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.

"(2) Definitions.—In this subsection, the terms 'attorney for the government' and 'State' have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.".

(b) Exception to Prohibition on Disclosure.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

"(6) to a law enforcement agency—

"(A) if the contents—

"(i) were inadvertently obtained by the service provider; and

"(ii) appear to pertain to the commission of a crime; or

"(B) if required by section 227 of the Crime Control Act of 1990.".

SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.

Section 2255(a) of title 18, United States Code, is amended by striking "2251 or 2252" and inserting "2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423".

SEC. 606. ADMINISTRATIVE SUBPOENAS.

(a) In General.—Chapter 223 of title 18, United States Code, is amended—

(1) in section 3486, by striking the section designation and heading and inserting the following:

"§3486. Administrative subpoenas in Federal health care investigations"; and

(2) by adding at the end the following:

"§3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation

"(a) Authorization.—

"(1) In general.—In any investigation relating to any act or activity involving a violation of section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title in which the victim is an individual who has not attained the age of 18 years, the Attorney General, or the designee of the Attorney General, may issue in writing and cause to be served a subpoena—

"(A) requiring a provider of electronic communication service or remote computing service to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

"(B) requiring a custodian of records to give testimony concerning the production and authentication of such records or information.

"(2) Attendance of witnesses.—Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(b) Procedures Applicable.—The same procedures for service and enforcement as are provided with respect to investigative demands in section 3486 apply with respect to a subpoena issued under this section.".

(b) Technical and Conforming Amendment.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3486 and inserting the following:

"3486. Administrative subpoenas in Federal health care investigations.
"3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation.".

SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH SEXUALLY VIOLENT OFFENDER REGISTRATION REQUIREMENTS.

(a) In General.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(1) by redesignating the second subsection designated as subsection (g) as subsection (h); and

(2) by adding at the end the following:

"(i) Grants to States for Costs of Compliance.—

"(1) Program authorized.—

"(A) In general.—The Director of the Bureau of Justice Assistance (in this subsection referred to as the 'Director') shall carry out a program, which shall be known as the 'Sex Offender Management Assistance Program' (in this subsection referred to as the 'SOMA program'), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

"(B) USES OF FUNDS.—Each grant awarded under this subsection shall be—

"(i) distributed directly to the State for distribution to State and local entities; and

"(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

"(2) ELIGIBILITY.—

"(A) APPLICATION.—To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that—

"(i) the State complies with (or made a good faith effort to comply with) this section; and

"(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this clause if a State demonstrates an overriding need for assistance under this subsection.

"(B) REGULATIONS.—

"(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State's monitoring and notification programs.

"(ii) CERTAIN TRAINING PROGRAMS.—Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of this Act. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 1999 and 2000.".

(b) STUDY.—Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex Offender Management Assistance Program under section 170101(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)), as added by this section, and submit recommendations to Congress.

TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

"§540B. Investigation of serial killings

"(a) IN GENERAL.—The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

"(b) DEFINITIONS.—In this section:

"(1) KILLING.—The term 'killing' means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

"(2) SERIAL KILLINGS.—The term 'serial killings' means a series of 3 or more killings, not less than 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

"(3) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by adding at end the following:

"540B. Investigation of serial killings.".

SEC. 702. KIDNAPPING.

(a) CLARIFICATION OF ELEMENT OF OFFENSE.—Section 1201(a)(1) of title 18, United States Code, is amended by inserting ", regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began" before the semicolon.

(b) TECHNICAL AMENDMENT.—Section 1201(a)(5) of title 18, United States Code, is amended by striking "designated" and inserting "described".

(c) 24-HOUR RULE.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.".

SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the "Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center" (in this section referred to as the "CASMIRC").

(b) PURPOSE.—The CASMIRC shall be managed by National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the "NCAVC"), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines appropriate to carry out the purposes of the CASMIRC, including—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialities to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the NCAVC in coordination with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) APPOINTMENT OF PERSONNEL TO THE CASMIRC.—

(1) SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with Federal Bureau of Investigation personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) STATUS.—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of performance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except if appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) TRAINING.—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the National Center For Missing and Exploited Children, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) REPORT TO CONGRESS.—One year after the establishment of the CASMIRC, the Attorney General shall submit to Congress a report, which shall include—

(1) a description of the goals and activities of the CASMIRC; and

(2) information regarding—

(A) the number and qualifications of the members appointed to the CASMIRC;

(B) the provision of equipment, administrative support, and office space for the CASMIRC; and

(C) the projected resource needs for the CASMIRC.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, and 2001.

(g) CONFORMING AMENDMENT.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

SEC. 801. PRISONER ACCESS.

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government.

SEC. 802. RECOMMENDED PROHIBITION.

(a) FINDINGS.—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;

(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) SENSE OF CONGRESS.—It is the sense of Congress that State Governors, State legislators, and State prison administrators should prohibit unsupervised access to the Internet by State prisoners.

SEC. 803. SURVEY.

(a) SURVEY.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) REPORT.—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) STATE DEFINED.—In this section, the term "State" means each of the 50 States and the District of Columbia.

TITLE IX—STUDIES

SEC. 901. STUDY ON LIMITING THE AVAILABILITY OF PORNOGRAPHY ON THE INTERNET.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall request that the National Academy of Sciences, acting through its National Research Council, enter into a contract to conduct a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to the problem.

(b) CONTENTS OF STUDY.—The study under this section shall address each of the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(c) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a final report of the study under this section, which report shall—

(1) set forth the findings, conclusions, and recommendations of the Council; and

(2) be submitted by the Committees on the Judiciary of the House of Representatives and the Senate to relevant Government agencies and committees of Congress.

SEC. 902. STUDY OF HOTLINES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study.

(b) CONTENTS OF STUDY.—The study under this section shall include an examination of—

(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and

(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigation database that tracks the location of convicted sexual predators established under section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14072) and, in determining that feasibility, the Attorney General shall examine issues including the cost, necessary changes to Federal and State laws necessitated by the creation of such a hotline, consistency with Federal and State case law pertaining to community notification, and the need for, and accuracy and reliability of, the information available through such a hotline.

Amend the title so as to read: "An Act to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3494, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3494, the Child Protection and Sexual Predator Punishment Act of 1998, is a very important piece of legislation that responds to the horrifying threat of sex crimes against children, particularly crimes against children facilitated by the Internet.

The House passed this measure in June by a vote of 416 to zero, and the other body passed the bill with amendments by unanimous consent this past Friday night.

Mr. Speaker, industry experts estimate that more than 10 million children currently spend time on the information superhighway; and by the year 2002, 45 million children will use the Internet to talk with friends, do homework assignments and explore the vast world around them. Computer technologies and Internet innovations have unveiled a world of information that is literally just a mouse click away.

Unfortunately, individuals who seek children to sexually exploit and victimize them are also a mouse click away. Sex offenders who prey on children no longer need to hang out in parks or malls or school yards. Instead, they can roam from web site to chat room seeking victims with little risk of detection.

The anonymous nature of the online relationship allows users to misrepresent their age, gender or interests. Children are rarely supervised while they are on the Internet. Unfortunately, this is exactly what cyber-predators look for.

We are seeing numerous accounts in which pedophiles have used the Internet to seduce or persuade children to meet them to engage in sexual activities. Children who have been persuaded to meet their new online friend face-to-face have been kidnapped, raped, photographed for child pornography, or worse. Some children have never been heard from again.

Three factors: the skyrocketing online presence of children, the proliferation of child pornography on the Internet and the presence of sexual predators trolling for unsupervised contact with children has resulted in a chilling mix which has resulted in far too many terrible tragedies that steal the innocence from our children and create scars for life.

H.R. 3494 provides law enforcement with the tools it needs to investigate and bring to justice those individuals who prey on our Nation's children and sends a message to those individuals who commit these heinous crimes that they will be punished swiftly and severely.

The other body made some amendments to the House-passed version of this bill, which I think are disappointing. The underlying House bill would have prohibited contacting a minor over the Internet for purposes of engaging in illegal sexual activity. The Senate amendment, which we are considering today, strikes this language.

The House bill also would have established a 3-year minimum term of imprisonment for using that computer to entice or coerce a minor to engage in illegal sexual activity and would have cracked down on serial rapists by mandating life in prison for such repeat offenders. Unfortunately, the Senate amendment strikes this language.

However, there are a good number of things in this bill, and I am convinced the bill will be of great assistance to the criminal justice community.

This bill targets pedophiles who stalk children on the Internet. It prohibits knowingly transferring obscene materials to a minor or an assumed minor over the Internet. This bill also prohibits transmitting or advertising identifying information about a child to encourage or facilitate criminal sexual activity. This bill doubles the maximum prison sentence from 5 to 10 years for enticing a minor to travel across State lines to engage in illegal sexual activity and increases the maximum prison sentence from 10 to 15 years for persuading a minor to engage in prostitution or a sexual act.

In addition to Internet-related crimes, this bill also includes other very important provisions, such as authorizing criminal forfeiture and pretrial detention for Federal sex offenders. The bill also increases the maximum prison sentence from 10 to 15 years for transporting a minor in interstate commerce for prostitution or sexual activity and requires the U.S. Sentencing Commission to review and amend the sentencing guidelines to increase the penalties for a number of Federal sex offenses against children.

This bill doubles prison sentences for abusive sexual contact if the victim is under the age of 12 and doubles the maximum prison sentence available for second-time sex offenders.

H.R. 3494 gives law enforcement the tools it needs to track down pedophiles, kidnappers and serial killers. The bill allows for administrative subpoenas in certain child exploitation investigations and provides for the immediate commencement of Federal investigations in kidnapping cases.

The bill also allows for the Federal investigation of serial murder offenses when such an investigation is requested by a State or local law enforcement agency with jurisdiction over the offense.

Mr. Speaker, this is a substantive bill that the subcommittee has worked very hard to put together. It is the most comprehensive package of new crimes and increased penalties we have ever developed in response to this horrible problem.

It is a bipartisan effort. It is supported by the administration. Moreover, this bill received a great amount of input from several Members of Congress, Federal, State and local law enforcement, child advocacy groups and victims' parents. Were it not for their invaluable assistance, I would not be proposing this essential package of legislation today.

Mr. Speaker, the chairman, the gentleman from Florida (Mr. McCOLLUM), could not be here today, but I know he is very pleased that this legislation has received such overwhelming support by the House and Senate and that if it passes today it will go to the President for signature.

This is an important bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the gentleman from Michigan (Mr. CONYERS), who cannot be with us at this time, I rise in support of this timely, much-needed piece of legislation.

H.R. 3494 is a comprehensive response to the horrifying menace of sex crimes against children, particularly assaults facilitated by computers. While there are currently no estimates as to the number of children victimized in cyberspace, the rate at which Federal, State and local law enforcement are confronted with these types of cases is growing at a rapid rate.

The Child Protection and Sexual Predator Punishment Act seeks to address the challenges posed by the new computer age to these challenges by providing law enforcement with the tools it needs to investigate and bring to justice those individuals who prey on our Nation's children.

□ 1430

The legislation makes a number of important changes, principally by targeting pedophiles who stalk children on the Internet and by cracking down on pedophiles who use and distribute child pornography to lure children into sexual encounters.

This legislation passed the House unanimously last June. However, the Senate made several significant changes to that bill. Many of these changes are worthwhile. For example, this version of the bill contains no mandatory minimum sentences. Although none of us support the type of conduct covered by the bill, it is not productive to tie judges' hands with one-size-fits-all mandatory minimum sentences.

The original House bill was also too broad in that it made it a crime to contact or attempt to contact a minor. This was so broad that it would have covered a simple "hello" in an Internet chat room. Targeting attempts to make contact is like prosecuting a thought crime.

Another overbroad provision in the original House bill would have prohibited transmittal of identifying information about any person under 18 for the purpose of encouraging unlawful sexual activity. This would have had the absurd result of prohibiting a person under the age of 18 from e-mailing her own address or telephone number to her boyfriend. The Senate fixed this problem by making it clear that a violation must involve someone else's identifying information.

Another problematic provision in the original House bill gives the Attorney General sweeping authority to subpoena records and witnesses in investigations involving crimes against children. We need to be extremely careful before we further extend the Justice Department's administrative subpoena authority. This gives Federal agents the power to compel disclosures without any oversight by a Federal judge.

I am also pleased to announce that we have reached accommodation on new reporting requirements for Internet service providers. Under the bill, Internet service providers have a duty to make a report to law enforcement authorities when they obtain knowledge of a material from which a violation of the Federal child pornography laws is apparent. I believe this is stricter than the probable cause standard which has also been proposed and will reduce incentives for over-reporting. This standard is acceptable to providers such as America On Line.

The principal concern that I believe the gentleman from Michigan (Mr. CONYERS) and other Members have, and so do I, with the revised bill, is that it excludes language from the Violence against Women Act II bill that the gentleman from Michigan (Mr. CONYERS) and the gentleman from New York (Mr. SCHUMER) introduced this year and which the House added unanimously. Although the Senate was not ready to expand the rights of women who are subject to horrible abuse, we will continue to fight for them in the future until this bill becomes law.

Mr. Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield three minutes to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I thank my friend from Arkansas for yielding me time.

Mr. Speaker, I am pleased to be here in support of what is very, very important legislation, legislation that is intended to protect children from those who would prey on them using the latest technology. The Child Protection and Sexual Predator Punishment Act is important legislation that has earned bipartisan support, deserves bipartisan support, and I hope will be signed into law by the President soon.

I particularly want to thank the gentleman from Florida (Chairman MCCOLLUM), who is, unfortunately, not with us here today, for his leadership and help on this legislation, as well as Members of the committee for their bipartisan efforts in getting this important legislation through the House, through the Senate and now ready to send to the President.

I would like to speak briefly on a provision I sought to have included in this legislation as a response to an unfortunate incident that occurred in the 11th Congressional District of Illinois in the south suburbs.

In the summer of 1977, the Boehle family in Joliet, Illinois, began receiving telephone calls at all hours of the day and night, strange men asking for their nine year old daughter by name. Now, imagine that. Imagine if you are a parent with a little girl under the age of 10, and at all hours of the day and night strange men are calling asking specifically for your little girl, your daughter, by name.

As a result of that, the family looked into why they were trying to get phone calls, and they discovered that somebody had posted messages on the Internet posing as their nine year old little girl. The messages implied that she was having sex with her father, that she wanted to have sex with other grown men, and that she had photos for sale.

These messages were posted on message boards targeted to pedophiles, and they included her full name, home phone number and her hometown. As a result of these messages, they began receiving these disturbing telephone calls for their nine year old little girl at all hours of the day and night.

When Mrs. Boehle read with horror the messages that were posted about her daughter, she called the police, and they told her that nothing could be done, that there was no law against this type of action.

She contacted the FBI, and they worked for three weeks to try and find a statute, a law, they could use to prosecute the perpetrator, and they came up empty.

The police advised the Boehle family to move, which they did. While they knew that nothing could be done legally, they knew that any pedophile that read these messages could find their home and find their daughter. Due to this grave danger, they sold their home, uprooted their lives, left their church and schools and moved out of their community.

At this time Mrs. Boehle contacted me seeking help. As a result of working in response to Mrs. Boehle's leadership and with the help of local, state and Federal law enforcement, I introduced H.R. 2815, the Protecting Children from Internet Predators Act. I want to thank the gentleman from Florida (Chairman MCCOLLUM) for including this important piece of legislation as an amendment to H.R. 3494. This provision will make it illegal to use the Internet to transmit the name, telephone number or other identifying information of a child.

Mr. Speaker, we need to do everything we can to ensure that the wierdos, the whackos, the slimeballs, those who would use the latest technology to prey on children and their families, are stopped. I applaud the work of the Committee on the Judiciary and applaud the work of the House and ask unanimous support for this legislation.

[From the Herald News, Apr. 19, 1998]

FREE SPEECH, CHILD SAFETY AT ODDS

(By Dori Meinert)

WASHINGTON.—You say your 10-year-old daughter needs to do a little research for a school paper on the government?

If she logs on to an innocuous looking address that includes the word "whitehouse," you'll both be in for a surprise.

Instead of information about the president, she'll see a scantily clad woman lying on an American flag. The Web site boasts that it's "one of the most controversial and erotic Web sites in the world."

Such sites are noted by some in Congress to argue in support of federal regulation of the Internet, which some 62 million Americans now are using.

How can society protect both free speech and children in cyberspace?

That's the problem that faces members of Congress this spring as they sort through several bills introduced since the Supreme Court last year overturned the Communications Decency Act, which would have banned the dissemination to minors any material that is "indecent" or "patently offensive."

Given the huge constitutional issues involved and the shortened congressional work schedule this year, it's unclear whether any of these bills will be enacted before Congress adjourns this fall.

However, if any of the more than 50 Internet-related bills stand a chance of passage in this election year, it would be those that aim to protect children, observers say.

CONGRESS IN QUANDARY

"Congress is in a quandary," said Jeff Chester, executive director of the Center for Media Education, which advocates Internet regulation to protect children. The various bills set different age limits for "minors," ranging from age 16 to 18.

"Clearly, we need to put some laws in place to protect some children and youth who are online. The goal is to strike a balance that nurtures the First Amendment potential of the Internet, but at the same time safeguards our privacy," Chester said.

On Thursday, the House crime subcommittee is scheduled to hold a hearing on proposals for protecting kids from cyberpredators.

Among those expected to testify are Deborah Boehle of Kane County, whose family has filed a $3 million civil suit against a former neighbor in Joliet for allegedly posting their 9-year-old daughter's name and phone number on 14 Internet newsgroups with messages indicating she was available for sex.

The family says it was forced to move from their Joliet home out of fear that a pedophile would show up on their doorstep.

Rep. Jerry Weller, R–Morris, and Sen. Carol Moseley-Braun, D–Ill., have proposed legislation attempting to punish those who solicit children for criminal acts over the Internet.

Moseley-Braun, who is expected to introduce her bill next week, has been working with the American Civil Liberties Union (ACLU) to craft a narrowly tailored version that could survive a court challenge.

PREDATORS LOOM

A growing concern for law-enforcement agencies are predators who lure children into on-line "chat rooms" and eventually to real-life meetings.

Rep. Bill McCollum, R–Fla., who chairs the House crime subcommittee, has proposed legislation that would prohibit contacting a minor over the Internet for the purposes of engaging in illegal sexual activity and knowningly transferring obscene materials to a minor over the Internet.

Next month, the Senate may hold a "high-tech" week devoted to several Internet-related bills, including those aimed at protecting children.

Senate Commerce Committee Chairman John McCain, R–Ariz., has been discussing that possibility with Senate Majority Leader Trent Lott, R–Miss., McCain's aide said.

One proposal likely to come up for a floor vote that week is McCain's bill that would require public schools and libraries to use special "filtering" technology to keep children from gaining access to pornographic materials on the Internet. The Commerce Committee approved the bill last month.

The Senate also may take up a bill introduced by Sen. Dan Coats, R–Ind., that would ban commercial distribution over the Web of materials considered "harmful to minors."

Coat's bill presents the same constitutional problems as its predecessor, the Communications Decency Act, which was overturned by the Supreme Court last June, said ACLU Washington staff counsel Cassidy Sehgal.

Yet, "Everyone says that if they vote against an anti-pornography bill in an election year, it would be politically devastating," Sehgal said.

The nation's high court said the Communications Decency Act, which was aimed at protecting children, was so broad that it would have restricted adult conversations. The justices ruled that the Internet is entitled to the broadest free-speech protections.

FILTERING TECHNOLOGY

McCain's bill requiring special technology to filter out pornography at schools and libraries would place an added financial burden on poorer communities, which then may not be able to afford Internet access, Sehgal said.

The ACLU argues that such filtering software—which could cost an initial $8,000 and $3,000 a year to be maintained—is tantamount to "removing books from the shelves" of the Internet that have value to adults and children alike. The ACLU has had some initial victories in the filtering battle in the lower courts.

The Washington-based Electronic Privacy Information Center tested some filtering software and found it blocked access to almost 90 percent of Internet sites that mentioned common phrases such as "American Red Cross," "Bill of Rights," and "Smithsonian Institution."

The Clinton administration and many in Congress are reluctant to restrict the burgeoning information technology industry, preferring instead to encourage voluntary self-monitoring.

"The Internet is Aladdin's lamp," Chester said. "Rub it the right way and it will transform the American economy and the political system and enrich us all. On the other hand, that genie out of the bottle is likely to be an insidious monster robbing us of privacy."

[From the Courier News, Mar. 18, 1998]

INTERNET ABUSE SHOWS NEED FOR SPEECH LIMITS

(By Deborah Boehle)

What would you do if you discovered that your 9-year old daughter's name and phone number had been posted by someone on 14 Internet newsgroups, along with messages that were invitations to pedophiles to call her 24 hours a day?

When this happened to us last August, we called the police, but it was like a slap in the face to be told that little could be done. I couldn't believe that this was not illegal, so I called the state police, the FBI, the state's attorney, the attorney general and many more government offices.

In fact, I was on the phone all day. Person after person told me that this was not against the law. After all, when the Supreme Court struck down the Communications Decency Act only two months earlier, they had reinforced the right of Americans to say anything on the Internet.

Our life had been turned upside-down. A part of our daughter's childhood had been stolen from her. She was now fearful of things that she should not even know exists, and everybody kept talking about the other guy's rights. We're not even talking about criminals' right here, because this person had not committed a crime. Why is there not a law to protect my daughter's rights and her well-being?

By using a reverse directory on the Internet, any pedophile could have our complete address within seconds. With only one more click of the mouse, a pedophile could even have a map of our neighborhood. Was there a pedophile out there crazy enough to come looking for our neighborhood? Those messages clearly stated that she wanted to have sex with grown men, and the messages even promised pornographic pictures.

The police advised us to move—to leave our neighborhood, our town, our friends, our church and our children's school. Although we could not afford to do so, we felt that no price was too high to pay for our daughter's safety.

Since moving to our new home, I have been working to get legislation passed that would make it illegal for anyone to put personal information on the Internet that could be used to target a child for sexual contact. U.S. Rep. Jerry Weller, R–Morris, introduced legislation in the U.S. House last November, but it will not be an easy task to get this legislation passed.

Our first nemesis is right here in Illinois: U.S. Sen. Richard Durbin. According to staffers Joel Wiggington in the Washington, D.C., office and Adrienne Jones in the Chicago office, Durbin refuses to support any legislation such as this because he believes it is unconstitutional. There is a price we pay for democracy, but giving citizens unlimited free speech at the expense of children's lives is too high a price.

As a reporter myself, I am very protective of my First Amendment rights, but no one needs to have the right to endanger children's lives. The Constitution was written to protect the citizens of this country, not to put us at risk. When the writers of the Constitution said we had a right to bear arms, they were talking about a musket, not a fully automatic rifle. They said we had a right to express ourselves freely so that we could voice our opinion in a newspaper column and not be tarred and feathered. They could not have even imagined that someday there would be a medium such as the Internet that would allow citizens to write something that could endanger a child's life and that it could be read by millions.

Durbin clearly sees that there are limits to the Fourth Amendment because there is no reason that a law-abiding citizen would need to purchase a fully automatic rifle to go duck hunting. And there are limits to the First Amendment. While pornography is not illegal, child pornography is. It is illegal to shout fire in a crowded theater because it is dangerous. Certainly, it should be illegal to write something on the Internet that can endanger a child's life or well-being. We don't need any more laws named after dead little girls. Let us pass a law now.

Mr. HUTCHINSON. Mr. Speaker, I yield three minutes to the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as cochair of the Missing and Exploited Children's Caucus, I wanted to congratulate the gentleman from Florida (Chairman MCCOLLUM), the gentleman from Illinois (Chairman HYDE) and the members of the Committee on the Judiciary for their excellent work on this bill.

I rise to briefly turn my colleagues' attention to two of its important provision. But first I want to share with you a tragic incident which was covered in depth this morning on NBC's Today Show.

Twenty-five years ago, seven year old Joan D'Alessandro left her home in Hillsdale, New Jersey, to deliver Girl Scout cookies to a neighbor. Three days later, that neighbor, a 26 year old schoolteacher, confessed to sexually molesting and then murdering little Joan.

But for the D'Alessandro family, the nightmare had just begun. For the past 12 years, they have had to live with the very real prospect that one day soon their daughter's killer would be set free. Rosemarie D'Alessandro, Joan's mother, has been fighting this terrible injustice. She has been the driving force behind a provision in this bill that would mandate a sentence of no less than life imprisonment with no opportunity for early release for anyone who commits a serious violent felony which results in the death of a child.

Thanks to this bill, no family will ever have to endure the double tragedy of losing a child to an act of violence and then seeing their child's killer walk out of prison a free man.

Another important provision of this bill addresses a new and growing threat to our children, child exploitation in cyberspace. It would require the providers of Internet services to report evidence of child pornography to law enforcement authorities. Importantly, Internet service providers would be protected from criminal or civil liability if they acted in good faith to assist in the effort to prosecute peddlers of kiddie porn. The requirement now in this bill is similar to the one that we already impose on photo development labs when they discover evidence of child exploitation. With this provision, law enforcement will have a powerful new tool in combating child pornography in cyberspace.

I strongly support these measures, as well as the rest of the underlying bill, and urge my colleagues to join me in sending it to the President.

Mr. HUTCHINSON. Mr. Speaker, I yield two minutes to the other gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 3494, the Child Protection Sexual Predator Punishment act. I am a cosponsor of this legislation and I am glad we will be able to send this bill to the President for his signature so we can better protect children from sexual predators.

Mr. Speaker, the Internet offers a wonderful way to expand the knowledge and creativity of our nation's children. This bill is an important investment by furthering Internet technologies that keep our families safe. With more young people using the Internet every day, this is very timely.

Moreover, I too am from a state, the State of New Jersey, which has seen its unfortunate share of sexual predators praying upon young children. Megan Kanka and Amanda Wengart are two victims of tragic situations where child predators have caused devastating harm to families and communities.

I have met with Karen Wengart, Amanda's mother, and her hard work to close loopholes on both the state and Federal levels has inspired me to do more in my role as a Federal official.

This bill will toughen the laws on those who molest children, those who traffic in child pornography, and those who try to entrap unsuspecting children and urges governors, legislators, and prison administrators to prohibit unsupervised access to the Internet by state prisoners. It is a good step in furthering our bipartisan efforts to stop child pornography.

I commend the gentleman from Florida (Mr. McCOLLUM) for listening to the concerns of people like me who want this Congress to do more to end pain to families such as those we have mentioned when our children are killed or are the victims of sex crimes.

I urge all Members support this bill.

Mr. HUTCHINSON. Mr. Speaker, I yield three minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I rise today for mothers and dads all over this country who are doing everything they can to keep their children safe and innocent but may not be aware of the pedophiles who break into our homes by cruising the Internet.

In this age of ever-expanding technology and personal computers in so many homes, pedophiles are increasingly using the anonymity of the Internet to pose as minors and befriend children who are unknowingly lured into dangerous situations.

With both Megan's Law and the Jacob Wetterling Crimes Against Children Act, we told sexual offenders you can run, but you can't hide. These laws have given neighborhoods a greater sense of security by informing them when a sexual predator might be living in their midst.

But what about cyber-predators? They may live anywhere; in our neighborhood, in another state, across the country, and yet they still have access to our children. These predators think that they can hide behind the faceless, voiceless world of the Internet. Make no mistake, they are wrong.

That is why the McCollum-Dunn bill is so critical to families across America. This legislation helps law enforcement crack down on pedophiles who no longer offer candy to unsuspecting children on the playground, but now offer companionship to children through an Internet chat room.

This bill tells sexual predators that the information superhighway is not a detour for deviant behavior. We will not stop until we enable every mother and father to feel secure that their children are safe from violence, at school, at home and in the neighborhood.

McCollum-Dunn will ensure that cyber-predators become real live prisoners by providing law enforcement with the tools it needs to bring to justice those who would prey on our children. By allowing the immediate commencement of Federal investigations in kidnapping cases, the FBI can begin investigating a missing person's report without waiting for 24 hours.

□ 1445

When an abducted child is not found in the first 24 hours, it becomes far more difficult to find that child at all. By clarifying this rule, this bill offers parents greater peace of mind that their child will be found quickly and that he will not be frustrated by the inaction of law enforcement.

Additionally, McCollum-Dunn metes out harsher penalties for sexual predators. By doubling maximum prison sentences and tightening child pornography statutes, this bill cracks down on criminals who would use legal loopholes to escape punishment.

Mr. Speaker, I believe this is the most important legislation to protect children and give parents peace of mind of any law since Megan's Law, which stemmed from Washington State after the tragic death of my friend, Diane Ballasiotes. As a mother and as a legislator, I understand what the protections in this legislation mean to parents all over the country, and I urge my colleagues to support this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, let me acknowledge the leadership of the gentlewoman from Washington on this issue.

Mr. RILEY. Mr. Speaker, I rise today in support of H.R. 3494, the Child Protection and Sexual Predator Punishment Act of 1998. I would also like to commend the gentleman from Florida for introducing this important legislation and agreeing to include my legislation, H.R. 3185, the Abolishing Child Pornography Act, as a portion of this bill.

In my view, this bill will go a long way to protect our children from those who choose to stalk them as their prey.

No longer will it be legal for anyone to use the Internet to contact a child for sexual purposes.

No longer will prisoners in our jails be allowed unrestricted and unsupervised access to the Internet so they can continue to victimize our children.

No longer will anyone be allowed to possess any amount of child pornography for any reason.

And, no longer will it be difficult to prosecute these crimes nor will the penalties be light.

Mr. Speaker, this bill sends a very clear and very strong message to these sexual predators: Whether it is over the Internet or on the playground, stay away from our children or pay the price.

I urge my colleagues in the House to vote in favor of H.R. 3494—our children deserve nothing less.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3494, the Protection of Children From Sexual Predators Act of 1998, as introduced by Representative McCOLLUM.

This bill amends the Federal Criminal Code to prohibit and penalize any individual using the mail or Internet to transmit the name, phone number, address, or electronic mail address of a person under the age of 16, with the intent of enticing, offering, soliciting or encouraging illegal sexual activity.

The Internet, although a remarkable source of information and knowledge, makes it all too easy for pedophiles to illegally contact our children and engage in inappropriate communication and contact with them.

H.R. 3494 provides prosecution for those individuals producing child pornography if the visual portrayal was produced with materials mailed, shipped or transported by interstate or foreign commerce—including via the Internet. This bill also prohibits using the mail or Internet to knowingly transfer obscene matter to another individual known to be under the age of 16.

The Protection of Children From Predators Act recognizes the extremely serious nature of child pornography and abuse, and imposes harsh penalties on pedophiles. Some of the provisions of this bill would double the maximum term of imprisonment for abusive sexual contact with children under age 12. Additionally, H.R. 3494 provides pre-trial detention of those who commit specified Federal sex offenses involving transportation of a minor for illegal sexual activity. It also sets fines for initial and subsequent failures by computer service providers to report violations of specified offenses involving child pornography.

Children should not be cheated of the benefits of learning that the Internet offers them, because of the existence of pedophiles on the Internet. Parents and teachers should not be fearful that when a child logs on to his or her computer, that they will be the victim of a child predator.

H.R. 3494 is a strong step towards fighting child pornography and abuse, and institutes much-needed precautions and penalties to ensure the safety of our children. I know that my colleagues will join me in supporting this worthwhile legislation.

Mrs. HUTCHINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3494.

The question was taken.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CODIFYING LAWS RELATED TO PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES AND ORGANIZATIONS

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2524) to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States code.

The Clerk read as follows:

S. 2524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 36, UNITED STATES CODE.

Title 36, United States Code, is amended as follows:

(1) In section 902, strike subsections (b) and (c) and substitute the following:

"(b) REQUIRED DISPLAY.—The POW/MIA flag shall be displayed at the locations specified in subsection (d) of this section on POW/MIA flag display days. The display serves—

"(1) as the symbol of the Nation's concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for; and

"(2) as the symbol of the Nation's commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

"(c) DAYS FOR FLAG DISPLAY.—(1) For purposes of this section, POW/MIA flag display days are the following:

"(A) Armed Forces Day, the third Saturday in May.

"(B) Memorial Day, the last Monday in May.

"(C) Flag Day, June 14.

"(D) Independence Day, July 4.

"(E) National POW/MIA Recognition Day.

"(F) Veterans Day, November 11.

"(2) In addition to the days specified in paragraph (1) of this subsection, POW/MIA flag display days include—

"(A) in the case of display at medical centers of the Department of Veterans Affairs (required by subsection (d)(7) of this section), any day on which the flag of the United States is displayed; and

"(B) in the case of display at United States Postal Service post offices (required by subsection (d)(8) of this section), the last business day before a day specified in paragraph (1) that in any year is not itself a business day.

"(d) LOCATIONS FOR FLAG DISPLAY.—The locations for the display of the POW/MIA flag under subsection (b) of this section are the following:

"(1) The Capitol.

"(2) The White House.

"(3) The Korean War Veterans Memorial and the Vietnam Veterans Memorial.

"(4) Each national cemetery.

"(5) The buildings containing the official office of—

"(A) the Secretary of State;

"(B) the Secretary of Defense;

"(C) the Secretary of Veterans Affairs; and

"(D) the Director of the Selective Service System.

"(6) Each major military installation, as designated by the Secretary of Defense.

"(7) Each medical center of the Department of Veterans Affairs.

"(8) Each United States Postal Service post office.

"(e) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of the POW/MIA flag at the Capitol pursuant to subsection (d)(1) of this section is in addition to the display of that flag in the Rotunda of the Capitol pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed to on February 22, 1989 (103 Stat. 2533).

"(f) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the POW/MIA flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

"(g) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the POW/MIA flag.".

(2) In section 2102(b), strike "designated personnel" and substitute "personnel made available to the Commission".

(3) In section 2501(2), insert "solicit," before "accept,".

(4)(A) Insert after chapter 201 the following:

"CHAPTER 202—AIR FORCE SERGEANTS ASSOCIATION

"Sec.
"20201. Definition.
"20202. Organization.
"20203. Purposes.
"20204. Membership.
"20205. Governing body.
"20206. Powers.
"20207. Restrictions.
"20208. Duty to maintain corporate and tax-exempt status.
"20209. Records and inspection.
"20210. Service of process.
"20211. Liability for acts of officers and agents.
"20212. Annual report.

"§ 20201. Definition

"For purposes of this chapter, 'State' includes the District of Columbia and the territories and possessions of the United States.

"§ 20202. Organization

"(a) FEDERAL CHARTER.—Air Force Sergeants Association (in this chapter, the 'corporation'), a nonprofit corporation incorporated in the District of Columbia, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

"§ 20203. Purposes

"(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

"(1) helping to maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard;

"(2) supporting fair and equitable legislation and Department of the Air Force policies and influencing by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force;

"(3) actively publicizing the roles of enlisted personnel in the United States Air Force;

"(4) participating in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force;

"(5) providing for the mutual welfare of members of the corporation and their families;

"(6) assisting in recruiting for the United States Air Force;

"(7) assembling together for social activities;

"(8) maintaining an adequate Air Force for our beloved country;

"(9) fostering among the members of the corporation a devotion to fellow airmen; and

"(10) serving the United States and the United States Air Force loyally, and doing all else necessary to uphold and defend the Constitution of the United States.

"(b) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

"§ 20204. Membership

"(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws and articles of incorporation.

"(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

§ "20205. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the bylaws and articles of incorporation.

"(b) OFFICERS.—The officers and the election of officers are as provided in the bylaws and articles of incorporation.

"(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

"§ 20206. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 20207. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee or reimbursement for actual necessary expenses in amounts approved by the board of directors.

"(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

"§ 20208. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the District of Columbia.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 20209. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote.

"(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 20210. Service of process

"The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

"§ 20211. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 20212. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(B) In the table of chapters at the beginning of subtitle II, insert after the item related to chapter 201:

"202. AIR FORCE SERGEANTS
ASSOCIATION .... 20201".

(5)(A) Insert after chapter 209 the following:

"CHAPTER 210—AMERICAN GI FORUM OF THE UNITED STATES

"Sec.
"21001. Definition.
"21002. Organization.
"21003. Purposes.
"21004. Membership.
"21005. Governing body.
"21006. Powers.
"21007. Restrictions.
"21008. Duty to maintain corporate and tax-exempt status.
"21009. Records and inspection.
"21010. Service of process.
"21011. Liability for acts of officers and agents.
"21012. Annual report.

"§ 21001. Definition

"For purposes of this chapter, 'State' includes the District of Columbia and the territories and possessions of the United States.

"§ 21002. Organization

"(a) FEDERAL CHARTER.—American GI Forum of the United States (in this chapter, the 'corporation'), a nonprofit corporation incorporated in Texas, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

"§ 21003. Purposes

"(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

"(1) securing the blessing of American democracy at every level of local, State, and national life for all United States citizens;

"(2) upholding and defending the Constitution and the United States flag;

"(3) fostering and perpetuating the principles of American democracy based on religious and political freedom for the individual and equal opportunity for all;

"(4) fostering and enlarging equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin;

"(5) encouraging greater participation of the ethnic minority represented by the corporation in the policy-making and administrative activities of all departments, agencies, and other governmental units of local and State governments and the United States Government;

"(6) combating all practices of a prejudicial or discriminatory nature in local, State, or national life which curtail, hinder, or deny to any United States citizen an equal opportunity to develop full potential as an individual; and

"(7) fostering and promoting the broader knowledge and appreciation by all United States citizens of their cultural heritage and language.

"(b) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of Texas.

"§ 21004. Membership

"(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws and articles of incorporation.

"(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

"§ 21005. Governing body

"(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the bylaws and articles of incorporation.

"(b) OFFICERS.—The officers and the election of officers are as provided in the bylaws and articles of incorporation.

"(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

"§ 21006. Powers

"The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 21007. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee or reimbursement for actual necessary expenses in amounts approved by the board of directors.

"(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

"§ 21008. Duty to maintain corporate and tax-exempt status

"(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of Texas.

"(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 21009. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

"(3) at its principal office, a record of the names and addresses of its members entitled to vote.

"(b) INSPECTION.—A member entitled to vote, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 21010. Service of process

"The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

"§ 21011. Liability for acts of officers and agents

"The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 21012. Annual report

"The corporation shall submit an annual report to Congress on the activities of the corporation during the prior fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.".

(B) In the table of chapters at the beginning of subtitle II, insert after the item related to chapter 209:

"210. AMERICAN GI FORUM OF
THE UNITED STATES .... 21001".

(6) In section 21703(1)(A)(iv), strike "December 22, 1961" and substitute "February 28, 1961".

(7) In section 70103(b), strike "the State of".

(8) In section 151303, subsections (f) and (g) are amended to read as follows:

"(f) STATUS.—Appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

"(g) COMPENSATION.—Members of the board serve without compensation.

"(h) LIABILITY.—Members of the board are not personally liable, except for gross negligence.".

(9) In section 151305(b), strike "the State of".

(10) In section 152903(8), strike "Corporation" and substitute "corporation".

SEC. 2. TECHNICAL AMENDMENTS TO OTHER LAWS.

(a) The provisos in the paragraph under the heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65, Oct. 27, 1997, 111 Stat. 1368, 36 App. U.S.C. 121b, 122, and 122a) are repealed.

(b) Paragraph (3) of section 198(s) of the National and Community Service Act of 1990 (42 U.S.C. 12653(s)(3)) is repealed.

(c) Effective August 12, 1998, Public Law 105–225 (Aug. 12, 1998, 112 Stat. 1253) is amended as follows:

(1) Section 4(b) is amended by striking "2320(d)" and substituting "2320(e)".

(2) Section 7(a), and the amendment made by section 7(a), are repealed.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1(8) of this Act shall take effect as if included in the provisions of Public Law 105–225, as of the date of enactment of Public Law 105–225.

SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—(1) Section 1 of this Act restates, without substantive change, laws enacted before September 5, 1998, that were replaced by section 1. Section 1 may not be construed as making a substantive change in the laws replaced.

(2) Laws enacted after September 4, 1998, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a heading of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 5. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

SCHEDULE OF LAWS REPEALED

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1997						
Nov. 18	105–85	1082, 1501–1516	111	1917, 1963	36 App.	189a, 1101, 5801–5815
Nov. 20	105–110		111	2270	36 App.	45
1998						
Aug. 7	105–220	413	112	1241	36 App.	155b
Aug. 13	105–231	1–16	112	1530	36 App.	1101, 5901–5915

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2524 is a bill prepared by the Office of Law Revision Counsel. It makes purely technical and nonsubstantive changes in title 36 of the United States Code dealing with patriotic organizations.

Mr. Speaker, S. 2524 codifies in title 36, United States Code, certain laws related to patriotic and national observances, ceremonies, and organizations that were enacted after the cut-off date for the title 36 codification recently enacted as by Public Law 105–225, S. 2524 also makes technical corrections in title 36 and repels obsolete and unnecessary provisions. S. 2425 is identical to H.R. 4529 introduced by Chairman HYDE on September 9, 1998.

This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives under its statutory mandate (2 U.S.C. 285B) To prepare and submit periodically revisions of positive law titles of the code to keep those title current.

The Law Revision Counsel assures me that S. 2524 makes no change in existing law. Therefore, no additional cost to the Government would be incurred as a result of enactment of S. 2524.

Enactment of S. 2524 would not affect direct spending or receipts, Therefore, pay-as-you-go procedures would not apply.

I urge my colleagues to support S. 2524.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, the minority is in concurrence with this particular measure, and at this time we are prepared to agree.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the Senate bill, S. 2524.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1999, and for other purposes; and that it be in order at any time to consider the joint resolution in the House; and that the joint resolution be considered as having been read for amendment; and that the joint resolution be debatable for not to exceed 60 minutes, to be equally divided and controlled by myself and the gentleman from Wisconsin (Mr. OBEY); that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 134

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105–240 is further amended by striking "October 12, 1998" and inserting in lieu thereof "October 14, 1998".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 134, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the second continuing resolution for fiscal year 1999 expires tonight at midnight. We have not yet completed our negotiations on our wrap-up appropriations bill, but we are almost there, I hope, and we will need another day or two to complete our work and get it to the floor. An extension of a further continuing resolution is needed in order to do that, and so adoption of H.J. Res. 134, which runs through October 14, will give us time to complete our remaining work.

Mr. Speaker, I do wish that we did not have to bring this joint resolution to the floor and that all Members could have by now gone home to campaign for reelection, but we need more time, and we are just not there yet. I do not think we need to debate this issue extensively or take a lot of time today. We know what the issues are. We know that we need to take this action in order to keep the government open. It is our intention to keep government open and not to jeopardize the livelihoods of all of the Federal employees or the services that they perform. So adoption of this continuing resolution will give us the time needed to complete our work and keep the government running.

Mr. Speaker, I urge adoption of the joint resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as my colleagues know, as a lot of people in this building know, since the end of the fiscal year, those on the Committee on Appropriations, most especially the gentleman from Louisiana (Mr. LIVINGSTON) and myself, have been locked in meeting after meeting after meeting, trying to resolve the literally hundreds of items that still must be resolved before we can finish this congressional session.

I must say that while the gentleman from Louisiana and I are very good friends personally, I am getting about as sick of him as he probably is of me. In fact, I think we have spent more time in the last week with each other than we have with our wives. That shows us how much bad judgment both of us have.

But, having said that, I would simply say that I think we have been making considerable progress on a number of items, and I think as that progress comes forth that the atmosphere in the room has turned from the initial atmosphere of confrontation and distemper on occasion to one of more friendliness. We have been making some progress.

But I do want to say I think we need to have an honest understanding of why we are in this position. I feel myself incredibly lucky to be a member of this body. Every day when I wake up I have to pinch myself to make certain that it is really true that I have been accorded the privilege of representing not only the people of my district in this institution but, on cases like this, representing my party with the gentleman from Louisiana (Mr. LIVINGSTON) representing his in these negotiations.

I have tremendous love for this institution and tremendous respect for the appropriations process. But I think that there have been some things said about why we are here which are really not accurate or fair.

A number of high-ranking members of this House have indicated when they talk to the television cameras that the reason we are here at the end of the year with the appropriation bills still not being signed into law is somehow because the President has not been sufficiently engaged in these discussions; and yet, those comments are directly at variance with what is being said behind closed doors in the meetings that I am participating in to try to end this impasse.

Because behind closed doors in those budget negotiations, we are being told by people who I respect that the President, really, and his representatives should not really be at the table at all, that this should simply be a congressional process, and that the Congress ought to take whatever action it is going to take, and then, if the White House does not like it, it should veto that.

And I would say that at least with some parties, most certainly not the gentleman from Louisiana, on the part of some parties in the conference, the assistance that we have been given by the White House staff in this process has been accepted most grudgingly and I think sometimes with a great deal of resentment on the part of certain Members of Congress.

Now, it would be nice to say, and I would say I agree that, institutionally, the best way for us to proceed is for us to produce our appropriation bills and send them up to the White House, and if the White House does not like them, then they have a right to veto them. But it is rather easier to take that institutional position in July than it is at the end of September, the beginning of October when we are at the end of the road and need to get things done. Then we have no choice but to have the White House representatives in the room, because they, after all, have to agree to a significant amount of what we do, or there would not be agreement.

I think we have to look at why we have gotten in this position. We have gotten to this position, in my view, because of the forces largely outside of the appropriations process. To start with, the House leadership scheduled far fewer days of session than at any time in my memory. That was followed up by a complete lack of action on the part of the Committee on the Budget. We still do not have a budget for the United States Government. The Committee on the Budget still has not produced a budget conference; and, because of that delay, the appropriations process was put hopelessly behind. We were supposed to have our appropriation bills done by July, and yet, because of the delay in the budget process itself, our committee was not even allowed to come to the floor with many of these bills in July, bills that normally would have come to the floor in mid-April or early May.

That was compounded by the mistake that—out of all of the years, this was the worst possible year to do this—that was compounded in my view by the mistake of having double the length of time that is normally taken for the July 4th recess. And, as a consequence, if one walks into the appropriations room and looks at the calendar and sees how many days were left for the Committee on Appropriations to do its business, the answer is, only a handful of days between the July 4th recess until we again recessed for some five full weeks in August.

As a result, we were dealing with conference reports between the two Houses on appropriation bills in early October that we should have been able to deal with in early September.

Now that is not the fault of the Committee on Appropriations. It is not the fault of the chairman of the committee. It is not the fault of any of the appropriation subcommittees. It is simply a fact of life. And I am going through this simply to make the point that the President had nothing whatsoever to do with any of this problem. This is a problem that Congress as an institution has brought upon itself by its failure to get its work done.

So now we have no choice but to try to sit down around the table with people from the other end of Pennsylvania Avenue and get our work done.

□ 1500

We still have a large number of issues that divide us. We still have some major issues in the area of education that divide us to a great degree, matters of the President's initiative on class size, and matters of the President's initiative on school construction, so that we can see to it that children in this country are not, as the President says, brought up in buildings that are falling down.

We also have another cluster of issues involving a woman's right to have her insurance policy cover basic contraceptive services. Those issues still have not been resolved.

We have a large number of issues on the environment that still divide us. We have a number of foreign policy issues that divide us, including the appropriate level of funding for the United Nations, which is crucial if we are going to be getting involved in a war in Kosovo, as it appears we may very well be getting into.

So it just it seems to me that we have an immense amount of work to do. We are going to have to have a great deal of flexibility in order to get it done. I would urge Congress to recognize that the President is serious. He intends to get these initiatives, and in my judgment, we are going to be here in Washington until he does.

With that, I would like to pack my bags very early, but I am not packing yet, because I think it is going to be a number of days before this work is completed.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have to say that in many respects I agree with what the gentleman from Wisconsin (Mr. OBEY) has said. I believe that the Committee on Appropriations has done its business within the time frame allotted to us. Unfortunately, that time frame has not been sufficient to complete our business, but I think we have a strong record of achievement.

In order to fully appreciate that record of achievement, I think that the gentleman from Wisconsin (Mr. OBEY) makes it incumbent upon me to try to state for the RECORD exactly our perspective of the events of the last year.

The fact is, what we are doing here today is a continuation of effort which began with the very significant achievement accrued by the Congress and the President last year when both sides, Republicans and Democrats in the House and Senate, reached an agreement with the President of the United States to balance the budget by the year 2002. The President signed on the dotted line.

We knew that budget restraint was going to be great in the coming years, but we felt very strongly, as many Members have for the last 30 years, that we were jeopardizing the fiscal integrity of this country and mortgaging our children's future if we did not make a dent on the deficit and begin to balance the budget, and that it was imperative that we work toward that goal.

Again, I wish to clarify the RECORD. The balanced budget agreement last year that we signed with the President called for a balanced budget by the year 2002. We have exceeded all expectations of only a year ago. We are balancing the budget. There is a $70 billion surplus. So our efforts paid off.

But it was as early as February of this year when the President stood where the Speaker pro tempore is standing and proclaimed to the Nation that the balanced budget agreement was nice when it was signed, but now he wanted an additional $9 billion this year in spending, and an additional $150 billion in spending for the next 5 to 10 years all financed with unrealistic offsets.

If the balanced budget agreement was good a year ago, it seems to me it is good now. The President had suggested in February, this last February, that he insisted on his spending, and he was going to require Congress to raise taxes and fees on the American people by a significant amount so he could tell them how their money should best be spent.

Congress did not accept those taxes and fees. The President criticizes us for not raising the price of a pack of cigarettes to every working stiff around America, and not raising tobacco taxes and other gimmicks, and user fees, and all sorts of other things that would give him that revenue that he could then turn around and hand to the American people and say, look what I have done for you.

We did not give him that extra revenue, because we do not believe in raising taxes. In fact, if anything, the House of Representatives believes in lowering taxes, and we have prepared a tax decrease, a tax cut of $80 billion over the next 10 years. Unfortunately, that did not prevail in the system because the President said he was going to veto it, so it just did not get through.

Still, we have the great distinction of working now with the first surplus in 30 years. The balanced budget agreement last year was successful beyond all means. But the President, in addition to laying out an agenda for extra spending, $9 billion this year over and above the budget caps he agreed to last year, also laid out an ambitious legislative agenda, and then unfortunately got caught up in a lot of problems that were not of the making of this Congress; in fact, they were of his own making.

Also, he did not hesitate to go off at the same time on lots of fundraising tours. He went all over the country raising money for his party. Fine, he is entitled to do that. But I daresay, some two-thirds of all the days that have transpired since the first of the year he was not at the White House, he was somewhere else. He was paying attention to other things. The legislative agenda was the farthest thing from his mind.

So we see now the President on TV saying that he demands that the Congress stay here until it does everything that he wants it to do, and I appreciate that. It is good politics. But we have been here, as the gentleman from Wisconsin (Mr. OBEY) points out, slugging it out, trying to do our work.

Unfortunately, we have made some mistakes along the way. We got engaged in a budget fight. Why? I do not know. Our fight goes something like we knew we had a wonderful balanced budget agreement with the President last year, but let us try to cut 10 percent of spending below that level that we agreed to. I said that was a mistake. I thought that was biting off a little more than we could chew. We fought about that for 3 or 4 months, and in the process, set back the appropriations schedule.

Normally, we would be taking up bills in mid May. We did not start taking up bills until mid June. I think this fight was a mistake, but that was not the fault of the Committee on Appropriations. I have to state that for the RECORD.

We did not start until the end of June, and then we had a break to go home for a district work period, and then we came back. We had a few days, and then we had some Jewish holidays. Then we came back, filled in, and then we had a few other things we had to go do. We came back and filled in.

The Committee on Appropriations has gotten its work done. In fact, we reported all but one of our bills out of committee by the end of July, and we passed nine of those bills by the end of July through the House of Representatives. It went over to the Senate. They had some progress as well, but because of the breaks and because of the late dates and because of the focus on other battles, other priorities, among various Members, Republican and Democrat, the fact is that we did not have the time to finish all of our conferences and get them reported out for consideration by the House.

As a result, we now find ourselves in this omnibus process, which means we finish as best we can conferencing all of our bills, lumping them together, and sending them to the President in one fell swoop, in addition to a significant supplemental appropriations for disasters, which are very much needed, but which are significant in terms of real dollars.

They include remedying the shortfalls in defense, because the President has troops deployed all over the world; passing Y2K computer conversion money to rectify the computer problem; passing additional funding to improve the safety and the security of our embassies, because of the bombings in Africa, and also in terms of trying to rectify the damage that has been done due to various storms and natural disasters, as well as to the drought and to the devastation in the farming community.

But by the time we consider that very significant disaster bill, in addition to the other emergencies, and add them to this supplemental omnibus bill, our Members are going to be called upon to vote on a very large and significant bill within the next few days.

I am hoping against all hope that we are going to complete the discussions on this bill tonight, and that it will be compiled by our staff and be available for a vote and final passage in both bodies by Wednesday. For that reason, we are asking for this continuing resolution, in an effort to make sure that we do complete our business and get through the process. Hopefully we can close the House down on Wednesday before midnight, when this continuing resolution actually expires.

The bottom line is that we should play honestly with the cards that we are dealt. We need to recognize that we do need a better way to dispose of our budget dilemmas. We need to try to get out of the photo ops both in the House and Senate, Members of both sides of the aisle, and down at 1600 Pennsylvania Avenue.

We need to get into the conference rooms and decide our issues and look forward, not towards others, as we assess where we are and when we are going to get the job done. We need to ask for our colleagues' patience and support and understanding, and if they will provide that to us at this late hour, we will dispose of the Nation's business.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. BASS). The gentleman will state it.

Mr. OBEY. Is it possible to have the rollcall machine turned on at this point, Mr. Speaker?

The SPEAKER pro tempore. Would the gentleman say his parliamentary inquiry again?

Mr. OBEY. Is it possible to have the rollcall machine turned on, so we can see the names of Members of the House displayed before us?

The SPEAKER pro tempore. That is not in order at this point.

Mr. OBEY. Further parliamentary inquiry. Does the Chair have a list of the membership of the House of Representatives at hand?

The SPEAKER pro tempore. The Clerk has the roll of the Members.

Mr. OBEY. Could the Speaker pro tempore tell me if the name of William Jefferson Clinton is listed among those who are a Member of the House?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I thank the Speaker for making my point. The gentleman simply indicated in his remarks that one of the reasons that the Congress has not finished its work is because the President was out of town too often.

I would point out that the President is not a Member of this body. The President has no ability to determine whether this House is or is not going to produce its appropriation bills. Under the Constitution, the last time I looked, the only time that a president can affect an appropriation bill is after the Congress gets the bill to the president. The last time I looked, out of the 13 appropriation bills that we are supposed to finish before the end of the fiscal year, only two of those 13 have gotten to the President.

So with all due respect to the gentleman's argument, I would suggest it is passing the buck to suggest that somehow the President is at fault for not signing bills that we have not yet sent him. I would simply note that this Congress has worked the least number of work days in decades. We have enacted the least number of bills in decades. We have no budget. We have only two of the appropriation bills finished.

Since 1979, the average legislative session in a nonelection year has been 157 days. Yet, in the previous year, the Congress only met 132 days, five weeks shorter than the '79 average. So all I am suggesting, without trying to get into an argument about who shot John, is to suggest that the reason that we are here today is not because the President was not participating in any sessions. We are here today because the Congress did not finish its work.

In fact, in the appropriation meetings which they are having right now, fierce objection has been lodged, as the gentleman well knows, by parties to the very presence of staff representing the President to the United States.

All I am asking of the other side is to make one argument or make the other. Either argue that the President has not been sufficiently engaged, or argue that he should not be engaged, but they should not try to argue one thing outside of the room when they are talking to the press, and the other thing when they are inside the room talking to me, because I have a limited capacity to understand that kind of doubletalk.

☐ 1515

Mr. LIVINGSTON. Mr. Speaker, I thought this was going to be a congenial, easygoing debate.

Anyone who knows anything about the legislative process knows that, Mr. Clinton is not a Member of Congress. I concede that. He is not a Member of the House. He is not a Member of the Senate. But, he occupies the Presidency now.

I happen to recall that, under the Constitution, that we must pass our bills and they must go down to the President for his signature or his veto.

Mr. Speaker, I turn on the television in the last few days, and I hear the President saying, that he is not going to accept anything less than everything.

He is making the demands now at the end of the process, conveniently 3 weeks before the election, and he really was not interested at all in the process over the last 8 months since his State of the Union speech.

Since July, our Committee on Appropriations members have been pleading with the administration to give us their budget offsets, which meant that if they asked us for more than the budget caps allowed to us in the budget agreement from last year, how could we pay for it? They said, We will give them to you. We will give them to you next week, next month, and then the next month.

The fact is that, until this morning, we did not get their budget offsets. We asked for them last Friday. We asked for them Saturday. We asked for them Sunday while we were all here. I was with the gentleman from Wisconsin (Mr. OBEY). I got tired of looking at him, too.

But the fact is, we were saying to the Administration, Look, give us your budget offsets, and we can find out how much over the budget caps we can be, because we are going to pay for it with your budget offsets. They gave them to us this morning, 12 days past the end of the fiscal year.

To say that the President does not need to be involved in the process is not wholly accurate. The fact is that the President's people have witnessed and watched every step of the way as we have progressed, but they have been holding their cards back, being cagey, waiting to the last second to give us their side. And the President all of a sudden at this late hour, after some of his problems got put behind him, all of a sudden is getting very tough. I appreciate that. That is the nature of the beast at this late political hour.

But, Mr. Speaker, the time for games, the time for photo ops, the time for political posturing is over. It is time to get down to business; finish this doggone omnibus and supplemental bill; send it to the President; and let us hope that the President is not politically posturing for photo ops or for election purposes and that he will be serious and that he will sign this bill and that we can go home.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I sat here listening to the two gentlemen that I have immense respect for, the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), ranking member. I have immense respect for all of the members of the

Committee on Appropriations. But we need to have something put in perspective.

There are 435 Members of Congress, and if each one of them was given an opportunity to spend the money, they would spend it 435 different ways.

It is also a bit unfair to criticize the President for traveling, even if it is in the nature of fund-raising. The White House travels with the President everywhere he is, all over the world. Not just Bill Clinton, any President. All of us know that. He is available at any point in time to undertake to do the business of this Nation.

What we can say that we have not done, no matter the direction of the criticism, is we have not done managed care reform. We have not done a bill to reduce class size in modernizing our schools. We have done no action to safeguard the surplus for Social Security. We have not done a bill to reduce teen smoking. So those are some exacting criticisms.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. KOLBE) chairman of the Subcommittee on Treasury, Postal Service, and General Government Appropriations.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Louisiana (Mr. LIVINGSTON) for yielding me this time.

Mr. Speaker, let me just say that I think it is very clear to those of us that have been around this process, and others speaking on the floor here have been around it a lot longer than I have, this is the kind of situation that we run into virtually every year at the end of the fiscal year. We always have the hopes that we are going to have every appropriation bill done by September 30, and we almost never do. At least in my recollection, I do not believe we have ever had all of them done by September 30.

So this is not unusual, whether it is a Republican Congress or a Democrat Congress. This is the nature of the way the legislative process works. The old adage about the two things one does not want to watch if they have got a bad stomach is sausage being made or laws being made, it certainly applies when we get to the end of session. It is just the nature of the beast that we have to get enough pressure built up for both sides to get something done.

So I think this bit of finger-pointing in either direction is really not very helpful. The fact is, this Congress has been here. We have been trying to get this done. The fact of the matter is that it has been hard to get the White House engaged. Heaven knows, they have had a few other things on their mind down there.

And the gentleman from Florida (Mr. HASTINGS) a moment ago said the White House travels with the President, whatever President. That is true. To some extent, that is true for us when we travel to our districts. We are always able to be in touch with our staffs back here. But we cannot negotiate the same way. It is very difficult for the President to negotiate or have his people negotiating when the President is not directly in touch or engaged in other things, and the President needs to be directly engaged in these kinds of negotiations.

We need to get this done so we can get the work of this Congress of this appropriations process done, and so that we can all get home and get this Congress over with. I think when it is all said and done, we can look back with considerable pride on this Congress and the work that we have done, on the legislation that we have passed, and the fact that we have achieved a balanced budget. I have no problems looking with pride on the record of this Congress.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I have a great deal of respect for the gentleman from Arizona (Mr. KOLBE) who just spoke. He is one of the best Members of the House, in my view. But I simply want to correct the Record.

This is not what happens every year. Last year, the majority of the appropriations bills were finished by the beginning of the fiscal year. We had a bipartisan approach last year.

The last year that I chaired the committee, every single one of the appropriations bills was finished on time. There was no need for any continuing resolution.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, to hear our friend, the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations, one would think that there were a number of surprises this year: That we were limited to 12 months, as compared to other years; that, as the gentleman from Wisconsin (Mr. OBEY) the ranking Democrat pointed out, that the President was not here, a Member of the House negotiating on a daily basis.

The reality is what the very capable chairman of the Committee on Appropriations has for a problem is he cannot get agreement on his side in the House or in the Senate, and he cannot get the House and the Senate to agree.

Mr. GINGRICH, the Speaker, has decided that this year they will operate as a parliamentary body. So for a long time there has been a fight on the Republican side of the aisle, a very partisan fight based on political ideology. And with a 61-vote margin, they were not able to pass a budget bill. They have got a 10-vote margin in the Senate.

You would think that, without the President or without the Democrats, they could come together with a proposal, bring it to the House and the floor, pass it through both bodies and send it to the President and dare the President to veto it. They cannot get their House in order.

Lastly, we have spent time on the wrong things. My understanding is the Committee on Appropriations is trying to give billions, millions of dollars worth of oil money away to private citizens that really belongs to the Federal Government. Instead of dealing with health care reform, instead of dealing with a quarter of a million seniors in the country who have lost their HMO coverage, instead of dealing with education, we are still trying to take care of the private economic interests of a handful of people out there.

Mr. Speaker, I think if we could get the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) to run this without some of the interference, we would do just fine in this House. The problem is a partisan battle inside the Republican party has prevented us from having a budget. It has prevented us from having an appropriation bill. And now, to argue that somehow either the month of the year or the Jewish holidays popping up in September is a surprise just does not work.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just simply say to the gentleman from Connecticut (Mr. GEJDENSON) that I cannot speak for the budget process, but the Committee on Appropriations for this year has exceeded the record of all Committees on Appropriations of all Congresses over the last 15 years, with the exception of 5. In other words, we will have beaten the record for Congress' least action in 10 of the last 15 on the appropriations process if we get out of here on Wednesday.

Now, drag it out beyond there, and then maybe we might not be able to brag so much. But we are still doing pretty good.

I can remember over the last 15 or 20 years that I have had the great fortune of serving in Congress, the fact is there have been many years where we have been here at Christmas, struggling to wrap up appropriations bills by such time.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing, and Related Programs Appropriations.

Mr. CALLAHAN. Mr. Speaker, this debate is supposed to be about whether or not we are going to fund the government for the next 2 days, rather than shut the government down. Instead, it has turned into a debate on who is responsible for what and where the President is, or whether or not the President's name is listed on the roster of the Members of House of Representatives.

But since we are in that mode, let me just say that my particular area of jurisdiction has to do with foreign aid. When the gentleman from Wisconsin (Mr. OBEY) was chairman of the Subcommittee on Foreign Operations Appropriations, I once described his job in the sense of raising a child, his job was to change the dirty diapers. It is not a pleasant task to give money to foreign countries politically. It is not something we like to go home and brag about.

But in defense of our subcommittee and our small area of jurisdiction and this overall budget application, let me say that we did exactly what we were supposed to do. We appropriated nearly $13 billion and gave the President as much latitude as we possibly could. We debated it in committee. We had hearings. We came to the floor and the House of Representatives voted for it to keep it at $13 billion.

The Senate did the same thing. We had resolved it in conference, or in a conference committee, and as a result we were ready to do what the Congress wanted to do.

Then, all of a sudden last week, we were sitting late at night in a meeting with OMB and I am then informed that if we do not give the President an additional billion dollars, plus 13 more billion dollars for IMF, that they are going to shut the government down.

That is not my fault. We went through this process as we were supposed to do. We had hearings. We appropriated. We got a consensus of the majority of the Members of the House and the Senate, and only last week did the President or OMB tell me, "SONNY, unless you give up $15 billion more for IMF and for foreign aid, we are going to shut the government down."

So, I think we have responsibly done our work, and I wish we would limit this debate to the issue we are on and that is whether or not we are going to continue to operate the government for another 2 days.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, first of all, the President has never said he was going to shut the government down. In fact, he has continually said he will sign every short-term CR the Congress sends him, so long as we are doing our work.

Secondly, he did not just say now he wanted his class-size initiative. He has been pushing for it all year long. He did not just say now he wanted to have schools modernized. He has been saying it all year long. And he did not just ask for the IMF. He asked for the IMF a year ago, and Congress has been foot-dragging it and tying it to an abortion issue.

□ 1530

Virtually every issue in this Congress sooner or later gets tied by the majority party to the abortion issue and the family planning issue. That is one of the reasons that we are so hung up and cannot get anything through here.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I know a lot of these issues, all of them are very important to all of us as Americans. I know that we probably will end up completing our task this week. I am pleased that we have a balanced budget agreement and the first surplus in over three decades. I am proud of the transportation bill which means a 62 percent increase in Federal transportation dollars for my State, the State of Tennessee.

But some things I am not proud of is that we do not have a managed health care bill, no bill to reduce class size and modernize schools, being a former college president, no action to safeguard the surplus for Social Security, no bill to reduce teen smoking, no bill to reform our campaign finance system and no bill to increase the minimum wage for working families.

I realize as a Democrat we do not set the rules. We do not have the votes. But there are a lot of issues, there are a lot of problems that are still facing the American people, and we need to work together, hopefully in the 106th Congress better than we have in the 105th Congress, when it comes to being too partisan and being interested in our own vested interest and not in the best interest of the American people.

Mr. OBEY. Mr. Speaker, I yield 2 minutes and 30 seconds to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me just set the stage, if I might, for a moment. Civics 101, Congress 101, whatever we want to call it, Congress is responsible for producing a budget. Congress is responsible for passing appropriations bills; that is, spending on various programs, education, defense, the environment, health care. The President gets involved at the end of the process.

So what do my colleagues mean when they say that the President is not around or has not been around? This body, in fact, has not sent the President anything to do. I will tell Members why they have not sent the President anything to do. Because we have the Congress here, Republican-controlled, I might add, in case you did not know it, that has spent the least number of workdays in decades, the least number of bills enacted in decades, no budget, no budget since the budget process began. They have not produced a budget. They are in charge. No budget.

I will tell my colleagues that they might also want to know, because it is important to know, that there were no bills to improve public education, nothing on managed care reform, campaign finance reform, bills to reduce teen smoking, protect the environment and no minimum wage increase. Zero, nada, nothing.

But one may think that this has happened because of the process here rather than by design. So let me tell my colleagues what some of their folks have said.

This is the chairman of the National Republican Campaign Committee. He said, write the 60-second commercial that we want to run the last week of the campaign, then focus the rest of the year aiming toward it.

We want to quote the Speaker of the House, who, in fact, is in charge of this body, the President is not in charge of this body, but the Speaker is, this is what he says. Other than passing a continuing resolution, and I might add, Mr. Speaker, that we are on the third continuing resolution, other than passing a continuing resolution to go home, there is nothing that we have to do between now and the election to win that election.

Someone who was a scholar about the congressional process says, it is pretty clear that when Congress left last fall, they wanted to get out as quickly as they could, come back as late as they could, and stay in as little as they could. The basic attitude of the majority, the Republican majority, is that the more we are in session, the more we will screw up. So we should just do the minimum.

Mr. Speaker, that is what they have done. They have done less than the minimum. We have a few remaining days here. Let us do something for the kids of this country. Let us increase the number of teachers that we have. Let us modernize our schools and do something for the children of America.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I am delighted that the gentlewoman explained that it is the President's role to sit around and do nothing until we send him our bills. I guess that explains a lot about why we are where we are in this current dilemma with respect to the White House.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Arizona (Mr. KOLBE), chairman of the Subcommittee on Treasury, Postal Service, and General Government.

Mr. KOLBE. Mr. Speaker, I thank the gentleman, again, for yielding me the time.

Let me just respond to a few of the things. First, to my friend and the ranking member of the Committee on Appropriations, he is right. I was wrong about the fact that in fiscal year 1995 all of the bills got done. I should have pointed out that whenever the situation was the same, that is, the reverse of what it is today, Republican-controlled Congress, Democrat President, when all of those first 10 years that I was here it was a Republican President and Democratic-controlled Congress, and then the Democrats were not able to get all the bills done, I think that would be the apples-to-apples comparison.

The fact of the matter is, this is not an unusual process that we have been going through. The gentleman from Tennessee spoke about the fact that we had failed to pass a minimum wage. He seems to forget that we did pass a minimum wage last year, and not too many people believe, whether they are economists or otherwise or in business, that another minimum wage at this point is good for the Nation's economy and certainly not good for people at the low end of the income scale who would be the first ones that get laid off.

Finally, as the gentleman from Louisiana pointed out in response to the gentlewoman from Connecticut's remarks, since when is it the President only gets involved in the process at the end? He comes to the Congress at the State of the Union address. He has not only a budget that he presents, but he has a whole list of issues and of achievements that he would like to see us, that he would like to achieve, issues that he would like us to deal with. So he is involved from the very outset.

It is just that in this case he has chosen in the budget process to stay disengaged after proposing his budget. He has been disengaged throughout this process.

But last year we talked about the achievements of this Congress. Last year we passed the Balanced Budget Act, which gave the first tax relief in 16 years to American citizens, a $500-a-year tax credit for every child that is under the age of 16, tax relief for those who paid their own health insurance premiums, tax relief for those who have to face the inheritance tax. So the accomplishments of this Congress are very, very substantial, and I am glad that the President has seen fit to sign some of those into law.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, it is not by accident that we are here today. It is intentional.

The Republicans were so giddy and so excited about the Starr investigation and the prospect of impeaching the President of the United States that they decided that they would not have to do any work today. The other half of them decided that they could push a right-wing agenda and foist it off on the President of the United States, they could sweep aside his State of the Union address, they could sweep aside his agenda and do nothing and go home and gain seats because they were going to impeach the President of the United States.

So what did they start doing? They started reducing the workweek. They extended the time from January to March before the Congress came back. They extended the August break. They extended the July break. As a matter of fact, in the last 3 years the Republican Congress has lost 2 months of productivity. If they keep it up, by the year 2002, Congress will not meet at all. They will not meet at all because the Republicans just keep giving away the days.

They did it because they thought they had the President over a barrel. Well, the fact of the matter is, once again, their streak is perfect. Speaker GINGRICH and the Republican leadership four out of four years have underestimated the President of the United States, because the President is back here, telling them that he wants his agenda considered in this Congress that refused to consider it for this entire year.

He wants us to address education, the environment, HMO legislation, minimum wage and tobacco legislation. The Republicans thought they could get out of town without doing that.

The fact of the matter is that now they are insisting that the President do in 2 days what they could not do in 2 years. So let us understand that this is not an accident. This was intended. But we are going to respond to the President's agenda, and the President is going to keep us here until we do. Because there is a very high correlation between the President's agenda and what the American public thinks this Congress ought to be doing, that this Congress ought to be dealing with the education of our children, we ought to be helping to rebuild crumbling schools, we ought to make sure that children have technology available to them. We ought to make sure that patients are protected in the Patients' Bill of Rights so that doctors and patients control the health care and not the insurance company bureaucrats.

That is the agenda of this President. That is the agenda of the American people, and that is the agenda that the Republicans thought they could sneak out of town without addressing. It is not going to happen, Mr. Speaker. It is really not the Committee on Appropriations's fault because they get caught up in these crossfires that really their job has little or nothing to do with. They just get saddled with trying to solve this at the end of the year.

But the fact of the matter is, the fact of the matter is that this Congress ought to go back to work, and we ought to go back to work and address the needs of the American people and the agenda of President Clinton. They put an awful lot of eggs in one basket that they would have a President that was so weakened today that they could do anything they wanted with respect to the American public. They got caught at it. Now go back to work.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I rise in support of the resolution by the gentleman from Louisiana.

I know that Members want to engage in different blame games of what goes back and forth, but I think what we really ought to be talking about is the chance for the American people to know what we are doing and the openness of the process.

There was an agreement that was made last year regarding how much money would be spent this year. The President, however, when he presented his budget wanted to spend more. And he presented a plan on how to be able to do it; namely, to have offsets through different things such as tobacco taxes, which did not materialize. Indeed, I know there are many Members on the other side of the aisle that also agreed that we should not be raising taxes, whether we called it direct or indirect taxes.

Mr. Speaker, when that extra money did not materialize, then of course we would expect that the President would say, okay, there is not as much money, therefore, here is how I will cut back on my proposals, because if we want to spend money, we have to say where is the money going to originate.

The President did not do that. We have had efforts, and I think some numbers have been presented in the last couple of days saying, here is where we can trim something else to be able to spend this money on my education programs and so forth.

Well, it is a little late in the game, but it is being looked at. I appreciate, for example, the attitude that has been displayed by the gentleman from Maryland (Mr. HOYER), also a member of the Committee on Appropriations. He has a number of times stood on this floor and said, if you want to spend the money, you should show where the tax or other offset will originate to pay for it.

We have not known what the President proposed to cut back in order to justify the additional spending that he desired. Indeed, I think the American people have a right to know. Something like that should not be presented just in a private, closed-door meeting. If you want to spend more on item A, tell us where you are going to reduce spending on item B. Unfortunately, we cannot have it both ways. So we are in this situation because of that, and I ask support of the resolution.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, we do need to stay here and work. I think that anyone who ignores the need for 100,000 teachers, for fixing our crumbling schools is not aware of what Americans want. If they are not listening to America with respect to the Patients' Bill of Rights or fixing the interim payment system that our home health care agencies are crying out for, then they are not listening to the American people. If they did not realize that Matthew Shepard died last night in Wyoming, a gay man who was attacked brutally, and realize that we need to pass the Hate Crimes Prevention Act of 1998, they are not listening to America.

We need to stay here and do our job. We need to respond to America's children. We need to respond to those who need good health care. We need to respond to those who are home-bound and need good home health care. And we certainly need to respond to those who perpetrate hate by passing the Hate Crimes Prevention Act of 1998.

□ 1545

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Speaker, I wish to make one or two personal comments, and I certainly do not mean to reflect or cast anything upon my colleagues from Connecticut nor California in their comments about our inabilities or our lack of accomplishments. But, nevertheless, each and every one of the issues that they spoke about was voted on and voted down by a majority of either the subcommittee, the full committee, or the House of Representatives. So they did not get their way and now they come along and want to get their way in these closing moments.

Just to add a little levity to this, the gentleman from Wisconsin (Mr. OBEY) and the gentlewoman from Connecticut brought up a point that this Congress has met fewer days than any other Congress and this Congress has passed fewer bills than any other Congress. I doubt that that is quite factual, but even if it were, believe it or not, and it is a compliment to the diversity of this body, believe it or not some of the people in south Alabama feel like the less we do passing laws, the better off they are, and the less we work, the better off they are.

This is just to continue the operations of the government. Please vote "yes".

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me this time, and I rise in support, as the previous speakers have, in support of the continuing resolution and to lament the fact that just a few years ago the gentleman from Wisconsin (Mr. OBEY) offered, I offered, the gentleman from Virginia (Mr. DAVIS) on the Republican side of the aisle offered clean continuing resolutions to keep the government going while we tried to work out our differences. That was the way to do it. We are now doing it the proper way.

And I would reiterate what the chairman and what the ranking member said. The President has indicated he has no intention of shutting down this government and will, in fact, sign short-term CRs while we come to grips with important priorities.

The President stood at that podium in early February and set forth an agenda. The response to that speech was overwhelming. He indicated that the State of the Union was good. It is. Most of us, or many of us believe it is good because of the 1993 economic program the President put on this floor and was passed in the Congress and signed by the President, which has, in fact, brought us that balanced budget.

The fact of the matter is, I say to my friend from Alabama, there are some bills that even the people in south Alabama would like and southern Maryland would like, and that is legislation to make sure that our kids have enough schools in which to be educated; that they are not crumbling down around them; that they are not dangerous and unhealthy.

The President put forth before the Congress a program to help communities build additional classrooms. And then the President said, from this podium, we understand that there is a teacher shortage, that classes are overcrowded. We have 35 to 40 students in a class, and that even the best of teachers cannot educate our children to compete around the globe with that many students. So he said, let us put 100,000 new teachers in our classrooms; just as he said, let us put 100,000 COPS on the Beat, back in 1994, and we have seen the crime rate go down.

My suggestion to my colleagues, if we came to grips, yes, even in the next 42, 48, or 72 hours with putting those 100,000 teachers in our classrooms, as crime went down, I suggest that our educational level would go up.

And, yes, my friend from Alabama has been one of the most responsible Members of this House. As he knows, he is one of my favorites. But, frankly, my fellow Members, we said we were going to pass IMF a long time ago. We promised we would get IMF done. We know the world economy is in a critical situation. We know that the stability that IMF lends to it is absolutely critical at this stage. But where is IMF? It is not yet.

Y2K was promised to be passed months ago, to make sure our computers know that the 2000 year has come and continue to operate so that our airways are safe and the taxpayers get their money back on time and all the things we need to do.

Yes, this CR is a good one, but let us come to grips with the important priorities this President has brought before us, pass them, and then we will have a success.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. BASS). The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes remaining, and the gentleman from Louisiana (Mr. LIVINGSTON) has 4½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are here long after we should be because the Republican majority is saying no to the President's request to target funding for reducing class sizes in America. We are here because the Republican majority is saying no to helping the poorest school districts in the country repair broken down and dangerous school buildings. We are here with the Congress having passed no real HMO reform legislation, only sham reform legislation. We are now even told by one of the previous speakers that the majority party is happy that they have not passed a minimum wage increase. We are here because the Republican Party is saying no to insurance coverage for women for basic contraceptive services.

There are some who would like to blame the President for everything, including the pitiful shape of the Washington Redskins. I would simply say that I have in my hand, as someone from Wisconsin used to say it, a little booklet called "How Our Laws Are Made." Even Members of Congress, I think, have sufficient reading ability in the English language to understand what the book says. And what that book says is that it is the job of the Congress to pass appropriation bills, and then it is the job of the President to decide whether he is going to sign them or veto them.

The fact is, out of the 13 appropriation bills that are supposed to be sent to the President, only four have been sent, and two of those four have been signed. That indicates, to me, that when all the buck passing is over, that the Congress, if it wants to know why we are stuck in this situation, has to look only in one place: the mirror. Because it is the congressional responsibility to fund the government.

There are lots of things our taxpayers do not want us to do. And I say to my good friend, the gentleman from Alabama (Mr. CALLAHAN), I agree with him that there are many, many pieces of legislation that this Congress has passed that I think it should not have passed, but the basic responsibility of the Congress is to fund the government. That is our basic responsibility.

For a variety of reasons, this Congress has not been able to do it. That is why we are at the table and at this point, with many, many issues still to go, are asking the Congress to get 2 more days to get the work done.

I hope we can get it done in those 2 days, but I want to emphasize that will not be the case unless there is considerably more movement than there has been to date in accepting the President's major priorities.

We have had some movement in some areas, and I welcome it. That is constructive. But we must have much more movement on the part of the Congress, and I hope fervently that we get it before this next continuing resolution expires.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have heard all of this lamentation by my friends in the minority who decry the fact that we have not passed their agenda. Well, I am sorry. Such are the trials and tribulations of the minority.

No, we did not want to pass the tobacco taxes because we did not think that "Joe Six-Pack" should pay any more taxes. We do not want to pass any more taxes. We passed a tax cut in this House of Representatives over the objections of most of my friends on the Democratic side, and the President threatened to veto it, and we have no tax cut. But America is still taxed as highly today as it has since World War II.

I know that the President has said he would like to fix broken schools, and that is a fine objective. I appreciate that. But 95 percent of the education budget has been picked up by the States throughout the history of this country. In fact, up until 30 years ago, 100 percent of the education budget was picked up by the States. Once one starts getting the Federal Government involved in the building of schools, there is no end to it, and the taxpayer is already overburdened.

The money does not just grow on trees. The money has got to come from somewhere, and it is a tremendous cost.

Next, there is the phony campaign finance law that the Democrats are always lamenting. I will only say that most of the campaign violations that are being investigated of existing law did not happen at the Republican National Committee. They happened elsewhere.

The provision of 100,000 teachers is an authorization bill. That is not an appropriations bill. We are talking about wrapping up the appropriations process, and that particularly concerns me because the President has all of these great ideas that he came out with for lots of extra spending, billions and billions of dollars in extra spending, back in February, notwithstanding his agreement to balance the budget. Frankly, then he went on a sabbatical and did not try to push his authorization bills, his changes of policy through the authorization process. That bill is not an appropriations bill. It is a policy change that should go through the authorization process, and it has not.

So here we stand today simply debating whether or not to keep the government open. It is our hope that the government will remain open, that we will pass this continuing resolution to allow us to complete our business for another 2 days, and then we can close up shop.

The fact that we have debated, over the last hour, the failure of the budget process is of no real moment in this debate. It has nothing to do with why we are here. The whereabouts of the President, I have to concede, is not really our concern. The vagaries of the congressional schedule is not of any great relevance to what we are doing here.

The people that come here and lament the passage of these various bills, they shed great tears that are merely wasted water. All we are trying to do is keep the government open, nothing more and nothing less.

For those Members who lament the slow progress of the government, do they want to see whether or not we are actually doing things? Walk over there to the appropriations office, H–218, and they will see lots and lots and lots of bills that have nothing whatsoever to do with the appropriations process, but which Members, Republican and Democrat alike, would like to get in in these last few hours in this omnibus package.

I dare say they will have to wait for another day. Some of them will get through, but the main issue, the reason we are here about today, is to keep the government open and to finish our business and to take all of these grand plans that Members might have and bring them back next year. Because Congress will open in the 106th Congress on January 6, and the world will move on.

The SPEAKER pro tempore (Mr. BASS). All time has expired.

The joint resolution is considered as read for amendment.

Pursuant to the order of the House of today, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

MICCOSUKEE RESERVED AREA ACT

Mr. HANSEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3055) to deem the activities of the Miccosukee Tribe of the Tamiami Indian Reservation to be consistent with the purposes of the Everglades National Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miccosukee Reserved Area Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Since 1964, the Miccosukee Tribe of Indians of Florida have lived and governed their own affairs on a strip of land on the northern edge of the Everglades National Park pursuant to permits from the National Park Service and other legal authority. The current permit expires in 2014.

(2) Since the commencement of the Tribe's permitted use and occupancy of the Special Use Permit Area, the Tribe's membership has grown, as have the needs and desires of the Tribe and its members for modern housing, governmental and administrative facilities, schools and cultural amenities, and related structures.

(3) The United States, the State of Florida, the Miccosukee Tribe, and the Seminole Tribe of Florida are participating in a major intergovernmental effort to restore the South Florida ecosystem, including the restoration of the environment of the Park.

(4) The Special Use Permit Area is located within the northern boundary of the Park, which is critical to the protection and restoration of the Everglades, as well as to the cultural values of the Miccosukee Tribe.

(5) The interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.

(6) The amount and location of land allocated to the Tribe fulfills the purposes of the Park.

(7) The use of the Miccosukee Reserved Area by the Miccosukee Tribe does not constitute an abandonment of the Park.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe's own affairs in a modern community within the Park.

(2) To protect the Park outside the boundaries of the Miccosukee Reserved Area from adverse effects of structures or activities within that area, and to support restoration of the South Florida ecosystem, including restoring the environment of the Park.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) EVERGLADES.—The term "Everglades" means the areas within the Florida Water Conservation Areas, Everglades National Park, and Big Cypress National Preserve.

(3) FEDERAL AGENCY.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(4) MICCOSUKEE RESERVED AREA; MRA.—

(A) IN GENERAL.—The term "Miccosukee Reserved Area" or "MRA" means, notwithstanding any other provision of law and subject to the limitations specified in section 6(d) of this Act, the portion of the Everglades National Park described in subparagraph (B) that is depicted on the map entitled "Miccosukee Reserved Area" numbered NPS–160/41,038, and dated September 30, 1998, copies of which shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Miami-Dade County and the Miccosukee Tribe of Indians of Florida.

(B) DESCRIPTION.—The description of the lands referred to in subparagraph (A) is as follows: "Beginning at the western boundary of Everglades National Park at the west line of sec. 20, T. 54 S., R. 35 E., thence E. following the Northern boundary of said Park in T. 54 S., Rs. 35 and 36 E., to a point in sec. 19, T. 54 S., R. 36 E., 500 feet west of the existing road known as Seven Mile Road, thence 500 feet south from said point, thence west paralleling the Park boundary for 3,200 feet, thence south for 600 feet, thence west, paralleling the Park boundary to the west line of sec. 20, T. 54 S., R. 35 E., thence N. 1,100 feet to the point of beginning.".

(5) PARK.—The term "Park" means the Everglades National Park, including any additions to that Park.

(6) PERMIT.—The term "permit", unless otherwise specified, means any federally issued permit, license, certificate of public convenience and necessity, or other permission of any kind.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the designee of the Secretary.

(8) SOUTH FLORIDA ECOSYSTEM.—The term "South Florida ecosystem" has the meaning given that term in section 528(a)(4) of the Water Resources Development Act of 1996 (Public Law 104–303).

(9) SPECIAL USE PERMIT AREA.—The term "special use permit area" means the area of 333.3 acres on the northern boundary of the Park reserved for the use, occupancy, and governance of the Tribe under a special use permit before the date of enactment of this Act.

(10) TRIBE.—The term "Tribe", unless otherwise specified, means the Miccosukee Tribe of Indians of Florida, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and recognized by the State of Florida pursuant to chapter 285, Florida Statutes.

(11) TRIBAL.—The term "tribal" means of or pertaining to the Miccosukee Tribe of Indians of Florida.

(12) TRIBAL CHAIRMAN.—The term "tribal chairman" means the duly elected chairman of the Miccosukee Tribe of Indians of Florida, or the designee of that chairman.

SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE MICCOSUKEE RESERVED AREA.

(a) SPECIAL USE PERMIT TERMINATED.—

(1) TERMINATION.—The special use permit dated February 1, 1973, issued by the Secretary to the Tribe, and any amendments to that permit, are terminated.

(2) EXPANSION OF SPECIAL USE PERMIT AREA.—The geographical area contained in the former special use permit area referred to in paragraph (1) shall be expanded pursuant to this Act and known as the Miccosukee Reserved Area.

(3) GOVERNANCE OF AFFAIRS IN MICCOSUKEE RESERVED AREA.—Subject to the provisions of this Act and other applicable Federal law, the Tribe shall govern its own affairs and otherwise make laws and apply those laws in the MRA as though the MRA were a Federal Indian reservation.

(b) PERPETUAL USE AND OCCUPANCY.—The Tribe shall have the exclusive right to use and develop the MRA in perpetuity in a manner consistent with this Act for purposes of the administration, education, housing, and cultural activities of the Tribe, including commercial services necessary to support those purposes.

(c) INDIAN COUNTRY STATUS.—The MRA shall be—

(1) considered to be Indian country (as that term is defined in section 1151 of title 18, United States Code); and

(2) treated as a federally recognized Indian reservation solely for purposes of—

(A) determining the authority of the Tribe to govern its own affairs and otherwise make laws and apply those laws within the MRA; and

(B) the eligibility of the Tribe and its members for any Federal health, education, employment, economic assistance, revenue sharing, or social welfare programs, or any other similar Federal program for which Indians are eligible because of their—

(i) status as Indians; and

(ii) residence on or near an Indian reservation.

(d) EXCLUSIVE FEDERAL JURISDICTION PRESERVED.—The exclusive Federal legislative jurisdiction as applied to the MRA as in effect on the date of enactment of this Act shall be preserved. The Act of August 15, 1953, 67 Stat. 588, chapter 505 and the amendments made by that Act, including section 1162 of title 18, United States Code, as added by that Act and section 1360 of title 28, United States Code, as added by that Act, shall not apply with respect to the MRA.

(e) OTHER RIGHTS PRESERVED.—Nothing in this Act shall affect any rights of the Tribe under Federal law, including the right to use other lands or waters within the Park for other purposes, including, fishing, boating, hiking, camping, cultural activities, or religious observances.

SEC. 6. PROTECTION OF EVERGLADES NATIONAL PARK.

(a) ENVIRONMENTAL PROTECTION AND ACCESS REQUIREMENTS.—

(1) IN GENERAL.—The MRA shall remain within the boundaries of the Park and be a part of the Park in a manner consistent with this Act.

(2) COMPLIANCE WITH APPLICABLE LAWS.—The Tribe shall be responsible for compliance with all applicable laws, except as otherwise provided by this Act.

(3) PREVENTION OF DEGRADATION; ABATEMENT.—

(A) PREVENTION OF DEGRADATION.—Pursuant to the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall prevent and abate degradation of the quality of surface or groundwater that is released into other parts of the Park, as follows:

(i) With respect to water entering the MRA which fails to meet applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), actions of the Tribe shall not further degrade water quality.

(ii) With respect to water entering the MRA which meets applicable water quality standards approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Tribe shall not cause the water to fail to comply with applicable water quality standards.

(B) PREVENTION AND ABATEMENT.—The Tribe shall prevent and abate disruption of the restoration or preservation of the quantity, timing, or distribution of surface or groundwater that would enter the MRA and flow, directly or indirectly, into other parts of the Park, but only to the extent that such disruption is caused by conditions, activities, or structures within the MRA.

(C) PREVENTION OF SIGNIFICANT PROPAGATION OF EXOTIC PLANTS AND ANIMALS.—The Tribe shall prevent significant propagation of exotic plants or animals outside the MRA that may otherwise be caused by conditions, activities, or structures within the MRA.

(D) PUBLIC ACCESS TO CERTAIN AREAS OF THE PARK.—The Tribe shall not impede public access to those areas of the Park outside the boundaries of the MRA, and to and from the Big Cypress National Preserve, except that the Tribe shall not be required to allow individuals who are not members of the Tribe access to the MRA other than Federal employees, agents, officers, and officials (as provided in this Act).

(E) PREVENTION OF SIGNIFICANT CUMULATIVE ADVERSE ENVIRONMENTAL IMPACTS.—

(i) IN GENERAL.—The Tribe shall prevent and abate any significant cumulative adverse environmental impact on the Park outside the MRA resulting from development or other activities within the MRA.

(ii) PROCEDURES.—Not later than 12 months after the date of enactment of this Act, the Tribe shall develop, publish, and implement procedures that shall ensure adequate public notice and opportunity to comment on major tribal actions within the MRA that may contribute to a significant cumulative adverse impact on the Everglades ecosystem.

(iii) WRITTEN NOTICE.—The procedures in clause (ii) shall include timely written notice to the Secretary and consideration of the Secretary's comments.

(F) WATER QUALITY STANDARDS.—

(i) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Tribe shall adopt and comply with water quality standards within the MRA that are at least as protective as the water quality standards for the area encompassed by Everglades National Park approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(ii) TRIBAL WATER QUALITY STANDARDS.—The Tribe may not adopt water quality standards for the MRA under clause (i) that are more restrictive than the water quality standards adopted by the Tribe for contiguous reservation lands that are not within the Park.

(iii) EFFECT OF FAILURE TO ADOPT OR PRESCRIBE STANDARDS.—In the event the Tribe fails to adopt water quality standards referred to in clause (i), the water quality standards applicable to the Everglades National Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that meet the requirements of this subparagraph.

(iv) MODIFICATION OF STANDARDS.—If, after the date of enactment of this Act, the standards referred to in clause (iii) are revised, not later than 1 year after those standards are revised, the Tribe shall make such revisions to water quality standards of the Tribe as are necessary to ensure that those water quality standards are at least as protective as the revised water quality standards approved by the Administrator.

(v) EFFECT OF FAILURE TO MODIFY WATER QUALITY STANDARDS.—If the Tribe fails to revise water quality standards in accordance with clause (iv), the revised water quality standards applicable to the Everglades Park, approved by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be deemed to apply by operation of Federal law to the MRA until such time as the Tribe adopts water quality standards that are at least as protective as the revised water quality standards approved by the Administrator.

(G) NATURAL EASEMENTS.—The Tribe shall not engage in any construction, development, or improvement in any area that is designated as a natural easement.

(b) HEIGHT RESTRICTIONS.—

(1) RESTRICTIONS.—Except as provided in paragraphs (2) through (4), no structure constructed within the MRA shall exceed the height of 45 feet or exceed 2 stories, except that a structure within the Miccosukee Government Center, as shown on the map referred to in section 4(4), shall not exceed the height of 70 feet.

(2) EXCEPTIONS.—The following types of structures are exempt from the restrictions of this section to the extent necessary for the health, safety, or welfare of the tribal members, and for the utility of the structures:

(A) Water towers or standpipes.

(B) Radio towers.

(C) Utility lines.

(3) WAIVER.—The Secretary may waive the restrictions of this subsection if the Secretary finds that the needs of the Tribe for the structure that is taller than structure allowed under the restrictions would outweigh the adverse effects to the Park or its visitors.

(4) GRANDFATHER CLAUSE.—Any structure approved by the Secretary before the date of enactment of this Act, and for which construction commences not later than 12 months after the date of enactment of this Act, shall not be subject to the provisions of this subsection.

(5) MEASUREMENT.—The heights specified in this subsection shall be measured from mean sea level.

(c) OTHER CONDITIONS.—

(1) GAMING.—No class II or class III gaming (as those terms are defined in section 4 (7) and (8) of the Indian Gaming Regulatory Act (25 U.S.C. 2703 (7) and (8)) shall be conducted within the MRA.

(2) AVIATION.—

(A) IN GENERAL.—No commercial aviation may be conducted from or to the MRA.

(B) EMERGENCY OPERATORS.—Takeoffs and landings of aircraft shall be allowed for emergency operations and administrative use by the Tribe or the United States, including resource management and law enforcement.

(C) STATE AGENCIES AND OFFICIALS.—The Tribe may permit the State of Florida, as agencies or municipalities of the State of Florida to provide for takeoffs or landings of aircraft on the MRA for emergency operations or administrative purposes.

(3) VISUAL QUALITY.—

(A) IN GENERAL.—In the planning, use, and development of the MRA by the Tribe, the Tribe shall consider the quality of the visual experience from the Shark River Valley visitor use area, including limitations on the height and locations of billboards or other commercial signs or other advertisements visible from the Shark Valley visitor center, tram road, or observation tower.

(B) EXEMPTION OF MARKINGS.—The Tribe may exempt markings on a water tower or standpipe that merely identify the Tribe.

(d) EASEMENTS AND RANGER STATION.—Notwithstanding any other provision of this Act, the following provisions shall apply:

(1) NATURAL EASEMENTS.—

(A) IN GENERAL.—The use and occupancy of the MRA by the Tribe shall be perpetually subject to natural easements on parcels of land that are—

(i) bounded on the north and south by the boundaries of the MRA, specified in the legal description under section 4(4); and

(ii) bounded on the east and west by boundaries that run perpendicular to the northern and southern boundaries of the MRA, as provided in the description under subparagraph (B).

(B) DESCRIPTION.—The description referred to in subparagraph (A)(ii) is as follows:

(i) Easement number 1, being 445 feet wide with western boundary 525 feet, and eastern boundary 970 feet, east of the western boundary of the MRA.

(ii) Easement number 2, being 443 feet wide with western boundary 3,637 feet, and eastern boundary 4,080 feet, east of the western boundary of the MRA.

(iii) Easement number 3, being 320 feet wide with western boundary 5,380 feet, and eastern boundary 5,700 feet, east of the western boundary of the MRA.

(iv) Easement number 4, being 290 feet wide with western boundary 6,020 feet, and eastern boundary 6,310 feet, east of the western boundary of the MRA.

(v) Easement number 5, being 290 feet wide with western boundary 8,170 feet, and eastern boundary 8,460 feet, east of the western boundary of the MRA.

(vi) Easement number 6, being 312 feet wide with western boundary 8,920 feet, and eastern boundary 9,232 feet, east of the western boundary of the MRA.

(2) EXTENT OF EASEMENTS.—The aggregate extent of the east-west parcels of lands subject to easements under paragraph (1) shall not exceed 2,100 linear feet, as depicted on the map referred to in section 4(4).

(3) USE OF EASEMENTS.—At the discretion of the Secretary, the Secretary may use the natural easements specified in paragraph (1) to fulfill a hydrological or other environmental objective of the Everglades National Park.

(4) ADDITIONAL REQUIREMENTS.—In addition to providing for the easements specified in paragraph (1), the Tribe shall not impair or impede the continued function of the water control structures designated as "S–12A" and "S–12B", located north of the MRA on the Tamiami Trail and any existing water flow ways under the Old Tamiami Trail.

(5) USE BY DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall have a right, in perpetuity, to use and occupy, and to have vehicular and airboat access to, the Tamiami Ranger Station identified on the map referred to in section 4(4), except that the pad on which such station is constructed shall not be increased in size without the consent of the Tribe.

SEC. 7. IMPLEMENTATION PROCESS.

(a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—The Secretary and the tribal chairman shall make reasonable, good faith efforts to implement the requirements of this Act. Those efforts may include government-to-government consultations, and the development of standards of performance and monitoring protocols.

(b) FEDERAL MEDIATION AND CONCILIATION SERVICE.—If the Secretary and the tribal chairman concur that they cannot reach agreement on any significant issue relating to the implementation of the requirements of this Act, the Secretary and the tribal chairman may jointly request that the Federal Mediation and Conciliation Service assist them in reaching a satisfactory agreement.

(c) 60-DAY TIME LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other nonbinding dispute resolution activities for a period not to exceed 60 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance, unless the Secretary and the tribal chairman agree to an extension of period of time.

(d) OTHER RIGHTS PRESERVED.—The facilitated dispute resolution specified in this section shall not prejudice any right of the parties to—

(1) commence an action in a court of the United States at any time; or

(2) any other resolution process that is not prohibited by law.

SEC. 8. MISCELLANEOUS.

(a) NO GENERAL APPLICABILITY.—Nothing in this Act creates any right, interest, privilege, or immunity affecting any other Tribe or any other park or Federal lands.

(b) NONINTERFERENCE WITH FEDERAL AGENTS.—

(1) IN GENERAL.—Federal employees, agents, officers, and officials shall have a right of access to the MRA—

(A) to monitor compliance with the provisions of this Act; and

(B) for other purposes, as though it were a Federal Indian reservation.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act shall authorize the Tribe or members or agents of the Tribe to interfere with any Federal employee, agent, officer, or official in the performance of official duties (whether within or outside the boundaries of the MRA) except that nothing in this paragraph may prejudice any right under the Constitution of the United States.

(c) FEDERAL PERMITS.—

(1) IN GENERAL.—No Federal permit shall be issued to the Tribe for any activity or structure that would be inconsistent with this Act.

(2) CONSULTATIONS.—Any Federal agency considering an application for a permit for construction or activities on the MRA shall consult with, and consider the advice, evidence, and recommendations of the Secretary before issuing a final decision.

(3) RULE OF CONSTRUCTION.—Except as otherwise specifically provided in this Act, nothing in this Act supersedes any requirement of any other applicable Federal law.

(d) VOLUNTEER PROGRAMS AND TRIBAL INVOLVEMENT.—The Secretary may establish programs that foster greater involvement by the Tribe with respect to the Park. Those efforts may include internships and volunteer programs with tribal schoolchildren and with adult tribal members.

(e) SAVING ECOSYSTEM RESTORATION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to amend or prejudice the authority of the United States to design, construct, fund, operate, permit, remove, or degrade canals, levees, pumps, impoundments, wetlands, flow ways, or other facilities, structures, or systems, for the restoration or protection of the South Florida ecosystem pursuant to Federal laws.

(2) USE OF NONEASEMENT LANDS.—

(A) IN GENERAL.—The Secretary may use all or any part of the MRA lands to the extent necessary to restore or preserve the quality, quantity, timing, or distribution of surface or groundwater, if other reasonable alternative measures to achieve the same purpose are impractical.

(B) SECRETARIAL AUTHORITY.—The Secretary may use lands referred to in subparagraph (A) either under an agreement with the tribal chairman or upon an order of the United States district court for the district in which the MRA is located, upon petition by the Secretary and finding by the court that—

(i) the proposed actions of the Secretary are necessary; and

(ii) other reasonable alternative measures are impractical.

(3) COSTS.—

(A) IN GENERAL.—In the event the Secretary exercises the authority granted the Secretary under paragraph (2), the United States shall be liable to the Tribe or the members of the Tribe for—

(i) cost of modification, removal, relocation, or reconstruction of structures lawfully erected in good faith on the MRA; and

(ii) loss of use of the affected land within the MRA.

(B) PAYMENT OF COMPENSATION.—Any compensation paid under subparagraph (A) shall be paid as cash payments with respect to taking structures and other fixtures and in the form of rights to occupy similar land adjacent to the MRA with respect to taking land.

(4) RULE OF CONSTRUCTION.—Paragraphs (2) and (3) shall not apply to a natural easement described in section 6(d)(1).

(f) PARTIES HELD HARMLESS.—

(1) UNITED STATES HELD HARMLESS.—

(A) IN GENERAL.—Subject to subparagraph (B) with respect to any tribal member, tribal employee, tribal contractor, tribal enterprise, or any person residing within the MRA, notwithstanding any other provision of law, the United States (including an officer, agent, or employee of the United States), shall not be liable for any action or failure to act by the Tribe (including an officer, employee, or member of the Tribe), including any failure to perform any of the obligations of the Tribe under this Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to alter any liability or other obligation that the United States may have under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(2) TRIBE HELD HARMLESS.—Notwithstanding any other provision of law, the Tribe and the members of the Tribe shall not be liable for any injury, loss, damage, or harm that—

(A) occurs with respect to the MRA; and

(B) is caused by an action or failure to act by the United States, or the officer, agent, or employee of the United States (including the failure to perform any obligation of the United States under this Act).

(g) COOPERATIVE AGREEMENTS.—Nothing in this Act shall alter the authority of the Secretary and the Tribe to enter into any cooperative agreement, including any agreement concerning law enforcement, emergency response, or resource management.

(h) WATER RIGHTS.—Nothing in this Act shall enhance or diminish any water rights of the Tribe, or members of the Tribe, or the United States (with respect to the Park).

(i) ENFORCEMENT.—

(1) ACTIONS BROUGHT BY ATTORNEY GENERAL.—The Attorney General may bring a civil action in the United States district court for the district in which the MRA is located, to enjoin the Tribe from violating any provision of this Act.

(2) ACTION BROUGHT BY TRIBE.—The Tribe may bring a civil action in the United States district court for the district in which the MRA is located to enjoin the United States from violating any provision of this Act.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3055 clarifies the long standing rights of the Miccosukee Tribe of Indians of Florida to govern themselves within a small area at the northern edge of Everglades National Park while protecting the Everglades environment and restoration. The bill sets aside 667 acres for the use of the Miccosukee Tribe at the northern edge of the Everglades National Park along the Tamiami Trail where the Miccosukee Tribe currently lives with existing schools, government center, health clinic, police and gas stations, restaurant, many similar buildings, and over 100 homes.

H.R. 3055 represents along protracted series of negotiations between the Tribe and the administration, and the version before us is a true settlement of the issues involving the rights of the Tribe, Everglades National Park, Everglades restoration and clean water concerns.

This bill eliminates ambiguities which lead to unnecessary conflict, while both carrying out the original Congressional intent of the 1934 act that the Indians shall be allowed to remain within the park and protecting the Everglades environment at the same time.

Madam Speaker, I urge my colleagues to support H.R. 3055.

Madam Speaker, I reserve the balance of my time.

Mr. MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3055. This bill differs in form, but not in substance, from the bill that was reported by the Committee on Resources, and I believe the bill as amended reflects changes agreed to by both the Tribe and the Department.

Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS), who has worked very long and hard on this legislation.

Mr. HASTINGS of Florida. Madam Speaker, I am proud to stand up today and speak on behalf of H.R. 3055, the Miccosukee Reserve Area Act. This is a very important bill which will carry out the long-standing intent of Congress in preserving and protecting the rights of the Miccosukee Tribe of Indians of Florida.

This bill has been truly a bipartisan effort with my Florida colleagues, the gentlewoman from Florida (Mrs. MEEK), the gentleman from Florida (Mr. DIAZ-BALART), the gentleman from Florida (Mr. FOLEY) and the gentleman from Florida (Mr. SCARBOROUGH) joining me as cosponsors. Additionally, the bill now enjoys the support of many other Members of the Florida delegation, and I appreciate their support of this legislation.

I also want to point out, Madam Speaker, how appreciative I am of the gentleman from Utah (Chairman HANSEN). He has been working with me since the 104th Congress to move this bill expeditiously, and I thank the gentleman, as I do the ranking member and their respective staffs, who have worked tirelessly with me and with the United States Senate in trying to bring this matter to a resolution.

Madam Speaker, these Native Americans seek nothing more than what we promised them when we passed the park bill in 1934, nothing more than what was said on the floor of this House, nothing more than the Department of the Interior confirmed in the special use permit.

In 1960, Supreme Court Justice Hugo Black wrote, "Great nations, like great men, should keep their promise." With this bill, we will keep our promise to these Native Americans, to these fellow citizens of the United States. They deserve nothing less. I urge all of our colleagues to support the Miccosukee Reserve Area Act.

Madam Speaker, I am proud to stand up today and speak on behalf of H.R. 3055—The Miccosukee Reserved Area Act. This is a very important bill which will carry out the long-standing intent of Congress in preserving and protecting the rights of the Miccosukee Tribe of Indians of Florida.

This bill has been a truly bipartisan effort, with my Florida colleagues Congresswoman CARRIE MEEK and Congressmen LINCOLN DIAZ-BALART, MARK FOLEY, and JOE SCARBOROUGH joining me as cosponsors. Additionally, the bill now enjoys the support of many other Members of the Florida delegation and I appreciate their support of this legislation. I also want to point out, Madam Speaker, how appreciative I am of Chairman HANSEN. He has been working with me since the 104th Congress to move this bill expediously.

This legislation allows for the good people of the Miccosukee Tribe to live in perpetuity in the so-called permit area of Everglades National Park. The Miccosukees have lived and worked for literally hundreds of years in this area. The rights of the Miccosukees are recognized by the Everglades National Park Enabling Act of 1934 and their special use permit.

In 1934, the Everglades National Park Enabling Act specifically provided that rights of the Indians were protected. Subsequently, in 1962, and 1973, the tribe was guaranteed that they could build homes, schools, clinics, and other tribal buildings in the 300-plus acres identified in their special use permit.

The intent of the Congress in 1934 was to guarantee the Indians the freedom to live, work, and govern themselves as they wish in this area, not to be governed by the National Park Service. This bill will allow for Miccosukee self-government to continue and prosper.

Madam Speaker, it is important to point out that this bill enjoys not only bipartisan support, but bicameral support as well. A companion bill has been sponsored in the Senate by Senator CONNIE MACK and is supported by Senator BOB GRAHAM. Additionally, we have worked tirelessly with the Administration to garner their support as well. I am pleased that Secretary Babbitt has visited the area at the heart of this bill and that he, too, agrees that it is necessary and worthy legislation. We have worked with the Transportation and Infrastructure Committee to make sure all of their concerns were addressed. In short, Madam Speaker, this has been an inclusive process from the very beginning and because of that we have a substantive, important bill that all sides see as meaningful and necessary.

Finally, Madam Speaker, let me say that I take a great deal of pride in the fact that South Florida's premier environmental organization—Friends of the Everglades—endorses this legislation. It was important to not only have the support of the tribe and the politicians, but also the support of the local environmental community who is most acutely aware of the challenges facing our fragile South Florida ecosystem.

Madam Speaker, these native Americans seek nothing more than what we promised them when we passed the park bill in 1934, nothing more than was said on the floor of this House, nothing more than the Department of the Interior confirmed in the special use permit.

In 1960, Justice Hugo Black wrote, "Great nations, like great men, should keep their promise." With this bill, we keep our promise to these native Americans, to these fellow citizens of the United States.

They deserve nothing less.

I urge all of my colleagues to support The Miccosukee Reserved Area Act.

Mr. MILLER of California. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3055, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3055, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2117) to authorize the construction of the Perkins County Rural Water System and to authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Perkins County Rural Water System Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Perkins County Rural Water System located in Perkins County, South Dakota, and the water supplies that are available do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(3) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation;

(4) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Perkins County Rural Water System, Inc., members is the waters of the Missouri River as delivered by the Southwest Pipeline Project in North Dakota.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Perkins County Rural Water Supply System, Inc., in Perkins County, South Dakota;

(2) to assist the members of the Perkins County Rural Water Supply System, Inc., in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Perkins County Rural Water System, Inc.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Perkins County Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(5) WATER SUPPLY SYSTEM.—The term "water supply system" means the Perkins County Rural Water System, Inc., a nonprofit corporation, established and operated substantially in accordance with the feasibility study.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands areas, repairs to existing public water distribution systems, and water conservation in Perkins County, South Dakota.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 10.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Perkins County Rural Water System, Inc.;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in South Dakota and North Dakota under law in effect on or after the date of enactment of this Act.

SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 9. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 10. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 11. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—The Secretary may provide construction oversight to the water supply system for areas of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $15,000,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute Offered by Mr. HANSEN:

Strike out all after the enacting clause and insert:

TITLE I—PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1998

SEC. 101. SHORT TITLE.

This title may be cited as the "Perkins County Rural Water System Act of 1998".

SEC. 102. FINDINGS.

The Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 103. DEFINITIONS.

In this title:

(1) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.", as amended in March 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Perkins County Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(5) WATER SUPPLY SYSTEM.—The term "water supply system" means the Perkins County Rural Water System, Inc., a nonprofit corporation, established and operated substantially in accordance with the feasibility study.

SEC. 104. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 105. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 106. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system may contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Perkins County Rural Water System, Inc.;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 107. FEDERAL SHARE.

The Federal share under section 104 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 104; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 108. NON-FEDERAL SHARE.

The non-Federal share under section 104 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 104; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 109. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—At the request of the Perkins County Rural Water System, the Secretary may provide construction oversight to the water supply system for areas of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $15,000,000 for the planning and construction of the water system under section 104; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

TITLE II—PINE RIVER PROJECT CONVEYANCE ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Pine River Project Conveyance Act".

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term "Jurisdictional Map" means the map entitled "Transfer of Jurisdiction—Vallecito Reservoir, United States Department of Agriculture, Forest Service and United States Department of the Interior, Bureau of Reclamation and the Bureau of Indian Affairs" dated March, 1998.

(2) The term "Pine River Project" or the "Project" means Vallecito Dam and Reservoir owned by the United States and authorized in 1937 under the provisions of the Department of the Interior Appropriation Act of June 25, 1910, 36 Stat. 835; facilities appurtenant to the Dam and Reservoir, including equipment, buildings, and other improvements; lands adjacent to the Dam and Reservoir; easements and rights-of-way necessary for access and all required connections with the Dam and Reservoir, including those for necessary roads; and associated personal property, including contract rights and any and all ownership or property interest in water or water rights.

(3) The term "Repayment Contract" means Repayment Contract #Ilr-1204, between Reclamation and the Pine River Irrigation District, dated April 15, 1940, and amended November 30, 1953, and all amendments and additions thereto, including the Act of July 27, 1954 (68 Stat. 534), covering the Pine River Project and certain lands acquired in support of the Vallecito Dam and Reservoir pursuant to which the Pine River Irrigation District has assumed operation and maintenance responsibilities for the dam, reservoir, and water-based recreation in accordance with existing law.

(4) The term "Reclamation" means the Department of the Interior, Bureau of Reclamation.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "Southern Ute Indian Tribe" or "Tribe" means a federally recognized Indian tribe, located on the Southern Ute Indian Reservation, La Plata County, Colorado.

(7) The term "Pine River Irrigation District" or "District" means a political division of the State of Colorado duly organized, existing, and acting pursuant to the laws thereof with its principal place of business in the City of Bayfield, La Plata County, Colorado and having an undivided ⅚ right and interest in the use of the water made available by Vallecito Reservoir for the purpose of supplying the lands of the District, pursuant to the Repayment Contract, and the decree in Case No. 1848–B, District Court, Water Division 7, State of Colorado, as well as an undivided ⅚ right and interest in the Pine River Project.

SEC. 203. TRANSFER OF THE PINE RIVER PROJECT.

(a) CONVEYANCE.—The Secretary is authorized to convey, without consideration or compensation to the District, by quitclaim deed or patent, pursuant to section 206, the United States undivided ⅚ right and interest in the Pine River Project under the jurisdiction of Reclamation for the benefit of the Pine River Irrigation District. No partition of the undivided ⅚ right and interest in the Pine River Project shall be permitted from the undivided ⅙ right and interest in the Pine River Project described in subsection (b) and any quitclaim deed or patent evidencing a transfer shall expressly prohibit partitioning. Effective on the date of the conveyance, all obligations between the District and the Bureau of Indian Affairs on the one hand and Reclamation on the other hand, under the Repayment Contract or with respect to the Pine River Project are extinguished. Upon completion of the title transfer, said Repayment Contract shall become null and void. The District shall be responsible for paying 50 percent of all costs associated with the title transfer.

(b) BUREAU OF INDIAN AFFAIRS INTEREST.—At the option of the Tribe, the Secretary is authorized to convey to the Tribe the Bureau of Indian Affairs' undivided ⅙ right and interest in the Pine River Project and the water supply made available by Vallecito Reservoir pursuant to the Memorandum of Understanding between the Bureau of Reclamation and the Office of Indian Affairs dated January 3, 1940, together with its Amendment dated July 9, 1964 ('MOU'), the Repayment Contract and decrees in Case Nos. 1848–B and W–1603–76D, District Court, Water Division 7, State of Colorado. In the event of such conveyance, no consideration or compensation shall be required to be paid to the United States.

(c) FEDERAL DAM USE CHARGE.—Nothing in this title shall relieve the holder of the license issued by the Federal Energy Regulatory Commission under the Federal Power Act for Vallecito Dam in effect on the date of enactment of this Act from the obligation to make payments under section 10(e)(2) of the Federal Power Act during the remaining term of the present license. At the expiration of the present license term, the Federal Energy Regulatory Commission shall adjust the charge to reflect either (1) the ⅙ interest of the United States remaining in the Vallecito Dam after conveyance to the District; or (2) if the remaining ⅙ interest of the United States has been conveyed to the Tribe pursuant to subsection (b), then no Federal dam charge shall be levied from the date of expiration of the present license.

SEC. 204. JURISDICTIONAL TRANSFER OF LANDS.

(a) INUNDATED LANDS.—To provide for the consolidation of lands associated with the Pine River Project to be retained by the Forest Service and the consolidation of lands to be transferred to the District, the administrative jurisdiction of lands inundated by and along the shoreline of Vallecito Reservoir, as shown on the Jurisdictional Map, shall be transferred, as set forth in subsection (b) (the "Jurisdictional Transfer"), concurrently with the conveyance described in section 203(a). Except as otherwise shown on the Jurisdictional Map—

(1) for withdrawn lands (approximately 260 acres) lying below the 7,765-foot reservoir water surface elevation level, the Forest Service shall transfer an undivided ⅚ interest to Reclamation and an undivided ⅙ interest to the Bureau of Indian Affairs in trust for the Tribe; and

(2) for Project acquired lands (approximately 230 acres) above the 7,765-foot reservoir water surface elevation level, Reclamation and the Bureau of Indian Affairs shall transfer their interests to the Forest Service.

(b) MAP.—The Jurisdictional Map and legal descriptions of the lands transferred pursuant to subsection (a) shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, the Commissioner of Reclamation, Department of the Interior, appropriate field offices of those agencies, and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(c) ADMINISTRATION.—Following the Jurisdictional Transfer:

(1) All lands that, by reason of the Jurisdictional Transfer, become National Forest System lands within the boundaries of the San Juan National Forest, shall be administered in accordance with the laws, rules, and regulations applicable to the National Forest System.

(2) Reclamation withdrawals of land from the San Juan National Forest established by Secretarial Orders on November 9, 1936, October 14, 1937, and June 20, 1945, together designated as Serial No. C–28259, shall be revoked.

(3) The Forest Service shall issue perpetual easements to the District and the Bureau of

Indian Affairs, at no cost to the District or the Bureau of Indian Affairs, providing adequate access across all lands subject to Forest Service jurisdiction to insure the District and the Bureau of Indian Affairs the ability to continue to operate and maintain the Pine River Project.

(4) The undivided ⅚ interest in National Forest System lands that, by reason of the Jurisdictional Transfer is to be administered by Reclamation, shall be conveyed to the District pursuant to section 203(a).

(5) The District and the Bureau of Indian Affairs shall issue perpetual easements to the Forest Service, at no cost to the Forest Service, from National Forest System lands to Vallecito Reservoir to assure continued public access to Vallecito Reservoir when the Reservoir level drops below the 7,665-foot water surface elevation.

(6) The District and the Bureau of Indian Affairs shall issue a perpetual easement to the Forest Service, at no cost to the Forest Service, for the reconstruction, maintenance, and operation of a road from La Plata County Road No. 501 to National Forest System lands east of the Reservoir.

(d) VALID EXISTING RIGHTS.—Nothing in this title shall affect any valid existing rights or interests in any existing land use authorization, except that any such land use authorization shall be administered by the agency having jurisdiction over the land after the Jurisdictional Transfer in accordance with subsection (c) and other applicable law. Renewal or reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction, except that the change of administrative jurisdiction shall not in itself constitute a ground to deny the renewal or reissuance of any such authorization.

SEC. 205. LIABILITY.

Effective on the date of the conveyance of the remaining undivided ⅙ right and interest in the Pine River Project to the Tribe pursuant to section 203(b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to such Project, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

SEC. 206. COMPLETION OF CONVEYANCE.

(a) IN GENERAL.—The Secretary's completion of the conveyance under section 203 shall not occur until the following events have been completed:

(1) Compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable Federal and State laws.

(2) The submission of a written statement from the Southern Ute Indian Tribe to the Secretary indicating the Tribe's satisfaction that the Tribe's Indian Trust Assets are protected in the conveyance described in section 203.

(3) Execution of an agreement acceptable to the Secretary which limits the future liability of the United States relative to the operation of the Project.

(4) The submission of a statement by the Secretary to the District, the Bureau of Indian Affairs, and the State of Colorado on the existing condition of Vallecito Dam based on Bureau of Reclamation's current knowledge and understanding.

(5) The development of an agreement between the Bureau of Indian Affairs and the District to prescribe the District's obligation to so operate the Project that the ⅙ rights and interests to the Project and water supply made available by Vallecito Reservoir held by the Bureau of Indian Affairs are protected. Such agreement shall supercede the Memorandum of Agreement referred to in section 203(b) of this Act.

(6) The submission of a plan by the District to manage the Project in a manner substantially similar to the manner in which it was managed prior to the transfer and in accordance with applicable Federal and State laws, including management for the preservation of public access and recreational values and for the prevention of growth on certain lands to be conveyed hereunder, as set forth in an Agreement dated March 20, 1998, between the District and residents of Vallecito Reservoir. Any future change in the use of the water supplied by Vallecito Reservoir shall comply with applicable law.

(7) The development of a flood control plan by the Secretary of the Army acting through the Corps of Engineers which shall direct the District in the operation of Vallecito Dam for such purposes.

(b) REPORT.—If the transfer authorized in section 203 is not substantially completed within 18 months from the date of enactment of this Act, the Secretary, in coordination with the District, shall promptly provide a report to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate on the status of the transfer described in section 203(a), any obstacles to completion of such transfer, and the anticipated date for such transfer.

(c) FUTURE BENEFITS.—Effective upon transfer, the District shall not be entitled to receive any further Reclamation benefits attributable to its status as a Reclamation project pursuant to the Reclamation Act of June 17, 1902, and Acts supplementary thereto or amendatory thereof.

TITLE III—WELLTON-MOHAWK TRANSFER ACT

SEC. 301. SHORT TITLE.

This title may be referred to as the "Wellton-Mohawk Transfer Act".

SEC. 302. TRANSFER.

The Secretary of the Interior ("Secretary") is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 ("Agreement") dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District ("District") providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 303. WATER AND POWER CONTRACTS.

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 304. SAVINGS.

Nothing in this title shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 305. REPORT.

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 306. AUTHORIZATION

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE IV—SLY PARK DAM AND RESERVOIR, CALIFORNIA

SEC. 401. SHORT TITLE.

This title may be cited as the "Sly Park Unit Conveyance Act".

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) The term "District" means the El Dorado Irrigation District, a political subdivision of the State of California that has its principal place of business in the city of Placerville, El Dorado County, California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Project" means all of the right, title, and interest in and to the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals held by the United States pursuant to or related to the authorization in the Act entitled "An Act to authorize the American River Basin Development, California, for irrigation and reclamation, and for other purposes", approved October 14, 1949 (63 Stat. 852 chapter 690);

SEC. 403. CONVEYANCE OF PROJECT.

(a) IN GENERAL.—In consideration of the District accepting the obligations of the Federal Government for the Project and subject to the payment by the District of the net present value of the remaining repayment obligation, as determined by Office of Management and Budget Circular A–129 (in effect on the date of enactment of this Act), the Secretary shall convey the Project to the District.

(b) DEADLINE.—

(1) IN GENERAL.—If no changes in Project operations are expected following the conveyance under subsection (a), the Secretary shall complete the conveyance expeditiously, but not later than 180 days after the date of the enactment of this Act.

(2) DEADLINE IF CHANGES IN OPERATIONS INTENDED.—If the District intends to change Project operations as a result of the conveyance under subsection (a), the Secretary—

(A) shall take into account those potential changes for the purpose of completing any required environmental evaluation associated with the conveyance; and

(B) shall complete the conveyance by not later than 2 years after the date of the enactment of this Act.

(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If the Secretary fails to complete the conveyance under this title before the applicable deadline under paragraph (1) or (2), the full cost of administrative action and environmental compliance for the conveyance shall be borne by the Secretary. If the Secretary completes the conveyance before that deadline, ½ of such cost shall be paid by the District.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this title shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the District alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such changes at that time (subject to section 405).

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) Payment Obligations Not Affected.—The conveyance of the Project under this title does not affect the payment obligations of the District under the contract between the District and the Secretary numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A.

(b) Payment Obligations Extinguished.—Provision of consideration by the District in accordance with section 403(b) shall extinguish all payment obligations under contract numbered 14-06-200-949IR1 between the District and the Secretary.

SEC. 406. RELATIONSHIP TO OTHER LAWS.

(a) Reclamation Laws.—Except as provided in subsection (b), upon conveyance of the Project under this title, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

(b) Payments Into the Central Valley Project Restoration Fund.—The El Dorado Irrigation District shall continue to make payments into the Central Valley Project Restoration Fund for 31 years after the date of the enactment of this Act. The District's obligation shall be calculated in the same manner as Central Valley Project water contractors.

SEC. 407. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this title, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE V—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Clear Creek Distribution System Conveyance Act".

SEC. 502. DEFINITIONS.

For purposes of this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) District.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) Reclamation.—The term "Reclamation" means the United States Bureau of Reclamation.

(4) Agreement.—The term "Agreement" means Agreement No. 8-07-20-L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District."

(5) Distribution system.—The term "Distribution System" means that term as defined in the Agreement.

SEC. 503. AUTHORITY TO CONVEY TITLE.

The Secretary is hereby authorized to convey title to the Distribution System consistent with the terms and conditions set forth in the Agreement.

SEC. 504. COMPLIANCE WITH OTHER LAWS.

Following conveyance of title as provided in this title, the District shall comply with all requirements of Federal, California, and local law as may be applicable to non-Federal water distribution systems.

SEC. 505. NATIVE AMERICAN TRUST RESPONSIBILITY.

The Secretary shall ensure that any trust responsibilities to any Native American Tribes that may be affected by the transfer under this title are protected and fulfilled.

SEC. 506. LIABILITY.

Effective on the date of conveyance as provided in this title, the District agrees that it shall hold the United States harmless and shall indemnify the United States for any and all claims, costs, damages, and judgments of any kind arising out of any act, omission, or occurrence relating to the Distribution System, except for such claims, costs, or damages arising from acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance for which the United States is found liable under the Federal Tort Claims Act (28 U.S.C. 2671 et seq.), provided such acts of negligence exclude all actions related to the installation of the Distribution System and/or prior billing and payment relative to the Distribution System.

SEC. 507. DEAUTHORIZATION.

Effective upon the date of conveyance, the Distribution System is hereby deauthorized as a Federal Reclamation Project facility. Thereafter, the District shall not be entitled to receive any further Reclamation benefits relative to the Distribution System. Such deauthorization shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented. Nor shall such deauthorization deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or renewal by entering into a long-term water service contract.

TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT

SEC. 601. COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT.

(a) Short Title.—This section may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

(b) Authorization of Assistance.—The Secretary of the Interior (in this section referred to as the "Secretary") may provide financial assistance to the Colusa Basin Drainage District, California (in this section referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399), as in effect on the date of the enactment of this Act (in this section referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

(c) Project Selection.—

(1) Eligible projects.—A project shall be an eligible project for purposes of subsection (b) only if it is—

(A) identified in the document entitled "Colusa Basin Water Management Program", dated February 1995; and

(B) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(2) Compatibility requirement.—The Secretary shall ensure that projects for which assistance is provided under this section are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

(d) Cost Sharing.—

(1) Non-federal share.—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(A) 25 percent of the costs associated with construction of any project carried out with assistance provided under this section; and

(B) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project.

(2) Planning, design, and compliance assistance.—Funds appropriated pursuant to this section may be made available to fund all costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(3) Treatment of contributions.—For purposes of this subsection, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

(e) Costs Nonreimbursable.—Amounts expended pursuant to this section shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

(f) Agreements.—Funds appropriated pursuant to this section may be made available to the District or local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by subsection (d)(1); and

(2) governing the funding of planning, design, and compliance activities costs under subsection (d)(2).

(g) Reimbursement.—For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute referred to in subsection (b) before the date amounts are provided for the project under this section, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under subsection (d).

(h) Cooperative Agreements.—

(1) In general.—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this section.

(2) Subcontracting.—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

(i) Relationship to Reclamation Reform Act of 1982.—Activities carried out, and financial assistance provided, under this section shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(j) Appropriations Authorized.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes. Sums appropriated under this subsection shall remain available until expended.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. TECHNICAL CORRECTIONS.

(a) Reduction of Waiting Period for Obligation of Funds Provided Under Reclamation Safety of Dams Act of 1978.—Section 5 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by striking "sixty days" and all that follows through "day certain)" and inserting "30 calendar days".

(b) Albuquerque Metropolitan Area Reclamation and Reuse Project.—

(1) Technical corrections.—Section 1621 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–12g) is amended—

(A) by amending the section heading to read as follows:

"SEC. 1621. ALBUQUERQUE METROPOLITAN AREA WATER RECLAMATION AND REUSE PROJECT.";

and

(B) in subsection (a) by striking "Reuse" and all that follows through "reclaim" and inserting "Reuse Project to reclaim".

(2) Clerical amendment.—The table of sections in section 2 of such Act is amended by striking the item relating to section 1621 and inserting the following:

"Sec. 1621. Albuquerque Metropolitan Area Water Reclamation and Reuse Project.".

(c) Phoenix Metropolitan Water Reclamation and Reuse Project.—Section 1608 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4666; 43 U.S.C. 390h–6) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge, and indirect potable reuse in the Phoenix metropolitan area.";

(2) in subsection (b) by striking the first sentence; and

(3) by striking subsection (c).

(d) Refund of Certain Amounts Received Under Reclamation Reform Act of 1982.—

(1) Refund required.—Subject to paragraph (2) and the availability of appropriations, the Secretary of the Interior shall refund fully amounts received by the United States as collections under section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)) for paid bills (including interest collected) issued by the Secretary of the Interior before January 1, 1994, for full-cost charges that were assessed for failure to file certain certification or reporting forms under sections 206 and 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)).

(2) Administrative fee.—In the case of a refund of amounts collected in connection with sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to any water year after the 1987 water year, the amount refunded shall be reduced by an administrative fee of $260 for each occurrence.

(3) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection $3,000,000.

(e) Extension of Periods for Repayments for Nueces River Reclamation Project and Canadian River Reclamation Project, Texas.—Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104–318; 110 Stat. 3862) is amended by adding at the end the following new subsection:

"(c) Extension of Periods for Repayment.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

"(1) shall extend the period for repayment by the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–X0675, relating to the Nueces River reclamation project, Texas, until—

"(A) August 1, 2029, for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

"(B) until August 1, 2044, for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract; and

"(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14–06–500–485, relating to the Canadian River reclamation project, Texas, until October 1, 2021.".

(f) Solano Project Water.—

(1) Authorization.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(A) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California, and

(B) the exchange of water among Solano Project contractors, for the purposes set forth in subparagraph (A), using facilities associated with the Solano Project, California.

(2) Limitation.—The authorization under paragraph (1) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

(g) Fish Passage and Protective Facilities, Rogue River Basin, Oregon.—The Secretary of the Interior is authorized to use otherwise available amounts to provide up to $2,000,000 in financial assistance to the Medford Irrigation District and the Rogue River Valley Irrigation District for the design and construction of fish passage and protective facilities at North Fork Little Butte Creek Diversion Dam and South Fork Little Butte Creek Diversion Dam in the Rogue River basin, Oregon, if the Secretary determines in writing that these facilities will enhance the fish recovery efforts currently underway at the Rogue River Basin Project, Oregon.

(h) Limitation on Statutory Construction.—Nothing in this Act shall be construed to abrogate or affect any obligation of the United States under section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 702. DICKENSON, NORTH DAKOTA.

The Secretary of the Interior shall waive the scheduled annual payments for fiscal years 1998 and 1999 under section 208 of the Energy and Water Development Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-118).

Mr. HANSEN (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MILLER of California. Madam Speaker, S. 2117 as amended authorizes a number of relatively small but important provisions affecting water resource projects and management in the Western United States. The bill authorizes construction of a rural water system in South Dakota, transfers ownership of several Bureau of Reclamation projects to local water districts, authorizes several small projects in the Colusa Basin of California, and provides financial assistance for construction of water reuse projects in Phoenix and Albuquerque. The bill also allows the City of Vallejo, California to use the water conveyance facilities of the Bureau of Reclamation's Solano Project.

While I will not object to passage of this legislation, I will note that some of the Reclamation project transfers included in S. 2117 remain problematic. In particular, serious environmental issues have been raised regarding future management of the Wellton-Mohawk Division of the Gila Project and the Sly Park Unit of the Central Valley Project. The Bureau of Reclamation must work to determine the conditions for transferring these projects that will preserve the public benefits and avoid environmental damage from future project operations.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPROVING A GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND POLAND

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 3461) to approve a governing international fishery agreement between the United States and the Republic of Poland, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH POLAND.

Notwithstanding section 203 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Poland, as contained in the message to Congress from the President of the United States dated February 5, 1998, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute Offered by Mr. HANSEN:

Strike out all after the enacting clause and insert:

TITLE I—GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH POLAND

SEC. 101. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH POLAND.

Notwithstanding section 203 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Poland, as contained in the message to Congress from the President of the United States dated February 5, 1998, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

TITLE II—MISCELLANEOUS FISHERIES PROVISIONS

SEC. 201. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) REAUTHORIZATION.—Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking "for each of" and all that follows through the end of the sentence and inserting "for each fiscal year through fiscal year 2001.".

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—The Northwest Atlantic Fisheries Convention Act of 1995 is further amended—

(1) in section 207(e) (16 U.S.C. 5606(e)), by striking "sections" and inserting "section";

(2) in section 209(c) (16 U.S.C. 5608(c)), by striking "chapter 17" and inserting "chapter 171"; and

(3) in section 210(6) (16 U.S.C. 5609(6)), by striking "the Magnuson Fishery" and inserting "the Magnuson-Stevens Fishery".

(c) REPORT REQUIREMENT.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

"SEC. 212. ANNUAL REPORT.

"The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 208.".

(d) NORTH ATLANTIC FISHERIES ORGANIZATION QUOTA ALLOCATION PRACTICE.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

"SEC. 213. QUOTA ALLOCATION PRACTICE.

"(a) IN GENERAL.—The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that—

"(1) is predictable and transparent;

"(2) provides fishing opportunities for all members of the Organization; and

"(3) is consistent with the Straddling Fish Stocks Agreement.

"(b) REPORT.—The Secretary of Commerce shall include in annual reports under section 212—

"(1) a description of the results of negotiations held pursuant to subsection (a);

"(2) an identification of barriers to achieving such a new allocation practice; and

"(3) recommendations for any further legislation that is necessary to achieve such a new practice.

"(c) DEFINITION.—In this section the term 'Straddling Fish Stocks Agreement' means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.".

SEC. 202. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.

(a) REAUTHORIZATION.—Section 10(4) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h(4)) is amended by striking "For fiscal year 1998," and inserting "For each of fiscal years 1998, 1999, 2000, and 2001,".

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—(1) The Atlantic Tunas Convention Act of 1975 is further amended—

(A) in section 2 (16 U.S.C. 971), by redesignating the second paragraph (4) as paragraph (5);

(B) in section 5(b) (16 U.S.C. 971c(b)), by striking "fisheries zone" and inserting "exclusive economic zone";

(C) in section 6(c)(6) (16 U.S.C. 971d(c)(6))—

(i) by designating the last sentence as subparagraph (B), and by indenting the first line thereof; and

(ii) in subparagraph (A)(iii), by striking "subparagraph (A)" and inserting "clause (i)";

(D) by redesignating the first section 11 (16 U.S.C. 971 note) as section 13, and moving that section so as to appear after section 12 of that Act;

(E) by amending the style of the heading and designation for each of sections 11 and 12 so as to conform to the style of the headings and designations of the other sections of that Act; and

(F) by striking "Magnuson Fishery" each place it appears and inserting "Magnuson-Stevens Fishery".

(2) Section 3(b)(3)(B) of the Act of September 4, 1980 (Public Law 96-339; 16 U.S.C. 971i(b)(3)(B)), is amended by inserting "of 1975" after "Act".

SEC. 203. AUTHORITY OF STATES OF WASHINGTON, OREGON, AND CALIFORNIA TO MANAGE DUNGENESS CRAB FISHERY.

(a) IN GENERAL.—Subject to the provisions of this section and notwithstanding section 306(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1856(a)), each of the States of Washington, Oregon, and California may adopt and enforce State laws and regulations governing fishing and processing in the exclusive economic zone adjacent to that State in any Dungeness crab (Cancer magister) fishery for which there is no fishery management plan in effect under that Act.

(b) REQUIREMENTS FOR STATE MANAGEMENT.—Any law or regulation adopted by a State under this section for a Dungeness crab fishery—

(1) except as provided in paragraph (2), shall apply equally to vessels engaged in the fishery in the exclusive economic zone and vessels engaged in the fishery in the waters of the State, and without regard to the State that issued the permit under which a vessel is operating;

(2) shall not apply to any fishing by a vessel in exercise of tribal treaty rights except as provide in United States v. Washington, D.C. No. CV-70-09213, United States District Court for the Western District of Washington; and

(3) shall include any provisions necessary to implement tribal treaty rights pursuant to the decision in United States v. Washington, D.C. No. CV-70-09213.

(c) LIMITATION ON ENFORCEMENT OF STATE LIMITED ACCESS SYSTEMS.—Any law of the State of Washington, Oregon, or California that establishes or implements a limited access system for a Dungeness crab fishery may not be enforced against a vessel that is otherwise legally fishing in the exclusive economic zone adjacent to that State and that is not registered under the laws of that State, except a law regulating landings.

(d) STATE PERMIT OR TREATY RIGHT REQUIRED.—No vessel may harvest or process Dungeness crab in the exclusive economic zone adjacent to the State of Washington, Oregon, or California, except as authorized by a permit issued by any of those States or pursuant to any tribal treaty rights to Dungeness crab pursuant to the decision in United States v. Washington, D.C. No. CV-70-09213.

(e) STATE AUTHORITY OTHERWISE PRESERVED.—Except as expressly provided in this section, nothing in this section reduces the authority of any State under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to regulate fishing, fish processing, or landing of fish.

(f) TERMINATION OF AUTHORITY.—The authority of the States of Washington, Oregon, and California under this section with respect to a Dungeness crab fishery shall expire on the effective date of a fishery management plan for the fishery under the Magnuson-Stevens Fishery Conservation and Management Act.

(g) REPEAL.—Section 112(d) of Public Law 104-297 (16 U.S.C. 1856 note) is repealed.

(h) DEFINITIONS.—The definitions set forth in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) shall apply to this section.

(i) SUNSET.—This section shall have no force or effect on and after September 30, 2001.

TITLE III—NOAA HYDROGRAPHIC SERVICES

SEC. 301. SHORT TITLE.

This title may be cited as the "Hydrographic Services Improvement Act of 1998".

SEC. 302. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADMINISTRATION.—The term "Administration" means the National Oceanic and Atmospheric Administration.

(3) HYDROGRAPHIC DATA.—The term "hydrographic data" means information acquired through hydrographic or bathymetric surveying, photogrammetry, geodetic measurements, tide and current observations, or other methods, that is used in providing hydrographic services.

(4) HYDROGRAPHIC SERVICES.—The term "hydrographic services" means—

(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, geodetic, and tide and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;

(B) the development of nautical information systems; and

(C) related activities.

(5) ACT OF 1947.—The term "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.).

SEC. 303. FUNCTIONS OF THE ADMINISTRATOR.

(a) RESPONSIBILITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, the Administrator shall—

(1) acquire and disseminate hydrographic data;

(2) promulgate standards for hydrographic data used by the Administration in providing hydrographic services;

(3) promulgate standards for hydrographic services provided by the Administration;

(4) ensure comprehensive geographic coverage of hydrographic services, in cooperation with other appropriate Federal agencies;

(5) maintain a national database of hydrographic data, in cooperation with other appropriate Federal agencies;

(6) provide hydrographic services in uniform, easily accessible formats;

(7) participate in the development of, and implement for the United States in cooperation with other appropriate Federal agencies, international standards for hydrographic data and hydrographic services; and

(8) to the greatest extent practicable and cost-effective, fulfill the requirements of paragraphs (1) and (6) through contracts or other agreements with private sector entities.

(b) AUTHORITIES.—To fulfill the data gathering and dissemination duties of the Administration under the Act of 1947, and subject to the availability of appropriations, the Administrator—

(1) may procure, lease, evaluate, test, develop, and operate vessels, equipment, and technologies necessary to ensure safe navigation and maintain operational expertise in hydrographic data acquisition and hydrographic services;

(2) may enter into contracts and other agreements with qualified entities, consistent with subsection (a)(8), for the acquisition of hydrographic data and the provision of hydrographic services;

(3) shall award contracts for the acquisition of hydrographic data in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.); and

(4) may design and install where appropriate Physical Oceanographic Real-Time Systems to enhance navigation safety and efficiency.

SEC. 304. QUALITY ASSURANCE PROGRAM.

(a) DEFINITION.—For purposes of this section, the term "hydrographic product" means any publicly or commercially available product produced by a non-Federal entity that includes or displays hydrographic data.

(b) PROGRAM.—

(1) IN GENERAL.—The Administrator may—

(A) develop and implement a quality assurance program that is equally available to all applicants, under which the Administrator may certify hydrographic products that satisfy the standards promulgated by the Administrator under section 303(a)(3);

(B) authorize the use of the emblem or any trademark of the Administration on a hydrographic product certified under subparagraph (A); and

(C) charge a fee for such certification and use.

(2) LIMITATION ON FEE AMOUNT.—Any fee under paragraph (1)(C) shall not exceed the costs of conducting the quality assurance testing, evaluation, or studies necessary to determine whether the hydrographic product satisfies the standards adopted under section 303(a)(3), including the cost of administering such a program.

(c) LIMITATION ON LIABILITY.—The Government of the United States shall not be liable for any negligence by a person that produces hydrographic products certified under this section.

(d) HYDROGRAPHIC SERVICES ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account, which shall be known as the Hydrographic Services Account.

(2) CONTENT.—The account shall consist of—

(A) amounts received by the United States as fees charged under subsection (b)(1)(C); and

(B) such other amounts as may be provided by law.

(3) USE.—Amounts in the account shall be available to the Administrator, without further appropriation, for hydrographic services.

(e) LIMITATION ON NEW FEES AND INCREASES IN EXISTING FEES FOR HYDROGRAPHIC SERVICES.—After the date of the enactment of this Act, the Administrator may not—

(1) establish any fee or other charge for the provision of any hydrographic service except as authorized by this section; or

(2) increase the amount of any fee or other charge for the provision of any hydrographic service except as authorized by this section and section 1307 of title 44, United States Code.

SEC. 305. REPORTS.

(a) PHOTOGRAMMETRY AND REMOTE SENSING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to increase, consistent with this title, contracting with the private sector for photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services. In preparing the report, the Administrator shall consult with private sector entities knowledgeable in photogrammetry and remote sensing.

(2) CONTENTS.—The report shall include the following:

(A) An assessment of which of the photogrammetric and remote sensing services related to hydrographic data acquisition or hydrographic services performed by the National Ocean Service can be performed adequately by private-sector entities.

(B) An evaluation of the relative cost-effectiveness of the Federal Government and private-sector entities in performing those services.

(C) A plan for increasing the use of contracts with private-sector entities in performing those services, with the goal of obtaining performance of 50 percent of those services through contracts with private-sector entities by fiscal year 2003.

(b) PORTS.—Not later than 6 months after the date of enactment of this Act, the Administrator and the Commandant of the Coast Guard shall report to the Congress on—

(1) the status of implementation of real-time tide and current data systems in United States ports;

(2) existing safety and efficiency needs in United States ports that could be met by increased use of those systems; and

(3) a plan for expanding those systems to meet those needs, including an estimate of the cost of implementing those systems in priority locations.

(c) MAINTAINING FEDERAL EXPERTISE IN HYDROGRAPHIC SERVICES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on a plan to ensure that Federal competence and expertise in hydrographic surveying will be maintained after the decommissioning of the 3 existing Administration hydrographic survey vessels.

(2) CONTENTS.—The report shall include—

(A) an evaluation of the seagoing capacity, personnel, and equipment necessary to maintain Federal expertise in hydrographic services;

(B) an estimated schedule for decommissioning the 3 existing survey vessels;

(C) a plan to maintain Federal expertise in hydrographic services after the decommissioning of these vessels; and

(D) an estimate of the cost of carrying out this plan.

(d) UNITED STATES IMPLEMENTATION OF ELECTRONIC NAUTICAL CHARTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall report to the Congress on the status of implementation by the United States of electronic nautical charts. The report shall address, at a minimum—

(1) the role of the private sector, and the potential for the Administration to employ partnerships or other arrangements with the private sector, in domestic and international development and implementation of electronic nautical chart technology;

(2) the effects of private sector participation in the development and implementation of electronic nautical chart technology on public safety and the continued ability of the Federal Government to assume liability for United States nautical charts; and

(3) the range of alternative means by which the Administration can effectively and efficiently make electronic nautical chart data available to the private sector and the general public, including an evaluation of relative costs and advantages or disadvantages of each such alternative.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, $35,000,000 for fiscal year 2001, and $36,000,000 for fiscal year 2002.

(2) To conduct hydrographic surveys under section 303(a)(1), including leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, $37,000,000 for fiscal year 2001, and $39,000,000 for fiscal year 2002. Of these amounts, no more than $15,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, $20,000,000 for fiscal year 1999, and $22,000,000 for each of fiscal years 2000, 2001, and 2002.

(4) To carry out tide and current measurement functions under the Act of 1947,

$22,500,000 for each of fiscal years 1999 through 2002. Of these amounts, $3,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current data, and $7,250,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).

SEC. 307. AUTHORIZED NUMBER OF NOAA CORPS COMMISSIONED OFFICERS.

(a) AUTHORIZED NUMBER.—Section 2 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a) is amended—

(1) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively; and

(2) by inserting before subsection (b), as redesignated, the following:

"(a)(1) Except as provided as in paragraph (2), there are authorized to be not less than 264 and not more than 299 commissioned officers on the active list of the National Oceanic and Atmospheric Administration for fiscal years 1999, 2000, 2001, 2002, and 2003.

"(2) The Administrator may reduce the number of commissioned officers on the active list below 264 if the Administrator determines that it is appropriate, taking into consideration—

"(A) the number of billets on the fisheries, hydrographic, and oceanographic vessels owned and operated by the Administration;

"(B) the need of the Administration to collect high-quality oceanographic, fisheries, and hydrographic data and information on a continuing basis;

"(C) the need for effective and safe operation of the Administration's fisheries, hydrographic and oceanographic vessels;

"(D) the need for effective management of the commissioned Corps; and

"(E) the protection of the interests of taxpayers.

"(3) At least 90 days before beginning any reduction as described in paragraph (2), the Administrator shall provide notice of such reduction to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Resources of the House of Representatives.".

(b) OFFICER RESPONSIBLE FOR COMMISSIONED OFFICERS AND VESSEL FLEET.—Section 24(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853u(a)) is amended by inserting "One such position shall be appointed from the officers on the active duty promotion list serving in or above the grade of captain, and who shall be responsible for administration of the commissioned officers, and for oversight of the operation of the vessel fleet, of the Administration." before "An officer".

(c) RELIEF FROM MORATORIUM ON NEW APPOINTMENTS.—The Secretary of Commerce immediately shall terminate the moratorium on new appointments of commissioned officers to the National Oceanic and Atmospheric Administration Corps.

TITLE IV—NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE

SEC. 401. SHORT TITLE.

This title may be cited as the "Northwest Straits Marine Conservation Initiative Act".

SEC. 402. ESTABLISHMENT.

There is established a commission to be known as the Northwest Straits Advisory Commission (in this title referred to as the "Commission").

SEC. 403. ORGANIZATION AND OPERATION.

The Commission shall be organized and operated in accordance with the provisions of the Northwest Straits Citizen's Advisory Commission Report of August 20, 1998, on file with the Secretary of Commerce (in this title referred to as the "Report").

SEC. 404. FUNDING.

(a) IN GENERAL.—The Secretary of Commerce may, from amounts available to the Secretary to carry out the work of the Commission, provide assistance for use in accordance with the Report and the priorities of the Commission—

(1) to collect marine resources data in the Northwest Straits;

(2) to coordinate Federal, state and local marine resources protection and restoration activities in the Northwest Straits; and

(3) to carry out other activities identified in the Report as important to the protection and restoration of marine resources in the Northwest Straits.

(b) PROVISION.—The Secretary may provide the assistance authorized by subsection (a) through the Director of the Padilla Bay National Estuarine Research Reserve, unless the Governor of the State of Washington objects. If the Governor objects, then the Secretary may provide the assistance though the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 405. LIMITATION.

Nothing in this title provides the Commission with the authority to implement any Federal law or regulation.

Mr. HANSEN (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. MILLER of California. Madam Speaker, I rise in support of the bill.

H.R. 3461 consolidates numerous fisheries and marine conservation bills that have been passed by the Resources Committee and, in many cases, the full House without controversy.

It includes a number of fisheries bills that will improve fisheries management and conservation on both the east and west coasts. It includes a provision to create a public private partnership to improve the quality of our Nation's nautical charts, and in turn improve the safety of navigation and marine environmental protection. It also includes a provision to help local communities in the Puget Sound improve the conservation of their marine resources.

In closing, this is a good bill that is supported by Members from both sides of the aisle, and I am pleased to support its passage today.

Mr. METCALF. Madam Speaker, I rise today in support of this legislation, which includes the Northwest Straits Marine Conservation Initiative Act. This act is a bottom up, local control approach to managing and protecting the waters of northern Puget Sound.

I would like to thank Chairman, YOUNG, Chairman SAXTON, and Mr. MILLER, and their staffs for their cooperation and assistance, and I appreciate their efforts in bringing this landmark legislation to the floor.

I introduced legislation authorizing this act which reflects genuine cooperation between stakeholders spanning the spectrum of interests. Senator MURRAY has also introduced identical legislation in the U.S. Senate. This act represents citizen involvement, strong support from State, local, and the Federal Government; bipartisanship; and conservationists working constructively with industry and property rights advocates—I think this symbolizes an achievement of something not-much-short of a miracle.

I welcomed the opportunity to form the Northwest Straits Advisory Commission with Senator PATTY MURRAY, and I am very pleased with the spirit of cooperation that has led to producing this act. This legislation will help reverse the degradation of the marine ecosystem of the Northwest Straits by encouraging and supporting the concerns, initiative, and capabilities of the people of the Puget Sound and their local governments. It will also foster improved resource protection, preservation of commercial values and diverse ways of life. This will happen with the full cooperation of tribes, additional research, education, and interpretation and maximum cooperation by all Federal agencies along with State and local governments.

For years, the debate over the National Marine Sanctuary in Puget Sound was conducted with growing acrimony. In fact, the public discourse nearly broke down altogether. I was happy to share with Senator MURRAY appreciation for another model, the San Juan County Marine Resource Committee, (MRC). The San Juan MRC is a citizen group empowered by that county to increase voluntary environmental protections, focus public attention on marine issues, and to aid in coordination of existing agencies with jurisdiction in the area. The San Juan MRC is an example of local citizens convening from various view points, rolling up their sleeves, and doing the work of environmental protection around the beautiful San Juan Islands.

And that model of cooperation, communication, and working together, had to be the point of departure for our task of better protecting the magnificent northern Puget Sound. The Northwest Straits Marine Conservation Initiative Act centers on the formation of seven MRC's, one from each county affected, and would in turn participate in a regional panel, which would focus on scientific priorities, and coordinate research and educational activities throughout the region. The commission would be composed of local, State, and tribal appointees, and would hold no regulatory power.

There are a number of benchmarks for specific performance in the legislation that will be used as goals, including establishment of marine protected areas, restoration of habitat, and reopening of areas for shellfish harvest, among others. The Northwest Straits Commission and MRC's would be required to prepare annual reports for public review, culminating in an extensive independent scientific review after five years. The Commission's work will continue only if it is apparent its work is making a difference.

So I applaud the grassroots, "bottom-up" approach adopted by the Commission in its report. I also salute the commitment of NOAA, the Puget Sound Water Quality Action Team, tribal governments, and other State and Federal agencies to work with the Northwest Straits Advisory Commission—to highlight the problems of this region, help focus and coordinate scientific research, and to better use the authority already existent to save this treasure for our grandchildren.

Finally, I want to thank each one of the commission members who gave so much time out of their busy lives to make this happen, as well as all the specialists, technical support people, and local government officials who made themselves available for this endeavor. The members of the Northwest Marine Straits Commission include: Kathy Fletcher—People for the Puget Sound, Harry Hutchinson—Steamship Operators, Don Charnley—former State Senator, Dr. David Fluharty—U.W. School of Fisheries, Doug Scott—Friends of the San Juans, Brian Calvert—Chair, San Juan County Marine Resource Council, Dr. Dennis Willows—U.W. Friday Harbor Lab., Jim Darling—Executive Director, Port of Bellingham, Cheryl Hymes—former State Legislator, Terry Williams—Tulalip Tribes Natural Resources, Don Hopkins—Port Commissioner, Port of Everett and the Longshoremen union, Mac McDowell—Island County Commissioner, Andy Palmer, Jefferson County conservationist—formerly Center for Marine Conservation, Dwain Colby—former Island County Commissioner, and Phil Kitchell—Clallam County Commissioner. I urge support for this act, a truly bipartisan, local consensus approach to protecting a national environmental treasure.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes."

A motion to reconsider was laid on the table.

FALL RIVER WATER USERS DISTRICT RURAL WATER SYSTEM ACT OF 1998

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 744) to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fall River Water Users District Rural Water System Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Fall River Water Users District Rural Water System located in Fall River County, South Dakota, and the water supplies that are available are of poor quality and do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) past cycles of severe drought in the southeastern area of Fall River County have left residents without a satisfactory water supply, and, during 1990, many home owners and ranchers were forced to haul water to sustain their water needs;

(3) because of the poor quality of water supplies, most members of the Fall River Water Users District are forced to either haul bottled water for human consumption or use distillers;

(4) the Fall River Water Users District Rural Water System has been recognized by the State of South Dakota; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fall River Water Users District Rural Water System members consists of a Madison Aquifer well, 3 separate water storage reservoirs, 3 pumping stations, and approximately 200 miles of pipeline.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Fall River Water Users District Rural Water System in Fall River County, South Dakota;

(2) to assist the members of the Fall River Water Users District in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Fall River Water Users District Rural Water System.

SEC. 3. DEFINITIONS.

In this Act:

(1) ENGINEERING REPORT.—The term "engineering report" means the study entitled "Supplemental Preliminary Engineering Report for Fall River Water Users District" published in August 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the engineering report.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Fall River Water Users District Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) WATER SUPPLY SYSTEM.—The term "water supply system" means the Fall River Water Users District Rural Water System, a nonprofit corporation, established and operated substantially in accordance with the engineering report.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of the planning and construction of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands areas, and water conservation within the boundaries of the Fall River Water Users District, described as follows: bounded on the north by the Angostura Reservoir, the Cheyenne River, and the line between Fall River and Custer Counties, bounded on the east by the line between Fall River and Shannon Counties, bounded on the south by the line between South Dakota and Nebraska, and bounded on the west by the Igloo-Provo Water Project District.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 9.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the engineering report.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Fall River Water Users District;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATE.

This Act does not limit the authorization for water projects in South Dakota under law in effect on or after the date of enactment of this Act.

SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 9. FEDERAL SHARE.

The Federal share under section 4 shall be 70 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

SEC. 10. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 30 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

SEC. 11. CONSTRUCTION OVERSIGHT.

(a) Authorization.—The Secretary of the Interior, acting through the Director of the Bureau of Reclamation may provide construction oversight to the water supply system for areas of the water supply system.

(b) Project Oversight Administration.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Fall River County, South Dakota.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $3,600,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998

Mr. HANSEN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4326) to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Oregon Public Lands Transfer and Protection Act of 1998".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

Sec. 101. Land transfers involving Rogue River National Forest and other public lands in Oregon.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS

Sec. 201. Definitions.
Sec. 202. No net loss of O&C lands, CBWR lands, and public domain lands.
Sec. 203. Modifications to sales authority.
Sec. 204. Modifications to exchange authority.
Sec. 205. Administration of lands acquired in geographic area; redesignation of public domain lands.
Sec. 206. Relationship to Umpqua land exchange authority.

TITLE I—ROGUE RIVER NATIONAL FOREST TRANSFERS

SEC. 101. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LANDS IN OREGON.

(a) Transfer From Public Domain to National Forest.—

(1) Land transfer.—The public domain lands depicted on the map entitled "BLM/Rogue River N.F. Administrative Jurisdiction Transfer" and dated April 28, 1998, consisting of approximately 2,058 acres within the external boundaries of Rogue River National Forest in the State of Oregon are hereby added to and made a part of Rogue River National Forest.

(2) Administrative jurisdiction.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of the Interior to the Secretary of Agriculture. Subject to valid existing rights, the Secretary of Agriculture shall manage such lands as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the Weeks Law), and under the laws, rules, and regulations applicable to the National Forest System.

(b) Transfer From National Forest to Public Domain.—

(1) Land transfer.—The Federal lands depicted on the map entitled "BLM/Rogue River N.F. Administrative Jurisdiction Transfer" and dated April 28, 1998, consisting of approximately 1,632 acres within the external boundaries of Rogue River National Forest, are hereby transferred to unreserved public domain status, and their status as part of Rogue River National Forest and the National Forest System is hereby revoked.

(2) Administrative jurisdiction.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of Agriculture to the Secretary of the Interior. Subject to valid existing rights, the Secretary of the Interior shall administer such lands under the laws, rules, and regulations applicable to unreserved public domain lands.

(c) Restoration of Status of Certain National Forest Lands as Revested Railroad Grant Lands.—

(1) Restoration of earlier status.—The Federal lands depicted on the map entitled "BLM/Rogue River N.F. Administrative Jurisdiction Transfer" and dated April 28, 1998, consisting of approximately 4,298 acres within the external boundaries of Rogue River National Forest, are hereby restored to the status of revested Oregon and California Railroad grant lands, and their status as part of Rogue River National Forest and the National Forest System is hereby revoked.

(2) Administrative jurisdiction.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of Agriculture to the Secretary of the Interior. Subject to valid existing rights, the Secretary of the Interior shall administer such lands under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), and other laws, rules, and regulations applicable to revested Oregon and California Railroad grant lands under the administrative jurisdiction of the Secretary of the Interior.

(d) Addition of Certain Revested Railroad Grant Lands to National Forest.—

(1) Land transfer.—The revested Oregon and California Railroad grant lands depicted on the map entitled "BLM/Rogue River N.F. Administrative Jurisdiction Transfer" and dated April 28, 1998, consisting of approximately 960 acres within the external boundaries of Rogue River National Forest, are hereby added to and made a part of Rogue River National Forest.

(2) Administrative jurisdiction.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of the Interior to the Secretary of Agriculture. Subject to valid existing rights, the Secretary of Agriculture shall manage such lands as part of the Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the Weeks Law), and under the laws, rules, and regulations applicable to the National Forest System.

(3) Distribution of receipts.—Notwithstanding the sixth paragraph under the heading "forest service" in the Act of May 23, 1908 and section 13 of the Act of March 1, 1911 (16 U.S.C. 500), revenues derived from the lands described in paragraph (1) shall be distributed in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(e) Boundary Adjustment.—The boundaries of Rogue River National Forest are hereby adjusted to encompass the lands transferred to the administrative jurisdiction of the Secretary of Agriculture under this section and to exclude private property interests adjacent to the exterior boundaries of Rogue River National Forest, as depicted on the map entitled "Rogue River National Forest Boundary Adjustment" and dated April 28, 1998.

(f) Maps.—Within 60 days after the date of the enactment of this Act, the maps referred to in this section shall be available for public inspection in the office of the Chief of the Forest Service.

(g) MISCELLANEOUS REQUIREMENTS.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall revise the public land records relating to the lands transferred under this section to reflect the administrative, boundary, and other changes made by this section. The Secretaries shall publish in the Federal Register appropriate notice to the public of the changes in administrative jurisdiction made by this section with regard to lands described in this section.

TITLE II—PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS

SEC. 201. DEFINITIONS.

For purposes of this title:

(1) O&C LANDS.—The term "O&C lands" means the lands that—

(A) revested in the United States under the Act of June 9, 1916 (Chapter 137; 39 Stat. 218), commonly known as Oregon and California Railroad grant lands; and

(B) are managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) CBWR LANDS.—The term "CBWR lands" means the lands that—

(A) were reconveyed to the United States under the Act of February 26, 1919 (Chapter 47; 40 Stat. 1179), commonly known as Coos Bay Wagon Road grant lands; and

(B) are managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) PUBLIC DOMAIN LANDS.—The term "public domain lands" has the meaning given the term "public lands" in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), except that the term does not include O&C lands and CBWR lands.

(4) GEOGRAPHIC AREA.—The term "geographic area" means all lands in the State of Oregon located within the boundaries of the Bureau of Land Management's Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District, as those districts and that resource area were constituted on January 1, 1998.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TIMBERLANDS.—The term "timberlands" means lands identified as timberlands in any land use plan under the Federal Land Policy and Management Act of 1976 (16 U.S.C. 1701–1782).

SEC. 202. NO NET LOSS OF O&C LANDS, CBWR LANDS, AND PUBLIC DOMAIN LANDS.

In carrying out sales, purchases, and exchanges of lands located in the geographic area, the Secretary shall ensure that upon the expiration of the 10-year period beginning on the date of the enactment of this Act, and of each 10-year period thereafter, the total number of acres of O&C lands and CBWR lands in the geographic area, and the total number of acres of O&C lands, CBWR lands, and public domain lands in the geographic area that are available for timber harvesting, are not less than the number of acres of such lands on the date of the enactment of this Act.

SEC. 203. MODIFICATIONS TO SALES AUTHORITY.

(a) LIMITATION ON LANDS TO BE SOLD.—Notwithstanding any other sales authority of the Secretary, the Secretary may not sell any O&C lands, CBWR lands, or public domain lands within the geographic area that are located within—

(1) a congressionally designated wilderness area;

(2) the national wild and scenic river system; or

(3) an area designated by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to be an area of critical environmental concern.

(b) PRICE; PROCEDURES.—Notwithstanding any other sales authority of the Secretary, the Secretary shall make all sales of O&C lands, CBWR lands, public domain lands within the geographic area—

(1) at a price that is not less than the fair market value of the lands sold, as determined by the Secretary; and

(2) by competitive public bidding, under procedures established by the Secretary that ensure adequate notice to owners of land adjoining the land proposed for sale, to local governments in the vicinity of the land proposed for sale, and to the State of Oregon.

SEC. 204. MODIFICATIONS TO EXCHANGE AUTHORITY.

(a) LIMITATION ON FEDERAL LANDS TO BE EXCHANGED.—Notwithstanding any other exchange authority of the Secretary, the Secretary may not exchange out of Federal ownership any O&C lands, CBWR lands, or public domain lands within the geographic area that are located within—

(1) a congressionally designated wilderness area;

(2) the national wild and scenic river system; or

(3) an area designated by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to be an area of critical environmental concern.

(b) LIMITATION ON NON-FEDERAL LANDS ACQUIRED.—Notwithstanding any other exchange authority of the Secretary, all non-Federal lands acquired by the Secretary in an exchange for O&C lands, CBWR lands, or public domain lands within the geographic area must be located within the geographic area.

(c) PROCEDURES.—The Secretary shall establish procedures for exchanges out of Federal ownership of O&C lands, CBWR lands, and public domain lands within the geographic area, including—

(1) procedures for valuing the lands exchanged; and

(2) procedures that ensure adequate notice of proposed exchanges to local governments in the vicinity of all lands to be exchanged and to the State of Oregon.

(d) REQUIREMENTS FOR VALUE OF EXCHANGED LANDS.—Notwithstanding any other exchange authority of the Secretary, the Secretary may not exchange out of Federal ownership O&C lands, CBWR lands, or public domain lands within the geographic area if the fair market value of the lands received by the United States in the exchange—

(1) is less than 75 percent of the fair market value of the lands conveyed by the United States in the exchange; or

(2) is greater than 125 percent of the fair market value of the lands conveyed by the United States in the exchange.

(e) EQUALIZATION PAYMENTS.—The Secretary, as necessary to ensure that the total value received by the United States in an exchange out of Federal ownership of O&C lands, CBWR lands, or public domain lands within the geographic area is equal to the total value conveyed by the United States in the exchange, shall—

(1) use otherwise available amounts to pay, to the person from whom lands are acquired by the United States in the exchange, the difference between the value of the lands received by the United States and the value of the lands conveyed by the United States; or

(2) require that person to pay that difference to the United States.

SEC. 205. ADMINISTRATION OF LANDS ACQUIRED IN GEOGRAPHIC AREA; REDESIGNATION OF PUBLIC DOMAIN LANDS.

(a) ACQUIRED LANDS.—All lands in the geographic area acquired by the United States and managed by the Secretary through the Bureau of Land Management after the date of the enactment of this Act shall for all purposes have the same status, be administered, and be otherwise treated as O&C lands.

(b) REDESIGNATION OF PUBLIC DOMAIN LANDS FOR TREATMENT AS REVESTED LANDS.—

(1) LANDS DESIGNATED.—Not later than September 30, 1999, the Secretary shall—

(A) designate, for treatment as O&C lands under paragraph (2), all public domain lands in the geographic area that, on the date of the enactment of this Act, are timberlands; and

(B) notify the Congress of that designation.

(2) TREATMENT OF REDESIGNATED LANDS.—Lands designated by the Secretary under paragraph (1) shall for all purposes have the same status, be administered, and be otherwise treated as O&C lands.

(3) REVENUE DISTRIBUTION.—(A) Notwithstanding paragraphs (1) and (2), revenues that are produced on or before September 30, 2003, on lands designated by the Secretary under paragraph (1) shall be distributed according to provisions of law in effect immediately before the enactment of this Act.

(B) Notwithstanding paragraphs (1) and (2), revenues that are produced after September 30, 2003, on lands designated by the Secretary under paragraph (1) and that are available to counties pursuant to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), shall be disbursed to the Association of Oregon and California Land Grant Counties, for redistribution, after deducting a reasonable sum for costs of administration, as follows:

(i) 92 percent shall be redistributed to counties entitled to payments under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), in the same proportion as other payments under that Act.

(ii) 8 percent shall be redistributed to counties entitled to payments under section 3 of the Act of July 31, 1947 (chapter 4306; 30 U.S.C. 603), and the fifth proposition of section 4 of the Act of February 14, 1859 (chapter XXXIII; 11 Stat. 383), in the same proportion as other payments under those provisions.

SEC. 206. RELATIONSHIP TO UMPQUA LAND EXCHANGE AUTHORITY.

Notwithstanding any other provision of this title, this title shall not apply to exchanges of land authorized pursuant to section 1028 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4231), or any implementing legislation or administrative rule, if the land exchanges are consistent with the provisions set forth in the Memorandum of Understanding between the Umpqua Land Exchange Project and the Association of Oregon and California Land Grant Counties, dated February 19, 1998.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HANSEN

Mr. HANSEN. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute Offered by Mr. HANSEN:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Oregon Public Lands Transfer and Protection Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Land transfers involving Rogue River National Forest and other public lands in Oregon.
Sec. 3. Protection of Oregon and California Railroad grant lands
Sec. 4. Hart Mountain jurisdictional transfers, Oregon.
Sec. 5. Boundary expansion, Bandon Marsh National Wildlife Refuge, Oregon.
Sec. 6. Willow Lake Natural Treatment System Project, Salem, Oregon.
Sec. 7. Conveyance to Deschutes County, Oregon.

SEC. 2. LAND TRANSFERS INVOLVING ROGUE RIVER NATIONAL FOREST AND OTHER PUBLIC LANDS IN OREGON.

(a) MAP REFERENCES.—In this section:

(1) The term "maps 1 and 2" refers to the maps entitled "BLM/Rogue River NF Administrative Jurisdiction Transfer, North Half" and "BLM/Rogue River NF Administrative Jurisdiction Transfer, South Half" , both dated April 28, 1998.

(2) The term "maps 3 and 4" refers to the maps entitled "BLM/Rogue River NF Boundary Adjustment, North Half" and "BLM/Rogue River NF Boundary Adjustment, South Half" , both dated April 28, 1998.

(b) TRANSFER FROM PUBLIC DOMAIN TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The public domain lands depicted on maps 1 and 2 consisting of approximately 2,058 acres within the external boundaries of Rogue River National Forest in the State of Oregon are hereby added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of the Interior to the Secretary of Agriculture. Subject to valid existing rights, the Secretary of Agriculture shall manage such lands as part of Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the Weeks Law), and under the laws, rules, and regulations applicable to the National Forest System.

(c) TRANSFER FROM NATIONAL FOREST TO PUBLIC DOMAIN.—

(1) LAND TRANSFER.—The Federal lands depicted on maps 1 and 2 consisting of approximately 1,632 acres within the external boundaries of Rogue River National Forest are hereby transferred to unreserved public domain status, and their status as part of Rogue River National Forest and the National Forest System is hereby revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of Agriculture to the Secretary of the Interior. Subject to valid existing rights, the Secretary of the Interior shall administer such lands under the laws, rules, and regulations applicable to unreserved public domain lands.

(d) RESTORATION OF STATUS OF CERTAIN NATIONAL FOREST LANDS AS REVESTED RAILROAD GRANT LANDS.—

(1) RESTORATION OF EARLIER STATUS.—The Federal lands depicted on maps 1 and 2 consisting of approximately 4,298 acres within the external boundaries of Rogue River National Forest are hereby restored to the status of revested Oregon and California Railroad grant lands, and their status as part of Rogue River National Forest and the National Forest System is hereby revoked.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of Agriculture to the Secretary of the Interior. Subject to valid existing rights, the Secretary of the Interior shall administer such lands under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), and other laws, rules, and regulations applicable to revested Oregon and California Railroad grant lands under the administrative jurisdiction of the Secretary of the Interior.

(e) ADDITION OF CERTAIN REVESTED RAILROAD GRANT LANDS TO NATIONAL FOREST.—

(1) LAND TRANSFER.—The revested Oregon and California Railroad grant lands depicted on maps 1 and 2 consisting of approximately 960 acres within the external boundaries of Rogue River National Forest are hereby added to and made a part of Rogue River National Forest.

(2) ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the lands described in paragraph (1) is hereby transferred from the Secretary of the Interior to the Secretary of Agriculture. Subject to valid existing rights, the Secretary of Agriculture shall manage such lands as part of the Rogue River National Forest in accordance with the Act of March 1, 1911 (commonly known as the Weeks Law), and under the laws, rules, and regulations applicable to the National Forest System.

(3) DISTRIBUTION OF RECEIPTS.—Notwithstanding the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 and section 13 of the Act of March 1, 1911 (16 U.S.C. 500), revenues derived from the lands described in paragraph (1) shall be distributed in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(f) BOUNDARY ADJUSTMENT.—The boundaries of Rogue River National Forest are hereby adjusted to encompass the lands transferred to the administrative jurisdiction of the Secretary of Agriculture under this section and to exclude private property interests adjacent to the exterior boundaries of Rogue River National Forest, as depicted on maps 3 and 4.

(g) MAPS.—Within 60 days after the date of the enactment of this Act, the maps referred to in subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service.

(h) MISCELLANEOUS REQUIREMENTS.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall revise the public land records relating to the lands transferred under this section to reflect the administrative, boundary, and other changes made by this section. The Secretaries shall publish in the Federal Register appropriate notice to the public of the changes in administrative jurisdiction made by this section with regard to lands described in this section.

SEC. 3. PROTECTION OF OREGON AND CALIFORNIA RAILROAD GRANT LANDS

(a) DEFINITIONS.—For purposes of this section:

(1) O & C LAND.—The term "O & C land" means the land (commonly known as "Oregon and California Railroad grant land") that—

(A) revested in the United States under the Act of June 9, 1916 (39 Stat. 218, chapter 137); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) CBWR LAND.—The term "CBWR land" means the land (commonly known as "Coos Bay Wagon Road grant land") that—

(A) was reconveyed to the United States under the Act of February 26, 1919 (40 Stat. 1179, chapter 47); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) PUBLIC DOMAIN LAND.—

(A) IN GENERAL.—The term "public domain land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) EXCLUSIONS.—The term "public domain land" does not include O & C land or CBWR land.

(4) GEOGRAPHIC AREA.—The term "geographic area" means the area in the State of Oregon within the boundaries of the Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District of the Bureau of Land Management, as the districts and the resource area were constituted on January 1, 1998.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) POLICY OF NO NET LOSS OF O & C LAND, CBWR LAND, OR PUBLIC DOMAIN LAND.—In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on expiration of the 10-year period beginning on the date of enactment of this Act and on expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area, and the number of acres of O & C land, CBWR land, and public domain land in the geographic area that are available for timber harvesting, are not less than the number of acres of such land on the date of enactment of this Act.

(c) RELATIONSHIP TO UMPQUA LAND EXCHANGE AUTHORITY.—Notwithstanding any other provision of this section, this section shall not apply to an exchange of land authorized pursuant to section 1028 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4231), or any implementing legislation or administrative rule, if the land exchange is consistent with the memorandum of understanding between the Umpqua Land Exchange Project and the Association of Oregon and California Land Grant Counties dated February 19, 1998.

SEC. 4. HART MOUNTAIN JURISDICTIONAL TRANSFERS, OREGON.

(a) TRANSFER FROM THE BUREAU OF LAND MANAGEMENT TO THE UNITED STATES FISH AND WILDLIFE SERVICE.—

(1) IN GENERAL.—Administrative jurisdiction over the parcels of land identified for transfer to the United States Fish and Wildlife Service on the map entitled "Hart Mountain Jurisdictional Transfer", dated February 26, 1998, comprising approximately 12,100 acres of land in Lake County, Oregon, located adjacent to or within the Hart Mountain National Antelope Refuge, is transferred from the Bureau of Land Management to the United States Fish and Wildlife Service.

(2) INCLUSION IN REFUGE.—The parcels of land described in paragraph (1) shall be included in the Hart Mountain National Antelope Refuge.

(3) WITHDRAWAL.—Subject to valid existing rights, the parcels of land described in paragraph (1)—

(A) are withdrawn from—

(i) surface entry under the public land laws;

(ii) leasing under the mineral leasing laws and Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and

(iii) location and entry under the mining laws; and

(B) shall be treated as parcels of land subject to the provisions of Executive Order No. 7523 of December 21, 1936, as amended by Executive Order No. 7895 of May 23, 1938, and Presidential Proclamation No. 2416 of July 25, 1940, that withdrew parcels of land for the Hart Mountain National Antelope Refuge.

(4) MANAGEMENT.—The land described in paragraph (1) shall be included in the Hart Mountain National Antelope Refuge and managed in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and other applicable law and with management plans and agreements between the Bureau of Land Management and the United States Fish and Wildlife Service for the Hart Mountain Refuge.

(b) CONTINUED MANAGEMENT OF GUANO CREEK WILDERNESS STUDY AREA BY THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—The parcels of land identified for cooperative management on the map entitled "Hart Mountain Jurisdictional Transfer", dated February 26, 1998, comprising approximately 10,900 acres of land in Lake County, Oregon, located south of the Hart Mountain National Antelope Refuge, shall be retained under the jurisdiction of the Bureau of Land Management.

(2) MANAGEMENT.—The parcels of land described in paragraph (1) that are within the Guano Creek Wilderness Study Area Act shall be managed so as not to impair the suitability of the area for designation as wilderness, in accordance with current and future management plans and agreements (including the agreement known as the "Shirk Ranch Agreement" dated September 30, 1997), until such date as Congress enacts a law directing otherwise.

(c) TRANSFER FROM THE UNITED STATES FISH AND WILDLIFE SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the parcels of land identified for transfer to the Bureau of Land Management on the map entitled "Hart Mountain Jurisdictional Transfer", dated February 26, 1998, comprising approximately 7,700 acres of land in Lake County, Oregon, located adjacent to or within the Hart Mountain National Antelope Refuge, is transferred from the United States Fish and Wildlife Service to the Bureau of Land Management.

(2) REMOVAL FROM REFUGE.—The parcels of land described in paragraph (1) are removed from the Hart Mountain National Antelope Refuge, and the boundary of the refuge is modified to reflect that removal.

(3) REVOCATION OF WITHDRAWAL.—The provisions of Executive Order No. 7523 of December 21, 1936, as amended by Executive Order No. 7895 of May 23, 1938, and Presidential Proclamation No. 2416 of July 25, 1940, that withdrew the parcels of land for the refuge, shall be of no effect with respect to the parcels of land described in paragraph (1).

(4) STATUS.—The parcels of land described in paragraph (1)—

(A) are designated as public land; and

(B) shall be open to—

(i) surface entry under the public land laws;

(ii) leasing under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and

(iii) location and entry under the mining laws.

(5) MANAGEMENT.—The land described in paragraph (1) shall be managed in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, and the agreement known as the "Shirk Ranch Agreement" dated September 30, 1997.

(d) MAP.—A copy of the map described in subsections (a), (b), and (c) and such additional legal descriptions as are applicable shall be kept on file and available for public inspection in the Office of the Regional Director of Region 1 of the United States Fish and Wildlife Service, the local District Office of the Bureau of Land Management, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

(e) CORRECTION OF REFERENCE TO WILDLIFE REFUGE.—Section 28 of the Act of August 13, 1954 (68 Stat. 718, chapter 732; 72 Stat. 818; 25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 5. BOUNDARY EXPANSION, BANDON MARSH NATIONAL WILDLIFE REFUGE, OREGON.

Section 102 of Public Law 97–137 (95 Stat. 1709; 16 U.S.C. 668dd note) is amended by striking "three hundred acres" and inserting "1,000 acres".

SEC. 6. WILLOW LAKE NATURAL TREATMENT SYSTEM PROJECT, SALEM, OREGON.

(a) IN GENERAL.—Title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1634. WILLOW LAKE NATURAL TREATMENT SYSTEM PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the city of Salem, Oregon, is authorized to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project to reclaim and reuse wastewater within and without the service area of the city of Salem.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 1633 the following:

"Sec. 1634. Willow Lake Natural Treatment System Project.

SEC. 7. CONVEYANCE TO DESCHUTES COUNTY, OREGON.

(a) PURPOSES.—The purposes of this section are to authorize the Secretary of the Interior to sell at fair market value to Deschutes County, Oregon, certain land to be used to protect the public's interest in clean water in the aquifer that provides drinking water for residents of Deschutes County and to promote the public interest in the efficient delivery of social services and public amenities in southern Deschutes County by—

(1) providing land for private residential development to compensate for development prohibitions on private land that is currently zoned for residential development, but the development of which would cause increased pollution of ground and surface water;

(2) providing for the streamlined and low-cost acquisition of land by nonprofit and governmental social service entities that offer needed community services to residents of the area;

(3) allowing Deschutes County to provide land for community amenities and services, such as open space, parks, roads, and other public spaces and uses, to area residents at little or no cost to the public; and

(4) otherwise assist in the implementation of the Deschutes County Regional Problem Solving Project.

(b) SALE OF LAND.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary") may make available for sale at fair market value to Deschutes County, Oregon, a parcel of the land in Deschutes County comprising approximately 544 acres and lying in township 22 south, range 10 east, Willamette meridian, as more fully described as follows:

(1) Section 1:

(A) Government Lot 3, the portion west of Highway 97;

(B) Government Lot 4;

(C) SENW, the portion west of Highway 97; SWNW, the portion west of Highway 97, NWSW, the portion west of Highway 97; SWSW, the portion west of Highway 97;

(2) Section 2:

(A) Government Lot 1;

(B) SENE, SESW, the portion east of Huntington Road; NESE; NWSE; SWSE; SESE, the portion west of Highway 97;

(3) Section 11:

(A) Government Lot 10;

(B) NENE, the portion west of Highway 97; NWNE; SWNE, the portion west of Highway 97; NENW, the portion east of Huntington Road; SWNW, the portion east of Huntington Road; SENW.

(c) SUITABILITY FOR SALE.—The Secretary shall convey the land under subsection (b) only if the Secretary determines that the land is suitable for sale through the land use planning process.

(d) SPECIAL ACCOUNT.—The amount paid by the County for the conveyance of land under subsection (b)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) may be used by the Secretary for the purchase of environmentally sensitive land east of range 9 east, Willamette meridian, in the State of Oregon that is consistent with the goals and objectives of the land use planning process of the Bureau of Land Management.

Mr. HANSEN (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF INTERIOR TO CONVEY CERTAIN FACILITIES OF THE MINIDOKA PROJECT TO THE BURLEY IRRIGATION DISTRICT

Mr. HANSEN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF FACILITIES.

(a) DEFINITIONS.—In this section:

(1) BURLEY.—The term "Burley" means the Burley Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) DIVISION.—The term "Division" means the Southside Pumping Division of the Minidoka project, Idaho.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, without consideration or compensation except as provided in this section, convey to Burley, by quitclaim deed or patent, all right, title, and interest of the United States in and to acquired lands, easements, and rights-of-way of or in connection with the Division, together with the pumping plants, canals, drains, laterals, roads, pumps, checks, headgates, transformers, pumping plant substations, buildings, transmission lines, and other improvements or appurtenances to the land or used for the delivery of water from the headworks (but not the headworks themselves) of the Southside Canal at the Minidoka Dam and reservoir to land in Burley, including all facilities used in conjunction with the Division (including the electric transmission lines used to transmit electric power for the operation of the pumping facilities of the Division and related purposes for which the allocable construction costs have been fully repaid by Burley).

(2) COSTS.—The first $80,000 in administrative costs of transfer of title and related activities shall be paid in equal shares by the United States and Burley, and any additional amount of administrative costs shall be paid by the United States.

(c) WATER RIGHTS.—

(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to the law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(i) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District;

(ii) that are for use on lands within the Burley Irrigation District; and

(iii) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of Twin Falls Canal Company v. Charles N. Foster, et al., and commonly referred to as the "Foster decree".

(B) Any rights that are presently held for the benefit of lands within both the Minidoka Irrigation District and the Burley Irrigation District shall be allotted in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user.

(2) ALLOCATION OF STORAGE SPACE.—The Secretary shall provide an allocation to Burley of storage space in Minidoka Reservoir, American Falls Reservoir, and Palisades Reservoir, as described in Burley Contract Nos. 14-06-100-2455 and 14-06-W-48, subject to the obligation of Burley to continue to assume and satisfy its allocable costs of operation and maintenance associated with the storage facilities operated by the Bureau of Reclamation.

(d) PROJECT RESERVED POWER.—The Secretary shall continue to provide Burley with project reserved power from the Minidoka Reclamation Power Plant, Palisades Reclamation Power Plant, Black Canyon Reclamation Power Plant, and Anderson Ranch Reclamation Power Plant in accordance with the terms of the existing contracts, including any renewals thereof as provided in such contracts.

(e) SAVINGS.—

(1) Nothing in this Act or any transfer pursuant thereto shall affect the right of Minidoka Irrigation District to the joint use of the gravity portion of the Southside Canal, subject to compliance by the Minidoka Irrigation District with the terms and conditions of a contract between Burley and Minidoka Irrigation District, and any amendments or changes made by agreement of the irrigation districts.

(2) Nothing in this Act shall affect the rights of any person or entity except as may be specifically provided herein.

(f) LIABILITY.—Effective on the date of conveyance of the project facilities, described in section (1)(b)(1), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act, 28 U.S.C. 2671 et seq.

(g) COMPLETION OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall complete the conveyance under subsection (b) (including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) not later than 2 years after the date of enactment of this Act.

(2) REPORT.—The Secretary shall provide a report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within eighteen months from the date of enactment of this Act on the status of the transfer, any obstacles to completion of the transfer as provided in this section, and the anticipated date for such transfer.

Mrs. CHENOWETH. Madam. Speaker, I am happy to come before the House to express my strong support for S. 538, the Burley Irrigation District Conveyance Act, sponsored by my Senate colleagues, Senator Craig and Senator KEMPTHORNE. S. 538 also resembles H.R. 1282, a bill introduced by my friend and fellow Idahoan in the House, MIKE CRAPO.

Madam Speaker, S. 538 would simply convey certain facilities of the Minidoka project, which was authorized in 1902, to the Burley Irrigation District. This fulfills the contract the District had with the Federal government.

Per their agreement, the water users of the Burley Irrigation District have paid their obligations to the U.S. Treasury. Having fulfilled this responsibility under the Reclamation Act, the Water District has been working diligently with Congressman CRAPO and me over the last year to develop this important legislation.

Madam Speaker, S. 538 transfers the rights and use of the facility for which the District already has a right of title.

In April of this year we heard testimony from Roger Ling before the House Subcommittee on Water and Power, chaired by my good friend JOHN DOOLITTLE. Mr. Ling, who is an Idaho Citizen, and a member of the Burley Irrigation District, laid out for the subcommittee in detail the fascinating history of how this project came to fruition. He made a compelling case why the Burley water users deserve to receive the title which they have lawfully paid for.

I am very pleased to have the opportunity to assist Burley in working through the intent of the Reclamation Act. I am convinced that the District will do a tremendous job managing the Minidoka facility, including the environmental aspects of this project.

I would like to address some concerns my democratic colleagues have with regard to NEPA. This is not a complicated bill. S. 538 simply authorizes a title transfer. Nothing more, nothing less. The everyday workings of the irrigation district will not change. The simple "paper" transfer will not have an environmental impact. Therefore, an environmental assessment or impact study is not necessary and a waste of resources. And it is my understanding of this bill that, so long as the day-to-day operations are unchanged, NEPA is deemed to be complied with.

The only change to the Burley Irrigation District will be that the people who have worked for decades to pay for the Minidoka facility will finally receive that which is due to—ownership title.

I thank Chairman DOOLITTLE for bringing this important legislation before the House, and I urge my fellow Colleagues to vote for its passage.

Mr. CRAPO. Madam Speaker, I rise to voice my strong support for S. 538, a bill to convey title to certain facilities in the Minidoka Project to the Burley Irrigation District in Idaho. This bill represents a watershed for irrigators in the western United States by setting a model for future legislation involving facility title transfers.

Burley Irrigation District is a waterusers cooperative operating in southern Idaho for the benefit of local irrigators and was authorized in 1904 under the Reclamation Act. Under authority outlined in the Act, the Secretary of the Interior, through the Bureau of Reclamation, transferred to the District the care, operation, and maintenance of certain project works. In 1926, the District entered into a contract with the United States to assume the care, operation, and maintenance of the South Side Pumping Division, together with certain telephone lines.

In this contract, the District agreed to pay to the United States the balance of all construction indebtedness of landowners, including interest and penalties, operation and maintenance charges, and book value of equipment and supplies transferred to the District.

Supplemental contracts between the District and the United States have transferred responsibility for certain transmission lines, transformer stations, and the main South Side Canal from its headworks to the first lift pumping station of the South Side Pumping Division.

Since that time, the District has repaid out all construction and other costs allocated to it under the various contracts. The District has been in continuous operation, maintenance, and management of the distribution facilities and pumping plants for 72 years.

S. 538 is consistent with the Reclamation Act of 1902 and the need of the United States to divest itself of title to property for which it has liability, but not the operation and maintenance responsibilities. Moreover, it fulfills the spirit of the Reclamation Act and the goal of reducing the size of the federal government by transferring to private hands title to Bureau of Reclamation facilities.

I would like to take a moment to address certain questions that had been raised by the Administration regarding the intentions of this bill. These issues have already been clarified with the Secretary of the Interior, but I would like to state them here for the purpose of placing them in the RECORD.

First, the question of what is meant in this legislation by the inclusion of return flows as part of the water rights transfer. As a result of the irrigation of the lands within Burley Irrigation District and Minidoka Irrigation District, there are return flows to the Snake River. Under the Foster Decree, when these districts are using stored water to which they are entitled under their spaceholder contracts for irrigation of their lands, they receive a credit for the return flows to the river which is used on a proportionate basis to reduce their use of stored water. The Decree is administered by the State of Idaho, and the extent of return flows depends on the operation of the districts' distribution systems. These rights clearly belong to the districts and inure the benefit of the districts and the landowners therein.

Second, a concern had been raised about this bill potentially changing the crediting system of return flows from the way it is currently carried out and, in particular, adversely affecting the Minidoka Irrigation District. Let me assure you that nothing in the bill is intended to modify the crediting of return flows from the way they are currently credited. Of course, it is extremely difficult to differentiate the source of return flows, but I would expect that the agreement to be negotiated between the Burley Irrigation District, the Minidoka Irrigation District, and the Secretary of the Interior, would address the partitioning of credits in a manner that will preserve the status quo.

Finally, the Administration had raised a question about the possible impact on storage rights of provisions in the bill transferring natural flow rights. The Bureau of Reclamation has been informed that nothing under this bill is intended to transfer or impair storage rights held by the Bureau, and nothing is intended to impair the operations of the Minidoka Project by the Secretary of the Interior. To the extent operational issues or concerns arise as a result of the transfer, I would expect the Burley Irrigation District and the Secretary to address such matters in the agreement that will be negotiated under the bill.

These questions have been addressed to the satisfaction of the Administration, and all sides have given their assent to this legislation.

Madam Speaker, this legislation is the product of months of intensive negotiations involving the District, the Administration, and Congress. It is fair and cost-effective to the American taxpayer, and it is simply wise public policy. The compromises reached allow all those involved to feel a sense of ownership in this legislation. Accordingly, I would like to express my appreciation to the distinguished subcommittee chairman, Mr. DOOLITTLE, the ranking member, Mr. DEFAZIO, as well as the full committee Chairman YOUNG and Ranking Member MILLER, and the Administration for their hard work and cooperation on this important bill.

I would also like to express my thanks to my colleague from Idaho, Mrs. CHENOWETH, for her invaluable help in passing this legislation. And, of course, I extend special appreciation to the bill's sponsor in the other body, Senator CRAIG, and applaud his persistence in this endeavor.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Madam Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REREFERRAL OF MEMORIAL NO. 303 TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON RESOURCES

Mr. HANSEN. Madam Speaker, I ask unanimous consent that Memorial No. 303 received by the House from the legislature of the State of Idaho be rereferred to the Committee on Agriculture as well as the Committee on Resources.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REREFERRAL OF EXECUTIVE COMMUNICATIONS 10321 AND 10322 TO COMMITTEE ON AGRICULTURE

Mr. HANSEN. Madam Speaker, I ask unanimous consent that the Committee on Resources be discharged from consideration of Executive Communications 10321 and 10322 and that such Executive Communications be rereferred to the Committee on Agriculture.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

Mr. GILMAN. Madam Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 4757) to designate the North-South Center as the Dante B. Fascell North-South Center, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Madam Speaker, reserving the right to object, of course I will not object, but I would like to yield to the chairman for an explanation of the bill.

Mr. GILMAN. Madam Speaker, it is a pleasure for me to bring before the House a bill to honor our esteemed former colleague, the former chairman of the Committee on International Relations, the gentleman from Florida, Dante Fascell.

This bill will rename the educational institution known as the North-South Center as the Dante B. Fascell North-South Center. Chairman Fascell was responsible for establishing that center in 1991 to promote better relations between our Nation and the nations of Latin America, the Caribbean and Canada through cooperative study training and research. Today we recognize the significant contributions that Dante Fascell has made to the U.S.-Latin American relations and, indeed, to so many other aspects of our foreign policy.

Dante Fascell was a dedicated legislator and statesman. It is a privilege to sponsor this measure along with 15 other Members of Congress. This is only a modest gesture to recognize a truly great American.

Accordingly, I urge my colleagues to support this bill.

Mr. HAMILTON. Madam Speaker, continuing my reservation, I strongly support the bill to rename the North-South Center after the former chairman of the House Committee on International Relations, Dante Fascell. I want to thank the gentleman from New York, (Mr. GILMAN) the chairman of the committee, for his initiative in bringing the bill forward.

Dante Fascell was an extraordinarily important figure in this Congress, certainly in the recent history of the international relations committee and in the development of American foreign policy. He was a highly effective legislator, enormously popular in this body. He was an excellent chairman, and his many contributions to the Congress and to the country were simply extraordinary.

Almost all of us who have served on that committee I think have very fond memories of Dante's public service, not the least of which was his accomplishment in getting the North-South Center established. The Center is a concrete example of Dante's intense interest in Latin America. He was a leader in this institution and in the United States Government in fashioning an effective policy toward Latin America. The North-South Center provides independent and serious analysis of Latin America and is an asset to all policy makers.

It is, therefore, only fitting that Dante Fascell would be commemorated permanently in the name of the center that he cares so much about and worked so hard for.

Madam Speaker, I urge unanimous support.

Mr. GILMAN. Madam Speaker, it is a great pleasure to bring before the House a bill to honor our esteemed former colleague, the former Chairman of the International Relations Committee Dante Fascell.

This bill will rename the educational institution known as the North/South Center, as the Dante B. Fascell North-South Center.

Chairman Fascell was responsible for establishing this Center in 1991 to promote better relations between the United States and the nations of Latin America, the Caribbean and Canada through cooperative study training and research.

Today, we recognize the significant contribution Dante Fascell has made to U.S.-Latin American relations and indeed to so many other aspects of our foreign policy. He was a dedicated legislator and statesman. It is a privilege to sponsor this measure along with 15 other Members of Congress. This is only a modest gesture to recognize a truly great American.

I urge my colleagues to support this bill.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NORTH/SOUTH CENTER AS THE DANTE B. FASCELL NORTH-SOUTH CENTER.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) SHORT TITLE.—This section may be cited as the "Dante B. Fascell North-South Center Act of 1991";

(2) in subsection (c)—

(A) by amending the section heading to read as follows: "DANTE B. FASCELL NORTH-SOUTH CENTER.—"; and

(B) by striking "known as the North/South Center," and inserting "which shall be known and designated as the Dante B. Fascell North-South Center,"; and

(3) in subsection (d) by striking "North/South Center" and inserting "Dante B. Fascell North-South Center".

SEC. REFERENCES.

(a) CENTER.—Any reference in any other provision of law to the educational institution in Florida known as the North/South Center shall be deemed to be a reference to the "Dante B. Fascell North-South Center".

(b) SHORT TITLE.—Any reference in any other provision of law to the North/South Center Act of 1991 shall be deemed to be a reference to the "Dante B. Fascell North/South Center Act of 1991".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4757.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

Mr. MCHUGH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2349) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building."

The Clerk read as follows:

H.R. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, shall be known and designated as the "Augustus F. Hawkins Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Augustus F. Hawkins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Madam Speaker I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2349.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1615

Mr. MCHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2349 was introduced by our distinguished colleague from California (Ms. MILLENDER-MCDONALD) on July 31 of 1997; and as required under the rules of the Committee on Government Reform and Oversight, all Members of the House delegation from the State of California are cosponsors of this bill. In addition, 46 other Members of this body are cosponsors of the bill honoring former Representative Hawkins.

Madam Speaker, this bill designates the Federal building located at 10301 South Compton Avenue, Los Angeles, California, known as the Watts Finance Office as the Augustus F. Hawkins Post Office Building.

H.R. 2349 was referred to the Committee on Transportation and Infrastructure on July 31 of 1997. On October 1 of 1998, the Committee on Transportation and Infrastructure discharged the measure, and it was referred to the House Committee on Government Reform and Oversight. I am pleased that we are able to bring this legislation to the floor, and I certainly want to congratulate the gentlewoman from California for her hard work in seeing this measure to the end.

We had the opportunity to discuss the bill at the end of last week, and there was some confusion as to the path that this legislation has taken, and I commend her for not being deterred by that confusion but sticking with it and bringing us to this moment and this opportunity to pass this measure.

Madam Speaker, I know the gentlewoman will have a great deal to say about our former colleague, Augustus Hawkins. I would just note that, like so many individuals who have had the honor bestowed upon them of a Post Office-naming legislation, he, too, is an example of the kind of service, the kind of commitment to community that I think merits this kind of designation.

Through his service in the California State legislature for some 28 years, often during that period as the only African American member, he authored some 100 laws attempting to improve such things as child care, housing and fair employment. Of course later, when in 1962 he was elected to the Congress of the United States, he continued to make those kinds of contributions and those kinds of efforts on behalf of all of his constituents.

So I certainly commend the gentlewoman from California for her dedication to this initiative and for bringing us yet another very deserving designee.

Madam Speaker, I urge all of my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Madam Speaker, I yield myself such time as I may consume.

I am pleased to join the gentleman from New York (Mr. McHUGH) in bringing to the House floor this piece of legislation designating a United States finance building after a distinguished and deserving individual. I would like to take this opportunity to thank the chairman for his timely consideration and his support during the struggle in trying to get this bill to the floor.

Madam Speaker, I rise to pay tribute to a dear friend and a former Congressman by renaming the Federal building located at 10301 South Compton Avenue in Los Angeles, California, known as the Watts Finance Office to the Augustus F. Hawkins Post Office Building.

Madam Speaker, H.R. 2349 enjoys the bipartisan support of the entire California delegation, Congressman Hawkins' former colleagues, and support in the United States Senate.

Madam Speaker, The Washington Post once called Gus Hawkins one of the most famous unknown men of our day. However, many of us knew him as a quiet fighter for racial justice, social equality, and education for minorities, women and children. Gus committed his life to serving others, and his 56 years of public service spanned a period that included the Great Depression, World War II, McCarthyism, both the Korean and Vietnam wars, the Civil Rights movement, and the war on poverty. He witnessed the assassination of a President and the resignation of another.

He was born in Shreveport, Louisiana, in 1907. When he was only 11, he and his family moved to Los Angeles to escape the racial discrimination that was prevalent in the south at that time. His legislative career began in the California State Assembly where he served for 28 years and was often the legislature's only black member. His record in Sacramento includes the passage of the State's first law against discrimination in housing and employment. He also carried successful State legislation concerning minimum wages for women, child care centers, workers compensation for domestic employees, and the removal of racial designations on State documents.

After his remarkable tenure in the assembly, Gus was elected and sworn in as a member of the 88th Congress in 1962. He served as chairman of the Joint Committee on Printing in the 97th Congress, the Joint Committee on Libraries in the 97th Congress, as well as the Committee on House Administration in the 97th Congress and the 98th Congress, before serving as Chairman of the Committee on Education and Labor in the 101st Congress.

By and large, Gus was known by his colleagues as a hard-working, trustworthy, low-key legislator who concentrated on issues of importance to his district. He preferred to work behind the scenes and let others capture the headlines. He is the author of more than 17 Federal laws, including the Full Employment and Balanced Growth Act, Title VII of the Civil Rights Act, establishing the Equal Employment Opportunity Commission, the Job Training Partnership Act, the School Improvement Act, which rewrote virtually all major elementary and secondary education programs, and the Civil Rights Restoration Act.

In 1978, he coauthored and passed the Humphrey-Hawkins Full Employment Act, which pledged Federal Government efforts to reduce unemployment to 4 percent by 1983, if the private sector failed to do so. The Humphrey-Hawkins bill is seen as one of Gus's greatest pieces of legislation accomplishments because it established a real blueprint for moving this country ahead in job training and employment, the foundation to every other policy.

Throughout his remarkable career in public service, Gus has championed the rights of children, the poor, the elderly working people, and minorities. He never forgot who he was, where he came from, nor the people whom he served. It is only fitting that we rise to pay tribute to him by redesignating the Federal building located at 10301 South Compton Avenue in Los Angeles, California, known as the Watts Finance Office to the Augustus F. Hawkins Post Office Building.

I would again like to thank my colleagues in the California delegation and all of the cosponsors of this legislation for joining me in a bipartisan fashion to pay tribute to a great man, a man who would want to be remembered by his colleagues and friends alike as someone who simply loved children, the honorable Augustus F. Hawkins, former distinguished member of the U.S. House of Representatives.

Madam Speaker, I yield back the balance of my time.

Mr. McHUGH. Madam Speaker, with an additional compliment and thank you to the gentlewoman from California, I would like to urge all of our colleagues to support this very worthy nominee.

Mrs. MINK of Hawaii. Madam Speaker, I am pleased to rise in support of H.R. 2349, which redesignates the Federal building on South Compton Ave in Los Angeles, California, known was the Watts Finance Office, as the "Augustus Hawkins Post Office Building".

I had the great privilege to serve in the Congress with the Honorable Augustus Hawkins from 1965 to 1976. Congressman Hawkins served on the House Committee on Education and Labor. He retired in 1990, the year that I returned. From 1984 until his retirement he served as Chair of the House Education and the Labor Committee.

There was no greater advocate for workers' rights than Gus Hawkins. His Full Employment Act, passed in 1978, played a significant role in reminding the leaders of this nation that until unemployment was at 4% our task was not over. He constantly voiced his great frustration that our policies were not reaching the urban centers and our minority youth. He championed job training and education as the key to the future of our nation's workforce.

Gus Hawkins was the people's legislator always working to improve the quality of life of those who were struggling to make ends meet.

One of the last bills he advanced was an omnibus child care bill which he knew was the key to a stable, secure workforce. Today the agenda advanced by Gus Hawkins is very much at the top of our unmet needs.

I stand with others as one of his greatest admirers and urge the passage of H.R. 2349 as one way to honor his work and to remember his commitment to public service.

Mr. McHUGH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and pass the bill, H.R. 2349.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

Mr. BLILEY. Madam Speaker, I move to suspend the rules and pass the (H.R. 3888) to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Competition and Consumer Protection Act of 1998".

TITLE I—SLAMMING

SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) CONSUMER PROTECTION PRACTICES.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

“SEC. 258. ILLEGAL CHANGES IN SUBSCRIBER SELECTIONS OF CARRIERS.

“(a) Alternative Modes of Regulation.—

“(1) Industry/commission code.—Within 180 days after the date of enactment of the Telecommunications Competition and Consumer Protection Act of 1998, the Commission, after consulting with the Federal Trade Commission and representatives of telecommunications carriers providing telephone toll service and telephone exchange service, State commissions, and consumers, and considering any proposals developed by such representatives, shall prescribe, after notice and public comment and in accordance with subsection (b), a Code of Subscriber Protection Practices (hereinafter in this section referred as the ‘Code’) governing changes in a subscriber’s selection of a provider of telephone exchange service or telephone toll service.

“(2) Obligation to comply.—No telecommunications carrier (including a reseller of telecommunications services) shall submit or execute a change in a subscriber’s selection of a provider of telephone exchange service or telephone toll service except in accordance with—

“(A) the Code, if such carrier elects to comply with the Code in accordance with subsection (b)(2); or

“(B) the requirements of subsection (c), if—

“(i) the carrier does not elect to comply with the Code under subsection (b)(2); or

“(ii) such election is revoked or withdrawn.

“(b) Minimum Provisions of the Code.—

“(1) Subscriber protection practices.—The Code required by subsection (a)(1) shall include provisions addressing the following:

“(A) In general.—A telecommunications carrier (including a reseller of telecommunications services) electing to comply with the Code shall submit or execute a change in a subscriber’s selection of a provider of telephone exchange service or telephone toll service only in accordance with the provisions of the Code.

“(B) Negative option.—A telecommunications carrier shall not use negative option marketing.

“(C) Verification.—A telecommunications carrier that submits the change to an executing carrier, or that is both a submitting and an executing carrier, shall verify the subscriber’s selection of the carrier in accordance with procedures specified in the Code.

“(D) Unfair and deceptive acts and practices.—No telecommunications carrier, nor any person acting on behalf of any such carrier, shall engage in any unfair or deceptive acts or practices in connection with the solicitation of a change in a subscriber’s selection of a telecommunications carrier.

“(E) Notification and rights.—A telecommunications carrier shall provide timely and accurate notification to the subscriber in accordance with procedures specified in the Code.

“(F) Slamming liability and remedies.—

“(i) Required reimbursement and credit.—A telecommunications carrier that has improperly changed the subscriber’s selection of a telecommunications carrier without authorization, shall at a minimum—

“(I) reimburse the subscriber for the fees associated with switching the subscriber back to their original carrier; and

“(II) provide a credit for any telecommunications charges incurred by the subscriber during the period, not to exceed 30 days, while that subscriber was improperly presubscribed.

“(ii) Procedures.—The Code shall prescribe procedures by which—

“(I) a subscriber may make an allegation of a violation under clause (i);

“(II) the telecommunications carrier may rebut such allegation;

“(III) the subscriber may, without undue delay, burden, or expense, challenge the rebuttal; and

“(IV) resolve any administrative review of such an allegation within 75 days after receipt of an appeal.

“(G) Recordkeeping.—A telecommunications carrier shall make and maintain a record of the verification process and shall provide a copy to the subscriber immediately upon request.

“(H) Quality control.—A telecommunications carrier shall institute a quality control program to prevent inadvertent changes in a subscriber’s selection of a carrier.

“(I) Independent audits.—A telecommunications carrier shall provide the Commission with an independent audit regarding its compliance with the Code at intervals prescribed by the Code. The Commission may require a telecommunications carrier to provide an independent audit on a more frequent basis if there is evidence that such telecommunications carrier is violating the Code.

“(2) Election by carriers.—Each telecommunications carrier electing to comply with the Code shall file with the Commission within 20 days after the adoption of the Code, or within 20 days after commencing operations as a telecommunications carrier, a statement electing the Code to govern such carrier’s submission or execution of a change in a customer’s selection of a provider of telephone exchange service or telephone toll service. Such election by a carrier may not be revoked or withdrawn unless the Commission finds that there is good cause therefor, including a determination that the carrier has failed to adhere in good faith to the applicable provisions of the Code, and that the revocation or withdrawal is in the public interest. Any telecommunications carrier that fails to elect to comply with the Code shall be deemed to have elected to be governed by the subsection (c) and the Commission’s regulations thereunder.

“(c) Regulations of Carriers Not Complying With Code.—

“(1) In general.—A telecommunications carrier (including a reseller of telecommunications services) that has not elected to comply with the Code under subsection (b), or as to which the election has been withdrawn or revoked, shall not submit or execute a change in a subscriber’s selection of a provider of telephone exchange service or telephone toll service except in accordance with this subsection and such verification procedures as the Commission shall prescribe.

“(2) Verification.—

“(A) In general.—In order to verify a subscriber’s selection of a telephone exchange service or telephone toll service provider under this subsection, the telecommunications carrier submitting the change to an executing carrier shall, at a minimum, require the subscriber—

“(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

“(ii) to acknowledge the type of service to be changed as a result of the selection;

“(iii) to affirm the subscriber’s intent to select the provider as the provider of that service;

“(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and

“(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

“(B) Additional requirements.—The procedures prescribed by the Commission to verify a subscriber’s selection of a provider shall—

“(i) preclude the use of negative option marketing;

“(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

“(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

“(iv) mandate that verification occur in the same language as that in which the change was solicited; and

“(v) provide for verification to be made available to a subscriber on request.

“(C) Notice to subscriber.—Whenever a telecommunication carrier submits a change in a subscriber’s selection of a provider of telephone exchange service or telephone toll service, such telecommunications carrier shall clearly notify the subscriber in writing, not more than 15 days after the change is submitted to the executing carrier—

“(i) of the subscriber’s new carrier; and

“(ii) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

“(3) Liability for violations.—

“(A) Notification of change.—The first bill issued after the effective date of a change in a subscriber’s provider of telephone exchange service or telephone toll service by the executing carrier for such change shall—

“(i) prominently disclose the change in provider and the effective date of such change;

“(ii) contain the name and toll-free number of any telecommunications carrier for such new service; and

“(iii) direct the subscriber to contact the executing carrier if the subscriber believes that such change was not authorized and that the change was made in violation of this subsection, and contain the toll-free number by which to make such contact.

“(B) Automatic switch-back of service and credit to consumer of charges.—

“(i) Obligations of executing carrier.—If a subscriber of telephone exchange service or telephone toll service makes an allegation, orally or in writing, to the executing carrier that a violation of this subsection has occurred with respect to such subscriber—

“(I) the executing carrier shall, without charge to the subscriber, execute an immediate change in the provider of the telephone service that is the subject of the allegation to restore the previous provider of such service for the subscriber;

“(II) the executing carrier shall provide an immediate credit to the subscriber’s account for any charges for executing the original change of service provider;

“(III) if the executing carrier conducts billing for the carrier that is the subject of the allegation, the executing carrier shall provide an immediate credit to the subscriber’s account for such service, in an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

“(aa) beginning upon the date of the change of service that is the subject of the allegation; and

“(bb) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued; and

‘‘(IV) the executing carrier shall recover the costs of executing the change in provider to restore the previous provider, and any credits provided under subclause (II) and (III), by recourse to the provider that is the subject of the allegation.

‘‘(ii) OBLIGATIONS OF CARRIERS NOT BILLING THROUGH EXECUTING CARRIERS.—If a subscriber of telephone exchange service or telephone toll service transmits, orally or in writing, to any carrier that does not use an executing carrier to conduct billing an allegation that a violation of this subsection has occurred with respect to such subscriber, the carrier shall provide an immediate credit to the subscriber's account for such service, and the subscriber shall, except as provided in subparagraph (C)(iii), be discharged from liability, for an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

‘‘(I) beginning upon the date of the change of service that is the subject of the allegation; and

‘‘(II) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in paragraph (1) is issued.

‘‘(iii) TIME LIMITATION.—This subparagraph shall apply only to allegations made by subscribers before the expiration of the 1-year period that begins on the issuance of the bill described in subparagraph (A).

‘‘(C) PROCEDURE FOR CARRIER REMEDY.—

‘‘(i) IN GENERAL.—The Commission shall, by rule, establish a procedure for rendering determinations with respect to violations of this subsection. Such procedure shall permit such determinations to be made upon the filing of (I) a complaint by a telecommunications carrier that was providing telephone exchange service or telephone toll service to a subscriber before the occurrence of an alleged violation, and seeking damages under clause (ii), or (II) a complaint by a telecommunications carrier that was providing services after the alleged violation, and seeking a reinstatement of charges under clause (iii). Either such complaint shall be filed not later than 6 months after the date on which any subscriber whose allegation is included in the complaint submitted an allegation of the violation to the executing carrier under subparagraph (B)(ii). Either such complaint may seek determinations under this paragraph with respect to multiple alleged violations in accordance with such procedures as the Commission shall establish in the rules prescribed under this subparagraph.

‘‘(ii) DETERMINATION OF VIOLATION AND REMEDIES.—In a proceeding under this subparagraph, if the Commission determines that a violation of this subsection has occurred, other than an inadvertent or unintentional violation, the Commission shall award damages—

‘‘(I) to the telecommunications carrier filing the complaint, in an amount equal to the sum of (aa) the gross amount of charges that the carrier would have received from the subscriber during the violation, and (bb) $500 per violation; and

‘‘(II) to the subscriber that was subjected to the violation, in the amount of $500.

‘‘(iii) DETERMINATION OF NO VIOLATION.—If the Commission determines that a violation of this subsection has not occurred, the Commission shall order that any credit provided to the subscriber under subparagraph (B)(ii) be reversed, or that the carrier may resubmit a bill for the amount of the credit to the subscriber notwithstanding any discharge under subparagraph (B)(ii).

‘‘(iv) SPEEDY RESOLUTION OF COMPLAINTS.—The procedure established under this subparagraph shall provide for a determination of each complaint filed under the procedure not later than 6 months after filing.

‘‘(D) MAINTENANCE OF INFORMATION.—

‘‘(i) IN GENERAL.—The Commission shall, by rule, require each executing carrier to maintain information regarding each alleged violation of this subsection of which the carrier has been notified.

‘‘(ii) CONTENTS.—The information required to be maintained pursuant to this paragraph shall include, for each alleged violation of this subsection, the effective date of the change of service involved in the alleged violation, the name of the provider of the service to which the change was made, the name, address, and telephone number of the subscriber who was subject to the alleged violation, and the amount of any credit provided under subparagraph (B)(ii).

‘‘(iii) FORM.—The Commission shall prescribe one or more computer data formats for the maintenance of information under this paragraph, which shall be designed to facilitate submission and compilation pursuant to this subparagraph.

‘‘(iv) MONTHLY REPORTS.—Each executing carrier shall, on not less than a monthly basis, submit the information maintained pursuant to this subparagraph to the Commission.

‘‘(v) ACCESS TO INFORMATION.—The Commission shall make the information submitted pursuant to clause (iv) available upon request to any telecommunications carrier. Any telecommunications carrier obtaining access to such information shall use such information exclusively for the purposes of investigating, filing, or resolving complaints under this section.

‘‘(4) CIVIL PENALTIES.—Unless the Commission determines that there are mitigating circumstances, violation of this subsection is punishable by a forfeiture of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

‘‘(5) RECOVERY OF FORFEITURES.—The Commission may take such action as may be necessary—

‘‘(A) to collect any forfeitures it imposes under this subsection; and

‘‘(B) on behalf of any subscriber, to collect any damages awarded the subscriber under this subsection.

‘‘(d) APPLICATION TO WIRELESS.—This section does not apply to a provider of commercial mobile service.

‘‘(e) COMMISSION REQUIREMENTS.—

‘‘(1) SEMIANNUAL REPORTS.—Every 6 months, the Commission shall compile and publish a report ranking telecommunications carriers by the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to the number of the carrier's changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

‘‘(2) INVESTIGATION.—If a telecommunications carrier is listed among the 5 worst performers based upon the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to its number of carrier selection changes in the semiannual reports 3 times in succession, the Commission shall investigate the carrier's practices regarding subscribers' selections of providers of telephone exchange service and telephone toll service. If the Commission finds that the carrier is misrepresenting adherence to the Code or is willfully and repeatedly changing subscribers' selections of providers, it shall find such carrier to be in violation of this section and shall fine the carrier up to $1,000,000.

‘‘(3) CODE REVIEW.—Every 2 years, the Commission shall review the Code to ensure its requirements adequately protect subscribers from improper changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

‘‘(f) ACTIONS BY STATES.—

‘‘(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated the Code or subsection (c), or any rule or regulation prescribed by the Commission under subsection (c), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such violation, to enforce compliance with such Code, subsection, rule, or regulation, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

‘‘(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (A) to intervene in such action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

‘‘(3) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

‘‘(4) INVESTIGATORY POWERS.—For purposes of bringing any civil action under this section, nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

‘‘(5) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

‘‘(6) LIMITATION.—Whenever the Commission has instituted a civil action for violation of this section or any rule or regulation thereunder, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

‘‘(7) ACTIONS BY OTHER STATE OFFICIALS.—In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers.

‘‘(g) STATE LAW NOT PREEMPTED.—

‘‘(1) IN GENERAL.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes requirements, regulations, damages, costs, or penalties on changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service that—

"(A) are less restrictive than those imposed under this section; or

"(B) are not inconsistent with those imposed under this section, and were enacted prior to the date of enactment of the Telecommunications Competition and Consumer Protection Act of 1998.

"(2) EFFECT ON STATE COURT PROCEEDINGS.—Except as provided in subsection (f)(6), nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State or any specific civil or criminal statute of such State not preempted by this section.

"(h) RULES OF CONSTRUCTION.—

"(1) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of telephone toll service to a subscriber by a telecommunications carrier shall be treated as achange in selection of a provider of telephone toll service.

"(2) ACTION BY UNAFFILIATED RESELLER NOT IMPUTED TO CARRIER.—No telecommunications carrier may be found in violation of this section solely on the basis of a violation of this section by an unaffiliated reseller of that carrier's services or facilities.

"(i) DEFINITIONS.—For purposes of this section:

"(1) SUBSCRIBER.—The term 'subscriber' means the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.

"(2) EXECUTING CARRIER.—The term 'executing carrier' means, with respect to any change in the provider of local exchange service or telephone toll service, the local exchange carrier that executed such change.

"(3) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.".

(b) NTIA STUDY OF THIRD-PARTY ADMINISTRATION.—Within 180 days of enactment of this Act, the National Telecommunications and Information Administration shall report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and desirability of establishing a neutral third-party administration system to prevent illegal changes in telephone subscriber carrier selections. The study shall include—

(1) an analysis of the cost of establishing a single national or several independent databases or clearinghouses to verify and submit changes in carrier selections;

(2) the additional cost to carriers, per change in carrier selection, to fund the ongoing operation of any or all such independent databases or clearinghouses; and

(3) the advantages and disadvantages of utilizing independent databases or clearinghouses for verifying and submitting carrier selection changes.

TITLE II—SPAMMING

SEC. 201. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) in order to avoid interference with the rapid development and expansion of commerce over the Internet, the Congress should decline to enact regulatory legislation with respect to unfair or intrusive practices on the Internet that the private sector can, given a sufficient opportunity, deter or prevent; and

(2) it is the responsibility of the private sector to use that opportunity promptly to adopt, implement, and enforce measures to deter and prevent the improper use of unsolicited commercial electronic mail.

TITLE III—GWCS AUCTION DEADLINE

SEC. 301. ELIMINATION OF ARBITRARY AUCTION DEADLINE.

Section 309(j)(9) of the Communications Act of 1934 (47 U.S.C. 309(j)(9)) is amended by striking ", not later than 5 years after the date of enactment of this subsection,".

TITLE IV—REINSTATEMENT OF CERTAIN APPLICANTS

SEC. 401. REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.

(a) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in subsection (b), the Commission shall—

(1) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(2) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(b) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to section 501(a)(2), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(c) PROCEEDING.—The proceeding described in this subsection is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P, Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

SEC. 402. CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.

(a) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this title.

(b) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radiotelephone service to subscribers in accordance with sections 22.946 and 22.947 of the Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 404(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

(c) CALCULATION OF LICENSE FEE.—

(1) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(A) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(2) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by section 501(a)(2), the Commission shall notify each applicant of the fee established for the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than May 31, 2000, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted under subsection (a).

(e) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to section 401(a)(2) of this title, the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under subsection (b) of this section, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to section 401(a)(1)) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 403. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date that an applicant is granted any license pursuant to section 401, the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this title may be construed to prohibit any applicant granted a license pursuant to section 401 from contracting with other licensees to improve cellular telephone service.

SEC. 404. DEFINITIONS.

For the purposes of this title, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Servioes L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellwave Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term "covered rural service area licensing proceeding" means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term "tentative selectee" means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I rise in strong support of H.R. 3888 and against the scourge of "slamming." The practice of slamming will only increase as competition expands into the local telephone and short-haul telephone markets. While I want competition to develop, slamming should not. Indeed, my wife and I were slammed, so I like to think that I bring a little first-hand knowledge to the issue.

In the Telecommunications Act of 1996, we gave the FCC significant authority to eliminate slamming, but for some reason they have decided not to use it. Accordingly, we find it necessary to again address the issue of slamming legislatively. But this time we have removed a significant portion of the flexibility given to the FCC. In its place, we have spelled out a twofold approach to eliminate slamming.

In the first instance, we allow carriers to self-regulate. The carriers have said that they want to eliminate slamming, and we will see if they can live up to their word.

For those carriers that cannot, they will be subject to the heavy hand of FCC regulation. We anticipate that carriers will see the light and stop slamming on their own. In fact, I very recently received a letter from many of the carriers from the telecommunications industry endorsing this legislation. By giving the industry an opportunity to lead on this issue, we are trying to avoid imposing the kind of regulation that would raise the cost of doing business and serve as a barrier to entry for entrepreneurs.

At the same time, we have provided for significant penalties for those companies that choose to violate the law. We have also achieved a balance between the need to give companies the ability to standardize their business practices and keep their costs low and the need to allow State officials to enforce State statutes against consumer fraud.

Let me also point out that the manager's amendment to H.R. 3888 that we are considering today does not include provisions that would resolve the C-block P–C–S auction debacle.

The version reported by the committee included provisions that would have brought an end to the thickening legal and regulatory quagmire that the C-block has become. Unfortunately, though, CBO and OMB allege that the committee's C-block provisions are too costly. This is misguided, as well as shortsighted.

At this rate, the government will end up with very little to show for all of its efforts in trying to resolve the C-block debacle. The taxpayers will be lucky if they get 10 cents on the dollar. Meanwhile, scarce and valuable spectrum sits on the shelf, collecting dust rather than promoting competition for mobile services.

It is a bit like that advertisement from Fram oil filters where the fellow says, "You can pay me now, or you can pay me later." We ought to be facing the inevitable in recycling the C-block mess today, but we are not, and that is regrettable indeed. Mark my words, Congress at some point will have to step in and resolve this mess, and then the cost will be substantially higher than the CBO and OMB allege that it is today.

In closing, Madam Speaker, I want to thank the hard work of our telecommunications chair, the gentleman from Louisiana (Mr. TAUZIN).

Lastly, let me thank my good friends, the gentleman from Michigan (Mr. DINGELL), the ranking member of the committee, and the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the subcommittee, for their valuable input.

While I would have preferred this legislation to include provisions to resolve the C-block matter, it is still a good bill, and it deserves the support of the Members of the House.

Madam Speaker, the Manager's Amendment to H.R. 3888, which the House is considering today, includes several changes to the version of the bill reported by the Commerce Committee. I therefore would like to supplement the legislative history contained in the Committee's report so as to reflect the changes in the Manager's Amendment.

SLAMMING

I am pleased that, as amended by the Commerce Committee, H.R. 3888 takes a nonregulatory and less bureaucratic approach than the earlier Subcommittee-approved version of this bill. As a consequence, there are associated cost benefits for smaller, entrepreneurial companies. In adopting the Code of Subscriber Protection Practices provisions of H.R. 3888, we seek to provide a two-pronged approach to encourage carriers to adopt pro-consumer practices.

Carriers can accede to the high level of oversight and cooperation required under the Code, including record keeping requirements, instituting a quality control program for inadvertent slamming, and importantly, submitting to independent audits. These carriers are accountable for any questionable behavior, they must refund charges found to be improper, and they may lose their Code status for failure to adhere in good faith to applicable provisions of the Code. Carriers that lose their Code status may be subject to penalties in accordance with the non-Code regulations. The penalties would apply equally to those companies that have either not elected the Code, or who have elected the Code, then lost their Code status. Thus, by adopting the Code provisions of H.R. 3888, Congress intended adherence to the Code to represent a "safe harbor" with regard to the fines and punishments reserved for non-Code carriers. Accordingly, the FCC, as it prescribes the Code, is not authorized to impose penalties (beyond reimbursement) on carriers who elect and abide by the Code.

H.R. 3888 further demonstrates Congress' intention that, where a consumer is improperly switched to a new carrier without authorization, the consumer may be reimbursed for fees associated with being switched back to the original carrier and be credited for telecommunications charges incurred for up to 30 days while the consumer was improperly subscribed. The legislation directs that the Code shall prescribe a method for a consumer to make an allegation of a violation, for the carrier to rebut the allegation, and for the consumer to challenge the rebuttal. Thus, a consumer will not receive a credit where the carrier has, by providing proof of verification, successfully rebutted the allegation that the consumer was switched improperly.

The legislation also directs, in cases involving slamming allegations against non-Code carriers, that the local exchange carrier automatically switch consumers back to their previously authorized carrier. The Manager's Amendment now clarifies that the previously authorized carrier is the one that is "reflected in the records of the executing carrier." It is possible that the local exchange carrier's records may not reflect the consumer's true choice of carriers, if that choice was a long distance reseller. Thus, a question arises as to how consumers will be assured they are switched back to their carrier of choice. The Committee intends that an executing carrier will restore a subscriber to the originally authorized carrier, as specified by the subscriber, with a minimum of disruption. The Committee recognizes that there may be difficulty in identifying the subscriber's originally authorized carrier, particularly when the originally authorized carrier is a switchless reseller. For this reason, the Committee intends that the FCC address this issue as it promulgates rules implementing this legislation.

Finally, one of the important compromises we have made in crafting the Manager's Amendment deals with the applicability of existing State law. This provision protects both Federal and State prerogatives. We are mindful of the appropriate prerogatives of State legislatures and State regulatory agencies in this area. At the same time, Congress would be abdicating its responsibilities if it did not ensure that a national framework was in place to guard against balkanization of appropriate policy to protect consumers and to safeguard competition. Consumers will not be protected from nefarious "slamming" practices unless we can assure them that a consistent national remedy is in place. Similarly, we cannot guard against excessive costs in the provision of telecommunications services unless we adopt this consensus legislative formula for balancing respective Federal and State interests.

C–BLOCK

As I stated earlier, the Manager's Amendment to H.R. 3888 does not include provisions to address the growing C-block debacle. This is unfortunate, given that the country now faces a deteriorating spectrum managements crisis.

Five years ago Congress passed legislation, subsequently signed into law as part of the

Omnibus Budget Reconciliation Act of 1993, that fundamentally changed how spectrum was to be licensed in this country. Congress recognized the shortcomings of both the comparative hearing process, which was too lengthy and inefficient, and the lottery process, which was inequitable and short-changed the American people, when they were applied in certain instances of licensing.

Congress determined that, in certain very specific instances, where mutually exclusive applications were filed for a license, a system of competitive bidding would be a better solution. Congress found that an auction is faster than a comparative hearing, puts the license presumably in the hands of the person who values it the most, and it recoups for the public "a portion of the value of the public spectrum resource made available for commercial use."

The goal of the 1993 spectrum law is wholly consistent with the bedrock principle that is at the very foundation of the Communications Act. That goal is to get licenses in the hands of entities as quickly and efficiently as possible so that they in turn, are able to deliver services to very core of the 1993 law. That is how Congress and the FCC best serve the public interest. And, on balance, the Commission had done a creditable job of instituting the competitive bidding process.

As part of the spectrum law, Congress also intended to create a more competitive landscape in the wireless market by "avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants." The FCC responded to that statutory mandate with the creation of an "entrepreneurs' block" (the so-called "C block") of licenses that would be made available to small businesses, and would not be available to the incumbents. The auction for those license closed in May 1996.

Since that time, the C block has turned into a nightmare. The Commission's post-auction behavior undermined the goal of the statute—to get licenses in the hands of licensees as quickly and efficiently as possible so that service to the public is forthcoming expeditiously. The statute explicitly contemplates that the end of the auction and subsequent evaluation of the qualifications of a high bidder to hold a spectrum license must be conducted as contemporaneously as possible. By creating an unreasonable and inexplicable delay between these two events for some of the largest bidders with biggest footprints, the FCC exposed these two events for some of the largest bidders with biggest footprints, the FCC exposed these bidders to the risk that market forces might alter the assumptions on which bids were made in ways no one could have anticipated. These bidders were powerless during the unexpected and unjustifiable licensing process that followed the close of the auction and totally exposed to the vagaries of the commercial marketplace.

Many other C-block licensees were, in some measure, waiting for resolution of the licensing process for the largest bidders to develop strategic alliances and to put their own business plans in place. Thus, the Commission's failure to act in a timely and responsible fashion in licensing certain C-block licensees effectively cut the legs out from under the entire C-block. Consequently, less than 10 percent of the C-block licenses are in productive use for American consumers; the rest are in bankruptcy, returned to the FCC, or otherwise still on the sideline. A 10 percent success rate five years after the law was passed is unacceptable.

What is particularly vexing, however, is that, since early 1997, the Commerce Committee has repeatedly reminded the FCC about the importance of deploying spectrum-based services as rapidly as possible. We have devoted significant time and energy offering restructuring solutions that, had they been adopted, might have avoided the mess the C-block has become.

At a recent hearing on the C-block matter before the Commerce Committee, it was clear that the Commission is unable or unwilling to take the steps necessary to resolve these bankruptcy matters as expeditiously as possible in fulfillment of its statutory obligation to help bring service to the public. It is now time for Congress to step in and solve the problem as best it can: the fairest way to all parties is to simply unwind the C-block auction, like any commercial transaction gone wrong, and re-do the deal. That is precisely what H.R. 3888, as reported by the Commerce Committee, would have done—it would have put licensees and those who bid for licenses as close to back to where they were before the auction took place.

To the degree there was concern about the budget impact of this proposal, I would point out that it has been difficult to gauge the real budgetary impact of Congressional action. I have serious questions about the cost estimates provided by both CBO and OMB, given the uncertainty surrounding the C-block reauction, the bankruptcies and related litigation. Neither CBO nor OMB has been able to provide firm data to back up this estimate.

Rather than focusing these fictional accounting estimates, instead, we should recognize that this could have been an opportunity for a real solution to the C-block dilemma. The public policy goal of bringing service to the public is best served by mandating a rescission of the C-block auction and to have all the licenses, including those that are currently in bankruptcy and default, available to be re-auctioned as quickly as possible.

Instead, by not acting today, Congress will proling this debacle. I can assure you that our inaction will only lead to more bankruptcies as more and more C-block licensees who today are still technically "solvent" but in reality are teetering on the edge of bankruptcy. Best estimates are that, with these additional bankruptcies, licensees serving 85% or more of the population will be "under water."

So Congress should be on notice: one inaction will result in more lawsuits against the government, and thus more taxpayer dollars being spent on costly bankruptcy litigation. Indeed, just last week, a federal appeals court in New Orleans upheld a judgment against the FCC in favor of the third largest C-block licensee, General Wireless Inc. The court reduced the licensee's debt to 16 cents on the dollar. More judgments like this are sure to follow, and all the while the public/taxpayer is denied competitive new wireless service while the FCC pursues this absurd course of costly, pointless litigation.

Congress should step in and stop this folly now. Instead, we're going to follow the lead of CBO and OMB, whose ledger sheets tell us that a rescission is too costly. I look forward to seeing what their ledger sheets have to say in several months, after more court rulings like the Fifth Circuit's. My guess is that Congress will say that H.R. 3888, as reported by the Committee, would have been a bargain, had we only accepted the offer.

RURAL CELLULAR SERVICE

Title IV of the Manager's Amendment to H.R. 3888 better serves the public interest by guaranteeing that the taxpayer will benefit directly. In exchange for removing certain service obligations which exceeded the requirements imposed upon other cellular licensees, the Commission will establish a fee for each of the licenses based on average auction prices for similar markets and prior settlement agreements reached with similarly situated RSA licensees. This provision will ensure that the applicants that are the subject of Title IV of H.R. 3888 are treated in the same manner as other similarly situated RSA licensees who also entered into a settlement agreement with the Commission and made appropriate payments to the U.S. Treasury.

Hon. THOMAS J. BLILEY, JR.,
Chairman, House Committee on Commerce,
Washington, DC, October 10, 1998.

Re: H.R. 3888, the Telecommunications Competition and Consumer Protection Act of 1998

DEAR CHAIRMAN BLILEY: We wish to express our support for H.R. 3888, the Telecommunications Competition and Consumer Protection Act of 1998. Consumers need action now to protect them against the continued problem of slamming. We believe that this anti-slamming legislation provides a market-based incentive for industry to address the slamming problem by self-regulation, backed up by increased FCC regulation for companies that elect not to participate in an industry-driven Code of Subscriber Protection Practices.

We commend you and your colleagues for your bi-partisan efforts in addressing this important issue. The statutory changes set forth in H.R. 3888, together with tough enforcement by the FCC, should serve to rid the industry of the scourge of slamming.

Sincerely,
American carriers Telecommunications Association (ACTA)
AT&T Corp.
Bell Atlantic
BellSouth
Cable & Wireless
Competitive Telecommunications Association (CompTel)
Excel Communications
Frontier Corp.
GTE Corp.
MCI Worldcom
Telecommunications Resellers Association (TRA)
US West

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I want to commend and thank my colleagues on the committee for the work that they have done. The gentleman from Virginia (Mr. BLILEY) the chairman of the committee; the gentleman from Louisiana

(Mr. TAUZIN), the chairman of the subcommittee, and their staffs. I also want to commend my good friend, the gentleman from Massachusetts (Mr. MARKEY), for having worked closely with me.

We have put together a good piece of legislation, and I commend my colleagues whom I have mentioned by name and many others that I have not for their valuable participation in this matter.

□ 1630

I rise in strong support of H.R. 3888, the Telecommunications Competition and Consumer Protection Act of 1988. This legislation is finally going to put an end to the outrageous illegal and insidious practice of slamming innocent consumers.

No longer can Americans innocent of any wrongdoing be swindled by companies who intentionally switch a customer's long distance service without the permission of that customer. For years customers have been at the mercy of slammers. They have been victimized repeatedly, with little or no recourse. Often they have been billed by carriers at exorbitant rates, and then they must face the further frustration of having a dozen phone calls made to get their services switched back in the face of recalcitrant behaviors by people guilty of serious wrongdoing. Rarely, if ever, have consumers seen a dime of the money that was swindled from them under this iniquitous practice.

This bill will now put consumers in the driver's seat. If a consumer believes he or she has been the victim of slamming, then the burden will shift to the carrier to prove that a switch in service was authorized. Otherwise, the consumer will be entitled to a credit for charges incurred. This is a fair approach, and it makes the playing field level and even. It is my belief it will have a strong and effective effect on the iniquitous practice of slamming.

The bill before us is bipartisan. It uses a novel two-pronged approach to the problem. It provides telecommunications companies with an alternative to traditional regulation. The industry, in conjunction with consumer groups and State regulators, will have the opportunity to develop its own "Code of Subscriber Protection Practices."

This code is designed to reward good actors with less regulation. However, if companies choose not to adopt the code, or to act in bad faith, they will be subject to a higher and more appropriate regulatory burden. Thus, members of the industry are free to choose their own destiny. Consumers will be the winners, in any event.

I want to make a note that there were some provisions which were dropped which I deeply regret. The "carrier freeze" provision would have protected consumers' ability to instruct their local telephone company that no changes could be made in their selection of long-distance provider without their express permission.

This seems to me eminently sensible, and is regrettably missing from this bill. The provision would have been the most effective way to prevent slamming by simply empowering consumers to protect themselves without undue government regulation. I am hopeful that next year this will be addressed.

Finally, I note that I regret that the amendment does not include the text of Title III of H.R. 3888, which concerned the C-block PCS licensees. I would note that our chairman has made a comment which I fully endorse. He has identified the budget problem that is confronted by the committee, and has wisely determined, with his regret and mine, to strip that provision from the bill.

Regrettably, I concur in that decision. I would like to say, however, that CBO's cost estimate of $600 million is the purest of fiction. It is like Peter and the wolf, or perhaps like Peter Pan. The fact is that licensees representing 70 percent of the U.S. population are in bankruptcy. Most of the remaining people in this particular category are teetering on the edge of the bankruptcy that is sure to follow.

It is unlikely that the Federal Government will see most of the revenues that CBO and OMB are projecting. The result is going to be a significant loss to the taxpayers, and something that the Congress will have to address with great vigor during the forthcoming Congress. I would point out that one particular bankruptcy judge has estimated that in certain bankruptcies of this kind, the Federal Government is going to see less than 16 cents on the dollar.

I would hope the Commission is going to reevaluate its policies regarding the C-block, and recognize that its primary goal should be expediting the delivery of service to the public. If the Commissioners do not do so, I am satisfied that we will be back here again next year cleaning up the mess that the Commission is consistently making, and ending the needless litigation and delays that plague the public.

Madam Speaker, this is an excellent bill. I urge my colleagues to vote for it affirmatively and get it passed, so we may proceed to protect the American public and the American consumers.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the subcommittee.

Mr. TAUZIN. Madam Speaker, let me first thank the gentleman from Virginia (Chairman BLILEY) and his staff for all the excellent work on this bill, and my cosponsor, the gentleman from Michigan (Mr. DINGELL) for his excellent efforts, and his, as always, great cooperation, as we work toward passage of this anti-slamming legislation.

Again, I would also like to commend and thank my good friend, the gentleman from Massachusetts (Mr. MARKEY), the ranking minority member, for his excellent cooperation and support of this legislation.

The gentleman from Michigan (Mr. DINGELL) and I are here together to offer H.R. 3888, entitled the Telecommunications Competition and Consumer Protection Act of 1998. Why is it called the Consumer Protection Act? Because it is designed to protect consumers against this awful practice where telephone companies switch your service without your permission, often in some fraudulent fashion.

Frankly, we are disappointed that we are here again today having to legislate for the second time on this subject. We thought we gave the Commission 2 years ago enough authority and enough direction to eliminate this practice.

For those who have not heard about it, the volumes of complaints that have come in to the FCC now total some 20,000 just in 1997 alone. It involves this practice where the long distance local or advanced service provider in communications switches the consumer without ever even informing the consumer. Obviously, when you get your telephone bill and find out, if you notice it, you are being served by a different company that you never authorized, and you have just been slammed.

In May of this past year the Senate passed an anti-slamming bill offered by Senator MCCAIN by a vote of 99 to nothing. This should tell us something about how the House and Senate feel about this practice. To me, slamming is very similar to theft. I echo the frustration of the gentleman from Virginia (Chairman BLILEY) that the FCC has failed so far to implement provisions pursuant to the slamming provision that we included in the 1996 telecommunications bill.

Today, after a long, arduous process, we are finally considering a bill aimed at eliminating this awful practice. It reflects changes adopted in both the subcommittee and the full committee. We believe the bill strikes the right balance, it imposes strong anti-slamming provisions, without burdening the industry with costly regulation, or confusing an already wronged and perhaps sometimes confused consumer with a burdensome dispute process.

In short, the way we finally crafted the bill, with great, again, cooperation and support by the chairman and his staff, and the gentleman from Michigan (Mr. DINGELL) and his subcommittee, the ranking minority member, offers a less regulatory approach to solving the very same problem.

It adopts a bifurcated process to the problem. It literally gives telecommunications companies two options. They can either police themselves properly through a voluntary code of subscriber protection practices, a code of conduct, if you will, or if they choose not to, the carrier suffers the consequence of very tough FCC regulation mandated by this bill.

I trust that most, if not all, the carriers will choose to operate under their own code of conduct. The code will prevent slamming, and ensure that consumers are made whole if they have been slammed. If a carrier chooses not to participate or otherwise fails to live up to these codes, then it is subject automatically to the regulatory and legal penalties of the FCC, as contained in our subcommittee version of the bill.

Although some might argue that this is somewhat of a watered-down version, let me make it clear, this gives the industry a single chance to voluntarily police themselves without the specific pro-consumer guidelines and government participation. But if they fail, then these regulations will go into effect.

In addition, the bill preserves the role for the States to prevent slamming. States have taken an active role to eliminate slamming, and the bill preserves the States' discretion to pursue slammers whenever appropriate. In fact we grandfather the more stringent provisions of eight of our States who have in fact enacted anti-slamming legislation.

The gentleman from Michigan (Mr. DINGELL) and I have titled our bill the Telecommunications Competition and Consumer Protection Act of 1998. It is because the amendment is about more than just slamming. Indeed, there are a number of timely consumer and competition-related issues that require the House's urgent attention.

For example, this legislation directs the private sector to help Congress find a solution to the problem of slamming, and also spamming. Spam, as many know, is bulk unsolicited e-mail. It is a nuisance to consumers and a threat to our telecommunications and information infrastructure. Why? Because spam clogs up the e-mail systems, and in fact can clog up one's personal e-mail box.

Still, we have to recognize that Congress does not have the perfect solution to this problem. Hence, it is the sense of Congress that the private sector must address this issue, and the bill asks the private sector to help us achieve the right solution. It respects free speech, and also respects consumers' rights not to be spammed.

Our bill also addresses a critical spectrum management issue, the FCC's refusal for the last 10 years to issue permanent cellular licenses to three underserved rural areas of America. It is time to issue those permanent licenses so that rural consumers in those areas can have the same benefits from the investment in infrastructure, improved services, and competition that has been available in many other parts of America.

Finally, this legislation will end up addressing a problem of illegal CB radio operators who are transmitting signals significantly above legal levels. We are working on the final language of that. We understand that the Senate bill contains provisions which, when we get to conference, we hope to properly resolve.

The bill in the end would, we hope, make it permissible for local law enforcement officers to help us stop the illegal transmission of these signals that interfere with telephone calls and television reception. Hopefully we can resolve this with the Senate as we go forward.

The bill offered by myself and the gentleman from Michigan (Mr. DINGELL) simply says, enough, already. It is time for Congress to take action, to weigh in, to stop slamming, to help prevent spamming, and to make sure these rural customers get service, just like other parts of America. It is a good bill. It is bipartisan, pro-consumer, and we urge the House, indeed, to approve this bill.

Let me make one final comment, Madam Speaker. That is to join my friend, the gentleman from Michigan (Mr. DINGELL) and the chairman of our committee, the gentleman from Virginia (Mr. BLILEY) in regrettably noting that we had to drop the C-block reforms that our committee adopted. We have dropped them because we simply cannot, we think, include them and get final support of this bill.

Unfortunately, because we are dropping them, the C-block mess will go on just a little longer. For consumers out there who do not know what a C-block is, a C-block was a section of spectrum that was auctioned off for wireless services in America for which now we find ourselves in bankruptcy disputes.

Many of these companies are returning the spectrum unused, with all of these potential wireless services being denied consumers, and the government having to settle for as little as 10 cents on the dollar of the auction fees. It begs for a solution. In our bill we provided a solution, only to learn that it is too late in the session for us to get agreement with the other side in that solution.

However, I want to make a pledge to this House and to the members of the general public out there who have watched this mess develop. We will, at the first chance next year, embark upon a solution of the C-block mess to get the spectrum out so Americans could have the benefit of it, and to make sure that the American taxpayer is properly protected in this mess that has been allowed to go on for too long.

It is time for America to realize revenues from the deployment of this spectrum, and for consumers to realize the benefits of the use of this spectrum. Our committee, under the leadership of the gentleman from Virginia (Chairman BLILEY) and the ranking minority member, the gentleman from Michigan (Mr. DINGELL), are determined to make sure we get a resolution of this matter as soon as we can in the next Congress.

Madam Speaker, again I want to thank the gentleman from Virginia (Mr. BLILEY), and as I said, his great staff, for making this bill possible. It is the hope that before we wrap this session we will make it very clear that spamming will be hopefully resolved in the marketplace, and slamming will soon be illegal, and that folks who live in rural areas will soon get the service the FCC has denied them for 10 years now.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN. Madam Speaker, I thank my good friend and colleague, the gentleman from Michigan (Mr. DINGELL) for yielding me time and allowing me to speak on this bill.

Madam Speaker, I rise in support of H.R. 3888, the Anti-Slamming Amendments Act. As a member of the Subcommittee on Telecommunications, Trade, and Consumer Protection, Madam Speaker, I am glad this bill will hopefully be passed and the Senate will consider it.

Slamming is a deceptive practice of switching the consumer's long-distance service, either unknowingly or unwillingly. As a victim of slamming this last summer in my own household, like most of us, I asked my grown children, I said, who changed our long-distance carrier? Of course, they denied it. The carrier we were changed to was one who I would never use at all, Madam Speaker, because they have terrible labor relations, particularly in the Hispanic community.

We received lots of calls in our district on the need to fight slamming, and today I believe we have a partial solution in front of us.

□ 1645

It could have been much stronger, and I think the gentleman from Louisiana (Mr. TAUZIN), chairman of the subcommittee, pointed that out. Any time we pass legislation, we have to compromise. But, hopefully, this is a step in the right direction.

H.R. 3888 does two things. First, consumers are automatically switched back to their original carriers and are provided a credit for no more than 30 days worth of charges. Second, this bill weeds out the companies that continue to deceptively slam consumers by making them pay to switch back consumers, by providing a credit for charges, and by paying a $500 fine to both the slammed consumer and the original carrier. And the FCC may impose another $1,000 fine on the slamming company.

Again, this goes a partial way. Hopefully, if this does not work we will come back next session to see if we need to beef it up again. H.R. 3888 protects the consumer and makes switching back to their original carrier easier and imposes no financial burden to them, although when I had to switch back I did not have any financial burden either.

This legislation has wide support among consumer groups and the telecommunications industry and the administration, and the anti-slamming amendment also grandfathers all existing State anti-slamming laws, such as we have in my home district in Texas.

Finally, we could have also done more on the anti-spamming, unsolicited e-mail advertisements. And as a cosponsor of an original bill on anti-spamming, I had hoped to go much further, and this is an issue that the next Congress should address.

Madam Speaker, I rise in support of this legislation, and I urge my colleagues to support it.

Mr. BLILEY. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, it has been a long process on this bill to refine it and make it acceptable to industry. And for many, like myself, in our State of Florida they have been very successful in stopping slamming. There has been millions of dollars collected in fees. So while an original cosponsor of this bill, I did not want to create an overly regulatory, burdensome bill to address slamming, because I felt in my State we had made a strong effort to combat it.

Congress has already attempted to address the problem of slamming through the Telecommunications Act by codifying a new section in the Communications Act to close the abusive loophole that was created by the breakup of AT&T in 1984. This new section in the act gave the FCC the power, gave the power to the FCC to issue new regulations to prevent slamming.

Unfortunately, the FCC did not act in the direction that Congress had given it, and there was frustration on the part of many of the members on the Subcommittee on Telecommunications, Trade, and Consumer Protection because they had not moved forward.

It appeared the problem of slamming grew worse instead of better after the passage of the act. It was reported that the number of slamming complaints to the FCC rose to approximately 20,000 in 1997. Madam Speaker, this is a 56 percent increase over 1996. So, from 1996 to 1997, there was a 56 percent increase. The situation looked like it was getting worse.

So, Congress had only one option: to create legislation to end this fraudulent, abusive practice. Under the leadership of the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Virginia (Chairman BLILEY), and the gentleman from Michigan (Mr. DINGELL), the ranking member, who have worked diligently to work out an ideal compromise, this legislation will allow the FCC and industry to develop a working code for companies to adhere to proper business practices in soliciting new customers.

The focus now will be to allow the industry to develop industry-wide standards that would dramatically decrease the instances of slamming. If a long-distance company refuses to adhere to adopting these standards, they will face extremely stiff penalties for every instance of slamming.

This legislation also promotes the idea of instituting a third-party verification. The bill would require the National Telecommunications and Information Administration to study the feasibility and desirability of establishing a neutral third-party entity to administer changes to subscribers' carrier selections.

Third-party verification will be the best solution because it would allow for a nonregulatory, nonburdensome approach to guide long-distance providers in acquiring new customers.

I think the leadership, the chairman of the committee, the chairman of the subcommittee, and the ranking member have worked very well together to solve this problem. I am hoping it is an ideal compromise which the industry will, of course, support.

Madam Speaker, I urge my colleagues to support this compromise and will ask the FCC and the industry to develop regulations that will not constrict the States' abilities to regulate the conduct of long-distance carriers.

Mr. DINGELL. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentleman from Michigan (Mr. DINGELL) for yielding me this time.

Madam Speaker, I strongly support H.R. 3888 today. I have had my personal experience, as a number of people have, in terms of being slammed. I find that I am not unique. The distinguished gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce and the head of the "Congressional Bow Tie Caucus," has similarly been treated, I understand, by the industry.

So I am pleased today with the legislation that is coming forward. But I am concerned that there is one provision that we saw in the Senate that is not included, which I hope that before we are through the legislative process that there will be an opportunity to include. That is the truth in billing provision that was amended into the Senate bill unanimously.

It is very similar to legislation that I have introduced in the House, H.R. 4018, that has over 50 cosponsors. Truth in billing would require that the telephone carriers provide accurate information to customers about both the increases and reductions in consumer charges resulting from regulatory action.

There has been a great deal that has happened as a result of telecommunications deregulation, but I cite just one example: the confusion surrounding the e-rate that speaks to the need for more complete billing information.

Consumers did not understand that the new line items were for all of universal service, including rural telephone service which has been in place for some 60 years. Nor did they understand that the cost to current phone companies had already been reduced by, we think, approximately $3 billion, which is far more than we were talking about with the e-rate, which would have provided access to the Internet for our schools and libraries.

Madam Speaker, I hope that we will be able, as I say, to refer to the provisions of H.R. 4018, the truth in billing, because the FCC does have, although it has initiated rulemaking for truth in billing, it is a step in the right direction. But it is important that the FCC's action be grounded in specific legislative authorization.

I would fear that we not be silent on giving consumers clarity on their phone bill. This Congress has much to be pleased with the progress that has been made. I think giving full disclosure about increases and decreases in the phone rates that are charged by the phone companies will give consumers the information they need to adequately make their assessments.

Madam Speaker, I hope that the House will accept any Senate amendments to include truth in billing.

As one who had my long distance carrier switched without my knowledge, I strongly support efforts to end this unscrupulous practice.

I want to take a minute to talk about a consumer protection that the Senate included in its anti-slamming bill, that is not in the bill before us today, specifically truth in billing.

Truth in billing requires that telephone carriers provide information about *both* increases and reductions in consumer charges resulting from regulatory actions—this is absolutely critical if consumers are to have a clear understanding of how deregulation of the telecommunications marketplace affects their pocketbook.

The recent controversy over line item charges associated with the E-Rate is a perfect example of the confusion that can be caused by incomplete billing information.

Consumers did not understand that most of the new line items were for programs which have been in place for 60 years to provide service to rural areas.

Nor did they understand that costs to phone companies had already been reduced by more than they were being asked to pay the e-rate.

My legislation to provide for some truth in billing currently has 50 cosponsors.

Some might say that this legislation is unnecessary, since the FCC has initiated a rulemaking on truth in billing. I am hopeful that their process will be successful. However, I think this critical proceeding must be grounded in specific legislative authorization.

Congress cannot be silent on giving consumers clarity about their phone bills. Should this bill come back from the Senate with this language, I urge my colleagues to accept it.

Mr. BLILEY. Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, I thank the distinguished gentleman from Michigan (Mr. DINGELL) for yielding the time to me.

Madam Speaker, I am pleased that the committee has taken action in the area of consumer telephone slamming. I introduced the first bill on this subject on July 9, 1997, with the gentlewoman from Colorado (Ms. DEGETTE), the gentleman from New Jersey (Mr. FRANKS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Connecticut (Mr. SHAYS), the gentleman from Oregon (Mr. BLUMENAUER), and the gentleman from Oregon (Mr. SMITH). It was a bipartisan approach to a problem created by a little too much deregulation.

Now a number of people listed on my bill were here and voted for the telecommunications deregulation. I did not. I was one of 16. I foresaw many of these anti-consumer problems coming from totally unfettered deregulation, and I am pleased to see that the committee recognizes that either the industry has to adopt a strict code to stop slamming people for profit, or there will be new rules in place to take the profit out of that activity.

Madam Speaker, I think the committee could have gone a bit further. I know the industry objects strongly to having written authorization. I do not believe that would impede the commerce in this industry and believe it would make even one more step toward fully protecting consumers. So we may find that steps taken are not totally adequate, but this is progress.

Sometimes when huge industries get deregulated, consumers get shafted. They have been shafted now for 2 years by unscrupulous members of the industry who are slamming them for profit. This bill will go a long way toward closing that door on the unscrupulous operators. I congratulate the committee on taking the first steps in this area.

Mr. DINGELL. Madam Speaker, I yield back the balance of my time.

Mr. BLILEY. Madam Speaker, I would just say in closing to the gentleman from Oregon (Mr. DEFAZIO), who just spoke, that if this does not work, we will be back with additional legislation.

Mr. MARKEY. Madam Speaker, this legislation deals with the issue of slamming and it attempts to combat the unauthorized switching of a consumer's telephone carrier of choice. I want to thank Chairman BLILEY and Chairman TAUZIN, along with Mr. DINGELL, for their leadership in bringing this bill to the floor.

This legislation will provide consumers with additional protections in an effort to thwart the problem of slamming while and giving further incentives to the industry. Hopefully these additional provisions will bring unauthorized carrier switches down to a minimum.

In addition, the bill offered to the House today ensures that these additional consumer protections are implemented in a way that is streamlined from a regulatory perspective and that treats carriers in a competitively neutral way. There's no question that every carrier and every industry segment is looking for its proper fair advantage to be built into the rules. I believe that the amendment that will be offered today wisely keeps intra-industry squabbles on the sidelines and focuses on the job at hand which is to address slamming in a way that protects the public in a competitively neutral way.

Finally, I want to thank Chairman TAUZIN for including in this bill a provision that I had in my slamming legislation which tasks the NTIA in the Commerce Department with the job of conducting an analysis into third-party verification administration. My feeling is that at the root of the problem with slamming is that the carriers have a financial stake in making unauthorized switches or freezing their customers from switching to others. I believe that ultimately, the long-term solution to this problem is to take away the authority to authorize switches or freezes from those who have a clear financial incentive to authorize such action. The NTIA is asked to explore the feasibility of an independent administrator or a series of independent regional verifying agents to authorize switches and validate switches before consumers have their telephone company changed.

One example of why we may need to go to the implementation of a third party administrator or administrators can be seen by the recent use of something referred to as a "PIC freeze." A PIC freeze is styled as a pro-consumer service offered by local phone companies to their customers whereby the local phone company promises not to change or modify the customer's service without direct instruction from the customer. While this may be quite appealing to some consumers, there is also significant competitive percussions that flow from such a service offering. The local phone companies might also utilize the PIC freeze device to lock up their own customers and impede competition by making it much more difficult for competitors to obtain and effectively and efficiently switch customers.

There has to be a balance. A PIC freeze device aggressively employed by local telephone monopolies could become a significant impediment to competition in local, intraLATA toll, and ultimately long distance. telecommunications markets. This would obviously thwart the longtime goal of the Congress to introduce widespread and effective competition in all telecommunications markets as rapidly as possible. I wonder where long distance competion would be today if AT&T had vigorously employed offering "PIC freezes" to customer in the immediate aftermath of the breakup of Ma Bell. I suspect that the introduction of competition, and thus lower prices for consumers, would have been significantly retarded if such action had been undertaken.

It's my view that a competitively neutral administrator or administrators could help solve these difficult consumer protection and competition issues. I look forward to NTIA's analysis of these issues.

I'd also like to comment briefly on a provision that was dropped from this bill as it arrives on the floor. In the House Commerce Committee, Chairman TAUZIN offered and the Committee unanimously adopted an additional provision to address policy issues that urgently need to be dealt with in the so-called "C–Block" or "entrepreneurial block" of the broadband PCS service. The recent hearing that the Telecommunications Subcommittee had on the C-block issue was very insightful. Virtually an entire class of FCC licensees is either in bankruptcy, returning its licenses, returning half of its spectrum, or on the verge of bankruptcy.

The C–block provision that the Commerce Committee approved at the Full Committee markup remained true to the fundamental goals of both the 1993 spectrum auction law and the 1996 Telecommunications Act—both were designed to expedite the delivery of telecommunications services to the public and to create new competitive opportunities in the telecommunications industry for small and entrepreneurial businesses.

In previous sessions, Members of the Commerce Committee, and indeed the House as a whole, enthusiastically endorsed the licensing of small businesses. As a result, the "C–Block" in the broadband Personal Communications Services (PCS) auctions was created. This action was taken by the FCC for the express purpose of achieving these two key congressional policy objectives. Along the way, however, a number of adverse events conspired to thwart congressional intent to create more competition and innovation and lower prices for consumers.

First, the "budgeteers" discovered the airwaves. Believing that they had stumbled upon some magical fiscal alchemy that allowed them to literally create billions of dollars out of thin air, those intimately involved with the budget process both here on the Hill and over at OMB set spectrum policy on its head. Taking what was designed to be an efficient and expedited manner of licensing new services, they warped it and turned the FCC into a giant governmental auction house. They then flooded the auction with more and more spectrum to sell. In addition, judicial and regulatory delays encountered in fashioning the rules for small business licensees, as well as dramatic, unpredictable and quite negative changes in the final markets' receptivity to financing these businesses also put the goals of the Commerce Committee at serious risk.

The result today is that a very large percentage of C–Block spectrum lies fallow. This does neither the taxpayer, nor the taxpayer-consumer any good at all. Consumers are daily paying more for wireless service across the country because these new competitors are not in the marketplace competing for their business. Job creation is also put on hold as dozens of licenses for choice markets languish in bankruptcy court.

Unfortunately, the bill before us today does not contain the C–block provision because of the adverse "scoring" it was to receive from the Congressional Budget Office (CBO) and OMB in the Administration. The particular rules of budget scoring here on the Hill at CBO prevent us from facing reality. The reality is that these licenses are going to languish in bankruptcy and the Congressional policy of rapidly introducing lower prices, innovation, creating jobs and choices for consumers, through new competition will be seriously undermined. OMB, for its part, continues to live in a fiscal fantasy land with respect to how much money these licenses will raise for the Treasury. Rather than admitting its gross error in utilizing phony frequency money to balance the budget or, of late, to increase the surplus, OMB compounds the error by resisting bipartisan legislation to put sound telecommunications policy back on track. This is unfortunate. It's an anti-consumer, anti-taxpayer, anti-worker stance. The result will be a public policy morass.

I hope that we can return to this subject next year and hopefully return integrity to telecommunications policy by cleaning up the problems created by placing auction revenue, above all other values, as our highest public policy goal.

Again, I want to commend Chairman BLILEY, Chairman TAUZIN, Mr. DINGELL, and our other colleagues for their work on this measure and urge the House to support it.

Mr. BLILEY. Madam Speaker, I urge the adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 3888, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DIGITAL MILLENNIUM COPYRIGHT ACT

Mr. COBLE. Madam Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 2281) to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

(For conference report, see proceedings of the House of Thursday, October 8, 1998, at page 24856.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, I yield 10 minutes of my time to the gentleman from Virginia (Mr. BLILEY) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield 10 minutes of my time to the gentleman from Michigan (Mr. DINGELL) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2281, the Digital Millennium Copyright Act. It is not uncommon on this Hill for many people to take great pride in authorship and oftentimes refer to legislation that comes from our respective committees as "landmark legislation," but I think that all who are familiar with this piece of legislation will agree that this is truly landmark legislation.

H.R. 2281 represents a monumental improvement to our copyright law and will enable the United States to remain the world leader in the protection of intellectual property.

Madam Speaker, we could not have reached this point without the collective efforts of many. I thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, for his constant support and guidance. I am also appreciative to the work of the gentleman from Virginia (Mr. GOODLATTE).

I thank the gentleman from Michigan (Mr. CONYERS), ranking member of the Committee on the Judiciary, and the gentleman from Massachusetts (Mr. FRANK), ranking member on the Subcommittee on Courts and Intellectual Property. I also thank the gentleman from California (Mr. BERMAN) who invested much time and effort in developing this legislation.

The valuable contributions of several members from the Committee on Commerce must also be recognized: the gentleman from Virginia (Chairman BLILEY); and the gentleman from Michigan (Mr. DINGELL), ranking member; the gentleman from Louisiana (Mr. TAUZIN), chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection; and the gentleman from Massachusetts (Mr. MARKEY), ranking member; as well as the gentleman from Washington (Mr. WHITE); and the gentleman from Colorado (Mr. DAN SCHAEFER), who were also instrumental in facilitating agreement on portions of the bill.

I finally must thank several senators for their diligence in drafting and moving H.R. 2281: the chairman of the Senate Committee on the Judiciary, Senator Orrin HATCH; ranking member, Senator Patrick LEAHY of Vermont; as well as my friend from South Carolina, Senator Strom THURMOND; all were instrumental in bringing about this important achievement in the copyright law.

H.R. 2281 is the most comprehensive copyright bill since 1976 and adds substantial value to our copyright law. It will implement two treaties which are extremely important to ensure adequate protection for American works in countries around the world in the digital age. It does this by making it unlawful to defeat technological protections used by copyright owners to protect their works, including preventing unlawful access and targeting devices made to circumvent encrypted material. *****_*****_ Payroll No.: -Name: -Folios: -Date: -Subformat:

□ 1700

It furthermore makes it unlawful to deliberately alter or delete information provided by a copyright owner which identifies a work, its owner and its permissible uses.

H.R. 2281 furthermore addresses a number of other important copyright issues. It clarifies the circumstances under which on-line and Internet access providers could be liable when infringing material is transmitted online through their services. It ensures that independent service organizations do not inadvertently become liable for copyright infringement merely because they have activated a machine in order to service its hardware components. It also creates an efficient statutory licensing system for certain performances and reproductions made by webcasters which will benefit both the users of copyrighted works and the copyright owners.

Unfortunately, in arriving at the final agreement on what would be included in H.R. 2281, title V of the

House-passed version, which provided for limited protection of databases, was removed. I am pleased, however, that we were able to bring that issue so far this session. It is important legislation that will benefit many industries and businesses in the United States, and I intend to work diligently next session to pass it.

I appreciate and would be remiss if I did not mention at this time statements by Senator HATCH and Senator LEAHY made on the floor of the other body that they pledge to take up a database protection bill early in the next Congress.

Madam Speaker, 2281 is necessary legislation to ensure the protection of copyrighted works as the world moves into the digital environment. This will ensure that American works will flourish as we move further into the new millennium.

I urge my colleagues to vote "yes" on H.R. 2281.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 2281, the Digital Millennium Copyright Act, the passage of which many Members on both sides of the issue doubted was one of the priorities of the gentleman from Michigan (Mr. CONYERS) and our committee this year in the Committee on the Judiciary. And we are glad that the committee on which I serve as a member and the gentleman from Michigan (Mr. CONYERS) serves as a ranking member has worked hard in a bipartisan fashion to get this legislation to the President's desk.

Madam Speaker, this is very important legislation, primarily because we are part of a supertechnological society, and we have got to all get along. WIPO implementation and the important explication of liability for those service providers who knowingly transmit infringing material on-line marks a critical achievement for those of us who support strong copyright protections and fairness.

When we started on this journey toward passage today, we pledged to work with the gentleman from Illinois (Mr. HYDE), the gentleman from North Carolina (Mr. COBLE), and I thank them very much for their work, and the gentleman from Massachusetts (Mr. FRANK) to get this done; also the good work of the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL), and the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) for their good works and many others. Members said it could not be done. Members said, do it this way, not that way. But we worked together, cooperatively and successfully.

I am very proud of the work that we have done. We are strengthening domestic copyright law and providing leadership globally so that the United States can continue to impress upon other nations the importance of strong copyright protection.

I am disappointed by some changes that we agreed to make to get this bill into law. I wish we could have done more to strengthen the role of the Patent and Trademark Office within its own agency. I would have preferred to see a database protection bill in this legislation, but we were not able to get that now. That means we will have to start again early next year on that bill, and that is something that we will all work on together. I believe it can be done.

I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) for their hard work, again, on this bill and for the important role that the gentleman from California (Mr. BERMAN) played on the conference committee.

I commend the important copyright industries, the telecommunications industry, the Nation's libraries and importantly the guilds and unions for working cooperatively with us to inform us of the needs they confront in a digital environment. I am proud of the product we have arrived at, and I am also pleased to support it and urge all of my colleagues to be able to support this very important legislation for this 105th Congress.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of the conference report on H.R. 2281. I would like to express my admiration and appreciation for the hard work of the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), and his able subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), in producing this important legislation. Through their hard work we have been able to reach consensus on historic legislation to implement the WIPO copyright treaties.

I also would like to thank my ranking member, the gentleman from Michigan (Mr. DINGELL), and the gentleman from Wisconsin (Mr. KLUG) and the gentleman from Virginia (Mr. BOUCHER), who, through their hard work, have substantially improved this legislation. As a result of their steadfast commitment to the principle of fair use, we have produced WIPO implementing legislation of appropriate scope and balance.

Mr. Chairman of the Committee on Commerce, I am pleased to report that the final bill reflects the two most important changes proposed by our committee. First, we have preserved a strong fair use provision for the benefit of libraries, universities and consumers generally. Second, we have ensured that manufacturers of popular telecommunications, computer and consumer electronic products are not subject to a design mandate in producing new products, and that they, retailers, and professional services can make playability adjustments without fear of liability.

Through the able efforts of the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY), we also have included strong provisions on security systems testing, encryption research, and software interoperability development so that these vital activities will continue. And we have included strong consumer protection provisions. In short, we have produced a bill that should help spur the growth of electronic commerce while protecting the creative work of our Nation's content community.

I urge my colleagues to support the conference report.

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I commend the distinguished gentleman from Virginia (Mr. BLILEY), the distinguished gentleman from Illinois (Mr. HYDE), the distinguished gentleman from North Carolina (Mr. COBLE), my good friend, the gentleman from Michigan (Mr. CONYERS), ranking member of the subcommittee, and the gentlewoman from Texas (Ms. JACKSON-LEE) for the fine work which they have done on this particular matter.

I rise in strong support of the conference report, which I believe will implement two World Intellectual Property Organization copyright treaties.

The bill was produced through the hard work and the cooperation of two committees, and it is the conference committee that has largely adopted the provisions which were added to the bill by the Committee on Commerce.

We are now considering WIPO implementing legislation that strikes a proper balance between copyright owners and information consumers. It is very clear to us that we need to have the protection of the fair use provisions which had previously been in the law. This we have done. We have included strong privacy protection for consumers. We have permitted electronic manufacturers to make design adjustments to their products to ensure that consumers will receive the best playback quality without fear of liability. We have also added provisions safeguarding encryption research, security systems testing and computer interoperability. At the same time we gave content owners the tools to discourage the production of illegal black boxes which open the door to piracy. Thus the bill will continue faster innovation without stifling the growth of electronic commerce.

The bill is a good one. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. COBLE. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), who has been very helpful and very supportive in this matter.

Mr. DREIER. Madam Speaker, I thank my friend from Greensboro for yielding me this time and for his great leadership, along with that of my friend from Richmond, who has worked long and hard on this, and the gentleman from Thibodaux, Louisiana, and my colleagues on the other side of the aisle who have done a great job on this.

Clearly, as we look at the problems that we face as a Nation, and as we move rapidly towards this global economy, it is difficult to imagine an issue that is much more important than theft of intellectual property. Property rights are an issue which we talk about regularly, and implementation of this WIPO treaty and our support of it is, I believe, going to go a long way towards ensuring that the property of individuals is not in any way jeopardized.

If we look at figures, most recently in 1996, there are estimates that $7.6 billion in theft of film, books, music and software has taken place, and many of us believe that that figure has actually gotten higher in the past 2 years. It is a problem which obviously continues to be in the forefront and is going to be there unless we have full implementation of this.

We have U.S. industries involved in a wide range of areas, and we are creating new ideas here in the United States and are in the forefront as the world's greatest information exporter and importer. And as such, these new ideas are creating opportunities for people who steal these proposals. So that is why implementation of WIPO is so important.

I want to say that as we look at not only the film and entertainment industries, but the biotech industry and what I believe will be many new industries that are developing in this country in the coming years, WIPO is so important for that. I urge my colleagues in a bipartisan way to support this measure.

I again congratulate my colleagues who played such a key role in working with us on it.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

I first wanted to thank my colleague and dean of the House, the gentleman from Michigan (Mr. DINGELL), for sharing this legislative product with us, he and the Committee on Commerce and the subcommittee of the Committee on the Judiciary. I think everyone has heard that we finally reached a conclusion that I think may satisfy nearly every Member in the House of Representatives.

This Digital Millennium Copyright Act, the legislation which was at one time in a doubtful state of passage by many, has now come before the floor. And as the ranking member on the Committee on the Judiciary, I am proud to suggest that this is a bipartisan product, a work that has been thoroughly reviewed by two committees and two subcommittees in this House alone and is certainly worthy of being signed into law by the President.

The WIPO implementation and the important explication of the liability for those service providers who knowingly transmit infringing material online marks a critical achievement for those of us who support strong copyright protection and the fairness that goes with it.

When we started on the journey toward the passage that I think is in front of us, I pledged to work with the gentleman from Illinois (Mr. HYDE), the gentleman from North Carolina (Mr. COBLE), subcommittee chairman, and the ranking member, the gentleman from Massachusetts (Mr. FRANK), to make sure that this was done. Although it was thought not to be possible at the time, I think this work exemplifies the kind of bipartisanship that this Congress has and should continue to have as we move forward in other matters.

□ 1715

We are strengthening domestic copyright law and providing global leadership so that this great Nation can continue to impress upon other nations the importance of strong copyright protection.

Now, not all the provisions have reached a level of perfection. We might have done more to strengthen the role of the Patent and Trademark Office within its own agency. This Member would have preferred to see a database protection bill included in the measure before us. But that was not possible. Which means that we will begin again in the next Congress, all of us who are so honored by our constituents to return. We will have to start all over again in this area, and it is something that I urge my colleagues in both committees to take seriously.

I again commend the chairman of the Committee on Commerce, and the ranking member, and all of those in the Judiciary that worked on it. The gentleman from California (Mr. HOWARD BERMAN) played an important role in the conference committee. And so, too, of great assistance was the copyright industry, the telecommunications people, the Nation's libraries and librarians, the unions and the guilds who worked cooperatively with us to inform us of the needs that they confront in this digital environment.

I am proud of the product, and like all the speakers before me, I urge its favorable confirmation.

Madam Speaker, I would like to emphasize that it was my decision to share this time with Mr. DINGELL, the Ranking member of the House Commerce Committee. Under the rules, all of the time would have come to the Judiciary Committee, but I am deciding to share the time for two reasons.

The first reason is the respect and fondness that I hold for the dean of the House, Mr. DINGELL. He asked that I share the time, and out of respect for his leadership in the House, I was happy to oblige.

Second the parliamentarian ruled that the House Commerce Committee had some legitimate jurisdictional concerns over discrete aspects of the bill. As such House Commerce Committee members were appointed during the House-Senate conference, albeit in lesser numbers. Mr. DINGELL and his Commerce Committee colleagues played a constructive role in bringing this measure to the floor.

The sharing of the time should in no way imply that the two committees are, in any way, on equal footing from a jurisdictional perspective on this measure, but does recognize both my great fondness for the gentleman from Michigan, Mr. DINGELL and the very constructive role that he played in bringing this matter to the floor.

Madam Speaker, I reserve the balance of my time.

Mr. BLILEY. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Committee on Commerce.

Mr. TAUZIN. Madam Speaker, I thank the chairman for yielding me this time. We all know, of course, that we have long ago entered the information age, but what we are about to enter is the new information digital age.

This WIPO Treaty implementation bill is extremely important not just to America and Americans but to citizens of the world. As we enter this information digital age, it becomes increasingly easy for people to make perfect copies of other people's works; their music, their books, their videos, their movies. In short, the WIPO treaty is an attempt worldwide to protect those intellectual properties from thievery, from duplication, from piracy.

How do we protect those works perfectly in a digital world and, at the same time, respect something pretty critical to Americans: The free exchange of ideas and information; the ability of any kid in America to walk into a library and examine free of charge a work of fiction, a book written by one of the masters, to see a video, or to hear some music over the radio, or to operate a simple device like a VCR at home to see a movie later that was played earlier in the day? How do we protect the fair use of those works of art, those intellectual properties and, at the same time, protect them in a digital age?

This House dramatically improved this bill as it left the Senate. As the

Senate had produced the bill, there were no protections for citizens for these fair uses of information in a library, in a bookmobile, with a VCR. As this bill now comes back to the House and Senate from conference, the work of the House Committee on the Judiciary, and the Committee on Commerce, in particular, in making sure that there was a balance between the free exchange of ideas and protecting works in a digital age, were protected in this bill.

The right to do encryption research. The right to be able to webcast music on the internet. All of these issues now have been wrapped into an excellent compromise that I think sets the stage for the rest of the world to follow.

This is a critical day. America provides more information to the world than any other country of the world. Protecting those works in commerce is critical. We set the mark today with a strong implementation bill, but we do it carefully, respecting the right of people to fair use in accessing information in a free society; in making sure that libraries and schools of thought in universities can still do research, and all of us can access information in a society that so prides itself on free speech and the free exchange of information.

To all who have worked on it, the chairman of the full committees, and to all the Members who have put in so many hours, this is a good day, this is a good bill.

Mr. CONYERS. Madam Speaker, might I be informed how much time remains on each side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Michigan (Mr. CONYERS) has 2½ minutes remaining; the gentleman from Michigan (Mr. DINGELL) has 8½ minutes remaining; the gentleman from North Carolina (Mr. COBLE) has 3 minutes remaining; and the gentleman from Virginia (Mr. BLILEY) has 5 minutes remaining.

Mr. CONYERS. Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, I yield back the balance of my time.

Mr. COBLE. Madam Speaker, did I understand that I have 3 minutes remaining, and that I have the right to close?

The SPEAKER pro tempore. That is correct.

Mr. COBLE. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), who authored title III of this bill.

Mr. KNOLLENBERG. Madam Speaker, I rise in support of this bill, and I appreciate working with the gentleman from North Carolina (Mr. COBLE). It seems like it has been months, but with the great effort put on by both sides, we have done, I think, a marvelous job, and I am glad this feature is included in the bill.

This provision I introduced ensures that a computer owner may authorize the activation of their computer by a third party for the limited purpose of servicing computer hardware components. The specific problem is when the computer is activated, the software is copied into the ram, the random access memory. This copy is protected under section 117 of the copyright act, as interpreted by the 4th and 9th Circuit Courts of Appeals. This technical correction is extremely important to independent service organizations, or ISOs as they are known, who, without this legislation, are prohibited from turning on a customer's computer.

A weight of litigation has plagued the computer repair market. The detrimental effect is that ISOs are prevented from reading the diagnostics software and, subsequently, cannot service the computer's hardware.

The financial reality is that the multibillion dollar nationwide ISO industry is at risk. This bill provides language that authorizes third parties to make such a copy for the limited use of servicing computer hardware components.

This provision does nothing to threaten the integrity of the Copyright Act and maintains all other protections under the act. The intent of the Copyright Act is to protect and encourage a free marketplace of ideas. However, in this instance, it hurts the free market by preventing ISOs from servicing computers. Furthermore, it limits the consumer's choice of who can service their computer and how competitive a fee can be charged.

I want to thank the gentleman from North Carolina (Mr. COBLE) for working with me on this issue, and I urge support of the bill.

Mr. CONYERS. Madam Speaker, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the subcommittee, whose extraordinary leadership was key to working out the complicated provisions that have been reflected.

Mr. FRANK of Massachusetts. Madam Speaker, I thank my friend, the gentleman from Michigan (Mr. CONYERS) for yielding, and I want to thank my colleagues on that side for rescuing this very important bill from the attempted mugging that some Members of the Republican leadership had in mind. That was not one of the finest hours of this institution when this bill got derailed because of a dispute about a job.

Madam Speaker, I want to express my satisfaction with what we worked out. As Members have mentioned, we have a tough situation here in which we want to protect intellectual property rights but not interfere with freedom of expression. In the Committee on the Judiciary, we worked very hard in particular in trying to work out a formula that would protect intellectual property rights and not give the online service providers an excessive incentive to censor. That was the difficult part. What I believe is a very important sign is that we were able to do that.

I want to take this time to contrast this with the failure to do a similar reasonable compromise in the bill we passed recently dealing with child pornography or, rather, pornography in general, because in contrast to this very careful compromise, and we in the Committee on the Judiciary were very focused on this because of our concern for free speech, the House passed a bill which includes language which purports to protect children against pornography which, in fact, goes way beyond that. I am speaking now because I hope the President will be persuaded to veto that bill.

We had a bill which says if someone puts on to the Internet material which is harmful to children, and children can see it, they are criminally liable. In other words, we are not dealing with people who are aiming at children. We also said, by the way, that that prohibition applies to material which is not obscene.

It is going to be stricken by the Supreme Court, but we should not have to depend on the Supreme Court to defend us. So I do want to contrast. It seems to me very important to note the care that we took in the Committee on the Judiciary not to impede on free speech and the lack of care that we have elsewhere.

Mr. CONYERS. Madam Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Madam Speaker, do the provisions in the bill that the gentleman from Massachusetts (Mr. FRANK) refers to apply to government offices that do the same thing?

Mr. FRANK of Massachusetts. We had a conversation about the Starr report, and I think it is an open question as to whether or not the Starr report would have violated that provision.

The problem is this, and here is what we worked on: We have in this country the freest speech in the world, if it is oral, if it is written, if it is printed, but we are developing a second line of law which says electronically-transmitted speech is not as constitutionally protected. We must reverse that trend or we will erode our own freedoms.

Mr. BLILEY. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Madam Speaker, I thank the chairman for yielding.

Madam Speaker, I speak only to answer the last comments of the gentleman from Massachusetts (Mr. FRANK). The bill we passed on online pornography did not make criminals out of anyone who puts something on the Internet that may be harmful to minors. What it did was to say that it is criminal for someone to commercially set up a pornography site without establishing some way for parents to be able to say no to that site in their homes. That is all we did.

In fact, if a parent wants to allow his child into that pornographer's site, it can. If the parent wants to look at it, it can. It simply made criminal the act of commercially providing that kind of material without giving parents the opportunity to say no to that material coming into their house.

I hope the President signs that bill. He ought to sign it. It is a good bill that would give parents some control over what comes over the Internet and is available to their children.

Mr. BLILEY. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, a lot of people have complained today and the last couple of days that Congress has not done anything. I think this bill is a clear example of things we have done. It is probably one of the most important bills that we have passed this Congress. It gives our Nation's copyright holders legal protection internationally to protect their copyright works.

As the chairman, the gentleman from Louisiana (Mr. TAUZIN), mentioned, every year billions of dollars are stolen from American companies from illegal piracy and theft. American companies can now have the freedom to defend their intellectual property.

As my colleagues may recall, the bill as reported out of the Committee on the Judiciary did not contain a definition of, "technological protection measure." Myself and other members of the committee were concerned about this lack of such a definition. It was very problematic.

The committee agreed it was an important enough issue to state in its report that those measures covered by the bill are those based upon encryption, scrambling, authentication and some other measure which requires the use of, quote, a key provided by a copyright holder.

Another achievement of the conference was to include specific report language addressing the playability concerns of product manufacturers.

The report explicitly provides that manufacturers or professional servicers of consumer electronics, telecommunications or computing products who take steps solely to mitigate a playability problem may not be deemed to have violated either section 1201 or section 1202.

I would say to my colleagues, we have done something very important today by passing, by recommending this bill to all our colleagues. I urge all my colleagues to vote for it. It is another accomplishment in this session of Congress.

Madam Speaker, this Congress in my opinion has been unfairly maligned about our work product and our accomplishments. I think we have had two very successful sessions and this bill is proof of our hard work.

In fact, this may be the most important bill that we pass for this entire Congress. This legislation will give our nation's copyright holders legal protection internationally to protect their copyright works.

Every year, billions of dollars are stolen from American companies from illegal piracy and theft. American companies can now have the freedom to defend their intellectual property.

As my colleagues can appreciate, it has been a long and hard process to get us to this point. I am particularly pleased that the conference report addressed issues that I had been concerned about. I would like to comment in particular on some of the most important features of the bill.

As my colleagues may recall, the bill as reported by the Judiciary Committee did not contain a definition of "technological protection measure."

I and other members of the Commerce Committee were concerned that the lack of such a definition was very problematic. The Committee agreed it was an important enough issue to state in its report that those measures covered by the bill are those based on encryption, scrambling, authentication, or some other measure which requires the use of a "key" provided by a copyright owner.

Another achievement of the conference was to include specific report language addressing the "playability" concerns of product manufacturers.

The report explicitly provides that manufacturers or professional servicers of consumer electronics, telecommunications, or computing products who take steps solely to mitigate a playability problem may not be deemed to have violated either section 1201 or section 1202.

By eliminating uncertainty and establishing a clear set of rules governing both analog and digital devices, product designers should enjoy the freedom to innovate and bring ever-more exciting new products to market.

□ 1730

Mr. BLILEY. Madam Speaker, I yield the balance of my time to the gentleman from New York (Mr. LAZIO), a member of the committee.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York is recognized for 2 minutes.

Mr. LAZIO of New York. Madam Chairman, let me begin by thanking the gentleman from Virginia, the chairman of the Committee on Commerce, and the gentleman from Louisiana, the subcommittee chairman, and the gentleman from North Carolina, who I have talked about many times at the back rail about this piece of legislation over here, and certainly the gentlemen from the other side.

Madam Speaker, I rise in strong support of this strong balanced bill that we have before us today. The United States must lead the way on copyright law because we have the most at stake. We are far and away the world's largest creator, producer and exporter of copyrighted works. Whether it is movies, music, computer innovation or school textbooks, American ideas and creativity means jobs, exports and economic vitality.

Copyright law provides incentive to invest in intellectual property, but without strong WIPO protections, this incentive will decline and the Nation will be at a loss because of it.

We must protect American copyright workers from the theft of their property, while maintaining the permitted use of copyrighted works for education, research, and criticism. That is what this bill does.

As the undisputed leader in intellectual property, the U.S. has the most to gain from strong international copyright laws. Our laws should be, and will be, the model for the rest of the world to follow. We have the privilege to set the stage and the responsibility to do it right.

The copyright industry is growing nearly three times as fast as the rest of the U.S. economy. The numbers are extraordinary. We are talking about almost 3 percent of the U.S. work force, with exports of over $60 billion.

I urge my colleagues to think about the extraordinary opportunities that await us as consumers, as parents, and as officials concerned about the U.S. economy. By providing the appropriate stimulus to copyright owners, a stimulus first established in the Constitution, we allow the electronic marketplace to be the great boon to America that it promises to be.

Mr. COBLE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, it has been mentioned about the importance of data base, the importance of patent and trademark. These are two areas, Madam Speaker, that cry out to be addressed, and I regret that they were not addressed in a proper and fitting way this session. I hope it can be done next time, in the 106th session the Congress. I think, from what I have heard today, it will be generously laced with bipartisanship, and I feel optimistic about that.

Having said that, I want to again thank everybody who placed their oars into these waters and I urge the adoption of the conference report on H.R. 2281.

Mr. MARKEY. Madam Speaker, I strongly support passing this bill which implements the World Intellectual Property Organization (WIPO) treaty.

As the digital revolution sweeps over industries and countries it will provide new opportunities for market growth and innovation, easier access to remote information, and new distribution channels for products and services. The United States clearly leads the world in software products such as computer programs, movies, music, books and other multimedia products. In a post-GATT, post-NAFTA environment—in which we have made an implicit national economic decision to essentially let low-end jobs go and migrate to developing countries—we have an obligation as policymakers to ensure that we establish the climate in which America garners the lion's share of the high end, knowledge-based jobs of the new global economy.

Because digital technology facilitates an almost effortless ability to transmit digitized software information across national borders and also permits exact copies of such work to be made, it is vitally important that the United States take steps to update existing laws by cyberspace. There's no question that protecting the interests of copyright holders will mean that the content community will feel more secure in releasing their works into a digital environment. Because of the worldwide nature of electronic commerce today, it also becomes imperative that we establish treaties with other countries ensuring that our intellectual property—in other words, our high tech jobs—are not compromised overseas.

In deliberating upon this legislation, this Commerce Committee sought to better balance competing interests. This has not been an easy task. Encryption research issues, privacy implications, fair use rights, reverse engineering, and other issues are complicated but represent meaningful public policy perspectives. I am pleased that the bill before us has taken great strides to see that these issues are addressed properly and fairly.

In particular, I commend the conferees for retaining the language that I offered in Committee protecting the individual privacy rights of consumers. This language gives an incentive to the content community to be above board with consumers with respect to personal information that is gathered by technological protection measures or the content or software that it contains or protects. If consumers are given notice of these practices and an opportunity to prohibit or curtail such information gathering then technological protection measures could not be legally defeated. On the other hand, consumers are within their legal rights to defeat such measures if their personal privacy is being undermined without notice or the right to say "no" to such practices. This is a good privacy provision that leaves to the industry the question of whether they want to conspicuously provide notice to consumers of their privacy rights, extending as well the opportunity for a consumer to effectively object to any personal data gathering, and in so doing prevent the defeat of technological protection measures designed to protect the industry's products.

I want to thank Chairman BLILEY, Mr. DINGELL, Chairman TAUZIN, Mr. WAXMAN, and many other members for the incredible amount of time and effort that has been put into the effort of resolving outstanding issues. And I want to thank the members of the Judiciary Committee, Chairman HYDE, Chairman COBLE, Mr. CONYERS, Mr. FRANK, Mr. BERMAN and others for their excellent work on these issues. This is a good conference report and I urge members to enthusiastically support it.

Mr. BERMAN. Madam Speaker, I am very gratified that we finally have before us today the conference report on H.R. 2281, the Digital Millennium Copyright Act. Enactment of this legislation will make it possible for the United States to adhere to the World Intellectual Property Organization (WIPO) Copyright Treaty, and to the WIPO Performances and Phonograms Treaty.

These treaties, in turn will lead to better legal protections for U.S. copyrighted materials—movies, recordings, music, computer programs, videogames, and text materials—around the world, and thus will contribute to increased U.S. exports and foreign sales of this valuable intellectual property, and to a decrease in the unacceptably large levels of piracy these products experience today in far too many overseas markets. As the global market for copyrighted materials increasingly becomes a digitized, networked market, there is no step that Congress can take that is more important for the promotion of global electronic commerce in the fruits of Americans creativity.

This bill is the fruit of many long months of labor and I salute all of those inside and outside this body who worked long and hard together to achieve this goal.

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you for the opportunity to speak on this important bill, H.R. 2281, which amends title 17, of the United States Code. This Bill implements World Intellectual Property Organization's sponsored copyright agreements signed by the United States in Geneva, Switzerland. It also limits the liability on-line and Internet service providers may incur as a result of transmissions traveling through their networks and systems.

Certainly, we all agree that the Internet, the information superhighway, has enhanced and changed our medium of communication forever. With this evolution in technology, the law must conform to provide protection for copyrighted material that is transmitted through this revolutionary tool.

In December 1996, the World Intellectual Property Organization convened to negotiate multilateral treaties to protect copyrighted material in the digital environment and to provide stronger international protection for American recording artists. This bill does not require any substantive changes in the existing copyright laws.

Also, this bill includes language intended to guard against interference with privacy; permits institutions of higher education to continue the fair use of copyrighted material; and a provision to protect service providers from lawsuits when they act to assist copyright owners in limiting and preventing infringement.

H.R. 2281, provides substantial protection to prevent on-line theft of copyrighted materials. This bill demonstrates our commitment to protecting the personal rights and property of American citizens. More importantly, it works to eradicate crime and protect the intellectual property rights of America's corporations. Thus, I am compelled to support this bill.

Mr. DELAHUNT. Madam Speaker, I join my colleagues on the Subcommittee on Courts and Intellectual Property in support of the conference agreement. This bill and the treaties it would implement are of vital importance to America's copyright industries, and I congratulate the conferees on reaching a hard-won agreement in time to send it to the President this year.

The purpose of the treaties is to help curb international piracy of copyrighted works—which costs our country billions of dollars every year—by raising the standards for international copyright protection.

Few states are as seriously affected by software piracy as Massachusetts, which is home to some of the world's leading publishing, information technology and software companies. Last year, some 2,200 Massachusetts-based software companies had 130,000 employees and combined revenues of $7.8 billion.

Piracy has always been a problem for these companies, but with the advent of the digital age, it has reached epidemic proportions. The ability to make perfect digital copies at the click of a mouse—of CDs, movies, and computer programs, has been a tremendous benefit to consumers. But is has also created an enormous black market for pirated copies of these works that are indistinguishable from the originals. Indistinguishable except for the fact that the profits go to criminals running underground operations in places like China and Thailand, rather than to the American authors, composers, songwriters, filmmakers and software developers whose livelihoods depend upon the royalties they earn from sale of their works.

The enactment of this legislation is a major milestone in the battle to ensure that American creativity enjoys the same protection abroad that we provide here at home.

I must voice one regret regarding the failure of the conferees to retain the House-passed provision incorporating H.R. 2652, the Collections of Information Antipiracy Act. This measure would have prohibited the misappropriation for commercial purposes of "databases" whose compilation has required the investment of substantial time and resources.

Like other digitized information, databases can be easily copied and distributed by unscrupulous competitors. Yet the people who create and maintain these compilations can do little to deter or punish this behavior, because most databases are not protected under current copyright law.

H.R. 2652 would have amended the copyright law to provide effective legal protection against database piracy. Without this protection, companies will have little incentive to continue to invest their time and money in database development, and the public will pay the price.

I hope that the subcommittee will revisit this subject early in the next Congress, and I intend to do all I can to see that this or similar legislation is enacted into law.

Mr. GOODLATTE. Madam Speaker, I rise today in support of H.R. 2281, the Digital Millennium Copyright Act. I would like to thank both Chairman COBLE and Chairman HYDE for their leadership on this issue. Additionally, I would like to thank them again for asking me to lead the negotiations between the various parties on the issue of on-line service provider liability for copyright infringement, which is included in this important bill.

The issue of liability for on-line copyright infringement, especially where it involves third parties, is difficult and complex. For me personally, this issue is not a new one: during the 104th Congress, then-Chairman Carlos Moorhead asked me to lead negotiations between the parties. Although I held numerous meetings involving members of the content community and members of the service provider community, unfortunately we were not able to resolve this issue.

At the beginning of the 105th Congress, Chairman COBEL asked me to again lead the negotiations between the parties on this issue. After a great deal of meetings and negotiation sessions, the copyright community and the service provider community were able to successfully reach agreement. That agreement is included in the bill we are considering today. No one is happier, except maybe those in each community who spent countless hours and a great deal of effort trying to reach agreement, than I am with the agreement contained in this bill.

Madam Speaker, this is a critical issue to the development of the Internet, and I believe that both sides in this debate need each other. If America's creators do not believe that their works will be protected when they put them on-line, then the Internet will lack the creative content it needs to reach its true potential. And if America's service providers are subject to litigation for the acts of third parties at the drop of a hat, they will lack the incentive to provide quick and efficient access to the Internet. The provisions of H.R. 2281 will allow the Internet to flourish, and I believe will prove to be a win-win not only for both sides, but for consumers, manufacturers, and Internet users throughout the nation.

I would also like to discuss the importance of the World Intellectual Property Organization treaties, and this accompanying implementing legislation, which are critical to protecting U.S. copyrights overseas. The United States is the world leader in intellectual property. We export billions of dollars worth of creative works every year in the form of software, books, videotapes, and records. Our ability to create so many quality products has become a bulwark of our national economy, and it is vital that copyright protection for these products not stop at our borders. International protection of U.S. copyrights will be of tremendous benefit to our economy—but we need to ratify the WIPO treaties for this to happen, and we need to pass this legislation to ratify the treaties.

I would also like to express my understanding of the intent behind the provisions of H.R. 2281 that address certain technologies used to control copying of motion pictures in analog form on videocassette recorders, provisions that were not part of either the original House or Senate bills. That section establishes certain requirements only for analog videocassette recorders, analog videocassette camcorders, and professional analog videocassette recorders.

In other words, these requirements exist only in the "analog" world. The limitations, for instance, with respect to certain transmissions apply only with respect to those transmissions in analog form.

The intent of the conferees is that these provisions do not establish any obligations with respect to digital technologies, including computers or software. Copyright owners are free to use these or any other forms of copy control technology to protect their works in the "digital" world, including in any digital broadcasts, transmissions, or copies.

It is also my understanding that the intent of the conferees is that this provision neither establishes, nor should it be interpreted as establishing, a precedent for Congress to legislate specific standards or specific technologies to be used as technological protection measures, particularly with respect to computers and software. While it is not the intent of the conferees to prejudice or affect ongoing negotiations over digital video technology, it may become necessary in the future for Congress to consider protections for audiovisual works in the digital environment.

The conferees understand that technology develops best and most rapidly in response to marketplace forces, and believe that private parties should be free to apply their ingenuity to develop even better and more effective technologies.

Finally, regulatory agencies should not involve themselves in establishing specific standards in the digital medium, in particular for software and computers. The technology changes far too fast, much more rapidly than regulatory standards. Therefore, regulation in this area is likely to impede, or in some cases even discourage, the development of new technologies.

This bill is critical not only because it will allow the Internet to flourish, but also because it ensures that America will remain the world leader in the development of intellectual property. I urge each of my colleagues to support the conference report to H.R. 2281.

Mr. KLUG. Madam Speaker, ! rise today in strong support of the conference report on H.R. 2281, and to acknowledge my appreciation of the efforts expended to create a rational, balanced bill for the 21st Century.

About two months ago, I stood on this floor and recognized that this Congress faced a difficult balancing act. One the one hand, there is concern for protecting the American creative community—those who make movies and television shows and software and books. On the other hand, in an era of exploding information, and where increasingly having information is having power, we have a heightened obligation to ensure access to that information. We should not be changing the rules of the road in the middle of the game, creating a pay per view environment in which the use of a library card always carries a fee and where the flow of information comes with a meter that rings up a charge every time the Internet is accessed.

With the support of the House Commerce Committee, under the leadership of Chairman BLILEY, Representative DINGELL, Representative TAUZIN, Representative MARKEY, and, most significantly, Representative BOUCHER, we were able to implement two changes to the bill to instill the balance envisioned by our constitutional architects and in the long tradition of the Commerce Committee. The first change ensured that information users will continue to utilize information on a "fair use" basis, notwithstanding the prohibition on circumvention. The second change allowed manufacturers of a wide array of consumer products the certainty that design decisions could be made solely on the basis of technological innovation and consumer demand, not the dictates of the legal system.

These critical provisions were regrettably not part of the Senate-passed version of the legislation and, consequently, required negotiation in conference. Although I was not a formal part of the House-Senate conference, I am pleased to support the outcome of those discussions, and to single out the dedicated efforts of Chairman BLILEY, Representative TAUZIN, Representative DINGELL, Justin Lilley, Andy Levin, and Whitney Fox to preserve the important improvements wrought by the House Commerce Committee.

The conference report reflects a number of hard compromises, three of which I would like to discuss. First, the conferees maintain the strong fair use provision the Commerce Committee crafted, for the benefit of libraries, universities, and consumers generally. Section 1201(c)(3) explicitly provides a meaningful role, in determining whether fair use rights are or are likely to be adversely affected, for the Assistant Secretary of Commerce for Communications and Information in the mandated rulemaking. I trust that the recommendations made by the Assistant Secretary, given the increasing importance that new communications devices have in information delivery, will be accorded a central, deferential role in the formal rulemaking process.

The second change the conferees insisted upon was a "no mandate" provision. This language ensures that manufacturers of future digital telecommunications, computer, and consumer electronics products will have the freedom to choose parts and components in designing new equipment. Specifically, Section 1201(c)(3) provides that nothing in the subsection requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular technological measure, so long as the device does not otherwise violate the section. With my colleague from Virginia, Representative BOUCHER, I originally persuaded the members of the Commerce Committee to delete the "so long as" phrase of the original Senate version. Our thinking, confirmed by committee counsel, was that this language was not just circular, but created serious ambiguity and uncertainty for product manufacturers because it was not clear whether a court, judging the circumstances after the fact, would find that specific products fell within the scope of this provision and thus had to be designed to respond to protection measures. And, it is entirely possible that these protective measures may require conflicting responses by the products.

The conferees added back the language we struck, but in a context in which the "so long as" clause had some clear, understandable meaning. The language agreed to by the conferees mandates a response by specified analog devices to two known analog protection measures, thereby limiting the applicability of the "so long as" clause. In my opinion, spelling out this single, specific limitation will provide manufacturers, particularly those working on innovative digital products, the certainty they need to design their products to respond to market conditions, not the threat of lawsuits.

Both of these changes share one other important characteristic. Given the language contained in the Judiciary Committee's original bill, specifically sections 1201(a)(1), (a)(2), and (b)(1), there was great reason to believe that one of the fundamental laws of copyright was about to be overruled. That law, known as *Sony Corporation of America* v. *Universal Studios*, 464 U.S. 417 (198), reinforced the centuries-old concept of fair use. It also validated the legitimacy of products if capable of substantial non-infringing uses. The original version of the legislation threatened this standard, imposing liability on device manufacturers if the product is of limited commercial value.

Now, I'm not a lawyer, but it seems irrational to me to change the standard without at least some modest showing that such a change is necessary. And, changing the standard, in a very real sense, threatens the very innovation and ingenuity that have been the hallmark of American products, both hardware and content-related. I'm very pleased that the conferees have meaningfully clarified that the *Sony* decision remains valid law. They have also successfully limited the interpretation of Sections 1201(a)(2) and (b)(1), the "device" provisions, to outlaw only those products having no legitimate purpose. As the conference report makes clear, these two sections now must be read to support, not stifle, staple articles of commerce, such as consumer electronics, telecommunications, and computer products used by businesses and consumers everyday, for perfectly legitimate purposes.

Finally, the conferees included specific language allowing product manufacturers to adjust their products to accommodate adverse effects caused by technological protection measures and copyright management information systems. These measures could have the effect of materially degrading authorized performances or displays of works, or causing recurring appreciably adverse effects. But, there was real fear in the manufacturing and retail communities of liability for circumvention if they took steps to mitigate the problem. I also felt particularly strong that consumers have the right to expect that the products they purchase will live up to their expectations and the retailing hype. So, the Commerce Committee faced another balancing act—preserving the value of the creative community while also affording consumers some basic protections and guarantees.

We were only able to achieve directive report language on "playability" in the committee process. Using the base established by the Commerce Committee, the conferees were able to craft explicit language exempting makers and servicers of consumer electronics, telecommunications, or computing products from liability if acting solely to mitigate playability problems. With this absolute assurance of freedom from suit under such circumstances, manufacturers should feel free to make product adjustments, and retailers, and professional services should not be burdened with the threat of litigation in repairing products for their customers.

In short, the conference report achieves the goal of implementing the WIPO treaties. But we have done so in a thoughtful, balanced manner that promotes product development and information usage, indeed the very "progress of Science and the useful arts" set forth in the Constitution. I urge my colleagues to vote for this legislation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and agree to the conference report on the bill, H.R. 2281.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 134. Joint Resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. TRAFICANT. Madam Chairman, pursuant to clause 2(a)(I) of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

In accordance with House rule IX, clause 1, expressing the sense of the House that its integrity has been impugned because the antidumping provisions of the Trade and Tariff Act of 1930, Subtitle B of Title VII, have not been expeditiously enforced: Now, therefore, be it

Resolved by the House of Representatives that the House of Representatives calls upon the President to:

(1) Immediately review for a period of 10 days the entry into the customs territory of the United States of hot-rolled steel products or plate steel products that are the product or manufacture of Japan, Russia, or Brazil;

(2) If, after the above-reference review period, the President finds that the governments of Japan, Russia, or Brazil are not abiding by the spirit and letter of international trade agreements with respect to dumping, the President shall immediately impose a one-year ban on imports of hot-rolled steel products and plate steel products that are the product or manufacture of Japan, Russia or Brazil;

(3) Establish a task force within the Executive Branch to closely monitor U.S. imports of steel from other countries to determine whether or not international trade agreements are being violated with respect to dumping; and,

(4) Report to the Congress by no later than January 5, 1999, on any other actions the Executive Branch has taken or intends to take to ensure that all of the trading partners of the United States abide by the spirit and letter of international trade agreements with respect to the import into the United States of steel products.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within two legislative days of its being properly noticed. The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution.

EXTENDING CERTAIN EXPIRING PROVISIONS OF THE INTERNAL REVENUE CODE

Mr. ARCHER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4738) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, provide tax relief for farmers and small businesses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(b) TABLE OF CONTENTS.—

Sec. 1. Amendment of 1986 Code; table of contents.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Tax Provisions

Sec. 101. Research credit.
Sec. 102. Work opportunity credit.
Sec. 103. Income averaging for farmers made permanent.
Sec. 104. Contributions of stock to private foundations; expanded public inspection of private foundations' annual returns.
Sec. 105. Subpart F exemption for active financing income.
Sec. 106. Disclosure of return information on income contingent student loans.

Subtitle B—Generalized System of Preferences

Sec. 111. Extension of Generalized System of Preferences.

TITLE II—OTHER PROVISIONS

Sec. 201. Depreciation study.
Sec. 202. Production flexibility contract payments.
Sec. 203. 100 percent deduction for health insurance costs of self-employed individuals.
Sec. 204. Increase in volume cap on private activity bonds.
Sec. 205. Modification of estimated tax safe harbors.
Sec. 206. Exemption for students employed by State schools, colleges, or universities.

TITLE III—REVENUE OFFSETS
Sec. 301. Treatment of certain deductible liquidating distributions of regulated investment companies and real estate investment trusts.
Sec. 302. Inclusion of rotavirus gastroenteritis as a taxable vaccine.
Sec. 303. Clarification and expansion of mathematical error assessment procedures.
Sec. 304. Clarification of definition of specified liability loss.
TITLE IV—TECHNICAL CORRECTIONS
Sec. 401. Definitions; coordination with other titles.
Sec. 402. Amendments related to Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 403. Amendments related to Taxpayer Relief Act of 1997.
Sec. 404. Amendments related to Tax Reform Act of 1984.
Sec. 405. Other amendments.

TITLE I—EXTENSION AND MODIFICATION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Tax Provisions

SEC. 101. RESEARCH CREDIT.

(a) TEMPORARY EXTENSION.—Paragraph (1) of section 41(h) (relating to termination) is amended—

(1) by striking "June 30, 1998" and inserting "December 31, 1999";

(2) by striking "24-month" and inserting "42-month"; and

(3) by striking "24 months" and inserting "42 months".

(b) TECHNICAL AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking "June 30, 1998" and inserting "December 31, 1999".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after June 30, 1998.

SEC. 102. WORK OPPORTUNITY CREDIT.

(a) TEMPORARY EXTENSION.—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking "June 30, 1998" and inserting "December 31, 1999".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after June 30, 1998.

SEC. 103. INCOME AVERAGING FOR FARMERS MADE PERMANENT.

Subsection (c) of section 933 of the Taxpayer Relief Act of 1997 is amended by striking ", and before January 1, 2001".

SEC. 104. CONTRIBUTIONS OF STOCK TO PRIVATE FOUNDATIONS; EXPANDED PUBLIC INSPECTION OF PRIVATE FOUNDATIONS' ANNUAL RETURNS.

(a) SPECIAL RULE FOR CONTRIBUTIONS OF STOCK MADE PERMANENT.—

(1) IN GENERAL.—Paragraph (5) of section 170(e) is amended by striking subparagraph (D) (relating to termination).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to contributions made after June 30, 1998.

(b) EXPANDED PUBLIC INSPECTION OF PRIVATE FOUNDATIONS' ANNUAL RETURNS, ETC.—

(1) IN GENERAL.—Section 6104 (relating to publicity of information required from certain exempt organizations and certain trusts) is amended by striking subsections (d) and (e) and inserting after subsection (c) the following new subsection:

"(d) PUBLIC INSPECTION OF CERTAIN ANNUAL RETURNS AND APPLICATIONS FOR EXEMPTION.—

"(1) IN GENERAL.—In the case of an organization described in subsection (c) or (d) of section 501 and exempt from taxation under section 501(a)—

"(A) a copy of—

"(i) the annual return filed under section 6033 (relating to returns by exempt organizations) by such organization; and

"(ii) if the organization filed an application for recognition of exemption under section 501, the exempt status application materials of such organization,

shall be made available by such organization for inspection during regular business hours by any individual at the principal office of such organization and, if such organization regularly maintains 1 or more regional or district offices having 3 or more employees, at each such regional or district office; and

"(B) upon request of an individual made at such principal office or such a regional or district office, a copy of such annual return and exempt status application materials shall be provided to such individual without charge other than a reasonable fee for any reproduction and mailing costs.

The request described in subparagraph (B) must be made in person or in writing. If such request is made in person, such copy shall be provided immediately and, if made in writing, shall be provided within 30 days.

"(2) 3-YEAR LIMITATION ON INSPECTION OF RETURNS.—Paragraph (1) shall apply to an annual return filed under section 6033 only during the 3-year period beginning on the last day prescribed for filing such return (determined with regard to any extension of time for filing).

"(3) EXCEPTIONS FROM DISCLOSURE REQUIREMENT.—

"(A) NONDISCLOSURE OF CONTRIBUTORS, ETC.—Paragraph (1) shall not require the disclosure of the name or address of any contributor to the organization. In the case of an organization described in section 501(d), paragraph (1) shall not require the disclosure of the copies referred to in section 6031(b) with respect to such organization.

"(B) NONDISCLOSURE OF CERTAIN OTHER INFORMATION.—Paragraph (1) shall not require the disclosure of any information if the Secretary withheld such information from public inspection under subsection (a)(1)(D).

"(4) LIMITATION ON PROVIDING COPIES.—Paragraph (1)(B) shall not apply to any request if, in accordance with regulations promulgated by the Secretary, the organization has made the requested documents widely available, or the Secretary determines, upon application by an organization, that such request is part of a harassment campaign and that compliance with such request is not in the public interest.

"(5) EXEMPT STATUS APPLICATION MATERIALS.—For purposes of paragraph (1), the term 'exempt status applicable materials' means the application for recognition of exemption under section 501 and any papers submitted in support of such application and any letter or other document issued by the Internal Revenue Service with respect to such application.".

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 6033 is amended by adding "and" at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(B) Subparagraph (C) of section 6652(c)(1) is amended by striking "subsection (d) or (e)(1) of section 6104 (relating to public inspection of annual returns)" and inserting "section 6104(d) with respect to any annual return".

(C) Subparagraph (D) of section 6652(c)(1) is amended by striking "section 6104(e)(2) (relating to public inspection of applications for exemption)" and inserting "section 6104(d) with respect to any exempt status application materials (as defined in such section)".

(D) Section 6685 is amended by striking "or (e)".

(E) Section 7207 is amended by striking "or (e)".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to requests made after the later of December 31, 1998, or the 60th day after the Secretary of the Treasury first issues the regulations referred to in such section 6104(d)(4) of the Internal Revenue Code of 1986, as amended by this section.

(B) PUBLICATION OF ANNUAL RETURNS.—Section 6104(d) of such Code, as in effect before the amendments made by this subsection, shall not apply to any return the due date for which is after the date such amendments take effect under subparagraph (A).

SEC. 105. SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) INCOME DERIVED FROM BANKING, FINANCING, OR SIMILAR BUSINESSES.—Section 954(h) (relating to income derived in the active conduct of banking, financing, or similar businesses) is amended to read as follows:

"(h) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.—

"(1) IN GENERAL.—For purposes of subsection (c)(1), foreign personal holding company income shall not include qualified banking or financing income of an eligible controlled foreign corporation.

"(2) ELIGIBLE CONTROLLED FOREIGN CORPORATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible controlled foreign corporation' means a controlled foreign corporation which—

"(i) is predominantly engaged in the active conduct of a banking, financing, or similar business, and

"(ii) conducts substantial activity with respect to such business.

"(B) PREDOMINANTLY ENGAGED.—A controlled foreign corporation shall be treated as predominantly engaged in the active conduct of a banking, financing, or similar business if—

"(i) more than 70 percent of the gross income of the controlled foreign corporation is derived directly from the active and regular conduct of a lending or finance business from transactions with customers which are not related persons,

"(ii) it is engaged in the active conduct of a banking business and is an institution licensed to do business as a bank in the United States (or is any other corporation not so licensed which is specified by the Secretary in regulations), or

"(iii) it is engaged in the active conduct of a securities business and is registered as a securities broker or dealer under section 15(a) of the Securities Exchange Act of 1934 or is registered as a Government securities broker or dealer under section 15C(a) of such Act (or is any other corporation not so registered which is specified by the Secretary in regulations).

"(3) QUALIFIED BANKING OR FINANCING INCOME.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified banking or financing income' means income of an eligible controlled foreign corporation which—

"(i) is derived in the active conduct of a banking, financing, or similar business by—

"(I) such eligible controlled foreign corporation, or

"(II) a qualified business unit of such eligible controlled foreign corporation,

"(ii) is derived from one or more transactions—

"(I) with customers located in a country other than the United States, and

"(II) substantially all of the activities in connection with which are conducted directly by the corporation or unit in its home country, and

"(iii) is treated as earned by such corporation or unit in its home country for purposes of such country's tax laws.

"(B) LIMITATION ON NONBANKING AND NONSECURITIES BUSINESSES.—No income of an eligible controlled foreign corporation not described in clause (ii) or (iii) of paragraph (2)(B) (or of a qualified business unit of such corporation) shall be treated as qualified banking or financing income unless more than 30 percent of such corporation's or unit's gross income is derived directly from the active and regular conduct of a lending or finance business from transactions with customers which are not related persons and which are located within such corporation's or unit's home country.

"(C) SUBSTANTIAL ACTIVITY REQUIREMENT FOR CROSS BORDER INCOME.—The term 'qualified banking or financing income' shall not include income derived from 1 or more transactions with customers located in a country other than the home country of the eligible controlled foreign corporation or a qualified business unit of such corporation unless such corporation or unit conducts substantial activity with respect to a banking, financing, or similar business in its home country.

"(D) DETERMINATIONS MADE SEPARATELY.—For purposes of this paragraph, the qualified banking or financing income of an eligible controlled foreign corporation and each qualified business unit of such corporation shall be determined separately for such corporation and each such unit by taking into account—

"(i) in the case of the eligible controlled foreign corporation, only items of income, deduction, gain, or loss and activities of such corporation not properly allocable or attributable to any qualified business unit of such corporation, and

"(ii) in the case of a qualified business unit, only items of income, deduction, gain, or loss and activities properly allocable or attributable to such unit.

"(4) LENDING OR FINANCE BUSINESS.—For purposes of this subsection, the term 'lending or finance business' means the business of—

"(A) making loans,

"(B) purchasing or discounting accounts receivable, notes, or installment obligations,

"(C) engaging in leasing (including entering into leases and purchasing, servicing, and disposing of leases and leased assets),

"(D) issuing letters of credit or providing guarantees,

"(E) providing charge and credit card services, or

"(F) rendering services or making facilities available in connection with activities described in subparagraphs (A) through (E) carried on by—

"(i) the corporation (or qualified business unit) rendering services or making facilities available, or

"(ii) another corporation (or qualified business unit of a corporation) which is a member of the same affiliated group (as defined in section 1504, but determined without regard to section 1504(b)(3)).

"(5) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) CUSTOMER.—The term 'customer' means, with respect to any controlled foreign corporation or qualified business unit, any person which has a customer relationship with such corporation or unit and which is acting in its capacity as such.

"(B) HOME COUNTRY.—Except as provided in regulations—

"(i) CONTROLLED FOREIGN CORPORATION.—The term 'home country' means, with respect to any controlled foreign corporation, the country under the laws of which the corporation was created or organized.

"(ii) QUALIFIED BUSINESS UNIT.—The term 'home country' means, with respect to any qualified business unit, the country in which such unit maintains its principal office.

"(C) LOCATED.—The determination of where a customer is located shall be made under rules prescribed by the Secretary.

"(D) QUALIFIED BUSINESS UNIT.—The term 'qualified business unit' has the meaning given such term by section 989(a).

"(E) RELATED PERSON.—The term 'related person' has the meaning given such term by subsection (d)(3).

"(6) COORDINATION WITH EXCEPTION FOR DEALERS.—Paragraph (1) shall not apply to income described in subsection (c)(2)(C)(ii) of a dealer in securities (within the meaning of section 475) which is an eligible controlled foreign corporation described in paragraph (2)(B)(iii).

"(7) ANTI-ABUSE RULES.—For purposes of applying this subsection and subsection (c)(2)(C)(ii)—

"(A) there shall be disregarded any item of income, gain, loss, or deduction with respect to any transaction or series of transactions one of the principal purposes of which is qualifying income or gain for the exclusion under this section, including any transaction or series of transactions a principal purpose of which is the acceleration or deferral of any item in order to claim the benefits of such exclusion through the application of this subsection,

"(B) there shall be disregarded any item of income, gain, loss, or deduction of an entity which is not engaged in regular and continuous transactions with customers which are not related persons,

"(C) there shall be disregarded any item of income, gain, loss, or deduction with respect to any transaction or series of transactions utilizing, or doing business with—

"(i) one or more entities in order to satisfy any home country requirement under this subsection, or

"(ii) a special purpose entity or arrangement, including a securitization, financing, or similar entity or arrangement,

if one of the principal purposes of such transaction or series of transactions is qualifying income or gain for the exclusion under this subsection, and

"(D) a related person, an officer, a director, or an employee with respect to any controlled foreign corporation (or qualified business unit) which would otherwise be treated as a customer of such corporation or unit with respect to any transaction shall not be so treated if a principal purpose of such transaction is to satisfy any requirement of this subsection.

"(8) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, subsection (c)(1)(B)(i), subsection (c)(2)(C)(ii), and the last sentence of subsection (e)(2).

"(9) APPLICATION.—This subsection, subsection (c)(2)(C)(ii), and the last sentence of subsection (e)(2) shall apply only to the first taxable year of a foreign corporation beginning after December 31, 1998, and before January 1, 2000, and to taxable years of United States shareholders with or within which such taxable year of such foreign corporation ends.".

(b) INCOME DERIVED FROM INSURANCE BUSINESS.—

(1) INCOME ATTRIBUTABLE TO ISSUANCE OR REINSURANCE.—

(A) IN GENERAL.—Section 953(a) (defining insurance income) is amended to read as follows:

"(a) INSURANCE INCOME.—

"(1) IN GENERAL.—For purposes of section 952(a)(1), the term 'insurance income' means any income which—

"(A) is attributable to the issuing (or reinsuring) of an insurance or annuity contract, and

"(B) would (subject to the modifications provided by subsection (b)) be taxed under subchapter L of this chapter if such income were the income of a domestic insurance company.

"(2) EXCEPTION.—Such term shall not include any exempt insurance income (as defined in subsection (e)).".

(B) EXEMPT INSURANCE INCOME.—Section 953 (relating to insurance income) is amended by adding at the end the following new subsection:

"(e) EXEMPT INSURANCE INCOME.—For purposes of this section—

"(1) EXEMPT INSURANCE INCOME DEFINED.—

"(A) IN GENERAL.—The term 'exempt insurance income' means income derived by a qualifying insurance company which—

"(i) is attributable to the issuing (or reinsuring) of an exempt contract by such company or a qualifying insurance company branch of such company, and

"(ii) is treated as earned by such company or branch in its home country for purposes of such country's tax laws.

"(B) EXCEPTION FOR CERTAIN ARRANGEMENTS.—Such term shall not include income attributable to the issuing (or reinsuring) of an exempt contract as the result of any arrangement whereby another corporation receives a substantially equal amount of premiums or other consideration in respect of issuing (or reinsuring) a contract which is not an exempt contract.

"(C) DETERMINATIONS MADE SEPARATELY.—For purposes of this subsection and section 954(i), the exempt insurance income and exempt contracts of a qualifying insurance company or any qualifying insurance company branch of such company shall be determined separately for such company and each such branch by taking into account—

"(i) in the case of the qualifying insurance company, only items of income, deduction, gain, or loss, and activities of such company not properly allocable or attributable to any qualifying insurance company branch of such company, and

"(ii) in the case of a qualifying insurance company branch, only items of income, deduction, gain, or loss and activities properly allocable or attributable to such branch.

"(2) EXEMPT CONTRACT.—

"(A) IN GENERAL.—The term 'exempt contract' means an insurance or annuity contract issued or reinsured by a qualifying insurance company or qualifying insurance company branch in connection with property in, liability arising out of activity in, or the lives or health of residents of, a country other than the United States.

"(B) MINIMUM HOME COUNTRY INCOME REQUIRED.—

"(i) IN GENERAL.—No contract of a qualifying insurance company or of a qualifying insurance company branch shall be treated as an exempt contract unless such company or branch derives more than 30 percent of its net written premiums from exempt contracts (determined without regard to this subparagraph)—

"(I) which cover applicable home country risks, and

"(II) with respect to which no policyholder, insured, annuitant, or beneficiary is a related person (as defined in section 954(d)(3)).

"(ii) APPLICABLE HOME COUNTRY RISKS.—The term 'applicable home country risks' means risks in connection with property in, liability arising out of activity in, or the lives or health of residents of, the home country of the qualifying insurance company or qualifying insurance company branch, as the case may be, issuing or reinsuring the contract covering the risks.

"(C) SUBSTANTIAL ACTIVITY REQUIREMENTS FOR CROSS BORDER RISKS.—A contract issued by a qualifying insurance company or qualifying insurance company branch which covers risks other than applicable home country risks (as defined in subparagraph (B)(ii)) shall not be treated as an exempt contract unless such company or branch, as the case may be—

"(i) conducts substantial activity with respect to an insurance business in its home country, and

"(ii) performs in its home country substantially all of the activities necessary to give rise to the income generated by such contract.

"(3) QUALIFYING INSURANCE COMPANY.—The term 'qualifying insurance company' means any controlled foreign corporation which—

"(A) is subject to regulation as an insurance (or reinsurance) company by its home country, and is licensed, authorized, or regulated by the applicable insurance regulatory body for its home country to sell insurance, reinsurance, or annuity contracts to persons other than related persons (within the meaning of section 954(d)(3)) in such home country,

"(B) derives more than 50 percent of its aggregate net written premiums from the issuance or reinsurance by such controlled foreign corporation and each of its qualifying insurance company branches of contracts—

"(i) covering applicable home country risks (as defined in paragraph (2)) of such corporation or branch, as the case may be, and

"(ii) with respect to which no policyholder, insured, annuitant, or beneficiary is a related person (as defined in section 954(d)(3)),

except that in the case of a branch, such premiums shall only be taken into account to the extent such premiums are treated as earned by such branch in its home country for purposes of such country's tax laws, and

"(C) is engaged in the insurance business and would be subject to tax under subchapter L if it were a domestic corporation.

"(4) QUALIFYING INSURANCE COMPANY BRANCH.—The term 'qualifying insurance company branch' means a qualified business unit (within the meaning of section 989(a)) of a controlled foreign corporation if—

"(A) such unit is licensed, authorized, or regulated by the applicable insurance regulatory body for its home country to sell insurance, reinsurance, or annuity contracts to persons other than related persons (within the meaning of section 954(d)(3)) in such home country, and

"(B) such controlled foreign corporation is a qualifying insurance company, determined under paragraph (3) as if such unit were a qualifying insurance company branch.

"(5) LIFE INSURANCE OR ANNUITY CONTRACT.—For purposes of this section and section 954, the determination of whether a contract issued by a controlled foreign corporation or a qualified business unit (within the meaning of section 989(a)) is a life insurance contract or an annuity contract shall be made without regard to sections 72(s), 101(f), 817(h), and 7702 if—

"(A) such contract is regulated as a life insurance or annuity contract by the corporation's or unit's home country, and

"(B) no policyholder, insured, annuitant, or beneficiary with respect to the contract is a United States person.

"(6) HOME COUNTRY.—For purposes of this subsection, except as provided in regulations—

"(A) CONTROLLED FOREIGN CORPORATION.—The term 'home country' means, with respect to a controlled foreign corporation, the country in which such corporation is created or organized.

"(B) QUALIFIED BUSINESS UNIT.—The term 'home country' means, with respect to a qualified business unit (as defined in section 989(a)), the country in which the principal office of such unit is located and in which such unit is licensed, authorized, or regulated by the applicable insurance regulatory body to sell insurance, reinsurance, or annuity contracts to persons other than related persons (as defined in section 954(d)(3)) in such country.

"(7) ANTI-ABUSE RULES.—For purposes of applying this subsection and section 954(i)—

"(A) the rules of section 954(h)(7) (other than subparagraph (B) thereof) shall apply,

"(B) there shall be disregarded any item of income, gain, loss, or deduction of, or derived from, an entity which is not engaged in regular and continuous transactions with persons which are not related persons,

"(C) there shall be disregarded any change in the method of computing reserves a principal purpose of which is the acceleration or deferral of any item in order to claim the benefits of this subsection or section 954(i),

"(D) a contract of insurance or reinsurance shall not be treated as an exempt contract (and premiums from such contract shall not be taken into account for purposes of paragraph (2)(B) or (3)) if—

"(i) any policyholder, insured, annuitant, or beneficiary is a resident of the United States and such contract was marketed to such resident and was written to cover a risk outside the United States, or

"(ii) the contract covers risks located within and without the United States and the qualifying insurance company or qualifying insurance company branch does not maintain such contemporaneous records, and file such reports, with respect to such contract as the Secretary may require,

"(E) the Secretary may prescribe rules for the allocation of contracts (and income from contracts) among 2 or more qualifying insurance company branches of a qualifying insurance company in order to clearly reflect the income of such branches, and

"(F) premiums from a contract shall not be taken into account for purposes of paragraph (2)(B) or (3) if such contract reinsures a contract issued or reinsured by a related person (as defined in section 954(d)(3)).

For purposes of subparagraph (D), the determination of where risks are located shall be made under the principles of section 953.

"(8) COORDINATION WITH SUBSECTION (c).—In determining insurance income for purposes of subsection (c), exempt insurance income shall not include income derived from exempt contracts which cover risks other than applicable home country risks.

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection and section 954(i).

"(10) APPLICATION.—This subsection and section 954(i) shall apply only to the first taxable year of a foreign corporation beginning after December 31, 1998, and before January 1, 2000, and to taxable years of United States shareholders with or within which such taxable year of such foreign corporation ends.

"(11) CROSS REFERENCE.—

"For income exempt from foreign personal holding company income, see section 954(i).".

(2) EXEMPTION FROM FOREIGN PERSONAL HOLDING COMPANY INCOME.—Section 954 (defining foreign base company income) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF INSURANCE BUSINESS.—

"(1) IN GENERAL.—For purposes of subsection (c)(1), foreign personal holding company income shall not include qualified insurance income of a qualifying insurance company.

"(2) QUALIFIED INSURANCE INCOME.—The term 'qualified insurance income' means income of a qualifying insurance company which is—

"(A) received from a person other than a related person (within the meaning of subsection (d)(3)) and derived from the investments made by a qualifying insurance company or a qualifying insurance company branch of its reserves allocable to exempt contracts or of 80 percent of its unearned premiums from exempt contracts (as both are determined in the manner prescribed under paragraph (4)), or

"(B) received from a person other than a related person (within the meaning of subsection (d)(3)) and derived from investments made by a qualifying insurance company or a qualifying insurance company branch of an amount of its assets allocable to exempt contracts equal to—

"(i) in the case of property, casualty, or health insurance contracts, one-third of its premiums earned on such insurance contracts during the taxable year (as defined in section 832(b)(4)), and

"(ii) in the case of life insurance or annuity contracts, 10 percent of the reserves described in subparagraph (A) for such contracts.

"(3) PRINCIPLES FOR DETERMINING INSURANCE INCOME.—Except as provided by the Secretary, for purposes of subparagraphs (A) and (B) of paragraph (2)—

"(A) in the case of any contract which is a separate account-type contract (including any variable contract not meeting the requirements of section 817), income credited under such contract shall be allocable only to such contract, and

"(B) income not allocable under subparagraph (A) shall be allocated ratably among contracts not described in subparagraph (A).

"(4) METHODS FOR DETERMINING UNEARNED PREMIUMS AND RESERVES.—For purposes of paragraph (2)(A)—

"(A) PROPERTY AND CASUALTY CONTRACTS.—The unearned premiums and reserves of a qualifying insurance company or a qualifying insurance company branch with respect to property, casualty, or health insurance contracts shall be determined using the same methods and interest rates which would be used if such company or branch were subject to tax under subchapter L, except that—

"(i) the interest rate determined for the functional currency of the company or branch, and which, except as provided by the Secretary, is calculated in the same manner as the Federal mid-term rate under section 1274(d), shall be substituted for the applicable Federal interest rate, and

"(ii) such company or branch shall use the appropriate foreign loss payment pattern.

"(B) Life insurance and annuity contracts.—The amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

"(i) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

"(ii) the reserve determined under paragraph (5).

"(C) Limitation on reserves.—In no event shall the reserve determined under this paragraph for any contract as of any time exceed the amount which would be taken into account with respect to such contract as of such time in determining foreign statement reserves (less any catastrophe, deficiency, equalization, or similar reserves).

"(5) Amount of reserve.—The amount of the reserve determined under this paragraph with respect to any contract shall be determined in the same manner as it would be determined if the qualifying insurance company or qualifying insurance company branch were subject to tax under subchapter L, except that in applying such subchapter—

"(A) the interest rate determined for the functional currency of the company or branch, and which, except as provided by the Secretary, is calculated in the same manner as the Federal mid-term rate under section 1274(d), shall be substituted for the applicable Federal interest rate,

"(B) the highest assumed interest rate permitted to be used in determining foreign statement reserves shall be substituted for the prevailing State assumed interest rate, and

"(C) tables for mortality and morbidity which reasonably reflect the current mortality and morbidity risks in the company's or branch's home country shall be substituted for the mortality and morbidity tables otherwise used for such subchapter.

The Secretary may provide that the interest rate and mortality and morbidity tables of a qualifying insurance company may be used for 1 or more of its qualifying insurance company branches when appropriate.

"(6) Definitions.—For purposes of this subsection, any term used in this subsection which is also used in section 953(e) shall have the meaning given such term by section 953.".

(3) Reserves.—Section 953(b) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Reserves for any insurance or annuity contract shall be determined in the same manner as under section 954(i).".

(c) Special Rules for Dealers.—Section 954(c)(2)(C) is amended to read as follows:

"(C) Exception for dealers.—Except as provided by regulations, in the case of a regular dealer in property which is property described in paragraph (1)(B), forward contracts, option contracts, or similar financial instruments (including notional principal contracts and all instruments referenced to commodities), there shall not be taken into account in computing foreign personal holding company income—

"(i) any item of income, gain, deduction, or loss (other than any item described in subparagraph (A), (E), or (G) of paragraph (1)) from any transaction (including hedging transactions) entered into in the ordinary course of such dealer's trade or business as such a dealer, and

"(ii) if such dealer is a dealer in securities (within the meaning of section 475), any interest or dividend or equivalent amount described in subparagraph (E) or (G) of paragraph (1) from any transaction (including any hedging transaction or transaction described in section 956(c)(2)(J)) entered into in the ordinary course of such dealer's trade or business as such a dealer in securities, but only if the income from the transaction is attributable to activities of the dealer in the country under the laws of which the dealer is created or organized (or in the case of a qualified business unit described in section 989(a), is attributable to activities of the unit in the country in which the unit both maintains its principal office and conducts substantial business activity).".

(d) Exemption From Foreign Base Company Services Income.—Paragraph (2) of section 954(e) is amended by inserting "or" at the end of subparagraph (A), by striking ", or" at the end of subparagraph (B) and inserting a period, by striking subparagraph (C), and by adding at the end the following new flush sentence:

"Paragraph (1) shall also not apply to income which is exempt insurance income (as defined in section 953(e)) or which is not treated as foreign personal holding income by reason of subsection (c)(2)(C)(ii), (h), or (i).".

(e) Exemption for Gain.—Section 954(c)(1)(B)(i) (relating to net gains from certain property transactions) is amended by inserting "other than property which gives rise to income not treated as foreign personal holding company income by reason of subsection (h) or (i) for the taxable year" before the comma at the end.

SEC. 106. DISCLOSURE OF RETURN INFORMATION ON INCOME CONTINGENT STUDENT LOANS.

Subparagraph (D) of section 6103(l)(13) (relating to disclosure of return information to carry out income contingent repayment of student loans) is amended by striking "September 30, 1998" and inserting "September 30, 2003".

Subtitle B—Generalized System of Preferences

SEC. 111. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

(a) Extension of Duty-Free Treatment Under System.—Section 505 of the Trade Act of 1974 (29 U.S.C. 2465) is amended by striking "June 30, 1998" and inserting "December 31, 1999".

(b) Retroactive Application for Certain Liquidations and Reliquidations.—

(1) In general.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), any entry—

(A) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such title had been in effect during the period beginning on July 1, 1998, and ending on the day before the date of the enactment of this Act; and

(B) that was made after June 30, 1998, and before the date of the enactment of this Act, shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry. As used in this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) Requests.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

TITLE II—OTHER PROVISIONS

SEC. 201. DEPRECIATION STUDY.

The Secretary of the Treasury (or the Secretary's delegate)—

(1) shall conduct a comprehensive study of the recovery periods and depreciation methods under section 168 of the Internal Revenue Code of 1986, and

(2) not later than March 31, 2000, shall submit the results of such study, together with recommendations for determining such periods and methods in a more rational manner, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

SEC. 202. PRODUCTION FLEXIBILITY CONTRACT PAYMENTS.

(a) In General.—The options under paragraphs (2) and (3) of section 112(d) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7212(d) (2) and (3)), as in effect on the date of the enactment of this Act, shall be disregarded in determining the taxable year for which any payment under a production flexibility contract under subtitle B of title I of such Act (as so in effect) is properly includible in gross income for purposes of the Internal Revenue Code of 1986.

(b) Effective Date.—Subsection (a) shall apply to taxable years ending after December 31, 1995.

SEC. 203. 100 PERCENT DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) In General.—The table contained in subparagraph (B) of section 162(l)(1) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking the last 3 items and inserting the following new item:

"2003 and thereafter	100."

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 204. INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) In General.—Subsection (d) of section 146 (relating to volume cap) is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) In general.—The State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) an amount equal to the per capita limit for such year multiplied by the State population, or

"(B) the aggregate limit for such year.

Subparagraph (B) shall not apply to any possession of the United States.

"(2) Per capita limit; aggregate limit.—For purposes of paragraph (1), the per capita limit, and the aggregate limit, for any calendar year shall be determined in accordance with the following table:

Calendar Year	Per Capita Limit	Aggregate Limit
1999 through 2002	$50	$150,000,000
2003	55	165,000,000

Calendar Year	Per Capita Limit	Aggregate Limit
2004	60	180,000,000
2005	65	195,000,000
2006	70	210,000,000
2007 and thereafter	75	225,000,000."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years after 1998.

SEC. 205. MODIFICATION OF ESTIMATED TAX SAFE HARBORS.

(a) IN GENERAL.—The table contained in clause (i) of section 6654(d)(1)(C) (relating to limitation on use of preceding year's tax) is amended by striking the item relating to 1998, 1999, or 2000 and inserting the following new items:

"1998	105
1999 or 2000	106".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 1999.

SEC. 206. EXEMPTION FOR STUDENTS EMPLOYED BY STATE SCHOOLS, COLLEGES, OR UNIVERSITIES.

(a) IN GENERAL.—Notwithstanding section 218 of the Social Security Act, any agreement with a State (or any modification thereof) entered into pursuant to such section may, at the option of such State, be modified at any time on or after January 1, 1999, and on or before March 31, 1999, so as to exclude service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university.

(b) EFFECTIVE DATE OF MODIFICATION.—Any modification of an agreement pursuant to subsection (a) shall be effective with respect to services performed after June 30, 2000.

(c) IRREVOCABILITY OF MODIFICATION.—If any modification of an agreement pursuant to subsection (a) terminates coverage with respect to service performed in the employ of a school, college, or university, by a student who is enrolled and regularly attending classes at such school, college, or university, the Commissioner of Social Security and the State may not thereafter modify such agreement so as to again make the agreement applicable to such service performed in the employ of such school, college, or university.

TITLE III—REVENUE OFFSETS

SEC. 301. TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.

(a) IN GENERAL.—Section 332 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

"(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.".

(b) CONFORMING AMENDMENTS.—

(1) The material preceding paragraph (1) of section 332(b) is amended by striking "subsection (a)" and inserting "this section".

(2) Paragraph (1) of section 334(b) is amended by striking "section 332(a)" and inserting "section 332".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after May 21, 1998.

(d) ASSUMPTIONS.—In making the estimate required for this Act by section 252(d)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, that part of the estimate that measures the change in receipts resulting from the amendments made by this section shall be based on up-to-date economic and technical assumptions notwithstanding section 252(d)(2)(B) of such Act. All other parts of such estimate required by such section 252(d)(2) shall be made pursuant to the requirements of such section 252(d)(2)(B).

SEC. 302. INCLUSION OF ROTAVIRUS GASTROENTERITIS AS A TAXABLE VACCINE.

(a) IN GENERAL.—Paragraph (1) of section 4132 (defining taxable vaccine) is amended by adding at the end the following new subparagraph:

"(K) Any vaccine against rotavirus gastroenteritis.".

(b) EFFECTIVE DATE.—

(1) SALES.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

(2) DELIVERIES.—For purposes of paragraph (1), in the case of sales on or before the date of the enactment of this Act for which delivery is made after such date, the delivery date shall be considered the sale date.

SEC. 303. CLARIFICATION AND EXPANSION OF MATHEMATICAL ERROR ASSESSMENT PROCEDURES.

(a) TIN DEEMED INCORRECT IF INFORMATION ON RETURN DIFFERS WITH AGENCY RECORDS.—Paragraph (2) of section 6213(g) (defining mathematical or clerical error) is amended by adding at the end the following flush sentence:

"A taxpayer shall be treated as having omitted a correct TIN for purposes of the preceding sentence if information provided by the taxpayer on the return with respect to the individual whose TIN was provided differs from the information the Secretary obtains from the person issuing the TIN.".

(b) EXPANSION OF MATHEMATICAL ERROR PROCEDURES TO CASES WHERE TIN ESTABLISHES INDIVIDUAL NOT ELIGIBLE FOR TAX CREDIT.—Paragraph (2) of section 6213(g) is amended by striking "and" at the end of subparagraph (J), by striking the period at the end of the subparagraph (K) and inserting ", and", and by inserting after subparagraph (K) the following new subparagraph:

"(L) the inclusion on a return of a TIN required to be included on the return under section 21, 24, or 32 if—

"(i) such TIN is of an individual whose age affects the amount of the credit under such section; and

"(ii) the computation of the credit on the return reflects the treatment of such individual as being of an age different from the individual's age based on such TIN.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 304. CLARIFICATION OF DEFINITION OF SPECIFIED LIABILITY LOSS.

(a) IN GENERAL.—Subparagraph (B) of section 172(f)(1) (defining specified liability loss) is amended to read as follows:

"(B)(i) Any amount allowable as a deduction under this chapter (other than section 468(a)(1) or 468A(a)) which is in satisfaction of a liability under a Federal or State law requiring—

"(I) the reclamation of land;

"(II) the decommissioning of a nuclear power plant (or any unit thereof);

"(III) the dismantlement of a drilling platform;

"(IV) the remediation of environmental contamination; or

"(V) a payment under any workers compensation act (within the meaning of section 461(h)(2)(C)(i)).

"(ii) A liability shall be taken into account under this subparagraph only if—

"(I) the act (or failure to act) giving rise to such liability occurs at least 3 years before the beginning of the taxable year; and

"(II) the taxpayer used an accrual method of accounting throughout the period or periods during which such act (or failure to act) occurred.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to net operating losses arising in taxable years ending after the date of the enactment of this Act.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. DEFINITIONS; COORDINATION WITH OTHER TITLES.

(a) DEFINITIONS.—For purposes of this title—

(1) 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) 1998 ACT.—The term "1998 Act" means the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105-206).

(3) 1997 ACT.—The term "1997 Act" means the Taxpayer Relief Act of 1997 (Public Law 105-34).

(b) COORDINATION WITH OTHER TITLES.—For purposes of applying the amendments made by any title of this Act other than this title, the provisions of this title shall be treated as having been enacted immediately before the provisions of such other titles.

SEC. 402. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 1101 OF 1998 ACT.—Paragraph (5) of section 6103(h) of the 1986 Code, as added by section 1101(b) of the 1998 Act, is redesignated as paragraph (6).

(b) AMENDMENT RELATED TO SECTION 3001 OF 1998 ACT.—Paragraph (2) of section 7491(a) of the 1986 Code is amended by adding at the end the following flush sentence:

"Subparagraph (C) shall not apply to any qualified revocable trust (as defined in section 645(b)(1)) with respect to liability for tax for any taxable year ending after the date of the decedent's death and before the applicable date (as defined in section 645(b)(2)).".

(c) AMENDMENTS RELATED TO SECTION 3201 OF 1998 ACT.—

(1) Section 7421(a) of the 1986 Code is amended by striking "6015(d)" and inserting "6015(e)".

(2) Subparagraph (A) of section 6015(e)(3) is amended by striking "of this section" and inserting "of subsection (b) or (f)".

(d) AMENDMENT RELATED TO SECTION 3301 OF 1998 ACT.—Paragraph (2) of section 3301(c) of the 1998 Act is amended by striking "The amendments" and inserting "Subject to any applicable statute of limitation not having expired with regard to either a tax underpayment or a tax overpayment, the amendments".

(e) AMENDMENT RELATED TO SECTION 3401 OF 1998 ACT.—Section 3401(c) of the 1998 Act is amended—

(1) in paragraph (1), by striking "7443(b)" and inserting "7443A(b)"; and

(2) in paragraph (2), by striking "7443(c)" and inserting "7443A(c)".

(f) AMENDMENT RELATED TO SECTION 3433 OF 1998 ACT.—Section 7421(a) of the 1986 Code is amended by inserting "6331(i)," after "6246(b),".

(g) AMENDMENT RELATED TO SECTION 3467 OF 1998 ACT.—The subsection (d) of section 6159 of the 1986 Code relating to cross reference is redesignated as subsection (e).

(h) AMENDMENT RELATED TO SECTION 3708 OF 1998 ACT.—Subparagraph (A) of section 6103(p)(3) of the 1986 Code is amended by inserting "(f)(5)," after "(c), (e),".

(i) AMENDMENTS RELATED TO SECTION 5001 OF 1998 ACT.—

(1) Subparagraph (B) of section 1(h)(13) of the 1986 Code is amended by striking "paragraph (7)(A)" and inserting "paragraph (7)(A)(i)".

(2)(A) Subparagraphs (A)(i)(II), (A)(ii)(II), and (B)(ii) of section 1(h)(13) of the 1986 Code shall not apply to any distribution after December 31, 1997, by a regulated investment company or a real estate investment trust with respect to—

(i) gains and losses recognized directly by such company or trust, and

(ii) amounts properly taken into account by such company or trust by reason of holding (directly or indirectly) an interest in another such company or trust to the extent that such subparagraphs did not apply to such other company or trust with respect to such amounts.

(B) Subparagraph (A) shall not apply to any distribution which is treated under section 852(b)(7) or 857(b)(8) of the 1986 Code as received on December 31, 1997.

(C) For purposes of subparagraph (A), any amount which is includible in gross income of its shareholders under section 852(b)(3)(D) or 857(b)(3)(D) of the 1986 Code after December 31, 1997, shall be treated as distributed after such date.

(D)(i) For purposes of subparagraph (A), in the case of a qualified partnership with respect to which a regulated investment company meets the holding requirement of clause (iii)—

(I) the subparagraphs referred to in subparagraph (A) shall not apply to gains and losses recognized directly by such partnership for purposes of determining such company's distributive share of such gains and losses, and

(II) such company's distributive share of such gains and losses (as so determined) shall be treated as recognized directly by such company.

The preceding sentence shall apply only if the qualified partnership provides the company with written documentation of such distributive share as so determined.

(ii) For purposes of clause (i), the term "qualified partnership" means, with respect to a regulated investment company, any partnership if—

(I) the partnership is an investment company registered under the Investment Company Act of 1940,

(II) the regulated investment company is permitted to invest in such partnership by reason of section 12(d)(1)(E) of such Act or an exemptive order of the Securities and Exchange Commission under such section, and

(III) the regulated investment company and the partnership have the same taxable year.

(iii) A regulated investment company meets the holding requirement of this clause with respect to a qualified partnership if (as of January 1, 1998)—

(I) the value of the interests of the regulated investment company in such partnership is 35 percent or more of the value of such company's total assets, or

(II) the value of the interests of the regulated investment company in such partnership and all other qualified partnerships is 90 percent or more of the value of such company's total assets.

(3) Paragraph (13) of section 1(h) of the 1986 Code is amended by adding at the end the following new subparagraph:

"(D) CHARITABLE REMAINDER TRUSTS.—Subparagraphs (A) and (B)(ii) shall not apply to any capital gain distribution made by a trust described in section 664."

(j) AMENDMENT RELATED TO SECTION 7004 OF 1998 ACT.—Clause (i) of section 408A(c)(3)(C) of the 1986 Code, as amended by section 7004 of the 1998 Act, is amended by striking the period at the end of subclause (II) and inserting ", and".

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 1998 Act to which they relate.

SEC. 403. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 202 OF 1997 ACT.—

(1) Paragraph (2) of section 163(h) of the 1986 Code is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following new subparagraph:

"(F) any interest allowable as a deduction under section 221 (relating to interest on educational loans)."

(2)(A) Subparagraph (C) of section 221(b)(2) of the 1986 Code is amended—

(i) by striking "135, 137," in clause (i),

(ii) by inserting "135, 137," after "sections 86," in clause (ii), and

(iii) by striking the last sentence.

(B) Sections 86(b)(2)(A), 135(c)(4)(A), and 219(g)(3)(A)(ii) of the 1986 Code are each amended by inserting "221," after "137,".

(C) Subparagraph (A) of section 137(b)(3) of the 1986 Code is amended by inserting "221," before "911,".

(D) Clause (iii) of section 469(i)(3)(E) of the 1986 Code is amended to read as follows:

"(iii) the amounts allowable as a deduction under sections 219 and 221, and".

(3) The last sentence of section 221(e)(1) of the 1986 Code is amended by inserting before the period "or to any person by reason of a loan under any qualified employer plan (as defined in section 72(p)(4)) or under any contract referred to in section 72(p)(5)".

(b) PROVISION RELATED TO SECTION 311 OF 1997 ACT.—In the case of any capital gain distribution made after 1997 by a trust to which section 664 of the 1986 Code applies with respect to amounts properly taken into account by such trust during 1997, paragraphs (5)(A)(i)(I), (5)(A)(ii)(I), and (13)(A) of section 1(h) of the 1986 Code (as in effect for taxable years ending on December 31, 1997) shall not apply.

(c) AMENDMENT RELATED TO SECTION 506 OF 1997 ACT.—Section 2001(f)(2) of the 1986 Code is amended by adding at the end the following:

"For purposes of subparagraph (A), the value of an item shall be treated as shown on a return if the item is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary of the nature of such item.".

(d) AMENDMENTS RELATED TO SECTION 904 OF 1997 ACT.—

(1) Paragraph (1) of section 9510(c) of the 1986 Code is amended to read as follows:

"(1) IN GENERAL.—Amounts in the Vaccine Injury Compensation Trust Fund shall be available, as provided in appropriation Acts, only for—

"(A) the payment of compensation under subtitle 2 of title XXI of the Public Health Service Act (as in effect on August 5, 1997) for vaccine-related injury or death with respect to any vaccine—

"(i) which is administered after September 30, 1988, and

"(ii) which is a taxable vaccine (as defined in section 4132(a)(1)) at the time compensation is paid under such subtitle 2, or

"(B) the payment of all expenses of administration (but not in excess of $9,500,000 for any fiscal year) incurred by the Federal Government in administering such subtitle.".

(2) Section 9510(b) of the 1986 Code is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON TRANSFERS TO VACCINE INJURY COMPENSATION TRUST FUND.—No amount may be appropriated to the Vaccine Injury Compensation Trust Fund on and after the date of any expenditure from the Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.".

(e) AMENDMENTS RELATED TO SECTION 915 OF 1997 ACT.—

(1) Section 915 of the 1997 Act is amended—

(A) in subsection (b), by inserting "or 1998" after "1997", and

(B) by amending subsection (d) to read as follows:

"(d) EFFECTIVE DATE.—This section shall apply to taxable years ending with or within calendar year 1997.".

(2) Paragraph (2) of section 6404(h) of the 1986 Code is amended by inserting "Robert T. Stafford" before "Disaster".

(f) AMENDMENTS RELATED TO SECTION 1012 OF 1997 ACT.—

(1) Paragraph (2) of section 351(c) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting ", or the fact that the corporation whose stock was distributed issues additional stock," after "dispose of part or all of the distributed stock".

(2) Clause (ii) of section 368(a)(2)(H) of the 1986 Code, as amended by section 6010(c) of the 1998 Act, is amended by inserting ", or the fact that the corporation whose stock was distributed issues additional stock," after "dispose of part or all of the distributed stock".

(g) PROVISION RELATED TO SECTION 1042 OF 1997 ACT.—Rules similar to the rules of section 1.1502-75(d)(5) of the Treasury Regulations shall apply with respect to any organization described in section 1042(b) of the 1997 Act.

(h) AMENDMENT RELATED TO SECTION 1082 OF 1997 ACT.—Subparagraph (F) of section 172(b)(1) of the 1986 Code is amended by adding at the end the following new clause:

"(iv) COORDINATION WITH PARAGRAPH (2).—For purposes of applying paragraph (2), an eligible loss for any taxable year shall be treated in a manner similar to the manner in which a specified liability loss is treated."

(i) AMENDMENT RELATED TO SECTION 1084 OF 1997 ACT.—Paragraph (3) of section 264(f) of the 1986 Code is amended by adding at the end the following flush sentence:

"If the amount described in subparagraph (A) with respect to any policy or contract does not reasonably approximate its actual value, the amount taken into account under subparagraph (A) shall be the greater of the amount of the insurance company liability or the insurance company reserve with respect to such policy or contract (as determined for purposes of the annual statement approved by the National Association of Insurance Commissioners) or shall be such other amount as is determined by the Secretary."

(j) AMENDMENT RELATED TO SECTION 1175 OF 1997 ACT.—Subparagraph (C) of section 954(e)(2) of the 1986 Code is amended by striking "subsection (h)(8)" and inserting "subsection (h)(9)".

(k) AMENDMENT RELATED TO SECTION 1205 OF 1997 ACT.—Paragraph (2) of section 6311(d) of the 1986 Code is amended by striking "under such contracts" in the last sentence and inserting "under any such contract for the use of credit, debit, or charge cards for the payment of taxes imposed by subtitle A".

(l) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the 1997 Act to which they relate.

SEC. 404. AMENDMENTS RELATED TO TAX REFORM ACT OF 1984.

(a) IN GENERAL.—Subparagraph (C) of section 172(d)(4) of the 1986 Code is amended to read as follows:

"(C) any deduction for casualty or theft losses allowable under paragraph (2) or (3) of section 165(c) shall be treated as attributable to the trade or business; and".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 67(b) of the 1986 Code is amended by striking "for losses described in subsection (c)(3) or (d) of section 165" and inserting "for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)".

(2) Paragraph (3) of section 68(c) of the 1986 Code is amended by striking "for losses described in subsection (c)(3) or (d) of section 165" and inserting "for casualty or theft losses described in paragraph (2) or (3) of section 165(c) or for losses described in section 165(d)".

(3) Paragraph (1) of section 873(b) is amended to read as follows:

"(1) LOSSES.—The deduction allowed by section 165 for casualty or theft losses described in paragraph (2) or (3) of section 165(c), but only if the loss is of property located within the United States."

(c) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b)(3) shall apply to taxable years beginning after December 31, 1983.

(2) The amendment made by subsection (b)(1) shall apply to taxable years beginning after December 31, 1986.

(3) The amendment made by subsection (b)(2) shall apply to taxable years beginning after December 31, 1990.

SEC. 405. OTHER AMENDMENTS.

(a) AMENDMENTS RELATED TO SECTION 6103 OF 1986 CODE.—

(1) Subsection (j) of section 6103 of the 1986 Code is amended by adding at the end the following new paragraph:

"(5) DEPARTMENT OF AGRICULTURE.—Upon request in writing by the Secretary of Agriculture, the Secretary shall furnish such returns, or return information reflected thereon, as the Secretary may prescribe by regulation to officers and employees of the Department of Agriculture whose official duties require access to such returns or information for the purpose of, but only to the extent necessary in, structuring, preparing, and conducting the census of agriculture pursuant to the Census of Agriculture Act of 1997 (Public Law 105–113).".

(2) Paragraph (4) of section 6103(p) of the 1986 Code is amended by striking "(j)(1) or (2)" in the material preceding subparagraph (A) and in subparagraph (F) and inserting "(j)(1), (2), or (5)".

(3) The amendments made by this subsection shall apply to requests made on or after the date of the enactment of this Act.

(b) AMENDMENT RELATED TO SECTION 9004 OF TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—

(1) Paragraph (2) of section 9503(f) of the 1986 Code is amended to read as follows:

"(2) notwithstanding section 9602(b), obligations held by such Fund after September 30, 1998, shall be obligations of the United States which are not interest-bearing."

(2) The amendment made by paragraph (1) shall take effect on October 1, 1998.

(c) AMENDMENT RELATED TO TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999.—

(1) The Treasury and General Government Appropriations Act, 1999 is amended by striking section 804 (relating to technical and clarifying amendments relating to judicial retirement program).

(2) The amendment made by paragraph (1) shall take effect as if such section 804 had never been enacted.

(d) CLERICAL AMENDMENTS.—

(1) Clause (i) of section 51(d)(6)(B) of the 1986 Code is amended by striking "rehabilitation plan" and inserting "plan for employment". The reference to "plan for employment" in such clause shall be treated as including a reference to the rehabilitation plan referred to in such clause as in effect before the amendment made by the preceding sentence.

(2) Paragraph (3) of section 56(a) of the 1986 Code is amended by striking "section 460(b)(2)" and inserting "section 460(b)(1)" and by striking "section 460(b)(4)" and inserting "section 460(b)(3)".

(3) Paragraph (10) of section 2031(c) of the 1986 Code is amended by striking "section 2033A(e)(3)" and inserting "section 2057(e)(3)".

(4) Subparagraphs (C) and (D) of section 6693(a)(2) of the 1986 Code are each amended by striking "Section" and inserting "section".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4738, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the plan before us today does three principal things: It extends a series of tax relief provisions to help businesses create jobs; it helps people coming off of welfare as well as other hard to place workers to get jobs; and it includes three provisions to help farmers and ranchers who have been hard hit by tough times.

This plan gives farmers and other small business owners 100 percent deduction for their health insurance costs in the year 2003, four years earlier than current law.

I am particularly pleased about two other agricultural provisions. The bill lets farmers benefit from permanent income averaging, and the other provision protects family farmers from having to pay tax on farm program payments that have not actually been received in the year.

Due to the importance of this noncontroversial bill, I hope and expect that it will be passed in the Senate so it can be signed into law.

I thank the Members who suggested ideas that are included in the plan, and I thank the minority for their cooperation in expediting consideration of the bill on the floor today.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the bill before us today. It should have been before this House a long time ago. Provisions such as the research tax credit and work opportunity tax credit should have been extended. A lot of people have depended on it.

We Democrats have agreed not to offer any amendments because we believe to do so would have delayed the enactment of this very important legislation.

However, in other circumstances there would have been several amendments that we would have proposed. On October 1st of this year, the temporary increase in the rum carry-over provision expired. Failure to extend that temporary increase will have adverse consequences to Puerto Rico and the Virgin Islands. I am very disappointed that we are not able to extend that temporary increase in this bill.

Extensions of my qualified zone academy zone program would have been a big step in addressing the large need of school construction and modernization. The provision previously adopted by the House that liberalized the arbitrage rules for school construction bond would do little to meet school construction needs.

I am also disappointed that the bill does not extend the welfare to work credit. It expires at the end of April of next year, and realistically there is little prospect for enacting a timely extension next year.

There is also broad bipartisan support on this committee for an increase in the low income housing tax credit program. There is no reason why we should not have been able to do that in the context of this legislation. Next year American families with children will be faced with extraordinary complex rules when claiming the child credit enacted last year. There is no justification for the complexity of those rules and this committee should have adopted the legislation of the gentleman from Massachusetts (Mr. NEAL) that would waive in tax year 1998 the minimum tax limitation on the child credit.

I do not understand why reauthorization of the trade adjustment assistance program for workers and firms which terminated on September 3 was not included in this package.

The Senate has a different version of this legislation, and I think the other body's version is far superior to what we have to today, but in particular I support the extension of trade adjustment assistance and the minimum tax waiver contained in the other body's version. I am hopeful that disagreements over the detail of this legislation will not endanger its enactment.

Madam Speaker, I reserve the balance of my time.

Mr. ARCHER. Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. McCRERY).

Mr. McCRERY. Madam Speaker, I rise in support of this tax bill.

Madam Speaker, I commend Chairman ARCHER on the inclusion in this bill of the provision to modify and extend the present law treatment of active financial services income under Subpart F of the Internal Revenue Code. The provision permits U.S.-based finance companies, insurance companies banks, securities dealers, and other financial services firms to act like other U.S. industries doing business abroad and defer U.S. tax on the earnings from the active operations of their foreign subsidiaries until such earnings are returned to the U.S. parent company.

In particular, I commend Chairman ARCHER and his staff for the resolution of two questions relating to the interaction of this subpart F provision. The first deals with active financial services income and the ability of the U.S. financial services industry to use so-called hybrid arrangements and other techniques to reduce their foreign taxes. The second clarifies whether the subpart F provision will work as intended if the Treasury Department fails to make current, effective conforming changes to existing regulations, such as the exception for same-country dividends and interest.

Additionally, I understand that the provision to modify and extend the present law treatment of active financial services income under Subpart F contemplates that the Treasury Department will make current effective conforming changes to existing regulations that do not take account the exception provided by the provision. As an example, it is intended that debt instruments held by a U.S.-controlled foreign corporation, the income from which qualifies for the treatment provided by the bill, will be considered to be assets used in a trade or business for purposes of the regulatory requirements under the exception for same-country dividends and interest.

There clarifications are necessary because in January of this year, the Treasury Department issued Notice 98–11, attacking the use of hybrid arrangements to reduce the foreign taxes of U.S.-owned foreign companies. Chairman ARCHER, along with a bipartisan majority of the Ways and Means Committee, strongly opposed the Treasury Department's action on Notice 98–11. In response to the concerns raised by Chairman ARCHER, in June of this year, the Treasury Department issued Notice 98–35, the purpose of which was "to allow Congress an appropriate period to review the important policy issues raised . . . and if appropriate address the issues by legislation." Notice 98–35 also anticipated, and explicitly provided for, the use of hybrid arrangements to reduce foreign taxes with respect to financial services income, and provided specific rules for this application during the interim.

I am very pleased that the provision modifying and extending the subpart F exception for active financial services income was carefully drafted so that nothing in the provision would authorize or allow the exception to be denied because a hybrid arrangement, or any other technique available under foreign law, is used to reduce foreign tax.

Mr. RANGEL. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, first let me thank my friend from New York and my friend from Texas for bringing this matter to the floor. I strongly support the bill before us.

Principally let me say that this bill provides some relief to people that are needed and it provides some help to businesses. It is a good bill and it is paid for. It will not violate our commitment to preserve all of the surplus until we have come up with a plan to save Social Security. So this is a bill that I believe will enjoy broad support in this House because it does good things and it is totally paid for.

As the chairman pointed out, it accelerates the self-employed health insurance benefits. That is good. On both sides of the aisle we have been trying to help self-employed people by making it easier for them to provide health benefits to their employees.

It extends expiring tax provisions, the research tax credit, very important for this Nation for research and development as well as the work opportunity tax credit, which is used to help people find employment, which will be very difficult otherwise. It has been a very successful program and this bill extends that program. Contributions to private foundations of appreciated property, we make that permanent. That will help private foundations in their efforts to carry out their charitable activities.

As the chairman pointed out, there are very good provisions in here for farmers, including income averaging, ones that are generally supported.

One additional provision I would like to compliment the chairman for including deals with private activity bond caps. By raising those caps, we are going to help state and local governments in dealing with a lot of the infrastructure needs of this country. It is a good provision.

The provisions in here are all good, they are paid for, and I urge my colleagues to support them. I join with the ranking member in my disappointment that we do not have other provisions that should be included in a tax bill before we adjourn, and hopefully we will be able to work out some additional provisions before Congress adjourns this year.

Mr. RANGEL. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Madam Speaker, I want to thank first of all the gentleman from New York (Mr. RANGEL) and the gentleman from Texas (Mr. ARCHER) for bringing this bill to the floor. I believe that, by and large, this is a very good piece of legislation.

□ 1745

I support extension of the expiring provisions, and I am pleased that we will have this chance today to ensure that these provisions do not expire and that there will be no lapse in these valuable tax credits.

The Research Experimentation Credit is important to Massachusetts. Massachusetts is the home of many high-tech companies and universities that develop technology. The research tax credit inspires the development of technology, which leads to both economic and job growth. The work opportunity tax credit plays a vital role in helping individuals move from welfare to work. This credit is a valuable program that enables many individuals to become self-sufficient. The program has been effective, and it should indeed be continued.

Madam Speaker, there is one provision I believe, however, that should have been included in this legislation. Recently I have introduced legislation, H.R. 4611, which provides a temporary waiver for the taxable year 1998 of minimum tax rules that deny many families the full amount of the nonrefundable personal credit such as the child tax credit and the HOPE and lifetime learning credits.

The Senate finance package included this provision in their extenders bill. I commend them for addressing this important issue, and I hope that we will seriously consider accepting this provision from the Senate.

The Senate bill strikes the appropriate balance between families and business. The House bill addresses important issues, but the Senate bill, I believe, goes further in including an extremely important provision for families, temporary relief from the interaction of the minimum tax with the child tax credit.

Without this fix, all families who claim the child credit with incomes above $45,000 for joint filers and $33,750 for single filers will be required to make some sort of minimum tax calculation. The minimum tax is not only complicated, it can penalize middle income taxpayers who claim the new personal tax credits.

The Department of Treasury estimates that, in 1998, the alternative minimum tax will deny 800,000 taxpayers who are entitled to both the child tax credit and the education tax credit the full benefits of these credits.

Without enactment of legislation to address this issue, taxpayers who are planning to claim the child credit should be warned that the computation of their taxes will be difficult, time consuming and, I believe, unnecessarily complex. Without simplifying the child tax credit, the child tax credit form that will be required on next year's tax filing will become a nightmare.

Madam Speaker, it is a shame that we did not address this issue in this bill today. The Joint Committee on Taxation estimates that a 1-year solution for taxable year 1998 would cost $474 million. But by not addressing the interaction of minimum tax with nonrefundable personal credits, many families will be cheated of the credits that we, indeed, promised them. The average family will have to pay a tax return preparer in order to fill out forms for these new credits.

Let me also share a quote with my colleagues from a letter that I witnessed today from the editor of Tax Notes, Mr. Christopher Bergin. He says,

> Apparently, few of us Washington types are surprised that the basis of the bill Republican leaders were trying to build at the last minute is a package extending expiring provisions that help mostly business or rich people who like to name foundations after themselves. But House leaders are taking the chance that those outside of Washington, the average taxpayers, may figure out that their congressional representatives did not have time to prevent the alternative minimum tax from eating their child credits because they were too busy taking care of multinational financial intermediaries.

I disagree with part of what was stated, but I also believe that we should have taken up this issue, and I hope that we will do so in the near future.

I have introduced a permanent solution this year, and I hope that we will give families the opportunity that we stated just a short time ago, and I hope that we will not bury them in their tax forms come 1999.

I also thank the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) once again for getting this bill to the floor. By and large, it is a very good piece of legislation.

Madam Speaker, I support extension of the expiring tax provisions. Unfortunately, this was a very small bill whose main purpose was to extend the expiring provisions. Other valuable provisions were not able to be included. I would like to briefly mention a provision that was included in the House-passed version of the Taxpayer Relief Act of 1997, but it was not enacted because it was not included in the conference agreement.

This provision clarifies the tax treatment of the state-mandated consolidation of mutual savings bank life insurance departments. Savings Bank Life Insurance is unique to the three States of New York, Connecticut, and Massachusetts. Last year with the help of Chairman ARCHER, the House addressed this issue.

This provision clarifies the tax treatment of a 12-year dividends payout associated with a state-mandated consolidation by treating it as a deductible policyholder dividend rather than a non-deductible redemption of equity. This provision is extremely important to Massachusetts because in 1990, the State legislature consolidated the State's saving bank life insurance departments into a new non-public stock company, while still providing for the sale of its products through these State banking institutions. New York and Connecticut may follow the consolidation approach taken by Massachusetts.

I am enclosing a letter to Chairman ARCHER thanking him for his assistance on this issue. I look forward to bringing closure to this issue next Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 1998.

Hon. CHAIRMAN BILL ARCHER,
Chairman, Committee on Ways and Means,
Longworth HOB, Washington, DC.

DEAR CHAIRMAN ARCHER: I am writing to thank you for your continued support for a provision that addresses potential adverse consequences for Savings Bank Life Insurance (SBLI) institutions that are unique to the three states of New York, Connecticut, and Massachusetts. Last year with your invaluable assistance, a provision was included in the House passed Taxpayer Relief Act of 1997, but it was not enacted because it was not included in the conference agreement for that legislation. The provision would clarify the tax treatment of the state-mandated consolidation of mutual savings banks' life insurance departments.

More specifically, the provision would clarify how the Internal Revenue Code of 1986 should treat certain policyholder dividends mandated by the Massachusetts State Legislature in 1990. This legislation consolidated the state's saving bank life insurance departments into a new non-public stock company, while still providing for the sale of its products through these state banking institutions. Because of the IRS's interpretation of current law, it is essential that Congress clarify that the 12-year dividends payout associated with this consolidation should be treated as a deductible policyholder dividend rather than a non-deductible redemption of equity.

While only the Savings Bank Life Insurance Company of Massachusetts will be affected by the IRS's current interpretation of the Code, the SBLI industries in both New York and Connecticut may be adversely affected if the Code is not properly clarified because they may follow the consolidation approach taken by Massachusetts.

Once again, Mr. Chairman thank you for your assistance. I look forward to working with you on this issue next Congress.

Sincerely,

RICHARD E. NEAL,
Member of Congress.

Mr. ARCHER. Madam Speaker, I yield myself such time as I may consume.

I would simply to respond to the gentleman from Massachusetts on the issue of removing from the alternative minimum tax formula many of the nonrefundable credits that would help higher middle income people.

The gentleman I am surprised would make the statement that he made, because we not only have considered that, it was part of the tax bill that passed the House of Representatives and made permanent in that bill, and that bill is currently over in the Senate being held up by the minority that refuses to let it pass cloture and be adopted.

So that provision not only takes care of 1998 but takes care of all succeeding years, because it is a permanent provision in the law. I am sure the gentleman did not mean to imply that we had been callous relative to that issue this year, because we certainly have not.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Madam Speaker, I would first like to commend the leadership of the Committee on Ways and Means for this bill. There are some very, very important provisions in this bill that will certainly help the people that I represent in Michigan.

I would like to highlight just a couple of those of particular significance. One is the permanent extension of income-averaging for farmers. I was pleased the day that I was sworn into the 105th Congress, along with my friend and colleague from Michigan, NICK SMITH, to be cosponsoring legislation to provide a permanent extension of income-averaging for farmers, and I am very pleased to see this in this legislation, as am I pleased to see the permanent extension of the current provisions regarding contributions for private foundation.

I also think it is very important that we have accelerated the deduction for health care for self-employed individuals. I would only ask that, as we move forward, that instead of continuing to extend the research tax credit year-by-year, that we seriously consider and, in fact, in the coming year, if not in this bill, permanently extend the research tax credit so that those involved in the critical long-term research efforts of this country know and can plan for the long term as they make decisions that will create jobs for American workers and important new discoveries for Americans.

Madam Speaker, I have twice authored in the last 2 years letters to the President and to my colleagues urging that we adopt a permanent extension of the research tax credit. Over 140 Members of this House have signed those letters, and I notice that as we debate the question of the advanced technology program and other programs where Members have indicated that they believe that the private sector should be taking the leadership in research efforts, long-term, risky research efforts for the country, that, as we do that, we send a mixed message when we, in fact, do not permanently extend the research tax credit for our country.

So I would urge that, as we move forward, that we make that permanent extension a top priority.

Mr. RANGEL. Madam Speaker, I yield back the balance of my time.

Mr. ARCHER. Madam Speaker, I include for the RECORD at this point the final revenue table for the bill.

ESTIMATED BUDGET EFFECTS OF H.R. 4738, THE "REVENUE EXTENSION ACT OF 1998," TO BE CONSIDERED UNDER SUSPENSION ON THE HOUSE FLOOR—FISCAL YEARS

[In millions of dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	1999–02	2003–07	1999–07
I. Extension of Expiring Provisions:													
A. Extending the R&E Credit (through 12/31/99).	7/1/98	−1,526	−866	−409	−296	−170	−39	....	....	....	−3,907	−209	−3,306
B. Extend Work Opportunity Tax Credit (through 12/31/99).	wpoifibwa 6/30/98	−245	−227	−126	−50	−18	−3	....	....	....	−648	−21	−669
C. Extend Contributions of Appreciated Stock to Private Foundations (permanent); Public Inspection of Private Foundation Annual Returns.	7/1/98 [1]	−23	−56	−71	−83	−91	−95	−100	−104	−109	−233	−499	−732
D. 1-Year Modified Extension of Exemption from Subpart F for Active Financing Income (as in H.R. 4579).	tybi 1999	−117	−378	....	....	....	....	....	....	....	−495	....	−495
E. Extend the Generalized System of Preferences (through 12/31/88) [2].	7/1/98	−393	−84	....	....	....	....	....	....	....	−477	....	−477
F. Permanent Extension of Income Averaging for Farmers.	tyba 12/31/00	....	....	−2	−21	−22	−22	−23	−24	−24	−23	−115	−138
G. Extension of Tax Information Reporting for Income Contingent Student Loan Program [2].	10/1/98						Negligible Budget Effect						
Subtotal of Extension of Expiring Provisions.	....	−2,304	−1,611	−608	−450	−301	−159	−123	−128	−133	−4,973	−844	−5,817
II. Other Provisions:													
A. Treasury Study on Depreciation (due 3/31/00).	....	....	....	....	....	....	....	....	....	....	....	....	....
B. Production Flexibility Contract Payments to Farmers Not Included in Income Prior to Receipt.	tyea 12/31/95						Negligible Revenue Effect						
C. Self-Employed Health Insurance Deduction—100% in 2003 and thereafter.	tyba 12/31/02	....	....	....	....	−206	−637	−680	−602	−257	....	−2,382	−2,382
D. Increase Private Activity Bond Volume Cap to the Greater of $55 Per Capita or $165 Million Starting in 2003; Phased in Ratably to the Greater of $75 Million Per Capita or $225 million in 2007.	1/1/03	....	....	....	....	−11	−44	−111	−177	−252	....	−595	−595
E. Prior Year Estimated Tax Safe Harbor for Individuals With AGI over $150,000 (106% in 2000 and 2001).	tyba 12/31/99	....	525	....	−525	....	....	....	....	....	....	....	....
F. State Election to Exempt Student Employees From Social Security [2].	spa 6/30/00	....	−5	−47	−49	−51	−52	−54	−56	−58	−101	−271	−372
Subtotal of Other Provisions	....	....	520	−47	−574	−268	−733	−845	−835	−567	−101	−3,248	−3,349
III. Revenue Offset Provision:													
A. Change the Treatment of Certain Deductible Liquidating Distributions of RICs and REITs.	dma 5/21/98	2,425	1,109	723	640	672	705	741	778	817	4,897	3,713	8,610
B. Add Vaccines Against Retavirus Gastroenteritis to the List of Taxable Vaccines ($0.75 per dose).	vpa DOE	1	2	3	4	5	6	6	6	7	11	31	42
C. Clarify and Expand Math Error Procedures	tyea DOE	12	25	26	27	28	29	30	31	32	90	150	240
D. Restrict Special Net Operating Loss Carryback Rules for Specified Liability Losses.	NOLgi tyea DOE	14	21	29	39	42	40	40	40	42	103	204	308
Subtotal of Revenue Offset Provisions	....	2,452	1,157	781	710	747	780	817	855	898	5,101	4,098	9,200
IV. Tax Technical Corrections Provisions	....						No Revenue Effect						
Net Total	....	148	66	126	−314	178	−112	−151	−108	198	27	6	34

SOURCE: Joint Committee on Taxation.

NOTE: Details may not add to totals due to rounding.

Legend for "Effective column: dma=distributions made after; DOE=date of enactment; NOLgi=net operating losses generated in; spa=services performed after; tyba=taxable years begining after; tybi=taxable years beginning in; tyea=taxable years ending after; vpa=vaccines purchased after; wpoifibwa=wages paid or incurred for individuals beginning work after.

[1] The additional public inspection provisions apply to requests made after the later of the date which is 60 days after the date on which the Treasury Department publishes regulations or 12/31/98.

[2] Estimate provided by the Congressional Budget Office.

Mr. SMITH of Oregon. Madam Speaker, I appreciate the opportunity to rise once again in support of tax relief for America's farmers and ranchers. Regrettably, even though Chairman ARCHER's laudatory efforts recently to provide substantial tax relief to our agricultural producers, small businessmen, and families will not move forward, the American people now understand which party is for lower taxes and sound tax policy.

Today, Chairman ARCHER brings to the floor a scaled-down package of Tax Code extensions, which appear to enjoy the support of Congress and the administration. I regret we cannot do more; but I applaud the Ways and Means Committee for not giving up on the American people.

Making income averaging permanent provides U.S. farmers and ranchers a useful tool they may use to even out their tax liabilities from one year to the next. In agriculture, and especially in light of the current crisis, this significantly mitigates the economic hazards of farming and ranching.

The bill also accelerates the phase-in of the health insurance deduction that will be extremely helpful to farmers and other self-employed people and their families. The full deduction will be realized in 2003.

Finally, Madam Speaker, this bill assists agricultural producers in meeting their tax obligations under the Agricultural Market Transition Act (AMTA) of the 1996 farm bill. Congress already has provided the USDA with authority to speed up AMTA payments, which will help many farmers this year, and with this bill, these payments will receive an appropriate tax treatment.

This is a good bill. It will be helpful to American agriculture, and it is the very least we can do. I urge all my colleagues will vote for it.

Mr. ARCHER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4738, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CALLING ON THE PRESIDENT TO RESPOND TO INCREASE OF STEEL IMPORTS AS A RESULT OF FINANCIAL CRISES IN ASIA AND RUSSIA

Mr. ARCHER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 350) calling on the President to take all necessary measures under existing law to respond to the significant increase of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes.

The Clerk read as follows:

H. CON. RES. 350

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate significant increases in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by over 70 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 metric tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets; and

Whereas many would recognize that there may be a need to determine if there should be improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress calls upon the President to—

(1) pursue vigorous enforcement of United States trade laws relating to unfair trade practices with respect to the significant increase of steel imports into the United States, using all remedies available under all those laws;

(2) pursue consultations with officials of Japan, Korea, the European Union, and other nations to eliminate import barriers that affect steel mill products and to increase access to their markets;

(3) closely monitor United States imports of steel and make the data gathered from such monitoring available to the public as soon as possible; and

(4) report to the Congress by no later than January 5, 1999, on the impact that the significant increase in steel imports is having on employment, prices, and investment in the United States steel industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include extraneous material on the resolution, H. Con. Res. 350, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VISCLOSKY. Madam Speaker, I wish to be recognized in opposition to the resolution.

The SPEAKER pro tempore. Is the gentleman from New York opposed to the resolution?

Mr. RANGEL. No, Madam Speaker.

Mr. VISCLOSKY. Madam Speaker, the gentleman from Indiana is opposed to the resolution.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. VISCLOSKY) will control 20 minutes.

Mr. VISCLOSKY. Madam Speaker, I also ask unanimous consent that we extend debate on this resolution for 1 additional hour, given the important nature of the resolution before the House.

The SPEAKER pro tempore. Does the gentleman from Texas (Mr. ARCHER) yield for the purpose of extending the debate for 1 additional hour?

Mr. ARCHER. No, Madam Speaker. I cannot accept, Madam Speaker. This bill is under suspension and should be covered by the normal rules for suspension.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) will be recognized for 20 minutes; the gentleman from New York (Mr. RANGEL) will be recognized for 20 minutes; and the gentleman from Indiana (Mr. VISCLOSKY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.Con.Res. 350. I worked with my colleague from Ohio (Mr. REGULA) to develop this resolution which expresses the strong will of Congress that the President must respond to the significant increase in steel imports. This resolution expresses the clear signal that we must take action under our existing laws to preserve U.S. jobs in this vital sector.

Some are seeking to politicize this issue, asserting that this resolution is not strong enough. Frankly, I do not understand that strategy. We must be united in our call to the administration to take action. The resolution makes perfectly clear that Congress is gravely concerned that the financial crises in Asia and Russia have led to a collapse in demand for domestic steel and that a number of our trading partners are closing in their markets to foreign steel, leaving the U.S. vulnerable to sky-rocketing levels of imports.

In fact, this language in the resolution is virtually identical to the so-called bipartisan resolution, H.Con.Res. 328, introduced last month.

Furthermore, the resolution calls upon the President to pursue vigorous enforcement of U.S. trade laws with respect to steel; to negotiate with Japan and Korea and the EU to eliminate barriers and open their markets to the glut to the steel on the market; to closely monitor import levels; and to report to Congress by January 5 on the impact that the significant increase in steel imports is having on employment, prices, and investment here.

Madam Speaker, I hope we will not play politics today. We have no disagreement about the impact that the significant increase in steel imports is having on the U.S. industry and on its workers. I do not understand why this resolution should pass by anything other than a unanimous vote so that we can send a clear, united message to the President that the Congress is deeply concerned.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I have no speakers, so I reserve my time at this time.

Mr. VISCLOSKY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Texas (Mr. ARCHER) stated correctly that there is a significant problem with a surge in steel imports into the United States of America. In the first 6 months of this year compared to the first 6 months of last year, imports have surged from South Korea by 89 percent.

□ 1800

Imports from Japan have surged 113 percent. Imports from Indonesia have surged over 300 percent. People have lost their jobs. They are not going to get laid off, they are not going to lose their jobs, they have lost their jobs.

The gentleman from Texas was also correct, that in a bipartisan fashion a period of time ago, a significant number of Members in the House of Representatives introduced a resolution to call upon the administration, that has not acted on this matter, to take action. The administration has not acted, and people have lost their jobs because of that. That is why we are here tonight, because if the President of the United States is not going to enforce the trade statutes of the United States of America, we have a constitutional responsibility to do it in this House.

I have the utmost respect for the gentleman from Ohio (Mr. REGULA), the chairman of the Congressional Steel Caucus, as well as the Vice-Chair, the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from New York (Mr. QUINN), who chairs the executive committee.

We were all on that original resolution, and we called for the enhanced enforcement of the United States trade laws with respect to the surge in steel imports. We asked that the United States government use all remedies available under those laws, including offsetting duties, I stand to be corrected if that is not the law of the land today, and the instrument of the law under the Constitution that the President can use today.

We said in that resolution, that bipartisan resolution, calling upon our president, who has not acted, that he should use quantitative restraints if necessary. That is exactly what the European community has done. They have put up a wall. People are so cavalier when they come in. They say yes, the Europeans did it, but we are going to cause a crisis internationally if we simply protect ourselves from an illegal international action.

If I am wrong that quantitative restraints are not allowable under the law of the land today, I stand to be corrected right now, and other authorized remedial measures as appropriate that are available to the President of the United States.

The second paragraph of that resolution that was introduced in a bipartisan fashion to call upon the President, who has not acted, said that the President should pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth.

The language we have before us today says that we should consult with the officials of Japan, we should consult with the officials of Korea, we should consult with the European Union. I bet Mr. Kim at Pohang Steel is going to lay awake tonight worrying about our consultation. We are going to consult him to death between now and January 3. Mr. Yakamura of Nippon Steel in Japan, the guy is probably going to have a heart attack because we are going to consult with the Japanese. We have been consulting for 6 months, and nobody has taken any action.

I bet the foreign ministers of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, the United Kingdom, I bet they are going to be apoplectic because we are going to consult with them.

Do Members know what, they have a job. They have a job. But 450 white-collar workers at Inland Steel in Chicago, Indiana, they do not have a job today. They do not have a job today. On October 7, 2 days ago, or 5 days ago, I stand corrected, Timken Steel in Pittsburgh, Pennsylvania, laid off 160 workers. They do not have a job today. That foreign minister in France got his job.

Forty-seven steelworkers who were laid off at three Ohio steel-producing facilities last month, those 47 workers, I will bet most of them are married, I will bet most have kids, most have a mortgage, and they cannot wait until January 5, with Christmas and Thanksgiving, and three months of feeding their kids and sending them to school.

We have 40 union workers laid off at Timken Steel in Latrobe, Pennsylvania. We had, on September 2nd, 400 people laid off at Inland Steel, in addition to the 450. Geneva Steel in Utah, an 18 percent cutback, 355 people as of September 29. As of 1½ weeks ago, those 350, they are not working, but the guy in Luxembourg, the guy in Japan, the guy in Korea, he is working. He is working.

The President has done nothing. We have an obligation to do something. The third portion of our resolution, bipartisanly introduced, said that the administration ought to establish a task force within the branch with the responsibility for closely monitoring imports. No great quibble here.

The resolution before us today says we will continue to closely monitor. A lot of good that has done for all of these other people that have continued to lose their jobs, the 200 people in Fairfield, Alabama, who on September 1 were laid off by U.S. Steel, the 100 people in Mon Valley, Pittsburgh, who were laid off on September 1.

That monitoring so far to date, the last 6 months, has not helped the people at Slater Steel, where 51 positions were eliminated last week. Last Thursday, 51 people lost their jobs. It did not help them that we have been monitoring since last summer.

The last part of our resolution said that there should be a report to us, to the Republicans, to the Democrats, a report to us by the President, who has not acted, on the comprehensive plan we want him to develop to deal with this surge. We want a plan in place. We want action taken no later than that. The resolution before us today said that the President ought to report back and say he should tell us what the impact is by January 5.

I have a couple more. Acme Steel in Riverdale, Illinois. They just filed for Chapter 11 bankruptcy. A good thing we had a bankruptcy bill on the House floor last week. We anticipated that event.

We have lost jobs. We are losing jobs as the weeks go by. We are asking for the President to come back in 3 months with this resolution and say, tell us what the impact is, Mr. President. We would really like to know.

Everybody in this Chamber is smart enough to know what the problem is. I respect all of my colleagues on both sides of the aisle, because we all want the same thing to happen. We want the President of the United States to act. We want this institution to act.

But in the last day or two of this Congress, to stand before the American people with a resolution that says, report back to us on the impact, let us monitor this, let us consult people to death, is a sham, and I am not going to lie to the workers who are losing their jobs every day.

Madam Speaker, I reserve the balance of my time.

Mr. CRANE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Concurrent Resolution 350 recognizes that the U.S. steel industry is experiencing difficulties as a result of a significant increase in imports of steel into the United States, and calls on the President to take all measures under existing law to respond to this increase.

The financial crisis or crises in Asia and Russia have made a number of industries, including steel, vulnerable to increased imports from countries seeking to bolster their currencies and improve the current account balances.

This resolution is tough but fair, and I urge my colleagues to support it. I support using our existing trade laws to address the question of whether steel is being traded unfairly and injuring our industry and workers. In fact, I understand that the steel industry has brought a number of antidumping petitions within the last 2 weeks. I urge the industry to continue to pursue this track, and the Commerce Department and the International Trade Commission to consider these petitions promptly.

Some say that we should change our trade laws in advance to accommodate these cases before they have been decided. Much as I sympathize with the plight of the U.S. steel industry and its workers, I believe it would be premature to make such changes.

First, we must not prejudge or interfere with the outcome of pending litigation. Second, we must resist the urge to unilaterally close our markets at this delicate time. Shutting our doors through protection would set a bad example for Asia and Russia, and for the rest of the world, that closed trade is an acceptable policy in difficult economic times. History shows us that it clearly is not. We should not tolerate policies that limit imports of our goods and services, and we should not permit Asia and Russia to increase U.S.-bound exports excessively, to the detriment of our companies and workers.

Instead, we must pursue trade liberalization abroad by action to increase our access to other markets. We should be on the lookout for increased Asian and Russian trade barriers. We must also encourage Japan to open its markets to absorb excess capacity from its neighbors.

In short, we have to do everything we can to get the Asian region and Russia back to health so their consumers may continue to purchase our goods and services and create opportunities for our companies and workers. The financial crisis is an opportunity to foster trade liberalization in these markets, make systematic changes that will open markets, increase transparency, and bolster confidence.

Accordingly, the resolution calls upon the President to pursue vigorous enforcement of U.S. trade laws relating to unfair trade practices using all remedies available under all those laws, pursue consultations with our trading partners to eliminate barriers and increase access to those markets, closely monitor U.S. imports of steel, make that data available to the public, and report to Congress by January 5 on the impact the significant increase in steel imports is having on employment, prices, and investment in the industry.

I would like to congratulate several of my colleagues for their role in bringing this resolution to the floor today, including the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Ohio (Mr. REGULA), and the gentleman from Illinois (Mr. WELLER).

I would particularly like to thank the gentleman from Alabama (Mr. ADERHOLT), who, while not a member of the Committee on Ways and Means, has worked hard on this issue.

Madam Speaker, I urge my colleagues to vote for this resolution, which sends a strong warning to our trading partners that we are on the lookout for our steel industry and its workers.

Madam Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I decided to run for Congress after I covered in the news business the decline of the American steel industry while working for a television station in Pittsburgh, Pennsylvania. 155,000 industrial jobs were lost while this country and this Congress and various presidents sat here and fiddled and carried on, and did not care about what was happening in what has become known as the rust belt of this Nation.

My dear colleague, the gentleman from Indiana (Mr. VISCLOSKY) just talked a moment ago about the hundreds of our constituents in this country who are losing their jobs each day, and each one of them is a tragic story. Each one of them is someone who cannot make a car payment, cannot make a mortgage payment, does not know how they are going to pay the bills.

They had a great job in the American steel industry, in a Nation that has led the production of steel for generations. Now, we are saying to them, the President will not stand up for you. He will not use the tools at his disposal, and this Congress can just use a lighter shade of pale of the resolution that this Congress in a bipartisan manner suggested that we pass to force this administration to do everything in their power to stand up for this industry and for those American workers.

Steel prices in this country have fallen 20 percent over the last 3 months, and workers are being laid off because the Asian countries and Russia are dumping their steel on this country. Unfair trade practices are taking place that are having an incredibly bad effect across this Nation.

What do we do? We want to study the issue. We want to consult about the issue. We want to formulate a report which will come back after the first of the year. I will tell Members right now what the report is going to say. I will save the Members the money, the millions of dollars it would take to write that report. What is going to happen is more workers will be laid off, steel plants will close, and our communities will fall apart.

We have to take action. These trade laws are on the books. Allegheny Ludlum in Leechburg, which is just outside of my district, they have already laid off over 100 workers this year because of the cheap foreign imported steel.

There is not a college, there is not an MBA course, there is not a university in this Nation that can teach you how to run a steel plant when you have become as efficient as you can, when you are producing steel cheaper than you have ever done, you are producing as much as you can produce, and you are still losing money. Why are we losing money? Because we are allowing this cheap imported steel to be dumped here that is being subsidized by other nations.

The truth of the matter is that instead of calling on the President to pursue enhanced enforcement, we are now saying, just vigorous enforcement. Instead of calling upon the President to use all the tools at his disposal to share Asian and Russian imports with Japan and the European union, this bill suggests we pursue consultations.

We have pursued enough consultations, Madam Speaker. It is time we take action. This bill is a sham.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, this resolution puts our trading partners on notice that the U.S. Congress will not tolerate predatory trade practices. This resolution also pressures the administration to use its legal authority, including remedies that in my view could include offsetting duties and quantitative restraints, to the benefit of a strategic sector of the American economy.

I call on the administration to act expeditiously to eliminate the damage that is being caused by illegal dumping of foreign steel products. Russia, Brazil, Korea, China, and Japan should not be allowed to export their economic mismanagement to the United States.

□ 1815

Dumping is an unfair, intolerable and illegal trade practice that is hurting American steel companies and putting American jobs at risk.

Due to their economic crises, foreign steel companies in these countries and elsewhere cannot sell their products for domestic consumption. In order to liquidate their inventory, foreign steel producers are dumping their products in the U.S. by selling at prices below production costs.

Steel imports through May 1998 increased by a staggering figure, over 70 percent from last year, and now constitute one-third of the domestic steel market. Over the last decade, Mr. Speaker, the American steel industry has been revitalized and become one of the most competitive industries in the world. This substantial accomplishment is now in jeopardy due to illegally traded steel imports, and the companies involved support this resolution.

Let us be clear, a vote for this resolution is a vote for a strong domestic steel industry. A vote against this resolution, contrary to what we have heard on the other side, is a vote against the vital interest of every American steelworker whose job is at risk because of illegal imports.

Mr. Speaker, I challenge every Member of this body who aspires to represent working families to set aside partisan poses and vote for fair trade and for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Speaker, if I could ask the Chair what the time remaining is on each side.

The SPEAKER pro tempore (Mr. BLUNT). The gentleman from Indiana (Mr. VISCLOSKY) has 9 minutes remaining, and the gentleman from Pennsylvania (Mr. ENGLISH) has 11½ minutes remaining.

MR. ENGLISH of Pennsylvania. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Ohio (Mr.

REGULA), chair of the Congressional Steel Caucus.

Mr. REGULA. Mr. Speaker, we have heard the slogan, "Stand up for steel." Today we are standing up for steel. What we are really talking about are two objectives. One is to save steel jobs in this Nation, the other is to get the President and the Cabinet members energized to help us save those steel jobs.

This is the message that we want to send down Pennsylvania Avenue. We have had discussions. We have had a lot of talk, but now we need action.

Other speakers have detailed the extent of the problem. Exports are up from Russia, 45 percent; from Korea, 89 percent; from Japan, 113 percent; Indonesia, 308 percent. And, of course, the European Union put in quotas, as was mentioned earlier. Even though their population is the same as ours, roughly, they import one-tenth as does the United States. I think it tells us very clearly how we are being the target for all the surplus steel capacity around the world.

What we do in this resolution is say to the administration: Take action. It is a strong message. We can talk about semantics. We can split hairs. The real answer is we have got to get the message down there. And whether it is the resolution offered by the gentleman from Indiana (Mr. VISCLOSKY), whether it is mine, whether it is the resolution offered by the gentleman from Texas (Chairman ARCHER), none of those will mean anything unless the administration is willing to take action.

But I would point out to my colleagues that in this resolution before us today we call for the President of the United States to pursue vigorous enforcement of our unfair trading laws using all remedies available under all laws. In other words, use all of the tools available.

Are there tools? Yes, there are tools. The President can invoke national security matters and immediately put on quantitative restraints, if the President were willing to do this.

Mr. Speaker, he can pursue the test of emergency conditions in the United States, and there is an emergency. Again, the President can act without any further action.

Thirdly, the President and the Commerce Department can bring 201 and 301 cases. They have not done so.

Fourthly, they can find critical circumstances under dumping, allowing retroactive imposition of duties. So, there are many tools available.

Last week I, as chairman of the Steel Caucus, along with the gentleman from Minnesota (Mr. OBERSTAR) met with Senator SPECTER, chairman in the Senate, and Senator ROCKEFELLER, and we met with Treasury Secretary Rubin, Secretary of Commerce Dailey, with Trade Ambassador Barshefsky, and with the chairman of the Council of Economic Advisors, Mr. Gene Sperling. We gave them the outlines of the problem. And what we had from them is talk. As I said to them, there is a Chinese proverb that says, "Talk does not cook rice."

What we need is for this administration to start dealing with this problem and not giving us talk. This resolution provides for disclosure to the public so we know what is going on. And I think that it will require action by our Committee on Ways and Means.

I would point out of all the resolutions, this is the one coming out of our Committee on Ways and Means. To really work on this problem, we need the cooperation and we need the help and we need action by the Committee on Ways and Means.

But right now, the President of the United States can take action to save those steel jobs. Mr. Speaker, I say to the President, "Mr. President, we want you and your cabinet and your administration to stand up for steel."

Mr. VISCLOSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I appreciate the Committee on Ways and Means has acted. I think we all ought to recognize, though, they acted only because we had such a strong vote last week on this issue that showed we could have passed the resolution that was originally introduced.

Now, if my colleagues want to be "Congressman Feelgood," go ahead and vote for this resolution, this watered-down, tooth-pulled language that has no strength in it. If they want to be "Mr. Feelgood," then vote for it.

But if they want to be "Congressman Do-Good," then let us bring this resolution back to the floor that so many of us cosponsored. What we need is some real action.

We need action on voluntary restraint agreements, as we had during the Reagan administration. The gentleman from Ohio will remember that very well. We need retroactive countervailing duties assured to be imposed, once the findings are made on the countervailing duty cases that are pending.

We need to have Japan reduce its exports to the United States. We need Japan to raise their prices to real market condition prices. We need tough language, not this watered-down language that we are dealing with here.

The actions that can be taken with Japan, with Korea to privatize its steel industry, to bring its exports down to the level prior to this past May. And for the European Union to end their quotas on Russian steel that have cut Russian exports to the European Community countries by 50 percent, so that Russia now leapfrogs Europe and dumps their steel in the United States.

Mr. Speaker, these are specific, direct actions that can be taken and we ought to be telling the administration: Do it. Do something good. Stand up for steel.

Let us stand up for something that means action, not just "significant increase," not just "under existing laws," not "establish a monitoring program," as provided in this resolution. That means nothing.

As the gentleman from Indiana said, I tell my colleagues, the leadership in Japan is not quaking in their boots over this language, and neither should the Members on this floor. We ought to have something a lot tougher.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means, and a good friend of steel.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding me this time.

Mr. Speaker, it is time for action. Frankly, it is time that we give a wakeup call to the White House. While steelworkers in Illinois and across this country are losing their jobs, the Clinton administration does nothing.

Tonight, the President is in New York spending an evening with the "limousine liberals," and nothing is being done about steel jobs in Illinois. We are losing jobs in Illinois because the Clinton administration is doing nothing. This Congress needs to speak and call for action, because Illinois workers are losing their jobs while Bill Clinton is in New York.

Asian countries, the countries of Asia and Russia are dumping steel in Illinois and it is costing Illinois workers their jobs. Steel imports from Japan have doubled, while Bill Clinton sleeps. Steel imports from Korea have gone up 89 percent, while the Clinton administration does nothing.

We need action Mr. Speaker. That is why this resolution and that is why this Congress should speak in a bipartisan, unanimous vote telling the Clinton administration get off of its duff and do something and go to work to protect Illinois steel jobs.

There are 20 firms in the south suburbs of the south side of Chicago that I have the privilege of representing. Every one of them are hurting. As the gentleman from Indiana (Mr. VISCLOSKY) pointed out, Acme Steel filed for bankruptcy. Birmingham Steel, which has 400 jobs in Bourbonnais, has now reduced its hours down to where they are only working 4 days a week in order to avoid layoffs. In September, they shut down for a full week, idling 280 workers. Belson Scrap and Steel, 110 employees. They have had to reduce their payroll by 10 percent.

Because the Clinton administration is doing nothing, workers are hurting. We need action. Let us give a bipartisan vote to this resolution and demand action out of Clinton administration.

Mr. Speaker, I rise today in support of H. Con. Res. 350 which calls on the President to enforce existing trade laws to respond to the overwhelming increase in foreign steel imports resulting from the Asian financial crisis.

Mr. Speaker passage of H. Con. Res. 350 is of the utmost importance to the future of the American steel industry and to thousands of steelworkers around the country, many of which I represent in the 11th Congressional District in Chicago's south suburbs. The economic problems in Russia, Asia and Latin America have lead to large scale dumping of foreign steel on the U.S. market with most of this steel being sold at below the price of production in their home markets. As you know Mr. Speaker, this is an unfair and illegal trade practice under both international and U.S. trade policies, and the dumping of foreign steel threatens many good paying American jobs.

This past spring, I along with 64 other members of this House signed a letter to the President asking him to enforce existing U.S. laws against these unfairly traded steel imports. Unfortunately Mr. Speaker, the Administration has failed to act on behalf of the steel industry and American workers. In fact, the problem has only grown worse since this spring, Steel imports for this past July were up almost 45% over July 1997. Imports from Japan and South Korea are up over 113% and 89% respectively.

The impact of this dumped steel has already resulted in layoffs and reduced orders in factories around the country. U.S. Steel has laid off over 100 workers in Pittsburgh and is planning to lay off more workers as orders continue to slow. Geneva Steel has had to let go of over 500 employees, and Northwestern Steel and Wire Company in my state of Illinois has said that it might have to let go as many as 450 workers because of these unfair trade practices. Even Acme Steel Company in Chicago has been forced to file for bankruptcy protection putting even more jobs in question.

I have over 20 firms in my district that produce steel or steel products. Some of these firms are large corporations like Birmingham Steel whose mill in Joliet, Illinois employs almost 400 people, while others are small family-owned businesses like Belson Scrap and Steel in Bourbonnais, Illinois with 110 employees. Without immediate action to stem the tide of this unfairly dumped steel, I fear that these steel producers and their workers will face severe harm.

Mr. Speaker, both the steel industry and the steelworkers union have filed suit to stop these unfair practices, but, without swift action by the Administration to stop this unchecked flow of dumped steel, it may be too late for many of our steel companies and steel workers to wait for the courts resolution.

The steel industry has rebounded from the financial difficulties of the 1980's that cost our country over 325,000 jobs. The American steel industry once in decline, now produces the lowest cost and highest quality steel on the planet. If we fail to ensure that American steel plays on a level playing field with the rest of the world, then we place American steel companies and American workers including the 400 at Birmingham Steel and the 110 at Belson in my district in great harm.

It's time to send a message to the Administration, foreign governments, and American workers, that this Congress will not stand idle when American jobs are at stake. I ask for your support for this industry and this important legislation.

Mr. VISCLOSKY. Mr. Speaker, I yield myself 1 minute and 15 seconds.

Mr. Speaker, the gentleman from Ohio (Mr. REGULA) earlier in his remarks talked about the "Visclosky resolution." That was not the Visclosky resolution. That was a bipartisan resolution that the caucus agreed to. We had cosponsors of that resolution language on both sides.

The gentleman from Ohio has had people losing their jobs as recently as 5 days ago: September 2, September 29, October 1, October 8.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I was referring to the privileged resolution that the gentleman from Indiana introduced, and he was the sponsor of that.

Mr. VISCLOSKY. Which I sponsored, but which contained the bipartisan language.

Mr. REGULA. Most of it, yes.

Mr. VISCLOSKY. Mr. Speaker, reclaiming my time, most of the bipartisan language. So, this was not a partisan issue.

The administration has not acted and that is why we are here tonight. The Commerce Department has not initiated its own investigation. The Trade Rep's office has not initiated its own investigation. Neither has the Commerce Department or Trade Rep office called for countervailing duties. No one in the administration has pressured the European Union to discuss sharing the burden of the financial crisis in Russia or Asia.

Mr. Speaker, I will close my portion of the remarks by indicating that this is not the best all of us can do collectively. The best we can do collectively is to send this back to the committee of jurisdiction and tell them to do better on Wednesday.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding me this time.

Mr. Speaker, I am pleased to rise in support of H. Con. Res. 350 calling on our President to promptly take all necessary measures to stop the dumping of foreign steel on our markets.

Mr. Speaker, I commend the gentleman from Ohio (Mr. REGULA) and the gentleman from Pennsylvania (Mr. ENGLISH), sponsors of this measure, along with the distinguished gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means.

U.S. jobs are at stake if we fail to ensure that foreign markets discontinue the restriction of U.S. steel exports. The administration has told Congress that it is enforcing our trade laws vigorously. Well, foreign steel is still surging into our country from Asia and threatening the jobs of our steelworkers plus the future of our industry, that by all odds is the lowest cost, most efficient producer of steel in the entire world.

I also call on the European Union to do its part to meet the ongoing crisis in Russia by opening its market to the import of Russian steel products. It should stop cutting back its imports from Russia, if it is to put in place a long-term solution to the global financial crisis.

Accordingly, I urge my colleagues to support this important measure.

□ 1830

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT), a distinguished member of the Congressional Steel Caucus and a strong friend of steel.

Mr. ADERHOLT. Mr. Speaker, I want to thank the gentleman from Texas (Mr. ARCHER) and the gentleman from Illinois (Mr. CRANE) for their work to bring this resolution to the floor today.

The United States steel industry is the most efficient and competitive in the world. Currently, however, the industry is in a crisis due to the dumping onto the U.S. markets of below-cost production of steel from countries in financial distress. Although I support this resolution, I strongly believe that we must have an immediate ban on certain foreign steel imports to give the U.S. steel industry a level playing field.

My bill, 4762, which has 6 Republicans and 5 Democrats, does that. The current GATT agreement and the U.S. review process for trade complaints do nothing to help the families who have already lost their jobs. It is wrong to let American jobs die as part of a backdoor foreign policy method for keeping foreign governments and economies afloat. By leaving our ports open to this flood of steel while Europe maintains trade barriers is exactly what we are doing.

I urge the President to immediately stop this flood of foreign, unfairly priced steel. If our trade partners do not like it, let them file a case and go through the same lengthy bureaucratic process that we have to suffer. Seven steel company presidents, 12 Governors and the United Steelworkers of America have pleaded with the President to halt these imports.

This resolution urges the President to engage Europe and Japan to end their trade barriers. I ask for everyone to support this resolution as a first step in an effort to give America's steelworkers a fair chance to compete.

Mr. VISCLOSKY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise on behalf of steelworkers in the greater Cleveland area who work at LTV Steel and steelworkers everywhere across this country who realize that this crisis in steel is real.

Workers are losing their jobs, plants are in danger of being shut down, but enforcement of our trade laws is not happening. Today we have the opportunity and the duty to ensure our protections for steel are enforced. But this concurrent resolution is weak. What are we afraid of?

If not now, when is it appropriate to impose quantitative restrictions on steel imports? If not now, when is it appropriate to raise tariffs? What are we about if we allow our steelworkers to lose their jobs without taking emergency actions to protect them?

Mr. VISCLOSKY. Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. SOUDER), a strong friend of steel.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Pennsylvania and the gentleman from Ohio for their leadership, and also my colleague from Indiana for his leadership, and the gentleman from Minnesota (Mr. OBERSTAR) for his part in this important issue, because we clearly see American steel companies being driven out of business with unfair market practices.

We can talk as Republicans all we want about free trade, but, in fact, when you have people who cheat, who do not follow the rules, you cannot have free trade.

I, too, wish this resolution were tougher, but the plain truth of the matter is we are at the end of the session. The Senate is not in session. The only thing we can do at this point is a resolution that puts us on record. This is the best we can do.

If this resolution would go down, it would be a terrible sign because thus far we have been working in a bipartisan way between the two sides to try to point out to this administration and this Congress what is happening in the steel industry.

This book, American Steel, which I would recommend to anyone, tells the details of the founding of NUCOR as well as what was later developed as Steel Dynamics in Indiana. Those two companies drove the price of steel down, yet they cannot compete because of this illegal dumping. We have put so many restrictions on our steel industry, yet they have been innovative.

If we at times do not offer protection when other countries will not play fair, we will not have a steel industry. If we do not have a steel industry, how can we talk about national defense? How can we talk about being a strong Nation if we do not have something as fundamental as steel in this country? We cannot just produce hamburgers and CDs and the type of soft things, those are important, but steel is a foundational part of our country. We cannot lose this industry. This resolution puts us on record as a Congress. If it goes down, it will be a bad, bad signal.

Mr. VISCLOSKY. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. TRAFICANT), my friend and the friend of everybody in economic risk in this country.

Mr. TRAFICANT. Mr. Speaker, nearly all of the great economic improvement in the country has the fingerprints of one of America's great chairmen, the gentleman from Texas (Mr. ARCHER). If there is a better Member than the gentleman from Ohio (Mr. REGULA), I do not know him. My friend and neighbor from nearby western Pennsylvania, thank you for all the good things you have done for workers, the gentleman from Pennsylvania (Mr. ENGLISH). So do not take my comments as an attack on you. I am fed up the way our Nation has handled trade matters.

Specifically, we are mandated by the Constitution to regulate commerce with foreign nations. What we have not delegated to the White House, the White House has usurped.

How, they say, can I oppose this resolution? It is nonbinding. The Democrats, it is nonbinding.

Here is my position, here is simply why. They are both nonbinding. Why not make them specific? Why not direct the President to look at this issue? The issue today is not just trade, it is illegal trade.

The steelworkers of America oppose this resolution because it does not specifically address dumping.

The gentleman from Ohio (Mr. REGULA) said there is so much surplus overseas and that we end up buying it all because no one else overseas seems to be taking this surplus. Well, that is not the only problem. This surplus is coming into our country below production cost. Attractive, is it not?

Where is the specificity? Where is it coming from? Japan, Russia, Brazil. Let us talk about Japan. Every President since Richard Nixon threatened Japan with sanctions to open up their market and stop this illegal trade. Every one right up to William Jefferson Clinton. Evidently they never complied. I mean, that is a truthful statement. Workers are fed up.

My community has been decimated, 55,000 steelworkers, Gonesville. And it is our fault.

Let us look at Russia. We are now giving Russia foreign aid. Russia, subsidizing their industries, and the Communists are battling with Yeltsin. Who knows who might win? We are losing.

Let us look at Brazil. We are going to shut the government down over an $18 billion bailout in the international monetary slush fund for Brazil. Brazil is taking our money. They are subsidizing their steel industry, and they are selling steel in the United States of America below their production cost.

Mr. Speaker, I am not talking today about our resolution. I am talking about our failure to basically perform our constitutional mandate. We have allowed White House after White House after White House to negotiate with Communists, foreign leaders. The Constitution does not say we consult; the Constitution says we act.

Specifically, I have before and will have before the House, if this is voted down, a very simple, straightforward resolution that I think the Committee on Ways and Means should bring out. It says, the administration should review every bit of steel coming into our country.

Number two, we review and identify. If there is, in fact, illegal dumping, document it and impose a 1-year ban on anybody dumping illegally in our country. That includes Japan, Russia and Brazil.

Number three, same as the gentleman from Ohio (Mr. REGULA), put that task force together to closely monitor these imports in the future. And finally, report back by January 5, 1999, on the actions the executive branch expects to implement due to the fact that they have uncovered illegal dumping.

We need some specificity. God Almighty here. Democrats with nonbinding resolutions; Republicans with nonbinding resolutions, nonbinding resolutions that are watered down, watered down, watered down without meaning, without focus, without law.

Hell, if we were to do something, we would have brought out the Aderholt bill. I do not slam the Republican Party. I am not slamming the Democrats. It has happened on both sides.

Do you know who I am slamming? All of the Congress. We have allowed the White House to conduct business, and, by God, they should do what the Congress of the United States says or veto it.

I would appreciate a no vote on this resolution.

Mr. VISCLOSKY. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I rise in opposition to the resolution.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, normally I would be happy to associate myself with the remarks of the gentleman from Youngstown, and, in fact, most of what he said I agree with. But he put his finger on something that I think was critical when he said that our so-called watered-down resolution is watered down only in the sense that the other side's resolution is watered down. The Regula resolution does not specifically address dumping, nor does ours.

However, ours does put this body on record focusing on this issue. This is, contrary to what we have heard, the only vote we will get on this issue this session. So I want to make it clear here, a vote for this resolution is a vote for a strong domestic steel industry. The American Iron and Steel Institute supports this resolution. A vote against this resolution is a vote against the vital interests of every American steelworker whose job is at risk for illegal imports.

Let us not make a distinction without a difference, as the other side has. Let us support jobs. Let us vote for this resolution as the one way of registering our will in favor of domestic steel.

The SPEAKER pro tempore (Mr. BLUNT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 350.

The question was taken.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today and then on the motion to suspend the rules postponed from Saturday, October 10, 1998, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3494, de novo;

H. Con. Res. 350, by the yeas and nays;

S. 2095, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3494.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3494.

The question was taken.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 400, nays 0, answered "present" 2, not voting 32, as follows:

[Roll No. 521]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Lofgren
Paul

NOT VOTING—32

Berman
Borski
Boucher
Castle
Cooksey
Deutsch
Ehlers
Gephardt
Graham
Hefner
Hinchey
Inglis
John
Kennelly
Kilpatrick
Lampson
Largent
McCarthy (MO)
McCollum
Mollohan
Murtha
Norwood
Poshard
Pryce (OH)
Rahall
Ros-Lehtinen
Scarborough
Skaggs
Spratt
Taylor (MS)
Waxman
Yates

□ 1905

The Clerk announced the following pairs:

Mr. LEVIN and Mr. HALL of Texas changed their vote from "nay" to "yea."

Ms. LOFGREN changed her vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BLUNT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING ON THE PRESIDENT TO RESPOND TO INCREASE OF STEEL IMPORTS AS A RESULT OF FINANCIAL CRISES IN ASIA AND RUSSIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. 350.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 350, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 153, nays 249, not voting 32, as follows:

[Roll No. 522]

YEAS—153

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bliley
Blunt
Bonilla
Bono
Brady (TX)
Bryant
Burr
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cunningham
Deal
Diaz-Balart
Dickey
Doolittle
Dunn
Ehrlich
English
Ensign
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCrery
McInnis
McIntosh
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Nussle
Oxley
Packard
Parker
Paxon
Pickering
Pitts
Porter
Portman
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Roukema
Ryun
Salmon
Sessions
Shadegg
Shaw
Shays
Shuster
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Weldon (FL)
Weller
White
Wicker
Wolf
Young (AK)

NAYS—249

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Callahan
Capps
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Goode
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinojosa
Holden
Hooley
Hostettler
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pombo
Pomeroy
Price (NC)
Quinn
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Woolsey
Wynn
Young (FL)

NOT VOTING—32

Berman
Borski
Boucher
Castle
Cooksey
Deutsch
Ehlers
Gephardt
Graham
Hefner
Hinchey
Inglis
Kennelly
Kilpatrick
Lampson
Largent
McCarthy (MO)
McCollum
McDade
Mollohan
Murtha
Nadler
Norwood
Poshard
Pryce (OH)
Rahall
Ros-Lehtinen
Scarborough
Skaggs
Spratt
Waxman
Yates

☐ 1915

Messrs. DUNCAN, ROYCE and SHIMKUS changed their votes from "aye" to "no."

Mr. LAZIO of New York changed his vote from "no" to "aye."

So (two-thirds not having voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 1998

The SPEAKER pro tempore (Mr. BLUNT). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2095, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2095, as amended.

The question was taken.

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 248, not voting 33, as follows:

[Roll No. 523]

AYES—153

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cox
Crane
Crapo
Cubin
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Fawell
Foley
Fowler
Gallegly
Gekas
Gibbons
Goodling
Goss
Granger
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Houghton
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kim
King (NY)
Kingston
Knollenberg

Kolbe
Lewis (CA)
Lewis (KY)
Linder
Lucas
Manzullo
McCrery
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Ney
Northup
Nussle
Oxley
Packard
Parker
Paxon
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Wamp
Watkins
Watts (OK)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—248

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Bentsen
Bereuter
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Porter
Portman
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Snyder
Souder
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn

NOT VOTING—33

Becerra
Berman
Borski
Boucher
Castle
Cooksey
Deutsch
Ehlers
Gephardt
Graham
Hefner
Inglis
Kennelly
Kilpatrick
Klug
Lampson
Largent
McCarthy (MO)
McCollum
McDade
Mollohan
Murtha
Nadler
Norwood
Poshard
Pryce (OH)
Rahall
Ros-Lehtinen
Scarborough
Skaggs
Spratt
Waxman
Yates

☐ 1925

Mr. FOX of Pennsylvania and Mr. HULSHOF changed their vote from "aye" to "no."

So (two-thirds not having voted in favor thereof), the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall votes Nos. 521, 522 and 523 on October 12, I was unavoidably detained. Had I been present, I would have voted as follows: on rollcall No. 521, "yea"; on rollcall No. 522, "nay"; and on rollcall No. 523, "nay."

FAREWELL ADDRESS

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, I regret that my final hours in the House are not among its finest hours.

My dream of public service began in 1960, when, as a high school student, I witnessed the nomination of John F. kennedy for President of the United States. Congress is the only public office I have ever held. My record reflects many attempts to generate and embrace bipartisan solutions. My bipartisan district has applauded these efforts like last year's balanced budget agreement. But it also shares my dismay at the tenure of our floor debate last week on whether to begin an inquiry of impeachment of the President.

The floor debate had more the feeling of a rally than a sober exercise of one of Congress's most awesome responsibilities under the Constitution. Indeed, it seemed to me that many Members in the Chamber were gleeful and that the exercise was payback for some earlier slight, whether from the President or someone else.

Mr. Speaker, thousands of my constituents have contacted me in the past 2 months and by a recent count of 9 to 1 have made clear they find the President's conduct wrong, as I do, but they do not want him impeached.

Mr. Speaker, I have said in other forums that not only is the President on trial, so is Congress. Unless we show the Nation we can trust and respect each other, the Nation will not trust and respect the result of our inquiry.

I regret that my final hours in the House are not among its finest hours.

My dream of public service began in 1960 when, as a high school usher, I witnessed the nomination of John F. Kennedy for president of the United States.

Congress is the only public office I've ever held, and my record reflects many attempts to generate and embrace bipartisan solutions.

My bipartisan district has applauded those efforts, like last year's balanced budget agreement. But, it also shares my dismay at the tenor of our floor debate last week on whether to begin an inquiry of impeachment of the President.

The floor debate had more of the feeling of a rally than the sober exercise of one of Congress' most awesome responsibilities under the Constitution. Indeed, it seemed to me that many members in the chamber were gleeful, and that the exercise was pay-back for some earlier slight, whether from the President or someone else.

Mr. Speaker, thousands of my constituents have contacted me in the past two months, and by a recent margin of nine to one have made clear that they find the President's conduct wrong, as do I, but they do not want him impeached.

Many favor alternative remedies: censure, rebuke or criminal or civil prosecution. All feel that a prolonged inquiry risks distracting the nation at a time of serious economic and international instability.

But, as so often happens in the House, we were confronted with imperfect legislative choices. With reservations, I cast my vote for an inquiry of impeachment limited in time and scope so that Congress can fulfill its obligations under the Independent Counsel law and the Constitution, consider alternative sanctions, and conclude its review by year's end. This, I believe, was the more appropriate course for the House to take than an open-ended, wide-ranging inquiry as proposed by the Judiciary Committee majority.

Regrettably, the vote was essentially partisan, and the atmosphere dramatically different from Congress' 1974 impeachment inquiry concerning President Nixon. At the time, I served as chief counsel of a Senate Judiciary Subcommittee, and vividly recall a process which, at an early stage, generated widespread acceptance and an orderly transition of power.

It saddens me greatly that I end my service in Congress as a participant in a process that hurts this institution, the office of the presidency and, most important, the American people.

I've said in other forums that not only is the President on trial—so is Congress. Unless we show the nation we can trust and respect each other, the nation will not trust and respect the result of our inquiry.

Mr. Speaker, nearly six years ago, I stood in this well with other members of the newly-elected 103rd Congress to take the oath of office from Speaker Tom Foley. As all who have shared that exhilarating experience, it opened an important and wonderful chapter in my life—a chapter which I will soon bring to a close.

January 1993, opened auspiciously for the nation. A new Congress and new President had been elected and a new approach to governing—to addressing important economic and fiscal issues—was blossoming. History, of course, will evaluate whether we have acquitted ourselves well in the six years since. To be sure, Congress and the President made significant gains in some policy areas, particularly in working to achieve the first balanced budget in a generation. In other critical policy areas, nothing was done. And, regrettably, in some areas, efforts to roll back significant gains, particularly for women, have gathered momentum.

Having campaigned on a platform of "pro-choice, pro change," I came to the nation's capital with strong views, experience in both the public and private sectors, and a determination to "represent" the needs of my newly-created defense-dependent district. During my campaign I said I would seek a seat on the House Armed Services Committee, a request for which I received the strong support of my dear friend Les Aspin, the Committee's then-chairman and soon-to-be Secretary of Defense. Later, with the help of Democratic Leader RICHARD GEPHARDT, I was able to realize another goal: to serve on the Permanent Select Committee on Intelligence, a committee, again, with relevance to my district's interests.

I call California's 36th District the "aerospace capital of the world." In 1993, it was suffering from deep cuts in defense spending as a result of the end of the cold war. Unemployment was in double digits, particularly among skilled professionals, as defense firms cut back jobs and programs. The patriots who won the cold war were themselves out in the cold.

Helping to rebuild the local and regional economy was the greatest challenge I faced as the new representative. Given the staggering size of the federal deficit and urgent calls for spending on education, technology, health care and the environment, it was clear that we would not restore defense spending to the levels experienced during the height of the cold war.

Instead, we needed a two-prong strategy: first, to support core research and development and procurement priorities that would win the next war, and second, to help aerospace companies diversify into growing commercial sectors like advanced transportation, communications, green technologies, and medical research.

Many of the cutting-edge technologies were then, as now, developed in the 36th District. And, key to retaining this activity was our successful effort to keep the Los Angeles Air Force Base and its Space and Missile Systems Center headquartered in the South Bay. SMC spends over $5 billion a year to play and procure space systems for the Air Force and coordinates much of the defense R&D done by local firms.

In addition, I am proud to have been an advocate of weapons programs that meet our nation's future defense requirements—programs like the C–17 heavy airlift cargo plane, the B–2 stealth bomber, the FA–18 E/F, the MILSTAR satellite, and others which enhanced our armed forces' warfighting capability.

We also recognized that diversification of the industrial base was essential to coping with the vicissitudes of the budget cycles, and assuring that human and plant resources would be there should we need to convert to defense use again.

The recent economic turnabout suggests we made the right decisions.

We helped commercialize defense technologies through programs like the Technology Reinvestment Program—TRP. In fact, the first TRP grant was awarded to a Torrance firm named Hi-Shear Technology, which used rocket technology to power a miniaturized "jaws of life." That product would later be used to rescue individuals trapped in the debris of the Oklahoma City federal building bombing.

Developing such "dual use" technologies not only revolutionized the local economy, but also brought to the marketplace advances that have benefitted the nation as a whole. Direct satellite television, for example, was spawned by defense contractors like Hughes, one of my corporate constituents in El Segundo. Another constituent, Allied Signal, has utilized defense technologies to develop and manufacture ultra-low emission, low-cost electrical generators.

Northrop Grumman has developed the lightweight, fuel efficient Advanced Technology Transit Bus (ATTB). And, of course, the Western Regional Law Enforcement and Technology Center, sited at my request in El Segundo, identifies technologies that can be, and have been, applied by law enforcement agencies nationwide to solving crimes.

Technological advances associated with defense satellites have also found commercial applications. TRW has designed and launched a number of NASA satellites that have helped map our globe, discover valuable resources, anticipate climatic changes, identify weather patterns, and improve our communication capabilities worldwide.

Commercialization was augmented by policies that capitalized on the South Bay's position as a gateway to the economies of the Pacific Rim and Southern Hemisphere. Trade is responsible for an estimated 6.3% of the LA basin's economy, compared to half that level in 1980. And, according to a recent study by the US Department of Commerce, the region experienced a 22.1% growth in exports between 1993 and 1996. In 1996 alone, the LA-Long Beach metropolitan region exported $24.4 billion in merchandise. Exports to Canada grew by 39% and to Mexico by 36%.

In the 36th Congressional District, the percentage of annual trade-related growth is high and many thousands of jobs—including thousands of union jobs—are associated with both the manufacturing of goods for export and the movement of goods through the Port of LA, Los Angeles International Airport and the nearby Port of Long Beach.

The prospect for increased growth with our Asian trading partners remain positive and South and Central America are expected to become an increasingly important part of the burgeoning world trade picture. Los Angeles is making significant capital investments in its port infrastructure, including the Alameda Corridor, in order to meet future demand growth—investments I helped secure in partnership with local, state and the federal governments.

Given the importance of trade to the local South Bay and LA economies, it was only natural for my constituents to expect a strong advocate in Washington. I have tried to be that advocate. I voted for GATT, voted twice to continue most-favored-nation trade status for the People's Republic of China, and voted for innumerable trade and tax law changes and other policies that enhance our competitive position in the world. More recently, over the understandable concerns of some of my constituents, I voted for the measure granting the President fast track consideration of trade agreements he negotiates with our foreign trading partners.

Unemployment in the South Bay is now 5.3 percent and declining. The number of jobs is expected to continue to grow, showing a 17% increase between 1993, when the worst of the aerospace industry's downsizing hit the area, and 2005.

Thus, I am most proud of my role in helping diversify and commercialize defense technologies, which has offset the loss of jobs in the defense sector.

My memberships on the House National Security Committee and the Select Permanent Committee on Intelligence also afforded me opportunities to shape defense policies in anticipation of our nation's security requirements for the 21st century. My focus on defense reform initiatives and the revolution in military affairs has been both interesting intellectually and challenging to implement. I believe more focus is needed on the long-term consequences of some of the policy and budget proposals considered by Congress. The two-year election cycle in the House and the annual appropriations cycle discourage forward thinking, with serious downside consequences.

I believe the urge among some of my House colleagues to re-segregate by gender basic training in the military is particularly short-sighted, as it is unwarranted. Not only do such proposals victimize women and us an opportunity to use our full potential to serve our country in the Armed Forces, they also jeopardize military readiness by micromanaging decision about training which should properly be made by the military services. In my view, what is driving the debate in Congress is not an appreciation for future readiness needs, but an outdated paternalism.

In fact, one of the disappointments during my tenure in Congress has been the increasingly successful efforts to roll back Constitutionally-protected rights, particularly reproductive rights.

Nineteen-ninety-three has been dubbed the "year of the woman" following the 1992 elections, and the 103rd Congress passed a number of significant measures affecting women and families. The first bill signed into law by President Clinton was the Family and Medical Leave Act. I cosponsored it, voted for it, and was thrilled to be part of that landmark event.

We also reversed a number of bans on funding for abortions, particularly for indigent women who previously had been denied their Constitutional right to choose because of their inability to pay.

The 104th and 105th Congresses have, in contrast, been the most anti-choice Congresses since the Supreme Court's 1972 Roe versus Wade decision. In the last four years, Congress has taken 98 votes on choice-related issues. Abortion opponents have won 82 of them—84 percent. Hopefully, the trend will soon be reversed.

The other major disappointment during my tenure has been the deteriorating tone of debate in the House and the increased partisanship that characterizes consideration of nearly every issue. Last year's balanced budget bill was an exception—but an increasingly rare exception.

Our last major debate on one of the House's few enumerated responsibilities under the Constitution—initiating an impeachment inquiry of the president—was particularly saddening. Sitting on the House floor for the entire proceeding, the sense of gleefulness I sensed from some of my colleagues was particularly misplaced.

I fear that Congress' ability to address the major issues of the nation is in serious decline. Rather than seeking accommodation between legitimate yet differing views and ideologies, some in this institution—still a minority—have sought to drive even greater wedges between people—wedges to the detriment of the nation and this institution. Partisanship has replaced policy as the focus of attention.

In combination with this Congress' failure to fix a broken campaign finance system, good and decent people will be discouraged from running for office, especially if future Congress' are believed to be as unproductive as this one.

Lack of program also wastes the dedication and hard work of so many Members and staff who currently serve. Indeed, the House is an institution that works best because of the personal relationship it is built on. And, I have been blessed because of the many friends I have made here—friends from both sides of the aisle.

Mr. Speaker, my favorite rhetorical question is to ask why a middle-aged mother of four would run for Congress. My answer: to add something.

During my six years, I believe I have added something. To be sure, I would have liked to accomplish more and to have generated more bipartisanship. I often say that life has many chapters and, as one closes, another opens—sometimes unexpectedly, even serendipitously.

I want to thank all my colleagues who have made my tenure here exciting and rewarding. From the two speakers under whom I've served, Tom Foley and NEWT GINGRICH, to my many colleagues past and present on the committees on which I've served, to those I have met through the variety of ad hoc caucuses and coalitions that arise during the course of governing—thank you all. To my superb staff, you demonstrate everyday what public service is all about. To my family and especially my husband, Sidney, you are, in every way, the wind beneath my wings.

Serving here has been a labor of love. And I thank the citizens of California's 36th Congressional District for the extraordinary opportunity to represent you.

SAUDI GOVERNMENT ATTEMPTING TO CHEAT AMERICAN COMPANY FOR JOB WELL DONE

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, 14 years after the successful completion of the Yanuba Power and Desalination plant in Saudi Arabia, New Jersey-based Hill International is still fighting for payment for the work done by its former subsidiary Gibbs and Hill.

As many of my colleagues know, historically, U.S. firms have had difficulty collecting payment from the Saudi government for work done in Saudi Arabia.

It got so bad that, in 1993, Congress ordered the Department of Defense to investigate the claims and report on all outstanding billings. Of all the claims identified by former Secretary of Defense Les Aspin, only one, the Gibbs and Hill claim, remains unpaid.

Mr. Speaker, nobody in Saudi Arabia claims that the work done by Gibbs and Hill was inadequate nor was it incomplete. In fact, the Saudi government points with pride to the plant. They just do not want to pay for it.

Mr. Speaker, both the House and the Senate have passed my legislation requiring the Department of State, Commerce, and Defense to aggressively pursue a resolution with the Saudi government and report back to Congress. Recently, Secretary of State for Near Eastern Affairs, Ambassador Martin Indyk, assured me and the full Committee on International Relations he will aggressively press this. The time has long come to pay this bill.

In 1993 the Saudis promised Secretary Aspen that they would "spare no efforts in resolving these additional claims in a fair and expeditious manner." Many here in Congress have worked hard to get the Saudis to make good on their promise. As Chairman of the Subcommittee on International Operations and Human Rights, I have raised the issue of unpaid bills to every appropriate member of the Clinton Administration at the State Department and DOD. I've spoken with our Ambassador in Saudi Arabia, Wyche Fowler. And my colleagues and I have pushed this issue directly with Saudi officials, including Saudi Ambassador Prince Bandar.

Yet, the bill still goes unpaid.

I hope that will be enough. It is time the Saudis get the message, not just from Congress, but from the Clinton Administration as well, We will not sit idle as the Saudi government tries to cheat an American company for a job well done.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2204. An act to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BLUNT). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1930

URGING CONGRESS TO COMPLETE LEGISLATION ON DISASTER RELIEF, TRADE POLICIES, AND TAX ASSISTANCE FOR FARMERS AND RANCHERS BEFORE CONCLUDING SESSION

The SPEAKER pro tempore (Mr. BLUNT). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise tonight as we are hopefully concluding this legislative congressional session in hopes that before we return to our respective districts at home, that we make certain that certain business before this Congress is concluded.

We have all been made aware over the last several months, really over the last year, about how serious of a problem American agriculture faces as our farmers, because of significant reductions in commodity prices, but also because of weather and disease, have fared so poorly in 1998.

Mr. Speaker, I hope that in these final days of this session, as we try to find the solutions to our problems and reach the compromises that we desire and that are reasonably acceptable to a majority of Members of Congress, we do not lose sight of the crisis that American farmers and ranchers face.

Mr. Speaker, I hope that before we return home and the final gavel of this session reaches the desktop, that we make certain that the disaster relief bill, at least a version of what we have previously passed by this House and the Senate, although vetoed by the President, I hope that we get disaster relief passed and included in that final appropriation bill.

In addition, Mr. Speaker, we have passed legislation which helps open markets around the world. The Agricultural Trade Embargo Act, offered by the gentleman from Illinois (Mr. EWING), has passed this House. As I talked to the farmers across my district, it is clear they understand the importance of exports, exports, exports, and trade, trade, trade.

When my farmers and ranchers hear that 52 percent of the people in this world live in countries that we cannot sell to, that they cannot sell to, they know that Congress and the President have failed in their responsibilities.

Under the current farm bill, we have told American agriculture to farm the markets. We have told American agriculture to go out and find the countries to sell to, and to sell the commodities that the world demands. Yet, this Congress and this administration have failed to open those markets and make them available to the farmers and ranchers across this country.

So I encourage the inclusion of significant changes in the law that prohibit future embargoes and sanctions, and also that repeal the embargoes and sanctions that are currently on the books, where appropriate.

I hope that we take care of disaster relief, I hope we do something for trade sanctions and embargoes, and in addition, I hope that we do not leave the issue of taxes and the farmer and rancher and small businessman and woman and oil producer unattended before we conclude this session. Clearly we need help when it comes to the tax burdens faced by our farmers and ranchers.

So again, disaster assistance, trade embargoes, and tax relief are important. Finally, I would encourage, once again, the administration to use the export enhancement program. For almost 2 years now, I have begged, pleaded, encouraged, demanded, insisted, requested, without any success, that this administration utilize the Export Enhancement Program that, at least in the appropriation bill as passed by the House and Senate, was increased from $150 million to $550 million.

What clearer message could we send to this administration about the importance of the Export Enhancement Program than to increase its funding so significantly. Yet, nothing seems to happen in regard to the use of the Export Enhancement Program for the commodities that many farmers and ranchers care about.

Again, Mr. Speaker, I hope that before we conclude this session, before those of us who are anxious to return home are allowed to return home, and before we can feel good about returning home, we will be able to say that we have taken good care of the stewards of this land, and we have provided the assistance required and necessary of the farmers and ranchers of Kansas and the other States in this country.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim the Special Order time of the gentlewoman from California (Mrs. TAUSCHER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONGRESS SHOULD ADDRESS THE EDUCATION INITIATIVE OF THE PRESIDENT BEFORE ADJOURNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, once again today the House was forced to pass a continuing resolution because of the fact that the Republican leadership has not gotten the job done this year in terms of the budget and a number of other issues that we as Democrats feel should be raised or should have been raised, certainly, over the last 2 years, and should have had full debate, but certainly should be addressed in some fashion before we adjourn.

Most important on that list is the education initiative. This is the initiative that President Clinton announced in his State of the Union address last year when he talked about the need on the local level to provide money for school modernization.

The fact of the matter is that across this country there are schools, and in fact, almost every school district has the need to upgrade their school buildings, either because they have to build additional buildings, or because of upgrades necessary just for simple things like computers or new high technology that require new wiring in the school building.

Every school district around the country could benefit in some way from the initiative that President Clinton announced whereby tax credits, in essence, will be given to the local school districts so they would find it easier to bond to upgrade and modernize their schools.

In addition to that, the President's initiative to hire 100,000 additional teachers in order to reduce class size in the formative years from grades 1 through 3 is another initiative that the Republicans, the Republican leadership, has ignored, has refused to bring to the floor of the House, has really refused to even consider in committee, at hearings, or at markups.

We know, in fact a number of research studies have come out, important ones over the last year, that have indicated very strongly that if we take children at a young age, even younger than grade one, even in preschool, and give them a lot of attention, and manage to have teachers devote the time, if you will, on a regular basis through diminished class sizes, that the result will bear fruit; that we will have smarter children and we will also have a safer atmosphere, because with a smaller class size it is a lot easier, I would say, to manage the children and manage the school.

What we are doing here is trying to, in many ways, model this program to reduce class size and hire 100,000 additional teachers very much on the President's COPS grant program that was passed a few years ago, and that has resulted in many additional policemen being hired in communities around the country, and has actually brought the crime rate down in most of these jurisdictions.

All we are really saying, Mr. Speaker, is that the time has come now, and I know that I do not have to keep repeating over and over again that the Republican leadership basically wasted a lot of time this year refusing to address education, refusing to address HMO reform, refusing to address the need to deal with social security, because we know that the money is not all going to be there in a few years unless we do something.

So we are not going to be able to address all of these issues in the last few days, but at least let us take the opportunity to do something to invest in education, because when I go back to my district, and I was there over the weekend again, back in New Jersey, a lot of the people, a lot of the constituents that I speak to, and certainly educators, say to me that if we do not start a Federal partnership, if the Federal Government does not start to play an increased role in education, then the funding is not going to be there and the opportunities are not going to be there for young Americans in the future. This is our future. This is what is so important for our country.

I just wanted to say, in addition to that, that I have been very disappointed with the fact that we are about to end this session and have not addressed the major health care issue of the day. That is the need for HMO reform.

Some of us last week on the House side, some of the Democrats on the House side, marched over to the Senate on the day when the Senate minority leader, Mr. DASCHLE, tried to bring up the Patients' Bill of Rights. He brought it up and there was a vote. Unfortunately, there was no opportunity. The opportunity to bring it up was defeated on the floor.

But I think it is a shame, because we know, and I am sure every one of us knows, that when we go around the country and when we talk to our constituents, probably the number one issue that they are concerned about is the need for reform of managed care.

So many people have not had operations or procedures that they think are necessary; have been told that they have to leave the hospital sooner than their physician tells them that they should. The fact of the matter is that all the Democrats are really asking for in the Patients' Bill of Rights legislation is a commonsense approach. That should be heeded. That should be heeded by the House Republican leadership.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent that I be able to claim the time in Special Orders of the gentleman from California (Mr. RIGGS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

WHO GETS THE CREDIT FOR THE BUDGET SURPLUS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. Bob Schaffer) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, last week the Treasury Department announced that the Federal budget is in surplus for the first time since 1969. Only 2 short years ago the President had submitted a budget with $200 billion deficits as far as the eye can see, as many will recall.

What happened? There are a lot of Americans who do not care much who gets the credit for the current fine state of our economy, and then tend to take the President at his word when he takes the credit for the budget surplus we have at least achieved.

But it is important to understand how we got here so that we may continue on the path of sound economic policy in the future. When the country was faced with large, chronic deficits at the beginning of the 1990s, Congress faced a choice. To cut the deficit, lawmakers essentially had two choices, cut spending or raise taxes.

President Clinton and his liberal allies in Congress naturally chose to raise taxes. Congress at the time was still under the control of the Democrat party, and so President Clinton was able to pass the largest tax increase in American history. Republicans, on the other hand, wanted to reduce the deficit by cutting spending.

Republicans believe that government is too big; in fact, way too big. They believe that Washington wastes too much of the taxpayers' money. One would think that this is an obvious point. After all, even the President himself said, in his 1996 State of the Union address, that the era of big government is over. If only that were true.

We can see now that this declaration was nothing more than words. Big government is alive and well; in fact, bigger than ever. In fact, the Democrats have come back with still more ways to increase the size and power of the government every year since.

While we can say that government is not quite as big as it would be if the Republicans had not taken control of Congress in 1995, the truth is that government continues to grow. Any attempts to cut government, no matter how wasteful and counterproductive the program, the liberals will immediately attack them as extremist or mean-spirited.

It has never occurred to them that it is perhaps mean-spirited on the part of politicians to have so little respect for the working man's labor that Washington takes between one-fourth and one-third of the middle class family's paycheck just to pay off Uncle Sam.

So that leaves us with the question, how did we go from $200 billion deficits as far as the eye can see only 2½ years ago to the budget surplus we now enjoy. It is true that there have been some reductions in spending, but almost all of them have come out of one place that it should not have come out of, the Pentagon.

Defense spending is now dangerously low, and our military forces are not what they used to be, but liberals, in their boundless faith in human nature, ignore history and simply do not believe in the fundamental precept of peace through strength.

As for other spending, Republicans did manage to limit the number of new spending initiatives by President Clinton and the Democrats over the past few years. But the primary reason why the budget is in surplus today is because revenues are way, way up.

Liberals will point to the President's 1993 tax increase as the reason revenues are up, hoping that we will not examine the budget tables to see if in fact it is true. Revenues are up primarily from the number of people who are taking advantage of low tax rates on capital gains, the part of the economy that is the lifeblood of a dynamic, growing economy.

President Reagan cut the tax on capital gains and the Republicans cut it again just last year. Savers, investors, entrepreneurs, and other job creators have taken advantage of that. The economy is benefiting from jobs. Jobs are being created and revenues have soared. That has been the primary reason why the budget is now in surplus, when it was deep in red only a few years ago.

I would invite any of my Democrat colleagues who dispute these findings to come forward and show me otherwise. Perhaps the liberals have access to another set of government documents with a different set of statistics, but if they use the same Treasury figures that I do, they will have to admit that the Reagan tax cuts and the Republican tax cuts are the most significant-reason behind our current economic boom.

With all due credit to Alan Greenspan, chairman of the Federal Reserve, for his outstanding stewardship of monetary policy, we should mostly thank President Reagan for turning around an economy that was in the ditch. We are still benefiting from his decision to make the United States a low-tax, low-regulation economy, and thus able to compete in the world better than any other.

□ 1945

The Republicans forced President Clinton to renounce his own budget with $200 billion deficits as far as the eye can see. We are grateful that he at least accepted the need for the government to balance the budget and put its financial house in order.

We would like to encourage him to continue on this path. Especially if he accepts the view that Washington can still afford to cut spending, cut taxes, and make good on its promise that the end of big government is over.

ORDER OF BUSINESS

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent to use the time of the gentlewoman from California (Ms. PELOSI) out of order.

The SPEAKER pro tempore (Mr. BLUNT). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

WORDS OF SIR THOMAS MORE SHED LIGHT ON CURRENT DILEMMAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, at the conclusion of the hearing held in the Committee on the Judiciary with respect to impeachment, a few words were uttered by Mr. Shippers. He said,

> I'm no longer speaking as Chief Investigative Counsel, but rather as a citizen of the United States who happens to be a father and a grandfather. To paraphrase Sir Thomas More in Robert Bolt's excellent play, 'A Man for All Seasons': The laws of this country are the great barriers that protect the citizens from the winds of evil tyranny. If we permit one of those laws to fall, who will be able to stand in the gusts that will follow?

This was, as Mr. Shippers indicated, a paraphrase. But I suggest, Mr. Speaker, it was a lot more than that. It takes Robert Bolt's words, it takes the life of Sir Thomas More as recounted in the play, "A Man for All Seasons" and turns it upside down.

Mr. Speaker, as one of the Members who has cited a "A Man for All Seasons" and Sir Thomas More's life in my own remarks on this floor previously, I would like to actually read for the

RECORD what was said by Sir Thomas More as conceived by Robert Bolt.

He describes More's son-in-law as William Roper, as follows: William Roper, a stiff body and an immobile face with little imagination and moderate brain, but an all too consuming rectitude, which is his cross, his solace, and his hobby.

That may very well apply to some of the individuals who are taking and twisting Bolt's words, particularly as paraphrased by Mr. Shippers.

What actually takes place is More, in discussion with his daughter and with his wife and with his son-in-law, concerning the law. The daughter says at one point to him, "Father, that man is bad," referring to another individual. Sir Thomas More said, "There is no law against that." The reply from Mr. Roper is "There is, God's law." More says, "Then God can arrest him."

Thinking that perhaps More is trying to set himself up above God's law with man's law, he remonstrates with More. And More says, "Let me draw your attention to a fact. I'm not God. The currents and eddies of right and wrong, which you find such plain sailing, I can't navigate. I'm no voyager. But in the thickets of the law, oh, there I'm a forester. I doubt if there's a man alive who could follow me there, thank God." His daughter says to him, "While you talk, he's gone," referring to the evil man to whom she had first referred.

More says, "And go he should, if he was the Devil himself, until he broke the law." His son-in-law says, "So now you'd give the Devil benefit of law." And More said, "Yes. What would you do? Cut a great road through the law to get after the Devil?" Roper said, "I would cut down every law in England to do that." And More said, "Oh? And when the last law was down, and the Devil turned round on you, where you would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—do you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake."

I suggest to Mr. Shippers what is at stake here is our law as embodied in the Constitution. The President, all of us, are fully entitled to the protection of that Constitution. It is not the President, it is not those on the Democratic side of the aisle in the Committee on the Judiciary deliberations that are trying to cut down the law. They are trying to protect the law. They are trying to see that the law is implemented the way it was written, and it was written to protect all of us.

If we allow Mr. Shippers, or anyone like him, to cut down the protection of law, then how will we be protected in turn? Yes, it is more than just the President's right to the rule of law being at stake here. What is at stake is whether or not we will, in turn, defend those laws. Because in doing so, we defend ourselves.

So, I recommend, Mr. Speaker, to you and all who are interested, that we take up Sir Thomas More's cross, the one he bore, the one which he paid his life for. And that was that we obey the law in such a way as not to lose our sense of humanity in the process.

Mr. Speaker, I commend to you, and I commend to all, Mr. Bolt's "A man for All Seasons." I commend to Mr. Shippers and his defenders that they not twist the words, but bring them into the reality that reflects the best that is in America and the best that is in our Constitution, and that is the protection of one and all.

A VERY PRODUCTIVE REPUBLICAN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MANZULLO) is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, government does not have to be as complicated as we here in Washington make it. In fact, the only thing that counts to the folks that we represent, and the district that I represent runs from the Mississippi River across the top of the State of Illinois to within one county of Lake Michigan, and the people there are just like the people in the rest of the United States.

They get up early in the morning, go to work, pack their lunch bags. Then on Friday night, the husband and wife will sit down and say, you know, we do not understand it. We are both working and yet we are taking home less money and it cost more to live than ever before.

What those people want is what most Americans want. They want a tax rate that is fair. They want a government that is efficient. They want to be able to use the fruits of their own labors.

That is why this very productive Republican Congress is allowing the taxpayers of this country the ability to keep more of their hard-earned dollars, as opposed to sending it to Washington to be wasted on one of the 10,000 Federal programs that are here.

I was at a luncheon for Scott Forge, a major forge back in our district in McHenry County, and talked to a great number of the work force. I asked, "How many here have children under 17 years old?" And about half of them raised their hands. And I said, "Do you believe that you as parents can make a better decision as to how to spend money on those children than 535 Members of Congress 820 miles from here?" And they all said yes.

Then I said, "For those of you who raised your hands, for every child you have, this year you will pay $400 less in income taxes and next year $500 less in income taxes." And they looked at each other and I said, "Sir, how many children do you have?" And he said, "I have 4." I said, "Next year you will pay $2,000 less in income tax," and the place started to cheer.

I asked, "How many here have kids in the first 2 years of college?" Several people raised their hands. I said, "Would you not be better off spending your money on your kids' college tuition as opposed to paying income tax?" They said yes. And I said, "That is exactly what this Republican Congress has done. They are called Hope scholarships. Up to $1,500 per year for the first 2 years that you can use towards your kid's college education as opposed to paying taxes."

That really is the Republican message. A productive Congress is a Congress that does things for people, not for itself. Do my colleagues think it is productive just because a Congress meets more and more and more days and passes more and more and more laws?

Mr. Speaker, more laws usually mean bigger government, more regulations, and higher taxes to pay for those new programs.

So, while the Republicans are being assailed as a "Do Nothing Congress," we do nothing liberal on the Republican side. But we are doing everything possible for the working people out there. The people that I represent, the ones who are working that Scott Forge who get up very early in the morning and go to work and work there doing all kinds of great things with their hands.

I can look them in the eye and say, "I am your United States Representative of Congress in Washington, and I helped craft and I voted for legislation that lowers your taxes and allows to you keep more of your hard-earned dollars."

That is the message. That is the message that people in this country want to hear. It is a very simple message. I could talk about the President and all the new programs he wants to institute and this and that. But we have to ask, who is going to pay for it all? Do we really think that all the new things that he proposes are going to be free? Who is going to pay for it all?

That is what matters to the people that get up in the morning and go to Scott Forge and work very hard. And I would suggest that these are the people who count. These are the people who have made America, and these are the people that are the beneficiaries of this Republican-led productive Congress.

EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, in time, the American people will grade this Congress on its performance toward improving education. Teachers, parents and even students will examine what this Congress has or has not done to make our educational systems better. Sadly, I must report that, as of tonight, this Congress is failing.

Why is this Congress failing, you might ask? This Congress is failing because we have done nothing to decrease class sizes or to repair deteriorating school buildings.

Schools across the Nation are struggling because student enrollments are dramatically increasing. Evidence shows that there is a direct correlation between class size and learning ability. Students in smaller classes, especially in early grades, make greater educational gains, and maintain those gains over time. Smaller classes are most advantageous for poor, minority, and rural community children. However, all children will benefit from smaller classes. In addition, the greatest impact on learning will only occur if the new teachers brought into the classroom are qualified teachers.

In these final days, Congress still has a chance to correct this deficiency and improve its grade. The Class-Size Reduction and Teacher Quality Act of 1998 can and should be passed before we leave for adjournment. We could even pass it in the Suspension Calendar.

This bill would help States and local school districts recruit, train, and hire 100,000 additional well-prepared teachers in order to reduce the average class size to 18 in grades 1 through 3. Creating 100,000 new positions for teachers is important in order to meet the increasing enrollments. The process will occur over the next ten years. The need for this legislation is paramount. America needs more teachers. More teachers is so critical to maintaining and improving our educational system.

In addition to working to increase the number of teachers and reduce class sizes, we must also work, before we leave for adjournment, to facilitate the rehabilitation and construction of school buildings, many of which are in a critical state of disrepair. Too many of our students in grades kindergarten through twelve are in overcrowded classrooms, with poor curriculums, limited equipment and deteriorating schools. Because 90 percent of our children attend public schools, we must strengthen and improve those schools, particularly school structures.

We have an all-time record school enrollment of 52.2 million students today. The strain on school systems and the impact on learning will be felt for years to come. Poor school buildings discourage learning, with leaky roofs, broken windows, peeling paint, inadequate heat in winter and poor cooling and ventilation in spring and summer.

According to a 1996 Report by the General Accounting Office, some sixty percent of the Nation's schools are in disrepair. American students are falling further and further behind many of their counterparts in countries around the world.

There is a plan to repair our schools. Under this plan, federal tax credits would be used to help underwrite some $22 billion in bonds that would be used to build and renovate public schools.

Mr. Speaker, we must make required reforms, improvement and sufficient investment to provide a quality education system where every child has a chance to learn, develop and contribute.

If we do nothing before we adjourn, our children will ask, why Congress did you fail us?

CENSUS LAWSUITS

The SPEAKER pro tempore (Mr. PITTS). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise to discuss the census lawsuits that will be argued before the Supreme Court on November 30 of 1998. Mr. Speaker, you sued the Department of Commerce to prevent it from carrying out its plans to use statistical methods in the 2000 Census. A similar case was filed by private citizens, including the gentleman from Georgia (Mr. BARR).

Members must understand the importance of these cases, as my comments will demonstrate. I am confident that the Supreme Court will rule that the statutes and the Constitution permit the use of statistical methods. We must have the most accurate census possible and the use of statistical methods is the only way to ensure accuracy.

Mr. Speaker, I ran across a very good example of why statistical methods are the only real solution to an accurate census. It appeared this morning in the New York Times, and it talked about the Welcome Wagon. It stated that the Welcome Wagon, this is a program that used to welcome new residents to their neighborhoods and also do a little marketing for local merchants. The article says that the Welcome Wagon is closing its doors. Why? Because people are not home. They cannot find people at home to welcome when they move into the neighborhoods, so they are no longer going to be doing it. They will be reaching out through the mail and other ways.

Mr. Speaker, that is the problem with the census. Knocking on doors to get information, many people are not home in America. That is the case in very simple terms.

Six months ago I came to this well to discuss procedural issues raised in the court cases. As many constitutional scholars suggest, the Supreme Court could rule on procedural grounds and dismiss the cases or remand them back to the District Court. The Supreme Court cannot give advisory opinions. The Constitution states that there must be a case in controversy in order for it to proceed on the merits.

Today, however, I want to switch from the procedural issues and focus on the merits of these lawsuits. The lawsuits filed by the Speaker and by Representative Barr ask the Court to review the Census Act and in particular two sections which discuss the use of statistical methods.

In addition to alleging that the Census Act prohibits the use of statistical methods, the Speaker and Representative BARR argue that the Constitution prohibits their use.

□ 2000

Because neither the Census Act nor the Constitution creates such a prohibition, the Commerce Department may and should use statistical methods in the 2000 census.

The Census Act does not prohibit the use of statistical methods for the purpose of apportionment. Two sections of the Census Act mention the use of statistical methods. Section 141 plainly allows for the broad use of statistics and section 195 states that statistics may be used. Yes, two district courts, the District court for the District of Columbia and the District court for the Eastern District of Virginia recently ruled otherwise. These are the two cases that the Supreme Court will hear on November 30 of this year.

Both of these courts erred in their rulings. First they ignored the plain meaning of each of the words of section 141 and 195. Section 141 gives the Secretary broad discretion to take the census in such manner as he chooses, including the use of sampling. Section 195 limits that broad discretion by stating that if he considers it feasible, the Secretary must use statistical sampling for nonapportionment purposes. However, for apportionment purposes, the Secretary's broad discretion remains as afforded by section 141.

Second, even if the courts determined that the Census Act provisions are unclear as to whether the use of statistical sampling is permissible, they should have deferred to the Census Bureau's reasonable interpretation of these provisions as required by law.

No one disputes the definition of 141, but the real issue is section 195.

Section 195 is clear with regard to the requirement of the Secretary to use statistical sampling for non-apportionment purposes if he deems it feasible. Obviously, Secretary Daley deems it feasible or we would not be where we are today. The question the courts reviewed was what Section 195 says with regard to statistical sampling for apportionment purposes.

The Supreme Court has ruled on numerous occasions that if a statute is silent or anbiguous with respect to the specific issue, the question for the court is whether the agency's intrepretation is a permissible construction of the statute. It should not decide whether the intrepretation is the same intrepretation that the court would have made. Therefore, the District of Columbia Court and the Virginia Courts failed to give the Bureau the discretion it deserved.

Three District Courts, the Eastern District of Michigan, the Eastern District of Pennsylvania and the District Court for the Eastern District of New York, have ruled correctly that the

Census Act allows for the use of statistical methods. That is why I am pleased that the Supreme Court is reviewing the Speaker and BARR'S lawsuits.

The Constitution does not prohibit the use of statistical methods for the purposes of apportionment. Instead, it expressly delegates to Congress the authority to conduct the census "in such Manner as they by law shall direct." Congress passed such a law which give the Secretary of Commerce the authority to take the census. THe Secretary of Commerce is doing just that, taking the census. The Secretary has chosen to take the census using the most modern technological advances available.

Now Congress no longer likes the law it passed and no longer wants the Secretary to have the authority to take the census. Congress has the right to change its mind but it must do it by law, not by the Appropriations process and not through the court system. Until Congress passes such a law, the Secretary has the authority to use statistical methods.

I should note that neither the District of Columbia Court nor the Eastern District of Virginia reviewed the constitutional issue. However, the Michigan, Pennsylvania and New York Courts did reach the constitutional issue and they all found that the use of statistical methods is constitutional.

Mr. Speaker, neither the Census Act nor the Constitution prohibits the use of modern technology in the taking of the census. I look forward to the Supreme Court explaining this fact to the House of Representatives and to the American people.

Mr. Speaker, I include for the RECORD the following:

[From the New York Times, Oct. 12, 1998]

WELCOME WAGON TO MAKE ITS VISITS VIA POST OFFICE

(By Constance L. Hays)

The Welcome Wagon is rolling up the welcome mat.

Since the 1920's, Welcome Wagon's sales representatives, almost always women, have gone house to house visiting newlyweds and the newly moved-in, bearing greeting baskets laden with coupons, magnets, ballpoint pens and other items sponsored by the local locksmith, the town optometrist and other merchants. But these old-fashioned visits are coming to an end, in a testament to changing life styles or perhaps that traditional corporate desire to cut costs.

The owner of the Welcome Wagon, the Cendant Corporation, is dismissing most of its 2,200 representatives and will replace them with direct marketing through the mail.

So rather than a lengthy visit with the possibility of real-time conversation, each of Welcome Wagon's targeted households will get a bound directory delivered to the doorstep, in which businesses will have paid to advertise. The point is to reach more people, Cendant spokesmen say, and these days, people are not at home as much as they used to be, because of busier families and a surge in working mothers.

Cendant, which also owns Avis car rentals and Howard Johnson hotels, has found itself in financial turmoil this year, but the company says its problems are not related to its decision to change the Welcome Wagon.

This change, however, appears to have taken many sales representatives by surprise and was met with sorrow by some of them. Although they were paid for their work, certain representatives regarded it as more of a social mission than a marketing one. For decades, Welcome Wagon thrived on that very ambiguity, getting over the threshold thanks to its neighborly demeanor when other marketers might not.

"My heart is in these home visits," said Dee Strilowich, the company's top-performing salesperson, who has worked for Welcome Wagon in Ridgefield, Conn., and nearby Redding for the last four years. "I loved giving the welcome and greeting to those new movers, new parents, engaged women."

But Cendant insisted that times had changed, which is why it decided last month to end the visits and lay off its representatives. "It's a different world today," said Elliot Bloom, a spokesman for Cendant in Parsippany, N.J. "In the past, 20 years ago, when you knocked on people's doors, Mom was home. Now she's in the work force."

A vice president for Welcome Wagon in New York and two other states agreed. "We had representatives who were beating their heads against the wall because they had the names of several people to go and visit but could never find them at home," said the vice president, Dinah Watson. She said she was offered a severance package, which she will be taking, and added that the 250 representatives she supervised have until the end of this month to decide whether they will stay with the company.

About 500 people will be retained to work in ad sales for Welcome Wagon, Mr. Bloom said. It is being combined with another Cendant company, called Getting to Know You, that specializes in direct mail.

"Whenever you make a change like this, there is some displacement," said Christopher R. Jones, another Cendant spokesman. Representatives have until the end of the year to make their visits, and after that, "we've asked them to stop."

Mrs. Strilowich, who was greeted herself by a Welcome Wagon representative when she moved to Ridgefield 28 years ago, said she has about 200 visits scheduled through December and would complete them all. She said most of the representatives she had spoken to were sorry to see their jobs end so suddenly. "A lot of them are in the same situation I was," she said, adding that she is the primary earner in her family. "They were looking for at least two or three more years."

Some Welcome Wagon representatives expressed anger over the loss of their jobs and the end of their visits with families. "Cendant sacrificed us for the bottom line," said Wendy Amundsen, one of the company's top-selling representatives, in Stamford, Conn. "Sometimes there are just more important things in life than money."

Cendant has been struggling this year with other, much larger business problems, including an accounting error that stripped $115 million from its 1997 earnings, the subsequent resignations of a host of senior executives, and a stock price that has plunged from $41.69 in April to $9 on Friday.

But Mr. Bloom dismissed as "absolute nonsense" any suggestion that Cendant's wider problems has led to the switch in strategy for Welcome Wagon. He said the company had peaked in 1968 with 1.5 million visits a year, but that the number had fallen to 580,000 last year. Still, Cendant has thought enough of the company to pay $20 million to acquire it in 1995, back when Cendant was known as CUC International and the number of visits was estimated at 500,000 a year.

At the time, CUC said it planned to expand the sales force and did so, adding some 800 positions by this year. The company saw Welcome Wagon as a marketing device for a personal credit-history business it already owned. With little overhead beyond the 100-person management staff, a toll-free number and a World Wide Web site, profits were substantial. And sales representatives, who were paid by the amount of business they solicited from area merchants, could earn as much as $70,000 a year. Many received benefits as well.

Welcome Wagon took its name from 19th century Conestoga covered wagons that would greet frontier settlers as they arrived, bringing food and fresh water from the nearest village. The company was founded in 1928 in Memphis. This summer, to mark its 70th anniversary, the governors of several states, including Wisconsin, declared part of July "Welcome Wagon Week."

"You will visit households when they're celebrating a move, or an engagement, or the birth of a new child," promises the Welcome Wagon Web site, which so far has not been altered to reflect the newly impersonal nature of the operation. "You will also introduce local businesses to Welcome Wagon's unique, personalized advertising program. What could be more fun."

But now the fun is over. "I thought Welcome Wagon would go on forever," Ms. Amundsen said. "Welcome Wagon is like apple pie, baseball, hot dogs. It's an American institution. I thought I would retire in this job."

ON THE PRESIDENT'S TRAVEL PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I want to make a brief comment on the census and some of the education things before I make my major points here. It used to be years ago in the schools they taught the Constitution. Constitution said you actually have to count people. You cannot guess.

I have a business undergraduate degree, a business graduate degree as well. I have worked in the private sector before I came into government. It is far too important and constitutional that we have to count people. We cannot use statistical sampling. It can be part of a procedure to try to establish parameters, but you actually have to have real people to know how to assign block grants and dollars, how to assign congressional districts.

Furthermore, we seem to have lost, in the whole education debate, what our Founding Fathers intended and what we have done here. That is that local parents and local school boards are going to make the decisions on education, not some fountain of wisdom in Washington, where they do not know our kids names, where they do know the differences between the school districts. We cannot micromanage decisions here in Washington.

For the past number of days we have been in session here, we have been waiting to try to get a budget agreement. We have known for months what the final things were going to be that were going to be negotiated. But we have not had those meetings. The President has not been engaged. We have not seen the White House engaged. They have had lots of other matters on their mind. But one of the fundamental questions that we have to ask about this administration in general is, are they focused on the task at hand?

The President has traveled 153 days this year, 32 on vacation, 57 for fundraisers. He has only held two cabinet meetings. Those cabinet meetings, the focus was, well, let us just say the focus of the two cabinet meetings was not on the pending crisis at hand and on the budget debate.

I want to go through, while we are here trying to keep the government open, while we are here trying to negotiate the final settlement, this is what the President did today.

At 2:45, he made a statement which I saw on the south lawn, saying we need to get down to business. We need to get an agreement. Then he boarded the helicopter to get over to Andrews Air Force base. At 4:55 he landed on Wall Street. A 5:05 he boarded a motorcade and departed the Wall Street landing zone en route to the Waldorf Astoria Hotel, Park Avenue, East 50th Street, New York. At 5:15 he arrives at the Waldorf Astoria hotel and proceeds to a private event. At 5:55 he greets a reception in honor of New York gubernatorial candidate Peter Vallone at the Waldorf Astoria still up on Park Avenue. At 6:45 he boards a motorcade and departs the hotel en route to the Hilton New York Towers, 6th Avenue and West 53rd Street. At 7:30 he greets Democratic Senate Campaign Committee reception in honor of the Democratic senatorial candidate and Congressman CHARLES SCHUMER of New York at the Hilton Tower, by the way, a member of the Committee on the Judiciary that is supposed to be neutral in this, potentially a member of the jury that will sit on the President, basically jury tampering. At 8:15 he concludes remarks and proceeds to the motorcade. At 8:30 he arrives at the Sheraton New York Hotel and Towers in New York. This is while we are supposed to be negotiating the budget. Where is he? At 8:35 greets the first gala benefit for the GMP charitable foundation for cancer research. At 9:25 he boards the motorcade and departs the Sheraton Hotel and Towers en route to a private residence. At 9:35 he arrives at the private residence Manhattan, proceeds inside to private event. A 10:15 he greets the Democratic Senate Campaign Committee reception in honor of of Congressman CHARLES SCHUMER, a private residence in Manhattan. At 11:55 he arrives at Kennedy International Airport, boards Air Force One. At 12:10 he leaves for Andrews, arrives at 1:05. At 1:20 departs for the White House, at 1:30 lands.

Where is the Vice President? The Vice President left this morning to go down to Palm Beach, Florida because the President cancelled his fund-raiser at Palm Beach, Florida so the Vice President went down there.

Where is the First Lady? She has no direct line of responsibility here but she is usually involved in a lot of discussions, particularly has been very outspoken on social issues. She is over in Bulgaria and the Czech Republic.

But supposedly we are a do-nothing Congress. Supposedly we are the ones holding up everything. I would suggest that if we are indeed in a crisis in our government and if we are on the border, borderline of a government shutdown, the least the President could do is stay in town and talk. Maybe we should have been doing this in the summer, during the August break, since we knew that the final issues were going to be education funding, pro-life concerns, IMF, emergency spending on year 2000 computers, and the farm crisis. We knew that. There is no shock here. We have known this for months.

But everybody has been so preoccupied with other things that they have not sat down and dealt with it. Now that we are down here, we are in extra days. We are trying to negotiate the final budget. The appropriations bills are over there. The House and Senate leaders are negotiating. In fact, some of what they have been negotiating on the drug issue, for example, they worked out with General McCaffrey, the White House drifts in and says, oh, by the way, he does not speak for us. Well, if your staff cannot speak for you, if the people you appoint cannot speak for you, stay in town. Do not go trotting around to the Waldorf Astoria for candidates who indeed actually sit on the Committee on the Judiciary. Do not go trotting over to the Hilton and into private receptions raising money when we are supposed to be trying to figure out how do the people's business.

THE BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I think it is somewhat disingenuous to blame the White House for the failure of the leadership in Congress to move the appropriations and the budget process on a timely basis.

I also note with some interest that even the information that was presented in the well a minute ago is inaccurate. I happened to see Vice President GORE in Minneapolis today. He was not in Florida.

I think the rest of the analysis is similarly flawed.

We are struggling to close the 105th Congress and the problem is that the congressional leadership has failed to move the budget and appropriations legislation on a timely basis. Normally, according to the legislation that we adopted to impose upon ourselves so that there is some structure, rigor and discipline in the budget process, we would have completed a concurrent budget resolution by April 15. Here it is, October 12, almost six months later, and we do not have a concurrent budget resolution. We do not have a concurrent budget resolution.

This is symptomatic of the problem that we face in the 105th Congress. The House of Representatives passed a budget resolution. The Senate passed a budget resolution. But the leadership in the House and the Senate, both in the same political party, have not been able to meet in the middle of the building and iron out the differences between the two chambers.

As a consequence, we are stalemated in the budget process for the first time in 24 years, the first time in 24 years. And the differences between the Republican leadership in the House and the Republican leadership in the Senate and the budget resolution process parallel the differences that we see in the appropriations bills, in the tax reduction effort and many other efforts.

How can the President be blamed because the leadership in the House and the Senate are unable to get together? How can the President be blamed when October 1 arrives and most of the appropriations bills have not even been passed in Congress? It is simply an allegation that I submit that is unfounded.

What we need to do in this body is look at the rules that we have that govern our procedures on the budget and abide by them. It is as simple as that. We expect local governments, State governments, the United Nations to have a budget. People rail in this body about the lack of fiscal discipline at the United Nations. They talk about the need for reform at the International Monetary Fund, the World Bank, and then we have numerous limitations on what State and local government can do with Federal funds because we do not trust them to be responsible in developing a budget. But here we sit in Congress and we are hypocrites because we have not adopted a concurrent budget resolution.

The appropriations bills, which I mentioned before, are really supposed to reflect what is in this concurrent budget resolution and move through Congress so that they are completed in the summer. That means they are presented to the President in the summer. If there is disagreement, there can be a veto or there can be negotiations in the summer.

Nothing was completed in the summer. It was deferred. It was delayed.

Here we are October 12, the fiscal year started October 1, the 1998–1999 Federal fiscal year, October 1 from 1998 to September 30 of 1999. These appropriations bills were not available for planning at the Federal agencies. They were not available for negotiations with the White House or if there was going to be a veto, a veto at the White House and then negotiations.

So I submit, Mr. Speaker, that until we have the discipline within our body to do what is right in terms of a process on a timely basis, that we cannot expect the American people to respect our budget process, and certainly we cannot blame the White House for its lack of leadership on the budget issues and the appropriations bills. That leadership rests in this building, and we have not had that leadership.

WASTEFUL GOVERNMENT SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, talk about the President's leadership. He has only had two cabinet meetings in this Congress. But yet he has had over 80 fund-raisers in different areas raising millions of dollars each time. He was scheduled to go to Florida while we are sitting here working.

But that is not what I am here to talk about, Mr. Speaker. I wanted to reiterate what the previous speaker said.

I want to point out some areas where there is wasteful government and the difference between my colleagues on the other side that believe that government can do things better and on the Republican side and some Democrats feel that the people can do more with their own money.

Any time you send dollars to Washington, D.C., Mr. Speaker, about half of it is wasted. In welfare reform, less than 50 cents on the dollar gets back down to welfare. In education, less than 50 cents on the dollar gets down to the classroom because of the bureaucracies. Let me go through to be specific.

In the previous Congress, I was chairman of a subcommittee on education, K through 12 education, basically. There was a direct lending program, a government program to where student loans emanated out of the government.

The GAO did a study and in their report said that it cost, this was capped at 10 percent, only 10 percent of government loans. It cost a billion dollars annually, billion, not million, to run the program. It cost 5 million to collect it, because the government did not have the agencies to go out and collect it. So what we wanted to do is privatize it and cut those losses.

□ 2015

We did that.

In the balanced budget, the President wanted $3 billion for a new literacy program. California is 50th in literacy. Much to do, I think, because we have a lot of immigrants that come to California and the border States. But it was 50th in literacy. So when the President announced $3 billion for a new literacy program, it sounded pretty good, until we took a look.

There are 14 literacy programs in the Department of Education. Fourteen of them. What is wrong with taking one or two of those, Mr. Speaker? And when we have an authorization, we may authorize this much, but when it comes time for the dollars we may only authorize and appropriate this many dollars? What is wrong with picking one or two of those and not just fully funding them but actually increasing them?

Title I is one of those that is underfunded by the Federal Government. We could get rid of the bureaucrats, because every one of those programs has bureaucrats that have a salary and retirement. That comes out of the education funds. They have a building here in Washington that we pay rent on. The paperwork that they generate takes dollars away from the classroom.

There are 760 Federal education programs, Mr. Speaker, which allow us to get less than 50 cents on a dollar down to the classroom. What we want to do is get 90 or 95 percent of the dollars down to the classroom so that the teachers, the parents, the community and the administrators can make the decisions for their children instead of the bureaucrats here in Washington, D.C.

I had a hearing and we had eight different areas testifying. They all had the greatest programs since sliced bread. At the end of the hearing I asked which of them had any one of the other seven's programs. None of them. I said, that is the whole idea. Everyone likes their own programs.

We want to give them each a block grant, instead of mandating all the other seven programs in all the other districts, in which there are only minuscule dollars then to run the programs that they like. We could give them a block grant, and they could pick the program that is good for them, because Wisconsin may be a lot different than San Diego, California, or Hoboken, or wherever it happens to be.

Washington, D.C. My colleagues talk about school construction. Washington has some of the worst schools in this Nation. Over 70 percent of the children graduate functionally illiterate. The school houses were falling apart; their roofs caving in. School was canceled. Fire codes were not met. Schools did not start timely last year because of construction. The average age is over 60 years.

We wanted to waive Davis-Bacon requirements, which is the prevailing wage or union wage, to construct those schools. And my colleagues said, oh, they are for the children.

Well, we could have saved $24 million to build new schools in D.C. on that limited budget, because it cost 35 percent, Mr. Speaker, by going to union wage. We could have saved $24 million that would have gone to build those Washington, D.C., schools and repair those roofs. But did our colleagues choose the children? No, they chose their precious union, because it finances their campaigns. Watch the media if anyone has any doubt about that.

Mr. Speaker, we had the Individuals with Disabilities Act; special education. It had never been fully funded, and the Republicans funded that. The gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, and I worked and put the two factions of the schools and the parents together, with no food or water, until they came out of the room and, finally, we came up with something fairly good. There are still problems, but we funded it up toward the 40 percent level.

Impact aid. The President totally cut out impact aid, education aid for military and Indian reservations.

We have done a lot, Mr. Speaker.

FUNDING EDUCATION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise this evening to join the chorus of those who to want discuss education.

It is interesting, we have had a lot of discussion from the White House, we have had a lot of criticism from Democrats about the process that we are going through on education. Is it political rhetoric? Is it a serious commitment to helping our local schools across America? That is the question I want to ask, Mr. Speaker.

We have those who want to start school construction programs in the Federal Government.

First, I would like to state that Federal money is not simple to use. I come from a rural part of Pennsylvania, where many school districts obtain very few Federal dollars because they need consultants, they need people who understand the Federal programs, and they have to work for months and sometimes years to get into the system and figure out the language the bureaucrats in their State capital want and the bureaucrats in Washington demand. So most small rural school districts do not receive much Federal money because they do not have consultants, they do not have grantsmen, they do not have the people that speak the right language that bureaucrats understand.

Now we are going to Federalize school construction. We have 15,600 schools across America, approximately. The school construction program proposed by the President will take half the money and will give it to 100 urban poor schools. That leaves 15,500 some school districts with no funding. Now they will have a chance at the other half, but urban poor districts are not prohibited from going after that.

And this is a program for all of America? I do not think so. This is a program to go to President Clinton's base in the urban parts of America.

Now urban poor school districts have problems, but so do rural poor school districts, and they should have an equal shot. The construction program that has been designed by the President will not be a program that will help many schools in this country. The vast majority of the schools will never see a dollar. And those that choose to use this will lengthen the process of constructing schools by a year or two.

I have never seen a Federal program that even worked the first year. Last year, we had the technology program, had a half billion dollars in it. They have spent less than 100 million so far, and the year is over. Because Federal bureaucrats cannot make programs work in 1 year's time.

This will delay construction in America. This will make it more complicated to construct schools in America. It will make it more costly to construct schools in America because of the Federal bureaucracies that will have to be met, and Davis-Bacon, which will raise the cost of construction itself.

Then we have the program of teachers in the classroom, 100,000 teachers. That is a good cause. I think most of us would like to see 100,000 additional teachers. Probably 40 or 50 school districts in America will receive some kind of grant to do that or maybe 100, at the most, or 150. But that leaves 15,400 or 15,500 school districts with no change. Should we not have programs that get out equally across America where the need is, whether it is urban or whether it is rural or whether it is suburban, if there are school districts in trouble?

We can do that. We could expand the loan forgiveness program and get teachers into low income rural and urban shortage areas, and we could do that overnight. We could fund special ed, would get money into every school district. The ones that would get the most would be those who have the most poor students, the most students that need special education, and we would have the money right where it is most needed. The money they could free up on their own they could use to hire more teachers; they could use to fix their schools.

Vocational education, we have flat-funded vocational technical education year after year. This President again flat-funded it this year, or recommended flat funding. We are passing legislation to allow more immigrants to fill the technology jobs because we do not have an educational system that is training them, and it all starts in vocational education.

Most recently, we passed in the House, it did not get action in the Senate yet, a Dollars to the Classroom program that combines 31 programs and puts the money directly back into school districts. That frees up $700 million to $800 million without raising taxes because it does away with Federal bureaucrats, it does away with State bureaucrats, and it puts the money in the classroom where they can hire teachers or where they can improve the classroom.

Mr. Speaker, I believe the President's goal to help education is honorable, but I think the direction he has taken is election year politics because it is a new program that he can put his name on.

I want to say, new Federal programs do not work; 1999 will not see a school constructed, 1999 will not see more teachers in the classroom, because these programs cannot work in one year.

Mr. Speaker, I believe if we are going to increase funding for education I would support that. Let us fund vocational education. Let us fund special education. Let us fund loan forgiveness for low income rural and urban shortage areas.

Mr. Speaker, it is time to get the money out where it can work, not in some new ideas created by the White House that will not work and will not help our schools across America. It will only help a few.

CREATING NEW OLD PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, during the morning hour this morning, I asked the question, why all of the political rhetoric in the last week about education?

Make no mistake, everyone back home knows it is political rhetoric. So why all of the political rhetoric on education in the last week?

There were those who said we need a day's debate on education. The 105th Congress, the real education record, we have had 30 days of debate on the Floor of the House about education, passed 25 major accomplishments in the area of education and job training. So why all the rhetoric?

I think there are four reasons probably. First, it is a diversionary tactic. Now, I suppose I can understand that, divert the attention from anything else, but I hate to see children used as part of that diversionary tactic.

Secondly, of course, the polls say education is a sexy issue, and so that is the thing we should talk about: education. Now, I hope my colleagues are very careful, because those very same polls say that we, the American people, distrust most of all the Federal Government's involvement in elementary-secondary education.

The American public distrusts the Federal Government's involvement in elementary-secondary education. They also distrust the States' involvement. They believe that their local elected officials, their school board members, their superintendents, their teachers, their principals and their parents know best on the local level how to bring about reform so that all will have a quality elementary-secondary education.

Then I think there is a third reason. I have always suspected from day one that this administration wants to micromanage elementary-secondary education, micromanage from D.C. It has never worked in the past, will not work now, will not work in the future, but it is certainly a goal and, again, the American public does not want that micromanagement of their elementary-secondary schools from Washington, D.C.

Fourth, and probably the major reason, pride of authorship. Every president wants a legacy and every president recently seems to want that legacy to be in the area of education. So new old programs have to be created. I say new old programs because most every program is on the book already. Just give it a new title, a new name, and somehow or another it is yours.

As I said to the White House last week, it does not matter who gets credit, as long as we are trying to provide a quality education for all students.

Let me give a good example of how all of the rhetoric about school maintenance and school building, all the rhetoric about 100,000 new teachers, can be solved by using an existing program. If someone really believes there is an elementary teacher shortage, they apparently do not spend very much time studying statistics.

There are about 150,000 elementary teachers now certified who cannot find a teaching job, and they are working in department stores, fast food restaurants, offices. In my district, depending on the school district, there are anywhere from 50 to 200 applicants for an elementary teaching job, for every opening.

□ 2030

So what is the problem? Well, the problem is that they will not go where they are most needed, or, because of discipline problems, they give up after a short while. So in the higher education bill we did something about that. We said we will give you some loan forgiveness if you will go to center-city and teach, if you will go to rural America and teach.

I do not know how to deal with the discipline problem from the Federal level. I suppose we could send the toughest Marine we have, one to every classroom. That would not be of any value whatsoever, because they would not be allowed to discipline anyway, so it would be a waste of money.

You see, unless parents are going to discipline, there is nothing that can be done, because the public has said the school may not discipline. So I do not know how to solve that problem. But if you were to fully fund special education, let me just show you what it means in several districts.

In my district, the City of York has 49,000 people. Thirty years ago the former majority mandated, mandated, 100 percent of everything that a local school district must do in the area of special education. One hundred percent. And they were very generous. They said however, we will not send you 100 percent of the funds to do that. What they said is, we will send you 40 percent of the excess cost, 40 percent of what it costs more to educate a special needs youngster than it does to educate a regular student. Forty percent of that excess cost.

Now, in the City of York, 49,000 people, they spend $6 million on special education; $6 million on a 100 percent mandate from the Federal level. They have to raise almost $4 million of that locally, a very difficult chore if you realize the tax base they have to work with.

If we would fund the 40 percent that was promised 30 years ago, they would have more than $1 million extra every year, to reduce class size, to hire extra teachers if they need extra teachers, to repair buildings, to do everything that somebody else says we need some special program in order to do that.

Let me give you a couple of others. The special school district of St. Louis, they spend $170 million each year to fund the 100 percent mandate from Washington, D.C. for special education. $170 million. They have to raise $127 million of that locally. Locally. If we were to send them their 40 percent that was promised, they would get an additional $24 million to maintain their buildings, to build new buildings, to reduce class size, to do everything that they believe is necessary to provide a quality education for all.

If you went to West Contra Costa Unified District in California, they spend $25 million every year in order to fund the 100 percent mandate from Washington, D.C. They have to raise $11 million of that locally. If we were to fund fully the promise that we made, they would get an extra $3.5 million.

The third Congressional District in Virginia would receive an additional $54 million each year. The Los Angeles unified school district, they spend $600 million every year for the 100 percent federally mandated special education program. They must raise $325 million of that locally. If we were to send the 40 percent that the former majority promised, they would get an extra $60 million every year. You see, the program is there. All you have to do is put your money where your mouth was when you did the mandate.

Now, for twenty years as I sat in the minority I pleaded with this Congress, do what you promised you would do, because it is the one issue that is driving a local school district up the wall. They do not know how to fund our mandate.

The gentleman from Michigan (Mr. KILDEE) was the only person from the other side when they were in a very large majority that I could get to be interested at all. In the last couple of years, the gentleman from Wisconsin (Mr. OBEY) has helped. But, boy, the school districts surely owe a big thank you to the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Illinois (Mr. PORTER). They put an additional $500 million in this year to help meet this mandate. They put in more than that last year. So it will be the first time that a local school district will be able to reduce their spending on special ed.

Now, what has happened in some of these areas where schools are falling down? Well, I read over the weekend, a school in New York, the principal said he has asked for eight consecutive years for money to maintain the school building, money to try to keep the school from crumbling. Not one penny came his way. I know what happens. In order to avoid a strike, I am sure that in negotiating, they gave all the maintenance money to prevent the strike.

He also said the principal before he came there had asked for many years the same question, please, where is the money to keep the school from falling down?

Well, I want to take a little time to review the speech that the President gave on Saturday, because it was a speech on education. I am sure it was very confusing to most Americans, because you would have thought, if you listened to that speech, we have not done anything in the Congress of the United States in relationship to education. And yet this Congress, more than any Congress in the history of this great Nation, has done more in the area to try to help provide quality education and quality training programs. So the President said we should be able to make real bipartisan progress on education. We have. We have.

Seven laws, they are law now, mostly in a bipartisan fashion. Higher Education Act, Special education, IDEA Act, Workforce Investment Act, Loan Forgiveness for New Teacher Act, quality teaching grants, emergency student loans, and, yes, a large bipartisan effort prohibiting Federal school tests.

We also have seven other bipartisan bills waiting for the President to sign. School nutrition, charter schools, Quality Head Start, and the administration was trying to eliminate the "quality" part. Well, there is no reason, if you are not going to have a quality education component in an early childhood program, obviously the child is not going to be successful when they get to first grade. They are not going to be reading-ready. Vocational education, community service block grant, $500 million more for special education. A reading excellence act, all waiting for the President's signature. Fourteen pieces of legislation.

We also sent eight more, A-plus Saving Account vetoed, Dollars to the Classroom Block Grant veto threat. We want to get the money down to the classroom. Teaching testing, vetoed. Prepaid college tuition plans, veto threat. D.C. scholarships, veto. Bilingual education reform, veto threat. A school construction plan, veto threat. Safe schools Anti-gun Provision, vetoed. We passed three more from the House that never made it through the Senate. Twenty-five different pieces of legislation, most in a bipartisan fashion, and some of them for the first time ever not only bipartisan, but bicameral.

So, Mr. President, we did make real bipartisan progress on education.

In the higher education bill, it will be the lowest interest rates that students will pay in 17 years. It will be the highest Pell Grants in the history of Pell Grants. And, yes, you mentioned quality? We have a provision in there that insists that teacher training institutions prepare quality teachers for the 21st Century.

Yes, a job training bill. Yes, a Headstart bill with quality. Yes, a vocational education bill. Yes, a nutrition bill. All, all, in a bipartisan fashion.

Our Nation needs 100,000 new highly qualified teachers to reduce class size in the early grade. I have already indicated there are 150,000 out there who cannot get a teaching job. So what did we do in the higher education bill? As I indicated, we tried to encourage them with loan reduction to go into center-city, to go into rural America, where there is that need.

Yes, in special education, as I indicated, if they got their 40 percent, they could do all of the teacher-pupil reduction that they want to. They could do all of the construction work and maintenance work that they want to. But the budget that came up from the administration cut special education. It cut special education. The one place where everything that the administration wants they could do locally, if we only sent them that special ed money, and the administration's budget cut special education.

Now, I heard on the floor from one gentleman that because their state is growing so rapidly, we really should be in there at the Federal level, getting money for teachers, money for classrooms. Guess what? Where do you think his growth is coming from? He happens to be in a right-to-work state. His people are coming from my state. My good jobs in a highly organized labor state are going to his right-to-work state.

Now, if you carry that logic to conclusion, it seems to me he should, his state, should be sending money to my state because he is taking my tax base.

A gentlewoman said she needs money again for schools and for class size reduction. I would love to have her county, her one county in my district, the highest income possibly in the United States. So, again, if you follow that to its logical conclusion, she should be sending me money, because I do not have that kind of wealth in my district.

The budget should also bring cutting edge technology to the classroom. For two years the administration has not used one penny from the trust fund to do just that. What they did manage to do is allow telephone companies to put a surtax on your long distance telephone bills. That was not part of the negotiation.

Then also we are told that we should have child literacy programs so every child will be able to read well and independently by the end of third grade. Too late. Too late. Our literacy bill that we have ready for you to sign, Mr. President, will make sure that they are ready to read and are reading in first grade. Obviously if they come to school not reading ready, then you know the end result? They either will fail first grade, and it was not the child who failed, it was the adults who failed the child, or they will be socially promoted, which will be a disaster and bring about not a physical drop out, but probably by fourth, fifth grade, a dropout in one sense of the word. So our bill does not wait until third grade. We say, they have to be reading-ready.

□ 2045

Mr. Speaker, if all of the grade programs of the 1960s would have worked the way people thought they would work, we would not have a lot of students who are in fourth grade and cannot read at a fourth grade level. We would not have a lot of students who graduate from high school that do poorly in math and science. Well, we have to admit, they did not work. And part of the problem was there was not any strength whatsoever in the education part of those early childhood programs; and, for many years, quality was missing. Baby sitting was available, child care was available, but the important part, the education component, was missed.

So, again, the American people do not want the United States Government to micromanage elementary and secondary schools. They do not want them to mandate to their elementary and secondary schools. They do not want them to interfere with the operation of their elementary and secondary schools. They realize that one cannot bring quality from top down. We have to build it from bottom up. And they know that the local parents, the local teachers, the local students and the local elected officials know far better than Washington, D.C., what is in the best interests if we want to really have quality education in their particular district. One size fits all from Washington, D.C., has never worked, will never work.

And, again, I want to emphasize the tremendous effort made in this Congress to try to do what we could do to give the local schools an opportunity to improve their own school system.

One of the things the gentleman in the chair brought to this Congress was the whole idea of getting dollars down to the classroom. Getting them beyond the bureaucracy in Washington, getting them beyond equally bureaucratic State governments, down to the classroom. That is where we make the difference, and that is what we wanted to do. And what do we get for our effort? A veto threat.

Well, that is the only way it will work. This administration has to understand, we build from the bottom up. The programs are there. We do not need to take old programs and give them a new name. I made it very clear to the White House last year, the year before and this year that if you want to be a hero, if you really want to be remembered in the area of education, do something to help us fund the 40 percent of excess costs for special education; and the local district will then be able to take their money to provide a quality education for all students.

The SPEAKER pro tempore (Mr. PITTS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Iowa (Mr. LEACH) is recognized for the remainder of the majority leader's hour, approximately 35 minutes.

THE FAILURE OF LONG-TERM CAPITAL MANAGEMENT: A PRELIMINARY ASSESSMENT

The SPEAKER pro tempore. The gentleman from Iowa (Mr. LEACH) is recognized for the remainder of the Majority Leader's hour, approximately 35 minutes.

Mr. LEACH. Mr. Speaker, I rise to discuss one of the most serious and symbolic financial events of the decade: the failure and government-led rescue of America's largest and most heavily leveraged hedge fund, Long-Term Capital Management.

Dubiously enshrined in establishment economic thinking is the too-big-to-fail doctrine, the notion that government will intervene to save a bank in trouble if its collapse would cause major harm to the economy.

Last month, with the rescue of Long-Term Capital Management, a corollary appears to be in the making that "some financial firms are too big to liquidate too quickly." The application of the "too-big" doctrine for the first time beyond a depository institution raises troubling public policy questions.

From a social perspective, it is not clear that Long-Term Capital, or any other hedge fund, serves a sufficient social purpose to warrant government-directed protection. In one view, hedge funds provide liquidity and stability in financial markets, allowing economies to finance infrastructure and enterprises necessary to modernize. In another view, hedge funds have a raison d'etre: They seem to be run-amok, casino-like enterprises, driven by greed with leverage bets of such huge proportions that they can control global capital markets and even jeopardize economic viability of individual sovereign States.

In this case, the country's most sophisticated banking institutions provided loans to an institution that shielded its operations in secrecy, denying lenders and their regulators data about its positions or other borrowings. The rationale was that sharing information was competitively disadvantageous to the fund. Lenders to the fund, in effect, became responsible for a kind of blind-eyed complicity and speculative actions that might in some cases prove destabilizing for the very financial system upon which banks and the public rely.

The envy of its peers, Long-Term Capital was the very paragon of modern financial engineering, with two Nobel Prize winners among its partners and Wall Street's most celebrated trader as its CEO. The fact that it failed does not mean that the science of risk management is wrong-headed; just that it is still an imperfect art in a world where the past holds lessons but provides few reliable precedents.

Hedge funds were so named because their managers tried to reduce with offsetting transactions the risks they take with investor funds. Today, the name has an ironic ring. As hedge funds have grown in the last few years, so has the venturesome nature of their investments in pursuit of higher returns. The industry numbers between 3,000 and 5,500 funds, with somewhere between $200 billion and $300 billion in investment capital, supporting book assets in the order of $2 trillion. About a third of the funds are highly leveraged; in Long-Term Capital's case, about 27-to-1 when its books were solid; more so when difficulties emerged.

Large financial institutions make this leveraging possible, often with federally-insured funds. If taxpayers are to share in the risk, they or at least their protectors, bank, securities, and commodities regulators, ought to understand what stakes are involved. The profit motive is the most powerful disciplinarian of markets, but the United States Government is obligated to be on top of the issues.

There are points where politics and economics intersect; and when political institutions implode, as they have in Russia, economic consequences follow. The best and the brightest on Wall Street lost billions betting that Russia was too nuclear to fail. They did not grasp that it was too corrupt to succeed and that it did little good for the West to transfer resources to Russia's Central Bank if it simply recycled them to a private banking system which served as the money-laundering network for insiders.

No nation-state can prosper if it lacks a place where people can save their money with confidence and seek lending assistance with security. Russia, which is the landmass most similar to our own, has been kept back for most of this century because of the Big "C", Communism, and is now in a despairing state because of the little "c", corruption, which is likely to be more difficult to root out than Communism was in the first instance.

It is bewildering how, with all of the attention in recent months being given to forming a new global financial system architecture, no one is paying attention to universal values. Honesty must prevail over corruption, or no financial system will work. In fact, unless the point is made with regard to countries such as Russia that the problem is not that market economics are wanting but that corrupt market mechanisms are pervasive, the Russian people will never understand the lessons of the century. The old battleground in world affairs was Communism versus Capitalism; the new one contrasts corrupted market economies versus noncorrupted ones.

What the Russian people, and those of so many developing countries, deserve is a chance to practice free market economics under, not above, the rule of law. If attention is paid above all to establishing honest, competitive institutions of governments and finance, virtually everything else will fall into place.

From the public's perspective, it must be understood that politicians can be dangerous and that their most counterproductive weapon is protectionism. This is particularly true in finance. Any country that protects itself from foreign competition and finance injures itself and, in effect, emboldens corruption. Unilateral decisions or international agreements to open markets that are closed to Western-system financial institutions provide the best chance for corrupt systems to reform themselves. Their public will, if given a chance, lead their leaders by saving where they are best protected and borrowing where they get the most competitive terms.

In Long-Term Capital's case, the underestimation of the role of corruption in Russia and other emerging economies led to an underestimation of the American economy and legal system.

The mathematical model Long-Term Capital followed apparently assumed market tranquility. If certain bond yields relative to Treasuries widened, it predicted that market forces would correct the differential and yields would inevitably begin to converge. As spreads began to widen earlier this year, the fund bought long corporate and foreign bonds at the same time it sold short Treasury instruments. But when a flight to quality escalated, the spreads widened, rather than narrowed, and Long-Term Capital found itself on the losing end of both sides of key investment equations.

At issue is not just a judgment of the moment but the problem of developing with confidence risk models for adverse times, especially when the vicissitudes of politics and human nature conspire with market forces.

At issue also is the possibility that the failure of Long-Term Capital reflects the bringing home to the United States the economic problems of the rest of the world. As Wall Street firms have begun to move to protect themselves in recent weeks by pulling in credit lines and dumping less solid investments, a crisis of confidence appears to be developing. The impending credit crunch requires a monetary response from the Fed, i.e., immediate attention to lowering interest rates and, perhaps, a shot of fiscal stimulus from Congress, preferably a tax cut of modest dimensions on the order of the $16 billion a year one that passed the House last month.

I was initially informed by a top Treasury official that there was a distinction between being informed and being consulted on the Long-Term Capital issue and that while Treasury had no disagreement with the judgment or the role of the Fed, Treasury's involvement could only be characterized as passively being informed of Fed concerns for the systemic implications of a fund failure in the economy.

Minutes prior to the October 1 Committee on Banking and Financial Services hearing on Long-Term Capital, I received a letter from Treasury Deputy Secretary Summers, which in amplification stated:

> We were informed of the developments affecting Long-Term Capital Management, and we were kept apprised of the progress of discussions among its creditors. We did not, however, participate in any of these discussions.

I was therefore surprised to learn in testimony from New York Federal Reserve Bank President William McDonough that he confirmed directly with Treasury Secretary Rubin on September 18 and that he was joined by Assistant Treasury Secretary Gary Gensler in discussions with Long-Term Capital's partners in Long-Term Capital's offices on September 20, the day prior to McDonough's decision to intervene in a role he analogized that played by J.P. Morgan in the panic of 1907. Given this circumstance, the "informed/consulted" distinction would appear to tilt to the "consulted" side.

While oversight of bank lending to Long-Term Capital Management and financial instrument trading within the firm does not appear to have been governmentally coordinated, its bailout was.

In retrospect, it is difficult not to be struck by the fact that the shrewdest in the hedge fund industry could commit such investment errors, that the most sophisticated in banking would give a blank check to others in an industry in which they considered themselves to be experts, and that the United States regulatory system could be so uncoordinated and so easily caught off guard.

□ 2100

The Fed and the Comptroller of the Currency, principally the Fed in this case, had responsibility for regulation of the banks which extended such large credit lines to Long-Term.

Questions exist as to how knowledgeable of loan extensions were the regulators. The principal agency with statutory authority over the fund's trading practices was the Commodity Futures Trading Commission, with which Long-Term Capital was registered as a commodity pool operator, and to which it was required to make periodic financial disclosures.

According to CFTC officials, the Commission has the power to examine the firm's trading positions, yet apparently it did not do so, even after Long-Term Capital reported at the end of 1997 that its assets included nearly $3 million in swaps, forwards, futures, options, and warrants, and its liabilities, $6.4 billion in similar instruments, or that it had leveraged $4.7 billion in partners' capital into investments of $129 billion.

While regulators appear to have egg on their face for the failure as well as the rescue of Long-Term Capital, risk-free regulation is not possible or necessarily appropriate. The economy could be as ill-served by financial institutions refusing to take risks as it would be by those taking too much.

But Congress cannot duck its oversight responsibility of those charged with supervision of these markets.

That is why 5 years ago I issued a 900-page report on the financial derivatives marketplace which included a series of 30 recommendations for regulatory guidance to constrain systemic risk in a market which I then described as "the new wild card in international finance." In this report, I noted that, "Historical experience is not always a guide to the future, especially when a relatively new market explodes in size" and when there are "unprecedented economic uncertainties."

Among the recommendations in the report, which became one of the benchmark assessments of how derivatives should and should not be regulated, were that bank regulatory agencies should discourage active involvement in derivatives markets by insured institutions unless management can convincingly demonstrate both sufficient capitalization and sophisticated technical abilities. Greater transparency and uniform disclosure standards were also recommended.

The troubles of Long-Term Capital presented the Fed with a dilemma. If it failed to act in the face of what is presumably deemed to be systemic risk, it would have been left open to charges that it abdicated leadership on a matter that might have affected the stability of markets around the world, and thus, the pocketbooks of millions of ordinary citizens.

By acting as it did, however, it preserved an institution that in a free market economy would normally have been allowed to fail. The Federal Reserve's decision to intervene in the Long-Term Capital situation underscores that the Fed operates under two basic pinions: that low inflation is always a friend, and that instability is always the enemy.

Clearly, the Fed will go to great lengths to reduce the dangers of instability, as well as inflation. But the government's intrusion into our market economy can be justified only if it can be credibly shown that there is a clear and present danger to the financial system in Long-Term Capital's failure, and that there were no stabilizing alternatives, other credible bids on the table, or other approaches to ensure that a market-shaking unwinding did not occur.

In this case, another bid was on the table. According to Mr. McDonough, it was rejected by Long-Term Capital's management because it did not have the legal ability to accept it, although it had the ability to accept the alternative, which reportedly included a commitment to keep the management of Long-Term Capital intact.

Here it deserves noting that in the wings was not only a "Warren Buffett" in terms of an alternative bid, but a "Paul Volcker" or "Jerry Corrigan" in terms of a possible court-appointed bankruptcy trustee.

I stress the bankruptcy laws because, to the extent that another hedge fund of similar size or group of companies that, in combination, may be of comparable importance could get into trouble, the U.S. bankruptcy laws are designed to stabilize insolvent circumstances. Indeed, under the bankruptcy code, a trustee probably has more authority to proceed slowly than a reengineered company not protected by bankruptcy status.

With regard to a future government role in bankruptcies of hedge funds or other financial institutions, the Fed might want to think through the possibility of making process recommendations to bankruptcy courts. For instance, if a significant fund fails, the Fed should prepare to go to a court and recommend a given type of process, as well as consideration of particular types of or actual individuals who might be appropriate to serve as trustees for a failed fund.

If the problem relates to systemic concerns and the goal is an orderly unwinding of positions or orderly transfer of assets, the Fed is obligated to lend a perspective to the courts.

Given that almost any future potential failure of another fund will raise questions of whether it will be given like treatment as Long-Term Capital, the Fed or Treasury should also consider issuing public guidelines or commentary about their intent to rely on orderliness through bankruptcy statutes to assure markets that unfortunate problems will not become systemic liabilities.

In this regard, balance should be emphasized. Just as there may be systemic concerns for a too rapid unraveling of positions, there could be competitive and market concerns for too prolonged resolution of the problem.

It is a particular umbrage that the hedge fund bailed out under the Fed's leadership operate commodity pools organized as Cayman Islands entities. Implicit in this circumstance is the possibility that individuals who presumably sought to reduce their United States tax obligations through Caribbean shelters could find their assets protected with the help of a United States government agency.

To the degree doubt exists, because of the Cayman connection, whether U.S. bankruptcy laws could effectively have been applied in the Long-Term Capital situation, or whether actions might be brought in other jurisdictions, Long-Term Capital's problems underscore the legal risk issue. Prudent banks should have doubts about lending to institutions whose operations may not be within the full reach of the laws of the United States or other comparable legal systems.

While the goal of the Fed's intervention was to avert a short-term shock to the international economic system, it appears that a more serious long-term threat may be the result. Today we have a reconstituted fund that is co-owned by 14 of the world's largest financial institutions, from Travelers and Merrill Lynch to J.P. Morgan and the Union Bank of Switzerland.

In this regard, it should be understood that the coordinated government bailout approach which was undertaken may involve a tendency towards concentration with the new owners conjoined as a group having a greater impact on markets than in competition with one another. The Fed's unprecedented extension of the too-big-to-fail doctrine to a hedge fund does not insulate the fund and its new owners from the constraints of the Sherman and Clayton Acts.

Working as a cartel, those running Long-Term Capital potentially comprise the most powerful financial force in the history of the world, and could influence the well-being of Nation states for good or for naught, guided by the profit motive, rather than national interest standards.

This dilemma is reflected in the announcement the week after the Fed intervened by the Secretary of the Treasury that the United States government and international resources should be put in play to prop up certain foreign currencies. Most analysts assume the Treasury was particularly concerned that the Brazilian cruzeiro might be devalued. But to give a governmental imprimatur to the fund as it is now constituted could cause conflicts of interest not only among its owners, but with our own government. The possibility that taxpayer dollars might be pitted in the future against those of a firm the United States government helped rescue could be an expensive irony.

The antitrust laws are generally applied to concentration in a particular market sector, but the combination of many of the world's most sophisticated financial powerhouses in hedge fund activities is unprecedented in significance. Such a combination, if allowed to stand, could enable these institutions to hold sway over whole economies. No central bank or finance ministry in the world could match the assets they could wield in currency markets.

Further complicating this collusion problem is the report that half-a-dozen or more government-owned banks are or have been strategic investors in Long-Term Capital.

The possibility that fund managers might receive insider information from their own investors who represent foreign governments; or that any government would think it appropriate to invest public monies in a speculative hedge fund; or that our government might be put in the position of having to decide whether to rescue a fund which, if liquidated, might embarrass a government with which we interrelate on many issues, is bizarre and untenable.

As powerful as they are, Long-Term Capital's new owners are confronted with a legal Catch-22. If they do not actively manage the fund, they could be sued for lack of prudential stewardship. If they do actively manage the fund, they could be sued for collusion.

In testimony before the Congress last week, Fed officials said firewalls would be established to separate the fund's oversight committee managers from their home offices. However, firewalls, no matter how high, are particularly vulnerable when losses mount. If hedged positions improve, legal liabilities could be bedeviling.

If, for instance, Long-Term Capital and any of its new investors were to take a position that would prove profitable, presumably someone on the unprofitable side of such a position might sue on collusion grounds. Or if it were to pay back a creditor partner and not a creditor non-partner, questions of equity could be raised.

The Long-Term Capital saga is fraught with ironies related to moral authority as well as moral hazard. The Fed's intervention comes at a time when our government has been preaching to foreign governments, particularly Asian ones, that the way to modernize is to let weak institutions fail and to rely on market mechanisms, rather than insider bailouts.

We have also encouraged developing countries to establish bankruptcy arrangements to cushion the shock of failures, and, where possible, fairly distribute the assets of bankrupt institutions. Now, as the country with the most sophisticated markets, bankruptcy laws, and legal precedents, we appear to have abandoned the model we urge others to follow.

Worse yet, the Federal government appears to have played a role in precipitating a bailout offer that was more advantageous to the failed management than that which the free market offered. Warren Buffett may be fortunate to have had his bid for Long-Term Capital turned down in favor of the government-coordinated effort. Given reports of further erosion of Long-Term Capital capital, the new owners and the government, on the other hand, may be embarrassed if stabilization of the fund requires another rescue.

It will be months before proper perspective can be applied to this unique circumstance, but the principal lesson would appear to be that the Fed should rely more extensively on market mechanisms and America's sophisticated bankruptcy laws. Above all, the public should be assured that the government will not subsidize insider bailouts, or protect those who make investment errors. The too-big doctrine is simply too prone to fail.

TRIBUTE TO JOSEPH P. KENNEDY, II, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. PITTS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MOAKLEY. Mr. Speaker, I rise to pay special tribute to my colleague and my very dear friend, the gentleman from the Eighth Congressional District, the gentleman from Massachusetts (Mr. JOE KENNEDY).

When JOE was first elected to the 100th Congress back in 1986, he had a lot to live up to, and he has done so with Irish passion and a devotion to those less fortunate that would have made his father very proud.

First, JOE had to confront enormous expectations because of who he was. As the oldest son of the late Senator Robert Kennedy, as the nephew of Senator EDWARD KENNEDY, and the nephew of President John F. Kennedy, he was expected to do great things.

If those expectations were not already high enough, JOE had the unenviable task of having to follow on the greatest congressman and certainly one of the greatest Speakers this Nation has seen in many years, my dear friend and mentor, Thomas "Tip" O'Neill. I can only imagine the pressure JOE felt as he raised his right hand to take the oath of office just 12 years ago.

But today it is my great pleasure to say that without a doubt, JOE has not only met those high expectations, but he has also exceeded them. A lot of Members in Congress lose some of their fire after a few years here, but not JOE KENNEDY. He is just as passionate about helping people and making this country a better place today as he was just a dozen years ago.

From his first years in Congress, JOE KENNEDY has been a friend, an advocate, and a noble spokesman for those citizens in our society who are often forgotten. There has not been a vote on the floor of this House in which the poor of our country have not been able to look to him for leadership and for compassion.

JOE has championed the rights of people looking to realize the American dream and obtain affordable housing. For those who cannot afford to buy a house, he made sure that safe, quality public housing was available.

JOE has fought mightily to ensure that everyone is treated the same when they apply for a mortgage or try to get insurance, regardless of the color of their skin or the red line that used to be drawn around their neighborhood.

□ 2115

He has fought for the 4.4 million elderly in the working families who depend on fuel assistance so that they can heat their homes and they do not have to go without food. And I think it is very ironic that on the eve of his departure from this Congress, the Republican leadership has decided to eliminate the LIHEAP program, the program that JOE KENNEDY has fought so hard for.

JOE has been a very true friend of American veterans, men and women in uniform always knew that they could go to him, express their needs, and he would share their concerns. They learned early in his tenure that he would look out for them and he has not disappointed them once.

JOE has led the fight to close the infamous School of the Americas, which has been linked to countless human rights violations in the Western Hemisphere. While the school is still open for business, people all across this country have seen the atrocities that take place there because JOE KENNEDY spoke out.

JOE has fought on behalf of the people of Haiti who live in abject poverty just a few hundred miles off our shore. And even now, JOE is working to make sure that the people of the Dominican Republic get much-needed supplies to help rebuild after Hurricane Georges that just passed.

In Northern Ireland, the land of his ancestors, JOE worked tirelessly to bring people together to enjoy the peace and unity that they so richly deserve and that was very long overdue. Today, peace is a chance in Northern Ireland and JOE has as much a right to be proud of the Good Friday Agreement as anybody else.

JOE KENNEDY, you made your family proud. You have made Massachusetts proud. You have made your country proud. You have been an accomplished Member of this House, a respected colleague to people on both sides of the aisle, and a very dear friend of mine.

So good luck my friend, the United States Congress is a much better place because you served here, and this Congress will miss you.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MCGOVERN) of the 3rd Congressional District, my former staffer.

Mr. MCGOVERN. Mr. Speaker, I thank the dean of our delegation, the gentleman from Massachusetts (Mr. MOAKLEY) for his very eloquent and passionate words on behalf of our friend, JOE KENNEDY.

This is both a sad and happy occasion for me as a freshman Member of the Massachusetts delegation. Sad because I regret the short time, only 2 years, that I have had the opportunity to work with JOE KENNEDY on behalf of our Commonwealth. Happy because I know he will be a powerful force for change in Massachusetts, galvanizing grassroots involvement on the important issues of the day.

And while there are many issues in which JOE KENNEDY has been a leader, housing, Congressman MOAKLEY mentioned LIHEAP, veterans, human rights, democracy in Haiti, consumer rights, community-based development, and I could go on and on and on and many of my colleagues today will sing his praises on a lot of those issues. But I would like to speak about one issue near to my own heart in which JOE KENNEDY exercised extraordinary leadership and around which he helped build a national grassroots campaign. That issues involves the closing down of the School of the Americas.

Mr. Speaker, no one, literally no one was doing anything on this issue until JOE KENNEDY became involved. He heard the voices of families and individuals throughout Latin America who have lost loved one at the hands of U.S.-trained graduates of the School of the Americas and he decided to take a stand, and a stand against the School of the Americas.

I have personally felt the loss of friends murdered by School of the Americas graduates. The six Jesuit priests murdered in El Salvador in November 1989 were known to me. They were men who stood for peace, for justice, who fought so passionately against the senseless violence in El Salvador for so many years. These were priests who were outstanding leaders in El Salvador and who were my friends, with whom I met on so many occasions, who I thought offered hope to end the civil conflict in El Salvador.

Last November, I traveled to El Salvador with the gentleman from Massachusetts (Mr. MOAKLEY) to participate in events commemorating these Jesuit martyrs. We attended a people's mass held outdoors with thousands of Salvadorans gathered covering the hillsides. Congressman MOAKLEY and I, accompanied by the U.S. Ambassador, were escorted to our seats. There was a huge film on the screen accompanied by music. It was a film about the School of the Americas. Mr. Speaker, there, 10 or 15 feet high, was the face of JOE KENNEDY. It seems I had traveled thousands of miles to see the face of my friend from Massachusetts, who in El Salvador is seen as a voice for the voiceless.

I cannot say how proud I was to be associated with JOE KENNEDY, to be from Massachusetts, to see him up there talking about the values, talking about the issues that I care about, that Congressman MOAKLEY cares about, that so many people in this country care about.

So, I want to just say that my wife Lisa and I want to wish JOE and Beth all the best. JOE, I want to thank you for your service to this country. I want to thank you for being a good friend to me. I am proud that I had the opportunity to serve with you in this Congress, and I am most especially proud that you are my friend. So thank you very much.

Mr. MOAKLEY. Mr. Speaker, at this time I would like to yield to the gentleman from Massachusetts (Mr. TIERNEY) representing the 6th District, the outstanding freshman.

Mr. TIERNEY. Mr. Speaker, I rise today to bid farewell to one of the most ardent champions of the less fortunate, my friend and colleague, JOE KENNEDY.

Mr. Speaker, whether it is fighting to close the terrorist School of the Americas, or improving low income housing, or assuring that America's poorest families receive low-cost heating through the LIHEAP program, JOE continued his father's legacy by speaking for those without a voice and has left his own incredible mark on history.

JOE KENNEDY has dedicated his tenure in Congress to improving the lives of the less fortunate and the quality of living for today's consumers. When studies indicated that credit unions had a poor record of lending to minorities and low-income members, JOE took steps to ensure that credit unions adhered to the same fairness regulations as banks and savings institutions.

When the American Medical Association reported the extent of heavy binge drinking among young people, JOE KENNEDY introduced legislation to provide incentives for colleges and universities to develop and implement alcohol abuse prevention programs and would establish new requirements for alcohol advertising that targets young audiences.

When more and more Americans became burdened by credit card debt and sky-high interest rates charged by creditors, JOE KENNEDY introduced legislation which would protect consumers from the unreasonable practices of creditors that result in higher fees and interest rates for consumers. In fact, one of the first opportunities I had as a congressman was to join JOE in a forum in Boston dealing with that very issue, and he has been a leader on that and so many other things.

I could go on, but I am sure there are others here tonight who will have much more to say, as did the gentlemen from Massachusetts (Mr. MCGOVERN) and (Mr. MOAKLEY).

We can take faith knowing that JOE will continue his work on behalf of low-income families because he is going to focus his efforts on the Citizen's Energy Corporation. I know that under JOE's guidance, many low-income and elderly individuals will not have to face another brutal New England winter without low-cost heating.

The Massachusetts delegation in the House of Representatives is losing one of its most valued colleagues, Mr. Speaker. One of its strongest advocates for low-income and elderly individuals, and for all things fair in this country.

When people talk about values, whether they are out in their districts or here in Congress, they need only look at the principles and the causes that JOE KENNEDY has stood up for time and time again. It makes us all proud, Mr. Speaker, to be from Massachusetts. It makes us proud to be a friend of JOE KENNEDY. It makes us proud to have him campaign with us and for us, on occasions, to speak on the floor for the things that we believe in.

Mr. Speaker, if I can address the gentleman from Massachusetts directly for a moment, against our usual decorum, JOE, I wish you the best in your future endeavors, you and Beth, and I speak for everyone in this Chamber when I say that you will be sadly missed.

Mr. Speaker, to paraphrase our Irish ancestors, "May the road rise to meet you, may the wind always be at your back. . .and until we meet again, may God hold you in the palm of his hand."

Mr. MOAKLEY. Mr. Speaker, at this time I yield to the gentleman from Massachusetts (Mr. MARKEY), the next Dean of the Massachusetts delegation, the outstanding Congressman from the 7th District, a master in telecommunications and other great subjects.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from South Boston, Massachusetts (Mr. MOAKLEY) very much for holding this special order tonight. I anticipate being the Dean of the Massachusetts delegation sometime very deep into the 21st century. The incredible work that the Massachusetts medical community has done on the gentleman from South Boston makes it highly unlikely that I will see the post of Dean of our delegation any time before I am a very old man.

But, Mr. Speaker, by that time I think we all expect JOE KENNEDY to be back. Not back here in the House of Representatives, but he will be back. He will be governor. He will be Senator. Maybe he will be more, but he is going to be back. This is just a little break.

He is going to be able to see his two boys, seniors in high school, co-captains of their football team, every Saturday. He will be able to see them in their winter and spring sports. He will be able to get them on to their college curricula in the next several years. But he is far from finished in this business. It is just a little break.

We all wish we could take the break that JOE KENNEDY is taking right now. If the rest of us took a break for 4 years, we would be in oblivion. JOE KENNEDY will probably be more popular 4 years from now, because of what he will be able to do in the private sector, in community activities over the next several years. And in addition, he will be able to, as well, make sure that his boys and Beth have at least this one brief shining moment of 4 years where he will be in one place for that period of time.

Even as we debate over these final 4 or 5 days in Congress over whether or not we are going to take care of schools in the poorest neighborhoods in America, something that JOE has been talking about the whole time that he has been here, there is another bill that is hanging around here which is a banking bill. A bill that is going to overhaul the entire banking and securities and insurance industries in our country.

Mr. Speaker, there is just one little sticking point which is that they do not want JOE KENNEDY's provision that ensures that these wealthiest of financial institutions reinvest in communities, the poor communities where the money has come from. It just really drives them crazy that JOE KENNEDY has so mastered the legislative process that he is almost single-handedly able to take on the most powerful financial interests in the world and frustrate them so that they cannot get what they want, and he understands that well and, in fact, supports it unless and until they always take care of the poorest in the poorest communities in the United States.

I think that is kind of a wonderful tribute to him right now. Oftentimes, people only receive credit in the political process by the legislation which they pass. But there is a bill which is dying right now, this financial services bill, because JOE KENNEDY does not think it does enough. We will pass a bill at some point, next year, the year after, the year after that. And when we do, for sure it will include the provision which JOE KENNEDY believes is indispensable to constructing a balanced and fair banking financial services system in this country and world. It is not just for the hedge fund investors who can pony up $5 million or $10 million a piece. It is also for the smallest and the poorest, the most ordinary people in our country. And he understands that, and he animates the debate here on the floor of Congress with those very specific values.

When we vote here on the floor, the Chamber is exactly as it was in 1858 when it was constructed, except a compromise that was cut with the Daughters of the American Revolution about 30 or 40 years ago which allows just for 15 minutes for all of our names to flash electronically up on the board. When the Members come in and they gather here on the floor, they scan the board to see where people are on any particular issue.

□ 2130

And a very large number of Members always check to see how JOE KENNEDY voted because they know that JOE KENNEDY is going to be voting for the poorest, for the most needy, for those who need help within our society. No joking, no kidding, that is what his vote stands for. Everybody knows that is what it stands for up there. No deals, no compromise, that is who he is.

And I think that is quite a legacy to leave, that after 12 years people know that that is what that vote stands for up there, even as he understands the complexities of the most sophisticated financial, manufacturing, industrial issues and industries in our country and in our globe.

So for me it has been an honor to serve with JOE over all of these years. He has been a very special presence here in the Congress, and I think that in the years to come the experience which he has gained here is going to further help not only the people of Massachusetts but this country and this world. We know not how that will manifest itself, except that it is inevitable that that day will arrive.

I thank you, JOE, and I wish the best for you and Beth and for your two boys, because you deserve it.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman very much.

The next gentleman I will introduce, when he first announced for office, a reporter grabbed me and said, another KENNEDY running for office. He said, what do you think about all those KENNEDYs in office. I said, there is not enough of them.

It is a great pleasure to introduce a Congressman who came in, son of a great father but, on his own, has made a name here in the Congress.

Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. PATRICK KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman very much, JOE MOAKLEY, my good friend, who is not only the dean of the Massachusetts delegation but the dean of the New England delegation.

I know when I think about what it is like to come here to the Congress and try to make it on to the right committees and always people say to me, you know, you have to go check with JOE MOAKLEY, but I was lucky, JOE, because I had some more advice than the average freshman when I came here to Congress. And you alluded to it when you talked about the fact that there was already a KENNEDY in Congress here and I was lucky to have JOE in Congress here when I came here, because when you were talking about JOE and the great expectations that he had to rise to when he was elected here to the Congress, and you really set it up very well, what he was up against when he first was elected, the notion that he was following in such a historic seat as the 8th congressional seat, that he was following the Speaker of the House, that he was following in my family's legacy of public service, it was a daunting task. But luckily for me, I had JOE to break the ice for me when I came to the Congress.

And JOE, when I got down here on the floor, he told me a few things to do and not to do, when I was looking out to start my career in the Congress. And JOE MOAKLEY, you were very kind to say that I am making it on my own here, but I can tell you that would have been a total accident if I had not had my cousin to be here in the Congress and to show me the way.

And JOE has certainly seen the way in this House. He basically said to me, I have seen how it is done in this place. Let me tell you, from the benefit of my experience, how to do it the right way. And he was selfless, as he is known to be by anyone who knows JOE and loves him.

I want to talk a little bit about what JOE is like as a person, because I think it is reflected in all the things that you mentioned, Mr. MOAKLEY, and my other colleagues in the House mentioned with respect to the issues that are dear to JOE's heart and the legacy that he leaves as a Member of this esteemed body.

As I was growing up, JOE was always someone who took me under his wing and always made sure that I was doing all right. I can tell you that might sound funny to people, but I never felt like I was in the groove, so to speak, because JOE came from a large family with lots of brothers and sisters, and my brother and sister were 6 and 7 years older than me.

I was not as close to them because of age as I was to many of my cousins who were his younger brothers and sisters. I can tell you I never felt out of step when I was with him because he always made me feel like I was just one more of his brothers and sisters. I can tell you whether it was sailing on race week or whether it was running up, after sailing in the Victura, to go catch some bluefish off of Cape Cod, JOE was always there to show me the way that he knew and he was always there to educate me and give me the benefit of his experience. That got him frustrated sometimes when I caught bigger bluefish than he did or when I managed to get a better place in the sailboat, but then he always knew that he was the one that had been my instructor, and he knew he had done well by giving me the best advice that anyone could give.

When I think about what it was like for, I think, all members of my family growing up with the last name KENNEDY and to think about what it was, what it is like to live up to my family's legacy of public service, I think it is probably easier for me to think about the history that is written by my family, its historic struggle for the disenfranchised, and I think more often than not that legacy was written by JOE's father, who brought to politics a personal touch that everybody that I meet in my travels around the country who talks to me about what my family means to them, they always mention my Uncle Bobby because whereas my Uncle Jack was a great President and someone who inspired a whole generation to public service, it was my uncle

ROBERT KENNEDY who really moved them in a personal way. And I can tell you for me it was history because I was not, I am among the youngest members of my family and JOE is amongst the oldest members of my generation. And he was with his father campaigning and he knew his father well.

I can tell you from watching the way he has orchestrated himself as a Member of this Congress, I can tell you without a doubt that everything I learn about my Uncle Bobby, I say about my cousin JOE.

He is there to fight on behalf of human rights, as has been mentioned, with the School of the Americas. He is there on behalf of those who need the help the most from government. And most of us in my family would say, hey, does not everybody do this? I mean, we were brought up thinking this was the thing to do. And JOE and my colleagues who are Democrats here, we have come to this Congress and, boy, I have only been here four years, but it has been long enough for me to realize that nothing that I have been brought up to believe in can be taken for granted. I thought that it has been done before and so what was left for us to do.

I can tell you what is left for us to do is to be stewards of the great legacy of the Democratic Party. In JOE's case, he was a steward of the great legacy of his father and of my whole family. He stood up on behalf of people who are being tortured in Central and South America when he worked to close the School of the Americas. He works on behalf of homeless veterans. The homeless situation in this country is a tragedy in itself, but to think that we have homeless people who are American veterans who have served this country in time of war and in time of peace, who come back and have no place to call home, they have no better friend than my cousin JOE.

JOE MOAKLEY, I happened to be in downtown Boston a couple weeks ago trying to take a break from the activity of politics down in Rhode Island. And I stumbled across a veterans shelter in downtown Boston. And I went in there and I said, I am JOE KENNEDY's cousin. And I can tell you, I got smiles from everyone all around, because everyone told me that they could not have had a better champion for homeless veterans than my cousin JOE.

It made me very proud to just say, I am Congressman KENNEDY and I am from Rhode Island, and I hope I can do somewhat as much as my cousin JOE has done for all of you in trying to provide assistance for the neediest of people in our society, our homeless veterans.

I was taken on a tour up and down the 7 flights of stairs where each floor was dedicated to housing workshops, vocational education and training workshops, you name it, it was all one-stop shopping for veterans, homeless veterans in our community. And it was there because of the tireless work of my cousin JOE and Congressman Moakley, and to think about what great pride it gave me made me realize why I am in this Congress.

I hope that some day I can be in the majority, as JOE had been in for a number of years, so that I can do some of the things that he was able to do when he was in the majority. But I know that whether we are in the minority or whether we are in the majority, either case, that what is important is that there is someone up there to fight for the interests of people who do not have representation in this body.

I can tell you, I wish this place had more Members of the caliber of my cousin JOE, because if it did, we would truly see what the true definition of government is supposed to be, and that is to protect the people who are least protected in our society. That is what I believe government is here for. That is the legacy of my cousin JOE. And if you wander the halls of this Congress and the last Congress, you would not know that because you would think that this place only existed for the people who could pay to have access to this place.

But that is not my cousin JOE. He went here to the Congress to make sure that there was access for people who do not have a voice, and I could not be more proud to try to carry on his legacy of public service. And I know as my colleague, Congressman MARKEY said, that my cousin JOE is just taking a respite now from public service. I know that he will be back, because he is somebody who is not committed to hold any particular office. He is committed to carrying on the legacy of his father. What an awesome legacy that is.

But he did everything he could do in his power to stay true to his father's legacy. Nothing could be said better than that for JOE KENNEDY, because he really is the kind of person who has the big heart and fights on behalf of people who need to have a fighter. And when you think of JOE, you think of a fighter. And if you think about the issues he fights for, you have got a road map for good humanistic causes, making sure people have their homes heated, making sure they have homes to stay in, making sure they are not terrorized by people who are educated by the School of Americas, making sure they have access to credit so they can provide for their families and their communities. I mean, you cannot help but appreciate that JOE has kept to the basics.

Most Members in this place try to find a niche that is more, that is sexy and is technical in nature and tries to give them a leg up with the powers that be in this town. JOE never lost sight of the true powers that he was here to represent and that is people who do not have any power in this society. He can be confident that when he leaves here, he leaves a legacy of someone who actually tried to change this country for the good and not just try to go along to get along, because that is not the cousin JOE KENNEDY that I know.

I know that will not be his legacy, because he is going to carry on and keep fighting for the people who need to be fought for.

Good luck, JOE. And I will look forward to continuing to get your good advice and counsel over the next few years because I am sure I am going to need it.

I thank my colleague from South Boston for yielding to me.

Mr. MOAKLEY. Mr. Speaker, the next person I will introduce is not a Massachusetts person but we accept him as one, a dear friend, a fellow I served with for many years on the Committee on Rules, an outstanding Member.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. GORDON).

Mr. GORDON. Thank you, JOE MOAKLEY. I thank you for all your leadership and friendship when we served together on the Committee on Rules. No matter how acrimonious things would get there, you were always able to tell a quick joke and help us to move forward. You certainly serve a great function there.

For those of us that know JOE, that know that probably the last place he wants to be tonight is right here, hearing Members say good things about him, I want to try to be very brief, because this is really sort of a bittersweet time for me. I know now that inevitably I am not going to see as much of my buddy, that we are going to be friends and we are going to stay in touch, but we are not going to see each other on a daily basis.

That is a hard thing to come to grips with, when you have spent so much time with someone over the years. But I am so happy for his new future.

I am also very sad that this House is going to lose his strong, passionate, energetic voice for the less fortunate, for the working men and women of this country. As so many folks have said here, JOE just does not say it, he feels it. And when you look up on the board and you see his vote, there is no compromises there. That is what he thinks needs to be done.

I do not think that I have seen anybody in the last 12 years that has worked harder at trying to make everyday working people's lives better, at trying to make sure that those folks that are less fortunate have a chance to get ahead.

□ 2145

One thing I have noticed, as JOE and I have been together and traveled around, is it is amazing just how recognizable he is. Whether he is on the steps here in Washington or he is at an airport in Zaire, people know JOE KENNEDY. They come up all the time. And no matter how tired he might be, no matter how behind, and it seems like we are always behind, trying to catch the next plane or whatever it might be, he always stops. He talks to them. He wants to hear what is on their mind. Never complains about it. I think they help him to see how real people are and really what he is trying to do. It makes me proud when I see him that way.

So not to try to embarrass him any more tonight, but to say that I am glad that he is going to have more time with the boys. He has twin boys, Joe and Matt. They used to be little boys. Now they are big boys. And I guess probably the thing that JOE anguishes more over than anything is that every now and then he misses one of their ball games. It is a major deal when we are called in session and he cannot get there to see them, because they really are a team.

I am glad he and Beth are going to have even more time together. Beth is a soothing part of his life. And as PATRICK has pointed out, JOE is, to a great extent, is a patriarch of an extended family, for all the cousins, and he tries to be there. And I am glad he is going to have more time to be there for not only his generation but also that next one below. I think that folks do look at JOE to be the guy that will be there when they need him.

So, JOE, as you leave this Chamber and you leave this House, you do so truly, truly, truly knowing that you have left this Congress, this country, a better place. And I am happy to know that you are now going to take another adventure and that the enthusiasm that you brought to this Congress you are now going to take to the private sector now.

I do not know that it has been said yet, but JOE started a little company in his basement a few years ago and now it is a billion dollar, or multibillion dollar company, and its only purpose is to help others, to get them cheaper prescription drugs, to make their energy costs a little bit less expensive. So now JOE will be able to take that energy and help those same folks he has wanted to in a legislative way in an entrepreneurial way.

I am proud of you. Everybody that has worked with you is proud of you. And you, again, can leave this place knowing that it is better for your having been here. Thank you, JOE.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Tennessee, and the next gentleman to speak for JOE is a dear friend of his, the gentleman from Texas (Mr. JIM TURNER).

Mr. TURNER. Mr. Speaker, as a Texan, it is an honor for me to come pay tribute to my friend, JOE KENNEDY.

I must tell you, JOE, that when I first came to this House 2 years ago, just the thought of meeting you, and knowing the rich heritage that your family has and the contributions that your family has made over the years to our country, caught me somewhat in awe to meet you the first time.

I never will forget when we were in freshman orientation up at the Kennedy School at Harvard University and you invited the freshmen to come out for a dinner with you and Beth at the Kennedy Library. We had a chance to visit and to know the warmth and the charm that you and Beth both exude. It made me realize the character and the depth that you have as a person.

I will tell you that I have always been impressed as a freshman Member of this body that I have never walked past you without you saying, hello, hello, JIM. Someone who has been around here much longer than I have, who oftentimes, as a new Member with 434 other Members here in this body, oftentimes it takes a while to get acquainted with everyone. But I never will forget the warmth and friendship you have exhibited to me personally and to the other Members of the freshman class.

The Kennedy name means much in Texas. Over the years, as I grew up, and on the occasions when Kennedys would visit, it was always a warm experience because I know that many in Texas understood the depth of commitment that the Kennedy family has always had to those who maybe did not have quite as much as everyone else; those who needed a helping hand; those who needed the government to be there as their safety net. And in this body, JOE, you have stood for those values. Even though you come from a family of great recognition, you have always worked hard to be sure that those who needed the helping hand of government, needed the safety net of government, would have that assistance.

When we talk in this body among freshmen Members and we reflect upon those who have passed our way, I am sure that you and Beth will always have a very special place in all of our hearts. They always say that there is a special connection between Boston and Austin, between Massachusetts and Texas. We hope we can continue to keep that alive, and we appreciate, JOE, your service and your dedication to the people that you have exhibited these many years. It has been an honor for me to get a chance to know you, and I appreciate your friendship.

Mr. MOAKLEY. I thank the gentleman from Texas.

And now, Mr. Speaker, it gives me great pleasure to introduce the Congressman representing the first district in Massachusetts (Mr. JOHN OLVER), a member of the Committee on Appropriations.

Mr. OLVER. Mr. Speaker, first, I want to thank the gentleman from Massachusetts (Mr. MOAKLEY), the dean of my Massachusetts delegation, for putting together this opportunity to say something in a public way to honor JOE KENNEDY and the service he has provided here in the Congress of the United States; and also to say that I am very happy to join all the others from the Massachusetts delegation and the gentleman from Rhode Island (Mr. PATRICK KENNEDY), the younger Kennedy, who will soon be the elder Kennedy in the House of Representatives, although I am sure we will probably have some others from this far-flung family that has such a great legacy, as those who have already spoken have mentioned.

I, probably more than any other Member of the Massachusetts delegation, owe my presence, my opportunity to serve in the House of Representatives, to the assistance, JOE, that you gave, you and Beth together, gave me when I first ran for this seat in 1991.

JOE KENNEDY and his wife, Beth, campaigned with me in several of the cities, several places in the district that I presently serve, as it was constituted at that time. And I was always very grateful for that assistance, although I must say that, usually, in the events that JOE attended on my behalf, people would stampede by me wondering who the devil that was in the way when they wanted really to get to where he was and to be able to show their love for his father as well as his two uncles and to have a word from the various experiences that they had had over a period of time with them earlier.

My campaign staff always said that what I really ought to do on those events was to make certain that I kept right at JOE's elbow. And, of course, if I got right at his elbow, then I could immediately see the cameras trying to figure out how could they get this bald, toothless person out of the picture that they were taking.

And, of course, secondly, they would say, well, get yourself in between Beth and JOE. So we tried that. But that did not seem very comfortable, because I always preferred to go off in a corner and watch how JOE KENNEDY would work a crowd, a crowd of elders or a crowd of young people, whoever it happened to be, and it really it was really a revelation to me of how one should go about campaigning. There I was in my own district, but to have JOE come in and be able to show how campaigning really ought to be done in the true Massachusetts and true Kennedy tradition, that was certainly something that was important for me to know.

Various people have said things here about what JOE fought for and what JOE KENNEDY voted for and always able to know that he was fighting for and voting for those things that would help the poorest and the neediest in our society. And, yes, we all have memories of his leadership on matters like the homeless veterans and the School of the Americas.

I suppose I remember most closely those several fights over logging rights in the national forests year after year. Sometimes, he would win. Win once, come very close, or win a vote and find a few days later that that vote was snatched away in one way or another among the various nefarious ways that those things can happen in the Congress.

And, yet, JOE would come back again each year, every year, to try to put an end to that process of spending millions of dollars on building roads into our national forests to the benefit of a very small number of the largest logging companies, who were then the further beneficiaries not only of the roads that we would build but also of the low-cost timber sales along the way, that kind of fight against the large corporations.

And his leadership in the Committee on Banking and Financial Services as the ranking member of the Subcommittee on Housing and Community Opportunity, continually fighting against redlining, that discriminatory practice that has been so detrimental to so many of our older communities, communities of great need.

And so I certainly would associate myself with the comments that have been made by several people, perhaps by the gentleman from Rhode Island (Mr. PATRICK KENNEDY). I do not know how he escaped to Rhode Island, but he seems to be quite well entrenched there. And also my dean for somewhere into the 21st century, the gentleman from Massachusetts (Mr. MARKEY), his comments along the same lines.

I would say that, indeed, JOE will be back at some point along the way in one of those roles that has been suggested, and he will still be fighting for those things he has fought for here openly, and as a happy warrior, without any quarter given or expected in those fights along the way.

JOE, I want to wish you and Beth the very best in that interim period. It has been great to have your friendship and your assistance over this period of time, and I am very happy to be able to call you a friend.

Mr. Speaker, I thank all the Members who have spoken here tonight. There are many, many other Members that would like to be here but have other commitments.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the tribute to our colleague, the gentleman from Massachusetts (Mr. JOE KENNEDY).

The SPEAKER pro tempore (Mr. PITTS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DIFFERENCES BETWEEN REPUBLICAN AND DEMOCRAT PROPOSALS ON APPROPRIATIONS BILLS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to be here tonight, as Congress winds up its responsibilities and completing its 13 appropriations measures, most of which have been agreed upon. And I think it is very important that tonight I address why Congress is still here and what some of the differences are that remain.

Most of the eight or nine easy appropriations bills have been agreed upon, and we are now down to the last few measures which Members of the House and the other body and the administration must agree to.

☐ 2200

Tonight I want to discuss some of the major differences between what separates the Democrats and the Republicans at this juncture. The major difference really on most of the issues boils down to just a couple of items. One is keeping control in Washington, and then also the other part is whether we spend significant amounts of taxpayer dollars on bureaucracy, on waste, on administration and control in Washington, and not really addressing the real problems that our country is facing.

Tonight I would like to focus on the differences, what I consider real differences, between Republican proposals and the Democrat proposals. I think that one of the problems that we have is some of the proposals that our colleagues from the other side of the aisle, particularly those with a liberal bent, are proposing at this stage are ideas and concept whose time have really passed. I think they have old ideas. They have been used to spending more and getting less.

I think we have a different approach. We want to look at new ideas and how, with taxpayer dollars, we can get a better return, spending either the same amount of money or increasing it within the terms of the budget agreement for a balanced budget that we agreed upon.

Tonight I would like to talk a little bit about education, which we have heard bandied about the House Floor the last few days. I would like to talk about the subject of drug abuse and that problem facing our Nation.

If I get the opportunity, I would like to talk a bit about health care reform, which I think health care is a very important issue and particularly a reform that is necessary.

Let me review for a few minutes, if I may, what has taken place while the other side of the aisle controlled this body for the last 40 years. In 40 years, I believe, the other side was very well intentioned and well meaning, but unfortunately run and directed by liberals, again with old ideas, who during that tenure built a very costly and unresponsive bureaucracy, particularly in the area of education, which I would like to address first and then I will talk about several others.

I believe, never in the history of mankind, has there been created a bureaucracy in education that the liberals have come up with for this Nation. In 40 years, they have taken American public education from the greatest system to one of the weakest education systems in the world. In the process, they have taken teaching from a profession and turned it into a weakened, common labor and also into an endurance contest for those teachers who are dedicated and willing to remain in the classroom.

In 40 years, they have also managed to take any reverence or acknowledgment of a supreme being out of the classroom.

In 40 years, again, these well intentioned but, I think, misguided Congressmen and women and liberal jurists have taken discipline out of our classrooms and replaced teaching with teacher endurance and teacher abuse.

In 40 years, they bogged down State and local authorities in an incredible morass of red tape, paperwork and endless regulations.

Let me say also at this point that I consider myself a very strong advocate of public education. My studies and my degree at the University of Florida were from the School of Education. I am pleased to be married for the past 27 years to an individual who spent many, many years as an elementary school teacher, and very devoted to public teaching and taught in public schools.

I believe that we have no more important responsibility in our society than to provide for good, sound and useful educational opportunity for every American.

Somehow we have really strayed away from the right path in public education, and we have destroyed that great system of public education that I received and so many Americans had access to. All one has to do is ask any parent, ask any teacher, any principal, or anyone who takes time to really observe education today, and they will hear the same response.

Let us take just a brief look at what, again, this liberal and misguided Federal education policy has produced, and I might add it has produced some of the problems we have at tremendous expense to the taxpayer who is paying the bill for what they have created.

In 40 years, Democrats have created 788 Federal education programs. We have so many programs, it is almost impossible for Congress to oversee or even count or keep track of all of the programs.

All of these programs have one thing in common. They keep control in Washington.

They actually have another thing in common that really costs the taxpayers a great deal and does not contribute much to education, and that is they, in fact, have created huge bureaucracies.

Mr. Speaker, the bureaucracies start right here in Washington with the Federal Department of Education. The Federal Department of Education has a total of 4,900 full-time employees in the department. There are 3,600 Federal Department of Education employees in buildings here in Washington, D.C.; 3,600.

Just imagine if we reduced that number, if we reduced the number of programs, and that is what we have recommended, we have recommended consolidating some of the Federal education programs, the duplicate programs. We have recommended that the money should not go to bureaucrats in the Department of Education. We can have a Department of Education, but do we need 4,900 in the Department of Education?

Some might say this number is a little bit lower than it has been in the past. What the Department of Education has very cleverly done at the Federal level is if they have reduced the full-time number of employees but have an army of nearly 10,000 consultants on contract with the Department of Education. So we are paying somewhere in the neighborhood of 15,000 Federal bureaucrats and administrators. Of course, each one of these 788 programs need a small host of administrators.

I will never forget in an oversight hearing, when we had from Detroit a teacher who came and talked about Federal education programs and the constraints, the bureaucracy, the rules and regulations that had been created. This teacher was asked the question, what is it like trying to deal with these different programs and trying to make your program work?

I will never forget what that educator said: Well, it is a little bit like giving birth to a porcupine. That is how complicated this morass of Federal regulations is.

Now, these people in Washington must have something to do, and they have created this incredible maze of Federal education bureaucracy. So in order for any of our local officials or our state officials, our local school boards, to get an answer on any education program and the morass and reams and pages and pages of Federal regulations which they now justify their positions by producing, they must go to this maze in Washington, D.C.

This maze, one might wonder where the rest of these folks are, these 4,900. There are 3,600, as I said, in Washington, D.C. The rest are in regional offices. There is not one in classrooms. I venture that if one looks at the salaries, and I chair the Subcommittee on Civil Service, one would see most of these individuals are earning between $50,000 and $100,000. Imagine the results if that money was sent to each of our hundreds of school districts across the Nation.

Again, I think there is a place for a Federal Department of Education, but do we need the mass of bureaucracy that we have created? Again, their number one responsibility is administering these 788 programs and producing the rules, the paperwork and all of the other requirements that are cast on our local school boards and our principals and finally on our classrooms. So that is a part of what we are facing as a Nation and as a Congress.

The easy part was done a little over a year ago, when we came up with a balanced budget plan. We know that we have to limit the amount of increases. We are increasing, and Republicans have increased education funds almost in every single area, more money in scholarships, more money in almost every single education program.

It may not be as much as the President would want or as some of the liberals would want, but we are doing it in the context of a balanced budget to limit the increases, not taking in and then spending more than we have taken in.

Let me say something else about what has happened under this well meaning but somewhat gone askew policy that has been established by the other side. School funding has more than quadrupled in the past 40 years, but teacher salaries have only increased 43 percent. That is a four-fold increase in the money that we put into schools, but less than a 50 percent increase for teacher salaries.

Where has the money gone? This article was in Investor Business Daily, who did a study in February of this year. The money has gone to the administrative bureaucracies. Consequently, teachers now barely account for half of the personnel in public schools.

Listen to that. Where has the money gone for education? It has not gone to the classroom, and it certainly has not gone to the teachers. Let me repeat this again: The money has gone to administrative bureaucracies. Consequently, teachers now barely account for half of the personnel in our public schools. So we are not spending money in the classroom.

One of the great debates that we have had here in Congress was a Republican proposal that said that money, Federal money, which only accounts for about 6 percent of all of the money in education, that our Federal money, 95 percent of it should go to the classroom and to the teacher and to the student and to basic education programs, and now that does not happen. That is why we have teachers leaving the profession. That is why teachers are not adequately compensated, because of the huge bureaucracy that we have built and that we require with this massive administration.

That is what part of this debate is about, and I am going to talk about some specific programs in just a few minutes.

The President wants 100,000 teachers. Mr. Speaker, I would propose that we turn that around and we do away with 100,000 administrators. We could start in Washington, D.C., with the army of 15,000. We take over 10,000 on contract and another 4,900, then the mass of bureaucracy and administrators that must support us to the point where over half of school funding now goes for nonteaching activities.

So if we want to do something beneficial, why not do away with 100,000 bureaucrats.

□ 2215

What is interesting, too, if one studies this, one will find how much these administrators make and this bureaucracy makes as opposed to the teacher in the classroom. The teacher, whose ultimate responsibility it is to produce the students, and we have another problem with the quality of teachers in our classroom, not to mention the compensation, and I will talk about that in a minute.

I come from the State of Florida, and I served in Tallahassee. The only building that I think is bigger in Tallahassee, Florida, than the capital, and Tallahassee is our State capital, the only building that is bigger I believe than the State capital building or as tall as the State capital building is the Department of Education. So we have required the building of a bureaucracy in Washington, in regional offices, and a good number of these folks that are not in Washington in the Department of Education are in regional offices and then in State capitals throughout the Nation.

So this is a part of the problem, and this is part of the battle. The easy part was when we balanced the budget, and we were called all kinds of names, and it was going to be the end of civilization as we knew it. But all we said is we are not going to take in and then spend more than we take in. It was a simple plan, and it worked, and it did balance the budget in record time. Now the tough part is improving these programs and getting quality, putting in dollars and getting a better return.

Now I ask any member of this body to sit down and talk with teachers, principals and school officials and see what some of the basic problems are with education today. And those individuals will all tell us the same thing. First, they will tell us that there is a need for fewer regulations and paperwork. I met with our school superintendent, one of them, last week, and they will tell us that the regulations, the edicts, the mandates from Washington, D.C., that go to the State capitals and on to our local school board are financially bankrupting our local school system.

And the money is not going into the classroom, but this mass of regulations is paperwork, is requiring that everyone do something other than educate our children and on a quality basis. So everyone will tell us the same thing. That is part of what this battle, why we are here a couple days late, but that is part of what we are talking about, is how those taxpayer dollars are spent and how effective these programs are for our children.

Mr. Speaker, ask any teacher, again, ask any principal or school official, and they will tell us that another problem is rewarding good teachers, that we adequately compensate, we reward, we hold them in respect, and that we also have a way of eliminating poor performers. We must do that.

I chair the Subcommittee on Civil Service. In our Federal workforce we have many people who go to work every day and they do a great job, but there are a few folks, just like in Congress, except in Congress people get to vote them and they vote out the poor performers, unless they subvert the process, but eventually they are kicked out. The same thing we need to do in the classroom. We need to reward good teachers so that the money that we are spending here in Washington that less than 6 percent finds its way to the teacher and to the classroom, and we reward good teachers, and they have a mechanism to deal with poor performers.

But we have built up such a shield in all of these regulations that it is almost impossible now and also with turning a profession into a labor position to deal with the poor performers, and we have the same problem in our Federal workforce.

It is unfortunate, and we heard these statistics on the floor, that in some States teachers who have been tested cannot pass basic tests, and this must be addressed, the question of quality teachers in the classroom. So these are some of the items that need to be addressed.

This third item I want to address, and, again, this is one of the problems I hear recurring everywhere I go. Every teacher mentions it, every principal mentions it, everyone who deals with education today. The problem of discipline in our classrooms. Here, again, these regulators have passed an incredible maze of regulations. That is their job. They have passed all of these regulations, and we have liberal Members of Congress who side with liberal jurors, and there is no longer discipline, there is no longer respect, there is no longer order. How can a teacher teach without discipline in the classroom?

One of my district staff member's teacher is a teacher in central Florida. She has been attacked twice, and I am not talking about a school that is in Detroit or an urban setting or New York or Los Angeles. I am talking about a suburban setting. She was physically attacked, twice.

I brought into central Florida, because of my interest in trying to curtail the problem of drug abuse and the heroin deaths and cocaine deaths we have had with our young people in central Florida, I brought an oversight subcommittee in for a hearing in Lake Mary, Florida, a beautiful area, one of the loveliest places in central Florida to reside. And we had, in the drug hearing that I conducted, we had school security officers, we had school principals, we had law enforcement, local officials, teachers, parents and students all testify and talk about the problems of the classroom.

I was stunned and the members of our panel were stunned that the principal told us that they have lost control of discipline, that the school security officer told us that they can do nothing about students who violate the law in their classroom, because, again, of these liberal regulations, rules and judicial decisions. They are really captive to a classroom that has no discipline. And when that happens, a teacher cannot teach.

So this is another problem, again, well-intended, but it is something we are trying to address as a new approach, and it may be tough love like balancing the budget, but until we get control of our classrooms and return discipline to the classroom, allow a teacher to teach, we will continue to have these problems.

Again, I point to my suggestion, rather than 100,000 bureaucrats starting in Washington, Atlanta, Tallahassee and the others that are required, even requiring our school board to have the massive administrators to carry out the mandates from Washington, that we reverse that and that we concentrate on paying our teachers that are in the classroom, giving them the resources for the classrooms, making that 95 percent of Federal money, only 6 percent of all the money going into education effective.

What is interesting is we at the Federal Government in this Congress only supply 6 percent of education money but we provide 90 percent of the rules and regulations and mandates. That is why we have had this loud cry across the land for charter schools. Enough is enough. Let us run our schools.

The problem again we have is people in Washington think they know it all. That folks at the local level are too dumb, too ignorant, incapable. They cannot run their own schools. They cannot educate. The decisions have to be made here. The power must stay here. And that is basically what this whole battle is about, is who controls the purse strings and the power. That is why we are here late into the evening, that is why the appropriators are still meeting, because it is a question of power and control and changing all of that from up here in Washington to the local school boards.

Finally, I think it is important that we look at the results that 40 years have brought us. Again, I am a strong advocate of public education. I attended public schools, my children attended public schools, and we have to look at the incredible amount of money we are putting into the system, and then what the results are that we are getting.

Here are some of the results after 40 years:

Reading test scores. Reading is fundamental, absolutely basic. Mr. Speaker, 60 percent of 12th graders cannot read at a proficient level. That is absolutely astounding.

Mathematics test scores. The average score for eighth grade United States students on the math portion of the third international math and science study was 500, 13 points below the international average of 513. At least 20 countries scored higher than the United States.

Science test scores. How important for the future. The average score for eighth grade U.S. students on the science portion of the third international mathematics and science study was 534. Some countries, such as Singapore, Japan, and Korea achieved scores of over 600.

History test scores. Only 17 percent of fourth graders, 14 percent of eighth graders, and 11 percent of twelfth graders, that is graduation level, are proficient in history.

Scholastic Assessment Test scores, commonly known as SATs. In the 1994–1995 school year, 41 percent of the graduates took the SAT test. Of those, the average combined score was 910. This has dropped from 937, the average score in 1972.

Let me tell my colleagues another appalling statistic in my State, in my locale. Across the Nation, those entering our community colleges, of those entering freshman, over 50 percent require remedial education. One of my community colleges, the president of the community college told me it is 70 percent of his entering freshmen. And this failure of education costs us money.

Here is an article recently from central Florida, Orlando, Too Many Students, the headline is, Not Learning Basics. The State is spending $52 million on remedial education, just to bring community college students up to speed.

Now, it would be easy to come and just criticize what has been done in the past, but I think it is important that we look at what our side, the Republican majority, has proposed in the field of education. First of all, again, this mass of hundreds and hundreds of highly bureaucratic, expensive-to-administrate 788 programs. Our Dollars to the Classroom Act consolidates 31 Federal education programs into a single flexible grant program for States and communities. The legislation will provide $2.74 billion funding for local schools. Instead of, again, increasing money for bureaucrats in Washington, our Republican majority's plan eliminates a tangled web of red tape, which ensures that tax dollars will really reach our individual students, our classrooms and our teachers.

□ 2230

While the Republican majority tries to always speak out for parents, students, and teachers, the other side remains mired in the politics and the policies and the approach of the past. They end up defending groups and organizations who are intent on keeping the status quo in education.

The most important thing we can do, I believe, is again, getting funds to the classroom. We have a very specific proposal to do that, as I said, through this proposed consolidation. We also have another proposal for increased parental control. Funds from this legislation can be used for a wide variety of activities, including new technology, instructional materials, education reform, and professional development. Individual school districts will be able to work with parents to select what activities are best suited to their communities and to their needs.

This is a unique approach. Rather than Washington telling them what they must do, they will be partners in deciding what is done. In fact, if local communities are happy with their current programs, this legislation does not require that they make any changes at all. So these are some of the proposals that we have made, again, trying to improve the quality and get dollars to the classroom.

Mr. Speaker, let me go over a couple of the other proposals that we have made. I want to repeat them, although Members have heard the gentleman from Pennsylvania (Mr. GOODLING), who has done an incredible job leading the committee of jurisdiction, and other Members talk about them. But let me reiterate some of the things that the Republican Congress is doing to improve educational opportunities for all Americans.

First, we have improved our public schools by sending more money to the classroom for teachers, for computers, for safer buildings, and for teacher testing. Again, we have sent the money there.

We had a great proposal in the tax bill which the President threatened to veto which was also to allow for local school bonds to be issued and some tax credits for additional school construction. As we know, there are needs for additional classrooms, but we want to work as a partner and allow the schools to take advantage of Federal assistance, rather than dictate what is done in each of these school jurisdictions.

We made college more available and affordable to all students through tuition tax credits. We have created also through our policies the lowest student loan interest rate in 17 years. We have lived up to our commitment to special education by taking money away from Washington bureaucrats and sending it to our children's classrooms across the Nation to improve the quality of their instruction and their learning opportunity for all children.

We tried to give opportunities and choice, and make them available to students who were stuck in school systems that just do not work, or do not fit into this maze of regulations and this square box that the bureaucrats in Washington have created.

I think that we have done an excellent job in framing the issues here in Washington. What we have not done, I think, is gotten our word out to the American people about what we intend to do in these different programs. That is sometimes because of the shrill rhetoric of the other side.

I want to also talk tonight in the field of education about one of the areas I have tried to improve in the committee. Again, under the gentleman from Pennsylvania (Mr. GOODLING), the Committee on Education and the Workforce has done an incredible job in improving education, and part of that, again, is the battle that is being waged here about what gets put in the final product.

I want to talk about Head Start. I consider myself one of the strongest advocates of Head Start, and any program, education program, that will take the neediest children in our society and give them an opportunity to have an advantage, particularly those who are needy, those who are disadvantaged, and to give them every opportunity to succeed in our educational system.

Long before they created Head Start, I was involved in a Head Start program in a local community where I went to college. And again, I was in the School of Education at the University of Florida. If we look at disadvantaged students, if we look at students that are needy, that do not have educational opportunities, we must realize as a society that we are creating our future problems in society if we do not address their needs. We must correct them at the earliest possible age and stage, because that is when they learn the basics and fundamentals: reading, writing, mathematics, all of these foundation skills that are so important.

So I became involved early on. I support Head Start. The concept is great. But unfortunately, what has happened is what has happened with the bureaucracy I described here, and this chart could be used to describe the bureaucracy we have created in Head Start. The same thing has happened.

I have testified before the Committee on Education and the Workforce in this Congress and in former Congresses to try to explain the need to assist communities such as my community, and one of the Head Start programs in my community, with the need for flexibility; the need to address, again, areas of our country which have needs but do not fit into that Washington bureaucratic mold.

Let me say that the Republican majority has funded Head Start at its highest levels, and our FY 1999 appropriations bill will have more than $150 million. I am sure when the final figures are in it will have an increase, and that is important. It is not just how much money we throw into these programs or put into these programs, it is what happens with the programs, what results do we get from the programs.

I had a parent come to me several years ago who alerted me about one Head Start program in central Florida. I might say that there are many Head Start programs that work very well. We may or may not need to make changes in some of these programs.

I have advocated a change as far as the quality of opportunity, the quality of the Head Start program. I am very pleased that the Republican majority, with some help from others on the other side of the aisle, we will incorporate some of my recommendations into improving Head Start. Let me give the Members a great example of how this program does not work the way it was intended everywhere.

Again, I had a mother come to me and alerted me about a program. She was a single parent, a very smart lady, and wise to put her children, her two children, into this program. Her husband had departed and left her with the children. She wanted to give them every opportunity. She put them into a Head Start program, and then she was on the local advisory council. She started looking at what was going on with this Head Start program.

Two of my counties, actually, one in my district and one in another congressional district, have so few students that they cannot make a total program that meets all the requirements of the Federal Head Start. Again, there are these regulations and mandates. So they came together, even though they are miles and miles apart, and it does not make much sense, but that is the way we have to do it in order to participate.

This parent asked me to look into what was going on in the Head Start program. I got a copy of the budget. I visited all the Head Start programs in my district. I visited the private school programs. I got a copy of their budget. I have a copy of their budget.

The budget for this Head Start program requires over 20 administrative or bureaucratic positions, and some may be necessary. There are various education coordinators, family services coordinators, nutrition coordinators. Someone has to decide whether you have a lot of peanut butter or too much jelly, but they require all of these folks, and they may all be necessary positions, some of them, but we have 20-some administrators. We have 18 teachers, so-called teachers in the program.

The teachers in the Head Start program make from $12,000 to $18,000. Here is the list of their salaries. I should say it starts at $11,618. The administrators make from, well, the lowest one I can find here is $17,000 up to $50,000. I have in this program less than 500 students, and I have over 20 administrators earning from $17,000 to $50,000 to administer this program. The cost per pupil in this program is nearly $6,800. The very best private preschool program in my district I could send a child to, and it has longer hours than the program that currently exists, which would benefit the single working mother, because sometimes they cannot get their child out of school in the middle of the day when the Head Start program ends.

How does it make sense to have that many administrators? I begged and pleaded with the committee and with the bureaucrats to change this. Unfortunately, they would not change this. They granted us very little flexibility. But this is exactly what this argument is about. It is how many bureaucrats, how many folks we can mandate from Washington, and they do not want to give any flexibility. We built this into a great little bureaucracy; not a little bureaucracy, unfortunately, but a big bureaucracy. Who gets the disadvantage from this? It is those children that need it the most. We are spending the money on overhead, not on classrooms.

Let us look at the teachers who earn, so-called teachers, from $12,000 to $18,000. I won part of this battle, but they fought us tooth and nail. We are demanding quality in these Head Start programs so that that disadvantaged child has the best opportunity.

I will tell the Members, this is not all of the Head Start programs, and we must sort through them to make certain that we have quality. But when I went into some of those programs, I saw that the students there did not have the best opportunity. They did not have opportunities to the best exposure.

So if we take them out of a tough setting, a setting where they are not exposed to the culture, to the education, to other opportunities, language skills, and we put them back into that in some type of a minority hiring program, what have we done to these students? We have done them a great disadvantage.

So this has been one of the great, fundamental debates that is going on here. It is not just about dollars or number of dollars into these programs, it is about the quality of the programs, how the taxpayer dollar is spent, to give the flexibility. There are small districts and there are small areas in rural areas with disadvantaged students who have no opportunity to participate because they cannot afford the administrative overhead that this requires. They would not grant us the flexibility to do that.

We did get some concessions. Let me describe some of them in the legislation that will pass, I hope. We have provisions, and our side insisted on language and literacy growth assistance for children. We proposed new education performance standards and measures. We are asking for legislation that ensures that children, and listen to this, that they develop print and numeracy awareness, that they understand and use oral language to communicate for different purposes, they understand and use increasingly complex and varied vocabulary, they develop and demonstrate an appreciation for books, and in the case of non English speaking children, progress towards acquisition of the English language.

I think back to my grandparents, all of whom were immigrants. If their children had gone to public schools and they had not been given the opportunities we are talking about here and the exposure, if we had put them into another immigrant or minority setting, if we had not exposed them to the language skills, if we had not given them the opportunity to learn English, where would my parents and others in my family have gone?

□ 2245

So, we have lost track of where we wanted to go with this program. We, as Republicans, want to bring accountability. We want to bring quality to Head Start. We support Head Start. We will fund Head Start. But the battle is about how the dollars are expended and what are the results with taxpayer dollars. Because there are many Americans who work very hard to send their money to Washington. They want that money spent on programs that assist those most in need.

We are a very compassionate society and we have a responsibility because, again, those children, if they do not develop these skills, they will be our discipline problems, they will be our learning problems, they will be our dropout problems, they will be our crime problems, and we will pay for them at the other end.

So, it is important that we fund viable Head Start programs. That we have flexibility, but we also have accountability. That we reach out. We are now serving in Head Start 830,000 students. With just a little bit of flexibility in my community, if they had granted me that flexibility, I could have sent half the kids to the best preschool programs and sent the other half to any program of their choice, if they had granted us a little bit of flexibility.

So, instead of serving 500, we could have served a thousand. But, again, this need to control things here in Washington, to maintain the bureaucracy, the control, and set all these regulations in one box, whether they serve Central Florida or a rural area in Texas or Michigan or whenever, they did not want to do that.

So, that is what this fight is about tonight. The battle is not because Republicans do not care about education. In fact, the battle is because Republicans care about education and they care that in fact we are not getting a return for our tax dollars.

I would like to also take an opportunity to talk tonight about another issue which I think is very important. We have heard the other side talk about children and how they are concerned about children and care about children. I think it is an area that we need to talk about as Republicans, as majority members.

I came to this Congress, Mr. Speaker, in 1992 when Bill Clinton was elected President. When Bill Clinton was elected President, he began a dismantling of our drug enforcement programs. I spoke more than any other Member on the floor of the House and in committee about what was going on.

Bill Clinton dismantled interdiction. He dismantled use of the military. He dismantled the Andean strategy to stop the drugs at their source. He hired Joycelyn Elders, the infamous Surgeon General, our chief health officer, who said "Just say maybe" to our children. He took the Coast Guard and the military out of our fight in the war on drugs. Just one disaster after another, and we are paying for it today.

We have the highest incidence of drug use and abuse, particularly among our children, that this Nation has ever seen. From 1992 to present, the statistics for heroin, cocaine, methamphetamines, hard drugs has skyrocketed.

In today's paper, in the Washington Times, there is a big article about cocaine cartels taking on a new product, heroin. Heroin that has killed so many in my district. Let me read what Tom Constantine, the Drug Enforcement Administrator, said in this article. And I quote,

> "For years we have seen a hard-core, older population of approximately 600,000 heroin addicts. Today, we are seeing 11th and 12th graders turning to heroin. These initiates are at the outset of a long, downward spiral into hard-core addiction or death."

That is what has happened. In every area, our young people, some in the elementary schools, are now exposed to hard drugs, cocaine, heroin, methamphetamines. We have 15,000 deaths, many of them teens. I come from Central Florida. I have held this up many times on the floor of the House, Orlando number two in cocaine deaths. Long out of sight, heroin is back killing teens. We have lost nearly two dozen teens in Central Florida to drug—heroin and cocaine—abuse just in the last year or so. It is almost becoming routine to see our young people dying.

Let me tell my colleagues what the Republicans have done. During the Democrat administration, we held one hearing on the national drug policy and that was closed within an hour and I was denied the opportunity to speak. Under the leadership of the Republican Majority, we have held over 50 hearings on our national drug policy. Part of the battle and part of the reason we are here is we wanted 3 additional billion dollars to reorganize and reinstitute the programs that were cut, the interdiction programs that were cut, the source country programs, the involvement of the military and the Coast Guard that were cut by this President.

Mr. Speaker, that is why we are here tonight, because there is a major battle looming on the streets and in the communities across our land dealing with drug abuse and misuse. It is an incredible sad commentary on this administration.

And also I am concerned about the American people when they have a couple of dollars in their pockets that they do not care or express concern or outrage that this is allowed to go on. And it affects them in every community, because crime is tied into this drug use and abuse in every one of our communities.

It is particularly affecting our young people. Again, this administration has ignored any hard steps in this fight. Now, today, they are still fighting us, as the gentleman from Illinois (Mr. HASTERT), the chairman of our Subcommittee on National Security, International Affairs, and Criminal Justice is fighting to put the dollars that we need to stop, in a most cost-effective way, drugs at their source.

We know where the cocaine comes from. It is coming from Bolivia. It is coming from Peru. It is coming from Colombia. And there is no reason why we do not have the resources, the dollars spent there to stop drugs at their source or in interdiction where we can stop them. Trying to catch them when they get into our communities is like going out on the lawn and having a lawn sprinkler and running around with cans trying to catch all the sprinkles. We will never do it in that fashion, but we can restore the cuts that were made in 1993 through 1995 that destroyed our ability to repel drugs at our source.

That is why we are here. We are here to improve education. We are here to correct the mistakes of 40 years. Again, well-intended but misguided, and very liberal solutions which have gotten us into a fix in education that appalls every teacher, every parent, and every American who takes a serious look at public education today.

We are here because we are having a battle over where we put our resources. Do we put our resources in failed programs? Do we put our resources in programs that are cost-effective that stop drugs at their source, that restore the cuts in the Coast Guard that bring the military back into this battle so we stop heroin, cocaine and hard drugs before they ever reach our shores?

We have 2 million Americans in jail, and any sheriff or any law enforcement official will say that between 60 and 70 percent of those folks are in prison at great public expense because of drug abuse and misuse.

So, my colleagues again we come before the American people. We are winding down. Some of the easier bills are behind us. We have 13 bills to fund the government to make our system of government work. 13 bills. Eight or nine of them have been decided upon. The tough ones are still to go. But they are very important and they are very important differences in the American people and every colleague should know those differences.

Our intent again is to do the very best job for the people who sent us here with their hard-earned tax dollars. So as I conclude, I thank the Speaker for his indulgence this evening. It is my prayer and hope that we can work together to resolve these differences; that we can learn from the mistakes that have been made in the past; that we can come together in the best interest of the American people, the children that are talked about so much, whether it is education or drug policy and resolve these source social problems facing our Nation.

ISSUES OF VITAL IMPORTANCE TO THE U.S. VIRGIN ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I come from a part of this great country that is known as America's Paradise and for its natural beauty, its comfortable climate, and its hospitable people. But, Mr. Speaker, today the U.S. Virgin Islands is becoming a paradise lost. So, in these final hours of the 105th Congress, I rise to once again draw its attention to some issues of critical importance to my territory and to make this final plea for support and enactment.

First is the issue of the excise tax on Virgin Islands-produced rum, although I must tell my colleagues that this also applies to Puerto Rico. By law, all of the excise taxes on this rum is to be returned to the territory. But, Mr. Speaker, we have never received the full "cover over" as it is called.

In the early 1980s, it was agreed that the full 100 percent would be returned. But, due to problems unrelated to the Virgin Islands and long since resolved, it was never realized. Up until 5 years ago, we received only 77 percent of those taxes. At that time it was increased to 80 percent, but only through this fiscal year 1998.

In this year's budget submitted by the President, funds were provided to fully correct this and return the full amount to the Virgin Islands and to Puerto Rico, but this has still not been passed nor has it been assured. If nothing is done to extend the return at its current level, or hopefully at the full 100 percent, it will revert. The territory would lose badly-needed revenue, and this would further jeopardize our already troubled economy because we depend on it for needed capital projects and bond repayments.

The second issue is one that is also important to the people of Puerto Rico as it is to my own constituents in the Virgin Islands. It is the provision of insurance to meet the health care needs of our children. This too has been included and was fully offset in the budget sent to the Congress in 1997, and again in this year. Last year, the funding was cut back to one-sixth of what was initially proposed. Unfortunately, the health needs of our children did not commensurately reduce.

□ 2300

All we ask is that this year's chip be fully funded at the proposed level and that no American child be left behind for any reason and surely not just because of where he or she lives.

There is one more issue that I would like to address to this as well as to the other body. That is also to ask for inclusion of the miscellaneous tariff bill in the final budget agreement. This was a part of the proposed 1999 budget and its budgetary impact is negligible.

Mr. Speaker, included in this bill is an extension of a provision that would save our watch industry and badly needed jobs, particularly on my home island of St. Croix. All of these programs represent minuscule dollars in the larger scheme, but to my district, which has been buffeted by storm after storm, they have enormous impact.

Mr. Speaker, many of the districts represented in this House have been, all of them have been experiencing an economic boom, while ours, largely because of repeated natural disasters, is languishing.

Let me interject a word here about the latest hurricane to hit us, Georges, because not much has been said in the national press about its impact on the Virgin Islands. For us, as in other parts of the Caribbean and the United States, Hurricane Georges was a major hurricane that affected all four of our islands. However, because we have learned from the past and with FEMA's help applied those lessons successfully, our damages, though quite disruptive to our lives, were minimized and our recovery is moving steadily ahead. But we cannot fully rebound and take up a path of economic revitalization and sustainable growth without the help that these three programs would provide. So we ask that all be included in the final budget package.

The rum excise taxes so that we can continue to build, the children's health insurance dollars to help our families and alleviate the burden on our Medicaid capped government, and the lifeline needed by our otherwise dying watch industry.

I want to join my colleagues who spoke earlier in thanking Congressman JOE KENNEDY for his contributions to this House and this country and to wish him well as he leaves to continue what I know will be a life of service to all of us.

OMMISSION FROM THE CONGRESSIONAL RECORD OF OCTOBER 10, 1998

A portion of the following debate was inadvertently omitted from the CONGRESSIONAL RECORD of October, 10, 1998:

□ 2315

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with a great deal of regret that I object to the passage of S. 2095 as amended by our counterparts on the other side of the aisle.

Historically, the excellent programs of the National Fish and Wildlife Foundation have had strong support of Members of Congress on both sides of the aisle since the foundation's inception in 1984. I supported similar legislation to this as introduced and as reported by the Subcommittee on Fisheries Conservation, Wildlife and Oceans last October.

Unfortunately, the amendments adopted by the Committee on Resources that have now been attached to this Senate bill have transformed what would have been a straightforward reauthorization of a popular program into a partisan platform for objectives to undermine the Endangered Species Act.

In particular, the amendment adopted by the committee which is now attached to this bill would prohibit the foundation from funding any activities related to the reintroduction of the wolves or the grizzly bears in Idaho, Montana, Utah and Wyoming. While this may seem like a narrow exception, it seriously undermines the fundamental integrity of the foundation's ability to do its job.

The National Fish and Wildlife Foundation is an established, competitive grant-making organization with a long history of funding successful conservation programs throughout the United States. The amendment that has been established to this legislation really questions whether Congress should now be getting into the second-guessing of these programs.

Let me say that the foundation has not funded any grizzly bear reintroduction efforts, though it has funded research and education programs on the prevention of human being/grizzly bear interactions. In addition, the foundation was awarded less than $100,000 worth of projects related to the reintroduction of wolves.

For those reasons, I reluctantly oppose this legislation, because this has been an outstanding organization, with many, many people who have served on the board of directors, who have given an inordinate amount of time and money and have secured really significant amounts of private contributions to the ongoing efforts of both the programs sponsored by the Federal government, State governments, local governments and the private sector.

I would hope that we would not now start trying to micromanage this agency with Congressional amendments, given their track record of success both in creating programs that are highly successful, with a great deal of local support, and also in creating the kind of private/public partnership that we so often say we want.

Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADY of Texas). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2095, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. TAUSCHER, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. ROGAN) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. COBURN, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. CHRISTIAN-GREEN for 5 minutes today.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1659. An act to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument, and for other purposes.

H.J. Res.: 134. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 131. Waiving certain enrollment requirements for the remainder of the One

Hundred Fifth Congress with respect to any bill or joint resolution making general or continuing appropriations for fiscal year 1999.

H.J. Res. 134. Making further continuing appropriations for the fiscal year 1999, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Tuesday, October 13, 1998, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Executive Communications Re-Referred: E10,321, E10,322, and Memorial 303]

10321. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Decreased Assessment Rate [Docket No. FV98–948–1 IFR] Received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); referred to the Committee on Agriculture. July 27, 1998.

10322. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate [Docket No. FV98–931–1 IFR] Received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); referred to the Committee on Agriculture. July 27, 1998.

303. By the SPEAKER: A memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 10 memorializing the recognition of state and county rights-of-way under Revised Statute 2477 and take appropriate action to invalidate the proposed policy change for forest roadless areas; jointly, to the Committees on Agriculture and Resources. May 4, 1998.

11651. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Long-Range Financial Forecasts of Electric Borrowers (RIN: 0572–AA89) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11652. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Year 2000 Compliance: Electric Program [7 CFR Parts 1710 and 1726] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11653. A letter from the Chairman, the Board of Governors of the Federal Reserve System, transmitting the ninth annual report on the assessment of the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking and Financial Services.

11654. A letter from the Clerk, District of Columbia Circuit, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit, No. 97–1250—Larry Hice v. Director, Office of Worker's Compensation Programs, United States Department of Labor and Electrospace Systems, Inc.; to the Committee on Education and the Workforce.

11655. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products; Energy Conservation Standards for Electric Cooking Products (Electric Cooktops, Electric Self-Cleaning-Ovens, and Microwave Ovens) [Docket Number EE–RM–S–97–700] (RIN: 1904–AA84) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11656. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Personnel Assurance Program (RIN: 1992–AA14) [Docket No. DP–RM–97–100] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11657. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Price Competitive Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions (RIN Number: 1901–AA81) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11658. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Third Annual Report and Analysis on Competitive Market Conditions With Respect to Commercial Mobile Services, pursuant to 47 U.S.C. 332(c)(1)(C); to the Committee on Commerce.

11659. A letter from the Chairman, Nuclear Regulatory Commission, transmitting The Price-Anderson Act-Crossing the Bridge to the Next Century: A Report to Congress; to the Committee on Commerce.

11660. A letter from the Acting Director, Defense Security Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–47), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

11661. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Greece for defense articles and services (Transmittal No. 98–38), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

11662. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of decisions made by the President regarding the drawdown of articles and services from the inventory and resources of the Departments of Defense, State, Justice, the Treasury, and Transportation, and military education and training from the Department of Defense, to provide counternarcotics assistance to Colombia, Peru, Bolivia, Brazil, Ecuador, Mexico, Guatemala, Honduras, Jamaica, Dominican Republic, Trinidad and Tobago, and the countries of the Eastern Caribbean Regional Security System (Presidential Determination 98–41), pursuant to 22 U.S.C. 2364(a)(1); to the Committee on International Relations.

11663. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 1999 that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103—236; to the Committee on International Relations.

11664. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of Treasury, transmitting the Department's final rule—Federal Republic of Yugoslavia (Serbia and Montenegro) Kosovo Sanctions Regulations [31 CFR Part 586] received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11665. A letter from the Secretary of Defense, transmitting a report on the proposed obligation of up to $53.4 million to implement the Cooperative Threat Reduction (CTR) Program under the FY 1998 Department of Defense Appropriations Act, Public Law 105–56, pursuant to Public Law 104—106; to the Committee on International Relations.

11666. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Review, Board of Immigration Appeals; 18 Board Members [EOIR No. 123F; AG Order No. 2180–98] (RIN: 1125–AA24) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11667. A letter from the Deputy Executive Director, Reserve Officers Association, transmitting a copy of the Report of Audit for the year ending 31 March 1997 of the Association's accounts, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

11668. A letter from the Chairman, United States Sentencing Commission, transmitting an amendment to the sentencing guidelines which enhances penalties for fraudulent telemarketing schemes and other similar offenses, pursuant to Public Law 105–184; to the Committee on the Judiciary.

11669. A letter from the Acting Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Upgrading of the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) Accreditation Manual (Docket Number 980722187–8187–01) (RIN: 0693–ZA21) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11670. A letter from the Secretary of Labor, transmitting a report on the labor market situation for certain disabled veterans and Vietnam Theater veterans, pursuant to 38 U.S.C. 2010A; to the Committee on Veterans' Affairs.

11671. A letter from the Chairman, United States International Trade Commission, transmitting the combined report on the Caribbean Basin Economic Recovery Act—Impact on the United States, and the Andean Trade Preference Act—Impact on the United States, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

11672. A letter from the Acting Assistant Secretary for Import Administration, Director, Office of Insular Affairs, Department of Commerce, Department of the Interior, transmitting the Department's final rule—Limit On Duty-Free Insular Watches In Calendar Year 1999 [Docket No. 980716178–8234–02] (RIN: 0625–AA53) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11673. A letter from the Secretary of Agriculture, transmitting the Department's final rule—Designation of Rural Empowerment

Zones and Enterprise Communities (RIN: 0503–AA18) received October 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11674. A letter from the Administrator, Department of Health and Human Services, transmitting a report on Agency Drug-Free Workplace Plans, pursuant to Public Law 100—71, section 503(a)(1)(A) (101 Stat. 468); jointly to the Committees on Government Reform and Oversight and Appropriations.

11675. A letter from the Principal Deputy Assistant Secretary For Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, and for other purposes; jointly to the Committees on Veterans' Affairs and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4326. A bill to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon (Rept. 105–810). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4111. A bill to provide for outlet modifications to Folsom Dam, a study for reconstruction of the Northfork American River Cofferdam, and the transfer to the State of California all right, title, and interest in and to the Auburn Dam, and for other purposes; with an amendment (Rept. 105–811). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3056. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project, Montana; with an amendment (Rept. 105–812). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4223. A bill to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California (Rept. 105–813). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1567. A bill to provide for the designation of additional wilderness lands in the eastern United States; with an amendment (Rept. 105–814). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4023. A bill to provide for the conveyance of the Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; with an amendment (Rept. 105–815, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3297. A bill to suspend the continued development of a roadless area policy on public domain units and other units of the National Forest System pending adequate public participation and determinations that a roadless area policy will not adversely affect forest health; with an amendment (Rept. 105–816, Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 4738. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, provide tax relief for farmers and small businesses, and for other purposes; with an amendment (Rept. 105–817). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself, Mr. BEREUTER, Mr. MATSUI, Mr. GILMAN, Mr. BERMAN, and Mr. PORTER):

H.R. 4807. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia; to the Committee on Ways and Means.

By Mr. SNOWBARGER (for himself, Mr. KANJORSKI, and Mr. DAVIS of Virginia):

H.R. 4808. A bill to amend the Federal Deposit Insurance Act to permit an affiliation between a depository institution and the holding company successor to the Student Loan Marketing Association under certain circumstances and subject to certain conditions; to the Committee on Banking and Financial Services.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 4809. A bill for the relief of the State of Hawaii; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 4810. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 4811. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to prohibit fees for using teller windows at depository institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. DREIER:

H.R. 4812. A bill to make the Federal employees health benefits program available to individuals age 55 to 65 who would not otherwise have health insurance, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself and Mr. BURR of North Carolina):

H.R. 4813. A bill to amend the Communications Act of 1934 to protect critical infrastructure radio systems from interference and to promote efficient spectrum management of the private land mobile radio bands, and for other purposes; to the Committee on Commerce.

By Mr. POMEROY (for himself and Mr. HILL):

H.R. 4814. A bill to provide for the harmonization of registrations of certain pesticides used on canola; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUINN:

H.R. 4815. A bill to provide that December 7 each year shall be treated for all purposes related to Federal employment in the same manner as November 11; to the Committee on Government Reform and Oversight.

By Mr. REDMOND (for himself and Mrs. WILSON):

H.R. 4816. A bill to authorize the acquisition of the Valles Caldera currently managed by the Baca Land and Cattle Company, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture through the private sector, and for other purposes; to the Committee on Resources.

By Mr. SOLOMON (for himself and Mr. SAM JOHNSON of Texas):

H.R. 4817. A bill to provide a location in Arlington, Virginia, for construction of a memorial to honor the men and women who have served in the United States Air Force; to the Committee on National Security, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON (for himself, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Ms. PELOSI, Ms. LEE, Ms. CHRISTIAN-GREEN, Mrs. MINK of Hawaii, Mrs. MEEK of Florida, Ms. KILPATRICK, Ms. SLAUGHTER, Mr. HILLIARD, Mr. SCOTT, and Mr. FROST):

H.R. 4818. A bill to provide that payments of the earned income tax credit are to be disregarded for 12 months in determining eligibility for benefits under the program of block grants to States for temporary assistance for needy families, the supplemental security income program, the Medicaid Program, and public housing programs; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.J. Res. 134. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

By Mr. ARCHER (for himself, Mr. REGULA, Mr. BUNNING of Kentucky, Mr. DICKEY, Mr. ENGLISH of Pennsylvania, Mr. WELLER, and Mr. ADERHOLT):

H. Con. Res. 350. Concurrent resolution calling on the President to take all necessary measures under existing law to respond to the significant increase of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

401. The SPEAKER presented a memorial of the General Assembly of the State of Georgia, relative to House Resolution Number 856, urging the United States Congress, the Secretary of Agriculture, and the Federal Crop Insurance Corporation to revise comprehensively the existing laws, regulations, and policies with respect to the Federal Crop Insurance Program in order to adequately protect farmers against unavoidable crop losses and to prevent the serious reduction in farm operations and farm acreage throughout the nation; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mrs. WILSON.

H.R. 40: Mr. WYNN.

H.R. 158: Mr. MANZULLO.

H.R. 2995: Mr. TOWNS and Mr. TORRES.

H.R. 3024: Mr. THOMPSON.

H.R. 3568: Mr. BALDACCI.

H.R. 3778: Mr. PITTS.

H.R. 3956: Mr. PALLONE.

H.R. 3988: Mr. BALDACCI.

H.R. 4126: Mrs. THURMAN.

H.R. 4332: Mr. NORWOOD.

H.R. 4344: Mr. PICKETT, Mr. PORTMAN, Mr. BAESLER, and Mr. GIBBONS.

H.R. 4467: Mr. NEAL of Massachusetts and Mr. PASCRELL.

H.R. 4683: Mr. PORTMAN and Ms. WATERS.

H.R. 4729: Mrs. LINDA SMITH of Washington.

H.R. 4761: Mr. BEREUTER.

H.J. Res. 40: Mr. KILDEE.

H. Con. Res. 322: Mr. BLUMENAUER.

H. Res. 554: Mr. PAPPAS, Mr. WATTS of Oklahoma, Ms. RIVERS, and Mr. MCGOVERN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

81. The SPEAKER presented a petition of Compton City Council, Compton, California, relative to a Resolution of the City Council of the City of Compton Opposing Mandatory Social Security Coverage for State and Local Employees (Resolution No. 19,214); to the Committee on Ways and Means.

82. Also, a petition of the United Seniors Association, relative to Urging the Congress of the United States to enact H.R. 857; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

AUTOMOBILE LEASE ADVERTISING ACT OF 1998

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 11, 1998

Mr. LAFALCE. Mr. Speaker, automobile leasing is a growing phenomenon that is supplanting traditional new car sales and dominating automobile advertising. A decade ago consumer leases represented less than 5 percent of all new car transactions. Today, more than a third of all new automobile transactions involve leases. By the year 2000, auto industry experts predict, leases will constitute over half of all new car transactions and a significant portion of used car transactions.

This rapid growth in automobile leases has generated a concomitant increase in lease advertising. Leases now figure more prominently than traditional auto sales in advertising in my Congressional district in Western New York, in the Washington, D.C. market and, I suspect, in most major markets across the country.

While automobile leases can be beneficial for many consumers, current advertising practices make it virtually impossible for consumers to make intelligent, informed choices between leasing and buying options, or even among competing lease options. Unlike other major household purchases, consumers have little or no basis to evaluate comparable lease opportunities. Therefore, I am today introducing legislation that will reform the advertising of auto leases and permit consumers to comparison shop. My legislation, the "Automobile Lease Advertising Act of 1998", amends the Consumer Leasing Act of 1976 to provide consumers with more consistent, relevant and timely information about auto lease terms and costs. It does not dictate how leases must be structured or transacted, but only requires that dealers provide more relevant and understandable information about the terms of advertised leases.

I. THE PROBLEMS IN LEASE ADVERTISING

Auto leases are, by their nature, far more complex and confusing than traditional auto sales. Lease advertising, rather than clarifying and simplifying lease terms, instead tends to confuse and obfuscate. Advertisements feature only the most attractive lease terms while hiding or omitting significant consumer costs and liabilities. Key elements of leases—the vehicle capitalized cost, residual value and lease interest rate—lack standardization and are easily manipulated to hide actual costs. Detailed information on actual lease terms is generally unavailable to consumers until they are in the dealership and engaged in lease negotiations. And, even then, key cost disclosures required by Federal law are typically not provided until just before lease signing.

The entire process provides information far too late to permit consumers to make intelligent choices between leasing and buying an automobile or between competing lease opportunities.

As a special task force of State Attorneys General commented to the Federal Reserve Board in 1995, current lease disclosure standards tend to "sanction the hiding of valuable information from consumers."

It is lease advertising that poses the greatest potential for confusing and deceiving consumers. The problems of lease advertising are visible every day—in television advertisements that boldly promote attractive monthly lease payments while scrolling other costs and conditions illegibly across TV screens, print advertisements that hide important lease terms in confusing tiny print, and advertisements generally that fail to disclose substantial consumer costs and liabilities. While one of the worst advertising practices—highlighting "no downpayment" when significant upfront payments are in fact required—is less common in lease advertising as a result of recent enforcement actions by the Federal Trade Commission and State Attorneys General, other abusive practices continue. Many advertisements feature low, "come on" monthly lease payments that are artificially reduced through a number of common devices. The advertisement of extended or irregular lease terms, rather than the 24- or 36-month terms typically offered consumers, can misleadingly lower monthly payment amounts. Substantial required downpayments, typically hidden in small print, can produce the same result. Mileage allowances that are considerably below what most drivers require or accept can inflate vehicle residual values and also reduce monthly payments, while hiding substantial lease-end excess mileage charges. Advertisers often employ all of these devices.

Clearly anything goes in lease advertising under the current system. Advertisers have one purpose in mind and one purpose only—getting customers into the dealership where they can potentially be influenced into signing any lease terms. There is no desire to adequately inform or educate consumers. The primary purpose of lease advertising is to bait consumers with misleading or incomplete information that minimizes real costs and makes it virtually impossible to compare alternative deals on comparable vehicles.

In their comments to the Federal Reserve the State Attorneys General expressed concern that "automobile lease advertisements have, for several years, generally failed to adequately disclose material information consumers need to make informed decisions." The Federal Trade Commission echoes this sentiment, stating that current "misleading advertisements may significantly hinder comparison lease shopping, in direct contradiction of the purposes of the Consumer Leasing Act."

II. THE PROVISIONS OF THE LEGISLATION

The legislation I am introducing today addresses these problems by requiring that more relevant and uniform information be provided in lease advertisements and that more detailed information on actual lease terms be made available earlier in the lease process. These changes would empower consumers by providing more of the information they need to compare lease options and make intelligent decisions.

My legislation does this in a number of ways. First, lease advertisers that include a monthly lease payment would have to include a calculation of the payment using a formula that includes several fixed lease terms. These are relatively standard terms found in consumer leases, but often manipulated for purposes of advertising: a lease term of 24 months, no downpayment or capitalized cost reduction requirement, and a mileage allowance of 12,000 miles per year (or 24,000 miles for a 24-month lease). This eliminates some of the artificial differences between advertised lease payments, emphasizing more basic cost differences between competing leases. Advertisers could also included a different monthly payment amount in an advertisement for the same vehicle, as long as it is not featured more prominently than the required information, and provided they also identify the varying lease terms—a required downpayment, a longer lease term, etc.—that explain the difference between the two payment amounts.

This change would provide a relatively uniform monthly payment amount that makes it easier for consumers to compare advertised leased payments for similar, comparably-priced vehicles. It would also help inform consumers of the potential options available in auto leases, of how changes in key terms will affect monthly payments and of the potential costs and penalties that may be hidden in otherwise attractive lease payments. This proposal would encourage the type of advertisement used recently by a Chevrolet dealer in my district that featured six vehicle models on a chart with monthly payments for each vehicle based on a uniform lease term, no required downpayment and 12,000-mile annual mileage allowances. Additional columns on the chart showed how this payment would change with a higher downpayment or a longer lease term. A final column on the chart provided the alternative purchase price for each vehicle. This is an excellent example of advertising that educates rather than confuses consumers.

Second, my bill would require that automobile dealers post in a conspicuous location in their dealership a listing of all customer incentives available to consumers on vehicle models they offer. This would include special interest and lease rates, cash rebates, special vehicle residual amounts, regional promotions and other special offers available for both lease and purchase transactions by auto manufacturers, banks, leasing companies and local dealers. This is public information that consumers typically do not have and which often is offered only within the context of backroom deals. This proposals would allow interested consumers to see and compare all the potential incentives available on different vehicle models to see where they can find the best deals and to help them decide between leasing and buying a vehicle.

Third, my bill also requires automobile dealers that advertise monthly lease payments, or participate in national or regional promotions that feature lease payments, to make available to the public, upon request, a brief, written summary (which should, I expect, be not more than one brief page) of the essential lease terms and costs used in computing the advertised lease payment. Since the dealer has sought to benefit by publicizing the monthly lease payment, it follows that interested consumers should be able to see the other relevant terms used to calculate that payment. This would provide consumers with more detailed information earlier in the lease process and give them a more equal position in lease negotiations. And it would give consumers more detailed information that they could take to other dealerships to compare available lease options.

This proposal would achieve in auto leasing the same basic principles identified in recent House and Senate hearings regarding the reform and simplification of RESPA mortgage disclosure requirements—making it easier for consumers to comparison shop by providing more detailed information earlier in the sales process.

Fourth, the bill would incorporate in current law several important changes in lease advertising advocated by the Federal Reserve Board and the Federal Trade Commission. It includes Federal Reserve proposals to increase the maximum contractual obligation amount of leases subject to disclosure and advertising requirements of the Consumer Leasing Act to accommodate the higher cost leases routinely offered in today's marketplace. It would clarify the "clear and conspicuous" disclosure requirement in current law with more detailed "reasonably understandable" standards implemented by the Federal Trade Commission in its 900 Number rule and other industry advertising orders. It includes a Federal Reserve proposal to expand the simplified 800-Number disclosure option in current law to television as well as radio advertisements. It strengthens the FTC's authority to enforce lease advertising requirements by seeking civil penalties in federal court. And it would codify the prohibition, enunciated in recent FTC enforcement actions, against advertising that no downpayment is required on a lease when substantial undisclosed payments are required at lease signing.

Finally, my bill would clarify that the requirements of the Consumer Leasing Act apply not just to television, radio and newspaper advertising, but to all potential lease advertising in publications, videotapes, toll-free telephone numbers, newsletters and commercial mailing and fliers. It would also bring the Consumer Leasing Act into the electronic age by extending disclosure requirements to advertising on the internet and in computer programs.

III. CONCLUSION

Other than purchasing a home, buying or leasing an automobile is one of the most important consumer transactions for most American households. It shouldn't be a confusing or an intimidating experience. Consumers have a right to know all the relevant costs and details before signing a lease. And they deserve to have adequate information to comparison shop for auto leases in the same way they shop for a mortgage or for any major consumer purchase.

My legislation would empower consumers by requiring that they be given more consistent and detailed information about auto leases in a manner that is timely and that allows them to make careful comparisons and intelligent decisions. It does not dictate how leases must be structured or transacted, only that dealers make available more relevant information about the costs and terms used in a lease. This simply extends the principles of truth in advertising to the automobile leasing process.

I believe this is important and needed legislation that can transform the entire auto leasing process in ways that will benefit both consumers and automobile dealers. I urge my colleagues to give careful consideration to the changes and initiatives proposed in this legislation.

CONSUMER AUTOMOBILE LEASE ADVERTISING ACT OF 1998

Sponsor: Rep. John J. LaFalce (NY).

Bill Number: H.R. ; Introduced October 10, 1998 and referred to the Committee on Banking and Financial Services.

SECTION-BY-SECTION SUMMARY

Section 1. Short title

Consumer Automobile Lease Advertising Act of 1998

Section 2. Purpose

To amend the Consumer Leasing Act of 1976 (Chapter 5 of the Consumer Credit Protection Act—"Truth in Lending Act") to simplify and standardize automobile lease advertising in order to provide consumers with more relevant and easily understood information regarding the terms and costs of lease offerings earlier in the leasing process and permit consumers to compare lease and purchase options and comparison shop among lease opportunities.

Section 3. Applicable consumer leases

Increases the total contractual obligation of leases that are subject to the consumer disclosure and advertising requirements of the Consumer Leasing Act to $50,000 (from $25,000 set in 1976) to accommodate the higher cost lease transactions now routinely offered. Requires annual adjustment of the maximum obligation amount to reflect changes in the consumer price index.

Section 4. Automobile lease advertising

Clarifies and Updates Current Lease Advertising Disclosure Requirements

Requires that lease transactions be clearly identified as a lease in both the audio and video portions of television advertisements in addition to print advertisements.

Clarifies that disclosure requirements apply to all lease advertising, including television, radio, videotapes, toll-free telephone numbers, publications, newsletters and commercial mailings and fliers.

Extends disclosure requirements and standards to advertisements in computer programs and in web pages on the Internet.

Section 5. Alternative lease disclosures

Permits television advertisements to use the simplified disclosure option in current law for radio advertisements, thereby permitting an advertiser, in lieu of making all required disclosures in an advertisement, to prominently identify a toll-free 800 number in the advertisement that permits consumers to obtain all required disclosures by telephone.

Requires that alternative disclosures by toll-free telephone numbers be in a format that permits information to be repeated, that is free of marketing information and that permits consumers to request the information in writing and by mail.

Section 6. Advertisement for automobile lease

Prohibited practices

Prohibits a lessor from advertising that no downpayment is required when the lessor requires a capitalized cost reduction payment, acquisition fee, vehicle trade-in or other significant up-front payment to be made at lease signing that is not refundable to the lessee.

Prohibits lessor from advertising payment amounts or other lease terms that they do not routinely or customarily offer or make available to consumers, that they do not intend to make available generally to customers as part of any promotion, or that they customarily offer or make available only to selected or preferred customers.

Advertised lease payment amounts

Requires that any lease advertisement that includes a monthly lease payment amount for a vehicle model include a calculation of the monthly payment amount using a formula established in regulation by the Federal Reserve Board that includes the following lease terms:

Vehicle Price: the vehicle capitalized cost without adjustment for any down payment, capitalized cost reduction, vehicle trade-in or other required payment by the lessee at or before lease signing;

Lease Term: a lease term of 24 months; and

Mileage Allowance: a mileage allowance of 12,000 miles for each year of the two-year lease term (or 24,000 miles) before excess mileage charges may be imposed.

Requires that a lease advertisement that states a monthly payment amount also include a clear and conspicuous statement that the payment amount applies to a lease with a 24-month term, with no required downpayment and with an annual mileage allowance of 12,000 miles.

Permits an advertiser or dealer to advertise additional lease payment amounts for a vehicle model that are different from the payment amount required to be advertised, provided that any additional payment amount does not appear more prominently than the required payment amount and the advertisement includes additional disclosures that explain the difference between the payment amounts.

Section 7. Availability of written information

Requires that an automobile dealer that advertises a monthly lease payment amount, or participates in any national or regional promotion that includes an advertised monthly lease payment amount, make available to consumers at the dealdership a brief written summary of the essential costs and terms associated with the advertised lease.

Requires an automobile dealer that offers consumer leases to post in a conspicuous location in the dealerships a listing by vehicle model of all customer incentives, including special interest or lease rates, rebates, vehicle residual values, regional programs and other special offers and promotions that are available for both lease and purchase transactions.

Section 8. Clear and conspicuous disclosure

Clarifies the "clear and conspicuous" requirement in current law for required disclosures in automobile lease advertisements by incorporating more specific "reasonably understandable" standards used by the Federal Trade Commission in the 900 Number Rule and other industry advertising orders. Under these standards, any required disclosures that appear in writing in print and video advertisements, must be sufficient tpye size, shade, contrast and prominence to be readily noticeable, readable and comprehensible to an ordinary consumer; in the audio portions of television, radio and videotape advertisements, must be delivered in a volume, cadence and location, and for sufficient duration, as to be readily noticeable, hearable and comprehensible to an ordinary consumer; in advertisements on the internet, must appear in a type size, contrast, prominence and location as to be readily readable and comprehensible to users and separated from marketing and promotional information.

Requires that nothing contrary to, inconsistent with or in mitigation of any required disclosures be used in any advertisement and that no audio, video or print technique be used that will obscure or detract from the communication of any required disclosures.

Section 9. Administrative enforcement

The section clarifies that a violation of the lease advertising sections of the Leasing Act are to be considered unfair and deceptive acts or practices under the FTC Act, thus providing the FTC with the same enforcement authority it currently exercises in enforcing violations of its trade regulation rules. This would permit the FTC to bring court actions for civil penalties in the first instance (rather than the FTC having to first place violators under consent agreements in order to enforce these agreemetns).

Section 10. Civil liability

Increases the maximum potential liability of a lessor for punitive damages in civil actions for violations of the Consumer Leasing Act from $1,000 to $10,000.

Section 11. Regulations

Directs the Federal Reserve Board to issue regulations to implement the changes made by the Act within 6 months of the date of enactment.

Directs the Board to issue regulations and staff commentary, as necessary, to update and clarify the requirements of the Consumer Leasing Act as amended by the Act and to facilitate compliance with or prevent circumvention of any amendment made by the Act.

PROJECT UPLIFT

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. WILSON. Mr. Speaker, I wish to bring your attention to a project I my district which has received Presidential recognition as a "Promising Practice" that will improve education and career opportunities in mathematics, science, and engineering for minority youth in New Mexico.

Project Uplift produces a regular half-hour television program broadcast across New Mexico that teaches young people in every part of our state about careers in high technology. In addition, the project sponsors the annual High Technology Career Preparedness Youth Institute at Sandia National Laboratory. Through hands-on activities, this week-long institute introduces young people to professionals in a variety of fields relating to the environment, medicine and health, advanced computing and robotics, advanced manufacturing and astronomy.

Another important initiative of the project is the annual Rio Grande High Technology Minority and Women Job Fair. Each fall, this job fair draws over 600 university students from all over New Mexico majoring in engineering, physical and life sciences. Room and board is provided for these students who then have the opportunity to meet potential employers from across the country.

Project Uplift's success has even garnered international attention through the United Nations Educational, Scientific and Cultural Organization (UNESCO). UNESCO officials were impressed with the success of Project Uplift in reaching diverse and remotely situated people.

Project Uplift has done an excellent job of addressing New Mexico's diverse population and rural character. I am proud to highlight their accomplishments and encourage their future success.

AFFORDABLE HEALTH CARE FOR THE NEAR ELDERLY ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. DREIER. Mr. Speaker, I am concerned by the large number of near-elderly individuals who cannot afford insurance. According to a recent study by the General Accounting Office (GAO), those without health insurance face a nearly impossible task of obtaining affordable and adequate health care. For many, their age, health status and income force them to go without health care until they reach 65 when Medicare coverage begin. The GAO concluded that the problem will only worsen as more individuals retire early without health insurance coverage from their employer.

In response to this growing problem, President Clinton proposed permitting the near-elderly to buy into the Medicare program by paying a large annual premium. To qualify for Medicare, elderly couples would have to pay nearly $10,000 a year which is too expensive for many retirees on fixed incomes. In a recent study, the National Coalition on Health Care concluded that the high annual premium means that the President's proposal would have "little impact" in providing coverage to the 3 million near-elderly individuals without health insurance. Furthermore, the Congressional Budget Office estimates that only 320,000 individuals, approximately 10% of the affected group, would buy into Medicare. In addition, the President's plan may also hasten Medicare's solvency crisis. The American Association of Retired Persons recently expressed their concern that the proposal could threaten the current Medicare program.

I believe that Congress can expand access to affordable health care for the uninsured near-elderly without harming Medicare. Today, I have introduced H.R.—, which allows the near-elderly to enroll in the Federal Employees Health Benefit Program, which gives participants a wealth of health care choices at lower prices. To participate, a near-elderly individual would pay the total cost of the premium, the employees share and the federal subsidy, which is up to $2,000 less per year than the President's proposal. The lower premium could mean that more uninsured individuals would enroll in a health plan that provides services, like prescription drugs and dental care, not offered by Medicare. My bill also allows younger Americans to access Medical Savings Accounts to prevent a loss of health insurance before they qualify for Medicare.

Mr. Speaker, this legislation addresses the need of three million uninsured near-elderly individuals who need an affordable health care option. I believe that this common-sense approach can help the vulnerable near-elderly without requiring them to sacrifice their entire pension for health care.

NORTH QUEENSBURY VOLUNTEER FIRE COMPANY, INC. CELEBRATES 50 YEARS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. SOLOMON. Mr. Speaker, when one walks into my Congressional office in Washington he or she immediately notices a prominent fixture in the reception area—the collection of fire helmets representing the many volunteer fire companies in my district that stand ready at all times to protect the lives and property of their communities' residents.

Volunteer fire companies epitomize the overwhelming sense of community that exists in the small towns and villages of the Hudson Valley of New York. The sense of pride, spirit of volunteerism and undeniable camaraderie among neighbors is one of the things I so relish about my time spent at home in the 22nd Congressional District. This spirit is no more evident than in North Queensbury, New York and its beloved volunteer fire company.

This year the North Queensbury Volunteer Fire Company is celebrating its 50th year of all-volunteer service to the North Queensbury community. As part of the continuing 50th anniversary celebration, on October 17 the fire company will be dedicating its new firehouse.

Mr. Speaker, as a former fire volunteer myself, it is a great honor for me to invite my fellow colleagues to join me in commemorating this joyous event, and in doing so recognize the outstanding contributions the North Queensbury fire volunteers give to their neighbors.

In a rural area like the 22nd District of New York, fire protection is often solely in the hands of volunteer companies. I cannot say enough about the many lives and millions of dollars of property that have been saved due to the efforts of the North Queensbury volunteers. But the value of such a vital public service can hardly be identified in terms of dollars and cents. The willingness of these volunteers to selflessly place themselves in harm's way to ensure the preservation of their neighbors' lives and property is worthy of the highest praise.

Mr. Speaker, I have always been one to judge people by the contributions they make to their community. To that end, the men and women who comprise the North Queensbury Volunteer Fire Company are truly great Americans! I am truly proud of this organization and its spirit of volunteerism that is such a central part of the American way of life. Therefore, it is with great pride, Mr. Speaker, that I ask all members to join me in paying tribute to them on their 50th anniversary.

CELEBRATING THE 125TH ANNIVERSARY OF THE FIRST ASCENT OF MT. WHITNEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the 125th anniversary of the first ascent of Mt. Whitney, the highest mountain peak in the continental United States at 14,494 feet, located in California's Inyo County. Having climbed Mt. Whitney in 1986 with my dear friend, Hulda Crooks, I wanted to share some of the storied history of this majestic mountain with my colleagues.

In the early 1870's, as the Owens Valley community first began to attract settlers, local residents often visited nearby Soda Springs to fish, hunt, and to escape the summer heat. In August 1873, a large group of Lone Pine locals were camping in this area when three of them decided to take a hike up to the summit. Previous attempts to climb this mountain had been made by Clarence King, in party with a California Geological Survey expedition sponsored by Josiah Whitney. King identified the mountain and named it "Mount Whitney" in 1864. He claimed to have reached the summit in 1871, but it was soon discovered that he missed the mark and accidentally climbed another peak.

The "Three Fishermen" (locals Charley Begole, Johnny Lucas and Al Johnson) credited with Whitney's first ascent made the hike from Soda Springs to the summit and back in one day on August 18, 1873. They christened the mountain "Fishermen's Peak," which touched off a controversy that lasted several years. The Lone Pine residents were not in favor of the name "Mount Whitney," since they did not share a high opinion of Mr. Whitney. Local residents petitioned in favor of the names "Fishermen's Peak," "Fowler's Peak," or "Dome of Inyo," anything but "Mount Whitney," which is the name that stands today.

Undaunted by the unwanted name, local residents raised funds and built a trail to the summit in 1904. Mr. Gustave F. Marsh of Lone Pine, was the engineer who led this effort. He also served as contractor and supervisor for the Smithsonian Institute in 1909 when the trail was repaired and the summit shelter was built. Local residents again pitched in to raise funds for this effort. As one ponders this sequence of events, the baffling question is, "What motivated these early settlers to build a trail?" There was not a large tourist industry in the area at that time; there were no automobiles; and the only people interested in mountaineering were college professors or researchers—people of science and letters. The summit hut was originally financed by the Smithsonian for astronomical and atmospheric research purposes.

In contrast, the early residents were largely farmers and miners. And yet, as the trail and hut stand today, no one really knows how many hundreds of thousands of people from all walks of life and from all countries of the world have climbed to the summit of Mount Whitney. Without the efforts of the first settlers, would this have been the reality today? Also, very little has ever been mentioned of the Native Americans, who knew of the peak and in their world, called it "The Old One," or "The High One."

On August 18, 1998, as a tribute to these early settlers, another group of local residents climbed Mount Whitney to pay honor to the contribution that these pioneers made, and to bring recognition to their efforts. Several descendants of the original group still live in the Lone Pine area.

I can well remember donning a backpack and sleeping bag and hitting the trail with Hulda Crooks, better known on the mountain as Grandma Whitney, in August 1986. A friendship was born over those days that has been among the most special and enduring of my life. Because of her legacy, Congress passed legislation and Hulda returned to Mt. Whitney in 1991 for the announcement that Crooks Peak, adjacent to the Whitney summit, would forever bear her name. Hulda was a mentor and teacher to me, personally, and remained one of my dearest friends over the years until her passing last November.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to the men and women who have provided Mt. Whitney with its rich and textured history. Without any question, for every person who has ever climbed or tried to climb this magnificent peak, Mt. Whitney holds its own special memories, and its own meaningful place in their life.

RECOGNIZING SYRIA'S LIBERAL POLICY OF JEWISH EMIGRATION

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. CAMPBELL. Mr. Speaker, I come to the floor today to recognize with commendation that the country of Syria followed through on its promises regarding Jewish emigration over the past six years.

Beginning in 1992, without fanfare, Syria eased its strict travel and emigration policies on its Jewish community. Numbering around 100,000 at the turn of the century, the Syrian Jewish community numbered only approximately 5,000 by 1992. Up until 1992, Syrian Jews could only travel outside of the country individually, and only if family members remained behind. Between April and October of 1992, however, approximately 2,600 of this 5,000 were allowed to emigrate from Syria.

In October of 1992, Syria temporarily suspended this eased emigration policy. However, in December of 1993, Secretary of State Warren Christopher visited the country, and in a goodwill gesture during this visit, President Assad informed Secretary Christopher that all remaining Jewish families were free to leave Syria. The liberal Jewish emigration procedures soon resumed, and the Department of State informs me that all but 118 Jewish individuals have been granted exit visas and left Syria. The majority of these families decided to resettle in the United States, specifically in Brooklyn, where a thriving Syrian Jewish community of about 35,000 exists. The State Department reports none of these remaining Syrian Jews have reported Syrian government persecution, and that many plan to emigrate soon.

I was first made aware of Syria's emigration policy towards its Jewish community when I met with President Assad this past June in Damascus. In discussion, President Assad referenced this emigration policy as an example of Syria's continuing good faith effort to propel forward the Middle-East peace process. He did not, but some in the Syrian government did, observe that no statement of acknowledgment of Syria's following through on its emigration commitment had ever been entered into the CONGRESSIONAL RECORD. I wish to correct that oversight now.

Emigration is a basic human right that all responsible nations respect and allow. I commend President Assad for joining the community of nations that seek to guarantee this human right. In an attempt to create a conducive atmosphere toward fostering the peace process, President Assad allowed Syrian Jews to emigrate. Six years have passed since this policy began. It is time that recognition and approbation be properly given.

IN RECOGNITION OF DONALD LEE LARGE

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to Donald Lee Large, a great Alabamian. Don Large recently retired from the Falk Corporation in Auburn after more than 23 years of loyal and dedicated service.

Don Large directed the Falk Corporation through numerous changes over his tenure and has left behind an impressive legacy. The most notable of these is the changeover from batch manufacturing to cellular manufacturing. This change required all new equipment, new processes, and was made possible by the culture established years before. Don worked extremely hard in recruiting quality people, setting up training programs, and establishing a culture based on the fundamental ideas of "mutual trust and respect". During this three year project finishing in 1995, Falk did not miss a single shipment.

Don has spent tireless hours dedicating his time and energy to better the community in which he lives, and the entire state of Alabama. Don has been on the Board of Directors for the United Way, Chamber of Commerce, Junior Achievement, and Chairman of the Industrial Relations Committee.

In addition to his community service, Don and his wife Barbara taught Ballroom dancing to over 1000 people, including many dignitaries and ranking public officials.

Mr. Speaker, I am here today to recognize Mr. Large for his outstanding service to his industry and community. He truly leads by example and hard work, and is a model for all of us.

INTRODUCTION OF THE CONSUMER PROTECTION AGAINST HUMAN TELLER FEES ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Ms. DELAURO. Mr. Speaker, I have learned that some financial institutions are charging teller fees to customers who want or need to see a bank teller. In effect, they will be fined for not using an automatic teller machine. This is patently wrong, and today I am introducing the "The Depository Institution Customer Protection Act" that would prohibit financial institutions from charging these fees.

Customers should be able to converse with bank and credit union representatives without being charged to access their own money or to make a deposit. Some customers may be unable to use ATMs, especially if they are blind or using wheelchairs. And no ATM or automated phone system can answer every question about an account. Seniors on fixed incomes, families living on today's pitifully low minimum wage, and blind or disabled customers—including veterans—will be penalized for the "privilege" of making a deposit or taking funds out of their account. Even the most sophisticated customers sometimes need to speak with a teller. Now banks will punish individuals who are simply asking for assistance.

My own mother is 85 years old and is still an active public servant. Yet I recognize the difficulty she has interacting with today's technology. I am confident that many of my colleague's parents—and perhaps some of my colleagues themselves—have difficulty using automatic teller machines.

Like many of my colleagues, I have been hearing from constituents who feel bombarded with automatic teller machine user fees. Now, customers will be charged for discussing a transaction with a human teller too. Financial institutions are squeezing money out of customers and other consumers—money that should be used to improve our economy, not line the pockets of our wealthiest institutions.

This user fee hurts the customers with limited means the most. These consumers may not be able to access electronic commerce, yet they'll be punished by the institution that holds—and makes money off—their assets.

The bill I am introducing today will prohibit banks and credit unions from charging these onerous fees.

I urge my colleagues to stand up for consumers, and protect our most vulnerable citizens from unfair human teller fees. Please join me in this effort by cosponsoring the "The Depository Institution Customer Protection Act."

A TRIBUTE TO THE CENTER FOR MILITARY AND PRIVATE SECTOR INITIATIVES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LEWIS of California. Mr. Speaker, while the end of the Cold War eased international tensions, it led to a significant downsizing of the U.S. armed forces. Nearly one tenth of our country's population, or 26 million people, have served in uniform. Over two million have left military service since the end of the Gulf War. Approximately 275,000 veterans of military service are being discharged each year, projected well into the next century. Once again, as in previous post-war periods, American employers have the opportunity to access men and women returning to civilian life in large numbers.

Unlike previous periods, when American were drafted for service, these men and women are volunteers. Surprisingly, the harsh reality for many of them is that a successful military career is not a guarantee of gainful employment in the private sector. This is a startling phenomenon, especially considering the extensive experience, diverse talents, and strong work ethic of military professionals. Clearly, much needs to be done to uncover and address the reasons for the continued underutilization of this highly trained and motivated force.

Indeed, a comprehensive survey conducted for the Joint Chiefs of Staff by a national executive search firm, Wesley, Brown and Bartle (WB&B) reports that stereotypes and myths caused businesses and professional recruiting services to discard an alarmingly high percentage of resumes submitted by our veterans.

There are disturbing dimensions to the problem. The Bureau of Labor Statistics reports that the jobless rate for male veterans discharged since 1994 is seven percent, considerably higher than the current national average of 4.5 percent of all Americans. The rate of unemployment for female veterans is 5.9 percent. Even more alarming is the state of underemployment of former military. Our downsizing of the Army by 60 percent since the Gulf War has thrust hundreds of thousands of early retirees from military service into the private sector. The WB&B survey showed that they are not being welcomed as they should be by civilian employers, perhaps only because only one in every 147 of them has prior active duty military service, compared with one in every ten after World War II. Indeed, retired Admiral Stanley Arthur, the Navy's top commander in the Gulf War, said that "the military is no longer an institution with which most—even many—people can identify."

A random survey of 1700 recently transitioned military personnel found most of them to be active job seekers. More than half of them sent out at least 50 resumes. Another 30 percent distributed more than 100 resumes. Three in every four of them received not one reply. Only one of about every six who heard back received even a single job offer. Among those who accepted, 80 percent were found to earn less than $20,000.

Wesley, Brown and Bartle is to be commended for founding the Center for Military and Private Sector Initiatives which was established to help military men and women more effectively transition from active duty to civilian life. Through the Center, corporate America has a rare opportunity to forge partnerships that will positively impact the transition of military professionals and enhance America's workforce.

Mr. Speaker, the Center for Military and Private Sector Initiatives is to be commended for providing American business with the value that former military professionals bring to the workplace, making corporate America more competitive. When American businesses capitalizes on the value of the military experience, America wins.

SALUTING THE EMPLOYEE BENEFIT RESEARCH INSTITUTE ON ITS 20TH ANNIVERSARY

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. POMEROY. Mr. Speaker, I rise to salute one of our Nation's leading public policy institutes on the occasion of its 20th anniversary. For two decades now, the Employee Benefit Research Institute (EBRI), under the outstanding leadership of its president Dallas Salisbury, has been providing trusted data and analysis on some of the most important public policy issues of our time—Social Security reform, health coverage and quality, and the changing world of private pensions.

As one who has made retirement and health security issues the core of my legislative agenda, I have benefited many times from EBRI's exceptional and nonpartisan research and analysis. I have relied on EBRI to provide me with the very latest findings and developments, and I have called on their stable of experts many times for objective data and analysis as I have begun work on a new legislative initiative.

I want to commend EBRI in particular for two of its most recent endeavors. One was the central role EBRI played in organizing this year's National Summit on Retirement Savings, which highlighted the critical issues of saving and planning for retirement. The second is EBRI's recent development of a highly sophisticated computer model of the Social Security system that is now the leading tool in the country for analyzing the effects of Social Security reform proposals.

Mr. Speaker, again let me congratulate the Employee Benefit Research Institute for 20 years of outstanding work. I look forward to EBRI's continued contribution to the public policy of our Nation.

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. DINGELL. Mr. Speaker, we all have a strong interest in seeing that there is a level playing field on which U.S. business and U.S. workers can compete in world markets.

The bill are considering today, H.R. 4353, points out just how unlevel that playing field can be. In May of 1976, Congress received from the Securities and Exchange Commission an extensive "Report on Questionable and Illegal Corporate Payments and Practices" that revealed corrupt foreign payments by over 300 U.S. companies involving hundreds of millions of dollars and the falsification of accounting records and the deceit of auditors.

Since 1977, U.S. law has made it a crime from American businessmen to bribe foreign government officials to obtain business contracts. Yet, Germany and other countries do not just fail to prohibit bribery on the part of their business representatives, they make it a tax deductible expense.

Last December, 33 of our major trading partners signed the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Under this agreement, our major trading partners commit, for the first time, to make business-related bribes to foreign officials a crime under their respective legal systems.

H.R. 4353 expands and strengthens the Foreign Corrupt Practices Act (FCPA) to implement U.S. obligations under the OECD convention. It expands the FCPA to include bribes to foreign public officials that are made to secure "any improper advantage." The bill also expands the FCPA to cover not only U.S. businesses and issuers of securities, but also any foreign natural or legal person that engages in a prohibited act within the territory of the United States.

In addition, this legislation expands the definition of public official in the FCPA to include officials of public international organizations. It makes foreign employees and agents of issuers and domestic concerns subject to criminal penalties in the same way that U.S. citizens are. This legislation also amends the FCPA to provide for jurisdiction even when U.S. businesses and nationals engage in the offering of bribes wholly outside the United States.

Mr. Speaker, this legislation contains strict monitoring and reporting requirements to ensure that our OECD partners fully implement the anti-bribery convention under their laws. It requires that the Administration report to Congress concerning its efforts to strengthen the Convention by extending the prohibitions contained in the Convention to cover bribes to political parties, party officials, and candidates for political office.

Mr. Speaker, the Senate has already passed legislation ratifying and implementing the anti-bribery convention. Although we are rapidly approaching the end of this Congress, it is my hope that Congress can complete action on this important legislation this year.

However, the legislation before us also contains matters having to do with international satellites, which are unrelated to the implementation of the anti-bribery convention. These satellite provisions are not in the implementing legislation passed by the Senate. It is my sincere hope that these extraneous satellite provisions will not prevent the House and Senate from sending the President legislation implementing the anti-bribery convention, before this Congress adjourns.

The Commerce Department reports that there have been significant charges of bribery associated with international commercial contracts valued at more than $100 billion since 1994. Mr. Speaker, bribery hurts American business and American workers who must compete in the world market place. American business and American workers need the protections the OECD Convention provides, and they need them now.

If we fail to implement the anti-bribery convention because of an ability to reach agreement on extraneous matters, American business and American workers will pay the price. Delay on our part will only give our OECD partners an excuse to delay their implementation of these important anti-bribery commitments.

Mr. Speaker, swift action by this House, and this Congress, is needed, so the United States can set an example for our OECD partners to ratify and fully implement this important convention, as well. I hope my colleagues will give this important legislation their strong support.

PASSAGE OF TAX EXTENSION LEGISLATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Ms. DELAURO. Mr. Speaker, I am pleased to support this tax extender legislation, which will continue important tax benefits for businesses and individuals.

This bill extends the research and development tax credit, which encourages the development of cutting edge technology and supports the creation of high paying, good jobs in states like Connecticut. From the defense industry to the biotech industry to software development, this tax credit plays an important role in maintaining US leadership in the world economy and helping our firms compete against their global rivals.

I am also pleased that this bill extends the Work Opportunity Tax credit, to create incentives that help businesses, particularly small businesses, afford new staff and help move people from welfare to work. Likewise, the permanent extension of income averaging for farmers will help family farms to sustain their businesses through the swings of income which so many farms experience from year to year.

This bill also accelerates the phase-in of duductions of health insurance premiums for the self-employed. Under this bill, 75% of the cost of health insurance can be deducated in 2002, and 100% can be deducated in 2003. For too many self-employed individuals find the cost of health insurance prohibitive, and this legislation will assist them in obtaining the health coverage that they and the families which depend on them need and deserve.

I am pleased to support this bipartisan bill, which will strengthen businesses, particularly small businesses, and help them to improve their competitiveness and to hire more employees at livable wage. And I look forward to working with my colleagues in the early months of the next legislative session to strengthen the Social Security retirement Trust Fund, so that we can enact broad-based tax relief for all working families.

SONNY BONO COPYRIGHT TERM EXTENSION ACT

SPEECH OF

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. CLEMENT. Mr. Speaker, I rise to lend my support for copyright term extension. Title I of S. 505 extends the term of copyright protection by twenty years, from the life of the artist plus 50 years to the life of the artist plus 70 years. This copyright term extension will bring the United States in line with most of the rest of the world.

However, Title II of this bill contains a gross injustice. Title II, inappropriately titled the "Fairness in Music Licensing Act", is anything but fair. This provision exempts restaurants smaller than 3,750 square feet and retailers smaller than 2,000 square feet from paying royalties for radio and television. As I previously argued on the floor of the House when this issue was first raised, the so-called "Fairness in Music Licensing Act" compromises the intellectual property rights of this nation's songwriters and assaults their ability to make a living. According to the Congressional Research Service, this provision would allow more than 70% of bars and restaurants to use radio and TV music for free. The earnings of songwriters, composers, and publishers stand to be reduced by tens of millions of dollars annually. The average songwriter, many of whom live in my hometown of Nashville, makes less than $5,000 annually from music royalties. Yet, by supporting this provision, we are choosing to take from songwriters and give to restaurant owners, who make on average $45,000 annually.

Title II of this bill also violates our International treaty responsibilities. One or more of our trading partners will file a complaint in the World Trade Organization. As the Secretary of Commerce, the Honorable William Daley, so aptly observed, ". . . we know that our trading partners will claim that it is an overly broad exception that violates our obligations under the

Berne Convention for the Protection of [Artistic and] Literary Works and the Agreement on the Trade-Related Aspects of Intellectual Property Rights. The United States will lose, and we will be presented with a series of unfortunate options: ignore the WTO, incur sanctions, or modify our law. All will be contentious and difficult."

Finally, I would like to point out that my friends on the other side of the isle are tireless in their pursuit of protecting property rights. I submit to you, Mr. Speaker, that intellectual property deserves every bit as much protection as tangible property. In Nashville, you can now get a bank loan using your songs as collateral.

In a heartbeat, without informed debate, Congress is taking away the property of songwriters and transferring it to restaurants without due process of law or just compensation The Fifth Amendment of the Constitution, as my colleagues well know, states that "no person shall be . . . deprived of life, liberty, or property, without due process of law."

I am unequivocally opposed to Title II of S. 505.

INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

SPEECH OF

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. LOFGREN. Mr. Speaker, I am proud to cast my vote in favor of the conference report on the Securities Litigation Reform Act of 1998. This legislation is the culmination of a long, hard effort to enact reform of securities litigation.

When Congress passed the Private Securities Litigation Reform Act in 1995, we thought we had stopped the increasingly troubling practice of "strike suits." In these suits, a small group of attorneys took advantage of the legal system to coerce huge settlements out of growing high-tech companies, often with little or no evidence of wrong doing.

Unfortunately, loopholes in the new law were found. To avoid the new heightened pleading standards, cases were moved from Federal Courts into State courts. According to a recent study by Stanford Professors Joseph Grundfest and Michael Perino, 26% of securities litigation activity has shifted to state courts.

Because the threat of "strike suits" still exists, many executives in Silicon Valley are reluctant take full advantage of key provisions of the 1995 law. For example, the 1995 Act created a "safe harbor" provision to encourage companies to disclose valuable information about their prospects to investors. However, this provision is not being implemented because executives still are concerned about their exposure to strike suits in State courts. This hurts investors who lose access to valuable information, and it undermines the efficiency of securities markets.

It is time to close the loopholes. The Securities Litigation Uniform Standards Act of 1998 will finally slam the door on strike suits by establishing Federal court as the exclusive venue for securities class actions. This legislation targets abuses in our court system, but it also protects the rights of consumers who actually suffer from fraud.

I urge my colleagues to support this important bill.

PROGRESS FOR LATVIA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BEREUTER. Mr. Speaker, the editorial of the October 12, 1998, edition of *The Washington Post* very appropriately lauds the continued progress Latvia is making in perfecting its democratic form of government, especially as it relates to the complex and controversial subject of extending citizenship and civil rights to the very large proportion of non-citizens which reside in that country. Of the estimated 600,000 non-citizens in a population of 2.5 million, most of the non-citizens are Russian nationals who are part of or ancestors of the Russian populations encouraged to resettle in Latvia by the Soviets after their brutal subjugation of the Baltic states to implement the infamous Molotov-Ribbentrop Pact of 1939. Many of the Latvians including their president, Karlis Ulmanis, were forcibly removed to Siberia to fall unspeakable hardship and death.

Despite the understandable frustration and anger among Latvians of their loss of independence under the domination of the Soviet Union, the Latvian votes commendably rejected a referendum that would have derailed legislation to liberalize the requirements for obtaining citizenship for its non-citizen residents. In a country like Latvia, where ethnic Latvians now make up slightly less than half of the people living there, Latvian voters have sensibly recognized the reality of the changes it must make to maintain domestic tranquility and integrate its citizens into a unified force to build its future and reduce one crucial element of controversy with its neighbor, the Russian Federation.

Mr. Speaker, this Member encourages his colleagues to read the following editorial and to act to individually commend the Latvian government and voters for their good judgment, even in the face of the suffering and repeated provocations they have felt from the Soviet Union.

[From the Washington Post, Oct. 12, 1998]

LATVIA'S PROGRESS

One of the great dramas of this decade has been the struggle of three small Baltic countries to reestablish their national identities after a half-century of Soviet occupation. Estonia, Latvia and Lithuania are succeeding more quickly and with less fuss than anyone had reason to hope. Only on rare occasions of tension, such as when Russia suddenly began putting the squeeze on Latvia last spring, does one or another Baltic nation make a brief appearance in the news. A recent referendum held in Latvia typically went mostly unnoticed here.

The Soviet government shipped so many Latvians to Siberia and settled so many Russian-speakers in Latvia that when it regained independence in 1991 barely half its residents were ethnic Latvians. For any tiny nation trying to preserve a language and culture in the shadow of a large power, this would have posed a challenge; for a nation that felt it barely had escaped extermination, the challenge was particularly sharp. At the same time, many Latvians realized they could not hope to join modern Europe unless they welcomed and integrated all of their residents into their society. Many realized that a large pool of disaffected ethnic Russians would offer a perpetual pretext to make trouble for politicians in Moscow.

The Oct. 3 referendum concerned the rights of these 600,000 noncitizens (in a population of 2.5 million). In June, parliament approved a liberalizing law allowing any number to apply for citizenship instead of setting an annual quota. The law also qualified for citizenship children born since 1991 to noncitizens. Latvian nationalists opposed to the law, or resentful of Russian and Western pressure on the matter, gathered enough signatures for a referendum. But Latvians, by 55 percent to 43 percent, endorsed the changes.

Latvians still must demonstrate a sustained commitment to integration through language classes and other means. Russian speakers still must demonstrate their commitment to their new country. But the referendum result is an important symbol of Latvia's desire to join the West as a liberal democracy. Now Western institutions that strongly encouraged this result, and in particular the European Union, should respond by accelerating Latvia's inclusion in Europe.

THE ASSET-BUILDING FOR WORKING AMERICANS ACT

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. THOMPSON. Mr. Speaker, as you know, there are a variety of different manners through which eligibility for public assistance programs are limited according to income and resources. Unfortunately, these complex procedures often produce unwanted effects. I have particular concerns with the manner in which eligibility for public assistance programs is affected by savings accrued through the Earned Income Tax Credit (EITC). The legislation I will introduce today, the "Asset-Building for Working Americans Act," will seek to correct these problems. While the Asset-Building for Working Americans Act may undergo some changes before next year, I hope this original draft will stimulate a productive debate and suggestions for possible improvement before its reintroduction in the 106th Congress.

Existing income and resource limitations governing eligibility for Supplemental Security Income (SSI), Medicaid, and public housing disregard money saved from EITC payments for two months. At the end of these two months, working families must spend their EITC payment in order to prevent losing their eligibility for these programs. As a result, working families may miss the opportunity to build the savings needed to accrue enough assets to escape poverty permanently.

The Asset-Building for Working Americans Act corrects this unfortunate situation by adjusting the resource limitations for SSI, Medicaid, and public housing to disregard savings made through the EITC for 12 months—the same provision governing the eligibility for food stamps at the present time. The bill will also encourage states to define eligibility for Temporary Aid to Needy Families payments in the same manner.

Permitting families to save their EITC payments for up to a year and still remain eligible for these public assistance programs would allow low-income working families to live and raise their children in health and safety while saving money for long-term security. In effect, families could save two EITC payments rather than just one—up to $4,304 for a family of three. Once these two annual EITC payments make such a family ineligible for public assistance under the new resource limitations proposed in my bill, the family would have saved the money needed to take good steps towards building a better future, such as starting a small business; getting an education; or making a down payment towards a first home.

The Asset-Building for Working Americans Act does not encourage increased government handouts or dependence. It will instead encourage working Americans to save their EITC payments for the future by assuring them of access to the temporary assistance needed at the present. The Asset-Building for Working Americans Act is a good first step towards encouraging low-income families to look towards tomorrow today, and I encourage my colleagues on both sides of the aisle to work with me in support of it during the next Congress.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. DINGELL. Mr. Speaker, at some point, I hope that my Republican friends will explain to me their views on federalism. With this bill, the Majority is embracing the notion that the Federal Government possesses wisdom superior to the states on the subject of issuing motor vehicle titles.

The legislation stops short of a federal takeover of the state function of titling motor vehicles or creating a new Federal Department of Motor Vehicles. However, it tells every state in the country that it must comply with new federal regulations governing how states title motor vehicles. These new regulations will establish, and I quote, "uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles."

In Committee, Democratic Members raised a number of concerns about this legislation. Those problems still remain in the bill we have before us today.

First, this legislation gives no money to the states to perform inspections, if required, nor does it provide funds to carry out other new, federally imposed duties. I must admit I'm a bit perplexed. I thought my Republican colleagues had committed not to impose costly new burdens on state and local governments without compensating them for their expense.

Second, the bill could still preempt state laws that give the consumer greater protection. Although, under certain circumstances, the amendment before us lets the states set the percentage of value loss that will define what a salvage vehicle is, this bill could still preempt state laws that provide greater consumer protections in other areas of salvage vehicle title branding.

Third, the bill gives the Department of Transportation authority to issue regulations covering all aspects of vehicle titling by the states. That may be more than needed to accomplish the bill's stated purpose, which is to require title branding for salvage vehicles nationwide.

Mr. Speaker, for these reasons, the National Association of Attorneys General has opposed this legislation, as has a broad-based coalition of consumer groups. Among the consumer groups opposing the bill are: the Consumer Federation of America, Public Citizen, Consumers Union, and the U.S. Public Interest Research Group.

Clearly, there are legitimate theft prevention and consumer protection issues involved in the way the states title motor vehicles. I am not opposed to addressing these in a prudent and careful manner which respects the rights of the states.

I, therefore, suggest strongly that this bill simply needs more work and that it should not be enacted into law in its present form. This legislation seeks to address important public policy goals. However, we should be careful that our solution to these public policy concerns does not create new problems that we are not prepared to deal with.

ASSISTIVE TECHNOLOGY ACT OF 1998

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased to rise in strong support of S. 2432, the Assistive Technology Act of 1998.

Assistive technologies have dramatically improved the quality of life for thousands of people in Hawaii and millions around the country. In addition to increasing the range of physical functions a person is capable of, assistive technologies provide psychological benefits increasing self esteem and empowering individuals with independence.

The Assistive Technology Act authorizes a range of programs designed to eliminate barriers preventing maximum utilization of Assistive Technologies. In addition to grants for public awareness, promotion, outreach and research, S. 2432, provides for programs that would encourage various segments of the community to become involved in assistive technology efforts.

I am particularly pleased that this bill contains specific provisions for outreach activities in rural and impoverished urban areas and for children and older individuals.

I am also delighted that S. 2432 authorizes alternative financing mechanisms including: loan guarantee or insurance programs, low-interest loan funds and interest buy-down programs; to help individuals with disabilities and their families to purchase assistive technology devices.

For many individuals with disabilities, assistive technologies means freedom and independence. What most of us take for granted.

I support the Assistive Technology Act of 1998 and urge its immediate passage.

RECOGNITION OF EMMA UDOVICH INDUCTED INTO THE TEXAS SENIORS HALL OF FAME

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. REYES. Mr. Speaker, I am pleased to recognize Emma Udovich, of El Paso, as a recent inductee of the Texas Seniors Hall of Fame. Emma was honored on September 22, 1998 at the opening ceremonies of the state games in Temple, Texas. At 74 she has won a roomful of medals for her athletic endeavors.

In 1986 Emma Udovich heard about the Senior Games over the radio in El Paso, she entered two cycling events and won two gold medals. Emma did not begin competing until she was in her sixties. In the next 13 years she found herself entering over 14 venues in the Senior Games as well as all 6 national Senior Games all over the Country.

Among her accomplishments Emma boasts the following titles: the first woman to be named El Paso Senior Games; Athlete of the Year (1994), Broke Senior national games; cycling record in mile race (1991), Lubbock Sports Classic; Outstanding Woman Athlete (1997), and Emma has won more than 200 gold medals among her 300 awards in senior games competition since 1986.

I am proud to recognize my fellow El Pasoan, Emma Udovich, for her remarkable accomplishments. Emma is a role model for all of us, at 61 she found her calling in athletic competition and pursued her dream. Today Emma has realized that dream through hard work, perseverance and the love of athletic competition. She is a beacon of hope for us all, and shows us that it is never too late to pursue your dreams.

HONORING ELEANOR GARLISI FOR HER YEARS OF SERVICE AS HEAD NURSE IN THE OFFICE OF ATTENDING PHYSICIAN, US CAPITOL

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Eleanor Garlisi and her six years of service as the Head Nurse in the Office of Attending Physician of the US Capitol.

On November 3, Nurse Garlisi will retire from the Office of Attending Physician. I would like to take this opportunity to thank Nurse Garlisi for her years of service to this body and for making sure that all of my distinguished colleagues have had their shots.

During her tenture as Head Nurse, Eleanor has done everything from educating her patients on how to improve their health to providing emergency care for members, staff, and visitors to these hallowed halls.

I know that all of my colleagues who have had to visit the Office of Attending Physician will join me in thanking Nurse Garlisi for her care and compassion. I congratulate Nurse Garlisi on her years of service and wish her continued happiness and success in her future endeavors.

TRIBUTE TO SUE ELLIS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BONIOR. Mr. Speaker, I would like to recognize today the accomplishments of my good friend, Sue Ellis. On September 30, Sue retired from her position as Director of Congressional Relations for Gallaudet University after nearly thirty years of service. During her years at Gallaudet, Sue has held many positions and her list of accomplishments is long.

Sue has been a wonderful asset to Gallaudet through her commitment to furthering the causes of the hearing-impaired community. Under Sue's watch, the University has flourished. Gallaudet has grown from a college to a university—an institution of higher learning led by a hearing-impaired president. Through much of her work with Congress, Sue has helped increase awareness of the importance of Gallaudet University to every community, not just the hearing-impaired.

Personally, Sue has been a very good friend to me and my staff and has encouraged my office to become more involved with the hearing-impaired community in my district. Sue has helped my office hire hearing-impaired interns and full-time staff and we appreciate her support and assistance to make this possible by helping to install the proper technology and arrange sign language classes for my staff and me.

I have also worked closely with Sue in her tireless efforts to organize the Congressional Basketball Game. This fundraising effort has grown from a small event into a tremendous success with national support and raises hundreds of thousands of dollars for the students at Gallaudet.

Through our many years of working closely with Sue, my office considers her a part of our family. I would like to personally thank her for her dedication to an important issue and her commitment to making our world a better place for all. We wish you all of the best in your retirement.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. NETHERCUTT. Mr. Speaker, on October 9, after 6:00 p.m. and on October 10, I was absent from the Chamber. I ask unanimous consent that the RECORD reflect that had I been here I would have voted "Aye" on rollcall votes 511–520.

CELEBRATING 9TO5'S TWENTY-FIVE YEARS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, on Thursday, October 16, 1998, 9to5, the National Association of Working Women, will celebrate 25 years of advocating work place issues for women.

9to5 started in 1973 when a group of clerical workers in Boston decided that women workers deserved respect, higher pay, and better working conditions. Since then, as an increasing number of women continue to join the workforce, 9to5 has challenged employers and lawmakers to make the work place more responsive to women and families.

9to5 has worked tirelessly to win rights for women workers. They have worked to eliminate the practice of firing pregnant women, to establish leave time for women—and men—to care for a sick loved one, and to educate employers and employees about sexual harassment. Their efforts have translated into better work environments and higher morale for employees and higher production and lower turnover for employers.

In 1978, 9to5 members were instrumental in passing landmark legislation, the Pregnancy Discrimination Act, making it illegal for employers to discriminate against pregnant women. During the 1980's, 9to5 focused on passing a number of State laws on pay equity and family and medical leave. In 1987, in my home city of Milwaukee, Wisconsin, 9to5 piloted the "Job Retention Project" to help women make the transition from welfare to work. The successful project became the model for similar projects in Cleveland, Atlanta, and Los Angeles.

In 1993, 9to5 championed another legislative milestone, passage of the Federal Family and Medical Leave Act which allows workers to take leave to care for a family member without risk of losing their job. Also, in the 1990's, 9to5 has focused on sexual harassment in the work place by helping employers establish effective policies on sexual harassment.

As 9to5 celebrates the successes of the past 25 years, issues of fairness and equality continue to challenge women in the workforce. 9to5 will continue to fight the battle for women in the work place seeking higher and more equitable pay, more and better family-friendly policies, stronger employment programs and a reliable social safety net.

I congratulate 9to5 on its accomplishments and I encourage its members to continue their efforts to make the work place safer for women across the country.

RECOGNIZING THE ACCOMPLISHMENTS OF INSPECTORS GENERAL

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. LAZIO of New York. Mr. Speaker, I rise in support of the joint resolution, S.J. Res. 58, to recognize and praise the accomplishments of our Inspector Generals who strive every day to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government.

I would specifically like to commend the accomplishments of the Office of the Inspector General of the Department of Housing and Urban Development (HUD). HUD Inspector General Susan Gaffney has worked with the Secretaries of HUD, the Congress, HUD managers and employees and the public to prevent and detect waste, fraud and abuse and bring about positive changes in the integrity, efficiency, and effectiveness of HUD operations.

For many years, HUD has been highly criticized for its poor performance and mismanagement. In September 1992, Congress mandated that the National Academy of Public Administration (NAPA) conduct a comprehensive review of HUD. The final July 1994 NAPA Report found that HUD's overload of some 240 programs was draining HUD's resources, muddling its priorities, fragmenting HUD's workforce, and confusing communities. NAPA concluded that if HUD did not clarify and consolidate it's legislative mandate in an effective, accountable manner in five years (by 1999), Congress and the Administration should consider dismantling the Department.

And there is more. In 1994, the GAO designated HUD a "high-risk agency" because of long-standing Department-wide mismanagement which have made HUD vulnerable to fraud, waste, and abuse. As a result, HUD has weak internal controls, poorly integrated information and financial systems, organizational problems and an insufficient mix of staff with proper skills.

HUD Inspector Susan Gaffney, appointed to office in August 1993, has spent the last five years getting things done at HUD.

Gaffney brings much experience and knowledge to the table. Susan Gaffney received a B.A. degree at Wilson College in 1965, earned an M.A. at Johns Hopkins School of Advanced International Studies, and studied in the Ph.D program in economics at Cornell University.

In 1970, Ms. Gaffney began her experience with housing issues as a staff analyst in the Department of Housing Preservation and Development with the City of New York. She departed, in 1979, as Deputy Commissioner of that Agency to accept a position as Director of Policy, Plans and Programs, Office of Inspector General, Agency for International Development.

She served in that capacity until 1982, when she was selected to serve as Assistant Inspector General with the General Services Administration (GSA). In 1987, Ms. Gaffney became Deputy Inspector General of GSA, where she assisted the Inspector General in directing all audit, investigatory and administrative functions. Appointed Acting Assistant Director of OMB's Financial Policy and Systems Branch, Management Integrity Branch, an the Cash and Credit Branch. She developed OMB's financial management strategy, and developed policy for implementation of the Chief Financial Offices Act. Her duties also included the formulation of revised policy and instructions for the Federal Managers' Financial Integrity Act, Federal credit programs, and cost principles governing Federal reimbursements.

Beginning in 1991, Ms. Gaffney served as Chief of the Management Integrity Branch at OMB; and developed government-wide policy relating to the Federal Managers' Financial Integrity Act, OMB's High Risk List, and the Inspector General Act. She also directed government-wide implementation of organizational, personnel, and reporting requirements of the Chief Financial Officers Act. Her experience in directing audit and investigatory functions has allowed her to bring a level of professionalism to the Office of the HUD IG that demands commendation.

Gaffney has spent the past five years at HUD supervising and coordinating audits and investigations of HUD's programs and operations. Furthermore, she recommends policies and coordinates activities geared to promoting economy, efficiency, and effectiveness in HUD programs.

Susan Gaffney has worked closely with former Secretary Henry Cisneros and Secretary Andrew Cuomo to help change HUD's high-risk status by monitoring management reform initiatives made by the Department. Ms Gaffney has also taken important strides to improve public housing with the Operation Safe Home program. The Operation Safe Home program is a collaboration by the Office of Inspector General (OIG) and Federal, State, and local law enforcement agencies to combat crime in public and assisted housing.

Despite the dedicated efforts on the part of HUD and the IG, the Department still must make more progress. The HUD IG's Semiannual report to Congress recognized improvements in some aspects of HUD's performance, but noted that, "progress is slow, and the Department's systemic weaknesses have not been directly addressed." In particular, Gaffney found that the HUD staff is incapable of managing the enormous number and wide-variety of programs run by the Department. In addition, the OIG found that various components of HUD are not equipped to provide reasonable stewardship over taxpayer funds expended for their programs.

The GAO also concluded that while HUD deserves credit for its progress in addressing management deficiencies, the department is far from fixed. The GAO states that HUD programs will remain high-risk until two actions are completed. First, HUD must complete more of its planned corrective actions, principally those related to internal controls and information systems. And, secondly, the Administration and Congress must agree on HUD's mission, structure, and approach to programs.

It is important to acknowledge that the work of the Inspector General is an on-going, vital process of maintaining smooth government operations and of preventing the waste and abuse that can occur in federal programs. The HUD IG must continue her work with the Department to improve all high-risk programs.

I encourage all Members of Congress to support this resolution. Lets praise and acknowledge the valiant efforts of all the Offices of Inspector Generals to facilitate our oversight duties and help us to improve the programs and operations of the Federal Government,

EXTENSION OF REMARKS ON THE MEDICARE MEDICAL NUTRITION THERAPY ACT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. ENSIGN. Mr. Speaker, it is rare for any legislation in the House of Representatives to obtain the support of a majority of its members. In fact, fewer than one percent of all bills introduced in the 105th Congress have reached this status. I would like to announce with pride that a bill I sponsored, H.R. 1375, The Medical Nutrition Therapy Act, has achieved this remarkable level of support.

Over 220 of our colleagues support this measure because they recognize that the absence of coverage for nutrition therapy services is a glaring omission in current Medicare policy. Medical science makes clear that properly nourished patients are better able to resist disease and recover from illnesses than those who are malnourished. We also know that elderly Americans are at a higher risk of malnutrition than others in society due to the naturally occurring aging process.

Despite this knowledge, Medicare does not cover nutrition assessment and counseling services by registered dietitians—what is commonly know in the health care field as medical nutrition therapy (MNT). As a result, the elderly either pay for this service out of their own pockets, or go without. This is not a choice that those on fixed incomes should have to make. Medical nutrition therapy is medically necessary care and ought to be a covered benefit.

I am convinced that this bill is an important part of the solution to saving Medicare. It will help us cut costs without sacrificing the quality of patient care. Empirical evidence shows that MNT is effective for patients with diabetes, heart disease, cancer and other costly diseases that are prominent among the elderly. It lowers treatment costs by reducing and shortening the length of hospital stays, preventing health care complications and decreasing the need for medications. Yet still, we do not provide seniors coverage for this care.

It should be noted that support for medical nutrition therapy is not confined to Congress. Major patient advocacy groups including the American Cancer Society, the American Heart Association, the National Kidney Foundation, the American Diabetes Association and the National Osteoporosis Foundation also support coverage for MNT. These groups understand that appropriate nutrition therapy saves money and lives.

Any measure that achieves such an impressive level of political support is deserving of serious deliberation in this body. While I regret that this bill will not be taken up in the remaining days of this Congress, I urge the leadership of both parties to make this bill a top priority next year. While the Balanced Budget Act helped strengthen the Medicare program in the short term, additional reforms will be necessary to prepare the program for the coming retirement of the Baby Boom generation. Congress will be remiss if it overlooks medical nutrition therapy as part of those long-term reforms.

In closing, I want to thank the American Diatetic Association and the Nevada Diatetic Association for their fine work in helping me educate members of Congress about this important measure. The dedicated health and nutrition professionals represented by those groups can be proud of how far this bill had advanced in the 105th Congress and confident that we will ultimately succeed in these efforts.

STAND UP FOR STEEL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to stand up for steel. Our steel industry is being decimated and the Republican leaders in Congress have once again resorted to partisan tactics that hurt American workers.

I am a cosponsor of H. Con. Res. 328. This resolution was cosponsored by 120 of my colleagues—both Democrat and Republican. This resolution calls on the Administration to take all necessary measures to respond to the surge of unfairly traded steel imports resulting from financial crises overseas. When one of my democratic colleagues attempted to bring the matter up for debate in this House last week, he was rebuked, essentially along party lines.

Instead, today the Republican leadership brings to the floor of this House a sham steel resolution. The Republican resolution makes substantial changes to water-down H. Con. Res. 328. This weakened resolution does not adequately address the seriousness and urgency of the steel crisis, nor the prospect of losing hundreds of thousands of American jobs.

The U.S. steel industry is suffering because the Russian and Asian financial crises have led those countries to illegally dump their steel on our market. Unfortunately, the trade laws that would protect American workers from unfair and illegal practices are being ignored. Foreign steel is pouring into our country where it is being sold below the cost of production. U.S. steel prices have fallen 20 percent in the last three months and will dive even further in the future if we do not act now. The U.S. steel industry has been forced to layoff workers and move to shorter work weeks. The industry has seen significant cuts in production and orders have been lost. In my district, steel companies have been forced to send workers home and are operating on four-day weeks.

We can ill-afford to be the world's dumping ground for unfairly-traded steel. While I am saddened by the financial disasters in Asia, Russia, and elsewhere, these countries should not be allowed to export their problems here. We must find other means to help our trading partners deal with their economic challenges. Allowing unfairly-traded steel to flood our markets helps no one.

I am disappointed and ashamed that the Republican leadership in this body has turned the steel crisis into a partisan game. The resolution we consider today is a poor attempt to lull American workers into thinking that Republicans are concerned about their plight. We should reject this resolution. We must take a real stand for U.S. steel and U.S. steelworkers. This resolution does not fit the bill. Let's send it back and bring a strong resolution—like H. Con. Res. 328—to the floor of this House. I urge my colleagues to defeat this resolution.

TRIBUTE TO THE HUNTER COLLEGE CENTER ON AIDS, DRUGS AND COMMUNITY HEALTH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Hunter College Center on AIDS, Drugs and Community Health, which will celebrate its tenth anniversary of promoting public health in New York City on Friday, October 16.

The Hunter College Center on AIDS, Drugs and Community Health was created in 1987 to respond to the growing public health crises that were devastating New York City's low-income communities. Its mission is to assist the people and organizations in poor neighborhoods to respond more effectively to the threats to public health caused by HIV/AIDS, substance abuse, tuberculosis, violence and related conditions.

Mr. Speaker, in the past ten years, the Center has provided direct services to more than 25,000 individuals, helped more than 75 community organizations create or strengthen health programs, trained more than 5,000 health and social service professionals, and provided internships, courses or research placements to more than 2,000 students from Hunter and elsewhere.

The Center has also received more than $17 million in grants and contracts from private foundations and public agencies and has in turn provided more than $500,000 directly to community organizations and neighborhood service providers to support their programs.

While it is important, and appropriate, to recognize the caregivers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

As the Center enters its second decade, it has ambitious plans for the future. Beginning in 1998, with the support of the New York City Department of Health and in collaboration with the Hunter Center for Occupational and Environmental Health, the Center will provide training, assistance and evaluation support for a new citywide initiative against childhood asthma, which is a major problem in my congressional district.

Mr. Speaker, I hope my colleagues will join me in honoring the physicians, nurses, caseworkers, administrators, clerical workers, and all of the other caregivers and support staff of the Hunter College Center on AIDS, Drugs and Community Health for their outstanding efforts at this important milestone, and in wishing them continued success.

PRESCRIPTION DRUG INFLATION: WHY WE NEED TO PASS A MEDICARE PRESCRIPTION DRUG PROGRAM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. STARK. Mr. Speaker, last week, I introduced H.R. 4753, a bill to provide a Medicare prescription drug benefit.

Prescription drug expenses are projected to continue to inflate at a rate far above the general inflation in the economy and in medical care. More and more Americans and Medicare retirees will be facing financial hardship in paying for prescription drugs in the coming years. A national prescription drug insurance program, which would utilize the buying efficiencies of the Medicare program, is the best way to help meet this growing problem.

The September/October 1998 issue of Health Affairs contains a major article by HCFA actuaries and economists entitled, "The Next Ten Years of Health Spending: What Does the Future Hold?" Following are the paragraphs from the article describing anticipated prescription drug spending. Clearly, if these predictions are half correct, Congress should act to help.

> Growth in prescription drug spending is expected to continue at a relatively rapid pace, supported by continued declines in our out-of-pocket payments for drugs associated with the shift of Medicare patients into managed care and an acceleration in new product introductions. Drug-price inflation began to rise in early 1998 and is expected to exceed its relatively slow pace of recent years through 2007.
>
> Drugs. Recent rapid growth in drug costs over the past two years has often been cited as a contributing factor to health plans' escalating costs. Recent higher spending growth is almost entirely accounted for by rising utilization (number of prescriptions) and intensity (including changes in size and mix of prescriptions). Drug price inflation (as measured by the CPI for prescription drugs), which has historically been a major factor in rapid growth, has been relatively restrained since 1993. Excess inflation for prescription drugs averaged only 0.5 percent for 1993–1997, following a period (1982–1993) of 5.3 percent average growth.
>
> Response by both consumers and health plans to slower growth in consumers' out-of-pocket payments for drugs has clearly played a role in the recent rise in utilization. In addition to slower drug price inflation, growth in out-of-pocket expenditures has been low since 1993, which reflects the shift to managed care, in which copayments for drugs tend to be much lower.
>
> Growth in drug spending is expected to accelerate moderately through 1998 and to sustain fairly rapid rates of growth through 2007. Real per capita growth is expected to average just below 6 percent, about equal to the average during the 1980's. While drug prices are projected to accelerate from recent lows, average inflation rates are assumed to remain below the exceptionally rapid pace of the 1980's, with excess drug price inflation averaging 1.7 percent for 1998–2007. Rapid growth in use and intensity are expected to continue to account for most of the growth in spending.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. CHAMBLISS. Mr. Speaker, "The House of Representatives shall have the sole power of impeachment." I take these words directly from Article I, Section 2 of the Constitution of the United States. Reading further, "The President shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors" (Article II, Section 4). It is this Constitution I swore an oath to uphold as Representative of the people of Georgia's 8th district, and it is the demands of this Constitution that I must interpret as I prepare to vote on this resolution to authorize a full inquiry to determine whether sufficient grounds exist to impeach President William J. Clinton.

Recently, the House of Representatives received the report of the Independent Counsel, Kenneth Starr, as his investigation relates to White House response to certain activities. While I condemn the President's decision to carry on a sexual relationship he has now come to admit, the substance of this relationship is irrelevant to the decision we face today.

The independent Counsel has reported 11 separate counts that may serve as the basis for the impeachment of the President. Among them, they include obstruction of justice, perjury, and witness tampering. Note that not one of the counts reported to the House addresses the right or wrong of the President's relationship with the former intern. The report contains allegations of activity that are inconsistent with the laws of this land, laws the President has sworn to uphold, laws the President and no man are above.

The decision we face today is as follows: Based on the report of the Independent Counsel, should the House of Representatives direct its committee on the Judiciary to make such investigation as is necessary to determine whether the facts warrant the bringing of articles of impeachment to the full House. Having had the opportunity to review the report of the Independent Counsel, my answer must be 'yes.'

While I regret much of the detail associated with this inquiry, the responsibility for it may not be laid at the foot of the Congress or the Independent Counsel. I am confident that this House can and will pursue this inquiry with the import and dignity that will be demanded by the American people and the Constitution, itself. I do not take this action lightly, but if this Nation is to continue as the beacon of freedom, the seat of democracy, and if it is to continue to be in the words of Abraham Lincoln a "Government of the people, by the people, and for the people," we must not shy away from our responsibility. Over its history this great Nation has many times offered the ultimate sacrifice of its sons and daughters to protect our constitutional form of government. If for no other reason, it is for those fallen Americans that we must enforce the rule of law today.

Mr. Speaker, it is with a sad, yet resolved, heart that I support the resolution before us today to authorize the inquiry into whether sufficient grounds exist to impeach President William J. Clinton.

IN PRAISE OF CHARLOTTE, NORTH CAROLINA'S "UNITY AGAINST HUNGER AND POVERTY"

HON. SUE MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. MYRICK. Mr. Speaker, I rise today in support of Charlotte, North Carolina's "Unity Against Hunger and Poverty." For years, this coalition of Charlotte area anti-hunger and homelessness programs has worked hard to care for the needy of Charlotte-Mecklenburg. Recently, the members of "Unity Against Hunger and Poverty" sent a letter to my colleague, Representative TONY HALL of Ohio, praising Mr. HALL for his tireless efforts to secure full federal funding for The Emergency Food Assistance Program (TEFAP). I am submitting the text of the group's letter for the CONGRESSIONAL RECORD because it serves as a suitable tribute to both the work of my friend, Mr. HALL, as well as to the dedication and efforts of "Unity Against Hunger and Poverty."

I will always support full funding for the TEFAP program. TEFAP provides vital assistance to our nation's local anti-hunger programs, providing food banks with 20% of the food they need every year. At the same time, TEFAP is a model of government efficiency. While the food stamp program returns only four cents of every dollar to agricultural producers, the TEFAP program returns eighty-five cents of every dollar back to America's farmers. It simply makes sense for the government to purchase excess agricultural commodities to distribute to food banks. By doing so, we can help families get through hard times and can help farmers deal with low commodity prices.

AUGUST 13, 1998.

Hon. TONY P. HALL,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HALL: For over twenty years, you have led the fight against domestic and international hunger in the halls of Congress. So often you must have felt alone and discouraged, but still you persevered. People you will never know have benefited from your work and the battles you have fought.

Today we, the members of Unity Against Hunger and Poverty in Charlotte, send this letter to express our heartfelt gratitude. Your beacon has led us, pointing the way as we battled the darkness of hunger and poverty in our daily work.

Your leadership transcends Ohio's Third Congressional District. Indeed, your spirit has touched us here in North Carolina. We are better as professionals and as human beings because you inspired us with your example of hope laced with action.

Thank you for bearing the standard when so many others have fallen aside. We pray that you will be given the strength to continue.

Sincerely, the undersigned members,
Unity Against Hunger and Poverty:

LYN MORTON,
Loaves & Fishes.
KEN M. MONTAPUT,
Charlotte Emergency Housing.
BETSY VAN WIER,
Second Harvest Food Bank of Metrolina.
FRANCES DANIEL,
Church World Service/CROP.
MARY ANN PILCE,
Urban Ministry Soup Kitchen.
BONNIE WHIT,
Community Food Rescue.
MARILYN MAAS,
Society of St. Andrew/Gleaning Network.
E.J. UNDERWOOD,
Charlotte Rescue Mission.
FRANK MANFIELD,
Uptown Shelter for Homeless Men.
LUCY BUSH,
Friendship Trays.
MARCIA MORTON,
Presbytery of Charlotte.
BEF HOWARD,
Loaves & Fishes.

MAKAH WHALING EFFORT

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. METCALF. Mr. Speaker, I rise today to briefly discuss the ongoing Makah whaling effort. As you may know, the Makah tribe have begun their efforts to hunt gray whales inside the Marine Sanctuary off the coast of Washington State. I continue to stand opposed to the slaughter of these whales, and have grave concerns about the effects that this hunt will have on the whale watching industry in my region and the precedent it sets world wide.

I ask unanimous consent to include this letter in the section for Extension of Remarks, written to NOAA by Mr. Will Anderson of the Progressive Animal Welfare Society (PAWS), an organization in Washington State. The letter brings forward some very interesting and provocative points against the whale hunt, and I would like to submit the text for consideration by the Members of the House and the public.

PAWS,
Lynnwood, WA, September 29, 1998.

D. JAMES BAKER,
Under Secretary for Oceans and Atmosphere, Washington, DC.

DEAR DR. BAKER: As you know, the Makah have declared in the media that they will hunt gray whales anytime after October 1, 1998. This letter is a petition and notification on behalf of the members and supporters of the Progressive Animal Welfare Society (PAWS), a nonprofit organization based in Lynnwood, Washington. The subject of this letter concerns three documents created by agencies within the Department of Commerce.

However, before I describe our concerns regarding those documents, I need to first bring up the question of the Makah whaling season and their agreement, in the Makah Management Plan, to not kill resident whales.

I have read your letter to Mr. Ben Johnson, Chairman of the Makah Tribal Council, dated March 6, 1998. In that letter, with one reservation, you approved the Management Plan For Makah Treaty Gray Whale Hunting For The Years 1998–2002 (the Plan) and indicated that the Plan was understood by your agency to mean that only migrating gray whales would be targeted by Makah hunters. PAWS concurs with your finding that migrating gray whales are unlikely (we believe there is zero chance) to be in the area of Neah Bay until November. However, we are also aware of ample research data from both the United States and Canada that states the southward migration of gray whales will not arrive in Washington waters until December. Until that time, resident whales predominate. I recently confirmed this with Dr. Jim Darling, whose data the U.S. attorneys used in Metcalf versus Daley recently.

Unfortunately, the Makah seem intent on breaking the Agreement Between NOAA and the Makah Tribal Council (the Agreement). They have given clear signals to the media that they intend to kill whales on October 1, or shortly thereafter. Only "resident" whales will be there at that time.

So, we have two immediate problems: The first is that the Makah appear prepared to break the Agreement, perhaps within 48 hours, with Commerce's pre-knowledge. The second is the March 16 letter that asserts that the migration will be passing through Washington in November. Additionally, to my knowledge, as of today, the Makah have neither consulted with Commerce/NMFS that they believe a migration is under way, as is provided by the Whaling Plan and your March 16 letter, nor does NMFS have any idea of what that consultation would consist of or who would make that decision (personal communication with NMFS Seattle, this date).

Dr. Baker, I respectfully request that you immediately inform the Makah Whaling Commission and the Makah Tribal Council that it is a violation of the Agreement to kill the resident gray whales who transit between SE Washington harbors, to Neah Bay waters and Vancouver Island, Canada. More appropriately, the Makah hunt should not be done in the fall, even December, since the first of the migrating southbound whales are characteristically pregnant females.

Because the Makah are going back on their stated intent to only kill migratory gray whales and they appear to be violating the understanding as expressed in your March 6 letter, resident whales will be killed. (It should be noted that it will be impossible to tell the difference between migrants and residents during the migration because the two categories intermingle at those times. Only the odds of killing a resident change.)

PAWS urges you to rectify these matters by stating that, at the least, whaling will not be allowed to commence until December and that no whaling permits should be issued until that time. Furthermore, PAWS requests that you notify NMFS Seattle and instruct them to not declare a migration is in progress. It is scientifically untenable to do so.

The second overriding problem is that it appears Commerce has approved a Plan and entered into an Agreement which are both materially insufficient, at the least. There is a direct linkage beginning with 50CFR, Part 230 that describes what each document is to accomplish and what it is to contain. What follows is a review of three key documents that are the foundation of the Commerce Department's pro-Makah whaling program. The documents are. Federal Register/Vol. 61, No. 113/Tuesday, June 11, 1998/Rules and Regulations which is the publication of 50 CFR, Part 230, the revised domestic whaling regulations enabling the Inuit and Makah to hunt; the Agreement Between The National Oceanic And Atmospheric Administration And The Makah Tribal Council (the "Agreement"); and the Management Plan For Mikah Treaty Gray Whale Hunting For The Years 1998–2002 (the Plan).

FEDERAL REGISTER ("FR"), 6/11/98: 50 CFR, PART 230

There are a number of "promises" made by the Department of Commerce/NMFS in both the preamble discussion and the final Rule. Both Toni Frohoff, representing the Humane Society of the United States (HSUS) and I, representing the Progressive Animal Welfare Society (PAWS) submitted comments on the revised regulations. Quotes from the Federal Register are in quotation marks and italicized.

(A) FR, page 29630, bottom half of second column, "*Nevertheless, NMFS will initiate research this summer on gray whales in the Makah area and in Puget Sound. This research is intended to help differentiate resident whales which may swim near Seattle and other local whale watching areas, from whales that are migrating past Neah Bay.*" Comment: Aside from the known fact that any whales killed in October will not be migrants, and the fact that we know John Calamokidis has an ongoing research program of Washington's gray whales funded by NMFS, has the research been completed? Does this research cited in Commerce's response really give us the ability to differentiate between residents and migrants?

(B) FR, page 29630, bottom of second column to top of third column, "*If the IWC authorizes whaling by the Makah Tribe, NMFS will re-assess its obligations under the National Environmental Policy Act.*" Comment: Was there a formal re-assessment for this action?

(C) It should be noted that historically, IWC requirements for aboriginal whaling were stated in terms of cultural *and* subsistence need. Previous to the revision, that is how US regulations stated the requirements. In this 50 CFR, Part 230 revision, Commerce began stating that it was *cultural and/or subsistence need. My comment in the FR, page 29629, third column, half-way down the definition of whaling village should be changed to read 'any U.S. village having a cultural and subsistence need for whaling' instead of having a cultural and/or subsistence need for whaling:* Their "*Response: NMFS believes that the current language more accurately reflects the interpretation of the IWC of the requirements for aboriginal whaling.*" Comment: This is an arbitrary decision that has had an important effect on US conservation strategy and actions, domestically and internationally. The Commerce change of the word "and" to "and/or" was essential to the overall strategy to get the Makah approved as cultural whalers. The and/or decree appears to be a major administrative rule change that has the effect of law, yet there appears to be no formal administrative procedure(s) nor NEPA process.

(D) FR, page 29629, bottom of third column top of next page, 29630. Here is a discussion of Penalties. A commenter stated that penalties should be in CFR 50, Part 230. The Commerce response was that the "*Cooperative Agreement may delegate some enforcement functions to the Native American whaling organizations.*" They also state that, ultimately, the whalers are subject to the Whaling Convention Act (WCA) and the MMPA, and that Commerce has specific responsibilities under the law that would be enforced after failure of tribal efforts and consultation with tribes. However, in the Agreement and Plan, all penalties are tribal and no mention is made of any other provision. The Makah, operating under a treaty right, are exempt from the MMPA—or so it appears. The WCA may be the only enforcement mechanism, but this and its provisions are not discussed in the FR posting. We question the sufficiency of this arrangement and the change from delegating "some" to delegating totally.

(E) FR, page 29631, top of first column, is the state, "*This final Rule does not change the regulations that allow whaling only for subsistence and cultural use.*" Commerce uses "and" here. Do I not understand that "and" means both criteria apply as was the original practice? Or is this just a FR slip of the tongue? Please comment.

(F) FR, page 29631, "If the IWC authorizes whaling by the Makah Tribe, NMFS will reassess its obligations under the National Environmental Policy Act." This is the second time this was "promised." See item "B" above. Was it ever acted upon? If not, we request NMFS do so before the hunt.

(G) FR, page 29631, two-thirds down the first column, ". . . *whaling activities conducted under this rule will have no adverse effects on marine mammals beyond what is authorized by the IWC,*" This increases our concerns about the current stuck and lost criteria (see FR page 29628). Commerce states that a harpoon that falls out of a whale (see later discussion) does not count as a strike. This can does affect several whales beyond the 13 who are already above the quota of 20 which is "what is authorized by the IWC."

(H) FR, page 29631, bottom of third column, whaling village is defined as having a cultural and/or subsistence need for whaling. See items "C" and "E" above. Also take note of the definition assigned to "strike" as I will refer to it when discussing the Plan.

(I) FR, page 29631, Definitions. "*Aboriginal subsistence whaling means whaling authorized by paragraph 13 of the Schedule annexed to and constituting part of the Convention.*". Does this paragraph 13 include the enabling language the US Government is claiming as the quota given at Monaco, 1997? If so, it includes the phrase, ". . . whose subsistence and cultural needs have been recognized." It has historically been the IWC that does the "recognizing."

(J) FR, page 29632, part 230.4, two-thirds down the first colum. Item "*(e) No person may receive money for participation in aboriginal subsistence whaling.*" I was told by one Makah person that Makah Whaling Commission Members were paid for each meeting and for each canoe/whaling practice. Is this true?

THE AGREEMENT BETWEEN NOAA AND THE MAKAH TRIBAL COUNCIL (THE "AGREEMENT")

(A) First page, Introduction. In this first paragraph there are references to the Treaty, the Whaling Convention Act (WCA) and "other Federal law." I find it hard to believe that this agreement makes no mention of 50 CFR, Part 230 as well as the ESA and MMPA which are in the Federal Register notice describing the requirement for the Agreement (FR, page 29629). This needs to be added to the Agreement.

(B) First page, Introduction, second paragraph, item (a) note that this stated the old language "for subsistence and ceremonial purposes." I believe in its first appearance, this Agreement preceded the revised 50 CFR, Part 230 as published in the Federal Register (FR) which suddenly stated the and/or definition. Examples abound. Also note in item (b) the reference "under a quota approved by the IWC." It brings up (as repetition) the amendment which read in part, "whose subsistence and cultural need is recognized" but this 1997 JWC language in not included in the Agreement which should be updated.

(C) Page 2, Request For Quota, 1.1(a) Again in pre-revised 50 CFR, Part 230, Commerce calls the Makah request subsistence. The referred-to statement was highly criticized. In part (b) of this section, the supplemental statement of need essentially said whale meat would replace junk food and become a meaningful part of their diet that would in turn improve their health. In part (c) I am unaware that NOAA/NMFS used any specific criteria for determining the adequacy of a needs statement. What are the criteria for objectively determining whether a needs statement meets a non-arbitrary threshold.

(D) Page 4, Item 2(d). "An explanation of the circumstances associated with the striking of any whale not landed, and an estimate of whether the animal suffered a wound that might be fatal to the animal." This is an important and arguable aspect that consists of two parts. The first, as I will describe when evaluating the Makah Whaling Plan, is that the definition of strike in the Plan does not appear to agree with the definition in the Federal Register, revised 50 CFR, Part 230. The second has to do with defining and estimating what might be fatal. Though not directed primarily at whaling activities, NOAA Technical Memorandum NMFS–OPR–13, Differentiating Serious and Non-Serious Injury of Marine Mammals Taken Incidental to Commercial Fishing Operations: Report of the Serious Injury Workshop 1–2 April 1997, Silver Spring, Maryland, January, 1998 by Robyn P. Angliss and Douglas P. DeMaster sheds some important light as it does discuss whales injured by fisheries activities. Physiological responses appear to vary but can lead to death due to prolonged stress. There are several lengthy quotes that include physical injury to whales that did not appear to heal and afterward said whales were found dead on a beach. In short, NOAA/NMFS cannot tell with any accuracy (much less a Makah whaler), what constitutes a serious injury, especially with a .50 caliber projectile traveling into the water column some distance, out of human sight.

(E) Page 4, Management, item 3(b). The Makah Whaling Plan fails to declare an opening a closing date. Refer to this item when I bring it up in the Makah Whaling Plan.

(F) Page 5, item 3(e). Here it is stated that the hunting activities will take place outside of the Tatoosh-Bonilla Line. I have contacted a resource who is a cartographer who in turn called the Coast Guard. The Tatoosh-Bonilla line runs from Tatoosh Island near Neah Bay to Bonilla Point which is on Vancouver Island. Bonilla Point Latitude is 48 degrees, 35.7 minutes; Longitude is 124 degrees, 43 minutes. The Coast Guard's proposed regulatory zone extends eastward from this line where whaling is not supposed to take place. So whaling is not supposed to take place anywhere near Neah Bay, nor in most of the Strait of Juan de Fuca. Furthermore, "whaling" is defined in the Makah Whaling Management Plan as "the scouting for, hunting, striking, killing or landing of a whale." Please note: we do not have, at this date, a copy of the Final Rule issued by the Coast Guard, so we can only assume what is known. I requested twice this morning a copy of the Final Rule and was told it would be published October 1, perhaps less than twenty-fours hours before the Makah hunt. If this is the case, it is intolerable to PAWS that the scheduling of the administrative Rule is set so close to a hunt. It deprives us of the information we and our representatives need to understand the Rule.

(G) Page 5, item 4(a) Enforcement. There is no mention regarding waste. In the Federal Register, in response to my comment on the revision of 50 CFR, Part 230, "*The term 'wasteful manner' should include the use and waste of whale products after landing.*" Keep in mind that landing means bringing any whale products on shore. NOAA/NMFS stated, "*NMFS agrees. The term has the same meaning as §216.3: "Wasteful manner means any taking or method of taking which is likely to result in the killing of marine mammals beyond those needed for subsistence or the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal . . .*" Yet, the Agreement makes no mention of waste whatsoever. Please add a discussion and prohibition of waste to the Agreement.

THE MAKAH MANAGEMENT PLAN (THE "PLAN")

I believe the Makah Management Plan, already approved by D. James Baker (letter, March 16, 1998) with one exception (hunt in November, not October) is materially insufficient in not meeting the Federal Register published 50 CFR, Part 230 criteria and the Agreement.

(A) Page one, third paragraph. Note Commerce is now using "ceremonial and subsistence" language though the Department never proved a subsistence/nutritional need at the IWC, and arguably, nor in their needs statement domestically. What are the NOAA/NMFS criteria for approving/not approving cultural and subsistence needs? I have not seen any Rule or other promulgation to that effect.

(B) Page Two, Definitions, item "G." Strike is defined in the Plan far differently than is defined in 50 CFR, Part 230. The language in the Plan requires the strike to "result or is likely to result in death" in order to be counted as a strike. The Plan additionally requires the harpoon to remain embedded in the whale to count as a strike! Five harpoons could conceivably fall out of a single whale and not be counted as a strike. Commerce appears to have no basis for making this determination. The 50 CFR, Part 230 reads, "*Strike means hitting a whale with a harpoon, lance or explosive device.*" That's it. See my citation on wounded whales incidental to fishing operations for a wealth of quotes that indicate the Plan's definition is simply insupportable. It does not follow the precautionary principal. Please make the Plan consistent with 50 CFR, Part 230. Every weapon striking the skin, perhaps breaking the skin, of a whale should count as a strike.

(C) Page 2, Definitions, item "A." Calf. I'm going back to this because I've always been bothered with the response of NOAA to our comments regarding the definition of calf. Commerce took the position of determining whether or not a whale was a calf by seeing if there was milk in his stomach after—the infraction when the whale calf is dead. It is interesting that in the old CFR regulations, a Bowhead whale was called a calf if she was under 25 feet in length. We protest the new definition in that it weakens and fails efforts to protect calves.

(D) Page four, item "D." The Council shall provide at least 24 hours advance notice to the NMFS prior to approving a whaling permit. That advance notice is not required if an NMFS agent is on the Makah Reservation. The time frame does not allow enough administrative oversight (one field biologist given information and sole authority) and ensures the public will be excluded from notice.

(E) Page 4, item "F." "The Commission (here referring to the Makah Whaling Commissions, in other documents The International Whaling Commission) may issue a whaling permit only after determining there is an unmet subsistence *or* cultural need for whale products in the tribal community." Here is the same pattern, mixing "and" with "and/or" and now "or." Which is it?

(F) Page 5, item "V." Training/Qualifications. This paragraph says that Makah whaling team members will be trained and certified for their roles under certification guidelines established by the Commission. I'd like to see those guidelines. We should be able to because this certification is required by 50 CFR (Part 230.4(d)) "*No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.*" There is a clear link between the CFR and this Plan. Page 3, top, of the Agreement requires the Plan. The Agreement is required by 50 CFR in Part 230.2 Definitions, Cooperative Agreement. Are we not allowed access to them, as they are required by CFR?

(G) Item VII, Area Restrictions, "A." Whaling is only permitted westward on the open ocean outside the Tatoosh-Bonilla Line. As described in my item "F" under the critique of the Agreement, this line is far different from the Coast Guard's regulatory/exclusion zone (note, since the Final Rule is not out at this date, I and the public are clueless as to the content and application of the Rule).

(H) Enforcements and Penalties Sections on pages 8 and 9. As discussed earlier, in the 50 CFR negotiations, it was published in the FR that some enforcement/penalties responsibilities may be transferred to tribal authorities. See my comments under the 50 CFR critique, my item (D).

(I) There are no opening and closing dates for each year's hunts in the whaling in the Plan. This is succinctly required in the Agreement on page 4, item 3(b). They would have to do this for the Spring hunt as well.

Secretary Baker, since this matter is of urgent importance, we respectfully request a timely response to our concerns, before the Makah are allowed to conduct their hunt.

Sincerely,

WILL ANDERSON,
Wildlife Advocate.

SENATE—*Tuesday, October 13, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have all authority in heaven and on Earth. You are Sovereign Lord of our lives and of our Nation. We submit to Your authority. We seek to serve You in this Chamber and in the offices that work to help make the deliberations of the Senate run smoothly. We commit to You all that we do and say this day. Make it a productive day. Give us positive attitudes that exude hope. In each difficult impasse, help us seek Your guidance. Draw us closer to You in whose presence we rediscover that, in spite of differences in particulars, we are here to serve You and our beloved Nation together. In our Lord's Name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. DEWINE. Mr. President, I thank the Chair.

SCHEDULE

Mr. DEWINE. Mr. President, on behalf of the majority leader, let me make the following statement.

This morning the Senate will begin a period of morning business lasting until 12 noon. Following morning business, the Senate may consider any legislation that may be cleared by unanimous consent.

All Members should be aware that yesterday the Senate passed a 2-day continuing resolution that will keep the Government operating until midnight Wednesday, allowing the Congress to continue negotiations on the omnibus appropriations bill. If good progress can be made today, the spending bill may be ready for Senate action as early as Wednesday afternoon.

As a reminder to all Members, it is hoped that the remaining legislation of the 105th Congress can be cleared by unanimous consent. However, if a rollcall vote is needed on the omnibus bill, all Members will be given ample notice in order to plan their schedules accordingly.

I thank my colleagues for their attention.

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I withhold my request because I understand the acting majority leader has some further business.

MIGRATORY BIRD TREATY REFORM ACT OF 1998

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 699, H.R. 2863.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment; as follows:

(The parts of the bill intended to be inserted are shown in italic)

H.R. 2863

SECTION 1. SHORT TITLE.

This Act may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 3. CRIMINAL PENALTIES.

Section 6(a) of the Migratory Bird Treaty Act (16 U.S.C. 707(a)) is amended—

(1) by striking "thereof shall be fined not more than $500" and inserting the following: "thereof—

"(1) shall be fined not more than $10,000";

(2) in paragraph (1) (as designated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) in the case of a violation of paragraph (1) or (2) of section 3(b) that is committed in connection with guiding, outfitting, or providing any other service offered, provided, or obtained in exchange for money or other consideration, shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 4. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee amendment be agreed to. And Senator CHAFEE has two amendments at the desk. I ask that they be considered en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendment was agreed to.

AMENDMENT NO. 3819

(Purpose: To add other wildlife-related and water-related provisions to the bill)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE), for Mr. CHAFEE, proposes an amendment numbered 3819.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 3820

(Purpose: To increase and change the application of the criminal penalty provisions)

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. DEWINE), for Mr. CHAFEE, proposes an amendment numbered 3820.

The amendment is as follows:

On page 2, line 21, strike "$10,000" and insert "$15,000".

On page 3, strike lines 1 through 7 and insert the following:

"(2) in the case of a violation of section 3(b)(2), shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

Mr. CHAFEE. Mr. President, I am pleased that this package of fish and wildlife bills is being considered by the Senate today. It is a package that combines some very popular bills with some wonderful conservation initiatives approved by the Committee on Environment and Public Works. It represents an effort on the part of both the Senate and the House to quickly move these bills in the waning days of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the 105th Congress. I would like to enumerate the components of this package.

The first item is H.R. 2863, a bill that amends the Migratory Bird Treaty Act with respect to offenses relating to the baiting of migratory birds. This bill was reported by the Environment and Public Works Committee on Friday, October 2.

I am including an amendment that makes two changes to the bill, as it was reported out of the EPW Committee. The first change is to increase the penalty under section 6(a) of the Migratory Bird Treaty Act from $10,000 to $15,000. This change is not intended to affect the classification of the offense, which is currently a class B misdemeanor. Indeed, in *United States* v. *Clavette*, the ninth circuit held that the fine may be as much as $25,000 and still be considered a class B misdemeanor.

The second change is to eliminate the higher penalty for persons who violate section 3(b) of the Migratory Bird Treaty Act in connection with guiding, outfitting, or providing other service in exchange for money or other consideration. The intent of this provision was to discourage commercial operations from engaging in baiting in order to spur their business. However, the language in the reported bill was extremely broad. In addition, some existing laws, such as the Lacey Act, already provide that commercial operations may be subject to higher penalties.

In lieu of the higher penalty for commercial operations, the amendment that I offer today provides a higher penalty for persons who violate section 3(b)(2) of the Migratory Bird Treaty Act. Section 3(b)(2) prohibits the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area. This penalty would entail fines under title 28 of the United States Code, or imprisonment of not more than one year, or both. Baiting would thus be a class A misdemeanor. The purpose of this higher penalty is to send a strong message to the public that baiting is a serious offense.

Mr. President, these changes have been discussed with Senator BREAUX's staff, House Resources Committee staff, the administration, and the International Association of Fish and Wildlife Agencies, and have met with the approval of all interested parties. I believe that this amendment improves the bill as passed by the committee.

The second item included in the package is S. 2317, which makes several changes to the National Wildlife Refuge System Administration Act of 1966. First, it removes three areas from the Refuge System that have lost the habitat value that led to their being incorporated into the Refuge System. Second, it changes the name of the Klamath Forest National Wildlife Refuge in Oregon to the Klamath Marsh National Wildlife Refuge. The current name leads visitors to believe that it is a national forest, causing confusion over what activities are permitted. Finally, it reduces the penalty for unintentional violations of the National Wildlife Refuge System Administration Act. Currently, all violations of the act are class A misdemeanors, regardless of whether or not it was an intentional violation. Unintentional violations will now be a class B misdemeanor.

The third item included in the package is S. 361, sponsored by Senator JEFFORDS and approved by the Committee on Environment and Public Works on July 22, 1998. This item prohibits the import, export and trade in products that contain, or that are labeled or advertised as containing, rhino and tiger parts, in an effort to reduce the supply and demand of those products in the United States. It requires a public outreach program in the United States to complement the prohibitions. Lastly, it reauthorizes the Rhinoceros and Tiger Conservation Act through 2002.

As a related matter, I would like to note that even as Congress reaffirms and strengthens the laws for the conservation of rhinos and tigers, funding for implementation of these laws is woefully inadequate. This year—the Year of the Tiger—the administration requested only $400,000 for implementing the Rhinoceros and Tiger Conservation Act. The Act is authorized to be appropriated up to $10 million annually. I strongly urge the administration, for fiscal year 2000, to request funding commensurate with the dire situation facing rhinos, and particularly tigers, in the wild.

The fourth item included in the package is S. 1677, the Wetlands and Wildlife Enhancement Act of 1998. This bill reauthorizes the North American Wetlands Conservation Act (NAWCA)—a law that has played a central role in the conservation of wetlands habitat across the continent. I introduced the bill last February, and have been joined by 58 of my colleagues from 42 States in sponsoring S. 1677. There are 35 Republican cosponsors and 23 Democrat cosponsors. This tremendous showing of bipartisan support is a tribute to one of the great success stories in wildlife conservation.

The fifth item in the package includes provisions relating to protection of the Chesapeake Bay, and the research of pfiesteria.

Mr. President, this package contains some very popular bills and very worthwhile conservation programs. It represents the fruits of many months of work by both the House Resources Committee and the Senate Environment and Public Works Committee. In particular, I would like to thank Chairman DON YOUNG and his staff, Harry Burroughs, for their cooperation on these bills, and in putting together this package.

Mr. President, I also ask unanimous consent that the report by the Congressional Budget Office for the bill, H.R. 2863, as approved by the Committee on Environment and Public Works, be printed in the RECORD. When the Committee filed its report on the bill, CBO had not yet completed its analysis, so it was not included. I would now like it to be part of the public record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 8, 1998.

Hon. JOHN F. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2863, the Migratory Bird Treaty Reform Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs), who can be reached at 226-2860, and Hester Grippando (for revenues), who can be reached at 226-2720.

Sincerely,
JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, OCTOBER 8, 1998

H.R. 2863: MIGRATORY BIRD TREATY REFORM ACT OF 1998

(As reported by the Senate Committee on Environment and Public Works on October 5, 1998)

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 2863 would cost the U.S. Fish and Wildlife Service (USFWS) less than $200,000 over the next five years to prepare a report on migratory bird conservation issues. Because sections 2 and 3 of the legislation may affect receipts from criminal fines, pay-as-you-go procedures would apply. We estimate that any changes in receipts would be negligible, however, and would be largely offset by resulting changes in direct spending from the Crime Victims Fund (into which criminal fines are deposited). H.R. 2863 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

Section 2 of H.R. 2863 would codify a standard for determining when someone is guilty of hunting migratory birds over an area baited with bird feed. At present, there is no statutory rule for deciding the issue; thus, the standard is determined by the courts and differs from jurisdiction to jurisdiction. In most areas of the country, courts usually apply strict liability—anyone found hunting over a baited field is guilty of violating federal law whether the person knew that the area was baited or not. In contrast, H.R. 2863 would establish a national standard, presently applied in only a few states, that would make it unlawful for a person to hunt over a field only if that person knows or reasonably should know that the area is baited.

It is possible that applying a new standard regarding the hunting of migratory birds, as would be required by section 2, could make it more difficult for some prosecutors to prove that the law has been violated, resulting in fewer convictions in some states. CBO estimates, however, that the aggregate decrease in federal revenues from fines would be insignificant because the overall conviction rate would be unlikely to fall by much—these rates are already extremely high in all states, regardless of which standard is applied.

Similarly, CBO estimates that section 3 of this legislation, which would raise from $500 to $10,000 the maximum criminal penalty for certain violations of the Migratory Bird Treaty Act, would not cause any significant increase in revenues from fines because we expect that prosecutors would be very unlikely to ask for higher penalties than they currently seek. (The government rarely imposes the current $500 maximum fine in the more than 1,000 cases it prosecutes annually.) In any case, changes in revenues from enacting H.R. 2863 would result in offsetting changes in direct spending from the Crime Victims Fund.

This estimate is based on information provided by the USFWS, the Office of Management and Budget, and federal law enforcement officers.

On May 14, 1998, CBO prepared a cost estimate for H.R. 2863, as ordered reported by the House Committee on Resources on April 29, 1998. This estimate, for the Senate version of H.R. 2863, differs from the previous one because it includes the budgetary effects of two added provisions: the reporting requirement contained in section 4 and the increase in certain maximum penalties contained in section 3.

The CBO staff contacts for this estimate are Deborah Reis (for federal costs), who can be reached at 226–2860, and Hester Grippando (for revenues), who can be reached at 226–2720. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. DEWINE. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc and the bill be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3819 and 3820) were agreed to.

The bill (H.R. 2863) was read the third time.

Mr. DEWINE. I further ask unanimous consent that the Environment Committee be immediately discharged from consideration of H.R. 2807, and the Senate proceed then to its consideration.

I further ask that all after the enacting clause be stricken and the text of H.R. 2863 be inserted in lieu thereof, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2807), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2807) entitled "An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6(a) of the Migratory Bird Treaty Act (16 U.S.C. 707(a)) is amended—

(1) by striking "thereof shall be fined not more than $500" and inserting the following: "thereof—

"(1) shall be fined not more than $15,000";

(2) in paragraph (1) (as designated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) in the case of a violation of section 3(b)(2), shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during

the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVES

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiatives Act of 1998".

SEC. 502. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term "Chesapeake Bay Agreement" means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term "Chesapeake Bay Program" means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay watershed" shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term "Chesapeake Executive Council" means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term "signatory jurisdiction" means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 503. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 504. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

Mr. DEWINE. I finally ask consent that H.R. 2863 be placed back on the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period of morning business until 12 noon.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, under the previous order I have 20 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Will the Chair be kind enough to let me know when I have 2 minutes remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. I thank the Chair.

TRIBUTE TO PATRICK MURPHY, FOUNDER OF THE "FOR THE LOVE OF LIFE" FOUNDATION

Mr. KENNEDY. Mr. President, I rise today to pay tribute to a wonderful friend who has left us all too soon, Patrick Murphy of Provincetown, Massachusetts, who died last Friday from complication of AIDS.

The poet Yeats wrote about another young man who died too young, in lines that apply to Patrick Murphy, too—he was "all life's epitome. What made us dream that he could comb grey hair?"

Patrick was a very special friend, and we grieve all the more today because his life was so tragically cut short. But he lived that life with great energy, passion and commitment. And these priceless qualities won him countless friends and enormous success throughout his lifetime. But even more important, they won him the enduring respect and genuine affection of the people whose lives he touched and helped.

Patrick succeeded where others failed because he would never allow himself to be distracted by the mean-spirited. He had a determination that could overcome any obstacle or criticism. He was seldom burdened by a sense of reality, which made him all the more endearing and all the more successful.

In the Patrick Murphy handbook on life, "No you can't" became "Yes you can." You can fight the bureaucracy. You can make a difference. You can live with AIDS—and never let anyone tell you you can't.

All of us who knew Patrick knew that he never gave up and never gave in. He was the "ever-ready bunny" in the television commercial—the one who just keeps going and going—ever-ready to fight for all the causes we share.

I remember my own campaign in Massachusetts in 1994. Patrick had just left the hospital. But that didn't stop him for a second. Before we knew it, he had list after list of events and phone-banks and campaign stops he was planning—working skillfully and tirelessly until every last vote was counted and victory was won.

He did the same for Senator JOHN KERRY in his reelection campaign in 1996—and for President Clinton and Vice President GORE in their campaign that year too.

And he did it all over again for the impressive "For the Love of Life" Foundation that he founded in 1992 and that will be his lasting memorial.

In the years to come, the Foundation will remind us again and again of Patrick and the power of individuals to make a difference. Ever since Patrick created "For the Love of Life" in 1992, the Foundation has brought greater hope and a higher quality of life to countless people living with AIDS—in Massachusetts and across the country.

The Foundation was inspired by Patrick's extraordinary belief that people's dreams can come true. And, the Foundation's great mission has been to grant the wishes of individuals and families living with HIV and AIDS.

"For the Love of Life" works closely with other AIDS organizations. It provides a special extra dimension that others can't.

For an HIV positive father who could not afford a funeral for his infant son who died of AIDS—"For the Love of Life" made the difference.

For a person living in a hospice in Boston—"For the Love of Life" enabled him to visit his mother in Pittsburgh for one last time, to share a birthday.

The Foundation has helped many others as well—a mother with AIDS to attend her daughter's wedding—a teenage girl with AIDS to have a Sweet 16 party for her family and friends. Because of Patrick's vision and leadership, the dreams of countless others will come true.

As many have said, life is best measures not by its length but by its depth—by those magical moments that make life special. Patrick made life special for himself and everyone he touched. And in the years to come, "For the Love of Life" will continue Patrick's great work by helping people with AIDS to live life and love life. And for that great gift and lesson to all of us—we thank Patrick with all our heart.

Patrick, for the light you brought to dark hours and for the dignity you gave to the human spirit—God bless you and sustain you. Patrick said he was always happier and healthier when he had a project. So I say now, to Patrick in heaven, may you always have a project!

EDUCATION FUNDING

Mr. KENNEDY. Mr. President, I want to address the Senate for a few moments today to call attention to some progress that has been made, as I understand it, in budget negotiations in the areas of education, but also to indicate why I think the resolution of the President of the United States in identifying the importance of the help and assistance of the Federal Government for local communities and the States is extremely important, and why it has been very important in these last few days, that these negotiations reflect the President's strong commitment to education policy, and to put into some perspective why this battle has been necessary over the period of recent years and why it is necessary now. I will mention in just a few moments some of the areas where I understand progress has been made. Nothing will be achieved until everything is settled, but, nonetheless, the areas that I will mention here, I think, have been generally recognized as having been fairly well agreed to, and I think it is relevant to mention those because they are important and will be important when the final omnibus legislation has been achieved.

If you look over the recent years to see what has happened in terms of the education budget, you will see why this battle has been so important. If you look at the amount of the Federal budget that is devoted to education, it represents only 2 percent of the total budget. We are talking now of a budget of $1.7 billion. Only 2 percent of that budget is education. I think most Americans would believe that it should be a good deal higher.

What we are trying to do is to make sure that even this 2 percent is going to be preserved. If there is an opportunity, we are going to see some expansion of it. We understand that we have a tight fiscal situation. We are grateful for the economic policies that have brought us to some surplus, and we expect that to continue, although the surplus for the first 5 years is reflected really in the cumulative savings in our Social Security. And that is why the President is wise to say it is not appropriate now to have a tax cut because those funds which have been paid in and reflect themselves in the form of a surplus are really the hard-earned wages of workers and employers paying into the Social Security trust fund, and until we resolve the challenges of the Social Security trust fund, we should not, and we must not, see a tax cut.

But what we are trying to do is give education more of a priority within the total budget. That is certainly the desire of the American people. What we have been faced with over the period of recent years is the following: In 1996, the Republicans attempted to cut $3.7 billion below the previous year, 1995, in terms of what had actually been appropriated. Do we understand? In the education budget—that was in 1996, that was resisted by the President—all those budget cuts were not achieved but there were some budget cuts.

In 1997, the Republican proposal was to cut $1.5 billion below the previous year—not add on, Mr. President, not try to find out how we could possibly squeeze other aspects of our national budget in order to increase our commitment to education. No. We saw the request for $1.5 billion less in 1997 over the previous year; in 1998, a $2 billion cut below the President's request, and this year $2 billion below the President's request.

These are the facts. And so it is understandable that in the final wrap-up of these budget negotiations, the President of the United States is going to do everything he possibly can to resist that kind of cut in terms of education funding.

Now we know, as I have said before, the amounts of money do not necessarily indicate the solution to all of our problems. That is true in education as well. But what it does reflect is a nation's priorities—a nation's priorities. When you look over the record, for 1996, $3.7 billion; 1997, $1.5 billion; 1998, $2 billion; this year, 1999, $2 billion. That is reflected in the $420 million cut for title I, cutting back on the Eisenhower Teaching Program, cutting back on teacher technology, cutting back on the Afterschool Program, cutting back on the Year 2000 Program, zeroing out the Summer Jobs Program.

We can understand why the President and many of us—the Democratic leader, Senator DASCHLE, the Democratic leader in the House, DICK GEPHARDT—are saying we are not going to have an omnibus budget unless it protects education. In effect, that is what is happening in Washington. Surely, there are other priorities, but this is one identified by the President and the leaders, and the one which I believe is the overriding and overarching issue that those families across our country care most about.

Now, we have heard that in the past few days the Reading Excellence Act, which is basically the Literacy Program that passed in the Senate virtually unanimously, was tied up over in the House of Representatives, and when they effectively halted other kinds of action, that legislation was still hanging out there and would not have been approved unless put into this omnibus legislation.

When we understand that 40 percent of our children who are in the third and fourth grades cannot read properly, and when we understand that this is increasingly a problem, we are not going to be able to solve it all with our Reading Excellence Act, but we are going to be able to help and assist teachers who are attempting to set up literacy programs, who are tying into the Head Start Program, who are working with volunteers who reflect the interests of many of our young people who are working as volunteer teachers in the areas of literacy in our schools and colleges, with the Work-Study Program, which has been expanded significantly in the last couple of years.

I am proud that Massachusetts is ranked as the second State in the country in the number of volunteers in the Work-Study Program who are working with children in their communities on literacy. California is first; we are second. California better look out because we are increasing the number of our colleges that will be doing it. Close to 60 percent of all of our colleges scattered around our State of Massachusetts now are doing that. I believe every college ought to be involved. We ought to be challenging the young people in all of our colleges to give something back to the community. This program will provide that little seed money to help assist those kinds of efforts in our States. That is an important program, and I understand has been agreed to.

We have the Afterschool Program which last year had been a $40 million program; this year, now, some $200 million. We have 5 million American children who are under 14 years of age who are left alone every afternoon in this country—5 million of them. And we wonder what happens when we see these kinds of charts that reflect the spiking up in indexes of violent crime right after school, at 3 o'clock in the afternoon; 3 o'clock to about 6 o'clock in the afternoon have the highest incidents. These people should be involved in afterschool programs. They are working. They are working in my own city of Boston. Not all the city of Boston has it, but Mayor Menino is working to improve these programs. This is a good $200 million program.

But that would not be there unless we had been battling—as in the past few days the President has—to have a modest program to try to help, to work through the nonprofit organizations, even some of those church-related groups, so children in this category can complete their homework in the afternoon. That way, when they go back home, they can spend some quality time with their parents rather than come home and have the parents say, "Jimmy, go upstairs and finish your homework." This happens. This is a family issue. These are two very, very modest but important programs.

But we have more to do, Mr. President. This important program reflects what has been happening in our schools across this country in terms of the total number of students going to the schools. We have seen, now, the escalation in the number of students; 53 million now are going. This number is increasing. The demography, the number of children going in, is putting additional burdens on local communities and States. All we are saying is let's be a partner with them. Let's be a partner with them.

We have listened on the floor to those saying, "This is not a role for the Federal Government." You ask the parents. They want their child educated. They want a well trained teacher in a modern classroom with modern equipment so their child can learn. They want a partnership. With all due respect to our colleagues on the floor yesterday, talking about local control, saying, "We ought to let the local communities make those judgments," the fact is, the local community has control, now, over 93 cents of every dollar that is spent at the present time. Only 7 cents out of that dollar is related to expenditures that are made by the Federal Government. That reflects a very narrow, targeted area of child needs like the title I programs for those children that come from economically deprived communities across this country, whether they are urban or rural communities.

It has been worked out with bipartisan support, that program and the programs that are related to the needs of disabled children and the other limited, targeted programs here. What we are saying, and what the President is saying, is this: With this escalation, we are going to need more teachers. Let us develop the help and assistance so we will have more teachers so these children, particularly in the most formative time of their lives, are going to be in smaller classes so the children will have 16, 17, 18—hopefully, 17 children in the first three grades. That is when the children coming out—perhaps the children coming from a Head Start Program, maybe others who are not, who are coming from some kindergarten, entering first grade—that is when they are making their decisions in terms of developing their confidence, developing their interests in academics. As we have heard from virtually every teacher across the country, the advantage of having that number of students is that a teacher can spend individual moments every single day with that child. That is enormously important.

The PRESIDING OFFICER. The Chair advises the Senator he now has 2 minutes remaining.

Mr. KENNEDY. Mr. President, this is the issue that still remains: Increasing the funding for teachers and also helping, assisting to try to do something about what the General Accounting Office has pointed out is the condition of schools all across this country. They say, to try to address the old schools, to modernize the old schools, nationwide, it would cost $110 billion. The President's program is only $22 billion. Listen to the conclusion, not of Democrats, not of Republicans, listen to the General Accounting Office that says:

> Virtually all communities, even some of the wealthiest, are wondering how to address school infrastructure needs while balancing them with other community priorities.

This is a national problem. We want to make sure our children are in the best classrooms with the best teachers and that they have the best opportunity to learn. This afternoon I will be going out with the President to the Forrest Knoll Elementary School just out in suburban Maryland. We are going to an event. The whole sixth grade is housed in trailers. The Forrest Knoll Elementary School was originally built to hold 450 students. It now teaches over 700 students.

We could find these kinds of conditions in communities, not only in urban, but in rural areas. We need the best local and State efforts, and also Federal help and assistance. That is what we are talking about in terms of modernization. That is what we are talking about in terms of enhanced teachers. These are priorities for American families. We ought to be able to work out a process, Republicans and Democrats alike, to try to address those very, very important and special needs. They are the No. 1 priorities for families in this country and we ought to, even in these final hours, we ought to be able to work through this process to make sure we are going to give our best efforts to the protection of children in our society, for their own interests and for our national interest.

It is in our national interest clearly, so America is going to be able to compete in a global economy and we are going to have the best trained and best educated children and young people in this world. We can do no less. We owe that to our country. That is a great deal of what this debate is about here in the Nation's Capitol, over the time we are meeting here today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998—CONFERENCE REPORT

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany S. 1260.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 9, 1998.)

Mr. D'AMATO. Mr. President, I would like to encourage my Senate colleagues to support the conference report on S. 1260, the Securities Litigation Uniform Standards Act of 1998. The conference report is closely modeled on the bill that the Senate passed by an overwhelming bipartisan vote this spring, and that the Banking Committee reported by a vote of 14 to 4.

Mr. President, I believe that the conference report will also enjoy strong bipartisan support. The conference report is the result of a lot hard work and thoughtful consideration. The House and Senate committee staffs worked closely with the staff of the Securities and Exchange Commission to ensure the Commission's continued support for the legislation. Mr. President, I ask unanimous consent that the letter from the S.E.C. be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, October 9, 1998.
Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.
Hon. PAUL S. SARBANES,
Ranking Minority Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO AND SENATOR SARBANES: You have requested our views on S. 1260, the Securities Litigation Uniform Standards Act of 1998. We support this bill based on important assurances in the Statement of Managers that investors will be protected.[1]

The purpose of the bill is to help ensure that securities fraud class actions involving certain securities traded on national markets are governed by a single set of uniform standards. While preserving the right of individual investors to bring securities lawsuits wherever they choose, the bill generally provides that class actions can be brought only in federal court where they will be governed by federal law. In addition, the bill contains important legislative history that will eliminate confusion in the courts about the proper interpretation of the pleading standard found in the Private Securities Litigation Reform Act of 1995 and make clear that the uniform national standards contained in this bill will permit investors to continue to recover losses attributable to reckless misconduct.

We commend the Committee for its careful efforts to strike an appropriate balance between the rights of injured investors to bring class action lawsuits and those of our capital market participants who must defend against such suits.

As you know, we expressed various concerns over earlier drafts of the legislation. In particular, we stated that a uniform standard for securities fraud class actions that did not permit investors to recover losses for reckless misconduct would jeopardize the integrity of the securities markets. We appreciate your receptivity to our concerns and believe that as a result of our mutual efforts and constructive dialogue, this bill and the Statement of Managers address our concerns. The strong statement in the Statement of Managers that neither this bill nor the Reform Act was intended to alter existing liability standards under the Securities Exchange Act of 1934 will provide important assurances for investors that the uniform national standards created by this bill will continue to allow them to recover losses caused by reckless misconduct. The additional statement clarifying that the uniform pleading requirement in the Reform Act is the standard applied by the Second Circuit Court of Appeals will likewise benefit investors by helping to end confusion in the courts about the proper interpretation of that Act. Together, these statements will operate to assure that investors' rights will not be compromised in the pursuit of uniformity.

---

[1] Commissioner Norman S. Johnson continues to believe that this legislation is premature, at the least, for the reasons stated in his May 1998 prepared statement before the House Subcommittee on Finance and Hazardous Materials.

We are grateful to you and your staffs, as well as the other Members and their staffs, for working with us to improve this legislation and safeguard vital investor protections. We believe this bill and its Statement of Managers fairly address the concerns we have raised with you and will contribute to responsible and balanced reform of securities class action litigation.

Sincerely,

ARTHUR LEVITT,
Chairman.
ISAAC C. HUNT, Jr.,
Commissioner.
PAUL R. CAREY,
Commissioner.
LAURA S. UNGER,
Commissioner.

Mr. D'AMATO. Mr. President, the broadbased support that this bill enjoys is a tribute to Senators DOMENICI, GRAMM, and DODD, the chief cosponsors of its legislation. This bill provides a case study on how to get legislation done. They focused on solving a specific serious problem, and built a wide base of support for the bill. The problem to which I referred is a loophole that strike lawyers have found in the 1995 private securities litigation reform bill.

Mr. President, the 1995 act was enacted in the last Congress in response to a wave of harassment litigation that threatened the efficiency and integrity of our national stock markets, as well as the value of stock portfolios of individual investors. This threat was particularly debilitating to so-called high-tech companies who desperately need access to our capital markets for research, development and production of cutting-edge technology. These companies not only help to create jobs and drive our economic growth, they create substantial wealth for their shareholders. As one witness before the Securities Subcommittee testified:

> The continuing specter of frivolous strike suits poses still another threat to investors: the inordinate costs these suits impose on corporations—and ultimately on their shareholders.

Mr. President, that is a statement that bears repeating: that ultimately the cost of strike suits are borne by shareholders, including ordinary people saving for their children's education or retirement. It is these people, the ordinary investor, who foot the bill for high-price settlements of harassment litigation.

Now, let me make one thing clear—we are not talking about preventing legitimate litigation. Real plaintiffs with legitimate claims deserve their day in court. But we should not condone little more than a judicially sanctioned shakedown that only benefits strike lawyers. Companies that engage in fraudulent conduct should be held fully liable for their actions; however, companies should not be forced to settle cases that have no merit just to minimize their loses.

Mr. President, I want to express my gratitude to our colleagues in the House, particularly Commerce Committee Chairman BLILEY and Subcommittee Chairman OXLEY, for their continued cooperation and good will in a truly bicameral partnership to protect investors.

Mr. DODD. Mr. President. I rise today to offer my strong support for Senate passage of the conference report on S. 1260, the Securities Litigation Uniform Standards Act of 1998. This important bill will help to close a loophole that allows for the continuation of frivolous and abusive securities class action lawsuits, while ensuring that investors will still be able to bring suits when defendants have acted recklessly.

In 1995, the Congress enacted legislation, the Private Securities Litigation Reform Act, that was designed to curb the many abuses that had cropped up in that system over the years. Ironically, it was the very success of the 1995 act in shutting down avenues of abuse on the Federal level that created a new home for that abusive and frivolous litigation in state courts.

Prior to the enactment of the 1995 Reform Act, it was extremely unusual for a securities fraud class action suit to be brought in a state court. But by the end of 1996, it became clear from both the number of cases filed in state court and the nature of those claims, that a significant shift was underfoot as some lawyers sought to evade those provisions of the Reform Act that made it much more difficult to coerce a settlement.

John Olson, the noted securities law expert, testified in February before the Subcommittee on Securities that:

> In the years 1992 through 1994, only *six* issuers of publicly traded securities were sued for fraud in state class actions. In contrast, at least *seventy-seven* publicly traded issuers were sued in state court class actions between January 1, 1996 and June 30, 1997. Indeed, the increase in state court filings may be even greater than indicated by these dramatic statistics. Obtaining an accurate count of state court class actions is extraordinarily difficult, because there is no central repository of such data and plaintiffs are under no obligation to provide notice of the filing of such suits.

In April, 1997, the Securities and Exchange Commission staff report to Congress and the President found that:

> Many of the state cases are filed parallel to a federal court case in an apparent attempt to avoid some of the procedures imposed by the reform act, particularly the stay of discovery pending a motion to dismiss. This may be the most significant development in securities litigation post-reform act.

Even though the number of state class actions filed in 1997 was down from the high of 1996 it was still 50 percent higher than the average number filed in the 5 years prior to the Reform Act and it represented a significant jump in the number of parallel cases filed. 1998 looks to maintain those historically high levels.

This change in the number and nature of cases filed in State court has had two measurable, negative impacts. First, for those companies hit with potentially frivolous or abusive state court class actions, all of the cost and expense that the 1995 Reform Act sought to prevent are once again incurred.

Some might question whether a state class action can carry with it the same type of incentives that existed on the Federal level prior to 1995 to settle even frivolous suits. In fact, they can and let me provide just one example of how this is so.

Adobe Systems, Inc., wrote to the Senate Banking Committee on April 23, 1998, about its experience with state class action lawsuits. As many of my colleagues know, one of the key components of the 1995 Reform Act was to allow judges to rule on a motion to dismiss prior to the commencement of the discovery process. Under the old system, Adobe had won a motion for summary dismissal but only after months of discovery by the plaintiff that cost the company more than $2.3 million in legal expenses and untold time and energy by company officials to produce tens of thousands of documents and numerous depositions. With the 1995 act in place, those kinds of expenses are far less likely to occur on the federal level.

But in an ongoing securities class action suit filed in California state court after passage of the 1995 act, Adobe has had to spend more than $1 million in legal expenses and has had to produce more than 44,000 pages of documents, all before the State judge is even able to entertain a motion for summary dismissal. In fact, in that April 23 letter to Banking Committee Chairman D'AMATO, Colleen Pouliot, Adobe's general counsel, noted that "There are a number of California judicial decisions which permit a plaintiff to obtain discovery for the very purpose of amending a complaint to cure its legal insufficiencies."

This one example makes clear that while Adobe, which has the resources for a costly and lengthy legal battle, might fight a meritless suit, these litigation costs provide a powerful incentive for most companies to settle these suits rather than incur such expenses.

The second clear impact of the migration of class action suits to state court is that it has caused companies to avoid using the safe harbor for forward looking statements that was a critical component of the 1995 Reform Act.

In this increasingly competitive market, investors are demanding more and more information from company officials about where it thinkgs that the company is heading.

The California Public Employees Pension System, one of the biggest institutional investors, in the nation stated that "forward-looking statements provide extremely valuable and relevant information to investors." SEC Chairman Arthur Levitt also noted in 1995, the importance of such information in the marketplace:

> Our capital markets are built on the foundation of full and fair disclosure. . . . The more investors know and understand management's future plans and views, the sounder the valuation is of the company's securities and the more efficient the capital allocation process.

In recent years, the Securities and Exchange Commission, in recognition of this fact, sought to find ways to encourage companies to put such forward-looking into the marketplace. Congress, too, sought to encourage this and this effort ultimately culminated in the creation of a statutory safe harbor, so that companies need not fear a lawsuit if they did not meet their good-faith projections about future performance.

Unfortunately, the simple fact is that the fear of state court litigation is preventing companies from effectively using the safe harbor.

Again, the SEC's April 1997 study found that "companies have been reluctant to provide significantly more forward looking disclosure than they had prior to enactment of the safe harbor." The report went on to cite the fear of state court litigation as one of the principal reasons for this failure.

Stanford Law School lecturer Michael Perino stated the case very well in a recent law review article:

> If one or more states do not have similar safe harbors, then issuers face potential state court lawsuits and liability for actions that do not violate federal standards. . . . for disclosures that are . . . released to market participants nationwide, the state with the most plaintiff-favorable rules for forward looking disclosures, rather than the federal government, is likely to set the standard to which corporations will conform.

If the migration of cases to state court were just a temporary phenomenon, then perhaps it would be appropriate for Congress to tell these companies and their millions of investors to simply grin and bear it, that it will all be over soon. But the SEC report contains the warning that this is no temporary trend: "if state law provides advantages to plaintiffs in a particular case, it is reasonable to expect that plaintiffs' counsel will file suit in state court."

The plain English translation of that is that any plaintiffs' lawyer worth his salt is going to file in state court if he feels it advantageous for his case; since most state courts do not provide the stay of discovery or a safe harbor, we're confronted with a likelihood of continued state court class actions.

While the frustration of the objectives of the 1995 Reform Act provide compelling reasons for congressional action, it is equally important to consider whether the proposition of creating a national standard of liability for nationally-traded securities makes sense in its own right.

I certainly believe it does.

In 1996, Congress passed the National Securities Markets Improvement Act which established a precedent of national treatment for securities that are nationally traded. In that act, Congress clearly and explicitly recognized that our securities markets were national in scope and that requiring that the securities that trade on those national markets comply with 52 separate jurisdictional requirements afforded little extra protection to investors and while imposing unnecessarily steep costs on raising capital.

Last July, then-SEC Commissioner Steven Wallman submitted testimony to the Securities Subcommittee in which he said:

> . . . disparate, and shifting, state litigation procedures may expose issuers to the potential for significant liability that cannot be easily evaluated in advance, or assessed when a statement is made. At a time when we are increasingly experiencing and encouraging national and international securities offerings and listing, and expending great effort to rationalize and streamline our securities markets, this fragmentation of investor remedies potentially imposes costs that outweigh the benefits. Rather than permit or foster fragmentation of our national system of securities litigation, we should give due consideration to the benefits flowing to investors from a uniform national approach.

At the same hearing, Keith Paul Bishop, then-California's top state securities regulator testified that:

> California believes in the federal system and the primary role of the states within that system. However, California does not believe that federal standards are improper when dealing with truly national markets. California businesses, their stockholders and their employees are all hurt by inordinate burdens on national markets. Our businesses must compete in a world market and they will be disadvantaged if they must continue to contend with 51 or more litigation standards.

SEC Chairman Arthur Levitt, at his reconfirmation hearing before the banking committee on March 26, 1998, said that the legislation we are debating today:

> [a]ddresses an issue that . . . deals with a certain level of irrationality. That to have two separate standards is not unlike if you had, in the state of Virginia, two speed limits, one for 60 miles an hour and one for 40 miles an hour. I think the havoc that would create with drivers is not dissimilar from the kind of disruption created by two separate standards [of litigation] and I have long felt that in some areas a single standard is desirable.

The message from all of these sources is clear and unequivocal: a uniform national standard of litigation is both sensible and appropriate.

The conference report under consideration today accomplishes that goal in the narrowest, most balanced way possible.

Before I discuss what the legislation will do, let me point out a few things that it won't do: it will not affect the ability of any state agency to bring any kind of enforcement action against any player in the securities markets; it will not affect the ability of any individual, or even a small group of individuals, to bring a suit in state court against the issuer of any security, nationally traded or not; it will not affect any suit, class action or otherwise, against penny stocks or any stock that is not traded on a national exchange; it will not affect any suits based upon corporate disclosure to existing shareholders required by state fiduciary duty laws; and, it will not alter the national scienter requirement to prevent shareholders from bringing suits against issuers or others who act recklessly.

There has been a lot of talk about this last point, so let me address it head-on.

It is true that in 1995, Congress wrestled with the idea of trying to establish a uniform definition of recklessness; but ultimately, the 1995 private securities litigation reform act was silent on the question of recklessness. While the act requires that plaintiffs plead "facts giving rise to a strong inference that the defendant acted with the requisite state of mind * * *," the 1995 act at no point attempts to define that state of mind. Congress left that to courts to apply, just as they had been applying their definition of state of mind prior to 1995.

Unfortunately, a minority of district courts have tried to read into some of the legislative history of the reform act an intent to do away with recklessness as an actionable standard. I believe that these decisions are erroneous and cannot be supported by either the black letter of the statute nor by any meaningful examination of the legislative history.

There are several definitions of recklessness that operate in our courts today, and some of them are looser than others. But I agree with those who believe that reckless behavior is an extreme departure from the standards of ordinary care; a departure that is so blatant that the danger it presents to investors is either known to the defendant or is so obvious that he or she must have been aware of it.

The notion that Congress would condone such behavior by closing off private lawsuits against those who fall within that definition is just ludicrous.

And if, by some process of mischance and misunderstanding, investors lost their ability to bring suits based on that kind of scienter standard, I would be the first, though certainly not the last, Senator to introduce legislation to restore that standard.

The Statement of Managers that accompanies the conference report on S.

1260 clarifies any misconception that may exist on the part of some courts about congressional intent with unambiguous language:

> It is the clear understanding of the Managers that Congress did not, in adopting the Private Securities Litigation Reform Act of 1995 [PL 104-67], intend to alter the standards of liability under the Exchange Act.

Let me also address another issue that has been raised about recklessness. Some have suggested that while the PSLRA did not remove recklessness as a basis for liability, it was removed as a basis for pleading a securities fraud class action. This is just plain wrong.

Again, the Statement of Managers accompanying this legislation is instructive on this point:

> It was the intent of Congress, as was expressly stated during the legislative debate on the PSLRA, and particularly during the debate on overriding the President's veto, that the PSLRA establish a heightened uniform federal standard based upon the pleading standard applied by the Second Circuit Court of Appeals

The 1995 act clearly adopted the second circuit's pleading standards. The Statement of Managers accompanying this conference report definitively shows that it was also our intent that the application of that standard was also based upon the second circuit's application. While I agree that both this act and the 1995 act envision other courts following the most stringent of the second circuit's cases applying the pleading standard, we do expect other courts to look to the second circuit for guidance. Under the second circuit's most stringent application, the strong inference of the required state of mind may be pled by either alleging circumstantial evidence of scienter, or by alleging a rational economic motive and an opportunity to achieve concrete benefits through the fraud. Where motive is not apparent, the strength of the circumstantial allegations must be correspondingly greater.

Anyone who claims that either the 1995 act or S. 1260 raises the pleading standard beyond that point is engaged in wishful thinking—that kind of statement simply cannot be borne out by even the most cursory examination of either the statute or of the legislative history.

As I mentioned a moment ago, Mr. President, S. 1260 is a moderate, balanced and common sense approach to establishing a uniform national standard of litigation that will end the practice of meritless class action suits being brought in state court. This conference report keeps a very tight definition of class action and applies its standards only to those securities that have been previously defined in law as trading on a national exchange.

That is why, on March 15, the Securities and Exchange Commission stated that "we support enactment of S. 1260"; and that is why again on October 8, the Commission again voiced its support by stating: "we believe this bill and its Statement of Managers . . . will contribute to responsible and balanced reform of securities class action litigation." And that is why the Clinton administration has also expressed its support for the legislation.

In the final analysis, it is the millions of Americans who have invested their hard-earned dollars in these nationally traded companies and the men and women who will hold the new jobs that will be created as a result of newly available resources, whom we hope will be the real beneficiaries of the action that we take here today.

I strongly urge my colleagues to join the Securities and Exchange Commission, dozens of our colleagues, the Clinton administration, dozens of Governors, State legislators, and State securities regulators in supporting passage of the Securities Litigation Uniform Standards Act of 1998.

Mr. DOMENICI. Mr. President, I rise today in strong support of the conference report to S.1260, the "Securities Litigation Reform Uniform Standards Act of 1998" and I want to commend the Majority Leader for bringing this conference report to the floor for a vote prior to the Senate's adjournment. Few issues are more important to the high-tech community and the efficient operation of our capital markets than securities fraud lawsuit reform.

So today, I want to congratulate Senators D'AMATO, DODD, and GRAMM for all of their hard work on this legislation to provide one set of rules to govern securities fraud class actions.

This conference report completes the work I began more than six years ago with Senator Sanford of North Carolina. Back in the early 1990's, Senator Sanford and I noticed that a small group of entrepreneurial plaintiffs' lawyers were abusing our securities laws and the federal rules related to class action lawsuits to file frivolous claims against high-technology companies in federal courts.

Often these lawsuits were based simply on the fact that a company's stock price had fallen, without any real evidence of wrongdoing by the company. Senator Sanford and I realized a long time ago that stock price volatility-common in high tech stocks-simply is not stock fraud.

But, because it was so expensive and time consuming to fight these lawsuits, many companies settled even when they knew they were innocent of the charges leveled against them. The money used to pay for these frivolous lawsuits could have been used for research and development or to create new, high-paying jobs.

So, we introduced a bill to make some changes to the securities fraud class action system. Of course, the powerful plaintiffs' bar opposed our efforts, and the bill did not move very far along in the legislative process.

After Senator Sanford left the Senate, I found a new partner—the senior Senator from Connecticut, Senator DODD. Senator DODD and I continued to work hard on this issue and in 1995, with tremendous help from Chairman D'AMATO and Senator GRAMM, we succeeded in passing a law. The Private Securities Litigation Reform Act of 1995 passed Congress in an overwhelmingly bi-partisan way—over President Clinton's initial veto of the bill.

And since enactment of the 1995 law, we have seen great changes in the conduct of plaintiffs' class action lawyers in federal court. Because of more stringent pleading requirements, plaintiffs' lawyers no longer "race to the courthouse" to be the first to file securities class actions. Because of the new rules, we no longer have "professional plaintiffs"—investors who buy a few shares of stock and then serve as sham named plaintiffs in multiple securities class actions. Other rules make it difficult for plaintiffs' lawyers to file lawsuits to force companies into settlement rather than face the expensive and time consuming "fishing expedition" discovery process.

From my perspective, it has begun to look like our new law has worked too well. Entrepreneurial trial lawyers have begun filing similar claims in state court to avoid the new law's safeguards against frivolous and abusive lawsuits. Instead of one set of rules, we now have 51—one for the federal system and 50 different ones in the states.

According to the Securities and Exchange Commission, this migration of claims from federal court to state court "may be the most significant development in securities litigation" since the passage of the new law in 1995.

In fact, prior to passage of the new law in 1995, state courts rarely served as the forum for securities fraud lawsuits. Now, more than 25 percent of all securities class actions are brought in state court. A recent Price Waterhouse study found that the average number of state court class actions filed in 1996 (the first year after the new law) grew 335 percent over the 1991–1995 average. In 1997, state court filings were 150 percent greater than the 1991–1995 average.

So, there has been a tremendous increase in state securities fraud class actions. In fact, trial lawyers have testified to Congress that they have an obligation to file securities fraud lawsuits in state court if it provides a more attractive forum for their clients. Believe it or not, plaintiffs' lawyers actually admit that they are attempting to avoid federal law.

The increase in state court lawsuits also has prevented high-tech companies from taking advantage of one of the most significant reforms in the 1995 law—the safe harbor for forward-looking statements. Under the 1995 law, companies which make predictive statements are exempt from lawsuits based on those statements if they meet certain requirements. Companies are reluctant to use the safe harbor and make predictive statements because they fear that such statements could be used against them in state court. This fear stifles the free flow of important information to investors—certainly not a result we intended when we passed the new law.

So today, the Senate will vote to send to the President one set of rules for securities fraud cases. One uniform set of rules is critical for our high-technology community and our capital markets.

Without this legislation, the productivity of the high-tech industry—the fastest growing segment of our economy—will continue to be hamstrung by abusive, lawyer-driven lawsuits. Rather than spend their resources on R&D or creating new jobs, high-tech companies will continue to be forced to spend massive sums fending off frivolous lawsuits. That is unacceptable to this Senator.

When I first worked on this issue, executives at Intel Corporation told me that if they had been hit with a frivolous securities lawsuit early in the company's history, they likely never would have invented the microchip. We should not let that happen to the next generation of Intels.

This new law also will be important to our markets. Our capital markets are the envy of the world, and by definition are national in scope. Information provided by companies to the markets is directed to investors across the United States and throughout the world.

Under the Commerce Clause of the U.S. Constitution, Congress has the authority to regulate in areas affecting "interstate commerce." I cannot imagine a more classic example of what constitutes "interstate commerce" than the purchase and sale of securities over a national exchange.

Not only does Congress have the authority to regulate in this area, it clearly is necessary and appropriate. Right now, in an environment where there are 50 different sets of rules, companies must take into account the most onerous state liability rules and tailor their conduct to those rules. If the liability rules in one state make it easier for entrepreneurial lawyers to bring frivolous lawsuits, that affects companies and the information available to investors in all other states. One uniform set of rules will eliminate that problem.

Mr. President, I again want to commend my colleagues for their work on this important bill. I understand that this is a bi-partisan effort, which has the support of the SEC and the Clinton Administration. I also want to thank my colleagues over in the House—Chairman BLILEY, Representative COX, and others who have worked so hard on this issue. This is the culmination of a tremendous amount of work, and I think that our capital markets, high-tech companies and our litigation system will be better served because of it.

Mr. DODD. Mr. President, S. 1260, the Securities Litigation Uniform Standards Act of 1998, is intended to create a uniform national standard for securities fraud class actions involving nationally-traded securities. In advocating enactment of uniform national standards for such actions, I firmly believe that the national standards must be fair ones that adequately protect investors. I hope that Senator D'AMATO, one of the architects of the Banking Committee's substitute, would engage in a colloquy with me on this point.

Mr. D'AMATO. I would be happy to.

Mr. DODD. At a hearing on S. 1260 last October, the Securities and Exchange Commission (SEC) voiced concern over some recent federal district court decisions on the state of mind—or scienter—requirement for pleading fraud that was adopted in the Private Securities Litigation Reform Act of 1995 ('95 Reform Act or PSLRA). According to the SEC, some federal district courts have concluded that the 1995 Reform Act adopted a pleading standard that was more rigorous than the second circuit's, which, at the time of enactment of the PSLRA, had the toughest pleading standards in the nation. Some of these courts have also suggested that the '95 Reform Act changed not only the pleading standard but also the standard for proving the scienter requirement. At the time we enacted the PSLRA, every federal court of appeals in the nation—ten in number—concluded that the scienter requirement could be met by proof of recklessness.

Mr. D'AMATO. I am sympathetic to the SEC's concerns. In acting now to establish uniform national standards, it is important that we make clear our understanding of the standards created by the '95 Reform Act because those are the standards that will apply if S. 1260 is enacted into law. My clear intent in 1995, and my understanding today, is that the PSLRA did not in any way alter the scienter standard in federal securities fraud lawsuits. The '95 Reform Act requires plaintiffs, and I quote, "to state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind." The '95 Reform Act makes no attempt to alter or define that state of mind. In addition, it was my intent in 1995, and it is my understanding today, that the 1995 Reform Act adopted the pleading standard applied in the second circuit.

Mr. DODD. I agree with the comments of my colleague from New York. I, too, did not intend for the PSLRA to alter the state of mind requirement in securities fraud lawsuits or to adopt a pleading standard more stringent than that of the second circuit. In fact, I specifically stated during the legislative debates preceding and following the President's veto that the 1995 Reform Act adopted the second circuit's pleading standard. This continues to be my understanding and intent today. Ensuring that the scienter standard includes reckless misconduct is critical to investor protection. Creating a higher scienter standard would lessen the incentives for issuers of securities to conduct a full inquiry into potentially troublesome areas and could therefore damage the disclosure process that has made our markets a model for other nations. The U.S. securities markets are the envy of the world precisely because investors at home and abroad have enormous confidence in the way our markets operate. Altering the scienter standard in the way envisioned by some of these district court decisions could be very damaging to that confidence.

Mr. D'AMATO. My friend from Connecticut is correct. The federal securities laws must include a scienter requirement that adequately protects investors. I was surprised and dismayed to learn that some district court decisions had not followed the clear language of the 1995 Reform Act, which is the basis upon which the uniform national standard in today's legislation will be created.

Mr. DODD. It appears that these district courts have misread the language of the 1995 Reform Act's "Statement of Managers." As I made clear in the legislative debate following the President's veto, however, the disputed language in the Statement of Managers was simply meant to explain that the conference committee omitted the Specter amendment because that amendment did not adequately reflect existing second circuit caselaw on the pleading standard. I can only hope that when the issue reaches the federal courts of appeals, these courts will undertake a more thorough review of the legislative history and correct these decisions. While I trust that the courts will ultimately honor Congress' clear intent, should the Supreme Court eventually find that recklessness no longer suffices to meet the scienter standard, it is my intent to introduce legislation that would explicitly restore recklessness as the pleading and liability standard for federal securities fraud lawsuits. I imagine that I would not be alone in this endeavor, and I ask my good friend from New York whether he would join me in introducing such legislation?

Mr. D'AMATO. I say to the Senator from Connecticut that I would be pleased to work with him to introduce such legislation under those circumstances. I agree that investors must be allowed a means to recover losses caused by reckless misconduct. Should the courts deprive investors of this important protection, such legislation would be in order.

Mr. DODD. I thank the Senator from New York, the chairman of the Banking Committee, for his leadership on this bill and for engaging in this colloquy with me. In proceeding to create uniform national standards while some issues concerning the 1995 Reform Act are still being decided by the courts, we must act based on what we intended and understand the 1995 Reform Act to mean. As a sponsor of both the Senate bill that became the 1995 Reform Act and the bill, S. 1260, that we are debating today, I am glad that we have had this opportunity to clarify how the PSLRA's pleading standards will function as the uniform national standards to be created in S. 1260, the Securities Litigation Uniform Standards Act of 1998.

Mr. SARBANES. Mr. President, I opposed the securities litigation preemption bill when it was before the Senate. I am sorry to see that the conference report now before us is no better. I continue to believe that this bill is a solution in search of a problem, and that it will do more harm than good.

Why do I call this bill a solution in search of a problem? Because there has been no explosion in frivolous lawsuits filed in State court. The supporters of this bill allege that class action lawsuits alleging securities fraud have migrated from Federal court to State court since 1995. In fact, as I have pointed out previously, every study indicates that the number of securities fraud class actions brought in State court increased in 1996 but then declined in 1997.

Why do I say this bill will do more harm than good? Because this bill likely will deprive individual investors of their opportunities to bring their own actions in State court, separate and apart from class actions. Although the bill's supporters suggest that it deals only with class actions, in fact the scope of the bill is much broader. The bill's definition of "class action" will pick up, against their will, individuals who choose to file their own lawsuits under State law.

These shortcomings were not remedied in conference. Indeed, the one improvement made to the bill on the Senate floor was weakened in conference. Senators will remember that the Senate adopted an amendment to this bill, offered by Senators BRYAN, JOHNSON, BIDEN, and myself. The amendment exempted State and local governments and their pension funds from the coverage of the bill. The conference report now before us weakens this provision. The conference report contains the House-passed version, which requires that State and local governments be named plaintiffs and authorize participation in the specific suit. This version offers scant protection to State and local officials. The Government Finance Officers Association, Municipal Treasurers Association, National Association of Counties, National League of Cities wrote to us concerning this provision on September 28, 1998. Their letter states, "many smaller governments and small pension plans are unable to keep abreast of pending actions. Thus, any affirmative steps on their part may not occur simply because they are unaware of the existence of such a case." These organizations expressed their strong support for the Senate version of this provision, only to be ignored by the conference committee.

On a positive note, I am pleased that the Statement of the Conference Committee makes clear that neither this bill nor the Litigation Reform Act of 1995 alter the scienter standard applied by the courts under the Securities Exchange Act of 1934. Courts in every Federal circuit in the country hold that reckless conduct constitutes scienter sufficient to establish a violation of section 10(b) and rule 10b–5, the principal antifraud provision of the 1934 act. Chairman Levitt of the SEC has described the recklessness standard as "critically important" to "the integrity of the securities markets."

For the reasons I have described, a broad coalition of State and local officials, senior citizen groups, labor unions, academics, and consumer groups oppose this bill. They oppose it because it may deprive defrauded investors of remedies. The headline of a column by Ben Stein in the USA Today newspaper of April 28, 1998, summarizes this opposition: "Investors, beware: Last door to fight fraud could close." He wrote of this bill, "state remedies . . . would simply vanish, and anyone who wanted to sue would have to go into federal court, where . . . impossible standards exist." He warned, "this is serious business for the whole investing public." the associations of public officials I have cited are concerned about this bill because they invest taxpayers' funds and public employees' pension funds in securities, and fear they will be left without remedies if they are defrauded. Over two dozen law professors, including such nationally recognized securities law experts as John Coffee, Joel Seligman, and Marc Steinberg, expressed their opposition in a letter earlier this year. They oppose any legislation "that would deny investors their right to sue for securities fraud under state law." Similarly, the New York State Bar Association opposes this bill. A report prepared by the bar association's section on commercial and Federal litigation concluded, "the existing data does not establish a need for the legislation" and "the proposed solution far exceeds any appropriate level of remedy for the perceived problem." I would also like to point out the opposition of the American Association of Retired Persons, the Consumer Federation of America, the AFL–CIO, the American Federation of State, County and Municipal Employees, and the United Mine Workers.

I urge Senators, out of caution, to vote against this conference report. The recent bull market was the longest in history, and bull markets tend to conceal investment frauds. Should the decline in stock market values continue, it is likely that frauds will be uncovered. The level of participation in the stock market by America's families is at a record level, both directly through ownership of stocks and indirectly through pension funds and mutual funds. Should this bill be enacted, investors will find their State court remedies eliminated. In too many cases, investors will be left without any effective remedies at all. Such a result can only harm innocent investors, undermine public confidence in the securities markets, and ultimately raise the cost of capital for deserving American businesses.

Mr. President, I ask that an exchange of correspondence between Chairman Levitt and Senators D'AMATO, GRAMM, and DODD be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 24, 1998.

Hon. ARTHUR LEVITT,
Chairman, Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN LEVITT AND MEMBERS OF THE COMMISSION: We are writing to request your views on S. 1260, the Securities Litigation Uniform Standards Act of 1997. As you know, our staff has been working closely with the Commission to resolve a number of technical issues that more properly focus the scope of the legislation as introduced. We attach for your review the amendments to the legislation that we intend to incorporate into the bill at the Banking Committee mark-up.

On a separate but related issue, we are aware of the Commission's long-standing concern with respect to the potential scienter requirements under a national standard for litigation. We understand that this concern arises out of certain district courts' interpretation of the Private Securities Litigation Reform Act of 1995. In that regard, we emphasize that our clear intent in 1995—and our understanding today—was that the PSLRA did not in any way alter the scienter standard in federal securities fraud suits. It was our intent, as we expressly stated during the legislative debate in 1995, particularly during the debate on overriding the President's veto, that the PSLRA adopt the pleading standard applied in the Second Circuit. Indeed, the express language of the statute itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind"; the law makes no attempt to define that state of mind. We intend to restate these facts about the '95 Act in both the legislative history and the floor debate that will accompany S. 1260, should it be favorably reported by the Banking Committee.

Sincerely,

ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing & Urban Affairs.
PHIL GRAMM,
Chairman, Subcommittee on Securities.
CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities.

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, March 24, 1998.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
U.S. Senate, Washington, DC.
Hon. PHIL GRAMM,
Chairman, Subcommittee on Securities,
U.S. Senate, Washington, DC.
Hon. CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO, CHAIRMAN GRAMM, AND SENATOR DODD: You have requested our views on S. 1260, the Securities Litigation Uniform Standards Act of 1997, and amendments to the legislation which you intend to offer when the bill is marked-up by the Banking Committee. This letter will present the Commission's position on the bill and proposed amendment.*

The purpose of the bill is to help ensure that securities fraud class actions involving certain securities traded on national markets are governed by a single set of uniform standards. While preserving the right of individual investors to bring securities lawsuits wherever they choose, the bill generally provides that class actions can be brought only in federal court where they will be governed by federal law.

As you know, when the Commission testified before the Securities Subcommittee of the Senate Banking Committee in October 1997, we identified several concerns about S. 1260. In particular, we stated that a uniform standard for securities fraud class actions that did not permit investors to recover losses attributable to reckless misconduct would jeopardize the integrity of the securities markets. In light of this profound concern, we were gratified by the language in your letter of today agreeing to restate in S. 1260's legislative history, and in the expected debate on the Senate floor, that the Private Securities Litigation Reform Act of 1995 did not, and was not intended to, alter the well-recognized and critically important scienter standard.

Our October 1997 testimony also pointed out that S. 1260 could be interpreted to preempt certain state corporate governance claims, a consequence that we believed was neither intended nor desirable. In addition, we expressed concern that S. 1260's definition of class action appeared to be unnecessarily broad. We are grateful for your responsiveness to these concerns and believe that the amendments you propose to offer at the Banking Committee mark-up, as attached to your letter, will successfully resolve these issues.

The ongoing dialogue between our staffs has been constructive. The result of this dialogue, we believe, is an improved bill with legislative history that makes clear, by reference to the legislative debate in 1995, that Congress did not alter in any way the recklessness standard when it enacted the Reform Act. This will help to diminish confusion in the courts about the proper interpretation of that Act and add important assurances that the uniform standards provided by S. 1260 will contain this vital investor protection.

We support enactment of S. 1260 with these changes and with this important legislative history.

We appreciate the opportunity to comment on the legislation, and of course remain committed to working with the Committee as S. 1260 moves through the legislative process.

Sincerely,

ARTHUR LEVITT,
Chairman,
ISAAC C. HUNT, Jr.,
Commissioner.
LAURA S. UNGER,
Commissioner.

Mr. THOMAS. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the conference report appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I want to congratulate the Presiding Officer for his work in disposing of the conference report on S. 1260, the securities litigation legislation. I appreciate very much that at long last this legislation is now going to become law. This is a bill that is widely supported on both sides of the aisle.

A number of Senators have had a lot of opportunities to take some responsibility for the fact that this passed. I want to cite one Senator, in particular, who deserves great credit. That is the Senator from California, Senator BOXER. She has been a persistent advocate and one who has been extraordinarily engaged in this matter now for some time. I talked with her again this morning because she was calling about the status of the legislation. I was able to report that it was my expectation we would be able to finish our consideration of the bill today, and thanks to the agreement we have been able to reach on both sides of the aisle with Senators who have been as involved as the Senator from Wyoming has, we have now reached this point.

I congratulate all who have had a part to play in our success, and particularly the Senator from California, for her persistence, for her leadership, and the effort she has made to bring us to this point.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING WALTER SELLERS

Mr. DEWINE. Mr. President, I rise today to pay tribute to the distinguished career of Walter G. Sellers of Wilberforce, Ohio—who has recently completed his term as president of Kiwanis International.

Mr. Sellers is the first African-American to serve as Kiwanis International President. For 32 years, he was a member of the Kiwanis Club in Xenia, Ohio. In 1990, he was elected to the Kiwanis International Board of Trustees. He served as Vice President and Treasurer before becoming President.

All Ohioans are proud of Mr. Sellers' outstanding stewardship of one of the largest service clubs in the world. But we also know that his service to our community extends beyond his work with the Kiwanis organization. He has served as President of the Xenia Board of Education and President of the Ohio School Boards Association. And he has done great work on many other public-service boards in Ohio.

Walter Sellers has dedicated his life to improving the lives of the people of Ohio, especially in the field of education. We are all extremely grateful for his efforts—and I ask my colleagues to join me in wishing him all the best in his next endeavors.

Mr. President, on a personal note, I have known Walt Sellers for many, many years as a community leader in my home county of Greene County. I also have known Walt for the great work he has done at Central State. I know when I served on the Board of Trustees at Central State in the late 1970s, Walter was there to help guide. So he has been a great asset to that wonderful institution as well.

STAFF TRIBUTE TO SENATOR JOHN GLENN

Mr. DEWINE. Mr. President, as my colleagues well know, my distinguished colleague from Ohio, JOHN GLENN, is busily preparing for his extraordinary and inspirational return to space. As our best wishes are with him and his wife Annie as they begin the next chapter in their wonderful lives, I would like to take a moment to read a fine tribute to Senator GLENN by those who also dedicated their lives to public service—as members of JOHN GLENN's staff. I am honored to read the following letter addressed to him:

---

*We understand that Commissioner Johnson will write separately to express his differing views. Commissioner Carey is not participating.

OCTOBER 9, 1998.

The Hon. JOHN GLENN,
U.S. Senator, Washington, DC.

DEAR SENATOR: As your four terms in the United States Senate come to a close and as you prepare to return to space for the first time since your historic 1962 orbital flight, those who have had the honor and the privilege to serve as members of your Senate staff would like to express our gratitude to you.

Although there have been many staff changes over the years, you have allowed us to pursue extraordinary careers in government and experience opportunities that few can ever know. Some of us have been on your staff since 1975 and many more have served well beyond the average tenure. Beyond our professional careers, you and Annie have made us feel welcome. You generously shared your time with us as our families and children have grown. Your commitment to family is evident in your 55 years of marriage to Annie and that example must have contributed to the eight office marriages in which both spouses first met as staff members.

We have always been proud to assist a public servant who is held in such high regard. We witnessed that admiration and respect firsthand as we accompanied you in your travels throughout the country and around the world and when we see the many people who come to your offices to conduct business.

Your patriotic service in war and peace, in space and in the Senate is an inspiration to us. While you remind us that there may be no cure for the common birthday, you have proven time and again that with determination and hard work dreams do come true.

Thank you for helping our dreams come true, too. Godspeed John Glenn.

Mary Jane Veno, 1975; Christine S. McCreary, 1975; Patricia J. Buckheit, 1975; Ernestine J. Hunter, 1975; Barbara Perry, 1975; Diane Lifsey, 1975; Kathy Connolly, 1975; Linda K. Dillon, 1977; Dale Butland, 1980; Peggy McCauley, 1980.

Ron Grimes, 1984; Kathleen Long, 1984; Don Mitchell, 1984; Michael Slater, 1985; Rosemary Matthews, 1985; Peter McAlister, 1987; Jack Sparks, 1989; Micole C. Dauray, 1989; Shannon L. Watson, 1989; Tonya McKirgan, 1990.

Suzanne McKenna, 1990; Sebastian O'Kelly, 1990; Vicki Butland, 1991; Nathan Coffman, 1992; Holly Koerber, 1993; Mike Entinghe, 1993; Vickie Eckard, 1993; Bryce Level, 1993; J.P. Stevens, 1994.

Kevin Cooper, 1995; Alberta Easter, 1995; Holly Kinnamon, 1996; Jan Papez, 1995; Ayris Price, 1996; David McCain, 1997; Yolanda Brock, 1997; Jill Jacobs, 1997; Dan Emerine, 1997.

Marc Saint Louis, 1997; Coleen Mason, 1997; Rochelle Sturtevant, 1997; Elizabeth Stein, 1997; John Hoctor, 1997; Rob Mosher, 1997; Mary Goldberg, 1998; Maggie Diaz, 1998; Christopher Davis, 1998.

Mr. President, all of us share the sentiments expressed in this heart-warming tribute. It is a reminder of how fortunate we are to have the opportunity to work with dedicated staff who share our pride in representing our fellow citizens in the United States Senate.

ASTHMA

Mr. DEWINE. Mr. President, I rise today to talk about a landmark report released a week ago about asthma, and about how well we as a Nation are dealing with it. The report, called "Asthma in America", frankly concludes that we are doing a poor job. Asthma is a disease that we know how to treat and that we know how to manage. But every year, thousands of Americans die from asthma—and millions more have to be rushed to hospitals to treat emergency asthma symptoms. Let me repeat—we have people dying from asthma—even though we know how to treat this disease. This really is something that we as a nation must address.

Mr. President, there's been enough public attention about asthma that I would hope we all know the basics by now. But let me restate some basic facts. Asthma is a chronic lung disease caused by inflammation of the lower airways. During an asthma attack, these airways narrow—making it difficult and sometimes impossible to breathe.

Nearly 15 million Americans have asthma—and 5 million of them are children. for some reason, the prevalence of asthma is rising—in the last two decades, the number of asthma cases have doubled.

The good news for the 15 million Americans with asthma is that we know a lot about how to treat and manage the disease. We know how to handle asthma attacks once they occur. The most common way, of course, is to use one of the types of asthma inhalers, inhalers such as the one I carry with me just about every day. Millions of Americans use this type of inhaler. Importantly, we now know a lot about how to prevent asthma attacks. Through drug therapy and through avoiding many well-known triggers that cause asthma attacks, we know enough to make sure these attacks and other complications from asthma are rare indeed. In fact, our knowledge is comprehensive enough that the National Institutes of Health have set some ambitious—but reachable—goals for asthma treatment. For example, one of the NIH goals is zero missed days of school or work. Given what we know, we should be able to reach this and the other goals NIH has set. At a minimum, we should be able to come close.

But the bad news for Americans with asthma is that we are not managing this disease well—and we are not coming anywhere close to meeting the NIH goals. This is the bad news that was spelled out very clearly in the Asthma in America report. Let me go over a few of the findings from the report.

The NIH goal is that Americans with asthma miss zero days of work or school. But the report tells us that 49 percent of children with asthma and 25 percent of adults with asthma missed school or work because of the disease last year.

The NIH goal is that the sleep of people with asthma should not be disrupted by difficulty to breathe. But the report tells us that almost one in three asthma patients awaken with breathing problems at least once a week.

The NIH goal is that we have only a small need for emergency room visits or hospitalizations due to asthma attacks. But the report tells us that nearly six million Americans were hospitalized, treated in emergency rooms, or required other urgent care for asthma in the last year. One out of every three children with asthma—about 1.5 million of them—had to go to an emergency room because of asthma.

The NIH goal is that individuals with asthma should be able to maintain normal activity levels. But the Asthma in America survey shows that 48 percent of asthma patients say that asthma limits their ability to participate in sports and recreational activities, and 36 percent have difficulty maintaining their usual levels of physical activity.

Mr. President, all of this is simply unacceptable. If we know how to do better, we must do better. As a nation, we need to seriously evaluate why these shortcomings in the treatment of asthma remain—despite the fact that we do know better. All of us—policymakers; doctors; health insurance companies and HMOs; people with asthma and parents of children with asthma—all of us need to look at this report and try to figure out what's going wrong.

The report released Tuesday should be viewed as a wake-up call. We knew there were some problems with how well we deal with asthma, but I don't think anybody realized it was this bad. We must and can do better.

For example, Asthma in America suggests that one of the reasons we are not meeting the national goals for asthma is lack of knowledge among patients. Many of the survey participants were not able to state what the underlying cause of asthma is, how asthma medication should be used, and how to prevent asthma attacks from occurring. It is clear that we should be doing a better job of educating patients, their families and health care providers about the importance of properly managing asthma.

As a United States Senator, as an American with asthma, and as the father whose children have had asthma, I intend to look at this issue to see what I can do personally and what the federal government can do to address the shortcomings in asthma treatment this report reveals. We only have a day or two left in the 105th Congress. But if we need legislation—if we need greater resources to deal with this problem—I will do everything I can to make sure the 106th Congress addresses this issue and does what is necessary.

STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 1998

Mr. DEWINE. Mr. President, I rise today to introduce a bill that will help protect America's abused children. The bill is called the Strengthening Abuse and Neglect Courts Act of 1998. I am very proud to be joined in this effort by Senators ROCKEFELLER, LANDRIEU, and CHAFEE. I realize that time is running very short in this Congress, so my cosponsors and I will look to move this legislation during the next Congress.

Mr. President, last year Congress passed a historic piece of legislation called the Adoption and Safe Families Act. The purpose of that bill was to encourage safe and permanent family placements for abused and neglected children—and to decrease the amount of time they have to stay in the foster care system.

One of the requirements of that new law is more timely decisionmaking by the courts with regard to adoption and other permanent placements for children. The time-lines instituted by the Adoption and Safe Families Act, however, have increased the pressure on already overburdened courts that deal with abused and neglected children.

If we provide assistance to the courts—so that administrative efficiency and effectiveness are improved—the goals of last year's important legislation will be more readily achieved. Improved courts will help more children find permanent homes more quickly.

That is the purpose of the bill I am introducing today. While acknowledging that abuse and neglect courts are already committed to quality administration of justice, this bill would further strengthen the efficiency and effectiveness of the courts in the following five areas:

(1) Grants to State courts and local courts to automate data collection and tracking of proceedings in abuse and neglect courts. This would improve administrative efficiency and help evaluate overall performance—and it would also develop computer systems that can be replicated in other jurisdictions.

(2) Grants to reduce pending backlogs of abuse and neglect cases. These grants will go to courts in order to reduce and hopefully eliminate the backlog of cases awaiting disposition. The courts are given the flexibility to determine what method to use to reduce their backlog, but suggestions include establishing night court sessions, hiring additional court personnel or extending the courts operating hours.

(3) Development of "good practice" standards for agency attorneys. This would improve the quality of representation for children in the abuse and neglect system to ensure that their best interests are considered.

(4) Improved training (and cross-trainings) for judges, abuse and neglect attorneys, and court personnel. In this, as in so many areas, it's crucial that people with a special task receive special training. This bill would partially reimburse States for training of judges, judicial personnel, agency attorney's and attorneys representing children and parents in abuse and neglect proceedings. It would also help fund cross-training between court and agency.

(5) Technical assistance for the development of and education on "good practice" standards for attorneys practicing in abuse and neglect proceedings. The bill authorizes technical assistance funding to support abuse and neglect courts in the implementation of the Adoption and Safe Families Act.

(5) Expansion of the Court Appointed Special Advocate (CASA) Program into underserved areas. The CASA Program has proven to be effective in ensuring that children in the foster care system are protected and receive appropriate services. This bill would help CASA expand its programs in the 15 largest urban areas and develop multi-jurisdictional programs in under-served rural areas, so that more children receive the benefit of their services.

When we passed the Adoption and Safe Families Act last year, I said that the bill is a good start, but that Congress will have to do more to make sure that every child has the opportunity to live in a safe, stable, loving and permanent home. One of the essential ingredients in this process is an efficiently operating court system. After all, that's where a lot of delays occur—for children who need permanent homes. The courts have been neglected throughout the years and while other areas of child welfare have been emphasized and funded, the courts have been left out of the process almost entirely.

It is my hope that with the introduction of this bill, we will start to change that syndrome—and make sure that courts will finally receive the funding and training they need to make a positive difference in the lives of some of America's most at-risk young people.

The PRESIDING OFFICER. The Senator is reminded of the 5-minute rule.

Mr. DEWINE. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

RETIREMENT OF DAN COATS

Mr. GORTON. Mr. President, at this desk on the floor of the Senate, I am surrounded by Indiana—the senior Senator from Indiana on my left, the junior Senator from Indiana on my right. Together, they have come to reflect the character of their sober, peaceful, and productive section of middle America. So close are the two Senators to one another, almost alone among Members of this body, they share offices in the State of Indiana, they share a strong and calm temperament, and they share a commitment to the people they represent and to the people of the United States.

When this Congress adjourns in a few short hours, however, we will be losing one of those Senators, DAN COATS. DAN COATS has grown in wisdom and in the respect that his fellow Senators have for him in each of the 10 years during which he has served in the Senate—10 years that seem to me, in retrospect, to be all too short. With DAN COATS, what you see is what you get, a man who lives and defends and projects solid American values, a love of family, a love of country, a love of God, a man who works hard, a man whose convictions are strong and unshakeable but who combines with those convictions a willingness to listen to views different from his own and to reach accommodations on matters of policy when those accommodations do not shake his solid philosophical foundation.

During the course of his 10 years in the Senate, DAN COATS has become a good friend. I do not believe I can say that he is my closest friend in the Senate, nor I his. I can say, however, that I will greatly miss his calm good humor, his ability to get to the central point of any debate over policy or political philosophy, his rich dedication to the Constitution of the United States, to this body, and to the friends he has made in this body.

We are only 100 men and women in the Senate, Mr. President. We see a great deal of one another, and we see ourselves and our colleagues under great stress and under high pressures. As a consequence, it is very difficult for any of us to hide the vital features of our character or our personality from one another. DAN COATS, I must say, has never attempted to hide anything about his character or about his personality, and with me and with all of us it has worn well. He is the kind of individual whom you like and respect more and more with each passing day, and it is for just that reason that even if this Congress ends up by accomplishing many of the purposes that each of us as individuals set out to accomplish at the beginning of this Congress, we will still go home with an empty heart, knowing that those of us who return in January will return without the daily advice, counsel, and friendship of a magnificent U.S. Senator, DAN COATS of Indiana.

CHILD NUTRITION REAUTHORIZATION

Mr. LEAHY. Mr. President, there is an old saying that "where there is a will, there is a way." That is very true of this Congress.

Congress can work together when it wants to get a job done, when Members focus on resolving issues rather than sound bites for the nightly news. I was pleased for example, to have worked with Senators BENNETT, HATCH, DODD, and many other on complex computer issues in the Y2K readiness bill, which we were able to pass without objection in the Senate.

It is unfortunate that sometimes when Congress quietly and effectively gets its job done, there is little press interest. So, for a moment I want to draw attention to the child nutrition bill, which Congress passed by working together.

I want to pull everyone's attention away from the maelstrom to thank Members of Congress on both sides of the aisle and their staffs for a job well done on the child nutrition bill.

At conference with the House, I asked that this child nutrition bill be named in honor of Congressman BILL GOODLING. The motion was immediately and unanimously accepted. For years he has worked to improve these programs. This will be his last reauthorization effort and we will miss his touch and his leadership the next time around.

I want to also thank Lynn Selmser who has been Chairman GOODLING's chief nutrition advisor for years. She has worked hard on these issues and deserves a great deal of credit.

The Democratic conferees, Congressman MARTINEZ of California and Congressman BILL CLAY of Missouri, and their staffs, greatly contributed to this effort and kept the interests of children front and center.

On the Senate side we worked together as a team. That is an even greater compliment than normal considering all the other issues facing the country.

Of course, Chairman LUGAR set the bipartisan course and carefully included all of us in the process. He has extended to me every courtesy and is a great chairman who is tough but fair to all Members. His chief counsel, Dave Johnson, has done, as he has always done in the past, an outstanding job from a legal and policy standpoint.

I switched places with my good friend Senator HARKIN a couple years ago. I took his job as ranking member on the nutrition subcommittee and he took mine as ranking member on the full Agriculture Committee. Senator HARKIN is a fighter for children and these programs and Iowa should be proud of his accomplishments.

Mark Halverson, his chief counsel on the committee, has been his nutrition advisor for years and handles these matter with great skill.

Senator MCCONNELL is chairman of the nutrition subcommittee and we have worked together for years to help improve and strengthen these programs. I was pleased that the Kentucky and Iowa child care pilot projects were made permanent by this bill. Dave Hovermale has done a superb job on these issues.

The third Republican Conferee, Senator COCHRAN, is also the Chairman of the Agriculture Subcommittee of the Appropriations Committee. That is a lot of clout and it was well used to strengthen these child nutrition programs. I want to compliment Senator COCHRAN's agriculture staff person, Hunt Shipman, who has worked on these issues for years and has done a tremendous job. Senator COCHRAN, with my full support when I was chairman, helped to create the School Food Service Management Institute. I am pleased that this bill increases funding for that Institute and makes it permanent.

I want to also thank Ed Barron of my staff who has advised me on nutrition issues and legislation for almost twelve years. I know that Senators on both sides of the aisle seek his advice on nutrition legislation.

I also want to thank Michelle Barrett, who is on my staff, for helping out regarding these nutrition issues.

USDA Food, Nutrition and Consumer Services Under Secretary Shirley Watkins has done a marvelous job in promoting child nutrition and getting these programs and Department of Agriculture moving forward. The President made a marvelous choice in sending her name to the Senate. I greatly appreciate her leadership and dedication. Her deputy, Julie Paradis, distinguished herself for years as a lead nutrition staff person for the House Agriculture Committee. She has done a wonderful job at USDA and I greatly enjoy working with her. USDA's "Chairman's Hunger Initiative for Learning and Development" contains important recommendations to the Congress and the country and was helpful in this legislative process.

Also, I have appreciated the valuable input provided by the American School Food Service Association and their counsel Marshall Matz. Their Legislative Issue Papers and careful analysis of these matters makes our job easier.

The Food Research and Action Center helps galvanize grassroots supports for these nutrition efforts. Their excellent report, "Schools Out, Let's Eat," on the Child and Adult Care Food Program presented excellent examples and information.

I appreciate the efforts of my fellow Vermonter Dr. Dick Narkewitz who was chair of a major WIC advisory panel this year. I have always valued his advice and counsel on WIC and other infant health issues.

I also want to mention the valuable assistance of the National Association of WIC Directors and their executive director Doug Greenaway. They have always made solid recommendations to the Congress.

The Food and Nutrition Service is an extremely well run agency and has very dedicated, professional and intelligent staff who do an outstanding job for this nation. Simple stated, FNS is top-notch.

Also, Joe Richardson and Jean Jones of the CRS have provided Congress with extremely helpful information and advice over the year—24 hours a day if needed. I know that Members on both sides of the aisle have the highest regard for them.

Also, working with Chairman LUGAR on nutrition issues is Danny Spellacy who is a rising star within the ranks.

Every four or five years the Congress takes a very careful look at its child nutrition programs. These programs are important to America's children and thus are important to America's future. Many teachers tell me they were surprised to learn how many children come to school hungry. There could be many reasons for this: extreme poverty, a dysfunctional family, child abuse or other nightmares heaped on young children.

Ed Barron's mother, Dorothy Barron, works for the Florida City Elementary School in Florida City, Florida. This school is in the last town before you hit Key Largo. She advises that many of the students come to school hungry. The school meals programs are essential for these children to be able to concentrate on learning.

Without school breakfast and lunch programs, many children would never stand a chance because they would just get hungrier during the school day. This bill will improve these programs and make it easier for school food services to provide lunches and breakfasts. The bill also includes a provision from a bill introduced by Senator JOHNSON which would authorize a study of the benefits of providing "universal" breakfasts to grade school children.

The idea, and it is a good one, is to test how offering breakfasts to all children affects academic performance, test scores, truancy, tardiness and other matters. Preliminary studies have shown positive effects. While this bill does not provide mandatory funding for this study as was in the Senate bill, it does authorize such funding.

The WIC program is another great idea and program which is continued by the bill. Congress has rallied behind this program for a very good reason. Research shows that enhanced nutritional assistance for pregnant women greatly increases the health of newborn children. Indeed, participation in WIC was shown to greatly reduce the incidence of newborns placed in neonatal intensive care.

WIC not only improves the health of those children but greatly reduces federal costs associated with Medicaid payments for that intensive care. The Congress has worked together to fund the WIC program and to improve its operation. Chairman COCHRAN and the ranking Member, Senator BUMPERS, of the Agriculture Appropriations subcommittee are to be commended for their continuous support for these programs.

I am very proud to have worked with my colleagues to use cost containment to put well over one million additional pregnant women, infants and children on the program each year at no extra cost to taxpayers. We did this through an extremely simple idea—the government was required to buy infant formula at the lowest cost possible, not at retail cost. This saves over $1.5 billion per year. This reauthorization bill continues and strengthens that cost containment language.

The WIC Farmers' Market Program is also continued and expanded in this bill. Mary Carlson was president of the National Association of Farmers' Market Nutrition Programs this year and helped me on this reauthorization effort. I appreciate that she flew down from Vermont to Washington to help with some of the discussions with staff. We were able to include some of her suggestions in this bill. Also, on the appropriations front, it does appear that Congress will provide $15 million for the WIC Farmers' Market program this year. On the national level, this new funding level will allow more states to participate in this highly successful program.

I am very proud that the WIC Farmers' Market Program, called Farm-to-Family in Vermont, got its start in legislation that I introduced in the late 1980s. The program promotes consumption of fresh produce among low income families participating in WIC, helps farmers, helps communities set up farmers' markets, and helps teach families how to best use fresh fruits and vegetables. Fruits, vegetables, and other farm products provide a healthy supplement to the dairy products, juices, and fortified cereals included in the WIC package.

In addition to being strongly liked by participating families, farmers also like this program. A USDA study showed that WIC recipients continue to buy at farmer's markets long after they stopped getting WIC benefits. In Vermont, more than 200 farmers currently participate in the WIC Farmers' Market Program.

A participating farmer in New Hampshire said that "the program enabled us to keep farming. Without it we would have been forced to stop." A Massachusetts farmer said: "it made it possible for our small town farmers' market to get off the ground during its first year."

Mary Carlson has advised me that this program has had a significant role in helping Vermont communities set up farmers' markets. In Vermont, nearly 5,000 families participate in the program at over 30 farmers' markets. This program leverages a very modest federal investment and helps farmers, farmers' markets and families throughout the nation.

This bill also expands the reach of a nutrition program that is very important for homeless children living in emergency shelters. I hosted a hearing on this matter in 1994 and His Eminence Anthony Cardinal Bevilaqua of Philadelphia testified about the need for this program. It provides food for young children living in homeless shelters and has been of great help to agencies and communities facing homelessness among children. The bill blends the food program for homeless children into the child care food program. I anticipate that this will mean that all current shelters will be able to continue to participate and that additional children could be served.

I take a great personal interest in this program and urge the Department to provide its benefits to as many needy children as possible. His Eminence sent me a letter and survey results regarding this program late last year.

I will request a report from USDA on how this provision is implemented during the next year and will contact sponsors including the Archdiocese of Philadelphia to make sure the program continues to operate effectively. I appreciate the interest of USDA in this program.

The reauthorization bill also expands after-school child care programs allowing parents to find and keep jobs. These programs are becoming more and more important in Vermont and around the nation and I am very pleased that this bill provides additional funding and makes significant improvements in this area.

The bill also expands the summer food service program by making it easier for sponsors to serve more children. Robert Dostis, with the Vermont Campaign to End Childhood Hunger, has done a wonderful job in Vermont promoting this program as well as the school breakfast program. Their "Report on Childhood Hunger in Vermont" brought these child nutrition issues to life. The bill expands the ability of churches and other nonprofit organizations to offer summer food service program meals to more children.

Jo Busha, head of Vermont's child nutrition programs, has been recognized for her tremendous efforts in getting more schools to offer a breakfast program. I salute her and Robert Dostis for their work on behalf of Vermont's children.

I know that the Vermont School Food Service Association will be pleased that this bill will reduce red tape and burdensome school lunch rules. The bill lets them get their job done.

The bill continues a WIC breast feeding promotion program to encourage breast feeding instead of the use of infant formula. Working with Senator HARKIN, we were able to include the program in the 1989 reauthorization of child nutrition programs.

The bill also continues a program requested by former Majority Leader Robert Dole. This program helps assist children with disabilities to participate in the school lunch program and is a very good idea. I always appreciated Senator Dole's counsel on these issues.

The reauthorization bill also continues funding for the national information clearinghouse which provides local communities and states with information about gleaning, food sources, and programs that help communities and families help themselves. This clearinghouse has worked out very well and I want to commend World Hunger Year for the tremendous job they have done with this program. I know that my good friend Chairman BEN GILMAN has been a long time friend of World Hunger Year and that he, and many others, appreciate what they have done over the years.

The bill also extends federal funding for local programs which integrate nutrition and farming education into the regular school curricula. This program is scored as a mandatory program and I certainly hope that USDA actually funds it. I have suggested more than once that USDA consider the Foodworks: Common Roots program in New York and Vermont. They have been commended in newspaper accounts and by the local principals as a great example of schools integrating the teaching of nutrition and farming into the regular school curricula. For example, students would design and plant a garden with seeds for food grown in colonial days. Young children would use simple math to plot out where to place seeds while advanced classes might mathematically describe the spiral of corn kernels on the cob.

Children could be taught about historic farming techniques and how they are relevant today. The hands on gardening experience brings learning to life an helps make math, science and history more interesting.

I introduced a child nutrition bill last year—the Child Nutrition Initiatives Act, S. 1556—that contained a number of proposals that are included in this bill. Most important—in light of recent efforts to encourage work—are the after-school, and the child care, food programs. Adequate after-school care for school-age children is critical to permit parents to work. More schools should be able to offer after-school food programs.

I also cosponsored Senator LUGAR's child nutrition reauthorization bill. I hope that some time in the future we can provide assured, mandatory funding for the WIC farmers' market program as I proposed in my bill. By specifying exact annual caps we could assure funding for years while, at the same time, exercise complete control over the size of the program. This approach follows a recommendation of the National Association of Farmers' Market Nutrition Programs.

I had also hoped that this reauthorization would provide additional financial support to help cover transportation costs for every rural areas—75 cents per child, per day—for the summer food service program. S. 1556 also would have helped create more summer food service programs, by providing grants to cover one-time costs associated with setting up a summer food service program.

I will work in the future to include some of these ideas into the next reauthorization bill. I now look forward to the President signing this important bill into law.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. SESSIONS. Mr. President, I have been honored to have the opportunity to hear Senator BUMPERS share his perspective on public service and his personal odyssey. His story is the story of the South—depression, hardship, tough economic times, small businesses, and the son of a shopkeeper. I, too, am the son of a storekeeper and can understand and identify the qualities that have shaped Senator BUMPERS' life.

I have had the opportunity to personally observe his service in this body for just 2 years, but in that short time I have been able to appreciate his many excellent qualities. He does indeed reflect the character of the people of Arkansas. He is part of that State; he comes from its people; and, he shares its values. As an attorney who has tried many cases, I have had the pleasure to see him work on the floor of the Senate. He is articulate, able, well prepared, logical, and persuasive. He states his case very effectively. I can just imagine him before a jury in Arkansas as he boils down complex issues to their essence and appeals to their sense of values. I can see just why people refer to him as an outstanding lawyer. Many denigrate that profession, and I have been a strong critic of some of the abuses of the legal profession, but the skills possessed by the Senator from Arkansas are those skills that make a lawyer most valuable. He cuts straight to the heart of the matter in words that are comprehensible by all.

Again, I am pleased to have served with the distinguished senior Senator from Arkansas and I wish him well in his future service. He has conducted himself with high standards and has not done anything to bring discredit on this body. He has stood courageously, alone if necessary, for the values that he believed in. There is no doubt, I say to the children and grandchildren of the distinguished Senator from Arkansas, that your father and grandfather has been an able and noble practitioner in this great deliberative body of the greatest nation in the history of the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 2349. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "August F. Hawkins Post Office Building."

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National park, and for other purposes.

H.R. 3461. An act to approve a governing international fishery agreement between the United States and the Republic of Poland, and for other purposes.

H.R. 3888. An act to amend the Communications Act of 1934 to improve the protection of consumers against "slamming" by telecommunications carriers, and for other purposes.

H.R. 4326. An act to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.R. 4757. An act to designate the North/Sea Center as the Dante B. Fascell North-South Center.

The message also announced that the House has passed the following bills, without amendment:

S. 538. An act to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

S. 744. An act to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of water supply system, and for other purposes.

S. 2524. An act to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2117. An act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., non-profit corporation, in the planning and construction of the water supply system, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2281) to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1659. An act to provide for the expeditious completion of the acquisition of private mineral interests with the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 1903. A bill to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes (Rept. No. 105–412).

ADDITIONAL COSPONSORS

S. 2222

At the request of Mr. GRASSLEY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 2222, a bill to amend title XVIII of the Social Security Act to repeal the financial limitation on rehabilitation services under part B of the Medicare Program.

S. 2610

At the request of Mr. LIEBERMAN, the names of the Senator from New York [Mr. MOYNIHAN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 2610, a bill to amend the Clean Air to repeal the grandfather status for electric utility units.

AMENDMENTS SUBMITTED

MIGRATORY BIRD TREATY REFORM ACT OF 1998

CHAFEE AMENDMENT NO. 3819

Mr. DEWINE (for Mr. CHAFEE) proposed an amendment to the bill (H.R. 2863) to amend the Migratory Bird

Treaty Act to clarify restrictions under that act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes; as follows:

On page 1, strike line 3 and insert the following:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

On page 1, line 4, strike "Act" and insert "title".

On page 2, line 1, strike "**sec. 2.**" and insert "**sec. 102.**".

On page 2, line 16, strike "**sec. 3.**" and insert "**sec. 103.**".

On page 3, line 8, strike "**sec. 4.**" and insert "**sec. 104.**".

At the end of the bill, add the following:

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) In General.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) Conforming Amendments.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) In General.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) Executive Orders.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) In General.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) Executive Order.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) Penalties.—

"(1) Knowing violations.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) Other violations.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) In General.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) Publication of Policy.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVES

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiatives Act of 1998".

SEC. 502. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term "Chesapeake Bay Agreement" means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term "Chesapeake Bay Program" means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay watershed" shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term "Chesapeake Executive Council" means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term "signatory jurisdiction" means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 503. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 504. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

CHAFEE AMENDMENT NO. 3820

Mr. DEWINE (for Mr. CHAFEE) proposed an amendment to the bill, H.R. 2863; supra; as follows:

On page 2, line 21, strike "$10,000" and insert "$15,000".

On page 3, strike lines 1 through 7 and insert the following:

"(2) in the case of a violation of section 3(b)(2), shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

KYL AMENDMENT NO. 3821

Mr. GORTON (for Mr. KYL) proposed an amendment to the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea; as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Salton Sea Reclamation Act of 1998".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions. ....

TITLE I—SALTON SEA FEASIBILITY STUDY

Sec. 101. Feasibility study authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

Sec. 201. Alamo River and New River irrigation drainage water.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Committees" means the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(2) The term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE I—SALTON SEA FEASIBILITY STUDY

SEC. 101. SALTON SEA FEASITILITY STUDY AUTHORIZATION.

(a) In General.—No later than January 1, 2000, the Secretary, in accordance with this section, shall complete all feasibility studies and cost analyses for the options set forth in subsection (b)(2)(A) necessary for Congress to fully evaluate such options.

(b) Feasibility Study.—

(1) In general.—

(A) the Secretary shall complete all studies, including, but not limited to environmental and other reviews, of the fasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and (1) reduce and stabilize the overall salinity of the Salton Sea, (2) stabilize the surface elevation of the Salton Sea, (3) reclaim, in the long term, healthy fish and wildlife resources and their habitats, and (4) enhance the potential for recreational uses and economic development of the Salton Sea.

(B) Based solely on whatever information is available at the time of submission of the report, the Secretary shall (1) identify any options he deems economically feasible and cost effective, (2) identify any additional information necessary to develop construction specifications, and (3) submit any recommendations, along with the results of the study to the Committees no later than January 1, 2000.

(C)(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (2)(A), including criteria for determining benefits and the magnitude and practicability of costs of construction, operation, and maintenance of each options evaluated.

(2) Options to be considered.—Options considered in the feasibility study—

(A) shall consist of, but need not be limited to—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in one or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate and for which feasibility analyses and cost estimates can be completed by January 1, 2000;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) relies on the importation of any new or additional water from the Colorado River; or

(ii) is inconsistent with the provisions of subsection (c).

(3) Assumptions.—In evaluating options, the Secretary shall apply assumptions regarding water inflows into the Salton Sea Basin that encourage water conservation, account for transfers of water out of the Salton Sea Basin, and are based on a maximum likely reduction in inflows into the Salton Sea Basin which could be 800,000 acre-feet or less per year.

(4) Consideration of costs.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs and shall set forth the basis for any cost sharing allocations as well as anticipated repayment, if any, of federal contributions.

(c) Relationship to Other Law.—

(1) Reclamation laws.—Activities authorized by this Act shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws and shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) Preservation of rights and obligations with respect to the Colorado River.—This Act shall not be considered to supersede or otherwise affect any treaty, law, decree, contract, or agreement governing use of water from the Colorado River. All activities taken under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, decrees, contracts, and agreements.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) In General.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(b), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) Selection of Topics and Management of Studies.—

(1) In general.—The Secretary shall establish a committee to be known as the "Salton Sea Research Management Committee". The committee shall select the topics of studies under this section and manage those studies.

(2) Membership.—The committee shall consist of the following five members:

(A) The Secretary.

(B) The Governor of California.

(C) The Executive Director of the Salton Sea Authority.

(D) The Chairman of the Torres Martinez Desert Cahuilla Tribal Government.

(E) The Director of the California Water Resources Center.

(c) Coordination.—The Secretary shall require that studies under this section are coordinated through the Science Subcommittee which reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside; the University of Redlands; San Diego State University; the Imperial Valley College; and Los Alamos National Laboratory.

(d) Peer Review.—The Secretary shall require that studies under this section are subjected to peer review.

(e) Authorization of Appropriations.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary, through accounts within the Fish and Wildlife Service exclusively, $5,000,000.

(f) Advisory Committee Act.—The committee, and its activities, are not subject to the Federal Advisory Committee Act (5 U.S.C. app.).

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) Refuge Renamed.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the "Sonny Bono Salton Sea National Wildlife Refuge".

(b) References.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION DRAINAGE WATER.

(a) River Enhancement.—

(1) In general.—The Secretary is authorized and directed to promptly conduct research and construct river reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California, by treating water in those rivers and irrigation drainage water that flows into those rivers.

(2) Acquisitions.—The Secretary may acquire equipment, real property from willing sellers, and interests in real property (including site access) from willing sellers as needed to implement actions under this section if the State of California, a political subdivision of the State, or Desert Wildlife Unlimited has entered into an agreement with the Secretary under which the State, subdivision, or Desert Wildlife Unlimited, respectively, will, effective 1 year after the date that systems for which the acquisitions are made are operational and functional—

(A) accept all right, title, and interest in and to the equipment, property, or interests; and

(B) assume responsibility for operation and maintenance of the equipment, property, or interests.

(3) TRANSFER OF TITLE.—Not later than 1 year after the date a system developed under this section is operational and functional, the Secretary shall transfer all right, title, and interest of the United States in and to all equipment, property, and interests acquired for the system in accordance with the applicable agreement under paragraph (2).

(4) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any wetlands developed under this title and may implement other actions to improve the efficacy of actions implemented pursuant to this section.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) FEDERAL WATER POLLUTION CONTROL.—Water withdrawn solely for the purpose of a wetlands project to improve water quality under subsection (a)(1), when returned to the Alamo River or New River, shall not be required to meet water quality standards under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary $3,000,000.

Amend the title to read as follows: "To direct the Secretary of the Interior acting through the Bureau of Reclamation, to complete a feasibility study relating to the Salton Sea, and for other purposes.".

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1998—S. 1642

The bill, S. 1642, as passed by the Senate on October 12, 1998, is as follows:

S. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 1998".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) to simplify Federal financial assistance application and reporting requirements;

(3) to improve the delivery of services to the public; and

(4) to facilitate greater coordination among those responsible for delivering such services.

SEC. 4. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term "Federal agency" means any agency as defined under section 551(1) of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term "Federal financial assistance" has the same meaning as defined in section 7501(a)(5) of title 31, United States Code, under which Federal financial assistance is provided, directly or indirectly, to a non-Federal entity.

(4) LOCAL GOVERNMENT.—The term "local government" means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code);

(5) NON-FEDERAL ENTITY.—The term "non-Federal entity" means a State, local government, or nonprofit organization.

(6) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any corporation, trust, association, cooperative, or other organization that—

(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

(8) TRIBAL GOVERNMENT.—The term "tribal government" means an Indian tribe, as that term is defined in section 7501(a)(9) of title 31, United States Code.

(9) UNIFORM ADMINISTRATIVE RULE.—The term "uniform administrative rule" means a government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

(2) demonstrates active participation in the interagency process under section 6(a)(2);

(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the Government Performance and Results Act.

(b) EXTENSION.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-Federal entities during development and implementation of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

SEC. 6. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, and representatives of non-Federal entities, shall direct, coordinate and assist Federal agencies in establishing:

(1) A common application and reporting system, including—

(A) a common application or set of common applications, wherein a non-Federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies.

(2) An interagency process for addressing—

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities;

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including appropriate information sharing consistent with the Privacy Act of 1974; and

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Agencies shall submit to the Director, upon his request and for his review, information and other reporting regarding their implementation of this Act.

(d) EXEMPTIONS.—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which will be available to the public through OMB's Internet site.

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act, the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans;

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

SEC. 8. COLLECTION OF INFORMATION.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

SEC. 9. JUDICIAL REVIEW.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 10. STATUTORY REQUIREMENTS.

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

SEC. 11. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective five years after such date of enactment.

ORDER FOR SUBMITTAL AND PRINTING OF TRIBUTES

Mr. GORTON. Mr. President, I ask unanimous consent that Members have until October 28, 1998, to submit tributes to Senators COATS, KEMPTHORNE, FORD, GLENN, and BUMPERS, and further that the statements be compiled and printed as Senate documents.

The PRESIDING OFFICER. Without objection, it is so ordered.

SALTON SEA RECLAMATION ACT OF 1998

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3267, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3821

Mr. GORTON. Mr. President, there is an amendment at the desk offered by Senator KYL, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mr. GORTON), for Mr. KYL, proposes an amendment numbered 3821.

Mr. GORTON. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Salton Sea Reclamation Act of 1998".

(b) TABLE OF CONTENTS—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions. ....

TITLE I—SALTON SEA FEASIBILITY STUDY

Sec. 101. Feasibility study authorization.
Sec. 102. Concurrent wildlife resources studies.
Sec. 103. Salton Sea National Wildlife Refuge renamed as Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

Sec. 201. Alamo River and New River irrigation drainage water.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Committees" means the Committee on Resources and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(2) The term "Salton Sea Authority" means the Joint Powers Authority by that name established under the laws of the State of California by a Joint Power Agreement signed on June 2, 1993.

(3) The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE II—SALTON SEA FEASIBILITY STUDY

SEC. 101. SALTON SEA FEASIBILITY STUDY AUTHORIZATION.

(a) IN GENERAL.—No later than January 1, 2000, the Secretary, in accordance with this section, shall complete all feasibility studies and cost analyses for the options set forth in subsection (b)(2)(A) necessary for Congress to fully evaluate such options.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—

(A) the Secretary shall complete all studies, including, but not limited to environmental and other reviews, of the fasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and (1) reduce and stabilize the overall salinity of the Salton Sea, (2) stabilize the surface elevation of the Salton Sea, (3) reclaim, in the long term, healthy fish and wildlife resources and their habitats, and (4) enhance the potential for recreational uses and economic development of the Salton Sea.

(B) Based solely on whatever information is available at the time of submission of the report, the Secretary shall (1) identify any options he deems economically feasible and cost effective, (2) identify any additional information necessary to develop construction specifications, and (3) submit any recommendations, along with the results of the study to the Committees no later than January 1, 2000.

(B)(i) The Secretary shall carry out the feasibility study in accordance with a memorandum of understanding entered into by the Secretary, the Salton Sea Authority, and the Governor of California.

(ii) The memorandum of understanding shall, at a minimum, establish criteria for evaluation and selection of options under subparagraph (2)(A), including criteria for determining benefits and the magnitude and practicability of costs of construction, operation, and maintenance of each options evaluated.

(2) OPTIONS TO BE CONSIDERED.—Options considered in the feasibility study—

(A) shall consist of, but need not be limited to—

(i) use of impoundments to segregate a portion of the waters of the Salton Sea in one or more evaporation ponds located in the Salton Sea basin;

(ii) pumping water out of the Salton Sea;

(iii) augmented flows of water into the Salton Sea;

(iv) a combination of the options referred to in clauses (i), (ii), and (iii); and

(v) any other economically feasible remediation option the Secretary considers appropriate and for which feasibility analyses and cost estimates can be completed by January 1, 2000;

(B) shall be limited to proven technologies; and

(C) shall not include any option that—

(i) relies on the importation of any new or additional water from the Colorado River; or

(ii) is inconsistent with the provisions of subsection (c).

(3) ASSUMPTIONS.—In evaluating options, the Secretary shall apply assumptions regarding water inflows into the Salton Sea Basin that encourage water conservation, account for transfers of water out of the Salton Sea Basin, and are based on a maximum likely reduction in inflows into the Salton Sea Basin which could be 800,000 acre-feet or less per year.

(4) CONSIDERATION OF COSTS.—In evaluating the feasibility of options, the Secretary shall consider the ability of Federal, tribal, State and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs and shall set forth the basis for any cost sharing allocations as well as anticipated repayment, if any, of federal contributions.

(c) RELATIONSHIP TO OTHER LAW.—

(1) RECLAMATION LAWS.—Activities authorized by this Act shall not be subject to the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 et seq.), and Acts amendatory thereof and supplemental thereto. Amounts expended for those activities shall be considered nonreimbursable for purposes of those laws and shall not be considered to be a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

(2) PRESERVATION OF RIGHTS AND OBLIGATIONS WITH RESPECT TO THE COLORADO RIVER—This Act shall not be considered to supersede or otherwise affect any treaty, law, decree, contract, or agreement governing use of water from the Colorado River. All activities taken under this Act must be carried out in a manner consistent with rights and obligations of persons under those treaties, laws, decrees, contracts, and agreements.

SEC. 102. CONCURRENT WILDLIFE RESOURCES STUDIES.

(a) IN GENERAL.—The Secretary shall provide for the conduct, concurrently with the feasibility study under section 101(b), of studies of hydrology, wildlife pathology, and toxicology relating to wildlife resources of the Salton Sea by Federal and non-Federal entities.

(b) SELECTION OF TOPICS AND MANAGEMENT OF STUDIES.—

(1) IN GENERAL.—The Secretary shall establish a committee to be known as the "Salton Sea Research Management Committee". The committee shall select the topics of studies under this section and manage those studies.

(2) MEMBERSHIP.—The committee shall consist of the following five members:

(A) The Secretary.

(B) The Governor of California.

(C) The Executive Director of the Salton Sea Authority.

(D) The Chairman of the Torres Martinez Desert Cahuilla Tribal Government.

(E) The Director of the California Water Resources Center.

(c) COORDINATION.—The Secretary shall require that studies under this section are coordinated through the Science Subcommittee which reports to the Salton Sea Research Management Committee. In addition to the membership provided for by the Science Subcommittee's charter, representatives shall be invited from the University of California, Riverside; the University of Redlands; San Diego State University; the Imperial Valley College; and Los Alamos National Laboratory.

(d) PEER REVIEW.—The Secretary shall require that studies under this section are subjected to peer review.

(e) AUTHORIZATION OF APPROPRIATIONS.—For wildlife resources studies under this section there are authorized to be appropriated to the Secretary, through accounts within the Fish and Wildlife Service exclusively, $5,000,000.

(f) ADVISORY COMMITTEE ACT.—The committee, and its activities, are not subject to the Federal Advisory Committee Act (5 U.S.C. app.).

SEC. 103. SALTON SEA NATIONAL WILDLIFE REFUGE RENAMED AS SONNY BONO SALTON SEA NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The Salton Sea National Wildlife Refuge, located in Imperial County, California, is hereby renamed and shall be known as the "Sonny Bono Salton Sea National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, executive order, publication, map, or paper or other document of the United States to the Salton Sea National Wildlife Refuge is deemed to refer to the Sonny Bono Salton Sea National Wildlife Refuge.

TITLE II—EMERGENCY ACTION TO IMPROVE WATER QUALITY IN THE ALAMO RIVER AND NEW RIVER

SEC. 201. ALAMO RIVER AND NEW RIVER IRRIGATION DRAINAGE WATER.

(a) RIVER ENHANCEMENT.—

(1) IN GENERAL.—The Secretary is authorized and directed to promptly conduct research and construct river reclamation and wetlands projects to improve water quality in the Alamo River and New River, Imperial County, California, by treating water in those rivers and irrigation drainage water that flows into those rivers.

(2) ACQUISITIONS.—The Secretary may acquire equipment, real property from willing sellers, and interests in real property (including site access) from willing sellers as needed to implement actions under this section if the State of California, a political subdivision of the State, or Desert Wildlife Unlimited has entered into an agreement with the Secretary under which the State, subdivision, or Desert Wildlife Unlimited, respectively, will, effective 1 year after the date that systems for which the acquisitions are made are operational and functional—

(A) accept all right, title, and interest in and to the equipment, property, or interests; and

(B) assume responsibility for operation and maintenance of the equipment, property, or interests.

(3) TRANSFER OF TITLE.—Not later than 1 year after the date a system developed under this section is operational and functional, the Secretary shall transfer all right, title, and interest of the United States in and to all equipment, property, and interests acquired for the system in accordance with the applicable agreement under paragraph (2).

(4) MONITORING AND OTHER ACTIONS.—The Secretary shall establish a long-term monitoring program to maximize the effectiveness of any wetlands developed under this title and may implement other actions to improve the efficacy of actions implemented pursuant to this section.

(b) COOPERATION.—The Secretary shall implement subsection (a) in cooperation with the Desert Wildlife Unlimited, the Imperial Irrigation District, California, and other interested persons.

(c) FEDERAL WATER POLLUTION CONTROL.—Water withdrawn solely for the purpose of a wetlands project to improve water quality under subsection (a)(1), when returned to the Alamo River or New River, shall not be required to meet water quality standards under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(d) AUTHORIZATION OF APPROPRIATIONS.—For river reclamation and other irrigation drainage water treatment actions under this section, there are authorized to be appropriated to the Secretary $3,000,000.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3821) was agreed to.

Mr. GORTON. I ask unanimous consent that the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3267), as amended, was considered read the third time and passed.

The title was amended so as to read: "An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to complete a feasibility study relating to the Salton Sea, and for other purposes.".

ORDERS FOR WEDNESDAY, OCTOBER 14, 1998

Mr. GORTON. I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Wednesday, October 14, 1998. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. I further ask unanimous consent that there be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GORTON. For the information of all Senators, on Wednesday there will be a period of morning business until 1 p.m. Following morning business, the Senate may begin debate in relation to the omnibus appropriations bill, notwithstanding whether or not the papers have been received from the House. It now appears likely that a rollcall vote will be requested on passage of the omnibus bill. Members will be given 24 hours notice when the voting schedule becomes available.

RECESS

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, under the previous order.

Thereupon, the Senate, at 12:53 p.m., recessed until Wednesday, October 14, 1998, at 12 noon.

HOUSE OF REPRESENTATIVES—*Tuesday, October 13, 1998*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 13, 1998.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

From the beginning, O God, You have created and redeemed our lives and You have sustained and fed our souls. You have lifted people up when they were down and You have healed them when they were ill. Your message and Your action to us is to build and to make strong, to give vision and insight, to lift up and set us on our way. On this day, gracious God, we pray for those same favors in our lives and in the life of our Nation that we will be ready for the challenges of today and the opportunities of tomorrow. Bless us, O God, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICAN PUBLIC KNOWS THE DIFFERENCE BETWEEN "DEMOCRATIC SPIN" AND THE TRUTH

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the President yesterday sternly warned Republicans against "squandering the surplus." Well, I presume that reference was to the first Federal budget surplus since Neil Armstrong walked on the moon.

I must say that the President and the liberal Democrats ought to know a lot about "squandering the surplus," since they have been squandering taxpayers' money year after year after year.

It is ironic that these very same people who believe that it is okay to lie to the American people would call anyone who advocates spending less that $1.7 trillion surplus an "extremist," and they would feel qualified to lecture the U.S. about squandering money.

It is ironic that these very same people who have proposed billions and billions of dollars in new programs would have the audacity to lecture Republicans about squandering money.

It is ironic that these very same people who accuse Republicans of being mean-spirited for cutting their wasteful, counterproductive, bureaucratic programs now believe they should attempt to impart their wisdom about the evils of squandering money.

Mr. Speaker, I yield back any balance of my time, feeling certain that the American public know the difference between Democratic spin and the truth.

BAILOUT FOR RICH FAT CATS ON WALL STREET

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, check this out. A bunch of rich, fat cats on Wall Street, through their hedge fund, gambled $100 billion on the Russian ruble with borrowed American money.

We can figure it out, they lost big time and the Fed had to bail them out saying if they did not, there could possibly be a depression in America.

Unbelievable, is it not? Think about it. Bailout for Russia, bailout for Japan, bailout for Mexico, bailout for rich fat cats gambling with our money, and now we are talking about an $18 billion bailout for Brazil and Russia, who are dumping steel illegally in America destroying our economy.

Beam me up.

What is next? Foreign aid for China? I do not think Congress will wise up until Uncle Sam needs a bailout. I yield back whatever money is left.

LITTLE RED RIDING HOOD

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is story time once again. Once upon a time, a girl named Little Red Riding Hood was traveling alone to a big white house in the woods. In her travels, she encountered a predator: A sly and vicious wolf.

And as this story tells us, the Wolf, smacking his lips, exclaimed, and I read, "What a plump little lass."

The Wolf, an expert on preying on women of all shapes and sizes, called out to her, "Would you like to have some pizza as I shut some things down?"

Well, Little Red Riding Hood, not knowing what she was getting into, and really liking pizza, agreed and proceeded to the big white house. It was there that the wolf did his dirty work.

Sadly, it was only for fear of the hunters that the Big Bad Wolf and his friends let Little Red Riding Hood go. They even tried to send her traveling

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to another den of wolves in the big city.

Today, we still have wolves in high places who use deception to cover their evil intentions. These predators who prey on young women without care for the consequences must be stopped.

DEMOCRATS WILL STAY UNTIL EDUCATION NEEDS ARE ADDRESSED

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, my understanding is that even though it is the 11th hour in these budget negotiations, the Republican leadership has still not agreed to the Democrat school modernization program.

Let me say how important that program is. In almost every school district around this country there is a need for modernization of schools, whether that means rewiring for computers or it means having to build a school addition or just repairing a roof. And we know that many of the school districts around the country simply do not have the money or they cannot get bond, they cannot bond at a good interest rate to be able to do those kind of modernization programs.

Why are the Republicans insisting that this not be included in the final budget agreement? We have been here now for almost 2 years and they still insist that this education initiative is not necessary.

Let me tell my colleagues, it is necessary. Democrats will stay here as long as it takes to make sure that this is included in the budget before we go home, because we know that it is needed. Education is the future of this country, and kids are not going to be able to learn how to read or function properly if the school buildings are not up to snuff.

FOCUS ON EDUCATION

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today to urge my colleagues in these final days to focus our attention on education. We have asked that we spend one day focused on the future of our country, on education for our children, and that has yet to happen.

Mr. Speaker, I know in Michigan, in my State, we have been working in volunteer efforts to wire schools with business-labor community groups to bring technology so that our children are prepared for the future. But this is a partnership that every level of government, as well as the private sector, must be involved in if our children are going to be prepared.

In too many schools in my district there is more computer power in the average gas station than the average classroom, and that is just not good enough.

We have an opportunity in this budget at this time to make a commitment in partnership with our local communities, with the private sector, with our States, to make sure that our children have the resources and have the kinds of equipment that they need so they can be prepared for the jobs of the future.

THEY WERE WRONG

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the same people who are whining about a "do-nothing Congress" are the very same people who accuse the Republicans of being "extremist" for proposing to reform welfare.

They were wrong.

They are also the very same people who attacked Republicans for reforming Medicare and saving it from bankruptcy for another decade.

They were wrong.

They are also the very same people who said we could not balance the budget and cut taxes at the same time.

They were wrong.

They are the very same people who had 40 years, 40 years to do something about Social Security and did not manage to put away a single dime to save it.

They were really wrong.

They are the very same people who failed to reform the IRS, an agency that routinely trampled on the rights of American citizens. The Republican Congress showed them they were wrong again.

Just look at the record of our liberal accusers and consider their credibility.

SHAME ON THE REPUBLICANS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the Republican majority says there are two reasons we cannot approve the President's program for local education, for teachers, for smaller class size and school improvements.

One, they say there is no time. Well, the President made the proposal in January. Since then, this Congress has worked 110 days here in Washington, D.C. Not bad for a $137,000-a-year salary. But the average American, at a $30,000-a-year salary, has worked 201 days, while these clowns have only worked 110. And they say there is no time to do the people's business.

Then they say there is no money. There is no money for kids, for education, for schools. Yet on the front page of the Washington Post, they document more than $50 million stuffed in the DOD bill with no consideration, including a quarter of a million dollars for pharmacokinetics research. That is the study of the use of stay-alert chewing gum, which is manufactured in the hometown of one member of that committee. One quarter of one million dollars will be spent, but there is no money for teachers, no money for kids, no money for school.

Shame on the Republicans.

1600 PENNSYLVANIA AVENUE SHOULD BE RESIDENCE OF TRUTH, JUSTICE, HONOR, DIGNITY

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the New York Post reported last week, quote, "115 American men and women are in jail—forever marked as felons—for having committed perjury in Federal courts, and before grand juries."

Now, if any one of these felons had been resting in their air-conditioned jail cells last week watching C-SPAN on their color television sets, they would certainly be confused, but also gratified.

"Confused" to see so many Members debating whether perjury is something that we still take seriously; "excited" to know so many Democrats have taken the side of the perjurers in saying that it is not.

Well, Mr. Speaker, if the prosecutors and judges who have already put 115 perjurers behind bars want to find another one, all they have to do is ask any Member of Congress for the street address of the wrongdoer's hideout. Better yet, crime fighters need only ask any student in America who might have read in their civics textbook that 1600 Pennsylvania Avenue is supposed to be the residence of democracy and the American Way: Justice, honor, dignity, truth, and all the rest.

VOTE FOR EDUCATION

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, the battle lines have been drawn in the war for education. On the Democratic side we have a simple proposition. We need more teachers to create smaller classrooms. We need school modernization so that we can have computers in the classroom, Internet access, and have the most modern teaching facilities that money can buy.

We can do this within the context of a balanced budget. That is what the Democrats want to do: More teachers, modern classrooms.

Now, the Republicans have another notion. They want to give students vouchers to take money out of public schools and send it to private schools, even though nine out of ten Americans go to public schools.

Second, they say, well, there is too much administrative waste, so we have to block grant all of this. The fact is, only 2 percent of all the Federal education funds are for administration. The rest go into programs. But when they block grant the money and say we are going to block grant and put it all together, what happens is we cut education funds. I did some research, and my State would lose $10 million. The battle lines are drawn. Vote for education.

PART-TIME PRESIDENT, FULL-TIME FUND-RAISER

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, it seems that our President has his priorities a little bit confused. What are we to make of the fact that we have a part-time President, but a full-time fund-raiser?

The Fund-raiser in Chief just completed his 100th fund-raiser this year, this one in New York City. One hundred fund-raisers, but only two Cabinet meetings. Just in case anyone heard that wrong, I will say it again. One hundred fund-raisers, but only two Cabinet meetings.

Ironically, the business conducted at the Cabinet meetings were both related, one to say "I did not" and the other one to say "I did." That is what I call a commitment to, as he says, "Doing the job the American people sent me here to do."

Of course, in between those two Cabinet meetings we had India and Pakistan test nuclear devices; we had a total failure to develop a National Missile Defense system, even though the U.S. Navy already has technology on Aegis cruisers; and, we heard that Saddam Hussein thumbed his nose at the U.N. and U.S. weapons inspectors time and time again.

Mr. Speaker, we do not need a part-time President or a full-time fund-raiser. We need some attention to the Nation's business.

□ 1030

EDUCATION

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Mr. Speaker, as we are about to close this 105th Congress, there is one critically important job that remains yet to be done. Even though there are literally only hours left in this Congress, we have enough time to do it. That is to upgrade and improve the quality of our educational system.

Unfortunately, the Members who run this House are trying to escape from town without fulfilling that obligation. The President has presented us with a plan to reduce class sizes, to upgrade and modernize our facilities, and also to educate new teachers, all of which is critically important to the economy of America in the 21st century.

We have the responsibility and the opportunity to act before we leave town. We know that kids learn better in class sizes that are smaller. If have 35 kids in the class, not much learning goes on. If you have 18 children in that class, a lot of learning goes on. And that learning is going to be important to those children, to their families, to their communities and the country as we move into the 21st century. Let us be straight with the American people. Let us move forward with this education agenda. Let us get this job done before we leave this Congress.

PRIDE IN THIS CONGRESS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I am proud of what this Congress has done to provide tax relief for hard working American families. The $500 per child tax cut will help people provide for their kids. Education savings accounts and the $1500 Hope credit will help them pay for college. Roth IRAs and capital gains tax relief will help people save and invest for their future. Tax free home sales, three-year income averaging for farmers and death tax relief will also reduce the burdens on American families. We all know that they can spend the money a whole lot smarter than the Federal Government can.

Mr. Speaker, yesterday the Congress gave the American people more good news on taxes, voting to extend the R&D tax credit through 1999, accelerate the full deductibility of health care costs and extending the work opportunities tax credit. We still have much more to do but this is a great start. What a difference a Republican Congress has made.

LACK OF LEADERSHIP

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, this Congress lacks standing to criticize the President. This is a do-nothing Congress. Look what this Congress has accomplished under the Republican leadership. They have killed a national child care initiative. They have killed a Patients' Bill of Rights. They have killed the tobacco settlement, and they have killed campaign finance reform.

We Democrats are here today fighting for education, trying to salvage something out of a pathetic year. We want smaller class sizes for our kids. We want better school buildings in this country. We want higher education standards for this country. We have got to salvage something because every child in this country deserves a chance to be a productive citizen in this global economy.

The Republican leadership in this Congress cannot run a railroad. It is because they do not want the train to leave the station. And we Democrats are going to stay here fighting for education as long as it takes.

DIFFERENCE BETWEEN FACT AND OPINION

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, there is a difference between fact and opinion. I think any objective observer would look at the facts and agree with this conclusion: We have a part-time President and a full-time fund-raiser.

Just consider the facts: Yesterday the President's New York City fund-raiser was his 100th of the year, yesterday, the 100th fund-raiser of the year. Meanwhile he has had only two cabinet meetings. For those of us who have not had higher math, who were raised on whole math, rain forest math or other liberal nonsense, that works out to approximately one cabinet meeting for every 50 fund-raisers. Of course, we are not sure exactly how much important business was discussed at those two cabinet meetings aside from denials, retractions and half apologies.

This Congress has put aside $1.4 trillion for Social Security, passed a balanced budget, IRS reform and tax cuts, making it perhaps the most successful Congress in a generation. Meanwhile the part-time President allows Saddam Hussein to thumb his nose at us, North Korea to threaten its neighbors and a national missile defense system to remain on the shelf.

REPUBLICAN CONGRESS IS COASTING

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, after doing half a job, this Congress for the past year has been coasting. Here we are, almost 15 days beyond, two weeks beyond the fiscal year and the budget matters are not being addressed. For these 10 months, bills and proposals that the President put on the table and the

Democrats have been pushing on education and investing in people have been languishing. There has been no response.

The Republicans in Congress have said no!

The only Republicans Congress response is to pass some window dressing bills in terms of authorization, then to turn around and not even put the money into the appropriation bills that would fund those important education programs. I think it is time to offer real money for school to put the dollars behind the rhetoric in school construction, to offer more than just duck tape and lip service to deal with the worn out facilities that our children are supposed to be taught with in and learning. I think it is time to put teachers in the classroom and provide smaller class size, the type of quality assistance that our children need today more than ever.

This generation deserves the same investment that past generations had and that others in this country had. Our children are our future. Education is the ticket to success and opportunity in our democracy. Let us vote for these education programs and initiatives.

CRIME AND PUNISHMENT

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, Matthew Shepard a 21-year-old student in Wyoming is dead, brutally murdered by those who for one reason or another did not like him. The perpetrators need to be punished swiftly, thoroughly and appropriately, namely, the death penalty.

Wyoming is trying to do its job. Let us here in the Congress let Wyoming do its job. Wyoming provides for the death penalty in cases such as this. Yet there are those who are clamoring for Federal legislation to "increase penalties for such crimes." One really wonders what would be an increased penalty over the death penalty. I would be interested to see. It may very well violate the constitutional ban against cruel and unusual punishment.

Let us not rush to judgment and pass vastly expansive Federal legislation such as that which came before the Subcommittee on Crime earlier this year which included terms which would provide the basis for Federal jurisdiction which were nowhere defined in Federal law. Passing legislation as a knee jerk reaction to an awful incident is not the best way to govern. We need to resist the urge, let Wyoming and the other States do their jobs.

VIAGRA

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, pardon me, but today I rise because I am outraged by a New York Times report that the Department of Defense has requested between $50 and $100 million for Viagra, the new sex drug designed for impotent men. Instead of offsetting this request from its $26 billion budget, Secretary Cohen has requested an increase in the 1999 military readiness bill. When the military brass were on Capitol Hill saying that our reasonable belt tightening had resulted in an impotent military, I guess I did not fully understand the scope of the problem.

With $50 million worth of Viagra, the entire military industrial complex will be locked, cocked and ready to rock. Pretty scary.

Mr. Speaker, they just do not get it, with Monica-gate, the Aberdeen Proving Ground sex scandal and widespread sexual assaults throughout the military, our Commander-in-Chief and his Secretary of Defense concocted this idea that our military needs this extra expenditure. Let us have no more talk of this expanding malfunctioning missile salvation operation.

MATTHEW SHEPARD

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, the senseless and tragic death of Matthew Shepard in Laramie, Wyoming, following by only a few months on the heels of an equally tragic murder in Jasper, Texas, reminds us of how imperfect are our efforts to eradicate violence, hatred and bigotry in our society. By all accounts, Matthew Shepard was a gentle young man, liked by all who knew him, an unlikely person to incite such mindless and brutal violence in others.

How then does this occur? How do individuals get it fixed in their heads that it is open season on others simply because they are of a different color or different sexual orientation? I do not believe we should engage in an exercise of self-flagellation, but I do believe it is incumbent upon each of us to examine the words we use, the statements we condone, the rhetoric of bigotry we sometimes hear and simply let pass without condemnation because we are preoccupied with other things. We must not tolerate a message of hatred in our midst. We must not give bigotry the fertile soil it needs to flourish.

A loving God has gathered Matthew Shepard to his bosom. He will never face such hate again. That same God may grant his mercy and forgiveness to those who killed him but a harsher justice awaits them in this life.

SCHOOL VIOLENCE

(Ms. CHRISTIAN-GREEN asked and was given permission to address the House for 1 minute.)

Ms. CHRISTIAN-GREEN. Mr. Speaker, later this week the President will convene a conference to address the issue of school violence.

Mr. Speaker, we can reduce school violence if we have smaller classes where teachers can spend time with each student and identify those who need special intervention. We can prevent school violence if our schools are positive centers of learning and our children are given the tools they need to excel. And we can prevent school violence if our school buildings are just safe, clean and in good repair.

Mr. Speaker, we can get our arms around this problem and more importantly around our children if we pass bills that will increase the number of teachers, reduce class size and build or renovate our schools. We must save our children. We must pass the President's education budget.

TAX REDUCTION

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, a few weeks ago this House passed a modest tax reduction for hard working middle class Americans. President Clinton and the Democratic leadership vigorously opposed the tax reduction. They said they opposed it because they incorrectly, I might say, claimed it would take money from Social Security. However, in the last minute back room negotiations on the omnibus appropriation bill, the President and Democratic leadership are not expressing any concern for Social Security. Instead they want to spend billions more of taxpayer dollars for foreign aid, for their favorite environmental programs and for the education bureaucracy in Washington while we want to send it to local school boards.

The President does not want to give the American taxpayers a small tax reduction. Instead he wants to keep the tax dollars in the government and let them spend money on programs he wants. Once again the President and Democrat leadership say one thing in public but they demand something entirely different in private negotiations.

RECORD OF THE 105TH CONGRESS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, in communities all over America, we are trying to support public education, involve parents, improve the quality of education, support professional educators. This Congress has not done its share. Indeed, when this Congress goes home, if we let it go without supporting public education and the Members of Congress wave bye-bye out at the airport, they will be recognizing about the only accomplishment of this Congress, which is the renaming of the airport here in Washington.

The reason nothing has been done is that the priorities greatly differ between Democrats and Republicans. Republicans want to abolish the Department of Education. Republicans want to take money away from public schools and give those monies, those public monies to elite academies.

We believe the time is now to stand for this Congress doing something positively to support local communities who want to improve the quality of public education. That is what this budget battle is all about. Let us stand firmly for public schools and stand firmly against a do-nothing Congress that has nothing at this point to point to as an accomplishment.

MORE ON THE PRESIDENT AND VICE PRESIDENT'S TRAVEL PLANS

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, as a member of the Committee on Education and the Workforce, we have been working on education all year. Indeed in this budget it appears the amounts have been set and we are just negotiating the fine details of where it is going to be put.

The question is why we are here right now, since we knew we were going to come to these straits earlier on this year and we knew what our differences were earlier on. Saturday the President said in his radio address, I do not want to see this Congress walk away from America's school children. Then he went out to play golf for a couple hours. Then he walked away all of yesterday and into last night for two fundraisers in New York.

Today the Vice President flew out down to Palm Beach, Florida for a fund-raiser down there. Then he goes to Miami for a fund-raiser. Then he goes to Coral Gables for a fund-raiser. In between he talks at a school in Miami about the need for us to deal with school kids.

Mr. Speaker, the President and the Vice President should have been dealing with the education issue and working out the differences between an elected House and an elected Senate and an elected President and Vice President a long time ago, not trotting off and doing fund-raisers and press conferences.

THE REASON WE ARE HERE TODAY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, the reason we are here today is because of the differences between the Republicans and the Democrats about our children's education. We believe, as the American people do, that our local districts need help in rebuilding crumbling schools, that our schools ought to be made safe, that children should no longer go to school in made-over closets and made-over teacher lounges, in made-over storage areas. They ought to have a safe and decent place to go to school.

□ 1030

We believe that we ought to make every effort to try to help districts lower the teacher/pupil ratio so that teachers can spend more time with individual students. That is the important work that ought to be done here. It should have been done earlier, but the Republicans were so excited about impeachment that they forgot America's children. That work has to be done.

The problem is there are even differences within the Republican Party about this education program. We believe that this money ought to make sure that we can, in fact, reduce class size. We can, in fact, build new schools and repair schools and make a difference for America's children as opposed to trying to provide a program that allows governors to walk off with the money

BEST WISHES FOR FORMER CONGRESSMAN DANTE FASCELL

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, all of us in this chamber and back home in South Florida send our best wishes to our former House colleague, Congressman Dante Fascell.

For almost 40 years, Dante Fascell led the charge in the House of Representatives for respect for human rights internationally and fostering democracy and freedom throughout the world.

As chairman of the Foreign Relations Committee, Congressman Fascell worked tirelessly in a bipartisan manner to promote our American ideals of justice and liberty to the oppressed people everywhere, especially to the suffering people of native Cuba.

Dante was key in assuring and maintaining aid to Israel, our only democratic ally in the Middle East. He led the charge in condemning the Soviet Union's mistreatment of Jews. He also left his mark on domestic policy as well.

Congressman Fascell created the Everglades National Park; and without his vision, we would not have the River of Grass as a national treasure. Dante helped build my hometown of Miami to the thriving metropolis it is now. He worked to get South Florida the necessary Federal funds that helped our community grow.

All of us in South Florida cherish his friendship and want him to continue enjoying his children and his family for years to come.

EDUCATION IS THE SEED CORN OF SOCIETY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, sometimes the American public may wonder why we are focusing on education in the Democratic Party. In the Plains Indians in the central part of this country, there is a well-known bit of wisdom that says that they can tell a tribe that is going to die when they eat the seed corn, when you eat the corn that has to be saved for the spring and plant for the new crop.

Education is the seed corn of this society. Our determination to make this session end by an investment in education, both in the classrooms in terms of reducing class size and in rebuilding the buildings, is the seed corn of this society.

If we fail to do that, we will come out here, as we do every year, and pass a bill for H-1B visas so that we can go worldwide and gather the brains that we need to run this economy. That is wrong. That is not investing in the seed corn. We need to stay and do education.

FEDERALIZING SCHOOL CONSTRUCTION IS BAD IDEA

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, is the President's school construction program a good idea or is it a gift to his urban fund-raising friends?

There are 15,600 school districts in America. Half the money is designated for 100 urban poor. There are urban poor, but there are rural poor, too. There are 1,000 rural poor school districts with no funding.

The other half of the money is available to additional urban poor districts. You can bet his urban fund-raising friends will receive the majority of those funds, too, and 15,400 rural school districts across America will receive nothing.

Federalizing school construction will delay by several years the ability to construct the schools, will increase the cost, and only help the President's fund-raising friends.

SUPPORT EDUCATION

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, in reference to the gentleman that just spoke in regards to the classrooms, I know, in our State, we did an analysis, and almost $200 million is going to be needed to increase the safety because of lead in the drinking water in school, because of the asbestos around the pipes, to increase the safety in environment for our children.

Because as we try to decrease the class size so that they can learn more, they can be more disciplined there, they have to have the environment so that they are not gaining any other outside hazards.

In the relationship to the young man who died from the hate crime in Wyoming, I think it points back to the fact that, by increasing discipline, by reducing class size, we are going to increase the likelihood where children will be raised differently, and they will not have these problems stemming from lack of supervision.

So by reducing the class size, we are reducing the violence. By reducing the class size, we are increasing the education children get and raising their aspirations so that, in my state, the fourth and eighth graders who are doing tops in the country can have the aspirations to go on to college and to reach the American dream.

That is why we support education, and that is why education is in support of programs.

ELECTION YEAR SPINNING

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would just like to caution everybody watching this program, all of the voters in this country to brace yourself for the next couple 3 weeks before the election.

Look, I think the proudest moment of this Congress was probably last year when Republicans and Democrats and the President worked together to lower taxes for the first time since Ronald Reagan came in, to balance the budget for the first time in 31 years.

But what happens as we get close to an election is the Democrats try to prove that they think education is more important than Republicans. Not true. They try to spin it to make sure or to hopefully make sure that they get more votes in the election.

Mr. Speaker, I just ask the American people to brace up, watch the spinning, be careful of what both sides of the aisle says, be careful of what the President says and does in these last few weeks before the election. Listen to these next speakers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Members will be reminded that comments should not be made to the viewing audience. Comments should be made to the Speaker.

FOCUS ON EDUCATION

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, I visit a lot of school districts in my district, rural, suburban and urban, and they all tell me the same thing. They need help with school construction. They need help with building new buildings. They need help with reducing class size.

The most recent one I visited made a decision some years ago to push the class size to the max in order to pay their bills. They do not like what they have done. They recognize, I am talking about both the teachers and the administrators, that there is a price the students pay. They need help. They want help.

They understand that, in order to reduce class size, they have to build new buildings. In order to reduce class size, they have to hire new teachers. They understand they will control the hiring. They will control the building. But they want help from their government, their Federal Government in doing this.

That is what this issue is about. That is why this week I hope we will focus on education, not to make partisan points, but to hopefully come out of here at the end of this week with a bill that helps the school districts in Arkansas accomplish what they want to with their school children.

EDUCATION IS MOST IMPORTANT ISSUE

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of Wisconsin. Mr. Speaker, as the father of three young children, I am delighted, I am delighted that we are finally talking about an issue that is of concern to parents of young children all throughout this entire country.

Education is the most important issue for the future of this country. We have ignored it. We have ignored it for the last year. Now, finally, we get an opportunity to talk about it.

I think we should be putting more money into classrooms in this country, not into bureaucracies in Washington, not into bureaucracies in State capitals, not into bureaucracies at the local level.

The administration's proposal puts money into classrooms to reduce class size. I have got two kids in kindergarten. I want them to have smaller classes. I want children throughout this country to have smaller classes because that is how they are going to get a better education. That is what is going to allow us to compete better in the future with countries throughout the world.

We are headed in the right direction when we are talking about education and when we are putting resources into education because there is no better investment than investing in our children.

STAY AND WORK FOR EDUCATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say that I believe one of the most important issues that we have to be concerned about is the education of our children.

As I am pointing out to my colleagues and the Speaker, let me emphasize the accomplishments of this Congress, a Republican Congress. I think the most important point is the least number of days worked in decades.

If we had children in school and they sent home a report card or the teacher called us and said that Johnny or Mary had not been in school for 5 days or 1 month or they had not been in school since they got out of kindergarten, and it was now the third grade, we would be concerned.

I am glad to be here because the district I represent has schools that are crumbling. It has wires that are hanging down. I need the money, as do rural areas need the money, from organizations. I need the hundred thousand teachers. I need trained teachers for the children of America. Let us stay here and work and work for education.

FROM DEFICIT TO SURPLUS WITH THE REPUBLICAN CONGRESS

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, it is funny how the other side has such stunning lapses of memory. Whenever a number of Ivy League law school graduates appear before the Committee on Government Reform and Oversight or other congressional committees or courts of law, I find suddenly their brilliance evaporates, and they have a hard time remembering where they were yesterday.

The other side has completely forgotten that the government went from running $200 billion a year deficits to a $70 billion a year budget surplus.

Is there anyone who seriously thinks that welfare reform would have passed had it not been for the Republican majority elected to Congress and taking the oath in 1995? Is there anyone who seriously thinks the President would have been forced to accept the Republican balanced budget proposal of 1996 had it not been for that majority? Maybe they have just forgotten.

Here is another example. This is the stock market in 1993, and this is when it took off in 1995. That is a reflection of the American economy, a chart that does not lie. We will never see it from the other side, I gather, but I think it is pretty obvious why.

INVEST IN OUR EDUCATION SYSTEM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, it has been said that, as education goes, so goes America. As education goes, so goes America. We are here in the last days of this Congress to try to build on bipartisan support for increasing local control, but also having Federal, State, local partnerships to address the dire need to invest in our education system.

One area that is so important, as a parent of three children, is to make sure that we reduce the class size. Would we rather have our teachers teaching 25 children or 18 children? That is a huge difference. That is local control, but it is a critically important partnership with our Federal local government.

We also need after-school programs to reduce crime and drugs. We are doing that in places like Elkhart, Indiana. But we need more support. Let us invest and work in supporting our education system in this country

FUND-RAISING GETTING IN THE WAY OF PASSING BUDGET

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, first of all, let me congratulate the President on his 100th fund-raiser. That is a quite a milestone for a guy who has only had time for two cabinet meetings this year.

This year, most of the money is American money, a novel concept. I understand that Chinese money has kind of been discouraged. Big step for the DCCC and the Democrat party. I congratulate him on that.

But it would be nice to think, why not try to get the cabinet meetings up to 5 this year. One hundred fund-raisers; five cabinet meetings. I do not know. He might want to talk about Bosnia, health care education, jobs, taxes, who knows.

This week, Congress worked. We worked Friday, Saturday, Sunday, Monday, and of course Tuesday, and we will be working until we get the budget passed. Why? Because we have a great provision in there to put more dollars into the classroom for the school kids of America.

Why? Because there is a farm disaster, $700 million in the State of Georgia alone. The President has vetoed the bill. No cabinet meeting on that, too. But, then again, who needs the cabinet member from the USDA.

Then of course we have Social Security, a Republican plan to petition and wall off $1.4 trillion dollars so it cannot be used for general funds. All these are important, all these are working over the weekends. I hope the President will consider skipping one fund-raiser to help us out.

FUND EDUCATION

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, my colleague who just spoke must be working in a different Congress than I am working in. There were three votes on Saturday, no votes on Sunday, two or three votes yesterday, and he says we are working.

We ought to be here trying to do something about education, and, instead, the Republicans are trying to get out of town and go home.

The education issue has been on the table all this year, ever since the President made his State of the Union address. They want to go home. They have not dealt with it.

This is an issue that every single American understands. Every single American understands it. If we reduce the ratio of students to teachers, reduce that ratio, each single student gets more attention. Each single student gets more reading time. Each single student gets to relate to the teacher in a way that they can learn, and that is what this is all about. Let us fund education, and then we can go home.

□ 1045

AMERICAN HOMEOWNERSHIP ACT

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, today we will have the opportunity to vote for an increased opportunity for home ownership for all Americans. I am very thrilled about this bill. The credit for this really goes to our colleague from New York (Mr. LAZIO) but I was pleased to be part of it.

I just wanted to draw my colleagues' attention to the fact that we have in this Congress made a huge difference so that Americans can own their own homes. Some of the most important parts of this bill deal with the fact that, heretofore, the government has occasionally created obstacles to affordable housing by adding to its cost by regulations. By the time you have complied with all kinds of regulations, the housing is no longer affordable.

This bill that we will be voting on later today, H.R. 3899, establishes a benefit for those States and localities that eliminate the barriers, the costly requirements before one can build affordable housing. This bill creates a clearinghouse within HUD for those States and local units of government to learn how to make barriers less. It establishes a rule that no Federal agency can pass a regulation that puts a barrier effectively into building affordable housing without considering all possible alternatives that will make that barrier less. For those people who have had a dream to own a home in America, this bill is a substantial improvement. I commend it to all of our colleagues.

CONGRESS MUST ACT TO STRENGTHEN PUBLIC SCHOOLS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise to call on this Congress to pass legislation to strengthen our neighborhood public schools. We have heard people talk on the floor this morning about volume. Our children are told in the classroom it is the quality of their work, not the volume of the documents they produce. That ought to be true for this Congress as well. To go home without passing legislation to strengthen public education and to provide more teachers at the K–3 level, we have not put the quality in the legislation that we ought to pass. I know that because we have done it in my State. A lot of places we have not done it. A lot of places do not have the money. To say it is not needed is like saying we do not have a responsibility for our roads and a lot of other things we do.

We need to pass legislation to provide decent, safe, quality classrooms for our children. We can be accountable to the taxpayers, we can be accountable to our communities, but we can only be accountable if we do the job we were sent here to do. Our neighborhood public schools need our help now.

A MESSAGE TO THE PRESIDENT

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, Republicans in Congress have a message to the President: "Don't shutdown the government." Republicans have been working with the administration since last spring to avoid a government shutdown. I think we all agree it is not in the national interest to shutdown the government. But how tragic it would be if the President were to force such a shutdown to divert attention from other matters or to use it for political purposes as we head into the mid-term elections. Republicans are willing to reach an honorable compromise with the White House on remaining differences just as we did last summer in order to pass the balanced budget amendment. Although there are still significant differences between the White House and the Republicans in Congress on the remaining spending bills, these differences can be resolved. In almost every case, the administration wants to spend more, the Republicans want to spend less. Let us find the common ground, avoid a government shutdown, and move on with the people's business.

EDUCATION EMERGENCY ACROSS AMERICA

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, Public School 91 in my district was evacuated last Friday as a result of conditions that were deemed unsafe for children. You have got lead poisoning, a coal-burning furnace, everything you can imagine in that building which was built in 1903. It should have been closed a long time ago. But Public School 91 is not atypical of the school districts across America. In fact nearly every congressional district in America has an equivalent to Public School 91, a school that really needs to be closed or modernized or reconstructed.

We have an education emergency all across the United States. Why not bring our money back to our school districts? All money comes from the local areas, anyhow. Bring our Federal money back for school construction. One of my colleagues on the Education Committee keeps insisting that the school construction bill is tilted toward the urban areas. Well, yes, that is where most of the children in America live. The Vietnam Memorial Monument, if you look at the names on there, most of them come from the urban areas, too. All the wars that have existed, while we have not emphasized it, they come from where the population is. Schools modernization is needed all across America. Urban areas are just the beginning.

STILL WAITING FOR CONGRESS TO ACT

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, 9 months ago the President and House Democrats laid out an education agenda for the 21st century. The American people are still waiting for Congress to act.

Democrats want to help local governments modernize schools and help build and renovate 5,000 schools. The American people are still waiting for Congress to act.

The Democrats in Congress, the Democratic initiative wants to see smaller classrooms and more teachers. Yet the American people are still waiting for Congress to act.

Mr. Speaker, what is more important than education? What is more important than smaller classrooms? What is more important than more teachers teaching our children? Unfortunately, Mr. Speaker, the American people are still waiting for Congress to act.

AMERICAN STEEL IN A CRISIS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, American steel is in a crisis. Yesterday the House of Representatives defeated a resolution to study the crisis. American steelworkers and their families do not need studies. They need action to stop the dumping of steel in this country. The dumping of steel is causing prices to drop, it is threatening the jobs of American steelworkers, it is threatening local economies, it is threatening our strategic industrial base, and, therefore, long-term threatens this country's ability to defend itself.

Americans need action to stop the dumping of steel. They need quantitative restrictions on allowing steel into the U.S. market. They need the application of countervailing duties. We do not need more studies. We need action. Stop the dumping of steel in this country. Save the steelworkers' jobs. Protect the American economy.

EDUCATION FUNDING

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I serve as a cochair on the Democratic side of the aisle together with the gentleman from Indiana (Mr. ROEMER) and the gentleman from North Carolina (Mr. ETHERIDGE) on the Task Force on Education. We have served for over a year and a half. That agenda was created because we were responding to the needs of the people throughout the country. One of the top things they talked about was the need for additional teachers, additional qualified teachers and to do something about our crumbling classrooms and the inadequate infrastructure. This is something that has been on our agenda for over a year and a half. This year we did not even see the education budget come to the floor so that we could debate it, so that we could ask this country to fund this program. Now we are awaiting an omnibus bill, we know not what is in it, but I plead with the Republican majority to do as they have been saying on the floor every day, put those moneys for the teachers right in the classrooms and not fund it in any sort of circuitous way where we know not how that money is getting to our schools.

EDUCATION

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, as we face the 21st century, our education is our best national defense. Education must function as a means to prepare our children for the 21st century and the global economy. To help meet this goal, we must aim to strengthen our public schools that serve the majority of our children. Reducing class size should be our first priority. Putting those teachers in the classroom should be our first priority. This will allow teachers to focus on basics such as reading and writing in the early ages. We also need to look to modernize our classrooms. Across this country, we need to assure that our classrooms are well-equipped to meet the technology of the 21st century. We have to assure that our youngsters will have a fresh start to be able to compete in the global economy. Our schools are crumbling across this country. We need to invest in our children and in the future of this country as our national defense depends on it. Our level of education will determine our national defense. Let us also focus on providing our children the assistance that they need.

ACHIEVEMENTS OF CONGRESS

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, for 40 years the liberal Congress spent all their time trying to figure out ways to spend the American people's money and build a bigger Federal Government. Now they are accusing us of being a do-nothing Congress. They are right. By their definition, we have done nothing to raise taxes, we have done nothing to build new Federal bureaucracies, we have done nothing to take power from hardworking Americans and give it to Washington bureaucrats.

However, we have balanced the budget for the first time in 30 years, we have cut taxes on hardworking Americans for the first time in 16 years, saved Medicare, reformed welfare, and reformed the IRS. At the same time we have lowered interest rates on student loans. The liberals are right. We have done nothing liberal. But we have done a lot for the future of the American people.

ON EDUCATION FUNDING CUTS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise today deeply disturbed by the Republican majority's continual disregard for the future of our children. Year after year they attack important education programs and now they refuse to provide funds for school construction and smaller classroom size.

Have you not learned? The American people believe in educational opportunities. They want their children to learn and succeed. But for many of our children, a schoolroom is not a place to learn but a place to survive. Like our roads and bridges, our Nation's schoolrooms are crumbling. In my district in New York, children are trying to learn in conditions that we should be ashamed of, crumbling walls, leaking roofs, and overcrowding. How can a child be expected to learn to read and write when the walls are literally falling down around them? Democrats are committed to making sure that every child in this country has a modern, safe school in which to learn. This is a commitment we have made to our children and it is a commitment worth fighting for.

NO GOVERNMENT SHUTDOWN

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, Republicans have a message for the President: "Don't shutdown the government, Mr. President. Don't shutdown the government as a way to divert attention from the ethical problems now plaguing the White House."

The differences between Congress and the White House are not large. The President wants to spend more money on education bureaucrats in Washington. Republicans want to spend the money on the classrooms. Surely a compromise can be reached and the government can continue to operate. We disagree about the approach but we do not disagree about the shared goal of improved education. As a former teacher, I know that local control of schools is absolutely essential. We do understand the political reality that the President faces which forces him to support more Federal education programs, more bureaucrats at the Department of Education and more Federal control over local schools. Our message is simple: "Don't shutdown the government. Work with Congress to arrive at a satisfactory compromise. Don't shutdown the government, Mr. President."

□ 1100

REPUBLICANS SENDING A MIXED MESSAGE TO AMERICA'S CHILDREN

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise to commend President Clinton for his strong commitment to the education of America's children. This issue has been central to his public service, and it is central to the lives of America's children.

It is important for our children to receive a clear message from us, and I am afraid that our Republican colleagues are sending a mixed message to America's children. Children are smart. When we tell them that education is important for their own self fulfillment, for the competitiveness of our country, indeed for our national defense, they get one message. They get another message when we say it is important, but we are going to send you to a school that is crumbling, leaking, not equipped with the wiring for modernization, and we are not going to support, the Republicans are not going to support, school construction so that they can be in smaller classes.

Smaller classes net more teachers. That is why President Clinton's proposal for 100,000 new teachers is so important. It is not for administrative cost, and it is not about local control. It is about saying to local governments this money is for teachers, it is not for administration.

Stop insulting the intelligence of America's children. Support President Clinton's school construction plan and 100,000 new teachers.

THE BEST SOLUTION IS TO BUILD SCHOOLS

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, just 9 months ago I was not a Member of this body, but I remember listening to the President's statement on education during his State of the Union address, and I stand here today as a Member of the Congress probably for one reason: education. We can build prisons, or we can build schools. I think that all Americans know that the best solution is to build schools. When we build schools, we are showing our children that we have confidence in them. Oftentimes when they go astray, we say what happened to the children of the day? What is going on with the children today?

Mr. Speaker, I tell colleagues it is not the children, it is us. It is us who fail to put our money where our mouths are and put it where our most important commodities are, our children. We must, at all sacrifices, make sure that we build schools; therefore, we will not have to build prisons. Make sure that we make the class sizes smaller so that we can understand, these kids can understand, what is going on, and the teachers can relate to them.

This is what this is all about. We must not leave here until we have put money in schools as opposed to other things. We must build our schools.

REPUBLICANS GET AN "F" FOR EDUCATION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we all get the opportunities as Members of Congress to get a little booklet called: How Our Laws Are Made. My suggestion is to my Republican colleagues that they save their copies and reread this document because it says the fact that a proposal cannot become law without consideration and approval by both Houses of Congress is an outstanding virtue of our legislative system.

The fact of the matter is that last January the President laid out an education proposal. He said: Let us reduce class sizes, let us increase the number of teachers, let us modernize our schools for our children, let us give them every single opportunity that they need in order that they might succeed in a very, very competitive world.

My suggestion to my colleagues on the other side of the aisle is to stop holding up this budget process over the funding of America's public schools.

The very fact of the matter is they get an F for education.

Let us focus our time and our attention in the remaining days that we have here to reduce class size, modernize our schools, increase the numbers of teachers in our classrooms for the benefit of our children.

REPUBLICANS WANT TO SHRINK THE SIZE OF GOVERNMENT, DEMOCRATS WANT TO EXPAND IT

(Mr. MILLER of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, the Republicans want to move in one direction, the Democrats in another. This year, like every year on almost every single spending bill, the division is quite clear. Republicans want to cut back on the size of government, the Democrats want to expand it. We have different visions, different ideas about what government should do, what it can do and how much of government spending is an outrageous waste of the taxpayers' money.

But our differences are no excuse for a government shutdown, and I am very distressed to hear persistent rumors that many in the White House are urging the President to provoke a confrontation and a shutdown of the government. They want to shutdown the government and then try and blame it want on the Republicans.

This is an interesting idea, interesting way indeed to combat public cynicism towards the government. I urge the President to reject the advice of his more liberal advisers and continue to work with Republicans towards an honorable compromise on the remaining spending bill.

Do not shutdown the government, Mr. President.

WE SHOULD BE PREPARING OUR SCHOOLS FOR THE NEXT CENTURY

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, we do not want to shut the government down, we want to keep America's schools open, and we want to make sure that America's schools can prosper well into the next century.

Now this Congress has had all of this year with a balanced budget and a Federal surplus to get a budget together. It has not. So then it declares martial law on the House so that it can bring up anything at any time that it wants. Well, if that is their will, then let us bring up something that is meaningful for this country, and that is our children, 100,000 school teachers with federal assistance to help reduce class size so teachers can teach at the greatest ability of those children's levels. In terms of instead of having class sizes of 30 or more, let us reduce it to a size that can make a real meaningful difference for children, of modernizing schools, schools that are from the turn of the century and now we are ready to turn a new century. We should be able to modernize them as well.

That is what Democrats are fighting about, that is why we have not yet come to an agreement. It is not about shutting the government down, it is about keeping our schools open and prepared for the next century. That is what we should be about; that is what we should be getting on to this floor.

OUR CHILDREN MUST GET THE BEST EDUCATION IN THE WORLD

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, in 1953, as sort of the cutting edge of the baby boomers, I started kindergarten, and as the children of the World War II heroes entered school, what happened? All over the country they built enough schools and they made sure there were enough textbooks so that my generation could have a great education and have a future.

Turn the clock forward to 1998, and we have the biggest group of kindergartners that we have had since the baby boomers, and let us contrast what the grown ups are doing this time. We have children going to school in trailers, we have children going to school in utility closets. I would hope, and we spent so much time in this Congress on scandal and investigation and the like that, please, let us make sure that before we go home we do something that will really matter for the future of this country, that we put our children first, and we put our money where our mouth is, that we understand that the most important thing for the future of our country is that our children get the best education in the world.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1693) to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes, as amended.

The Clerk read as follows:

S. 1693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Parks Omnibus Management Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

Sec. 101. Protection, interpretation, and research in the National Park System.
Sec. 102. National Park Service employee training.
Sec. 103. Management development and training.
Sec. 104. Park budgets and accountability.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

Sec. 201. Purposes.
Sec. 202. Research mandate.
Sec. 203. Cooperative agreements.
Sec. 204. Inventory and monitoring program.
Sec. 205. Availability for scientific study.
Sec. 206. Integration of study results into management decisions.
Sec. 207. Confidentiality of information.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

Sec. 301. Short title.
Sec. 302. Purpose.
Sec. 303. Study of addition of new National Park System areas.

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

Sec. 401. Short title.
Sec. 402. Congressional findings and statement of policy.
Sec. 403. Award of concessions contracts.
Sec. 404. Term of concessions contracts.
Sec. 405. Protection of concessioner investment.
Sec. 406. Reasonableness of rates.
Sec. 407. Franchise fees.
Sec. 408. Transfer of concessions contracts.
Sec. 409. National Park Service Concessions Management Advisory Board.
Sec. 410. Contracting for services.
Sec. 411. Multiple contracts within a park.
Sec. 412. Special rule for transportation contracting services.
Sec. 413. Use of nonmonetary consideration in concessions contracts.
Sec. 414. Recordkeeping requirements.
Sec. 415. Repeal of National Park Service Concessions Policy Act.
Sec. 416. Promotion of the sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
Sec. 417. Regulations.
Sec. 418. Commercial use authorizations.
Sec. 419. Savings provision.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

Sec. 501. Fees.
Sec. 502. Distribution of golden eagle passport sales.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

Sec. 601. Purposes.
Sec. 602. National Park passport program.
Sec. 603. Administration.
Sec. 604. Foreign sales of Golden Eagle Passports.
Sec. 605. Effect on other laws and programs.

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

Sec. 701. Promotion of local fundraising support.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. United States Park Police.

Sec. 802. Leases and cooperative management agreements.

SEC. 2. DEFINITION.

As used in this Act, the term "Secretary" means the Secretary of the Interior, except as otherwise specifically provided.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

SEC. 101. PROTECTION, INTERPRETATION, AND RESEARCH IN THE NATIONAL PARK SYSTEM.

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

Within 2 years after the enactment of this Act, the Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of superintendent of a unit of the National Park System.

SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.

(a) STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.—Each unit of the National Park System shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. Such plans shall reflect the National Park Service policies, goals, and outcomes represented in the Service-wide Strategic Plan, prepared pursuant to the provisions of the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(b) ANNUAL BUDGET FOR EACH UNIT.—As a part of the annual performance plan for a unit of the National Park System prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but no later than January 1 of each year), the superintendent of the unit shall develop and make available to the public the budget for the current fiscal year for that unit. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including (but not limited to) special use permits, concession franchise fees, and recreation use and entrance fees.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

SEC. 202. RESEARCH MANDATE.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

SEC. 203. COOPERATIVE AGREEMENTS.

(a) COOPERATIVE STUDY UNITS.—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

(b) REPORT.—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any unit of the National Park System for purposes of scientific study.

(b) CRITERIA.—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

(c) FEE WAIVER.—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) NEGOTIATIONS.—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other applicable laws protecting the resource or object.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the "National Park System New Areas Studies Act".

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–5) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words "For the purposes of carrying" the following: "(f) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

"(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

"(B) themes, sites, and resources not already adequately represented in the National Park System; and

"(C) public petition and Congressional resolutions.

"(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

"(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

"(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

"(2) In conducting the study, the Secretary shall consider whether the area under study—

"(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

"(B) is a suitable and feasible addition to the system.

"(3) Each study—

"(A) shall consider the following factors with regard to the area being studied—

"(i) the rarity and integrity of the resources;

"(ii) the threats to those resources;

"(iii) similar resources are already protected in the National Park System or in other public or private ownership;

"(iv) the public use potential;

"(v) the interpretive and educational potential;

"(vi) costs associated with acquisition, development and operation;

"(vii) the socioeconomic impacts of any designation;

"(viii) the level of local and general public support, and

"(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

"(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

"(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

"(D) may include any other information which the Secretary deems to be relevant.

"(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

"(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

"(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

"(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.".

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: "For carrying out subsections (b) through (d) there are authorized to be appropriated $2,000,000 for each fiscal year.".

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the "National Park Service Concessions Management Improvement Act of 1998".

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) POLICY.—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

SEC. 403. AWARD OF CONCESSIONS CONTRACTS.

In furtherance of the findings and policy stated in section 402, and except as provided by this title or otherwise authorized by law, the Secretary shall utilize concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concessions contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(3) PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process.

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) MINIMUM REQUIREMENTS.—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concessions contract incorporating such material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term "preferential right of renewal" means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concessions contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—(A) The provisions of paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under $500,000.

(B) For the purposes of this title, an "outfitting and guide concessions contract" means a concessions contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System, other than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

(ii) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than $500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

(10) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concessions contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(11) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary's intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 404. TERM OF CONCESSIONS CONTRACTS.

A concessions contract entered into pursuant to this title shall generally be awarded for a term of 10 years or less. However, the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

(a) LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSIONS CONTRACTS.—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) A leasehold surrender interest—

(A) may be pledged as security for financing of a capital improvement or the acquisition of a concessions contract when approved by the Secretary pursuant to this title;

(B) shall be transferred by the concessioner in connection with any transfer of the concessions contract and may be relinquished or waived by the concessioner; and

(C) shall not be extinguished by the expiration or other termination of a concessions contract and may not be taken for public use except on payment of just compensation.

(3) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(4) Effective nine years after the date of the enactment of this Act, the Secretary may provide, in any particular new concession contract the Secretary estimates will have a leasehold surrender interest of more than $10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that such alternative formula is, compared to the standard method of determining value provided for in paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described as paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89-249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concessions contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) TRANSITION TO SUCCESSOR CONCESSIONER.—Upon expiration or termination of a concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concessions contract.

(d) TITLE TO IMPROVEMENTS.—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be vested in the United States.

(e) DEFINITIONS.—For purposes of this section:

(1) CONSUMER PRICE INDEX.—The term "Consumer Price Index" means the "Consumer Price Index—All Urban Consumers" published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(2) CAPITAL IMPROVEMENT.—The term "capital improvement" means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of the United States within a unit of the National Park System.

(f) SPECIAL REPORTING REQUIREMENT.—Not later than seven years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

SEC. 406. REASONABLENESS OF RATES.

(a) IN GENERAL.—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

SEC. 407. FRANCHISE FEES.

(a) IN GENERAL.—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing necessary and appropriate services for visitors at reasonable rates.

(b) AMOUNT OF FRANCHISE FEE.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concessions contracts with a term of more than five years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such extraordinary unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

(c) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) Subaccount for Each Unit.—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.

(a) Approval of the Secretary.—No concessions contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) Conditions.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are likely, directly or indirectly, to reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, adversely affect the quality of facilities and services provided by the concessioner, or result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

(c) Transfer Terms.—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) Establishment.—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in of the National Park System.

(b) Duties.—

(1) Advice.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make National Park Service concessions programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) Recommendations.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) Annual report.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) Advisory Board Membership.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed four years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) Termination.—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(e) Service on Advisory Board.—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

SEC. 410. CONTRACTING FOR SERVICES.

(a) Contracting Authorized.—(1) To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each the following:

(A) Health and safety inspections.

(B) Quality control of concessions operations and facilities.

(C) Strategic capital planning for concessions facilities.

(D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.

(B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director of the National Park Service regarding the conduct annual audits of concession fee expenditures.

(b) Other Management Elements.—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) Condition.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of a award of a new contract at the same approximate location or resource.

SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-year period based on satisfactory performance and approval by the Secretary.

SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.

Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

SEC. 414. RECORDKEEPING REQUIREMENTS.

(a) In General.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) Access to Records.—The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.

(a) Repeal.—Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) Conforming Amendments.—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through "no natural" and inserting "No natural,"; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–7) is amended by striking subsection (c).

(3) The second paragraph under the heading "National Park Service" in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

(c) ANILCA.—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.

(a) In General.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where such trade currently does not exist.

(b) Exemption From Franchise Fee.—In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 417. REGULATIONS.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below $500,000. The Secretary shall also promulgate regulations which further define the term "United States Indian, Alaskan Native, and Native Hawaiian handicrafts" for the purposes of this title.

SEC. 418. COMMERCIAL USE AUTHORIZATIONS.

(a) In General.—To the extent specified in this section, the Secretary , upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

(b) Criteria for Issuance of Authorizations.—

(1) Required determinations.—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

(2) Elements of authorization.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) Limitations.—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) Prohibition on Construction.—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) Duration.—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) Other Contracts.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

SEC. 419. SAVINGS PROVISION.

(a) Treatment of Glacier Bay Concession Permits Prospectus.—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the "1998 Glacier Bay Prospectus"). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

(b) Preferential Right of Renewal.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

SEC. 501. FEES.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

Not later than six months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency's total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) Program.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) Effective Period.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) Transferability.—A national park passport and stamp shall not be transferable.

SEC. 603. ADMINISTRATION.

(a) Stamp Design Competition.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) Sale of Passports and Stamps.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) Use of Proceeds.—

(1) The Secretary may use not more than 10 percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) Agreements.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) Fee.—The fee for a national park passport and stamp shall be $50.

SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 460l-6a note), available to foreign visitors to the United States; and

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

(a) Park Passport Not Required.—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104-134; 16 U.S.C. 460l-6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(a)).

(b) Golden Eagle Passports.—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l-6a note) shall be honored for admission to each unit of the National Park System.

(c) Access.—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) Limitations.—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) Exemptions and Fees.—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l-6a note).

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

Public Law 90-209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

"SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

"(a) Establishment.—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

"(b) Implementation.—The program under subsection (a) shall be implemented to—

"(1) assist in the creation of local nonprofit support organizations; and

"(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

"(c) Program.—The program under subsection (a) shall include the greatest number of national park units as is practicable.

"(d) Requirements.—The program under subsection (a) shall include, at a minimum—

"(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

"(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

"(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

"(e) Annual Report.—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

"(f) Affiliations.—

"(1) Charter or corporate bylaws.—Nothing in this section requires—

"(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

"(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

"(2) Establishment.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.".

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. UNITED STATES PARK POLICE.

(a) Appointment of Task Force.—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

(b) Submission of Report.—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

(1) the findings and recommendations of the task force;

(2) complete justifications for any recommendations made; and

(3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) In General.—Section 3 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-2) is amended by adding at the end the following:

"(k) Leases.—

"(1) In general.—Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

"(2) Prohibited activities.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

“(3) USE.—Buildings and associated property leased under paragraph (1)—

“(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

“(B) shall not result in degradation of the purposes and values of the unit; and

“(C) shall be compatible with National Park Service programs.

“(4) RENTAL AMOUNTS.—

“(A) IN GENERAL.—With respect to a lease under paragraph (1)—

“(i) payment of fair market value rental shall be required; and

“(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

“(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

“(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

“(5) SPECIAL ACCOUNT.—

“(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

“(i) facility refurbishment;

“(ii) repair and replacement;

“(iii) infrastructure projects associated with park resource protection; and

“(iv) direct maintenance of the leased buildings and associated properties.

“(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

“(l) COOPERATIVE MANAGEMENT AGREEMENTS.—

“(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

“(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

“(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.”.

(b) HISTORIC LEASE PROCESS SIMPLIFICATION.—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has taken a long time, in fact years, to craft a bill that addresses needed changes within the National Park Service including concession reform and a bill which has general agreement by the majority, minority and the administration. But I think we reach that point where this bill, S. 1693, as amended, just does that. Credit is due to many people, but I especially want to mention three gentlemen in particular who are personally involved in the bill: Senator DALE BUMPERS, Secretary of Interior Bruce Babbitt, and of course Senator CRAIG THOMAS of Wyoming, the sponsor of the bill. These gentlemen, and many, many others have worked very hard in the spirit of cooperation and compromise to develop this bill.

I believe we have in the amended S. 1693 a bill that addresses a variety of important concerns and issues raised by everyone from small outfitters and guides to the National Park Service. We have made good and necessary changes to the bill and come to many agreements on language and content alike. Among other things, the bill establishes a career development training and management program for the National Park Service and develops a comprehensive training program for Park Service employees to enable them to manage, interpret and protect park resources.

S. 1693 also establishes a scientific research program for the National Park Service by entering into cooperative agreements with colleges and universities to establish cooperative study units for multi-disciplinary and monitoring programs. Furthermore, S. 1693 codifies the Park Service procedures for studying areas of potential addition to the national park system. It establishes several criteria to be considered in evaluating potential park areas and ensures that only outstanding examples of our Nation's natural cultural and recreational resources will be added to the park system.

The bill makes significant changes to National Park Service concession policies and in fact repeals the Concession Act of 1965. Some of those highlights include concession contracts will be awarded through a competitive selection process. Concessionaires would no longer be granted a preferential right to renew their contract except for outfitter and guide services and those with contracts with gross annual revenue of less than $500,000. It provides that the concessionaires' interest in newly-built facilities will be equal to the concessionaires' construction costs with annual adjustments for inflation. A concessionaire would be entitled to receive payment for the lease hold surrender value from the United States or a successor concessionaire. However. It also provides that after 9 years in new contracts that if a lease hold interest is over 10 million in value, the value would be based on an annual reduction of equal proportions over a time period associated with straight line depression or other such formula consistent with the act. The alternative formula can be used only if it is shown that it is necessary for a fair return to the government.

In addition, this bill provides for the establishments of a broad-based Concessions Advisory Board to advise the Secretary on Concession Management Activities. It also deals with the National Park Service Fee Authority and adds a few minor provisions in regard to transportation systems and fee collection and authorizes a new national park passport which gives the holder unlimited access to units of the national park system.

Mr. Speaker, it has taken years and countless hours of work to get us to this point where we have a bill that has general agreement by nearly all the parties involved. The provisions contained in this bill are clearly necessary in order to improve and enhance our treasured National Parks. I strongly urge all my colleagues to support this bill, as amended.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota (Mr. VENTO) will control the time originally controlled by the gentleman from California (Mr. MILLER).

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend those that have come together to work on this, including the Secretary of Interior and our Senate colleagues that were mentioned by the gentleman from Utah (Mr. HANSEN), the gentleman from Alaska (Mr. YOUNG) as well as the gentleman from California (Mr. MILLER), our ranking member. As the Members are aware, I have a deep interest and longtime interest in the management of our parks and the specific provisions in this bill. Specifically, along with the gentleman from Colorado (Mr. HEFLEY), I was pleased to work initially on the new park study provisions in this bill which hopefully will provide a policy path for our designation of any new park units in the future and perhaps a focus on existing units to be certain that the types of designations and administration are workable. So often we see parks designated without the type of background study and understanding, and the end result is that we place a burden on the system and on our resources impossible to properly manage these lands. There are also, of course, changes that are important in terms of recognizing the professionalism of the Park Service, of all of the land management agencies. The Park Service does not have the status, the same status as other land management agencies have achieved to date and it certainly should have such status.

☐ 1115

This measure will go a long way toward providing the in-service training that is necessary. Today land management decisions, especially parks with the important law that they administer, the 1916 Organic Act, it is an especially difficult process and challenge for them to meet. The type of training that is anticipated in this bill will point the direction and give the know how to manage these cultural and natural resources, really the icons in the public land scheme, our parks.

Furthermore, of course, the resource inventory and management provisions of this bill specifically mandate Park Service research to ensure that managers benefit from the high quality science and information when making resource management decisions.

We have to have information available in order to have managers do their jobs properly. Increasingly, that is going to require coordination. I well know that former director of the Park Service Kennedy had tried to reorganize the Park Service along with a plan organized to separate some of the staff and line management and providing the type of resource and research effort that would be available for those park superintendents and personnel that have the significant responsibilities.

The important part of this bill that I am sure will get most of the attention from the Members is the concession policy, the revamping of that. As has been pointed out by the subcommittee chairman, the gentleman from Utah (Chairman HANSEN), this measure repeals the previous law that has long served as the benchmark for determining concessions, management and awarding of contracts.

Importantly, this bill eliminates the preferential right of renewal so that each bidder comes into the process and they bid for the concession to provide that service in the park on an equal basis, so that those who have been in that particular role at least in the competitive portion the large concession contracts bidders will face more competition.

Secondly, it revamps the investment in facilities. What before had been the possessory interest and a buildup of value now is referred to as a leasehold surrender interest and, of course, there will be a conversion from the possessory interest to such leaseholder surrender interest. That, I think, is going to be an improvement.

What I think is very significant is this will probably last for the first nine years, and then the Secretary of Interior, acting through the Park Service Director, will have the opportunity to revamp that again, along the lines of marketplace type of concerns. That is to say, especially for contracts over a certain value, over $10 million, as the subcommittee chairman indicated, there would be an opportunity for straight line depreciation and amortization of such particular contracts.

This is an important change. Obviously the concessionaires have been with us and have been present in some cases before the park system was even established in 1916. So it is important to understand that the concessionaires role in terms of providing for the enjoyment and use of our parks has played an essential role.

So this marriage of the private sector, of entrepreneurial interest with the parks, has been a long-standing tradition in this Nation and has served us generally well.

We come to this point where there is a value added, where there is a buildup of investment by the concessionaire an interest in a park, and we need to address it as to value. This bill is a new approach, and we are all thinking optimistically that it will work today.

Finally, the concession fees that obtained here provide that 8 percent of the dollars, I believe I am correct, of the franchise fees, will be retained in special accounts and expended by the Interior Department for park purposes without further appropriation. This is important.

Most individuals assume that park fees dollars collected would stay within the park. That has not always been the case. Very often they are siphoned off by the Treasury. Very often our Committee on Appropriations and OMB take special note of these dollars and discount what would otherwise be deemed sufficient support for such parks. Hopefully we will fight to make certain that this practice is reversed.

There are other minor changes in the bill. I note along the lines of the new national Park Passport program, which we will keep a close eye on to see how it performs alongside the Golden Eagle Passport, and provisions dealing with local fund-raising support and the Park Police study, as well as new building leases authority, which, of course, occur where the Park Service has property that they want to lease generally to the private party.

I think collectively this is a good effort, a good accomplishment and intended to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield two minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today to engage the distinguished chairman of the subcommittee, the gentleman from Utah (Mr. HANSEN), who has been a strong advocate for the conservation and well treatment of America's public lands in a colloquy.

The bill before us today, S. 1693, establishes a new plan for advertising and awarding concession contracts on National Park Service lands. However, the bill is silent with regard to continuing applicability of the priority of licensed blind vendors under the Randolph Sheppard Act of 1936.

Mr. Chairman, does Senate 1693 intend in any way to repeal, waive, supersede or undermine the now existing Randolph Sheppard Act for blind business enterprise programs?

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman bringing up this issue. I would have to respond and say that S. 1693 does not repeal the Randolph Sheppard Act and nothing in this act should be interpreted to eliminate prohibit or diminish provisions found in the Randolph Sheppard Act. We worked with yourself and the gentleman from Nevada (Mr. ENSIGN) for several years to ensure that concessionary form does not affect application of the Randolph Sheppard Act.

Mr. GIBBONS. Mr. Speaker, reclaiming my time, I would like to thank the chairman for his clarification of this crucial point. I urge support of the bill.

Mr. HANSEN. Mr. Speaker, I am pleased to yield two minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, there is a lot of work that has gone into this legislation. There is a lot of, I hope, hopeful signs that we will not address this issue too soon unless there is some misapplication of the legislation by the Department of Interior.

I have been a strong supporter of the concessionaires because they bring visitors to the parks and they open the parks for the people I believe they should be serving. There has been some policies of the Park Service to exclude people from the parks for their own services. I think that is very unfortunate.

But I would like to address section 419, that ensures it does not disrupt the ongoing bidding process for cruise ships entry permits in Glacier Bay National Park. The administration does support this provision.

It grandfathers the 1998 Glacier Bay Prospectus in current law. The prospectus was issued last February, and is the basis for awarding cruise ship entry permits in Glacier Bay. These are 5 year permits lasting from the year 2000 to the year 2004.

Without this language, the bill could force the Park Service to redo the prospectus. Years of expensive work and extensive negotiations will be thrown out the window. The measure provides that terms and conditions of existing law apply to the prospectus, and also sunsets a preference to renew Glacier Bay entry permits on December 31, 2009.

I believe this solves a unique problem in a unique problem. Section 419 does not apply to any other park in the Nation. I believe this is a correct step forward, and I would suggest respectfully, although have I some reservation, Senator THOMAS has done a great job on this, as has the gentleman from California (Mr. MILLER) and the gentleman from Utah (Mr. HANSEN). I support the legislation.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER), the ranking member and one of the architects of this bill.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to join in commending Secretary Babbitt and Senator THOMAS and Senator DALE BUMPERS, who will be retiring from this Congress, and our Chairman, the gentleman from Alaska (Mr. YOUNG), for all of their efforts on behalf of this legislation.

I also want you to know that the gentleman from Minnesota (Mr. VENTO), who is managing the bill here today, has in fact been involved in trying to bring balance to the concessions policy of our National Park System now for many, many years, and has really been an architect of the underlying framework of concession reform.

Of particular interest to me are the changes we made in the original bill's provision on leasehold surrender interests. I had objected to these provisions in committee because they were untested and could very well maintain some of the anticompetitive aspects that exist today with the National Parks' concession program.

By the narrowest of margins, the resource committee failed to adopt an amendment I offered to replace the leasehold surrender interest provisions with a system of amortization of the concessionaire investment similar to that used throughout the concessions industry and in the private real estate market.

Subsequent to the committee action on S. 1693, my staff and I had discussions with a number of principals of this legislation. The result of these discussions has been an agreement to change the LSI provisions. These changes allow the untested LSI provisions to be used for the next major round of concession contracts. However, following that period, if the Secretary finds that either straight line depreciation or an alternative formula is needed to promote competition and a fair return to the government, the Secretary can use either of these two options after informing the Congress.

The second issue that was raised at the 11th hour deals with the concessions permit for cruise ships in Glacier National Park, as the gentleman from Alaska has just referred to. The language we were originally given was a complete exemption for these permits. The agreement that we have worked out provides a phaseout for the preferential right of renewal of these cruise ship permits by December 31, 2009.

I think it is important to note that under this phaseout the preferential right of renewal cannot be granted nor can such a right exist beyond December 31, 2009.

Mr. Speaker, like many compromises, this is not perfect, but it is one I can support, and it reflects an awful lot of hard work by all of the people that I mentioned in the beginning of my statement, and I want to thank the committee for bringing this legislation to the floor of the House and recommend its passage.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just comment that, of course, we have recognized the ranking member, but we have not recognized the ranking minority member the gentleman from American Samoa (Mr. FALEOMAVAEGA), and again, the gentleman from Utah (Mr. HANSEN), for their work, and the chairman and ranking member in the House. They have done a good job in sewing this together.

I would just suggest that we will be watching very carefully. I think a well-crafted law on concessions here, very prescriptive, not leaving a lot of room obviously could present some problems to any administrator, including Secretary of Interior Babbitt or his successors. But most of these laws are about as good as what the Secretary will really make them. So I think we have to be careful and I think operate in good faith with regard to what the meaning and intent is in this instance.

There are special challenges facing our parks today, and I think that the park visitor, the park professionals, and the concessionaire, all share a responsibility in terms of preserving the corpus of that park, its natural and/or cultural resources at the same time providing for public enjoyment.

Parks, of course, are threatened by the areas around them, the interface whether it is air and water quality, or even the land use activities that go on around outside their boundaries. Increasingly these National Park islands, these special places of cultural and natural resources, really are treasures, and do confront many, many problems. What has gone on in the past in terms of practices obviously has to change in light with new knowledge and information.

This bill uniquely obviously, providing a new policy path for concessions, also gives more information and more training to the people that manage those. While Congress maintains an active view and role with its prescriptive policy making in this bill, I hope that we will recognize and accept the information and the facts.

Usually, I think about our job here as not being all that tough. All we have to do is take new information, new knowledge, and translate it into public policy. But very often it breaks down many ways because of various interests that get involved, and I think too often improperly.

With that said, I am hopeful that this bill will be a positive step forward. I think it is a positive step forward, and I support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not think a lot of people realize as they go to our beautiful parks in America who makes them that way. Of course the park system does, and we compliment those folks who wear those Smoky Bear hats and give us good information and help us out.

But on the other side of the coin, when you go to a place like Yellowstone and you go to the Lake Lodge or the Old Faithful Lodge, or you go to the beautiful expansion of the north rim of the Grand Canyon and look over that panorama that takes your breath away, who makes it so you can have a good meal and park your car and buy petrol and all of the things that are necessary?

I think in a way we sometimes diminish the role of the concessionaires in our National Parks. These people do us a good job, and without those people, we could not really look at the parks and enjoy them the way we do.

A lot of us go to parks for different reasons. Every time I go to one of the National Parks I see some young folks with backpacks on going up in the area to look at certain areas. They are pretty well on their own. Most of the folks in the parks require a number of services.

□ 1130

I hope we never diminish the role of the concessionaire in the parks. Every time we plow new ground with a piece of legislation, we are always going to hit a few rocks. I think maybe that will happen in this one. I would hope that the concessionaires of America realize that what we are trying to do is a step forward for the people we serve, the constituents of America, and that if we have hit a few rocks, that we will resolve these at a later time.

I hope people realize how much work it is to get a bill like this to the floor. I have been on that committee for 18 years, chaired it for the last 4 years, and every year we have looked at something to do on changing concessionaires around. Finally, this is the product before us. Is it a 10? There is never a 10 around here, but I think it is at least a 7 or 8. I would suggest that people vote for it.

I do not know if the people realize the work of staff, these people sitting with us, the great amount of work. I can imagine it is the most frustrating thing they have gone through, every sentence, comma, semicolon, to get this thing worked out.

For Senator CRAIG THOMAS, who has been so tenacious in bringing this bill to us at this time, the gentleman from Alaska (Chairman YOUNG) and others, this is a very difficult piece of legislation to put together. I would urge my colleagues to support it. I think it is much better than we have got now, and it surely deserves our support.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1693, as amended.

The question was taken.

Mr. VENTO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF THE HOUSE REGARDING GUAM

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 494) expressing the sense of the House of Representatives that the United States has enjoyed the loyalty of the United States citizens of Guam, and that the United States recognizes the centennial anniversary of the Spanish-American war as an opportune time for Congress to reaffirm its commitment to increase self-government, consistent with self-determination, for the people of Guam.

The Clerk read as follows:

H. RES. 494

Whereas the Chamorro people have inhabited Guam and the Mariana Islands for at least 4,000 years and developed a unique and autonomous seafaring agrarian culture, governing themselves through their own form of district government;

Whereas in 1565 the Kingdom of Spain claimed the islands of the Chamorro people, which were named the Ladrones by Ferdinand Magellan in 1521 and renamed the Marianas by the Jesuit missionary Diego Luis de San Vitores in 1668, to secure the trans-Pacific route of the Manila-Acapulco Galleon Trade, then, upon San Vitores's death in 1672, the islands were placed under military governance;

Whereas in 1898 the United States defeated the Kingdom of Spain in the Spanish-American War and acquired Guam, Puerto Rico, and the Philippines by virtue of the Treaty of Paris;

Whereas, in signing the treaty, the United States Government accepted responsibility for its new possessions and agreed that Congress would determine the civil rights and political status of the native inhabitants, as stated specifically in Article IX;

Whereas President William McKinley, by Executive Order 108–A on December 23, 1898, placed the island of Guam under the administration of the United States Navy, which administered and governed the island, initially as a coaling station, then as a major supply depot at the end of World War II;

Whereas a series of rulings popularly known as the "Insular Cases", issued by the United States Supreme Court from 1901 to 1922, defined Guam as an "unincorporated territory" in which the United States Constitution was not fully applicable;

Whereas the United States Naval Government of Guam was forced to surrender the island of Guam to the invading forces of the Japanese Imperial Army on December 10, 1941, after which Japanese occupation and control of Guam lasted until the United States Forces recaptured the island in 1944;

Whereas Guam is the only remaining United States territory to have been occupied by Japanese forces during World War II, the occupation lasting for 32 months from 1941 to 1944;

Whereas the people of Guam remained loyal to the United States throughout the Japanese occupation, risked torture and death to help clothe and feed American soldiers hiding from enemy forces, and were subjected to forced labor, ruthless executions, and other brutalities for their support of the United States;

Whereas, upon liberation of the people of Guam, the island was returned to United States Navy governance, which, like its prewar predecessor, limited the civil and political rights of the people, despite numerous appeals and petitions to higher authorities and Congress for the granting of United States citizenship and relief from military rule;

Whereas in 1945, upon establishment of the United Nations, the United States voluntarily listed Guam as a nonself-governing territory, pursuant to Article 73 of the United Nations Charter, and today Guam continues to be included in this list;

Whereas on March 6, 1949, the House of Assembly, the lower house of the popularly elected 9th Guam Congress, which was merely an advisory body to the Naval Governor of Guam, adjourned in protest over the limitation of its legislative rights granted to it by the United States Department of the Navy in 1947 and refused to reconvene until the United States Congress enacted an organic act for Guam;

Whereas the Organic Act of Guam (64 Stat. 384) passed by Congress and signed by President Truman on August 1, 1950, statutorily decreed Guam's status as an "unincorporated territory", established a three-branched civilian government patterned after the Federal model, and conferred United States citizenship upon the people of Guam;

Whereas, since the granting of American citizenship, the people of Guam have greater participation in the American democratic processes and some measure of self-government;

Whereas the people of Guam, who strongly adhere to the belief that a government should derive power and right from the governed, successfully gathered enough support to push for the passage of the Elective Governor Act (Public Law 90–497) on September 11, 1968, and in which Congress granted the people of Guam the right to elect their own governor and lieutenant governor;

Whereas the Congress enacted the Guam-Virgin Islands Delegate bill on April 10, 1972, allowing for Guam to have a nonvoting delegate in the United States House of Representatives, and although the delegate is not accorded a vote on the floor of the House of Representatives, it is still one of the benchmarks in Guam's political evolution and heightens Guam's visibility in the national arena;

Whereas, although Congress authorized in Public Law 94–584, the formation of a locally drafted constitution, the subsequent Guam Constitution, it was not ratified by Guam's electorate through a referendum on August 4, 1979;

Whereas concerns regarding Guam's political status led the Twelfth Guam Legislature to create the first political status commission in 1973, known as the Status Commission, the Thirteenth Guam Legislature in 1975 created another commission, known as the Second Political Status Commission, to address Guam's political status issue and explore alternative status options, and in 1980, the existing Guam Commission on Self-Determination (CSD) was created to identify and pursue the status choice of the people of Guam, and in 1996 the Twenty-Fourth Guam Legislature created the Commission on Decolonization to continue pursuing Guam's political status;

Whereas the CSD, after conducting studies on 5 Guam political status options, proceeded to conduct a public education campaign, which was followed by a status referendum on January 12, 1982 in which 49 percent of the people of Guam voted for Commonwealth, 26 percent for Statehood, 10 percent for Status Quo, 5 percent for Incorporated Status, 4 percent for Free Association, 4 percent Independence, and 2 percent for other options;

Whereas on September 4, 1982, a runoff was held between commonwealth and statehood, the top options from the January referendum, with the outcome of the runoff resulting in 27 percent voting for statehood and 73 percent of Guam's electorate casting their votes in favor of a close relationship with the United States through a Commonwealth of Guam structure for local self-government;

Whereas in 1988 the people of Guam first presented the Guam Commonwealth Act to Congress to meet the various aspirations of the people of Guam, which bill has been reintroduced by Guam's Congressional delegates since 1988 until the present;

Whereas Congress has continued to enact other measures to address the various aspirations of the people of Guam, while considering legislative approaches to advance self-government without precluding Guam's further right of self-determination, consistent with the national political climate that emphasizes decentralization of the decision making process from Washington to the local governments and a relationship with the Federal Government that is based on mutual respect and consent of the governed; and

Whereas the people of Guam are loyal citizens of the United States and have repeatedly demonstrated their commitment to the American ideals of democracy and civil rights, as well as to American leadership in times of peace as well as war, prosperity as well as want: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes 100 years of Guam's loyalty and service to the United States; and

(2) will use the centennial anniversary of the 1898 Spanish-American War to reaffirm its commitment to the United States citizens of Guam for increased self-government, consistent with self-determination for the people of Guam.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I support this resolution on the centennial of the Spanish-American War to recognize the loyalty of the United States citizens of Guam who have become part of this Nation due to that conflict.

This resolution serves as recognition of Guam's 100 years of loyalty and service to the United States, and calls on the House of Representatives to reaffirm its commitment to the people of Guam for increased self-government.

Mr. Speaker, it has been one hundred years since the United States raised the first American flag over Guam on July 21, 1898. The islands were transferred to the United States after the Spanish-American War pursuant to the Treaty of Paris, signed December 10, 1898, and raitifed and proclaimed on April 11, 1899. Article IX of the Treaty states that "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Guam was administered by the United States Navy until forced to surrender the island in 1941 to the invading forces of Japan. During the occupation from 1941 to 1944, the people of Guam remained staunchly loyal to the United States, risking torture and death, and subject to forced labor, ruthless executions, and other brutalities. The island was returned to U.S. Naval jurisdiction after the liberation of the people of Guam in 1944.

As an unincorporated territory of the United States, Guam's relationship with the United States has been characterized by Guam's political development from an island administered by the U.S. Department of the Navy to one governed by the people of Guam under the Guam Organic Act approved by Congress in 1950 in Public Law 630. In the same Act, Congress extended U.S. citizenship to the people of Guam. Congress subsequently authorized expanded self-governance by permitting the people of Guam to elect their own government and a delegate to represent them in the U.S. House of Representatives. In addition, in 1976 Congress committed to a major advance in self-government for Guam by authorizing a constitution, which Guam has yet to complete.

Today, while the people of Guam continue their quest for increased self-government within the United States community, they can be assured that the adoption of a constitution as authorized by Congress will not prejudice or preclude their right of self-determination and the fundamental right to seek a change in their political status in the future. This resolution serves as recognition of Guam's 100 years of loyalty and service to the United States and calls on the House of Representatives to reaffirm its commitment to the people of Guam for increased self-government.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the request of my distinguished colleague, the gentleman from Guam (Mr. UNDERWOOD) who is traveling to his district on official business, I urge this body to support House Resolution 494, the Guam centennial resolution.

This resolution recognizes Guam's 100-year relationship with the United States, but more importantly, it reaffirms this body's commitment to Guam's request to address the issue of status.

One hundred years ago the United States acquired Guam, along with the Philippines and Puerto Rico, after the Spanish-American war. Guam's relationship with the United States since 1898 has been characterized by Guam's strategic location in the Asian Pacific region.

Soon after its acquisition, Guam was primarily acquired as a coaling station by American ships. Since then Guam has expanded its role to become America's bridge to the Asian-Pacific region. It boasts the only $10 billion military infrastructure west of the international dateline, as well as a $3 billion civilian economy.

Mr. Speaker, Guam's unique relationship with the United States not only stems from its strategic value, but in part can be explained through the understanding of Guam's history with the United States. Guam is the only American territory today which was occupied by enemy forces during World War II.

The people of Guam endured forced marches and beheadings for doggedly assisting American soldiers during the occupation. Through the Organic Act of 1950, the people of Guam became American citizens, an event which allowed them a greater opportunity to participate in the American political system.

Guam's press for increased self-government was made evident soon after American governance. However, it was not until 1973 that concerns about Guam's political status officially materialized in the form of the first Political Status Commission.

As testament to Guam's commitment to the political future and faith in the American system of government, the Guam Commonwealth Act was introduced in the 101st Congress and in each successive Congress since that time. Through the passage of this resolution, we are commemorating our historic ties with America's westernmost Pacific territory, and we are reaffirming our commitment to address their concerns.

I urge my colleagues to support the Guam centennial resolution.

Mr. Speaker, I include for the RECORD the statement of the gentleman from Guam (Mr. UNDERWOOD) regarding this very important resolution.

Mr. UNDERWOOD. Mr. Speaker, I would like to thank my colleagues on both sides of the aisle who have demonstrated their utmost support for the people of Guam by cosponsoring the Guam Centennial Resolution. I would also like to thank my colleague and Chairman of the Resources Committee, Mr. YOUNG, for his leadership in moving this legislation.

It has been one hundred years since the United States first set foot on Guam's shores; and it has been one hundred years since Guam officially came under the American flag. As a consequence of the Spanish-American War, Spain ceded Guam, Puerto Rico, and the Philippines over to the United States. This centennial anniversary carries varied significance for the people of Guam. On the one hand, we are commemorating Guam's one hundred year old relationship with the United States. On the other hand, we have an opportunity to examine this very same relationship, specifically Guam's political status under the United States.

Mr. Speaker, the resolution we have before us today, the Guam Centennial Resolution, specifically addresses these concerns. I introduced this resolution not only to commemorate Guam's unique relationship with the United States, but also to remind this body that the United States must address Guam's political status as decreed in the Treaty of Paris, which ended the Spanish-American War. To this date, Guam is still under the United Nations' list of Non Self-Governing Territories.

Guam was first used as a coaling station by American ships sailing in the region, its strategic Pacific location made it an attractive base for America's Armed Forces and was actually commanded by the American Navy in the early years. During World War II, Guam remained loyal to the American flag despite the brutal three-year occupation by Japanese forces. It was not until 1950 that the people of Guam because American citizens.

It is important to note that even as early as 1901, only three years after American rule over our island, there was already a campaign for basic civil rights. H. Res. 494, or the Guam Centennial Resolution, is another avenue for such political expression. It expressly calls on this body to reaffirm its commitment to the people of Guam in our quest for increased self government. Since the 101st Congress to the present time, Guam's delegates to Congress have introduced the Guam Commonwealth Act, legislation which would not only alter Guam's relationship with the United States, but also lend greater local rule for Guam. Just last year, Guam's leaders had the historic opportunity to testifying before the Resources Committee regarding Guam's quest for Commonwealth. As long as it remains the political will of the people, I will continue to vigorously advocate for Guam's Commonwealth status.

On this occasion of the centennial anniversary of Guam's relationship with the United States, let us remember our commitment to the people of Guam and support the passage of H. Res. 494.

Mr. GILMAN. Mr. Speaker, I want to commend the Gentleman from Guam for introducing and crafting this resolution. It is important that the full House has the opportunity to express its support for this important resolution.

H. Res. 494 expresses the sense of the House of Representatives that the United States has enjoyed the loyalty of the United States citizens of Guam, and that the United States recognizes the centennial anniversary of the Spanish American War as an opportune time for Congress to reaffirm its commitment to increase self-government consistent with self-determination for the people of Guam.

Our nation has a long history of friendship with Guam and many of the small island nations in the South Pacific. Guam played a key role in projecting U.S. firepower during World War II, during Vietnam and during later conflicts.

Guam's strategic access and the many sacrifices of its people have not gone unnoticed by the Congress. The citizens of Guam deserve a greater say in their affairs and it should be up to them to decide what sort of relationship they want with the United States.

Accordingly, I support the gentleman's resolution and urge my colleagues to support H. Res. 494.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of House Resolution 494, the Guam Centennial Resolution.

Mr. Speaker, as other speakers have already noted, this year marks the 100th anniversary of the first flying of the American flag over the island of Guam. Over the past 100 years, a lot of things have changed, but Guam's loyalty to the United States has remained steadfast.

To the best of my knowledge, Guam remains the only populated U.S. territory to have been captured and occupied by enemy forces during World War II. Despite the repressive tactics of the Japanese during their three-year occupation of the Island of Guam, the people of Guam remained loyal to the United States, and lost many lives and suffered inhumane treatment simply because they retained this strong loyalty.

The citizens of Guam have in the past and continue to support our military services with high enlistment rates and the loss of local land given up for military based in support of their island and the rest of our nation. Even today, Guam hosts significant naval and air force bases which frequently are the staging point for national military operations in the Pacific. As foreign countries have dictated the removal of our operational stations in the western Pacific, Guam's location in the central Pacific has increased in importance, and today is considered to be of strategic importance.

Despite the support of the U.S. citizens in Guam of the United States over the past century, their desire for increased autonomy has met with resistance in Washington, D.C. I wish to commend Congressman UNDERWOOD for his efforts to fight for increased automy for the people of Guam and for his efforts to move this legislation to the floor today.

I also want to recognize Congressman DON YOUNG, Chairman of the Committee on Resources, and Congressman GEORGE MILLER, Senior Democrat on the Committee for their support of today's legislation and their continued support of the U.S. insular areas in general.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and agree to the resolution, H. Res. 494.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 494, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

AMERICAN HOME OWNERSHIP ACT OF 1998

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3899) to expand home ownership in the United States, as amended.

The Clerk read as follows:

H.R. 3899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Homeownership Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purpose.

TITLE I—REMOVAL OF BARRIERS TO AFFORDABLE HOUSING

Sec. 101. Short title.
Sec. 102. Housing impact analysis.
Sec. 103. Grants for regulatory barrier removal strategies.
Sec. 104. Eligibility for community development block grants.
Sec. 105. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP THROUGH MORTGAGE INSURANCE AND LOAN GUARANTEES

Sec. 201. Adjustable rate mortgages.
Sec. 202. Housing inspection study.
Sec. 203. Definition of area.
Sec. 204. Extension of loan term for manufactured home lots.
Sec. 205. Repeal of requirements for approval for insurance prior to start of construction.
Sec. 206. Rehabilitation demonstration grant program.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.

TITLE IV—HOME INVESTMENT PARTNERSHIPS PROGRAM

Sec. 401. Reauthorization.
Sec. 402. Eligibility of limited equity cooperatives and mutual housing associations.
Sec. 403. Leveraging affordable housing investment through local loan pools.
Sec. 404. Loan guarantees.

TITLE V—LOCAL HOMEOWNERSHIP INITIATIVES

Sec. 501. Reauthorization of neighborhood reinvestment corporation.
Sec. 502. Homeownership zones.
Sec. 503. Lease-to-own.
Sec. 504. Local capacity building.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title and references.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Federal manufactured home construction and safety standards.
Sec. 605. Abolishment of national manufactured home advisory council.
Sec. 606. Public information.
Sec. 607. Research, testing, development, and training.
Sec. 608. Fees.
Sec. 609. Elimination of annual report requirement.
Sec. 610. Effective date.
Sec. 611. Savings provision.

TITLE VII—INDIAN HOUSING HOMEOWNERSHIP

Sec. 701. Indian lands title report commission.

TITLE VIII—TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS

Sec. 801. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.
Sec. 802. Amendment to revitalization area disposition program.
Sec. 803. Report on revitalization zones for HUD-owned single family properties.
Sec. 804. Technical correction to income targeting provisions for project-based assistance.
Sec. 805. Technical corrections to the Multifamily Assisted Housing Reform and Affordability Act of 1997.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the priorities of our Nation should include expanding homeownership opportunities by providing access to affordable housing that is safe, clean, and healthy;

(2) our Nation has an abundance of conventional capital sources available for homeownership financing; and

(3) experience with local homeownership programs has shown that if flexible capital sources are available, communities possess ample will and creativity to provide opportunities uniquely designed to assist their citizens in realizing the American dream of homeownership.

(b) PURPOSE.—It is the purpose of this Act—

(1) to encourage and facilitate homeownership by families in the United States who are not otherwise able to afford homeownership; and

(2) to expand homeownership through policies that—

(A) promote the ability of the private sector to produce affordable housing without excessive government regulation;

(B) encourage tax incentives, such as the mortgage interest deduction, at all levels of government; and

(C) facilitate the availability of flexible capital for homeownership opportunities.

TITLE I—REMOVAL OF BARRIERS TO AFFORDABLE HOUSING

SEC. 101. SHORT TITLE.

This title may be cited as the "Affordable Housing Barrier Removal Act of 1998".

SEC. 102. HOUSING IMPACT ANALYSIS.

(a) APPLICABILITY.—The requirements of this section shall apply with respect to—

(1) any proposed rule, unless the agency promulgating the rule—

(A) has certified that the proposed rule will not, if given force or effect as a final rule, have a significant deleterious impact on housing affordability; and

(B) has caused such certification to be published in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule, together with a statement providing the factual basis for the certification; and

(2) any final rule, unless the agency promulgating the rule—

(A) has certified that the rule will not, if given force or effect, have a significant deleterious impact on housing affordability; and

(B) has caused such certification to be published in the Federal Register at the time of publication of the final rule, together with a statement providing the factual basis for the certification.

Any agency making a certification under this subsection shall provide a copy of such certification and the statement providing the factual basis for the certification to the Secretary of Housing and Urban Development.

(b) STATEMENT OF PROPOSED RULEMAKING.—Whenever an agency publishes general notice of proposed rulemaking for any proposed rule, unless the agency has made a certification under subsection (a), the agency shall—

(1) in the notice of proposed rulemaking—

(A) state with particularity the text of the proposed rule; and

(B) request any interested persons to submit to the agency any written analyses, data, views, and arguments, and any specific alternatives to the proposed rule that—

(i) accomplish the stated objectives of the applicable statutes, in a manner comparable to the proposed rule;

(ii) result in costs to the Federal Government equal to or less than the costs resulting from the proposed rule; and

(iii) result in housing affordability greater than the housing affordability resulting from the proposed rule;

(2) provide an opportunity for interested persons to take the actions specified under paragraph (1)(B) before promulgation of the final rule; and

(3) prepare and make available for public comment an initial housing impact analysis in accordance with the requirements of subsection (c).

(c) INITIAL HOUSING IMPACT ANALYSIS.—

(1) REQUIREMENTS.—Each initial housing impact analysis shall describe the impact of the proposed rule on housing affordability. The initial housing impact analysis or a summary shall be published in the Federal Register at the same time as, and together with, the publication of general notice of proposed rulemaking for the rule. The agency shall transmit a copy of the initial housing impact analysis to the Secretary of Housing and Urban Development.

(2) MONTHLY HUD LISTING.—On a monthly basis, the Secretary of Housing and Urban Development shall cause to be published in the Federal Register, and shall make available through a World Wide Web site of the Department, a listing of all proposed rules for which an initial housing impact analysis was prepared during the preceding month.

(3) CONTENTS.—Each initial housing impact analysis required under this subsection shall contain—

(A) a description of the reasons why action by the agency is being considered;

(B) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(C) a description of and, where feasible, an estimate of the extent to which the proposed rule would increase the cost or reduce the supply of housing or land for residential development; and

(D) an identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule.

(d) PROPOSAL OF LESS DELETERIOUS ALTERNATIVE RULE.—

(1) ANALYSIS.—The agency publishing a general notice of proposed rulemaking shall review any specific analyses and alternatives to the proposed rule which have been submitted to the agency pursuant to subsection (b)(2) to determine whether any alternative to the proposed rule—

(A) accomplishes the stated objectives of the applicable statutes, in a manner comparable to the proposed rule;

(B) results in costs to the Federal Government equal to or less than the costs resulting from the proposed rule; and

(C) results in housing affordability greater than the housing affordability resulting from the proposed rule.

(2) NEW NOTICE OF PROPOSED RULEMAKING.—If the agency determines that an alternative to the proposed rule meets the requirements under subparagraphs (A) through (C) of paragraph (1), unless the agency provides an explanation on the record for the proposed rule as to why the alternative should not be implemented, the agency shall incorporate the alternative into the final rule or, at the agency's discretion, issue a new proposed rule which incorporates the alternative.

(e) FINAL HOUSING IMPACT ANALYSIS.—

(1) REQUIREMENT.—Whenever an agency promulgates a final rule after publication of a general notice of proposed rulemaking, unless the agency has made the certification under subsection (a), the agency shall prepare a final housing impact analysis.

(2) CONTENTS.—Each final housing impact analysis shall contain—

(A) a succinct statement of the need for, and objectives of, the rule;

(B) a summary of the significant issues raised during the public comment period in response to the initial housing impact analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and

(C) a description of and an estimate of the extent to which the rule will impact housing affordability or an explanation of why no such estimate is available.

(3) AVAILABILITY.—The agency shall make copies of the final housing impact analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

(f) AVOIDANCE OF DUPLICATIVE OR UNNECESSARY ANALYSES.—

(1) DUPLICATION.—Any Federal agency may perform the analyses required by subsections (c) and (e) in conjunction with or as a part of any other agenda or analysis required by any other law, executive order, directive, or rule if such other analysis satisfies the provisions of such subsections.

(2) JOINDER.—In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of subsections (c) and (e).

(g) PREPARATION OF ANALYSES.—In complying with the provisions of subsections (c) and (e), an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or alternatives to the proposed rule, or more general descriptive statements if quantification is not practicable or reliable.

(h) EFFECT ON OTHER LAW.—The requirements of subsections (c) and (e) do not alter in any manner standards otherwise applicable by law to agency action.

(i) PROCEDURE FOR WAIVER OR DELAY OF COMPLETION.—

(1) INITIAL HOUSING IMPACT ANALYSIS.—An agency head may waive or delay the completion of some or all of the requirements of subsection (c) by publishing in the Federal Register, not later than the date of publication of the final rule, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of subsection (a) impracticable.

(2) FINAL HOUSING IMPACT ANALYSIS.—An agency head may not waive the requirements

of subsection (e). An agency head may delay the completion of the requirements of subsection (e) for a period of not more than 180 days after the date of publication in the Federal Register of a final rule by publishing in the Federal Register, not later than such date of publication, a written finding, with reasons therefor, that the final rule is being promulgated in response to an emergency that makes timely compliance with the provisions of subsection (e) impracticable. If the agency has not prepared a final housing impact analysis pursuant to subsection (e) within 180 days from the date of publication of the final rule, such rule shall lapse and have no force or effect. Such rule shall not be repromulgated until a final housing impact analysis has been completed by the agency.

(j) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) HOUSING AFFORDABILITY.—The term "housing affordability" means the quantity of housing that is affordable to families having incomes that do not exceed 150 percent of the median income of families in the area in which the housing is located, with adjustments for smaller and larger families. For purposes of this paragraph, area, median family income for an area, and adjustments for family size shall be determined in the same manner as such factors are determined for purposes of section 3(b)(2) of the United States Housing Act of 1937.

(2) AGENCY.—The term "agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts-martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by—

(i) sections 1738, 1739, 1743, and 1744 of title 12, United States Code;

(ii) chapter 2 of title 41, United States Code;

(iii) subchapter II of chapter 471 of title 49, United States Code; or

(iv) sections 1884, 1891–1902, and former section 1641(b)(2), of title 50, appendix, United States Code.

(3) FAMILIES.—The term "families" has the meaning given such term in section 3 of the United States Housing Act of 1937.

(4) RULE.—The term "rule" means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of title 5, United States Code, or any other law, including any rule of general applicability governing grants by an agency to State and local governments for which the agency provides an opportunity for notice and public comment; except that such term does not include a rule of particular applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.

(5) SIGNIFICANT.—The term "significant" means increasing consumers' cost of housing by more than $100,000,000 per year.

(k) DEVELOPMENT.—Not later than 1 year after the date of the enactment of this title, the Secretary of Housing and Urban Development shall develop model initial and final housing impact analyses under this section and shall cause such model analyses to be published in the Federal Register. The model analyses shall define the primary elements of a housing impact analysis to instruct other agencies on how to carry out and develop the analyses required under subsections (a) and (c).

(l) JUDICIAL REVIEW.—

(1) DETERMINATION BY AGENCY.—Except as otherwise provided in paragraph (2), any determination by an agency concerning the applicability of any of the provisions of this title to any action of the agency shall not be subject to judicial review.

(2) OTHER ACTIONS BY AGENCY.—Any housing impact analysis prepared under subsection (c) or (e) and the compliance or noncompliance of the agency with the provisions of this title shall not be subject to judicial review. When an action for judicial review of a rule is instituted, any housing impact analysis for such rule shall constitute part of the whole record of agency action in connection with the review.

(3) EXCEPTION.—Nothing in this subsection bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise provided by law.

SEC. 103. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

"(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) $15,000,000 for fiscal year 1999 and each fiscal year thereafter through fiscal year 2003.".

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking "STATE GRANTS" and inserting "GRANT AUTHORITY";

(2) in the matter preceding paragraph (1), by inserting after "States" the following: "and units of general local government (including consortia of such governments)";

(3) in paragraph (3), by striking "a State program to reduce State and local" and inserting "State, local, or regional programs to reduce";

(4) in paragraph (4), by inserting "or local" after "State"; and

(5) in paragraph (5), by striking "State".

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking "and for the selection of units of general local government to receive grants under subsection (f)(2); and

(2) by inserting before the period at the end the following: "and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act".

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

"(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).".

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting "and" after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 104. ELIGIBILITY FOR COMMUNITY DEVELOPMENT BLOCK GRANTS.

(a) IN GENERAL.—Section 104(c)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(c)(1)) is amended by inserting before the comma the following: ", which shall include making a good faith effort to carry out the strategy established under section 105(b)(4) of such Act by the unit of general local government to remove barriers to affordable housing".

(b) RULE OF CONSTRUCTION.—The amendment made by subsection (a) may not be construed to create any new private right of action.

SEC. 105. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "receive, collect, process, and assemble" and inserting "serve as a national repository to receive, collect, process, assemble, and disseminate";

(B) in paragraph (1)—

(i) by striking ", including" and inserting "(including"; and

(ii) by inserting before the semicolon at the end the following: "), and the prevalence and effects on affordable housing of such laws, regulations, and policies";

(C) in paragraph (2), by inserting before the semicolon the following: ", including particularly innovative or successful activities, strategies, and plans"; and

(D) in paragraph (3), by inserting before the period at the end the following: ", including particularly innovative or successful strategies, activities, and plans";

(2) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

"(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

"(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted."; and

(3) by adding at the end the following new subsections:

"(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

"(d) TIMING.—The clearinghouse under this section (as amended by section 105 of the Affordable Housing Barrier Removal Act of 1998) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.".

TITLE II—HOMEOWNERSHIP THROUGH MORTGAGE INSURANCE AND LOAN GUARANTEES

SEC. 201. ADJUSTABLE RATE MORTGAGES.

Section 251(c) of the National Housing Act (12 U.S.C. 1715z–16(c)) is amended—

(1) by striking "(c) The" and inserting "(c)(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end the following new paragraph:

"(2)(A) The Secretary may, not less than 30 days after submitting to the Congress a written finding under subparagraph (B), insure under this section in the fiscal year for which the finding is submitted an aggregate number of mortgages and loans not exceeding 40 percent of the aggregate number of mortgages and loans insured by the Secretary under this title during the preceding fiscal year.

"(B) A finding under this subparagraph is a finding that—

"(I) the limitation under paragraph (1) on authority to insure mortgages and loans during a fiscal year will be reached before the end of that fiscal year;

"(II) an increase in such limitation is necessary to meet the demand for insurance under this section during the fiscal year;

"(III) the Mutual Mortgage Insurance Fund is actuarily sound; and

"(IV) an increase in such limitation will not adversely impact the actuarial soundness of the Mutual Mortgage Insurance Fund.".

SEC. 202. HOUSING INSPECTION STUDY.

The Comptroller General of the United States shall conduct a study regarding the inspection of properties purchased with loans insured under section 203 of the National Housing Act. The study shall evaluate—

(1) the feasibility of requiring inspections of properties purchased with loans insured under such section;

(2) the level of financial losses or savings to the Mutual Mortgage Insurance Fund that are likely to occur if inspections are required on properties purchased with loans insured under such section;

(3) the potential impact on the process of buying a home if inspections of properties purchased with loans insured under such section are required, including the process of buying a home in underserved areas where losses to the Mutual Mortgage Insurance Fund are greatest;

(4) the difference, if any, in the quality of homes purchased with loans insured under such section that are inspected before purchase and such homes that are not inspected before purchase;

(5) the cost to homebuyers of requiring inspections before purchase of properties with loans insured under such section;

(6) the extent, if any, to which requiring inspections of properties purchased with loans insured under such section will result in adverse selection of loans insured under such section; and

(7) homebuyer knowledge regarding property inspections and the extent to which such knowledge affects the decision of homebuyers to opt for or against having a property inspection before purchasing a home.

SEC. 203. DEFINITION OF AREA.

(a) DISCRETION TO ENLARGE AREAS AND MEDIAN PRICE IN MSA'S.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, the first sentence after subparagraph (B), by inserting before the period the following: "; except that the Secretary may provide that any county or statistical area, together with any counties contiguous or proximate to such county or statistical area, be treated as a single area for purposes of the preceding sentence; and except that the median 1-family housing price for any metropolitan statistical area shall be equal to the median 1-family housing price of the county within the area that has the highest such median price".

(b) MEDIAN PRICE IN EXPANDED MSA'S.—The first sentence after subparagraph (B) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)), as amended by subsection (a) of this section, is further amended by inserting before the period at the end the following: "; and except that for fiscal year 1999 the median 1-family housing price for any area (for purposes of the preceding sentence) that consists of a metropolitan statistical area together with the counties contiguous or proximate to such metropolitan statistical area shall be equal to the median 1-family housing price of the county within such area (for purposes of the preceding sentence) that has the highest such median price".

SEC. 204. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking "fifteen" and inserting "twenty".

SEC. 205. REPEAL OF REQUIREMENTS FOR APPROVAL FOR INSURANCE PRIOR TO START OF CONSTRUCTION.

The National Housing Act is amended—

(1) in section 203 (12 U.S.C. 1709)—

(A) in subsection (b)(2), by striking the 4th sentence in the first undesignated paragraph following subparagraph (B); and

(B) in subsection (i), by striking "(or, in any case" and all that follows through "90 centum)"; and

(2) in section 220(d)(3)(A)(i) (12 U.S.C. 1715k(d)(3)(A)(i)), by striking "(but, in any case" and all that follows through "90 per centum)".

SEC. 206. REHABILITATION DEMONSTRATION GRANT PROGRAM.

(a) SHORT TITLE.—Effective immediately after the enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, section 599G of such Act is amended—

(1) by redesignating subsections (a), (b), (c), (d), (e), (f), and (g) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a) SHORT TITLE.—This section may be cited as the 'Joseph P. Kennedy II Homeownership Rehabilitation Demonstration Grant Act'.".

(b) AVAILABILITY OF MMIF.—Section 205 of the National Housing Act (12 U.S.C. 1711) is amended by adding at the end the following new subsection:

"(i) AVAILABILITY FOR REHABILITATION PROGRAM.—Amounts in the Mutual Mortgage Insurance Fund shall be available to the Secretary during fiscal year 1999 to carry out the program under section 599G of the Quality Housing and Work Responsibility Act of 1998, except that the Secretary may not use more than an aggregate of $25,000,000 from the Mutual Mortgage Insurance Fund for such purpose.".

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) DOWNPAYMENT ASSISTANCE.—

"(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

"(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

TITLE IV—HOME INVESTMENT PARTNERSHIPS PROGRAM

SEC. 401. REAUTHORIZATION.

Section 205 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12724) is amended to read as follows:

"SEC. 205. AUTHORIZATION.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $1,600,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003, of which—

"(1) not more than $25,000,000 in each such fiscal year shall be for community housing partnership activities authorized under section 233; and

"(2) not more than $15,000,000 in each such fiscal year shall be for activities in support of State and local housing strategies authorized under subtitle C.

"(b) PROHIBITION OF SET-ASIDES.—Except as provided in subsection (a) of this section and section 217(a)(3), amounts appropriated pursuant to subsection (a) or otherwise to carry out this title shall be used only for formula-based grants allocated pursuant to section 217 and may not be otherwise used unless the provision of law providing for such other use specifically refers to this subsection and specifically states that such provision modifies or supersedes the provisions of this subsection.".

SEC. 402. ELIGIBILITY OF LIMITED EQUITY COOPERATIVES AND MUTUAL HOUSING ASSOCIATIONS.

(a) CONGRESSIONAL FINDINGS.—Section 202(10) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721(10)) is amended by inserting "mutual housing associations," after "limited equity cooperatives,".

(b) DEFINITIONS.—Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704) is amended—

(1) by redesignating paragraph (23) as paragraph (22);

(2) by redesignating paragraph (24) (relating to the definition of "insular area") as paragraph (23); and

(3) by adding at the end the following new paragraphs:

"(26) The term 'limited equity cooperative' means a cooperative housing corporation which, in a manner determined by the Secretary to be acceptable, restricts income eligibility of purchasers of membership shares of stock in the cooperative corporation or the initial and resale price of such shares, or both, so that the shares remain available and affordable to low-income families.

"(27) The term 'mutual housing association' means a private entity that—

"(A) is organized under State law;

"(B) is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

"(C) owns, manages, and continuously develops affordable housing by providing long-term housing for low- and moderate-income families;

"(D) provides that eligible families who purchase membership interests in the association shall have a right to residence in a dwelling unit in the housing during the period that they hold such membership interest; and

"(E) provides for the residents of such housing to participate in the ongoing management of the housing.".

(c) ELIGIBILITY.—Section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745) is amended—

(1) in subsection (b), by adding after and below paragraph (4) the following:

"Housing that is owned by a limited equity cooperative or a mutual housing association may be considered by a participating jurisdiction to be housing for homeownership for purposes of this title to the extent that ownership or membership in such a cooperative or association, respectively, constitutes homeownership under State or local laws."; and

(2) in subsection (a), by adding at the end the following new paragraph:

"(6) LIMITED EQUITY COOPERATIVES AND MUTUAL HOUSING ASSOCIATIONS.—Housing that is owned by a limited equity cooperative or a mutual housing association may be considered by a participating jurisdiction to be rental housing for purposes of this title to the extent that ownership or membership in such a cooperative or association, respectively, constitutes rental of a dwelling under State or local laws.".

SEC. 403. LEVERAGING AFFORDABLE HOUSING INVESTMENT THROUGH LOCAL LOAN POOLS.

(a) ELIGIBLE INVESTMENTS.—Section 212(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(b)) is amended by inserting after "interest subsidies" the following: ", advances to provide reserves for loan pools or to provide partial loan guarantees,".

(b) TIMELY INVESTMENT OF TRUST FUNDS.—Section 218(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748) is amended to read as follows:

"(e) INVESTMENT WITHIN 15 DAYS.——

"(1) IN GENERAL.—The participating jurisdiction shall, not later than 15 days after funds are drawn from the jurisdiction's HOME Investment Trust Fund, invest such funds, together with any interest earned thereon, in the affordable housing for which the funds were withdrawn.

"(2) LOAN POOLS.—In the case of a participating jurisdiction that withdraws Trust Fund amounts for investment in the form of an advance for reserves or partial loan guarantees under a program providing such credit enhancement for loans for affordable housing, the amounts shall be considered to be invested for purposes of paragraph (1) upon the completion of both of the following actions:

"(A) Control of the amounts is transferred to the program.

"(B) The jurisdiction and the entity operating the program enter into a written agreement that—

"(i) provides that such funds may be used only in connection with such program;

"(ii) defines the terms and conditions of the loan pool reserve or partial loan guarantees; and

"(iii) provides that such entity shall ensure that amounts from non-Federal sources have been contributed, or are committed for contribution, to the pool available for loans for affordable housing that will be backed by such reserves or loan guarantees in an amount equal to 10 times the amount invested from Trust Fund amounts.".

(c) EXPIRATION OF RIGHT TO WITHDRAW FUNDS.—Section 218(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12748(g)) is amended to read as follows:

"(g) EXPIRATION OF RIGHT TO DRAW FUNDS.—

"(1) IN GENERAL.—If any funds becoming available to a participating jurisdiction under this title are not placed under binding commitment to affordable housing within 24 months after the last day of the month in which such funds are deposited in the jurisdiction's HOME Investment Trust Fund, the jurisdiction's right to draw such funds from the HOME Investment Trust Fund shall expire. The Secretary shall reduce the line of credit in the participating jurisdiction's HOME Investment Trust Fund by the expiring amount and shall reallocate the funds by formula in accordance with section 217(d).

"(2) LOAN POOLS.—In the case of a participating jurisdiction that withdraws Trust Fund amounts for investment in the manner provided under subsection (e)(2), the amounts shall be considered to be placed under binding commitment to affordable housing for purposes of paragraph (1) of this subsection at the time that the amounts are obligated for use under, and are subject to, a written agreement described in subsection (e)(2)(B).".

(d) TREATMENT OF MIXED INCOME LOAN POOLS AS AFFORDABLE HOUSING.—

(1) IN GENERAL.—Section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745) is amended by adding at the end the following new subsection:

"(c) LOAN POOLS.—Notwithstanding subsections (a) and (b), housing financed using amounts invested as provided in section 218(e)(2) shall qualify as affordable housing only if the housing complies with the following requirements:

"(1) In the case of housing that is for homeownership—

"(A) of the units financed with amounts so invested—

"(i) not less than 75 percent are principal residences of owners whose families qualify as low-income families—

"(I) in the case of a contract to purchase existing housing, at the time of purchase;

"(II) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

"(III) in the case of a contract to purchase housing to be constructed, at the time the contract is signed;

"(ii) all are principal residences of owners whose families qualify as moderate-income families—

"(I) in the case of a contract to purchase existing housing, at the time of purchase;

"(II) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, at the time the agreement is signed; or

"(III) in the case of a contract to purchase housing to be constructed, at the time the contract is signed; and

"(iii) all comply with paragraphs (3) and (4) of subsection (b), except that paragraph (3) shall be applied for purposes of this clause by substituting 'subsection (c)(2)(B)' and 'low- and moderate-income homebuyers' for 'paragraph (2)' and 'low-income homebuyers', respectively; and

"(B), units made available for purchase only by families who qualify as low-income families shall have an initial purchase price that complies with the requirements of subsection (b)(1).

"(2) In the case of housing that is for rental, the housing—

"(A) complies with subparagraphs (D) through (F) of subsection (a)(1);

"(B)(i) has not less than 75 percent of the units occupied by households that qualify as low-income families and is occupied only by households that qualify as moderate-income families; or

"(ii) temporarily fails to comply with clause (i) only because of increases in the incomes of existing tenants and actions satisfactory to the Secretary are being taken to ensure that all vacancies in the housing are being filled in accordance with clause (i) until such noncompliance is corrected; and

"(C) bears rents, in the case of units made available for occupancy only by households that qualify as low-income families, that comply with the requirements of subsection (a)(1)(A).

Paragraphs (4) and (5) of subsection (a) shall apply to housing that is subject to this subsection.".

(2) DEFINITION.—Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), as amended by section 402 of this Act, is further amended by adding at the end the following new paragraph:

"(28) The term 'moderate income families' means families whose incomes do not exceed the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the median income for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.".

SEC. 404. LOAN GUARANTEES.

Subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) is amended by adding at the end the following new section:

"SEC. 227. LOAN GUARANTEES.

"(a) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, only to such extent or in such amounts as provided in appropriations Acts, the notes or other obligations issued by eligible participating jurisdictions or by public agencies designated by and acting on behalf of eligible participating jurisdictions for purposes of financing (including credit enhancements and debt service reserves) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing (including real property acquisition, site improvement, conversion, and demolition), and other related expenses (including financing costs and relocation expenses of any displaced persons, families, businesses, or organizations). Housing funded under this section shall meet the requirements of this subtitle.

"(b) REQUIREMENTS.—Notes or other obligations guaranteed under this section shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by the Secretary. The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period otherwise causes the guarantee to constitute an unacceptable financial risk.

"(c) LIMITATION ON TOTAL NOTES AND OBLIGATIONS.—The Secretary may not guarantee or make a commitment to guarantee any note or other obligation if the total outstanding notes or obligations guaranteed under this section on behalf of the participating jurisdiction issuing the note or obligation (excluding any amount defeased under a contract entered into under subsection (e)(1)) would thereby exceed an amount equal to 5 times the amount of the participating jurisdiction's latest allocation under section 217.

"(d) USE OF PROGRAM FUNDS.—Notwithstanding any other provision of this subtitle, funds allocated to the participating jurisdiction under this subtitle (including program income derived therefrom) are authorized for use in the payment of principal and interest due on the notes or other obligations guaranteed pursuant to this section and the payment of such servicing, underwriting, or other issuance or collection charges as may be specified by the Secretary.

"(e) SECURITY.—To assure the full repayment of notes or other obligations guaranteed under this section, and payment of the issuance or collection charges specified by the Secretary under subsection (d), and as a prior condition for receiving such guarantees, the Secretary shall require the participating jurisdiction (and its designated public agency issuer, if any) to—

"(1) enter into a contract, in a form acceptable to the Secretary, for repayment of such notes or other obligations and the other specified charges;

"(2) pledge as security for such repayment any allocation for which the participating jurisdiction may become eligible under this subtitle; and

"(3) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, which may include increments in local tax receipts generated by the housing assisted under this section or disposition proceeds from the sale of land or housing.

"(f) REPAYMENT AUTHORITY.—The Secretary may, notwithstanding any other provision of this subtitle or any other Federal, State, or local law, apply allocations pledged pursuant to subsection (e) to any repayments due the United States as a result of such guarantees.

"(g) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the notes or other obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

"(h) TAX STATUS.—With respect to any obligation guaranteed pursuant to this section, the guarantee and the obligation shall be designed in a manner such that the interest paid on such obligation shall be included in gross income for purposes of the Internal Revenue Code of 1986.

"(i) MONITORING.—The Secretary shall monitor the use of guarantees under this section by eligible participating jurisdictions. If the Secretary finds that 50 percent of the aggregate guarantee authority for any fiscal year has been committed, the Secretary may impose limitations on the amount of guarantees any 1 participating jurisdiction may receive during that fiscal year.

"(j) GUARANTEE OF TRUST CERTIFICATES.—

"(1) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary deems appropriate, guarantee the timely payment of the principal of and interest on such trust certificates or other obligations as may—

"(A) be offered by the Secretary or by any other offeror approved for purposes of this subsection by the Secretary; and

"(B) be based on and backed by a trust or pool composed of notes or other obligations guaranteed or eligible for guarantee by the Secretary under this section.

"(2) FULL FAITH AND CREDIT.—To the same extent as provided in subsection (g), the full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee by the Secretary under this subsection.

"(3) SUBROGATION.—In the event the Secretary pays a claim under a guarantee issued under this section, the Secretary shall be subrogated fully to the rights satisfied by such payment.

"(4) OTHER POWERS AND RIGHTS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of—

"(A) the power to contract with respect to public offerings and other sales of notes, trust certificates, and other obligations guaranteed under this section, upon such terms and conditions as the Secretary deems appropriate;

"(B) the right to enforce, by any means deemed appropriate by the Secretary, any such contract; and

"(C) the Secretary's ownership rights, as applicable, in notes, certificates or other obligations guaranteed under this section, or constituting the trust or pool against which trust certificates or other obligations guaranteed under this section are offered.

"(k) AGGREGATE LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary under this section shall not at any time exceed $2,000,000,000.".

TITLE V—LOCAL HOMEOWNERSHIP INITIATIVES

SEC. 501. REAUTHORIZATION OF NEIGHBORHOOD REINVESTMENT CORPORATION.

Section 608(a)(1) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)(1)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the corporation to carry out this title $90,000,000 for each of fiscal years 1999 through 2003. Of any amounts made available pursuant to this subsection for fiscal year 1999, $25,000,000 shall be for a pilot homeownership initiative, including an evaluation by an independent third party to determine its effectiveness.".

SEC. 502. HOMEOWNERSHIP ZONES.

Section 186 of the Housing and Community Development Act of 1992 (42 U.S.C. 12898a) is amended to read as follows:

"SEC. 186. HOMEOWNERSHIP ZONE GRANTS.

"(a) AUTHORITY.—The Secretary of Housing and Urban Development may make grants to units of general local government to assist homeownership zones. Homeownership zones are contiguous, geographically defined areas, primarily residential in nature, in which large-scale development projects are designed to reclaim distressed neighborhoods by creating homeownership opportunities for low- and moderate-income families. Projects in homeownership zones are intended to serve as a catalyst for private investment, business creation, and neighborhood revitalization.

"(b) ELIGIBLE ACTIVITIES.—Amounts made available under this section may be used for projects that include any of the following activities in the homeownership zone:

"(1) Acquisition, construction, and rehabilitation of housing.

"(2) Site acquisition and preparation, including demolition, construction, reconstruction, or installation of public and other site improvements and utilities directly related to the homeownership zone.

"(3) Direct financial assistance to homebuyers.

"(4) Homeownership counseling.

"(5) Relocation assistance.

"(6) Marketing costs, including affirmative marketing activities.

"(7) Other project-related costs.

"(8) Reasonable administrative costs (up to 5 percent of the grant amount).

"(9) Other housing-related activities proposed by the applicant as essential to the success of the homeownership zone and approved by the Secretary.

"(c) APPLICATION.—To be eligible for a grant under this section, a unit of general local government shall submit an application for a homeownership zone grant in such form and in accordance with such procedures as the Secretary shall establish.

"(d) SELECTION CRITERIA.—The Secretary shall select applications for funding under this section through a national competition, using selection criteria established by the Secretary, which shall include—

"(1) the degree to which the proposed activities will result in the improvement of the economic, social, and physical aspects of the neighborhood and the lives of its residents through the creation of new homeownership opportunities;

"(2) the levels of distress in the homeownership zone as a whole, and in the immediate neighborhood of the project for which assistance is requested;

"(3) the financial soundness of the plan for financing homeownership zone activities;

"(4) the leveraging of other resources; and

"(5) the capacity to successfully carry out the plan.

"(e) GRANT APPROVAL AMOUNTS.—The Secretary may establish a maximum amount for any grant for any funding round under this section. A grant may not be made in an amount that exceeds the amount that the Secretary determines is necessary to fund the project for which the application is made.

"(f) PROGRAM REQUIREMENTS.—A homeownership zone proposal shall—

"(1) provide for a significant number of new homeownership opportunities that will make a visible improvement in an immediate neighborhood;

"(2) not be inconsistent with such planning and design principles as may be prescribed by the Secretary;

"(3) be designed to stimulate additional investment in that area;

"(4) provide for partnerships with persons or entities in the private and nonprofit sectors;

"(5) incorporate a comprehensive approach to revitalization of the neighborhood;

"(6) establish a detailed time-line for commencement and completion of construction activities; and

"(7) provide for affirmatively furthering fair housing.

"(g) INCOME TARGETING.—At least 51 percent of the homebuyers assisted with funds under this section shall have household incomes at or below 80 percent of median income for the area, as determined by the Secretary.

"(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act, a grant under this section shall be treated as assistance under the HOME Investment Partnerships Act and shall be subject to the regulations issued by the Secretary to implement section 288 of such Act.

"(i) REVIEW, AUDIT, AND REPORTING.—The Secretary shall make such reviews and audits and establish such reporting requirements as may be necessary or appropriate to determine whether the grantee has carried out its activities in a timely manner and in accordance with the requirements of this section. The Secretary may adjust, reduce, or withdraw amounts made available, or take other action as appropriate, in accordance with the Secretary's performance reviews and audits under this section.

"(j) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000, to remain available until expended.".

SEC. 503. LEASE-TO-OWN.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that residential tenancies under lease-to-own provisions can facilitate homeownership by low- and moderate-income families and provide opportunities for homeownership for such families who might not otherwise be able to afford homeownership.

(b) REPORT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress—

(1) analyzing whether lease-to-own provisions can be effectively incorporated within the HOME investment partnerships program, the public housing program, the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937, or any other programs of the Department to facilitate homeownership by low- or moderate-income families; and

(2) any legislative or administrative changes necessary to alter or amend such programs to allow the use of lease-to-own options to provide homeownership opportunities.

SEC. 504. LOCAL CAPACITY BUILDING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a), by inserting "National Association of Housing Partnerships," after "Humanity,"; and

(2) in subsection (e), by striking "$25,000,000" and all that follows and inserting ", for each fiscal year, such sums as may be necessary to carry out this section.".

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 601. SHORT TITLE AND REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Manufactured Housing Improvement Act".

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

"FINDINGS AND PURPOSES

"SEC. 602. (a) FINDINGS.—The Congress finds that—

"(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

"(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

"(b) PURPOSES.—The purposes of this title are—

"(1) to facilitate the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department of Housing and Urban Development;

"(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

"(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards;

"(4) to encourage innovative and cost-effective construction techniques;

"(5) to protect owners of manufactured homes from unreasonable risk of personal injury and property damage;

"(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

"(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

"(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.".

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1)-in paragraph (2), by striking "dealer" and inserting "retailer";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards development process;

"(15) 'consensus committee' means the committee established under section 604(a)(3);

"(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

"(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

"(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

"(19) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder; and

"(20) 'monitoring'—

"(A) means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations recommended by the consensus committee and promulgated in accordance with section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

"(B) may include the periodic inspection of retail locations for transit damage, label tampering, and retailer compliance with this title.".

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 is amended—

(1) in section 613 (42 U.S.C. 5412), by striking "dealer" each place it appears and inserting "retailer";

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking "dealer" each place it appears and inserting "retailer";

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking "dealer" and inserting "retailer";

(B) in subsection (b)(3), by striking "dealer or dealers" and inserting "retailer or retailers"; and

(C) in subsections (d) and (f), by striking "dealers" each place it appears and inserting "retailers";

(4) in section 616 (42 U.S.C. 5415), by striking "dealer" and inserting "retailer"; and

(5) in section 623(c)(9), by striking "dealers" and inserting "retailers".

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5304) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ESTABLISHMENT.—

"(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

"(A) shall—

"(i) be reasonable and practical;

"(ii) meet high standards of protection consistent with the enumerated purposes of this title; and

"(iii) where appropriate, be performance-based and stated objectively; and

"(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

"(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

"(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

"(i) terminate on the date on which a contract is entered into under subparagraph (B); and

"(ii) require the administering organization to—

"(I) appoint the initial members of the consensus committee under paragraph (3);

"(II) administer the consensus standards development process until the termination of that agreement; and

"(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

"(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring in accordance with this title.

"(C) PERFORMANCE REVIEW.—The Secretary—

"(i) shall periodically review the performance of the administering organization; and

"(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

"(3) CONSENSUS COMMITTEE.—

"(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

"(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

"(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with this subsection; and

"(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

"(B) MEMBERSHIP.—The consensus committee shall be composed of—

"(i) 25 voting members appointed, subject to approval by the Secretary, by the administering organization from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

"(ii) 1 member appointed by the Secretary to represent the Secretary on the consensus committee, who shall be a nonvoting member.

"(C) DISAPPROVAL.—The Secretary may disapprove, in writing with the reasons set forth, the appointment of an individual under subparagraph (B)(i).

"(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member shall be appointed in accordance with the selection procedures, which shall be established by the Secretary and which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

"(i) HOME PRODUCERS.—Five persons representing manufacturers of manufactured homes.

"(ii) OTHER BUSINESS INTERESTS.—Five persons representing other business interests involved in the manufactured housing industry such as retailers, installers, lenders, insurers, suppliers of products, and community owners. The business interests represented in this category shall not be owned or controlled by manufacturers represented under clause (i).

"(iii) CONSUMERS.—Five persons representing homeowners and consumer interests, such as consumer organizations, community organizations, recognized consumer leaders, and manufactured homeowners owners and occupants.

"(iv) PUBLIC OFFICIALS.—Five persons who are State or local officials such as building code enforcement or inspection officials, fire marshals, and including representatives of State administrative agencies.

"(v) GENERAL INTEREST.—Five persons representing the public such as architects, engineers, homebuilders, academicians, and developers.

"(E) ADDITIONAL QUALIFICATIONS.—An individual appointed under clause (iii), (iv), or (v) of subparagraph (D) shall not have—

"(i) a significant financial interest in any segment of the manufactured housing industry; or

"(ii) a significant relationship to any person engaged in the manufactured housing industry.

"(F) MEETINGS.—

"(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and publish advance notice of each such meeting in the Federal Register. All meetings of the consensus committee shall be open to the public.

"(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at the meetings shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

"(G) INAPPLICABILITY OF OTHER LAWS.—

"(i) ADVISORY COMMITTEE ACT.—The consensus committee shall not be considered to be an advisory committee for purposes of the Federal Advisory Committee Act.

"(ii) TITLE 18.—The members of the consensus committee shall not be subject to section 203, 205, 207, or 208 of title 18, United States Code, to the extent of their proper participation as members of the consensus committee.

"(iii) ETHICS IN GOVERNMENT ACT OF 1978.—The Ethics in Government Act of 1978 shall not apply to members of the consensus committee to the extent of their proper participation as members of the consensus committee.

"(H) ADMINISTRATION.—The consensus committee and the administering organization shall—

"(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

"(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

"(I) STAFF.—The administering organization shall, upon the request of the consensus committee, provide reasonable staff resources to the consensus committee. Upon a showing of need, the Secretary shall furnish technical support to any of the various interest categories on the consensus committee.

"(J) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which an administration agreement under paragraph (2)(A) is completed with the administering organization.

"(4) REVISIONS OF STANDARDS.—

"(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

"(i) consider revisions to the Federal manufactured home construction and safety standards; and

"(ii) submit proposed revised standards and regulations to the Secretary in the form of a proposed rule, including an economic analysis.

"(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

"(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, publish such proposed revised standard in the Federal Register for notice and comment. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard and any such comments shall be submitted directly to the consensus committee without delay.

"(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall publish the rejected proposed revised standard in the Federal Register with the reasons for rejection and any recommended modifications set forth.

"(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

"(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

"(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revisions proposed by the consensus committee, which the Secretary shall, not later than 7 calendar days after receipt, cause to be published in the Federal Register as a notice of the recommended revisions of the consensus committee to the standard, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

"(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall publish the rejected proposed revised standard in the Federal Register with the reasons for rejection and any recommended modifications set forth.

"(5) REVIEW BY THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

"(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

"(C) PROCEDURES.—If the Secretary—

"(i) adopts a standard recommended by the consensus committee, the Secretary shall—

"(I) issue a final order without further rulemaking; and

"(II) cause the final order to be published in the Federal Register;

"(ii) determines that any standard should be rejected, the Secretary shall—

"(I) reject the standard; and

"(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

"(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

"(I) cause the proposed modified standard to be published in the Federal Register, together with an explanation of the reason or reasons for the determination of the Secretary; and

"(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

"(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to publish notice of the action in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed standard is submitted to the Secretary under paragraph (4)(A)—

"(A) the recommendations of the consensus committee—

"(i) shall be considered to have been adopted by the Secretary; and

"(ii) shall take effect upon the expiration of the 180-day period that begins upon the conclusion of such 12-month period; and

"(B) not later than 10 days after the expiration of such 12-month period, the Secretary shall cause to be published in the Federal Register a notice of the failure of the Secretary to act, the revised standard, and the effective date of the revised standard, which notice shall be deemed to be an order of the Secretary approving the revised standards proposed by the consensus committee.

"(b) OTHER ORDERS.—

"(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

"(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

"(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

"(A) the Secretary shall—

"(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

"(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

"(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

"(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

"(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments along with the Secretary's response thereto to be published in the Federal Register; and

"(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(4) REQUIRED ACTION.—The Secretary shall act on any proposed regulation or interpretative bulletin submitted by the consensus committee by approving or rejecting the proposal within 120 days from the date the proposal is received by the Secretary. The Secretary shall either—

"(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

"(B) reject the proposed regulation or interpretative bulletin and—

"(i) provide a written explanation of the reasons for rejection to the consensus committee; and

"(ii) cause the proposed regulation and the written explanation for the rejection to be published in the Federal Register.

"(5) EMERGENCY ORDERS.—If the Secretary determines, in writing, that such action is necessary in order to respond to an emergency which jeopardizes the public health or safety, or to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation, following a request by the Secretary, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

"(A) provides to the consensus committee a written description and sets forth the reasons why emergency actions is necessary and all supporting documentation; and

"(B) issues and publishes the order in the Federal Register.

"(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, inspections, monitoring, or other enforcement activities which constitutes a statement of general or particular applicability and future offset and decisions to implement, interpret, or prescribe law of policy by the Secretary is subject to the provisions of subsection (a) or (b) of this subsection. Any change adopted in violation of the provisions of subsection (a) or (b) of this subsection is void.";

"(7) TRANSITION.—Until the date that the consensus committee is appointed pursuant to section 704(a)(3), the Secretary may issue proposed orders that are not developed under the procedures set forth in this section for new and revised standards.

(2) in subsection (d), by adding at the end the following: "Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated hereunder.

(3) by striking subsection (e);

(4) in subsection (f), by striking the matter preceding paragraph (1) and inserting the following:

"(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations, or issuing interpretations under this section, shall—";

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking "subsection (f)" and inserting "subsection (e)"; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL.

Section 605 (42 U.S.C. 5404) is hereby repealed.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting "to the Secretary" after "submit"; and

(B) by adding at the end the following: "The Secretary shall submit such cost and other information to the consensus committee for evaluation.";

(2) in subsection (d), by inserting ", the consensus committee," after "public"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(4) encouraging the government sponsored housing entities to actively develop and implement secondary market securitization programs for FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

"(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.".

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following new subsection:

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) GOVERNMENT SPONSORED HOUSING ENTITIES.—The term 'government sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

"(2) FHA MANUFACTURED HOME LOANS.—The term 'FHA manufactured home loan' means a loan that—

"(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

"(B) otherwise insured under the National Housing Act and made for or in connection with a manufactured home.".

SEC. 608. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

"AUTHORITY TO ESTABLISH FEES

"SEC. 620. (a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

"(1) establish and collect from manufactured home manufacturers such reasonable fees as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

"(A) conducting inspections and monitoring;

"(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title; these funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

"(C) providing the funding for a noncareer administrator and Federal staff personnel for the manufactured housing program;

"(D) administering the consensus committee as set forth in section 604; and

"(E) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

"(2) use any fees collected under paragraph (1) to pay expenses referred to in paragraph (1), which shall be exempt and separate from any limitations on the Department of Housing and Urban Development regarding full-time equivalent positions and travel.

"(b) When using fees under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

"(c) PROHIBITED USE.—Fees collected under subsection (a) shall not be used for any purpose or activity not specifically authorized by this title unless such activity was already engaged in by the Secretary prior to the date of enactment of this title.

"(d) MODIFICATION.—Any fee established by the Secretary under this section shall only be modified pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

"(e) APPROPRIATION AND DEPOSIT OF FEES.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of all fees collected pursuant to subsection (a). These fees shall be held in trust for use only as provided in this title.

"(2) APPROPRIATION.—Such fees shall be available for expenditure only to the extent approved in an annual appropriation Act.".

SEC. 609. ELIMINATION OF ANNUAL REPORT REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 610. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretive bulletin that is published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before such date.

SEC. 611. SAVINGS PROVISION.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect immediately before the date of the enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation which is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect for a period of 2 years from the date of enactment of this Act or for the remainder of the contract term, whichever period is shorter.

TITLE VII—INDIAN HOUSING HOMEOWNERSHIP

SEC. 701. INDIAN LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Indian Lands Title Report Commission (hereafter in this section referred to as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) 4 members shall be appointed by the President.

(B) 4 members shall be appointed by the Chairman of the Committee on Banking and Financial Services of the House of Representatives.

(C) 4 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than 7 of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRMAN.—The Chairman of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) FUNCTIONS.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(d) REPORT.—Not later than the date of the termination of the Commission under subsection (g), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made under subsection (c).

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of

that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this title, there is authorized to be appropriated $500,000. Such sums shall remain available until expended.

(g) TERMINATION.—The Commission shall terminate upon the expiration of the 1-year period beginning upon the completion of the appointment of all the members of the Commission under subsection (b)(1).

TITLE VIII—TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS

SEC. 801. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking "FLEXIBLE AUTHORITY" and inserting "DISPOSITION OF HUD-OWNED PROPERTIES. (a) FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS.—"; and

(2) by adding at the end the following new subsection:

"(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

"(1) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall, to the maximum extent practicable (in the determination of the Secretary), transfer ownership of any qualified HUD property to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only in the determination of the Secretary—

"(A) to the extent that units of general local government and community development corporations consent to transfer;

"(B) in the case of single family property, to the extent that costs to the Federal Government under this subsection do not exceed the costs to the Federal Government of disposing of similar property under the procedures for single family property under section 204 of the National Housing Act (12 U.S.C. 1710) (as added by sections 601 and 602 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999), or under such other procedures as are in effect immediately before the enactment of this title, as applicable; and

"(C) in the case of multifamily property, to the extent that costs to the Federal Government under this subsection do not exceed the costs to the Federal Government of disposing of similar property under the procedures for disposition of such properties as are in effect immediately before the enactment of this title.

"(2) QUALIFIED HUD PROPERTIES.—For purposes of this subsection, the term 'qualified HUD property' means any property that is owned by the Secretary and is—

"(A) an unoccupied multifamily housing project;

"(B) a substandard multifamily housing project; or

"(C) an unoccupied single family property that—

"(i) has been determined by the Secretary not to be an eligible property under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

"(ii) is an eligible property under such section 204(h), but—

"(I) is not subject to a specific sale agreement under such section; and

"(II) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

"(3) TIMING.—The Secretary shall establish procedures that provide for—

"(A) time deadlines for transfers under this subsection;

"(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

"(C) such units and corporations to express interest in the transfer under this subsection of such properties;

"(D) a right of first refusal for transfer of qualified HUD properties to such units and corporations, under which that the Secretary shall accept an offer to purchase such a property made by such a unit or corporation during a period established by the Secretary, but in the case of an offer made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

"(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of such offer was not acceptable.

"(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

"(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

"(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

"(A) UPON ENACTMENT.—Upon the enactment of the American Homeownership Act of 1998, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

"(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

"(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

"(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

"(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

"(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

"(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

"(11) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) COMMUNITY DEVELOPMENT CORPORATION.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

"(B) COST RECOVERY BASIS.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than or equal to the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

"(C) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

"(D) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

"(E) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(F) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

"(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

"(ii) on not less than 3 separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

"(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced 3 or more blown fuses or tripped circuit breakers during the preceding 90-day period;

"(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

"(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

"(G) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

"(H) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

"(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

"(J) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

"(12) REGULATIONS.—

"(A) INTERIM.—Not later than 30 days after the date of the enactment of the American Homeownership Act of 1998, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

"(B) FINAL.—Not later than 60 days after the date of the enactment of the American Homeownership Act of 1998, the Secretary shall issue such final regulations as are necessary to carry out this subsection.".

SEC. 802. AMENDMENT TO REVITALIZATION AREA DISPOSITION PROGRAM.

Effective immediately after the enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, section 204(h) of the National Housing Act (12 U.S.C. 1710(h)) (as added by section 602(2) of such Act) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph:

"(10) PROPERTIES FOR WHICH NO INTEREST IS EXPRESSED.—Notwithstanding any other provision of this subsection, if the Secretary determines that continued inclusion of an eligible property in the program under this subsection is inappropriate because of a failure over time of any prospective purchasers to express interest in purchasing the property or in entering into a sale agreement covering properties in the area in which the property is located, the Secretary may determine that such property shall be subject to the provisions of section 204(b) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (12 U.S.C. 1715z–11a(b)).".

SEC. 803. REPORT ON REVITALIZATION ZONES FOR HUD-OWNED SINGLE FAMILY PROPERTIES.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress identifying—

(1) any areas that have been designated as revitalization areas pursuant to section 204(h)(3) of the National Housing Act (as added by section 602(2) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999);

(2) any areas for which such designation has been requested;

(3) any areas for which such designation is being considered by the Secretary; and

(4) the eligible properties in designated revitalization areas for which the Secretary has a reasonable expectation of successfully transferring ownership pursuant to section 204(h) of the National Housing Act.

SEC. 804. TECHNICAL CORRECTION TO INCOME TARGETING PROVISIONS FOR PROJECT-BASED ASSISTANCE.

Effective immediately after the enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, section 16(c)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437n(c)(3)) (as added by section 513(a) of such Appropriations Act), is amended by inserting after "40 percent" the following: "shall be available for leasing only by families whose incomes at the time of commencement of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families.".

SEC. 805. TECHNICAL CORRECTIONS TO THE MULTIFAMILY ASSISTED HOUSING REFORM AND AFFORDABILITY ACT OF 1997.

(a) SECTION 8 CONTRACT RENEWAL POLICY FOR FISCAL YEAR 1999 AND SUBSEQUENT YEARS.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437 note; 111 Stat. 1408-1409) is amended—

(1) in subsection (a)(2), by inserting after "Notwithstanding paragraph (1)" the following: "and subject to section 516 of this subtitle";

(2) in subsection (a)(2)(B), by striking "and financing" and inserting "and the primary financing";and

(3) by inserting at the end the following new subsections:

"(b) INAPPLICABILITY TO PROJECTS SUBJECT TO RESTRUCTURING.—This section shall not apply to projects restructured under this subtitle.

"(c) SAVINGS PROVISIONS.—Upon the repeal of this subtitle pursuant to section 579, the provisions of sections 512(2) and 516 (as in effect immediately before such repeal) shall apply with respect to this section.".

(b) REPEAL OF CONTRACT RENEWAL AUTHORITY UNDER SECTION 405(a).—Section 405(a) of the Balanced Budget Downpayment Act, I (42 U.S.C. 1437f note; 110 Stat.44-45), is hereby repealed.

(c) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(1) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437 note; 111 Stat. 1396) is amended to read as follows:

"(1) the primary financing for the project was provided by a unit of State government or a unit of general local government (or an agency or instrumentality of either) and the primary financing involves mortgage insurance under the National Housing Act, such that implementation of a mortgage restructuring and rental assistance sufficiency plan under this Act would be in conflict with applicable law or agreements governing such financing;".

(d) MANDATORY RENEWAL OF PROJECT-BASED ASSISTANCE.—Section 515(c)(1) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437 note; 111 Stat. 1397) is amended by inserting "or" after the semicolon at the end of subparagraph (B).

(e) PARTIAL PAYMENTS OF CLAIMS.—Section 541 of the National Housing Act (12 U.S.C. 1735f–19) is amended—

(1) by striking "1978 or" and inserting "1978) or"; and

(2) by striking ")))" and inserting "))".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO of New York. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise today in support of the American Home Ownership Act of 1998. Today the House of Representatives completes a triple crown in improving housing for America.

Our first victory for housing was this Congress' passage of legislation to help the homeless of America get off the streets and into warm, stable homes. Just last week the House and Senate overwhelmingly passed the second crown, the Quality Housing and Work Responsibility Act, a landmark bill which transforms public housing into dynamic neighborhoods where opportunity and hope abounds.

Mr. Speaker, we have helped the homeless. We have empowered public housing residents. Today we will grab that triple crown for American housing. We will give more Americans what they need to own their own homes. We say it is the American dream, owning your own home. All over America, families are working hard and saving their money to make this dream a reality.

For millions of Americans, the price of a home is still unaffordable. No matter how much some low income families work and save, quality affordable housing remains beyond their reach. Today, we can give those families the tools that they need to buy their first homes. We can expand homeownership opportunities by giving meaningful mortgage assistance, by removing the barriers to affordable housing, and by working together with the successful private sector. The American Homeownership Act will do all of these things.

This bill has support from both sides of the aisle, and I want to compliment the gentleman from Massachusetts (Mr. KENNEDY), and I want to say a few things later on about the gentleman.

The Subcommittee on Housing and Community Opportunity reported this bill out on a vote of 17 to nothing, and the administration supports this bill as well.

First let me go through the six central provisions of this legislation. First we will empower local housing authorities so that they can be more flexible and creative. Local authorities will be allowed to let their public housing residents apply their monthly public housing assistance toward buying their own home.

We also create a home loan guarantee program so that local communities can tap into future home grants by use for better long-term affordable housing development. We provide more homeownership opportunities by allowing local officials to create needed loan pools made up of both private and public funds.

This bill expands homeownership in a second vital way, by reducing the excessive regulations which drastically increase the cost of housing production. According to recent estimates, unnecessary governmental regulation adds 20 to 35 percent to the cost of a new home, placing it beyond the reach of many Americans. That is thousands of dollars being used for housing fees, money that could be instead used for housing improvement, education or savings.

We are going to reduce those unnecessary regulatory barriers by requiring that all Federal agencies include a housing impact analysis with any proposed regulation. I want to thank the gentleman from California for his work on this.

By doing this, local nonprofits and community development groups can offer less expensive alternatives and the home buyer will pay less for a new home.

Mr. Speaker, the manufactured housing industry has come a long way since this industry first began to fill a gap in our Nation's housing needs. Millions of Americans now live in this affordable alternative. In fact, one-third of new homeowners in Texas are manufactured housing owners, but because HUD has been unable to keep up with changing times, the manufactured housing industry operates under outdated and truly dangerous standards and codes. We must do something for the families living in manufactured housing whose personal safety and security is in imminent danger.

This brings me to the third provision of this bill, which is to modernize the way the manufactured housing industry is overseen. Ensuring national uniformed standards and codes for the construction of manufactured homes will make the families living there feel safe and comfortable while still keeping these homes affordable.

Mr. Speaker, modernizing oversight of the manufactured housing industry cannot wait any longer.

The fourth major provision of the American Homeownership Act will give underserved Americans a chance to own their own home. We will take homes which HUD has seized through foreclosure and transfer them to nonprofit housing organizations which are efficient and community minded, and I want to thank the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT).

These nonprofits will then be able to pass these homes on to low income families. This program will help many low income urban families realize their dream of having their own homes.

Briefly, Mr. Speaker, a fifth critical provision of this bill, we asked the GAO to do a study of the feasibility of requiring pre-purchase inspections of single family homes which have been financed with an FHA loan. We hear these nightmare stories of home buyers finding hidden problems only after they have signed the papers and put their savings into a home.

We hope that this study can help us decide whether mandatory inspections could protect home buyers, including those who are the most vulnerable.

A sixth provision of the American Homeownership Act will empower public/private housing partnerships. In our recently-passed public housing reform legislation, we extended the authority for Habitat for Humanity. Now we will encourage even more local capacity building by self-help housing organizations so that we may have even more organizations like Habitat for Humanity in our Nation's communities.

Let me close, Mr. Speaker, by saying this: The American Homeownership Act will be a critical tool in our efforts to empower more Americans, especially low income families, to buy their own homes. Homeownership is so valuable because it can positively uplift so many lives in our communities. Homeowners feel satisfied because they are taking care of their families. Homeowners feel financial and personal independence because they have a solid asset. Homeowners will take more care in improving the safety and upkeep of their neighborhoods because they have a stake in the area. Finally, homeowners will contribute to their communities since they have gained personal security for their families.

Let me say finally, if I can, to the gentleman from Massachusetts (Mr. KENNEDY), this may be the last opportunity I have on this floor to tell him what a pleasure it has been to work with him. I think this may be the last bill that we have been able to work with jointly. He has been certainly a credit to the State of Massachusetts, the Commonwealth of Massachusetts, his party and the House of Representatives, and I wish him well.

Mr. Speaker, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3899, the Lazio homeownership bill or whatever name he just came up with for this. I would have stuck with the original.

Before I talk about the merits of the bill, I want to express my deep appreciation for all the hard work the gentleman from Long Island, New York (Mr. LAZIO) has put into this bill.

Mr. Speaker, the gentleman from New York (Mr. LAZIO) and I do not agree on a lot of policy issues that come before this chamber but one thing we do agree on is the importance of homeownership to the American people. Those who seek to climb the ladder of the American dream have a real champion in the gentleman from New York (Mr. LAZIO), who believes passionately, as I do, in the role of homeownership in lifting working families toward some pleasure of prosperity and security.

I want to return the compliment that the gentleman from New York (Mr. LAZIO) gave and say what a pleasure it has been to work with him over the course of these last several years.

I also want to take a brief moment to express my appreciation and support to the ranking democrat on the Committee on Banking and Financial Services, the gentleman from New York (Mr. LAFALCE), who has done yeomen's work not just on banking and securities and insurance issues but on housing issues as well, and his leadership even on this bill was critical to being able to see the legislation come before the House floor this morning with the bipartisan support that it has.

□ 1145

I also want to thank the gentleman from Minnesota (Mr. VENTO), who has been such a stalwart supporter of the FHA program and making certain that the FHA program survives and is around and is in healthy shape as we enter the 21st century.

This bill also should receive great credit because of the very hard work of the gentleman from Indiana (Mr. ROEMER). There is not anybody in this Chamber who has worked harder to make sure that the manufactured housing industry's concerns about the lack of adjustments by HUD on new rules and regulations that are critically necessary for the industry to move forward, there is not anyone who has done a better job of bringing those issues forward than the gentleman from Indiana (Mr. ROEMER). He has done it, despite very, very great odds at certain points throughout the last year or so. I hope people understand what a tremendous job he has done on this legislation.

Mr. Speaker, I support this bill. It is a bipartisan measure to make the dream of homeownership more real for millions of Americans looking for a way to provide for their families and their futures. The bill authorizes HUD's Home Bank to allow communities to borrow funds against the future home receipts to create affordable housing.

It authorizes HUD's Homeownership Zone Proposal for fiscal 1999, creating affordable home opportunities in distressed neighborhoods. The bill provides more funding for the Single-family Home Rehabilitation Demonstration Program, an innovative strategy to help nonprofits and local governments leverage private sector rehab loans to expand homeownership opportunities.

It also expands the FHA low down payment single-family opportunities by increasing the FHA loan limit in counties around urban centers and increasing the availability of adjustable rate mortgages.

Mr. Speaker, we have seen in Boston the key to the renaissance of older neighborhoods is homeownership. Residents who own a piece of the block care more deeply about their neighborhoods and are more likely to vote, are more likely to organize block watches and demand an equitable share of city services.

The bill takes important steps towards achieving those goals. At the same time, we have seen included in this legislation updates to the manufactured housing standards in ways that manage both industry and consumer concerns. The most important provision negotiated over the last few days gives HUD the ultimate authority over this process. We have also taken care of potential problems in the property disposition and barriers section of the bill.

Mr. Speaker, the bill builds on the tremendous record this administration has compiled in promoting homeownership opportunities. Under President Clinton's leadership, our national homeownership rate has hit a record level of over 67 percent. Some 6 million more American families now own homes than when President Clinton took office.

Mr. Speaker, we ought to give credit to the President as well as his HUD Secretary, Andrew Cuomo, for these gains. But we also have to recognize our role in stimulating the growth of homeownership. And I just want to again say that I believe that Secretary Cuomo's leadership in reviving FHA and giving people around the country the sense that HUD is moving forward into the future with new management techniques, downsizing considerably and just using those resources towards providing homeownership, is a demonstration of the key leadership role he has played. This bill provides for young families even greater opportunities and we ought to pass it.

Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services. Without his work and leadership, we would not be at this point today on any of these housing initiatives.

Mr. LEACH. Mr. Speaker, I thank the gentleman from New York (Mr. LAZIO) for yielding me this time.

Mr. Speaker, today we have an opportunity to redemonstrate our commitment to giving every American the opportunity to own their own home. The American Homeownership Act, fashioned by the able chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York (Mr. LAZIO), facilitates homeownership for all Americans, including families that would not otherwise be able to afford homes, by removing barriers to affordable housing, improving FHA mortgage insurance, reauthorizing the home investment partnership program, and increasing local homeownership initiatives as well as improving manufactured housing. I would like to comment on two specific aspects of the bill.

First, at the State and local level, the creation of the Homeownership Investment Partnership program will leverage affordable housing through local loan pools and the Home Loan Guarantee program. In addition, the bill authorizes Homeownership Zone Grants to serve as a catalyst for private investment.

Second, the bill helps to eliminate excessive regulations that can add thousands of dollars to the cost of a new home. All Federal agencies were required to include a housing impact analysis with any proposed regulations in order to detect any significant negative impact on the availability of affordable housing.

Homeownership is a fundamental aspect of the American dream. It is advanced in many ways, from lower interest rates made possible by a restrained monetary policy, to more constrained budgets, to direct infusions of governmental assistance, to less costly regulation. This bill is modest, but it is part and parcel of a comprehensive commitment of this Congress to increase homeownership in America.

In this context, I urge its approval and would particularly like to thank the gentleman from New York (Mr. LAFALCE), ranking member of the full committee, and the gentleman from Massachusetts (Mr. KENNEDY), ranking member of the subcommittee.

Finally, in this regard I would like to pay particular tribute to the gentleman from Massachusetts (Mr. KENNEDY), who is retiring, for his many contributions to the country through his work in the Committee on Banking and Financial Services and for being such a strong advocate of consumers and the disadvantaged in our society. His leadership will be missed.

Mr. Speaker, today we have an opportunity to redemonstrate our commitment to giving every American the opportunity to own their own home. The "American Homeownership Act of 1998," fashioned by the able Chairman of the Subcommittee on Housing and Community Opportunity, Mr. LAZIO, facilitates homeownership for all Americans, including families that would not otherwise be able to afford homes by removing barriers to affordable housing, improving FHA mortgage insurance, reauthorizing the HOME Investment Partnership Program, increasing local homeownership initiatives and improving manufactured housing.

I'd like to comment on two specific aspects of this bill.

First, at the state and local level, the creation of the HOME investment partnership program will leverage affordable housing through local loan pools and a HOME loan guarantee program. In addition, the bill authorizes homeownership zone grants to serve as a catalyst for private investment, business creation, and neighborhood revitalization.

Second, the bill helps to eliminate excessive regulations that add thousands of dollars to the cost of a new home. All Federal agencies will be required to include a housing impact analysis with any proposed regulations in order to detect any significant negative impact on the availability of affordable housing.

Homeownership is a fundamental aspect of the American dream. It is advanced in many ways, from lower interest rates made possible by a restrained monetary policy and more constrained budgets to direct infusions of governmental assistance to less costly regulations. This bill is modest, but it is part and parcel of a comprehensive commitment of this Congress to increase homeownership in America.

In this context I urge approval of H.R. 3899 and again want to thank Mr. LAZIO for his hard work on this and other housing legislation this session, as well as note the contributions of the ranking minority Member of the Committee, Mr. LAFALCE and the Housing Subcommittee, Mr. KENNEDY, for their roles in making this such a historic session in terms of housing and community development.

Finally, I'd like to join my colleagues in paying tribute to Mr. KENNEDY, who is retiring after this session, for his many contributions to this country through his work on the Banking Committee, where he has been such a committed spokesman for consumers and the disadvantaged in our society. His leadership will be missed.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE), the ranking member of the committee.

Mr. LAFALCE. Mr. Speaker, I too would like to congratulate the gentleman from New York (Mr. LAZIO), chairman of the subcommittee, and the distinguished gentleman from Massachusetts (Mr. KENNEDY), ranking member, for the fine work they have done on the American Homeownership Act of 1998.

There were eight titles within the bill. On six of the titles, I had no qualms whatsoever because of the cooperative relationship we have had in working those difficulties out. I did have reservations, though, as of last Friday, on two of the titles, one dealing with manufactured housing and one dealing with the Talent-Watts bill.

I also have some qualms about the fact that we are bypassing the committee process, going from subcommittee to the floor, bypassing the full ranking committee. However, since it is the end of the session and since the bill does so many very good things, I did not think it totally inappropriate for us to use this short circuit process, so long as some difficulties I had with those two titles could be accommodated.

Mr. Speaker, I am pleased that over a weekend-long process, we were able to accommodate it. With respect to Talent-Watts, I thought there were some inconsistencies between the approach that was taken in the VA-HUD bill and the approach that is taken in the Talent-Watts bill. However, we have been able to include language saying that the Secretary of HUD has the power not to implement it if it would increase costs to the FHA Mutual Mortgage Insurance Fund, and that has adequately satisfied my concerns enough to go forward.

With respect to the Manufactured Housing Institute section, we have a difficulty here. We must proceed much more expeditiously in the future than we have in the past, both in articulating and promulgating standards and enforcing those standards, and we have not proceeded quickly enough. By the same token, I was not too pleased with the composition of the consensus committee nor with the right of the consensus committee on its own to publish its recommendations in the Federal Register.

We have, therefore, negotiated an amendment that makes it clear that it is the prerogative of the Secretary to publish those and he has the right also in publishing them to, at the same time, simultaneously put down each and every reservation or qualm he might have with those consensus committee recommendations.

Though I do think there are other provisions that still need to be worked on before we can enact this into law, finally, I do think that we have come very, very far on a very good bill, enough to go forward and send this on to the Senate.

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), a member of the Committee on Banking and Financial Services.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation. I want to thank our distinguished colleagues, the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY), the chairman and ranking member of the subcommittee, for their great work, as well as that of the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE).

Mr. Speaker, there are four specific provisions among many others that I want to commend to my colleagues. First of all, this act has a provision which applies a common median one-family housing price to the entire metropolitan statistical area (MSA) together with the counties contiguous or proximate to such SMA which is equal to the median price in the county within the area that has the highest such median price. This will cause a very positive change in the non-metropolitan areas' housing programs in those counties adjacent to those metropolitan areas as well as all areas within the MSA.

Number two, I am pleased about the Manufactured Housing Improvement Act provisions which establish a consensus committee of consumers, industry experts, and government officials to advise the Department of Housing and Urban Development on safety standards and regulations in the enforcement of manufactured homes.

Three, there is a provision which also creates the Indian Lands Title Report Commission to improve the procedures of the Bureau of Indian Affairs and the way they conduct title reviews in connection with the sale of Indian lands, expecially as it relates to home mortgages. This Member has a special interest in making sure this works because of the Section 504 Native American Loan Guarantee Program, and I think those changes will help solve a current bureaucratic problem that is delaying the implementation of the Section 504 program in the home areas of our country.

Fourth and finally, I want to thank the distinguished gentleman from Massachusetts (Mr. KENNEDY) for his role in working with me in establishing some grant approval of selection standards with respect to the Rehabilitation Demonstration Grant program, which is his initiative. I think that the criteria we developed together will ensure a more equitable use of these funds across the whole country with these appropriate standards, and I thank him for his effort to work with me on this language.

In closing, Mr. Speaker, I think this is an excellent bill. It needs to become law, with its many important provisions. I urge support.

Mr. KENNEDY of Massachusetts. I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in somewhat qualified support. I know that some provisions in this have received a lot of work. I think it is obvious when we are not going regular order, it makes it very difficult to, in fact, try to digest all of the aspects of a measure like this. I think there have been hearings on this, but we have not moved this through the regular procedure. It is not unusual at the end of a session, in fact, Mr. Speaker, to move on measures that have passed the House and Senate and are the product of work between them. I guess we are sending it to the Senate with the hope that they will accept it, this product hasn't passed either Chamber.

There are some provisions in this bill that are very important, like the reauthorization and the Neighborhood Reinvestment Corporation, the Home Investment Partnership block grant, the HOME funds and other reauthorizations of known programs. So, I think that many of us that support housing have a lively interest in this bill.

I remain concerned about the feasibility, of other provisions in this bill, and it is my understanding that there have been some qualifications put in with regard to drawing on various types of FHA funding programs. It was not too many years ago, Mr. Speaker, that there was a lot of concern and there were alarm bells going off with various reports from the Price Waterhouse accounting firm concerning the status of the FHA funds. I know, as a defender of the FHA program at that time, that that criticism had a pretty sharp edge, and I think we have to be cognizant today of that History as we begin to spread those dollars out from within the fund and the reserve to make certain that it does fulfill the mission of insurance that it is intended to provide in terms of low down payment FHA program.

There are also some concerns with this bill because many of the provisions that are dealt with in this bill, especially those dealing with manufactured housing, had raised opposition from some of the powerful groups that had long been involved with the issues of manufactured housing and have often stood up and spoken out for the consumer. And at this time, because of the last-minute agreement with regards such provisions these advocates have not had the opportunity to review those provisions. I hope, obviously, when they have that opportunity, they will recognize that while they certainly did not get everything they wanted, there is a balance that was struck, here that is workable and will safeguard and ensure the goals that we all share, and that is to make manufactured housing a bigger and better part of meeting homeownership opportunities into the future.

But as we look at those that live in manufactured housing, a lot of them are the elderly, a lot are low-income families, so we want to make certain that they get the value that is intended in terms of purchasing or making a decision with regard to manufactured housing ownership.

Mr. Speaker, I rise in qualified support for H.R. 3899. As a Member with long service on the Banking Committee and the Housing Subcommittee, I am, of course, highly supportive of efforts to increase home ownership opportunities. The Federal government needs to be a strong partner by developing and maintaining viable programs that meet market place tests and that also serve real consumer and community needs. That is why I am a strong supporter of FHA mortgage insurance, pre- and post-purchase home ownership counseling, the secondary market entities, Freddie Mac and Fannie Mae, Mortgage Revenue Bonds, and of course, the Mortgage Interest Deduction.

Included in this bill are the reauthorizations other housing programs like Neighborhood Housing Services at the Neighborhood Reinvestment Corporation, and the Home Investment Partnership Block Grant. I worked on restructuring and modernizing Neighborhood Reinvestment several years back with my then Colleague, Chalmers Wylie. Twin Cities Neighborhood Housing Services are among the most effective organizations in the St. Paul-Minneapolis area. They are the embodiment of using resources and partnerships to increase homeownership and to weave together neighborhood and communities for our futures.

So there are some important basis to support this bill today. One of those reasons should be because the regulation of safety and other marketplace changes of manufactured housing has become out-dated. The process needs to improved. I have worked with some of my other colleagues in the past on trying to get more staffing at HUD to accomplish that objective along with other recommendations of the Manufactured Housing Commission set up by law several years back. We have been close to solving this public policy dilemma, but close only counts in horse shoe and hand grenades. This bill attempts to insure that the fees will go to help with the staffing expenses.

I remain concerned, however, especially at this time of year, it is important to have as much consensus as possible on policy changes that are being sought. In this instance, some changes sought to help update the manufactured housing code remain an uneasy agreement finalized within the last hours, consequently groups representing consumers: the AARP and the Consumer's Union haven't had the opportunity to review such modifications. AARP reminds us in a letter, over two million persons aged 65 and over live in manufacture homes. Over a third of the purchasers of manufactured housing are age 50 and older. Additionally, as a long-time participant in the manufactured housing arena, their views and position should be given weight and consideration, but given the time frame and changes they and we are handicapped in evaluating this final product.

Not going regular order has also left these key players, and likely the States who have a role in the regulation and enforcement of manufactured housing standards in the dark as to what changes are still being made, with little opportunity to voice concerns about proposals and how the policy path being forged with affect them. Some of their issues, such as the important warranty initiative, have been left by the wayside. That is an unfortunate way to make important public policy that could affect millions of consumers around this country.

While there have been some modifications made, up until today, they are limited and strained in addressing the concerns regarding the composition of the consensus committee and the proper role of the Secretary and the Department of Housing and Urban Development in setting regulations for safety and for enforcement of those standards. However, the new changes to allow a 30 day period by HUD to review, and then publish, alter, or not publish proposed regulations with explanation for any changes is a step in the right direction. I was concerned that this bill would tip the appropriate balance between the private and public sectors and ultimately tie the hands of this or a future Secretary of HUD, even as it turned the federal regulatory process on its head in an unprecedented manner. This change was crucial to gaining my support for this bill, despite my strong reservations about the process.

As a supporter of manufactured housing, I do regret that we are in this forced position here today with this bill. As this bill will pass, I only hope we can work this out going forward so that we will indeed achieve a "win win" for all—the industry, consumers and the regulators—for more modernized manufactured housing federal standards that are affordable and safe for consumers and home purchase—the most important transaction most families ever make.

Further, I understand that although the Administration supports the objective of H.R. 3899, the official Statement of Administration Policy indicates that the Administration has several remaining concerns about this bill, including the transfer of ownership of certain FHA multi- and single-family properties to community development corporations or units of local government, raising the ARM cap to 40% (with an increased premium for mortgages over 30%), adding specialized analytical requirements to the Federal rule making process, allowing PHAs to capitalize Section 8 subsidies for downpayment assistance without requirements that families otherwise qualify for a mortgage or if may families subsequently default, relaxing the income targeting requirements of the HOME program, and authorizing a new HOME loan guarantee program that is inconsistent with existing Federal credit program standards. I do indeed hope that we can continue to work to prefect this legislation, if not in this session then as soon as the 106th Congress convenes in a regular order process and trust that some differences are attributed to the lack of regular order that too often prevails at the end of the session

Finally, there are many provisions in the bill, but I want to commend Secretary Cuomo, the Members of Congress, the gentleman from New York (Chairman LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY), ranking member, especially, who will be regrettably completing his service in the House this year. The gentleman from Massachusetts has been a catalyst for change, a voice of the disenfranchised in this society for all the years he has served. I wish him well. He has served us well, and the people of this Nation.

□ 1200

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CAMPBELL), who is responsible for large sections of this bill. I want to thank him publicly for his work on this.

Mr. CAMPBELL. Mr. Speaker, no one deserves credit more than the gentleman from New York (Mr. LAZIO), chairman of our subcommittee, not only because he knows this field so well and his heart is so strongly in the right place, but also because of his tenacity. We would not be here today except for him. He deserves the credit.

I do want to draw attention to the part of the bill that deals with lowering barriers that are created by government. This is an unusual topic because those of us who serve in government try to think we are doing the right thing, with clean heart and pure motives. Sometimes, however, we add to the cost of affordable housing so much by what we do that the housing is no longer affordable. That is true at the State and local level and true at the Federal level.

At the Federal level we can do a little bit more, and what this bill does is to provide that whenever a Federal decision is made, such as the closing of a military base or siting an interstate or helping to build an airport, the federal agency involved must bear in mind that there is going to be an effect on affordable housing. And if somebody can propose a way of accomplishing the legitimate Federal goal with less deleterious effect on affordable housing, then the federal agency is obliged to consider that alternative and adopt it. That is in this bill, and I think it is an improvement in the Federal regulatory system, benefiting public housing.

We cannot and should not, directly affect the State and local governments, but we, in the Federal Government, can and do set aside $15 million, not by an increase in taxes to pay for it but from funds already in the law, for those State and local units of government that undertake steps to make their barriers less.

A classic example here is a State that will impose a fee on home building on the basis of the children that a new housing development will put into the school system. A state ought to make that fee less, if it is affordable housing, and make it higher, if it is a higher priced house. I think that is a fair approach that would accomplish both objectives of education and affordable housing.

We cannot mandate that, but we can reward those States that undertake a system like that on their own. And we do that in this bill. I am proud to support this bill. I want to repeat thanks to my good friend the gentleman from New York (Mr. LAZIO), but for whom we would not have this bill, or its title I, in which I have invested so much of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Indiana (Mr. ROEMER), who has done such a great job on bringing this bill forward.

Mr. ROEMER. Mr. Speaker, I want to thank the gentleman from New York (Mr. LAZIO) for his tenacity in getting a bill. I want to thank my good friends the gentleman from Minnesota (Mr. VENTO) and the gentleman from New York (Mr. LAFALCE) for their support in getting more people into more affordable homes, and I want to especially point out my thanks and gratitude for a member who has decided to go back home, the gentleman from Massachusetts (Mr. JOE KENNEDY), a friend of mine, somebody who has been very gracious to me in my service here in the House, somebody whose dad was a hero to me and whose dad once said, when one of us prospers, all of us prosper. When one of us falters, so do we all. I think his dad is very proud of JOE KENNEDY standing up for the homeless and the voiceless throughout his career in the House of Representatives.

Mr. Speaker, I rise today in support of this bill, H.R. 3899, which has one goal in mind, to put the dream of homeownership within the reach of more Americans. Study after study has shown that homeownership strengthens the family unit and contributes greatly to the stability of our society. H.R. 3899 will alleviate problems in part by helping more people get mortgages through government programs. However, the real key to this legislation is the commitment it makes to bolster the manufactured housing industry and increase the supply of this vital source to affordable housing.

Manufactured housing is already one of the fastest growing sources of housing in America. The industry provides nearly one-third of the single family homes sold each year in America. With an average cost of about $40,000, manufactured homes provide a real opportunity for first-time home buyers, young families and senior citizens to realize the American dream of owning a home.

There was a time when manufactured housing consisted primarily of trailers and mobile homes. Mr. Speaker, those days are gone.

With the development of new technology and safety innovations, the manufactured housing industry today produces top quality homes which are comparable in every respect as site-built homes. Unfortunately, Mr. Speaker, and the reason we are here, is the Federal rules governing the manufactured housing industry have not kept pace with this technology. Indeed, the industry is operating under rules that were put forward in 1974. Let us bring those rules forward with some badly needed common sense and fairness to the HUD code.

I have participated in many of these talks to bring this bill forward. I want to personally thank Secretary Cuomo, who has worked so assiduously on this bill, and Bill Apgar for their personal involvement and commitment to the drafting of this bill.

This bill will create a consensus committee to work with HUD to help improve the management of the Federal manufactured housing program. This bill also seeks to encourage uniform and effective enforcement of Federal construction and safety standards for manufactured homes, while reserving the regulation of installation standards and enforcement to the States.

Mr. Speaker, I have a large manufactured housing industry in my district, and I know that is true throughout the United States. Support this good bill to provide more housing opportunities for more Americans.

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CALVERT), cochairman of the Manufactured Housing Caucus.

Mr. CALVERT. Mr. Speaker, I rise in strong support of the American Homeownership Act, and I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, let me first say thanks to the chairman for this. This bill is excellent. The chairman deserves a lot of commendation for bringing it to the floor, especially with regard to manufactured housing.

Let me ask two questions: Does the preemption language in this bill change or alter in any way any existing duty or responsibility of the manufacturer with respect to the installation of the home?

Mr. LAZIO of New York. Mr. Speaker, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Speaker, no, this does not change any aspect of installation.

Mr. MCINTOSH. Mr. Speaker, if the gentleman will continue to yield, and as I understand it, the law today, under the law today the manufacturer's responsibility with respect to the installation of the home is determined by State law?

Mr. LAZIO of New York. Yes, that is correct. It will continue to be the case under the provisions of this law.

Mr. MCINTOSH. Mr. Speaker, I strongly support this legislation.

Mr. CALVERT. Mr. Speaker, let me first thank the gentleman from New York (Mr. LAZIO), the subcommittee chairman, for his hard work on this bill. As cochairman of the House Manufactured Housing Caucus, I can assure you of his dedication to improving our Nation's housing supply and giving all Americans the chance to own a home.

Mr. Speaker, two of our Nation's largest social problems are the need for greater access to affordable homes and the need to move people away from the dependency on subsidized housing. Manufactured housing, the fastest growing segment of the housing industry, helps solve these problems. The affordability of these homes allows senior citizens, young families and single parents to realize the American dream of homeownership.

Congress must help people reach this goal by considering the positive impact of manufactured homes when making housing policy. By improving the quality, safety and affordability of these homes, the American Homeownership Act does just this.

A yes vote on this bill is a yes vote for seniors, single parents, and young home buyers who want a place to call their own. It is a vote for the American dream. I urge a yes vote.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I also wanted to compliment the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY) for bringing this bill and their leadership. I also want to say our appreciation on behalf of all those who care about housing, care about the poor and for his leadership and his service not only to Congress but to this Nation.

Mr. Speaker, I rise in support of H.R. 3899, the American Homeownership Act. Although I know there are provisions that every item in there is not picture perfect, but nevertheless this is indeed a big step in the right direction if we want to make sure that the American people have the opportunity for the American dream, to afford a home of their own.

There are many hard working citizens whose income does not stretch far enough to fulfill the dream of homeownership. Despite their efforts, their dreams and hopes are shattered. They work as hard as other citizens but the cost of homeownership is out of reach. Therefore, H.R. 3899 will begin the process of restoring hope to those in our society who are not looking for a free ride but are hoping for freedom of choice so they may live and have the opportunity to afford a decent place.

Passage of this bill will be a demonstration that hard work is not in vain. It also is important to recognize that the American Homeownership Act will have a positive impact on future generations of working families. Millions of children are witnesses to the hard work performed by their parents. Many of these children are living in substandard apartments or houses because their working parents have been denied an opportunity to own the home that they would hope to have to live in and to raise their families.

Therefore, H.R. 3899 provides many opportunities, many provisions that speak to that, not only in terms of the mobile homes or what we called manufactured housing. In North Carolina, unfortunately or fortunately, we have more manufactured homes. So obviously having standards would allow them to have it and the requirement opportunities.

I commend my colleagues to vote for this.

Mr. LAZIO of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. METCALF), a member of the Committee on Banking and Financial Services and also chairman of the Housing Caucus.

Mr. METCALF. Mr. Speaker, I rise in support of H.R. 3899.

H.R. 3899 provides greater opportunities for homeownership by increasing the FHA adjustable rate mortgages, the ARMs, while protecting the FHA program. The Secretary of HUD will have the discretion to increase the number of ARMs to make homeownership a reality for more people.

This is a very popular program, especially when interest rates are low. I want to thank my colleague the gentleman from California (Mr. CAMPBELL) for his leadership in reducing Federal barriers to homeownership. His provisions are included in this legislation.

For the past 3 years Congress has transferred decisions and responsibilities to local communities. This process, however, is not simply about giving local communities funds through block grants, it is equally important to provide communities the flexibility from Federal mandates and regulations. Much of this can be achieved by identifying government imposed barriers and their impact on the cost and supply of housing.

Lastly, this legislation creates a consensus committee for developing standards in the manufacturing housing industry. Manufactured housing is often underutilized, but is a very feasible opportunity for increasing homeownership, especially for first time home buyers.

Today we take a step forward in helping make homeownership a reality for more people. I want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO) for their efforts in bringing this legislation to the floor.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. WEYGAND).

Mr. WEYGAND. Mr. Speaker, I want to thank my good friend the gentleman from Massachusetts (Mr. JOE KENNEDY) for his outstanding leadership and work on this bill and so many others. He has always been there to help those less fortunate and his tenure here in Congress will be sorely missed. He has really been a leader in this and I thank him.

I also want to thank the gentleman from New York (Mr. LAZIO) for helping us on a couple of issues that were sticking points and that we wanted to work out.

One of the most important things about this bill is that we are trying to increase the amount of homeownership in distressed areas. This bill helps do that. Section 8 funding for such things as a down payment, allowing the one year of section 8 assistance to go to a down payment, is an important part to provide some assistance to people who have ownership in distressed areas.

Another part is the removal of barriers that would preclude many of the things that we want to do in these areas being included. The gentleman from Nebraska (Mr. BEREUTER) had mentioned that it is so important that we push away some of the Federal barriers that presently preclude affordable housing from being a true part of our cities and towns.

The other part is something that we came up with in committee. That was the horrific stories that we read and heard about with regard to housing inspections. So many people came to us in committee and said that they wanted homeownership, they went and they worked very hard to provide the down payment, finally had their dream home, only to walk into that home and find out that it was not habitable.

We worked and struggled very hard on the issue of inspections to be sure that loans, the people that took out loans would have the housing that they wanted and would be habitable. The gentleman from New York (Mr. LAZIO) and I have worked on the issue about housing inspections and I know that we are working with HUD on this so that we will have a system that does not duplicate the existing requirements that we have in place in cities and towns and States but also have a Federal system that is reasonable and that does not take away some of the present requirements that we have in cities and towns and State government.

I want to thank the gentleman from New York (Mr. LAZIO) for allowing us to have this study and look forward to working with him in the future. Lastly, again I would like to thank the gentleman from Massachusetts (Mr. KENNEDY) for his tremendous leadership on this bill.

☐ 1215

Mr. KENNEDY of Massachusetts. Mr. Speaker, I ask the Chair to clarify how much time is remaining on the debate.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Massachusetts (Mr. KENNEDY) has 1 minute remaining. The gentleman from New York (Mr. LAZIO) has 4 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. GILMAN), one of our leaders of our State, the dean of the New York delegation, the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3899, the American Homeownership Act, introduced by the distinguished gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY), who we will soon miss for his premature retirement. We thank him for his good works over the years.

I commend both gentlemen's efforts in bringing this legislation to the floor today to help expand homeownership opportunities for all Americans as we approach the next century.

This bill will allow families to benefit from the availability of flexible capital for homeownership and to be able to use Federal housing vouchers for the payment of monthly mortgages for a new home and will cut through the red tape and regulations that have prevented Americans from purchasing homes in the past.

This measure also promotes the ability of the private sector to produce affordable housing without excessive government regulation.

Accordingly, I urge my colleagues to support this measure to help all American families to pursue the American dream and be able to own their own homes.

Mr. LAZIO of New York. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA), a member of the Committee on Banking and Financial Services.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this legislation.

Our colleague, the gentleman from New York (Mr. GILMAN), took the words out of my mouth. This is expanding the American dream for millions of Americans. I want to thank the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY).

Mr. Speaker, I rise in strong support of HR 3899, the American Home ownership Act of 1998. I have cosponsored this legislation which enjoys wide bipartisan support.

A good job at a good wage. The ability to raise a family in comfort. Sending your children to college so that they make their own way in the world. These are major components of the Great American Dream. Integral to this dream—owning the roof over your family's head—owning a house to call a home.

My Colleagues, in one of the richest nations on earth, owning your own home should be more than just a dream. That is why it is important for us to continue to seek ways to make home ownership more affordable and more accessible. This legislation takes a significant step forward in helping hard-working Americans obtain that dream of owning their own home.

The American Home ownership Act allows families receiving federal rental vouchers to use the assistance toward monthly mortgage payments. Local housing authorities are given authority to provide residents with down payment assistance in lieu of monthly public housing assistance. I am particularly pleased to see that this bill does not include provisions requiring mandatory FHA home inspections. Instead, it includes a GAO study that will investigate the need for mandatory inspections.

In addition, it creates a HOME Loan Guarantee program to allow communities to tap into future HOME grants for affordable housing development. The Act also provides grant authority for use in "Home ownership Zones"—designed areas where large scale development projects are designed to reclaim distressed neighborhoods by creating Home ownership opportunities for low and moderate income families.

By some estimates, unnecessary government regulation adds 20 to 35 percent to the cost of a new home. For many hard working families, this 20 to 35 percent represents the difference between owning a house or continuing to reside in rental property. This legislation recognizes this difficult fact and requires all Federal agencies to include a housing impact analysis with any proposed regulation to certify such regulation have no significant negative impact on the availability of affordable housing.

Finally, this legislation includes provisions that will promote the quality, safety and affordability of manufactured homes by ensuring uniform standards and codes for construction across the country.

I want to commend the Chairman of the Housing Subcommittee, Mr. LAZIO, for his hard work on this important legislation—I urge my colleagues to support this import bill.

I yield back the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I yield the final minute of the debate to the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, let me commend and congratulate the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. KENNEDY), the ranking member, and all of the members of the committee for bringing this important legislation to us.

The American dream, for many, have not been realized because they have not been able to experience the ownership of a home. This legislation opens up opportunities for individuals to receive mortgage assistance, but also for manufactured housing to really come on-line. I think it is one of the most important pieces of legislation that we have seen and will see.

I represent a district that has 175,000 people who live at or below the poverty level. This will go a long ways, Mr. Speaker, towards providing them with opportunities to experience homeownership.

Again, I commend the chairman, the gentleman from New York (Mr. LAZIO) and certainly the ranking member and say that we are going to miss the voice of the gentleman from Massachusetts (Mr. KENNEDY) as a voice for the underrepresented, the dispossessed, and all of those in America who are still looking for the American dream. Go with peace.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in yesterday's New York Times, an editorial was published which was entitled "A Win-Win On Housing." It was really written about the public housing bill that had been passed by the House and the Senate and was on its way to the President for signature, but it could well have been written about this bill as well, because this is indeed a win-win on housing.

We have worked closely with the gentleman from Massachusetts (Mr. KENNEDY) and the gentleman from New York (Mr. LAFALCE). We have incorporated ideas from many people, ranging from the administration.

I want to particularly salute Bill Apgar, who is the FHA Commissioner, for his constructive work with this committee, with the gentleman from Iowa (Mr. LEACH), the chairman of the full committee, the gentleman from Ohio (Mr. NEY) and the gentleman from Louisiana (Mr. BAKER), two important members of our committee, and the gentleman from New Mexico (Mr. REDMOND), who had input and helped draft provisions that dealt with native American housing, all of whom were very significant in terms of moving this forward.

I would just say to the Members of this body, if we can think back and remember the first time we went to a closing when somebody put the keys of our first house in our hand how we felt; that sense of pride, that sense of having the satisfaction of knowing that we can provide for our family, the peace of mind of knowing that we will not be going through a series of unstable housing situations, but in fact we are going to have something of our very own, a place where we can put our roots down in, a place that we can raise our children in or just appreciate and grasp the greatest ambition that we have had.

This bill I think does that. It will bring that promise of homeownership, what has been referred to many times as the dream of homeownership for America to countless Americans whose names we will never remember or never hear, but people who will have more satisfying lives, will have a greater peace of mind, will be able to raise their family and provide them the greatest fruits of life because of the dream of homeownership.

It is a uniquely American institution in the sense that we have the highest rate of homeownership of any of our industrialized neighbors. It is very much a part of the growth of America.

What we do with this bill is we try to look to creative tools to enhance that, especially for low-income Americans to try to get them into their first home, to share in the fruit of homeownership. It would not have been possible without the cooperation of many people.

I want to, again, thank the gentleman from Massachusetts (Mr. KENNEDY) for his friendship, he is an easy person to get along with, for his hard work and for his dedication.

If I can, I just want to again point to the attention of the House to what will be the Joseph P. Kennedy, II Homeownership Rehabilitation Demonstration Grant Act, which is the brainchild of the gentleman from Massachusetts (Mr. KENNEDY), to try to help those people who have their own home but struggle to try to find and way to rehab their own place, whether it is a new roof or a new boiler. Keep them in those neighborhoods. Give them the peace of mind to that there is an outlet out there in order to finance these basic needs.

It is typical of the interest of the gentleman from Massachusetts (Mr. KENNEDY) of low-income Americans that he would have authored that. I urge my colleagues to support this important bill.

The New York times editorial referred to and additional material are as follows:

[From the New York Times, Oct. 13, 1998]

A WIN-WIN ON HOUSING

Ever since the Republicans took control of Congress, the new majority has struggled with the Clinton Administration over the issue of low-income housing. Last week the two sides came together and passed a measure that blends conservative and liberal concerns. It is a major achievement for both the Administration and Congress.

Republicans have long wanted to give low-income working people a greater share of subsidized housing, while Democrats wanted to favor the poorest of the poor, who have no resources to obtain shelter at market rates. Both sides and have a point. Housing projects need to include stable families with working adults who can serve as role models for other residents. When homelessness exploded in the 1980's too many apartments in some projects were turned over to extremely indigent families, tipping the community balance.

But the Republicans' proposed solutions went too far. One particularly bad idea was to change the income mix eligible for rent subsidy vouchers, a program that does not suffer from the same problems as traditional housing projects. Unlike public housing residents, who live in a closed community, people who receive the vouchers are dispersed throughout the private housing market. To the delight of housing advocates, the final bill creates 90,000 much-needed new vouchers and requires that 75 percent go to the poorest of the poor. The bill relaxes some of the income limits for housing project to make room for more of the working poor, although many units must still be reserved for the very poor. In New York City, 40 percent of project residents would have to have incomes at or below $15,000, but other residents would be able to make up to $40,150.

Other compromises were equally sensible. The Republicans got concessions aimed at rewarding effort, including very modest community service requirements. Democrats got additional controls to make sure that allowing more high-income families does not lead to racial or economic segregation. The bill bows to the animal lobby's demand that all public housing residents be allowed to keep animals, but officials in cities like New York, where vicious dogs have long terrorized residents of some large projects, will now apparently be able to impose reasonable restrictions.

Housing Secretary Andrew Cuomo and Representative Rick Lazio of Long Island, the Republican point man on housing issues, have represented two poles in this long struggle. This bill is a win for both men. Mr. Cuomo, and his predecessor Henry Cisneros, have given what was known as the Federal Government's worst-run bureaucracy some credibility with Congress. Mr. Lazio has finally won his long battle to make public housing a bipartisan issue. While some Republicans will always have an ideological objection to Federal housing subsidies, Mr. Lazio has always argued that many others can be brought around, once they are convinced that the system is well run and aimed at encouraging self-sufficiency. We believe he is right, and this bill may be a big step in that direction.

H.R. 3899, THE "AMERICAN HOMEOWNERSHIP ACT OF 1998"

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title and Table of Contents.

States that the act may be cited as the "American Homeownership Act of 1998."

Section 2. Findings and purpose.

Congressional findings are that expanding homeownership opportunities should be a national priority, that there is an abundance of conventional capital available, and that communities possess ample will and creativity to provide opportunities uniquely designed to assist their citizens to achieve homeownership. Purposes of the act are to encourage homeownership by families not otherwise able to afford homeownership, to promote the ability of the private sector to produce affordable housing without excessive government regulation, to expand homeownership through tax incentives such as the home mortgage-interest deduction, and to facilitate the availability of capital for homeownership opportunities.

Title I: Removal of Barriers to Affordable Housing

Section 101. Short title.

This title may be referred to as the "Affordable Housing Barrier Removal Act of 1998."

Section 102. Housing impact analysis.

Requires that all proposed federal regulations include a housing impact analysis so that a federal agency can certify that a proposed regulation would have no significant deleterious impact upon housing affordability. If a proposed rule would have a negative impact, then an opportunity is given to groups to offer an alternative that achieves the stated objectives with a less deleterious impact on housing. HUD is directed to create model impact analyses that other agencies can use for these purposes.

Section 103. Grants for regulatory barrier removal strategies.

Authorizes $15 million through FY 2003 for grants to States, local governments, and eligible consortia for regulatory barrier removal strategies. This is reauthorization of the same amount under an already existing CDBG setaside (Section 107(a)(1)(H)). Grants provided for these purposes must be used in coordination with the local comprehensive housing affordability strategy ("CHAS").

Section 104. Eligibility for community development block grants.

Requires a jurisdiction as a condition of eligibility under the CDBG program to make a good faith effort to reduce barriers to affordable housing identified in the CHAS submitted by the jurisdiction to HUD, without creating any new private right of action.

Section 105. Regulatory barriers clearinghouse.

Creates within HUD's Office of Policy Development and Research a "Regulatory Barriers Clearinghouse" to collect and disseminate information on, among other things, the prevalence of regulatory barriers and their effects on availability of affordable housing, and successful barrier removal strategies.

Title II: Homeownership Through FHA Mortgage Insurance

Section 201. Adjustable rate mortgages.

Provides the Secretary with discretion, upon submitting to Congress a written findings of unmet demand, to increase the number of adjustable rate mortgages ("ARMs") the Department insures by an amount not to exceed 40% of the prior year's number of mortgages. The Secretary must report to Congress, prior to taking such action, that such increase shall not adversely affect the actuarial soundness of the FHA fund.]

Section 202. Housing inspection study.

Requires a GAO study of the inspection process for FHA properties, comparing or estimating the potential financial losses and savings to the Mutual Mortgage Insurance Fund between a system that would require a mandatory FHA inspection and the current optional inspection. The study would also review the potential impact of a mandatory FHA system on the homebuying process, particularly including underserved area where FHA losses are the greatest and whether there is a housing quality and/or financial difference in inspected homes and those without inspections. The study would also review the current option practice and report whether consumers understand the availability of independent inspections, financed by FHA and whether their choices for an inspection are affected or pressured by market or economic forces.

Section 203. Definition of area.

Provides the Secretary of HUD with discretion to provide that any county or statistical area, together with any counties proximate or contiguous with such area, may be treated as a single area for purposes of determining the FHA limit for such area by using the highest limit within the newly defined area. This allows the Secretary the discretion to rationalize FHA limits in areas where strict adherence to existing metropolitan statistical areas limit homeownership opportunities.

Sec. 204. Extension of Loan Term for Manufactured Home Lots.

Extends the loan terms for manufactured home lots financed by insured financial institutions from 15 years, 32 days to 20 years, 32 days.

Sec. 205. Repeal of Requirements for Approval for Insurance Prior to Start of Construction.

This section would repeal FHA requirements that required newly constructed homes to be insured at a 90% Loan-to-Value ratio unless it was approved before construction or met consumer protection or warranty plans or was completed more that one year before insurance was requested. After enactment, newly constructed homes would be subject to the same requirements as older homes, which would allow higher loan-to-value ratios up to 97%.

Sec. 206. Rehabilitation Demonstration Grant Program.

Makes available funding for a rehabilitation grant program established in the Quality Housing and Work Responsibility Act of 1998 (Section 599G), for fiscal year 1999, from funds in the Mutual Mortgage Insurance Fund in an amount not to exceed $25 million. Renames the legislation establishing the program the "Joseph P. Kennedy II Homeownership Rehabilitation Demonstration Grant Act."

Title III: Section 8 Homeownership Option

Section 301. Down-payment assistance.

PHAs are authorized to provide down-payment assistance in the form of a single grant, in lieu of monthly assistance. Such down-payment assistance shall not exceed the total amount of monthly assistance received by the tenant for the first year of assistance. For FY 2000 and thereafter, assistance under this section shall be available to the extent sums are appropriated.

Title IV: HOME Investment Partnership Program

Section 401. Reauthorization.

Reauthorizes the HOME Investment Partnerships Program through FY 2003, at $1.6 billion for FY 99, and thereafter at such sums as appropriated.

Section 402. Eligibility of limited equity cooperatives and mutual housing associations.

Amends HOME to make eligible mutual housing associations and limited equity cooperatives.

Section 403. Leveraging affordable housing investment through local loan pools.

Allows HOME funds to be used as leverage in connection with the creation of greater "loan pools" (ten times the amount of the HOME funds invested in such a pool) without imposing the HOME income restrictions on the entire pool (i.e. allows "mixed-income" pools.)

Section 404. Loan guarantees.

Creates a HOME Loan Guarantee program, by adding a provision allowing the Secretary to guarantee (similar to CDBG loan guarantees) the obligations of participating jurisdictions made in connection with affordable housing efforts by pledging as security a participating jurisdiction's future HOME allocations (up to five times the latest allocation).

Title V: Local Home Ownership Initiatives

Section 501. Reauthorization of Neighborhood Reinvestment Corporation.

Reauthorizes the Neighborhood Reinvestment Corporation at $90 million for FY 99 (including $25 million for a pilot homeownership initiative) and at $90 million thereafter through FY 2003.

Section 502. Homeownership zones.

Provides grants for use in "Homeownership Zones", which are designated areas in which large scale development projects are designed to reclaim distressed neighborhoods by creating homeownership opportunities for low and moderate income families. Authorizes $25 million in grants for FY 1999 through FY 2000, to remain available until expended.

Sections 503. Lease-to-own.

Provides for a sense of the Congress that residential tenancies under lease to own provisions can facilitate homeownership by low and moderate income families. Requires the Secretary to provide a report to Congress within 3 months after enactment of the act, analyzing whether lease to own provision can be incorporated within the HOME investment partnerships program, the public housing program, and other federally-assisted housing programs.

Section 504. Local capacity building.

Amends Section 4 of Public Law 103–120 (the "HUD Demonstration Act"), to add the National Association of Housing Partnerships as an intermediary organization eligible for federal grants to develop the capacity and ability of community development corporations and community housing development organizations to undertake community development and affordable housing projects.

Title VI: Manufactured Housing Improvement

Section 601. Short Title and references.

States that this title may be cited as the "Manufactured Housing Improvement Act."

Section 602. Findings and purposes.

Current law provisions are replaced with a more positive, detailed statement of the original intent of Congress when it enacted the Federal Manufactured Home Construction and Safety Standards Act. Adds a consensus standards development process to the purpose of the Act. Expresses the continuing need to facilitate the availability of affordable manufactured homes as well as the need for objective, performance-based standards and enhanced consumer protection.

Section 603—Definitions.

Adds several definitions to Section 603 of current law concerning the consensus committee and the consensus standards development process set forth in Section 604 of this bill. Adds a definition for the monitoring function and related definitions for primary inspection agency and design approval primary inspection agency duties, which had not been previously defined. Consensus committee recommends specific regulations regarding these functions to the Secretary of HUD. The term "dealer" has been replaced throughout with the term "retailer."

Section 604. Federal manufactured home construction and safety standards.

Section 604 of the existing manufactured housing regulation is revised to establish a "Consensus Committee" that would submit recommendations to the Secretary of HUD for developing, amending and revising both the Federal Manufactured Home Construction and Safety Standards and the enforcement regulations. Establishes requirements as to when recommendations made by the Consensus Committee to the Secretary are to be published by the Secretary in the Federal Register for public comment.

The members of the Consensus Committee will be appointed, subject to approval by the Secretary, by an administering organization, which shall be a recognized, voluntary, private consensus standards body with specific experience in developing model residential building codes. The committee shall be composed of 25 qualified individuals including general interest groups such as academicians, researchers, architects, and homebuilders.

The revisions to section 604 would also clarify the scope of federal preemption to ensure that disparate state or local requirements do not affect the uniformity and comprehensive nature of the federal standards. At the same time, the bill would reinforce the proposition that installation standards and regulations remain under the exclusive authority of each state.

Section 605. Abolishment of the National Manufactured Home Advisory Council.

Section 605 of existing law would be repealed, abolishing the National Manufactured Home Advisory Council, which is replaced by the consensus committee formed under Section 604.

Section 606. Public information.

Amends current requirements governing cost information of any new standards submitted by manufacturers to the Secretary by requiring the Secretary to submit such cost information to the consensus committee for evaluation.

Sec. 607. Research, testing, development, and training.

Requires HUD Secretary to conduct research, testing, development and training necessary to carry out the purposes of facilitating manufactured housing, including encouraging GSE's to develop and implement secondary market securitization programs for FHA manufactured home loans, and reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes.

Section 608. Fees.

Amends current section 620 by allowing the Secretary to use industry label fees for current activities, conducting inspections and monitoring, providing funding to states for administration and implementation of approved state plans under existing section 623, hiring additional program staff, for additional travel funding, funding of a non-career administrator to oversee the program, and for the costs of administration of the consensus committee. Prohibits the use of label fees to fund any activity not expressly authorized by the act, makes expenditure of label fees subject to annual Congressional appropriations review, and eliminates HUD's annual report requirement. Requires HUD to be accountable for any fee increase by requiring notice and comment rulemaking.

Section 609. Elimination of annual report requirement.

Eliminates existing annual reporting by the Secretary to Congress on manufactured housing standards.

Section 610. Effective date.

Effective date of the legislation is the date of enactment, except that interpretive bulletins or orders published as a proposed rule prior to the date of enactment shall be unaffected.

Section 611. Savings provision.

Existing manufactured housing standards are maintained in effect until the effective date of the Federal manufactured home construction and safety standards pursuant to the amendments made by this act.

Title VII: Indian Housing Homeownership

Section 701. Indian Lands Title Report Commission.

Subject to amounts appropriated, creates an Indian Lands Title Report Commission to develop recommended approaches to improving how the Bureau of Indian Affairs conducts title reviews in connection with the sale of Indian lands. Receipt of a certificate from BIA is a prerequisite to any sales transaction on Indian lands, and the current procedure is overly burdensome and presents a regulatory barrier to increasing homeownership on Indian lands.

The Commission is composed of 12 members with knowledge of Indian land title issues (4 appointed by the President, 4 by the President from recommendations made by the Chairman of the Senate Committee on Banking, Housing and Urban Affairs Committee, and 4 by President from recommendations made by the Chairman of the House Committee on Banking and Financial Services). Authorized at $500.000.

Title VIII. Transfer of Unoccupied and Substandard HUD-Held Housing to Local Governments and Community Development Corporations.

Section 801. Amends Section 204 of the VA, HUD and Independent Agencies Act of 1997, which sets forth the authority of the HUD Secretary to engage in property disposition activities. Requires the HUD Secretary to transfer, to the maximum extent practicable, ownership of eligible properties (HUD-owned substandard multifamily, unoccupied multifamily, or unoccupied single-family properties to a unit of local government having jurisdiction for the area where the property is located, or to a community development corporation within such jurisdiction, on certain terms and conditions. Eligible properties do not include any property subject to a specific sale agreement under section 204(h) of the National Housing Act, as amended by Section 602 of the FY 99 VA, HUD and Independent Agencies Appropriations Act. Requires the HUD Secretary to issue a report within 6 months of enactment of the Act identifying any communities designated as "revitalization communities" pursuant to section 204(h) of the National Housing Act, as amended. HUD shall be required to implement the provisions of this section to the extent their implementation do not increase the costs to the federal government under existing current HUD disposition programs.

Sec. 802. Amendment to Revitalization Area Disposition Program.

Properties eligible for disposition under Section 602 of the FY 99 VA, HUD and Independent Agencies Appropriations Act for which the Secretary determines continued inclusion is inappropriate because of a failure of any prospective purchaser to express an interest in such property, may be eligible for disposition under the program set forth in this Title.

Sec. 803. Report on Revitalization Zones for HUD-Owned Single Family Properties.

Requires the Secretary of HUD, no later than 6 months after enactment of this Act, to provide a report to Congress identifying the revitalization areas designated by the Secretary in accordance with the disposition program established under Section 602 of the FY 99 VA, HUD and Independent Agencies Appropriations Act, areas which have requested such designation or which the Secretary is considering designating as such areas, and eligible properties in such revitalization areas for which the Secretary has a reasonable expectation of transferring to other entities.

Sec. 804. Technical Corrections to Income Targeting Provisions for Project-Based Assistance.

Makes a technical corrections to public housing reform legislation included in the VA, HUD FY 99 Appropriations Act regarding targeting of Section 8 project-based assistance.

Sec. 805. Technical Corrections to Title V of the VA, HUD, and Independent Agencies Appropriations Act of 1997.

Makes certain technical and clarifying corrections to the HUD Section 8 Portfolio Restructuring program established under Title V of the VA, HUD, and Independent Agencies Appropriations Act of 1997.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the American Homeownership Act; but first of all, let me commend and congratulate Chairman LAZIO, Ranking Member KENNEDY and all Members of the Committee for bringing this important legislation to the floor.

Home ownership is a real part of the American dream. Unfortunately, thousands of low and moderate income citizens have not been able to experience the joy and the benefits of home ownership.

I represent a district where 175,000 people live at or below the poverty-level: therefore, for many of them home ownership has not been an option.

This bill provides greatly needed resources and puts manufactured housing full square in the mix of housing development, especially in low and moderate income communities. Again, I commend and congratulate Chairman LAZIO and Ranking Member KENNEDY. In addition, as Mr. KENNEDY prepares to leave us, JOE, you have given your voice and your talents to the needs of the poor, helpless and hopeless members of our society.

We're going to miss your voice and your passion and as you leave, go in peace.

Mr. ETHERIDGE. Mr. Speaker, I rise today in strong support of manufactured housing in America and H.R. 3899, the American Homeownership Act of 1998. As the co-chairman of the House Manufactured Housing Caucus and as an original cosponsor of H.R. 3634, the Manufactured Housing Improvement Act of 1998, I am pleased that a negotiated version of H.R. 3634 is included in Title VII of H.R. 3899 that we consider today.

Manufactured housing is a large and growing component of our efforts to address the shortage of affordable housing across North Carolina and the nation. The economic impact of the manufactured housing industry in North Carolina is remarkable: over 15,000 people are employed by the industry in manufacturing facilities and retail operations, providing a total economic pact of over $3 billion each year.

The manufactured housing industry also generates hundreds of good paying jobs at about one dozen plants in my district alone, perhaps the most of any Congressional District in the country. This industry's economic presence is an essential component of many North Carolina communities, and makes a big difference in our quality of life.

The experience of North Carolina mirrors that of communities across America. Manufactured housing represents one-third of all new single-family homes sold in the U.S., and it is the fastest growing segment of the housing industry. The manufactured housing industry provides quality homes at a price that is within reach of almost every American family, about $38,300, without land.

At a time when home ownership is becoming harder to obtain, when more than 5.3 million Americans are paying over 50% of their incomes on rent, and when we have a renewed focus on transferring people away from dependency on public housing, it just makes sense to support the manufactured housing industry.

However, the industry is being regulated by the Department of Housing and Urban Development (HUD) under a 24-year old Federal manufactured housing program statute. Manufactured homes have changed tremendously during this period and in many cases are virtually indistinguishable from other types of homes.

I am pleased that officials at HUD and the manufactured housing industry have negotiated acceptable language in H.R. 3899 that will help revitalize the federal manufactured housing industry program at HUD, address impediments to growth of this vital industry, and help achieve our national priority of increasing home ownership opportunities for many more Americans.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 3899, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 3899.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FEDERAL REPORTS ELIMINATION ACT OF 1998

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1364) to eliminate unnecessary and wasteful Federal reports, as amended.

The Clerk read as follows:

S. 1364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Reports Elimination Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—DEPARTMENT OF AGRICULTURE

Sec. 101. Reports eliminated.

TITLE II—NOAA

Sec. 201. Reports eliminated.

TITLE III—EDUCATION

Sec. 301. Report eliminated.

TITLE IV—DEPARTMENT OF ENERGY

Sec. 401. Reports eliminated.
Sec. 402. Reports modified.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

Sec. 501. Reports eliminated.

TITLE VI—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 601. Reports eliminated.
Sec. 602. Reports modified.

TITLE VII—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sec. 701. Reports eliminated.

TITLE VIII—INDIAN AFFAIRS

Sec. 801. Reports eliminated.

TITLE IX—DEPARTMENT OF THE INTERIOR

Sec. 901. Reports eliminated.
Sec. 902. Reports modified.

TITLE X—DEPARTMENT OF JUSTICE

Sec. 1001. Reports eliminated.

TITLE XI—NASA

Sec. 1101. Reports eliminated.

TITLE XII—NUCLEAR REGULATORY COMMISSION

Sec. 1201. Reports eliminated.
Sec. 1202. Reports modified.

TITLE XIII—OMB AND OPM

Sec. 1301. OMB.
Sec. 1302. OPM.

TITLE XIV—TRADE

Sec. 1401. Reports eliminated.

TITLE XV—DEPARTMENT OF TRANSPORTATION

Sec. 1501. Reports eliminated.
Sec. 1502. Reports modified.

TITLE I—DEPARTMENT OF AGRICULTURE

SEC. 101. REPORTS ELIMINATED.

(a) SECONDARY MARKET OPERATIONS.—Section 338(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1988(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(b) ESTIMATE OF SECOND PRECEDING MONTH'S EXPENDITURES UNDER FOOD STAMP

PROGRAM.—Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking the third and fourth sentences.

(c) ADVISORY COMMITTEES.—Section 1804 of the Food and Agriculture Act of 1977 (7 U.S.C. 2284) is repealed.

(d) FARMER-TO-CONSUMER DIRECT MARKETING ACT OF 1976.—

(1) IN GENERAL.—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is repealed.

(2) CONFORMING AMENDMENT.—Section 7(a) of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3006(a)) is amended by striking "the provisions of sections 4 and 6" and inserting "section 4".

(e) AGRICULTURAL RESEARCH AT LAND-GRANT COLLEGES.—Section 1445(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(g)) is amended—

(1) by striking "(1)" after "(g)"; and

(2) by striking paragraph (2).

(f) FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504) is repealed.

(g) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 6 of Public Law 96–236 (7 U.S.C. 3606) is repealed.

(h) HOUSING PRESERVATION GRANT PROGRAM.—Section 533 of the Housing Act of 1949 (42 U.S.C. 1490m) is amended by striking subsection (j).

(i) NATIONAL ADVISORY COUNCIL ON MATERNAL, INFANT, AND FETAL NUTRITION.—Section 17(k) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(k)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

TITLE II—NOAA

SEC. 201. REPORTS ELIMINATED.

(a) REPORT CONCERNING PRICES FOR NAUTICAL AND AERONAUTICAL PRODUCTS.—Section 1307(a)(2)(A) of title 44, United States Code, is amended by striking the last sentence.

(b) REPORT ON NATIONAL SHELLFISH RESEARCH PROGRAM.—Section 308 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (33 U.S.C. 1251 note) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

TITLE III—EDUCATION

SEC. 301. REPORT ELIMINATED.

Section 1411 of the Higher Education Amendments of 1992 is repealed.

TITLE IV—DEPARTMENT OF ENERGY

SEC. 401. REPORTS ELIMINATED.

(a) REPORT ON RESUMPTION OF PLUTONIUM OPERATIONS AT ROCKY FLATS.—Section 3133 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1574) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(b) ELECTRIC UTILITY PARTICIPATION STUDY.—Section 625 of the Energy Policy Act of 1992 (42 U.S.C. 13295) is repealed.

(c) REPORT ON VIBRATION REDUCTION TECHNOLOGIES.—Section 173(c) of the Energy Policy Act of 1992 (42 U.S.C. 13451 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(d) REPORT ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY.—Section 132 of the Energy Policy Act of 1992 (42 U.S.C. 6349) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

(e) REPORT ON INDUSTRIAL INSULATION AND AUDIT GUIDELINES.—Section 133 of the Energy Policy Act of 1992 (42 U.S.C. 6350) is amended by striking subsection (c).

(f) REPORT ON THE USE OF ENERGY FUTURES FOR FUEL PURCHASES.—Section 3014 of the Energy Policy Act of 1992 (42 U.S.C. 13552) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(g) REPORT ON IMPLEMENTATION OF THE ALASKA FEDERAL CIVILIAN ENERGY EFFICIENCY SWAP ACT OF 1980.—Section 6 of the Alaska Federal Civilian Energy Efficiency Swap Act of 1980 (40 U.S.C. 795d) is repealed.

SEC. 402. REPORTS MODIFIED.

(a) REPORT ON PLAN FOR ELECTRIC MOTOR VEHICLES.—Section 2025(b) of the Energy Policy Act of 1992 (42 U.S.C. 13435(b)) is amended—

(1) in the second sentence of paragraph (1), by striking "annually" and inserting "biennially"; and

(2) in the second sentence of paragraph (4), by striking "Annual" and inserting "Biennial".

(b) COKE OVEN PRODUCTION TECHNOLOGY STUDY.—Section 112(n)(2)(C) of the Clean Air Act (42 U.S.C. 7412(n)(2)(C)) is amended by striking "The Secretary shall prepare annual reports to Congress on the status of the research program and at the completion of the study" and inserting "On completion of the study, the Secretary shall submit to Congress a report on the results of the study and".

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

SEC. 501. REPORTS ELIMINATED.

(a) REPORT ON EFFECT OF POLLUTION ON ESTUARIES AND ESTUARINE ZONES.—

(1) IN GENERAL.—Section 104(n) of the Federal Water Pollution Control Act (33 U.S.C. 1254(n)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(2) CONFORMING AMENDMENT.—Section 320(k) of the Federal Water Pollution Control Act (33 U.S.C. 1330(k)) is amended by striking "section 104(n)(4)" and inserting "section 104(n)(3)".

(b) CLEAN LAKES REPORT.—Section 314(a) of the Federal Water Pollution Control Act (33 U.S.C. 1324(a)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) REPORT ON NONPOINT SOURCE MANAGEMENT PROGRAMS.—Section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) is amended—

(1) in subsection (i), by striking paragraph (4);

(2) by striking subsection (m); and

(3) by redesignating subsection (n) as subsection (m).

(d) REPORT ON MEASURES TAKEN TO MEET OBJECTIVES OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) is amended—

(A) by striking subsections (a), (b)(2), (c), (d), and (e);

(B) by striking "(b)(1)"; and

(C) by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended—

(i) in subsection (a)(5), by striking "in the report required under subsection (a) of section 516" and inserting "not later than 90 days after the date of convening of each session of Congress"; and

(ii) in the first sentence of subsection (o)(2), by striking "in the report required under subsection (a) of section 516" and inserting "not later than 90 days after the date of convening of each session of Congress".

(B) The fourth sentence of section 116(b) of the Federal Water Pollution Control Act (33 U.S.C. 1266(b)) is amended by striking "section 616(b) of this Act" and inserting "section 516".

(C) The last sentence of section 205(a) of the Federal Water Pollution Control Act (33 U.S.C. 1285(a)) is amended by striking "section 516(b)" and inserting "section 516".

(D) The second sentence of section 210 of the Federal Water Pollution Control Act (33 U.S.C. 1290) is amended by striking "shall be included in the report required under section 516(a) of this Act" and inserting "shall be reported to Congress not later than 90 days after the date of convening of each session of Congress".

(e) STUDY OF ENVIRONMENTAL PROBLEMS ASSOCIATED WITH IMPROPER DISPOSAL OR REUSE OF OIL.—Section 9 of the Used Oil Recycling Act of 1980 (Public Law 96–463; 94 Stat. 2058) is repealed.

(f) REPORT ON STATE AND LOCAL TRAINING NEEDS AND OBSTACLES TO EMPLOYMENT IN SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY.—Section 7007 of the Solid Waste Disposal Act (42 U.S.C. 6977) is amended by striking subsection (c).

(g) INTERIM REPORT OF NATIONAL ADVISORY COMMISSION ON RESOURCE CONSERVATION AND RECOVERY.—Section 33(a) of the Solid Waste Disposal Act Amendments of 1980 (Public Law 96–482, 94 Stat. 2356; 42 U.S.C. 6981 note) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(h) FINAL REPORT ON MEDICAL WASTE MANAGEMENT.—

(1) IN GENERAL.—The Solid Waste Disposal Act is amended—

(A) by striking section 11008 (42 U.S.C. 6992g); and

(B) by redesignating sections 11009 through 11012 (42 U.S.C. 6992h through 6992k) as sections 11008 through 11011, respectively.

(2) CONFORMING AMENDMENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended—

(A) by striking the item relating to section 11008; and

(B) by redesignating the items relating to sections 11009 through 11012 as the items relating to sections 11008 through 11011, respectively.

(i) REPORT ON STATUS OF DEMONSTRATION PROGRAM TO TEST METHODS AND TECHNOLOGIES OF REDUCING OR ELIMINATING RADON GAS.—Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99–499; 42 U.S.C. 7401 note) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

TITLE VI—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 601. REPORTS ELIMINATED.

(a) AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended as follows:

(A) Section 402(f) (42 U.S.C. 282(f)) is amended—

(i) in paragraph (1), by inserting "and" at the end;

(ii) in paragraph (2), by striking "; and" and inserting a period; and

(iii) by striking paragraph (3) (relating to annual reports on disease prevention).

(B) Section 408(a) (42 U.S.C. 284c(a)) is amended by striking paragraph (4) (relating to annual reports of the National Institutes of Health on administrative expenses).

(C) Section 430 (42 U.S.C. 285c–4) is amended—

(i) by striking subsection (j) (relating to annual reports of the National Diabetes Advisory Board, the National Digestive Diseases Advisory Board, and the National Kidney and Urologic Diseases Advisory Board); and

(ii) by redesignating subsection (k) as subsection (j).

(D) Section 439 (42 U.S.C. 285d–4) is amended by striking subsection (c) (relating to annual reports by the Arthritis and Musculoskeletal and Skin Diseases Interagency Coordinating Committee).

(E) Section 451 (42 U.S.C. 285g–3) is amended—

(i) in subsection (a), by striking "(a) There" and inserting "There"; and

(ii) by striking subsection (b) (relating to reports by the Associate Director for Prevention of the National Institute of Child Health and Human Development).

(F) Section 494A (42 U.S.C. 289c–1) is amended—

(i) by striking subsection (b) (relating to reports on health services research); and

(ii) by striking "(a)" and all that follows through "The Secretary" and inserting "The Secretary".

(G) Section 1009 (42 U.S.C. 300a–6a) (relating to plans and reports regarding family planning) is repealed.

(H) Section 2104 (42 U.S.C. 300aa–4) (relating to National Vaccine Program reports) is repealed.

(2) OTHER ACTS.—The following provisions are amended:

(A) Section 540 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360qq) (relating to annual reports on the administration of the Radiation Control for Health and Safety program) is repealed.

(B) Section 405 of the Indian Health Care Improvement Act (25 U.S.C. 1645) (relating to the tribal organization demonstration program for direct billing of medicare, medicaid, and other third party payors) is repealed.

(C) Section 1200 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (42 U.S.C. 3509) (relating to the report of the Public Health Service) is repealed.

(D) Section 719 of the Indian Health Care Amendments of 1988 (Public Law 100–713; 102 Stat. 4838) (relating to the impact of the final rule relating to eligibility for health care services of the Indian Health Service) is repealed.

(E) The Alzheimer's Disease and Related Dementias Research Act of 1992 is amended by striking sections 911 and 912 (42 U.S.C. 11211 and 11212) (relating to the establishment and functions of the Council on Alzheimer's Disease).

(F) The International Health Research Act of 1960 (Public Law 86–610) is amended by striking section 5(h).

(b) SOCIAL SECURITY ACT AND RELATED PROVISIONS.—

(1) Section 8403(b) of the Technical and Miscellaneous Revenue Act of 1988 (Public Law 100–647; 102 Stat. 3799) is repealed.

(2) Section 4207(c)(2)(B) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–120) (42 U.S.C. 1395x note) is repealed.

(3) Section 9601(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 222) (42 U.S.C. 1395b note) is repealed.

(4) Section 6003(i) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2158) (42 U.S.C. 1395ww note) is repealed.

(5) Section 6102(d)(4) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2185) (42 U.S.C. 1395w–4 note) is repealed.

(6) Section 1882(l)(6) of the Social Security Act (42 U.S.C. 1395ss(l)(6)) is repealed.

(7) Section 4056(d) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330–99) (42 U.S.C. 1395l note) (as redesignated by section 411(f)(14) of the Medicare Catastrophic Coverage Act of 1988 (Public Law 100–360; 102 Stat. 781)) is repealed.

SEC. 602. REPORTS MODIFIED.

(a) INDIAN HEALTH.—Subsection (e) of section 513 of the Indian Health Care Improvement Act (25 U.S.C. 1660c(e)) is amended by striking "two years" and inserting "5 years".

(b) SOCIAL SECURITY ACT.—

(1) Section 4801(e)(17)(B) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–218) (42 U.S.C. 1396r note) is amended by striking "January 1, 1992" and inserting "January 1, 1999".

(2) Section 4360(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–140) (42 U.S.C. 1395b–4) is amended by striking "Not later than 180 days after the date of the enactment of this section" and inserting "Beginning with 1992".

TITLE VII—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 701. REPORTS ELIMINATED.

(a) FUNDING RELATING TO EVALUATING AND MONITORING PROGRAMS.—Section 7(r) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(r)) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

(b) STATE AND LOCAL STRATEGIES FOR REMOVAL OF BARRIERS TO AFFORDABLE HOUSING.—Section 1207 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705a note) is repealed.

(c) COMPREHENSIVE REVIEW AND EVALUATION OF HOMELESS ASSISTANCE PROGRAMS.—Section 1409 of the Housing and Community Development Act of 1992 (42 U.S.C. 11361 note) is amended—

(1) by striking "(a) IN GENERAL.—"; and

(2) by striking subsection (b).

(d) NEIGHBORHOOD REDEVELOPMENT PROGRAM.—Section 123 of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(e) HOMEOWNERSHIP DEMONSTRATION PROGRAM.—Section 132 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3712) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(f) RURAL RENTAL REHABILITATION DEMONSTRATION.—Section 311 of the Housing and Community Development Act of 1987 (42 U.S.C. 1490m note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(g) SUMMARY OF ACTIVITIES UNDER NEW TOWN DEMONSTRATION.—Section 1108 of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended by striking "the following" and all that follows before the period at the end of the section and inserting the following: "a copy of the new town plan of the governing board, upon the approval of that plan under section 1102(d)".

TITLE VIII—INDIAN AFFAIRS

SEC. 801. REPORTS ELIMINATED.

(a) INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION REPORT.—Section 412 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3211) is repealed.

(b) REPORTS UNDER THE INDIAN FINANCING ACT OF 1974.—Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by striking subsection (f).

(c) EDUCATION AMENDMENTS OF 1978.—

(1) REPORT ON DEMONSTRATION PROJECTS.—Section 1121(h) of the Education Amendments of 1978 (25 U.S.C. 2001(h)) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(2) NATIONAL CRITERIA FOR DORMITORY SITUATIONS.—Section 1122(d) of the Education Amendments of 1978 (25 U.S.C. 2002(d)) is amended by striking paragraph (3).

(3) POSITIONS CONTRACTED UNDER GRANTS OF POST-DIFFERENTIAL AUTHORITY IN THE BIA SCHOOLS.—Section 1132(h)(3)(B) of the Education Amendments of 1978 (25 U.S.C. 2012(h)(3)(B)) is amended by striking clause (iv).

(4) REPORT.—Section 1137 of the Education Amendments of 1978 (25 U.S.C. 2017) is amended—

(A) by striking the section designation and heading and inserting the following:

"SEC. 1137. BIENNIAL REPORT.";

and

(B) in the first sentence of subsection (a)—

(i) by striking "annual report" and inserting "biennial report"; and

(ii) by striking "during the year" and inserting "during the 2-year period covered by the report".

(5) REGULATIONS.—Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is repealed.

(6) TECHNICAL CORRECTION.—Section 605(b)(2) of the School-to-Work Opportunity Act of 1994 (20 U.S.C. 6235(b)(2)) is amended by striking "(as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3))" and inserting "(as defined in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3))".

(d) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—Section 5206 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505) is amended by striking subsection (g).

(e) PUBLIC LAW 96–135.—Section 2 of Public Law 96–135 (25 U.S.C. 472a) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(3) in subsection (d), as so redesignated—

(A) by striking paragraph (2); and

(B) by striking "(1) The Office" and inserting "The Office".

(f) NATIVE AMERICANS EDUCATIONAL ASSISTANCE ACT.—Section 4 of the Native Americans Educational Assistance Act (25 U.S.C. 2001 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(g) Indian Self-Determination and Education Assistance Act.—Section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (o) as subsections (c) through (n), respectively.

TITLE IX—DEPARTMENT OF THE INTERIOR

SEC. 901. REPORTS ELIMINATED.

(a) Pacific Yew Act.—

(1) Repeal.—Section 7 of the Pacific Yew Act (16 U.S.C. 4806) is repealed.

(2) Conforming amendment.—Section 8 of such Act (16 U.S.C. 4807) is amended—

(A) by striking "the relevant congressional committees, as listed in section 7," and inserting "the Committee on Resources and the Committee on Agriculture of the House of Representatives, and the Committee on Environment and Public Works, the Committee on Energy and Natural Resources, and the Committee on Agriculture, Nutrition, and Forestry of the Senate,"; and

(B) by redesignating such section as section 7.

(b) Size and Condition of the Tule Elk Herd in California.—

(1) Repeal.—Section 3 of Public Law 94–389 (16 U.S.C. 673f) is repealed.

(2) Redesignation.—Section 4 of Public Law 94–389 (16 U.S.C. 673g) is redesignated as section 3.

(c) Water Quality of the Sacramento-San Joaquin Delta and San Francisco Bay Estuarine Systems.—Section 4 of Public Law 96–375 (94 Stat. 1506) is amended by striking the second sentence.

(d) Colorado River Floodway Maps.—

(1) Repeal of requirements.—Section 5(b) of the Colorado River Floodway Protection Act (43 U.S.C. 1600c(b)) is amended—

(A) by striking "(b)(1)" and inserting "(b)";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating clauses (i) and (ii) as paragraphs (1) and (2), respectively.

(2) Conforming amendment.—Section 5(c)(1) of such Act (43 U.S.C. 1600c(c)(1)) is amended by striking "the appropriate officers referred to in paragraph (3) of subsection (b)," and inserting "appropriate chief executive officers of States, counties, municipalities, water districts, Indian tribes, or equivalent jurisdictions in which the Floodway is located,".

(e) Certification of Adequate Soil Survey of Land Classification.—

(1) 1953 act.—The first section of title I of the Interior Department Appropriation Act, 1953, is amended in the matter under the heading "**CONSTRUCTION AND REHABILITATION**" under the heading "**BUREAU OF RECLAMATION**" (66 Stat. 451) by striking ": *Provided further*, That no part of this or any other appropriation" and all that follows through "means of irrigation".

(2) 1954 act.—The first section of title I of the Interior Department Appropriation Act, 1954 (43 U.S.C. 390a; 67 Stat. 266) is amended—

(A) in the matter under the heading "**CONSTRUCTION AND REHABILITATION**" under the heading "**BUREAU OF RECLAMATION**", by striking ": *Provided further*, That no part of this or any other appropriation" and all that follows through "demonstrated in practice"; and

(B) by striking "Such surveys shall include an investigation of soil characteristics which might result in toxic or hazardous irrigation return flows." (as added by section 10 of the Garrison Diversion Unit Reformulation Act of 1986 (100 Stat. 426)).

(f) Claims Submitted From the Teton Dam Failure.—Section 8 of Public Law 94–400 (90 Stat. 1213) is repealed.

(g) Study of the Feasibility and Suitability of Establishing Niobrara-Buffalo Prairie National Park.—

(1) Repeal.—Section 8 of the Niobrara Scenic River Designation Act of 1991 (Public Law 102–50; 16 U.S.C. 1a–5 note) is repealed.

(2) Redesignation.—Section 9 of such Act (Public Law 102–50; 105 Stat. 258) is redesignated as section 8.

(h) Study of Route 66.—The Route 66 Study Act of 1990 (Public Law 101–400; 104 Stat. 861) is repealed.

(i) Report on Anthracite Mine Water Control and Mine Sealing and Filling Program.—The Act entitled "An Act to provide for the conservation of anthracite coal resources through measures of flood control and anthracite mine drainage, and for other purposes", approved July 15, 1955, is amended—

(1) by striking section 5 (30 U.S.C. 575); and

(2) by redesignating section 6 (30 U.S.C. 576) as section 5.

(j) Audit of Federal Royalty Management System.—

(1) In general.—Section 302 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1752) is amended—

(A) in subsection (a), by striking "(a)"; and

(B) by striking subsection (b).

(2) Conforming amendment.—Section 304(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1753(c)) is amended by striking "Except as expressly provided in subsection 302(b), nothing" and inserting "Nothing".

(k) Report on Bidding Options for Oil and Gas Leases on Outer Continental Shelf Land.—Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by striking paragraph (9).

(l) Reports on Outer Continental Shelf Leasing and Production Program and Promotion of Competition in Leasing.—

(1) In general.—Section 15 of the Outer Continental Shelf Lands Act (43 U.S.C. 1343) is repealed.

(2) Conforming amendment.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended by striking subsection (g).

(m) Audit of Financial Report of Governor of Guam.—The sixth undesignated paragraph of section 6 of the Organic Act of Guam (48 U.S.C. 1422) is amended by striking the third and fifth sentences.

(n) Audit of Financial Report of Governor of the Virgin Islands.—The fourth undesignated paragraph of section 11 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1591) is amended by striking the third and fifth sentences.

(o) Audit of Financial Report of Governor of American Samoa.—Section 501(a) of Public Law 96–205 (48 U.S.C. 1668(a)) is amended by striking the third and fifth sentences.

(p) Audit of Financial Report of Chief Executives of Certain Territories.—Section 5 of Public Law 92–257 (48 U.S.C. 1692) is amended by striking the third and fifth sentences.

(q) Report on Activities Under Helium Act.—Section 16 of the Helium Act (50 U.S.C. 167n) is repealed.

(r) Report on Contract Awards Made To Facilitate National Defense.—

(1) In general.—Public Law 85–804 is amended—

(A) by striking section 4 (50 U.S.C. 1434); and

(B) by redesignating section 5 (50 U.S.C. 1435) as section 4.

(2) Conforming amendment.—Section 502(a)(6) of the National Emergencies Act (50 U.S.C. 1651(a)(6)) is amended by striking "1431–1435" and inserting "1431 et seq.".

SEC. 902. REPORTS MODIFIED.

(a) Recommendations on Prospective Timber Sales.—The first sentence of section 318(h) of Public Law 101–121 (103 Stat. 750) is amended by striking "a monthly basis" and inserting "an annual basis".

(b) Report on Nationwide Geologic Mapping Program.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended—

(1) in the section heading, by striking "**ANNUAL**" and inserting "**BIENNIAL**"; and

(2) in the first sentence—

(A) by striking "each fiscal year, submit an annual report" and inserting "each second fiscal year, submit a biennial report"; and

(B) by striking "preceding fiscal year" and inserting "2 preceding fiscal years".

TITLE X—DEPARTMENT OF JUSTICE

SEC. 1001. REPORTS ELIMINATED.

(a) Emergency Law Enforcement Assistance Report.—Section 609U of the Justice Assistance Act of 1984 (42 U.S.C. 10509) is repealed.

(b) Diversion Control Fee Account Report.—Section 111(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (21 U.S.C. 886a) is amended by striking paragraph (5).

(c) Damage Settlement Report.—Section 3724 of title 31, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(d) Banking Law Offense Report.—Section 8(u) of the Federal Deposit Insurance Act (12 U.S.C. 1818(u)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(e) Banking Law Offense Rewards Report.—Section 2571 of the Crime Control Act of 1990 (12 U.S.C. 4211) is repealed.

(f) Banking Institutions Soundness Report.—Section 1542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1831m–1) is amended by striking subsection (e).

TITLE XI—NASA

SEC. 1101. REPORTS ELIMINATED.

(a) Activities of the National Space Grant College and Fellowship Program.—Section 212 of the National Space Grant College and Fellowship Act (42 U.S.C. 2486j) is repealed.

(b) Notification of Procurement of Long-Lead Materials for Solid Rocket Monitors on Other Than Cooperative Basis.—Section 121 of the National Aeronautics and Space Administration Authorization Act of 1988 (101 Stat. 869) is amended by striking subsection (d).

(c) Capital Development Plan for Space Station Program.—Section 107 of the National Aeronautics and Space Administration Authorization Act of 1988 (101 Stat. 864) is repealed.

(d) Notice of Modification of NASA.—

(1) 1985 Act.—Section 103 of the National Aeronautics and Space Administration Authorization Act, 1985 (98 Stat. 424) is repealed.

(2) 1986 Act.—Section 103 of the National Aeronautics and Space Administration Authorization Act of 1986 (99 Stat. 1014) is repealed.

(e) Expenditures Exceeding Astronomy Program.—Section 104 of the National Aeronautics and Space Administration Authorization Act, 1984 (97 Stat. 284) is repealed.

(f) Proposed Decision or Policy Concerning Commercialization.—Section 110 of the National Aeronautics and Space Administration Authorization Act, 1984 (42 U.S.C. 2465) is repealed.

(g) Joint Former Soviet Union Studies in Biomedical Research.—Section 605 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487d) is repealed.

TITLE XII—NUCLEAR REGULATORY COMMISSION

SEC. 1201. REPORTS ELIMINATED.

(a) Report of Advisory Committee on Reactor Safeguards.—Section 29 of the Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended by striking the sixth and seventh sentences.

(b) Report on the Price-Anderson Act.—Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended—

(1) by striking "(1)"; and

(2) by striking paragraph (2).

SEC. 1202. REPORTS MODIFIED.

Section 1701(b)(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(b)(1)) is amended—

(1) by striking "The Nuclear" and inserting "Not later than the date on which a certificate of compliance is issued under subsection (c), the Nuclear"; and

(2) by striking "at least annually".

TITLE XIII—OMB AND OPM

SEC. 1301. OMB.

(a) Federal Civil Penalties Inflation Adjustment Act of 1990.—The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101–410; 28 U.S.C. 2461 note) is amended by—

(1) striking section 6; and

(2) redesignating section 7 as section 6.

(b) Voluntary Contributions by the United States to International Organizations.—Section 306 of the Foreign Assistance Act of 1961 (22 U.S.C. 2226) is amended by—

(1) striking "(a) The" and inserting "The"; and

(2) striking subsection (b).

(c) Prompt Payment Act.—

(1) In general.—Section 3906 of title 31, United States Code, is repealed.

(2) Technical and conforming amendments.—

(A) Section 3901(c) of such title is amended by striking ", except section 3906 of this title,".

(B) Section 3902(b) of such title is amended by striking "Except as provided in section 3906 of this title, the" and inserting "The".

(C) The table of sections for chapter 39 of such title is amended by striking the item relating to section 3906.

(d) Title 5.—Section 552a(u) of title 5, United States Code, is amended—

(1) by striking paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (6), and in that redesignated paragraph by striking "paragraphs (3)(D) and (6)" and inserting "paragraph (3)(D)".

SEC. 1302. OPM.

(a) Administrative Law Judges.—Section 1305 of title 5, United States Code, is amended by striking "require reports by agencies, issue reports, including an annual report to Congress,".

(b) Federal Employee Retirement and Benefits.—

(1) In general.—Section 1308 of title 5, United States Code, is repealed.

(2) Technical and conforming amendments.—(A) The table of sections for chapter 13 of title 5, United States Code, is amended by striking the item relating to section 1308.

(B) Chapter 47 of title 5, United States Code, is amended—

(i) by striking section 4705 and redesignating section 4706 as section 4705; and

(ii) in the analysis at the beginning of the chapter by striking the items relating to sections 4705 and 4706 and inserting the following:

"Sec. 4705. Regulations.".

(c) Civil Service Retirement and Disability Fund.—Section 8348(g) of title 5, United States Code, is amended by striking the third sentence.

(d) Placement of Non-Indian Employees.—Section 2(e) of the Act of December 5, 1979 (25 U.S.C. 472a(e); Public Law 96–135; 93 Stat. 1058) is amended—

(1) by striking "(1)" after "(e)"; and

(2) by striking paragraph (2).

TITLE XIV—TRADE

SEC. 1401. REPORTS ELIMINATED.

(a) Coffee Trade.—

(1) Section 5 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356n) is repealed.

(2) Section 4 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356m) is repealed.

(b) Trade Act of 1974.—

(1) Section 126 of the Trade Act of 1974 (19 U.S.C. 2136(c)) is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to that section in the table of contents for that Act, are repealed.

(c) Uruguay Round Agreements Act.—Section 424 of the Uruguay Round Agreements Act (19 U.S.C. 3622), and the item relating to that section in the table of contents contained in section 1(b) of that Act, are repealed.

(d) Restrictions on Expenditures.—Section 109(c)(3) of Public Law 100–202 (101 Stat. 1329–435; 41 U.S.C. 10b note) is amended—

(1) in subparagraph (A) by striking "and" after the semicolon;

(2) in subparagraph (B) by striking "; and" and inserting a period; and

(3) by repealing subparagraph (C).

TITLE XV—DEPARTMENT OF TRANSPORTATION

SEC. 1501. REPORTS ELIMINATED.

(a) Reports About Government Pension Plans.—Section 9503 of title 31, United States Code, is amended by striking subsection (a).

(b) Transportation Air Quality Report.—Section 108(f) of the Clean Air Act (42 U.S.C. 7408(f)) is amended by striking paragraphs (3) and (4).

(c) Indian Reservation Roads Study.—Section 1042 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1993) is repealed.

(d) Study of Impact of Climatic Conditions.—Section 1101–1102 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027) is repealed.

(e) Bumper Standards.—

(1) In general.—Section 32510 of title 49, United States Code, is repealed.

(2) Conforming amendment.—The chapter analysis for chapter 325 of title 49, United States Code, is amended by striking the item relating to section 32510.

(f) Highway Safety.—Section 202 of the Highway Safety Act of 1966 (80 Stat. 736; 23 U.S.C. 401 note) is repealed.

(g) Project Review.—Section 5328(b) of title 49, United States Code, is amended by striking paragraph (3).

(h) Suspended Light Rail System Technology.—Section 5320 of title 49, United States Code, is amended by striking subsection (k).

SEC. 1502. REPORTS MODIFIED.

(a) Coast Guard Report on Major Acquisition Projects.—Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (106 Stat. 1551) is amended—

(1) by striking "quarterly" and inserting "biannual"; and

(2) in the last proviso, by striking "preceding quarter" and inserting "preceding 6-month period".

(b) Aviation Security Report.—Section 44938 of title 49, United States Code, is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "annual" and inserting "biennial"; and

(B) by inserting "in each year the Administrator submits the biennial report" before the comma;

(2) in subsection (b) by striking "annually" and inserting "biennially"; and

(3) by striking subsection (c).

(c) Report on Public Transportation.—Section 308(e)(1) of title 49, United States Code, is amended by striking "submit a report to Congress in January of each even-numbered year" and inserting "submit to Congress in March 1998, and in March of each even-numbered year thereafter, a report".

(d) National Ballast Information Clearinghouse.—Section 1102(f)(2) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4712(f)(2)) is amended by striking "biannual" and inserting "biennial".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Horn) and the gentleman from Ohio (Mr. Kucinich) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr.. Horn).

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have the remaining legislative days to revise and extend their remarks on S. 1364, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the years, Congress has placed numerous reporting requirements on Federal agencies. This has resulted in a flood of paper pouring into Congress, hundreds of Federal reports every month.

Many of these reports are quite useful, even critical to advise Congress and its Members of the status of Federal programs and to inform legislative and funding decisions.

Other reports, however, sit on our committee shelves collecting dust or are thrown away unread because they are outdated or they are useless to the current work of Congress.

This, Mr. Speaker, is a needless waste of taxpayer money and, I might add, a needless waste of our forests in the Northwest, Southeast, and Northeast. It is better to have trees living than piles and miles of dead paper.

The purpose of S. 1364, the Federal Reports Elimination Act of 1998, is to eliminate or modify congressionally mandated Federal agency reports that are redundant, obsolete, or otherwise unnecessary.

After the Senate bill was thoroughly scrutinized by every House committee, a very laborious process that took all summer, we are pleased to put forward a modified bill that consists of 132 reports slated for elimination or modification. I thank the other committees for their cooperation. The result is one of which we can all be proud.

The Congressional Budget Office has estimated that efficiencies created with this bill will result in saving millions of Federal taxpayer dollars over the next 5 years. I might add that the Congressional Budget Office does not count trees, but we are also going to save thousands of trees as a result of this legislation.

Mr. Speaker, this is common sense, money saving legislation. I urge my colleagues to give this measure their full support.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the amendment and passage of the Federal Reports Elimination Act of 1998. I want to congratulate Senator MCCAIN and Senator LEVIN for their hard work and persistence in bringing this bill to the floor.

I also commend the chairman and ranking minority member of the Committee on Government Reform and Oversight for the bipartisan spirit with which we address this bill in the House.

Mr. Speaker, this is not a glamorous piece of legislation. I suspect it will not be in tomorrow's newspapers. As a matter of fact, when it was announced by the Clerk, I think the gallery was cleared out. But it is a necessary part of our responsibility as legislators.

Every Congress, we authorize hundreds of reports. Few of those reports are terminated in the authorizing legislation, and yet we rarely go back and ask which reports are still needed.

As a result, each year, hundreds of Federal employees spend thousands of hours writing reports that get sent through Congress to the recycling bin. Many are never opened. Today we are making an effort to end some of that waste and to set free so many of our Federal employees from these kinds of tasks.

This legislation has asked the difficult question: Which of the many reports authorized by Congress are still needed? Today, by passing this legislation, we will eliminate almost 200 reports, saving almost $1 million in 1999 and almost a half a million dollars each year thereafter.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while culling through scores and scores of reports is a cumbersome and time-consuming process for Congress, efforts such as this are necessary to reduce the Federal paperwork burden and streamline the information flowing from the agencies to Congress.

S. 1364, as amended, represents one of the many ways this Congress has tried to reduce wasteful spending and to be more accountable to the taxpayers.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous material, at this point in the RECORD.

S. 1364—SECTION-BY-SECTION ANALYSIS

TITLE I, SECTION 101 WOULD ELIMINATE THE FOLLOWING DEPARTMENT OF AGRICULTURE REPORTS

Secondary Market Operations.

Estimate of Second Preceding Month's Expenditures Under Food Stamp Program.

Advisory Committees.

Farmer-to-Consumer Direct Market Act of 1976.

Agricultural Research at Land-Grant Colleges.

Foreign Ownership of Agricultural land.

International Sugar Agreement.

Housing Preservation Grant Program.

National Advisory Council on Maternal, Infant, and Fetal Nutrition.

TITLE II, SECTION 201 WOULD ELIMINATE THE FOLLOWING NATIONAL OCEANOGRAPHIC AND ATMOSPHERIC AGENCY REPORTS

Prices for Nautical and Aeronautical Products.

National Shellfish Research Program.

TITLE III, SECTION 301 WOULD ELIMINATE THE REPORT REQUIREMENT OF

Section 1411 of the Higher Education Amendments of 1992 for the Department of Education.

TITLE IV, SECTION 401 WOULD ELIMINATE THE FOLLOWING DEPARTMENT OF ENERGY REPORTS

Resumption of Plutonium Operations at Rocky Flats.

Electric Utility Participation.

Vibration Reduction Technologies.

Process-Oriented Industrial Energy Efficiency.

Industrial Insulation and Audit Guidelines.

Use of Energy Futures for Fuel Purchases.

Implementation of the Alaska Federal Civilian Energy Efficiency Swap Act of 1980.

Section 402 would modify the following Department of Energy reports

Plan for Electric Motor Vehicles.

Coke Oven Production Technology.

TITLE V, SECTION 501 WOULD ELIMINATE THE FOLLOWING ENVIRONMENTAL PROTECTION AGENCY REPORTS

Effect of Pollution on Estuaries and Estuarine Zones.

Clean Lakes.

Nonpoint Source Management Programs.

Measures Taken to Meet Objectives of Federal Water Pollution Control Act.

Environmental Problems Associated with Improper Disposal or Reuse of Oil.

State and Local Training Needs and Obstacles to Employment in Solid Waste Management and Resource Recovery.

National Advisory Commission on Resource Conservation and Recovery.

Medical Waste Management.

Status of Demonstration Program to Test Methods and Technologies of Reducing or Eliminating Radon Gas.

TITLE VI, SECTION 601 WOULD ELIMINATE THE FOLLOWING DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) REPORTS

National Institutes of Health on Administrative Expenses.

National Diabetes Advisory Board.

National Digestive Diseases Advisory Board.

National Kidney and Urologic Diseases Advisory Board.

Arthritis and Musculoskeletal and Skin Diseases Interagency Coordinating Committee.

Health Services Research.

Family Planning and Population Research.

National Vaccine Program.

Radiation Control for Health and Safety.

Tribal Organization Demonstration Program for Direct Medicare Billing.

Public Health Service.

Eligibility for Indian Health Care Services.

Council on Alzheimer's Disease.

Internatinal Health Research.

Adjustment of Hospital Wage Indices, FY 1989.

Proposal for Payment of Home Health Services.

Long-Term Health Care Policies.

Separate Average Standardized Amounts.

Visit Code Modification Study.

NAIC Model Transition Regulation.

Payment for Chemotherapy in Physicians Offices.

Section 602 would modify the following HHS reports

Indian Alcohol Programs.

Staffing Requirements in Nursing Facilities.

State Health Care Grants on Adequate Health Care Coverage.

TITLE VII, SECTION 701 WOULD ELIMINATE THE FOLLOWING DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REPORTS

Funding Relating to Evaluating and Monitoring Programs.

State and Local Strategies for Removal of Barriers to Affordable Housing.

Comprehensive Review and Evaluation of Homeless Assistance Programs.

Neighborhood Redevelopment Program.

Home Ownership Demonstration Program.

Rural Rental Rehabilitation Demonstration.

Activities Under New Town Demonstration.

TITLE VIII, SECTION 801 WOULD ELIMINATE OR MODIFY THE FOLLOWING INDIAN AFFAIRS REPORTS

Indian Child Protection and Family Violence Prevention.

Indian Loan Guaranty and Insurance Fund Deficiencies.

Demonstration Projects.

National Criteria For Dormitory Situations.

Positions Contracted Under Grants of Post-Differential Authority in BIA Schools.

Indian Education.
Tribally Controlled Schools.
Indian Preference Positions.
Native Americans Education Assistance Act.
Indian Self Determination and Education Assistance Act.

TITLE IX, SECTION 901 WOULD ELIMINATE THE FOLLOWING DEPARTMENT OF THE INTERIOR REPORTS

Pacific Yew Act.
Size and Condition of the Tule Elk Herd in California.
Water Quality of the Sacramento-San Joaquin Delta and San Francisco Bay Estuarine Systems.
Colorado River Floodway Maps.
Certification of Adequate Soil Survey of Land Classification.
Claims Submitted from the Teton Dam Failure.
Feasibility and Suitability of Establishing Niobrara-Buffalo Prairie National Park.
Route 66.
Anthracite Mine Water Control and Mine Sealing and Filling Program.
Audit of Federal Royalty Management System.
Bidding Option for Oil and Gas Leases on Outer Continental Shelf Land.
Outer Continental Shelf Leasing and Production Program and Promotion of Competition in Leasing.
Audit of Financial Report of Governor of Guam.
Audit of Financial Report of Governor of Virgin Islands.
Audit of Financial Report of Governor of American Samoa.
Audit of Financial Report of Chief Executives of Certain Territories.
Activities Under Helium Act.
Contract Awards Made to Facilitate National Defense.

Section 902 would modify the following Interior Department reports

Recommendations on Prospective Timber Sales.
Nationwide Geologic Mapping Program.

TITLE X, SECTION 1001 WOULD ELIMINATE THE FOLLOWING DEPARTMENT OF JUSTICE REPORTS

Emergency Law Enforcement Assistance.
Diversion Control Fee Account.
Damage Settlement.
Banking Law Offenses.
Banking Law Offense Rewards.
Banking Institutions Soundness.

TITLE XI, SECTION 1101 WOULD ELIMINATE THE FOLLOWING NASA REPORTS

Activities of the National Space Grant and Fellowship Program.
Notification of Procurement of Long-Lead Materials for Solid Rocket Monitors on Other Than Cooperative Basis.
Capital Development Plan for Space Station Program.
Notice of Modification of NASA.
Expenditures Exceeding Astronomy Program.
Proposed Decision or Policy Concerning Commercialization.
Joint Former Soviet Union Studies in Biomedical Research.

TITLE XII, SECTION 1201 WOULD ELIMINATE THE FOLLOWING NUCLEAR REGULATORY COMMISSION REPORTS

Advisory Committee on Reactor Safeguards.
Price-Anderson Act.

Section 1202 would modify the following Nuclear Regulatory Commission report

Status of Health, Safety, and Environmental Conditions at the Gaseous Diffusion Uranium Enrichment Facilities of NRC.

TITLE XIII, SECTIONS 1301 AND 1302 WOULD ELIMINATE THE FOLLOWING OMB AND OPM REPORTS

Federal Civil Penalties Inflation Adjustment Act of 1990.
Voluntary Contributions by the United States to International Organizations.
Prompt Payment Act.
Data Integrity Boards.
Administrative Law Judges.
Federal Employee Retirement and Benefits.
Civil Service Retirement and Disability Fund.
Placement of Non-Indian Employees.

TITLE XIV, SECTION 1401 WOULD ELIMINATE THE FOLLOWING: TRADE AGENCY REPORTS

Coffee Trade.
Recommendations for Legislation.
East-West Foreign Trade Board.
Uruguay Round Agreements Act.
Restrictions on Expenditures.

TITLE XV, SECTION 1501 WOULD ELIMINATE THE FOLLOWING DEPARTMENT OF TRANSPORTATION REPORTS

Government Pension Plans.
Transportation Air Quality.
Indian Reservation Roads.
Impact of Climatic Conditions.
Bumper Standards.
Highway Safety.
Project Review.
Suspended Light Rail System Technology.

Section 1502 would modify the following Transportation Department reports

Coast Guard Majority Acquisition Projects.
Aviation Security.
Public Transportation.
National Ballast Information Clearinghouse.

Mr. Speaker, I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate bill, S. 1364, as amended.

The question was taken.

Mr. KUCINICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 214. Concurrent resolution recognizing the contributions of the cities of Bristol, Tennessee, and Bristol, Virginia, and their people to the origins and development of Country Music, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 700. An act to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians.

H.R. 2327. An act to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1642. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

S. 1722. An act to amend the Public Health Service Act to revise and extend certain program with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2116. An act to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture.

S. Con. Res. 123. Concurrent resolution to express the sense of Congress regarding the policy of the Forest Service toward recreational shooting and archery ranges on Federal land.

The message also announced, that pursuant to Public Law 100-696, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from North Dakota (Mr. DORGAN) as a member of the United States Capitol Preservation Commission.

☐ 1230

YEAR 2000 PREPAREDNESS ACT OF 1998

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4756) to ensure that the United States is prepared to meet the Year 2000 computer problem, as amended.

The Clerk read as follows:

H.R. 4756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Year 2000 Preparedness Act of 1998".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "end-to-end testing" means testing data exchange software with respect to—

(A) the initiation of the exchange by sending computers;

(B) transmission through intermediate communications software and hardware; and

(C) receipt and acceptance by receiving computers;

(2) the term "small and medium-sized businesses" means businesses with less than 500 employees;

(3) the term "Year 2000 compliant" means, with respect to information technology, that the information technology accurately processes (including calculating, comparing, and sequencing) date and time data from, into, and between the 20th and 21st centuries and the years 1999 and 2000, and leap year calculations, to the extent that other information technology properly exchanges date and time data with it;

(4) the term "Year 2000 computer problem" means, with respect to information technology, any problem which prevents such technology from accurately processing, calculating, comparing, or sequencing date or time data—

(A) from, into, or between—

(i) the 20th and 21st centuries; or

(ii) the years 1999 and 2000;

(B) with regard to leap year calculations; or

(C) with regard to such other dates as the Year 2000 Conversion Council may identify and designate; and

(5) the term "Year 2000 Conversion Council" means the President's Council on Year 2000 Conversion established under section 2 of Executive Order No. 13073, issued on February 4, 1998;

SEC. 3. CRITICAL GOVERNMENT SERVICES.

The President shall provide for the acceleration of the development of business continuity plans by Federal agencies necessary to ensure the uninterrupted delivery by those agencies of critical mission-related services.

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the President should take a high profile national leadership position to aggressively promote Year 2000 date change awareness for information technology systems and sensitive infrastructure applications;

(2) the President should authorize the Chair of the Year 2000 Conversion Council to take a leadership role in resolving Year 2000 issues in any critical Federal civilian agency system that is in jeopardy because of ineffective management of not meeting the January 1, 2000, deadline with respect to the Year 2000 computer problem;

(3) consistent with the spirit of the Government Performance and Results Act of 1993, the Chair of the Year 2000 Conversion Council, in consultation with the President's Council on Infrastructure Assurance, officers of the Federal Government and of State and local governments, and representatives of the private sector, should work toward a national strategy to assure that the critical infrastructures and key sectors of the economy will be prepared for the Year 2000 date change, with such strategy including, for each sector, goals appropriate to each;

(4) the Chair of the Year 2000 Conversion Council is making a significant contribution to Year 2000 computer problem awareness by scheduling a National Y2K Action Week for October 19 through 23, 1998;

(5) the Small Business Administration, the Department of Commerce, the Department of Agriculture, and other appropriate Federal agencies should undertake maximum efforts to assist American family businesses and farmers in assessing their exposure to the Year 2000 computer problem, undertaking the necessary remedial steps, and formulating contingency plans; and

(6) State and local governments, as well as private sector industry groups and companies, should find ways to participate in this effort to prepare the American economy for the year 2000.

SEC. 5. AGENCY REPORTS.

All Federal agency reports to the Office of Management and Budget relating to the Year 2000 computer problem shall be concurrently transmitted to the Congress, including all Federal agency monthly submissions to the Office of Management and Budget.

SEC. 6. GUIDELINES.

The Chair of the Year 2000 Conversion Council is encouraged to develop, in consultation with industry, guidelines of best practices and standards for remediation and validation with respect to the Year 2000 computer problem to provide better direction for government and private sector efforts.

SEC. 7. NATIONAL ASSESSMENT OF YEAR 2000 COMPUTER PROBLEM.

The Chair of the Year 2000 Conversion Council shall submit to the Congress any national assessment of the Year 2000 computer problem, conducted through or in conjunction with the Year 2000 Conversion Council, covering all critical national infrastructures and key sectors of the economy, including banking and finance, energy, telecommunications, transportation, and vital human services which protect the public health and safety, the water supply, housing and public buildings, and the environment.

SEC. 8. FEDERAL AGENCY ACTIONS.

To ensure that all computer operations and processing can be provided without interruption by Federal agencies after December 31, 1999, the head of each Federal agency shall—

(1) take actions necessary to ensure that all systems and hardware administered by the agency are Year 2000 compliant, to the extent necessary to ensure that no significant disruption of the operations of the agency or of the agency's data exchange partners occurs, including—

(A) establishing, before March 1, 1999, schedules for testing and implementing new data exchange formats for completing all data exchange corrections, which may include national test days for end-to-end testing of critical processes and associated data exchanges affecting Federal, State, and local governments;

(B) notifying data exchange partners of the implications to the agency and the exchange partners if they do not make appropriate date conversion corrections in time to meet the Federal schedule for implementing and testing Year 2000 compliant data exchange processes;

(C) giving priority to installing filters necessary to prevent the corruption of mission-critical systems from data exchanges with noncompliant systems; and

(D) developing and implementing, as part of the agency's continuity and contingency planning efforts, specific provisions for data exchanges that may fail, including strategies to mitigate operational disruptions if data exchange partners do not make timely date conversion corrections;

(2) beginning not later than 30 days after the date of the enactment of this Act, convene meetings at least quarterly with representatives of the agency's data exchange partners to assess implementation progress; and

(3) after each meeting convened pursuant to paragraph (2), transmit to the Congress a report summarizing—

(A) the results of that meeting; and

(B) the status of the agency's completion of key data exchange corrections, including the extent of data exchange inventoried, an assessment of data exchange formats agreed to with data exchange partners, testing and implementation schedules, and testing and implementation completed.

SEC. 9. ASSISTANCE FOR SMALL AND MEDIUM-SIZED BUSINESSES.

To ensure that the Nation's small and medium-sized businesses are prepared to meet the Year 2000 computer problem challenge, the National Institute of Standards and Technology, in conjunction with the Small Business Administration, shall develop a Year 2000 compliance outreach program to assist small and medium-sized businesses. Such program shall include—

(1) the development of a Year 2000 self-assessment checklist;

(2) an explanation of the Year 2000 computer problem and an identification of best practices for resolving the problem;

(3) a list of Federal Government Year 2000 information resources; and

(4) a list of Year 2000 compliant products provided by the General Services Administration.

SEC. 10. CONSUMER AWARENESS.

To ensure that the Nation's consumers are aware of and prepared to meet the Year 2000 computer problem challenge, the Under Secretary of Commerce for Technology, in consultation with the Consumer Product Safety Commission and the Federal Trade Commission, shall develop a Year 2000 consumer awareness program to assist the public in becoming aware of the implications of the Year 2000 computer problem. Such program shall include—

(1) the development of a Year 2000 self-assessment checklist;

(2) a list of Federal Government Year 2000 computer problem information resources;

(3) a list of Year 2000 compliant products provided by the General Services Administration;

(4) a series of public awareness announcements or seminars on the impact of the Year 2000 computer problem on consumer products and services; and

(5) a series of public awareness announcements or seminars on the potential effect that the Year 2000 computer problem could have on the provision of services by the Federal Government to the public, and the progress made in resolving the problem by the Federal agencies providing those services.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. BARCIA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 4756.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we all know the dangers that lurk around the corner if we fail to take the action necessary to fix the Year 2000 computer problem. We all know that time is running out. We are competing in a race against time to avert an impending computer catastrophe. If we do not act fast, we will be ringing in the beginning of the new millennium with the mother of all computer glitches. If computers around the world will think that it is the Year 1900 when it is the Year 2000, millions of computer programs as well as products that use a computer microchip may be in jeopardy, billions of dollars may be lost and just about every human on the planet will be affected. Affected will be critical government functions such as air traffic control systems, veterans' benefits, Social Security and student loans, as well as the everyday conveniences of modern life, like home security systems, video recorders and elevators in high-rise buildings. Additionally our energy utilities, the financial service industry, the telecommunications industry, vital modes of transportation and virtually every critical indispensable industrial sector could be adversely affected. By failing to address the Y2K problem, our Nation is in danger of being plunged into a catastrophic economic recession with severe business disruptions in the delivery of essential government and private industry services.

We in Congress have been working diligently over the past 2½ years to raise the Nation's awareness and to push our Federal Government as well as State and local governments and private industry for immediate corrective action. We have aggressively pursued Year 2000 issues through legislation requiring a National Federal Y2K strategy and prohibiting the purchase of information technology which is not Y2K compliant. We have also conducted an ongoing series of hearings and provided attentive oversight on government and industry Y2K efforts. Yet despite all of our efforts we have great concern that our Nation may simply not be moving with the required alacrity to be Year 2000 compliant by the new millennium.

While the Federal agencies and the private sector have been scrambling to avert a disaster, our hearings and reports demonstrate they are not scrambling fast enough. If our Nation does not develop a greater sense of urgency and if we do not take immediate aggressive action, the Federal Government will be risking the delivery of vital services or functions that are critical to the health, safety and welfare of the American public. With just 450 days before January 1, 2000, we need to take more direct action.

Since the Speaker established a House Year 2000 Task Force, which I cochair along with the gentleman from California (Mr. HORN) for the majority and with the gentleman from Michigan (Mr. BARCIA) and the gentleman from Ohio (Mr. KUCINICH) for the minority, we have been attempting to move our Nation's Year 2000 efforts forward. The creation of this task force underscores the House's commitment to correct the Y2K problem, and will begin to build on the extensive work the House has already started through the committees. The House Y2K Task Force is intended to coordinate all House initiatives and be the counterpart to the Senate Special Committee on the Year 2000 Technology Problem which is chaired by Senator BENNETT of Utah.

The formation of the House Y2K Task Force has allowed us to collaborate more effectively with our Senate colleagues to expedite oversight and legislative measures to ensure that both government and private industry are moving forward with the necessary dispatch to correct the problem in a timely manner. To that end, along with the assistance of the majority leader's office, we have been successful in engaging virtually every one of our committees to hold hearings reviewing the potential Y2K impact on agencies and programs within their jurisdiction. To this date the House has held over 40 hearings on the Year 2000. As a result, we have a well-documented need for taking the enhanced measures contained in H.R. 4756, the bill before us.

H.R. 4756 seeks to ensure that the United States is prepared to meet the Year 2000 computer problem. What the bill does is it urges the President to provide for the acceleration of business continuity plans to ensure uninterrupted delivery of Federal services and programs; it urges the President to take a high profile national leadership position to aggressively promote Y2K; it enhances congressional oversight by providing that all agency reports be submitted to Congress; it codifies certain recommendations made by the General Accounting Office regarding electronic data exchanges which GAO has identified as critical to Y2K compliance; it provides for Y2K assistance for small and medium-sized businesses; and it develops a Y2K consumer awareness program.

H.R. 4756 is essentially an amalgamation of three introduced Year 2000 bills and incorporates certain provisions from each bill. H.R. 4706 is included, the Year 2000 Preparedness Act, which I introduced; H.R. 4682, the Year 2000 Act, introduced by the gentleman from Michigan (Mr. BARCIA) the ranking member of the Subcommittee on Technology; and H.R. 3968, the National Year 2000 Critical Infrastructure Readiness Act, introduced by the gentleman from Iowa (Mr. LEACH), chair of the Committee on Banking and Financial Services. This is a very important bill that addresses a number of our concerns and problems.

Special thanks to our staff who helped enormously: Ben Wu, Joe Pinder, Cindy Sprunger, Harrison Fox and Mike Quear.

Mr. Speaker, I reserve the balance of my time.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentlewoman from Maryland for her comments.

Mr. Speaker, I rise today in strong support of H.R. 4756, the Year 2000 Preparedness Act. This legislation is the product, as has just been mentioned, of the bipartisan efforts of the Science, Banking and Government Reform and Oversight Committees. In addition, I want to commend Mr. Koskinen, chair of the President's Y2K Conversion Council, for working with us to craft legislation that we could bring to the floor expeditiously. Working together, we were able to address the need for greater Y2K information among consumers and small business. I want to also thank the gentlewoman from Maryland (Mrs. MORELLA) as well as the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), the gentleman from California (Mr. HORN) and the gentleman from Ohio (Mr. KUCINICH) for including the provisions of H.R. 4682, a bill I introduced on a bipartisan basis with 11 of my colleagues last week. The provisions in H.R. 4682 have three very specific goals: First, to raise the consumer awareness and create a consumer Y2K checklist; secondly, to raise the Y2K awareness in small and medium-sized businesses; and, thirdly, to create a Y2K self-assessment checklist for the Nation's small and medium-sized companies as well as to require Federal agencies that have worked with outside entities to ensure that all date sensitive data exchanges are Year 2000 compliant.

As a member of the House Y2K Task Force and the ranking member on the Subcommittee on Technology, I have found that many people do not know how Y2K will impact them nor do they know what specific actions they can take to minimize the impact of the Y2K problem on their everyday lives. This bill requires the Under Secretary for Technology at the Department of Commerce in consultation with the Federal Trade Commission and the Consumer Protection Agency to develop a Year 2000 self-assessment checklist for consumers, provide a list of Federal Government Year 2000 computer problem resources, a list of Year 2000 compliant products provided by the GSA, and conduct a series of public awareness announcements or seminars on the impact of the Y2K problem on consumer products and services. These goals are consistent with the recommendations made by witnesses who have appeared before the Subcommittee on Technology. I am confident that with the right information, consumers will be able to make those decisions necessary to minimize the disruption the Y2K problem may pose.

The situation at small and medium-sized businesses mirrors that of consumers. The Nation's more than 381,000 small and medium-sized manufacturers contribute more than half of the country's total value in manufacturing. However, as of 1997, 88 percent of all companies with fewer than 2,000 employees had not yet started Year 2000 remediation projects. Small and medium-sized companies are an integral part of the business supply chain. They are increasingly reliant on computer applications for manufacturing operations, accounting and billing practices, and meeting just-in-time order and delivery concepts. To assist our small and medium-sized manufacturers in meeting the Y2K challenge, this bill requires that the National Institute of Standards and Technology's highly successful Manufacturing Extension Partnership program, working with the Small Business Administration, identify the best practices to attack the problem, develop a Year 2000 self-assessment checklist, and list all Federal Government Y2K resources including the General Service's listing of Y2K compliant products.

Federal agencies make thousands of date sensitive data exchanges every day. These data exchanges include Social Security and Medicare information, information related to the air traffic control system which the distinguished gentlewoman just mentioned so eloquently in her remarks, and other important financial transactions. Data exchange partners include State and local governments, Federal contractors and the private sector. As Federal computer systems are converted to process Year 2000 dates, the associated data exchanges must also be made Year 2000 compliant. The testing and implementation of Year 2000 compliant data exchanges must be closely coordinated with exchange partners. Agencies must not only test its own software but effective testing includes end-to-end testing and agreed-upon date formats with all exchange partners. If these Year 2000 data exchanges do not function properly, data will not be exchanged between systems or invalid data could cause receiving computer systems to malfunction. In other words, regardless of Federal efforts to fix its own computer systems, unless their data exchange partners have Y2K compliant systems, the computer network as a whole will fail.

A recent GAO report entitled "Year 2000 Computing Crisis: Actions Needed on Electronic Data Exchanges" found that Federal agencies have made little progress in addressing this data exchange issue. This legislation is based on these specific GAO recommendations and will help ensure that Federal agencies fully address the data exchange issue. This legislation also requires agencies to establish a test schedule with data exchange partners, notify exchange partners of the implications and consequences of noncompliance, develop contingency plans and send a quarterly report to Congress outlining their progress.

With so much to be done before January 1, 2000, there is not much time to act. While we cannot legislate Y2K compliance, we must ensure the availability of good information so that consumers and small businesses are able to check existing products, make sure their equipment will work with other equipment and, most importantly, successfully address any Y2K problems in their operations. With this information in hand, I believe that the public and Congress will be able to make the right decisions and avoid the panic which is so often predicted in articles about the Y2K computer crisis. I urge my colleagues to support this badly needed bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Michigan (Mr. BARCIA) for the kind of leadership and enthusiasm and energy he has put into trying to do something about this Y2K computer glitch.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS) who really is in a dual capacity because he is a member of the Subcommittee on Technology of the Committee on Science and he is also a member of the Subcommittee on Government Management, Information, and Technology of Committee on Government Reform and Oversight and represents a high-technology community.

Mr. DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 4756, a bill that will help ensure that American citizens can count on the Federal Government and this administration to be ready for the Year 2000 computer problem.

Despite hearings held by the gentleman from California (Mr. HORN) beginning 2 years ago in the Subcommittee on Government Management, Information, and Technology and then in the Subcommittee on Technology chaired by the gentlewoman from Maryland (Mrs. MORELLA), we have really very little assurance today from the administration that the Federal Government is going to be able to ensure that critical public and private services will not be shut down at 12:01 a.m. on January 1, 2000.

□ 1245

Congress is taking a proactive role in keeping the focus on how much work remains to be done in resolving the Y2K problem, and this bill is another step in that direction. We recently passed the Year 2000 Information and Readiness Disclosure Act and sent the bill to the President in order to encourage businesses to share information that will help resolve the Y2K problems without fear of incurring civil liability. This was a major step. H.R. 4756 builds on this legislation by combining 3 Year 2000 bills that will make Federal efforts more cohesive in this regard. The bill urges the President to accelerate business continuity plans by taking steps to protect the uninterrupted delivery of Federal services and programs. It encourages the President to take a more high-profile role in promoting Y2K compliance because Americans need to know that this administration is providing leadership on one of the most important technical issues facing our economy. H.R. 4756 requires all Federal agencies to establish a testing schedule before March 1, 1999, to ensure that Y2K compliance of the agency as well as outside entities with which that agencies exchanges data are included. Most importantly, this legislation will ensure that all Americans are prepared for any Y2K related problems by requiring the Commerce Department to develop a consumer awareness program.

This problem goes back to the 6th century monk Dionysius Exigus, Dennis the Small, who invented the consecutive year calendar, and we were taught in high school that in the year 999 Christians and pagans were there cowering at the moon waiting for the end of the millennium and the fulfillment of scriptural prophecy, but we now know that did not happen because in the Year 999 about one-tenth of 1 percent of the population knew what year it was, let alone what day it is. The irony is that in the Year 2000 everybody is going to know what day and year it is except for the computers which run our lives. Thus we have come full circle unless we get this situation taken care of.

There is an extraordinary amount of work yet to be done. At this point Congress has a moral responsibility to do as much as we can to protect the smooth operation of agencies and their Y2K departments. While every Federal agency is now aware of the problem, the challenge now is to pick up the pace in the long process of fixing the problem. This legislation is critical to achieving our goals in this and achieving as many Y2K fixes as possible before then.

For this reason I want to urge all of my colleagues to support this legislation, and I wanted to particularly thank the gentlewoman from Maryland (Mrs. MORELLA) for swiftly bringing H.R. 4756 to the floor today.

Mr. BARCIA. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAFALCE), a senior member of the Committee on Banking and Financial Services.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, first of all I would like very much to congratulate the individuals who have spoken thus far and who will speak because they have taken a real leadership role: The gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Michigan (Mr. BARCIA), the gentleman from Virginia (Mr. DAVIS), the gentleman from Ohio (Mr. KUCINICH), the gentleman from California (Mr. HORN), the gentleman from

Iowa (Mr. LEACH), et cetera, a real leadership role in trying to cope with the extremely significant problems that could be posed by the Year 2000 problems.

The Year 2000 Readiness Act before us today is another in a series of bills aimed at fashioning a national strategy for curing this well known millennium bug. As all Members are now aware, this glitch threatens national disruptions in the entire computer grid, and this in turn could very adversely affect everything from the power supply to all financial transactions, and so I am happy to be a cosponsor of this legislation, the passage of which is now not objected to by the White House.

Additionally, I would point out that this bill is a bipartisan effort in which most of those Members who are heavily involved in Year 2000 issues have joined. Two weeks ago we enacted S. 2392, the Year 2000 Information Disclosure Act, a mirror of legislation which a number of us had cosponsored in July as H.R. 4355. That legislation set the stage to allow groups like the Institute of Electronic and Electrical Engineers to post massive bulletin boards on the Internet to let millions of computer users know about the millennium bug defects. Instead of tedious, expensive and time consuming searches for information on how to cure their computers, the business and consuming public can now quickly and efficiently locate and begin to fix their problems.

The currently pending measure lays out a further strategy which strengthens the role of the President's Year 2000 Conversion Council in dealing with the domestic and international situation. Under John Koskinen the council in the Executive Office of the President is doing yeoman work to banish the Y2K threat from our systems. The legislation also points the way toward improved performance reviews at all levels without imposing inflexible standards on the council to achieving such estimates. With these tools the council can measure, as it sees fit, how serious the inevitable shortfalls in preparation for the beginning of the next millennium might be and make contingency plans to meet them.

While the bill itself is very meritorious, I want to point with some satisfaction to the bipartisan way it has been developed. I know the Year 2000 problem has always contained the seeds of a partisan division. Next year it will become a very hot issue as questions of liability, insurance and fault for Y2K failures emerge as we draw closer to the various deadlines. A number of cases have already been filed. My sincere hope is that this spirit of working together in the national interest, as we have in this bill, will continue to pervade the Y2K effort, and with the passage of this bill we move another step in the direction of preserving this spirit.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the comments of the gentleman from New York (Mr. LAFALCE). This is a good example of bipartisanship in the best interests of the American people.

Mr. Speaker, I yield 6 minutes to the very distinguished gentleman from Iowa (Mr. LEACH), who chairs the Committee on Banking and Financial Services ever so ably and has always been a mentor of mine.

Mr. LEACH. Mr. Speaker, I thank the gentlewoman from Maryland for yielding this time to me.

Mr. Speaker, I also rise in support of the Year 2000 Preparedness Act, and I would like to commend the chairwoman of the subcommittee, the gentlewoman from Maryland (Mrs. MORELLA), as well as the ranking member, the gentleman from Michigan (Mr. BARCIA), for bringing this bipartisan legislation to the floor. As one of the cosponsors of this new bill, I am pleased that it incorporates several aspects of H.R. 3968, the National Year 2000 Readiness Acts, which I introduced earlier this year along with my colleague on the other side of the aisle, the gentleman from New York (Mr. LAFALCE), as well as the chairmen of all five of the banking subcommittees.

There are over 20,000 financial institutions in the United States today. Millions of individuals as well as businesses depend as never before on technology, intensive banking and financial services. Americans are accustomed to timely access to their direct deposit paychecks and Social Security benefits. They use credit and debit cards for billions of dollars of commercial transactions each year, and most of us have long forgotten the days before we had easy access to 24-hour cash through ATMs.

We love the convenience of our 20th century technology. Unfortunately, as the American people are now coming to realize, our dependence on that technology has left us vulnerable to the Year 2000 computer bug. Because of this challenge, the Committee on Banking and Financial Services has held five hearings on the problem this year. During the course of our work the committee has broadened the authority of Federal thrift and credit union supervisors to examine data service providers for Year 2000 readiness and approve legislation to direct the Federal financial regulatory agencies to hold seminars for financial institutions and to provide model approaches for dealing with the year 2000 problem.

The good news is that after the establishment of timetables and benchmarks the five Federal financial regulatory agencies have testified that the vast majority of banks, thrifts and credit unions had earned satisfactory ratings during the first round of Year 2000 exams. Nevertheless, the Year 2000 issue remains not only a significant safety and soundness problem for banks, but unless comprehensively dealt with a potential precipitator of a global recession. While there is no guarantee that 100 percent of our financial institutions will be 100 percent compliant, Americans can be assured that their deposits in federally-insured financial institutions are protected up to the statutory limit in the event of a Year 2000 computer glitch.

There is no reason for the average American to panic and put savings in mattresses. Indeed, there has never been a greater case to save in secure federally-insured institutions.

While it would be irrational to assume that regulators will be on top of every detail of bank compliance, the Committee on Banking and Financial Services and numerous other committees of this body are doing everything we can to assure the public that their interest in welfare of the highest priority and that Year 2000 accountability is expected. When we first started working with Federal financial regulators on the issue, there was a great deal of discomfort among the agencies about their roles in the oversight intrusion of the Congress in this process. However, we strived to establish a constructive and cooperative relationship and believe that ultimately this oversight process is motivating parts of the government and private sector which may have been behind to catch up.

Clearly a great deal is being done to get the banking industry ready for the Year 2000. More than any other sector of our economy, financial institutions are being held accountable for performance and Year 2000 goals and timetables. However, it is not clear how well some of the other critical infrastructures are doing. We have a highly inter-dependent economy at home and abroad. Financial institutions are critically dependent on power and telecommunications infrastructures to deliver services to customers. A serious Year 2000 problem in any infrastructure industry will quickly become a Year 2000 problem for other industries.

We cannot let that happen. As with the banking industry, we need clear goals and measures for each critical infrastructure to build confidence that each is fixing the most important problems and each is achieving these goals in a timely fashion.

It was to address this concern that my colleague the gentleman from New York (Mr. LAFALCE) and I introduced the National Year 2000 Readiness Act to require the President's Year 2000 Conversion Council to assess the status of the nation's critical infrastructures and to develop a national strategy to make sure these infrastructures are up and operating when we get to January 2000. Unfortunately, the chairman of the President's Conversion Council had objections to aspects of this initiative.

I disagreed with the council chairman's objections and am pleased that despite these objections, the spirit of the critical infrastructure initiatives is incorporated in a strong sense of Congress language in this bill. I would like, however, to take a moment to address the council chairman's objections because I believe it goes to the character of leadership and would like to read a portion of a letter I received from the council chairman which represents one of the starkest denials of public accountability I have seen in my 20 years in Congress. The sentence reads:

> I think it unwise at this time for Congress to indicate that it and Executive Branch assume direct responsibility for failures in the private sector. That is not the precise purpose of our legislation, but administration concerns reveal a lot. It wants to avoid at all cost accountability for a problem that has huge public ramifications.

Mr. Speaker, we have here a contrast of two styles of leadership, that of the gentlewoman from Maryland (Mrs. MORELLA) on the one hand along with Mr. BENNETT in the Senate, and the other we have the President's representative who wants to avoid the establishment of potentially embarrassing public accountability. Leadership obligations should not and cannot be ducked. This bill, while modest in scope, is designed to establish greater private sector awareness and public sector accountability for a profound problem. I urge my colleagues to give it their unanimous support.

Mr. BARCIA. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH), who has expended a great amount of time and energy on this issue and who also is the ranking member on the Subcommittee on Government Management, Information and Technology.

Mr. KUCINICH. Mr. Speaker, I want to thank my colleague the gentleman from Michigan (Mr. BARCIA) for recognizing me and also thank my counterpart, the chairman of the Subcommittee on Government Management and Information Technology, the gentleman from California (Mr. HORN), for the many long hours that we have worked together on this matter. Chairman HORN has been exemplary in his willingness to carry this issue forward on behalf of the American people as well as, of course, the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Iowa (Mr. LEACH) and the other Members of Congress who have been very concerned about this. So I am pleased to join my colleagues today in supporting H.R. 4756, the Year 2000 Preparedness Act of 1998.

□ 1300

This legislation represents a measured but effective step in the continuing efforts of Congress and the Clinton Administration to prepare for the Year 2000 computer problem.

I am also pleased at the bipartisan fashion in which this bill was developed. The Y2K problem is a serious threat to our economy and could have a large impact on the government and the private sector. We have heard the discussions throughout the last year about the potential impacts on communications, on utilities, on transportation, on finance. Safety, public services, consumer products all could be affected. If we are to solve the Y2K problem, it must be done in a bipartisan fashion. It must not, cannot, become purely political.

The next 15 months will be a challenge to the government, the public sector and the private sector, and we need to work together cooperatively in a manner analogous to the networking which computer systems allow.

Our ability to meet the Y2K task, Mr. Speaker, is not just a technical challenge, it is a social one, which requires us, perhaps as never before, to work together for the common good; together, not just as Democrats and Republicans, but as Americans, concerned that our country be prepared for the Year 2000.

In a sense, the Y2K problem represents a crisis in linear thinking, in the reliance of our society on boolean algorithms to design our world, a placing of our technical inventions superior to the slower human systems, instead of the old fashion reliance on the American heart, of people working together, of human interaction, of cooperative pursuits as one Nation.

As the new millennium dawns, Y2K gives us a new opportunity to review questions of how our society is structured, of what is important, of what is essential to our Nation, to our families and to ourselves. As we grapple with Y2K, perhaps we will also grapple with the dichotomized thinking which creates the conflict which slows a fast resolution not only of our technical problems, but of our social, political and economic ones as well.

So as we enter a new millennium, we are challenged to shift not only our clocks and our computers, but our thinking, the way we look at the world and the way we look at each other. We are challenged to create new thinking which leaps over the prophesies of doom, which are often self-fulfilling, and create a new epic which is all-fulfilling for the social, economic and political progress of every human being.

So as we move forward with this legislation, I would like to thank my colleagues, the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Michigan (Mr. BARCIA), the gentleman from California (Mr. HORN) and the gentleman from Iowa (Mr. LEACH) for their hard work on this legislation.

I would like to thank John Koskinen for his efforts to help shape the final bill. Because Mr. Koskinen and my colleagues in Congress were able to compromise and work together, the result is a solid piece of legislation which will help the Clinton administration solve the Y2K problem, to at least get a good start towards resolving it.

The Clinton Administration has been working hard on the Y2K problem to prevent damage to our economy, and I support this bill because I believe it will help them do that. The legislation contains new provisions that will assist the Small Business Administration in reaching out to small businesses and helping them to solve Y2K problems.

It also requires the Secretary of Commerce to develop consumer awareness to inform and educate consumers as to the potential Y2K problem. By educating our consumers and assisting small businesses, this legislation will go a distance towards helping prevent long-term Y2K problems.

We have much to do in order to solve Y2K before January 1, 2000. This legislation is a beginning. I thank the Speaker and the Members of Congress for their participation on it.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) not only for his statement, but for the kind of passion he has shown with regard to solving this particular problem.

Mr. Speaker, I am very happy to yield four minutes to the gentleman from California (Mr. HORN), who not only chairs the Subcommittee on Government Management, Information and Technology, but is my cochair on the Year 2000 Computer Problem, and as one who has created the agencies, the professorial facet of Mr. HORN comes through in his precision.

Mr. HORN. Mr. Speaker, I thank the gentlewoman from Maryland (Chairman MORELLA) and the gentleman from Iowa (Chairman LEACH), and the ranking Members, the gentleman from Michigan (Mr. BARCIA), the gentleman from New York (Mr. LAFALCE) and the gentleman from Ohio (Mr. KUCINICH).

This is truly a bipartisan effort. It is nonpartisan. It is the old story of the city manager movement. Garbage is not Democrat or Republican, it simply has to be removed from the streets, and that is exactly the way we have all worked together on this.

I particularly appreciate the input made by Assistant to the President John Koskinen, who is coordinating this effort within the Executive Branch. This legislation is designed to be helpful, not just to add another report. Afterall, we just rid ourselves of 132 of them a few minutes ago.

Let me note a few findings that the Subcommittee on Government Management, Information and Technology found in its report that was approved by the full committee last week and will be printed this week.

The Federal Government is not on track to complete necessary Year 2000 preparations before January 1, 2000.

Some state and local governments are lagging in Year 2000 repairs and in many cases lack reliable information on their Year 2000 status. The Year 2000 status of basic infrastructure services—including electricity, telecommunications, water and sewage—is largely unknown. Embedded microchips are difficult to find, difficult to test, and can lead to unforeseen failures. These are just a few of many findings that one could note.

Let me tell you why this is urgent. Some people say, "Oh, well, it isn't a serious matter. We will struggle through it," and so forth and so on. One ambassador of a very progressive country in Europe told me that two months ago. He is just wrong. On January 1, 2000, they will wake up in his country and find they have great difficulties.

Let me tell you what we already know. In terms of our staff and the General Accounting Office that has been so helpful on this, the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform and Oversight projects that four departments and agencies will not be ready at the current rate of progress for the 21st Century. One will not conform until the year 2023. That is the Agency for International Development. The Department of Justice and the Department of Education will not conform until 2030. That is unacceptable.

Let me tell you about the NORAD blackout. NORAD is the North American Air Defense Command. The potential problem was demonstrated by a simulated test in 1993. Out of curiosity, the technicians rolled the dates up to January 1, 2000. The result was a total system blackout.

Vendor information—private software vendors cannot always be relied on—and an audit report of the Department of Defense Inspector General noted "because vendor claims on the compliance of commercial off-the-shelf products can be incomplete or erroneous, the information may have little real value to system management and technical staff."

Then we get into the Russian situation. I am delighted to see that Secretary of Defense Cohen has been working with the Russians on this, and it is so right that he does, because there are great difficulties with a lot of their missiles and with a lot of their launchers because of the embedded chips they use. We need to share with them how we are dealing with Year 2000 conformity to make sure there are no errors.

Mr. Speaker, I thank the gentlewoman from Maryland (Chairman MORELLA) for yielding me time. This is a worthwhile measure, and it ought to be approved overwhelmingly by the House.

Mr. BARCIA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the American people are counting on all of us to correct the Year 2000 computer problem. By working with the President and by passing this bill, I think we can begin to move toward achieving that goal. We only have 450 days left before January 1, 2000. So I urge my colleagues to support this important bipartisan, nonpartisan House Year 2000 task force legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4756, as amended.

The question was taken.

Mr. BARCIA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXECUTIVE BRANCH TRAVEL REPORTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4805) to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes.

The Clerk read as follows:

H.R. 4805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTS ON TRAVEL OF EXECUTIVE BRANCH OFFICERS AND EMPLOYEES.

(a) REPORTS TO DEPARTMENT OF STATE.—(1) Except as provided in paragraph (2), each officer and employee of an Executive Branch agency who travels abroad to attend an international conference shall submit to the Director of the Office of International Conferences of the Department of State a report with respect to such travel under subsection (b) not later than 30 days after the completion of such travel.

(2) Paragraph (1) shall not apply in the case of travel by the following:

(A) The President.

(B) The Vice President.

(C) Any officer or employee who is—

(i) carrying out an intelligence or intelligence-related activity;

(ii) performing a protective function; or

(iii) engaged in a sensitive diplomatic mission.

(b) REPORT.—Each report under subsection (a) shall set forth the following:

(1) The name and agency of the officer or employee concerned.

(2) The duration and cost of the travel involved.

(3) The name of the official who authorized the travel.

(c) BIANNUAL REPORTS TO CONGRESS.—(1) Not later than April 1, 1999, and every six months thereafter, the Director shall submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives a report regarding the travel covered by the reports submitted to the Director under subsection (a) during the six-month period ending on the date of the report under this paragraph.

(2) Each report under paragraph (1) shall set forth with respect to the period covered by such report the following:

(A) The names and agencies of the officers and employees who traveled abroad to attend an international conference during such period.

(B) Each official who authorized the travel covered by subparagraph (A) and the total number of officers and employees whose travel was authorized by such official.

(C) The total cost of the travel covered by subparagraph (A).

(d) ANNUAL REPORTS TO CONGRESS.—Not later than six months after the date of enactment of this Act, and annually thereafter, the President shall submit to the committees referred to in subsection (c) a report setting forth—

(1) the total expenditures by the Federal Government on all official travel abroad by each Executive Branch agency during the preceding fiscal year; and

(2) the total number of officials, officers, and employees of each such agency who engaged in such travel during that fiscal year.

(e) DEFINITIONS.—In this section:

(1) The term "Executive Branch agency" has the meaning given the term "Executive agency" in section 105 of title 5, United States Code, except that the term also includes the Executive Office of the President but does not include the General Accounting Office.

(2) The term "international conference" means any meeting held under the auspices of an international organization or foreign government at which representatives of more than two foreign governments are expected to be in attendance and to which one or more Executive Branch agencies will send an aggregate of 10 or more representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1995 I traveled to Beijing, where I cochaired the Congressional delegation, along with my good friend and colleague the gentlewoman from Maryland (Mrs. MORELLA) to the Fourth World Conference on Women.

I had many reactions to the conference, but one of the most vivid impressions was how difficult it was to get straight answers to some of the most basic questions, such as who was running the conference and who was paying for it. One of the very hardest things to find out was the exact cost to the American taxpayer.

At the time of the Beijing conference itself, we knew only that the State Department's total annual budget for international conferences that year was $6 million, and most of the amount was budgeted for smaller and less extravagant international meetings. So our participation in Beijing should have cost perhaps $1 million, certainly no more.

Yet the facts on the ground were very different. It took five months and a GAO report to Congress to learn the true extent of U.S. costs on the Beijing conference. It turned out to be $5.9 million, spread out among the budgets of 13 different Federal agencies and the White House. The State Department's reported expenditures were just under $1 million, but they comprised only about one-sixth of the total cost to the U.S. taxpayer.

Mr. Speaker, the bill we are considering today would ensure that Congress and the taxpayers have complete and accurate information on what it costs to send Federal officials and employees overseas to international conferences, no matter what the subject is. The bill is similar to an amendment introduced by Senator JOHN ASHCROFT which was ultimately included in H.R. 1757, the Foreign Affairs Reform and Restructuring Act.

The bill takes a moderate balanced approach to the problem. It imposes no unreasonable reporting requirements on the administration. In fact, the bill reflects many of the administration's own suggestions for improving the provision during the conference on H.R. 1757. For instance, the bill requires no reports on travel to international conferences by the President, the Vice President or Federal officials or employees carrying out intelligence-related activities or performing protective junctions or engaged in sensitive diplomatic missions.

Other Federal officials and employees attending international conferences, and they comprise the vast majority, would be required to report their expenses, the duration of the travel and the name of the authorizing official. The reports will be submitted to the State Department's Office of International Conferences, and the department will file a report to the Congress every six months. So this legislation would help the State Department, as well as Congress and the American people, get a handle on who the various Federal agencies are sending to international conferences.

Mr. Speaker, U.S. participation in international conferences in many cases is useful and necessary, but it should not take a GAO report to Congress to find out who we are sending and how much it costs.

I think Senator ASHCROFT should be thanked for this very important initiative, and I also want to thank the gentleman from New York (Mr. GILMAN), the chairman of the full Committee on International Relations, the gentleman from Indiana (Mr. HAMILTON), the ranking member of the full committee, Senator HELMS, Senator GRAMM and Senator BIDEN and others for their contributions and their staffs as this was being shaped during the conference on H.R. 1757.

This a good resolution. Hopefully it will have the full support of the body.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill. I want to commend the gentleman from New Jersey for bringing the bill forward. I think it is a worthy initiative.

Every year Executive Branch officials and employees attend international conferences all over the world. Attendance at these conferences is important to the interests of the United States. At this time we have no comprehensive system in place for keeping track of who goes where, for how long, what they learned and how much they spent.

☐ 1315

This bill sets out a travel reporting system that would require three sets of reports. First, an individual or official attending an international conference would file a report with the State Department. Second, the State Department files a biennial report with the Congress. Finally, the President submits an annual report to Congress on travel by executive branch officials.

All of us, I think, agree that transparency is laudable. Nonetheless, we should recognize that the bill imposes a considerable administrative cost and burden. I would have favored getting a cost estimate on the bill. Despite this reservation, I think this is a good bill. I urge my colleagues to join me in support of it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to rise in support of H.R. 4085. I want to commend the sponsor of this measure, the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights. This worthy bill is designed to obtain important data on the widespread attendance of executive branch employees at numerous international conferences.

Excessive attendance at overseas conferences is well-known, and it is also costly. This measure requires the administering office at the State Department to be formally notified by any agency expecting to send an employee to an international conference. It also will provide the agencies, and particularly our State Department, with information to better manage excessive attendance at such conferences, and to be able to receive extensive information on what occurred at the conference.

A one-time report to Congress will also assure that we have an accounting of this kind of travel. Accordingly, I urge support for this measure.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4805.

The question was taken.

Mr. HAMILTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONCERNING PROPERTIES WRONGFULLY EXPROPRIATED BY FORMERLY TOTALITARIAN GOVERNMENTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 562) concerning properties wrongfully expropriated by formerly totalitarian governments.

The Clerk read as follows:

H. RES. 562

Whereas totalitarian regimes, including Fascist and Communist dictatorships, have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership, including ownership of real, personal, business, and financial property, by individuals and communities;

Whereas the confiscation of property without compensation by totalitarian regimes was often designed to victimize people because of religion, ethnicity, national or social origin, or opposition to such regimes;

Whereas certain individuals and communities twice suffered the taking of their properties without compensation, first by the Nazis and their collaborators and next by subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties, as well as properties such as hospitals, schools and orphanages owned by religious communities, were destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious people and dismantling religious communities;

Whereas refugees from communism, in addition to being wrongfully deprived of their property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating States of the Organization for Security and Cooperation in Europe have agreed to achieve or maintain full recognition and protection of all types of property, including private property, and the right to prompt, just and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, the Caucasus, and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the wrongs of previous totalitarian regimes;

Whereas many countries in Central and Eastern Europe have enacted laws providing for the restitution of properties that were illegally or unjustly seized, nationalized, confiscated, or otherwise expropriated by totalitarian regimes;

Whereas legal or administrative restrictions that require claimants to reside in, or be a citizen of, the country from which they seek restitution of, or compensation for, wrongfully expropriated property are arbitrary, discriminatory, and in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures, and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes the efforts of many formerly totalitarian countries to address the complex and difficult question of the status of wrongfully expropriated properties;

(2) urges countries which have not already done so to return wrongfully expropriated properties to their rightful owners or, when actual return is not possible, to pay prompt, just and effective compensation, in accordance with principles of justice and in a manner that is just, transparent and fair;

(3) calls for the return of wrongfully expropriated properties to religious communities;

(4) calls on Croatia, the Czech Republic, Latvia, Lithuania, Romania, Slovakia, and any other nation whose laws or regulations limit restitution or compensation for wrongfully expropriated properties to persons who reside in, or are citizens of, the country from which restitution or compensation is sought, to remove such restrictions; and

(5) urges formerly totalitarian countries to pass and effectively implement laws that provide for restitution of, or compensation for, wrongfully expropriated property.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and the ranking member of my subcommittee, the gentleman from California (Mr. LANTOS), for working with me and with my friend and colleague, the gentleman from Indiana (Mr. HAMILTON) to help bring this resolution to the floor.

Mr. Speaker, House Resolution 562 addresses the difficult subject of claims arising from uncompensated property confiscation by totalitarian regimes in Central and Eastern Europe.

House Resolution 562 stemmed from a Helsinki Commission hearing that I held in 1996 that examined the efforts underway to restore plundered properties in Central and Eastern Europe. One of the witnesses at that hearing explained that under the international law and practice, the U.S. government is only able to seek compensation from foreign governments on behalf of property claimants who were American citizens at the time that their property was taken.

In contrast, claimants who were not American citizens when their property was taken have at their disposal only the domestic law of their former country, even if they later became naturalized American citizens.

Mr. Speaker, this resolution urges countries to pass laws that will commit their governments to return plundered properties to their rightful owners, or, when actual return of property is not possible, to provide prompt, just, and effective compensation.

This compensation language derives from the Bonn agreement on the Conference on Security and Cooperation in Europe in which the participating states, including those in Central and Eastern Europe, recognized the "right to prompt compensation in the event private property is taken for public use." This resolution also urges countries that have adopted restitution and compensation laws to implement those laws effectively and expeditiously.

By adopting this resolution, Mr. Speaker, the Congress will lend its voice and persuasive power to that of the Council of Europe and the European Parliament, which have both passed strongly-worded and similarly-worded resolutions calling on the countries of Central and Eastern Europe to adopt legislation for the restitution of plundered properties. I hope this will have the full support of the body.

Mr. Speaker, I thank the Chairman of the International Relations Committee, Mr. GILMAN, and the Ranking Member of my Subcommittee, Representative TOM LANTOS, for working with me to bring this resolution to the floor. Similar legislation was introduced in the 104th Congress, reintroduced in this Congress, and offered as an amendment to the foreign relations authorization bill which has not been passed by the Congress. H. Res. 562 is cosponsored by my colleagues Mr. GILMAN, Mr. LANTOS, Mr. HYDE, Mr. ROHRABACHER, and Mr. FOX, and by my fellow members of the Helsinki Commission: Mr. CHRISTENSEN, Mr. HOYER, Mr. SALMON, and Mr. MARKEY.

Mr. Speaker, H. Res. 562 addresses the difficult subject of claims arising from uncompensated property confiscations by totalitarian regimes in Central and Eastern Europe. Throughout much of this century, individuals and religious communities in Central and Eastern Europe saw their private property plundered by totalitarian regimes. In particular, Communist regimes expropriated real property, personal property, financial property, business property, and religious property in fulfillment of a main tenet of communism—the abolition of private property. Moreover, Communist-era expropriations often compounded Fascist-era wrongs. The restitution of property in Central and Eastern Europe today has a multitude of possible effects: restitution will demonstrate a commitment to the rule of law, will advance these countries in the establishment of free market economies, will encourage foreign investment, will help the newly-democratic regimes distance themselves from their totalitarian predecessors, and will provide a measure of justice to the victims of fascism and communism.

H. Res. 562 stemmed from a 1996 Helsinki Commission hearing that examined the efforts underway to restore plundered properties in Central and Eastern Europe. Our witnesses at that hearing—Stuart Eizenstat, then the Under Secretary of Commerce for International Trade and the U.S. Special Envoy for Property Claims in Central and Eastern Europe, and Delissa Ridgway, the then-Chairwoman of the Foreign Claims Settlement Commission—explained that under international law and practice, the United States Government is only able to seek compensation from foreign governments on behalf of property claimants who were American citizens at the time their property was taken. Under one common scenario, the United States obtains payment of such claims by having the Secretary of State, on behalf of the President, negotiate a government-to-government settlement agreement that settles a block of claims by American citizens against the foreign government in exchange for a lump-sum payment from the foreign government to the United States. Before or after such a settlement is reached, the Foreign Claims Settlement Commission (FCSC)—an independent, quasi-judicial Federal agency within the Department of Justice—determines the validity and valuation of property claims of U.S. nationals against that foreign government. The FCSC informs the Secretary of the

Treasury of the results of the FCSC's adjudications and the Secretary of the Treasury then distributes funds from the lump-sum settlement on a pro rata basis to the U.S. nationals that obtained awards from the FCSC.

In contrast, claimants who were not American citizens when their property was taken have at their disposal only the domestic law of their former country, even if they later became naturalized American citizens. Considering these realities, Congress has a role in helping enable these dispossessed property owners to file claims in their former homelands with a real possibility of achieving a just resolution.

Since that 1996 hearing, the Helsinki Commission has actively encouraged the governments in Central and Eastern Europe to adopt nondiscriminatory property restitution laws and has sought to intervene on behalf of several claimants whose rights under existing restitution and compensation laws are not being respected. While some progress has been made, the Helsinki Commission nonetheless continues to receive hundreds of letters from American and foreign citizens with unresolved property claims in Central and Eastern Europe. The writers plead for help from the Helsinki Commission and from Congress. Many have been struggling for seven or eight years to regain possession of their family properties. Many are elderly and are losing hope that they will ever recover their property.

The issues addressed by this resolution are timely and, Mr. Speaker, they demand our attention. Some countries in the region have not yet adopted restitution or compensation laws. In those that have, certain requirements imposed on claimants involve so many conditions and qualifications that something just short of a miracle seems necessary for the return of any property.

In Communist countries, expropriated properties were often given to Communist party officials or collaborators. In many cases, these former officials still live in the properties. Regrettably, a number of the democratic governments now in place are stalling and delaying the return of those properties to their rightful owners. Worse yet, some governments are offering meager compensation to the rightful owners and then allegedly reselling the properties for a profit that the State then pockets.

The resolution urges countries to pass laws that will commit their governments to return plundered properties to their rightful owners or, when actual return of property is not possible, to provide "prompt, just and effective compensation." This compensation language derives from the Bonn Document of the Conference on Security and Cooperation in Europe (now the Organization on Security and Cooperation in Europe) in which the participating States, including those in Central and Eastern Europe, recognized the "right to prompt compensation in the event private property is taken for public use." The resolution also urges countries that have adopted restitution or compensation laws to implement those laws effectively.

Several examples help illustrate the state of affairs in Central and Eastern Europe with respect to property restitution. The Helsinki Commission staff met recently with a group known as the Committee for Private Property that has collected information from more than fifteen hundred people with outstanding restitution claims in Romania. Most of these claimants are American citizens—hundreds of whom filed legal claims in Romania and followed the proper judicial process to obtain decrees reinstating their property titles. After obtaining what they believed to be final and irrevocable decrees, the property owners began paying taxes on their properties or, in at least one case, thousands of dollars due on an old mortgage, only to have the Romanian Special Prosecutor appeal the cases to the Supreme Court and win reversals of the judicial decisions.

On the other hand, some positive advancements have been made in regard to communal property restitution in Romania. In April 1997, the Romanian Government adopted a resolution restoring Jewish community ownership rights over six buildings, including the National Jewish Theater, and issued a May 1997 decree that established a committee with joint government and community participation to review communal property claims. This past June, the Romanian Government pledged to return an additional seventeen buildings to several minority ethnic communities. These efforts are positive steps forward in the restitution of more than three thousand communal properties, such as orphanages, cultural centers, apartment buildings, ethnic community centers, and houses of worship, lost by religious and minority communities under communism. Regrettably, however, legislation to return properties to the Greek Catholic Church was blocked in Romania's parliament last year and has yet to be enacted.

Another group, American Owners of Property in Slovenia, has also contacted the Commission about property claims. This group estimates that a least 500 emigres from the former Yugoslavia are now American citizens with property claims in Slovenia. Despite clear mandates in Slovenia's restitution and compensation law requiring action on filed claims within one year, government officials have not implemented the law; the vast majority of claims remain pending without resolution seven years after the law was passed and five years after the filing deadline. Of the approximately 40,000 applications filed by the 1993 deadline, only 35 percent of the individual claims filed had been resolved by the end of 1997; sixty-five percent of the claims had received no action or only dilatory action. The Slovenian Government has not shown the political will to return property and has failed to take the administrative measures needed to implement the legislation. Moreover, it is of particular concern that this past September, the Slovenian parliament adopted amendments to its restitution law that contain numerous provisions that may further restrict the ability of victims of the Communist regime to regain ownership and access to their properties.

Similarly, in Lithuania, despite enactment of a restitution and compensation law, Lithuanian Government officials also appear disinclined to return properties. Property claimants there encounter a variety of roadblocks to restitution, including citizenship requirements, unreasonable bureaucratic delays, and the sudden, suspicious inclusion of claimed properties on an official "Register of Immovable Cultural Properties" as the basis for non-restitution. In one case, Mr. Vytautas Sliupas, an American with dual Lithuanian citizenship, has struggled for seven years to regain ownership and possession of inherited property in Palanga, Lithuania. One building is controlled by the Ministry of Culture and Education and is reportedly used by the National Museum of Lithuania primarily as a vacation site for Museum personnel The second property is controlled by the City of Palanga and is rented to a commercial entity. These properties belong to Mr. Sliupas' family and were nationalized, without compensation, by the Communist regime. In 1993, the Minister of Culture and Education issued an official letter stating that the Ministry agreed to return the first property to Mr. Sliupas. In 1997, the City of Palanga passed a resolution to return the second property to Mr. Sliupas. Nonetheless, the groups occupying the properties have failed to comply with the orders to vacate. Mr. Sliupas has sought unsuccessfully to obtain the assistance of various government entities, including the courts, in enforcing his right to regain possession of these properties. The Lithuanian Government recently informed the Helsinki Commission that the property has been placed on the Register of Immovable Cultural Properties and, therefore, cannot be restituted to Mr. Sliupas.

In Croatia, the Czech Republic, Lithuania, Romania, Slovakia, and other countries, the existing restitution and compensation laws only allow people who are currently residents or citizens of the country to apply for restitution. The Czech Republic's citizenship requirement discriminates almost exclusively against individuals who lost their Czech citizenship because they chose the United States as their refuge from communism; as many as 8,000–10,000 Czech-Americans are precluded from even applying for restitution or compensation because of this requirement. Citizenship and residency requirements have been found to violate the nondiscrimination clause of the International Covenant on Civil and Political Rights, an international agreement that these countries have voluntarily signed onto, and yet the countries mentioned have been unwilling to eliminate the restrictions. The resolution calls on these countries to remove citizenship or residency requirements from their restitution and compensation laws.

Mr. Speaker, the examples given only begin to show the obstacles faced by property claimants in formerly totalitarian countries. This past August, Stuart Eizenstat—now the Under Secretary of State or Economic, Business and Agricultural Affairs and the U.S. Special Envoy for Property Claims in Central and Eastern Europe—testified before the International Relations Committee about the need for Congress to pass a resolution that encourages Central and East European countries to return wrongfully expropriated property. While that hearing focused on Holocaust-era assets, in reality many Holocaust victims who suffered the loss of their property at the hands of the Nazis were victimized again by Communist regimes. I comment Under Secretary Eizenstat for his tireless efforts on behalf of Holocaust victims and I hope that the Untied States Government will make property restitution and compensation a priority in Central and Eastern Europe—as it has done in Cuba, Nicaragua and other countries.

By adopting this resolution, the Congress will add its voice and persuasive power to that of the Council of Europe and the European Parliament which have both passed strongly worded resolutions calling on the countries of Central and Eastern Europe to adopt legislation for the restitution of plundered properties. For the record, I would ask that a reference list of provisions, form international law and agreements, relating to property rights and the restitution of property be printed following my statement.

H. Res. 562 signals the countries of Central and Eastern Europe that the United States is concerned with the urgent return of plundered property to individuals and religious communities. I urge my colleagues to support H. Res. 562 and to join me and the other cosponsors of this resolution in pressing for a fair, timely and just property restitution and compensation process in formerly totalitarian countries.

Mr. Speaker, I include the following materials relating to this resolution:

Non-discrimination Clause of the International Covenant on Civil and Political Rights

Article 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

Excerpts From Decisions of the U.N. Human Rights Committee (Established by the International Covenant on Civil and Political Rights) Concerning Citizenship & Residency Requirements in Property Restitution Laws

Simunek v. *Czech Republic*, Human Rights Comm., U.N. Doc. CCPR/C/54/D/516/1992 (1995):

In the instant cases, the [property claimants] have been affected by the exclusionary effect of the requirement in Act 87/1991 that claimants be Czech citizens and residents of the Czech Republic. The question before the Committee, therefore, is whether these preconditions to restitution or compensation are compatible with the non-discrimination requirement of article 26 of the [International] Covenant [on Civil and Political Rights]. Id. at para. 11.5.

The Human Rights Committee . . . is of the view that the denial of restitution or compensation to the [property claimants] constitutes a violation of article 26 of the International Covenant on Civil and Political Rights. Id. at para. 12.1.

Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that . . . the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within ninety days, information about the measures taken to given effect to the Committee's Views. Id. at para. 12.3.

Adam v. *Czech Republic*, Human Rights Comm., U.N. Doc. CCPR/C/57/D/586/1994 (1996).

In the instant case, the [property claimant] has been affected by the exclusionary effect of the requirement in Act 87/1991 that claimants be Czech citizens. The question before the Committee, therefore, is whether the precondition to restitution or compensation is compatible with the non-discrimination requirement of article 26 of the [International] Covenant [on Civil and Political Rights]. Id. at para. 12.4

The Human Rights Committee . . . is of the view that the denial of restitution or compensation to the [property claimant] constitutes a violation of article 26 of the International Covenant on Civil and Political Rights. Id. at para. 13.1.

Property Provisions in International Law & Agreements

Universal Declaration of Human Rights (United Nations General Assembly), Dec. 10, 1948

Art. 17: (1) Everyone has the right to own property alone as well as in association with others.

African [Banjul] Charter on Human and Peoples' Rights (Organization of African Unity), entered into force Oct. 21, 1986

Art. 14: The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

American Convention on Human Rights (Organization of American States), entered into force July 18, 1978

Article 21: (1) Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.

(2) No one shall be deprived of his property except upon payment of just compensation, for reasons for public utility or social interest, and in the case and according to the forms established by law.

(3) Usury and any other form of exploitation of man by man shall be prohibited by law.

European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe), entered into force Sept. 3, 1953.

No property provisions.

Protocol (No. 1) to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe), entered into force, May 18, 1954

Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Document of the Bonn Conference on Economic Cooperation in Europe (Conference on Security and Cooperation in Europe) April 11, 1990

The participating States, . . . [b]elieve that economic freedom for the individual includes the right freely to own, buy, sell and otherwise utilize property.

* * * * *

Accordingly the participating States, . . . [w]ill endeavour to achieve or maintain the following:

Full recognition and protection of all types of property including private property, and the right of citizens to own and use them, as well as intellectual property rights;

The right to prompt, just and effective compensation in the event private property is taken for public use;

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, June 29, 1990

The participating States reaffirm that . . . everyone has the right peacefully to enjoy his property either on his own or in common with others. No one may be deprived of his property except in the public interest and subject to the conditions provided for by law and consistent with international commitments and obligations.

Charter of Paris for a New Europe (Conference on Security and Cooperation in Europe) Nov. 21, 1990

We affirm that, . . . everyone also has the right: . . . to own property alone or in association and to exercise individual enterprise.

Resolution B4–1493/95 on the Return of Plundered Property to Jewish Communities (European Parliament), Dec. 14, 1995

The European Parliament,

A. recalling the first additional protocol to the European Convention on Human Rights (Paris 1952), and in particular Article 1 thereof, which stipulates that 'every natural person is entitled to the peaceful enjoyment of his possessions',

B. recalling the European Union's commitment to respect for and defence of human rights,

C. recalling the European Union's commitment to the duty of remembrance,

D. given the political upheavals in Central and Eastern Europe after 1989,

E. whereas certain countries of Central and Eastern Europe which have returned to democracy have ratified the European Convention on Human Rights (1950) by joining the Council of Europe,

F. given the twofold plundering of the property of Jewish communities, first under the regimes of the Nazis and their collaborators and then under the Communist regimes,

G. Aware that under the Communist regimes many other individuals of various origins, communities and religions and many organizations, notably Christian churches, were deprived of their property,

1. Welcomes the fact that certain Eastern European states, notably Hungary and Romania, have accepted the principle of justice and morality by agreeing to return the property of Jewish communities to its rightful owners;

2. Welcomes the fact that certain Central and Eastern European countries have apologized publicly for the crimes committed against Jews during the Second World War and have recognized their responsibilities in respect of these crimes;

3. Calls on all countries of Central and Eastern European which have not already done so to adopt appropriate legislation regarding the return of plundered property so that the property of Jewish communities may be returned to Jewish institutions, in accordance with the principles of justice and morality;

4. Asks also that all countries of Central and Eastern Europe which have not already done so adopt appropriate legislation for the return of other property plundered by the Communists or the Nazis and their accomplices to their rightful owners;

5. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the

Member States, the Council of Europe and the countries which have applied to join the European Union.

Resolution 1096 on Measures to Dismantle the Heritage of Former Communist Totalitarian Systems (Council of Europe Parliamentary Assembly), 1996

Para 10: The Assembly advises that property, including that of the churches, which was illegally or unjustly seized by the state, nationalized, confiscated or otherwise expropriated during the reign of communist totalitarian systems in principle be restituted to its original owners in integrum, if this is possible without violating the rights of current owners who acquired the property in good faith or the rights of tenants who rented the property in good faith, and without harming the progress of democratic reforms. In cases where this is not possible, just material compensation should be awarded. Claims and conflicts relating to individual cases of property restitution should be decided by the courts.

Resolution 1123 on the Honouring of Obligations and Commitments by Romania (Council of Europe Parliamentary Assembly), 1997

Para 12: The Assembly encourages Romania to settle the matter of return of confiscated or expropriated real estate, in particular to the churches, to political prisoners or to certain communities, with due regard to the principle of restitution in integrum or, failing that, to pay just compensation and secure free access to the court system for complainants.

Para 14: The Assembly therefore earnestly requests that the Romanian authorities:

* * * * *

iv. amend the legislation relating to the return of confiscated and expropriated property, particularly Act No. 18/1991 and Act No. 112/1995, so as to provide for the restitution of such property in integrum or fair compensation in lieu.

Simunek v. *Czech Republic*, Human Rights Comm., U.N. Doc CCPR/C/54/D/516/1992 (1995);

Adam v. *Czech Republic*, Human Rights Comm., U.N. Doc. CCPR/C/57/D/586/1994 (1996).

These two cases before the human Rights Committee ("the Committee"), established by the International Covenant on Civil and Political Rights, involved American citizens with property claims in the Czech Republic. In both cases, the Committee determined that while there is no right to property *per se* in the International Covenant on Civil and Political Rights, there is a right to non-discrimination pursuant to article 26 of the Covenant. In the case of the Czech restitution law, the Committee agreed that the provision requiring claimants to have Czech citizenship violates the Covenant's non-discrimination clause.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution, and I extend my appreciation to the gentleman from New Jersey (Mr. SMITH) and the chairman of the committee, the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. LANTOS), and others for their work on this bill. It is a worthy piece of legislation. The confiscation of community and personal property by governments based on an individual's religion, ethnicity, national or social origin, is wrong and it is degrading.

As we approach the beginning of the next century, we must work together to return property that was unjustifiably taken. This effort requires the continued cooperation of the governments of formerly Communist countries. It also requires the removal of residency restrictions which hinder efforts to return property to the true owners. This resolution deserves our support. I urge my colleagues to join me in voting yes on this important measure.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, House Resolution 562 expresses the sense of the House regarding properties wrongfully expropriated by formerly Communist governments in Central and Eastern Europe.

I want to thank our colleague, the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, for his ongoing commitment to these issues and for his sponsorship of this bill.

I also want to thank our ranking member, the gentleman from Indiana (Mr. HAMILTON) for his support of the measure.

As many of our colleagues know, under Communist rule, individual and communal property was brutally confiscated without any compensation. Religious communities were also severely affected, as were hospitals, schools, and orphanages that they operated. While many post-Communist nations are trying to address these problems by enacting property restitution laws, much still remains to be done.

Our Committee on International Relations recently conducted a hearing at which we heard about the successes and frustrations from Under Secretary of State Stewart Eisenstat.

H.Res. 562 welcomes the efforts of countries in Central and Eastern Europe to address the question of expropriated properties but urges countries which have not already done so to return these properties to their rightful owners. The bill also urges countries to pay compensation when the actual return of property is not possible.

H.Res. 562 specifically mentions Croatia, the Czech Republic, Latvia, Lithuania, Romania and Slovakia by calling on them to remove restrictions that limit restitution or compensation. This measure is also required to be transmitted to the President following its adoption and for his consideration.

It is important that countries involved in this issue understand their response is seen as a measure of their commitment to basic human rights, to justice and to the rule of law as one of several standards by which our Nation assesses its bilateral relationship with them. Those who perished, those who survived and their descendants deserve nothing less.

Accordingly, Mr. Speaker, I urge adoption of H.Res. 562.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I come to the floor this afternoon in support of this resolution. I wanted to also comment for the record about a particular concern that I have. My grandfather was a Slovak American and came from Slovakia. He came from a country that was dominated for a thousand years by other interests.

When I visited Slovakia last September, I visited some of their museums and their cultural heritage facilities and what stunned me is I found that many of the artifacts and cultural objects that were native to Slovakia were missing. I hope that when we talk about returning properties of people from former communist regimes that we can call on those who have expropriated cultural heritage objects from the Slovak Republic and native Slovakia to return them to their rightful owners.

Unfortunately, Slovakia was plundered under the various communist regimes and many of the artifacts and art and cultural objects disappeared.

In light of us passing this resolution, it would be my hope that we could do justice in also requesting that the Slovak people have returned to them things that are so precious to them. They had, again, years of domination by the communists. For many years, they had domination from communists in Prague and what is now the Czech Republic.

I also sent recently, October 10, a letter to His Excellency Vaclav Havel, the President of the Czech Republic, asking that they help expedite the return of some of these historic items from the Czech Republic.

I come to the floor in support of this effort to see that properties and other rightful objects are returned to their rightful owner; that we correct the injustices of the past, particularly under communist regimes.

I come to the floor also to congratulate the Slovak people on their recent elections, which will allow them with a new western leaning government, their rightful place in the community of free and independent nations. They have only been free since 1993. They gained their independence and now I hope with this movement by Congress today we can also have them retain their right title and ownership to properties that a country has been deprived of, a people have been deprived of, for many, many years under a communist totalitarian regime. I commend the authors of this legislation on both sides of the aisle.

Mr. Speaker, I include for the RECORD the letter of October 10.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 1998.

HIS EXCELLENCY, VACLAV HAVEL,
President of the Czech Republic,
The Embassy of the Czech Republic, Washington, DC.

DEAR MR. PRESIDENT: I am writing to request your assistance in securing the return to the Slovak Republic certain objects of art and cultural heritage that currently are in the care or possession and held with the authority of the Czech Republic.

With Slovakia's independence and status since 1993 in the community of free and recognized sovereign states, it is both proper and legal that objects of art and national Slovak cultural heritage be returned to the Slovak Republic.

For generations, Slovakia and the Slovak people have been dominated and ruled by other people.

Now it is only fair and just that art, paintings, sculptures, antiquities and culturally significant artifacts native to Slovakia be returned to the Slovak people.

I seek your personal intervention and remedial action to correct this situation. Hopefully these objects can be returned through a cooperative effort. If not, it will be my intention as a Member of the United States Congress to seek redress by legislative action in the 106th Congress. In that regard, my action may include a Congressional Resolution relating to the matter and/or legislative and appropriations action disapproving of future economic, military and financial assistance to your country.

I believe this to be a very serious matter that should also be raised by the United States Ambassador to the United Nations and to the appropriate international organizations and tribunals.

Hopefully we can work together to correct this injustice, identify and return art and antiquities rightfully belonging to Slovakia and amicably resolve this matter.

Respectfully,

JOHN L. MICA,
Member of Congress.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res 562.

The question was taken.

Mr. HAMILTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CALLING FOR FREE AND TRANSPARENT ELECTIONS IN GABON

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 518) calling for free and transparent elections in Gabon, as amended.

The Clerk read as follows:

H. RES. 518

Whereas Gabon is a heavily forested and oil-rich country on central Africa's west coast;

Whereas Gabon gained independence from France in 1960;

Whereas the Government of Gabon is involved in ongoing efforts to mediate regional conflicts;

Whereas Gabon is scheduled to hold national elections in December 1998 for the purpose of electing a President;

Whereas Gabon was subject to single-party rule until 1990;

Whereas the International Foundation for Election Systems (IFES) and the Africa America Institute (AAI) served as observers during the organization of the 1993 Presidential and legislative elections in Gabon and found widespread electoral irregularities;

Whereas the Government of Gabon is a signatory to the "Paris Accords" of 1994, approved by national referendum in July 1995, which provides for a state of law guaranteeing basic individual freedoms and the organization of free and fair elections under a new independent national election commission;

Whereas the people of Gabon have demonstrated their support for the democratic process through the formation of numerous political parties since 1990 and their strong participation in prior elections; and

Whereas it is in the interest of the United States to promote political and economic freedom in Africa and throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the Government of Gabon's ongoing efforts to resolve central African conflicts;

(2) recognizes and commends those Gabonese who have demonstrated their love for free and fair elections;

(3) commends the Gabonese Government for inviting IFES to perform a pre-election assessment study;

(4) calls on the Gabonese Government—

(A) to take further measures to help ensure a credible election and to ensure that the election commission remains independent and impartial; and

(B) to further welcome IFES, the National Democratic Institute, the International Republican Institute, or other appropriate international nongovernmental organizations to aid the organization and oversight of, the December 1998 Presidential election in Gabon, in an effort to ensure that these elections in Gabon are free and fair;

(5) urges the Government of Gabon to take all necessary and lawful steps toward conducting free and fair elections;

(6) calls on the international community to join the United States in offering their assistance toward conducting free and fair elections in Gabon;

(7) urges the United States Government to continue to provide support directly and through appropriate nongovernmental organizations to aid the organization of free and fair elections in Gabon; and

(8) urges the United States Government and the international community to continue to encourage the Government of Gabon to ensure a lasting and committed transition to democracy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, very appropriately, calls for free and transparent elections in Gabon, the election of which in 1993 was marred by serious irregularities according to the State Department's human rights report.

☐ 1330

The emergence of genuine democracy in Gabon would help stabilize the rest of Central Africa, a region which has suffered great instability in recent days. And I want to thank the gentleman from Florida (Mr. HASTINGS) for introducing this resolution and for working with the rest of the members of our Subcommittee on Africa in coming up with language that everyone can support.

In addition, the gentleman from California (Mr. ROYCE), chairman of our Subcommittee on Africa, has played an important role in bringing everyone together on this resolution, for which he deserves our thanks.

Accordingly, I urge my colleagues to support this worthy measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this resolution today to support and strengthen democracy and democratic forces in Gabon.

First, I would like to thank the gentleman from New York (Chairman GILMAN) and the gentleman from California (Chairman ROYCE) of the Subcommittee on Africa for expediting this measure and working with us to ensure that we could get this before the House before we exit today or tomorrow or whenever.

I would like to thank the distinguished gentleman from California (Mr. ROYCE) because he has been conscientious in more ways than one; not just about Gabon, but about all of Africa and the concerns of the Committee on International Relations.

Mr. Speaker, Gabon is well positioned to move forward to a stable and democratic nation. With a per capita income that is three times that of most nations of sub-Saharan Africa, a relatively high literacy rate, and a billion dollar oil industry, Gabon possesses all the necessary components for true democracy. However, despite these positive attributes, Gabon's elections have not always been transparent because of poor organization and poor execution.

While I commend the Government of Gabon for its ongoing efforts to resolve conflicts in Central Africa, I personally would like to encourage that government to take further steps in ensuring that the December presidential election is credible and that the commission remains independent and impartial.

This resolution gives the people of Gabon a chance to participate in free and fair presidential elections in December. It also calls on the international community to join the United States Government in offering their assistance toward conducting free and fair elections in Gabon, and urges the United States Government to continue to provide support, directly and through appropriate non-governmental organizations, toward free and fair elections in that nation.

Mr. Speaker, the Gabonese people have demonstrated their strong support for freedom and democracy through their participation in previous elections. Thus, I believe it is incumbent upon us as leaders of democracy to help the forces of freedom in Gabon institute true democracy.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for his eloquent support of this measure.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. ROYCE), chairman of our Subcommittee on Africa.

Mr. ROYCE. Mr. Speaker, I want to lend my support to this resolution, and I want to commend the work of its author, the gentleman from Florida (Mr. HASTINGS) my subcommittee colleague, as well as the other members of the Subcommittee on Africa who have worked on it.

This is a balanced resolution that sends a loud and clear message that the United States cares about democracy in Gabon. This is a country with which we have growing commercial ties, and it says that we are prepared to support democracy there.

This resolution points out some of the achievements of the government's democratic transition, and it points out some of the shortcomings, calling for the U.S. to help improve these conditions.

Ultimately, though, democracy is the responsibility of the Gabonese people. The government and democratic opposition will have to continue their work together so that fair and free elections are held and so that democratic aspirations are met. This resolution says that we care about these aspirations and are willing to help.

Mr. HASTINGS. Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL), a member of our Subcommittee on Africa.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I wish to commend the work of the gentleman from California (Mr. ROYCE), our chairman, in bringing this to the floor, along with the gentleman from New York (Chairman GILMAN), and the work of the gentleman from Florida (Mr. HASTINGS), my good friend and colleague who authored this resolution and who brought this issue to our attention, and with whom I am honored to play a subordinate role, but still a partnership role.

The resolution is well worth the time and concern of the American people. The purpose of the resolution is to make the message clear to the people of Gabon that the United States stands with them. We do not stand with any particular outcome of the election; we stand with the democratic process so that the people of Gabon might be free to express their preference in the process.

Secondly, to our good friend and long-time ally, the people of France, we wish to encourage them to encourage the democratic outcome. I view France as having a tremendous potential to doing good in Africa.

All we can accomplish, to be realistic, is to let the world know that we care, we do not turn ourselves away from the peoples of Africa, particularly at times when they are attempting a democratic resolution to the problems that have surfaced since they have come out of the Cold War period.

Gabon's democratic election, which we anticipate coming up this December, will be viewed by us with great interest. Those of us who devote our attention to African matters in this body will have a much easier time of convincing our colleagues to assist the peoples of Africa if that election goes as fairly and fully democratically as possible.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) for his intensive and extensive support of democracy in Africa, his continuing support, and for his eloquent remarks in support of this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT), a member of our Committee on International Relations.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I want to first of all say that exactly what was said by the gentleman from California (Mr. CAMPBELL) is the goal here. It is not a specific result of the process, but it is the process.

And as the gentleman from Florida (Mr. HASTINGS) has advanced this resolution, it is a resolution that hopes to see in this country, and in other countries in Africa, what we have seen over so much of the world in the last decade.

This truly, Mr. Speaker, been an extraordinary decade for democracy. In the last debate we heard about the democracy in Slovakia. We could talk about democracy in country after country in Eastern Europe. We could certainly talk about an incredible change in South America and in Central America in the last decade as democracy has held sway time and time again.

We need to stand for that same process in Africa. We need to stand not in opposition to any result or in favor of any result, but in favor of democracy. We need to stand as a beacon, as we have to so many other countries in the world, of support in their efforts to have the kind of freedom that is only possible with a true democratic process.

As the country of Gabon approaches what we hope will be a fair and free and open election in December, followed by what we hope will be the implementation of the results of that election, I just want to encourage my colleagues to support the resolution, and to thank the gentleman from New York (Chairman GILMAN) for all he has done in this Congress to encourage democracy all over the world, and to thank the gentleman from Florida (Mr. HASTINGS) for bringing this resolution forward.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank the gentleman from Missouri (Mr. BLUNT) for his extensive work on our Committee on International Relations, and for his continued interest in bringing democracy to countries throughout the world.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I merely wish to thank our cosponsors of this measure. The gentleman from California (Mr. CAMPBELL) has spoken, but he did extraordinary work in ensuring that we were able to expedite this resolution. I would like to mention the gentleman from New Jersey (Mr. PAYNE), the gentleman from California (Mr. DIXON), the gentleman from Ohio (Mr. CHABOT), the gentleman from Illinois (Mr. JACKSON), the gentleman from Georgia (Mr. SANFORD) and the gentlewoman from Georgia (Ms. MCKINNEY) and thank them for their assistance as well.

Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this may be the last suspension bill that our committee will be bringing to the floor this year, and I wanted to take this opportunity to thank the leadership, our floor staffs, the cloakroom staffs, the Clerk's staff, especially in the Office of Legislative Operations, our stenographers and transcribers, and finally the parliamentarians for their many acts of assistance to our committee as we moved legislation during the past 2 years.

Mr. Speaker, I also want to thank the members of our committee, the staffs of the members, and the committee staff on both sides for their dedication and cooperation that we have had over the past 2 years.

Mr. SHAW. Mr. Speaker, I rise today in strong support of H. Res. 518.

Mr. Speaker, I had the opportunity to travel to Gabon recently with the gentleman from Texas, Mr. ARCHER, and the gentleman from Tennessee, Mr. TANNER. While there, we met with President Bongo and learned first-hand of the changes that have been made over the past eight years. In 1990, responding to popular demands, President Bongo convened a National Conference to institute major political reforms. A new constitution was approved by participants from over 70 political parties and organizations as the first step away from single-party rule. Also in that year, the first multiparty elections were held, and opposition parties won 45% of the 120 seats in the National Assembly. Since 1990, a firm foundation for Gabon's democracy has been laid.

I am pleased that the International Foundation for Electoral Systems has a team in Gabon as I speak, conducting a pre-election assessment of the presidential elections to be held in December. I wish to recognize the cooperation of the gentleman from Texas, Mr. ARCHER, the gentleman from Tennessee, Mr. TANNER, the gentleman from New York, Mr. GILMAN, the gentleman from California, Mr. ROYCE, and Dr. Susan Rice, Assistant Secretary of State for Africa, in obtaining funding for this assessment team.

While in Gabon, I also witnessed the struggle for conserving the scarce natural resources of the rainforest and its inhabitants. In a step toward conscientious stewardship of Gabon's natural resources, the first national park of Gabon was recently established as a reserve for orphaned young gorillas. President Bongo has made a public commitment toward responsible use of natural resources, including the establishment of guidelines for the appropriate harvesting of Gabon's oil resources for trade on the local and international market. It is evident that much progress has been made toward positive economic, ecological, and political development in Gabon.

President Omar Bongo is to be commended for his efforts to establish democracy in the tumultuous region of Central Africa. To this end, my recent experiences and discussions have impressed upon me the importance of a free, fair, and transparent presidential campaign and election to stabilize Gabon's fragile, new democracy.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 518, as amended.

The question was taken.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on the motion will be postponed.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2807. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The message also announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) "An Act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.".

TECHNOLOGY ADMINISTRATION ACT OF 1998

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

The Clerk read as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Administration Act of 1998".

SEC. 2. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking ", which are designed" and all that follows through "operation of a Center." and inserting in lieu thereof ". After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed one third of the capital and annual operating and maintenance costs of the Center under the program.".

SEC. 3. MALCOLM BALDRIGE QUALITY AWARD.

(a) ADDITIONAL AWARDS.—Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting ", unless the Secretary determines that a third award is merited and can be given at no additional cost to the Federal Government" after "in any year".

(b) CATEGORIES.—Section 17(c)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(1)) is amended by adding at the end the following:

"(D) Health care providers.

"(E) Education providers.".

SEC. 4. NOTICE.

(a) REDESIGNATION.—Section 31 of the National Institute of Standards and Technology Act is redesignated as section 32.

(b) NOTICE.—The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 30 the following new section:

"NOTICE

"SEC. 31. (a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(b) NOTICE OF REORGANIZATION.—

"(1) REQUIREMENT.—The Secretary shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

"(2) DEFINITION.—For purposes of this subsection, the term "major reorganization" means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute.".

SEC. 5. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Institute of Standards and Technology should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond; and

(2) develop contingency plans for those systems that the Institute is unable to correct in time.

SEC. 6. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(2) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Director of the National Institute of Standards and Technology should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the National Institute of Standards and Technology shall prepare and submit to the President a report. The President shall submit the report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Director under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 7. TEACHER SCIENCE AND TECHNOLOGY ENHANCEMENT INSTITUTE PROGRAM.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended by inserting after section 19 the following:

"SEC. 19A. (a) The Director shall establish within the Institute a teacher science and technology enhancement program to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the understanding of science and the impacts of science on commerce.

"(b) In carrying out the program under this section, the Director shall focus on the areas of—

"(1) scientific measurements;

"(2) tests and standards development;

"(3) industrial competitiveness and quality;

"(4) manufacturing;

"(5) technology transfer; and

"(6) any other area of expertise of the Institute that the Director determines to be appropriate.

"(c) The Director shall develop and issue procedures and selection criteria for participants in the program.

"(d) The program under this section shall be conducted on an annual basis during the summer months, during the period of time when a majority of elementary, middle, and secondary schools have not commenced a school year.

"(e) The program shall provide for teachers' participation in activities at the laboratory facilities of the Institute, or shall utilize other means of accomplishing the goals of the program as determined by the Director, which may include the Internet, video conferencing and recording, and workshops and conferences.".

SEC. 8. OFFICE OF SPACE COMMERCIALIZATION.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commercialization (referred to in this section as the "Office").

(b) DIRECTOR.—The Office shall be headed by a Director, who shall be a senior executive and shall be compensated at a level in the Senior Executive Service under section 5382 of title 5, United States Code, as determined by the Secretary of Commerce.

(c) FUNCTIONS OF THE OFFICE; DUTIES OF THE DIRECTOR.—The Office shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The primary responsibilities of the Director, in carrying out the functions of the Office, shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in the efforts of those providers to conduct business with the United States Government;

(3) acting as an industry advocate within the executive branch of the Federal Government to ensure that the Federal Government meets the space-related requirements of the Federal Government, to the fullest extent feasible, using commercially available space goods and services;

(4) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(5) promoting the export of space-related goods and services;

(6) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(7) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 9. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by adding at the end the following:

"(f) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE TECHNOLOGY.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish for fiscal year 1999 a program to be known as the Experimental Program to Stimulate Competitive Technology (referred to in this subsection as the 'program'). The purpose of the program shall be to strengthen the technological competitiveness of those States that have historically received less Federal research and development funds than those received by a majority of the States.

"(2) ARRANGEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, shall—

"(A) enter into such arrangements as may be necessary to provide for the coordination of the program through the State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation; and

"(B) cooperate with—

"(i) any State science and technology council established under the program under subparagraph (A); and

"(ii) representatives of small business firms and other appropriate technology-based businesses.

"(3) GRANTS AND COOPERATIVE AGREEMENTS.—In carrying out the program, the Secretary, acting through the Under Secretary, may make grants or enter into cooperative agreements to provide for—

"(A) technology research and development;

"(B) technology transfer from university research;

"(C) technology deployment and diffusion; and

"(D) the strengthening of technological capabilities through consortia comprised of—

"(i) technology-based small business firms;

"(ii) industries and emerging companies;

"(iii) universities; and

"(iv) State and local development agencies and entities.

"(4) REQUIREMENTS FOR MAKING AWARDS.—

"(A) IN GENERAL.—In making awards under this subsection, the Secretary, acting through the Under Secretary, shall ensure that the awards are awarded on a competitive basis that includes a review of the merits of the activities that are the subject of the award.

"(B) MATCHING REQUIREMENT.—The non-Federal share of the activities (other than planning activities) carried out under an award under this subsection shall be not less than 25 percent of the cost of those activities.

"(5) CRITERIA FOR STATES.—The Secretary, acting through the Under Secretary, shall establish criteria for achievement by each State that participates in the program. Upon the achievement of all such criteria, a State shall cease to be eligible to participate in the program.

"(6) COORDINATION.—To the extent practicable, in carrying out this subsection, the Secretary, acting through the Under Secretary, shall coordinate the program with other programs of the Department of Commerce.

"(7) REPORT.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Technology Administration Act of 1998, the Under Secretary shall prepare and submit a report that meets the requirements of this paragraph to the Secretary. Upon receipt of the report, the Secretary shall transmit a copy of the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

"(B) REQUIREMENTS FOR REPORT.—The report prepared under this paragraph shall contain with respect to the program—

"(i) a description of the structure and procedures of the program;

"(ii) a management plan for the program;

"(iii) a description of the merit-based review process to be used in the program;

"(iv) milestones for the evaluation of activities to be assisted under the program in fiscal year 1999;

"(v) an assessment of the eligibility of each State that participates in the Experimental Program to Stimulate Competitive Research of the National Science Foundation to participate in the program under this subsection; and

"(vi) the evaluation criteria with respect to which the overall management and effectiveness of the program will be evaluated.".

SEC. 10. NATIONAL TECHNOLOGY MEDAL FOR ENVIRONMENTAL TECHNOLOGY.

In the administration of section 16 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711), Environmental Technology shall be established as a separate nomination category with appropriate unique criteria for that category.

SEC. 11. INTERNATIONAL ARCTIC RESEARCH CENTER.

The Congress finds that the International Arctic Research Center is an internationally-supported effort to conduct important weather and climate studies, and other research projects of benefit to the United States. It is, therefore, the sense of the Congress that, as with similar research conducted in the Antarctic, the United States should provide similar support for this important effort.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. BARCIA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1274.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1274, the Technology Administration Act of 1998. This is legislation that I introduced on April 10 of 1997. The bill is a bipartisan effort to address a number of important legislative issues facing the Technology Administration and the National Institute of Standards and Technology.

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901 as the National Bureau of Standards, and subsequently renamed NIST. As part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology measurements and standards, this bill is applicable. As the Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

□ 1345

The precise measurements required for establishing standards associated with today's increasingly complex technologies required NIST laboratories to maintain the most sophisticated equipment and the most talented scientists in the world. To date NIST has succeeded and the science conducted by the institute is a vital component of the Nation's civilian research and technology development base.

H.R. 1274 takes a number of important steps to address critical issues associated with two NIST programs, the Malcolm Baldrige Quality Awards program and the Manufacturing Extension Partnership program.

First, the bill authorizes the expansion of the Malcolm Baldrige Quality Awards program into the field of health care and education. I believe this expansion will allow the benefits of the total quality management approach, inherent in the administration of the Baldrige Award winning companies, to spill over into these two vital segments of our Nation's economy.

Second, H.R. 1274 lifts the six-year sunset requirement for the MEP centers. The required sunset, which disallows Federal funding of centers after the sixth year of their existence, has annually been lifted through the appropriations process. The annual nature of the reprieve, however, has added a degree of uncertainty to the operation of the centers, thereby decreasing the effectiveness of the Manufacturing Extension Partnership program.

The bill also contains a new program to enable NIST to assist elementary through secondary school math and science teachers to better understand science by giving them access to NIST laboratories and scientists during the summer months. And through this new initiative, teachers will get an opportunity to learn from some of the leading scientists in the world by observing and participating in NIST's cutting edge laboratory research. What a good idea.

The bill also officially establishes the Office of Space Commercialization at Technology Administration. While the office already exists, it has been without a charter for over a decade. Finally, the office will be getting the legislative authorization that it requires.

In addition, the bill establishes for one year the Experimental Program to Stimulate Competitive Technology, EPSCOT is the acronym. Since it is clear that EPSCOT will receive funding in fiscal year 1999, I believe it is appropriate to create guidelines for the program. That being said, the establishment should not be viewed as an endorsement of the program beyond fiscal year 1999.

Section 9 of the bill specifies that EPSCOT be established only for fiscal year 1999. In the absence of future legislation, EPSCOT cannot be viewed as an authorized program beyond October 1, 1999. Finally, Mr. Speaker, the bill contains a number of good government provisions, including a requirement that the Department of Commerce consult with Congress before reprogramming funds for conducting a major reorganization of NIST or TA programs, and it includes a sense of Congress on the year 2000 computer problem.

As a strong proponent of addressing this impending year 2000 crisis, I am pleased that this provision has not only been included in the Technology Administration bill, but all authorizations of the Committee on Science. I am hopeful that with continued pressure from the Committee on Science and Congress, the administration will fix the problem before it is too late. And I want to point out that we just earlier today had a bill, the Year 2000 Preparedness Act, which we have had under suspension, which was bipartisan in nature and a very important measure with regard to the Year 2000.

Mr. Speaker, I urge all my colleagues to support H.R. 1274 and to vote to send it to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1274, the Technology Administration Act of 1998. This bill is the result of compromise between the House and Senate and addresses some of the more pressing problems at the Technology Administration and the National Institute of Standards and Technology.

I would like to briefly mention two key provisions in the bill. As most Members are aware, the Manufacturing Extension Partnerships program is a Federal/State/private partnership to assist small and medium-sized businesses. The MEP is one of the most successful government industry partnerships of its kind. However, the original language establishing the program called for terminating the Federal funding share after an MEP center had been in operation for 6 years. Numerous witnesses appearing before the Subcommittee on Technology have stated that terminating funding after 6 years would not allow MEP centers to meet the objectives of the program. House Resolution 1274 finally resolves this issue by amending the original language to lift the six-year cap on Federal funding and to limit Federal funds to no more than one-third of the center's cost.

This is a major step forward in the program and will ensure the long-term financial stability of the overall program.

In addition, H.R. 1274 expands the highly successful Malcolm Baldrige Quality Program to include two new categories in health care and education. The Baldrige Quality Award has become a benchmark for quality programs throughout the Nation and is strongly supported by the private sector through direct financial contributions and manpower. The Baldrige Quality Program has already completed pilot programs in these two new areas, and the expansion of the award program was strongly endorsed both by the Baldrige Foundation board and education and health care professionals.

I urge my colleagues to support this bill. And on a final note, I want to say what a pleasure and privilege it has been to have the opportunity of working with the gentlewoman from Maryland (Mrs. MORELLA) this past year. If we look at the track record of our subcommittee, I think it is clear to anyone who would review that that we have had a very active and certainly achieved a very extensive legislative record in the subcommittee. And that is due in no small part to the tremendous bipartisan leadership we have seen by the gentlewoman from Maryland (Mrs. MORELLA). Her leadership style, her energy and the ambitious agenda that have tackled this past year are certainly a compliment to her style of leadership on that subcommittee and the other members who serve on that subcommittee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Again, I think this is an example of a bipartisan effort where the American people benefit. For me also it has been a great pleasure to work with the distinguished ranking member the gentleman from Michigan (Mr. BARCIA). We have looked at each issue. We have looked it from all points of view and have worked together in concert working with other members of the subcommittee and the full committee to achieve what we felt was important. Again, I thank him.

Nothing happens without a lot of people working on it. I would certainly like to thank the chairman of the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), who came to the rescue when there was a possibility that this bill could fall through the cracks. I appreciate very much what he did on our behalf and on behalf of the Nation, also our ranking member on the full committee, the gentleman from California (Mr. BROWN). I mentioned the gentleman from Michigan (Mr. BARCIA), and also the staffs.

We are lucky. We have some terrific staff people who follow through inch by inch on each one of these projects that we are involved in. On my side of the aisle Richard Russell, Barry Beringer, Mike Bell; on Mr. Barcia's side, I know Mike Quear and Jim Turner have been very helpful. They have worked in a bipartisan basis.

Mr. Speaker, I urge all of my colleagues to support H.R. 1274 and vote to send it to the President for his signature.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of H.R. 1274, the Technology Administration Act of 1997. The bill includes a variety of provisions that will allow the Technology Administration (TA) and the National Institute of Standards and Technology (NIST) to move forward with their missions.

The bill establishes in law the requirement that the Department of Commerce must consult with Congress before reprogramming funding for, or from, any NIST or TA programs. The bill further requires that Commerce must consult with Congress before conducting a major reorganization. I view these two new changes to permanent law as vital to the Science Committee's ability to continue its oversight on the programs of TA and NIST.

The bill also includes a Sense of Congress on the Year 2000 computer problem. This Sense of Congress is intended to continue the pressure on the Department of Commerce to fix its Year 2000 problem before it is too late. The Science Committee has included similar provisions in all its House-passed authorizations, and I think they send a powerful signal to the Administration that Congress is taking this issue very seriously.

The bill also authorizes two new awards for the Malcolm Baldridge Quality Awards Program. These new awards in healthcare and education were included in H.R. 1274, as passed by the House last year.

Additionally, the bill lifts the six-year sunset requirement on Manufacturing Extension Partnership (MEP) program centers. Again, similar language passed the House last year.

The bill contains language establishing the Office of Space Commercialization. The office has existed for a decade, but has been without a legislative charter. The language will not expand the office's responsibilities, but will give it a clear statutorily defined mission. This language passed the House last April as part of H.R. 1275, the National Aeronautics and Space Administration Authorization Bill.

The bill also contains a new program to bring science and math teachers into NIST's laboratories during the summer months. The program is intended to improve teacher understanding of science through direct experience working along side or observing some of the world's best scientists at one of our leading national laboratories. The program will require no new facilities and the bill includes no new authorizations of funds for the program, it will be carried out within NIST's existing laboratory budget.

The bill also creates for one year the Experimental Program to Stimulate Competitive Technology (EPSCOT). EPSCOT was funded last year and has been included in both the House and Senate Commerce, Justice, States Appropriations bills. It will receive funding in Fiscal Year (FY) 1999. The language in H.R. 1274 creates guidelines for the program. It also specifies that the program is only established for FY 1999.

Finally, I would like to remark on what is not in the bill. The bill contains no authorization's of appropriations. While H.R. 1274 passed the House last year in advance of the FY 1998 appropriations process, and included authorization for TA and NIST for FY 1998 and 1999 totaling over a billion dollars, the bill, however, returned from the Senate after the FY 1999 appropriations process had all but concluded, and therefore the authorizations have been removed from the bill.

Additionally, this bill does not in any way authorize the Advanced Technology Program (ATP). ATP was reformed and authorized in H.R. 1274 when it passed the House in 1997. In negotiations with the Senate, no agreement could be reached on a reasonable funding and reform package, and, therefore, all provisions dealing with ATP were stripped from the bill.

Mr. Speaker, I would like to commend Technology Subcommittee Chairwoman MORELLA for her hard work on this measure, and I urge all my colleagues to support H.R. 1274 and vote to send it to the President for his signature.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a co-sponsor to this bill, I rise to speak on behalf of H.R. 1274, which authorizes the National Institute of Standards and Technology (NIST) for the fiscal years of 1998 and 1999.

The National Institute of Standards and Technology is a subdivision of the Department of Commerce charged with assisting private industry in advancing their manufacturing processes, ensuring the reliability and stability of new products and services, and facilitating the commercialization of breakthrough technology developed with the support of government labs and programs.

One of the most important programs run by NIST is the Advanced Technology Program (ATP), which I have strongly supported in the past. That program attempts to assist private industries perform the research and development- (R&D) necessary for success in the long-term. It does so by creating a partnership between a private company and NIST, in which each shares part of the cost of this incredibly important, and expensive, R&D.

However, I would like to make it very clear that ATP is not corporate welfare. ATP requires that the technology being developed have a broad application, so that its impact will bring benefits to all of society. Furthermore, no ATP funds can be used for product development—all grant monies are used to support technologies that are essential for the development of new products and processes and have diverse applications. That way, all manufacturers, and therefore, all consumers, benefit from this research. Furthermore, to receive an ATP award, a company must pass a series of rigorous competitions which are designed to select proposals that have the highest potential for further innovation, and the broadest applicability to United States industry as a whole.

ATP is not the only important program at NIST. As their name implies, NIST assists private industry develop standards that can be used across an entire market segment. For instance, NIST is instrumental in ensuring that industries that are developing new communications devices, like wireless phones, do so on common ground. The benefit is that all of our wireless phones can speak with each other, and we are not forced to work with proprietary systems that incompatible and, therefore, unprofitable.

Furthermore, NIST, on its own, engages in important research that will change our lives. For instance, NIST has recently begun to develop new technologies that can be used to improve our satellite's remote sensing capabilities so that we can better gauge our environmental phenomena. That same technology can also be used by doctors to improve the treatment of their patients, because they can view the human body in new and wondrous ways.

I urge all of you to vote for this bill, and continue to support our government's scientific partnership with private industry.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1274.

The question was taken.

Mr. BARCIA. Mr. Speaker, I object to the vote on the ground that a quorum is present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ECONOMIC DEVELOPMENT ADMINISTRATION AND APPALACHIAN REGIONAL DEVELOPMENT REFORM ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2364) to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The Clerk read as follows:

S. 2364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Economic Development Administration and Appalachian Regional Development Reform Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ECONOMIC DEVELOPMENT

Sec. 101. Short title.
Sec. 102. Reauthorization of Public Works and Economic Development Act of 1965.
Sec. 103. Conforming amendment.
Sec. 104. Transition provisions.
Sec. 105. Effective date.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Meetings.
Sec. 204. Administrative expenses.
Sec. 205. Compensation of employees.
Sec. 206. Administrative powers of Commission.
Sec. 207. Cost sharing of demonstration health projects.
Sec. 208. Repeal of land stabilization, conservation, and erosion control program.
Sec. 209. Repeal of timber development program.
Sec. 210. Repeal of mining area restoration program.
Sec. 211. Repeal of water resource survey.
Sec. 212. Cost sharing of housing projects.
Sec. 213. Repeal of airport safety improvements program.
Sec. 214. Cost sharing of vocational education and education demonstration projects.
Sec. 215. Repeal of sewage treatment works program.
Sec. 216. Repeal of amendments to Housing Act of 1954.
Sec. 217. Supplements to Federal grant-in-aid programs.
Sec. 218. Program development criteria.
Sec. 219. Distressed and economically strong counties.
Sec. 220. Grants for administrative expenses and commission projects.
Sec. 221. Authorization of appropriations for general program.
Sec. 222. Extension of termination date.
Sec. 223. Technical amendment.

TITLE I—ECONOMIC DEVELOPMENT

SEC. 101. SHORT TITLE.

This title may be cited as the "Economic Development Administration Reform Act of 1998".

SEC. 102. REAUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

(a) FIRST SECTION THROUGH TITLE VI—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by striking the first section and all that follows through the end of title VI and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Public Works and Economic Development Act of 1965'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings and declarations.
"Sec. 3. Definitions.

"TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

"Sec. 101. Establishment of economic development partnerships.
"Sec. 102. Cooperation of Federal agencies.
"Sec. 103. Coordination.

"TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

"Sec. 201. Grants for public works and economic development.
"Sec. 202. Base closings and realignments.
"Sec. 203. Grants for planning and grants for administrative expenses.
"Sec. 204. Cost sharing.
"Sec. 205. Supplementary grants.
"Sec. 206. Regulations on relative needs and allocations.
"Sec. 207. Grants for training, research, and technical assistance.
"Sec. 208. Prevention of unfair competition.
"Sec. 209. Grants for economic adjustment.
"Sec. 210. Changed project circumstances.
"Sec. 211. Use of funds in projects constructed under projected cost.
"Sec. 212. Reports by recipients.
"Sec. 213. Prohibition on use of funds for attorney's and consultant's fees.

"TITLE III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

"Sec. 301. Eligibility of areas.
"Sec. 302. Comprehensive economic development strategies.

"TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

"Sec. 401. Designation of economic development districts.
"Sec. 402. Termination or modification of economic development districts.
"Sec. 403. Incentives.
"Sec. 404. Provision of comprehensive economic development strategies to Appalachian Regional Commission.
"Sec. 405. Assistance to parts of economic development districts not in eligible areas.

"TITLE V—ADMINISTRATION

"Sec. 501. Assistant Secretary for Economic Development.
"Sec. 502. Economic development information clearinghouse.
"Sec. 503. Consultation with other persons and agencies.
"Sec. 504. Administration, operation, and maintenance.
"Sec. 505. Businesses desiring Federal contracts.
"Sec. 506. Performance evaluations of grant recipients.
"Sec. 507. Notification of reorganization.

"TITLE VI—MISCELLANEOUS

"Sec. 601. Powers of Secretary.
"Sec. 602. Maintenance of standards.
"Sec. 603. Annual report to Congress.
"Sec. 604. Delegation of functions and transfer of funds among Federal agencies.
"Sec. 605. Penalties.
"Sec. 606. Employment of expediters and administrative employees.
"Sec. 607. Maintenance and public inspection of list of approved applications for financial assistance.
"Sec. 608. Records and audits.
"Sec. 609. Relationship to assistance under other law.
"Sec. 610. Acceptance of certifications by applicants.

"TITLE VII—FUNDING

"Sec. 701. General authorization of appropriations.
"Sec. 702. Authorization of appropriations for defense conversion activities.
"Sec. 703. Authorization of appropriations for disaster economic recovery activities.

"SEC. 2. FINDINGS AND DECLARATIONS.

"(a) FINDINGS.—Congress finds that—

"(1) while the economy of the United States is undergoing a sustained period of economic growth resulting in low unemployment and increasing incomes, there continue to be areas suffering economic distress in the form of high unemployment, low incomes, underemployment, and outmigration as well as areas facing sudden economic dislocations due to industrial restructuring and relocation, defense base closures and procurement cutbacks, certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality), and natural disasters;

"(2) as the economy of the United States continues to grow, those distressed areas contain significant human and infrastructure resources that are underused;

"(3) expanding international trade and the increasing pace of technological innovation offer both a challenge and an opportunity to the distressed communities of the United States;

"(4) while economic development is an inherently local process, the Federal Government should work in partnership with public and private local, regional, and State organizations to ensure that existing resources are not wasted and all Americans have an opportunity to participate in the economic growth of the United States;

"(5) in order to avoid wasteful duplication of effort and to limit the burden on distressed communities, Federal, State, and local economic development activities should be better planned and coordinated and Federal program requirements should be simplified and made more consistent;

"(6) the goal of Federal economic development activities should be to work in partnership with local, regional, and State public and private organizations to support the development of private sector businesses and jobs in distressed communities;

"(7) Federal economic development efforts will be more effective if they are coordinated with, and build upon, the trade and technology programs of the United States; and

"(8) under this Act, new employment opportunities should be created by developing and expanding new and existing public works and other facilities and resources rather than by merely transferring jobs from one area of the United States to another.

"(b) DECLARATIONS.—Congress declares that, in order to promote a strong and growing economy throughout the United States—

"(1) assistance under this Act should be made available to both rural and urban distressed communities;

"(2) local communities should work in partnership with neighboring communities, the States, and the Federal Government to increase their capacity to develop and implement comprehensive economic development strategies to address existing, or deter impending, economic distress; and

"(3) whether suffering from long-term distress or a sudden dislocation, distressed communities should be encouraged to take advantage of the development opportunities afforded by technological innovation and expanding and newly opened global markets.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—The term 'comprehensive economic development strategy' means a comprehensive economic development strategy approved by the Secretary under section 302.

"(2) DEPARTMENT.—The term 'Department' means the Department of Commerce.

"(3) ECONOMIC DEVELOPMENT DISTRICT.—

"(A) IN GENERAL.—The term 'economic development district' means any area in the United States that—

"(i) is composed of areas described in section 301(a) and, to the extent appropriate, neighboring counties or communities; and

"(ii) has been designated by the Secretary as an economic development district under section 401.

"(B) INCLUSION.—The term 'economic development district' includes any economic development district designated by the Secretary under section 403 (as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998).

"(4) ELIGIBLE RECIPIENT.—

"(A) IN GENERAL.—The term 'eligible recipient' means—

"(i) an area described in section 301(a);

"(ii) an economic development district;

"(iii) an Indian tribe;

"(iv) a State;

"(v) a city or other political subdivision of a State or a consortium of political subdivisions;

"(vi) an institution of higher education or a consortium of institutions of higher education; or

"(vii) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.

"(B) TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE GRANTS.—In the case of grants under section 207, the term 'eligible recipient' also includes private individuals and for-profit organizations.

"(5) FEDERAL AGENCY.—The term 'Federal agency' means a department, agency, or instrumentality of the United States.

"(6) GRANT.—The term 'grant' includes a cooperative agreement (within the meaning of chapter 63 of title 31, United States Code).

"(7) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(9) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(10) UNITED STATES.—The term 'United States' means all of the States.

"TITLE I—ECONOMIC DEVELOPMENT PARTNERSHIPS COOPERATION AND COORDINATION

"SEC. 101. ESTABLISHMENT OF ECONOMIC DEVELOPMENT PARTNERSHIPS.

"(a) IN GENERAL.—In providing assistance under this title, the Secretary shall cooperate with States and other entities to ensure that, consistent with national objectives, Federal programs are compatible with and further the objectives of State, regional, and local economic development plans and comprehensive economic development strategies.

"(b) TECHNICAL ASSISTANCE.—The Secretary may provide such technical assistance to States, political subdivisions of States, sub-State regional organizations (including organizations that cross State boundaries), and multi-State regional organizations as the Secretary determines is appropriate to—

"(1) alleviate economic distress;

"(2) encourage and support public-private partnerships for the formation and improvement of economic development strategies that sustain and promote economic development across the United States; and

"(3) promote investment in infrastructure and technological capacity to keep pace with the changing global economy.

"(c) INTERGOVERNMENTAL REVIEW.—The Secretary shall promulgate regulations to ensure that appropriate State and local government agencies have been given a reasonable opportunity to review and comment on proposed projects under this title that the Secretary determines may have a significant direct impact on the economy of the area.

"(d) COOPERATION AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into a cooperation agreement with any 2 or more adjoining States, or an organization of any 2 or more adjoining States, in support of effective economic development.

"(2) PARTICIPATION.—Each cooperation agreement shall provide for suitable participation by other governmental and nongovernmental entities that are representative of significant interests in and perspectives on economic development in an area.

"SEC. 102. COOPERATION OF FEDERAL AGENCIES.

"In accordance with applicable laws and subject to the availability of appropriations, each Federal agency shall exercise its powers, duties and functions, and shall cooperate with the Secretary, in such manner as will assist the Secretary in carrying out this title.

"SEC. 103. COORDINATION.

"The Secretary shall coordinate activities relating to the preparation and implementation of comprehensive economic development strategies under this Act with Federal agencies carrying out other Federal programs, States, economic development districts, and other appropriate planning and development organizations.

"TITLE II—GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT

"SEC. 201. GRANTS FOR PUBLIC WORKS AND ECONOMIC DEVELOPMENT.

"(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for—

"(1) acquisition or development of land and improvements for use for a public works, public service, or development facility; and

"(2) acquisition, design and engineering, construction, rehabilitation, alteration, expansion, or improvement of such a facility, including related machinery and equipment.

"(b) CRITERIA FOR GRANT.—The Secretary may make a grant under this section only if the Secretary determines that—

"(1) the project for which the grant is applied for will, directly or indirectly—

"(A) improve the opportunities, in the area where the project is or will be located, for the successful establishment or expansion of industrial or commercial plants or facilities;

"(B) assist in the creation of additional long-term employment opportunities in the area; or

"(C) primarily benefit the long-term unemployed and members of low-income families;

"(2) the project for which the grant is applied for will fulfill a pressing need of the area, or a part of the area, in which the project is or will be located; and

"(3) the area for which the project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy.

"(c) MAXIMUM ASSISTANCE FOR EACH STATE.—Not more than 15 percent of the amounts made available to carry out this section may be expended in any 1 State.

"SEC. 202. BASE CLOSINGS AND REALIGNMENTS.

"Notwithstanding any other provision of law, the Secretary may provide to an eligible recipient any assistance available under this title for a project to be carried out on a military or Department of Energy installation that is closed or scheduled for closure or realignment without requiring that the eligible recipient have title to the property or a leasehold interest in the property for any specified term.

"SEC. 203. GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

"(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants to pay the costs of economic development planning and the administrative expenses of organizations that carry out the planning.

"(b) PLANNING PROCESS.—Planning assisted under this title shall be a continuous process involving public officials and private citizens in—

"(1) analyzing local economies;

"(2) defining economic development goals;

"(3) determining project opportunities; and

"(4) formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes.

"(c) USE OF PLANNING ASSISTANCE.—Planning assistance under this title shall be used in conjunction with any other available Federal planning assistance to ensure adequate and effective planning and economical use of funds.

"(d) STATE PLANS.—

"(1) DEVELOPMENT.—Any State plan developed with assistance under this section shall be developed cooperatively by the State, political subdivisions of the State, and the economic development districts located wholly or partially in the State.

"(2) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—As a condition of receipt of assistance for a State plan under this subsection, the State shall have or develop a comprehensive economic development strategy.

"(3) CERTIFICATION TO THE SECRETARY.—On completion of a State plan developed with assistance under this section, the State shall—

"(A) certify to the Secretary that, in the development of the State plan, local and economic development district plans were considered and, to the maximum extent practicable, the State plan is consistent with the local and economic development district plans; and

"(B) identify any inconsistencies between the State plan and the local and economic development district plans and provide a justification for each inconsistency.

"(4) COMPREHENSIVE PLANNING PROCESS.—Any overall State economic development planning assisted under this section shall be a part of a comprehensive planning process that shall consider the provision of public works to—

"(A) promote economic development and opportunity;

"(B) foster effective transportation access;

"(C) enhance and protect the environment; and

"(D) balance resources through the sound management of physical development.

"(5) REPORT TO SECRETARY.—Each State that receives assistance for the development of a plan under this subsection shall submit to the Secretary an annual report on the planning process assisted under this subsection.

"SEC. 204. COST SHARING.

"(a) FEDERAL SHARE.—Subject to section 205, the amount of a grant for a project under this title shall not exceed 50 percent of the cost of the project.

"(b) NON-FEDERAL SHARE.—In determining the amount of the non-Federal share of the cost of a project, the Secretary may provide credit toward the non-Federal share for all contributions both in cash and in-kind, fairly evaluated, including contributions of space, equipment, and services.

"SEC. 205. SUPPLEMENTARY GRANTS.

"(a) DEFINITION OF DESIGNATED FEDERAL GRANT PROGRAM.—In this section, the term 'designated Federal grant program' means any Federal grant program that—

"(1) provides assistance in the construction or equipping of public works, public service, or development facilities;

"(2) the Secretary designates as eligible for an allocation of funds under this section; and

"(3) assists projects that are—

"(A) eligible for assistance under this title; and

"(B) consistent with a comprehensive economic development strategy.

"(b) SUPPLEMENTARY GRANTS.—

"(1) IN GENERAL.—On the application of an eligible recipient, the Secretary may make a supplementary grant for a project for which the eligible recipient is eligible but, because of the eligible recipient's economic situation, for which the eligible recipient cannot provide the required non-Federal share.

"(2) PURPOSES OF GRANTS.—Supplementary grants under paragraph (1) may be made for purposes that shall include enabling eligible recipients to use—

"(A) designated Federal grant programs; and

"(B) direct grants authorized under this title.

"(c) REQUIREMENTS APPLICABLE TO SUPPLEMENTARY GRANTS.—

"(1) AMOUNT OF SUPPLEMENTARY GRANTS.—Subject to paragraph (4), the amount of a supplementary grant under this title for a project shall not exceed the applicable percentage of the cost of the project established by regulations promulgated by the Secretary, except that the non-Federal share of the cost of a project (including assumptions of debt) shall not be less than 20 percent.

"(2) FORM OF SUPPLEMENTARY GRANTS.—In accordance with such regulations as the Secretary may promulgate, the Secretary shall make supplementary grants by increasing the amounts of grants authorized under this title or by the payment of funds made available under this Act to the heads of the Federal agencies responsible for carrying out the applicable Federal programs.

"(3) FEDERAL SHARE LIMITATIONS SPECIFIED IN OTHER LAWS.—Notwithstanding any requirement as to the amount or source of non-Federal funds that may be applicable to a Federal program, funds provided under this section may be used to increase the Federal share for specific projects under the program that are carried out in areas described in section 301(a) above the Federal share of the cost of the project authorized by the law governing the program.

"(4) LOWER NON-FEDERAL SHARE.—

"(A) INDIAN TRIBES.—In the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1) or may waive the non-Federal share.

"(B) CERTAIN STATES, POLITICAL SUBDIVISIONS, AND NONPROFIT ORGANIZATIONS.—In the case of a grant to a State, or a political subdivision of a State, that the Secretary determines has exhausted its effective taxing and borrowing capacity, or in the case of a grant to a nonprofit organization that the Secretary determines has exhausted its effective borrowing capacity, the Secretary may reduce the non-Federal share below the percentage specified in paragraph (1).

"SEC. 206. REGULATIONS ON RELATIVE NEEDS AND ALLOCATIONS.

"In promulgating rules, regulations, and procedures for assistance under this title, the Secretary shall ensure that—

"(1) the relative needs of eligible areas are given adequate consideration by the Secretary, as determined based on, among other relevant factors—

"(A) the severity of the rates of unemployment in the eligible areas and the duration of the unemployment;

"(B) the income levels and the extent of underemployment in eligible areas; and

"(C) the outmigration of population from eligible areas and the extent to which the outmigration is causing economic injury in the eligible areas; and

"(2) allocations of assistance under this title are prioritized to ensure that the level of economic distress of an area, rather than a preference for a geographic area or a specific type of economic distress, is the primary factor in allocating the assistance.

"SEC. 207. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—

"(1) GRANTS.—On the application of an eligible recipient, the Secretary may make grants for training, research, and technical assistance, including grants for program evaluation and economic impact analyses, that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment.

"(2) TYPES OF ASSISTANCE.—Grants under paragraph (1) may be used for—

"(A) project planning and feasibility studies;

"(B) demonstrations of innovative activities or strategic economic development investments;

"(C) management and operational assistance;

"(D) establishment of university centers;

"(E) establishment of business outreach centers;

"(F) studies evaluating the needs of, and development potential for, economic growth of areas that the Secretary determines have substantial need for the assistance; and

"(G) other activities determined by the Secretary to be appropriate.

"(3) REDUCTION OR WAIVER OF NON-FEDERAL SHARE.—In the case of a project assisted under this section, the Secretary may reduce or waive the non-Federal share, without regard to section 204 or 205, if the Secretary finds that the project is not feasible without, and merits, such a reduction or waiver.

"(b) METHODS OF PROVISION OF ASSISTANCE.—In providing research and technical assistance under this section, the Secretary, in addition to making grants under subsection (a), may—

"(1) provide research and technical assistance through officers or employees of the Department;

"(2) pay funds made available to carry out this section to Federal agencies; or

"(3) employ private individuals, partnerships, businesses, corporations, or appropriate institutions under contracts entered into for that purpose.

"SEC. 208. PREVENTION OF UNFAIR COMPETITION.

"No financial assistance under this Act shall be extended to any project when the result would be to increase the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

"SEC. 209. GRANTS FOR ECONOMIC ADJUSTMENT.

"(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for development of public facilities, public services, business development (including funding of a revolving loan fund), planning, technical assistance, training, and any other assistance to alleviate long-term economic deterioration and sudden and severe economic dislocation and further the economic adjustment objectives of this title.

"(b) CRITERIA FOR ASSISTANCE.—The Secretary may provide assistance under this section only if the Secretary determines that—

"(1) the project will help the area to meet a special need arising from—

"(A) actual or threatened severe unemployment; or

"(B) economic adjustment problems resulting from severe changes in economic conditions; and

"(2) the area for which a project is to be carried out has a comprehensive economic development strategy and the project is consistent with the strategy, except that this paragraph shall not apply to planning projects.

"(c) PARTICULAR COMMUNITY ASSISTANCE.—Assistance under this section may include assistance provided for activities identified by communities, the economies of which are injured by—

"(1) military base closures or realignments, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in diversifying their economies through projects to be carried out on Federal Government installations or elsewhere in the communities;

"(2) disasters or emergencies, in areas with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for post-disaster economic recovery;

“(3) international trade, for help in economic restructuring of the communities; or

“(4) fishery failures, in areas with respect to which a determination that there is a commercial fishery failure has been made under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

“(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY RECIPIENT.—

“(1) IN GENERAL.—Subject to paragraph (2), an eligible recipient of a grant under this section may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

“(2) LIMITATION.—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.

“SEC. 210. CHANGED PROJECT CIRCUMSTANCES.

“In any case in which a grant (including a supplementary grant described in section 205) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a project, and, after the grant has been made but before completion of the project, the purpose or scope of the project that was the basis of the grant is modified, the Secretary may approve, subject (except for a grant for which funds were obligated in fiscal year 1995) to the availability of appropriations, the use of grant funds for the modified project if the Secretary determines that—

“(1) the modified project meets the requirements of this title and is consistent with the comprehensive economic development strategy submitted as part of the application for the grant; and

“(2) the modifications are necessary to enhance economic development in the area for which the project is being carried out.

“SEC. 211. USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.

“In any case in which a grant (including a supplementary grant described in section 205) has been made by the Secretary under this title (or made under this Act, as in effect on the day before the effective date of the Economic Development Administration Reform Act of 1998) for a construction project, and, after the grant has been made but before completion of the project, the cost of the project based on the designs and specifications that was the basis of the grant has decreased because of decreases in costs—

“(1) the Secretary may approve, subject to the availability of appropriations, the use of the excess funds or a portion of the funds to improve the project; and

“(2) any amount of excess funds remaining after application of paragraph (1) shall be deposited in the general fund of the Treasury.

“SEC. 212. REPORTS BY RECIPIENTS.

“(a) IN GENERAL.—Each recipient of assistance under this title shall submit reports to the Secretary at such intervals and in such manner as the Secretary shall require by regulation, except that no report shall be required to be submitted more than 10 years after the date of closeout of the assistance award.

“(b) CONTENTS.—Each report shall contain an evaluation of the effectiveness of the economic assistance provided under this title in meeting the need that the assistance was designed to address and in meeting the objectives of this Act.

“SEC. 213. PROHIBITION ON USE OF FUNDS FOR ATTORNEY'S AND CONSULTANT'S FEES.

“Assistance made available under this title shall not be used directly or indirectly for an attorney's or consultant's fee incurred in connection with obtaining grants and contracts under this title.

“TITLE III—ELIGIBILITY; COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES

“SEC. 301. ELIGIBILITY OF AREAS.

“(a) IN GENERAL.—For a project to be eligible for assistance under section 201 or 209, the project shall be located in an area that, on the date of submission of the application, meets 1 or more of the following criteria:

“(1) LOW PER CAPITA INCOME.—The area has a per capita income of 80 percent or less of the national average.

“(2) UNEMPLOYMENT RATE ABOVE NATIONAL AVERAGE.—The area has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate.

“(3) UNEMPLOYMENT OR ECONOMIC ADJUSTMENT PROBLEMS.—The area is an area that the Secretary determines has experienced or is about to experience a special need arising from actual or threatened severe unemployment or economic adjustment problems resulting from severe short-term or long-term changes in economic conditions.

“(b) POLITICAL BOUNDARIES OF AREAS.—An area that meets 1 or more of the criteria of subsection (a), including a small area of poverty or high unemployment within a larger community in less economic distress, shall be eligible for assistance under section 201 or 209 without regard to political or other subdivisions or boundaries.

“(c) DOCUMENTATION.—

“(1) IN GENERAL.—A determination of eligibility under subsection (a) shall be supported by the most recent Federal data available, or, if no recent Federal data is available, by the most recent data available through the government of the State in which the area is located.

“(2) ACCEPTANCE BY SECRETARY.—The documentation shall be accepted by the Secretary unless the Secretary determines that the documentation is inaccurate.

“(d) PRIOR DESIGNATIONS.—Any designation of a redevelopment area made before the effective date of the Economic Development Administration Reform Act of 1998 shall not be effective after that effective date.

“SEC. 302. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.

“(a) IN GENERAL.—The Secretary may provide assistance under section 201 or 209 (except for planning assistance under section 209) to an eligible recipient for a project only if the eligible recipient submits to the Secretary, as part of an application for the assistance—

“(1) an identification of the economic development problems to be addressed using the assistance;

“(2) an identification of the past, present, and projected future economic development investments in the area receiving the assistance and public and private participants and sources of funding for the investments; and

“(3)(A) a comprehensive economic development strategy for addressing the economic problems identified under paragraph (1) in a manner that promotes economic development and opportunity, fosters effective transportation access, enhances and protects the environment, and balances resources through sound management of development; and

“(B) a description of how the strategy will solve the problems.

“(b) APPROVAL OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY.—The Secretary shall approve a comprehensive economic development strategy that meets the requirements of subsection (a) to the satisfaction of the Secretary.

“(c) APPROVAL OF OTHER PLAN.—The Secretary may accept as a comprehensive economic development strategy a satisfactory plan developed under another federally supported program.

“TITLE IV—ECONOMIC DEVELOPMENT DISTRICTS

“SEC. 401. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS.

“(a) IN GENERAL.—In order that economic development projects of broad geographic significance may be planned and carried out, the Secretary may designate appropriate economic development districts in the United States, with the concurrence of the States in which the districts will be wholly or partially located, if—

“(1) the proposed district is of sufficient size or population, and contains sufficient resources, to foster economic development on a scale involving more than a single area described in section 301(a);

“(2) the proposed district contains at least 1 area described in section 301(a); and

“(3) the proposed district has a comprehensive economic development strategy that—

“(A) contains a specific program for intradistrict cooperation, self-help, and public investment; and

“(B) is approved by each affected State and by the Secretary.

“(b) AUTHORITIES.—The Secretary may, under regulations promulgated by the Secretary—

“(1) invite the States to determine boundaries for proposed economic development districts;

“(2) cooperate with the States—

“(A) in sponsoring and assisting district economic planning and economic development groups; and

“(B) in assisting the district groups in formulating comprehensive economic development strategies for districts; and

“(3) encourage participation by appropriate local government entities in the economic development districts.

“SEC. 402. TERMINATION OR MODIFICATION OF ECONOMIC DEVELOPMENT DISTRICTS.

“The Secretary shall, by regulation, promulgate standards for the termination or modification of the designation of economic development districts.

“SEC. 403. INCENTIVES.

“(a) IN GENERAL.—Subject to the non-Federal share requirement under section 205(c)(1), the Secretary may increase the amount of grant assistance for a project in an economic development district by an amount that does not exceed 10 percent of the cost of the project, in accordance with such regulations as the Secretary shall promulgate, if—

“(1) the project applicant is actively participating in the economic development activities of the district; and

“(2) the project is consistent with the comprehensive economic development strategy of the district.

“(b) REVIEW OF INCENTIVE SYSTEM.—In promulgating regulations under subsection (a), the Secretary shall review the current incentive system to ensure that the system is administered in the most direct and effective manner to achieve active participation by project applicants in the economic development activities of economic development districts.

“SEC. 404. PROVISION OF COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES TO APPALACHIAN REGIONAL COMMISSION.

“If any part of an economic development district is in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)), the economic development district shall ensure that a copy of the comprehensive economic development strategy of the district is provided to the Appalachian Regional Commission established under that Act.

“SEC. 405. ASSISTANCE TO PARTS OF ECONOMIC DEVELOPMENT DISTRICTS NOT IN ELIGIBLE AREAS.

“Notwithstanding section 301, the Secretary may provide such assistance as is available under this Act for a project in a part of an economic development district that is not in an area described in section 301(a), if the project will be of a substantial direct benefit to an area described in section 301(a) that is located in the district.

“TITLE V—ADMINISTRATION

“SEC. 501. ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT.

“(a) IN GENERAL.—The Secretary shall carry out this Act through an Assistant Secretary of Commerce for Economic Development, to be appointed by the President, by and with the advice and consent of the Senate.

“(b) COMPENSATION.—The Assistant Secretary of Commerce for Economic Development shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(c) DUTIES.—The Assistant Secretary of Commerce for Economic Development shall carry out such duties as the Secretary shall require and shall serve as the administrator of the Economic Development Administration of the Department.

“SEC. 502. ECONOMIC DEVELOPMENT INFORMATION CLEARINGHOUSE.

“In carrying out this Act, the Secretary shall—

“(1) maintain a central information clearinghouse on matters relating to economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment programs and activities of the Federal and State governments, including political subdivisions of States;

“(2) assist potential and actual applicants for economic development, economic adjustment, disaster recovery, defense conversion, and trade adjustment assistance under Federal, State, and local laws in locating and applying for the assistance; and

“(3) assist areas described in section 301(a) and other areas by providing to interested persons, communities, industries, and businesses in the areas any technical information, market research, or other forms of assistance, information, or advice that would be useful in alleviating or preventing conditions of excessive unemployment or underemployment in the areas.

“SEC. 503. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

“(a) CONSULTATION ON PROBLEMS RELATING TO EMPLOYMENT.—The Secretary may consult with any persons, including representatives of labor, management, agriculture, and government, who can assist in addressing the problems of area and regional unemployment or underemployment.

“(b) CONSULTATION ON ADMINISTRATION OF ACT.—The Secretary may provide for such consultation with interested Federal agencies as the Secretary determines to be appropriate in the performance of the duties of the Secretary under this Act.

“SEC. 504. ADMINISTRATION, OPERATION, AND MAINTENANCE.

“The Secretary shall approve Federal assistance under this Act only if the Secretary is satisfied that the project for which Federal assistance is granted will be properly and efficiently administered, operated, and maintained.

“SEC. 505. BUSINESSES DESIRING FEDERAL CONTRACTS.

“The Secretary may provide the procurement divisions of Federal agencies with a list consisting of—

“(1) the names and addresses of businesses that are located in areas described in section 301(a) and that wish to obtain Federal Government contracts for the provision of supplies or services; and

“(2) the supplies and services that each business provides.

“SEC. 506. PERFORMANCE EVALUATIONS OF GRANT RECIPIENTS.

“(a) IN GENERAL.—The Secretary shall conduct an evaluation of each university center and each economic development district that receives grant assistance under this Act (each referred to in this section as a ‘grantee’) to assess the grantee’s performance and contribution toward retention and creation of employment.

“(b) PURPOSE OF EVALUATIONS OF UNIVERSITY CENTERS.—The purpose of the evaluations of university centers under subsection (a) shall be to determine which university centers are performing well and are worthy of continued grant assistance under this Act, and which should not receive continued assistance, so that university centers that have not previously received assistance may receive assistance.

“(c) TIMING OF EVALUATIONS.—Evaluations under subsection (a) shall be conducted on a continuing basis so that each grantee is evaluated within 3 years after the first award of assistance to the grantee after the effective date of the Economic Development Administration Reform Act of 1998, and at least once every 3 years thereafter, so long as the grantee receives the assistance.

“(d) EVALUATION CRITERIA.—

“(1) ESTABLISHMENT.—The Secretary shall establish criteria for use in conducting evaluations under subsection (a).

“(2) EVALUATION CRITERIA FOR UNIVERSITY CENTERS.—The criteria for evaluation of a university center shall, at a minimum, provide for an assessment of the center’s contribution to providing technical assistance, conducting applied research, and disseminating results of the activities of the center.

“(3) EVALUATION CRITERIA FOR ECONOMIC DEVELOPMENT DISTRICTS.—The criteria for evaluation of an economic development district shall, at a minimum, provide for an assessment of management standards, financial accountability, and program performance.

“(e) PEER REVIEW.—In conducting an evaluation of a university center or economic development district under subsection (a), the Secretary shall provide for the participation of at least 1 other university center or economic development district, as appropriate, on a cost-reimbursement basis.

“SEC. 507. NOTIFICATION OF REORGANIZATION.

“Not later than 30 days before the date of any reorganization of the offices, programs, or activities of the Economic Development Administration, the Secretary shall provide notification of the reorganization to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives.

“TITLE VI—MISCELLANEOUS

“SEC. 601. POWERS OF SECRETARY.

“(a) IN GENERAL.—In carrying out the duties of the Secretary under this Act, the Secretary may—

“(1) adopt, alter, and use a seal, which shall be judicially noticed;

“(2) subject to the civil service and classification laws, select, employ, appoint, and fix the compensation of such personnel as are necessary to carry out this Act;

“(3) hold such hearings, sit and act at such times and places, and take such testimony, as the Secretary determines to be appropriate;

“(4) request directly, from any Federal agency, board, commission, office, or independent establishment, such information, suggestions, estimates, and statistics as the Secretary determines to be necessary to carry out this Act (and each Federal agency, board, commission, office, or independent establishment may provide such information, suggestions, estimates, and statistics directly to the Secretary);

“(5) under regulations promulgated by the Secretary—

“(A) assign or sell at public or private sale, or otherwise dispose of for cash or credit, in the Secretary’s discretion and on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by the Secretary in connection with assistance provided under this Act; and

“(B) collect or compromise all obligations assigned to or held by the Secretary in connection with that assistance until such time as the obligations are referred to the Attorney General for suit or collection;

“(6) deal with, complete, renovate, improve, modernize, insure, rent, or sell for cash or credit, on such terms and conditions and for such consideration as the Secretary determines to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary in connection with assistance provided under this Act;

“(7) pursue to final collection, by means of compromise or other administrative action, before referral to the Attorney General, all claims against third parties assigned to the Secretary in connection with assistance provided under this Act;

“(8) acquire, in any lawful manner, any property (real, personal, or mixed, tangible or intangible), to the extent appropriate in connection with assistance provided under this Act;

“(9) in addition to any powers, functions, privileges, and immunities otherwise vested in the Secretary, take any action, including the procurement of the services of attorneys by contract, determined by the Secretary to be necessary or desirable in making, purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with assets held in connection with financial assistance provided under this Act;

“(10)(A) employ experts and consultants or organizations as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually;

“(B) compensate individuals so employed, including compensation for travel time; and

“(C) allow individuals so employed, while away from their homes or regular places of business, travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Federal Government service;

“(11) establish performance measures for grants and other assistance provided under this Act, and use the performance measures to evaluate the economic impact of economic development assistance programs under this Act, which establishment and use of performance measures shall be provided by the Secretary through—

“(A) officers or employees of the Department;

“(B) the employment of persons under contracts entered into for such purposes; or

“(C) grants to persons, using funds made available to carry out this Act;

“(12) conduct environmental reviews and incur necessary expenses to evaluate and monitor the environmental impact of economic development assistance provided and proposed to be provided under this Act, including expenses associated with the representation and defense of the actions of the Secretary relating to the environmental impact of the assistance, using any funds made available to carry out section 207;

“(13) sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or the property of the Secretary; and

“(14) establish such rules, regulations, and procedures as the Secretary considers appropriate for carrying out this Act.

“(b) Deficiency Judgments.—The authority under subsection (a)(7) to pursue claims shall include the authority to obtain deficiency judgments or otherwise pursue claims relating to mortgages assigned to the Secretary.

“(c) Inapplicability of Certain Other Requirements.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of property obtained by the Secretary as a result of assistance provided under this Act if the premium for the insurance or the amount of the services or supplies does not exceed $1,000.

“(d) Property Interests.—

“(1) In general.—The powers of the Secretary under this section, relating to property acquired by the Secretary in connection with assistance provided under this Act, shall extend to property interests of the Secretary relating to projects approved under—

“(A) this Act;

“(B) title I of the Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.);

“(C) title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

“(D) the Community Emergency Drought Relief Act of 1977 (42 U.S.C. 5184 note; Public Law 95–31).

“(2) Release.—The Secretary may release, in whole or in part, any real property interest, or tangible personal property interest, in connection with a grant after the date that is 20 years after the date on which the grant was awarded.

“(e) Powers of Conveyance and Execution.—The power to convey and to execute, in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest in such property acquired by the Secretary under this Act may be exercised by the Secretary, or by any officer or agent appointed by the Secretary for that purpose, without the execution of any express delegation of power or power of attorney.

“SEC. 603. ANNUAL REPORT TO CONGRESS.

“Not later than July 1, 2000, and July 1 of each year thereafter, the Secretary shall submit to Congress a comprehensive and detailed annual report on the activities of the Secretary under this Act during the most recently completed fiscal year.

“SEC. 604. DELEGATION OF FUNCTIONS AND TRANSFER OF FUNDS AMONG FEDERAL AGENCIES.

“(a) Delegation of Functions to Other Federal Agencies.—The Secretary may—

“(1) delegate to the heads of other Federal agencies such functions, powers, and duties of the Secretary under this Act as the Secretary determines to be appropriate; and

“(2) authorize the redelegation of the functions, powers, and duties by the heads of the agencies.

“(b) Transfer of Funds to Other Federal Agencies.—Funds authorized to be appropriated to carry out this Act may be transferred between Federal agencies, if the funds are used for the purposes for which the funds are specifically authorized and appropriated.

“(c) Transfer of Funds From Other Federal Agencies.—

“(1) In general.—Subject to paragraph (2), for the purposes of this Act, the Secretary may accept transfers of funds from other Federal agencies if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically authorized and appropriated.

“(2) Use of funds.—The transferred funds—

“(A) shall remain available until expended; and

“(B) may, to the extent necessary to carry out this Act, be transferred to and merged by the Secretary with the appropriations for salaries and expenses.

“SEC. 605. PENALTIES.

“(a) False Statements; Security Overvaluation.—A person that makes any statement that the person knows to be false, or willfully overvalues any security, for the purpose of—

“(1) obtaining for the person or for any applicant any financial assistance under this Act or any extension of the assistance by renewal, deferment, or action, or by any other means, or the acceptance, release, or substitution of security for the assistance;

“(2) influencing in any manner the action of the Secretary; or

“(3) obtaining money, property, or any thing of value, under this Act;

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

“(b) Embezzlement and Fraud-Related Crimes.—A person that is connected in any capacity with the Secretary in the administration of this Act and that—

“(1) embezzles, abstracts, purloins, or willfully misapplies any funds, securities, or other thing of value, that is pledged or otherwise entrusted to the person;

“(2) with intent to defraud the Secretary or any other person or entity, or to deceive any officer, auditor, or examiner—

“(A) makes any false entry in any book, report, or statement of or to the Secretary; or

“(B) without being duly authorized, draws any order or issue, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof;

“(3) with intent to defraud, participates or shares in or receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, grant, commission, contract, or any other act of the Secretary; or

“(4) gives any unauthorized information concerning any future action or plan of the Secretary that might affect the value of securities, or having such knowledge invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans, grants, or other assistance from the Secretary;

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

“SEC. 606. EMPLOYMENT OF EXPEDITERS AND ADMINISTRATIVE EMPLOYEES.

“Assistance shall not be provided by the Secretary under this Act to any business unless the owners, partners, or officers of the business—

“(1) certify to the Secretary the names of any attorneys, agents, and other persons engaged by or on behalf of the business for the purpose of expediting applications made to the Secretary for assistance of any kind, under this Act, and the fees paid or to be paid to the person for expediting the applications; and

“(2) execute an agreement binding the business, for the 2-year period beginning on the date on which the assistance is provided by the Secretary to the business, to refrain from employing, offering any office or employment to, or retaining for professional services, any person who, on the date on which the assistance or any part of the assistance was provided, or within the 1-year period ending on that date—

“(A) served as an officer, attorney, agent, or employee of the Department; and

“(B) occupied a position or engaged in activities that the Secretary determines involved discretion with respect to the granting of assistance under this Act.

“SEC. 607. MAINTENANCE AND PUBLIC INSPECTION OF LIST OF APPROVED APPLICATIONS FOR FINANCIAL ASSISTANCE.

“(a) In General.—The Secretary shall—

“(1) maintain as a permanent part of the records of the Department a list of applications approved for financial assistance under this Act; and

“(2) make the list available for public inspection during the regular business hours of the Department.

“(b) Additions to List.—The following information shall be added to the list maintained under subsection (a) as soon as an application described in subsection (a)(1) is approved:

“(1) The name of the applicant and, in the case of a corporate application, the name of each officer and director of the corporation.

“(2) The amount and duration of the financial assistance for which application is made.

“(3) The purposes for which the proceeds of the financial assistance are to be used.

“SEC. 608. RECORDS AND AUDITS.

“(a) Recordkeeping and Disclosure Requirements.—Each recipient of assistance under this Act shall keep such records as the Secretary shall require, including records that fully disclose—

“(1) the amount and the disposition by the recipient of the proceeds of the assistance;

"(2) the total cost of the project in connection with which the assistance is given or used;

"(3) the amount and nature of the portion of the cost of the project provided by other sources; and

"(4) such other records as will facilitate an effective audit.

"(b) Access to Books for Examination and Audit.—The Secretary, the Inspector General of the Department, and the Comptroller General of the United States, or any duly authorized representative, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that relate to assistance received under this Act.

"SEC. 609. RELATIONSHIP TO ASSISTANCE UNDER OTHER LAW.

"(a) Previously Authorized Assistance.—Except as otherwise provided in this Act, all financial and technical assistance authorized under this Act shall be in addition to any Federal assistance authorized before the effective date of the Economic Development Administration Reform Act of 1998.

"(b) Assistance Under Other Acts.—Nothing in this Act authorizes or permits any reduction in the amount of Federal assistance that any State or other entity eligible under this Act is entitled to receive under any other Act.

"SEC. 610. ACCEPTANCE OF CERTIFICATIONS BY APPLICANTS.

"Under terms and conditions determined by the Secretary, the Secretary may accept the certifications of an applicant for assistance under this Act that the applicant meets the requirements of this Act.".

(b) Title VII.—The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended—

(1) by redesignating section 712 as section 602 and moving that section to appear after section 601 (as amended by subsection (a));

(2) in section 602 (as added by paragraph (1))—

(A) by striking the section heading and all that follows through "All" and inserting the following:

"SEC. 602. MAINTENANCE OF STANDARDS.

"All"; and

(B) by striking "sections 101, 201, 202, 403, 903, and 1003" and inserting "this Act"; and

(3) by striking title VII (as amended by paragraph (1)) and inserting the following:

"TITLE VII—FUNDING

"SEC. 701. GENERAL AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this Act $397,969,000 for fiscal year 1999, $368,000,000 for fiscal year 2000, $335,000,000 for fiscal year 2001, $335,000,000 for fiscal year 2002, and $335,000,000 for fiscal year 2003, to remain available until expended.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE CONVERSION ACTIVITIES.

"(a) In General.—In addition to amounts made available under section 701, there are authorized to be appropriated such sums as are necessary to carry out section 209(c)(1), to remain available until expended.

"(b) Pilot Projects.—Funds made available under subsection (a) may be used for activities including pilot projects for privatization of, and economic development activities for, closed or realigned military or Department of Energy installations.

"SEC. 703. AUTHORIZATION OF APPROPRIATIONS FOR DISASTER ECONOMIC RECOVERY ACTIVITIES.

"(a) In General.—In addition to amounts made available under section 701, there are authorized to be appropriated such sums as are necessary to carry out section 209(c)(2), to remain available until expended.

"(b) Federal Share.—The Federal share of the cost of activities funded with amounts made available under subsection (a) shall be up to 100 percent.".

(c) Titles VIII Through X.—The Public Works and Economic Development Act of 1965 is amended by striking titles VIII through X (42 U.S.C. 3231 et seq.).

SEC. 103. CONFORMING AMENDMENT.

Section 5316 of title 5, United States Code, is amended by striking "Administrator for Economic Development.".

SEC. 104. TRANSITION PROVISIONS.

(a) Existing Rights, Duties, and Obligations.—This title, including the amendments made by this title, does not affect the validity of any right, duty, or obligation of the United States or any other person arising under any contract, loan, or other instrument or agreement that was in effect on the day before the effective date of this title.

(b) Continuation of Suits.—No action or other proceeding commenced by or against any officer or employee of the Economic Development Administration shall abate by reason of the enactment of this title.

(c) Liquidating Account.—The Economic Development Revolving Fund established under section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) (as in effect on the day before the effective date of this title) shall continue to be available to the Secretary of Commerce as a liquidating account (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for payment of obligations and expenses in connection with financial assistance provided under—

(1) the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.);

(2) the Area Redevelopment Act (42 U.S.C. 2501 et seq.); and

(3) the Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(d) Administration.—The Secretary of Commerce shall take such actions authorized before the effective date of this title as are appropriate to administer and liquidate grants, contracts, agreements, loans, obligations, debentures, or guarantees made by the Secretary under law in effect before the effective date of this title.

SEC. 105. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on a date determined by the Secretary of Commerce, but not later than 90 days after the date of enactment of this Act.

TITLE II—APPALACHIAN REGIONAL DEVELOPMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Appalachian Regional Development Reform Act of 1998".

SEC. 202. FINDINGS AND PURPOSES.

Section 2 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"(c) 1998 Findings and Purposes.—

"(1) Findings.—Congress further finds and declares that, while substantial progress has been made in fulfilling many of the objectives of this Act, rapidly changing national and global economies over the past decade have created new problems and challenges for rural areas throughout the United States and especially for the Appalachian region.

"(2) Purposes.—In addition to the purposes stated in subsections (a) and (b), it is the purpose of this Act—

"(A) to assist the Appalachian region in—

"(i) providing the infrastructure necessary for economic and human resource development;

"(ii) developing the region's industry;

"(iii) building entrepreneurial communities;

"(iv) generating a diversified regional economy; and

"(v) making the region's industrial and commercial resources more competitive in national and world markets;

"(B) to provide a framework for coordinating Federal, State, and local initiatives to respond to the economic competitiveness challenges in the Appalachian region through—

"(i) improving the skills of the region's workforce;

"(ii) adapting and applying new technologies for the region's businesses; and

"(iii) improving the access of the region's businesses to the technical and financial resources necessary to development of the businesses; and

"(C) to address the needs of severely and persistently distressed areas of the Appalachian region and focus special attention on the areas of greatest need so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across the United States.".

SEC. 203. MEETINGS.

(a) Annual Meeting Requirement.—Section 101 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "(a) There" and inserting the following:

"(a) In General.—

"(1) Establishment.—There"; and

(2) by adding at the end the following:

"(2) Meetings.—

"(A) In general.—The Commission shall conduct at least 1 meeting each year with the Federal Cochairman and at least a majority of the State members present.".

(b) Additional Meetings by Electronic Means.—Section 101 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in subsection (a)(2) (as added by subsection (a)(2)), by adding at the end the following:

"(B) Additional meetings.—The Commission may conduct such additional meetings by electronic means as the Commission considers advisable, including meetings to decide matters requiring an affirmative vote."; and

(2) in the fourth sentence of subsection (c), by striking "to be present".

(c) Decisions Requiring a Quorum.—Section 101(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking the third sentence and inserting the following: "A decision involving Commission policy, approval of any State, regional, or subregional development plan or implementing investment program, any modification or revision of the Appalachian Regional Commission Code, any allocation of funds among the States, or any designation of a distressed county or an economically strong county shall not be made without a quorum of the State members.".

SEC. 204. ADMINISTRATIVE EXPENSES.

Section 105 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "(a) For the period" in the first sentence and all that follows through "such expenses" in the second sentence and inserting "Administrative expenses of the Commission"; and

(2) by striking subsection (b).

SEC. 205. COMPENSATION OF EMPLOYEES.

Section 106(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "the salary of the alternate to the Federal Cochairman on the Commission as provided in section 101" and inserting "the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title".

SEC. 206. ADMINISTRATIVE POWERS OF COMMISSION.

Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "1982" and inserting "2001".

SEC. 207. COST SHARING OF DEMONSTRATION HEALTH PROJECTS.

(a) Operation Costs.—Section 202(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "100 per centum of the costs thereof" in the first sentence and all that follows through the period at the end of the second sentence and inserting "50 percent of the costs of that operation (or 80 percent of those costs in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226).".

(b) Cost Sharing.—Section 202 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"(f) Maximum Commission Contribution After September 30, 1998.—

"(1) In general.—Subject to paragraph (2), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(2) Distressed counties.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under paragraph (1) may be increased to the lesser of—

"(A) 80 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) Technical Amendments.—Section 202 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "Secretary of Health, Education, and Welfare" each place it appears and inserting "Secretary of Health and Human Services"; and

(2) in subsection (c), by striking the last sentence.

SEC. 208. REPEAL OF LAND STABILIZATION, CONSERVATION, AND EROSION CONTROL PROGRAM.

Section 203 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 209. REPEAL OF TIMBER DEVELOPMENT PROGRAM.

Section 204 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 210. REPEAL OF MINING AREA RESTORATION PROGRAM.

Section 205 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 211. REPEAL OF WATER RESOURCE SURVEY.

Section 206 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 212. COST SHARING OF HOUSING PROJECTS.

(a) Loans.—Section 207(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking "80 per centum" and inserting "50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)".

(b) Grants.—Section 207(c)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "80 per centum" and inserting "50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)".

SEC. 213. REPEAL OF AIRPORT SAFETY IMPROVEMENTS PROGRAM.

Section 208 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 214. COST SHARING OF VOCATIONAL EDUCATION AND EDUCATION DEMONSTRATION PROJECTS.

(a) Operation Costs.—Section 211(b)(3) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "100 per centum of the costs thereof" in the first sentence and all that follows through the period at the end of the second sentence and inserting "50 percent of the costs of that operation (or 80 percent of those costs in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226)."

(b) Cost Sharing.—Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following.

"(c) Maximum Commission Contribution After September 30, 1998.—

"(1) In general.—Subject to paragraph (2), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(2) Distressed counties.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under paragraph (1) may be increased to the lesser of—

"(A) 80 percent; or

"(B) the maximum Federal contribution percentage authorized by this section.".

(c) Technical Amendments.—Section 211 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in subsection (a), by striking "Secretary of Health, Education, and Welfare" and inserting "Secretary of Education"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "Secretary of the Department of Health, Education, and Welfare" and inserting "Secretary of Education"; and

(B) in paragraph (3), by striking the last sentence.

SEC. 215. REPEAL OF SEWAGE TREATMENT WORKS PROGRAM.

Section 212 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 216. REPEAL OF AMENDMENTS TO HOUSING ACT OF 1954.

Section 213 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is repealed.

SEC. 217. SUPPLEMENTS TO FEDERAL GRANT-IN-AID PROGRAMS.

(a) Availability of Amounts.—Section 214(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking "the President is authorized to provide funds to the Federal Cochairman to be used" and inserting "the Federal Cochairman may use amounts made available to carry out this section".

(b) Cost Sharing.—Section 214(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "(b) The Federal" and inserting the following:

"(b) Cost Sharing.—

"(1) In general.—The Federal"; and

(2) by adding at the end the following:

"(2) Maximum commission contribution after September 30, 1998.—

"(A) In general.—Subject to subparagraph (B), after September 30, 1998, a Commission contribution of not more than 50 percent of any project cost eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(B) Distressed counties.—In the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226, the maximum Commission contribution under subparagraph (A) may be increased to 80 percent.".

(c) Definition of Federal Grant-in-Aid Programs.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence—

(1) by striking "on or before December 31, 1980,"; and

(2) by striking "Titles I and IX of the Public Works and Economic Development Act of 1965" and inserting "sections 201 and 209 of the Public Works and Economic Development Act of 1965".

(d) Limitation on Covered Road Projects.—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by inserting "authorized by title 23, United States Code" after "road construction".

SEC. 218. PROGRAM DEVELOPMENT CRITERIA.

(a) Considerations.—Section 224(a)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting before the semicolon at the end the following: "or in a severely and persistently distressed county or area".

(b) Outcome Measurements.—Section 224(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (5), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures may be evaluated.".

(c) Removal of Limitations.—Section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking subsection (b) and inserting the following:

"(b) Limitation.—Financial assistance made available under this Act shall not be used to assist establishments relocating from 1 area to another.".

(d) Conforming Amendment.—Section 302(b)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the first sentence by striking "Notwithstanding" and all that follows through "the Commission" and inserting "The Commission".

SEC. 219. DISTRESSED AND ECONOMICALLY STRONG COUNTIES.

Part C of title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"SEC. 226. DISTRESSED AND ECONOMICALLY STRONG COUNTIES.

"(a) DESIGNATIONS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Commission, in accordance with such criteria as the Commission may establish, shall—

"(A) designate as 'distressed counties' those counties in the region that are the most severely and persistently distressed; and

"(B) designate 2 categories of economically strong counties, consisting of—

"(i) 'competitive counties', which shall be those counties in the region that are approaching economic parity with the rest of the United States; and

"(ii) 'attainment counties', which shall be those counties in the region that have attained or exceeded economic parity with the rest of the United States.

"(2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—

"(A) conduct an annual review of each designation of a county under paragraph (1) to determine if the county still meets the criteria for the designation; and

"(B) renew the designation for another 1-year period only if the county still meets the criteria.

"(b) DISTRESSED COUNTIES.—In program and project development and implementation and in the allocation of appropriations made available to carry out this Act, the Commission shall give special consideration to the needs of those counties for which a distressed county designation is in effect under this section.

"(c) ECONOMICALLY STRONG COUNTIES.—

"(1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3) and (4), in the case of a project that is carried out in a county for which a competitive county designation is in effect under this section, assistance under this Act shall be limited to not more than 30 percent of the project cost.

"(2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3) and (4), no funds may be provided under this Act for a project that is carried out in a county for which an attainment county designation is in effect under this section.

"(3) EXCEPTIONS.—The requirements of paragraphs (1) and (2) shall not apply to—

"(A) any project on the Appalachian development highway system authorized by section 201;

"(B) any local development district administrative project assisted under section 302(a)(1); or

"(C) any multicounty project that is carried out in 2 or more counties designated under this section if—

"(i) at least 1 of the participating counties is designated as a distressed county under this section; and

"(ii) the project will be of substantial direct benefit to 1 or more distressed counties.

"(4) WAIVER.—

"(A) IN GENERAL.—The Commission may waive the requirements of paragraphs (1) and (2) for a project upon a showing by the recipient of assistance for the project of 1 or more of the following:

"(i) The existence of a significant pocket of distress in the part of the county in which the project is carried out.

"(ii) The existence of a significant potential benefit from the project in 1 or more areas of the region outside the designated county.

"(B) REPORTS TO CONGRESS.—The Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report describing each waiver granted under subparagraph (A) during the period covered by the report.".

SEC. 220. GRANTS FOR ADMINISTRATIVE EXPENSES AND COMMISSION PROJECTS.

(a) AVAILABILITY OF AMOUNTS.—Section 302(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "The President" and inserting "The Commission"; and

(2) in paragraphs (1), (2), and (3), by striking "to the Commission" each place it appears.

(b) COST SHARING.—Section 302(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "75 per centum" and inserting "50 percent"; and

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(3) by striking "(a) The" and inserting the following:

"(a) AUTHORIZATION TO MAKE GRANTS.—

"(1) IN GENERAL.—The";

(4) by adjusting the margins of subparagraphs (A), (B), and (C) (as redesignated by paragraph (2)) to reflect the amendment made by paragraph (3); and

(5) by adding at the end the following:

"(2) COST SHARING AFTER SEPTEMBER 30, 1998.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), after September 30, 1998, not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for financial assistance under this section may be provided from funds appropriated to carry out this Act.

"(B) DISCRETIONARY GRANTS.—

"(i) IN GENERAL.—Discretionary grants made by the Commission to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in the region may be made without regard to the percentage limitations specified in subparagraph (A).

"(ii) LIMITATION ON AGGREGATE AMOUNT.—For each fiscal year, the aggregate amount of discretionary grants referred to in clause (i) shall not exceed 10 percent of the amounts appropriated under section 401 for the fiscal year.".

(c) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking "Federal Energy Administration, the Energy Research and Development Administration" and inserting "Secretary of Energy"; and

(ii) by striking paragraphs (3) and (4); and

(B) by striking subsections (d) and (e).

(2) Section 210(a) of title 35, United States Code, is amended—

(A) by striking paragraph (11); and

(B) by redesignating paragraphs (12) through (22) as paragraphs (11) through (21), respectively.

SEC. 221. AUTHORIZATION OF APPROPRIATIONS FOR GENERAL PROGRAM.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended to read as follows:

"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to amounts authorized by section 201 and other amounts made available for the Appalachian development highway system program, there are authorized to be appropriated to the Commission to carry out this Act—

"(1) $68,000,000 for fiscal year 1999;

"(2) $69,000,000 for fiscal year 2000; and

"(3) $70,000,000 for fiscal year 2001.

"(b) AVAILABILITY.—Sums made available under subsection (a) shall remain available until expended.".

SEC. 222. EXTENSION OF TERMINATION DATE.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "1982" and inserting "2001".

SEC. 223. TECHNICAL AMENDMENT.

Section 5334(a) of title 5, United States Code, is amended in the second sentence by striking "title 40, appendix, or by a regional commission established pursuant to section 3182 of title 42, under section 3186(a)(2) of that title" and inserting "the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this legislation, which reauthorizes and reforms the programs of the Economic Development Administration and the Appalachian Regional Commission.

This is an historic occasion. Despite the fact that the House has passed reauthorization in every Congress since the authorization expired in 1982, the Senate, for the first time in 17 years, has passed an EDA and ARC reauthorization. The Senate-passed bill is modeled after the House reported bill and is acceptable on a bipartisan basis.

The House bill, the companion bill, has over 100 cosponsors on a bipartisan basis, is supported by the administration and every major economic development association, by the governors, by the League of Cities, by the counties, and was passed unanimously by our committee with every Republican and every Democrat on the committee voting in favor of it.

The EDA and the ARC are two programs that work. They provide economic opportunity to our Nation's most distressed communities, particularly in rural areas. The bill reforms both agencies by encouraging regional cooperation in economic development and targeting funds, and this is very important, reforming by targeting funds into the truly distressed communities across our country.

This legislation addresses the concerns of critics of these programs. For example, the legislation no longer allows 85 percent of the Nation to be eligible for EDA grants. Indeed, recent studies by Rutgers University found that EDA is a cost-effective agency that provides real economic development to really distressed communities. In addition, the study found that the number of jobs doubled in the 6 years after project completion in those EDA areas where indeed they were focused on truly economic distress.

This report also deals with the 1996 GAO report that suggested there was not a strong link. Rutgers instead found that EDA investments have a statistical significant and positive effect on county total employment and that the cost per job, get this, the cost per job for the EDA program is estimated at just around $1000.

In addition, EDA is a major Federal program to assist communities adversely affected by defense cutbacks and base closures. The EDA has already helped more than 100 communities who have suffered base closure. Given these facts, our committee has focused the authorizations on the EDA programs which demonstrated effectiveness. In this area of block granting, the ARC serves as a model program for State and Federal cooperation.

Every Federal funding and policy decision made by ARC requires the concurrence of both the States and the Federal government. It is very important to emphasize this point. The ARC program is not one which is dictated from Washington but, rather, must have the concurrence of the States involved.

Indeed, this legislation is historic in nature and should be passed. In fact, with the ARC funding, the Appalachian Regional Commission receives on a per capita basis 14 percent fewer Federal resources than the rest of the country.

In summary, the need for the ARC is there. The program works. It is a model for Federal and local cooperation. By passing this legislation, the House will have taken an historic step toward reforming and improving these proven programs. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1400

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to compliment our chairman, the gentleman from Pennsylvania (Mr. SHUSTER) for doggedly sticking with these two programs, EDA, and the Appalachian Regional Commission for our encouraging and motivating our subcommittee members to pursue the hearings, to markup the bill, move it through subcommittee, move it through full committee, to work with the Senate in bringing this legislation to the floor in that body, because that has always been the problem for years.

We have never been able to move authorization legislation through the Senate because of various objections by one or another Member of that body. Commend him for staying with it. That is one of the chairman's greatest qualities is stick-to-it-iveness. He does not give up and does not give up easily.

We have, as a result, as the chairman described, true bipartisan participation in this legislation achieved, a truly historic landmark today.

For three decades, I have, as a staff Member of the former Committee on Public Works as administrative assistant to my predecessor, John Blatnik, one of the original authors of the predecessor of EDA, the Area Redevelopment Program, and also co-author of the Appalachian Regional Development Program, I have watched the ebb and flow of this program through presidencies beginning with that of John F. Kennedy all through the current Clinton administration.

I have seen communities that were down on their luck, no opportunity for economic development or growth, rise with new jobs, new opportunities, claim a new future for themselves and for their young people because of this little bit of helping hand that has come from EDA.

I have seen the enormous success and pride that local communities have taken in projects initiated about funding from the economic development administration for one very simple reason. All of these are projects and programs initiated locally by the development team at the county level, the township level, the community level.

None of the EDA programs are top down, directed from Washington. They are initiated by the development organizations who see their own problems, see their own needs, describe what they need best to attract jobs or expand existing industries and create a better economic future for themselves and their children.

That has been the essential ingredient of success, both for EDA and, as the gentleman from Pennsylvania (Chairman SHUSTER) described, for the Appalachian Regional Commission.

That we are here today with this bill is a tribute to two former Members for whom I have only the greatest respect and affection, Don Clausen on the Republican side from California, who was an avid advocate of EDA and Appalachia, the lesser because he did not represent a region of Appalachia, and my dearest friend of many years Bill Clinger, the gentleman from Pennsylvania who served as the ranking Republican on the Economic Development Subcommittee during the years that I had the good fortune to chair that subcommittee and who was former chief counsel of the economic development administration.

Together, we worked to reshape EDA, recognizing the objections raised by President Reagan in his State of the Union message when he proposed to eliminate EDA and Appalachia. We said, no, let us reshape it. Let us reform it, but let us keep what is good.

The ideas reflected in this legislation are the ideas that together we brought to the committee and to the House. On three different occasions and three separate Congresses by votes of three and four to one, we passed what is essentially the bill we bring to the House today. It never got through the Senate.

That is the great achievement of our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), that he was unflagging in his determination to bring this legislation to fruition. I really greatly appreciate the work that the gentleman from Pennsylvania, our chairman, has accomplished.

I just want to cite one fact that emerged from the hearings Mr. Clinger and I together conducted in the early 1980s on the history of EDA. We found that, with a relatively modest investment over a period of 15 years of $4.7 billion, EDA projects, locally initiated, locally carried out, generated 1.4 million private sector jobs, leveraged $9 billion in private investment capital, and every year returned $6.5 billion in tax revenue to Federal, State and local treasuries.

That is a record unmatched by any other Federal program. I challenge anyone to exceed those accomplishments.

So what we have today is a bill that narrows the focus even further of EDA to only the most urgently needy areas of the country, require them to prepare a comprehensive economic development plan that is their plan, not Washington's plan, to focus their efforts on future economic growth opportunities, and to reduce the scope of this program from its alleged coverage of 80 percent of the population to less than 36 percent of the population in this country, and to focus the resources on those areas that are chronically in economic decline.

I want to thank the chairman of the subcommittee, the gentleman from California (Mr. KIM), and I want to thank the ranking Democratic Member, the gentleman from Ohio (Mr. TRAFICANT), for their splendid bipartisan cooperation in working to reshape, reform this bill.

I want to express my appreciation to Jesse White, cochairman of the Appalachian Regional Commission, the Governors throughout Appalachia, and the Assistant Secretary for Economic Development at the Department of Commerce, Phil Singerman who has worked very cooperatively with us in reshaping the legislation.

I recall during one of our subcommittee hearings in West Virginia going into an area that was both EDA and ARC eligible, a little town where the mayor was a member of the development commission, and brought me to a small store that was operated by one of his city councilmen.

On the wall behind the cash register was a sign that said "God never put nobody in a place too small to grow." I said, "Have you benefited in this community? You tell me what you have done to grow in this community." "Yes," he said, "before the Appalachia Commission, we were so far down, we had to look up to see bottom."

They do not have to look up to see bottom anymore. There was a time when much of Appalachia, most of the rural south, and most of the midwest was characterized by 80 acres and a mule. There was a time when opportunity for people in Appalachia met a bus ticket north to the industrial cities of the midwest.

Today, because of ARC, because of EDA, there is job opportunity, there is economic growth. There is hope for the future. These counties now are achieving parity with the rest of the country in per capita income, and they do not have to look up to see bottom. God never put nobody in a place too small to grow.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. KIM), chairman of the subcommittee.

Mr. KIM. Mr. Speaker, the gentleman from Pennsylvania (Mr. SHUSTER) already did an eloquent job to explain why we need to reauthorize this ARP and EDA programs.

I just want to reemphasize that the Subcommittee on Public Buildings and Economic Development, which I chair, held two days of hearing on these programs already and developed H.R. 4275, which is the companion to S. 2364. The Senate bill follows the general reforms and authorizations of the House-reported legislation.

I want to thank our ranking member, the gentleman from Ohio (Mr. TRAFICANT), our ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), and of course our chairman the gentleman from Pennsylvania (Mr. SHUSTER) for their effort in helping to produce this historic legislation.

The bill reauthorizes the EDA for 5 years and the ARC for 3 years at levels consistent with current appropriations action.

S. 2364 provides the most significant reforms the EDA and ARC have had in decades. It eliminates the grandfathering of eligibility and directs funds toward truly distressed areas. Let me emphasize these two areas.

While tightening the eligibility, the bill also explicitly recognizes the problems of pockets of poverty in otherwise healthy areas, it has never done that, which provides means to assisting these pockets of poverty in rich areas.

In addition, the legislation clarifies that innovative financing tools, such as loan guarantee programs and interest rate buydown program, are eligible under section 209 of this legislation. Those are two very historic ideas in my opinion.

Additionally, the bill reforms both agencies' programs to improve regional coordination, focus on core programs with demonstrated cost-effectiveness, and limit waivers of tough new matching requirements.

In summary, as funds continue to be provided for these programs in the appropriations process, this legislation insures that tax dollar will be properly and intelligently spent on meeting the needs of our Nation's most distressed community areas.

Mr. Speaker, I urge my colleagues to join me in supporting this historic legislation.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the chair the remaining time on both sides.

The SPEAKER pro tempore (Mr. BARRETT OF NEBRASKA). The gentleman from Minnesota (Mr. OBERSTAR) has 10½ minutes remaining. The gentleman from (Mr. SHUSTER) Pennsylvania has 14 minutes remaining.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON), a distinguished member of our committee.

Mrs. EMERSON. Mr. Speaker, I want to commend the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the ranking member and the gentleman from California (Mr. KIM) and all of the Committee on Transportation and Infrastructure staff for the hard work that they have done in crafting EDA reauthorization legislation and in securing consideration of it on the floor today.

I also want to pay tribute to Assistant Secretary Phil Singerman, too, for the exemplary work that he has done on behalf of the Economic Development Administration and truly making it in tune and in touch with the needs of the folks in our districts.

As the Chairman said, this is the first time in 17 years that we are on the verge of enacting EDA reauthorization legislation that will streamline and focus the program to serve our local communities more efficiently and more effectively, all the while saving taxpayer dollars.

It reminds me very much of a good friend of mine, Pig Paul, who is the presiding commissioner in Howell County, Missouri, who has taken that county into the 21st Century with a bang because he has worked very, very hard with the EDA to bring grants to that county.

As a result of those grants, we have had an explosion of jobs and companies wanting to come because of the good cooperative work that we have been able to do with EDA.

I have seen successes of the program in other rural communities within my district, and I have a very, very rural district. So this is a program that does work. It does work for our local communities.

I urge all of my colleagues to vote for EDA reauthorization.

Mr. OBERSTAR. Mr. Speaker, I am happy to yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I heard earlier our ranking member the gentleman from Minnesota (Mr. OBERSTAR) say that the gentleman from Pennsylvania (Mr. SHUSTER) deserves a lot of credit, and he certainly does. But he says he deserves a lot of credit because he never quits.

I wanted to just give a definition and a reason why the gentleman from Pennsylvania (Mr. SHUSTER) never quits. Because he is a Pitt man, a graduate of the University of Pittsburgh, a fellow alumnist of mine. I want to compliment the gentleman from Pennsylvania (Mr. SHUSTER) for having accomplished something with the gentleman from Minnesota (Mr. OBERSTAR), for 20 years, we have been continuing through an appropriation process, and this certainly is historic.

☐ 1415

The efforts of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) are not to be taken lightly here. These are two fine national programs targeted towards needy areas that did have abuse in their past but have been reconciled over a period of years with reasonable management and oversight to make them once again, as the gentleman from Minnesota alluded to, very effective tools. Having said that, I am a little saddened that the Senate had their way completely and some of the innovations of the House were not totally enacted, one being a specific pilot program that I authored that would allow for the utilization of EDA moneys to be used to buy down interest rates. Let me say something. No matter how much money we have for grants, it will not address the problems and the gravity and size of those problems by itself. We must leverage private sector dollars and we must incentivize these programs, and that pilot project to buy down interest rates was a specific tool targeted in that regard. Having said that, I think there are certain things that still can be salvaged from this bill.

Before I move for a colloquy with the two distinguished leaders, I would like to compliment Phil Singerman of EDA and Jesse White of the ARC programs. They are doing a remarkable job. There are several administrators in this Clinton administration that have really not only earned their pay but have been really great for the United States of America. Also, I would like to compliment, this may be the last significant bill of any import from our subcommittee, the respective subcommittee members, including, both sides, the gentleman from Louisiana (Mr. COOKSEY), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Ohio (Mr. LATOURETTE), the gentleman from Virginia (Mr. DAVIS), and on our side the gentlewoman from the District of Columbia (Ms. NORTON) one of the real dynamos of the House without a doubt; the gentleman from Pennsylvania (Mr. HOLDEN) the sheriff; and the gentleman from Texas (Mr. LAMPSON). Also our staff Susan Brita, Rose Hamlin and Ward McCarragher, the new counsel of our committee. Thank you, Ward, for the job you did with the EDA bill and in working with our committee on EDA issues. I would also like to compliment Rick Barnett of the Republican staff, the gentleman from California (Mr. KIM) and all of those who worked on it.

Having said all these nice things I would like a colloquy if I could with the gentleman from Pennsylvania and the gentleman from Minnesota to make sure they are both on the same page here. Being concerned about that interest rate buydown program and once again having the Senate basically write most of these laws, that does bother me. The House bill, H.R. 4275, included my pilot innovative financing program to enable grants to be used to buy down the interest rate of loans to businesses and nonprofit organizations for economic development. It is my understanding that although the Senate bill, S. 2364, that we have before us does not include such a specific pilot program, interest rate subsidies are, however, still eligible under section 209 of the bill. Even though the program is not specifically on a pilot basis authorized, is it not a fact that interest rate subsidies are eligible and Phil Singerman could in fact effect such a program?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. First I would like to respond to my good friend that this legislation before us is largely a House product. We negotiated with the Senate and we did have to strike some compromises, but the bill if we pass it today and send it to the President will largely be a product of our committee and of the House, with help from the Senate.

In direct answer to the gentleman's question, he is correct that although the Senate bill does not include a specific pilot program, interest rate subsidies are indeed eligible under section 209 of the bill. Moreover, the Committee on Transportation and Infrastructure strongly encourages EDA to demonstrate the use of this authority and report back to the committee regarding the success of this innovative financing tool. I would also like to note that public works loan guarantees are also eligible under section 209.

Mr. TRAFICANT. Further on my colloquy, then Phil Singerman could in fact design such a demonstration of said program even though it is not specifically delineated within the bill?

Mr. SHUSTER. Not only could he, we strongly encourage him to do so. I would not be surprised if Youngstown, Ohio might be one of the candidates.

Mr. TRAFICANT. I would certainly hope so.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I concur in the remarks of the chairman. As the chairman strongly supported the gentleman's initiative for interest buydown, it has proven to be a very effective tool in economic development in various parts of the country, but even though we were not able to keep legislative language directing a pilot program, certainly that authority that we wrote into the bill is authority within the general powers of the Economic Development Administration and could be initiated by EDA, by the Assistant Secretary upon request of an application submitted by an interested party that complies with the EDA requirements. As the chairman said, certainly if Youngstown were the first to submit such a proposal, it would be among the first considered and very likely we would see that ultimately approved by EDA, I am quite confident.

Mr. TRAFICANT. I appreciate that. I would just like to say that the legislative history here today clearly indicates the intent of the House to proceed in such an incentivized type of program to in fact attract and leverage local private dollars. The banks have got to get involved in this, folks. We do not have enough money. But I would also like to ask the two respective leaders of our committee who have done a tremendous job this year, and the Congress should really be thankful of the job on the highway, the BESTEA bill and other things that have come forth, that I would like to see us move strongly in that direction as a specific piece of legislation to create that economic tool to bring about some changes in these needy communities. I will support the bill naturally. I want to thank both the gentleman from Pennsylvania and the gentleman from Minnesota for a tremendous job.

Mr. SHUSTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. NEY) a very hardworking member of our committee.

Mr. NEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to thank the gentleman from Pennsylvania and also the gentleman from Minnesota for a tremendous piece of legislation and also previously this year a great teamwork effort to do another good piece of legislation which is the highway bill that is going to help with growth and jobs and do something real for our economy not only for the district I represent but for everywhere across this great nation.

Today I rise in support of S. 2364. As we know, the bill reauthorizes two very important programs that benefit needy communities throughout the country, especially within Ohio and the 18th Congressional District which I represent. The Economic Development Administration has continually been active in our State, in the State of Ohio, directing Federal resources to economically distressed communities in order to develop their local economies. Through public works, technical assistance, planning, community investments and revolving loan fund programs, EDA has established local partnerships, Mr. Speaker, that have provided critical infrastructure development and other economic incentives that have made our way of life better. Since it came into existence in Ohio, the EDA has alone invested more than $488 million into our local economies. I have worked very closely with organizations that coordinate and implement the EDA and ARC moneys, including the Hocking Valley Regional Development District, the Ohio Mid-Eastern Governments Association and the Ohio Valley Regional Development Council. I want to point out, Mr. Speaker, I think it is important that we recognize these are local groups, so this is a program that comes from Washington, D.C. and the local hands are in it. I cannot think of a better scenario for our people than to have that relationship. I am proud of both the EDA and the ARC and what they do for our communities.

The bill also reauthorizes the Appalachian Regional Commission and its programs. Those programs have come under fire. The gentleman from Ohio (Mr. Traficant) I think eloquently stated how the ARC is doing good things. I also need to mention that I used to work for the Appalachian Regional Commission through the State of Ohio, I was one of the State workers and I saw all the good firsthand of what we do with dental programs and with health care programs.

I just wanted to say in closing, Mr. Speaker, that the bill continues ARC's tradition of good works. The EDA helps with local projects that benefit people and create jobs. I look forward to working in the future with the National Association of Development Organizations, their members, the EDA and the ARC. I want to thank Jeff Janas of our staff for working with our local officials and with the staff here in

Washington. I urge the support of this great bill.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON) who, let me emphasize, played a key role over these past several days in bringing some of our Members around to our point of view. I thank him for that.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to congratulate both the gentleman from Pennsylvania and the gentleman from Minnesota for their bipartisan work to reauthorize two vital programs. These are well-targeted programs to assist communities to rebuild their fractured economic base.

I want to give my colleagues an example right now. I have a community where a steel mill that had 1,000 people closed 4 years ago. Two years later a regional bank merged with an out-of-state bank and hundreds of jobs were gone. Not only did we lose those jobs, we lost our leaders, the people who led the communities. With help from ARC and EDA, we are now helping this community to reuse this old steel mill and hopefully in a couple of years we can come back here and share with you the hundreds of jobs that will be there from several people. We were able to negotiate with this steel company to give the plant to the local community for a buck, but without the ARC and EDA help, they would not have the ability to use this facility.

I have a large rural district. Four regional development districts have used these programs successfully and effectively. Rural counties like Union, Centre, McKean, Jefferson, Venango, Elk, Warren and Forest, and those just come from my memory, are communities and counties that have used these programs to rebuild when plants have left and left those communities flat. They help leverage local and State programs, they help millions of dollars of corporate investment back into towns that are struggling to survive. These programs are vital to the success of rural America, our small towns. It will help remove men and women from the unemployment benefit line and make them taxpayers. That is government money well-spent, programs that are well-targeted, programs that have proven their way. I am pleased that we are on our way to authorizing them in the future.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I want to thank the chairman and ranking member for speeding this bill to the floor. Mr. Speaker, I think it has been, I have to defer to the ranking member but 17 years. Actually I just brought my daughter on the floor. We are doing a little child care at home. The last time these programs were reauthorized was 8 years before she was born. She is 9 now. But I am happy to report to her and to many others that these programs have been reauthorized through a bipartisan effort.

The reauthorization of the ARC and the EDA means that they will continue to be the economic linchpins that are so vital to many parts of our nation and certainly to Appalachia as we begin to rebuild from the devastation and dislocation of losing mining and manufacturing jobs, as we begin to build those highways, as we begin to build those educational opportunities, as we begin to build opportunities for children across this country.

I also think it should be noted that on a bipartisan basis, Republicans and Democrats alike worked to make sure that the money is targeted to the most neediest areas, to those areas that are hardest hit so that we can guarantee greater utilization, greater effectiveness in using these funds. This is a great day. It has taken us a long time to get to this point on the floor. There are a lot of people that deserve our thanks for doing it. To the people of Appalachia but particularly to the people across the country with the reauthorization of the Economic Development Administration and the Appalachian Regional Commission, we can make sure that we can continue this development in many of the hardest-hit areas of our country.

Mr. SHUSTER. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Maryland (Mr. GILCHREST) who is a member of our committee.

Mr. GILCHREST. Mr. Speaker, I want to thank the gentleman for yielding me this time, and I also want to thank the chairman and the ranking member from the Committee on Transportation and Infrastructure for all the work they have done, their tenacity, their patience and their determination to make sure these worthy programs are reauthorized and re-funded. I also want to thank the staff for all their hard work.

In my district, Mr. Speaker, we put together a consortium of the private sector along with an EDA grant to work with each of the economic development officers from each of the counties in my district. That is 10 counties that normally were competing with each other against economic growth and economic development.

☐ 1430

Along with this EDA grant and two utility companies that contributed dollars, these economic development officers worked together for about a year and-a-half. They put together what we would call in modern vernacularism for computers a CD/ROM to represent not one county, not two counties, but our district as a region.

We put a CD/ROM together for the whole region. The First Congressional District is one economic development region. We made 2,000 of those CD/ROMs, and we distributed those 2,000 CD/ROMs to corporations and businesses not only in our region and not only in the United States, but from around the world, and those corporations that have specific people designated as locators to find new areas for their industries to move into were given each one of those CD/ROMs, and now our district is an economic development region, we are having a great deal of prosperity, and a lot of thanks goes to the Economic Development Administration.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes of my time to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Minnesota is recognized for 2½ minutes.

Mr. OBERSTAR. Mr. Speaker, I want to pay tribute to the gentlewoman from Missouri (Mrs. EMERSON) for the splendid role she played along with the gentleman from Ohio (Mr. NEY) and Mr. PETERSON in bringing the coalition together that was necessary to bring this bill to the House floor. I want also to compliment the staff members, Bill Hughes, who does the budget work on the majority side, and Charlie Ziegler, with whom I have worked many years, many different capacities, for their splendid work and Ward McCarragher on the Democratic side for carrying this bill to its present exalted place and ready to be launched to the White House.

In closing, I just want to recall an observation from a hearing that we held on EDA in the 1980's in which Red Robinson, member of the board of the Southern Virginia Development District, said to the committee, with her proud mountain, conservative mountain, people. We are not asking for a handout. We are just asking for the little bit of resource that we need that we cannot provide for ourselves to lift ourselves out of poverty.

And he told a story of a young boy who arrived in school with a shoe under his arm, barefoot otherwise, and the teacher said, "Johnnie, did you loose your shoe on the way to school?"

And the boy said, "No, m'am. I found this good one."

And Red Robinson said, "We found a good program that helps us do good for people. Don't let it go away."

EDA is not going away, Red Robinson. We found a good one. We are going to make it better, and we are going to make all of America better.

I thank the gentleman for his splendid work and splendid cooperation, and I urge support of the pending bill.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I rise in support of this legislation and in support of EDA and ARC and thanking the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) for their leadership.

I take the floor today to express my strong support for S. 2364, the Economic Development Partnership Act.

Dollar for dollar, the Appalachian Regional Commission and the Economic Development Agency are two of the best bargains in government. These agencies spend only a small fraction of their funds on administration while the return on their investments are immense.

Most of EDA's funds go toward important grants and low cost loans. When the Canadian-owned Norbord company invested $88 million in a new Mississippi plant inn 1995, it was an EDA grant of $750,000 for a water supply system that made that new plant possible. Now that water system is helping keep more than 250 workers employed in good jobs, who generate tax revenues and contribute to the local economy. All over the country, EDA helps economically distressed communities build a solid base on which sustainable economic development can be established and maintained.

Similarly, ARC has a long track record of success. Just last year, the ARC, along with the City of New Albany and Union County, Mississippi, worked together to begin construction on a new 500,000 gallon water storage tank. ARC provided less than 50% of the funds for this storage tank which was necessary for the city to receive a commitment from Wal-Mart to build a new Distribution Center. This center has helped spur the economy of the region by creating approximately 525 new jobs in 3 separate businesses.

It is also important to note that the ARC approval process is a model of local, state, and federal cooperation. Under ARC, projects originate from the local level and are selected by each state's governor. This is a bottom up program, not a Washington solution for local problems.

Mr. Speaker, I also want to thank Chairman SHUSTER and Ranking Member OBERSTAR for bringing this important legislation before the House today. This legislation represents an efficient and effective use of taxpayer dollars, and I look forward to hearing about more success stories in the future.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

As I close, Mr. Speaker, I would like to deal with the question of what has this Congress done. In fact more specifically, what has this committee of the Congress of the United States done.

Indeed, today we are passing historic legislation. For the first time in 17 years, economic development for the most depressed, most needy parts of our country, an investment in assets for the future to create jobs so that there will be a tax base, so schools and churches and synagogues and communities can again thrive. That is what is happening here today. It is happening on a bipartisan basis.

But not only has this committee done that this year, this committee passed the most historic transportation legislation in the history of our country excepting perhaps the creation of the interstate system. We passed a transportation bill which unlocks the Highway Trust Fund for highways and transit and safety so we can rebuild America and save thousands of lives in the process, make our country more competitive and prosperous and make travel more convenient for the American people. And beyond that, we passed an ocean shipping bill to create more competition in shipping for our industries in America. And, as we wind down this Congress, it appears we have an agreement on an airport improvement program, a short term extension which will put us in the position to deal with the overall issue next year to unlock the Aviation Trust Fund, something vital to the future of America. And the water resources bill is in final stages of this negotiation right now. With a little luck we will have that to the floor.

What do all of these bills represent? Well, they do not represent talking about Bosnia, they do not represent who slept in the Lincoln bedroom. What they represent is building America to deal with the issues that affect the lives of virtually every American every day. These are the things that make our country a better place in which to live and work, and this committee, on a bipartisan basis, with the cooperation of the Democrats and the Republicans and indeed with cooperation of many in the Clinton administration, and I would particularly single out Jesse White and Phil Singerman on EDA and ARC, and likewise Secretary Slater, and the Office of Management and Budget which is so often maligned, but nevertheless played a key role as we developed the historic transportation legislation just a few months ago.

These are the things that this committee has done and has done because of the bipartisan nature of the committee and because of the support of the governors, the mayors, the county commissioners, the citizens all across America.

So, Mr. Speaker, when one asks what has this Congress done, I suggest they look at the results, the bipartisan results, of the Committee on Transportation and Infrastructure because therein lies a large part of the answer.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of the reauthorization of the Economic Development Administration.

The EDA reauthorization has been a long time coming and I commend this Congress for finally taking a strong stand in support of local community economic development.

Baltimore city and Baltimore county are currently working with EDA as the recipients of several EDA grants.

In fact, communities in my district have been working with EDA throughout it's tenure.

These grants have proven to be unparalleled in the assistance they provide the communities in my district, in my state and across the country as they work towards economic stability and equality for their citizens.

I thank the EDA for it's efforts.

The EDA plays such a crucial role in local economic development because it is guided by the basic principle that distressed communities must be empowered to develop and implement their own economic development and revitalization strategies.

This respect for local input and participation makes EDA unique among federal agencies and an organization most worthy of our continued and sustained support.

Mr. Speaker, many areas of this country and individuals in our districts are not receiving all of the benefits of the latest economic boom.

The EDA is one of the few federal agencies that has and continues to play a major role in helping these communities help themselves to build a strong and lasting economic base in the face of difficult circumstances.

Furthermore, the EDA has enacted numerous necessary and highly beneficial reforms over the past several years to make it a more focused and efficient organization.

Today's legislation will aid the agency in this process and ensure that it becomes an even more effective agency in the future.

I commend the members of the Committee for this legislation and I strongly support its final passage.

Mr. STRICKLAND. Mr. Speaker, I rise today in support of the Appalachian Regional Commission and the Economic Development Administration. These two programs work to uplift those regions in this nation that have been left out of many of the rapid improvements in transportation systems, infrastructure development, communications capabilities, and health care accessibility.

In my District in southern Ohio, the median family income is less than $22,000 a year, and the college-going rate is less than half the national average. The area is medically underserved, and unemployment rates are consistently above the state and national average.

My constitutents want to participate in the economic recovery in this country. The Economic Development Administration (EDA) and the Appalachian Regional Commission (ARC), under the direction of Dr. Singerman and Dr. White, target the specific needs of areas like southern Ohio with health care grants, highway construction, incentives to encourage entrepreneurship, and basic infrastructure development. Residents in the Sixth Congressional District can attest to the tremendous value of these two programs by pointing to numerous projects that would have been impossible without the support of EDA and ARC.

I am pleased to support today's reauthorization legislation, which will ensure the ongoing mission of these two important agencies. I would like to thank the Transportation and Commerce Committees for their work on this important bill, and commend Federal Co-Chair Jesse White and Assistant Commerce Secretary Singerman for their emergetic labor. And I look forward to working with both of them as the ARC and the EDA move forward into the 21st Century.

Mr. RAHALL. Mr. Speaker, I rise in strong support of this legislation to reauthorize the

Appalachian Regional Commission (ARC) and the Economic Development Administration Act (EDA).

It is time, Mr. Speaker, to have reached agreement to reauthorize these two economic development programs—the ARC and EDA—for the first time in nearly 17 years.

As passed by the Senate, the legislation before us is similar to H.R. 4275, the bill reauthorizing ARC/EDA that was reported by the Transportation & Infrastructure Committee, and its Subcommittee on Public Buildings and Economic Development, where I am pleased to serve and proud to be a part of our bipartisan efforts to provide economic development assistance to the most distressed areas of the country.

The House, Mr. Speaker, has passed reauthorization legislation every one of the past 17 years except for the 103rd Congress—and it was the bipartisan, positive attention given to it by the Chairmen of the Committee on Transportation and Infrastructure and its Subcommittee on Economic Development who distinguished themselves as leaders in the effort to keep the ARC and EDA programs alive.

I want to commend Subcommittee Chairman JAY KIM and the ranking Member JIM TRAFICANT, as well as Chairman SHUSTER and ranking Member JIM OBERSTAR, my good friends and able chairmen for their enormous efforts to bring reauthorization legislation for these two vital economic development programs to a vote after all these years.

This legislation preserves the basics of the Economic Development Administration, as well as those of the ARC. The bill recognizes that the EDA programs have been enormously successful in aiding distressed regions of the nation. The bill strengthens EDA by reforming program delivery, and tightening eligibility so that funding no longer goes to over 85 percent of the country.

The EDA reauthorization adds new economic development tools, and it responds to communities subject to base closings and defense cutbacks.

The bill also recognizes and builds upon the ARC, a well-known, highly successful model for Federal-state cooperation.

Because of the foresight of the Transportation & Infrastructure Committee, and with the strong support of the senior Senator from West Virginia, ROBERT C. BYRD, the ARC's Appalachian Development Highway is now funded from the Highway Trust Fund as authorized under TEA21. Carving the development highway out of the ARC has reduced authorized funding by $100 million a year, to $67 million in FY99 and—as newly configured—permits better targeting of ARC funds to truly distressed regions within the 13 State, 400 county region.

Mr. Speaker despite being unauthorized since 1982, both the EDA and the ARC have continued to receive strong bipartisan support for continued funding over the years, but it wasn't always easy. I think it appropriate to thank the House Appropriations Committee leaders from both sides of the aisle over the past 17 years, for keeping hope alive for the ARC and the EDA.

I can think of hundreds of ARC projects that have helped West Virginia—but one that comes to mind is the Gardner Interchange and Industrial Park Water and Sewer Improvements. This project in Mercer county helped retain and create more than 768 jobs in an area struggling against economic decline and severe stress. And as I said, it is only one of many projects funded by the ARC to help the people of Appalachia continue to grow and to realize their full potential.

The Economic Development Administration—the EDA—has undergone significant downsizing over these 17 years—but the downsizing has strengthened rather than weakened it, improving its efficiency. This reauthorization today will give EDA the stability it lacked over these many years. Now it can move forward in response to the changing needs of America's distressed communities, and it can do so with confidence.

I applaud today's vote on the reauthorization of the EDA and the ARC, and can think of no more fitting way to continue the many economic benefits of these two vital programs than to carry them forward, into the 21st Century.

I urge my colleagues to vote in favor of this legislation.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2364.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2364, the bill just passed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1754) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes, as amended.

The Clerk read as follows:

S. 1754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Education Partnerships Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Under-represented minority health professions grant program.
Sec. 102. Training in primary care medicine and dentistry.
Sec. 103. Interdisciplinary, community-based linkages.
Sec. 104. Health professions workforce information and analysis.
Sec. 105. Public health workforce development.
Sec. 106. General provisions.
Sec. 107. Preference in certain programs.
Sec. 108. Definitions.
Sec. 109. Technical amendment on National Health Service Corps.
Sec. 110. Savings provision.

Subtitle B—Nursing Workforce Development

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 131. Primary care loan program.
Sec. 132. Loans for disadvantaged students.
Sec. 133. Student loans regarding schools of nursing.
Sec. 134. General provisions.

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health Education Assistance Loan Program.
Sec. 142. HEAL lender and holder performance standards.
Sec. 143. Insurance Program.
Sec. 144. HEAL bankruptcy.
Sec. 145. HEAL refinancing.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. State offices of rural health.
Sec. 302. Demonstration projects regarding Alzheimer's Disease.
Sec. 303. Project grants for immunization services.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103-183.
Sec. 402. Miscellaneous amendments regarding PHS commissioned officers.
Sec. 403. Clinical traineeships.
Sec. 404. Project grants for screenings, referrals, and education regarding lead poisoning.
Sec. 405. Project grants for preventive health services regarding tuberculosis.
Sec. 406. CDC loan repayment program.
Sec. 407. Community programs on domestic violence.
Sec. 408. State loan repayment program.
Sec. 409. Authority of the director of NIH.
Sec. 410. Raise in maximum level of loan repayments.
Sec. 411. Construction of regional centers for research on primates.
Sec. 412. Peer review.
Sec. 413. Funding for trauma care.

Sec. 414. Health information and health promotion.
Sec. 415. Emergency medical services for children.
Sec. 416. Administration of certain requirements.
Sec. 417. Aids drug assistance program.
Sec. 418. National Foundation for Biomedical Research.
Sec. 419. Fetal Alcohol Syndrome prevention and services.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. UNDER-REPRESENTED MINORITY HEALTH PROFESSIONS GRANT PROGRAM.

(a) In General.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

"SEC. 736. CENTERS OF EXCELLENCE.

"(a) In General.—The Secretary shall make grants to, and enter into contracts with, designated health professions schools described in subsection (c), and other public and nonprofit health or educational entities, for the purpose of assisting the schools in supporting programs of excellence in health professions education for under-represented minority individuals.

"(b) Required Use of Funds.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to expend the grant—

"(1) to develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

"(2) to establish, strengthen, or expand programs to enhance the academic performance of under-represented minority students attending the school;

"(3) to improve the capacity of such school to train, recruit, and retain under-represented minority faculty including the payment of such stipends and fellowships as the Secretary may determine appropriate;

"(4) to carry out activities to improve the information resources, clinical education, curricula and cultural competence of the graduates of the school, as it relates to minority health issues;

"(5) to facilitate faculty and student research on health issues particularly affecting under-represented minority groups, including research on issues relating to the delivery of health care;

"(6) to carry out a program to train students of the school in providing health services to a significant number of under-represented minority individuals through training provided to such students at community-based health facilities that—

"(A) provide such health services; and

"(B) are located at a site remote from the main site of the teaching facilities of the school; and

"(7) to provide stipends as the Secretary determines appropriate, in amounts as the Secretary determines appropriate.

"(c) Centers of Excellence.—

"(1) Designated schools.—

"(A) In general.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

"(i) meet each of the conditions specified in paragraph (2)(A);

"(ii) meet each of the conditions specified in paragraph (3);

"(iii) meet each of the conditions specified in paragraph (4); or

"(iv) meet each of the conditions specified in paragraph (5).

"(B) General conditions.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) has a significant number of under-represented minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting under-represented minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting under-represented minority individuals to enroll in and graduate from the school, including providing scholarships and other financial assistance to such individuals and encouraging under-represented minority students from all levels of the educational pipeline to pursue health professions careers; and

"(iv) has made significant recruitment efforts to increase the number of under-represented minority individuals serving in faculty or administrative positions at the school.

"(C) Consortium.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

"(D) Application of criteria to other programs.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(2) Centers of excellence at certain historically black colleges and universities.—

"(A) Conditions.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) is a school described in section 799B(1); and

"(ii) received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.

"(B) Use of grant.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

"(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for under-represented minority individuals; and

"(ii) to provide improved access to the library and informational resources of the school.

"(C) Exception.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under paragraphs (2) or (5).

"(3) Hispanic centers of excellence.—The conditions specified in this paragraph are that—

"(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Hispanic individuals; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit community based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to carry out a program—

"(I) to identify Hispanic students who are interested in a career in the health profession involved; and

"(II) to facilitate the educational preparation of such students to enter the health professions school; and

"(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

"(4) Native American centers of excellence.—Subject to subsection (e), the conditions specified in this paragraph are that—

"(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Native Americans; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

"(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

"(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

"(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

"(5) Other centers of excellence.—The conditions specified in this paragraph are—

"(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

"(B) that the health professions school involved has an enrollment of under-represented minorities above the national average for such enrollments of health professions schools.

"(d) DESIGNATION AS CENTER OF EXCELLENCE.—

"(1) IN GENERAL.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in paragraph (2) or (5) of subsection (c) shall, for purposes of this section, be designated by the Secretary as a Center of Excellence in Under-Represented Minority Health Professions Education.

"(2) HISPANIC CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(3) shall, for purposes of this section, be designated by the Secretary as a Hispanic Center of Excellence in Health Professions Education.

"(3) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(4) shall, for purposes of this section, be designated by the Secretary as a Native American Center of Excellence in Health Professions Education. Any consortium receiving such a grant pursuant to subsection (e) shall, for purposes of this section, be so designated.

"(e) AUTHORITY REGARDING NATIVE AMERICAN CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(1) the school has formed a consortium in accordance with subsection (d)(1); and

"(2) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.

"(f) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED HEALTH PROFESSIONS SCHOOL.—

"(A) IN GENERAL.—The term 'health professions school' means, except as provided in subparagraph (B), a school of medicine, a school of osteopathic medicine, a school of dentistry, a school of pharmacy, or a graduate program in behavioral or mental health.

"(B) EXCEPTION.—The definition established in subparagraph (A) shall not apply to the use of the term 'designated health professions school' for purposes of subsection (c)(2).

"(2) PROGRAM OF EXCELLENCE.—The term 'program of excellence' means any program carried out by a designated health professions school with a grant made under subsection (a), if the program is for purposes for which the school involved is authorized in subsection (b) or (c) to expend the grant.

"(3) NATIVE AMERICANS.—The term 'Native Americans' means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there authorized to be appropriated $26,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) ALLOCATIONS.—Based on the amount appropriated under paragraph (1) for a fiscal year, one of the following subparagraphs shall apply:

"(A) IN GENERAL.—If the amounts appropriated under paragraph (1) for a fiscal year are $24,000,000 or less—

"(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A); and

"(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

"(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

"(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under paragraph (1) for a fiscal year exceed $24,000,000 but are less than $30,000,000—

"(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

"(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under paragraph (1) for a fiscal year are $30,000,000 or more, the Secretary shall make available—

"(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

"(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

"(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

"(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

"(3) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for other grants under this section.

"(4) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

"(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the Secretary may not make such a grant to the center for any fiscal year unless the center agrees that the center will, before expending the grant, expend the Federal amounts obtained from sources other than the grant.

"SEC. 737. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

"(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (d)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (d). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school.

"(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agree that, in providing scholarships pursuant to the grant, the schools will give preference to students for whom the costs of attending the schools would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

"(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

"(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, or allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants; and

"(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is from a disadvantaged background;

"(B) has a financial need for a scholarship; and

"(C) is enrolled (or accepted for enrollment) at an eligible health professions or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.

"SEC. 738. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

"(a) LOAN REPAYMENTS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of schools described in paragraph (3) in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

"(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals from disadvantaged backgrounds who—

“(A) have a degree in medicine, osteopathic medicine, dentistry, nursing, or another health profession;

“(B) are enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, nursing, or other health profession; or

“(C) are enrolled as full-time students—

“(i) in an accredited (as determined by the Secretary) school described in paragraph (3); and

“(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree from such a school.

“(3) ELIGIBLE HEALTH PROFESSIONS SCHOOLS.—The schools described in this paragraph are schools of medicine, nursing (as schools of nursing are defined in section 801), osteopathic medicine, dentistry, pharmacy, allied health, podiatric medicine, optometry, veterinary medicine, or public health, or schools offering graduate programs in behavioral and mental health.

“(4) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under paragraph (1) unless—

“(A) the individual involved has entered into a contract with a school described in paragraph (3) to serve as a member of the faculty of the school for not less than 2 years; and

“(B) the contract referred to in subparagraph (A) provides that—

“(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

“(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

“(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

“(5) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

“(6) WAIVER REGARDING SCHOOL CONTRIBUTIONS.—The Secretary may waive the requirement established in paragraph (4)(B) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

“(b) FELLOWSHIPS.—

“(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with eligible entities to assist such entities in increasing the number of underrepresented minority individuals who are members of the faculty of such schools.

“(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, an entity shall provide an assurance, in the application submitted by the entity, that—

“(A) amounts received under such a grant or contract will be used to award a fellowship to an individual only if the individual meets the requirements of paragraphs (3) and (4); and

“(B) each fellowship awarded pursuant to the grant or contract will include—

“(i) a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member for not to exceed 3 years of training; and

“(ii) an allowance for other expenses, such as travel to professional meetings and costs related to specialized training.

“(3) ELIGIBILITY.—To be eligible to receive a grant or contract under paragraph (1), an applicant shall demonstrate to the Secretary that such applicant has or will have the ability to—

“(A) identify, recruit and select underrepresented minority individuals who have the potential for teaching, administration, or conducting research at a health professions institution;

“(B) provide such individuals with the skills necessary to enable them to secure a tenured faculty position at such institution, which may include training with respect to pedagogical skills, program administration, the design and conduct of research, grants writing, and the preparation of articles suitable for publication in peer reviewed journals;

“(C) provide services designed to assist such individuals in their preparation for an academic career, including the provision of counselors; and

“(D) provide health services to rural or medically underserved populations.

“(4) REQUIREMENTS.—To be eligible to receive a grant or contract under paragraph (1) an applicant shall—

“(A) provide an assurance that such applicant will make available (directly through cash donations) $1 for every $1 of Federal funds received under this section for the fellowship;

“(B) provide an assurance that institutional support will be provided for the individual for the second and third years at a level that is equal to the total amount of institutional funds provided in the year in which the grant or contract was awarded;

“(C) provide an assurance that the individual that will receive the fellowship will be a member of the faculty of the applicant school; and

“(D) provide an assurance that the individual that will receive the fellowship will have, at a minimum, appropriate advanced preparation (such as a master's or doctoral degree) and special skills necessary to enable such individual to teach and practice.

“(5) DEFINITION.—For purposes of this subsection, the term ‘underrepresented minority individuals’ means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions including nursing.

“SEC. 739. EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

“(a) IN GENERAL.—

“(1) AUTHORITY FOR GRANTS.—For the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession, the Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, public and nonprofit private schools that offer graduate programs in behavioral and mental health, programs for the training of physician assistants, and other public or private nonprofit health or educational entities to assist in meeting the costs described in paragraph (2).

“(2) AUTHORIZED EXPENDITURES.—A grant or contract under paragraph (1) may be used by the entity to meet the cost of—

“(A) identifying, recruiting, and selecting individuals from disadvantaged backgrounds, as so determined, for education and training in a health profession;

“(B) facilitating the entry of such individuals into such a school;

“(C) providing counseling, mentoring, or other services designed to assist such individuals to complete successfully their education at such a school;

“(D) providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education and health research training designed to assist them to complete successfully such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education;

“(E) publicizing existing sources of financial aid available to students in the education program of such a school or who are undertaking training necessary to qualify them to enroll in such a program;

“(F) paying such scholarships as the Secretary may determine for such individuals for any period of health professions education at a health professions school;

“(G) paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount determined appropriate by the Secretary (notwithstanding any other provision of law regarding the amount of stipends);

“(H) carrying out programs under which such individuals gain experience regarding a career in a field of primary health care through working at facilities of public or private nonprofit community-based providers of primary health services; and

“(I) conducting activities to develop a larger and more competitive applicant pool through partnerships with institutions of higher education, school districts, and other community-based entities.

“(3) DEFINITION.—In this section, the term ‘regular course of education of such a school’ as used in subparagraph (D) includes a graduate program in behavioral or mental health.

“(b) REQUIREMENTS FOR AWARDS.—In making awards to eligible entities under subsection (a)(1), the Secretary shall give preference to approved applications for programs that involve a comprehensive approach by several public or nonprofit private health or educational entities to establish, enhance and expand educational programs that will result in the development of a competitive applicant pool of individuals from disadvantaged backgrounds who desire to pursue health professions careers. In considering awards for such a comprehensive partnership approach, the following shall apply with respect to the entity involved:

“(1) The entity shall have a demonstrated commitment to such approach through formal agreements that have common objectives with institutions of higher education, school districts, and other community-based entities.

"(2) Such formal agreements shall reflect the coordination of educational activities and support services, increased linkages, and the consolidation of resources within a specific geographic area.

"(3) The design of the educational activities involved shall provide for the establishment of a competitive health professions applicant pool of individuals from disadvantaged backgrounds by enhancing the total preparation (academic and social) of such individuals to pursue a health professions career.

"(4) The programs or activities under the award shall focus on developing a culturally competent health care workforce that will serve the unserved and underserved populations within the geographic area.

"(c) EQUITABLE ALLOCATION OF FINANCIAL ASSISTANCE.—The Secretary, to the extent practicable, shall ensure that services and activities under subsection (a) are adequately allocated among the various racial and ethnic populations who are from disadvantaged backgrounds.

"(d) MATCHING REQUIREMENTS.—The Secretary may require that an entity that applies for a grant or contract under subsection (a), provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant or contract. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 740. AUTHORIZATION OF APPROPRIATION.

"(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 737, $37,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

"(b) LOAN REPAYMENTS AND FELLOWSHIPS.—For the purpose of carrying out section 738, there is authorized to be appropriated $1,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(c) EDUCATIONAL ASSISTANCE IN HEALTH PROFESSIONS REGARDING INDIVIDUALS FOR DISADVANTAGED BACKGROUNDS.—For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $29,400,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. The Secretary may use not to exceed 20 percent of the amount appropriated for a fiscal year under this subsection to provide scholarships under section 739(a)(2)(F).

"(d) REPORT.—Not later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the efforts of the Secretary to address the need for a representative mix of individuals from historically minority health professions schools, or from institutions or other entities that historically or by geographic location have a demonstrated record of training or educating underrepresented minorities, within various health professions disciplines, on peer review councils.".

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a-2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 102. TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

(1) in the part heading by striking "**PRIMARY HEALTH CARE**" and inserting "**FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PHYSICIAN ASSISTANTS, GENERAL DENTISTRY, AND PEDIATRIC DENTISTRY**";

(2) by repealing section 746 (42 U.S.C. 293j);

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting "(including geriatrics), general internal medicine or general pediatrics" after "family medicine";

(iv) in paragraph (3), by striking "and" at the end thereof;

(v) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training; and

"(6) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, of general dentistry or pediatric dentistry.

For purposes of paragraph (6), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general or pediatric practice of dentistry, approved advanced education programs in the general or pediatric practice of dentistry, or approved residency programs in pediatric dentistry.";

(C) in subsection (b)—

(i) in paragraphs (1) and (2)(A), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "or" at the end; and

(II) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(3) PRIORITY IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give priority to any qualified applicant for such an award that proposes a collaborative project between departments of primary care.";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) PRIORITY.—

"(1) IN GENERAL.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general or pediatric dentistry.

"(2) DISADVANTAGED INDIVIDUALS.—With respect to programs for the training of interns, residents, or physician assistants, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care practice or general or pediatric dentistry).

"(3) SPECIAL CONSIDERATION.—In awarding grants under this section the Secretary shall give special consideration to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and victims of domestic violence."; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking "$54,000,000" and all that follows and inserting "$78,300,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002."; and

(ii) by striking paragraph (2) and inserting the following:

"(2) ALLOCATION.—'

"(A) IN GENERAL.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available—

"(i) not less than $49,300,000 for awards of grants and contracts under subsection (a) to programs of family medicine, of which not less than $8,600,000 shall be made available for awards of grants and contracts under subsection (b) for family medicine academic administrative units;

"(ii) not less than $17,700,000 for awards of grants and contracts under subsection (a) to programs of general internal medicine and general pediatrics;

"(iii) not less than $6,800,000 for awards of grants and contracts under subsection (a) to programs relating to physician assistants; and

"(iv) not less than $4,500,000 for awards of grants and contracts under subsection (a) to programs of general or pediatric dentistry.

"(B) RATABLE REDUCTION.—If amounts appropriated under paragraph (1) for any fiscal year are less than the amount required to comply with subparagraph (A), the Secretary shall ratably reduce the amount to be made available under each of clauses (i) through (iv) of such subparagraph accordingly."; and

(4) by repealing sections 748 through 752 (42 U.S.C. 293l through 293p) and inserting the following:

"SEC. 748. ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Training in Primary Care Medicine and Dentistry (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals. In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of such members shall serve for a term of 1 year;

"(B) ⅓ of such members shall serve for a term of 2 years; and

"(C) ⅓ of such members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under section 747; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under section 747.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.".

SEC. 103. INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES

"SEC. 750. GENERAL PROVISIONS.

"(a) COLLABORATION.—To be eligible to receive assistance under this part, an academic institution shall use such assistance in collaboration with 2 or more disciplines.

"(b) ACTIVITIES.—An entity shall use assistance under this part to carry out innovative demonstration projects for strategic workforce supplementation activities as needed to meet national goals for interdisciplinary, community-based linkages. Such assistance may be used consistent with this part—

"(1) to develop and support training programs;

"(2) for faculty development;

"(3) for model demonstration programs;

"(4) for the provision of stipends for fellowship trainees;

"(5) to provide technical assistance; and

"(6) for other activities that will produce outcomes consistent with the purposes of this part.

"SEC. 751. AREA HEALTH EDUCATION CENTERS.

"(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

"(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine, and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

"(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

"(ii) increase the number of primary care physicians and other primary care providers who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

"(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and under-represented populations, including minority and other elementary or secondary students, into the health professions;

"(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

"(v) conduct health professions education and training activities for students of health professions schools and medical residents;

"(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

"(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

"(B) OTHER ELIGIBLE ENTITIES.—With respect to a State in which no area health education center program is in operation, the Secretary may award a grant or contract under subparagraph (A) to a school of nursing.

"(C) PROJECT TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the period during which payments may be made under an award under subparagraph (A) may not exceed—

"(I) in the case of a project, 12 years or

"(II) in the case of a center within a project, 6 years.

"(ii) EXCEPTION.—The periods described in clause (i) shall not apply to projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A).

"(2) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

"(A) IN GENERAL.—In the case of any entity described in paragraph (1)(A) that—

"(i) has previously received funds under this section;

"(ii) is operating an area health education center program; and

"(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in paragraph (1).

"(B) MATCHING REQUIREMENT.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

“(C) Limitation.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

“(i) $2,000,000; or

“(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by such entities.

“(b) Requirements for Centers.—

“(1) General requirement.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based organizations.

“(2) Service area.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed from the main location of the teaching facilities of the schools participating in the program with such center.

“(3) Other requirements.—Each area health education center that receives funds under this section shall—

“(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

“(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine (including geriatrics), general internal medicine (including geriatrics), or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

“(C) conduct and participate in interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, nurse midwives, and behavioral and mental health providers; and

“(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

“(c) Certain Provisions Regarding Funding.—

“(1) Allocation to center.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education center. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

“(2) Operating costs.—With respect to the operating costs of the area health education center program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first 3 years in which an entity receives funds under this section.

“SEC. 752. HEALTH EDUCATION AND TRAINING CENTERS.

“(a) In General.—To be eligible for funds under this section, a health education training center shall be an entity otherwise eligible for funds under section 751 that—

“(1) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

“(2) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

“(3) conducts training and education programs for health professions students in these areas;

“(4) conducts training in health education services, including training to prepare community health workers; and

“(5) supports health professionals (including nursing) practicing in the area through educational and other services.

“(b) Allocation of Funds.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under section 752 for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

“SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

“(a) Geriatric Education Centers.—

“(1) In general.—The Secretary shall award grants or contracts under this section to entities described in paragraphs (1), (3), or (4) of section 799B, and section 853(2), for the establishment or operation of geriatric education centers.

“(2) Requirements.—A geriatric education center is a program that—

“(A) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

“(B) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

“(C) supports the training and retraining of faculty to provide instruction in geriatrics;

“(D) supports continuing education of health professionals who provide geriatric care; and

“(E) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

“(b) Geriatric Training Regarding Physicians and Dentists.—

“(1) In general.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support (including residencies, traineeships, and fellowships) for geriatric training projects to train physicians, dentists and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric behavioral or mental health, or geriatric dentistry.

“(2) Requirements.—Each project for which a grant or contract is made under this subsection shall—

“(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine or geriatric behavioral or mental health;

“(B) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

“(C) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching behavioral mental health professionals who have experience or training in geriatric behavioral or mental health;

“(D) be based in a graduate medical education program in internal medicine or family medicine or in a department of geriatrics or behavioral or mental health;

“(E) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric behavioral or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

“(F) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

“(3) Training options.—The training options referred to in subparagraph (F) of paragraph (2) shall be as follows:

“(A) A 1-year retraining program in geriatrics for—

“(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, geriatrics, and behavioral or mental health at schools of medicine and osteopathic medicine;

“(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry; and

“(iii) behavioral or mental health professionals who are faculty members in departments of behavioral or mental health; and

“(B) A 2-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

“(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, behavioral or mental health, neurology, gynecology, or rehabilitation medicine;

“(ii) dentists who have demonstrated a commitment to an academic career and who have completed postdoctoral dental training, including postdoctoral dental education programs or who have relevant advanced training or experience; and

“(iii) behavioral or mental health professionals who have completed graduate medical education programs in behavioral or mental health.

“(4) Definitions.—For purposes of this subsection:

“(A) The term ‘graduate medical education program’ means a program sponsored by a school of medicine, a school of osteopathic medicine, a hospital, or a public or private institution that—

“(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

“(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

“(B) The term ‘post-doctoral dental education program’ means a program sponsored by a school of dentistry, a hospital, or a public or private institution that—

“(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and “(ii) has been accredited by the Commission on Dental Accreditation.

“(c) GERIATRIC FACULTY FELLOWSHIPS.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as academic geriatricians.

“(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under paragraph (1), an individual shall—

“(A) be board certified or board eligible in internal medicine, family practice, or psychiatry;

“(B) have completed an approved fellowship program in geriatrics; and

“(C) have a junior faculty appointment at an accredited (as determined by the Secretary) school of medicine or osteopathic medicine.

“(3) LIMITATIONS.—No Award under paragraph (1) may be made to an eligible individual unless the individual—

“(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application; and

“(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in subsection (e).

“(4) AMOUNT AND TERM.—

“(A) AMOUNT.—The amount of an Award under this section shall equal $50,000 for fiscal year 1998, adjusted for subsequent fiscal years to reflect the increase in the Consumer Price Index.

“(B) TERM.—The term of any Award made under this subsection shall not exceed 5 years.

“(5) SERVICE REQUIREMENT.—An individual who receives an Award under this subsection shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the Award.

“SEC. 754. QUENTIN N. BURDICK PROGRAM FOR RURAL INTERDISCIPLINARY TRAINING.

“(a) GRANTS.—The Secretary may make grants or contracts under this section to help entities fund authorized activities under an application approved under subsection (c).

“(b) USE OF AMOUNTS.—

“(1) IN GENERAL.—Amounts provided under subsection (a) shall be used by the recipients to fund interdisciplinary training projects designed to—

“(A) use new and innovative methods to train health care practitioners to provide services in rural areas;

“(B) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care;

“(C) deliver health care services to individuals residing in rural areas;

“(D) enhance the amount of relevant research conducted concerning health care issues in rural areas; and

“(E) increase the recruitment and retention of health care practitioners from rural areas and make rural practice a more attractive career choice for health care practitioners.

“(2) METHODS.—A recipient of funds under subsection (a) may use various methods in carrying out the projects described in paragraph (1), including—

“(A) the distribution of stipends to students of eligible applicants;

“(B) the establishment of a post-doctoral fellowship program;

“(C) the training of faculty in the economic and logistical problems confronting rural health care delivery systems; or

“(D) the purchase or rental of transportation and telecommunication equipment where the need for such equipment due to unique characteristics of the rural area is demonstrated by the recipient.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—An applicant shall not use more than 10 percent of the funds made available to such applicant under subsection (a) for administrative expenses.

“(B) TRAINING.—Not more than 10 percent of the individuals receiving training with funds made available to an applicant under subsection (a) shall be trained as doctors of medicine or doctors of osteopathy.

“(C) LIMITATION.—An institution that receives a grant under this section shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (b)(1) in the fiscal year preceding the year for which the grant is received.

“(c) APPLICATIONS.—Applications submitted for assistance under this section shall—

“(1) be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas; and

“(2) designate a rural health care agency or agencies for clinical treatment or training, including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers, or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

“(d) DEFINITIONS.—For the purposes of this section, the term ‘rural’ means geographic areas that are located outside of standard metropolitan statistical areas.

“SEC. 755. ALLIED HEALTH AND OTHER DISCIPLINES.

“(a) IN GENERAL.—The Secretary may make grants or contracts under this section to help entities fund activities of the type described in subsection (b).

“(b) ACTIVITIES.—Activities of the type described in this subsection include the following:

“(1) Assisting entities in meeting the costs associated with expanding or establishing programs that will increase the number of individuals trained in allied health professions. Programs and activities funded under this paragraph may include—

“(A) those that expand enrollments in allied health professions with the greatest shortages or whose services are most needed by the elderly;

“(B) those that provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences;

“(C) those that establish community-based allied health training programs that link academic centers to rural clinical settings;

“(D) those that provide career advancement training for practicing allied health professionals;

“(E) those that expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained;

“(F) those that develop curriculum that will emphasize knowledge and practice in the areas of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics;

“(G) those that expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly;

“(H) those that expand or establish demonstration centers to emphasize innovative models to link allied health clinical practice, education, and research;

“(I) those that provide financial assistance (in the form of traineeships) to students who are participants in any such program; and

“(i) who plan to pursue a career in an allied health field that has a demonstrated personnel shortage; and

“(ii) who agree upon completion of the training program to practice in a medically underserved community;

that shall be utilized to assist in the payment of all or part of the costs associated with tuition, fees and such other stipends as the Secretary may consider necessary; and

“(J) those to meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

“(2) Planning and implementing projects in preventive and primary care training for podiatric physicians in approved or provisionally approved residency programs that shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

“(3) Carrying out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions.

“SEC. 756. ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

“(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Interdisciplinary, Community-Based Linkages (in this section referred to as the ‘Advisory Committee’).

“(b) COMPOSITION.—

“(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

“(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals from schools of the types described in sections 751(a)(1)(A), 751(a)(1)(B), 753(b), 754(3)(A), and 755(b). In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

“(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of the members shall serve for a term of 1 year;

"(B) ⅓ of the members shall serve for a term of 2 years; and

"(C) ⅓ of the members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under this part; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under this part.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 3 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.

"SEC. 757. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $55,600,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATION.—

"(1) IN GENERAL.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make available—

"(A) not less than $28,587,000 for awards of grants and contracts under section 751;

"(B) not less than $3,765,000 for awards of grants and contracts under section 752, of which not less than 50 percent of such amount shall be made available for centers described in subsection (a)(1) of such section; and

"(C) not less than $22,631,000 for awards of grants and contracts under sections 753, 754, and 755.

"(2) RATABLE REDUCTION.—If amounts appropriated under subsection (a) for any fiscal year are less than the amount required to comply with paragraph (1), the Secretary shall ratably reduce the amount to be made available under each of subparagraphs (A) through (C) of such paragraph accordingly.

"(3) INCREASE IN AMOUNTS.—If amounts appropriated for a fiscal year under subsection (a) exceed the amount authorized under such subsection for such fiscal year, the Secretary may increase the amount to be made available for programs and activities under this part without regard to the amounts specified in each of subparagraphs (A) through (C) of paragraph (2).

"(c) OBLIGATION OF CERTAIN AMOUNTS.—

"(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—Of the amounts made available under subsection (b)(1)(A) for each fiscal year, the Secretary may obligate for awards under section 751(a)(2)—

"(A) not less than 23 percent of such amounts in fiscal year 1998;

"(B) not less than 30 percent of such amounts in fiscal year 1999;

"(C) not less than 35 percent of such amounts in fiscal year 2000;

"(D) not less than 40 percent of such amounts in fiscal year 2001; and

"(E) not less than 45 percent of such amounts in fiscal year 2002.

"(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(A) every State have an area health education center program in effect under this section; and

"(B) the ratio of Federal funding for the model program under section 751(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.".

SEC. 104. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended to read as follows:

"PART E—HEALTH PROFESSIONS AND PUBLIC HEALTH WORKFORCE

"Subpart 1—Health Professions Workforce Information and Analysis

"SEC. 761. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide for the development of information describing the health professions workforce and the analysis of workforce related issues; and

"(2) provide necessary information for decision-making regarding future directions in health professions and nursing programs in response to societal and professional needs.

"(b) GRANTS OR CONTRACTS.—The Secretary may award grants or contracts to State or local governments, health professions schools, schools of nursing, academic health centers, community-based health facilities, and other appropriate public or private nonprofit entities to provide for—

"(1) targeted information collection and analysis activities related to the purposes described in subsection (a);

"(2) research on high priority workforce questions;

"(3) the development of a non-Federal analytic and research infrastructure related to the purposes described in subsection (a); and

"(4) the conduct of program evaluation and assessment.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $750,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $600,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.

"(3) AVAILABILITY OF ADDITIONAL FUNDS.—Amounts otherwise appropriated for programs or activities under this title may be used for activities under subsection (b) with respect to the programs or activities from which such amounts were made available.".

(b) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408) is amended—

(1) in subsection (j), by striking "1995" and inserting "2002";

(2) in subsection (k), by striking "1995" and inserting "2002";

(3) by adding at the end thereof the following new subsection:

"(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.";

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 762; and

(6) by inserting such section after section 761.

SEC. 105. PUBLIC HEALTH WORKFORCE DEVELOPMENT.

Part E of title VII of the Public Health Service Act (as amended by section 104) is further amended by adding at the end the following:

"Subpart 2—Public Health Workforce

"SEC. 765. GENERAL PROVISIONS.

"(a) IN GENERAL.—The Secretary may award grants or contracts to eligible entities to increase the number of individuals in the public health workforce, to enhance the quality of such workforce, and to enhance the ability of the workforce to meet national, State, and local health care needs.

"(b) ELIGIBILITY.—To be eligible to receive a grant or contract under subsection (a) an entity shall—

"(1) be—

"(A) a health professions school, including an accredited school or program of public health, health administration, preventive medicine, or dental public health or a school providing health management programs;

"(B) an academic health center;

"(C) a State or local government; or

"(D) any other appropriate public or private nonprofit entity; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) Preference.—In awarding grants or contracts under this section the Secretary may grant a preference to entities—

"(1) serving individuals who are from disadvantaged backgrounds (including underrepresented racial and ethnic minorities); and

"(2) graduating large proportions of individuals who serve in underserved communities.

"(d) Activities.—Amounts provided under a grant or contract awarded under this section may be used for—

"(1) the costs of planning, developing, or operating demonstration training programs;

"(2) faculty development;

"(3) trainee support;

"(4) technical assistance;

"(5) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health, that have available full-time faculty members with training and experience in the fields of preventive medicine and dental public health; and

"(B) to provide financial assistance to residency trainees enrolled in such programs;

"(6) the retraining of existing public health workers as well as for increasing the supply of new practitioners to address priority public health, preventive medicine, public health dentistry, and health administration needs;

"(7) preparing public health professionals for employment at the State and community levels; or

"(8) other activities that may produce outcomes that are consistent with the purposes of this section

"(e) Traineeships.—

"(1) In general.—With respect to amounts used under this section for the training of health professionals, such training programs shall be designed to—

"(A) make public health education more accessible to the public and private health workforce;

"(B) increase the relevance of public health academic preparation to public health practice in the future;

"(C) provide education or training for students from traditional on-campus programs in practice-based sites; or

"(D) develop educational methods and distance-based approaches or technology that address adult learning requirements and increase knowledge and skills related to community-based cultural diversity in public health education.

"(2) Severe shortage disciplines.—Amounts provided under grants or contracts under this section may be used for the operation of programs designed to award traineeships to students in accredited schools of public health who enter educational programs in fields where there is a severe shortage of public health professionals, including epidemiology, biostatistics, environmental health, toxicology, public health nursing, nutrition, preventive medicine, maternal and child health, and behavioral and mental health professions.

"SEC. 766. PUBLIC HEALTH TRAINING CENTERS.

"(a) In General.—The Secretary may make grants or contracts for the operation of public health training centers.

"(b) Eligible Entities.—

"(1) In general.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

"(2) Preference.—In awarding grants or contracts under this section the Secretary shall give preference to accredited schools of public health.

"(c) Certain Requirements.—With respect to a public health training center, an award may not be made under subsection (a) unless the program agrees that it—

"(1) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations;

"(2) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities;

"(3) will specifically designate a geographic area or medically underserved population to be served by the center that shall be in a location removed from the main location of the teaching facility of the school that is participating in the program with such center; and

"(4) will assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs.

"SEC. 767. PUBLIC HEALTH TRAINEESHIPS.

"(a) In General.—The Secretary may make grants to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, for the purpose of assisting such schools and institutions in providing traineeships to individuals described in subsection (b)(3).

"(b) Certain Requirements.—

"(1) Amount.—The amount of any grant under this section shall be determined by the Secretary.

"(2) Use of grant.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(3) Eligible individuals.—The individuals referred to in subsection (a) are individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals (which fields include the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health).

"SEC. 768. PREVENTIVE MEDICINE; DENTAL PUBLIC HEALTH.

"(a) In General.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, and dentistry to meet the costs of projects—

"(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

"(2) to provide financial assistance to residency trainees enrolled in such programs.

"(b) Administration.—

"(1) Amount.—The amount of any grant under subsection (a) shall be determined by the Secretary.

"(2) Eligibility.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty members with training and experience in the fields of preventive medicine or dental public health and support from other faculty members trained in public health and other relevant specialties and disciplines.

"(3) Other funds.—Schools of medicine, osteopathic medicine, dentistry, and public health may use funds committed by State, local, or county public health officers as matching amounts for Federal grant funds for residency training programs in preventive medicine.

"SEC. 769. HEALTH ADMINISTRATION TRAINEESHIPS AND SPECIAL PROJECTS.

"(a) In General.—The Secretary may make grants to State or local governments (that have in effect preventive medical and dental public health residency programs) or public or nonprofit private educational entities (including graduate schools of social work and business schools that have health management programs) that offer a program described in subsection (b)—

"(1) to provide traineeships for students enrolled in such a program; and

"(2) to assist accredited programs health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

"(b) Relevant Programs.—The program referred to in subsection (a) is an accredited program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purpose by the Secretary of Education and which meets such other quality standards as the Secretary of Health and Human Services by regulation may prescribe.

"(c) Preference in Making Grants.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that meet the following conditions:

"(1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.

"(2) The applicant recruits and admits students from medically underserved communities.

"(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

"(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

"(d) Certain Provisions Regarding Traineeships.—

"(1) Use of grant.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(2) Preference for certain students.—Each entity applying for a grant under subsection (a) for traineeships shall assure to the satisfaction of the Secretary that the entity will give priority to awarding the traineeships to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

“SEC. 770. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated $9,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

“(b) LIMITATION REGARDING CERTAIN PROGRAM.—In obligating amounts appropriated under subsection (a), the Secretary may not obligate more than 30 percent for carrying out section 767.”.

SEC. 106. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

“SEC. 796. APPLICATION.

“(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

“(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional health professions program plans.

“(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

“(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish. To the extent practicable, grantees under this section shall establish linkages with health care providers who provide care for underserved communities and populations.

“SEC. 797. USE OF FUNDS.

“(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, dissemination of information, and exploring new policy directions, as appropriate to meet recognized health workforce objectives, in accordance with this title.

“(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

“SEC. 798. MATCHING REQUIREMENT.

“The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

“SEC. 799. GENERALLY APPLICABLE PROVISIONS.

“(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

“(b) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this title from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. The Secretary may accept applications from for-profit private entities if determined appropriate by the Secretary.

“(c) INFORMATION REQUIREMENTS.—

“(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

“(2) DATA COLLECTION.—The Secretary shall establish procedures to ensure that, with respect to any data collection required under this title, such data is collected in a manner that takes into account age, sex, race, and ethnicity.

“(3) USE OF FUNDS.—The Secretary shall establish procedures to permit the use of amounts appropriated under this title to be used for data collection purposes.

“(4) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants or contracts under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

“(d) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

“(e) DURATION OF ASSISTANCE.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

“(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

“(f) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

“(1) IN GENERAL.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

“(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall ensure sex, racial, ethnic, and geographic balance among the membership of such groups.

“(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

“(g) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

“(h) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

“(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under section 761; and

“(2) discipline-specific workforce information and analytical activities are carried out as part of—

“(A) the community-based linkage program under part D; and

“(B) the health workforce development program under subpart 2 of part E.

“(i) OSTEOPATHIC SCHOOLS.—For purposes of this title, any reference to—

“(1) medical schools shall include osteopathic medical schools; and

“(2) medical students shall include osteopathic medical students.

“SEC. 799A. TECHNICAL ASSISTANCE.

“Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.”.

(b) PROFESSIONAL COUNSELORS AS MENTAL HEALTH PROFESSIONALS.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by inserting “professional counselors,” after “clinical psychologists,”.

SEC. 107. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

“(c) EXCEPTIONS FOR NEW PROGRAMS.—

“(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet at least 4 of the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking "sections 747" and all that follows through "767" and inserting "sections 747 and 750"; and

(2) in paragraph (2), by striking "under section 798(a)".

SEC. 108. DEFINITIONS.

(a) GRADUATE PROGRAM IN BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B(1)(D) of the Public Health Service Act (42 U.S.C. 295p(1)(D)) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) by inserting "behavioral health and" before "mental"; and

(2) by inserting "behavioral health and mental health practice," before "clinical".

(b) PROFESSIONAL COUNSELING AS A BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) by inserting "and 'graduate program in professional counseling'" after "graduate program in marriage and family therapy'"; and

(ii) by inserting before the period the following: "and a concentration leading to a graduate degree in counseling";

(B) in subparagraph (D), by inserting "professional counseling," after "social work,"; and

(C) in subparagraph (E), by inserting "professional counseling," after "social work,"; and

(2) in paragraph (5)(C), by inserting before the period the following: "or a degree in counseling or an equivalent degree".

(c) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking "or" at the end thereof;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) is designated by a State Governor (in consultation with the medical community) as a shortage area or medically underserved community.".

(d) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

"(3) The term 'program for the training of physician assistants' means an educational program that—

"(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

"(B) extends for at least one academic year and consists of—

"(i) supervised clinical practice; and

"(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(C) has an enrollment of not less than eight students; and

"(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

(e) PSYCHOLOGIST.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended by adding at the end the following:

"(11) The term 'psychologist' means an individual who—

"(A) holds a doctoral degree in psychology; and

"(B) is licensed or certified on the basis of the doctoral degree in psychology, by the State in which the individual practices, at the independent practice level of psychology to furnish diagnostic, assessment, preventive, and therapeutic services directly to individuals.".

SEC. 109. TECHNICAL AMENDMENT ON NATIONAL HEALTH SERVICE CORPS.

Section 338B(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(B)) is amended by striking "or other health profession" and inserting "behavioral and mental health, or other health profession".

SEC. 110. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Workforce Development

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Nursing Education and Practice Improvement Act of 1998".

SEC. 122. PURPOSE.

It is the purpose of this subtitle to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subpart II of part B and sections 846 and 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS";

(3) by striking section 837;

(4) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, academic health centers, State or local governments, and other public or private nonprofit entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, or to an equivalent degree, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) ACCREDITED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) New programs.—A new program of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such a program.

"(7) Nonprofit.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) State.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) In General.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) Plan.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) Performance Outcome Standards.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) Linkages.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) In General.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) Maintenance of Effort.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) Awarding of Grants and Contracts.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

"(b) Information Requirements.—

"(1) In general.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) Evaluations.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(c) Training Programs.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) Duration of Assistance.—

"(1) In general.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) Limitation.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) Peer Review Regarding Certain Programs.—

"(1) In general.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) Composition.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall, except as otherwise provided, ensure sex, racial, ethnic, and geographic representation among the membership of such groups.

"(3) Administration.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(f) Analytic Activities.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under this title; and

"(2) discipline-specific workforce information is developed and analytical activities are carried out as part of—

"(A) the advanced education nursing activities under part B;

"(B) the workforce diversity activities under part C; and

"(C) basic nursing education and practice activities under part D.

"(g) State and Regional Priorities.—Activities under grants or contracts under this title shall, to the extent practicable, be consistent with related Federal, State, or regional nursing professions program plans and priorities.

"(h) Filing of Applications.—

"(1) In general.—Applications for grants or contracts under this title may be submitted by health professions schools, schools of nursing, academic health centers, State or local governments, or other appropriate public or private nonprofit entities as determined appropriate by the Secretary in accordance with this title.

"(2) For profit entities.—Notwithstanding paragraph (1), a for-profit entity may be eligible for a grant or contract under this title as determined appropriate by the Secretary.

"SEC. 807. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED EDUCATION NURSES

"SEC. 811. ADVANCED EDUCATION NURSING GRANTS.

"(a) In General.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced nursing education and practice; and

"(2) traineeships for individuals in advanced nursing education programs.

"(b) Definition of Advanced Education Nurses.—For purposes of this section, the term 'advanced education nurses' means individuals trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, clinical nurse specialists, nurse midwives, nurse anesthetists, nurse educators, nurse administrators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(1) meet guidelines prescribed by the Secretary; and

"(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, acute care, and other health care settings.

"(d) AUTHORIZED NURSE ANESTHESIA PROGRAMS.—Nurse anesthesia programs eligible for support under this section are education programs that—

"(1) provide registered nurses with full-time anesthetist education; and

"(2) are accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

"(e) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced nurse education programs eligible for support under this section.

"(f) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nurse education with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced education nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, preentry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First, Second and Third Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992, 1993 and 1997, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the National Black Nurses Association, the National Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the Native American Indian and Alaskan Nurses Association, and the National Council of State Boards of Nursing.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for individuals from disadvantaged backgrounds and ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the educational mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education, such as through—

"(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, the homeless, and victims of domestic violence;

"(3) providing managed care, quality improvement, and other skills needed to practice in existing and emerging organized health care systems;

"(4) developing cultural competencies among nurses;

"(5) expanding the enrollment in baccalaureate nursing programs;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups;

"(7) providing education in informatics, including distance learning methodologies; or

"(8) other priority areas as determined by the Secretary.";

(5) by adding at the end the following:

"PART F—FUNDING

"SEC. 841. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts B, C, and D (subject to section 845(g)), there are authorized to be appropriated $65,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATIONS FOR FISCAL YEARS 1998 THROUGH 2002.—

"(1) NURSE PRACTITIONERS; NURSE MIDWIVES.—

"(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $17,564,000 for making awards of grants and contracts under section 822 as such section was in effect for fiscal year 1998.

"(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse practitioners and nurse midwives, not less than the percentage constituted by the ratio of the amount appropriated under section 822 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 822 as such section was in effect for fiscal year 1998.

"(2) NURSE ANESTHETISTS.—

"(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $2,761,000 for making awards of grants and contracts under section 831 as such section was in effect for fiscal year 1998.

"(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse anesthetists, not less than the percentage constituted by the ratio of the amount appropriated under section 831 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 831 as such section was in effect for fiscal year 1998.

"(c) ALLOCATIONS AFTER FISCAL YEAR 2002.—

"(1) IN GENERAL.—For fiscal year 2003 and subsequent fiscal years, amounts appropriated under subsection (a) for the fiscal year involved shall be allocated by the Secretary among parts B, C, and D (and programs within such parts) according to a methodology that is developed in accordance with paragraph (2). The Secretary shall enter into a contract with a public or private entity for the purpose of developing the methodology. The contract shall require that the development of the methodology be completed not later than February 1, 2002.

"(2) USE OF CERTAIN FACTORS.—The contract under paragraph (1) shall provide that the methodology under such paragraph will be developed in accordance with the following:

"(A) The methodology will take into account the need for and the distribution of health services among medically underserved populations, as determined according to the factors that apply under section 330(b)(3).

"(B) The methodology will take into account the need for and the distribution of health services in health professional shortage areas, as determined according to the factors that apply under section 332(b).

"(C) The methodology will take into account the need for and the distribution of mental health services among medically underserved populations and in health professional shortage areas.

"(D) The methodology will be developed in consultation with individuals in the field of nursing, including registered nurses, nurse practitioners, nurse midwives, nurse anesthetists, clinical nurse specialists, nursing educators and educational institutions, nurse executives, pediatric nurse associates and practitioners, and women's health, obstetric, and neonatal nurses.

"(E) The methodology will take into account the following factors with respect to the States:

"(i) A provider population ratio equivalent to a managed care formula of 1/1,500 for primary care services.

"(ii) The use of whole rather than fractional counts in determining the number of health care providers.

"(iii) The counting of only employed health care providers in determining the number of health care providers.

"(iv) The number of families whose income is less than 200 percent of the official poverty line (as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981).

"(v) The rate of infant mortality and the rate of low-birthweight births.

"(vi) The percentage of the general population constituted by individuals who are members or racial or ethnic minority groups, stated both by minority group and in the aggregate.

"(vii) The percentage of the general population constituted by individuals who are of Hispanic ethnicity.

"(viii) The number of individuals residing in health professional shortage areas, and the number of individuals who are members of medically underserved populations.

"(ix) The percentage of the general population constituted by elderly individuals.

"(x) The extent to which the populations served have a choice of providers.

"(xi) The impact of care on hospitalizations and emergency room use.

"(xii) The number of individuals who lack proficiency in speaking the English language.

"(xiii) Such additional factors as the Secretary determines to be appropriate.

"(3) REPORT TO CONGRESS.—Not later than 30 days after the completion of the development of the methodology required in paragraph (1), the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the methodology and explaining the effects of the methodology on the allocation among parts B, C, and D (and programs within such parts) of amounts appropriated under subsection (a) for the first fiscal year for which the methodology will be in effect. Such explanation shall include a comparison of the allocation for such fiscal year with the allocation made under this section for the preceding fiscal year.

"(d) USE OF METHODOLOGY BEFORE FISCAL YEAR 2003.—With respect to the fiscal years 1999 through 2002, if the report required in subsection (c)(3) is submitted in accordance with such subsection not later than 90 days before the beginning of such a fiscal year, the Secretary may for such year implement the methodology described in the report (rather than implementing the methodology in fiscal year 2003), in which case subsection (b) ceases to be in effect. The authority under the preceding sentence is subject to the condition that the fiscal year for which the methodology is implemented be the same fiscal year identified in such report as the fiscal year for which the methodology will first be in effect.

"(e) AUTHORITY FOR USE OF ADDITIONAL FACTORS IN METHODOLOGY.—

"(1) IN GENERAL.—The Secretary shall make the determinations specified in paragraph (2). For any fiscal year beginning after the first fiscal year for which the methodology under subsection (c)(1) is in effect, the Secretary may alter the methodology by including the information from such determinations as factors in the methodology.

"(2) RELEVANT DETERMINATIONS.—The determinations referred to in paragraph (1) are as follows:

"(A) The need for and the distribution of health services among populations for which it is difficult to determine the number of individuals who are in the population, such as homeless individuals; migratory and seasonal agricultural workers and their families; individuals infected with the human immunodeficiency virus, and individuals who abuse drugs.

"(B) In the case of a population for which the determinations under subparagraph (A) are made, the extent to which the population includes individuals who are members of racial or ethnic minority groups and a specification of the skills needed to provide health services to such individuals in the language and the educational and cultural context that is most appropriate to the individuals.

"(C) Data, obtained from the Director of the Centers for Disease Control and Prevention, on rates of morbidity and mortality among various populations (including data on the rates of maternal and infant mortality and data on the rates of low-birthweight births of living infants).

"(D) Data from the Health Plan Employer Data and Information Set, as appropriate.

"PART G—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

"SEC. 845. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Advisory Council').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Advisory Council shall be composed of

"(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

"(i) 2 shall be selected from full-time students enrolled in schools of nursing;

"(ii) 2 shall be selected from the general public;

"(iii) 2 shall be selected from practicing professional nurses; and

"(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, secondary education, and associate degree schools of nursing, and from representatives of advanced education nursing groups (such as nurse practitioners, nurse midwives, and nurse anesthetists), hospitals, and other institutions and organizations which provide nursing services; and

"(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

"(c) VACANCIES.—

"(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(2) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Council shall—

"(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this title, including the range of issues relating to the nurse workforce, education, and practice improvement;

"(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement; and

"(3) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) Expenses.—The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

"(g) Funding.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"(h) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section."; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 131. PRIMARY CARE LOAN PROGRAM.

(a) Requirement for Schools.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) Noncompliance.—Section 723(a)(3) of the Public Health Service Act (42 U.S.C. 292s(a)(3)) is amended to read as follows:

"(3) Noncompliance by student.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with such agreement, the loan involved will begin to accrue interest at a rate of 18 percent per year beginning on the date of such noncompliance.".

(c) Report Requirement.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 132. LOANS FOR DISADVANTAGED STUDENTS.

(a) Authorization of Appropriations.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1998 through 2002".

(b) Repeal.—Effective October 1, 2002, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 133. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) In General.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

(b) Minimum Monthly Payments.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking "$15" and inserting "$40".

(c) Elimination of Statute of Limitation for Loan Collections.—

(1) In general.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

"(l) Elimination of Statute of Limitation for Loan Collections.—

"(1) Purpose.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) Prohibition.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) Breach of Agreements.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended by adding at the end thereof the following new subsection:

"(h) Breach of Agreement.—

"(1) In general.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) Waiver or suspension of liability.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) Date certain for recovery.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) Availability.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.".

(e) Technical Amendments.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 134. GENERAL PROVISIONS.

(a) Maximum Student Loan Provisions and Minimum Payments.—

(1) In general.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of

Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) Third and fourth years.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500)" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary".

(3) Repayment period.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking "Ten-Year" and inserting "Repayment";

(B) by striking "ten-year period which begins" and inserting "period of not less than 10 years nor more than 25 years, at the discretion of the institution, which begins"; and

(C) by striking "such ten-year period" and inserting "such period".

(4) Minimum payments.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "$15" and inserting $40".

(b) Elimination of Statute of Limitation for Loan Collections.—

(1) In general.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

"(m) Elimination of Statute of Limitation for Loan Collections.—

"(1) Purpose.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) Prohibition.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) Date Certain for Contributions.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

"(2) Date certain for contributions.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.".

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) Health Education Assistance Loan Deferment for Borrowers Providing Health Services to Indians.—

(1) In general.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) Conforming amendments.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) Effective date.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) Report Requirement.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding "and" after the semicolon;

(2) in paragraph (5), by striking "; and" and inserting a period; and

(3) by striking paragraph (6).

(c) Program Eligibility.—

(1) Limitations on loans.—Section 703(a) of the Public Health Service Act (42 U.S.C. 292b(a)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

(2) Definition of eligible institution.—Section 719(1) of the Public Health Service Act (42 U.S.C. 292o(1)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) General Amendments.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking "determined." and inserting "determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.";

(3) by striking "Upon" and inserting:

"(1) In general.—Upon"; and

(4) by adding at the end the following new paragraph:

"(2) Exceptional performance.—

"(A) Authority.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

"(B) Compliance performance rating.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

"(C) Annual audits for lenders, holders, and servicers.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

"(D) Secretary's determinations.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

"(E) Quarterly compliance audit.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

"(F) Revocation authority.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

"(G) Documentation.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

"(H) Cost of audits.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

"(I) Additional revocation authority.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

"(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.".

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

"(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. INSURANCE PROGRAM.

Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking "any of the fiscal years 1993 through 1996" and inserting "fiscal year 1993 and subsequent fiscal years".

SEC. 144. HEAL BANKRUPTCY.

(a) IN GENERAL.—Section 707(g) of the Public Health Service Act (42 U.S.C. 292f(g)) is amended in the first sentence by striking "A debt which is a loan insured" and inserting "Notwithstanding any other provision of Federal or State law, a debt that is a loan insured".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any loan insured under the authority of subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) that is listed or scheduled by the debtor in a case under title XI, United States Code, filed—

(1) on or after the date of enactment of this Act; or

(2) prior to such date of enactment in which a discharge has not been granted.

SEC. 145. HEAL REFINANCING.

Section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by striking "CONSOLIDATION" and inserting "REFINANCING OR CONSOLIDATION"; and

(B) in the first sentence, by striking "indebtedness" and inserting "indebtedness or the refinancing of a single loan"; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "DEBTS" and inserting "DEBTS AND REFINANCING";

(B) in the first sentence, by striking "all of the borrower's debts into a single instrument" and inserting "all of the borrower's loans insured under this subpart into a single instrument (or, if the borrower obtained only 1 loan insured under this subpart, refinancing the loan 1 time)"; and

(C) in the second sentence, by striking "consolidation" and inserting "consolidation or refinancing".

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) DUTIES AND REQUIREMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Enter into interagency agreements with other agencies of the Public Health Service.

"(3) Support research, demonstrations and evaluations to test new and innovative models.

"(4) Increase knowledge and understanding of health risk factors.

"(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(6) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(7) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(8) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(9) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language. Activities under the preceding sentence shall include developing and evaluating model projects.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) through (9) of subsection (b) for each racial and ethnic minority group.

"(3) CHAIR.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate Departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In carrying out subsection (b), the Secretary shall ensure that services provided under such subsection are equitably allocated among all groups served under this section by the Secretary.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (b), the Secretary acting through the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made, to the extent practical, only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) REPORTS.—

"(1) IN GENERAL.—Not later than February 1 of fiscal year 1999 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted under sections 201(e)(3) and 201(f)(2) for such years by the heads of the Public Health Service agencies.

"(2) AGENCY REPORTS.—Not later than February 1, 1999, and biennially thereafter, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

"(g) DEFINITION.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, such sums as may be necessary for each of the fiscal years 1999 through 2002.".

(b) AUTHORIZATION FOR NATIONAL CENTER FOR HEALTH STATISTICS.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m), by adding at the end the following:

"(4)(A) Subject to subparagraph (B), the Secretary, acting through the Center, shall collect data on Hispanics and major Hispanic subpopulation groups and American Indians, and for developing special area population studies on major Asian American and Pacific Islander populations.

"(B) The provisions of subparagraph (A) shall be effective with respect to a fiscal year only to the extent that funds are appropriated pursuant to paragraph (3) of subsection (n), and only if the amounts appropriated for such fiscal year pursuant to each of paragraphs (1) and (2) of subsection (n) equal or exceed the amounts so appropriated for fiscal year 1997.";

(2) in subsection (n)(1), by striking "through 1998" and inserting "through 2003"; and

(3) in subsection (n)

(A) in the first sentence of paragraph (2)—

(i) by striking "authorized in subsection (m)" and inserting "authorized in paragraphs (1) through (3) of subsection (m)"; and

(ii) by striking "$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1999 through 2003."; and

(B) by adding at the end the following:

"(3) For activities authorized in subsection (m)(4), there are authorized to be appropriated $1,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.".

(c) MISCELLANEOUS AMENDMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u-6) is amended—

(1) in the heading for the section by striking "ESTABLISHMENT OF"; and

(2) in subsection (a), by striking "Office of the Assistant Secretary for Health" and inserting "Office of Public Health and Science".

TITLE III—SELECTED INITIATIVES

SEC. 301. STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1998 through 2002"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$36,000,000".

SEC. 302. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c-3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c-4) is amended—

(1) in the heading for the section, by striking "**LIMITATION**" and all that follows and inserting "**REQUIREMENT OF MATCHING FUNDS**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c-5(e)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the period the following: ", $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002".

SEC. 303. PROJECT GRANTS FOR IMMUNIZATION SERVICES.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking "individuals against vaccine-preventable diseases" and all that follows through the first period and inserting the following: "children, adolescents, and adults against vaccine-preventable diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002."; and

(2) in paragraph (2), by striking "1990" and inserting "1997".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103-183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103-183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103-183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103-183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103-183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103-183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103-183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) CONFORMING AMENDMENT.—Section 308(b) of the Public Health Service Act (42 U.S.C. 242m(b)) is amended—

(1) in paragraph (2)(A), by striking "306(n)" and inserting "306(m)"; and

(2) in paragraph (2)(C), by striking "306(n)" and inserting "306(m)".

(e) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103-183.

SEC. 402. MISCELLANEOUS AMENDMENTS REGARDING PHS COMMISSIONED OFFICERS.

(a) ANTI-DISCRIMINATION LAWS.—Amend section 212 of the Public Health Service Act (42 U.S.C. 213) by adding the following new subsection at the end thereof:

"(f) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for purposes of all laws related to discrimination on the basis of race, color, sex, ethnicity, age, religion, and disability."

(b) TRAINING IN LEAVE WITHOUT PAY STATUS.—Section 218 of the Public Health Service Act (42 U.S.C. 218a) is amended by adding at the end the following:

"(c) A commissioned officer may be placed in leave without pay status while attending an educational institution or training program whenever the Secretary determines that such status is in the best interest of the Service. For purposes of computation of basic pay, promotion, retirement, compensation for injury or death, and the benefits provided by sections 212 and 224, an officer in such status pursuant to the preceding sentence shall be considered as performing service in the Service and shall have an active service obligation as set forth in subsection (b) of this section.".

(c) Utilization of Alcohol and Drug Abuse Records That Apply to the Armed Forces.—Section 543(e) of the Public Health Service Act (42 U.S.C. 290dd–2(e)) is amended by striking "Armed Forces" each place that such term appears and inserting "Uniformed Services".

SEC. 403. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling," after "family therapy,".

SEC. 404. PROJECT GRANTS FOR SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "1998" and inserting "2002".

SEC. 405. PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

Section 317E(g) of the Public Health Service Act (42 U.S.C. 247b–6(g)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "1998" and inserting "2002"; and

(B) in subparagraph (B), by striking "$50,000,000" and inserting "25 percent"; and

(2) in paragraph (2), by striking "1998" and inserting "2002".

SEC. 406. CDC LOAN REPAYMENT PROGRAM.

Section 317F of the Public Health Service Act (42 U.S.C. 247b-7) is amended—

(1) in subsection (a)(1), by striking "$20,000" and inserting "$35,000";

(2) in subsection (c), by striking "1998" and inserting "2002"; and

(3) by adding at the end the following:

"(d) Availability of Appropriations.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 407. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) In General.—Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking "fiscal year 1997" and inserting "for each of the fiscal years 1997 through 2002".

(b) Study.—The Secretary of Health and Human Services shall request that the Institute of Medicine conduct a study concerning the training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence. Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall prepare and submit to Congress a report concerning the study conducted under this subsection.

SEC. 408. STATE LOAN REPAYMENT PROGRAM.

Section 338I(i)(1) of the Public Health Service Act (42 U.S.C. 254q–1(i)(1)) is amended by inserting before the period ", and such sums as may be necessary for each of the fiscal years 1998 through 2002".

SEC. 409. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking "and" at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

"(13) may conduct and support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) which does not consist of residency training of physicians or other health professionals; and

"(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.".

SEC. 410. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) Repayment Programs With Respect to AIDS.—Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking "$20,000" and inserting "$35,000"; and

(2) in subsection (c), by striking "1996" and inserting "2001".

(b) Repayment Programs With Respect to Contraception and Infertility.—Section 487B(a) of the Public Health Service Act (42 U.S.C. 288–2(a)) is amended by striking "$20,000" and inserting "$35,000".

(c) Repayment Programs With Respect to Research Generally.—Section 487C(a)(1) of the Public Health Service Act (42 U.S.C. 288–3(a)(1)) is amended by striking "$20,000" and inserting "$35,000".

(d) Repayment Programs With Respect to Clinical Researchers From Disadvantaged Backgrounds.—Section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking "$20,000" and inserting "$35,000"; and

(2) in paragraph (3), by striking "338C" and inserting "338B, 338C".

SEC. 411. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended—

(1) by striking "shall" and inserting "may"; and

(2) by striking "$5,000,000" and inserting "up to $2,500,000".

SEC. 412. PEER REVIEW.

Section 504(d)(2) of the Public Health Service Act (42 U.S.C. 290aa–3(d)(2)) is amended by striking "cooperative agreement, or contract" each place that such appears and inserting "or cooperative agreement".

SEC. 413. FUNDING FOR TRAUMA CARE.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32) is amended by striking "and 1996" and inserting "through 2002".

SEC. 414. HEALTH INFORMATION AND HEALTH PROMOTION.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking "through 1996" and inserting "through 2002".

SEC. 415. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a)—

(A) by striking "two-year period" and inserting "3-year period (with an optional 4th year based on performance)"; and

(B) by striking "one grant" and inserting "3 grants"; and

(2) in subsection (d), by striking "1997" and inserting "2005".

SEC. 416. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) In General.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) Conforming Amendments.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) Sense" and all that follows through "In the case" and inserting the following:

"(a) Sense of Congress Regarding Purchase of American-Made Equipment and Products.—In the case";

(2) by striking "(2) Notice to recipients of assistance" and inserting the following:

"(b) Notice to Recipients of Assistance"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) Effective Date.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 417. AIDS DRUG ASSISTANCE PROGRAM.

Section 2618(b)(3) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(3)) is amended—

(1) in subparagraph (A), by striking "and the Commonwealth of Puerto Rico" and inserting ", the Commonwealth of Puerto Rico, the Virgin Islands, and Guam"; and

(2) in subparagraph (B), by striking "the Virgin Islands, Guam".

SEC. 418. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Part I of title IV of the Public Health Service Act (42 U.S.C. 290b et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART I—FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH";

and

(2) in section 499—

(A) in subsection (a), by striking "National Foundation for Biomedical Research" and inserting "Foundation for the National Institutes of Health";

(B) in subsection (k)(10)—

(i) by striking "not"; and

(ii) by adding at the end the following: "Any funds transferred under this paragraph shall be subject to all Federal limitations relating to Federally-funded research."; and

(C) in subsection (m)(1), by striking "$200,000" and all that follows through "1995" and inserting "$500,000 for each fiscal year".

SEC. 419. FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES.

(a) Short Title.—This section may be cited as the "Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act".

(b) Findings.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading preventable cause of mental retardation, and it is 100 percent preventable;

(2) estimates on the number of children each year vary, but according to some researchers, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

"(a) FETAL ALCOHOL SYNDROME PREVENTION, INTERVENTION AND SERVICES DELIVERY PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

"(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

"(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development, and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

"(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

"(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

"(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

"(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

"(d) NATIONAL TASK FORCE.—

"(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

"(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

"(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

"(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and representatives from advocacy and research organization such as the Research Society on Alcoholism, the FAS Family Resource Institute, the National Organization of Fetal Alcohol Syndrome, the Arc, the academic community, and Federal, State and local government agencies and offices.

"(3) FUNCTIONS.—The Task Force shall—

"(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

"(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

"(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

"(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

"SEC. 399J. SUNSET PROVISION.

"This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Virginia (Mr. BLILEY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, S. 1754.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today to urge support for S. 1754, the Health Professions Education Partnerships Act of 1998. This bill is the result of 2 years collaboration between the House and Senate, the administration and health professions groups nationwide. The result is the reauthorization bill that I believe will do much to advance health care education in America.

Mr. Speaker, the act strengthens our programs to train future doctors, nurses and other care givers by consolidating existing programs into clusters. Where today we have 44 different Federal health profession training programs, this act creates 7 general and flexible categories of authority. Just as important, it places important emphasis on the training of health practitioners for the rural and underserved areas which most need them.

Again, Mr. Speaker, I would like to commend all those in the House and Senate who have worked so hard on this bill. In particular, I would like to thank my colleague, the gentleman from Michigan (Mr. DINGELL), for his help in resolving concerns with the Senate passed bill.

Mr. Speaker, I urge passage of S. 1754.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1754, as amended by the manager's amendment. This bill is a long overdue reauthorization of the health professions programs contained in titles VII and VIII of the Public Health Service Act. These programs touch almost the entire range of health professions including nurses, physicians and others who make up our health care work force.

This legislation does much more than simply reauthorize these programs. It also significantly modifies them.

The basic nature of these changes to the existing structure of titles VII and VIII is to provide flexibility to meet changing needs in the health care work force. The Health Resources and Services Administration part of the Department of Health and Human Services administers these programs at the federal level and supports this legislation.

The three basic elements of the health professions programs are to increase the number of primary care professionals, one; second, increase the racial and ethnic diversity of the health care work force; and third, to provide access to health care to underserved in rural areas. The bill recognizes that these goals are as complex as they are worthy. The bill also recognizes that resources for health professions, education and training are scarce.

The list of organizations that support this legislation is so long that in naming them I risk leaving them out. These include the American Nurses Association, the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Physicians, the American Association of Colleges of Osteopathic Medicine, the Association of Minority Health Profession Schools, the Association of American Medical Colleges, the American Geriatric Society, the Association of Colleges of Pharmacy, the American Public Health Association, the American Psychological Association, the American Mental Health Counselors, the Working Group on Hispanic Health Education, the National Association of Geriatric Education Centers, the Area Health Education Centers, the American Dental Association, the National Association of Social Workers, the American Association of Colleges of Nursing, the American Organization of Nurse Executives and the National League of Nursing among others.

I am pleased to note, Mr. Speaker, that the organizations I just mentioned supported the bill when it passed the Senate and continue to support it now with the manager's amendment. New additions to the list of supporters of the bill because of the manager's amendment are the American Academy of Nurse Practitioners, the American College of Nurse Midwives, the National Association of Pediatric Nurse Associates and Practitioners and the Association of Nurse Anesthetists. These are key participants in this country's primary care nursing workforce.

As many of us know, the bill which passed the Senate did not have the support of some of these groups. The manager's amendment represents a consensus among nursing professions and is a remarkable achievement made possible first of all by all of the title VIII stakeholders.

□ 1445

They participated in a process that brought us to this day, and I want to thank each of them for their tireless effort and cooperative spirit and dedication to resolving these difficult issues.

This achievement also could not have been possible without a true bipartisan effort among my colleagues. I know that Members from both sides of the aisle played key roles in the negotiations that I just described. I want to pay special tribute to the work of my friend and colleague and the chairman of the Subcommittee on Health and Environment, the gentleman from Florida (Mr. BILIRAKIS), as well as the gentleman from Virginia (Chairman BLILEY). Many other Members from the chairman's side of the aisle helped to develop this bill, and I will leave it to the chairman to recognize them.

On this side of the aisle, let me begin by saying we would not be here today without the participation and leadership of my colleague, the gentleman from New York (Mr. TOWNS). It is as simple as that. My colleagues the gentleman from California (Mr. WAXMAN), the gentlewoman from Colorado (Ms. DEGETTE), and, as always, the gentleman from Michigan (Mr. DINGELL), did great work also to get this bill for us today.

I also want to recognize the fine efforts of staff on both sides of the aisle, Brenda Pillors, Paul Kim, Libby Mullin, Kevin Brennan and John Ford. Todd Tuten and Eric Berger did outstanding work on behalf of the majority, and I thank them as well.

I know our schedule is hectic and many of my colleagues would like to speak on this bill, so I will reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield three minutes to the gentleman from Florida (Mr. BILIRAKIS), the very able chairman of the subcommittee.

Mr. BILIRAKIS. Mr. Speaker, this important legislation will improve the supply and distribution of health professionals nationwide. It also focuses, as has been so ably explained already, much needed attention on the training of caregivers for our Nation's underserved communities.

For three decades the Public Health Service Act has played an important role in funding the training of America's health professionals. As chairman of the Subcommittee on Health and Environment of the Committee on Commerce, I am proud of our bipartisan efforts in support of these very critical education programs. The challenge we face today is ensuring that the providers we train are prepared to meet the diverse needs of America's many different communities, and that is why this act replaces line items with clusters, as the gentleman from Virginia (Mr. BLILEY) has already explained, to better match resources with needs.

This has not been an easy outcome to achieve. I would like to take a moment to thank all of those who have dedicated their time and energy to help us get here today. In particular I would like to commend the members of America's nursing community. After bringing concerns they had, and, God knows they did have concerns, with the Senate-passed bill to our attention, the community as a whole worked together to help us reach consensus.

S. 1754, as amended, represents that consensus, Mr. Speaker, and, again, I am grateful for their efforts and, of course, those of the gentleman from Virginia (Chairman BLILEY), the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN), and I also want to acknowledge, as the gentleman from Ohio (Mr. BROWN) was so very kind to do, the hard work of our committee staffs on both sides of the aisle working in a bipartisan basis. They were able to draft language that enjoys the support of the entire public health community.

I urge passage of S. 1754, as amended.

Mr. BROWN of Ohio. Mr. Speaker, I yield two minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Ohio for yielding me time.

Mr. Speaker, this is a good bill. It has been produced by the bipartisan efforts of Members on both sides of the aisle.

I want to commend my colleagues, the gentleman from New York (Mr. TOWNS), the gentleman from Ohio (Mr. BROWN), the gentleman from California (Mr. WAXMAN), the gentlewoman from Colorado (Ms. DEGETTE) and the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN).

In looking across the aisle, I want to express my admiration for the fine leadership of the gentleman from Virginia (Chairman BLILEY) and the gentleman from Florida (Chairman BILIRAKIS), and also the staffs on both sides of the aisle. In acknowledging my colleagues, I must pay tribute to the staffs of all of the Members above and of the full committee and of the minority, and also to Brenda Pillors of the staff of the gentleman from New York (Mr. TOWNS). Her work on this matter was extraordinary, as was the work of John Ford of the staff of the minority.

Mr. Speaker, this bill reforms what had been previously a good bill, but not one which was good enough. It ignored a large number of people in the health care professions, particularly the nurses, whose work merits the highest respect and the greatest attention. Happily, the labors of Members on this side of the Capitol have corrected the faults of the Senate bill, and we have here a bill which all of my colleagues can support. I do again want to pay tribute to those who have made this success possible.

Mr. BROWN of Ohio. Mr. Speaker, I yield four minutes to the gentleman from New York (Mr. TOWNS), who worked so hard on this bill.

Mr. TOWNS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let me begin by thanking the chairman of the full committee, the gentleman from Virginia (Mr. BLILEY), for the outstanding leadership, and, of course, the chairman of the Subcommittee on Health and Environment, the gentleman from Florida (Mr. BILIRAKIS), for his outstanding leadership.

On this side of the aisle let me thank the ranking member, the gentleman from Michigan (Mr. DINGELL), for his hard work in making this a reality, and, of course, the ranking member of the subcommittee, my good friend and a person that has worked very hard as well, the gentleman from Ohio (Mr. BROWN), for making it possible for us to be here at this point and time.

The work of the committee and staff as well, I should recognize that on both sides of the aisle, was vital in terms of bringing us to this point in time as well. I would like to thank Mr. Eric Berger, and, of course, John Ford, and, of course, Brenda Pillors of my staff, for their work to improve this bill.

I want to express my support for the hold-harmless provision to protect the nurse practitioners and nurse midwives funding levels until a primary health care work study is implemented.

Let me commend the nursing community for their efforts to develop a workable solution. They stayed there and they continued to have dialogue and to have discussions to make it possible for us to come together to have something that we all could sort of support and begin to work with.

The nursing practitioners and nurse midwives who provide primary care services and practice in underserved areas have a proven track record in meeting the goals of this legislation.

This funding will continue until a study incorporating key factors as part of its methodology can be done to provide data that will assist HHS in making further funding decisions. This is so important, because we want to make certain that we have the kind of information that we need in order to move forward.

The House Committee on Commerce and the Senate Labor and Human Resources Committee will receive reports from the department about the study, and that will come back to us and then we will have that information as well. We are hopeful that such a study will help us identify Federal health professional education priorities, which is needed and needed desperately.

Additionally I am pleased that S. 1754, as amended, does not supersede years of state legislative efforts to establish a new Federal definition for advanced practice nurses. This is something that a lot of people are concerned with, and, of course, as a result of the hard work we were able to resolve that issue as well.

The changes by the Committee on Commerce ensures that we will not interfere with how nursing is treated at the state level or in the private sector. This will not interfere with that in any way.

Mr. Speaker, I urge my colleagues to support this legislation. It is not perfect legislation, but, I will tell you, it is legislation that has taken a giant step in the right direction. This bill will go a long way towards improving health professional education and making certain that the programs will meet the kind of needs and be able to meet the needs of those in underserved areas as well.

Mr. Speaker, I ask that we move forward, and ask my colleagues on both sides of the aisle to support this legislation, and also to recognize the hard work that has gone on on both sides of the aisle among both Democrats and Republicans.

Mr. BROWN of Ohio. Mr. Speaker, I yield three minutes to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Speaker, I rise today in support of S. 1754, the Health Professional Educational Partnership Act, and I really want to thank the people I worked with on this. This has been a wonderful coordination and a bipartisan effort. The gentleman from Virginia (Chairman BLILEY) and the gentleman from Florida (Chairman BILRAKIS) have been so helpful to us, and the ranking member, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN). So this has been something that we have had a good feeling about.

The Health Professional Education Partnership Act will reauthorize for five years the health profession education programs which provide medical training to thousands of health care providers each year. A wonderful university in my district, Oregon Health Sciences University, is very supportive of this.

I also want to thank the nurses and nurse practitioners who brought this so much to our attention. I am also very pleased that section 407 of this legislation reauthorizes until 2002 the Center for Disease Control's Coordinated Community Responses to Prevent Intimate Partner Violence Program. This is a program which, along with Senator Mark Hatfield of Oregon, I cosponsored and coauthored in the 1994 crime bill. What it does is it better coordinates a community response to domestic violence. It provides grants to communities that prepare a comprehensive strategy to deal with domestic violence, incorporating the efforts of local nonprofit organizations, businesses, social service agencies, law enforcement and the courts.

Too often in the past different organizations all working on the same goal of trying to reduce domestic violence had really little or no knowledge of what their colleagues were doing. What this bill does is it pulls together those coordinated programs, and we know that preventing and effectively addressing domestic violence can only occur when communities work together.

The Health Professions Education Partnership Act is a very good bill, and I want to thank my colleagues for their fine work on this legislation.

I urge the House to pass S. 1754.

Mr. BROWN of Ohio. Mr. Speaker, I yield two minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to offer support for this bill and speak on its behalf, and I want to express my appreciation to the leaders of both committees on both sides of the aisle.

The Nurse Education Act was last reauthorized, of course, in 1992, and Congress has worked very hard since 1994 to get it reauthorized. So I am delighted that we have come to this point.

This bill has a very noble goal, to expand access to health care in rural and underserved areas, while increasing the number of minorities who are trained as primary health care professionals. I have had dental school as well as medical school representatives come into my office expressing dismay that we do not have as many minorities going into the health care professions as we did in the past, and it is causing, especially in my home state, a great lack of health care professionals in the neediest areas, especially in our border areas where we are heavily populated with Hispanic persons, and we are trying very hard to attract persons that are bilingual in order to service this population.

I am also pleased that the bill restructures Title 8 of the Health Professionals Training Act to allow for more efficient, flexible and comprehensive Federal financial support for nursing workforce development.

Under the current authorization, there were so many different categories, and this bill simply consolidates them into three areas of authority, the advanced practice nursing education and training programs, programs to increase nursing workforce diversity, and projects to strengthen the capacity of basic nursing education.

□ 1500

I, too, express my appreciation for the manager's amendment to this bill, which contains a hold harmless provision that assures current funding levels for the current authorizations until such time that HHS has developed the methodology for a new streamlined financing process. Mr. Speaker, I support the bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to support the reauthorization of this important program. The ongoing debate on national health care has focused largely on the problems of access, costs, and quality. These issues, however, cannot be addressed without dealing with the need to train qualified health providers and insure that underserved rural and inner city communities have the professional resources which they so greatly need.

The reauthorization of this program insures that minorities from disadvantaged backgrounds would have an opportunity to fulfill their dreams and desires of becoming health care professionals.

Currently, African Americans make up 12 percent of the population, but only 2 to 3 percent of the Nation's health professionals workforce. Likewise, Hispanic Americans make up 9 percent of the population, but only 5 percent of the physicians and 3 percent of the dentists.

The underrepresentation of minorities in the health care profession has reduced access to our Nation's needy citizens. This bill seeks to increase the number of health care professionals in shortage areas, and increase the number of minorities in health care. It is a good bill. I urge my colleagues to support it.

Ms. DEGETTE. Mr. Speaker, I rise in strong support of S. 1754, the Health Professions Reauthorization Act of 1998. I deeply appreciate the efforts of the gentleman from Florida, Chairman BILIRAKIS, of the House Commerce Subcommittee on Health and Environment and the gentleman from Michigan, Mr. DINGELL, the ranking Democratic member of the House Commerce Committee. They have worked innumerable hours to reach a consensus on this legislation and to bring it to the floor today.

In particular, I wish to thank my colleagues for their leadership and support in securing much needed changes in Title VIII, the Nursing Education Act provisions. One of the most important improvements which my colleagues and I on the subcommittee fought so aggressively for was to restore the meaning of an Advance Practice Nursing Degree. Prior to our changes, the Senate bill, for the first time ever, would have established a federal definition of Advanced Practice Nurses which would put clinical nurse specialists, nurse anesthetists, nurse-midwives, and nurse practitioners into the same category as non-clinicians.

This would not only have set a bad precedent but also have broad implications for the future of nurse education funding and advanced practice nursing at the state level and in the private sector. For instance, in my own state of Colorado, we fought very hard to preserve the meaning of an advanced practice nursing degree. It would be dangerous of us to mislead the public into believing that all nurses with a degree beyond the baccalaureate level are equivalent and have clinical training.

I am also pleased by the inclusion of a "hold harmless" provision to protect nurse practitioner and nurse midwife funding levels. S. 1754 as passed in the Senate, consolidated funding for nurse education and eliminates specific funding line authority for nurse practitioners. This would have jeopardized the ability of nurse practitioners to continue providing primary care services in underserved rural areas and inner cities.

I urge the Health Resources and Services Administration to give special recognition to nurse practitioners who provide primary care when it develops the new health care workforce study for nurses.

Mr. Speaker, I am proud to join my colleagues in urging swift passage of this vital professional education program.

Mr. PALLONE. Mr. Speaker, I rise in support of S. 1754, the Health Professions Education Act. This legislation provides badly needed resources to a range of health professional educators and I am very pleased that the concerns voiced by every Democrat on the Commerce Committee's Health and Environment Subcommittee were addressed.

The Health Professions Education Partnerships Act has three main objectives. The first is to assure that health professions are generating primary care providers. The second is to ensure there is diversity in the health professions workforce. And the third is to provide adequate services to medically under-served areas. All of these are extremely important objectives for very obvious reasons, and I would urge all of my colleagues to support this bill so it can be sent to the president as soon as possible for his signature. It is important to patients and health educators all across this country and my home state, including the University of Medicine and Dentistry of New Jersey, which has facilities in my district.

Importantly, as I mentioned earlier, the bill before us today addresses the concerns that every Democratic member of the Health and Environment Subcommittee had with the version of this legislation passed by the other body. That version expanded the definition of Advance Practice Nurses in a manner that could have jeopardized the resources available to train nurse practitioners who provide primary care. It also would have discounted the importance of the extensive education and training that nurse practitioners receive in preparation for their careers, a step I believe would have been unfair and ill-advised.

Democrats on the Health and Environment Subcommittee communicated their concerns to Chairman BILIRAKIS about the definition in the Senate passed version of the bill. Accordingly, the version we are considering today changed the language of the bill to include an appropriate definition of Advanced Nurse Practitioners, and I commend the Chairman for working with us to change the language.

I would also like to commend the Chairman for working with us to address our concerns about the new manner in which funding will be distributed to the various health professions programs, an issue we also raised in our letter. The other body's version of this bill block granted funding for health professions education programs. The proposed block granting gave rise to the same concern we had with the definition of Advance Nurse Practitioners—namely, that the change might lead to a lack of resources for the training of primary care practitioners.

To the Chairman's credit, the bill before us today includes a transition rule, which allows for a change from line items to a data driven methodology for health resources that matches the needs of the workforce. Importantly, the bill includes a "hold harmless" provision for Advance Nurse Practitioners. This "hold harmless" will ensure adequate resources will be available for training primary care nurses in the years to come, and I appreciate the Chairman's willingness to work with us to get this in the bill.

Again, this is a very important piece of legislation, Mr. Speaker. It is widely supported by Members of Congress in both chambers, and by the health professions groups who fall under its jurisdiction. I urge all of my colleagues to support its passage.

Mr. BROWN of Ohio. Mr. Speaker, I ask for support of the bill, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I ask support for the bill, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the Senate bill, S. 1754, as amended.

The question was taken.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PERSONAL EXPLANATION

Mr. SKAGGS (during debate on agreeing to the conference report to S. 1260). Mr. Speaker, I wanted for the RECORD to note my slight regret for having been absent from the proceedings of the House yesterday as I attended my dear mother's 80th birthday celebration in Kentucky.

As a result, I missed rollcall votes Nos. 521, on which I would have voted aye had I been present, 522, on which I would have voted no, and 523, on which I would have voted no.

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

The Clerk read the title of the Senate bill.

(For conference report and statement, see Proceedings of the House of Friday, October 9, 1998, at page 24971.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of the conference report on the Senate bill, S. 1260, Securities Litigation Uniform Standards Act of 1998. This legislation we are considering today will eliminate State court as a venue for meritless securities litigation.

This legislation has broad bipartisan support. We recognize that the trial bar should not make an end run around the work we did in 1995 in overriding the President's veto of litigation reform in State court. This legislation will protect investors from baseless securities class action lawsuits in the capital markets.

The premise of this legislation is simple: lawsuits alleging violations that involve securities that are offered nationally belong in Federal court. This premise is consistent with the national nature of these markets that we recognize in the National Securities Market Improvement Act of 1995.

The legislative history accompanying the legislation makes clear that we are not disturbing the heightened pleading standard established by the 1995 Act.

The economic disruptions around the globe are reflected by the volatility that affects our markets. Stock prices are up one day, down the next. The prices are not falling due to fraudulent statements, which are the purported basis of many strike suits. The fall is due to economic conditions.

If there is intentional fraud, there is nothing in this legislation or in the Reform Act to prevent those cases from proceeding. We do not need to exacerbate market downturns by allowing companies to be dragged into court every time their stock price falls. The 1995 Reform Act remedied that problem for Federal courts, and this legislation will remedy it for State courts.

I would like to thank the gentleman from Ohio (Mr. OXLEY), the chairman of the Subcommittee on Finance and Hazardous Materials, for his hard work and leadership. I thank the gentleman from Michigan (Mr. JOHN DINGELL), the ranking member of the committee, for his constructive participation as we move the bill through committee.

I commend the gentleman from New York (Mr. TOM MANTON), the ranking member of the subcommittee, not only for his work on this legislation, but his valued service on the committee. It has been a pleasure working with him, and he will be missed.

I also commend the gentleman from Washington (Mr. RICK WHITE), the original cosponsor of the legislation, for his tireless efforts and willingness to compromise that has kept this legislation on track to becoming law.

Likewise, the gentlewoman from California (Ms. ANNA ESHOO) has been a leading proponent of this legislation, and has worked to ensure its passage, and certainly the gentleman from California (Mr. COX), the chairman of the Republican policy committee who has been working on this issue for many years.

Finally, I also commend our colleagues in the other body for their work on this important legislation. Mr. Speaker, I urge my colleagues to join me and support S. 1260.

Mr. Speaker, I ask unanimous consent to include for the RECORD a complete copy of the conference report on S. 1260.

When the conference report was filed in the House, a page from the statement of managers was inadvertently omitted. That page was included in the copy filed in the Senate, reflecting the agreement of the managers. We are considering today the entire report and statement of managers as agreed to by conferees and inserted in the RECORD.

The SPEAKER pro tempore. Since the Chair is aware that the papers filed in the Senate contain that matter as part of the joint statement, its omission from the joint statement filed in the House can be corrected by a unanimous consent request.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the Conference Report on S. 1260 is as follows:

CONFERENCE REPORT (H. REPT. 105–803)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260), to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securities Litigation Uniform Standards Act of 1998".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Private Securities Litigation Reform Act of 1995 sought to prevent abuses in private securities fraud lawsuits;

(2) since enactment of that legislation, considerable evidence has been presented to Congress that a number of securities class action lawsuits have shifted from Federal to State courts;

(3) this shift has prevented that Act from fully achieving its objectives;

(4) State securities regulation is of continuing importance, together with Federal regulation of

securities, to protect investors and promote strong financial markets; and

(5) in order to prevent certain State private securities class action lawsuits alleging fraud from being used to frustrate the objectives of the Private Securities Litigation Reform Act of 1995, it is appropriate to enact national standards for securities class action lawsuits involving nationally traded securities, while preserving the appropriate enforcement powers of State securities regulators and not changing the current treatment of individual lawsuits.

TITLE I—SECURITIES LITIGATION UNIFORM STANDARDS

SEC. 101. LIMITATION ON REMEDIES.

(a) AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) AMENDMENT.—Section 16 of the Securities Act of 1933 (15 U.S.C. 77p) is amended to read as follows:

"SEC. 16. ADDITIONAL REMEDIES; LIMITATION ON REMEDIES.

"(a) REMEDIES ADDITIONAL.—Except as provided in subsection (b), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

"(b) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(1) an untrue statement or omission of a material fact in connection with the purchase or sale of a covered security; or

"(2) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(c) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in subsection (b), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to subsection (b).

"(d) PRESERVATION OF CERTAIN ACTIONS.—

"(1) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

"(A) ACTIONS PRESERVED.—Notwithstanding subsection (b) or (c), a covered class action described in subparagraph (B) of this paragraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(B) PERMISSIBLE ACTIONS.—A covered class action is described in this subparagraph if it involves—

"(i) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(ii) any recommendation, position, or other communication with respect to the sale of securities of the issuer that—

"(I) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(II) concerns decisions of those equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(2) STATE ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, nothing in this section may be construed to preclude a State or political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

"(B) STATE PENSION PLAN DEFINED.—For purposes of this paragraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of the State or political subdivision thereof, or by any agency or instrumentality thereof.

"(3) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding subsection (b) or (c), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

"(4) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to subsection (c), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

"(e) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(2) COVERED CLASS ACTION.—

"(A) IN GENERAL.—The term 'covered class action' means—

"(i) any single lawsuit in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(B) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (A), the term 'covered class action' does not include an exclusively derivative action brought by one or more shareholders on behalf of a corporation.

"(C) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as one person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.

"(3) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under this title pursuant to rules issued by the Commission under section 4(2).".

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 27(b) of the Securities Act of 1933 (15 U.S.C. 77z–1(b)) is amended by inserting after paragraph (3) the following new paragraph:

"(4) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this subsection.".

(3) CONFORMING AMENDMENTS.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended—

(A) by inserting "except as provided in section 16 with respect to covered class actions," after "Territorial courts,"; and

(B) by striking "No case" and inserting "Except as provided in section 16(c), no case".

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) AMENDMENT.—Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended—

(A) in subsection (a), by striking "The rights and remedies" and inserting "Except as provided in subsection (f), the rights and remedies"; and

(B) by adding at the end the following new subsection:

"(f) LIMITATIONS ON REMEDIES.—

"(1) CLASS ACTION LIMITATIONS.—No covered class action based upon the statutory or common law of any State or subdivision thereof may be maintained in any State or Federal court by any private party alleging—

"(A) a misrepresentation or omission of a material fact in connection with the purchase or sale of a covered security; or

"(B) that the defendant used or employed any manipulative or deceptive device or contrivance in connection with the purchase or sale of a covered security.

"(2) REMOVAL OF COVERED CLASS ACTIONS.—Any covered class action brought in any State court involving a covered security, as set forth in paragraph (1), shall be removable to the Federal district court for the district in which the action is pending, and shall be subject to paragraph (1).

"(3) PRESERVATION OF CERTAIN ACTIONS.—

"(A) ACTIONS UNDER STATE LAW OF STATE OF INCORPORATION.—

"(i) ACTIONS PRESERVED.—Notwithstanding paragraph (1) or (2), a covered class action described in clause (ii) of this subparagraph that is based upon the statutory or common law of the State in which the issuer is incorporated (in the case of a corporation) or organized (in the case of any other entity) may be maintained in a State or Federal court by a private party.

"(ii) PERMISSIBLE ACTIONS.—A covered class action is described in this clause if it involves—

"(I) the purchase or sale of securities by the issuer or an affiliate of the issuer exclusively from or to holders of equity securities of the issuer; or

"(II) any recommendation, position, or other communication with respect to the sale of securities of an issuer that—

"(aa) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(bb) concerns decisions of such equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(B) STATE ACTIONS.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, nothing in this subsection may be construed to preclude a State or

political subdivision thereof or a State pension plan from bringing an action involving a covered security on its own behalf, or as a member of a class comprised solely of other States, political subdivisions, or State pension plans that are named plaintiffs, and that have authorized participation, in such action.

"(ii) STATE PENSION PLAN DEFINED.—For purposes of this subparagraph, the term 'State pension plan' means a pension plan established and maintained for its employees by the government of a State or political subdivision thereof, or by any agency or instrumentality thereof.

"(C) ACTIONS UNDER CONTRACTUAL AGREEMENTS BETWEEN ISSUERS AND INDENTURE TRUSTEES.—Notwithstanding paragraph (1) or (2), a covered class action that seeks to enforce a contractual agreement between an issuer and an indenture trustee may be maintained in a State or Federal court by a party to the agreement or a successor to such party.

"(D) REMAND OF REMOVED ACTIONS.—In an action that has been removed from a State court pursuant to paragraph (2), if the Federal court determines that the action may be maintained in State court pursuant to this subsection, the Federal court shall remand such action to such State court.

"(4) PRESERVATION OF STATE JURISDICTION.—The securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions.

"(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) AFFILIATE OF THE ISSUER.—The term 'affiliate of the issuer' means a person that directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with, the issuer.

"(B) COVERED CLASS ACTION.—The term 'covered class action' means—

"(i) any single lawsuit in which—

"(I) damages are sought on behalf of more than 50 persons or prospective class members, and questions of law or fact common to those persons or members of the prospective class, without reference to issues of individualized reliance on an alleged misstatement or omission, predominate over any questions affecting only individual persons or members; or

"(II) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated, and questions of law or fact common to those persons or members of the prospective class predominate over any questions affecting only individual persons or members; or

"(ii) any group of lawsuits filed in or pending in the same court and involving common questions of law or fact, in which—

"(I) damages are sought on behalf of more than 50 persons; and

"(II) the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose.

"(C) EXCEPTION FOR DERIVATIVE ACTIONS.—Notwithstanding subparagraph (B), the term 'covered class action' does not include an exclusively derivative action brought by one or more shareholders on behalf of a corporation.

"(D) COUNTING OF CERTAIN CLASS MEMBERS.—For purposes of this paragraph, a corporation, investment company, pension plan, partnership, or other entity, shall be treated as one person or prospective class member, but only if the entity is not established for the purpose of participating in the action.

"(E) COVERED SECURITY.—The term 'covered security' means a security that satisfies the standards for a covered security specified in paragraph (1) or (2) of section 18(b) of the Securities Act of 1933, at the time during which it is alleged that the misrepresentation, omission, or manipulative or deceptive conduct occurred, except that such term shall not include any debt security that is exempt from registration under the Securities Act of 1933 pursuant to rules issued by the Commission under section 4(2) of that Act.

"(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to affect the discretion of a State court in determining whether actions filed in such court should be joined, consolidated, or otherwise allowed to proceed as a single action.".

(2) CIRCUMVENTION OF STAY OF DISCOVERY.—Section 21D(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(b)(3)) is amended by adding at the end the following new subparagraph:

"(D) CIRCUMVENTION OF STAY OF DISCOVERY.—Upon a proper showing, a court may stay discovery proceedings in any private action in a State court, as necessary in aid of its jurisdiction, or to protect or effectuate its judgments, in an action subject to a stay of discovery pursuant to this paragraph.".

(c) APPLICABILITY.—The amendments made by this section shall not affect or apply to any action commenced before and pending on the date of enactment of this Act.

SEC. 102. PROMOTION OF RECIPROCAL SUBPOENA ENFORCEMENT.

(a) COMMISSION ACTION.—The Securities and Exchange Commission, in consultation with State securities commissions (or any agencies or offices performing like functions), shall seek to encourage the adoption of State laws providing for reciprocal enforcement by State securities commissions of subpoenas issued by another State securities commission seeking to compel persons to attend, testify in, or produce documents or records in connection with an action or investigation by a State securities commission of an alleged violation of State securities laws.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Securities and Exchange Commission (hereafter in this section referred to as the "Commission") shall submit a report to the Congress—

(1) identifying the States that have adopted laws described in subsection (a);

(2) describing the actions undertaken by the Commission and State securities commissions to promote the adoption of such laws; and

(3) identifying any further actions that the Commission recommends for such purposes.

TITLE II—REAUTHORIZATION OF THE SECURITIES AND EXCHANGE COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

"SEC. 35. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out the functions, powers, and duties of the Commission, $351,280,000 for fiscal year 1999.

"(b) MISCELLANEOUS EXPENSES.—Funds appropriated pursuant to this section are authorized to be expended—

"(1) not to exceed $3,000 per fiscal year, for official reception and representation expenses;

"(2) not to exceed $10,000 per fiscal year, for funding a permanent secretariat for the International Organization of Securities Commissions; and

"(3) not to exceed $100,000 per fiscal year, for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives, and staff to exchange views concerning developments relating to securities matters, for development and implementation of cooperation agreements concerning securities matters, and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings, including—

"(A) such incidental expenses as meals taken in the course of such attendance;

"(B) any travel or transportation to or from such meetings; and

"(C) any other related lodging or subsistence.".

SEC. 202. REQUIREMENTS FOR THE EDGAR SYSTEM.

Section 35A of the Securities Exchange Act of 1934 (15 U.S.C. 78ll) is amended—

(1) by striking subsections (a), (b), (c), and (e); and

(2) in subsection (d)—

(A) by striking "(d)";

(B) in paragraph (2), by striking "; and" at the end and inserting a period; and

(C) by striking paragraph (3).

SEC. 203. COMMISSION PROFESSIONAL ECONOMISTS.

Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) ECONOMISTS.—

"(A) COMMISSION AUTHORITY.—Notwithstanding the provisions of chapter 51 of title 5, United States Code, the Commission is authorized—

"(i) to establish its own criteria for the selection of such professional economists as the Commission deems necessary to carry out the work of the Commission;

"(ii) to appoint directly such professional economists as the Commission deems qualified; and

"(iii) to fix and adjust the compensation of any professional economist appointed under this paragraph, without regard to the provisions of chapter 55 of title 5, United States Code, or subchapters II, III, or VIII of chapter 53, of title 5, United States Code.

"(B) LIMITATION ON COMPENSATION.—No base compensation fixed for an economist under this paragraph may exceed the pay for Level IV of the Executive Schedule, and no payments to an economist appointed under this paragraph shall exceed the limitation on certain payments in section 5307 of title 5, United States Code.

"(C) OTHER BENEFITS.—All professional economists appointed under this paragraph shall be eligible for coverage under the Federal Civil Service System with respect to employee benefits.".

TITLE III—CLERICAL AND TECHNICAL AMENDMENTS

SEC. 301. CLERICAL AND TECHNICAL AMENDMENTS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77 et seq.) is amended as follows:

(1) Section 2(a)(15)(i) (15 U.S.C. 77b(a)(15)(i)) is amended—

(A) by striking "3(a)(2) of the Act" and inserting "3(a)(2)"; and

(B) by striking "section 2(13) of the Act" and inserting "paragraph (13) of this subsection".

(2) Section 11(f)(2)(A) (15 U.S.C. 77k(f)(2)(A)) is amended by striking "section 38" and inserting "section 21D(f)".

(3) Section 13 (15 U.S.C. 77m) is amended—

(A) by striking "section 12(2)" each place it appears and inserting "section 12(a)(2)"; and

(B) by striking "section 12(1)" each place it appears and inserting "section 12(a)(1)".

(4) Section 18 (15 U.S.C. 77r) is amended—

(A) in subsection (b)(1)(A), by inserting ", or authorized for listing," after "Exchange, or listed";

(B) in subsection (c)(2)(B)(i), by striking "Capital Markets Efficiency Act of 1996" and inserting "National Securities Markets Improvement Act of 1996";

(C) in subsection (c)(2)(C)(i), by striking "Market" and inserting "Markets";

(D) in subsection (d)(1)(A)—

(i) by striking "section 2(10)" and inserting "section 2(a)(10)"; and

(ii) by striking "subparagraphs (A) and (B)" and inserting "subparagraphs (a) and (b)";

(E) in subsection (d)(2), by striking "Securities Amendments Act of 1996" and inserting "National Securities Markets Improvement Act of 1996"; and

(F) in subsection (d)(4), by striking "For purposes of this paragraph, the" and inserting "The".

(5) Sections 27, 27A, and 28 (15 U.S.C. 77z–1, 77z–2, 77z–3) are transferred to appear after section 26, in that order.

(6) Paragraph (28) of schedule A of such Act (15 U.S.C. 77aa(28)) is amended by striking "identic" and inserting "identical".

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended as follows:

(1) Section 3(a)(10) (15 U.S.C. 78c(a)(10)) is amended by striking "deposit, for" and inserting "deposit for".

(2) Section 3(a)(12)(A)(vi) (15 U.S.C. 78c(a)(12)(A)(vi)) is amended by moving the margin 2 em spaces to the left.

(3) Section 3(a)(22)(A) (15 U.S.C. 78c(a)(22)(A)) is amended—

(A) by striking "section 3(h)" and inserting "section 3"; and

(B) by striking "section 3(t)" and inserting "section 3".

(4) Section 3(a)(39)(B)(i) (15 U.S.C. 78c(a)(39)(B)(i)) is amended by striking "an order to the Commission" and inserting "an order of the Commission".

(5) The following sections are each amended by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System": subsections (a) and (b) of section 7 (15 U.S.C. 78g(a), (b)); section 17(g) (15 U.S.C. 78q(g)); and section 26 (15 U.S.C. 78z).

(6) The heading of subsection (d) of section 7 (15 U.S.C. 78g(d)) is amended by striking "EXCEPTION" and inserting "EXCEPTIONS".

(7) Section 14(g)(4) (15 U.S.C. 78n(g)(4)) is amended by striking "consolidation sale," and inserting "consolidation, sale,".

(8) Section 15 (15 U.S.C. 78o) is amended—

(A) in subsection (c)(8), by moving the margin 2 em spaces to the left;

(B) in subsection (h)(2), by striking "affecting" and inserting "effecting";

(C) in subsection (h)(3)(A)(i)(II)(bb), by inserting "or" after the semicolon;

(D) in subsection (h)(3)(A)(ii)(I), by striking "maintains" and inserting "maintained";

(E) in subsection (h)(3)(B)(ii), by striking "association" and inserting "associated".

(9) Section 15B(c)(4) (15 U.S.C. 78o–4(c)(4)) is amended by striking "convicted by any offense" and inserting "convicted of any offense".

(10) Section 15C(f)(5) (15 U.S.C. 78o–5(f)(5)) is amended by striking "any person or class or persons" and inserting "any person or class of persons".

(11) Section 19(c)(5) (15 U.S.C. 78s(c)(5)) is amended by moving the margin 2 em spaces to the right.

(12) Section 20 (15 U.S.C. 78t) is amended by redesignating subsection (f) as subsection (e).

(13) Section 21D (15 U.S.C. 78u–4) is amended—

(A) in subsection (g)(2)(B)(i), by striking "paragraph (1)" and inserting "subparagraph (A)".

(B) by redesignating subsection (g) as subsection (f); and

(14) Section 31(a) (15 U.S.C. 78ee(a)) is amended by striking "this subsection" and inserting "this section".

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended as follows:

(1) Section 2(a)(8) (15 U.S.C. 80a–2(a)(8)) is amended by striking "Unitde" and inserting "United".

(2) Section 3(b) (15 U.S.C. 80a–3(b)) is amended by striking "paragraph (3) of subsection (a)" and inserting "paragraph (1)(C) of subsection (a)".

(3) Section 12(d)(1)(G)(i)(III)(bb) (15 U.S.C. 80a–12(d)(1)(G)(i)(III)(bb)) is amended by striking "the acquired fund" and inserting "the acquired company".

(4) Section 18(e)(2) (15 U.S.C. 80a–18(e)(2)) is amended by striking "subsection (e)(2)" and inserting "paragraph (1) of this subsection".

(5) Section 30 (15 U.S.C. 80a–29) is amended—

(A) by inserting "and" after the semicolon at the end of subsection (b)(1);

(B) in subsection (e), by striking "semi-annually" and inserting "semiannually"; and

(C) by redesignating subsections (g) and (h), as added by section 508(g) of the National Securities Markets Improvement Act of 1996, as subsections (i) and (j), respectively.

(6) Section 31(f) (15 U.S.C. 80a–30(f)) is amended by striking "subsection (c)" and inserting "subsection (e)".

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b et seq.) is amended as follows:

(1) Section 203(e)(8)(B) (15 U.S.C. 80b–3(e)(8)(B)) is amended by inserting "or" after the semicolon.

(2) Section 222(b)(2) (15 U.S.C. 80b–18a(b)(2)) is amended by striking "principle" and inserting "principal".

(e) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended as follows:

(1) Section 303 (15 U.S.C. 77ccc) is amended by striking "section 2" each place it appears in paragraphs (2) and (3) and inserting "section 2(a)".

(2) Section 304(a)(4)(A) (15 U.S.C. 77ddd(a)(4)(A)) is amended by striking "(14) of subsection" and inserting "(13) of section".

(3) Section 313(a) (15 U.S.C. 77mmm(a)) is amended—

(A) by inserting "any change to" after the paragraph designation at the beginning of paragraph (4); and

(B) by striking "any change to" in paragraph (6).

(4) Section 319(b) (15 U.S.C. 77sss(b)) is amended by striking "the Federal Register Act" and inserting "chapter 15 of title 44, United States Code,".

SEC. 302. EXEMPTION OF SECURITIES ISSUED IN CONNECTION WITH CERTAIN STATE HEARINGS.

Section 18(b)(4)(C) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(C)) is amended by striking "paragraph (4) or (11)" and inserting "paragraph (4), (10), or (11)".

And the House agree to the same.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title 1 of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless "strike" suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a "covered security" (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

"Class actions" that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called "mass actions," in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated[2]; (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of "class action" for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

---

[1] Public Law 104-290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the "Reform Act") and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

> The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a "substition effect" whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court "potentially the most significant development in securities litigation" since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

> It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its pecular litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

The managers understand, however, that certain Federal district courts have interpreted the Reform Act as having altered the scienter requirement. In that regard, the managers again emphasize that the clear intent in 1995 and our continuing intent in this legislation is that neither the Reform Act nor S. 1260 in any way alters the scienter standard in Federal securities fraud suits.

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind." The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in Ernst and Ernst v. Hochfelder[10], the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b–5 in a subsequent case, Herman & Maclean v. Huddleston[11], where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at http://securities.stanford.edu. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.
ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

---

[3] Public Law 104–67 (December 22, 1995).

[4] Grundfest, Joseph A. & Perino, Michael A., *Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995*, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105–85, at 41–45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities" "Oversight Hearing on the Private Securities Litigation Reform Act of 1995," Serial No. 105–182, at 3 (July 27, 1998).

[10] 425 U.S. 185 (1976).

[11] 459 U.S. 375 (1983).

In 1995, during the consideration of the Private Securities Litigation Reform Act and the override of the President's veto of that Act, Congress noted that in Ernst and Ernst v. Hochfelder,[1] the Supreme court expressly left open the question of whether conduct that was not intentional was sufficient for liability under section 10(b) of the Securities Exchange Act of 1934. The Supreme Court has never answered that question. The Court specifically reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 105–5[2] in a subsequent case, Herman & Maclean v. Huddleston,[3] where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

Footnotes at end of article.

The Reform Act did not alter statutory standards of liability under the securities laws (except in the safe harbor for forward-looking statements). As Chairman of the Conference Committee that considered the Reform Act and as the bill's author, respectively, it is our view that non-intentional conduct can never be sufficient for liability under section 10(b) of the Exchange Act. We believe that the structure and history of the securities laws indicates no basis for liability under this section for non-intentional conduct. The following is a discussion of the legal reasons supporting our view that non-intentional conduct is insufficient for liability under section 10(b) of the Exchange Act.[4]

In Ernst & Ernst v. Hochfelder, the Supreme Court held that scienter is a necessary element of an action for damages under Section 10(b) and Rule 10b–5. The Supreme Court defined scienter as "a mental state embracing intent to deceive, manipulate, or defraud." Hochfelder, 425 U.S. at 194 n. 12.

A. NEITHER THE TEXT NOR THE LEGISLATIVE HISTORY OF SECTION 10(B) SUPPORT LIABILITY FOR RECKLESS BEHAVIOR

"The starting point in every case involving construction of a statute is the language itself."[5] Because Congress "did not create a private §10(b) cause of action and had no occasion to provide guidance about the elements of a private liability scheme," the Supreme Court has been forced "to infer how the 1934 Congress would have addressed the issue[s] had the 10b–5 action been included as an express provision in the 1934 Act."[6]

The inference from the language of the statute is clear: Congress would not have created Section 10(b) liability for reckless behavior. Section 10(b) prohibits "any manipulative or deceptive device or contrivance" in contravention of rules adopted by the Commission pursuant to Section 10(b)'s delegated authority. The terms "manipulative," "device," and "contrivance" "make unmistakable a congressional intent to proscribe a type of conduct quite different from negligence." Hochfelder, 425 U.S. at 199. The intent was to "proscribe *knowing or intentional* misconduct." Id. (emphasis supplied). In addition, the use of the word manipulative is "especially significant" because "[i]t is and was virtually a term of art when used in connection with securities markets. It connotes intentional or willful conduct designed to deceive or defraud investors by controlling or artificially affecting the price of securities." Id. (footnote omitted).

Section 10(b) of the Exchange Act cannot be violated through inadvertence or with lack of subjective consciousness. Nor can one construct a device or contrivance without willing to do so. The words "manipulate," "device," or "contrivance," by their very nature, require conscious intent and connote purposive activity.[7] The mental state consistent with the statute can be achieved only if a defendant acts with a state of mind "embracing"—an active verb—"intent"—requiring a conscious state of mind—"to deceive, manipulate or defraud."[8]

The legislative history compels the same conclusion. "[T]here is no indication that §10(b) was intended to proscribe conduct not involving scienter." *Hochfelder*, 425 U.S. at 202; *see also Aaron v. SEC*, 446 U.S. 680, 691 (1980) (same). Indeed, "[i]n considering specific manipulative practices left to Commission regulation . . . the [Congressional] reports indicate that liability would not attach absent scienter, supporting the conclusion that Congress intended no lesser standard under §10(b). "*Hochfelder*, 425 U.S. at 204. Congress thus "evidenced a purpose to proscribe only *knowing and intentional misconduct*." *Aaron*, 446 U.S. at 690 (emphasis supplied).

B. THE STRUCTURE OF THE STATUTE UNDERSCORES THAT THERE CAN BE NO SECTION 10(B) LIABILITY FOR RECKLESSNESS

In drafting the federal securities laws, Congress knew how to use specific language to impose liability for reckless or negligent behavior and how to create strict liability for violations of the federal securities laws.[9] But Congress did not use such language to impose Section 10(b) liability on reckless behavior. Therefore, just as there is no liability for aiding and abetting a violation of Section 10(b) because Congress knew how to create such liability but did not,[10] and just as there is no liability under Section 12(l) of the Securities Act, 17 U.S.C. §771(l), for participants who are merely collateral to an offer or sale because Congress knew how to create such liability but did not,[11] and just as there is no remedy under Section 10(b) for those who neither purchase nor sell securities because Congress knew how to create such a remedy but did not,[12] there can be no liability for reckless conduct under Section 10(b) because Congress clearly knew how to impose liability for reckless behavior but did not.

The Supreme Court has, moreover, emphasized that the securities laws "should not be read as a series of unrelated and isolated provisions."[13] The federal securities laws are to be interpreted consistently and as part of an interrelated whole."[14] In *Virginia Bankshares, Inc. v. Sandberg*, 501 U.S. 1083 (1991), the Court reserved "the question whether scienter was necessary for liability under §14(a)."[15] The Court nonetheless held that statements of "reasons, opinions or belief" are actionable under §14(a), 15 U.S.C. 78n(a), and Rule 14a-9, 17 C.F.R. §240.14a-9, as false or misleading only if there is proof of (1) subjective "disbelief or undisclosed motivation," and (2) objective falsity. 501 U.S. at 1095-96. Justice Scalia explained the Court's holding as follows:

As I understand the Court's opinion, the statement "In the opinion of the Directors, this is a high value for the shares" would produce liability if in fact it was not a high value and the Directors knew that. It would not produce liability if in fact it was not a high value but the Directors honestly believed otherwise. The statement "The Directors voted to accept the proposal *because* they believe it offers a high value" would not produce liability if in fact the Directors' genuine motive was quite different—except that it would produce liability if the proposal in fact did not offer a high value and the Directors knew that.[16]

If follows that, if: (A) a statement must be subjectively disbelieved in order to be actionable under Section 14(a), a provision that may or may not required scienter, then: (B) *a fortiori*, under Section 10(b), a provision that clearly requires scienter, plaintiffs must show subjective awareness of a scheme or device.

Any other result would lead to the anomalous conclusion that statements actionable under Section 10(b), the more restrictive "catchall" provision of the federal securities laws, *Hochfelder*, 425 U.S. at 203, would not be actionable under Section 14(a). Indeed, "[t]here is no indication that Congress intended anyone to be made liable [under §10(b)] unless he acted other than in good faith [and] [t]he catchall provision of §10(b) should be interpreted no more broadly." *Id.* at 206.[17]

The language of the text, the legislative history, and the structure of the statute therefore each compel the conclusion that intentional conduct is a prerequisite for liability under Section 10(b).

Additionally, the Reform Act established a heightened pleading standard for private securities fraud lawsuits. The Conference Report accompanying the Reform Act stated in relevant part:

The Conference Committee language is based in part on the pleading standard of the Second Circuit. The standard also is specifically written to conform the language to rule 9(b)'s notion of pleading with "particularity."

Regarded as the most stringent pleading standard, the Second Circuit requirement is that the plaintiff state facts with particularity, and that these facts intern must give rise a strong inference of the defendant's fraudulent intent. Because the Conference Committee intends to strengthen existing pleading requirements, it does not intend to codify the Second Circuit's case law interpreting this pleading standard. Footnote: For this reason, the conference Report chose not to include in the pleading standard certain language relating to motive, opportunity, or recklessness.[18]

The Conference Report accompanying S. 1260 is consistent with that heightened pleading standard articulated in 1995.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I begin by expressing a great respect and affection for my dear friend, the gentleman from Virginia (Mr. BLILEY), the chairman of the committee. I do, however, rise in opposition to the conference report, and very frankly, I rise in opposition to the rather sorry process by which this document has been presented to this body.

Last month the House appointed 5 Members from the other side of the aisle and three Democrats as its conferees on this legislation.

There have been no meetings by the conferees. The staff of the Republican conferees have had extensive conversations with their Senate counterparts. No Democratic staff members were included or informed; not even the staff of the gentlewoman from California (Ms. ESHOO), the chief Democratic sponsor of the House bill.

To add insult to this injury, Republican staff informed us the day before this report was filed that the only Democratic amendment adopted by the conference committee, the DeGette amendment, which required the SEC to monitor and report to the Congress on the consequences of this legislation, had been unceremoniously dropped, without any justification that I can discern.

Moreover, the original conference report included, at the behest of the Senate, a rather curious nongermane study of the U.S. sheep and wool industry. While that might be appropriate, it does not seem to belong here.

I have also been told that the provision was taken out, but that is quite beside the point. The process here was exclusionary, unfair and outrageous. For that reason, I intend to vote against this conference report, and I will be urging my colleagues to do likewise.

The substance of this legislation clearly merits a no vote. We are not

---

[1] 425 U.S. 185 (1976).

[2] 17 C.F.R. §240.10b-5.

[3] 459 U.S. 375 (1983).

[4] We are grateful to Professor Joe Grundfest and Ms. Susan French of Stanford University for guidance to us on these questions.

[5] *Hochfelder*, 425 U.S. at 197 (quoting *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723, 756 (1975) (Powell, J., concurring). *See also Gustafson v. Alloyd Co.*, 115 S. Ct. 1061, 1074 (1995) (Thomas, J., Dissenting). *Central Bank*, 114 S. Ct. at 1446; *Landreth Timber Co. v. Landreth*, 471 U.S. 681, 685 (1985); *Santa Fe Indus., Inc. v. Green, 430* U.S. 462, 472 (1977).

[6] *Central Bank*, 114 S. Ct. at 1441–42 (quoting *Musick, Peeler* 113 S. Ct. at 2089-90).

[7] *See Hochfelder*, 425 U.S. at 199 n. 20 ("device" means "'that which is devised, or formed by design; a contrivance; an invention; project; scheme; often a scheme to deceive; a strategem; an artifice'") (quoting Webster's International Dictionary (2d ed. 1934)); *id* (defining "contrivance" as "'[a] thing contrived or used in contrivance; a scheme . . . .'").

[8] *Hochfelder*, 425 U.S. at 193 n. 12. *Cf. Santa Fe Industries*, 430 U.S. at 478; *Schreiber* v. *Burlington Northern Inc.*, 472 U.S. 1, 5-8 (1985).

[9] Section 11 of the Securities Act of 1933, 15 U.S.C. §77k. for example, imposes strict liability on the issuer for material misstatements or omissions in a registration statement and a "sliding scale" negligence standard on other participants in the offering process. *See Hochfelder*, 425 U.S. at 208. Sections 17 (a)(2) and (3) of the Securities Act, 15 U.S.C. §77q(a) (2),(3), impose liability for negligent or reckless conduct in the sale of securities. *Aaron*, 446 U.S. at 697.

[10] *Central Bank, 114 S. Ct.* at 1448 ("Congress knew how to impose aiding and abetting liability when it chose to do so.") (citing statutes).

[11] *Pinter v. Dahl*,486 U.S. 622, 650 & n.26 (1988) (Congress knew how to provide liability for collateral participants in securities offerings when it chose to do so).

[12] *Blue Chip*, 421 U.S. at 734 ("When Congress wished to provide a remedy for those who neither purchase nor sell securities, it has little trouble doing so expressly.").

[13] *Gustafson v. Alloyd Co.*, 115 S. Ct. 1061, 1067 (1995).

[14] *See, e.g, Hochfelder*, 425 U.S. at 206 (*citing Blue Chip*, 421 U.S. at 727–30; *SEC v. National Sec., Inc.*, *393 U.S. 453, 466 (1969)).*

[15] 501 U.S. at 1090 n. 5 (*citing TSC Indus. Inc. v. Northway, Inc.*, 426 U.S. 438, 444 n. 7 (1976) (reserving the same question).

[16] 501 U.S. at 1108–09 (Scalia, J., concurring in part and concurring in the judgment).

[17] The Supreme Court has previously extended holdings from §14(a)'s proxy antifraud provisions to §10(b)'s general antifraud provision. *See, e.g., Basic, Inc. v. Levinson*, 485 U.S. 224, 231–32 (1988) (adopting for purposes of §10(b) liability the standard for materiality initially defined under §14(a) by *TSC*, 426 U.S. at 445).

[18] Conference Report accompanying the Private Securities Litigation Reform Act of 1995, p. 41, 48.

shearing sheep with this legislation. We are, very frankly, shamelessly, fleecing investors.

A year or so ago, the Congress passed legislation which changed startlingly the way in which ordinary investors may sue to protect their rights, and it largely stripped them of rights to protect themselves against corporate wrongdoings in the courts of the Federal Government.

We were told at the time that legislation was passed that the investors would still have access to State courts to protect their rights as owners of the corporations and to protect their rights as shareholders, and to assure that there was no wrongdoing which adversely affected either the well-being of the corporation or their interests therein.

This legislation very curiously terminates those rights. No longer can a citizen form a class action in a State court. For some strange reason, my colleagues on the other side of the aisle, great advocates of States' rights, are now saying citizens cannot go into State courts. They are changing State jurisprudence as well as Federal jurisprudence.

One of the remarkable things they do, if 50 citizens will go into court and sue, under the requirements of this legislation those suits must be combined into a class action, which is immediately then removed to the Federal courts and then subject to all of the hostile and constrictive constraints on the right of a citizen to sue to protect his interests and his property; the corporation which he as a shareholder happens to be the owner of.

This conference report nails the State courthouse door shut to little investors then, who have to band together in class action lawsuits in order to recover the money they have lost to securities fraud. By making Federal courts the exclusive venue for most of the securities class action lawsuits, the conference report imposes the standards of the Private Securities Litigation Reform Act of 1955, to which I referred earlier, on all securities class action lawsuits, except those narrow instances specifically excluded by that report.

The 1995 act imposed heightened pleading standards on defrauded investors, a stay of discovery so that the special facts necessary to meet those heightened pleading standards could not be reached. As a matter of fact, one of the interesting things is that neither a discovery proceeding nor a lawyer would protect an investor under the law as it is now written under the statute I am referring to.

It would probably be in the interest of the investor to be represented by a psychiatrist because he literally must examine the mind of the person who has defrauded him in order to prevail in a lawsuit of that sort.

These are extraordinarily high pleading standards, far higher than necessary, and that legislation also imposed an unreasonably short statute of limitations or time limit for filing a fraud claim. It included no ability under the law to fully recover from professionals, such as accountants and lawyers, who had aided and abetted in stealing funds from innocent investors.

Those same standards and shortcomings are now extended across the board by fiat of the Federal Government so that a citizen who now finds the Federal court doors nailed shut to him cannot go to the State to seek redress in a State court from wrongdoing.

Why? I do not know, but one can suspect that the scoundrels, rogues, rascals and thieves that infest our capital markets have now dressed themselves up in sheep's clothing and convinced many of the Members of this body that they are not wolves but, rather, are hapless and helpless victims of a litigation explosion. I would note that that litigation explosion does not exist.

There is no litigation explosion, particularly given the amount of securities fraud that the bull market has engendered.

There has also been a covered attempt on the part of some Members here to obliterate the ability of the SEC and defrauded investors to sue on the basis of recklessness. This is like eliminating manslaughter from the criminal laws. It would be like saying that one has to prove intentional murder or the defendant gets off scott-free. If we were to lose the reckless standard, we would leave substantial numbers of the investing public naked to attacks by schemers.

That is the remarks of Chairman Leavitt, who testified before us, speaking as chairman of the SEC last October.

Mr. Speaker, I am willing to support responsible reform. I do not think that this constitutes responsible reform. This is the active sheltering of wrongdoing. It is going to support those who would skin the American investing public. It is going to raise great questions of the trust that Americans can put in the securities market, because we have provided now a blanket of protection for wrongdoing and for wrongdoers who are engaged, on a continuing basis of taking advantage, of those who cannot protect themselves. This is a bad bill. I urge a no vote.

Mr. Speaker, I submit the dissenting views on this legislation for inclusion in the RECORD, to expand and provide data on these points.

Mr. Speaker, I rise in opposition to this conference report and the sordid process by which it was conceived.

Last month, the House appointed its conferees on this legislation, 5 Members from the other side of the aisle and 3 Democrats. There have been no meetings of the conferees. The staff of the Republican conferees have had extensive conversations with their Senate counterparts. No Democratic staff were informed or included, not even the staff of Representative ESHOO, the chief Democratic sponsor of the House bill. To add insult to injury, Republican staff informed us the day before this report was filed that the only Democratic amendment adopted by the Commerce Committee—the DeGette amendment to require the SEC to monitor and report to Congress on the consequences of this legislation—has been unceremoniously dropped without justification. However, the original conference agreement included, at the behest of the Senate, a nongermane study of the U.S. sheep and wool industry. I have been told that provision has been taken out, but that is beside the point. This process was unfair and outrageous. For that reason, I am voting against this conference report and urging my colleagues to do likewise.

The substance of this legislation also merits a "no" vote. We are not shearing sheep with this legislation. We are shamelessly fleecing investors.

This conference report nails the State courthouse door shut to little investors who have to band together in class action lawsuits in order to recover the monies they have lost to securities fraud.

By making Federal courts the exclusive venue for most securities class action lawsuits, the conference report imposes the standards of the Private Securities Litigation Reform Act of 1995 on all securities class action lawsuits except those narrow instances specifically excluded by the report. The 1995 Act imposed heightened pleading standards on defrauded investors, a stay of discovery so that the special facts necessary to meet those heightened pleading standards could not be reached, and an unreasonably short statute of limitations or time limit for filing a fraud claim. It included no ability under that law to fully recover from professionals such as accountants and lawyers who aided and abetted in stealing funds from innocent investors. Those same standards and shortcomings are now extended across the board by fiat of the Federal Government.

Why? Because the scoundrels, rogues, rascals, and thieves that infest our capital markets dressed themselves up in sheep's clothing and convinced too many Members that they were not wolves but rather helpless and helpless victims of a litigation explosion.

My colleagues, there is no litigation explosion, particularly given the amount of securities fraud that the bull market has engendered. I ask unanimous consent that the Dissenting Views on this legislation be included in the RECORD following my remarks to expand and provide data on these points.

There also has been a covert attempt on the other side of the aisle to obliterate the ability of the SEC and defrauded investors to sue on the basis of recklessness. Shame on my Republican colleagues. Shame, shame. As SEC chairman Levitt testified before us in October last year: "[E]liminating recklessness * * * would be tantamount to eliminating manslaughter from the criminal laws. It would be like saying you have to prove intentional murder or the defendant gets off scot free * * * If we were to lose the reckless standard * * * we would leave substantial numbers of the investing public naked to attacks by * * * schemers." I ask unanimous consent to include a letter from Senator REED to the conferees on this point at the conclusion of my remarks.

Mr. Speaker, I want to support responsible reform. This is not reform and it is not responsible. I urge a "no" vote.

U.S. SENATE,
Washington, DC, October 2, 1998.

Ranking Member JOHN D. DINGELL,
Committee on Commerce, Rayburn House Office Building, Washington, DC.

DEAR RANKING MEMBER DINGELL: I write to you as a conferee on the Securities Litigation Uniform Standards Act of 1998, S. 1260. As you know, I supported Senate passage of this legislation, and voted to override the President's veto of the Private Securities Litigation Reform Act of 1995. While class action suits are frequently the only financially feasible means for small investors to recover damages, such lawsuits have been subject to abuse. By creating national standards, such as those in S. 1260, we recognize the national nature of our markets and encourage capital formation.

However, it is essential to recognize that preemption marks a significant change concerning the obligations of Congress. When federal legislation was enacted to combat securities fraud in 1933 and 1934, federal law augmented existing state statutes. States were free to provide greater protections, and many have. Many of our colleagues voted for the 1995 legislation knowing that if federal standards failed to provide adequate investor protections, state law would provide a necessary backup.

With passage of this legislation, Congress accepts full and sole responsibility to ensure that fraud standards allow truly victimized investors to recoup lost funds. Only a meaningful right of action against those who defraud can guarantee investor confidence in our national markets. Recently, on the international stage, we have seen all too clearly the problem of markets which fail to ensure that consumers receive truthful, complete information.

Therefore, my support for this bill rests on the presumption that the recklessness standard was not altered by either the 1995 Act or this legislation. I strongly endorsed the Senate Report which accompanies this legislation because it stated clearly that nothing in the 1995 legislation changed either the scienter standard or the most stringent pleading standard, that of the Second Circuit. This language was central to the legislation receiving the support of Chairman Levitt of the Securities and Exchange Commission. It was also central to my support.

As the Senate Banking Committee recognized at his second confirmation hearing, Chairman Levitt has a lifetime of experience as both an investor and regulator of markets. That experience has led him to be the most articulate advocate of the need for a recklessness standard concerning the scienter requirement. In October 21, 1997 testimony before a Subcommittee in the House of Representatives, Chairman Levitt said, "[E]liminating recklessness . . . would be tantamount to eliminating manslaughter from the criminal laws. It would be like saying you have to prove intentional murder or the defendants gets off scot free. . . . If we were to lose the reckless standard . . . we would leave substantial numbers of the investing public naked to attacks by . . . schemers."

In testimony before a Senate Banking Subcommittee, on October 20, 1997, Chairman Levitt further articulated his position regarding the impact of a loss of the recklessness standard. He said, "A higher scienter standard (than recklessness) would lessen the incentives for corporations to conduct a full inquiry into potentially troublesome or embarrassing areas, and thus would threaten the disclosure process that has made our markets a model for nations around the world."

The danger posed by a loss of recklessness to our citizens and markets is clear. We should not overrule the judgement of the SEC Chair, not to mention every single Circuit Court of Appeals that has adjudicated the issue. I would assume that the motives which led the SEC and the Administration to insist on the Senate Report language concerning recklessness would also apply to their views of the Conference Report.

With regard to the pleading standard, some Members of Congress, and, unfortunately, a minority of federal district courts, have made much of the President's veto measure of the 1995 legislation. Specifically, some have pointed out that the President vetoed the 1995 bill due to concerns that the Conference Report adopted a pleading standard higher than that of the Second Circuit, the most stringent standard at that time. As I, and indeed a bipartisan group of Senators and Representatives, made clear in the veto override vote, the President overreached on this point. The pleading standard was raised to the highest bar available, that of the Second Circuit, but no further. In spite of the Administration's 1995 veto, this preemption gained the support of Chairman Levitt. It is, therefore, difficult to understand how some can argue that the 1995 legislation changed the pleading standard of the Second Circuit.

The reason for allowing a plaintiff to establish scienter through a pleading of motive and opportunity or recklessness is clear. As one New York Federal District Court has stated, "a plaintiff realistically cannot be expected to plead a defendant's actual state of mind." Since the 1995 Act allows for a stay of discovery pending a defendant's motion to dismiss, requiring a plaintiff to establish actual knowledge of fraud or an intent to defraud in a complaint raises the bar far higher than most legitimately defrauded investors can meet.

Firms which advocate for S. 1260 do so based on the need to eliminate the circumvention of federal standards and federal stays of discovery through state court filings. They do not argue for lessening of the obligations owed investors. I am concerned that should the conference committee include language which could be interpreted to eviscerate the ability of plaintiffs to satisfy the scienter standard by proof of recklessness or to require plaintiffs, barred from discovery, to adhere to a pleading standard requiring conscious behavior, the bill will loose the support of Chairman Levitt and many Members of Congress. I urge the Conference to support language included in the Senate Report and move forward with a bill that a bipartisan group in Congress can support and the President can sign.

Sincerely,

JACK REED,
U.S. Senator.

DISSENTING VIEWS FOR H.R. 1689 ON STATES RIGHTS AND INVESTOR PROTECTION

We abhor strike suits and frivolous litigation of any stripe. We would enthusiastically support responsible and balanced legislation narrowly targeted at ameliorating those abuses. H.R. 1689 does not meet that standard. We dissent from this bill.

As introduced, H.R. 1689 was an industry wish list devoid of proper safeguards to protect the essential rights of injured investors to pursue meritorious claims. The sponsors and proponents of H.R. 1689 adopted several amendments during Subcommittee and Full Committee markup to temper some of the bill's harshest elements. We commend our colleagues. The bill, nonetheless, is still flawed.

H.R. 1689 creates a national standard governing securities fraud class actions involving "covered securities" which are nationally traded securities and some that are not. The bill requires these class actions to be brought in federal court pursuant to federal law, where they would be subject to the more stringent terms of the Private Securities Litigation Reform Act of 1995. These terms include the double whammy of heightened pleading standards along with a stay of discovery pending a motion to dismiss, blocking the ability of defrauded investors to gain the special facts needed to meet the heightened pleading standards.

First, the bill is premature. The Securities and Exchange Commission (SEC) concluded in its April 1997 report to the President and Congress that: "it is too early to assess with confidence many important effects of the Reform Act and therefore, on this basis, it is premature to propose legislative changes. The one-year time frame has not allowed for sufficient practical experience with the Reform Act's key provisions, or for many court decisions (particularly appellate court decisions) interpreting those provisions." The Chairman of the SEC testified before our finance subcommittee on October 21, 1997, that his agency had "not had enough practical experience with the Act to produce the data necessary for us to measure its success." That is still the case.

Second, there is no national problem in need of a national solution. Data compiled by unbiased sources shows that the number of state securities class actions has declined during the last year to pre-Reform Act levels. In 1997, there were a total of 44 state class action securities cases, out of a total of 15 million civil filings. By comparison, 67 state class actions were filed in 1994, the year before the Reform Act became law, and 66 cases were filed in 1996, the year after the Reform Act was enacted. We note in passing that we have been shown no convincing proof that any of these lawsuits was without merit and was allowed to proceed notwithstanding its lack of merit. Moreover, as the attached map shows, the overwhelming majority of those cases were filed in California, with most states having zero filings. That being the case, shouldn't this "problem" be solved in the California legislature? We believe that state legislatures should be given time to consider laws of their own to address the issues raised in this debate.

We find it curious indeed that the Republican-led Congress that campaigns on returning power to the states and protecting individual choice, would champion a federal mandate abolishing important state prerogatives along with protections and rights. Forty-nine states, as well as the District of Columbia, allow for some form of aiding-and-abetting liability. There is no aiding-and-abetting liability in private actions for most federal securities fraud claims. In addition, private actions under the federal securities laws are subject to a short statute of limitations. Specifically, private actions under

Section 10(b) of the Exchange Act must be brought within one year after discovery of the alleged violation, and no more than three years after the violation occurred. In contrast, 33 states allow for longer limitations periods. These investor protection laws available at the state level, as the attached list shows, will no longer be available to class action plaintiffs upon passage of H.R. 1689. The public should clearly understand the investor protections being wiped out by the elected representatives who vote yes on this bill.

Moreover, under H.R. 1689's unusual "grouping" provision, any time more than 50 individuals file state court complaints "in the same court and involving common questions of law or fact," they will be deemed to be part of a "class action" subject to this bill, if "the lawsuits are joined, consolidated, or otherwise proceed as a single action for any purpose." Individuals who bring suits in state court in their own name may find, if others have brought similar suits, that their claims are preempted. For instance, if an investment adviser churns the accounts of or recommends unsuitable securities to clients in a single state and more than 50 of them seek to recover in the same court, each filing their own individual action, they may be forced to constitute a class action and have to pursue their claims—if possible—in federal court. These investors may be left without a remedy. This is broader preemption than we believe is necessary or appropriate. There has been no showing that these kinds of suits, either individually or in the aggregate, present the kinds of potential abuses that have been attributed to traditional class actions and strike suits.

The debate on this legislation has been polar. It has tarred all private securities fraud litigation as meritless strike suits, and all defendant companies, accountants, and broker-dealers as innocent victims of large-sum-settlement highjackings. Through this lens, unintended harm to legitimate lawsuits is viewed as a reasonable tradeoff. We disagree on both counts.

The record shows that securities fraud is up. Many of those cases involve accounting frauds. The SEC has always taken the view that private lawsuits are a crucial adjunct to the SEC's own enforcement program. They are the principle means by which investors have recovered losses caused by fraud. Proponents of H.R. 1689 argue that investors recover only "10 cents on the dollar" in these cases. We agree that we need to put investors first. But nothing in this bill addresses the recovery issue in any way.

For these reasons, we oppose this bill and urge the House to do the same.

JOHN D. DINGELL.
EDWARD J. MARKEY.
BART STUPAK.
DIANA DEGETTE.

STATE BY STATE COMPARISON OF STATUTE OF LIMITATIONS AND AIDING AND ABETTING LIABILITY

Locality	Statute of limitations	Aiding and abetting
Federal	1 year after discovery/3 years from sale	No.
Alabama	2 years after discovery of the facts	Yes.
Alaska	3 years from the contract of sale	Yes.
Arizona	2 years after discovery of the facts	Yes.
Arkansas	5 years after discovery	Yes.
California	1 year after discovery/4 years from sale	Yes.
Colorado	3 years after discovery/5 years from sale	Yes.
Conneciticut	1 year after discovery/3 years from sale	Yes.
Delaware	3 years form the contract for sale	Yes.
D.C.	2 years from the transaction upon which it is based.	Yes.
Florida	2 years after discovery/5 years from sale	Yes.
Georgia	2 years from the transaction upon which it is based.	Yes.
Hawaii	2 years after discovery/5 years from sale	Yes.
Idaho	3 years from the contract of sale	Yes.
Illinois	3 years after discovery/5 years from sale	Yes.
Indiana	3 years after discovery of the facts	Yes.
Iowa	2 years after discovery/5 years from sale	Yes.
Kansas	3 years after discovery of the facts	Yes.
Kentucky	3 years from the contract for sale	Yes.
Louisiana	2 years from the transaction upon which it is based.	Yes.
Maine	2 years after discovery of the facts	Yes.
Maryland	1 year after discovery/3 years from sale	Yes.
Massachusetts	4 years after discovery	Yes.
Michigan	2 years after discovery/4 years from sale	Yes.
Minnesota	3 years from the contract for sale	Yes.
Mississippi	2 years after discovery of the facts	Yes.
Missouri	3 years from the contract for sale	Yes.
Montana	2 years after discovery/5 years from sale	Yes.
Nebraska	3 years from the contract for sale	Yes.
Nevada	1 year after discovery/5 years from sale	Yes.
New Hampshire	6 years from the contract for sale	Yes.
New Jersey	2 years after discovery of the facts	Yes.
New Mexico	2 years after discovery/5 years from sale	Yes.
New York	6 years after sale	N/A.
North Carolina	2 years after discovery of the facts	Yes.
North Dakota	5 years after discovery of the facts	Yes.
Ohio	2 years after discovery/4 years from sale	Yes.
Oklahoma	2 years after discovery/3 years from sale	Yes.
Oregon	2 years after discovery/3 years from sale	Yes.
Pennsylvania	1 year after discovery/4 years from sale	Yes.
Rhode Island	1 year after discovery/3 years from sale	Yes.
South Carolina	3 years from the contract for sale	Yes.
South Dakota	2 years after discovery/3 years from sale	Yes.
Tennessee	1 year after discovery/2 years from sale	Yes.
Texas	3 years from discovery/5 years from sale	Yes.
Utah	2 years after discovery/4 years from sale	Yes.
Vermont	6 years from the contract for sale	Yes.
Virginia	2 years from the transaction upon which it is based.	Yes.
Washington	3 years after discovery of the facts	Yes.
West Virginia	3 years from the contract for sale	Yes.
Wisconsin	3 years after discovery of the facts	Yes.
Wyoming	2 years from the transaction	Yes.

ADDITIONAL DISSENTING VIEWS OF CONGRESSMAN RON KLINK ON H.R. 1689, SECURITIES LITIGATION UNIFORM STANDARDS ACT

H.R. 1689 is a solution in search of a problem.

In 1995, the Commerce Committee developed and Congress approved, over a presidential veto, the Private Securities Litigation Reform Act, which put strict limits on federal investor class action lawsuits. I opposed that legislation because I was concerned about preventing defrauded investors from being made whole again. But my side lost, and we all moved on.

One of the arguments when we debated the 1995 Act was that truly victimized investors could still seek redress in state court. So there was some comfort in that; retirees who lost their life savings to securities fraud could still pursue legal action.

Now, however, I fear that the Committee is moving to cut off the state avenue for class action securities suits. That could mean that investors would have no ability to seek relief from securities wrongdoers, and that is unacceptable to me.

There appears to be no explosion of state securities class actions, so I see no real need for this bill. Last year there were only 44 throughout the entire country, the lowest number in five years.

Furthermore, at a time when there are more investors than at any time in history, many of them unsophisticated investors, we should not be making it easier to get away with securities fraud. We owe that to our investor constituents and we owe that to the capital markets in this country, which remain the strongest in the world.

Additionally, though the bill contains a provision similar to the Sarbanes amendment in the Senate bill, which provides for an exemption from the bill for state and local entities, this provision goes beyond Sarbanes to require those entities to be named plaintiffs in and authorize participation in state securities class actions. This assumes a level of sophistication that may be lacking in these investors.

I will provide an example. Last year, the SEC alleged that Devon Capital Management had defrauded 100 municipal clients in Pennsylvania and elsewhere. Those clients included 75 school districts, mostly in Western and Central Pennsylvania. Devon and the SEC reached a settlement, and those school districts are expected to recover a little over half of the $71 million that Devon lost.

Now how can we say that these same school districts and local governments that were unsophisticated enough to have invested with Devon in the first place and lost all this money, are, at the same time, sophisticated enough to recognize the steps they need to take to preserve their rights to bring a state securities class action under this bill?

I would prefer that, at the very least, the Sarbanes amendment exempting state and local governments and pension plans be maintained as it passed the Senate.

Finally, I am disturbed by the trend I am seeing in the Committee and Congress as a whole in our attitude toward investors, especially the mom and pop investors we all represent. As I said, I opposed the 1995 Securities Litigation Reform Act. That was followed closely by the Fields Securities Reform bill, which threatened to severely limit the ability of state securities regulators, the local cops on the beat in the securities world, to protect investors. In Committee and in conference, we were able to temper this legislation so that investors would not be left vulnerable.

We are at a point in time when Members of Congress and others are talking about privatizing Social Security. That will lead to even more unsophisticated investors and hundreds of billions of dollars going into the marketplace. And yet we continue to talk about reducing investor protections.

Another question I have is, are we now saying to the states that we in Washington, DC, know better than the states what cases should go through state courts and which should not. Are we next going to tell the states that they can't hear real estate cases? Are we going to tell them they can't hear tobacco cases? What comes next?

I never thought I would see the day when my Republican colleagues would want to dictate from on high in Washington, DC, what state law should be.

□ 1515

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the subcommittee.

Mr. OXLEY. Mr. Speaker, I obviously rise in strong support of the conference report. If fraud were the only reasons that stock prices dropped, then today's volatile markets would suggest that there is not an honest company out there. That is simply not the case.

Publicly traded companies, their shareholders, and their employees lose every time a company has to pay off and their lawyers have to settle a lawsuit that is based on one fact only, that the company stock dropped in value.

In 1995, the Congress approved, with an overwhelmingly bipartisan majority that overrode a presidential veto, legislation to stop these "blackmail settlements." The Private Securities Litigation Reform Act of 1995 was designed to put an end to frivolous lawsuits that drain values from public companies and wastefully diverted their resources. This conference report closes a loophole that has enabled plaintiffs' lawyers to continue to extract settlements from companies that have done absolutely nothing wrong.

The conference report prevents lawyers from evading the protections of the Reform Act by filing their lawsuit in State court. The conference report creates a national standard under which securities class actions must be filed and that standard is the one that Congress resoundingly approved back in 1995.

The conference report preserves the ability of individual investors to file suits that are appropriately brought in State courts, while preventing lawyers from using securities class actions filed in State court for their personal gains.

This legislation represents a bipartisan effort to work through our political differences and reach compromises that are responsible public policy. In fact, over the last 4 years, the Committee on Commerce has produced a number of bills which have made a significant improvement to the laws governing our financial institutions and that have enjoyed support from both sides of the aisle. I am very proud of these accomplishments. This legislation should be added to that list.

There are many who deserve credit for bringing this legislation to the floor today. Several Committee on Commerce members, including the gentleman from Washington (Mr. WHITE), the original cosponsor of the House bill, and the gentlewoman from California (Ms. ESHOO), the other original cosponsor. They not only started the ball rolling, but have worked incessantly to keep this legislation on track and have driven us crazy at the same time.

I commend our counterparticipants in the Senate for their fine work improving upon the bill as originally introduced by the gentleman from Washington (Mr. WHITE) and the gentlewoman from California (Ms. ESHOO), and for their cooperation during the conference.

I thank our full committee chair, the gentleman from Virginia (Mr. BLILEY), whose leadership and perseverance has ensured that this conference report is a strong win for American investors and American businesses and, therefore, American jobs. Thanks to his hard work, as well as that of the other conferees supporting this measure, the conference report ratifies the heightened pleading standard that was adopted in the 1995 Reform Act.

While we may disagree on this particular initiative, I appreciate the constructive work done by the gentleman from Michigan (Mr. DINGELL), who, as always, has been a true legislative craftsman in this area.

Finally, on a personal note, I would like to thank the gentleman from New York (Mr. MANTON), our retiring ranking minority member of my subcommittee, not only for his work and support for this legislation, but for his years of friendship to me and dedication to the Committee on Commerce and the House. I wish him the best. We will all miss him.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise today in support of the conference report on the Securities Litigation Uniform Standards Act. I am very proud to have been the chief Democratic sponsor of this legislation which is narrowly focused and a bipartisan bill that closes a loophole in the 1995 Private Securities Litigation Reform Act.

With the overwhelming support, which was bipartisan in the last Congress, we passed that act. That bill significantly curbed the filing in Federal courts of costly and meritless suits against fast-growing companies. "Strike suits" forced companies to settle, and they did so rather than face drawn out expensive court proceedings.

These frivolous suits, traditionally filed in Federal courts, are now being filed in State courts circumventing the intent of the Congress in the 1995 legislation. Studies have shown that over a quarter of these cases were filed in State courts where the Federal reforms do not apply. The Securities Litigation Uniform Standards Act closes this loophole by assuring that lawsuits involving nationally traded securities remain in Federal courts where they have always been heard.

This legislation is limited in scope and only affects class action lawsuits involving nationally traded securities. Lawsuits traditionally heard in the Federal courts will continue to be heard there under the Federal law. State regulators would continue to have the ability to enforce State laws and bring civil actions.

The Securities Litigation Uniform Standards Act is supported by the Securities and Exchange Commission, the Clinton administration, and 231 House cosponsors. I urge the passage of this legislation.

Mr. Speaker, let me just say in closing that I would like to offer my thanks to the gentleman from Virginia (Mr. BLILEY), chairman of the full committee, who has been a wonderful partner. And I also have to acknowledge and thank him for putting up with my constant cajoling and prodding and partnering on this.

Certainly to a worthy opponent, the gentleman from Michigan (Mr. DINGELL), ranking member of the Committee on Commerce, and to my cosponsor, worthy cosponsor on the other side of the aisle, the gentleman from Washington (Mr. WHITE), to the gentleman from Louisiana (Chairman TAUZIN) of the subcommittee and the gentleman from Ohio (Mr. OXLEY), thanks for their help and accepting my prodding.

I have to say that I think all of us are ready to leave town. I am beginning to start to pack my bag this evening. I know we have some other things on the agenda. This, Mr. Speaker, has been the daily work not only of my office and staff, but also from the other side of the aisle. I want to acknowledge all that have been involved in this. I think that this Congress is distinguishing itself by the passage of this bill, and I urge passage and I thank all that have been involved in it.

Mr. Speaker, I want to add to today's debate my voice on a particular section of the Conference Report regarding scienter.

The Statement of the Managers indicates that "it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must 'state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind.' The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind."

As the chief Democratic sponsor of the Securities Litigation Uniform Standards Act and of the PSLRA of 1995, and a signatory of the conference report on S. 1260, the pleading standards referred to in the Report state with great clarity the intent of Congress with respect to scienter and are ones which I wholeheartedly support.

Mr. BLILEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. COX), the chairman of the Republican Policy Committee.

Mr. COX of California. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for yielding me this time.

Mr. Speaker, if the gentleman from Virginia will entertain one, I would like to engage him in a colloquy.

As the gentleman knows, I was the principal author of the 1995 Securities Litigation Reform Act. During consideration of the Securities Litigation Uniform Standards Act, which will extend the 1995 act to State courts, some questions have been raised about the pleading standard that we adopted in 1995. Specifically, some have argued post facto that we adopted the pleading standard of the Second Circuit Court of Appeals rather than a higher standard derived from it, but without the Second Circuit caselaw.

The same questions have been raised in a different way concerning the so-called Specter amendment to the 1995 act, which would have added language related to motive, opportunity, and recklessness. The House strongly disagreed with the Specter amendment and insisted that it be dropped before we would agree to the conference report.

Since we were both conferees in 1995, I would ask the gentleman his views on both points. Specifically, I would ask the gentleman whether he agrees that in 1995 we adopted a pleading standard higher than any in existing law. Although it was based on the standard from the Second Circuit, it was significantly higher because our hearings showed that even in the Second Circuit the existing standards were failing to screen out abusive cases.

As the 1995 Statement of Managers stated, "the House and Senate hearings on securities litigation reform included testimony on the need to establish uniform and more stringent pleading requirements to curtail the filing of meritless lawsuits." For that reason, the 1995 Managers' Statement explained that the act incorporated a pleading standard derived from, but higher than, the highest standard in existing law, the Second Circuit standard.

Mr. Speaker, let me quote from the 1995 Managers' Statement, the most authoritative construction of the 1995 act: "The Conference Committee language is based in part on the pleading standard of the Second Circuit . . . Because the Conference Committee intends to strengthen existing pleading requirements, it does not intend to codify the Second Circuit's caselaw interpreting this pleading standard."

The 1995 Managers' Statement went on to explain that this was the very reason the conferees dropped the so-called Specter amendment on motive, opportunity, and recklessness, because we wanted the standard higher than the Second Circuit's, not because the Specter language authorizing shortcuts to pleading rigor was somehow implicit in the act's language. The House prevailed on this point.

Again, I quote, "For this reason, the Conference Report chose not to include in the pleading standard certain language relating to motive, opportunity, and recklessness."

So, the record in 1995 is clear: we adopted a higher standard than the Second Circuit and in particular we rejected the Second Circuit caselaw embodied in the Specter amendment regarding motive, opportunity, and recklessness. Indeed, the President's veto, according to his own veto message, was based on the fact that the 1995 act adopted a higher pleading standard than the Second Circuit standard, and rejected existing Second Circuit caselaw embodied in the Specter amendment. Both bodies of Congress overrode that veto.

In the conference report Managers' Statement for the bill that is before us today, the House expressly rejected Senate report language that would have rewritten the 1995 legislative history on the pleading standard. That language is not in this conference report Managers' Statement.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California. His recollection of both points is the same as mine. I view the legislative history accompanying S. 1260 as consistent with that understanding.

Mr. COX of California. Mr. Speaker, reclaiming my time, I thank the gentleman. I agree with the gentleman's understanding of S. 1260's legislative history. I also note that courts correctly treat so-called post-enactment legislative history as virtually worthless. But to the extent that courts have any interest in what the 105th Congress thinks the 104th Congress did in 1995, I trust they will compare this year's Senate Banking Committee report language with what both Houses ultimately agreed to in this conference committee Managers' Statement. Where the Senate report on S. 1260 states that the 1995 act "establish[ed] a uniform Federal standard on pleading requirements by adopting the pleading standard adopted by the Second Circuit Court of Appeals", the more authoritative Managers' Statement states that in 1995 we "establish[ed] a heightened uniform Federal standard based upon the pleading standard applied by the Second Circuit Court of Appeals."

The House managers insisted on these changes to reaffirm what the conferees said in 1995: We adopted a pleading standard higher than the then-existing Second Circuit standard.

Mr. Speaker, once more, Congress is making huge strides toward protecting investors and workers in public companies. I'm pleased that the House will today complete work on S. 1260, the Securities Litigation Uniform Standards Act of 1998. I want to congratulate my colleagues, Mr. WHITE and Ms. ESHOO, for their leadership in introducing this legislation, as well as Chairmen MIKE OXLEY and TOM BLILEY for their tireless efforts on behalf of this issue.

S. 1260 builds on two landmark achievements of the 104th Congress: the 1995 Private Securities Litigation Reform Act, a key element of the Contract With America, and the 1996 National Securities Markets Improvement Act. In the 1995 Reform Act, we acted to stop the egregious perversion of federal securities laws into weapons to injure investors and companies rather than safeguards to protect investors from securities fraud. Trial lawyers, using professional plaintiffs, were filing class action lawsuits against publicly traded companies alleging fraud, often with no more evidence than a drop in the price of these companies' stock—something quite common in the highly volatile high-technology markets. Indeed, over half of the top 150 companies in California's Silicon Valley were hit by such suits. Due to the considerable cost involved in fighting such a lawsuit, innocent employers were routinely forced to pay investors' money as tribute to the trial bar. Yet the enormous price they had to pay—according to one study, on average nearly $9 million for each settlement—did little for defrauded investors. The plaintiffs, the supposed beneficiaries of this system, on average received between 6 and 14 cents on the dollar.

A strong bipartisan majority of the House and Senate acted in 1995 to reorient federal securities litigation to encourage investors to bring meritorious claims while protecting innocent employers from meritless extortion suits. We acted to protect the millions of innocent investors who were bearing the cost of abusive lawsuits while gaining little or no recompense for genuine fraud.

In 1996, strong bipartisan majorities of the House and Senate again turned to the issue of securities law, this time addressing the appropriate division of labor between state and federal securities regulators. In that historic bill we determined that "covered securities"—basically, those traded on national exchanges—would be subject to federal regulation, while non-covered securities would be regulated by the states.

Today we are going to continue our work in this field of law by protecting the gains we made in the 1995 Reform Act from circumvention by entrepreneurial trial lawyers, and by harmonizing the 1995 Reform Act and the 1996 National Markets legislation.

Trial lawyers have sought to get around our 1995 reforms by bringing their suits in state courts, where those reforms do not apply. Yet as our capital markets are national, and thus investors may live in any of the 50 states, bringing a suit in one state unfairly imposes a financial burden on residents of another state. To address this inequity and assert that national markets require nationally applied rules, this legislation will make federal courts the exclusive venue for large-scale securities fraud lawsuits involving securities subject to federal regulation under the 1996 National Markets Act.

Like the 1995 and 1996 enactments, Representative WHITE's bill enjoys wide bipartisan support. Throughout the process leading up to enactment, we have sought to address the concerns of majority and minority members in the legislation. Our success in so doing is reflected in the wide bipartisan support this legislation received in the House and Senate.

In addition, I want to particularly thank Chairman BLILEY and Chairman OXLEY for including in the bill a technical correction to the 1996 Fields national markets legislation. This correction restores the viability of Section 3(a)(10) of the Securities Act of 1933, which provides a voluntary state-law alternative to federal securities registration. This provision—which has been an unamended part of the 1933 Act since the enactment of that legislation, exempts from federal registration securities issued in exchange for other securities, claims, or property interests, if the terms and conditions of the issuance and exchange have been approved as fair by state authorities. It is purely voluntary; issuers may still seek federal registration if they wish. Although the 1996 Act does not amend Section 3(a)(10), it inadvertently impeded its operation. I appreciate the Chairmen's consideration in including in the bill a curative technical amendment endorsed by the California Department of Corporations.

I look forward to final passage of this conference report, and I thank the Chairmen and my colleagues, RICK WHITE and ANNA ESHOO, for their tireless efforts on behalf of this legislation.

Mr. DINGELL. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, one of the most shameful things that has occurred during the course of the debate on this bill was the covert attempt that was made to eviscerate the ability of the SEC and defrauded investors to sue reckless wrongdoers.

In the Silicon Graphics case, a Federal District Court in California actually ruled that the act had eliminated recklessness as a standard for liability under the Federal securities laws, subsequently concluding that only deliberate recklessness, a legal oxymoron, would meet the Reform Act's pleading standards.

Now, while I oppose this bill, I also feel quite strongly that if this bill is to become law, we needed to make it absolutely clear that we had not changed the scienter requirements in either the Reform Act or in this legislation.

During floor consideration of the House version of this bill, my colleague from California articulated his view that the standard did not include recklessness. I strongly disagree, and believe that this mischaracterized the intent of Congress in both the Securities and Exchange Act of 1934, and the Reform Act of 1995, for which I was a conferee, along with the gentleman from Michigan (Mr. DINGELL), and the currently pending legislation.

I am pleased to see that the Statement of Managers, which was provided to my office by the Committee on Commerce majority staff and which bears the signatures of the conferees to this act, has recognized that neither the Reform Act nor S. 1260 alters the scienter standard of the Exchange Act.

I must note with some dismay, however, that the Statement of Managers on this bill, which was filed in the CONGRESSIONAL RECORD on October 9, does not contain essential legislative history from the original Statement of Managers provided to my office. I am informed that this was due to a clerical error, which resulted in the inadvertent deletion on page 4 of the Joint Statement. While some Members on this side, including myself, find it rather curious that this particular page mysteriously turned up missing, given how much time and effort was given to working this language out, I will accept this explanation at face value and I am pleased that the gentleman has made it clear that the version has been corrected and will be filed in the RECORD in connection with today's debate.

□ 1530

There should be absolutely no ambiguity with respect to the intent of the Congress with respect to the fact that recklessness is and always has been a part of the scienter standard.

The Federal courts have long recognized that recklessness satisfies the scienter requirement of section 10(b) and rule 10b-5, the principal antifraud provisions of the securities laws. It is true, as the statement of managers notes, that in Ernst & Ernst v. Hochfelder, the Supreme Court left open the question of whether the recklessness could satisfy the scienter requirement of section 10(b) and rule 10b-5. However, the statement of managers failed to note that the court explicitly recognized that in certain areas of the law recklessness is considered to be a form of intentional conduct for purposes of imposing liability for some act. So I agree with the statement of the managers that the 1995 Private Securities Litigation Reform Act, that the gentleman from Michigan (Mr. DINGELL) and I were conferees on, did not change the scienter requirement for liability.

I am deeply troubled, however, by attempts which were made, some late in the course of the debate on S. 1260, to suggest that the reform act had in fact raised the pleading standard beyond that of the Second Circuit which at the time the reform act was passed was the strictest pleading standard in the Nation. That clearly was not my understanding in 1995, nor the gentleman from Michigan (Mr. DINGELL).

I am pleased to that this erroneous interpretation has been rejected today. To have done otherwise would have created an illogical result. Because the antifraud provisions allow liability for reckless misconduct, it follows that plaintiffs must be allowed to plead that the defendants acted recklessly. To say that defauded investors can recover for reckless misconduct but that they must plead something more than reckless misconduct would have defied logic.

During the course of the debate on this bill, it has been suggested by some that a footnote in the statement of managers from the 1995 reform act proves that Congress had adopted in 1995 a pleading standard different from the Second Circuit court standard. This footnote, which was inserted at the last minute without our knowledge, the gentleman from Michigan (Mr. DINGELL) or I, stated that the committee chose not to include in the pleading standard certain language relating to motive, opportunity or recklessness. This footnote, and make no mistake about it, that is all it is, merely a footnote in a statement of managers drafted by a staffer without the full consideration of all the House and Senate Members appointed as conferees at that time to the 1995 act, including myself, does not mean that recklessness has been eliminated either as a basis for liability or as a pleading standard.

Existence of this footnote in no way mandated the courts not follow the second circuit approach to pleading. The conference committee and the Congress that passed the reform act also chose not to expressly include conscious behavior in the pleading standard.

Yet surely no one would suggest that in so doing the conference committee and Congress intended to eliminate liability for conscious misconduct. As the statement of managers for S. 1260 clearly indicates, it was the intent of Congress when it passed the reform act back in 1995 to adopt the Second Circuit standard.

Mr. Speaker, I insert this and additional material to clarify any misinterpretation or misunderstanding that might exist on this issue, and I must conclude in saying that I find the colloquy that just took place between the gentleman from California (Mr. COX) and the gentleman from Virginia (Mr. BLILEY) does not comport with the facts as we understand them on our side and is not in fact the intent of the law.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. WHITE), one of the chief sponsors of this legislation.

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding me the time.

In the 18 months or so since the gentlewoman from California and I introduced this bill, I believe it was in May of 1997, we have had lots and lots of debate on the merits of this bill. Suffice it to say, it is a very good bill. It fixes a loophole that we left in the 1995 act, and I think we have had a lot of discussion today about why that is a good thing.

Admittedly there are some Members who did not like the 1995 act. They do not like this bill either. I think the gentleman from Massachusetts and the gentleman from Michigan fall into that category. But there were 300 some plus of us who did like the 1995 act, who do like this act, who passed it before, and I think it is time for us to go forward.

Rather than spending any more time talking about the merits, I think this is a time for thanks. I would like to thank some Members who have been very important in passing this bill. First and foremost, the gentlewoman from California who has been an absolutely diligent and persuasive and persevering advocate for this bill. I never minded it. I thought that was our job, and I think she did a really good job.

Second, the chairman of our committee, the gentleman from Virginia (Mr. BLILEY), who always took up our case with the leadership, always made sure we had time to debate this, always was a good supporter and helper on this bill. Thirdly, the gentleman from Ohio (Mr. OXLEY) who listened to our pleas that he schedule in our committee plenty of time for hearings and was very supportive once the hearings got going, a very good supporter of this bill. I thank them all for getting this done.

I should also make sure that some of the people who did the real work, the staff, are also recognized. Here I cannot say enough about David Cavicke and Linda Rich on our side of of the aisle. I know there were many members on the minority side who also worked hard on this. I could not leave the floor without thanking Leslie Dunlap on my staff and Josh Mathis who worked very hard on this.

Mr. Speaker, I am very pleased we are at this point. It has been a long, hard road, but I think we have done something good for our country.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise in strong opposition to the bill before us today.

Two years ago, Congress passed the Private Securities Litigation Reform Act—that changed all the rules for investors, like people who invest in today's stock market. Now, proponents want to extend an untested federal system that will supersede state law. If we pass this bill, Congress—will place all investors into a largely untested new federal system, that will make it very difficult for investors to prove fraud.

Many of the proponents of this bill claim that it corrects an oversight from the Private Securities Litigation Reform Act of last Congress. This claim is disingenuous and false. These same members claimed during the 1995 debate over the Private Securities Litigation Reform Act that investors would continue to have protection through the state courts. The prime sponsor of the legislation explicitly stated that state courts would continue to be an avenue for defrauded investors. Now, these members are seeking to pre-empt these laws.

If this legislation passes, it will over-rule, do away, with the aiding and abetting liability in 49 states. It will do away with 33 state statute of limitation provisions—we are now telling the states they have to protect their citizens with an untried, untested federal system—the federal government will now tell you what protections, states can afford their citizens.

It is important to remember that the state "blue sky laws" predate the existent of federal securities law. When Congress wrote the Securities Act of 1933 and the Securities Exchange Act of 1934, they did not impose liability and aiders and abettors or insert an adequate statute of limitations. Congress declined to take these steps because Congress felt it was necessary to allow the states to decide these state issues. Today, if you vote for this bill you will take away from investors protections they have enjoyed under state law.

Chairman Levitt of the Securities Exchange Commission, consumer groups, municipal officers all supported maintaining these provisions, but they were denied by the supporters of this bill.

Record numbers of small investors are entrusting their life savings to the stock market. There are a number of proposals to allow the Social Security Trust Fund to be invested in the stock market. Now more than ever, these small investors need to be protected from fraudulent securities transactions. 28 million Americans over the age of 65 depend on investment income to meet part of their expenses.

In fact, a number of articles that recently appeared in newspapers across the country have highlighted continuing concerns with the "gimmicks," "hocus pocus" and "illusions" that companies use in their accounting practices. I am inserting into the RECORD three articles describing this problem at the end of my statement.

Proponents of this bill claim its passage will benefit investors. I am amazed/bemused by this statement because consumer groups, institutional investors, state pension boards and retirement plan administrators, county officials and many other groups oppose this bill.

This federal pre-emption is not necessary. Proponents will also argue that this bill is necessary because there has been an increase in the number of suits in state courts since the passage of the Private Securities Litigation Reform Act. Yet in 1997 there was a decrease in private securities as compared to levels before the passage of the PSLRA.

Nationwide, private security litigation state filings account for less than (100th of 1) percent of state civil filings nationwide. I believe that it is irresponsible and unnecessary to supersede the law of 50 states. The joint system of state and federal causes of action have existed for over 60 years, I do not believe we need to pre-empt 50 state laws with an untried, untested federal system.

Mr. Speaker, the process surrounding this so called "conference" has been nothing short of appalling. We held no conference meetings, neither my staff nor Mr. Dingell's staff were consulted on the substance of the Conference Report. Even at this point, I have not been asked whether I would like to sign the Conference Report. It is unfortunate that relations have sunk so low in this Congress, that the majority would not extend the courtesy and professional respect that we always extended them.

I want to make one final, important point this bill does not change the see-enter standard in the Securities Act as the Statement of Managers points out. In fact, Senate bill managers have made clear their view that the see-enter is the appropriate standard. I am inserting into the RECORD an exchange of letters between a number of the Banking Committee Senators, Chairman Levitt and the White House clarifying this point.

Mr. Speaker, I believe this bill will make it easier for charlatans and "rip off" artists to defraud investors, especially senior citizens. I hope I am wrong. But before we pass this bill, I ask all members to contemplate whether or not they want to make it easier for their constituents to become victims of fraud. I urge you to vote against this bill and protect investors.

[From the Washington Post, Sept. 29, 1998]

LEVITT TARGETS PROFIT DISTORTIONS

NEW YORK, SEPT. 28.—Securities and Exchange Commission Chairman Arthur Levitt Jr. complained today of widespread company manipulation of financial reports and outlined a series of steps to halt "earnings management."

"Increasingly, I have become concerned that the motivation to meet Wall Street earnings expectations may be overriding common sense business practices," Levitt said in a speech prepared for delivery here this evening.

Corporate executives, auditors, and Wall Street analysts are increasingly part of "a game of nods and winks" in which financial reports are "distorted" to meet analysts' projections, Levitt said.

In his broadest criticism of accounting problems, the top U.S. securities regulator said these misleading results jeopardize "the credibility of our markets."

Levitt said the SEC soon will issue new rules and provide better guidance on existing rules to offer clear "do's and don'ts" on revenue recognition, restructuring reserves, materiality and disclosure.

In addition, the New York Stock Exchange and the National Association of Securities Dealers will form a panel to issue a report on improving the performance of the audit committees of corporate boards and formulating "best practices" in the accounting and auditing area. The panel, headed by John C. Whitehead, former co-chairman of Goldman Sachs & Co., and corporate governance expert Ira Millstein, will make its recommendations within 90 days.

For accounting practices that aren't acceptable, Levitt promised the SEC's enforcement staff will "aggressively act on abuses" at public companies that appear to be managing earnings through major write-offs, restructuring reserves or other questionable practices.

Levitt described an array of accounting "gimmicks," "hocus-pocus" and "illusions" companies use to manipulate earning reports. Specifically, he cited misuse of so-called "big baths," which are large, one-time restructuring write-offs companies use to disguise operating expenses.

Levitt conceded the problem isn't new, but he said accounting gimmickry is on the rise, fueled by the bull market.

[From the San Jose News, Sept. 29, 1998]

SEC DINGS TECH FIRMS

It is upgrade time at America Online.

The Securities and Exchange Commission has ordered the online service and the rest of the technology industry to improve the way they account for mergers and acquisitions.

The issue is how technology companies have seized on a footnote in the accounting rules related to research expenses to write off most of the purchase price of companies as soon as they acquire them. This prevents a continuing drag on profits that would result from writing off the purchase price over several years.

The SEC's move comes as it is cracking down on a number of accounting practices it finds abusive. In comments at New York University, commission Chairman Arthur Levitt Jr. said his staff would immediately increase its scrutiny of companies that use certain aggressive accounting techniques to inflate their quarterly earnings.

In choosing to make an example of America Online, the biggest Internet company, the commission took the extreme step of blocking it from publishing its fiscal fourth-quarter earnings for nearly two months.

America Online finally reached an agreement with the SEC and published its earnings Monday. It wrote off $70.5 million related to research at two companies it acquired, representing 22 percent of the $316 million it had paid for them. Previously the company had said it planned to write off the vast majority of the purchase price, though it gave no specific figures.

Separately, Lynn Turner, the SEC's chief accountant, called on the accounting industry to tighten its rules related to writing off the cost of research. In a letter to the American Institute of Certified Public Accountants, he said that a study by the SEC had found "significant problems in the recognition and valuation" of the research write-offs.

The letter outlined a proposed standard for such write-offs that is much stricter than accountants have been using. And the commission threatened to make companies take the embarrassing step of restating their published earnings reports in cases where it deems their research write-offs to be "materially misleading."

Analysts said the change could inhibit acquisitions, especially by smaller technology companies.

"It has more significance for other companies besides AOL," said Keith Benjamin, an analyst at Banc-Boston Robertson Stephens Inc. "You will see more young Internet companies forced to take lower write-offs." America Online is less affected, he said, because it has become big enough to absorb the additional charges.

It has issue is how companies account for the value of "in-process research and development"—research that has yet to be turned into a marketable product—at companies they buy. In an acquisition, companies estimate the value of all of the assets they are buying, both tangible ones like buildings and intangible assets like brand names and customer lists. If the purchase price is higher than the value of all of these assets—and it usually is—the remainder is added to a catch-all item known as good will.

Companies are forced to write off the value of all of these assets over a period of from three to 40 years, depending on the useful life of the asset. The one exception is in-process research, which is written off immediately.

Since technology companies are especially interested in showing investors accelerating earnings growth, many have started attributing the bulk of their acquisition costs to in-process research.

The SEC letter listed a number of what it described as "abuses" in this practice. In one case, for example, a company that the commission did not name wrote off nearly all the purchase price of an acquisition as in-process research, even though the target company had not spent a significant amount of money on research or development.

"If a company didn't spend significant amounts on R&D, it would raise questions in my mind," said Baruch Lev, a professor of accounting at New York University. He conducted a study of 400 acquisitions, mostly of technology companies, and found that the buyers wrote off 75 percent of the purchase price as in-process research.

Shares of America Online increased $2.38 Monday, to $117.13.

Jonathan Cohen, an analyst with Merrill Lynch, said the market was not concerned with the deductions from profits.

"Reported earnings is one small piece of a larger picture at technology companies that includes revenue growth, market position, audience size and brand equity," he said.

[From the New York Times, Sept. 29, 1998]

"TRICK" ACCOUNTING DRAWS LEVITT CRITICISM

(By Melody Petersen)

Scolding America's companies and their accountants for using "accounting hocus-pocus," Arthur Levitt, the chairman of the Securities and Exchange Commission, said yesterday that his staff would crack down on businesses that used certain controversial accounting methods to manipulate the numbers reported to shareholders.

Mr. Levitt's surprisingly harsh criticism and his far-reaching plan to stop the accounting abuses came after a string of companies have announced that the profits they previously reported were wrong. Among the companies where such announcements have led to large declines in stock prices are Cendant, Sunbeam, Livent and Oxford Health Plans.

"We see greater evidence of these illusions or tricks," Mr. Levitt said at a news conference at New York University. "We intend to step in now and turn around some of these practices."

Although he did not name any corporations, Mr. Levitt said his staff would immediately increase its scrutiny of companies that used certain aggressive accounting techniques to inflate their quarterly earnings and would soon issue new accounting rules and guidelines intended to halt the abuses.

He also called for a review of how the nation's public accounting firms audit financial statements, saying he feared that auditors might not be doing enough to find their clients' accounting shenanigans.

"We rely on auditors to put something like the Good Housekeeping Seal of Approval on the information investors receive," Mr. Levitt said in a speech prepared to be delivered later at the university's new Center for Law and Business. "As I look at some of the failures today, I can't help but wonder if the staff in the trenches of the profession have the training and supervision they need to insure that audits are being done right."

The American Institute of Certified Public Accountants and several large accounting firms praised Mr. Levitt's plan, saying they shared his concerns and were eager to work with the commission on the issue.

Mr. Levitt said that the commission's enforcement division would focus on companies that use certain accounting methods that allow them to "manage earnings" so that profits can be increased or decreased at will in such a way that the bottom line does not reflect actual operations.

He specifically said that the commission was frustrated with companies that used a factory closing or a work force reduction as an opportunity to take millions of dollars of one-time charges for "restructuring." By inflating those write-offs, companies get the bad news out of the way at once and can clear their balance sheets of expensive assets that would otherwise reduce the bottom line for years to come. For example, Motorola announced recently that it would cut 15,000 jobs and take a restructuring charge of $1.95 billion.

The commission has also been critical of companies that acquire other companies and then write off much of the purchase price by calling it "research and development."

For example, the commission had blocked America Online, the biggest Internet company, from reporting its fiscal fourth-quarter earnings for nearly two months because of disagreements over how much the company should write off in its acquisitions of Mirabilis and Net Channel. America Online finally reached an agreement with the commission and published its results yesterday, greatly scaling back the size of the research write-off.

Mr. Levitt said that other companies were trying to bolster their earnings by manipulating revenue numbers. For instance, many of the companies forced to restate their financial statements this year had reported revenues that later turned out to be fictional or included sales transactions that were not yet completed. In other cases, executives had inflated earnings by manipulating the amounts set aside for future costs like loan losses, sales returns or warranty costs.

To stop the accounting abuses, Mr. Levitt said that the commission would write new accounting guidelines on the "dos and don'ts of revenue recognition." The commission will also begin requiring detailed disclosures about how management estimates the value of various write-offs or reserves and the other assumptions made in preparing financial statements.

Mr. Levitt called on the Financial Accounting Standards Board to pass new accounting rules quickly, including one that would clarify when a company can record a liability. The commission has already pressed the accounting board to change the rule that allows companies to write off large amounts of an acquisition as research and development.

And, he asked both the A.I.C.P.A. and the Public Oversight Board to review whether auditors should change the procedures they use in performing an annual audit.

A blue-ribbon panel—led by John C. Whitehead, a former Deputy Secretary of State and a retired senior partner at Goldman, Sachs & Company, and Ira M. Millstein, a corporate governance expert at the law firm of Weil, Gotshal & Manges—will also develop recommendations for audit committees to follow so that investors are better protected.

"The motivation to meet Wall Street earnings expectations may be overriding common sense business practices," Mr. Levitt said. "Too many corporate managers, auditors and analysts are participants in a game of nods and winks."

U.S. SENATE,
Washington, DC, March 24, 1998.

Hon. ARCHER LEVITT,
Chairman, Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN LEVITT AND MEMBERS OF THE COMMISSION: We are writing to request your views on S. 1260, the Securities Litigation Uniform Standards Act of 1997. As you know, our staff has been working closely with the Commission to resolve a number of technical issues that more properly focus the scope of the legislation as introduced. We attach for your review the amendments to the legislation that we intend to incorporate into the bill at the Banking Committee mark-up.

On a separate but related issue, we are aware of the Commission's long-standing concern with respect to the potential scienter requirements under a national standard for litigation. We understand that this concern arises out of certain district courts' interpretation of the Private Securities Litigation Reform Act of 1995. In that regard, we emphasize that our clear intent in 1995—and our understanding today—was that the PSLRA did not in any way alter the scienter standard in federal securities fraud suits. It was our intent, as we expressly stated during the legislative debate in 1995, particularly during the debate on overriding the President's veto, that the PSLRA adopt the *pleading* standard applied in the Second Circuit. Indeed, the express language of the statute itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind": the law makes no attempt to define that state of mind. We intend to restate these facts about the '95 Act in both the legislative history and the floor debate that will accompany S.1260, should it be favorably reported by the Banking Committee.

Sincerely,

ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs.
PHIL GRAMM,
Chairman, Subcommittee on Securities.
CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities.

SECURITIES AND EXCHANGE COMMISSION.
Washington, DC, March 24, 1998.
Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.
Hon. PHIL GRAMM,
Chairman, Subcommittee on Securities, U.S. Senate, Washington, DC.
Hon. CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities, U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO, CHAIRMAN, GRAMM, AND SENATOR DODD: You have requested our views on S. 1260, the Securities Litigation Uniform Standards Act of 1997, and amendments to the legislation which you intend to offer when the bill is marked-up by the Banking Committee. This letter will present the Commission's position on the bill and proposed amendments.[1]

The purpose of the bill is to help ensure that securities fraud class actions involving certain securities traded on national markets are governed by a single set of uniform standards. While preserving the right of individual investors to bring securities lawsuits wherever they choose, the bill generally provides that class actions can be brought only in federal court where they will be governed by federal law.

As you know, when the Commission testified before the Securities Subcommittee of the Senate Banking Committee in October 1997, we identified several concerns about S. 1260. In particular, we stated that a uniform standard for securities fraud class actions that did not permit investors to recover losses attributable to reckless misconduct would jeopardize the integrity of the securities markets. In light of this profound concern, we were gratified by the language in your letter of today agreeing to restate in S. 1260's legislative history, and in the expected debate on the Senate floor, that the Private Securities Litigation Reform Act of 1995 did not, and was not intended to, alter the well-recognized and critically important scienter standard.

Our October 1997 testimony also pointed out that S. 1260 could be interpreted to preempt certain state corporate governance claims, a consequence that we believed was neither intended nor desirable. In addition, we expressed concern that S. 1260's definition of class action appeared to be unnecessarily broad. We are grateful for your responsiveness to these concerns and believe that the amendments you propose to offer at the Banking Committee mark-up, as attached to your letter, will successfully resolve these issues.

The ongoing dialogue between our staffs has been constructive. The result of this dialogue, we believe, is an improved bill with legislative history that makes clear, by reference to the legislative debate in 1995, that Congress did not alter in any way the recklessness standard when it enacted the Reform Act. This will help to diminish confusion in the courts about the proper interpretation of that Act and add important assurances that the uniform standards provided by S. 1260 will contain this vital investor protection.

We support enactment of S. 1260 with these changes and with this important legislative history.

We appreciate the opportunity to comment on the legislation, and of course remain committed to working with the Committee as S. 1260 moves through the legislative process.

Sincerely,

ARTHUR LEVITT,
Chairman.
ISAAC C. HUNT, JR.,
Commissioner.
LAURA S. UNGER,
Commissioner.

THE WHITE HOUSE,
Washington, April 28, 1998.
Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.
Hon. PHIL GRAMM,
Chairman, Subcommittee on Securities, U.S. Senate, Washington, DC.
Hon. CHRISTOPHER J. DODD,
Ranking Member, Subcommittee on Securities, U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO, CHAIRMAN GRAMM, AND SENATOR DODD: We understand that you have had productive discussions with the Securities and Exchange Commission (SEC) about S. 1260, the Securities Litigation Uniform Standards Act of 1997. The Administration applauds the constructive approach that you have taken to resolve the SEC's concerns.

We support the amendments to clarify that the bill will not preempt certain corporate governance claims and to narrow the definition of class action. More importantly, we are pleased to see your commitment, by letter dated March 24, 1998, to Chairman Levitt and members of the Commission, to restate in S. 1260's legislative history, and in the expected debate on the Senate floor, that the Private Securities Litigation Reform Act of 1995 did not, and was not intended to, alter the scienter standard for securities fraud actions.

As you know, uncertainty about the impact of the Reform Act on the scienter standard was one of the President's greatest concerns. The legislative history and floor statements that you have promised the SEC and will accompany S. 1260 should reduce confusion in the courts about the proper interpretation of the Reform Act. Since the uniform standards provided by S. 1260 will provide that class actions generally can be brought only in federal court, where they will be governed by federal law, it is particularly important to the President that you be clear that the federal law to be applied includes recklessness as a basis for pleading and liability in securities fraud class actions.

So long as the amendments designed to address the SEC's concerns are added to the legislation and the appropriate legislative history and floor statements on the subject of legislative intent are included in the legislative record, the Administration would support enactment of S. 1260.

Sincerely,

BRUCE LINDSEY,
Assistant to the President and Deputy Counsel.
GENE SPERLING,
Assistant to the President for Economic Policy.

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, October 9, 1998.
Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.
Hon. PAUL S. SARBANES,
Ranking Minority Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN D'AMATO AND SENATOR SARBANES: You have requested our views on S. 1260, the Securities Litigation Uniform Standards Act of 1998. We support this bill based on important assurances in the Statement of Managers that investors will be protected.[1]

The purpose of the bill is to help ensure that securities fraud class actions involving certain securities traded on national markets are governed by a single set of uniform standards. While preserving the right of individual investors to bring securities lawsuits wherever they choose, the bill generally provides that class actions can be brought only in federal court where they will be governed by federal law. In addition, the bill contains important legislative history that will eliminate confusion in the courts about the proper interpretation of the pleading standard found in the Private Securities Litigation Reform Act of 1995 and make clear that the uniform national standards contained in this bill will permit investors to continue to recover losses attributable to reckless misconduct.

We commend the Committee for its careful efforts to strike an appropriate balance between the rights of injured investors to bring class action lawsuits and those of our capital market participants who must defend against such suits.

As you know, we expressed various concerns over earlier drafts of the legislation. In particular, we stated that a uniform standard for securities fraud class actions that did not permit investors to recover losses for reckless misconduct would jeopardize the integrity of the securities markets. We appreciate your receptivity to our concerns and believe that as a result of our mutual efforts and constructive dialogue, this bill and the Statement of Managers address our concerns. The strong statement in the Statement of Managers that neither this bill nor the Reform Act was intended to alter existing liability standards under the Securities Exchange Act of 1934 will provide important assurances for investors that the uniform national standards created by this bill will continue to allow them to recover losses caused by reckless misconduct. The additional statement clarifying that the uniform pleading requirement in the Reform Act is the standard applied by the Second Circuit Court of Appeals will likewise benefit investors by helping to end confusion in the courts about the proper interpretation of that Act. Together, these statements will operate to assure that investors' rights will not be compromised in the pursuit of uniformity.

---

[1] We understand that Commissioner Johnson will write separately to express his differing views. Commissioner Carey is not participating.

[1] Commissioner Norman S. Johnson continues to believe that this legislation is premature, at the least, for the reasons stated in his May 1998 prepared statement before the House Subcommittee on Finance and Hazardous Materials.

We are grateful to you and your staffs, as well as the other Members and their staffs, for working with us to improve this legislation and safeguard vital investor protections. We believe this bill and its Statement of Managers fairly address the concerns we have raised with you and will contribute to responsible and balanced reform of securities class action litigation.

Sincerely,

ARTHUR LEVITT,
Chairman.
ISSAC C. HUNT, JR.,
Commissioner.
PAUL R. CAREY,
Commissioner.
LAURA S. UNGER,
Commissioner.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in opposition to this legislation, the Securities Litigation Uniform Standards Act.

I have opposed this bill in committee and on the floor because I think that it takes a Federal meat axe to a problem that States ought to be able to solve with a State solution scalpel. I oppose this bill today not only to protect investors and to give States time to deal with this problem themselves but because along with many other problems, the conference committee stripped out important language that improved this bill.

One of the things that was stripped out, a noncontroversial or sort of noncontroversial bipartisan amendment I passed in committee that would direct the Securities and Exchange Commission to conduct an analysis of the whole issue, including the extent to which the preemption of State securities laws affects the protection of securities investors of the public interest.

This study was important to determine both what the effect is on securities investors and also to determine what the true effect is on these lawsuits going into State courts. I am concerned just like everybody else that many of these lawsuits are being pursued by a very small number of attorneys who are only looking to make money for themselves at the expense of newly emerging high tech firms.

These lawsuits can cost the company millions of dollars while they are being settled and the result is the diversion of resources away from designing of new products and the creation of jobs.

The trend is disturbing but the trend is not overwhelming. The issue needs to be addressed but it needs to be addressed at the State level.

The alleged mass migration of securities fraud class action cases to State court has actually been quite limited and as often happens in a body like Congress, when I asked for statistics about this huge mass of lawsuits going from Federal court to State courts, the evidence was either nonexistent or surprisingly small.

The numbers of suits and the number of plaintiffs in the State courts are actually quite small. Both the proponents and opponents of this bill agreed that the numbers of suits have actually gone down at the State level in the past year. I believe we would be setting a dangerous precedent by blatantly preempting State securities laws, many of which were enacted before the 1933 Federal Securities Act in order to address a very discrete, small problem that exists in basically one State, California.

Those who consider themselves supportive of State rights and those who consider themselves to be Federalists should consider the very dangerous precedent we would set if we pass this legislation.

If the industry is so concerned about the effect of going into State court, I would suggest that they go to the State legislatures in these very few States and ask the legislatures to change the law.

S. 1260 raises significant Federalism concerns and I think that it is quite clear that more time is needed to assess the effects of securities litigation reform before we willy-nilly eliminate all of the State blue sky laws. Eliminating State remedies for fraud before knowing whether the courts will end up consistently interpreting the 1995 act in a way that provides victims with a viable means to recover their losses, this bill risks not only harming innocent investors but also undermines public confidence in our securities markets. This is an issue that needs to be addressed but it needs to be addressed on a State-by-State level.

I urge my colleagues to vote against this legislation.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Virginia (Mr. BLILEY) has 6 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield the balance of my time to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for literally being the shepherd who has brought not only this legislation forward but the primary legislation on securities litigation reform that became law several years ago.

I think it is important to put this issue in historical perspective. I was the author of the first securities litigation reform bill in 1992. Interestingly enough, I was then a Democrat. Also interestingly enough, the lead sponsor on the Senate side was CHRISTOPHER DODD, who was then chairman of the Democratic Senate Campaign Committee. And Christopher DODD and I secured the cosponsorship not only of a majority of Members of both the House and the Senate but a huge bipartisan majority of Members on both sides. Unfortunately, we were never able to work out our differences with my good friend, the gentleman from Michigan (Mr. DINGELL), or my good friend, the ranking minority member of the subcommittee I now chair, the gentleman from Massachusetts (Mr. MARKEY) but nevertheless, we literally have had interesting hearings and interesting discussions as the years passed.

So popular was this issue of putting an end to these strike suits every time the stock market prices changed on some company, so popular both in the House and the Senate on the Democratic and Republican side was this issue, that when it was finally passed in 1995, and the President surprisingly vetoed it, this bill became the only issue that this Congress overrode a presidential veto, two-thirds of the Members of this House, two-thirds of the Senate concurring in an override to make securities litigation reform the law of the land.

Why are we back here today? We are back here today because in spite of the fact that we put an end to these strike lawsuits, these shakedown lawsuits which were settled 94 percent of the time at 10 cents on the dollar, no grandmother ever got a dime out of this, just the unscrupulous trial lawyers who brought these kinds of lawsuits, even though we put an end to these lawsuits in Federal district court, we learned that the unscrupulous members of the trial board who were pressing these cases before simply did an end around. They went to State court and increasingly used the authority of the State court to do exactly what they used to do in Federal court, to shake down companies, to shake down boards of directors, to shake down the accountants, anybody else associated with a company whenever stock market prices changed, alleging fraud and then suddenly, quickly, at 10 cents on the dollar.

In short, this bill puts an end to the end around. It says that the law we passed in 1995, with over two-thirds support of Democrats and Republicans, overriding the presidential veto, that law will have effect in this land, that strike lawsuits should come to an end whether they are brought in Federal court or in State court when they affect nationally traded firms. And secondly, the bill is carefully designed to make sure that other actions, indeed, can still be brought in State courts and that States themselves and our own

Securities Exchange Commission can still exercise its authority to prevent abuses of fraud in securities trading in America.

□ 1534

In short, this is carefully tailored now to stop the end runs, to make sure that the law we so successfully passed in 1995, with the enormous help of the gentlewoman from California (Ms. ESHOO), the great sponsorship of the gentleman from California (Mr. COX), they did such a good job in 1995 to make sure that that law now has real effect out there; that people who trade and who invest their pension funds are not going to lose those assets to strike lawsuits that shake down the value of those companies and shake down the people who are trying to run them successfully for this economy.

This bill will send the strongest message to those unscrupulous lawyers, start behaving yourself, stop shaking people down, stop bringing these frivolous lawsuits because they will not be permitted in Federal court, and they will not be permitted now in State court.

Mr. Speaker, this bill deserves the same kind of support that the original bill got in 1995. It deserves, as the gentlewoman from California (Ms. ESHOO) said the bipartisan vocal support of Members on both sides of this aisle so that we present it quickly to the President who has said in California that, if we would do this, he would sign it into law.

Let us send it to the President and let him have the chance to sign this bill into law and to put an end to the end around that unfortunately has tainted the great effort we made in 1995.

To all who made this bill possible today, I personally want to thank you. As I said, when I authored this bill in 1992, I did not think it was going to take this long for us to complete the journey.

But here we are today, this perhaps making the most important step in that journey to end these frivolous lawsuits and to give the securities trading of these high-tech firms which are bringing so much job and opportunity to America to give them all the sense of security and to protect them against these strike lawsuits.

Mr. KLINK. Mr. Speaker, I think this bill is a solution in search of a problem.

In 1995, the Commerce Committee developed and Congress approved, over a Presidential veto, the Private Securities Litigation Reform Act, which put strict limits on Federal investor class action lawsuits. I opposed that legislation because I was concerned about preventing defrauded investors from being made whole again. But my side lost, and we all moved on.

One of the arguments when we debated the 1995 act was that truly victimized investors could still seek redress in State court. So there was some comfort in that; retirees who lost their life savings to securities fraud could still pursue legal action.

Now, however, I fear that Congress is moving to cut off the State avenue for class action securities suits. That could mean that investors would have no ability to seek relief from securities wrongdoers, and that is unacceptable to me.

There appears to be no explosion of State securities class actions, so I see no real need for this bill. Last year there were only 44 throughout the entire country, the lowest number in five years.

Furthermore, Mr. Speaker, at a time when there are more investors than at any time in history, many of them unsophisticated investors, we should not be making it easier to get away with securities fraud. We owe that to our investor constituents and we owe that to the capital markets in this country, which remain the strongest in the world.

Additionally, Mr. Chairman, though the conference report contains a provision similar to the Sarbanes amendment in the Senate bill, which provides for an exemption from the bill for State and local entities, the provision before us goes beyond Sarbanes to require those entities to be named plaintiffs in and authorize participation in State securities class actions. This assumes a level of sophistication that may be lacking.

I will provide an example. Last year, the SEC alleged that Devon Capital management had defrauded 100 municipal clients in Pennsylvania and elsewhere. Those clients included 75 school districts, mostly in western and central Pennsylvania. Devon and the SEC reached a settlement, and those school districts are expected to recover a little over half of the $71 million that Devon lost.

Now, how can we say that these same school districts and local governments that were unsophisticated enough to have invested with Devon in the first place and lost all this money, are, at the same time, sophisticated enough to recognize the steps they need to take to preserve their rights to bring a State securities class action under this bill?

I would have preferred that, at the very least, the Sarbanes amendment exempting State and local governments and pension plans were maintained as it passed the Senate.

Finally, Mr. Speaker, I am disturbed by the trend I am seeing in this committee and Congress as a whole in our attitude toward investors, especially the mom and pop investors we all represent. As I said, I opposed the 1995 Securities Litigation Reform Act.

That was followed closely by the Fields securities reform bill, which threatened to severely limit the ability of State securities regulators, the local cops on the beat in the securities world, to protect investors. In committee and in conference, we were able to temper this legislation so that investors would not be left vulnerable.

Now however, comes this legislation. I really worry that we are going down the road to where the small investor is the last thing we think about, when they should be among the first.

We are at a point in time when Members of Congress and others are talking about privatizing Social Security. That will lead to even more unsophisticated investors and hundreds of billions of dollars going into the marketplace. And yet we continue to talk about reducing investor protections.

Another question I have is, are we now saying to the States that we in Washington, DC, know better than the States what cases should go through State courts and which should not. Are we next going to tell the States that they can't hear real estate cases? Are we going to tell them they can't hear tobacco cases? What comes next?

I never thought I would see the day when my Republican colleagues would want to dictate from on high in Washington, DC, what State law should be.

The conference report on S. 1260 is a solution in search of a problem, and I strongly oppose it.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and agree to the conference report on the Senate bill, S. 1260.

The question was taken.

Mr. KANJORSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order, each of them de novo:

S. 1693,
H.Res. 494,
S. 1364,
H.R. 4756,
H.R. 4805,
H.Res. 562,
H.Res. 518,
Concurring in Senate amendment to H.R. 1274,
S. 1754,
And the conference report on S. 1260.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998

The SPEAKER pro tempore. The pending business is the question de novo of spending the rules and passing the Senate bill, S. 1693, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1693, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING GUAM

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and agreeing to the resolution, H. Res. 494.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and agree to the resolution, H.Res. 494.

The question was taken.

Mr. COMBEST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 24, as follows:

[Roll No. 524]

YEAS—410

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—24

Ackerman
Berman
Boucher
Cooksey
Deutsch
Graham
Hall (OH)
Harman
Hefner
Inglis
Kennelly
Kilpatrick
Lampson
Largent
McCollum
McCrery
McDade
Poshard
Pryce (OH)
Scarborough
Souder
Spratt
Visclosky
Wexler

□ 1611

Mrs. McCARTHY of New York changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FEDERAL REPORTS ELIMINATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1364, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the Senate bill, S. 1364, as amended.

The question was taken.

RECORDED VOTE

Mr. GIBBONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 390, noes 19, not voting 25, as follows:

[Roll No. 525]

AYES—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich

Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOES—19

Clay
Clyburn
Conyers
Dixon
Furse
Hastings (FL)
Hilliard
Jackson-Lee (TX)
Johnson, E. B.
Lee
McKinney
Meeks (NY)
Millender-McDonald
Mink
Payne
Thompson
Towns
Waters
Wynn

NOT VOTING—25

Ackerman
Berman
Boucher
Burton
Cooksey
Deutsch
Graham
Hall (OH)
Harman
Hefner
Inglis
Kennelly
Kilpatrick
Lampson
Largent
McCollum
McCrery
McDade
Poshard
Pryce (OH)
Scarborough
Souder
Spratt
Visclosky
Wexler

□ 1623

Ms. LEE, Mr. PAYNE, Ms. FURSE and Mr. WYNN changed their vote from "aye" to "no."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as recorded.

A motion to reconsider was laid on the table.

YEAR 2000 PREPAREDNESS ACT OF 1998

The SPEAKER pro tempore (Mr. BOEHLERT). The pending business is the question of suspending the rules and passing the bill, H.R. 4756, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 4756, as amended.

The question was taken.

RECORDED VOTE

Mr. FOSSELLA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 3, not voting 24, as follows:

[Roll No. 526]

AYES—407

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard

Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—3

Cannon
Chenoweth
Paul

NOT VOTING—24

Ackerman
Berman
Boucher
Cooksey
Deutsch
Graham
Hall (OH)
Harman
Hefner
Inglis
Kennelly
Kilpatrick
Lampson
Largent
McCollum
McCrery
McDade
Poshard
Pryce (OH)
Scarborough
Souder
Spratt
Visclosky
Wexler

☐ 1636

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3267. An act to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOEHLERT). Pursuant to clause 5 of rule I, proceedings on the remainder of the questions currently in postponement will be resumed after debate on further motions to suspend the rules.

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1722) to amend the Public Health Service Act to revise and extend certain program with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

The Clerk read as follows:

S. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Health Research and Prevention Amendments of 1998".

TITLE I—PROVISIONS RELATING TO WOMEN'S HEALTH RESEARCH AT NATIONAL INSTITUTES OF HEALTH

SEC. 101. RESEARCH ON DRUG DES; NATIONAL PROGRAM OF EDUCATION.

(a) RESEARCH.—Section 403A(e) of the Public Health Service Act (42 U.S.C. 283a(e)) is amended by striking "1996" and inserting "2003".

(b) NATIONAL PROGRAM FOR EDUCATION OF HEALTH PROFESSIONALS AND PUBLIC.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following:

"EDUCATION REGARDING DES

"SEC. 1710. (a) IN GENERAL.—The Secretary, acting through the heads of the appropriate agencies of the Public Health Service, shall carry out a national program for the education of health professionals and the public with respect to the drug diethylstilbestrol (commonly known as DES). To the extent appropriate, such national program shall use methodologies developed through the education demonstration program carried out under section 403A. In developing and carrying out the national program, the Secretary shall consult closely with representatives of nonprofit private entities that represent individuals who have been exposed to DES and that have expertise in community-based information campaigns for the public and for health care providers. The implementation of the national program shall begin during fiscal year 1999.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 102. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) of the Public Health Service Act (42 U.S.C. 284e(d)) is amended by striking "and 1996" and inserting "through 2003".

SEC. 103. RESEARCH ON CANCER.

(a) RESEARCH ON BREAST CANCER.—Section 417B(b)(1) of the Public Health Service Act (42 U.S.C. 286a–8(b)(1)) is amended—

(1) in subparagraph (A), by striking "and 1996" and inserting "through 2003"; and

(2) in subparagraph (B), by striking "and 1996" and inserting "through 2003".

(b) RESEARCH ON OVARIAN AND RELATED CANCER RESEARCH.—Section 417B(b)(2) of the Public Health Service Act (42 U.S.C. 286a-8(b)(2)) is amended by striking "and 1996" and inserting "through 2003".

SEC. 104. RESEARCH ON HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424 the following:

"HEART ATTACK, STROKE, AND OTHER CARDIOVASCULAR DISEASES IN WOMEN

"SEC. 424A. (a) IN GENERAL.—The Director of the Institute shall expand, intensify, and coordinate research and related activities of the Institute with respect to heart attack, stroke, and other cardiovascular diseases in women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate activities under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to heart attack, stroke, and other cardiovascular diseases in women.

"(c) CERTAIN PROGRAMS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to develop methods for preventing, cardiovascular diseases in women. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the prevalence of heart attack, stroke, and other cardiovascular diseases in women, including African-American women and other women who are members of racial or ethnic minority groups.

"(2) Basic research concerning the etiology and causes of cardiovascular diseases in women.

"(3) Epidemiological studies to address the frequency and natural history of such diseases and the differences among men and women, and among racial and ethnic groups, with respect to such diseases.

"(4) The development of safe, efficient, and cost-effective diagnostic approaches to evaluating women with suspected ischemic heart disease.

"(5) Clinical research for the development and evaluation of new treatments for women, including rehabilitation.

"(6) Studies to gain a better understanding of methods of preventing cardiovascular diseases in women, including applications of effective methods for the control of blood pressure, lipids, and obesity.

"(7) Information and education programs for patients and health care providers on risk factors associated with heart attack, stroke, and other cardiovascular diseases in women, and on the importance of the prevention or control of such risk factors and timely referral with appropriate diagnosis and treatment. Such programs shall include information and education on health-related behaviors that can improve such important risk factors as smoking, obesity, high blood cholesterol, and lack of exercise.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 105. AGING PROCESSES REGARDING WOMEN.

Section 445H of the Public Health Service Act (42 U.S.C. 285e–10) is amended—

(1) by striking "The Director" and inserting "(a) The Director"; and

(2) by adding at the end the following subsection:

"(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriation that is available for such purpose.".

SEC. 106. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

Section 486(d)(2) of the Public Health Service Act (42 U.S.C. 287d(d)(2)) is amended by striking "Director of the Office" and inserting "Director of NIH".

TITLE II—PROVISIONS RELATING TO WOMEN'S HEALTH AT CENTERS FOR DISEASE CONTROL AND PREVENTION

SEC. 201. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306(n) of the Public Health Service Act (42 U.S.C. 242k(n)) is amended—

(1) in paragraph (1), by striking "through 1998" and inserting "through 2003"; and

(2) in paragraph (2), by striking "through 1998" and inserting "through 2003".

SEC. 202. NATIONAL PROGRAM OF CANCER REGISTRIES.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)) is amended by striking "through 1998" and inserting "through 2003".

SEC. 203. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

(a) Services.—Section 1501(a)(2) of the Public Health Service Act (42 U.S.C. 300k(a)(2)) is amended by inserting before the semicolon the following: "and support services such as case management".

(b) Providers of Services.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(1) in paragraph (1), by striking "through grants" and all that follows and inserting the following: "through grants to public and nonprofit private entities and through contracts with public and private entities."; and

(2) by striking paragraph (2) and inserting the following:

"(2) Certain applications.—If a nonprofit private entity and a private entity that is not a nonprofit entity both submit applications to a State to receive an award of a grant or contract pursuant to paragraph (1), the State may give priority to the application submitted by the nonprofit private entity in any case in which the State determines that the quality of such application is equivalent to the quality of the application submitted by the other private entity.".

(c) Authorizations of Appropriations.—

(1) Supplemental grants for additional preventive health services.—Section 1509(d)(1) of the Public Health Service Act (42 U.S.C. 300n–4a(d)(1)) is amended by striking "through 1998" and inserting "through 2003".

(2) General program.—Section 1510(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended by striking "through 1998" and inserting "through 2003".

SEC. 204. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION.

Section 1706(e) of the Public Health Service Act (42 U.S.C. 300u–5(e)) is amended by striking "through 1998" and inserting "through 2003".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1722.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1722, the Women's Health Research and Prevention Amendments of 1998. This legislation will revise and extend a number of important women's health research and prevention programs at the National Institutes of Health and the Centers for Disease Control and Prevention.

Earlier this month, Mr. Speaker, I introduced the House companion measure, H.R. 4683, with the gentleman from Virginia (Chairman BLILEY), the chairman of the Committee on Commerce. Both S. 1722 and the House bill enjoy strong bipartisan support, including members of the leadership and the chairman and ranking members of the committees of jurisdiction. The American Cancer Society and the American Heart Association have also endorsed this legislation.

In a recent letter, the Secretary of Health and Human Resources expressed the administration's support for passage of the bill. Secretary Shalala stated, "The research, prevention and health promotion activities that would be reauthorized are critical to the health and well-being of the Nation's women."

While noting that the bill does not include some of the administration's legislative proposals on women's health, the Secretary concluded that "extension of the vital efforts that are addressed in the bill should not be delayed."

Mr. Speaker, both the NIH and the CDC play critical roles in efforts to improve women's health through research, screening, prevention, treatment, education and data collection. S. 1722 reauthorizes programs at the NIH for vital research into the causes, prevention and treatment of some of the major diseases affecting women, including osteoporosis, breast and ovarian cancer and for research into the aging processes of women.

In addition, the bill authorizes a new research program at the National Heart, Lung and Blood Institute to target heart attacks, strokes and other cardiovascular diseases in women, and this program will advance research into cardiovascular disease, which is the leading cause of death in women. In fact, one in ten American women between the ages of 45 and 64 has some form of heart disease, and this increases to one in five women over 65. According to the American Heart Association, more than 500,000 American women die of cardiovascular diseases each year.

NIH data indicates that 1.6 million women have had a stroke and 90,000 women die of strokes each year. In the past, the medical community has focused on men in research, treatment and counseling for heart disease and stroke. Clearly we need to do more to prevent and treat these diseases in women.

S. 1722 also reauthorizes several major programs at the CDC for prevention and education activities in women's health issues. These include the National Center for Health Statistics, the National Program of Cancer Registries, the National Breast and Cervical Cancer Early Detection Program, and the Centers for Research and Demonstration of Health Promotion and Disease Prevention.

It is particularly important that we reauthorize these programs this year, Mr. Speaker. While funding is currently available, the CDC relies on its statutory authorization for certain critical activities. For example, the National Center on Health Statistics relies on its legal authority to ensure complete privacy of the data collected. Without this authority, the center's ability to collect the data is threatened.

The Congressional Budget Office has issued a preliminary estimate of the bill's cost, which totals $5.1 billion over five years. However, and it is important to realize this, all of the spending authorized in this bill is discretionary, subject to appropriation. The bill reauthorizes programs that are already funded, already funded, with the exception of the new cardiovascular disease program. However, NIH is currently conducting research in this area and the new cardiovascular research program will expand and coordinate those efforts.

Mr. Speaker, we have worked very, very hard to develop legislation that enjoys strong bipartisan support. The bill does not purport to address every woman's health concern, and there is clearly more work ahead for our committee.

□ 1645

To avoid unnecessary controversy and to speed reauthorization of these important programs, however, it was necessary to maintain a consensus-based approach in developing the bill.

The legislation also represents the work product of several Members. Mr. Speaker, I want to take a moment to acknowledge their contributions. Section 101, which establishes a national education and research program regarding the drug DES, is modeled on legislation introduced by the gentlewoman from New York (Ms. SLAUGHTER).

Section 104, which promotes research related to cardiovascular diseases in women, is similar to provisions of H.R. 2130 introduced by the gentlewoman from California (Ms. WATERS).

I also want to recognize the efforts of the gentleman from New York (Mr. LAZIO) to promote access to treatment for patients screened under the CDC's National Breast and Cervical Cancer Early Detection Program.

At the urging of the gentleman from New York (Mr. LAZIO) and the American Cancer Society, provisions were added to section 203 of the bill to emphasize the importance of case management services. This language recognizes the critical role of case managers in assisting breast cancer patients in obtaining access to treatment.

Mr. Speaker, I believe the Congress must play an active role in promoting women's health research and prevention efforts. I am particularly proud of the Committee on Commerce's role this year in reauthorizing the Mammography Quality Standards Act, which ensures safe and accurate mammography services for women.

The measure before us today reauthorizes a number of other critical women's health programs, and I urge all Members to join me in supporting passage of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support S. 1722, the Women's Health Research and Prevention Amendments of 1998. For far too long, women's health issues have been neglected. The bill is a necessary step to begin addressing critical health issues that are affecting women exclusively or at highly disproportionate rates. Eighty percent of Americans who suffer from osteoporosis are women. One in eight women develop breast cancer, one in 25 will die of breast cancer, the second leading cause of cancer deaths. Despite the misconception that women rarely suffer from heart attacks, cardiovascular disease is the leading cause of death among American women. These are only a few of the devastating statistics concerning women's health issues that signal the need for more research, treatment, and education to prevent women's needless suffering.

H.R. 4683 and S. 1722 would extend research and prevention efforts of the National Institutes of Health to explore some of the most dangerous and critical diseases and conditions affecting women, including osteoporosis, cancer, and cardiovascular disease, the leading causes of death in American women.

The bill also extends women's health programs at the Centers for Disease Control, such as the National Center for Health Statistics, the National Program of Cancer Registries, and the National Breast and Cervical Cancer Early Detection Program.

Expanding these programs will allow the CDC to conduct more research to prevent and treat women's health issues, insure screening for early detection of breast and cervical cancer, and curb premature morbidity and mortality that lead to excessive health care costs.

The job will not be finished with the enactment of this bill alone. Issues of quality and access need to be addressed. The Patients' Bill of Rights should be enacted without further delay.

The National Partnership for Women and Families and more than 30 other women's organizations have listed numerous elements of the Patients' Bill of Rights that are particularly important to the health of women.

This bill would allow women to choose an OB-GYN as a primary health provider, and have direct access to their services or to those of allied health professionals, such as nurse midwives. The Patients' Bill of Rights would require managed care companies to provide access to clinical trials, a direct link between the research authorized by the bill before us today and the actual receipt of health care by women.

Listen to what a couple of witnesses at our July hearing on the Subcommittee on Health and Environment said about the importance of clinical trials. Dr. Edison Liu of the National Cancer Institute said, "Clinical trials are instrumental in these improvements. As examples, within the last two years we have established new standards of optimal therapy for women with node-negative and locally advanced breast cancer, for women with advanced ovarian cancer, for melanoma, and for childhood renal cancer. These new approaches to cancer therapy are the direct result of the Nation's clinical trials system."

Dr. Leonard Zwelling with the Anderson Cancer Center said at the same hearing, "Remember, all of the great approved cancer therapies in use today were once being tested in the clinical trial setting. Without clinical trials, we would have made no progress at all."

The Patients' Bill of Rights would allow women to continue to see the same provider throughout a pregnancy, even if the provider left the plan or their employer changed plans. Prescription drugs that are medically indicated but are not on an HMO's formulary would also be covered. Drive-by mastectomies would be eliminated, performance and quality measures would take the special needs of women into account, as would data collections and plan summaries. Plans would be prohibited from discriminating on the basis of sex. All of that is in the Patients' Bill of Rights.

I would hope, Mr. Speaker, that we will authorize all NIH programs so the research priorities of our Nation will be openly and equitably addressed. Although S. 1722 deals with some of the health research issues that impact women, it by no means addresses all of them. A comprehensive reauthorization of NIH programs, coupled with passage of the Patients' Bill of Rights, would achieve this objective.

Women are disproportionately affected by disease and conditions that our medical community has the ability to halt. It is essential that we do a better job in addressing women's health care issues. I commend the gentleman from Florida (Chairman Bilirakis) for leading us to act on solid bipartisan legislation. I commend the gentleman from Michigan (Mr. JOHN DINGELL), ranking member of the full committee, for his work on this issue, on women's health generally, and specifically, for his leadership on the Patients' Bill of Rights, legislation that this Congress should be addressing before it adjourns.

I look forward to working with the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. DINGELL), and others on other pressing health care issues that are beyond the scope of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I appreciate the time to speak on behalf of the Women's Health Research and Prevention Amendments of 1998. This is legislation long overdue, and certainly the number one priority in the public health interest. This legislation will help overall the women's health research and prevention activities at the National Institutes of Health and, of course, the Centers for Disease Control and Prevention of the CDC.

Specifically, it will extend the research program on DES, the drug widely prescribed years ago from 1938 to 1971, which has been shown to be harmful to pregnant women and their children.

Moreover, the bill deals with research on osteoporosis, extends the research program in that regard, and on Paget's Disease and related bone disorders.

It also further will conduct research on cancer, breast cancer and ovarian cancer especially. This is an area of great interest of mine. Many people in Pennsylvania and across the country are trying to support the additional efforts for breast cancer outreach, detection, prevention, treatment. I just have to look to Suzanne Kay from my district, who fought a long battle with breast cancer and it was her life's hope, and I hope that we continue her dream, to have that cure in our lifetime.

On ovarian cancer, we only have to look to Laurie Beecham from my district, who has had a 9-year battle with ovarian cancer. This is especially troublesome since ovarian cancer is so hard to detect and has alluded us up until now. So with these additional women's health research and prevention amendments, we will be able to win the war against breast cancer, win the war against ovarian cancer.

This legislation goes further, Mr. Speaker, into research on heart attacks, stroke and other cardiovascular diseases. The new authorization is included to support research into something which has been the leading cause of death in women, cardiovascular disease; long overlooked. As prior speakers may have related, we have been looking, from a male point of view, at heart disease but now this is an area of interest we must pursue in order to be receiving the kind of information that we can attack this cardiovascular disease and be successful for women as well.

The aging processes in women, this legislation will also study the effects and come up with cures regarding the diagnosis, disorders and complications relating to menopause.

The legislation also goes into the National Center for Health Statistics by producing data regarding systems to identify and address a wide spectrum, Mr. Speaker, of health concerns from birth to death, including overall health status, life-style, exposure to unhealthful influences, the onset and diagnosis of illness and disability, and the use of health care and rehabilitation services.

The National Program of Cancer Registries will be aided by this bill because it will generate reliable cancer surveillance and data collection to monitor trends, guide cancer control programs, to assist in allocations of health resources, to advance population based health services research.

Mr. Speaker, I just want to conclude by saying that we have just seen a March Against Cancer here in Washington. We have our anti-cancer caucus led by the gentleman from New York (Mr. LAZIO), we have our women's caucus, all working together.

With the passage of this legislation, S. 1722, we will be able to move forward for women, for health care, for America. So I am pleased to lend my support to this important legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. DINGELL). He has done great work on all of these health care issues.

Mr. DINGELL. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding time to me.

Mr. Speaker, I rise in support of S. 1722, and H.R. 4683, its identical version in the House, which is not at this moment before us.

I am pleased to be the cosponsor of this legislation recently introduced by my good friend and colleague, the gentleman from Florida (Mr. BILIRAKIS).

I do note, however, Mr. Speaker, that this is a very good bill, worthy of support, but unfortunately in the haste of the conclusion of this session it has not had the benefits of hearings or markup sessions in the Subcommittee on Health and Environment or in the Committee on Commerce. That normal and usual practice undoubtedly would have improved the bill.

My colleagues on the committee from both sides of the aisle possess great expertise in matters of this kind and they would have given generously of their time and knowledge and thereby added greatly to the quality of the legislation.

The legislation before us enjoys the support of many organizations with strong credentials in the area of women's health issues. The administration also supports the bills, but each of these supporters would have welcome opportunities to come before the committee to convey comments and concerns.

The hearings would have revealed that this bill is a bit limited in scope, with many serious and controversial issues left unaddressed. In the area of research, the bill does not address controversial issues that affect women's health, such as sexually transmitted diseases. Other than a few programs named, the bill does not address the broad band of diseases that affect both genders and therefore, significantly, women's health issues, as well as men's health issues. This is why reauthorization of all NIH programs is urgently needed.

I hope that this bill begins that process and that we deal with NIH in a more comprehensive and thorough going fashion in the next session.

Moreover, the bill does nothing to improve women's access to quality health care. Women are the majority of enrollees in managed care plans. Women have unique health care needs that go well beyond reproductive health, and indeed their needs are quite different than those of men.

The National Partnership for Women and Families, along with more than 30 other organizations, has outlined a long list of women's health issues that are addressed by the Patients' Bill of Rights, which regrettably will not be passed by this Congress and which urgently needs to be done.

Those include selection of an OB-GYN or allied health professional as a primary care provider; access to clinical trials; gender specific data; plan evaluation criteria, and a ban on gender discrimination by HMOs. The legislation before us is regrettably silent on these issues.

Mr. Speaker, I support this bill. It is a good bill. It has, regrettably, limitations, and we are now finding ourselves in a curious procedural setting into which we need not have been cast had this matter been brought up earlier and on which we had done perhaps a better job of evoking hearings and all of the normal processes that are undertaken in the Committee on Commerce.

It is important to know here today that as we pass a good bill, many important women health care issues remain to be addressed. None of this should be satisfied until this work is done.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, every day when I am not here I practice medicine, and 70 percent of my patients are women.

There are wonderful things in this bill. However, this bill comes up short, especially in addressing cervical cancer in our country.

□ 1700

Mr. Speaker, 43 percent of the young women in this country today are carrying human papilloma virus. That is important. The reason that it is important is because that causes 94 percent of the cancer of the cervix to women in this country.

We also have in the bill a complete section on diethylstilbestrol, which has not been used in almost 30 years in this country. The last time it was used in any frequency was in the mid-1960s. The consequence of cancer associated with that drug shows itself before the woman is 30 years of age. So, in fact what we are doing is authorizing a program that is no longer needed with this bill.

My concerns, regardless of all the positive things in this bill, are that we should make sure we reach beyond where we have been in the past. And there is no question, breast cancer affects a vast majority. My sister, my sister-in-law both had breast cancer as well as many patients that I diagnose that disease in, and this bill is great in that regard. This bill is great in cardiovascular health risks for women. But it comes up very short in addressing a problem that is going to burgeon and balloon on us.

Cervical cancer is going to grow at the rate of 10 or 15 percent per year each year in the future. We have not instructed the CDC to do the proper job with this bill. The CDC should have a program that mandates human papilloma virus, the agent that causes cervical cancer, as a reportable disease. They have refused to do that.

Mr. Speaker, 40 percent of the women in this country now have herpes. It is also associated with anomalies and carcinomas of the reproductive tract of women. We have done nothing to address that in this bill.

Mr. Speaker, I am going to support this bill, and I want us to move forward with this. But I would like to have a colloquy with the gentleman from Florida (Mr. BILIRAKIS), chairman of the committee, to in fact see if we cannot address these issues and send out a supplemental authorization in the next Congress so that we can impact cervical cancer the way we are attempting to impact breast cancer in this bill.

It is my hope that we will have a hearing so that what I have just stated can be put in the RECORD by not me as a practicing physician, but the scientists who know these issues well, and that that will become a part of what we do in the future.

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I would say that not only talking about the scientific community, but certainly the gentleman's knowledge on these areas certainly greatly exceeds that of ours, and I have no reason to dispute what the gentleman says.

I have already indicated that what we try to do with this legislation was try to work it out with the other body, with the other side, so that we could have a piece of legislation which would be a good piece of legislation, but certainly far from perfect.

So having said all of that, I assure the gentleman that we will address those issues in the next Congress.

Mr. COBURN. Mr. Speaker, reclaiming my time, I thank the gentleman for that assurance.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time.

Mr. Speaker, I am pleased today to support S. 1722, the Women's Health Research and Prevention Amendments. I am an original cosponsor of the House version, H.R. 4683, and I congratulate the gentleman from Florida (Chairman BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), the ranking member, for their efforts.

This is a good piece of legislation which authorizes or reauthorizes a number of important acts. I am especially pleased that the National Cancer Registries Act, which I introduced in 1992, is included for reauthorization in this legislation.

Mr. Speaker, we all understand that cancer is a terrible disease striking millions of Americans of all ages and from all walks of life. The National Cancer Registries Act, which is being reauthorized now, provides detailed information about who is coming down with cancer, where they live, where they work, and how effective the treatment is that they are receiving.

For years, cancer researchers wanted information, for example, about the incidence of breast cancer in Vermont as opposed to the incidence of breast cancer in another region. What might be the factors which cause the difference in incidence rates? In other words, why is a particular type of cancer more prevalent in one area of the country than in another area?

Why within a given community is cancer more prevalent in one part of that community than in another part of that community? In other words, why are there certain hot spots that have developed?

All of that information is important because the more information that researchers have, the better able they will be to understand what might be causing different types of cancer, and also in developing prevention efforts to stop the spread of cancer as well as better treatments to treat cancer.

Clearly, the more detailed information that we have about cancer, the better able we will be to understand the cause of this terrible disease which is killing more than a half million Americans every year and will account for one out of every four deaths in the United States this year.

Mr. Speaker, I want to mention that several years ago when Senator LEAHY and I successfully introduced this legislation, we were given the means to do so by a number of breast cancer survivors in the State of Vermont, women who stood up and said, "We are going to fight back." Among those were Joann Rathgeb, who passed away several years ago, and Pat Barr and Virginia Soffa, who are continuing their battle against cancer today.

Mr. BILIRAKIS. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. BOEHLERT). The gentleman from Florida (Mr. BILIRAKIS) has 7 minutes remaining, and the gentleman from Ohio (Mr. BROWN) has 9½ minutes remaining.

Mr. BILIRAKIS. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time, and I rise in strong support of this legislation.

I am particularly proud to vote for it today. I an thankful for the good work of the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for bringing this to us this afternoon.

This bill contains a vital section extending Federal research and education on the drug diethylstilbestrol, or DES. It was prescribed to pregnant American women from 1938 to 1971 in the mistaken belief that it would prevent miscarriage. Not only did DES fail to impact miscarriage rates, but it caused deformities and other health problems in the reproductive systems of many of the children exposed in utero.

Touted as a "wonder drug," DES was taken by women who believed they were getting the best medical care in the world. But DES is now known to cause a fivefold increased risk for ectopic pregnancy as well as a threefold increase for a risk of miscarriage and preterm labor. One in every 1,000 girls and women exposed to DES in utero will develop clear cell of the vagina or cervix and will have to undergo treatment that ends their fertility. Men exposed in utero have a higher incidence of undescended testicles and fertility problems. Recent studies have hinted, and this is one of the reasons that research is so important, that DES may cause similar reproductive tract problems in a third generation of grandsons and granddaughters.

In 1992, I was proud to sponsor the legislation that established the first Federal research and education programs on DES. And last year, we introduced H.R. 1788, the DES Education Research Amendments, to authorize and expand the education efforts nationally.

Congress has a rare opportunity to act today to ensure that all men and women exposed to DES are made aware of their special health risks and needs. Further, we must continue research into the effects of DES, research which is yielding such important insights into the effects of environmental estrogens on the human body.

Mr. Speaker, I am proud to support S. 1722, and urge my colleagues to do so as well.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS) for yielding me this time.

Mr. Speaker, I rise in very strong support of what I call the B&B bill, "Bilirakis and Brown." I want to congratulate the gentleman from Florida (Chairman BILIRAKIS) and the gentleman from Ohio (Mr. BROWN), the ranking member, for bringing this bill before us.

Why am I interested? Not only because as a woman, but I represent the National Institutes of Health and work very closely with the Centers for Disease Control, and I remember when we worked very hard and inspired the National Institutes of Health to establish their Office of Research on Women's Health, which has worked very effectively. Now codified is the fact that women will be included in all clinical trials and protocols, unless there is adequate reason why they would not be.

So, this bill really follows along beautifully, reauthorizing many of the programs at NIH that really pretty much come under the jurisdiction of the Office of Research on Women's Health and the Centers for Disease Control in terms of research and prevention.

Just looking at it, for instance the DES bill, I am on a bill with the gentlewoman from New York (Ms. SLAUGHTER) dealing with DES. Much more needs to be done. We need to do more research on it.

Osteoporosis. I am very pleased with the fact that in Medicare, bone mass measurement standardization for osteoporosis is part of that. I pushed it and am continuing to work on research for it. We know that one out of every eight men will have an osteoporotic fracture over the age of 50, and one out of every two women after the age of 50.

The research on cancer. Look at breast cancer. Mr. Speaker, 182,000 women will be touched by breast cancer, diagnosed having breast cancer every year, and 46,000 of them are going to die because of that. Much more is being done with that research.

We could cite all kinds of examples. For instance, at the Race for the Cure to see those women wearing those pink hats, which means they are survivors, and each year the numbers increase because each year we do a lot more with research, making sure that quality mammograms are available, notification.

Ovarian cancer is increasing, and yet we know now that it is treatable. If we can learn how to detect it earlier, it can make a difference between life and death.

Heart attack, stroke, cardiovascular diseases. Remember the famous aspirin test where they used 43,000 male medical students to determine the effect of aspirin on cardiovascular diseases, and used no women, and yet they extrapolated from that that this is the way that women would be responding to it. They did the same thing with coffee. They did a test with how would coffee and caffeine affect cardiovascular diseases, and it was done with all men.

Well, we know that it is the number one killer of men and women, but it kills even more women than it does men. And with women, they get it later and they die faster.

Mr. Speaker, these are the kinds of things that mean that this bill, with its reauthorization, is critically important. Of course, aging processes. Obviously, I stand here and I can say that I am a testament to the fact that we need to do more work with regard to the aging processes. And, of course, people are living longer lives, too.

The Office of Research on Women's Health. That is kind of a technical amendment that is put in there to allow Dr. Varmus, for instance, to do the appointing of the Advisory Committee on Research on Women's Health.

Also with regard to CDC, we had the gentleman from Vermont (Mr. SANDERS) speak. I am cosponsor of his legislation. I think it is important that we look at the Cancer Registry and find out whether we have some other facets or conditions that yield an extraordinary number of cancer deaths in particular regions. So, in the CDC National Breast and Cervical Cancer Early Detection Program, again looking at the underserved women.

So, all in all, maybe as someone said, this bill could even go further. But I think it is terrific. I think it is a great piece of legislation. Again, I want to commend the authors of it, who have worked very hard to make sure that here in this penultimate day of session, that we have an opportunity to vote on it. So I congratulate them and say let us move on.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in strong support of H.R. 4683, the Women's Health Research and Prevention Amendments of 1998.

I would like to thank the gentleman from Florida (Mr. BILIRAKIS), chairman of the Subcommittee on Health and Environment of the Committee on Commerce, and the gentleman from Ohio (Mr. BROWN), ranking Democrat, for sponsoring this most important bill here in the House.

This bill would bring much-needed attention to research and prevention programs at the National Institutes of Health and the Centers for Disease Control and Prevention that target the particular health concerns of women, including osteoporosis, breast and ovarian cancer and the aging process.

I am particularly pleased that in addition to the reauthorization of these important programs, the bill includes a new research program at the National Heart, Lung, and Blood Institute to target heart attack, stroke, and other cardiovascular diseases in women.

☐ 1715

The language of this provision was drawn from the Women's Cardiovascular Diseases Research and Prevention Act that I and Senator BOXER introduced earlier in the Congress. I introduced this bill because I strongly believe that aggressive steps needed to be taken to combat this silent killer of American women.

There has been far too little focus on the number one killer of women in the United States, cardiovascular disease. This is despite the fact that more than 500,000 women die of heart attack, stroke and other cardiovascular diseases. One in five females has some form of cardiovascular disease. While all women are at risk, statistics show that African American women are especially at risk. For African American women between the ages of 35 and 74, the death rate from heart attacks is twice that of Caucasian women. Yet studies show that four out of five women are unaware of the threat of cardiovascular diseases.

It is tragic that the symptoms of women's heart disease often go unrecognized or are often misdiagnosed. H.R. 4683 would target this killer of American women. It would educate women and doctors about the dire threat heart disease poses to them, educate doctors on the risks and symptoms unique to women and improve research and services for women in cardiovascular disease.

I want to thank the American Heart Association, the American Medical Women's Association, the Washington Hospital Center and many other organizations and individuals for all of their work on this issue, and especially Dr. Davidson.

In particular, I want to recognize the work of the American Heart Association. They have worked tirelessly to educate the public about women's heart disease. They have launched a special initiative focusing on women and heart disease and made the Women's Cardiovascular Diseases Research and Prevention Act a centerpiece of their legislative strategy.

Once again, I would like to thank the gentleman from Florida (Mr. BILIRAKIS) for all that he has done and Senator FRIST, who carried the bill on the Senate side, for including heart disease in this important women's health research and prevention bill.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, great credit is owed to the gentleman from Florida (Mr. BILIRAKIS), chairman of the Subcommittee on Health and Environment, for his leadership in moving this legislation forward and really making a difference for all Americans. This legislation obviously affects the women in our families, and we certainly know that is the number one health care issue, funding for the NIH, National Institutes of Health, and the Centers for Disease Control. That kind of funding then goes to teaching hospitals, to research centers all across the country, coming forth with new discoveries on strategies to help women's health care.

My thanks again to the American Heart Association for what they are doing to move forward, as the gentlewoman from California just outlined. I also have to look to the Philadelphia

Stroke Council, to Toby Mazer, who has been a trailblazer in this area. Every one knows that stroke is a brain attack. And what people may not know is there are warning signs for stroke just like there are warning signs for heart attack. What she is trying to do in her Philadelphia Stroke Council is to make sure that we know about those warning signs, that there is public education in that regard, that there are prevention strategies. Just like every other major illness, we want to get people to the hospitals as quickly as possible in that golden hour.

This legislation goes to the research to determine the reasons underlying the prevalence of heart attack, stroke and other cardiovascular diseases in women. This legislation will give us the funding for basic research concerning the etiology and causes of cardiovascular diseases in women. It also will give us the epidemiological studies to address the frequency and natural history of such diseases and the development of safe, efficient and cost-effective diagnostic approaches.

Our thanks to the Linda Creed Foundation, the Susan Komen Foundation, the National Ovarian Cancer Council and the American Cancer Society. All of them have worked, together with the gentleman from Florida (Mr. BILIRAKIS) and with the gentleman from Virginia (Mr. BLILEY), to make sure that working with the Senate legislation like this, which is going to help us prevent cardiovascular disease, will in fact be an accomplished fact. It will include applications of affected methods for the control of blood pressure and obesity, information and education programs for patients and health care providers regarding risk factors associated with heart attack, stroke and other cardiovascular diseases.

I stand to support again this important legislation. And one last item, Mr. Speaker, the cancer registry will help us with the regional aspects of diseases and what we can do as States and regions to make sure we are changing the environmental factors that may be affecting a very large health care concern.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

I want to point out as several of us have mentioned but discuss for another moment part of this bill. The only part of this bill that is a new authorization deals with research in heart attack, stroke and other cardiovascular diseases in women. During a women's health seminar, a program that my office put on in Medina, Ohio some time ago, a cardiovascular surgeon, a female cardiovascular surgeon from Cleveland pointed out to us something that I think women across the country are too often unaware of. That is that while men more often have heart attacks than women do, women are more often, more likely to die of heart attacks than men because women do not really think of themselves as likely victims of heart disease because our society, for whatever reason, has led most of us to believe that men get heart attacks and women get other diseases. And so I think it is particularly important that more research is done on this.

It is particularly important that we do better education, among women especially. Whether it is my mother in Mansfield, Ohio or whether it is women across this country, they need to obviously be aware to look for those symptoms, as men I think in society are conditioned to look at those symptoms that might be leading up to a heart attack.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

I would like to close strongly recommending an aye vote on this legislation. It is really the result of a work in progress over a period of time. We have recognized other Members who have introduced pieces of legislation which we have incorporated in so many words into this piece of legislation. And certainly my gratitude to Senator FRIST was mentioned. He has been very, very cooperative. We have worked with him for quite some time on this. His staff, the gentleman from Virginia (Mr. BLILEY), the majority committee staff, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) and their fine staff over there. We were able to show what can be done, another illustration of what can be done when Members are willing to sit around the table and work in a bipartisan fashion.

Ms. DELAURO. Mr. Speaker, I rise today in support of the Women's Health Research and Prevention Amendments of 1998. This bill will make significant contributions to research in many diseases which affect women. I thank Chairman BILIRAKIS for his work in drafting this legislation and moving it to the floor so quickly at the end of this session.

Women's health research and has been ignored for far too long, and this bill will add to the important progress we have made over the last several years. As an ovarian cancer survivor, I am particularly pleased that this bill will reauthorize programs into research for ovarian cancer.

Currently there is no diagnostic test to detect ovarian cancer in the early stages when it is highly curable. Instead, most cases of ovarian cancer are found in the advanced stages, and nearly two-thirds of women with the disease die within 5 years of diagnosis because their illness was detected too late. This research will help the National Institutes of Health to continue its work to improve early detection, find new treatments, and one day find a cure.

But there are a number of other bills before this Congress which would do just as much to promote women's health, and I am deeply disappointed that we have not yet had the opportunity to act on them. We have not yet taken any action to outlaw drive through mastectomies by passing the Breast Cancer Patient Protection Act. I introduced this bipartisan bill in the first days of the 105th Congress, and it has 219 cosponsors—Republicans and Democrats alike, enough to pass it today if it was brought to the floor for a vote. This bill is vitally important in ensuring that breast cancer patients get the care they need to recover from this devastating surgery.

Congress has not yet acted to pass legislation that would ensure that women with no health insurance, who are diagnosed with breast cancer after getting a mammogram through the Breast and Cervical Cancer Early Detection Program, have access to treatment. As it stands now, many women who discover through this screening program that they have breast cancer are left in the unfathomable position of being unable to afford the treatment they need to survive.

Other important women's health bills we have yet to address include: legislation which would provide coverage of reconstructive surgery after mastectomies for breast cancer patients; legislation which would outlaw genetic discrimination by insurance companies; and legislation which would allow women to choose OB/GYNs as their primary care physicians.

I am also disappointed that this bill does not expand the Centers for Disease Control's WiseWoman project. During the 103rd Congress, we started this demonstration project at three clinics which participated in the Breast and Cervical Cancer Early Detection Program. WiseWoman gives uninsured women access to better all-around health care, and allows them to develop relationships with staff that keeps them going back for fellow-up care.

The clinics participating in this project do more than just test for breast and cervical cancer—they test for high blood pressure, diabetes, and other illnesses. The WiseWoman program has been highly successful in improving women's health and I would hope that as Congress expands funding for the successful Breast and Cervical Cancer Early Detection Program, we would expand the WiseWoman program as well.

This bill is a good first step in furthering a research agenda that will improve women's lives. I hope that we can continue to work together to pass all of these bills which are vital to the health of American women.

Mr. BLILEY. Mr. Speaker, I am pleased the House will pass S. 1722, "The Women's Health Research and Prevention Amendments of 1998."

This bill revises and extends a number of important women's health research and prevention programs at the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC). Mr. BILIRAKIS and I introduced the companion measure to S. 1722, the "Women's Health Research and Prevention Amendments of 1998." S. 1722 was introduced by Senator BILL FRIST and enjoys strong bipartisan support, including Senators LOTT, DASCHLE, JEFFORDS and KENNEDY.

One of the most important programs reauthorized by this bill is the National Breast and Cervical Cancer Early Detection Program. S. 1722 extends this important program, which provides for regular screening for breast and cervical cancers to underserved women, prompt follow-up if necessary, and assurance that the tests are performed in accordance with current quality recommendations. The CDC supports activities at the State and national level in the areas of screening referral and follow-up services, quality assurance, public and provider education, surveillance, collaboration and partnership development. S. 1722 would assist CDC to be more aggressive in helping women fight the twin scourges of breast and cervical cancer.

I am very proud that our Committee has done more than reauthorize the National Breast and Cervical Cancer Early Detection Program. Just a few weeks ago this committee led the effort on the floor to pass H.R. 4382, the Bliley-Bilarikis Mammography Quality Standards Reauthorization Act of 1998. This bill assured the safety, accuracy, and overall quality in mammography services for the early detection of breast cancer. Women who seek mammograms, however, must be assured that their results will be accurate and not misleading. I am pleased that the President has signed the Mammography Quality Standards Reauthorization Act of 1998 into law.

I urge my colleagues to join me in voting for S. 1722 "The Women's Health Research and Prevention Amendments of 1998" and I urge the President to sign this bill into law as well.

Mr. GILMAN. Mr. Speaker, I rise today in support of S. 1722, the Women's Health Research and Prevention Amendments of 1998. Since October is National Breast Cancer month, it is appropriate that this legislation, that not only deals with breast cancer, but also cervical and ovarian cancer and cardiovascular diseases, be brought to the floor today.

This legislation will reauthorize many important programs at the National Institutes of Health and the Centers for Disease Control which have been instrumental in combating various diseases such as breast, cervical and ovarian cancers and heart attacks and strokes. Studies performed by NIH and the CDC have helped educate many women about the advantages of early detection and prevention and have saved millions of lives. Further funding for these programs will help to ensure that research and studies of diseases affecting women continue.

Without past studies and demonstration projects, many women would not have been informed about early detection and as a result would have succumbed to the horrible effects of cancer and cardiovascular diseases. This bill will not only educate the public, but will also help educate the doctors and nurses who treat women about how these diseases specifically attack women.

I applaud the efforts of my colleague, the gentleman from Florida, Mr. BILIRAKIS, for bringing this important legislation forward today. Accordingly, I urge my colleagues to support this significant legislation.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOEHLERT). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 1722.

The question was taken.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

DRIVE FOR TEEN EMPLOYMENT ACT

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

The Clerk read as follows:

Senate amendment:

Page 4, strike out all after line 4, down to and including line 10, and insert:

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act shall become effective on the date of enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a) defining the term "occasional and incidental" shall also apply to any case, action, citation or appeal pending on the date of enactment of this Act unless such case, action, citation or appeal involves property damage or personal injury.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illnois (Mr. FAWELL) and the gentleman from California (Mr. MARTINEZ), each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2327, the Drive for Teen Employment Act, is a bipartisan bill introduced by the gentleman from California (Mr. COMBEST), the gentleman from Texas (Mr. GREEN), and the gentleman from California (Mr. MARTINEZ).

The bill previously passed the House by a voice vote on September 28. The bill modifies a regulation of the Department of Labor which has been narrowly interpreted to essentially prohibit 16- and 17-year-old employees from driving on public roads as part of their employment. The Department of Labor's current interpretation, which is not required by the regulation itself, was announced in the context of enforcement actions against certain employers who received no advanced notice of this narrow interpretation of the child labor laws.

Although existing regulations allow for occasional and incidental driving on the job by 16- and 17-year-olds, the department's interpretation has the effect of preventing young people under the age of 18 from any driving during employment except perhaps in "rare and emergency" situations.

The department's current interpretation has jeopardized important job opportunities for many teenagers without demonstrating any increase in safety on the job. Furthermore, many innocent small business owners have been fined by the Department of Labor on the basis of an interpretation of a regulation of which they did not have any notice.

H.R. 2327 will put into law a new test with regard to the amount of time that teenage employees can drive on the job. Under the bill, only 17-year-olds will be permitted to drive during employment. In addition, there is a limitation on the number of trips per day that a 17-year-old may drive for the purposes of delivering packages or transporting other persons. The bill retains all of the other conditions that are now part of the current regulation. That is, the vehicle must weigh less than 6,000 pounds, the driving must be restricted to daylight hours, the minor must hold a State driver's license, the vehicle must be equipped with a seat belt or similar restraining device for the driver and for each helper, and the employer must instruct each minor that seat belts must be used, and the driving does not involve the towing of other vehicles and the driving is occasional and incidental to the minor's employment.

This bill was passed yesterday by the Senate with an amendment to clarify the effective date of the legislation. The Senate change clarifies the House-passed bill to specify that the bill will apply to any case action, citation or appeal which is pending on date of the enactment of the bill unless the case action, citation or appeal involves property damage or personal injury.

H.R. 2327 will not decrease safety on the roads or endanger teenage employees. It is a reasonable and practical solution to the Department of Labor's overly restrictive and unfairly enforced interpretation which has denied job opportunities to young people without increasing safety.

This clarification will help to make driving on the job by teens safer and employers will still have every incentive to ensure that their teenage employees drive safely.

I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Illinois (Mr. FAWELL) has said, two weeks ago the House considered H.R. 2327, the Drive for Teen Employment Act. I will not go through the myriad of conditions of the bill.

Under current law minors are permitted to drive on the job under occasional and incidental circumstances. Under that definition, the automobile dealerships across the country regularly employed minors to wash and detail cars, move cars on lots and occasionally drive an automobile to a nearby lot or gas station.

☐ 1730

These jobs provided employment for thousands of young people. However, in 1994, the Department of Labor, without any rulemaking, decided to define occasional and incidental so narrowly as to prohibit minors from driving on the job under almost all circumstances.

The department then fined 60 Seattle area auto dealers nearly $200,000, $200,000 for alleged child labor law violations and caused nearly one thousand 16 and 17 year olds to become unemployed.

To address this problem, my colleague, the gentleman from Texas (Mr. COMBEST) introduced H.R. 2327 which clarifies the term occasional and incidental to permit 17 years olds with clean driving records to drive on the job under limited circumstances within the 30-mile radius of the job site.

This bill merely removes the concerns that small business owners have about hiring teenagers for jobs that require limited driving and establishes clear guidelines to assist the department in enforcing a regulation under its jurisdiction.

Because of its noncontroversial nature, H.R. 2327 passed the House by voice vote on September 28. Yesterday, it unanimously passed the Senate with an amendment.

The Senate amendment merely corrects the drafting error in the House-passed bill regarding the bill's date of enactment of this clarifying amendment. This clarifying amendment makes no substantive changes to the bill and passage of the Senate amendment will clear this measure for the President's signature.

At a time when, according to the Secretary of Labor, Alexis Herman, despite the strong economy, young people living in high poverty areas do not have jobs. We need to pass H.R. 2327 and put thousands of young people back to work.

As such, I urge my colleagues to support this technical amendment to H.R. 2327 and pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST) who is the chief sponsor of this legislation and deserves so much of the credit for driving and doggedly pursuing the passage of this legislation.

Mr. COMBEST. Mr. Speaker, I do rise today in support of H.R. 2327, the Drive For Teen Employment Act.

This bill clarifies a Department of Labor regulation that has unnecessarily restricted teens from employment opportunities. Under current department interpretation, a 17 year old cannot drive more than one incident a week without opening their employer to a fine that could be as high as $10,000. This interpretive change was made with no public notification and without informing any small businesses. Businesses first became aware of this change when they received fines for noncompliance.

Within the bill, we provide significant safety provisions to ensure safe operations, while not preventing incidental and occasional driving by young workers. Previously this bill was passed by voice vote at both the subcommittee and the committee level and was passed by voice vote in the full House on September 28. We are considering it today simply because of a technical clarification by the other body that has no substantive impact on the bill.

This common-sense legislation is a product of months of good faith, bipartisan work with my cosponsors, the gentleman from Texas (Mr. GREEN) and the gentleman from California (Mr. MARTINEZ). The bill has 83 cosponsors and is supported by the National Small Business United, the National Automobile Dealers Association and the National Association of Minority Automobile Dealers. The Department of Labor does not oppose this bill.

I want to thank everyone for all of their hard work on this. I would encourage my colleagues to support passage of H.R. 2327.

Mr. MARTINEZ. Mr. Speaker, I yield as much time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I rise in support of H.R. 2327, the Drive For Teen Employment Act. I have been working on this bill for the last 3 years. With the leadership of the gentleman from Texas (Mr. COMBEST) and the gentleman from California (Mr. MARTINEZ) and our Committee on Education and the Workforce Members, we have reached the right balance between safety and common sense. As my colleagues have stated, this bill passed the House on September 28 by voice vote.

Last night, the Senate adopted H.R. 2327 under unanimous consent with a technical clarification. The technical correction has no substantive impact on the bill. It merely corrects the enactment date.

The bill will help increase employment opportunities for 17 years olds, and I encourage my colleagues to support it. H.R. 2327 addresses the liability of licensed 17 years olds to drive limited amounts on the job.

Under current law, minors are permitted to drive on the job within certain limits. However, the Department of Labor has narrowly defined these restrictions to the point that minors would be prohibited from driving on the job under most circumstances.

Fines have been levied, it was mentioned earlier, against automobile dealerships and other businesses having teens complete such tasks as moving cars after they are washed and returning vehicles from the gas station.

The Drive For Teen Employment Act will establish a clear definition for limited driving, while maintaining injury-prevention measures on the job.

This bill will allow limited driving for 17 year olds in low risk and supervised settings and provides numerous safeguards, including work-related driving is restricted to daylight hours, towing is prohibited, the driver must hold a State driver's license and must have completed a State approved driver education course, the driving is capped at 20 percent of the workweek, minors must not have any record of moving violations at the time they are hired, driving distances is limited to a 30-mile radius, and route deliveries and route sales are prohibited.

By establishing safety precautions and clear guidelines for employers, we can encourage much-needed employment for our teenagers, while maintaining safety measures on the job. I have been told that the President will sign this reasonable legislation, and I encourage my colleagues support.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Montgomery County, Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to speak and rise in strong support of H.R. 2327, the bill of the gentleman from Texas (Mr. COMBEST), which will in fact provide a change in the exemption from the child labor divisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks.

We certainly here in Congress, in a bipartisan fashion, must open opportunities for our youth. Many young people could get involved in things that would not be positive. Here we have young people working for business, gainfully employed maybe at the business that they will someday assume ownership in or start their own business as a result of being involved in that youthful experience which is positive.

This bill will certainly allow those youth who already are involved as employees to continue serving. Those who have not yet been a part will have a chance to do so. Many businesses all across this country depend upon younger workers as part of their work force. Frankly, this is in the urban areas, Mr. Speaker, the rural, as well as suburban areas.

Those jobs are for our youth, and we know how important that is for young people to have the opportunity to have employment, to have a job, to have a positive experience.

This is also an area for training that can come. The young people also, always looking for new jobs where training can be part of their work experience, whether they be in the votech education area or the academic disciplines.

The safety concerns that some may question have been addressed fully. The gentleman from Texas (Mr. GREEN), the gentleman from California (Mr. MARTINEZ), the gentleman from Texas (Mr. COMBEST) have addressed them to a great extent. But driver ed is included. I cannot stress that enough. Many accidents happen with young people. But this bill specifically speaks of driver ed, its importance, and its importance to this legislation.

Another point I wanted to make is the Chambers of Commerce have supported this legislation. They are the organizations where small businesses and medium-size businesses have said this legislation will help us make sure we are at full employment, that we reach that goal.

I think it was very important to point out, Mr. Speaker, that this legislation is bipartisan. It has a great number of sponsors, almost 100, and it has been bipartisan. That is the whole mark of making this house work; Republicans, Democrats, Independents working together to have positive legislation for our youth, for our employment, for our economy. That is what this bill, H.R. 2327, represents.

I would ask that this vote be unanimous, and I hope that others in the chamber who have not yet been involved in the legislation join us in this quest to help our young people and to help the economy.

Mr. MARTINEZ. Mr. Speaker, I have no requests for time, and I yield back the balance of my time my time.

Mr. FAWELL. Mr. Speaker, I also have no further requests for time, and I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. BOEHLERT). The question is on the motion offered by the gentleman from Illinois (Mr. FAWELL) that the House suspend the rules and concur in the Senate amendment to H.R. 2327.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to H.R. 2327 was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2327.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RECOGNIZING IMPORTANCE OF AFRICAN-AMERICAN MUSIC

Mr. NORWOOD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 27) recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music.

The Clerk read as follows:

H. CON. RES. 27

Whereas artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music, dissemination of educational information, and financial contributions to charitable and community-based organizations;

Whereas African-American music is indigenous to the United States and originates from African genres of music;

Whereas African-American genres of music such as gospel, blues, jazz, rhythm and blues, rap, and hip-hop have their roots in the African-American experience;

Whereas African-American music has a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture;

Whereas the prominence of African-American music in the 20th century has reawakened interest in the legacy and heritage of the art form of African-American music;

Whereas African-American music embodies the strong presence of, and significant contributions made by, African-Americans in the music industry and society as a whole;

Whereas the multibillion dollar African-American music industry contributes greatly to the domestic and worldwide economy; and

Whereas African-American music has a positive impact on and broad appeal to diverse groups, both nationally and internationally: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of the contributions of African-American music to global culture and the positive impact of African-American music on global commerce; and

(2) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

GENERAL LEAVE

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. NORWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 27 offered by my colleague, the gentleman from Pennsylvania (Mr. FATTAH). H. Con. Res. 27 recognizes the unique contributions and importance of African-American music to American culture and calls on the people of the United States to study and celebrate our African-American music heritage.

I commend my colleague, the gentleman from Pennsylvania (Mr. FATTAH), for introducing this resolution. African Americans have had a profound influence on American music. In fact, in my hometown, Augusta, Georgia, we can lay claim to more than its great share of African-American musicians. Both the renowned opera and gospel singer, Jessye Norman and the godfather of soul himself, James Brown hail from the Augusta area.

Finally, I would also like to point out that the resolution states that African-American musicians have not only influenced American music but also have had a profound impact on American culture. This influence can be seen in dance, language, fashion, and literature.

This resolution rightly recognizes the contributions of African-American music and its larger effect in shaping much of the social and cultural and political fabric of our Nation. I urge my colleagues to vote in favor of it.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of H. Con. Res. 27, I rise in strong support of this resolution. This measure formally recognizes the importance of African-American music to our culture here in the United States as well as the global culture.

Through jazz, blues, gospel, rock, rhythm and blues, and hip-hop, African-American musicians have influenced art, literature, fashion, dance, and the media. African-American music has contributed internationally to international commerce as well as adding billions of dollars each year to the world economy.

Perhaps the greatest impact of African-American music is right here at home where the expression of beliefs and hopes and struggles and of triumphs have been woven into the social, cultural, economic, and political fabric of the United States and has made our Nation unique.

□ 1745

Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. FATTAH) for his leadership in authoring this legislation, and I yield him such time as he may consume.

Mr. FATTAH. Mr. Speaker, I thank both the gentleman from Georgia (Mr. NORWOOD) for his kind remarks and his assistance in bringing this resolution to the floor and also my colleague who serves with me from the great State of California. I think it is true that almost everything that needs to be said about this has been said so I will not belabor the point.

I do want to thank all of my colleagues, many of whom have cosponsored this legislation who are on both sides of the aisle, for this Congress to pause and to reflect on the importance of the contributions of African-American music to not only this Nation's culture but to the world as we have on other occasions paused and reflected on the contributions of country or other types of music. I think that it is appropriate. I want to thank the leadership of the House for bringing this resolution to the floor.

I would just say to my colleague from Georgia who talked about Augusta, Philadelphia has its own history and legacy of people who have contributed to our music in this country. I will not go through that long list because then all of us would take to the floor and talk about those who may have contributed, but I do appreciate the pride of which he speaks for those who come from his great State and from his hometown.

Mr. NORWOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in strong support of H. Con. Res. 27 and thank the gentleman from Georgia for yielding me the time so I can speak in support.

I congratulate the gentleman from Pennsylvania (Mr. FATTAH) on this outstanding resolution. This is a resolution that certainly is timely. Here we are going to recognize through this resolution the importance of African-American music to global culture. Whereas African-American music has in fact been a positive influence, Mr. Speaker, on dance, fashion, language, art, literature, cinema, media and other aspects of culture, and the prominence of African-American music in the 20th century has reawakened interest in the legacy and heritage of the art form of African-American music. Moreover, it has embodied the strong presence and significant contributions made by African-Americans in the music industry and society as a sole. Moreover, the industry contributes greatly to the domestic and worldwide economy, and as well those great African-American musicians such as Ray Charles and Ella Fitzgerald to my hometown area of greater Philadelphia where the gentleman from Pennsylvania (Mr. FATTAH) hails from. We have had our share of great African-American musicians who have gone on to not only entertain us here in the United States but across the world. It is to them that we salute tonight each of these individuals for their joint and collective contributions.

I hope that those who will hear about this resolution will in fact find inspiration in the works and will become in fact the new heroes and heroines of tomorrow in providing for our entire culture the expansion of entertainment and of musical contribution that makes the rich culture that we call the United States.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NORWOOD. Mr. Speaker, I yield myself such time as I may consume. Let me just conclude by saying that our list may be a little short of the gentleman from Pennsylvania (Mr. FATTAH), but we will put Ms. Norman up against anybody that wants to sing.

I want to just simply urge Members of this body and my colleagues to vote for this resolution but maybe even more importantly, if they have never spent a Wednesday night or a Sunday night in an African-American church and listened to the fabulous gospel music, I urge them to do that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOEHLERT). The question is on the motion offered by the gentleman from Georgia (Mr. NORWOOD) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 27.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4805 de novo; H.Res. 562 de novo; H.Res. 518 de novo; concurring in Senate amendment to H.R. 1274 de novo; S. 1754 de novo; conference report on S. 1260 de novo; and S. 1722, by the yeas and nays.

EXECUTIVE BRANCH TRAVEL REPORTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4805.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4805.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONCERNING PROPERTIES WRONGFULLY EXPROPRIATED BY FORMERLY TOTALITARIAN GOVERNMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 562.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, House Resolution 562.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR FREE AND TRANSPARENT ELECTIONS IN GABON

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 518, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 518, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

TECHNOLOGY ADMINISTRATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1274.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1274.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1754, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the Senate bill, S. 1754, as amended.

The question was taken.

Mr. CAMPBELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—yeas 303, nays 102, not voting 29, as follows:

[Roll No. 527]

YEAS—303

Abercrombie
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Camp
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hastert
Hastings (FL)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—102

Aderholt
Archer
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bono
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cox
Crane
DeLay
Doolittle
Dreier
Ehrlich
Everett
Foley
Fossella
Fowler
Gibbons
Gillmor
Goss
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hoekstra
Hostettler
Hunter
Hyde
Istook
Johnson, Sam
Jones
Kasich
King (NY)
Kolbe
LaHood
Lewis (KY)
Linder
Manzullo
McInnis
McIntosh
McKeon
Miller (FL)
Myrick
Nethercutt
Neumann
Norwood
Oxley
Parker
Paul
Petri
Pickering
Pitts
Pombo
Radanovich
Riggs
Riley
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanford
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Taylor (MS)
Taylor (NC)
Tiahrt
Whitfield
Wicker

NOT VOTING—29

Ackerman
Berman
Boucher
Brady (PA)
Cooksey
Davis (IL)
Deutsch
Goode
Graham
Hall (OH)
Harman
Hefner
Inglis
Kennelly
Kilpatrick
Lampson
Largent
Lipinski
McCollum
McCrery
McDade
Poshard
Pryce (OH)
Scarborough
Smith (OR)
Souder
Spratt
Visclosky
Wexler

□ 1814

Messrs. HOEKSTRA, COX of California, BURR of North Carolina, NETHERCUTT, HANSEN, HYDE, SHAW and HAYWORTH and Mrs. FOWLER and Mrs. MYRICK changed their vote from "yea" to "nay."

Messrs. HASTINGS of Florida, BRYANT, GOODLING, BLUNT, WAMP, PAXON and HUTCHINSON and Ms. DEGETTE and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOEHLERT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the conference report on the Senate bill, S. 1260.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and agree to the conference report on the Senate bill, S. 1260.

The question was taken.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—yeas 319, nays 82, answered "present" 1, not voting 32, as follows:

[Roll No. 528]

YEAS—319

Aderholt
Allen
Andrews
Archer
Armey
Bachus

Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—82

Abercrombie
Baldacci
Becerra
Blagojevich
Bonior
Borski
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
DeFazio
DeGette
Delahunt
Dingell
Dixon
Doggett
Engel
Evans
Fattah
Filner
Frost
Gephardt
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Klink
Kucinich
Lee
Levin
Lewis (GA)
Markey
McDermott
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Rahall
Rangel
Rivers
Roybal-Allard
Sanders
Schumer
Scott
Serrano
Skaggs
Stark
Stokes
Stupak
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Waters
Watt (NC)
Waxman
Wise
Woolsey
Yates

ANSWERED "PRESENT"—1

Lowey

NOT VOTING—32

Ackerman
Berman
Boucher
Brady (PA)
Cooksey
Davis (IL)
Deutsch
Goode
Graham
Hall (OH)
Harman
Hefner
Inglis
Johnson, Sam
Kennelly
Kilpatrick
Lampson
Largent
Lipinski
Livingston
McCollum
McCrery
McDade
Murtha
Poshard
Pryce (OH)
Scarborough
Smith (OR)
Souder
Spratt
Visclosky
Wexler

☐ 1824

Mr. NADLER changed his vote from "yea" to "nay."

Mr. LANTOS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1722.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 1722, on which the yeas and nays are ordered.

This will be a five-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 32, as follows:

[Roll No. 529]

YEAS—401

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann

Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—32

Ackerman
Berman
Boucher
Brady (PA)
Chambliss
Cooksey
Davis (IL)
Deutsch
Goode
Graham
Hall (OH)
Harman
Hefner
Inglis
Kennelly
Kilpatrick
Lampson
Largent
Lipinski
McCollum
McCrery
McDade
Murtha
Poshard
Pryce (OH)
Scarborough
Smith (MI)
Smith (OR)
Souder
Spratt
Tiahrt
Wexler

□ 1834

Mr. BLUNT changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR THE ADJOURNMENT OF THE SECOND SESSION SINE DIE

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–818) on the resolution (H. Res. 594) providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, through an error on rollcall vote 521, I voted present. It should have been an aye.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON WEDNESDAY, OCTOBER 14, 1998

Mr. SHAYS. Mr. Speaker, pursuant to House Resolution 575, I announce the following suspensions to be considered tomorrow, Wednesday, October 14, 1998:

H.R. 559, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation exposed veterans;

S. 1397, Centennial of Flight Commemoration Act;

S. 1733, to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals;

H.R. 3963, to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana;

H.R. 4501, to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public;

H.R. 3878, to subject certain reserved mineral interests of the operation of the Mineral Leasing Act;

H.R. 3972, to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the outer continental shelf;

H.R. 4519, to authorize the President to consent to third-party transfer of the ex-USS Bowman County to the USS LST Ship Memorial;

S. 759, to provide for an annual report to Congress concerning diplomatic immunity;

S. 610, Chemical Weapons Convention Implementation Act;

and H.R. 4243, regarding government waste, fraud, and abuse.

CREDIBILITY GAP

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. GOSS. Mr. Speaker, there is more than one credibility gap at the White House these days. The President takes credit for balancing the budget and demands that every penny of surplus be set aside for Social Security. But at the same time, he threatens to shut the government down if Congress does not agree to spend at least $14 billion, and probably more, of that surplus on more big government programs that have nothing whatsoever to do with Social Security.

Why does this sound so familiar? This document is the President's 1995 budget, the first year of the Republican-controlled Congress. This Clinton plan called for $200 billion deficits as far as the eye could see with no balanced budget in sight. See page 173, if my colleagues do not believe me.

Do not be confused or misled by the President's parsing and finger wagging. The fact is that the Republican Congress balanced the budget and now President Clinton plans to shut down the government unless we spend billions more. That is the truth.

BUDGET AGGREGATES

TABLE S–1.—OUTLAYS, RECEIPTS, AND DEFICIT SUMMARY

[In billions of dollars]

Category	1994 actual	Estimate					
		1995	1996	1997	1998	1999	2000
Outlays							
Discretionary:							
National defense	282.2	272.1	262.2	257.5	255.1	260.2	268.3
International	20.8	22.1	21.0	20.9	20.4	20.2	20.1
Domestic	242.6	259.6	265.8	269.3	264.9	262.8	261.1
Subtotal, discretionary	545.6	553.8	549.0	547.7	540.4	543.3	549.6
Mandatory:							
Programmatic:							
Social Security	316.9	333.7	351.4	369.9	389.4	409.8	430.7
Medicare and Medicaid	223.9	242.8	270.6	295.9	322.4	349.6	380.5
Means-tested entitlements (Except Medicaid)	88.4	96.1	101.1	110.3	116.5	122.6	132.1
Deposit insurance	−7.6	−12.3	−6.3	−1.4	1.2	−1.3	−3.5
Other	128.6	131.9	131.4	134.2	135.4	140.5	146.1
Subtotal, programmatic	750.2	792.2	848.2	909.0	964.9	1,021.2	1,085.9
Undistributed offsetting receipts	−37.8	−41.4	−42.1	−42.4	−43.0	−39.4	−40.0
Subtotal, mandatory	712.4	750.9	806.2	866.6	921.9	981.8	1,045.9
Net interest	203.0	234.2	257.0	270.4	282.9	297.1	309.9
Subtotal, mandatory and net interest	915.4	985.1	1,063.2	1,137.0	1,204.8	1,278.9	1,355.8
Total outlays	1,460.9	1,538.9	1,612.1	1,684.7	1,745.2	1,822.2	1,905.3
Receipts	1,257.7	1,346.4	1,415.5	1,471.6	1,548.8	1,624.7	1,710.9
Deficit	203.2	192.5	196.7	213.1	196.4	197.4	194.4

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SESSIONS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUDICIAL ATTENDANCE AT PRIVATELY-FUNDED SEMINARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. Skaggs) is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I think everybody here would agree that it would be unfair for a judge to accept an expense paid vacation from one party in a lawsuit. That is why there are judicial ethics rules against accepting gifts from anyone who is likely to appear in a judge's court. But suppose a corporation, instead of paying directly, gives money to a foundation to pay for the vacation indirectly. Does that make it all right? Of course not.

Believe it or not, it happens routinely, and apparently it is okay under the current reading of the Judicial Code of Conduct.

Earlier this year, The Washington Post reported that a substantial number of Federal judges had attended or were planning to attend seminars run by a group called the Foundation for Research on Economics and the Environment, known by the acronym FREE.

FREE, with funding from several oil and mining companies and other groups, invited Federal judges to a Montana guest ranch for seminars on alternatives to traditional environmental laws. The ethical implications of these vacation seminars need careful review. That is why I authored report language to the Commerce, Justice, State, Judiciary Appropriations bill requesting the Judicial Conference to examine the ethical considerations that bear on judges' decisions to attend this type of seminar.

Specifically, it requested a review of the extent to which a judge's acceptance of sponsor-paid travel and lodging raise questions under the Code of Conduct and applicable law and of the ability of the Judicial Conference to give ethical advice to judges about attending particular seminars.

While the CJSJ bill was pending in committee, I received a letter from the director of the Administrative Office of the Courts assuring me they were aware of the concerns raised in the press and by Congress and were addressing them.

Really? When Judicial Conference Committee on Codes of Conduct met last month, they evidently saw no need to revise or supplement their current guidance on the issues raised by our committee's report. This guidance is apparently contained in a single advisory opinion which states that judges may accept a gift of free lodging and expenses, "so long as the donor is not a party in litigation before and its interests are not likely to come before the invited judge."

The Judicial Code of Conduct is not limited to avoiding direct conflicts of interest, however. Canon Two of the Code states, "A judge should avoid impropriety and the appearance of impropriety in all activities." In other words, a judge must not only be impartial but must inspire the confidence of all parties that their cases will be tried solely on the merits.

Under the interpretation provided by the Judicial Conference, judges may accept gifts in the form of free travel and vacation seminars so long as they are not directly sponsored by an entity likely to appear as a party to a case, and the judge need not investigate further. This allows persons or corporations interested in Federal litigation effectively to launder their gifts to judges by passing them through a nonprofit foundation.

If it is not ethical to accept gifts from those with current or likely interests in litigation, can it honestly be made ethical by having these gifts pass through a foundation? Should not the Judicial Conference require full disclosure in advance of all sources of funding for such seminar trips, so judges can make informed decisions and so the public can evaluate any questionable circumstances?

The Judicial Conference's response relies on the argument that the contributors do not necessarily control the views conveyed in these seminars. But how realistic is that? The fact is, the contributors give money precisely because they support the views expressed in the seminars or, more accurately, the seminars exist to propound their views.

□ 1845

Certainly everyone has a right to communicate their views on the law to judges, and it is healthy for lawyers, economists, judges to discuss the law, including novel theories. The Federal Judicial Center, the educational arm of the judicial branch, sponsors seminars to do just that.

The problem comes with the inducement to judges of free travel and lodging, sometimes worth thousands of dollars, paid for by corporations and others to promote a particular school of thought. This is difficult to reconcile with the obligation to avoid the appearance of impropriety. Free travel and lodging paid for once removed by those with a stake in litigation is okay as long as it is couched in terms of an educational seminar? You have got to be kidding.

Parsing the educational content of a particular seminar makes no sense. It is the receipt of gifts from those interested in litigation and with an ideological ax to grind that creates the problem, not the curriculum of the seminar that provides cover for the gift.

The Judicial Conference needs to look again at this issue, this time keeping in mind there are no free lunches, or in this case, vacations.

PRESIDENT SHOULD USE POWERS AT HIS DISPOSAL TO HELP U.S. STEEL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, the steel industry and the steelworkers and their families are feeling the unfair impact of cheap steel being imported in the United States market in very large quantities. This hardship threatens to grow much worse in the months ahead as other markets dry up and the United States becomes the target of dumping in order to gain hard currency.

Mr. Speaker, I tell the President that Congress has provided him with the tools to help steelworkers. There are already a number of remedies under the United States trade laws that the President should use, if appropriate, to deal with the significant increase of steel imports.

Number one, the most significant and far-reaching power is under the International Economic Emergency Powers Act. Under this act, the President may block imports to deal with any unusual and extraordinary threat to the national security, foreign policy, or economy of the United States if he declares a national emergency.

Two, under the anti-dumping laws, the President may impose anti-dumping duties that equal the amount of dumping if injury to the United States industry is shown.

(A) These duties may be imposed retroactively if the administration finds critical circumstances deemed to exist when there have been massive imports over a relatively short period and there is a history or knowledge of dumping and injury.

(B) The President may accelerate the statutory deadlines for determining whether dumping exists so that duties may be imposed sooner.

Three, under the countervailing duty law, the President may impose countervailing duties that equal the amount of any subsidy provided by the foreign government, if injury to the United States industry is shown. As with dumping, these duties may be imposed retroactively and accelerated.

Four, under Section 201, the President may take action, including imposing duties, a tariff rate quota, or quantitative restrictions to respond to a surge of imports that is substantially causing serious injury to the United States industry, and I might add parenthetically that that is exactly what the European Union has done.

Five, under Section 301, the President must take unilateral action if he determines a country is taking action in violation of a trade agreement or is unjustifiable or burdens or restricts U.S. commerce.

Mr. Speaker, the President clearly has the authority to do something to help our steel companies and workers. He should use this authority today. I urge the President, do not ignore this growing erosion of steel jobs in America and the disastrous consequences for the families of the steelworkers. Stand up for the steelworkers and their families

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Ohio (Mr. REGULA) for bringing this to the attention once again of the floor. We tried on two different occasions to do something important in this Congress, near the end of this Congress, to bring to the attention of the administration the need to take some very strong affirmative steps in stopping this dumping of steel on our market.

It is eroding our steel industry. It is hurting our steelworkers. And I am hoping that the Members will heed the message that the gentleman from Ohio is bringing before us and we hope the administration will wake up to this call before it is too late.

Mr. Speaker, I thank the gentleman from Ohio for yielding to me.

Mr. REGULA. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. He is absolutely right. The tools are there. We need the will to use them. And, obviously, it is not just steel jobs, but there is an enormous ripple effect, because the steel families will purchase goods in the communities they live in, they support the schools, the United Way, it has an enormous impact.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I want to commend the gentleman from Ohio for his leadership on this issue. This is an issue that impacts not just the State of Ohio but the south side of Chicago and the south suburbs of northwestern Indiana which historically has always been a major steel producing area.

It is unfortunate that because of the inaction of the Clinton administration, Acme Steel has declared bankruptcy. Birmingham in my district is shortening their work hours. Belson Scrap and Steel has reduced their payroll by 10 percent. All because we have seen a doubling of Japanese steel imports in the United States, and just in the last year almost a doubling of Korean steel imports in this country.

Steelworkers are losing their jobs. And while steelworkers lose their jobs, the Clinton administration is doing nothing. I believe it is time for action. I think it is time that this Congress make it very clear that we expect the President and the Clinton administration to take leadership to help steelworkers. Otherwise we are going to see more steelworkers lose their jobs because of inaction by the Clinton administration.

EXCHANGE OF SPECIAL ORDER TIME

Ms. STABENOW. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Connecticut (Ms. DELAURO).

The SPEAKER pro tempore (Mr. SESSIONS). Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

CONGRESS SHOULD FOCUS ON EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise this evening to urge the leadership of the House to focus on education before we leave this Congress.

Mr. Speaker, we have important duties to do in order for us to be able to be partners with our local communities, with parents, community schools with the State governments, to make sure that our children have the resources and the skills that they need when they graduate so that they can be successful in this new world economy.

We know that we need higher standards and lower classroom sizes. And, in fact, we have the opportunity in the next few days to be able to help contribute to making that happen. I am extremely concerned about the efforts now that appear to be moving in exactly the opposite direction from where we should be as it relates to education.

As someone who has worked for a number of years and spent a lot of time in this Congress focusing on technology, I am very concerned that we are not moving ahead to modernize our schools, provide the construction funds, and provide the technology dollars that are needed to prepare our children so that they will be able to have the skills that they need to be successful.

It does not matter if I am talking to the business community in my district or if I am talking to a PTO or if I am talking to a neighborhood organization, always I hear from people that we need to be focused on increasing our skills, our math and science skills, be able to provide the tools to children in the classroom so that in fact they have what they need to be successful. Employers know that. We know that, just as we listen to people in the community. And yet we do not see the actions coming from this Congress that will support those kinds of things happening in the community.

Let us make a commitment this evening that we are going to make a commitment to our children, we are going to make a commitment to parents, to communities, that we are going to do what is necessary to provide resources in partnership with our local schools and with the State governments to make sure that our children have what they need.

We need to make sure that when a young person is in a classroom today, they have access to the technology they need, to the information, to the world that is available now through the Internet and to allow them to be able to truly receive the kinds of skills that they need in smaller classes and with higher standards so that they can be prepared.

Mr. Speaker, I yield to the gentlewoman from New York (Mrs. McCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, in the last 2 years, I have spent an awful lot of time in my schools in my district. After the first month, I decided to do a survey just to look at all my schools that needed help and repair.

I come from a middle-income suburban area, and I have to say that I was totally shocked at what I found. What hurt even more is when the survey came in, all of my schools needed some sort of help as far as repair. They have put it off constantly over the years.

I have one school in Hempstead that to this day, I went back just a week ago to look at it again, because I could not believe my eyes every time I go into there. They have a boiler from 1908. They cannot find anyone to repair it anymore, and yet they do not have the money to do this. They have open classrooms. This school was built way before World War II, and here we have our children in open classrooms. Kids with learning disabilities in the hallways. Children with hearing problems not having the right facilities.

As someone who grew up with learning disabilities, I certainly know how important it is to have a secluded quiet area. Technology has to come into the school. We are nowhere near it.

So what we can do? Certainly, I agree with the President's initiatives to bring our schools up to where they should be today. What concerns me the most is we know we need school construction to give a safe environment for our children. But also more importantly, we need to send a message to our children that we care about them. Also sending a message to our teachers.

Mr. Speaker, going back, I have met so many teachers over the last 2 years. These are teachers that care very much. But when we have the classrooms so large and we have kids coming in in an environment which I consider not safe, not sound, we have to do all we can.

I came to Congress to reduce gun violence in this country, and as soon as I got here, education became my number one issue. If we start working with these young people, have smaller classes, give them hope, give them a good education, we are not going to see drugs in the school, we are not going to see violence in the school. Is that not the goal of all of us here?

I certainly support the initiative that we have to do with the President, and hopefully we will see it pass before we go home.

Mr. Speaker, I believe that if we expand educational opportunities to all Americans, especially young people, we can reduce crime, drug use and gun violence in our society.

I do not believe that education is a partisan issue. But I am very concerned that partisanship in these last days of the session may prevent us from improving the education system. We have a golden opportunity to help young people reach their fullest potential. And we cannot let it slip away.

Because education is so important to my constituents and to me, I sought and received an assignment on the Education and Workforce Committee when I arrived in Congress. And I spend every Monday and Friday in the schools on Long Island, talking with students, teachers, principals, superintendents, and parents about how we can make the education system work better.

One of the things I hear time and again is the importance of a well-prepared teacher in every classroom. Sadly, some people like to blame teachers for all the problems in education. But that is not the answer. The reason I know this, is because I have seen many great teachers in action.

Last year, our Committee invited a number of young teachers who had graduated two to three years earlier to testify. And they told us, "We love our jobs. We love to teach. We do our best." But they also told us that once they graduated, they weren't ready to deal with all the pressures in the classroom. They said they needed more support, more mentoring.

So last year, I introduced the America's Teacher Preparation Improvement Act. This bill will strengthen the federal government's commitment to teacher preparation. It focuses on three critical areas—recruiting new teachers, making sure they are well-prepared while in school, and then supporting them in their first years on the job. It also encourages colleges to set up partnerships with school districts so that teachers can move from the lecture hall to the classroom.

I am pleased to say that in a bipartisan vote, Congress approve the provisions of my bill as a part of the Higher Education Act reauthorization, and the President signed it into law last week.

But there is more to do. The number of kids enrolled in school is growing, and many current teachers are getting ready to retire. We will need 2 million new teachers in the next decade alone just to handle the load. But fewer people are entering the profession, and grade schools in many parts of the country are facing severe teacher shortages.

Improving how we prepare our teachers won't help students if there aren't new teachers to prepare. That is why it is so important that we approve the President's plan to fund 100,000 new teachers. If we are serious about education, then we must ensure that we have a dedicated corps of new teachers ready to enter the classroom.

Just as our students need well-prepared teachers, they deserve school buildings that are conducive to learning. I have seen firsthand that many schools are overcrowded or in poor condition. When I visited one school in my district, the Washington Rose School in Roosevelt, I was shocked to see kids learning in hallways, surrounded by crumbling roofs and windows. Even worse was its library, which had makeshift shelves, few seats, and poor ventilation.

What kind of message do we send kids about reading when we make them read in a room like that? And what message do we send to teachers when we ask them to educate children in overcrowded, run-down classrooms?

These problems surprised me, because suburban areas like mine are not supposed to have overcrowded and run-down schools. But they do. Last Fall, I conducted a survey of the schools in my District, asking them about the physical condition of their schools. I learned that our schools do need financial support to repair and rebuild their buildings.

That is why the President's initiative to provide tax incentives to fix school buildings is so important. And that is why I support the plan to reduce class sizes in the first through third grades. Again, if we are serious about education, then we should pass these initiatives.

We all know what it will take to improve our education system: Well-prepared teachers. New buildings. Less crowded classrooms. It's time that we show our young people that we are committed to their education, and to their future.

EXCHANGE OF SPECIAL ORDER TIME

Mr. WELLER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida (Mr. MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RECORD OF ACCOMPLISHMENT FOR 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I look back over the last 2 years, and I am pretty proud of the record of accomplishment for this Congress, a record of accomplishment where we accomplished a lot of things that people said we could not do.

I remember when I was elected to Congress as part of that class in 1994 who came to Washington to change how Washington works, to do things that Washington had failed to do for over a generation, things that families back home do every day, like balancing the budget and working to raise take-home pay and working to lower the tax burden on the middle-class and working to change a failed welfare system.

On every one of these initiatives, we were told by certain newspapers in the East and by my friends on the other side of the aisle that we could not do that. We could not balance the budget; that we could not cut taxes for the middle class; that we could not reform our welfare system; that we could not help our schools; that we could not change the tax collector and reform and restructure the IRS.

As I look back now over the last 2 years, I am pretty proud of what we accomplished, because we did all of those things they said we would not be able to do.

We balanced the budget for the first time in 28 years this past year. And the budget is so well balanced now, we are now projected to have over $1.6 trillion in extra tax revenue over the next 10 years.

We cut taxes for the middle-class for the first time in 16 years, and for a traditional family of mom and dad and two kids on the south side of Chicago in the south suburbs, those middle-class tax cuts can mean an extra $10,000 in higher take-home pay over the next few years.

Those are big victories for the middle-class: Balancing the balance and cutting taxes. And we also reformed the welfare system for the first time in a generation, taking an outdated, outmoded welfare system that placed more children in poverty than ever before in history. It was time to make a change, and I am proud that the first real welfare reform in a generation has reduced our Nation's welfare rolls by 20 percent.

□ 1900

People often say, that is pretty good. That is a pretty good record of accomplishment for the Congress in the last 2 years, balancing the budget for the first time in 28 years, cutting middle class taxes for the first time in 16 years, reforming welfare for the first time in a generation. What is next? What is Congress going to do in 1998?

I am proud to say we have also made a lot of progress in 1998. We restructured and tamed the tax collector, shifting the burden of proof from the backs of the taxpayer onto the IRS, giving you the same rights with the IRS that you have in the courtroom. We passed legislation just yesterday and sent it to the President to protect kids from those who would prey on them via the Internet.

I am also proud to say that we continue to make education a priority. In fact, that balanced budget that we produced last year, the first balanced budget in 28 years, made education a priority. In fact, education was one of the big winners in the first balanced budget in 28 years. We increased funding for education by 10 percent, a $5.4 billion funding increase. Now, thanks to this Republican majority in the Congress, we have the lowest student loan interest rates in 17 years. We have doubled Pell grants to twice what they were when I was elected, to help more low income students go on to college. We have made mandates where we have told our local schools we want you to do something. We have actually provided the funding, increased funding for special education, for example, by $500 million.

Those are big victories for education. I am proud of what we have been able to do in the last two and last four years in this Congress. I, too, have visited a lot of schools in the south side of Chicago and the south suburbs. I speak often and listen to the concerns of local teachers and local school administrators and local school board members and local parents. They say in Illinois only 4 to 6 percent of the money for Illinois schools comes from the Federal Government. So does two-thirds of the paperwork. That is a pretty expensive gift. We will give you a little bit of money but we are going to bury you in paperwork. And they also point out that even though we increased funding last year by 10 percent, a $5.4 billion funding increase for education, only 70 cents on the dollar actually reaches the classroom. They point out, these local school administrators and school board members and local teachers, they say that 30 cents on the dollar, what we appropriate here in Washington, stays in Washington, feeding the bureaucracy.

They have begged and they have asked and they say, if you are going to send more money from Washington, please help make sure it reaches the classroom, please help make sure that it is not lost in the bureaucracy and that we can reduce those costs.

Mr. Speaker, we passed legislation out of this House putting more dollars in the classroom. That means $43 million more a year for Illinois schools. I ask for that type of bipartisan effort.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. PETER DEFAZIO, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SESSIONS) laid before the House the following communication from Betsy Boyd, District Director of the Hon. PETER DEFAZIO, Member of Congress:

PETER A. DEFAZIO,
U.S. HOUSE OF REPRESENTATIVES,
October 6, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a grand jury subpoena ad testificandum issued by the United States District Court for the District of Oregon.

I will make the determinations required by Rule 50 in consultation with the Office of General Counsel.

Sincerely,

BETSY BOYD,
District Director.

CASUALTIES OF THE DO-NOTHING CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, it is day 110 of this Republican-led Congress. We have worked 110 days here in Washington, D.C., and you have got to wonder, why is not the Nation's work done?

The average American has worked 201 days so far this year while Congress has worked only 110, first time in 24 years. We have had funding crises before at appropriations time, but it is the first time in 24 years, since the passage of the Budget Act, that the leaders of the House and the Senate, now both from the same party, have failed to agree on a budget resolution.

Now, the casualties of this do-nothing-to-offend-powerful-special-interests Congress are things that the American people want and need, but they will not be considered nor passed by this Congress. Health maintenance organizations, HMO health insurance reform, millions of Americans in this next year will be denied needed tests, needed referral to specialists and needed treatment, some will probably even die because of this neglect. They have no right of appeal under current law. The insurance industry is exempt, the HMO industry, from liability. And they are exempt from antitrust law, and the Republicans do not want to do anything to rein them in and give patients and providers, the doctors who are gagged and want to talk about this any rights, because there is a lot of campaign cash flowing from those special interests.

Teen smoking is up. We are all alarmed. We just read about it last week. There was legislation proposed in the House and the Senate by the Democrats to reign in teen smoking. Guess what? The campaign contributions of the industry speak louder than the needs of suffering Americans and kids who will become addicted to tobacco.

Social Security, nothing except an attempt to raid the Social Security trust fund which they are now calling a surplus. It is the money that is supposed to pay future retirement benefits, to raid it for tax cuts.

Remember last year's tax cuts were paid for by reducing Medicare reimbursements and raising Medicare premiums, that is how those tax cuts the previous gentleman spoke about, those things that are wonderful for the middle class. Look at the statistics on the first year of the tax cuts. People across America should compare their forms for 1996 and 1997 and see what they got.

If they are a family that earns less than 59,000, the average was $6. If they earned between 59,000 and 112,000, the average was $61. But if they are in that stratospheric 1 half of 1 percent who earn over $600,000 a year, $7,381.

Now, someone rose earlier when I raised this on the other side and said, well the middle class tax cuts will kick in later. Why did not the middle class tax cuts kick in first? Why did the tax cuts for the most wealthy people in the country come first? Because that side of the aisle is servicing them because they are servicing their campaigns.

What about education? The President had an initiative, he proposed it in January, school construction, crumbling schools, crowded classrooms, smaller class size, more teachers. They tell us we have no time and no money to address those needs, no time and no money. Yet they added $4.1 billion to the Department of Defense budget that was not requested by the Pentagon, things that ranged from transport plans in the Speaker's district, retiring other serviceable transports 12 years early so we could build those in the Speaker's district, to a beauty, pharmacokinetics research. The American taxpayers are going to spend 1 quarter of $1 million on pharmacokinetics research, unrequested by the Pentagon in the next year.

What does that mean? It means in a powerful Republican Member's district a company called Stay Alert makes gum that you can chew that has caffeine in it. It is called Stay Alert. And he has ordered the Pentagon to pay that company a quarter of a million dollars to investigate what that might do for our troops.

They did not like gum in the barracks when I was doing my basic training. But I guess he wants to introduce gum into the barracks, or I do not know what the deal is. But why did the American taxpayers have to pay a quarter million dollars?

We do not have money for teachers. We do not have money for smaller class size. We do not have money to do a whole bunch of things around here that benefit average American people, but we have a quarter of a million dollars to spend on pharmacokinetics research for the Stay Alert Gum Company. They chew it, they are going to stay awake. Truckers chew it, they stay awake. You drink coffee, helps you stay awake. Give me the quarter of a million dollars, hell, I will do the study for $10,000.

This is absurd. There is money. It is a matter of priorities. The people have got to choose whose priorities they prefer. The priorities that service the tobacco industry, the insurance industry, military industrial complex, or the priorities that serve the American people.

ON EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I am rising tonight to see if I can perhaps shed a little bit more light than heat on the ongoing debate in this House about education priorities. I think I have some credibility on this subject since for the last 2 years in this Congress I have chaired an education subcommittee. I think I can truthfully say no one has worked longer and harder on Federal education policies and initiatives than me.

I despair that particularly in the waning days of a Congress we talk right by each other. It just becomes another he-said-she-said partisan discussion, particularly when we hear Members talk about class warfare and the politics of envy and get the priorities of government confused.

The first thing I want to stipulate is the Federal Government, using Federal taxpayer funding is responsible for providing a strong collective defense of our country and that State and local government is responsible for public education, making sure that all of our children have a high quality education that prepares them for a productive, successful adult life.

That said, some of the rhetoric that has been used on this floor in the last few days simply does not withstand scrutiny. I cite for you a case in point. On Saturday, the minority leader of this House, the leader of the House Democrat Party, the gentleman from Missouri (Mr. GEPHARDT) said, we have not spent one day, one minute, one second on our most important challenge, making sure every child is a productive citizen in a global economy.

The very next day the President said, in just the last two days Republicans and Democrats have worked together to pass strong charter school and vocational education measures.

Confused yet. I sure am. Which is it? Or do you insist on having it both ways and perpetuating these disingenuous tactics in a deliberate attempt to mislead the American people, hoping desperately to get some sort of political advantage going into the November election?

It really is bankrupt to kind of use these tactics over and over and over again. In fact, Mr. GEPHARDT made his comments the same day that he voted for the charter school bill. And the President made his comments the very next day at the conclusion of a meeting of Democrats at the White House on budget negotiations, and the gentleman from Missouri (Mr. GEPHARDT) was seated directly next to the President. It is funny. It is laughable that Members of this body, who I think are all honorable professional Members, engage in these kind of tactics.

The fact of the matter is, we have worked long and hard on education, beginning last year with the Federal special education bill, reforming that law called Individuals with Disabilities Education Act, which is the only Federal education mandate imposed on State and local agencies by the Congress. And in that bill for the first time since that legislation became law we inserted a provision saying that once we reach a certain level of Federal funding, State and local governments could reduce the money that they spend, called the local share, that they spend on special education costs. And the net effect of that is that State and local government then has more ability, more flexibility to use their own money to meet a variety of educational needs. And that is as it should be.

State and local governments have the taxing authority for public education. We at the Federal level do not have the taxing authority for public education. There is a clear division between the responsibilities and the role of the Federal Government and that of State and local government.

But we have worked long and hard on education, achievement after achievement over the last 2 years. Just these two bills, vocational education and charter schools, are going to help give our young people more technical training, more career skills to prepare them, particularly those that are not college bound, to prepare them for the job force, the job market, to help prepare them for the job market not just of tomorrow but of the 21st century.

The charter school bill is going to substantially increase Federal taxpayer funding for the start-up of more charter schools. These are public choice schools that are on the cutting edge of education reform and innovation and which I think are the best thing going today in terms of infusing competition and choice and therefore more accountability into the public education system.

These bills, which are about to become law, follow on the heels of the special education law, the two bills that came out of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the Work Force Investment Partnership Act and the Higher Education Act amendments, which provide the highest amount of Pell grants, the highest level of Pell grant funding and the lowest interest rates for student financial aid in the history of our country.

We have a great record of fighting for our children's future and improving education and America's schools. But our solutions are different than the Democrats. That is true. Because we emphasize local control and accountability, which is in keeping with the longstanding American tradition of local decentralized decisionmaking in public education, more parental involvement in choice, raising teacher competency and teaching accountability.

Despite the Democrats' delaying tactics, our record beats their rhetoric any day of the week.

☐ 1915

SUPPORT PRESIDENT'S PROPOSAL ON SCHOOL MODERNIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I simply would like to say to my colleague who recently spoke to this House that I really do not want political advantage. That is not why I came to this body.

Frankly, I came here to be able to answer the call that I think so many have called on us to answer, and that is to assist the American children get the best equalizer they could get; and that is a quality education. I think for anyone to suggest that we are in this battle for political advantage, with all due respect to my esteemed colleague, misses the boat.

I would like to be able to stand up here today and to recount for my colleague a long litany of legislation passed that deals with education in this 105th Congress. Frankly, I can honestly say that this Congress has passed a mere three bills that have actually been signed into law.

I would not want to take away from the excellence of this Congress if I had something more to say. That is why I am here this evening. Frankly, that is why we are here past the time we thought we could be out with our constituents.

There is not a one of us, I hope, that has not spent valuable time with our students in our school districts. Frankly, I would like to be able to tell my colleagues what is going on in the 18th Congressional District in Texas.

I would like not to say that Jefferson Davis High School has no library. I would rather not say that. For the longest time, we have been struggling to get the money so that these young people can go to a library and sit down with books and computers and learn. But we have no library.

But I also want to add that my constituents, people who live in that community, are struggling to do what is right. So we have several bond elections on line, if you will. This legislation that I am fighting for today and that I hope we will stay until we get it included will give tax relief to those constituents across America who are struggling to provide for their schools. They are not providing because they do not want to.

I would like to stand up here and tell my colleagues that I did not have a school roof collapse on an elementary school about a year ago. I would like to not have to say that.

Frankly, I would like to tell my colleagues that all of my schools have auditoriums and cafeterias, but simply they do not. They have one room where they do everything from their programs to their eating to moving people out to starting kids to eat at 10 a.m. in the morning for lunch because they do not have the space and the separate areas where they can eat and then have auditorium, where they can teach large classes of science and then have auditorium, where they have a library and then have a cafeteria.

We are facing this throughout the Nation. I think it disturbs me that we are looking now at legislation that wants to take $17 million from the State of Texas, unlike what we were funded last year.

Modernization is key. I will be going home to support my school bond election. But I will tell my colleagues I want to ensure that we get those taxpayers the kind of relief. If we pass the President's program, let me share with my colleagues how it will work.

School district A needs funds to construct additional schools to educate its rapidly growing enrollment. Notice I did not say urban school centers, I did not say suburban, I did not say rural because there is need in every one of those. That is one of the reasons why I am supporting the President's proposal, because it goes on the basis of need. It does not distinguish or discriminate. It says simply said what school district actually needs.

If our proposal goes into effect in this omnibus bill, the State would allocate bond authority to school district A. When this community passes a bond initiative, which mine is doing right now, it would then enter into an agreement with the financial company to sell the bonds to bond holders in order to raise funds to build schools in the community. We voted on this.

The school district would use these funds to plan, design, and build additional schools, whatever district we are in. The community would repay the principal on the bonds to the bond holders, but it would not have to pay the interest on the school modernization bonds, an enormous savings for the taxpayers, taxpayer relief.

The bond holders would receive a tax credit equivalent to the amount of interest it would ordinarily have received on the loan. I do not know about my colleagues, but everyone that I speak to this about in my district views this as a positive collaboration, not a takeover of the school districts.

We are not here to suggest that whether it is the Department of Education or whether it is this Congress that we take over the local initiative, but we collaborate.

Mr. Speaker, I think that we know full well what we need to do. We need to vote for a proposal that supports the hundred thousand teachers in the classroom to bring down class size. Mr. Speaker, we frankly need to support the program by the President on school modernization.

DO NOT FORGET AGRICULTURE OR OIL BEFORE WE GO HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, last night, I rose on a similar occasion to plead that, before we go home at this late hour, that we not forget our agricultural sector in this country, that we have many problems due to disease, due to weather, and most importantly due to the low price that we face in all commodities in the agriculture sector.

I am glad to learn, throughout the day, as we tried to negotiate agreements, not only with the Senate but also with the White House, that progress seems to be being made in the issue that we care about when it comes to preserving our family farms and protecting our farmers and ranchers across America.

Clearly we have lots of problems when we see the price of wheat, cattle, and corn, what they are today, what they have been in the past, and recognize that this Congress should not adjourn. The final gavel should not hit the table before we make certain that those issues are addressed.

Again, I ask just briefly tonight that our conferees and our negotiators with the White House continue to pursue tax assistance, reductions in taxes as they affect the family farmer, disaster relief due to the problems we face in price as well as natural disaster; that we clearly do something about the issues of embargoes and sanctions placed against many countries around the world.

Our inability to export agricultural products around the world has a dramatic impact upon the income of the farmers and ranchers across this country. This House has passed relief as regard to sanctions and embargoes, and I hope that the Senate and certainly our negotiators will insist that those provisions remain in the version of the final omnibus bill that I hope we pass before we go home.

Clearly, the farmers of Kansas, the ranchers of Kansas understand that trade is important, that exports matter, and our inability to export to all countries at a time when we have told agriculture to go out and farm the markets is an important factor in their ability to succeed in doing that.

Tonight, having really addressed the issue of agriculture last night and to again plead that it not be forgotten in these last hours, I also wish to point out the difficulties we face in the domestic oil industry.

We have significant production of oil in this country and particularly in my home district in Kansas. Forty million barrels annually is produced in our State, representing about 15,000 jobs, very important jobs to the economy.

Again, when agricultural prices are what they are, usually something is good in Kansas. But wheat, cattle, and corn are all low. On top of that, the price of oil is the same. It is low, and there is little hope for the future.

As that happens in Kansas, our small producers, those wells that produce less than 10 barrels a day, are being shut down and abandoned. When we lose them, we lose our ability to have production in the future. We became more reliant upon foreign sources of oil.

So, again, as I asked last night with regards to agriculture, I ask that our negotiators continue to pursue relief for a beleaguered oil and gas industry in this country, particularly for the small producer and for those producers that produce marginal wells whose costs of production are very high to maintain.

I said on the House floor not too many months ago that it is disturbing when we learn how much money we spend trying to protect foreign supplies of oil but virtually nothing to protect a domestic oil and gas industry, a fact that we will pay a huge price for, I am afraid, someday.

So tonight let me remind our negotiators that we have a marginal tax well credit that matters, that it would allow a tax credit for our producers who have lost money year after year to go back and receive a tax credit for the years in which they actually had an income.

Several months ago, we were successful in defeating the effort by the Department of Energy on a crazy idea to actually sell oil out of the strategic petroleum reserve at a time when prices were so low we bought oil at a high price and we were willing to sell it at a low price and dump more oil on the domestic market.

Tonight I hope we do not forget about the provision that is included in the Senate bill that allows for the purchase of oil at a low price for the strategic petroleum reserve which can be a security matter for us as well as a benefit to the very depressed domestic oil and gas industry.

This matters to the communities and to the families across Kansas and across the country. It is important that we do not forget what the domestic oil and gas industry represents. Again, before we adjourn and go home to our constituents, something I desperately want to do is to return to Kansas and to my family, but let us make sure that the oil and gas industry as well as agriculture is not forgotten.

MENTAL ILLNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to bring recognition to the important topic of mental illness. In fact, during this month of October, our Nation is disposed to do our best to raise awareness about the tragic lack of proper care for those among us who are suffering daily from the most severe mental illnesses.

More than 5 million of our fellow citizens suffer from these debilitating, severe mental illnesses. Unfortunately, far too many people are not receiving the proper diagnosis, treatment, or strong community care they need to lead quality and stable lives in our country.

The current practice of psychiatric care in our country has spawned growing homelessness, neglect, as well as violence since deinstitutionalization of patients occurred over two decades ago with no community follow-up.

I am working with several women members, the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentlewoman from California (Mrs. CAPPS) of California, such a leader in this effort, who is here with us this evening, and the gentlewoman from Connecticut (Mrs. JOHNSON).

All of us are trying very hard to establish a House working group on serious mental illness. This House working group would be responsible for examining the State of our mental health system, especially those who are not being adequately treated with resulting neglect and even violence.

We had an example of that here in our own Capitol with the tragic slaying of two of our officers, Gibson and Chestnut, less than 2 months ago.

This group would hold hearings and gather testimony about what America can do. This week, we are also introducing a sense of Congress resolution regarding the seriousness of mental illness and the need for Congress to establish this working group.

We intend to reintroduce this resolution in the next Congress and ask the Women's Caucus of this House to help us spearhead our efforts.

I urge all Members to support the establishment of this House working group on mental illness as well as our sense of Congress resolution.

Mr. Speaker, I am more than pleased to yield to the gentlewoman from California (Mrs. CAPPS), our very capable and caring colleague.

Mrs. CAPPS. Mr. Speaker, I thank my colleague, the gentlewoman from Ohio (Ms. KAPTUR), for yielding to me.

As she mentioned, just 2 months ago, this Nation and this Congress were stunned by the tragic shootings of Officers Chestnut and Gibson. We still grieve their deaths today.

Out of that tragedy, an opportunity has presented itself to us to finally acknowledge the sad realities of mental illness, which for so long have been swept under the national rug.

Health professionals agree that chronic conditions such as schizophrenia are best addressed through community-based treatment. Such programs provide outreach to people who are in danger of falling through the cracks of our mental health system.

Last week, I was able to attend a briefing by the National Alliance for the Mentally Ill, and I heard about a program of asserting community treatment called PACT.

PACT involves individualized services, psychiatric, social, nursing, and vocation rehabilitation. It has been tremendously successful for those who have not responded to traditional methods of treatment. But only six States offer PACT statewide. This is simply not enough. These are wonderful, proven programs just waiting to be replicated.

It is time for our whole country to face the challenges of mental illness, including treatment, housing, and employment. We must educate ourselves and take the steps to respond. Out of tragedy can come hope. I am pleased to be working with my colleagues, the gentlewoman from Ohio (Ms. KAPTUR) and others to bring this to our attention and to work on it.

□ 1930

Ms. KAPTUR. Mr. Speaker, I want to thank the gentlewoman from California (Mrs. CAPPS) for taking time to join us this evening and also to say if we could put some of the partisanship aside, and we intend to do that in this working group, we can do so much for America.

It seems to me that too much effort is wasted here in Washington in trying to find out why we are different from one another rather than what we can do to work together on important issues like this that affect millions and millions and millions of our fellow citizens.

I would also note that the energy for this comes largely from the women in this body. It would be so easy for the leadership of this institution to make this happen with merely a snap of the fingers and yet it has not. That says a lot about this institution, but it also says a lot about the women here who on a bipartisan basis are trying to do what is right for this country.

We know that with persistence and with goodwill and with bipartisanship, we can achieve real, lasting changes for the better for people in our country who suffer every day under these extremely difficult diseases; their families, their communities. We know, we understand what needs to be done.

I also want to acknowledge the leadership in past years, First Lady Rosalyn Carter who came to this Congress and testified when it was not so popular to do so over 20 years ago, and also Tipper Gore, the wife of the vice president, who has also been supportive of our efforts.

EXCHANGE OF SPECIAL ORDER TIME

Mr. THUNE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Kansas (Mr. TIAHRT).

The SPEAKER pro tempore (Mr. SESSIONS). Is there objection to the request of the gentleman from South Dakota?

There was no objection.

THE DO-NOTHING LIBERAL CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this evening I would like to associate myself with the remarks of my friend and colleague, the gentleman from Kansas (Mr. MORAN) earlier about the crisis that we are facing in agriculture. It would certainly be my hope as well that as we conclude the waning days of this Congressional session that we will be able to fashion a disaster relief package that will bring some much needed relief and immediate assistance to those who are trying to make a living by producing food and fiber in this country.

I would certainly hope that we can reach an agreement on that, on a number of issues that are still outstanding. Before we go home, we have to act, we have to act now.

Mr. Speaker, I would also like to answer this evening some of the accusations, the partisan accusations that have been filling this chamber from our friends on the other side. There is the accusation that somehow since we have not moved their liberal agenda, that we are a do-nothing Congress. I suppose by their definition, that is true.

We have not raised taxes. I know that drives them crazy. We have not created new programs or built new Federal bureaucracies here in Washington. In other words, we have not done anything liberal. We are a do-nothing liberal Congress.

Now, that probably should not come as any surprise to the American people who elected a conservative Congress because they have grown weary of having their pockets picked for a liberal agenda that flatly was not working.

The American people need to ignore a lot of the partisan rhetoric that is filling this chamber and coming from our friends on the left. It is more smoke, it is more mirrors, and it is an effort on their part to distract attention from the significant and historic accomplishments of this 105th Congress.

I would like to just note a couple of those, if I might, this evening. The first is the balanced budget agreement. For the first time since 1969, for the first time since I was 8 years old, we actually are operating this Federal Government in the black. I think that is a historic accomplishment. We did it at the same time that we lowered taxes on working families, on farmers and ranchers and small businesses in this country for the first time since 1981.

We made reforms that saved Medicare for another generation, reformed the IRS to make it more user friendly and responsive to the taxpayers of this country.

Let us talk about the surplus. In 1994 it was projected, as far as the eye could see, $3 trillion in deficits way out into the future. Just last July, the Congressional Budget Office revised that estimate. It is now projecting a $1.6 trillion surplus for the next 10 years.

How did that happen? Well, maybe part of it is because there are 3.3 million more Americans working today as a result of welfare reform. That was something that our liberal friends did not want to see happen.

Maybe it is really hard for them to acknowledge that when we cut taxes last year, it is actually generating more revenue for the government. We are seeing more realizations. People actually are paying more in taxes as a result of having cut taxes last year, and it has gotten us to a point where we have to make a decision about how to use a $1.6 trillion surplus.

There are a lot of us on our side who want to make sure that that money gets back home to the folks in our home communities before it stays here in Washington, because if it stays here very long it is going to get spent. We are committed to seeing that it goes back to the people of this country.

We have also accomplished with the Higher Education Reauthorization Act the lowest student loan rate in 17 years. We have increased to historically high levels the Pell grant to make college more affordable.

Let us talk about secondary education. We have increased, by the President's request, on special ed, funding by about half a billion dollars. Think of all the schools that could be rebuilt in this country if we would fully fund special ed and free up those dollars that they can use for school construction.

How about dollars to the classroom? We passed that because we believe that we ought to get more dollars back to the classroom, back to our children, back to our teachers. Maybe we could afford to pay our teachers higher salaries. Maybe we could invest in technology and buy more computers, get those dollars back to the classroom and out of the Washington bureaucracy.

That is a fundamental difference. It is an honest difference with our friends on the left, but when they talk about the things that have not been done here I think the American people need to know about the things that have been done; things that are historic, things that are changing the way that this city operates.

There are a lot of challenges ahead of us. As we look down the road, we want to continue on the path. We have to win the war on drugs to make sure that our schools are safe and drug free, and that our children's minds and ambitions are not ruined by the scourge of illegal drugs.

We need to continue to improve our schools by getting more of that Federal money back home, back into the classroom, and seeing that those dollars are spent in the way that the local communities determine.

We need to save Social Security. We have made a commitment to spend 90 percent of the surplus, any surplus projected, to save Social Security not only for those who are receiving benefits today but for those who are paying in and expecting benefits in the future.

We are going to continue our fight to make government smaller and more efficient and improve the take-home pay of every working American.

These are honest differences that we have with our friends on the left, and they can get up and they can rant and rave about a do-nothing Congress but I want the American people to know, this may be a do-nothing liberal Congress but this is a Congress which has done a lot for the future of the American people.

EXCHANGE OF SPECIAL ORDER TIME

Ms. CARSON. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. BECERRA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

LIBERTY AND LEARNING, EACH LEANING ON THE OTHER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, long ago, James Madison spoke of one of our most fundamental American propositions. That was liberty and learning, each leaning on the other. We cannot have a healthy democracy or any democracy without quality public education.

It is our job to show that education can rely on democracy. Let us put 100,000 new teachers in our classrooms.

This Congress has been one of the least productive in recent memory. While urgent, unmet needs confront American families in areas like education and health care, this Congress just dithers with inconsequential suspension bills and ideological dead letters like tax cuts that drain away the budget surplus.

In the State that I represent, Indiana, Indianapolis specifically, 29 percent of public schools are in serious need of repairs and 67 percent have outdated or inadequate facilities.

Back in January this year, Congressional Democrats and the administration laid out an extensive agenda to improve the quality of public education in this country. The Republicans spent the entire year blocking that agenda, preferring instead to focus on scandals that divert public attention. Now we are asking that as a bare minimum Congress begin providing funds to hire new teachers and to fix up our crumbling schools. By hiring new teachers, we will be able to reduce class sizes.

Research in Indiana and the State of Tennessee shows that reducing class size to 15 students in the early grades improves student achievements, particularly among low income and minority students in urban areas.

Public school enrollment in Indiana is expected to grow by almost 6 percent in the next decade. We desperately need more teachers to handle this growth. When I look at the overcrowding in the Indianapolis public school system, I can say the students there sure could use more teachers.

The need is overwhelming but this Congress has turned a blind eye to that need. Only now, confronted with extraordinary demand by the voters for better education, are the Republicans grudgingly coming forward to agree to more school funding. Even now, though, they are dragging their feet. Rather than funding new teachers, the Republican leaders want to spend the money on other things like school administration.

Mr. Speaker, we need teachers, not administrators; classrooms, not office complexes. Even worse, they tried to revive their anti-public school agenda. They want to use the District of Columbia as a guinea pig for experimenting with school vouchers. The D.C. public schools already are in distress but the Republicans want to drain away their funding and put it into private schools.

The proposition about dollars for classrooms was indeed another cruel hoax. My State of Indiana, under that proposal, stood to lose $8.3 million in the process of a so-called block grant back to the State of Indiana.

Instead of spending our taxpayers' money on private schools, we must invest it wisely in public schools, where the vast majority of our children get their education.

Mr. Speaker, it is time for this Congress to get back to the business of helping to secure greater success for American families.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Florida (Mr. GOSS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

WILL THE PRESIDENT'S EDUCATION PROGRAMS IMPROVE EDUCATION OR IS IT AN ELECTION YEAR PROPOSAL?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to ask a question: Will the President's education programs improve education or is it an election year proposal?

Last night I shared my thoughts on school construction. I will review them quickly. The school construction program, as proposed by the President, takes half of the money and designates it to 100 urban poor districts, but does nothing to designate to rural poor districts.

I found out today that the 100 urban poor districts can even go back for more money. They are not prohibited from getting two bites at the apple.

Let us say they do not. So we fund 200 or 300 school construction projects across America. That leaves 15,300 school districts with no help. That is not fair.

Now we have a proposal for what I call temporary teachers. Several years ago, we had a proposal for temporary cops. We funded 100,000 cops, and although I never really read whether we ever had 100,000 cops and there was a lot of discussion whether we ever met that goal, then when they hired them, we pulled the money back and stuck them with the bill.

That is the way this proposal is. It is not ongoing funding for teachers. It is temporary funding for teachers, and when they hire them, in a couple short years the money is pulled back and they have to pay the bill.

Is this fair, that the Federal Government entices spending at the local level and then pulls the money back? Who will get the money? Will it be another complicated, convoluted grant program? You bet it will. It will take consultants. They will make lots of money; grantsmen, they will make lots of money, but we will only have temporary teachers and we will only have construction in a few urban districts.

If the Federal Government wants to help basic education, we should send money in a fair and evenhanded way that treats urban, suburban and rural on an equal basis, because there is poor all the way up and down the ladder in size.

How do we do that? It is pretty simple. Forty years ago, this Congress, some Congress, passed special education and they said that all of the excess costs for this program, 40 percent of it will be paid for by the Federal Government. When we took over Congress in 1994, Congress was providing 6 percent instead of 40 percent.

□ 1945

That is a huge shortfall. Now with this year's proposed budget, where we increased it half a billion this year and half a billion last year, we will be up to 12 percent. But that is not 40 percent. If we fully funded special education, the Los Angeles school district would get $60 million of additional money, the St. Louis school district would get $25 million of additional money, the York school district, a small rural district in Pennsylvania, would get $1 million.

But we are $10 billion short. Instead of paying the bill we promised, instead of funding the program that we started, we want to do new ones, because it is an election year. We want to send some money in some new convoluted way that will only reach a few of our school districts. We can more adequately fund vocational education, where we only spend $1 billion and we are passing laws to allow more immigrants to take the technology jobs which come from vocational education. Or we could get some Democrat support for Dollars to the Classroom, that only does away with state and Federal bureaucrats and puts the money in the schools, $800 million, no new taxes. We could expand loan forgiveness programs that help put teachers where they are most needed.

We do not need new programs. We need to fund the ones that work, that do not cause more Federal bureaucrats, that you do not need grantsmen to apply for, that you do not need some complicated, convoluted process where the money can be funneled into the President's friends.

There are 15,600 school districts across America. They need a fair and evenhanded treatment. The President's proposal will reward his urban political friends and leave rural America with no school construction, with no new teachers, with no help, and not even a promise. That is not fair.

Tonight, I ask us to support funding education in an evenhanded, fair way, that funds education all across America, not just to the President's friends.

EXCHANGE OF SPECIAL ORDER TIME

Ms. CLAYTON. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from New York (Mr. HINCHEY).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

UNFINISHED BUSINESS REGARDING AGRICULTURE AND EDUCATION MUST BE DEALT WITH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, before the 105th Congress adjourns, we must be certain we conclude all of the unfinished business before this Congress, especially in the area of agriculture and in education.

Looking at agriculture, it is a travesty that the appropriations process has zeroed out the $60 million for funds for rural America which provides important capital for rural economic development. This funding should be reinstated. It is important to recognize that the long-term economic health of rural America depends on a broad and diverse economic base which requires investment in agriculture, rural businesses, infrastructure, housing stock and community facilities.

The availability of credit is a crucial factor in the success or failure of all small farmers, especially family farmers; both and large and small, I must say, also suffer from the failure of having availability of credit.

In the 1996 farm bill, those persons who, for whatever reason, had to renegotiate their credit, whether one time or two times, were denied the opportunity to get another direct loan or another guaranteed loan. That was regardless of whether it was from disaster or whether it was from having to refinance a loan because they had an overpriced or poor crop, and also if it was because they had civil rights actions, they are being denied, even after the government discriminated against them and found they did. The 1996 farm bill says that regardless of whatever the cause, that farmer cannot get a farm loan.

Now, the USDA farm program was to be the lender of last resort, and producers who have depended on that commitment from the United States Department of Agriculture now find they can neither have a guaranteed loan nor a direct loan.

There is still an opportunity, I understand, before we adjourn to adopt the Senate language which will allow that debt forgiveness and to exclude the opportunity for consolidation or rescheduling or reamortization or referrals of the loan as being bars or barriers from them getting a second loan. We hope the negotiators will take that opportunity.

In addition in the 105th Congress also the appropriators have language in there that will allow for the statute of limitations not to be a barrier to the black farmers who have had complaints against the United States Department of Agriculture, even after the department has acknowledged that they indeed did discriminate.

Now, turning to education, I am from a rural area, and I would want to tell the last speaker that I find that the President's bill calling for 100,000 teachers and reducing the size of classrooms would be beneficial to North Carolina and to my district where I come from. We come from a district that is looking for the opportunity of expanding and recruiting more teachers, and it would certainly be beneficial to reduce the class size, because even in North Carolina, we have found when you reduce the class size, students do better. They achieve better. There indeed is equal opportunity of showing that teachers teach better when they have smaller classes.

As far as the construction loans, my state recently passed bond construction for new schools so the monies that would come from the Federal Government would be a supplement. It would certainly go a long ways toward enhancing the opportunity to make sure we remove the dilapidated buildings and schools.

Again, studies have shown that students, I would say rural students, minority students and disadvantaged students, certainly learn better when they have more teachers, more time, and they certainly learn better as other students learn well when they have a good environment.

Mr. Speaker, the education bill being proposed by the President is not only good for urban areas and suburban areas, but also very good for rural areas. Rural North Carolina and the children in North Carolina would benefit from that.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PITTS. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CHINESE HOUSE CHURCH APPEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Speaker, I want to put domestic concerns and partisan concerns aside and speak for five minutes on behalf of the fundamental human right of religious liberty in the House Churches in China.

Recently a number of House Church leaders in China wrote a very respectful appeal to the government of the People's Republic of China. The appeal says nothing against the Chinese Government, but reflects the utmost respect. These House Church leaders respectfully request that their government release those Christians imprisoned in labor reform camps and to stop attacks on the church. In addition, the authors request that the PRC begin a dialogue with the House Church leaders in order to deepen mutual understanding and to reduce confrontation between the two parties.

Mr. Speaker, the House Church leaders who drafted this document and who sent it to Beijing have taken a very bold and possibly dangerous step in hoping for recognition from their government. I encourage the Chinese Government to take steps to increase religious liberty for the Chinese people, to use caution in these matters, and to deal justly with issues of religious freedom. It is vital that Americans support these courageous House Church leaders and members as they appeal to the Chinese Government for protection of their religious freedom.

I would like to read the House Church appeal which has seven points to it for the CONGRESSIONAL RECORD. It is entitled "a united appeal by the various branches of the Chinese House Church."

> One: We call on the government to admit to God's great power and to seriously study today's new trends in the development of Christianity. The government should realize if it were not for the work of God, why would so many churches and Christians be raised up in China? Therefore, the judicial system in the People's Congress and the United Front System should readjust their policies and regulations on religion lest they violate God's will to their own detriment.
>
> Two: We call on the legal authorities to release unconditionally all House Church Christians presently serving in Labor Reform Camps. These include Presbyterians who believe that if one is saved once he or she is saved always; Charismatic Church; Local Church, incorrectly called Shouters Sect; the Way of Life Church, also called the Full Scope Church; the Pentecostal Church; Lutherans who do not attend the Three-Self Churches; and the Baptist Church. They

should be released from prison if they are orthodox Christians, as recognized by Christian churches internationally, and have been imprisoned for the sake of the gospel.

Three: There are approximately 10 million believers in the Three-Self Church but 80 million believers in the House Church. The House Church represents the mainstream Christianity in China. Therefore, the government should face reality as it is. If Taiwan with its population of 22 million cannot represent China, but the mainland can with its population of 1.2 billion, likewise the Three-Self Church cannot represent the Chinese Christian Church. The Three-Self Church is only a branch. Moreover, in many spiritual matters there is serious deviation in the Three-Self Church. The government should clearly understand this.

Four: We call on the central leadership of the Chinese Communist Party to begin a dialogue with representatives of the House Church in order to achieve better mutual understanding, to seek reconciliation, to reduce confrontation, and to engage in positive interaction.

Five: We call on the government to spell out the definition of a "cult." The definition should be according to internationally recognized standards and not according to whether or not people join the Three-Self.

Six: We call on the legal authorities to end their attack on the Chinese House Church. History has proven that attacks on Christians who fervently preach the Gospel only bring harm to China and its government. Therefore, the legal system should end its practice of arresting and imprisoning House Church preachers and believers, confining them in labor camps, or imposing fines as a punishment.

Seven: The Chinese House Church is the channel through which God's blessing comes to China. The persecution of God's children has blocked this channel of blessing. Support of the House Church will certainly bring God's blessing.

We hope the government will have a positive response though this united appeal by the House Church.

The Holy Spirit has awakened our hearts. May God bless China. Signed Henan Province. August 22, 1998.

This letter was signed by seven key House Church leaders.

Mr. Speaker, I would also like to add that with the definition of cults which some of the authorities in China appear to have adopted, most of the churches in America would be classified as cults, because under that policy, they could not talk about such things as the end of the world, the second coming of Christ, abortion or spiritual warfare.

I would appeal to the government authorities in China to deal with believers prudently and cautiously, to treat them with dignity and respect. I would remind them it is those countries that recognize the importance of religious liberty and treat it as a fundamental human right which are the most stable societies in the world.

EXCHANGE OF SPECIAL ORDER TIME

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentlewoman from California (Ms. WOOLSEY).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

THE NEED FOR FURTHER EDUCATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SÁ) is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I rise today to talk a little bit about school construction, since many of my colleagues are doing that tonight, and I would like to say that I think I have the most experience in this House with respect to school construction.

How many of my colleagues can say that they have constructed six classrooms for the Solvang Elementary School District and redid the bathrooms for the little girls and little boys in that school? Or how many of my colleagues can say they found the money to build a $64 million state-of-the-art tech high school in Antioch, California. Or how many of you can say that you have issued COPs or gone before Standard & Poors or Moody's to get ratings for any of these school districts? Well, I can say that. I can actually say that I have helped build probably over 30 schools in the State of California. Therefore, I think I understand pretty well what happens with the financing equation of school construction.

Let me tell you that the relationship in the State of California, my state, is that of local and state for school construction. In fact, what used to happen was initially, in the beginning, local schools would be built with local taxes from local areas, and then when the local schools were not able to do that, it became a state issue, and in fact the state was working on that.

Of course, now we have the problem that the state and local municipalities are not able to build the schools fast enough in California, and, yes, it has become a Federal issue.

In fact, the President's proposal that we have before us that he brought to us in January, I am very well aware of, because I have sat with him and discussed the bill that I introduced in this House, H.R. 2695, and many of those initiatives are in his proposal.

Now, many of my colleagues on the other side have said tonight, what? We are not in the school construction business. Well, let me tell you, in particular to the gentleman from California (Mr. RIGGS), who spoke earlier about national security and our defense, it is of utmost national security that our children be educated.

□ 2000

Because of that, the Federal Government must become involved when there is a gap and when we need to fix a problem.

Secondly, we are in the school construction business. In fact, last year, in the Tax Relief Act that was signed in August by President Clinton we had the CZAB bonds, the academy bonds that we now use to renovate schools. So we are in the school construction business.

Secondly, I have heard some of my colleagues say this is a local issue, LORETTA. This should not be done. I am reading here in Congress Daily from yesterday, "House Majority Leader ARMEY says, prohibit the President's school construction initiative, because we want the decision to be made at the local level."

The President's initiative does make that a local level issue. Why? Because the local school district needs to stand up and say, we need to build a school; because local taxpayers need to stand up and say, yes, we will tax ourselves in order to build a new school. What happens with this initiative is that we help them to stand up and take responsibility.

Third, people say that this is an administrative nightmare. Let me tell the Members, it is not an administrative nightmare. In fact, I had five superintendents come in from California just about a month ago, talking to me, of course, about school construction, because they know I understand that language. In fact, they came in and they talked about all the initiatives and all the projects that they are getting done under the CZAB bonds.

Let me tell the Members, one said, LORETTA, CZAB is already there. It is on the tax forms. We give the tax incentive there on the form. Secondly, they said, the approval has been so simple. As long as we meet the requirements, we send in one piece of paper to the Board of Education and we send one piece of paper to the Education Department out here, and we get it approved. They have been working on it.

Fourth, someone said earlier that only the President's friends will get these bonds. That is not true. Of the seven initiatives that are already bond issues going on with the CZAB program in California, let me tell the Members, San Diego Unified School District, building John Adams Elementary School, reconstructing it, that is in the district of the gentleman from California (Mr. BILBRAY). He is a Republican. Glendale Unified School District, Hoover High School. That is in the District of the gentleman from California (Mr. ROGAN). Clovis Unified School District, the district of the gentleman from Fresno, California (Mr. RADANOVICH).

This is for those places where we need to build more schools. I hope the people will really take a look at the President's initiative.

CALLING FOR FULL FUNDING OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The SPEAKER pro tempore (Mr. HILL). Under a previous order of the House, the gentleman from New Hampshire (Mr. BASS) is recognized for 5 minutes.

Mr. BASS. Mr. Speaker, it is my understanding that the budget negotiators have come to an agreement over the overall funding levels for education, education programs, but they have not yet resolved how that money will be allocated.

I rise here tonight in the 5 minutes allocated to me to urge negotiators, both Republicans and Democrats, to use this as an opportunity to put money into special education, to fully fund or to move toward fully funding the Individuals with Disabilities Education Act.

As the previous speaker mentioned a couple of minutes ago, this is a Federal mandate that was established in the early seventies. Originally and today, we are required to fund up to 40 percent of the costs of special education.

When I entered this body in 1995, the level of funding was 6 percent, and now it is a little less than 12 percent. This is a tragedy. It is a tragedy because it hits every single school district and school in the United States. It is a tragedy because it hurts families that have children with disabilities and have to live in communities where the cost of this education, which is perfectly legitimate and necessary, is borne for the most part by friends and neighbors.

Mr. Speaker, the folks who are negotiating tonight need to look seriously at allocating every single one of these dollars to fully fund our obligation to fund special education. Doing so would go a long way toward easing the financial burden that we feel in every community across the country.

Fully funding or using these extra dollars to fund special education would spread the education dollars more equitably across this country. It would give the local school districts and school administrators and parents the right to prioritize spending, not have the folks here in Washington decide who gets these extra Federal dollars.

I represent a rural district, and I hasten to say that it is quite likely under the President's plan that my district will receive little or nothing. But if we were to fulfill this unfunded Federal mandate, every town in my district would get an extra dollar or two to help defray the cost of education.

Mr. Speaker, this is a compromise that can be supported by Republicans and Democrats, by liberals and conservatives, by anybody that has a commitment to fulfilling an obligation that this Congress made over 25 years ago.

Indeed, the true winners in this battle for more education funding will not only be the teachers, will not only be those who believe that we should have better classrooms and more modern schools, but it will also be school administrators, school boards, parents, property taxpayers, and most importantly, the children of this country.

I urge the negotiators in this budget deal that is going to be coming before us tomorrow to look at the issue of special education before we establish new Federal programs, before we establish new Federal bureaucracies, before we decide in Washington what the educational spending priorities should be in school districts around the country.

Let us meet the unfunded obligation of special education. Let us start tomorrow by putting these extra funds into IDEA.

PUT THE DOLLARS IN THE CLASSROOM, NOT BLOCK GRANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, as the previous speaker indicated, I, too, am advised that the budget negotiators have come to an agreement as to the overall additional funds that are to go into education. I commend them for the initiative that they have expressed in allocating these additional dollars.

I rise here tonight because I am somewhat concerned that in agreeing to the overall dollar allocations to education, and seemingly in agreeing to the 100,000 new teachers that will be placed into our school systems across the country, that in fact what they are talking about is putting these monies into what is known as title VI.

Title VI is a block grant provision that exists in current law, so if we put this extra money presumably for 100,000 new teachers into a block grant provision, there is absolutely no assurance whatsoever that the monies will be utilized for the hiring of additional teachers.

The primary objective that the President and those of us who served on the Committee on Education and the Workforce and who have headed up the task force for the Democrats on this side, the gentleman from North Carolina (Mr. ETHERIDGE), who will be speaking very shortly, the gentleman from Indiana (Mr. ROEMER), the three of us have served as task force cochairs. We were primarily concerned about the needs of our school districts. We want to make sure that the funds that are allocated go directly to the schools.

The irony is that we have had legislation come before this body called Dollars to the Classroom, because there is an intended assumption by the Republican majority that monies ought to go directly to the classroom.

If that is their policy and their thinking, why do they not earmark the monies that are being allocated for the 100,000 new teachers directly for that purpose? Instead, they are putting it into Title VI, which has, by inference and by some specific language, a flowthrough to the States, where the States are permitted to retain 15 percent of the funding for administrative purposes. And there is a long list of ways in which the monies that flow into Title VI can be spent, not one of them specifically having to do with hiring teachers and lowering classroom size.

If one is not convinced that the public schools in our country are in need of additional schoolteachers and construction funds to replenish and rebuild their schools, I suggest that the Members look through the mail that they have been receiving this week.

There is one particular one, in a whole batch of things on education, from the American Association of University Women. They point out an alarming statistic which I think has probably floated around many times before, but has not quite been absorbed.

What they say in the second paragraph of their letter is that by the year 2006, enrollment in our public schools is expected to reach 54.6 million, surpassing the number of students in the baby boom years, where the number reached 51.7 million.

We have all talked about this terrible thing about the baby boom crisis and how that is going to impinge upon social security, and we are working to try to meet the crisis that this very large population that came on board in the fifties makes. No one is paying attention to the fact that we have right now in our system an impending burgeoning number of students.

So if we do not meet this challenge right now by providing the incentive for school construction and the hiring of teachers, we are never going to solve the problem of a classroom ratio that can meet the needs of independent special treatment for the students who need that kind of instruction.

The whole fallacy that has been presented by the majority in debating Dollars to the Classroom has to be pointed out. They talk about directing 95 percent of the funding to the classroom. Yet, in the proposals that are floating around for the utilization of the additional monies in education, they are putting it into a block grant provision, Title VI, which has a 15 percent reservation to the States. So the classrooms across the country, if they get any for teachers, will be only at 85 percent, way below what the majority has been talking about.

So it seems to me we ought to get beyond the rhetoric, follow the policy, put the dollars in the classroom, and enhance the teachers by giving their school districts the additional monies for the 100,000 teachers.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take the special order time of the gentleman from New York (Mr. PAXON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PORTALS INVESTIGATION AND POSSIBLE REFERRALS TO JUSTICE DEPARTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BARTON) is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, the Subcommittee on Oversight and Investigations of the Committee on Commerce has held 7 hearings since August this year into the circumstances surrounding the planned relocation of the Federal Communications Commission to the Portals, a privately owned and financed office complex in Southwest Washington, D.C. in which Mr. Franklin L. Haney is a partner.

In particular, hearings have focused on the questionable fee arrangements Mr. Franklin L. Haney had with several top Washington lawyers/lobbyists, including Peter Knight, a former top Senate aide to Vice President Gore and manager of the Clinton-Gore reelection campaign; James Sasser, a former U.S. Senator from Tennessee, the current United States Ambassador to China; and Mr. John Wagster, a former subcommittee staff director for then Senator Sasser.

At this time the Subcommittee on Oversight and Investigations does not plan to hold any further hearings, but I do believe that the evidence developed to date warrants specific referrals to the Department of Justice for investigation as to whether Mr. Franklin L. Haney, Mr. Peter Knight, Mr. James Sasser, and Mr. John Wagster might have committed one or more illegalities in connection with the Portals matter, the committee's investigation thereof, and other related matters, such as the extension of the Franklin L. Haney lease with the Tennessee Valley Authority.

The Department of Justice campaign finance task force currently is investigating some aspects of the Portals matter, but it is unclear whether the Department is focusing on some of the legal questions that our investigation has raised.

In addition, there is substantial reason to believe that in attempting to conceal the true nature of their fee arrangement, some of the individuals that I have mentioned may have lied under oath or otherwise made false or deceptive statements to the Subcommittee on Oversight and Investigations of the Committee on Commerce, which in and of themselves constitute crimes worthy of referral for further investigation.

In consultation with the full committee chairman, the gentleman from Virginia (Mr. TOM BLILEY) of the Committee on Commerce, I have directed majority committee counsel to prepare expeditiously a report setting forth findings on this matter, and the grounds for specific referrals to the Justice Department, which will be shared with all members of the subcommittee in order to solicit their views.

However, based on a preliminary assessment of the evidence gathered so far and the potentially applicable laws that may have been violated, I believe the subcommittee's investigation has raised the following legal questions: Whether Mr. Franklin L. Haney may have violated 41 U.S. code section 254(a) by retaining Mr. Peter Knight, Mr. James Sasser, and Mr. John Wagster on a contingency fee basis with respect to the Portals and or TVA leases; number 2, whether in violation of the False Statements Act, 18 USC 1001, and the False Claims Act, 31 U.S. Code, Section 3729, Mr. Franklin L. Haney may have caused a false certification of claim to be filed with the government asserting that he had not hired or retained anyone on a contingency fee basis with respect to the Portals and the TVA leases.

□ 2015

Whether, in violation of the Federal Conspiracy Statute, (18 U.S. Code, Section 371) Mr. Peter Knight, Mr. James Sasser or Mr. John Wagster may have conspired with Mr. Franklin L. Haney in the making of these false certifications, or in an effort to defraud the United States Government by impairing, obstructing, or defeating the lawful function of a department or government agency.

Whether, in violation of the False Statements Act (18 U.S. Code 1001) and the Federal Perjury Statute (18 U.S. Code 1621) Mr. Franklin Haney, Mr. Peter Knight or Mr. James Sasser may have made false or deceptive statements or lied under oath before the Subcommittee on Oversight of the Committee on Commerce with respect to the nature of their fee arrangements on the Portals or and/or TVA leases; and

Whether Mr. Sasser may have violated 18 U.S. Code 203(a) by agreeing to and receiving compensation while a U.S. official for the representational services of another before a government agency with respect to a matter directly involving the Federal Government.

I also believe that the Department of Justice and the General Services Administration should take immediate steps to recover the $2.5 million in fees paid by Mr. Franklin Haney to Mr. Peter Knight, Mr. James Sasser and Mr. John Wagster on the Portals as authorized by statute, and the more than $17 million paid out to the Portals partnership for rent on a vacant building due to the fixed rent start date that Mr. Franker L. Haney and his representatives secured to facilitate his financing of the Portals.

The subcommittee's investigation into the Portals has been a difficult one, mainly due to the unprecedented lack of voluntary cooperation and the deliberate efforts at obstruction by Mr. Franklin L. Haney and his associates, virtually all of whom refused to be interviewed by committee staff or provide documents voluntarily. Mr. Franklin L. Haney's refusal to produce subpoenaed materials ultimately led to the Subcommittee on Oversight and Investigation of the Committee on Commerce and the full Committee on Commerce to hold him in contempt of Congress. A report detailing those proceedings against Mr. Franklin L. Haney recently was filed by the House by the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. THOMAS BLILEY).

It is also my hope that the House will use this case to make much-needed changes to its rules governing investigations, including expediting enforcement of subpoenas and permitting subpoenas to be issued for staff depositions of witnesses who refuse to be interviewed voluntarily. These steps, among others, will permit the investigative subcommittees to do their important job in a more efficient, timely fashion in the future.

CHANGE IN ORDER OF TAKING SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. ROEMER) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to substitute for the gentleman from Indiana (Mr. ROEMER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CONGRESS SHOULD ALLOW EDUCATORS TO DEAL WITH PREJUDICE AND BROADEN DEFINITION OF HATE CRIMES TO INCLUDE SEXUAL ORIENTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this week, a very decent young man was brutally murdered by two savages. And I am particularly struck, Mr. Speaker, because given the reasons that those two deformed individuals, mentally and morally deformed, murdered that individual, it could have been me. Had I, alone and unarmed, confronted these two thugs, I could have been subjected to the same brutalization that Mr. Shepard was in Wyoming, because his crime was to be a gay man.

Something in the culture in which these two young men who murdered him grew up led them, without an ounce of humanity, without a scrap of decency, to set upon this young man with a weapon, beat him to death, and leave him not quite dead, but at the point of death, alone, and in a way, that added further to his torment.

Mr. Speaker, I am encouraged by the number of people who have spoken out against this savagery. I am optimistic, having spoken with leaders here on both sides in the House, that we will take an important step and add to the Federal hate crimes legislation a provision that would say that if a young man who happens to be gay, as I happen to be gay, were to be set upon by thugs in the future who are so consumed with prejudice as to lose any shred of their humanity and kill him, that in appropriate circumstances, if the Attorney General found that certain very stringent requirements were met, and if a Federal presence was necessary, the Federal presence could be there. So, I hope we will add this to the legislation.

But we need to go beyond that. I do not argue, Mr. Speaker, that those who have been critical of various proposals that gay and lesbian people have put forward are guilty of murder or even of creating the climate. But this savage murder does call us to the need to improve what we as a society do to protect other young Mr. Shepherds from this kind of brutality in the future.

In particular, we have debated on the floor of this House measures whereby Members of this House have sought to penalize schools, secondary schools, because they would set up programs to do two things. First of all, to offer protection to the 15- and 16-year-old Shepherds, to the young gay men and young lesbians who find themselves tormented and abused and sometimes physically assaulted in school.

Some of these schools would also try to teach young people in their teens that brutalizing people because they do not like their sexual orientation is not acceptable human behavior. And we have had people in this House try to stop that, try to penalize it.

I hope that one of the things that will come out of this terrible, terrible murder will be a cessation of those trying to prevent schools from trying in turn to prevent this. It is not random that the terrible murder was committed and it is shocking that a 21-year-old and a 22-year-old, that they could be so bestial in their attitude towards a follow human being. These are people not long out of high school themselves.

Mr. Speaker, this underlies the importance of allowing educators to deal with prejudice. We talk about teaching values. But when some talk about teaching the value of tolerance, when some talk about condemning violence based on someone's basic characteristics, we are told we cannot do that. We have been told that we cannot let a school teach acceptance of the gay lifestyle.

Mr. Speaker, think about that. What does nonacceptance mean? If acceptance is interpreted to mean approval, I and others do not care. There are bigots in this world whose approval holds no charms for me. But when nonacceptance means not accepting someone's right to live, we have a serious problem.

If the two murderers who so brutally beat Mr. Shepard to death and left him in this situation to ultimately to die, if they had been in a school system where people had taught that gay men and lesbians were human beings with a right to live, maybe this would not have happened. Maybe teaching people to accept differences, not in the sense of becoming their advocates or becoming their supporters, but in refraining from this sort of assault would be a good thing.

And so we will return to this. I hope we will, in the piece of legislation that is about to wrap up, adopt the hate crimes statute. But I hope also, Mr. Speaker, and I appreciate the Chair's indulgence for 10 seconds, I hope we will no longer see in this House efforts to harass educators and penalize educators who understand the importance of trying to remove from young people's attitudes the kind of hatefulness that led to this murder.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from New York (Mr. FOSSELLA).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMERICAN AGRICULTURE NEEDS SUPPORT OF PRESIDENT AND CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I wish to associate my remarks with the comments of the gentleman from Kansas (Mr. MORAN) and the gentleman from South Dakota (Mr. THUNE). Both of those gentleman represents States very similar to mine when it comes to agriculture and the prominence of agriculture in our economy in our home States.

Mr. Speaker, every day I receive calls from the people who sent me here to represent them, and every day I get letters and messages describing the need for relief from excessive regulation.

I am proud to represent the people of the 4th Congressional District of Colorado, and I have done my very best to represent them well. The people of the High Plains are good, hard-working people who love their families and whose values I am proud to say coincide with my own.

So today, I want to say a few words in particular about the farmers and ranchers who live and work on the Eastern Plains of Colorado. These producers, for the most part, are descendants of the first settlers of the West. They work the same fields and provide the affordable food that makes America a great place to live.

They take a lot of things in stride with their heads held high. They persevere in the face of a lot of things they cannot change. Drought, excessive rains, low crop prices, and the actions of foreign governments are all things beyond a farmer's control.

Farmers get a sense of pride doing the work they do, helping to feed the Nation and seeing the result of a year's work at harvest time. Farmers only ask to be able to do the work and live like other Americans. And right now, they cannot do that for a couple of reasons. Reasons the Republican Congress is attempting to address. See, the relative economic prosperity that the country is enjoying right now has left agriculture behind in many sectors.

Mr. Speaker, last week, the President vetoed the Agriculture Appropriations bill. Without warning nor legitimate reason, he placed the financial condition and trade competitiveness of America's farmers in grave jeopardy. These people expect their elected officials to know and understand them, to represent them in policy and in belief. I can tell my colleagues how challenging it is to face farmers at home and try to explain the behavior of our President in vetoing a bill so central to agriculture in America.

Mr. Speaker, the President of the United States has been wholly unconcerned about the people who are now suffering because of White House politics, the farmers and ranchers in Colorado and throughout the country.

Mr. Speaker, farmers face commodity prices that would drive any other business out of business. Take for example wheat, one of the staples of the American diet. It was priced at $2.35 just last week, yet wheat costs over $3 just to grow and harvest. Corn and cattle prices are yielding record low prices also.

Mr. Speaker, on October 2, this House of Representatives recorded 333 votes for the Agriculture Appropriations bill. Just a few days later, on October 6, the Senate voted the exact same measure off of the Senate floor. Yet when the President was given the bill, one of the only bills to pass with such a commanding bipartisan majority, sadly he let our farmers down.

Our bill provided $4.2 billion, and I say $4.2 billion to provide emergency aid. This money could be used to help people who have been victimized by declining crop prices, drought, flood, fire, disease and so on.

Pulling the rug out from under the Agriculture Appropriations bill, the farmers and ranchers of America, has a debilitating financial impact. There are many financial services, financial markets, insurance policies and provisions, bankers, that rely on the figures that are derived from the Agriculture Appropriations bill to set the planning prices, to set the financial figures for the next growing season. All of that, of course, is delayed now as Congress negotiates downstairs with the insiders from the White House and the Members of Congress who are negotiating with the White House to get this bill passed and concluded.

Every day that we engage in those kinds of debates we are delaying the ability of farmers and ranchers to move forward on financial planning and cash management on the farm.

Our approach in this bill was heavy on trade expansion. This is something that is very, very important, and a huge distinction between our values in a Republican pro-trade House and a White House that seems to be ignorant of the need to expand trade markets.

In fact, we have budgeted, set aside significant funds for the Export Enhancement program and this White House has refused to release those dollars in a way that can really help some of the hurting farmers throughout the country.

This bill is also heavy on research. Cutting-edge research is what has allowed American farmers to maintain their competitive edge around the world. Let me give a perfect example: The Russian wheat aphid. It was introduced into North America not too long ago. It is a very resistant variety of aphid, of insect. It has a remarkable ability to modify itself to various chemical applications. This research is important.

We also need tax relief. Farms are where we look to preserve the American culture. Rural America is a place where every American ought to be concerned. Rural America is the part of the country today that preserves strong families, good schools, close communities, strong economies, where we still honor the values of honest hard work. And I think it is inward to rural America where we need to look today for the values that will carry us into the next century.

□ 2030

Mr. Speaker, having our President veto the agriculture appropriations bill in my estimation was a very bad mistake. I am confident that our Republican Congress will always keep the needs of farmers and ranchers in the forefront as we proceed in the closing days of this Congress and return home to those constituents that sent us here to operate faithfully and justly, not in a partisan sort of way. We will keep the farmers and ranchers foremost in our minds as we proceed.

THIS CONGRESS MADE PROGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, there was this guy who was in hell and he was sentenced to go to hell and he was walking around down there and he was smiling. The devil says to him, what are you smiling about. He said, I am from South Georgia. It is 90 degrees. I do not feel so bad. I kind of feel like I am back home again.

The devil got mad. The devil cranked up the thermostat to 100 degrees and checked on the guy after a little while, walked over, the guy was not even sweating. Devil said, now what is the problem, why are you so happy now? He says, well, again, I am from South Georgia and 100 degrees is like July. This does not bother me a bit.

The devil got real mad, cranked up the thermostat to 110 degrees. And at this point the guy was smiling again. The devil runs over to him and says, I know, August, right. And guy says, you got it, devil, 110 degrees is not a problem.

The devil got real mad and turned the thermostat down to 15 degrees. Everything got blue and frozen. Devil ran over there and he saw the South Georgia boy smiling one more time and he said, what is it now? And he says, devil, I am smiling because apparently the Democrats and the Republicans have finally found something that they agree on up there in Washington.

And so the reality is, Mr. Speaker, we are often painted, Democrats and Republicans, as fighting things over. I will say this, that I believe philosophically so often that my side is right, as my good friends on the Democrat side believe their side is right. But what probably a less than complete world it would be if one side always won.

I think that if the Chicago Bulls keep on winning the National Basketball Championships, people are going to get tired of watching basketball. I am real proud of the Atlanta Braves, as I know the folks in New York City are proud of the New York City Yankees. If every year it boils down to the Braves versus Yankees, this year it may be San Diego versus Cleveland, people would get tired of watching baseball all the time.

The point is, Mr. Speaker, you cannot always have it the Republicans win; you cannot always have it that the Democrats win. We do need to cooperate. We do need to get some things accomplished, but at the same time, I do not think either side needs to apologize for what they believe in.

I am very proud of what this Congress has accomplished under Republican leadership. We have the first balanced budget since 1969, 1969, when Neil Armstrong was walking on the moon and the Mod Squad was on TV. We have reformed, protected and saved Medicare which a mere 3 years ago was on the road to bankruptcy. Now Medicare, on a bipartisan basis, has been reformed.

This Congress, under Republican leadership, has passed the first tax cuts in 16 years. We have passed IRS reform. This year we pushed for some more tax cuts. We have pushed for ending the marriage tax penalty. And my chart over here, Mr. Speaker, shows you some actual people, some real people who will directly benefit from marriage tax penalty relief. We have Kris Hanson in Nyssa, Oregon; William Johnson, Reno, Nevada; Larry Bergman in Tracy, California; Tom Smith from Columbus, Ohio, and the names go on and on and on, as millions of Americans would benefit from paying less taxes and avoiding paying higher taxes simply because they are married.

How big is this tax cut? We keep hearing the tax cut is huge, but of our $9.6 trillion estimated expenditure over the next 5 years, the tax cut is a mere $80 billion. It is a slither of a slither, Mr. Speaker, as you can tell from this chart. It really has been exaggerated. So that people can see it, it is just a mere slice. If this was a pie, I can promise you, you are going to go away hungry.

How much is the tax cut from the surplus? It is about 10 percent. What do we do with the other 90 percent of the surplus, Mr. Speaker? We for the first time in 40 years protect Social Security. We do not take the Social Security money out of the Social Security trust fund. We build a wall on it so that that money cannot be used for roads and bridges. The first time in 40 years, 90 percent of the Social Security surplus would be protected.

What else has this Congress done? We have reformed welfare, welfare, Mr. Speaker, which was vetoed twice by the President and finally signed into law by the President. Today we have 37 percent less people on welfare rolls than we did 5 years ago. We need to continue to do that so that people become independent and that is a very important part of the American experience.

Mr. Speaker, finally let me say on education, we have a whole gamut of issues on education designed to put dollars back in the classroom and control back in local educators' hands and away from the Washington bureaucracy.

Mr. Speaker, is this Congress making progress? Yes, it is. Is it everything the Republicans wanted? No. Is it everything the Democrats wanted? No. But is America being served by the dynamic of the two-party system? I would say that it is, and we should continue working for these very important reforms.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about why it is that we are still here in Washington, why many of my colleagues are not back in their States campaigning for an election that is very near at hand.

I think we need to realize how important is the struggle that is going on in this city right now as it relates to a very important issue for so many senior citizens in America. That is Social Security.

About two weeks ago we had a huge fight out here about whether or not it was all right to use the Social Security surplus for tax cuts. And in the end that fight was decided, no, it is not okay to use Social Security money for tax cuts. That is not okay.

Tonight we are out here, and many of us have come back specifically for this reason, because there are so many people out here right now that want to take that Social Security surplus money and use it for new government spending. There are specific proposals, one, $14 billion to fund the IMF. Another one, let us rebuild embassies with the Social Security money. Another one, let us help Korean flood victims with the Social Security money. I am not here to debate the merits of the IMF or even the merits of building the embassies or helping the flood victims in Korea, but what I am here to suggest is that if this government sees fit that these are the top priorities, then it is necessary that we eliminate some other sort of government spending so that we can afford to fund these top priorities. Because what is wrong is going into the Social Security trust fund and taking the Social Security money out to fund these new Washington spending programs. That is wrong.

If the government sees these as the top priority items, then the government needs to find less important items and get rid of them so that we are not in essence stealing the Social Security money to fund new government spending.

Another program that we are hearing a lot about in the news right now is education. There is a proposal from the President to increase funding for education. I got a call from a constituent. That is the other reason I came over here tonight. I had a discussion with a constituent this evening. She said, Mark, what exactly do you say when the President calls for more funding for education for 100,000 new teachers and building new schools? What do you say back to the President?

I said, I support having smaller class sizes and more teachers and newer school buildings, too. I think it is absolutely essential that we have smaller class sizes and newer school buildings. But the question that needs to be answered is not whether or not we should have smaller class sizes but who is going to control where those dollars are going to, who is going to decide where those new teachers go?

Should it be us out here in Washington? Is there something that makes us powerful or more knowledgeable than parents and teachers and communities? What exactly is it that would lead us to believe that we are better stewards of that money than the parents and the teachers and the folks in the local community who can then make decisions how to best spend that money and where to best put those new teachers. The debate is not about whether we should have more spending for education. The debate instead is about who should decide where those dollars are going to be spent.

One more thing, when we talk about the government collecting tax dollars out of working people's pockets, getting them in Washington and then the government, the Federal Government out here in Washington deciding where we are going to put 100,000 new teachers and where we are going to decide that it is all right to build new school buildings, when we collect that money out of the taxpayers' pockets, 40 cents goes to the bureaucracy before any money gets out to hire new teachers or before any money gets out to build new schools. That is wrong. That is what is wrong with the whole concept.

If we want to direct more of the Federal tax dollars to schools and to education, that is good. I have no problem with that at all. As a matter of fact, I think that is a very high priority in our Nation. But when we are redirecting those dollars, let us empower the parents and the teachers and the communities to decide how to best spend those dollars to better educate their children.

My experience here in Washington, I have seen absolutely nothing, absolutely nothing that would lead me to believe that the people here in Washington are better able to determine how to best educate our kids, are better somehow than the people that are there in those local communities, in the Fox Valley where I spoke to this young lady this evening. I see nothing that would indicate to me that the parents and the teachers and the school boards and the other folks there in the Fox Valley in Wisconsin are not better prepared to make decisions on education that relate to their kids than the people here in Washington, D.C.

That is what this debate is about. It is not about more money or less money for education. Education is a very high priority. There are all kinds of government waste that we can eliminate so as to redirect more dollars to education. I support that.

To the extent that we are talking about allocating more of our Federal resources to education, I support that. But I also support making sure that it is our parents that are deciding where their kids go to school, what the kids are taught and how it is taught in those schools. We need to reempower our parents to be actively involved in the education process of our kids.

We found an interesting thing happens, when the parents are actively involved in the education process of the kids, we looked at a study of thousands of teenagers, what we found is that when the parents are more actively involved in the kids education, not only does the education get better, but we find that there is a decrease in crime rates, there is a decrease in drug use, decrease in teen pregnancy. So the bottom line in this whole education debate is not should there be more Federal dollars allocated to it or less. The debate is about who should decide how those dollars can best help educate our kids.

I keep coming down to, I have just seen absolutely nothing that would indicate to me that somehow, because we are here in Washington, we know what is best for educating our kids out in Wisconsin. I just do not buy into that. I think the right answer to this is go ahead and support reprioritizing the dollars toward education, but let us make sure that our parents and our teachers and our communities and our school boards are then deciding how to best use those additional resources to best improve the quality of education for our children.

CIA IGNORED CHARGES OF CONTRA DRUG DEALING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, well, the CIA has finally admitted it and the New York Times finally covered it. The Times ran the devastating story on Saturday, with the headline: CIA Said to Ignore Charges of Contra Drug Dealing in 80s.

In a remarkable reversal by the New York Times, the paper reported that the CIA knew about Contra drug dealing and they covered it up. The CIA let it go on for years during the height of their campaign against the Sandinista government.

Among other revelations in the article were that "the CIA's inspector general determined that the agency 'did not inform Congress of all allegations or information it received indicating that contra-related organizations or individuals were involved in drug trafficking.'"

The Times article continued pointing out "[d]uring the time the ban on [Contra] funds was in effect, the CIA informed Congress only about drug charges against two other contra-related people. [T]he agency failed to tell other executive branch agencies, including the Justice Department, about drug allegations against 11 contra-related individuals or entities."

The article continues stating "[the Report] makes clear that the agency did little or nothing to investigate most of the drug allegations that it heard about the contra and their supporters. In all, the inspector general's report found that the CIA has received allegations of drug involvement by 58 contras or others linked to the contra program. These included 14 pilots and two others tied to the contra program's CIA-backed air transportation operations.

The Times reported that "the report said that in at least six instances, the CIA knew about allegations regarding individuals or organizations but that knowledge did not deter it from continuing to employ them."

Several informed sources have told me that an appendix to this Report was removed at the instruction of the Department of Justice at the last minute. This appendix is reported to have information about a CIA officer, not agent or asset, but officer, based in the Los Angeles Station, who was in charge of Contra related activities. According to these sources, this individual was associated with running drugs to South Central Los Angeles, around 1988. Let me repeat that amazing omission. The recently released CIA Report Volume II contained an appendix, which was pulled by the Department of Justice, that reported a CIA officer in the LA Station was hooked into drug running in South Central Los Angeles.

I have not seen this appendix. But the sources are very reliable and well-informed. The Department of Justice must release that appendix immediately. If the Department of Justice chooses to withhold this clearly vital information, the outrage will be servere and widespread.

We have finally seen the CIA admit to have knowingly employed drug dealers associated with the Contra movement. I look forward to a comprehensive investigation into this matter by the Permanent Select Committee on Intelligence, now that the underlying charges have finally been admitted by the CIA.

MORE ON EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I came to the floor tonight to talk about education and to first raise my disappointment with Congress being unable to provide funding for America's children in terms of education.

However, I am hearing that perhaps an agreement has been made and that there will be funding available for some of the President's initiatives that he proposed back in January in the State of the Union address.

What I have here tonight is a pamphlet that describes what matters most, Teaching for America's Future, that I provided to every Member of Congress at the top of the year. As the only Member who serves on the National Commission on Teaching in America's Future, I wanted Congress to recognize persons across this Nation, from governors to state superintendents to school superintendents, principals, educators, teachers and parents, coming together to talk about the importance of qualified teachers.

This is why we embraced this, the President's initiative on 100,000 new teachers to provide for our students. We must reform the methodology of teaching in which we have begun to do, and we must expand professional development for teachers. We can ill afford to have weakened professional development, thinking that this will make teachers more qualified.

□ 2045

Teachers need a more frequent involvement in professional development, and there needs to be a whole methodology of teaching whereby computer literacy will be part of this new methodology of teaching.

After-school programs is another phase by which we need to embrace this initiative. If we are going to divert those 3 hours of mischievous time for students who come home to empty homes, latchkey children, we will then need to have after-school programs where this will be a positive setting for our students and our children whereby they can divert from the violence that has seemed to just permeate that block of time where children are not supervised.

Smaller classrooms. We as former teachers and administrators recognize the importance of smaller classrooms, eighteen in a class, that is the best, more manageable classroom whereby students will get individualized training. We must ensure that qualified teaching and qualified learning be part of the structure of a reduced class size.

School construction. There is no way that dilapidated schools where roofs are falling, wiring is seen outside of the plastic, plaster is falling from the ceiling, there is no way that is an environment that is conducive to learning.

This Congress must make sure that the infrastructure of education become a priority just like the infrastructure in transportation became a priority in the T–21 bill. We must provide that infrastructure of education so that we can build the bridges of learning for our students to cross over this bridge to the 21st Century like we are building infrastructures, roads, and bridges in our towns and in our cities.

Yes, the President's initiative is one that we embrace, members and commissioners on the National Commission on Teaching and America's Future, a think tank that speaks to education, because we want to make sure that our children do have the quality of qualified teachers, reduce class sizes where there will be more individualized training, after-school programs where they can further this training and also enhance their knowledge, and, yes, school construction.

Children must have an environment that is conducive to learning. Our children deserve no less, and our Nation has no recourse if we are to prepare our future leaders for this global workplace.

ISSUES YET TO BE SOLVED IN THE DO-NOTHING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I would like to spend the hour this evening with some of my Democratic colleagues basically reiterating what we have been saying the last few days or the last few weeks; and that is that, because of the Republican leadership's inattention, if you will, to the budget and to the needs of the American people, and because of their unwillingness to reach out and deal with some of the most pressing issues that the public is really crying out for this Congress to address, we are now faced here with another day and another continuing resolution because there is no budget because the Republican leadership has not passed a budget and is basically trying to get out of town, have this Congress adjourn, without addressing some of the major concerns that we as Democrats feel should have been addressed and still could be addressed if the Republican leadership would only take them up. I just mention a few like HMO reform, education initiatives, the need to address concerns about Social Security.

I just wanted to point out that, due to excessive partisanship, we have seen the Republican leadership waste time on a very extremist agenda in this Congress and not deal with the issues that really should be dealt with.

I just wanted to mention two tonight before I introduce and yield time to some of my colleagues. One is this raid on the Social Security Trust Fund to pay for tax breaks, if you will, primarily for the wealthy, and the second is school vouchers.

What we saw just a few weeks ago was really the most alarming of the extremist proposals passed by the Republican Congress, and that was H.R. 4579, the GOP tax break bill. This raided the Social Security Trust Fund to pay for an $80 billion election year tax break. The House Republicans passed their tax, their tax cut bill on September 26 by a vote of 229 to 195, and they said they were using the surplus for tax cuts.

But what the Republicans failed to point out was that, without the Social Security Trust Fund, there was no surplus. Indeed, 98 percent of the surplus from fiscal year 1999 through fiscal year 2008 comes from the surplus in the Social Security Trust Fund.

That is virtually all the surplus reflects, anticipated buildup in the Social Security Trust Fund to pay future Social Security benefits. To spend this Social Security surplus on tax cuts is to endanger the future benefits of Social Security recipients, our senior citizens and future senior citizens.

Democrats have proposed saving Social Security first, preserving every penny of the surplus until the Social Security Trust Fund is strengthened through the 21st Century.

But the Republicans did not want to deal with that. They did not want to deal with Social Security. They did not care about Social Security. They just wanted to get some quick tax breaks, again primarily for the wealthy.

The second thing I wanted to mention tonight, and I know that most of my colleagues are going to talk about, the Democrats education initiative, the school modernization program, the proposal to add 100,000 teachers to bring class size down.

These are really the two issues that we insist must be addressed before this Congress adjourns. But what I wanted to point out very briefly is that, not only did the Republican leadership not address these important education initiatives, but they spent a tremendous amount of time this last year trying to take away money from public schools and give it to private schools in the form of vouchers.

I consider this one of the most extreme parts of the GOP agenda, this anti-public education agenda they have been pursuing over the last 2 years. Even the conservative Washington Times acknowledges, and I just want to quote, "that the ground breaking school voucher provision is the first step in a larger Republican effort to shift Federal aid away from public schools while making it easier for parents to send their children to private schools. School vouchers use scarce taxpayer dollars to subsidize attendance of private and religious schools rather than improving the public schools."

I am going to use a quote from one of my colleagues, a Republican, the gentlewoman from New Jersey (Mrs. ROUKEMA) because some of the Republicans on the other side share the Democratic view on this, although the leadership was clearly against us.

The gentlewoman from New Jersey (Mrs. ROUKEMA) said, and I quote, "ultimately these school vouchers will result in gutting the public school system. Because vouchers will be sending more and more of our scarce financial resources out of the public system and into the private system."

Mr. Speaker, this is just the beginning of what the far right wants to do to destroy public education. They wanted to eliminate the Department of Education, and they want to take money from the public schools and give it to the private schools.

Just an example of a couple of expressions that have been made by some of the far right proponents, if you will, who are advocates of this. This is a quote from Pat Robertson, founder of the Christian coalition. He says, "the public education movement has always been an antiChristian movement." Can you imagine suggesting that somehow public schools are antiChristian?

Another quote from Jerry Falwell, founder of the Moral Majority, and I quote, "I hope to live to see the day when we will not have any public schools. The churches will have taken them over again, and Christians will be running them. What a happy day that will be."

Now I do not mean to take away from people who want to send they're children to religious schools. I think it is great. I have no problem with it whatsoever. But do not make the public school system somehow the devil, if you will, in something that should be destroyed. That is what I am fearful is happening here.

So I wanted to point out tonight that it is not just a question of the fact that the Republican leadership will not take up our education initiatives but that they have an entirely different agenda. They basically want to destroy the public school system. I do not think there is anything less than that they have in mind. That is not true of all of my colleagues on the other side, but I think true of those who are in charge.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), who has been so supportive of this effort with regard to the Democrats education initiatives.

Ms. WOOLSEY. Mr. Speaker, I would like to thank my colleague, the gentleman from New Jersey (Mr. PALLONE) for holding this special order and sharing it with us tonight.

I would like to talk about two issues under this, what I am kind of coining as the "do-nothingness Congress." It just keeps coming up and coming up to me. One the environment, and two education.

I would like to start with education, because I keep hearing the other side of the aisle talking and talking about all they have accomplished in education in this Congress, and it makes me think that some of them, some of our Republican colleagues need to go back to school themselves, because these education initiatives passed this year, the education bills passed in this Congress simply do not add up to meet the real needs of our kids and our schools.

Our children, 25 percent of our population, 100 percent of our future, and the Republican agenda does not make the grade when you consider how important our children's education and their future and their education is to not only their future but our future.

So those of us who have done our homework know that overcrowded classrooms are one of the biggest obstacles to improving education for these important children. We have read the studies that confirm that what parents and teachers all over the country already know, and that is that smaller class sizes result in a better education experience and better education results.

In fact, even my very Republican Governor in California, Governor Wilson, has made my home State step up to smaller class sizes and made that a priority in California. But do my colleagues know what we learned right away? We learned immediately that smaller classes mean training more educators, means hiring more teachers, and building more classrooms.

So we have a mandate in California, for grades K through three, 18 is the largest class that a school can have; and they do not have any classrooms and the teachers are not certified.

So that is why President Clinton has asked the Congress to pass legislation which will allow schools across America to hire and train 100,000 new qualified teachers. That's why President Clinton has asked the Congress to pass legislation to help communities with their unsafe schools, renovate their old schools, and build new schools.

What answers do my Republican colleagues give to the President? Their answer is education block grants and vouchers for private schools. But we all know that block grants and vouchers do not make the grade. Block grants and vouchers do not repair crumbling schools or get more teachers into the classroom.

It is really a good thing that this Congress is not on a pass-fail grading method because, so far, my Republican colleagues and this do-nothing Congress would fail.

But there is still time. We have a little bit of time with this week to do some extracurricular work in the omnibus appropriations bill to make classes smaller, to make schools safer, and to make our children our number one priority around this country.

About the environment. We are also waiting to see whether the Republicans are going to hold our precious environment hostage during these last days of this do-nothing Congress. They added many harmful riders to the interior appropriations bill that President Clinton would have vetoed, so we did not even vote on it.

Now they are working in the back rooms, and I am scared to death that they are going to add these riders to the omnibus appropriations bill. This will make the appropriations bill unpassable, adding to the do-nothingness of this Congress.

I joined many of my colleagues writing to the President, asking him to oppose such assaults on public health, public lands, and our public treasury; and I am hopeful that the majority party will do what is right.

Some of these riders range from leaving our beautiful lands unprotected to leaving our children exposed to toxic chemicals. Everyone, Republican and Democrat alike, should agree that these important policy issues should not be solved through back-door methods on appropriations bills.

□ 2100

Sometimes the Republicans actually do the environment a favor by doing nothing at all, and that was evident last week when the omnibus parks bill, which contained many harmful environmental measures, was soundly defeated, with Democrats and Republicans alike.

The reality is that the general public wants us to protect their environment. They like clean air, they like clean water, and they like the parks and forests we all treasure. The American people will not tolerate these constant attacks. They not only care about themselves, they care about their children and their children's children and all the children in the future.

Between the Republican attacks on education and our environment, perhaps a do-nothing Congress is best because it might be the best we could hope for. Unfortunately, when this Congress decided to do something, they decided to do something in the wrong direction.

We can only hope the Republicans see the light, the light of important issues such as education for our children, our number one priority, and environment for ourselves, our future and our children's future.

Hopefully on election day, the American people will show the majority party the way.

Mr. PALLONE. I just want to thank the gentlewoman again for bringing up the environmental issue and basically saying that what we have been doing in the last 2 years is essentially playing defense here. There has not been any effort on the Republican side to do anything progressive with regard to the environment. We have simply had to defend and prevent them from making things worse with these terrible environmental riders. There has never been a suggestion of reauthorizing the Clean Water Act or the Clean Air Act or the Endangered Species Act in a way that would be more protective of the earth or the environment.

The same is true with respect to education. Now we are insisting that there be some progress on education initiatives like modernizing our schools, but we basically have been playing defense against this effort to tear down public education with vouchers and other efforts to slash funding for education. I want to thank the gentlewoman for bringing that up.

Mr. ETHERIDGE. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from North Carolina, who really is an expert on education issues.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for organizing this hour and I am proud to have an opportunity to spend a few minutes with my democratic colleagues talking about this whole issue of education.

It is interesting to me. Education really should not be a partisan issue, but unfortunately in this Congress it is. Children show up at the public schools. They do not come as Democrats or Republicans. When they start, they only know what they get, not what they need, and that is unfortunate. Many times children, depending on the income of their parents or what part of town they may come from, that is what they may wind up with in terms of their opportunity for education, which in turn dictates to the quality of life they may have later, and certainly dictates the quality of life their family will have because education really is the one thing that levels the playing field, and I mean public education because depending on the State, in this country roughly 90 percent of the children are in public schools. In some States, in my home State, it is almost 95 percent and it varies from State to State.

That is why we need to do everything we can to support the public institution that has really made a difference in this country of providing an economic opportunity for so many people to move into the middle class in America. That has been public education.

Let me ask a question: How did we get here? How did we get to the condition we are in? Because most of the people who want to take the public school money in this Congress and turn it into vouchers and give it to private schools, to those that already have it, came through the public schools in this country. So they had an opportunity to step-up to the plate and enjoy that great smorgasbord we call public education in America that many around the world would love to have the opportunity to get, who come to our shores on a daily basis and walk into the doors of our public schools. Many of them cannot speak the English language, and we need to do a better job of making sure they have that opportunity.

There are many in this Congress, of the majority party now, in this Congress, who would like to take away that opportunity.

It amazes me the challenge that we face in trying to improve the quality of education and the fights we have had this year to gain every inch of ground we have gotten.

The President has asked for funds for teachers. We just passed a higher education bill that provides for training of our teachers, the change that needs to be made. Many of us, and I was fortunate enough to be a part of the legislation that incorporated character education, really to put back in the training of our teachers, which is an important component.

I mention that only to say in the sixties when the Sputnik went up, and we had challenges in this country in math, in science, et cetera, we poured the dollars in at the higher education level to train engineers. We trained doctors. We put the dollars in and paid for it because that was part of our national defense. We saw that as a mission, something we should do.

Today that is still true in our public schools. That is the foundation that we build on, and yet there are those that would say to us, in the Republican Party, that is not a responsibility of Congress.

Why, of course it is a responsibility. Our first challenge is to defend our borders, and our national defense, and our military. If we are going to compete in the world economy, our next challenge is to make sure our children, all of our children, no matter what their economic or ethnic background is, that they get an opportunity to get an education.

As we put those teachers out there, we need to make sure they have a quality place to go to school, and that is why we need to build buildings.

I have been into probably more school rooms than any other person in the 8 years I was superintendent of the schools of North Carolina, and we have spent a lot of money. We spent $1.8 billion in a bond issue we passed at the State level 2 years ago, and who knows how much the locals have spent, but we are still behind. We have children in trailers, and yet there are places in this country where we have children in classrooms that a person would absolutely not operate a business. They would not operate a business because the buildings are in that kind of a condition.

How do you say to a child that education is important when they ride by a prison on the way to school that is nicer than the building they are going into to get an education? Children are not dumb. They are pretty bright. They can figure things out. They know what is important in their community. That is why it is important that we pass, before this Congress goes home, and we ought to stay no matter how long it takes, to put some money out there to supplement, only to supplement, what locals are doing; to build the buildings that need to be built; to repair the buildings that are decaying.

We have classrooms that the windows are out. We have got classrooms that are cold in winter when they ought to be heated. We have got classrooms that are in deplorable conditions across this country and it varies from community to community.

For someone to stand on this House floor and say to the children of America, that is not the role of the Federal Government, I can remember when it was not the role of the Federal Government, if I read my history, to build roads. I remember when it was not the role of the Federal Government to put money in water and sewer because we did not have water and sewer. There were so few people in this country, they had a house out behind the house they went to, but we have changed in America. In America, we have water and sewer. We have treatment plants. There are places where we do not have enough because we need to put more to clean up our water, but we have changed as a country.

Education is among the highest priorities we have in America today and, yes, we have a role in it. We can argue about how we are going to get it there.

I happen to believe that if we are going to put 100,000 teachers out there, they ought to go to the schools and we ought not to let a bunch of people decide what they are going to do with that money. They ought to go to the classroom where the children are.

I was a superintendent and there are some mighty good people out there and I trust them. I was in business for 19 years, too. I had my books audited every year by a CPA. I trusted my people, but I did not trust them that much. I do not think this Congress is going to trust dollars to be thrown out. We ought to require that it be in the classroom where children are, because I believe it is that important to reduce class sizes.

I do not need to stand here this evening and share with my colleagues and the American people that it is important to reduce class sizes. Teachers know it is. Parents know that it is. The PTAs across this country support it.

It is amazing to me, I never cease to be amazed when I come on this floor, when people have all the answers about all the issues and yet we have professionals in our classrooms that have gone, and I assume our colleges are doing a good job, most of them, training teachers, they know what children need and yet we are going to tell them what they need. They do know. They know that their children need a good, warm, comfortable place to learn. They need a smaller class size.

It is not necessary to be a college-educated person to understand if there are 29 students in a classroom or 16, which class is going to get more attention from the teacher. The President is right. We need smaller class sizes. If it is done in kindergarten through the third grade, the data is there. It is absolutely irrefutable, that if it is put there it can be seen. It has been done in Tennessee. We are doing some of it in North Carolina; not enough. We are trying to get it in all the kindergarten through the third grades, but I can say this evening if a child cannot read by the time that child is in the third grade, they are in deep trouble. It is more likely the child will be a dropout. That child most likely will drop out of school. If they do not drop out of school, they struggle and they struggle. They will become a discipline problem and there are all kinds of problems in the schools.

Others want to say it is a school problem. It is not the school's problem. It is our problem. Those children are all our children. Whether they are our biological children or not, they are children of America, and they have a right to a good education. We have the resources. We ought to be doing it. There are a lot of things we do that are important, but nothing is more important than the dollars that this Congress ought to put in, before we go home this week, to make sure we have a decent classroom, where we can, for children to go to, and that they have a reduced class size where teachers can do the job they have been hired to do.

We talk about we want academic standards, and I happen to believe it is important to have it. We are going to get it if we reduce those class sizes and allow teachers to do the job they were hired to do.

Last year, I served as co-chair of the Caucus on Education. We laid out a whole package of things that we thought were important for education that would strengthen our schools all across this country, first class public schools with academic excellence, and we get there by doing these and many other things. We talk about getting parents involved. Parents get involved when they are proud of the schools their children go to.

It is easy to have pride in a building that is nice. It is easy to have pride in a building where the teacher knows the children and when the principal is engaged and when computers are involved, and that will happen. Public tax dollars will improve public education if the dollars go to the schools and do not wind up in vouchers for private schools.

I said, when I was state superintendent, I would fight for the right, I still say that as a Member of Congress, for any person who wants to send their child to a parochial or private school. That is their right. But I will fight just as hard to make sure they do not take one penny of tax money to be used for that because we do not have enough money in our public schools.

The last time I checked the public schools in my State, the PTAs were having bake sales to make sure they have enough money for the schools. We do not need to be taking the hard earned tax dollars from the citizens of my State or this country, in America, and not putting them back where they are well spent, in our public schools.

There are more things I could say about it because I believe very strongly our public schools are the foundation, really it is the foundation, that our democracy is built upon. Jefferson said if we expect to remain a free and democratic society, we must be a well educated society, and I still believe that.

Mr. PALLONE. I just wanted to ask the gentleman one thing, though, because he is so knowledgeable on the subject. First, let me say that it is amazing to me, and I am glad the gentleman brought up this whole ideology that somehow the Federal Government is not supposed to get involved in public education, I do not know how our colleagues on the other side, the Republican leadership on the other side, can say on the one hand that they do not want to fund public education but then say it is okay philosophically to pay through vouchers for private education.

□ 2115

To me, it is even more extreme, if you will, to say on the one hand that you do not think we should get involved with the public sphere, but it is okay to get in the private sphere with public dollars. Ideologically that makes no sense to me.

I also wanted to mention, and maybe you could just develop this a little bit, the gentleman talked about the need for the funds for school modernization. I think we need to point out, as the gentleman said, we are really only talking about a small amount of dollars here.

Essentially what this does, from the way I understand it, is it gives Federal tax credits to pay the interest on the bonds. And the problem you have in a lot of the public schools, including in my own district these days, is that they cannot afford to put out these bonds to build additions or renovate the schools because the costs of the interest rate is too high.

If you could give us an example, if you would briefly, about how that would help in North Carolina.

Mr. ETHERIDGE. If the gentleman will yield, you are absolutely correct, because what it would amount to is a school system, let us say, well, I will use my own state, North Carolina, let us say when it is approved by Congress, assuming it is approved this week, let us say North Carolina is allocated, as an example, $200 million for the state, whatever that number is. That is an easy figure to work with.

Then the state would in turn allocate that to the local systems based on whatever need formula they use. Then they would in turn sell those bonds at the local level to build the schools or renovate as they needed, and the Federal Government would pick up the interest, and the people who buy it, of course, would check that off on their taxes, would be one way to do it.

But however it works out, it would mean that the local unit of government, and that is the important thing, you are passing down, we are allowing at the Federal level building that partnership that I think is so important.

We are not taking away any of the authority at the local level. We are becoming a partner. We are not the senior partner in this situation, we are the junior partner, and doing it on a one time basis.

For those who want to talk like we are the big brother, in this case we are the little-bitty brother, because they are doing about 90 percent of the work at the local level, and the truth is of the Federal funds flowing to the local level, in my state it is about 7 percent, and I think it varies from state to state, but it is somewhere around 9 percent maximum of Federal dollars flowing to the local level.

Education has always, will be, and continue to be a local issue, and so are facilities. But all we are talking about is helping those who have the greatest need at a time when they are really struggling. They are trying to put as many dollars as they can into curriculum offerings and in teachers, and all we are doing is supplementing two pieces, the facility for a little while, to give them a jump start.

It is like having a car alongside the road and the battery is weak, but the engine will run. So we are going to give them a jump start until they can get far enough to the next station to buy them a new battery.

That is all we are talking about with these funds, to renovate and get those schools running. Then when you get the vehicle running, people say it looks pretty good, I am going to loan you enough money to buy you a new battery. That is what we really are talking about with the bonds to renovate and build some new buildings.

Mr. PALLONE. I thank the gentleman, and I want to yield to the gentlewoman from Connecticut who has taken the leadership on this.

Ms. DeLAURO. I want to thank my colleagues for their really eloquent comments. A lot of us are here tonight, I am not going to speak very long, because there are lots of people whose voices ought to be heard. It is a critical issue. It is a values issue. It is who we are and what we define as a priority for this Nation.

I have often said education is the great equalizer in this country, and it has allowed for so many of us, whatever our gender or religious affiliation or party affiliation or socioeconomic status the ability to use our God-given talents in order to try to succeed. And it is a mystery to me that here we are at 9:20 at night, and for almost the last two years, or at least a year, have been trying to focus in on education, some very simple proposals that the President laid out last January, and that we want to try to have our children have some opportunity for some attention in schools, to reduce the class size, not just because of numbers. That is not what the issue is.

You take the class size and you reduce that number in grades one through three from sometimes 22, 24, 26, up to 32, 36 students in a classroom today, down to 18, and you allow that teacher to have some individual time with each and every child. So that I know that my youngster is going to get the benefit of some individualized attention.

That also helps the teacher to deal with a better environment for learning, better discipline opportunities, when you have got a smaller number of children, all with the express purpose of looking at increasing our standards, making both teachers and students more accountable, and, in essence, more of an opportunity to learn.

That is one of the proposals we are here talking about and struggling for, quite frankly: Increase the numbers of teachers, 100,000 teachers. We have had a wonderfully successful increase in the number of cops on the beat, community policing, because we had a COPS Program with a partnership between the Federal Government and local government to increase the number of policemen on the beat in our country.

This is a very similar type program. Let us increase the number of teachers. Better education, more safety, these are the kinds of values that the people that we represent have asked us to engage in.

Modernizing our schools, not because our kids ought to go to school in palaces and these grandiose buildings, but in fact in some places with falling roofs and paint and exposed wiring and a whole variety of poor infrastructure in our public facilities, it is to clean up that problem.

But probably more importantly than the bricks and the mortar is the opportunity. I have got lots of old buildings in my district in Connecticut. We are an old industrial city. We cannot wire these facilities up to the Internet. We cannot give our kids the kinds of adequate ability and technology that allows for them to be able to compete and to succeed. That is what modernization is about.

So, I mean, these are three kinds of areas that it seems to me are very basic. And here we are over the last year fighting for these issues, with the President leading the way, and we are at the last hour of this Congress, when we have been unable to even get a hearing on any of these critically important issues. And our hope is that we can in the next remaining days of this Congress, or even the remaining hours, we have got time. We have got time. We can do it. The majority, the Republican majority in this body, if they wanted to, in a heartbeat, in a heartbeat, could decide that that is where our goals are, that is where our priorities are.

These are what our values are about.

I have just one more comment to make, because I think there is a very big difference, a very, very big difference, in the philosophy that we bring to this body.

No one here, that is here tonight, to talk about this issue, believes that government should do everything for people. That is not what this is about, because there are those on the other side of the aisle that say our colleagues want to just throw money at this problem.

That is not it at all, especially when the Federal Government contribution to education from kindergarten to 12 years is 7 percent. It is rather minimal, when we think about it.

But the fact is that I happen to believe, and I know my colleagues here tonight who are speaking on this issue believe, that in fact it is government's obligation, their obligation, to help people by crafting those tools that are necessary for people to meet the challenges in their lives.

That is what these programs are about, helping them to meet the challenges of educating their kids, making sure that their kids have the opportunity to succeed for the future. That is basic to every parent in this Nation. As my parents wanted to leave me with the opportunities to succeed, each and every one of us views it as our responsibility to help our kids have a better future, and we happen to believe that in fact government has a role in helping to that end; not to do everything, but to help in the process.

I am afraid and sad to say that not all, but particularly the leadership on the other side of the aisle, does not believe that government has any role to play in providing those opportunities for our kids, and that is a sad day. My hope is that we will turn that around in the next few days of this Congress.

I thank the gentleman and I thank my colleagues for the opportunity to share this with them tonight.

Mr. PALLONE. I just wanted to thank the gentlewoman, and before I yield to the next member, I was glad that you brought up the point about the COPS grant, because this is very much, this hiring of the additional 100,000 teachers, is very much modeled on the COPS grant.

We had someone, I think it was the Republican whip or one of the Republican leaders the other night, was suggesting that somehow the COPS grant program had not been successful. And I cannot think of any program that has been more successful.

I know in my hometown, we have had the opportunity to hire a lot of additional policemen. The crime rate has gone way down. These are community police officers. They have to be out on the street.

They also suggested that somehow there was a lot of strings attached by the Federal Government. It has not been that way at all. Basically the only requirement is that there be some local match to pay for the police officers, and that the police officers, you know, have certain benefits and that they serve in the community policing capacity. In other words, they cannot stay in the headquarters. They have to be out on the street, I think maybe in police cars or on the sidewalk, but out there with the community.

And it has been fantastic, the number of people that have been hired around the country and the impact on the crime rate. It has gone down significantly. And all the Federal Government really does is to provide the funding, and the communities are clamoring for this. So the notion that somehow that was not successful and we should not model it on the COPS grant, that is absurd. That is a perfect model.

I yield to the gentlewoman from Michigan.

Ms. STABENOW. I thank the gentleman. I am very pleased to be with my colleagues tonight. I wanted to at this point indicate that when talking about the COPS Program, if I might just put a plug in for our colleague from Connecticut, JIM MALONEY, who has been working very hard to expand the COPS Program to include school resource officers, which is another part of our education program, working on safety in the schools, and I have been very pleased to work with Congressman MALONEY, who has been successful in placing additional dollars into the budget to expand the wonderful COPS Program to allow those same officers that are trained in mediation, prevention, working with young people, being able to make those relationships between the neighborhood and the school to be able to bring that into the school.

I know I have colleagues here that have been waiting here to speak this evening, but I did want to mention that it is I think noteworthy that our democratic colleague, JIM MALONEY, has been working very, very hard on this issue. And, if I might also indicate that as we look to the closing days, I cannot think of a more important message to send to children in terms of our belief in them and their future, but to provide them with safe, clean, modern schools, with teachers that are prepared, with math and science labs that are of high quality, with technology, computers that they can access the Internet in a safe way. We have the opportunity in the remaining days of this session to provide our children with a very important message about our belief in them and the importance of their future.

□ 2130

Mr. PALLONE. I know that the gentlewoman has been a leader in pointing out the need to upgrade, if you will, schools so that they have computers and high-tech equipment and that type of thing. Just give us a little information on how important that is and how this modernization program could be used for that, because I think most people just think we are talking about bricks and mortar. It is not just that.

Ms. STABENOW. Mr. Speaker, we are definitely talking about really two phases. One, you have to have buildings that are modern enough to be able to be wired. We have schools around the country where we could not begin to wire them for the Internet because the walls are falling down. They do not have the ability to be connected.

But if they do, and in my district, through volunteer efforts, because we have not been able to get the support from the government to partner with us, we have been moving ahead with private sector partnerships through Net Days, wiring schools with the private sector, and so on. We want the Federal Government to be a partner in that, as well, so we can reach out to those schools who have not been able to be successful in wiring schools.

The point of all of that is to make sure that our classrooms look like the workplace. Right now my daughter just graduated from high school last year. Her classroom in Lansing, Michigan, is an excellent school, but a school that is an urban older school, an older building. Her classroom looks much like it did when I was in school, and I will not say how long ago, rather than looking like the workplace that she will enter. We know that we want our children to be coming into a classroom that is preparing them for what they will face in the workplace, the kinds of equipment, the kinds of technology.

I want very much for my children to be able to access the Library of Congress, or to be able to learn a foreign language, and speak to children in another part of the world in that language. How much more exciting that is. There are safe ways to provide access to the Internet for children that allow them to open up history, to study art by going to the Louvre through the Internet; wonderful opportunities to open up the world of knowledge.

That is what we have the ability to do right now. We need to make sure that not only children who can afford to have that technology at home have the world open to them, but that every child in every neighborhood school has that, as well.

So we have been working, as Democrats, to provide that structure, to make sure that that technology is there, that teachers are prepared, that they have the professional development tools, that the computers are there, that the knowledge is there, and that it is safe. We know that there are also issues of predators on the Internet, and we have also been addressing that as well to make sure that that is safe.

But in the end, we know our children will walk into the workplace where every single job they will face will involve a computer. We do them a disservice if we do not give them the ability and the sense of comfortableness of working with that equipment and working with that technology in our school buildings so they are truly prepared.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman. I think it is very important that we point out that this modernization money can be used for that type of purpose.

Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, let me first congratulate all of the Members for taking out this special time to talk about the need for education.

I was in my office, and just to listen to what the gentleman was saying, we would think this was a developing country where the poor were just begging for education and opportunity and access to job training. We never would think that this was the world leader in trade, or one on which all of the industrialized countries are depending. We would never think that we were the farthest out there in technology.

We would think that what we are talking about would be a part of our national security, a part of what was necessary for the health of our great Nation to continue to provide the international leadership that we do, and improve the quality of life for our citizens.

Yet I was thinking, if we were talking about increasing the Federal penalties for any crime, or the death penalty, or building more prisons, we would not have to be here late at night, because we would know that these things somehow our Republican friends believe is part of government, that it is a role that we should play, even though most crimes are delegated to the States. Yet, we find that almost every

State type of crime is being federalized, until our Federal prisons are bursting at the seams.

When we first saw this Contract With America, they were saying that the Federal Government ought to get out of everything: ought to get out of health care, ought to get out of Medicare, ought to get out of social security. Of course, education was not even there, because public education they truly believe we should not be involved in, just provide incentives for the private sector to work its will.

I tell the Members this, as we look and see that this great Nation of ours has 1.5 million people locked up in jails, more than any other per capita of any Nation in history, and certainly today, and then we evaluate and get the profile of that prisoner, and see that he or she never really got an education, never had a firm foundation, never had the options for a decent job or a dream or to assimilate into society, and we take a look at the average drug addict or those kids that are getting pregnant, they are not the ones who have had the dreams and hopes that they would have an opportunity in this great Nation to become a part of the middle class system.

This number continues to grow, and the prisons continue to be built, and always at the expense of our educational institutions. If we go into any State budget, we would see the relationship between the decrease in the money for education and the increase in the money for incarceration. It just seems to me that whether we are Republican or Democrat, that we should not have to say that we have to stay here until we get more teachers, that we have to stay here until we modernize our classrooms. It seems to me that we would say it is a part of the American dream. It does not have any label on it. We are all winners when people get a better chance to be more effective, more productive, pay more taxes, and have America to maintain its leadership in the world.

If we have to stay here, how proud I am to be part of a party where we know how important it is to get elected, but we say that our kids are more important, because that is what we are here for. We are here not only to do for today, but we are here to provide a legacy.

Whether we win or lose in November, if they say, why were you in Washington so long, when you should have been back home campaigning, say, we were doing it for the kids. They deserve better than they get. I am proud to be a Member of this House where people do not have to be in the majority in order to be heard. The gentleman is doing great work.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman for that speech. There he is so much on point. I do not think we can add anything. I thank the gentleman for coming and joining us. It really makes the point about the need for public education.

I yield to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I know the gentleman is running out of time. I will enter into the RECORD an article that appeared in the New York Daily News on Sunday, October 11, about a school that is in my district, PS 91.

The article referred to is as follows:

[Daily News, Sun. Oct. 11, 1998]

OBSTACLE COURSE

(By Nancie L. Katz)

Public School 91 has been falling down around the 1,100 students and 50 teachers who learn and work there.

Students every day have had to navigate a treacherous path around jagged holes, falling plaster, contaminated water, exposed pipes, wires and brick, and dust and soot.

Blocking part of the playground are boiler trucks—rented since September 1997 for about $10,000 a month to heat the school after coal-fired furnaces were deemed too dangerous to keep operating.

Children at recess in the asphalt play yard skirt a drain that has collected a small pool of dirty water that everyone suspects is backed-up sewage.

Pieces of plaster drop from the ceilings, drafts seep through exposed brick walls that are children's only barrier from the outdoors, and vermin scamper in through holes in the walls.

Students bring bottles of water to school because the drinking fountains were shut after gushing brown liquid.

Dust and soot cover the top two floors, and nobody knows if there is lead or other contaminants mixed into it.

Bubbling floor tiles in the hall go unbuffed—custodians and officials are afraid they'll stir up asbestos insulation underneath.

A fire alarm doesn't work.

In a city of aged and crumbling school buildings, to walk through PS 91 is to walk the halls of shame.

"It is abominable for children to be subjected to this . . . in the richest country in the world," said Principal Solomon Long, whose calls for help have gone unanswered for eight years. "It is just unimaginable. I have appealed gain and again. So has the principal before me. But all there has been is patchwork."

Until Thursday night, no one was paying attention to the horrendous conditions at the Wingate elementary school. But after the Daily News launched an investigation into how the building was allowed to deteriorate, it was temporarily closed, children were shipped to nearby schools and the building was flooded with workmen.

After surface patching, the school is expected to reopen Tuesday. Chancellor Rudy Crew now has promised that funds will be forthcoming for more extensive repairs.

The instant response follows years of worry by Long about the safety of the "babies" who attend PS91.

Help was supposed to be on the way over the summer. Long and District 17 Superintendent Evelyn Castro said officials promised in May that repairs would be made.

So Long canceled the summer literacy program and a federal feeding program for low-income children. Teachers cleared walls and windows and carefully packed away books and other materials.

The workers never arrived. Staff and children reported back to the same crumbling institution in September.

Yet amid all this, learning at PS 91 has gone on.

Led by Long, the school is a work in progress. Only 45% of the kindergarten through fifth-graders are reading at grade level or above.

But that's 11 percentage points higher than two years ago. Children wear uniforms, and hallways, classrooms and the cafeteria are orderly.

Long says the school has plenty of new books and computers, dedicated staff and involved parents.

"It's the facility," he said.

The building opened in 1903. Three years later, a fourth floor was added, and another L-shaped addition came in the 1920s.

In 1971, an annex was added for the lower grades. It was meant to last 10 years, but is still in use.

It's the main building—mostly the third and fourth floors—that is most damaged. Since March, the board has spent more than $100,000 to wrap the school with protective sidewalk bridging—in case bricks tumble down.

But there has been nothing to protect the children inside.

Every morning, the smallest children line up in a room outside the auditorium. Last winter, the upper part of a wall collapsed. Children still walk by it everyday—past a folded cafeteria table and a rope offering flimsy protection.

"How many more pieces are going to come tumbling down on our kids?" asked Dwayne Carrion, a parent activist with the first-grader. "It is ridiculous that the people who sit in these offices cannot find the time or resources to address this issue."

No children have been injured seriously, although dozens said small debris has fallen on them.

"One of the plasters fell on my head last year," volunteered Shadae Bowen, 10, holding a piece of Sheetrock about the size of two marbles to demonstrate her point. "It hurt. I cried. I had to go to the doctor to see if I was okay."

Fifteen classrooms have holes in ceilings and walls, exposing brick, wires, dust and gravel. In Norman Kravetz' third-grade class last year, students used umbrellas as protection from rain and falling plaster, teachers said.

Toilets in the kindergarten classrooms can't be used because they leak through into the cafeteria.

A fire alarm in one building section doesn't work, so staffers cannot hear drills.

Students complain of breathing problems, headaches, itchy rashes, stomachaches. Teachers speak of allergies.

And last spring there was an asbestos scare. City environmental specialists and board and School Construction Authority officials did emergency cleanup work after teachers complained of suspicious powder drifting down from rain-damaged paint.

Long said he accepted board assurances—given at a heated meeting with parents—that the building was safe.

"The parents were ready to shut the place down," Long said. "They asked me at the meeting. 'What do you think?' I can't let these people down. They trust me with their babies. If anything is ever found here, the first thing parents will say is their great leader led us right to ruin."

Adriane Riddick, the parents association president and mother of a fifth-grader, said the board's failure to shut upper-floor classrooms "means they don't care about the kids who are up there." Last week, Long invited an independent inspector hired by The News into the building. The board then refused the inspector and a reporter entry—turning down the offer to allow The News to pay for asbestos and lead tests.

Fourth-grade teacher Sharon Rose-Pooser said teachers struggle to overcome the crumbling conditions.

This year, she said, she was too disheartened to try to cover the exposed brick, pipes and wires that dominate half her classroom walls.

The classrooms' coat closet is unusable because the window in it is missing, and she is afraid leaks will ruin the children's coats. Her class phoneline dangles unattached.

The window frames are so rotted she cannot hang shades. Her 30 students must keep shifting around the room to avoid the glaring sun.

"The kids look at this and they wonder about their safety . . . about whether adults are concerned for them," she said. "I try to tell my students that students in the Third World and in slavery worked no matter what the conditions."

Belanda Hobbs' fourth-graders said they didn't mind the holes in the walls. That's because Hobbs hides one 6-inch hole behind a brightly colored sign. "Classroom Library." Bookshelves covered other holes and protected small feet from a yard-long, dust-filled gutter where the floor had crumbled away from the wall.

Her portable bulletin board, listing "Key Words," camouflaged a jagged hole that could easily fit a child's head.

None of the disguises keep out the mice and other vermin.

"I thought of putting a carpet [over the gutter] but the mice would eat it up," Hobbs said.

Yards of exposed brick sprayed with asbestos encapsulant dripped down Audrey Butler's classroom walls. The wrapping around an aging pipe was slit, possibly exposing asbestos.

"I had a rash all last year," she said. "My daughter begs me not to go to work."

Lorraine Williams wipes soot every day from her fifthgraders' desks, caused by the oil-fired boiler trucks parked beneath her windows. Four students have asthma.

Children in Jeffrey Garrison's fourth-grade class showed a reporter rashes on their necks they said were irritated from dust.

"I feel scared because something bad might happen," said Crystal Myrie, 9. "Somebody could die in there. The ceiling is falling down. I'm afraid I'll get cancer when I grow up."

Parents charge the board has discriminated against the minority school because it lacks political clout. They are terrified for their children.

"We send our kids to PS 91, and the Board of Education will not give us any results until one leaves an angel," Carrion said.

[Daily News, Sun. Oct. 11, 1998]

CHILDREN CAUGHT IN A TANGLE OF RED TAPE

(By Nancie L. Katz)

Principal Solomon Long said he had been reporting the decrepit conditions at Public School 91 for years.

In June 1997 and June 1998, he submitted capital budget improvement plans, he said, to the school custodial service, TEMCO. Before that, he said, he filed regular reports with the staff custodian.

Under Board of Education guidelines, custodians perform moderate repairs, but major needs are reported to the Division of School Facilities.

Chief Executive Patricia Zedalis decides whether to do the work inhouse or assign it to the School Construction Authority or the city's Design and Construction Department.

In March—after 17-year-old Zhen Zhao was killed by a falling brick from a Brooklyn school—Zedalis and board officials visited PS 91. She then authorized the SCA to develop a design plan, board spokeswoman Karen Crowe said.

But Zedalis had to wait until funds were released from the city's budget for fiscal year '99, which began July 1.

In April, parents reported white dust and demanded an environmental inspection. Asbestos was found.

Workers stripped the walls of plaster and sprayed encapsulant, and tests showed the building was safe, authority spokesman Fred Winters said. He said the SCA had no funding to do further work "because it is pointless to replace plaster or Sheetrock" if the outer bricks and roof still leak.

SCA and board officials met May 5 with enraged parents, who told of children's health problems, including stomachaches, headaches, nausea and itching from dust.

Parents, teacher Jeffrey Garrison and Long said Bernie Orlan, the board's director of environmental health and safety, told them repairs would be done during the summer.

The only work performed at PS 91 was done Aug. 26, when the board tested for asbestos and lead, Crowe said. No asbestos was found, but lead was. Workers repainted kindergarten room 103, she said.

Crowe said the "external modernization"—the cost calculated at $3.5 million—would go ahead, although no money was set aside for it.

Schools Chancellor Rudy Crew was investigating the entire situation, she said.

Mr. Speaker, this article is about a school in New York City with horrendous conditions, but it is not atypical. Washington, D.C. had to have its whole system close down in the fall of 1997 because it had these kinds of horrible conditions in their schools, so other urban centers have similar problems. I am certain that many rural areas have similar problems. It is not atypical to have a situation like this.

As we come to the close of the 105th session of Congress, I am pleased that at least we have forced the entire Congress, the majority party as well as our party, to focus on education. The public opinion polls show this is number one with people. At least we are in sync with the people. The people say this is the number one priority. The majority party has had to recognize it.

The kinds of conditions that are indicated here at PS 91 are the kinds of conditions we do not want to see exist in any school. It has a coal-burning furnace that was built in 1903. The walls are crumbling. In one class, four children have asthma. The custodians are afraid to clean the floors because of asbestos underneath the tiles. Every imaginable danger is there. It is not a school that we want to send children to in America.

I hope that this article should be in the RECORD as part of what we are saying in these closing days of the 105th Congress.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. He is here almost every night relaying a message, and it is often on education. I want to thank the gentleman from New York (Mr. OWENS).

Mr. Speaker, I yield to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, I thank the gentleman for yielding to me. Let me piggyback on what has been said about education. I happen to be a product of the public education system. I am very lucky to be, of course, a Member of Congress.

I want to repeat exactly what has been said about schools, but it is clear that a lot of local initiatives across the country in terms of school reform are working: smaller class sizes, connecting classrooms to the Internet, of course, which has so much to do with rebuilding crumbling school buildings; other issues that relate; even grade inflation. In my own experience, I can tell the Members that the D I got in algebra was a classic example of grade inflation.

There are a lot of things that are being tried at the local level, and what is lacking to complete the job is the help from the Federal level in providing those necessary resources. If we can, here in Congress, on the eve of our adjournment, do something about getting the necessary Federal dollars to rebuild our schools, I think this session will not be as much of a do-nothing Congress as it might otherwise turn out to be.

This Congress will soon adjourn, as we know. We are at the 11th hour. Absent a change of direction, we will not do anything about national priorities like rebuilding our Nation's crumbling schools, or reforming our health care system, or seizing the historic opportunity that we have, which is the first time since 1969 having a Federal surplus that we can use to help stabilize social security.

In addition to those major issues, there are other neglected national priorities that I think this Congress has failed to work on, important initiatives that relate to our fight against guns and crime. That will not see action this year.

I know that the Committee on the Judiciary has been busy lately, very busy, but I would like to raise an issue that has yet to be addressed by that committee or by this Congress. That is the issue of the growing black market, where criminals are purchasing firearms with impunity. That is at gun shows.

There are approximately 5,200 gun shows held every year across the United States. Literally hundreds of thousands of weapons change hands at these events. While most gun show participants are law-abiding citizens, enthusiasts, and collectors, law enforcement agencies are seeing an alarming number of cases where violent crimes have been committed with guns that were initially obtained by criminals at gun shows.

For example, according to a recent study by the Illinois State police, 25 percent of illegally trafficked firearms they seized were originally purchased at gun shows.

Let me give an illustration. Last May in Florida ex-convict Hank Earl Carr used a weapon he bought at a gun show to kill 4 people in a shooting spree that ultimately left two police officers and a State trooper dead. If that same Hank Earl Carr tried to buy that same weapon at a gun store, a criminal background check would have revealed his felony record, and he would have been prevented from buying a gun.

Mr. Speaker, criminals are increasingly buying guns from gun shows because, unlike retail gun stores or sporting goods stores, there are no requirements to provide identification, no requirements to perform background checks, and no requirements to impose waiting periods. In all too many cases, Mr. Speaker, criminals can buy any number of guns with no questions asked.

This Congress could have extended the same safeguards and recordkeeping requirements to gun shows that we already require of everyone else, but this Congress treated this issue like so many other issues, and this Congress on this issue did nothing.

Mr. Speaker, 40,000 Americans die every year of gun violence in the United States. Our Nation's children are 12 times more likely to die as a result of gun violence than are children in any other industrialized Nation. It is probably too late now, on the eve of our adjournment, to address this issue, but I hope that in the next Congress, whether it is the Democrats or the Republicans who control this process, we can focus our efforts on matters like these that affect people in our neighborhoods and in our communities.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman. I know that one of the biggest concerns with regard to guns now is guns in the schools, so it relates back to our concern about keeping the schools safe, as well.

There are many things that the Republican leadership has failed to address. I think the gentleman brings up one of them. The main thing that I think we are trying to say tonight, and maybe I can conclude with this, is that even though there are only a few days, perhaps, left in this Congress, there is enough time to provide funding for the school modernization, and also for the 100,000 teachers to reduce class size.

The effect of that is to basically create schools that are better, more disciplined, with a safer environment, a smarter environment. We are just saying, as Democrats, that we do not want to go home until this is addressed.

No one can tell us that there is not the opportunity, because as the gentlewoman from Connecticut (Ms. DELAURO) said, the Republican leadership could pass this legislation and get this budget and appropriation bill signed into law with the money for the school modernization program, with the funds for the 100,000 extra teachers. They cannot tell us that there is not time left to do that.

If that is all we accomplish in the next few days, we will have accomplished a great deal. Even though we have had this 2 years of a do-nothing failed Congress, at least we have something that we can go back to our constituents and say, look, we accomplished this. As the gentleman from New York (Mr. RANGEL) said, it really is our future that we care about. Everyone here tonight is expressing the concern for children and for kids and for the future of this country, and the equal opportunity that we so cherish.

I just want to thank everyone again for being here this evening.

□ 2145

Mr. GILMAN. Mr. Speaker, it is with deep regret that I ask our colleagues to join in wishing a fond farewell to a good friend, an outstanding Member of Congress, our colleague, BILL PAXON from the 27th District of New York on his retirement from office at the end of this session.

First elected in 1988, BILL PAXON has certainly left his mark, not only on this body but upon all of us for whom he has been an outstanding friend. Congressman PAXON is departing this year after his fifth term, but his legacy will be with us for many years to come.

BILL PAXON attended Akron Central Elementary and Junior High Schools, Saint Joseph's Collegiate Institute and Canisius College, from which he graduated in 1977. Friends and family members say he had an interest in politics and public service from the an early age. But he wasted no time in seeking office upon his return home from college. At the age of 23, BILL PAXON was elected the youngest county legislator in the history of Erie County, New York.

He easily won an open State Assembly seat in 1982, and was a logical choice to succeed Congressman Jack Kemp, when Jack Kemp left this body in 1988.

On the Committee on Commerce, BILL PAXON earned a reputation for his interest in the concerns of his district, in western New York, and of American industry. On the Subcommittee on Energy and Power and the Subcommittee on Finance and Hazardous Materials, BILL PAXON has been a champion on behalf of the health and well-being of all of us.

BILL PAXON made his greatest impact as chairman of the National Republican Congressional Committee from 1993 to 1996. In that capacity, BILL PAXON worked hard to recruit outstanding candidates for our party throughout the Nation and to steer them towards adequate funding.

BILL will always be remembered for bringing romance to this chamber, having proposed to our colleague, Representative Susan Molinari of Staten Island on the very floor of this chamber. And while we miss Susan greatly, we fondly remember her good contributions to the Congress.

Now that BILL and Susan have chosen to pursue careers in the private sector, we wish them and their children the best of luck in all of their future endeavors and remind them that our hearts will always be with them.

To BILL, we bid a fond farewell and I thank you for bringing idealism to this body, and a special thanks for making this chamber a better place in which to work for the good of our Nation.

Mr. Speaker, I am pleased to yield to our distinguished majority whip, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. I really appreciate the Dean of the New York delegation for taking out this special order for what is truly a trend setter and a person who has really turned this place into a dynamic institution. I appreciate the New York delegation.

Mr. Speaker, I rise today to pay tribute to a man who I think is one of the most energetic, the most enthusiastic, and the most effective Members Congress, my good friend BILL PAXON of the great State of New York. And for a gentleman from Texas to say that takes a lot to bring a New Yorker and a Texan together and to become as close friends as we are.

BILL, as we all know, is retiring from Congress at the end of this year, and he is going to pursue some private sector opportunities. We wish him the best. BILL's departure, quite frankly, is a great loss to this institution. But it is also a great gain for his family and for the private sector, because BILL PAXON did more to reform this Congress than any other person in this House.

He was the principal architect of the strategy to change control of this House, which had been in one party's hands for over 40 years. Once we were able to gain a majority, we were able to reform this Congress in so many significant ways. We were able to balance the budget for the first time in a generation. We cut the size of government. We made Members of Congress even follow the laws of the land.

We reformed welfare. We cut taxes for the first time in 16 years and we reformed this Congress in ways that have improved its popularity with the people to its highest ratings in history. And this all happened because of the hard work of BILL PAXON.

As we all know, BILL was first elected to Congress in 1988. And having accomplished all of this, one would think that he had been here forever. But we all know him as our own personal political junkie, because at the age of 23, he started his political career. Mr. Speaker, 23 years old is when he started in the Erie County legislature. He later went to the New York State Assembly before starting his distinguished career in the U.S. House.

But BILL PAXON is a visionary. He sees America as a Nation of opportunity, a Nation with boundless optimism and a can-do spirit. And it was this can-do spirit that BILL PAXON took over to the National Republican Congressional Committee with the express goal of achieving the first Republican Majority in the House in 40 years.

Nobody, other than probably NEWT GINGRICH, thought it could be done. Nobody thought that PAXON was serious in his efforts. And he took an NRCC that was pretty much broke, heavily in debt, demoralized, and pulled it together, showing his administrative skills as well as his political skills. BILL PAXON proved all the doubters wrong by using his energy to help Republicans win that majority.

Now BILL PAXON has decided to leave the House and pursue other opportunities. Spending as much time as I have with BILL, I think I know his true motivation. It is to spend more time with his wife and our former colleague, Susan Molinari, and their fantastically beautiful Susan Ruby Paxon. We call her "Suby," and who could blame him.

BILL, let me just say we will miss your optimism and your spirit and your vision of the House of Representatives. As a matter of fact, we already miss them. We wish you the best of luck in the future in your future endeavors. But let me just say that those people that are about to meet BILL PAXON in the private sector, there is, when you develop a relationship with BILL PAXON, when you develop a friendship with BILL PAXON, you will have on your side one of the most loyal individuals I have ever run into. One of the closest friends that I have ever had. A person that will stand by you through the worst of times as well as the best of times. A man of incredible honor and integrity and character. A man that young people should look up to as a role model, as most of us have.

We are going to miss you so much in this chamber, BILL. And we hope that you will continue to give us the counsel and the friendship we need, no matter where you go. I greatly appreciate your friendship and will cherish it forever.

Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding to me.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his eloquent remarks and we certainly join with him in wishing BILL PAXON good luck in the days ahead.

Mr. Speaker, I am pleased to yield to the gentleman from California (Mr. COX) the distinguished chairman of our Republican Policy Committee.

Mr. COX of California. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding to me.

I am particularly pleased that Congressman PAXON is here with us tonight in the chamber. It is something of a tradition as Members retire and we have an opportunity allowed them on the floor of the House, that they are forced to sit here and listen to us talk about them. But it is especially nice for those of us paying tribute to be able to look you in the eye tonight and tell you from the heart how sincerely we are going to miss you here and how much we have appreciated the opportunity over the last many years to work shoulder to shoulder with you.

It was 10 years ago that BILL PAXON and I, and 16 others, were elected as part of the same freshman class. And 10 years goes by rather quickly. We did not know at the time when we set out to exercise in our own way what degree of influence we might over the Congress that one of us would become the leader of our National Congressional Campaign Committee and spearhead an effort to change the management of Congress for the first time in two generations.

But that was BILL PAXON's fate at the time, and certainly now in retrospect we know how much that means to our country. It certainly meant a lot to each of us to participate with him in that venture.

I have been in politics only 12 years; 10 here and 2 downtown working with Ronald Reagan in the White House. That makes me a piker compared to BILL PAXON, because he has been an elected official for more than a generation, representing Erie County in the legislature as its youngest member at age 23. He then went on to the New York State Assembly where he was elected in 1982, 6 years before we were seated together in Congress.

So by the time BILL PAXON started out in the United States House of Representatives 10 years ago, he was already an accomplished legislator and an accomplished legislative leader.

It is not surprising, therefore, that he was tapped to run the National Republican Congressional Committee, although infusing the NRCC with new management at that point might have been viewed as much as a desperation pass as a sure thing at the time, because it was $4.5 million in debt. Fortunately, we had strong leadership at the helm at the Republican National Committee where Haley Barbour was in charge, and Haley and BILL PAXON working together were an amazing team to behold.

In particular, I think because of BILL's energy and his dynamism, Haley was taken in and became a big supporter of what was going on there. I served on BILL's Executive Committee and watched as he pared down what had, over many, many years become a rather large staff that we could not afford, into a real lean organization that went out and got the job done for our candidates across the country and for the American people.

The result, of course, was not only the first Republican Majority in the U.S. House of Representatives in 40 years, and the first back-to-back majorities in 68 years, but the first balanced budget since 1969. It is just an extraordinary thing to think one can take an organization as big as the Federal Government, not just the NRCC but the Federal Government, and turn it around from hundreds of billions in projected deficits to surpluses now as far as the eye can see. But that has been the consequence of BILL PAXON's leadership in the United States Congress.

Probably the most important moment for BILL PAXON in the House of Representatives was not the passage of the Telecommunications Act, which he shepherded through the Committee on Commerce where we served together; not the passage of the first tax cuts in 16 years, which he like his predecessor in Congress, Jack Kemp, so strongly championed; but, almost certainly, it was when he proposed on the House Floor here to Susan Molinari, another one of our classmates, and naturally she was as impressed with him as the rest of us. Unlike the rest of us, however, she joined with him in a very special partnership which a year later resulted in an extraordinary marriage and an extraordinary union between two people that are as close to us in congressional family as anyone can possibly be.

But seeing them married together just makes us all thrilled every time we think about it. And as has been mentioned earlier, we are now coming to know your daughter, Suby, Susan Ruby, almost as well as our own kids because we get a chance to see her around the House of Representatives.

I think of that time in San Diego when you were out in California, when all of us were out in California on the Republican side, for the National Convention, the Republican National Convention, and your wife was the keynote speaker to the country at that National Convention.

□ 2200

And all the attention was focused on her, she thought. But the cameras moved to you feeding Susan Ruby with a bottle and, as a dad myself, I know exactly what that is like. We have a new one at home, just a month old, and 5-year-old and a 4-year-old. I am sure as our kids grow up they will get to know each other, I hope as well as our moms and dads know each other.

BILL PAXON is unlike anyone in this Chamber, unlike anyone in the Congress that I know for one simple reason. Despite all of the responsibility that he has taken, despite all of the energy and effort that he has put into it, despite the superhuman effort and results that he has achieved, he is always equanimous. It is hard to find an example of BILL PAXON being anything other than upbeat and telling us that we can do it. We can get the job done. And think back over a decade, that is just extraordinary.

There is not a day that goes by here when there are not 6 good reasons to be down in the mouth because somebody said something that they should not have said, a reporter printed something that she or he ought not to have, that we lost a close vote somewhere, that somebody was speaking behind our backs. That is what politics unfortunately entails every day.

Yet every day, as Ronald Reagan used to say, when he told the story about the boy who was told to clean up all the manure in the stable, and the boy says, there must be a pony in here somewhere, there is always something good if you are willing to find it.

BILL PAXON has found day in and day out all of the good that we can find in ourselves and all of the good that Congress can produce, and the result truly is extraordinary. I think as we, as Bill Clinton is fond of saying, cross this bridge to the 21st century with surpluses now in hand, with tax relief now a real prospect because we do have the government's fiscal house increasingly in order, with jobs increasing, with the United States as a rock of economic stability in a world that is having a lot of economic troubles, we can say that some of this is historically inevitable, that America is just so strong that these things are bound to happen, but those of us who work in government and in the legislature and the executive branch know that it ultimately boils down to a few people. It matters what each of us does when we get up in the morning. It matters whether we succeed instead of fail. It matters if we can motivate our colleagues and our countrymen to join in an effort to make America a better place. And I know that even though, BILL, you are retiring, that you are only retiring from this particular aspect of your very public commitment to public service. And whatever you do in the future and whatever your remarkable family does in the future, I know that America is going to benefit from it.

We have all personally benefited from knowing you, and I am very, very proud to have served with you and even more proud to know that we will be friends in the years ahead.

Thank you very much for brightening our lives and bettering the country as you have done. We look forward to hearing even more and better things from you in the years ahead.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his eloquent remarks.

I yield to the gentleman from Staten Island, New York (Mr. FOSSELLA), another member of our New York delegation.

Mr. FOSSELLA. Mr. Speaker, I thank the distinguished gentleman from New York for yielding to me.

I am proud to join my colleagues, Mr. COX and Mr. DELAY and Mr. GILMAN, in saying a fond farewell to BILL PAXON, although as CHRIS COX just stated, I do not think BILL is going far.

Those of us who know BILL, both on a professional level, can appreciate his energy, his optimism, his ability to always get things done, but more important to get them done right. But there are those of us who are fortunate enough to know him on a personal level. And in business, like any other business across the country, if you can somehow appreciate someone as a professional and appreciate someone as an individual on a personal level, you have gotten to know the best of that person. And I do not think there is a Member in this House that cannot look to BILL PAXON and see a man of honor, a man of integrity and a man of character.

In a business, particularly politics here, where a handshake does not often mean a lot, but I think in the rest of America a handshake still means a lot, it is nice to know that we have a guy in BILL PAXON where the handshake still means something. That goes to the root I think of what BILL is all about.

You look at BILL, you see a sense of someone who is principled and someone who really loves life. But more importantly, I think it has been said already, and it will be said many times tonight, that he loves his wife, Susan Molinari. Susan and I are friends, and I could not think of a better person that she can share her life with than BILL PAXON. And each of them together truly adore and love their daughter Susan Ruby, who is so affectionately called "Suby.".

Susan Ruby will have another daughter, another sister to play along with, and I can understand, as someone who is a father of two boys, how much BILL desires to spend more time with his wife and his daughter, and soon to be two.

We have a mutual friend in his father-in-law, Guy Molinari, his mother-in-law, Marguerite, who are back on Staten Island right now. Guy served in the House before Susan. And in a way, if it was not for Guy leaving this House to run for local office, the chances are that you would never have met Susan. So in a way Guy running for borough president allowed you to marry the love of your life.

I am sure they are all going to see this or hear of this one day and really come to learn and come to know how much BILL PAXON has made a difference in this country. Not too long ago, I have only been in this House a year as you know, BILL. I probably would not be here if it was not for you. You helped a great deal in my campaign for Congress to replace Susan here. And indeed the people of Brooklyn and Staten Island have given me a great honor and privilege to serve them. But I would not be here if it was not for you.

I think there are a lot of Members of this body who would not be here given the chance to serve this great country. A few years ago there were people who were giving up hope in this country. The ship of government was clearly heading in the wrong direction. The notion that government had all the solutions, that taxes were too low and government needed to impose more taxes and the welfare state, well, let us make it bigger and our military, well, that can wait, we have other priorities. It is easy to sit back and do nothing.

But what separates the truly successful, the people who really love this country and want to improve this country and speak to the next generation, we hear a lot of rhetoric about those who really care about the next generation, but it was BILL PAXON, along with the Speaker, not the Speaker at all, but NEWT GINGRICH and all the members of the Republican Party who said, ideas matter, ideas matter. This country should not be lost. The American people have given too much to give this country down to that notion that government has all the problems.

But he went out and he recruited candidates, and he worked his tail off day in and day out, year after year to bring a Republican majority to this House. People thought it was impossible, probably a few weeks before the election people thought it was impossible. But he proved them wrong. And he went out there with his idea that this country is the greatest in the history of the world. And frankly, as far as I am concerned, there is nobody like BILL PAXON. Most of all, I am proud that he is my friend.

And I can only wish him the very, very best. I know we are all lucky in our own little way to have known him for this brief period of time, but we are also lucky to know that we will continue to endure a friendship that will last hopefully forever.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York (Mr. FOSSELLA) for his eloquent remarks and for his insight on the family of BILL PAXON. I thank him for mentioning your father-in-law Guy Molinari, who has helped to rear this great family and to be supportive of BILL and as the years go by and of course to raise Susan who we sorely miss.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank my good friend from New York State and, Mr. Speaker, I rise to remember and to celebrate the contributions of my other colleague from New York State.

Mr. Speaker, Mr. FOSSELLA spoke of it a second ago, the realization of what transpires here in the people's House before we are accorded the great honor of the doors opening and our hand being raised in taking the oath of office to join the 434 others as Members of this people's House. And I can recall following the 1992 elections, when many of our philosophy despaired a great deal, there was a ray of hope, not only as that adversity engendered determination, but also because here in this Federal capital there was one who was willing to step forward, to take on considerable political challenges, to shoulder considerable challenges of romance. And I can recall reading the press accounts, Mr. Speaker, when our good friend, Mr. PAXON, was courting Susan and made history proposing to her on this floor.

Now, according to the press accounts, Mr. Speaker, a Member from the other side of the aisle congratulated the couple and uttered what I believe will be proven to be a very forlorn wish because he hoped that their progeny would all be little Democrats. And I do not believe that our friend has yet to school Ruby in all the intricacies of civics, given her tender age, but somehow I doubt even through those years of rebellion that will strike inevitably in adolescence that she will embrace another partisan philosophy.

But I mention that because, Mr. Speaker, we rise in celebration of our friend who made history here in so many different ways, not only with the tip of the rhetorical cap to cupid but also in the way this institution operates.

I can recall the visit to Arizona, two visits in fact, but the second one stands out in my mind of our colleague and his bride, and it was at a time when our youngest was still in the playpen and would be in our campaign headquarters. I can remember introducing them to so many folks who walked the precincts, so many folks who made the phone calls, so many folks who, Mr. Speaker, we cannot help but describe as a miracle, people of both political parties find these incredible folks who are willing to give of themselves and their time to volunteer in campaigns. And so it was that day.

I can remember pulling out the playpen saying that my colleagues from New York would soon need it. But before they added Susan Ruby to their household, they added a class of 73 new Members to this institution. And in so doing changed the balance of power within this the people's House in a very healthy way, I would submit, Mr. Speaker, in a historic way, in a way in which many now are just coming to appreciate.

□ 2015

Mr. Speaker, I sit and wonder when I think about those who have gone before in this American parade, those who have made history.

Mr. Speaker, I think there is a very human equation at work where preparation meets circumstance to make history. So it has been for our colleague, the gentleman from New York (Mr. PAXON), rising to the challenge at a time when our political party was out of power, both in this institution, as has been well documented and referred to seemingly an infinite number of times.

At the other end of Pennsylvania Avenue, he stepped forward in the midst of that adversity because he was well-trained by his dear late father who instilled in him a commitment to public service.

But also, Mr. Speaker, to the machination so vital to public service, and I use that term machination not in a pejorative sense, but just in simply the list of logistics and how we get from point A to point B and how we put to work those miraculous individuals who become volunteers in our campaigns and how we are able through that framework to influence public opinion and win friends and gain public office as he did at a comparatively tender age, as it should be noted.

The years have been none the worse for wear to our friend who chooses to leave the people's House at still a relatively youthful age; and yet, Mr. Speaker, he will always be remembered in this institution among Members of both parties as our majority maker. Because while others engendered the vision, perhaps, he put his shoulder to the wheel. He encouraged candidates. He was willing to travel across this country. He was willing to summon and marshal the resources.

Ultimately, Mr. Speaker, we remember him for his contribution to history, not only in helping to make our majority, but in helping us preserve it. Yet, as my newest colleague from New York State noted, despite those considerable achievements that will be recognized by historians and political scientists and those who share our allegiance both to the country and to the party we represent, there is a very real personal quality and unique spirit and bearing that we will miss in this Chamber, but that we will always champion no matter his future endeavors in the public arena or in private business.

So, Mr. Speaker, it is in that spirit tonight that we come to honor BILL PAXON, our friend from New York, who succeeded Jack Kemp in this people's House and who will, for years to come, cast a long shadow and offer a standard that will be difficult to meet, much less exceed.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for his very eloquent remarks in support of this special order.

I would like to note that the gentleman from New York (Mr. SOLOMON), the distinguished chairman of our Committee on Rules, wanted to be present tonight, but regretted that, due to illness, he had to return home at an early hour and is submitting remarks for the RECORD.

Mr. Speaker, I am pleased to yield to the gentleman from New York, Mr. PAXON.

Mr. PAXON. Mr. Speaker, I am very deeply appreciative of my colleagues, my dear friend and our senior Member of our delegation, the gentleman from New York (Mr. GILMAN), my very good friend the gentleman from Texas (Mr. DELAY), the majority whip, and the gentleman from New York (Mr. FOSSELLA) and the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from California (Mr. COX), my classmate from the class of 1988.

I was hoping I was going to get through this week without the requiem mass here. I have served in three legislative bodies, and I have avoided in the other two having to go through this. And I really do, this is not false humility in any way, shape, or form.

I love being a legislator because we are part of a team and it is fun and it is exciting and we get to know a lot of folks and we get to work with a lot of folks, but we move right on.

When we move right on, someone else comes in right behind us. There is seamless transition in these bodies. We are gone and forgotten very quickly. So I appreciate the fact that my colleagues are doing this. But also I tried to avoid this because I really do believe that we need to look to the next person coming in; certainly celebrate the good times we have had and the enjoyable times and things we have been able to do, but to look down the road to the next folks.

That is what I have enjoyed about this body a lot, is the next group and the next group coming in to regenerate the institution.

I want to thank my colleagues for doing this. I want to particularly say, if I could take a minute or two, what a great honor it is to serve in this greatest legislative body in the history of the world. I do not think there is any question that the people's House of Representatives of the United States of America is more than just the legislative body for this country. It is the legislative body of the world.

I know that my colleagues that are sitting here would agree with me. Walk out into the adjoining areas, the Statuary Hall and the Rotunda of this Capitol. Every single day, people from all over the world are walking around and looking at this as literally a citadel.

It is a holy place in so many ways in terms of the ideas and the traditions that we have been able to take to the world. To have a chance to occupy a seat out of 435 in this body for a short period of time is an honor the likes of which I could never, ever wish for.

I can tell you that I dreamed about it as a young kid. The gentleman from Arizona (Mr. HAYWORTH) referred to my dad. My dad Leon Paxon was a public official long before I was born, served as a local town supervisor, and that is a judge in our county.

My mother and my father met just as my wife and I met. My mother was a clerk to the board of supervisors in Erie County, where she met my dad. My wife and I met in this legislative Chamber.

I am going to keep my daughter away from the kids of the gentleman from New York (Mr. FOSSELLA), or else we are going to continue this tradition forever. It has got to stop. Somebody has to get an honest job in this operation.

But I am very proud of the fact, at a time when many people call into question public service, the fact that I am a third generation public servant. My grandmother Ruby Paxon, who my daughter is partly named after, a real focus of my life on my dear grandmother, who passed away at 107 a couple years ago. She, after the women gained the right to vote, became the first woman to run for public office in Erie County, New York, as a Democrat, I am embarrassed to say. She switched parties down the road. But I am very proud of her. She ran at a very difficult time, back in the 1920s, then served as librarian, a public servant.

My mother and dad, of course. As the gentleman from New York (Mr. FOSSELLA) pointed out, on my wife's side, her grandfather was an elected official, her father. Now to be able to follow along is, I think, very important for me. It also says that we do believe in public service. We have been very honored and blessed by it in our families.

I just want to make one other general comment and a couple words of thanks. I have dreamed of being here for as long as I can remember. In the 1960s, 1968, when I was a freshman at St. Joseph Collegiate Institute in Buffalo, New York, a freshman in high school, it was not a time where most kids had Nixon posters in their locker or read the National Review.

I did. I was a little odd, no, I was a lot odd at take time. Out of 130 guys in our Catholic boys high school, 128 registered to vote that year. About 120 registered Democrat, and it was myself and another guy, I think.

I believed then in the principles that were so beautifully espoused during his tenure by Ronald Reagan, the greatest hero I have ever had in terms of political life. The beauty of this country, our standing as a beacon of hope, freedom and democracy, opportunity, and liberty in the world. That is what I think this is all about.

We stand in this Chamber, and sometimes to the viewing audience around the country and around the world, it looks like we are very contentious. Most of the times, it is a battle of ideas. It has nothing to do with personalities. That is what our Founding Fathers wanted. I believe that that is what is important to the future of this country.

Back when I was in my teens, that is what I watched and followed in the Congress of the United States, because I do believe that, if we stand up and talk fairly and freely, openly and honestly about different views and different ideas, we can make an impact.

In our case, it took us a long time, from the days of Barry Goldwater in the 1960s, to reach that moment when Ronald Reagan won and then this whole revolution came full circle in 1994, when the gentleman from Arizona (Mr. HAYWORTH), the gentleman from Virginia (Mr. DAVIS) and so many others of our colleagues were elected in that important year.

My friends and my colleagues, this is not anything disparaging on our colleagues across the aisle, Democrats, many of whom I consider to be dear friends. This was about, in 1994, trying a new set of ideas in this country. I am proud of the work that our Republican majority has done and that this Congress has done many times across the aisle in moving those ideas that many of us fought for for decades and decades now into the center of the American political arena.

We have so much more to do. There are so many more important tasks before of this country that I look forward to watching the Congress doing in years to come. I look forward to doing something I have never done. Twenty-one years that I have been in office, I have never been able to call up elected officials and tell them what I think they should do. Starting in January, I intend to do that. But I intend to do it with a smile on my face, because I believe that this Congress is in the hands of men and women who care so deeply about the future of this country and are going to do great things to make these things happen. I do leave with a great sense of pride in our accomplishments and a great sense of hope in the future.

I would also be remiss if I did not say a few thank yous. In addition to my friends who are doing this wonderful special order and who have been so kind to me over the past few weeks and months, I want to say thank you to the wonderful staffs that have served the 27th District of New York for my 10 years in Congress, headed by Maria Cina, Michael Hook, and David Marventano, my chiefs of staff.

These are folks who work tirelessly for those folks back in Western New York and the Finger Lakes. I also want to thank those people. In 1977, there was a 22-, at first when I was running, and then 23-year-old kid who was campaigning, and they had the misfortune I guess in some cases to vote for me, and some did not vote for me and never have, but they have been friends in spite of that, folks from the county days, the State legislative days, and now the hundred cities and towns I represent in the Congress.

It is the most beautiful part of America. I have had the chance to be in every, almost all, I think 48 of the 50 States, and about 300 some congressional districts. I have never, and with all pride, I know we have pride in our districts, I just think that Western New York and Finger Lakes is about the most beautiful spot in the world.

The friends that I had back at home will always be friends. Those are people, as I have said, some who have never voted for me, who come to my town meetings and browbeat me every month, and yet we have a wonderful relationship all these years.

I also want to thank my family and my friends who have indulged me all these years that I have been in public office, particularly my mom back in Western New York, my in-laws, Marguerite and Guy Molinari and all of my various friends and relatives down through the years.

I have been a pain when it comes to politics in government because I believe so strongly in this cause. I hope they will forgive me for the many times I crossed the line, but I did it out of the sense that this is an important responsibility. I really do believe that and mean that.

I also thank very much the Speaker of this House. NEWT GINGRICH, as the gentleman from Texas (Mr. DELAY) said earlier, believed in us before we believed in us. He saw opportunities to take the feelings of the American people and to translate it into political activism in winning this majority.

I had the chance to be campaign chair, and it was and will always stand as the most unique and important political moment nonfamily moment in my life to be the chairman of the campaign. That is the vocal and also the figure head of the organization. It was NEWT GINGRICH whose vision it was that we can win this majority. Every single day when we did not believe, he kept pushing us to make the changes that we needed in ourselves to make this come about and make this happen.

There are many, many others. I will not go through them all today. Many have been alluded too, Jack Kemp and Barber Conable, my predecessors in Western New York, dear friends, great leaders. Tom Reynolds who is my first campaign chair who followed me to the assembly and seeking my seat in Congress today. The gentleman from Virginia (Mr. BLILEY) who has been chairman of the Committee on Congress which I have had the honor to serve these past 6 years, and just a remarkable gentleman in every sense of the word.

☐ 2230

I would just leave with this thought. People wonder, why do you leave? Why does anybody leave? Members say this all the time. This is the greatest institution. It is the greatest fraternity. It is exciting. There are great challenges every day and there is a great future for this country that we can help shape.

I am leaving basically for four reasons. First, I think what I have said today, I am absolutely confident we are on the right track; that this body and this country are moving in sync for a change in the right direction. I leave confident knowing the next century is going to be another great American century because of what the American people want to happen translate into action by this Congress.

I leave, frankly, because I believe in term limits. When I was elected, I did not. I have come to believe in them. I think there is a time to move on. It is better to leave close to or at the top of your game then to sort of waste yourself out here. In my case, I felt that this has been the top of my game; that period in the leadership, that period that I had a chance to help work on those campaigns, and now I wish to step aside before I have overstayed my stay in my mind.

The third reason, of course, is we love to talk about being in the private sector, particularly as Republicans. However, many of us do not want to go out into the private sector, and I have not for 21 years. It is time to do that, to live under the laws we passed.

Last, but first and most importantly, I leave with something that overarches everything, that sense of family. It was noted that just over here in the corner where some of our Florida Members sit is where one afternoon I called my dear friend at the time, a woman who, we had been dating for a number of years, Susan Molinari, the love of my life, and I said I have to talk to you about something. A defense bill was on the floor. I said, "Come here I have to talk to you."

We got in the corner and we started talking, and I proposed to her. Every time I turn on C-SPAN and watch this Chamber, I will remember that moment. I will remember it even more because she said, yes. I cannot believe she did.

I waited until later in life to start a family. We have that beautiful daughter of ours, Susan Ruby, who is just the most magnificent little girl in the world. I have the most beautiful wife one would ever want or could ever ask for, the most perfect spouse, and we are going to have another child in February.

It is time to put family first for us, and the way we lead our lives it would not work staying in this body. It would not be fair. My wife left last year. I am going to follow her out. We are going to enjoy being in the private sector. Most importantly, we are going to enjoy the time we can spend as our little kids grow up. These are precious moments and ones that I do not wish to miss.

I, again, just want to say to all of my friends and colleagues, thank you for indulging me here, to have this chance to speak. I have not often spoken. When I was in the county and state legislature, I could not shut up on the floor. Here I have tried to stay away. My focus has been elsewhere in this body.

I want to say thank you to my colleagues for taking this time out, for giving me the chance to say a few words because I was not going to speak. I would just wish you Godspeed as you continue your duties on behalf of this greatest country in the history of the world.

Mr. GILMAN. BILL, we wish you success and happiness and to all the Paxons, including little Ruby, who we watched grow up in the last few years, we wish you good health and happiness in the years ahead.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order on behalf of the gentleman from New York (Mr. PAXON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:

Mr. SKAGGS, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. BECERRA, for 5 minutes, today.
Ms. CARSON, for 5 minutes, today.
Mr. HINCHEY, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. MCGOVERN, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. ROEMER, for 5 minutes, today.
Ms. SÁNCHEZ, for 5 minutes, today.
Mr. DOGGETT, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mrs. MCCARTHY of New York, for 5 minutes, today.
Mr. PASCRELL, for 5 minutes, today.
Ms. STABENOW, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.
Mr. FRANK of Massachusetts, for 5 minutes, today.

The following Members (at the request of Mr. SHAYS) to revise and extend their remarks and include extraneous material:

Mr. REGULA, for 5 minutes, today.
Mr. MILLER of Florida, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. MORAN of Kansas, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes each day, on today and October 14.
Mr. GOSS, for 5 minutes each day, on today and October 14.
Mr. WELLER, for 5 minutes each day, on today and October 14.
Mr. PAUL, for 5 minutes, today.
Mr. PETERSON of Pennsylvania, for 5 minutes, today.
Mr. PITTS, for 5 minutes, today.
Mr. BASS, for 5 minutes, today.
Mr. PAXON, for 5 minutes, today.
Mr. FOSSELLA, for 5 minutes, today.
Mr. BARTON of Texas, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes, on October 14.
Mr. DAVIS of Virginia, for 5 minutes, on October 14.
Mr. EHLERS, for 5 minutes, on October 14.
Mr. BOB SCHAFFER of Colorado, for 5 minutes, today.
Mr. SHAYS, for 5 minutes each day, on today and October 14.
Mr. THUNE, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. KINGSTON, for 5 minutes, today.
Mr. NEUMANN, for 5 minutes, today.
Ms. MILLENDER-MCDONALD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FAWELL asked to extend his remarks on the RECORD and to include therein extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,108.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1642. An act to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; to the Committee on Government Reform and Oversight.

S. 1722. An act to amend the Public Health Service Act to revise and extend certain program with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. Con. Res. 123. Concurrent Resolution to express the sense of Congress regarding the policy of the Forest Service toward recreational shooting and archery ranges on Federal land; to the Committee on Agriculture; in addition, to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2411. An act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2886. An act to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System.

H.R. 3796. An act to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

H.R. 4081. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4248. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4659. An act to extend the date by which an automated entry-exit control system must be developed.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for this approval, a bill of the House of the following title:

H.R. 1659. To provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 14, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11676. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act; to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 594. Resolution providing for the consideration of certain resolutions in preparation for the adjournment of the second session sine die (Rept. 105–818). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAW (for himself, Mr. DEUTSCH, Mr. RAMSTAD, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. FOLEY, Mrs. MEEK of Florida, Mr. DAVIS of Florida, Mr. WEXLER, Mr. MCCOLLUM, and Mr. CAMP):

H.R. 4819. A bill to provide for the continuation of preclearance activities for air transit passengers and enhanced inspectional services for vessel passengers, and for other purposes; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 4820. A bill to impose accountability on the International Space Station, and for other purposes; to the Committee on Science.

By Mr. SMITH of Texas:

H.R. 4821. A bill to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. OXLEY, Mr. MANTON, Mr. DEAL of Georgia, Mr. BURR of North Carolina, Mr. HALL of Texas, Mr. WHITFIELD, Mr. LARGENT, Mr. TOWNS, Mr. WAXMAN, Mr. TAUZIN, and Mr. SHIMKUS):

H.R. 4822. A bill to require the Securities and Exchange Commission to require the improved disclosure of tax effects of portfolio transactions on mutual fund performance, and for other purposes; to the Committee on Commerce.

By Mr. KOLBE (for himself and Mr. STENHOLM):

H.R. 4823. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE (for himself and Mr. STENHOLM):

H.R. 4824. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 4825. A bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. LANTOS, Mr. MCGOVERN, Mr. YATES, Mr. WAXMAN, and Mr. FROST):

H.R. 4826. A bill to provide victims of the Holocaust access to their insurance policies; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 4827. A bill to amend the Fair Housing Act to provide an exemption for restrictions on the occupancy of group homes by persons convicted of certain crimes; to the Committee on the Judiciary.

By Mr. THOMPSON:

H.R. 4828. A bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food; to the Committee on Agriculture.

By Ms. LOFGREN (for herself, Mr. GEPHARDT, Mr. BONIOR, Mr. DEFAZIO, Mr. DELAHUNT, Mr. SANDERS, Ms. KAPTUR, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Mr. STARK, Mr. FILNER, and Mr. BROWN of Ohio):

H. Res. 595. A resolution concerning the need to improve working conditions at the Han Young truck factory in Tijuana, Mexico; to the Committee on International Relations.

By Mrs. ROUKEMA (for herself and Ms. KAPTUR):

H. Res. 596. A resolution expressing the sense of the House of Representatives with respect to the seriousness of the national problems associated with mental illness and with respect to congressional intent to establish a "Mental Illness Working Group."; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. GEKAS and Ms. WATERS.

H.R. 599: Ms. BROWN of Florida.

H.R. 902: Mr. LOBIONDO, Mr. LAHOOD, Mr. SOUDER, Mr. COMBEST, and Mr. WHITE.

H.R. 979: Mr. FOSSELLA.

H.R. 1354: Mrs. JOHNSON of Connecticut.

H.R. 1500: Mr. CUMMINGS, Ms. LEE, and Mr. MEEKS of New York.

H.R. 1916: Mr. DUNCAN.

H.R. 2153: Mr. HINCHEY.

H.R. 2331: Mr. COYNE.

H.R. 2346: Mr. KENNEDY of Rhode Island, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Ms. KILPATRICK, and Mrs. MCCARTHY of New York.

H.R. 2549: Mr. ORTIZ.

H.R. 2635: Mr. ROTHMAN.

H.R. 2754: Ms. LOFGREN and Mr. JACKSON of Illinois.

H.R. 2882: Mr. GOODLATTE.

H.R. 2914: Mrs. JOHNSON of Connecticut.

H.R. 2951: Mr. GOODE.

H.R. 2953: Mr. EVANS.

H.R. 3099: Mr. GOODLATTE.

H.R. 3251: Mr. DEFAZIO.

H.R. 3281: Mr. JACKSON of Illinois.

H.R. 3341: Mr. FARR of California and Mr. ABERCROMBIE.

H.R. 3572: Mr. SAXTON.

H.R. 3622: Mr. STARK.

H.R. 3758: Mr. JACKSON of Illinois.

H.R. 3779: Mr. BURR of North Carolina and Mr. BILBRAY.

H.R. 3792: Mr. PICKERING.

H.R. 3802: Mr. JACKSON of Illinois.

H.R. 3879: Mr. LEWIS of California.

H.R. 3915: Mr. MINGE.

H.R. 3956: Mr. DEFAZIO, Mr. HINCHEY, and Mrs. MINK of Hawaii.

H.R. 3991: Mr. MCINNIS.

H.R. 4031: Ms. SLAUGHTER.

H.R. 4036: Mr. LAZIO of New York and Ms. VELÁZQUEZ.

H.R. 4092: Ms. ROYBAL-ALLARD.

H.R. 4197: Mr. HILLEARY.

H.R. 4203: Mr. SAXTON.

H.R. 4209: Mr. SHERMAN.

H.R. 4217: Mr. MANZULLO.

H.R. 4235: Mr. WELDON of Florida.

H.R. 4281: Mr. MANZULLO.

H.R. 4344: Mr. BONIOR.

H.R. 4403: Ms. ROYBAL-ALLARD and Mr. BENTSEN.

H.R. 4449: Mr. MANZULLO.

H.R. 4455: Mr. METCALF.

H.R. 4478: Ms. LOFGREN and Mr. LUTHER.

H.R. 4479: Ms. LOFGREN and Mr. LUTHER.

H.R. 4514: Mrs. MORELLA.

H.R. 4553: Mr. SKAGGS.

H.R. 4563: Mr. BACHUS, Mr. SHERMAN, and Mr. FRANK of Massachusetts.

H.R. 4590: Mr. KENNEDY of Rhode Island and Mr. ETHERIDGE.

H.R. 4621: Mrs. WILSON.

H.R. 4666: Mr. SANDERS.

H.R. 4674: Ms. ROYBAL-ALLARD.

H.R. 4676: Mr. BARRETT of Wisconsin.

H.R. 4683: Mrs. MORELLA and Mr. SERRANO.

H.R. 4689: Mr. FAZIO of California.

H.R. 4692: Mr. BARRETT of Wisconsin.

H.R. 4765: Mr. FOSSELLA.

H.R. 4778: Mrs. MYRICK.

H. Con. Res. 128: Mr. SPRATT.

H. Con. Res. 258: Mr. JACKSON of Illinois.

H. Con. Res. 328: Mr. FORBES and Mrs. KELLY.

H. Con. Res. 340: Mrs. CUBIN, Mr. BLUNT, Mr. KING of New York, and Mr. HOSTETTLER.

H. Con. Res. 341: Mrs. CUBIN, Mr. BLUNT, Mr. KING of New York, and Mr. HOSTETTLER.

H. Con. Res. 342: Mrs. CUBIN, Mr. BLUNT, Mr. KING of New York, and Mr. HOSTETTLER.

H. Res. 16: Mr. SCARBOROUGH.

H. Res. 151: Mr. FRANKS of New Jersey.

H. Res. 483: Ms. CARSON and Mr. ENGEL.

H. Res. 519: Mr. PORTER.

H. Res. 561: Mr. BONIOR and Mrs. ROUKEMA.

H. Res. 566: Mr. GILLMOR.

EXTENSIONS OF REMARKS

IMF TRANSFORMATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. GINGRICH. Mr. Speaker, I want to recommend to my colleagues the following editorial entitled Perils of Globalism by former Secretary of State Henry Kissinger.

Secretary Kissinger begins to tackle an issue that we, in Congress, have been debating for several months. In Secretary Kissinger's words, he eloquently states what many members believe, that the "IMF must be transformed. It should be returned to its original purpose as a provider of expert advise and judgement, supplemented by short-term liquidity support. When the IMF focuses on multi billion-dollar loans, it plays a poker game it cannot possibly win; the 'house', in this case, the market, simply has too much money. Congress should use the need for IMF replenishment to impose such changes."

Without proper reforms, the situation of insolvency within this organization will remain, and the backlash of improper management of funds, especially those of American taxpayers, will be felt across the globe.

I strongly urge all of my colleagues to take time and read Perils of Globalism to gain a better understanding of problems the IMF is facing.

PERILS OF GLOBALISM

What began 15 months ago as a currency crisis in Thailand and then spread across Asia now threatens the industrialized world.

No government and virtually no economist predicted the crisis, understood its extent or anticipated its staying power. A series of IMF rescue packages has not arrested its spread and threatens the political institutions implementing them. In Indonesia a regime tainted by cronyism has been overthrown. But in Brazil, the crisis threatens one of the most reform-minded governments in decades.

What was treated at first as a temporary imbalance is becoming a crisis of the world's financial system. In the past 20 years, two Mexican crises, in 1982 and 1994, spread to most of Latin America; the Asian crisis of 1997 has already infected Eastern Europe, South Africa and Latin America. Each crisis has been more extensive and has spread more widely than its predecessor.

Free-market capitalism remains the most effective instrument for economic growth and for raising the standard of living of most people. But just as the reckless laissez-faire capitalism of the 19th century spawned Marxism, so the indiscriminate globalism of the 1990s may generate a worldwide assault on the concept of free financial markets. Globalism views the world as one market in which the most efficient and competitive prosper. It accepts—and even welcomes—that the free market will relentlessly sift the efficient from the inefficient, even at the cost of periodic economic and social dislocation.

But the extreme version of globalism neglects the mismatch between the world's political and economic organizations. Unlike economics, politics divides the world into national units. And while political leaders may accept a certain degree of suffering for the sake of stabilizing their economies, they cannot survive as advocates of near-permanent austerity on the basis of directives imposed from abroad. The temptation to seek to reverse—or at least to buffer—austerity by political means becomes overwhelming. Protectionism may prove ineffective in the long term, but for better or worse, political leaders respond to more short-term cycles.

Even well-established free-market democracies do not accept limitless suffering in the name of the market, and have taken measures to provide a social safety net and curb market excesses by regulation. The international financial system does not as yet have these firebreaks. Nor is there much of a recognition that it needs them.

Ours is the first experiencing a genuinely Crony capitalism, corruption and inadequate supervision of banks were serious shortcomings. But they did not cause the immediate crisis; they were a cost of doing business, not a barrier to it. Until little more than a year ago, Asia was the fastest growing region in the world, its progress underpinned by high savings rates, a disciplined work ethic and responsible fiscal behavior.

What triggered the crisis were factors largely out of national or regional control. The various countries had exchange rates linked to the U.S. dollar. When China devalued in 1994, the dollar appreciated significantly starting in 1995, and the yen fell sharply. Southeast Asian exports became less competitive and export earnings fell. At the same time, the dollar pegs created unprecedented opportunities for speculation. It was possible to borrow dollars in New York and lend them locally for at least twice the cost of borrowing—at no apparent currency risk. The borrowers invested in real estate and excess plant capacity, creating a dangerous bubble. Local currency became overvalued and local currency holders converted into dollars, inviting speculative raids—all without significant warnings from international financial institutions.

The U.S. Treasury, convinced that the matter could be dealt with regionally and gun-shy after congressional reaction to the bailout of Mexico, refused to participate in the first round of the crisis. But when the crisis spread to Indonesia, the largest country of Southeast Asia, the threat to the global system could no longer be ignored.

At U.S. urging, the IMF intervened in both situations with its standard remedies, leading to massive austerity. Thailand's democratic institutions have so far proved relatively resilient. But for how long can it sustain interest rates of more than 40 percent, a negative growth of 8 percent and a 42 percent devaluation of its currency?

In Indonesia—a rich country with vast resources and an economy that was praised by the World Bank in July 1997 for its efficient management—the IMF, advised by an administration afraid of being accused of having political ties to leading Indonesian financial institutions, decided to make its assistance conditional on remedying virtually every ill from which the society suffered. It demanded the closing of 15 banks, the ending of monopolies on food and heating oil, and the end of subsidies.

But when 15 banks are closed in the middle of a crisis, a run on other banks is inevitable. The ending of subsidies raised food and fuel prices, causing riots aimed at the Chinese minority that controls much of the economy. As a result, as much as $60 billion of Chinese money fled Indonesia, or more than the IMF could possibly provide. A currency crisis had been turned into an economic disaster.

For a few months, a special Treasury representative worked with the government and the IMF to ease the pressures. But by April the IMF was back at the old stand. This time the explosion swept away the Suharto regime. A currency crisis, having been transmuted into an economic crisis, has become a crisis of political institutions. Any real economic reform stands suspended. The shortcomings of Suharto were real enough, but to try to deal with them concurrently with the currency crisis has produced a political vacuum in the most populous Islamic nation in the world.

Ours is the first period experiencing a genuinely global economic system. Markets in different parts of the world interact continuously. Modern communications enable them to respond instantaneously. Sophisticated credit instruments provide unprecedented liquidity. Hedge funds, the trading department of international banks and institutional investors possess the reach, power and resources to profit from market swings in either direction, and even to bring them about. It is market stability that they find uncongenial.

Broadly speaking, direct foreign investment benefits from the well-being of the societies in which it operates; it runs the risks and is entitled to the benefits of the host country. By contrast, modern speculative capital benefits from exploiting emerging trends before the general public does. It drives upswings into bubbles and down cycles into crises, and in a time frame that cannot be significantly affected by the kind of macroeconomic remedies being urged on the political leaders.

For example, when Asian creditworthiness began to fall, financial institutions and fund managers holding the debt were tempted to sell Asian currencies short, thereby accelerating devaluation and compounding the difficulty of repaying debt. Speculators were acting rationally, but the result was a deeper, more vicious and more intractable crisis.

To maintain their overall performance, speculators, as losses mounted in Asia, were driven to cash in their holdings in Latin America and thereby spread the crisis. The capacity of smaller countries to deal with these massive capital flows is not equal to the temptations offered by the system. Regulators in the United States, Europe and Japan have not succeeded in dampening the increased volatility of the market. And small and medium-sized countries are defenseless in the face of it.

The speculators will argue that they are only exploiting weaknesses in the market, not causing them. My concern is that they have a tendency to turn a weakness into a disaster. If Brazil is driven into deep recession, countries such as Argentina and Mexico, heretofore committed to free-market institutions, may be overwhelmed.

The crisis in Brazil is a case in point. Despite a reform-minded and, on the whole, efficient government, Brazil faces a crisis partly because, as one of the largest and most liquid emerging markets, it is one of the easiest from which to withdraw. If these trends are not arrested, global flows of capital will be impeded by a plethora of national or regional regulations, a process that has already begun.

The International Monetary Fund, the principal international institution for dealing with the crisis, too often compounds the political instability. Forced by the current crisis into assuming functions for which it never was designed, the IMF has utterly failed to grasp the political impact of its action. In the name of free-market orthodoxy, it usually attempts—in an almost academic manner—to remove all at once every weakness in the economic system of the afflicted country, regardless of whether these caused the crisis or not. In the process, it too often weakens the political structure and with it the precondition of meaningful reform. Like a doctor who has only one pill for every conceivable illness, its nearly invariable remedies mandate austerity, high interest rates to prevent capital outflows and major devaluations to discourage imports and encourage exports.

The inevitable result is a dramatic drop in the standard of living, exploding unemployment and growing hardship, weakening the political institutions necessary to carry out the IMP program.

The situation in Southeast Asia is a case in point.

All this might make sense if the IMF programs brought demonstrable relief. But in every country where the IMF has operated, successive programs have lowered the forecast of the growth rate, which, in Indonesia, is now a negative 10 percent, in Thailand a negative 5 percent and in South Korea an optimistic positive one percent. It could be argued that without the IMF program, conditions would be worse, but his is no consolation to governments and institutions facing massive discontent.

The inability of the IMF to operate where politics and economics intersect is shown by its experience in Russia. In Indonesia the IMF contributed to the destruction of the political framework by excessive emphasis on economics; in Russia it accelerated the collapse of the economy by overemphasizing politics. The IMF is, quite simply, not equipped for the task it has assumed.

The immediate challenge is to overcome the crisis in Brazil and preserve the free-market economics and democracy in Latin America. A firm and unambiguous commitment by the industrial democracies, led by the United States, is essential to buttress the necessary Brazilian reform program.

An expanding American economy is the key to restoration of global growth. Whether this is achieved by a cut in interest rates or a major tax cut, a strong commitment is reinvigorated growth is essential.

Above all, the institutions that deal with international financial crises are in need of reform. A new management to replace that of Bretton Woods is essential. It must find a way to distinguish between long-term and speculative capital, and to cushion the global system from the excesses of the latter.

The IMF must be transformed. It should be returned to its original purpose as a provider of expert advice and judgment, supplemented by short term liquidity support. When the IMF focuses on multibillion-dollar loans, it plays a poker game it cannot possibly win; the "house," in this case the market, simply has too much money. Congress should use the need for IMF replenishment to impose such changes.

Further, the central banks and regulators of the industrial democracies need to turn their attention to the international securities markets, just as they did to international banking after the debt crisis of the 1980s. Regulatory systems should be strengthened and harmonized; the risks that investors are taking should be mad more transparent.

Finally, the private sector must learn to relate itself to the political necessities of host countries. I am disturbed by the tendency to treat the Asian economic crisis as another opportunity to acquire control of Asian companies' assets cheaply and to reconstitute them on the American model. This is courting a long-term disaster. Every effort should be made to work with local partners and to turn acquisitions into genuinely cooperative enterprises.

HONORING HOWARD ST. JOHN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. HINCHEY. Mr. Speaker, before we adjourn for the year, I wanted to take a moment to honor Howard St. John, who is stepping down from the chairmanship of Ulster Savings Bank after a long and very rewarding career there. Howard has had, in a sense, many careers—as a District Attorney, President and member of many professional and charitable boards and associations, and as a very successful local businessman. Through his many endeavors and successes he has never lost his warmth and generosity or his personal touch with regular people. He has contributed to the health and well being of numerous families throughout the Hudson Valley, helping them to realize their dreams in many different ways. I join my friends back home in saluting him upon his retirement from Ulster Savings Bank and wish him the very best in what I hope will be a long and fruitful retirement.

CHARITABLE GIVING INCENTIVE ACT, HR 3029

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. DUNN. Mr. Speaker, among the provisions included in the tax package we passed yesterday is a provision of great importance to the charitable giving community: an extension of the enhanced deduction for contributions of publicly-traded stock to private foundations. Although extending this deduction benefits many is a useful tool for providing funds for charitable purposes, this deduction alone is not enough.

In this era of ever-tightening fiscal constraints, we have asked our communities to do more and more for those less fortunate. Charitable organizations in our communities have become an integral part of the safety net for the poor and homeless and significant sources of assistance for education, health care, child development and the arts in every community.

To meet the increasing deficit in unmet social needs, the government cannot merely expect the private sector to fill the gap, but must provide the leadership for the use of private sector resources through changes in the tax code. One source of untapped resources for charitable purposes is the contribution of closely-held corporate stock. Under current law, the tax cost of contributing closely-held stock to a charity or foundation is prohibitive, and it discourages families and owners from disposing of their businesses in this manner.

Earlier this year, I was joined by Representatives Furse, Nethercutt, Hooley, Paul and Smith of Oregon in introducing legislation that would also provide an incentive to business owners to use their corporate wealth for charitable causes. H.R. 3029, the Charitable Giving Incentive Act of 1998, would permit a closely-held business to transfer its assets into a 501(c)(3) charitable organization without paying the 35 percent corporate level tax. Thus, the recipient charity would receive the full benefit of the gift. Identical legislation has also been introduced in the Senate by Senators Smith of Oregon, Feinstein, Wyden, Baucus and Gorton.

In addition to this bipartisan Congressional support, we have garnered support from the charitable community. Below is a letter signed by several organizations that represent thousands of charitable institutions across the country, calling for enactment of this legislation. It is my intention to reintroduce this legislation in the 106th Congress and I look forward to working with the Ways and Means Committee Chairman Archer, Ranking Member Rangel and my House colleagues to legislate changes that will make it easier for the citizens of this country to give to charitable causes.

October 9, 1998

Representative BILL ARCHER,
Chairman, House Committee on Ways and Means, House of Representatives, Washington, DC.

The undersigned organizations are all tax exempt 501(c)(3) charitable entities, or representatives thereof, whose efforts are dependent upon the charitable giving of concerned individuals. With the needs of our communities growing, and in some cases the financial support from government agencies diminishing, many endeavors are increasingly reliant upon a core group of concerned, consistent, and active givers. It is important to encourage and reward the selfless sharing by this group and to expand its membership.

Accordingly, we support legislation that has been introduced in this Congress to provide tax incentives for the donation of significant amounts of closely-held stock. H.R. 3029 and S. 1412, the Charitable Giving Incentive Act, would permit the tax-free liquidation of a closely-held corporation into a charity if at least 80 percent of the stock of the corporation were donated to a 501(c)(3) organization upon the death of a donor. Thus, the 35 percent corporate tax that would otherwise be paid is not imposed: all of the value of the contribution would go to charitable purposes. This is the same tax result as would occur if the business had been held in non-corporate form.

The current disincentive for substantial contributions of closely-held stock should be corrected at the earliest opportunity. We believe such a change would encourage additional transfers to charity because the donors will see more of the benefit going to the charity and not to taxes. We hope that appropriate tax incentives will encourage more families to devote significant portions of their businesses, and their wealth, to charitable purposes.

As a key member of Congress, we urge your active support for this effort to expand charitable giving by individuals and businesses. The needs are great. While government cannot do it all, it can provide leadership for others to do more by removing current impediments. Your support and assistance are needed. Thank you for you favorable consideration of this request.

Sincerely,

Council on Foundations, The Children's Foundation, Council of Jewish Federations, The National Federation of Nonprofits, The National Community Action Foundation.

THE DEMOCRATIC RIGHTS FOR UNION MEMBERS ACT OF 1998 (DRUM)

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. FAWELL. Mr. Speaker, I rise to introduce the Democratic Rights for Union Members Act of 1998. I am gratified that one of my last acts as a member of Congress, and as Chairman of the Employer-Employee Relations Subcommittee, is to present and discuss legislation which I trust is a first step in amending one of the nation's most important labor laws.

Four decades have passed since the enactment of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), also known as the Landrum-Griffin Act. The LMRDA is the only law governing the relationship between labor leaders and their rank-and-file membership. When my Subcommittee began hearings in May on the issue of union democracy, our purpose was to determine the status of union democracy under the LMRDA and to see if the democratic principles guaranteed by federal law are being upheld in union activities throughout the United States. We also wanted to identify possible legislative remedies to improve the law if it were falling short in protecting the rights of hardworking men and women who belong to unions.

Since May, the Subcommittee has held four hearings in the union democracy series. In May, we heard from a variety of local union officials and rank-and-file, including those from the Carpenters, Laborers, and Boilermakers unions. We were also privileged to hear from one of the country's foremost expert in union democracy law, Professor Clyde Summers. It was Summers, who, forty years ago, at Senator John F. Kennedy's request, fashioned a "bill of rights" for union members which became Title I of the LMRDA.

Our June hearing featured Herman Benson, a founder and enduring leader of the Association of Union Democracy, as well as the Carpenter's union rank-and-file and their president, Douglas McCarron. This hearing centered on the right to a direct vote which was abrogated by the implementation of a nationwide restructuring of the union resulting in unilateral dissolution and merging of locals.

Hearings in August and September focused on election irregularities and the lack of financial disclosure in the American Radio Association, a small union illustrating the ease with which democratic principles can be lost.

Union democracy is a bi-partisan issue. Even in 1959, the LMRDA was passed because two sides without much in common came together for the good of the rank and file. My Subcommittee has conducted the union democracy hearings in a bi-partisan manner. I hope Congress can repeat history by passing another bill to amend the LMRDA and further strengthen its principles.

In 1959, labor leaders opposed the LMRDA. In the vanguard of those who led the successful effort to pass the Act were Professor Summers and Herman Benson. Both of these men have been outstanding advocates for unions and the labor movement. Both recognize that you cannot have a strong, healthy labor movement unless rank-and-file members have democratic rights within that movement. As Professor Summers has written, "workers gain no voice in the decision of their working life if they have no voice in the decisions of the union which represents them."

If I had to draw a conclusion from the union democracy hearings held so far this year, I would assume that labor leaders would once again oppose any changes to the Act. It would seem that labor leaders have found the "Loopholes" in the LMRDA and have not voiced, as of yet, any concerns about how the law operates in practice. Rather, it is the rank-and-file members who have recounted endless accounts of violence, intimidation, abuse and other examples of an erosion of democratic principles in this country's unions.

The next Congress has much work to do on this issue. However, the bill I introduce today is a good start. This legislation makes two necessary amendments to the LMRDA, important first steps, proposed by Professor Summers and Mr. Benson. As I have indicated, these men are pioneers in the field of union democracy law and I implore members from both sides of the aisle to recognize the wisdom of their proposals.

Professor Summers began studying and writing about the rights of union members in 1945 after receiving his law degree. In 1952, he wrote "Democracy in Labor Union," a policy statement adopted by the American Civil Liberties Union. He has been teaching, writing, and lecturing on union democracy law ever since, always with an emphasis on employee rights and industrial democracy. His writings include more than 100 law review articles. To this day, Professor Summers is a tireless advocate of union democracy and served on the board of directors for the Association of Union Democracy.

The Subcommittee also received testimony and assistance from Herman Benson, another of the nation's foremost experts in this field. Mr. Benson is a retired toolmaker and machinist and member of various unions over the years, including United Auto Workers, International Union of Electricians, and United Rubber Workers. From 1959 to 1972, he edited and published "Union Democracy in Action." He co-founded the Association for Union Democracy and continues to serve as editor of "Union Democracy Review." Mr. Benson has devoted his professional career to battling against corruption or authoritarianism in unions. I request that their written statements in support of the bill be placed in the record following the bill and my remarks.

Two basic rights, rooted in democracy, are addressed by my bill. The two provisions address voting rights and trusteeships. Both Professor Summers and Herman Benson strongly believe these steps should be taken. As to the first amendment, the LMRDA permits election of local union officers by a direct vote, but officers of district councils and other intermediate bodies can be elected by delegates. My bill, DRUM, provides that in instances where an intermediate union body assumes the basic responsibilities customarily performed at the local union level—such as collective bargaining and the running of hiring halls, for example—in these instances, the members would have the right to a direct, secret ballot vote to elect officers of that intermediate body. This is the same right members currently have with respect to electing their local union officers. It is important that officers be elected by direct vote if the vitality of democratic control is to be preserved.

As to the second amendment, the LMRDA intended that local unions could be placed under trusteeship in the event of corruption or other abuse. Unfortunately, trusteeships are sometimes used to eliminate local dissidents and to destroy local autonomy, contrary to the democracy ensured by LMRDA. Moreover, once the trusteeship is imposed, the trusteeship is presumed valid for 18 months. Litigation to remove the trusteeship can take months or year longer. DRUM provides for the removal of this 18 month presumption of the trusteeship's validity. Removal of this presumption opens the door to legitimate challenges to the imposition of a trusteeship. This is the kind of due process any decent union would provide before destroying the local autonomy upon which LMRDA is founded.

These basic individual liberties embody the democratic principles on which this country is founded. These are rights that should be enjoyed by all Americans, and certainly American union workers. I urge all of my colleagues, Republicans and Democrats alike, to join me in supporting these important amendments to the LMRDA, and I urge members of the 106th Congress to build upon this small, but important beginning.

STATEMENT OF CLYDE W. SUMMERS

My name is Clyde W. Summers, and I am Professor of Law at the University of Pennsylvania Law School.

In considering the proposed bill, we must first set out the underlying premises on which it must rest.

When the Wagner Act was passed in 1935, one of the basic purposes of the statute was to give workers an effective voice, through collective bargaining, in decisions which govern their working lives. In the words of that time, to provide for a measure of industrial democracy.

Collective bargaining, however, can serve the purpose of industrial democracy only if the unions which represent the workers are democratic. For workers to have an effective voice in the decisions of the workplace, they must have an effective voice in the decisions of the union which speaks for them. For collective bargaining to serve fully its social and political function in a democratic society, unions must be democratic.

This was the basic premise of the Landrum-Griffin Act. Its fundamental purpose is to guarantee union members their democratic rights within their union and an effective voice within their union. The union would then be responsive to the felt needs and desires of those for whom the union spoke.

The Landrum-Griffin Act has served this purpose in substantial measure. It has provided members a Bill of Rights; it has increased transparency and responsibility in union finances; it has established standards for fair elections; and it has articulated the fiduciary obligations of union officers. It has enriched the democratic processes in union government, has encouraged union members to make their voices heard.

This does not mean that the statute is without its flaws, or that it has fully realized its purposes. Forty years of experience under the statute has revealed limitations of foresight and unforseen gaps that permit practices which can defeat its purposes.

I will discuss only the two problems which the proposed bill addresses, both of which focus on substantial gaps and defects. I fully support these proposals because I believe that they are needed for the statute to fulfill its purposes.

Section 4 proposes a modest but important change in Title III dealing with trusteeships. At the outset, it must be recognized that when an international union imposes a trusteeship over a local union, the officers elected by the local union members are removed from office and replaced by a trustee appointed by the international officers. Local union meetings may be suspended, union members may have little or no voice in the decisions of the union, and the local union looses all control over local union funds. In short, a trusteeship is a total denial of the democratic process in the local union.

Title III sets out the standards for imposing a trusteeship and the procedures for challenging the trusteeship in the courts. The Title has been visibly inadequate almost from the time the statute was passed.

Section 403(g) presently provides that during the first 18 months, the trusteeship should be presumed valid, and after 18 presumption of validity has meant, for practical purposes, that trusteeships are immune from challenge for the first 18 months. Indeed, the likelihood of succeeding in such a suit is so slight that suits are seldom brought during this period.

Where the trusteeship has its roots in political differences between local and international officers, the officers elected by the local union members are ousted and replaced by those chosen by the international officers. After 18 months the trustee appointed by the international and his supporters have solidly entrenched themselves in control of the administrative structure of the local union and have the great advantage of incumbency, if and when an election is held. The originally elected officers may be permanently displaced.

In view of the serious impact of trusteeship on the democratic rights of local union members, a presumption of validity can not be justified. In those cases where suspending the democratic process is justified, the international officers should be able to prove the need by at least a preponderance of the evidence. After 18 months, the need for the continuation of the trusteeship should be proved by clear and convincing evidence.

I believe that these changes in the burden of proof provided in the proposed bill will appropriately reduce the stifling of the democratic process at the local union level.

Frequently, when the trusteeship is declared ended and union meeting resumed, the person named as trustee continues as the presiding officer and in effective control of the local union until the next scheduling election, which may be a year or more later. During that period, the members do not have officers of their choosing, and during that period the trustee is able to more solidly entrench himself in control so that the originally elected officers or others will be at a substantial disadvantage.

In my view, it would be preferable to provide that the elected officers should be reinstated in office unless they have been tried and found guilty of conduct justifying their removal from office. It they are not reinstated, then a new election should be held as promptly as possible.

Section 5 of the proposed bill fills a gap which was overlooked when the statute was drafted. Title IV governing elections provided in Section 401 that local union officers should be elected by direct vote of the members, as contrasted with election by delegates which was permitted for international officers. Direct election was required even in so-called amalgamated local unions. which had separate sections in a number of separate establishments.

The requirement of direct elections recognized traditionally that the representative functions in most unions of negotiating collective agreements and handling grievances was carried on primarily at the local level. It was here that members could most effectively exercise their voice; it was here that members most actively participated; it was here that the union should be most responsive. Direct elections gave the employees a more effective voice than indirect election by delegates.

In the drafting of Landrum-Griffin, little attention was given to the intermediate bodies such as general committees, system boards, joint boards and joint councils. In part, this was because many of them did not perform functions which directly impacted on the members' working lives. With little reflection, section 401 (d) of title IV provided that such intermediate bodies could elect their officers by indirect vote of delegates.

In the intervening years, the trend toward centralization in unions has led to giving some of these intermediate bodies increased functions in negotiating collective agreements, appointing business agents, and handling grievances, with an inevitable increase in control of union funds. In some cases, these intermediate bodies have, for practical purposes, supplanted the local unions, leaving the local unions little more than empty shells.

It would be futile to set our faces against centralization because it may be necessary for effective representation. However, this should not deprive union members of a direct and effective voice in electing officers performing these functions. Election by delegates significantly muffles the members' voice and makes these bodies less responsive to the needs and desires of the members.

Where an intermediate body performs the traditional functions of a local union, negotiating collective agreements, naming business agents, and administering agreements, then they should be treated as local unions for purposes of election of officers. The officers of such intermediate bodies should be elected by direct membership vote. Section 5 of the proposed bill accomplishes this purpose.

In closing, I would like to emphasize that the proposed amendments here make no basic changes in the statute. They do, however, preserve and reinforce the democratic process at the point where the union most directly affects the members' working lives.

Historically, the democratic process of unions has had its greatest vitality at the local or base level of the union structure. It has been at this level that union members have looked to the union for representation; and it has been at this level that union members have been most active in making their voices heard. It is this level where the law should give primary attention to protecting and promoting the democratic process.

I am a founder and secretary treasurer of the Association for Union Democracy, established in 1969 to promote the principles and practices of internal union democracy in the American labor movement; including free speech, fair elections, and fair trial procedures, precisely the kind of rights written into federal law in the Labor-Management Reporting and Disclosure Act of 1959. We believe that strong labor unions are essential to democracy in the nation. I, myself, have been a toolmaker by trade and at various times a member of the United Auto Workers, the United Rubber Workers, and International Union of Electrical Workers. I still am a member of the UAW.

In the course of the last 50 years, I have been in touch with tens of thousands of unionists, individual rank and filers, organized caucuses, and elected officers in most major unions in the United States.

The adoption of the LMRDA in 1959 has, over the years, effected a sea change in the state of union democracy in the United States. Before LMRDA, members were expelled for criticizing their officers—usually on charges of slander; they could be expelled for suing the court or for complaining to authorized government agencies. In some unions they could be expelled for organized campaigning for union office or even for circulating petitions on union business within their own unions. Now all that is illegal because the basic rights of civil liberties in unions are written into federal law. The LMRDA has strengthened the labor movement by strengthening the rights of members in their unions.

In time, however, some union officials have discovered certain weaknesses, or more precisely loopholes, in the law which have enabled them to evade or circumvent its aims and, in some respects, to turn the clock back to the days before LMRDA. The proposed amendments are intended to strengthen the effectiveness of the law by closing two of the most egregiously abused loopholes.

The direct election of officers of certain ''intermediate'' bodies:

The central aim of the LMRDA was to protect the basic right of union members to choose their own leaders and to enable them to correct abuses by strengthening their right to elect or to replace those officers.

Since the local union has generally been the main source of grassroots power, the place where collective bargaining agreements were negotiated and enforced, the union unit which impinged most directly on the life of workers, the LMRDA was careful to establish explicit measures to assure the rights of members in their locals. Terms of office were limited to three years. Local officers had to be elected by direct secret ballot of the membership. In short, union members were assured direct control over their own officers.

However, in this respect, the law is being evaded in wide sections of the labor movement, particularly in the building trades. Locals are being consolidated into district councils. The councils take over all the collective bargaining rights and responsibilities formerly the province of the locals: the councils, not the locals, negotiate and sign agreements with the employers, appoint the business agents, implement and enforce the contracts and grievance procedures, control hiring halls and job referrals. By losing control over the collective bargaining process, locals are reduced to mere administrative shells. The members continue to elect local officers, but these officers are essentially powerless. Real power passes into the hands of district officers.

But the district council setup permits officers to evade the provisions of the law for direct elections because the law now permits officers by such "intermediate" bodies to elect their officers, not by direct membership vote, but by vote of council delegates ("Intermediate" bodies are those units above the local level but below the international level.)

Under this structure, the officers of a district council with, say, 10,000 members could be subject to election by a council consisting of perhaps 100 delegates from locals, which means that anyone who could control the votes of at least 51 delegates could dominate the affairs of 10,000 members. The reality of union politics (and perhaps most politics) is that an international union has ample powers and resources to control, win over, some might even say to buy off, a handful of delegates by a myriad of means: union staff jobs, favored treatment, junkets, moral and practical support in their locals, etc.

Direct election by local members allows the rank and file to control their officers. Election by council delegates, allows the international to control the delegates and the officers; the LMRDA is eviscerated.

One proposed amendment would simply restore the rights originally intended by the LMRDA. In essence it means that the officers of those intermediate bodies which have taken over the rights and functions of locals in collective bargaining will be elected by direct membership vote, just as in the locals, thereby restoring the right of members directly to control their own officers. However, where intermediate bodies still exist essentially as administrative units outside the collective bargaining process, they will continue to have the right to elect offices by delegate vote.

Union spokesmen and others argue that it is necessary to centralize power in the hands of district organizations in order to strengthen the unions in their dealing with employer conglomerates and to make them more efficient in organizing the unorganized. I would not quarrel with that contention. However, the aim of "modernizing" unions does not justify the proposed restrictions on membership rights, especially the right to elect officers by direct membership vote. Quite the contrary. The more centralization becomes necessary, the more necessary it becomes to strengthen democratic rights as a counterweight to the bureaucratic tendencies inevitable in all centralization. The adoption of a new U.S. Constitution was necessary to strengthen the United States by giving powers to a central national authority. But precisely because that move was essential to national welfare, it was necessary, at the same time, to bolster democratic rights by adding the Bill of Rights to the new Constitution. Some of our union officers want the authority and the centralization but without the saving salt of democracy.

Recourse against improper trusteeships

One of the glaring abuses revealed at hearings of the McClellan Committee in the late fifties was the practice by various international unions of arbitrarily lifting the autonomous rights of locals and other subordinate bodies and subjecting them to control by appointed trustees. In many instances, international officials used the trusteeship device to loot local treasuries, to eliminate independent-minded critics, even to prevent the replacement of corrupt officials by reformers, and to manipulate the votes of locals in referendums and at conventions.

Title III of the LMRDA aimed to provide recourse against these abuses. At the time, this section of the law was considered so important that it was one of the few major provisions that allowed for alternate means of enforcement: either by private suit or by a complaint to the Labor Department.

As written, the provision has had some positive effect. At the time the LMRDA was adopted in 1959, the Labor Department reported, 487 trusteeships were current. In June 1998, thirty-nine years later, 311 trusteeships were reported. [see Union Democracy Review, No. 120]. The law has made it much more impossible. The law does restrict the ability to manipulate the local's votes. But it has not succeeded in preventing an international union from misusing the trusteeship device to undermine and repress members rights, to discredit and destroy critics of the top officials. The trouble is that, as time passed, those who use trusteeships for devious aims have learned how to thwart and evade the purposes of Title III, which is why it needs strengthening.

Title III permits trusteeships to be imposed for certain legitimate reasons; and, if unions actually obeyed the law, there would be little problem. However, to evade the requirements of Title III, a union officialdom need only learn how to fill out the required reporting form. If the real purpose of a trusteeship is illegitimate, the international can easily conceal that fact simply by listing a legitimate, but vaguely formulated, purpose permitted by the law. Over the years, union officials have discovered that they can do this with impunity because the enforcement provisions of Title III are ineffective.

The Labor Department has no incentive for checking the validity of the Title III reporting forms because the law authorizes it to investigate the validity of a trusteeship only upon the complaint of a union member. Moreover, the law presumes a trusteeship valid for 18 months. In no single case known to me has the Labor Department ever challenged a trusteeship in court before the lapse of 18 months, even after union members have submitted persuasive complaints to it. The same problem faces complainants in Federal court, where judges routinely dismiss complaints against trusteeships on procedural grounds before the 18-month period has expired.

It is not difficult for a complaining union member to succeed in lifting a trusteeship once the 18 months is up and the presumption of validity has been removed. At that point, judges and the Labor Department offer recourse, but by that time it is too often too late to revive any momentum for democracy that has been lost.

It is true that sometimes trusteeships are imposed for legitimate reasons: to root out corruption or to restore orderly democratic procedure; and nothing in the proposed LMRDA amendments will eliminate that power. Unfortunately, there are other cases, too many, where trusteeships are imposed, on one pretext or another, to suppress challenge from below to the officialdom above. In such instances, trustees utilize that 18-month period, during which their power is virtually immune from challenge, to undermine their rivals or critics. Elected local officers are usually suspended or removed. Local meetings are often abandoned, sometimes collective bargaining contracts are imposed upon the membership without their consent, local bylaws are revised arbitrarily. Meanwhile, by fear or favor, the power of the trustee is employed to construct a local political machine loyal to the top officialdom. This kind of maneuver is quite possible, because the trustee controls the local's finances, grievance procedures, and—sometimes—hiring hall referrals. He normally has the power to hire and fire paid staff.

After living under these conditions for 18 months, any independent opposition is easily demoralized and tends to disintegrate. At that point, the trustee can call for new elections, supervised by a committee chosen by him or his cronies, fairly confident that no effective challenge is likely to survive.

The proposed amendment will not prevent any fair-minded union leadership, where necessary, from trusteeing a local under conditions specified under Title III. Wide latitude is permitted by the statute which authorizes trusteeships, among other specific conditions, for "otherwise carrying out the legitimate objects of such labor organization."

What the proposed amendment would do is quite simple.

1. It would fill an urgent need by providing, for the first time, the possibility of effective recourse against arbitrary trusteeships. By removing the 18-month presumption of validity, it would encourage the courts and the Labor Department to seriously consider complaints from unionists, look beyond what the union lists on reporting forms, and consider whether the actual operations of any trusteeship are lawful.

2. It provides for a specific additional assurance of fair treatment in the immediate aftermath of an improper trusteeship. If a union resists the lifting of the trusteeship and a complaining unionist or the Labor Department is forced to file suit in Federal court and the court orders the dissolution of the trusteeship, it would be anomalous to permit the trustee to dominate the process of choosing the self-governing local leadership for the post-trusteeship period. The amendment would require either the reinstatement of the local officers previously elected by the membership or a new election under supervision of the court, assuring them of the right to a leadership of their own choosing in a fair election.

In summary, the proposed amendments are modest and clear, they impose no burdens upon the labor movement, and they would substantially strengthen the rights of members in their unions.

TRIBUTE TO LEROY PARMENTER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mrs. EMERSON. Mr. Speaker, recently I was reminded that some of the best things in life are those things that too often go unnoticed. Leroy Parmenter was that way. A resident of Sikeston, Missouri, he was a man whose spirit of generosity and love for life was a bright sunshine in what these days too often seems like a gray and cloudy world. I wanted to share with all of you a few words from an article in the Sikeston Standard Democrat that recounted this remarkable individual's life.

"Leroy was one of those few who accomplished good deeds quietly. I had known Mr. Parmenter since Little League and graduated from high school with his son. But as a youngster I knew nothing about the selfless devotion and true concern for others that Leroy Parmenter showed every day of his life."

"It is sometimes awkward to know a man when you're a youngster and then to work along side him when you're grown. But it wasn't that way with Leroy. I had the pleasure to work on community projects with Leroy and was always amazed with his enthusiasm and his love of people. And believe me, it was genuine love. There was not a phony bone in his body. He visited veterans' homes and nursing homes because he wanted to let people know that someone cared about them."

This past summer Leroy Parmenter passed away. While he isn't walking and talking with us on a daily basis, I know that his spirit remains with each of us who were touched by his kindness. His good works and thoughtful deeds have not gone unnoticed. And I hope that on those cloudy days, we'll remember others like Leroy Parmenter. You know, those unique and caring men and women who as the Sikeston Standard Democrat noted, "accomplish good deeds quietly. (Who) never sought/(seek) the spotlight—though are/(were) proud when projects are/(were) successful."

Mr. Speaker, the author of this article had it right, "Leroy's reward was a smile on a kid's face. And he brought ample smiles through the years." Thank you Leroy—for the lives you touched—then and today.

IN HONOR OF EDDIE BLAZONCZYK

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BLAGOJEVICH. Mr. Speaker, my colleague, Mr. KUCINICH, and I rise today to honor Mr. Eddie Blazonczyk for his contributions to the American polka tradition. He was recently recognized for his achievements by the National Endowment for Arts during a White House ceremony where he was presented with the prestigious 1998 National Heritage Fellowship Award. Mr. Blazonczyk is a bandleader who has set the standard for Chicago-style polka, a sound that defines "polka" music for millions of Americans.

Born in 1941, Mr. Blazonczyk was raised surrounded by the sounds of polka. His mother directed a Gorale, a southern Polish music and dance ensemble, and his father played the cello for that group. His parents also owned a banquet hall where he was exposed to some of the great polka musicians of that time. Influenced by his childhood experiences with the Polish heritage, he decided to form his own polka band, the Versatones. He worked to forge a new polka sound that incorporated more raucous, "honky" sounds.

Throughout his career, Mr. Blazonczyk has developed quite a following, not only among the tens of thousands of polka dancers in Polish-American communities, but also among younger musicians in Polish polka bands. His interpretation of old folk music and his ideal singing voice for Polish songs have made him a star in the polka music community. He has appeared more than 4,800 times since he began his band in 1963, and he still keeps a schedule with over 175 performances a year. His tireless zeal for his art was recognized when he received a Grammy for the National Academy of Recording Arts and Sciences in 1986.

My fellow colleagues, please join us in congratulating Mr. Eddie Blazonczyk for receiving the 1998 National Heritage Fellowship Award in recognition of his revolutionary and outstanding contributions to polka music. His singing and more than 50 recordings will be enjoyed by polka lovers for years to come.

SALUTE TO JACK CORRIGAN: MR. ECONOMIC DEVELOPMENT

HON. SHERWOOD H. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BOEHLERT. Mr. Speaker, on Monday, July 13, 1998 it was my privilege to share in a special retirement ceremony for one of the finest, most decent, most caring, sharing individuals I have ever known.

On that day, in Philadelphia, local, state, and national leaders joined in honoring Jack Corrigan upon the occasion of his retirement after Nearly 30 years of distinguished service in the U.S. Department of Commerce's Economic Development Administration.

There is so much to be said about Mr. Corrigan's superb public service. It can best be summed up by noting that in 1995 he received the Lifetime Achievement Award for excellence in the field of economic development from the National Council on Urban Economic Development for his innovative economic development, thought, and leadership.

One of the old pros in the economic development field is a long-time good friend, Dave Rally, currently Legislative Advisor to the Public Works and Economic Development Association.

When I mentioned to Mr. Rally that I would be participating in the salute to Jack Corrigan, he immediately recalled what he termed "one of the best speeches ever" on the subject of economic development. Guess who gave it? Jack Corrigan. Mr. Rally was so impressed by the speech that he kept it at the ready and quickly retrieved it more than three years after it was given.

I, too, was greatly impressed, so much so that I append it here to my remarks with the thought that a reading of this "insider's look" at the role of the Federal Government—an historical perspective—will be enlightening, instructive and inspiring for all.

Jack Corrigan brings credit to the title public servant. His dedication and good work enriched the lives of literally hundreds of thousands of Americans and helped transform areas of distress into zones of opportunity. What a magnificent legacy!

EDA AND THE FEDERAL ROLE IN ECONOMIC DEVELOPMENT—AN HISTORICAL PERSPECTIVE

(Address by John E. Corrigan, Director, Philadelphia Regional Office, Economic Development Administration, EDA Regional Meeting, Philadelphia, PA, February, 1995)

This year marks the thirtieth anniversary of the Public Works and Economic Development Act of 1965 (PWEDA). Yet what should be a year to celebrate the effectiveness and contribution of the Economic Development Administration (EDA) may become a year when EDA faces the most serious threat to its very existence. In the weeks and months ahead there will be a national debate that will challenge the validity of concepts that are the reasons why EDA was created and sustained for the past 30 years.

We, the true believers, must not simply dismiss those who see no reason for our existence as simply mean spirited heretics but rather in the coming months we must engage them in a discussion of ideas. As Peter Drucker observed: "Every person and institution operates on the basis of a theory whether they realize it or not." EDA is a response to a specific theory about development. Those who seek our elimination have a very different theory of development.

There is little disagreement in the United States that the existence within our country of hundreds of areas of very low income and of persistently high unemployment is a national concern. The question which is in dispute is whether the Federal government ought to make efforts to alter the productive structure of such areas so that they may maintain their level of population, balance their trade with competing regions, and achieve a rate of growth in their per capita incomes which approximates the national rate by making those areas more competitive. There are two quite distinct theories on this. Proponents of the National Demand approach, also known as the Market approach, assert that over the long term the competitive forces of the market do create an optimal spatial distribution of economic activity. The private sector will locate where costs are least and profits greatest. Therefore if any area does show persistent symptoms of severe distress this should be interpreted as a clear warning that the nation has a declining need for this particular part of national space. We can let it deteriorate. The alternative thesis, which can be called the theory of Planned Adjustment, assumes that local economic problems persist precisely because competitive forces do not create an optimal spatial distribution of economic activity. Thus the lagging regions suffer not only because of the internal misuse of their resources but also because external investors, who are unaware of the favorable opportunities for investments in such areas, continue to pour funds into the overexpanded metropolitan areas within growing regions. These areas are lagging, in part, because they are not able to invest in infrastructure, both human and physical, which would make the area economically profitable to the private sector. Such deficiencies in the market system, it is argued, can be overcome by planning for the adaption of the supply characteristics of the lagging regions (investing in infrastructure, including capacity as well as bricks and mortar) so that they become self-sustaining, retain their population, and attract investment from the oversized metropolitan areas.

Because he believed in the first theory of development, the National Demand model, the Market model, President Nixon in 1972 called for the termination of EDA and stated boldly: "There is no need for a national development policy". And in 1980, President Jimmy Carter's White House Conference on Balanced National Growth and Economic Development, much to our surprise, recommended that the solution to the problem of distressed areas was for the federal government to provide assistance so that citizens could move to more prosperous areas reflecting clearly a belief in this first theory of development—vote with your feet. And President Reagan after recommending the elimination of EDA in this State of the Union message in January 1981, explained his position further by stating: "The administration intends to deal with economic development at the subnational level by improving the national economy."

In response we need to loudly proclaim that this theory of economic development espoused by President Nixon, by President Carter's Balanced National Growth Conference and by President Reagan is wrong, that it has no historic basis in fact and that it has not been our national economic policy for the past 150 years.

In a Senate Speech in 1981, defending EDA, Senator George Mitchell outlined that history.

In 1850, when it became apparent that the success of the Eastern States in building their rail networks promised an increase in wealth for the entire eastern seaboard, Congress enacted the Railroad Land Grant Act—truly landmark legislation—to encourage, by Federal subsidy, the expansion of the rail network in the South and West. And for 21 years thereafter, Congress continued to grant rail land rights. One Hundred Thirty One million acres to land were granted for that purpose—a Federal subsidy for Western and Southern economic development whose worth cannot be calculated at today's prices. Beginning in the 1880's, hydroelectric power was aggressively developed with federal aid.

By 1902, 30 years of homesteading acts had not been enough to encourage the settlement of the arid parts of the West, so Congress enacted the Reclamation Lands Act of 1902, a regional economic program which has changed the face of the country. Under the Reclamation Act water projects were built in 17 Western States to irrigate arid land. Some of our great cities—Phoenix, Denver, Los Angeles—could not exist without that water. The Imperial Valley in California, the most productive farmland in the Nation could not produce without it. And, as one result, Western lands with less than 9 inches of rainfall each year now produce and agricultural product worth $4.4 billion. All based on the theory of the importance of the Federal role in economic development.

In the 1930's, when the great depression was at its worst, Federal funds were poured into regional efforts to help provide employment and economic growth in the West and South. The massive Bonneville hydro project on the Columbia River was built to provide employment in the Pacific Northwest. Today, a potato processing plant in Washington State pays one-fifth the rate of electricity that a similar plant pays in the East because of Bonneville power and the other Federal hydro projects in Washington.

The greatest of the regional development programs, the Tennessee Valley Authority, is still benefiting its seven-State area. Its series of dams, reforestation projects, power plants and fertilizer plants have lifted a region which was in the depths of poverty in 1933—its people then earned 45 percent of the national average income—to a thriving and economically productive region today.

This massive Federal assistance to the South and the West over the past century has given those areas a basis from which today's rapid rate of economic development flows. It was grounded in the recognition that not all regions of the country have identical needs, that they do not move forward in lockstep, and that help is needed at different times by different parts of the country.

Then in 1956, at the urging of the Eisenhower Administration, Congress passed The Federal Aid Highway Act which began the largest Economic Development project in human history. The project resulted from extensive national and regional planning and the total cost of the system is estimated at $129 billion. Its effect was to open the way for development in our suburbs, exurbs, and outlying rural areas.

No need for a national development policy—no need for federal intervention? The history of our country belies those statements.

Thus EDA owes its existence to the second theory—That of Planned Adjustment—which has been a national policy since 1850. However, politically, EDA exists as a result of a National debate that took place after the Second World War concerning the need for a targeted development program.

Some of you may remember as I do that the way that debate was framed in the 1950's was in the form of a question: "If we can assist all of those countries in Europe with a Marshall Plan, shouldn't there be a Marshall Plan for our distressed areas?"

In Congress, Senator Paul Douglas of Illinois was the champion of such an approach and legislation was drafted and passed and twice vetoed by President Eisenhower. But support for such a program was building and legislation creating The Area Redevelopment Administration (ARA) was the first bill that passed the Senate and was signed by the newly elected President John F. Kennedy in May 1961. President Kennedy was enthusiastic about the program having experienced the depths of rural poverty when campaigning in West Virginia and other parts of Appalachia in the Primary race against Hubert Humphrey. During its four year history ARA obligated $350 million for projects authorized by its enabling legislation and another $851 million for public works projects under the Public Works Acceleration Act of 1962.

During 1965 a consensus was reached in Congress that the ARA approach was valid but that it needed to be refocused. Thus on August 26, 1965, President Johnson signed the Public Works and Economic Development Act. The new legislation reaffirmed the ARA mission of permanently alleviating conditions of substantial and persistent unemployment and underemployment in distressed areas and emphasized the related goal of stemming outmigration from such places. PWEDA also stressed the need to encourage expanded development in the natural growth centers of depressed areas and the importance of long-range economic planning.

In sending the EDA legislation to Congress for enactment on March 25, 1965, President Lyndon Johnson said: "The conditions of our distressed areas today are among our most important economic problems. They hold back the progress of the Nation, and breed a despair and poverty which is inexcusable in the richest land on earth. We will not permit any part of this country to be a prison where hopes are crushed, human beings chained to misery, and the promise of America denied."

Those words ring true today as they did 30 years ago.

EDA's advance over ARA and its originality is that it seeks to generate a process of economic development in specific areas of the country. The focus from projects to process was a key change from ARA to EDA. The Overall Economic Development Program, although not always properly implemented remains today a major contribution to economic development practice.

Another unique characteristic of EDA is the role of the Economic Development Representatives (EDRs). There is no other position like it in the Federal Government. The EDR heads a one person office in charge of one or more states. Because the EDRs are close to the economic problems of their areas and close to the people involved in them is a reason why they are so effective and important to EDA. Also the EDR reports to the Regional Director who reports to the Assistant Secretary. That flat organizational structure has resulted in many instances where an EDR talks to the Regional Director who talks to Headquarters and in a matter of hours an application is invited or a problem is solved. No other Federal program operates that way.

Now what shall we say about our collective experience in EDA—almost 30 years and $16 billion later. Let us review some of the highlights of our proud heritage.

We know that jobs spring from ideas and EDA showed the way and responded to need in dozens of initiatives. Who could count the jobs that have resulted. Is three million jobs an inflated number? Probably not.

EDA showed the way in 1967 with the designation of the first Economic Development District and today 315 Districts testify to the wisdom of a regional strategic planning approach.

EDA showed the way in 1969 in responding to the closing of the Brooklyn Navy Yard and made substantial investments in its rehabilitation for industrial and commercial use. That defense adjustment initiative continued through the 70's and 80's and 90's and continues today with $120 million of our FY 1995 budget dedicated to Defense Conversion.

EDA showed the way in 1969 in its prompt response to the ravages of Hurricane Camille in Mississippi and set in motion a role that continues in this fiscal year in our efforts in Georgia, Alabama and Florida in response to Tropical Storm Alberto, and in many major natural disasters in recent years, in Florida after Hurricane Andrew, the 1993 midwest flood, in California after the January 17 Northridge earthquake and in New England coping with the depletion of the fish stock. EDA showed the way in long term disaster recovery because we could deliver in ways that no other agency could.

EDA responded in 1974 by promptly administering a $500 million Title X program.

EDA was also a leader in 1974 with amended legislation creating the state and urban planning program and promoting the idea of linking the planning with the budget cycle and both to the executive decision making process.

EDA led again in 1975 with the introduction of the Title IX program. Twenty years later the RLF program alone has approved $400 million and leveraged $2.4 billion in private lending. And who could count the jobs?

And EDA did the job in 1976–77 with the Local Public Works Program (LPW). Over a thousand projects were approved and $6 billion obligated in twelve months. All 10,000 projects were processed in 60 days or less. We will never forget the 12 hour days and the countless Saturdays, but EDA did it.

Although physically and emotionally exhausted, EDA employees again responded in 1977 when a drought devastated parts of the country, especially in the Southwest and EDA processed an additional $175 million in water projects. In that program projects were processed and approved on average within seven working days after receipt of the application. Many projects arrived on a Monday and were approved that Friday.

EDA responded in 1978–79 when it administered $100 million dedicated to the XIII International Winter Olympic Games in Lake Placid, New York. EDA was the principal federal agency associated with the games and projects under EDA's supervision were built on time and within budget.

EDA also responded in 1983 and administered $140 million for the Emergency Jobs Act.

In 1993 in response to the declining timber harvests in the Northwest, EDA was the lead federal agency in providing resources to hire local staff in Districts and counties so that all communities in the region had the capacity to respond to the crisis and develop a strategy for investing in the locally established priorities.

During the 30 years of our history EDA was recommended for zero funding in the President's budget for 16 of those years and yet during all of those 30 years EDA has been a leader.

EDA provided the investment for the first publicly funded incubator building in this country.

EDA provided Competitive Communities type funding for one the first federally assisted Employee Stock Ownership Plans (ESOP) in the country, South Bend Lathe in Indiana.

EDA popularized RLF's when many questioned the concept.

What is the proudest achievement of all? It is that EDA created the Economic Development Profession. Thirty years ago there was no such thing. But EDA has created the profession through its funding of District staff and the early days of the 302(a) program when we funded an economic development staff in virtually every state and every major city in the country. Because of that, most of them, for the first time, had an economic development capacity.

Thirty years ago there were virtually no graduate courses in economic development in this country and hardly any articles in professional journals. Through EDA's Research and Technical Assistance programs, we have funded the thinkers and theorists who are developing the idea that will influence tomorrow's national development process.

Now as we look at the present we should be gratified that for the first time in 30 years we have a Secretary of Commerce, Ron Brown, who has testified on behalf of EDA before our committees and who strongly supports EDA.

We have the leadership of Assistant Secretary Ginsberg who is developing a strategic vision for a new EDA—an EDA that will involve change—change which we must be prepared to embrace. He is the only Assistant Secretary EDA has had who is an economic development professional. Under his guidance, new programs are being developed. You will hear later about our Competitive Communities initiatives which will build a new economic base of globally competitive, high growth companies.

In addition, how thankful we all are for the actions of Assistant Secretary Ginsberg who announced on June 1, 1994 the delegation of grant making authority from Washington to the regions, eliminating duplicative and redundant procedures. How important that is for all of us.

The Assistant Secretary is also committed to making the agency more responsive to our clients though simplifying agency applications and by completing the review of applications in 60 days or less. We did it in LPW—we did it in the Drought program. We have done it in recent months in our Disaster recovery efforts—we will do it.

What else must we do? Assistant Secretary Ginsberg has given us a charge to mount an extensive outreach to articulate EDA's new role and its continuing importance to America's local communities. Our grantees are ready for that and they will respond.

Last month I asked each of my EDR's to prepare his or her own outreach plan to get the message out. Charlie Hammarlund, our EDR for Connecticut and Rhode Island, who incidentally is celebrating his 45th year of federal service, in this plan stated: "I did not have to reach out to the economic development community in Connecticut and Rhode Island, they reached out to me. They were aware of our concerns and they told me what they were doing."

I know all of you are involved in this outreach process and we must not simply depend on the vigorous commitment and work by our leaders in Washington. A few week ago I was discussing this outreach effort with the Public Works Chief in Denver, Charlie Lee, and he said: "Jack, in our office we have discussed this and we believe that it we do not aggressively get the word out, our lack of action would be the very thing that causes EDA to die."

There is great wisdom in this thought. Today, more than ever all of us in EDA must be sustained by the spirit of hope. Not a hope that is a distant wish. But a hope that is creative force—that is active—that makes things happen.

For example, if people in EDA would say, "We've survived in the past—but this time the pressure is too great and we're not going to make it"—and I have heard those thoughts expressed by some of you—the very saying of those words repeated by enough people creates a life of its own and increases the change of failure. But if you say: "Look at what EDA has done—look at all of the people who believe in us and depend on us. I am going to contact everyone of them and make sure that they let all of the EDA family (grantees and businesses, our beneficiaries) know how important EDA is,"—those very words have their own dynamic life and increase in a sure and real way EDA's continuing existence.

For it is the creative hope within us that makes a difference—that makes things happen. Finally, I would ask you to reflect on the words of Bobby Kennedy and make them your own. Shortly before he died he spoke to the students at Fordham University: "Our future may lie beyond our vision but it is not completely beyond our control. It is the shaping impulse of America that neither fate nor nature, nor the irresistible tides of history, but the work of our own hands will determined our destiny. There is pride in that, even arrogance but there is also experience and truth. And it is the only way we can live."

"It is the work of our own hands that will determine our destiny."

RABBI STEVEN CARR REUBEN ON ROSH HASHANA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, I wanted to bring to my colleagues' attention the wise words spoken by Rabbi Steven Carr Reuben on Rosh Hashana.

LASHON HA-HA—THE POWER OF THE TONGUE—ROSH HASHANA 5759/1998

(By Rabbi Steven Carr Reuben)

I think I agonized these past few weeks over tonight's sermon more than anything in years. I ran a HH Sermon Seminar for the So. Cal. Board of Rabbis this year—my advice to all of them 3 weeks ago was—"Don't talk about it." Since then almost daily someone has called or come up to me and asked, "What do I tell my kids, Rabbi?" "Where are they supposed to look for moral leadership?"

Like most of you my mind has been on information overload this week. I felt like the woman who once wrote about an overwhelming day in her life. She said, "The washing machine broke down, the telephone kept ringing incessantly, the mail carrier brought a bill I had to no money to pay. Almost to the breaking point, I lifted my one-year-old into his highchair, leaned my head against the tray, and began to cry.

Without a word, my tiny son took his pacifier out of his mouth . . . and stuck it in mine!"

I could have used that pacifier all week, as I kept thinking about something Rabbi Milton Steinberg, one of the great rabbis of the 20th century once said—"When I was young, I admired clever people. Now that I am older, I admire kind people."

This has certainly not been a kind week—not for Ms. Lewinsky; not for the President or his wife or his child, not for the country; not for anyone. In fact, in many ways it seems to have brought out the worst of human nature—meanness of spirit, vindictiveness, derision, humiliation.

"The worst" because as British philosopher Bertrand Russell once noted, "Nobody ever gossips about other people's secret virtues."

Parents tell me everyday that they are loath to open a newspaper, listen to the radio or watch the television for fear of what they might find. We have become victims of our own technological wizardry—caught up a whirlwind of sex, lies and videotape. A media feeding frenzy to have everything about everyone sent everywhere, instantly—it is the information age run amuck.

But I see this communal trauma we are going through as one of our nation's great "teachable moments." There are so many truly important lessons that we can learn and teach our children if we are open and willing.

Lesson number one might be this: "Just because we can, doesn't mean we should." I fear we are becoming a society without boundaries, without restraint, without respect, without a public moral sense of decency, or compassion or human dignity.

It's as if our hierarchy of values has been turned on its head—as if "truth" for its own sake is the highest value in life. And so on this Jewish New Year it is worth remembering, that the 4,000 years of Jewish ethical tradition teach something quite different.

For Judaism the highest value is not truth, it is the sanctity and dignity of human life itself. We ground our values in the commitment that human life is sacred—that the Torah teaches every human being is created in the divine image, with a spark of the divine within.

You see, in Judaism the way we fulfill our destiny as human beings, is to find ways of getting that divine light within each of us to shine brighter and brighter because of what we do or what we say.

And every time we do or say anything that diminishes that inner light in another human being, by trashing their image or reputation in the world, even if what we are saying is true, we are committing one of Judaism's gravest sins.

My God, look at the society we seem to have created—it's the tabloidization of America, where even Heraldo Rivera can't compete anymore with the daily sleaze of Jerry Springer, one of the most popular shows on television; and the Kings of the radio waves are shock jocks who specialize in personal attacks and public humiliation.

That is why I so desperately want us to seize this moment as an opportunity to remember who we are—who we can be—who we must be. To remember perhaps the core, fundamental ethical value of the Torah—for we have forgotten to teach our children and remind ourselves the all-important truth that what we say really matters.

It is written simply and powerfully in the book of Proverbs: "Death and life are in the power of the tongue."

Do you realize that in all of the Talmud, in all of Jewish ethics after taking a life, the most serious sin in our entire tradition is the public humiliation of another human being? (2 X)

It is what the Talmud calls, LASHON HARA—THE EVIL TONGUE, and it includes not only gossip and slander, but all words that are hurtful—any speech that damages the reputation or lowers the status of another. And it's the most widespread sin there is.

In a remarkable insight into the human psyche the Talmud teaches, "Many are guilty of stealing, fewer are guilty of sexual misconduct, but everyone commits the sin of slander; of Lashon Hara to some degree almost every day."

That's why Rabbi Yosi ben Zimra created a fictional lecture which God delivers to our tongues: "What else could I have done to rein you in, to control you?" God begs the tongue. "Though all other human limbs stand up, you lie flat." Though all other limbs are external and visible, I hid you inside the body, I enclosed you behind two walls, one of bone and one of flesh and even so no matter I do you still do more damage than anything else I have ever created."

Today is Yom Hazikaron the Day to Remember—remember what? Remember who we are. Remember that we think we are human beings having a spiritual experience, when we are really spiritual beings having a human experience.

Do you know that Jewish law commands us not to allow the body of even a convicted murderer to hang on the gallows over night? This Mitzvah is dramatized in a famous Midrash which tells the story of twins—one who becomes the King and the other becomes a thief and murderer. The thief is caught, convicted, sentenced to death and hanged in the Town Square. And as the body hangs limp for all to see, strangers who pass by not knowing what happened look at it and what do they think? The King is hanging from the gallows.

For the Rabbis, God is the King—and we are God's twins. That is why even the worst human being; one who sheds another's blood is accorded dignity and respect. Because every one of us from the lowest to the highest has within the same Divine light.

For Jewish wisdom knew that even the truth can be evil—lashon hara—if it is used to cause pain, disgrace and humiliation. Jewish ethics teach us that just because something is true, doesn't mean we must say it—it is the intention of our words that matter most.

We have lost our moral balance—from political sound-byte attack ads to Hard Copy to what passes for the nightly news—we have cheapened life itself; nothing is private, nothing is sacred.

"Death and life are in the power of the tongue." Remember Richard Jewell who helped save lives when the bomb went off in the Olympic Park in Atlanta? His life went from Hero to horror overnight—because we have lost the sense of boundaries, and knowing itself has become our highest value regardless of who is hurt as a result.

You probably don't remember Oliver Sipple. He was the ex-Marine who became a hero overnight by saving then President Ford's life when he grabbed the arm of Sarah Jane Moore as she pointed a gun at the President. Her aim was deflected and the bullet went astray.

Reporters came to interview him and he had only one request: "Don't publish anything about me." Right! Tell that to an investigative reporter. Within days the LA Times, followed by dozens of other papers trumpeted the news that Sipple was active in gay causes in San Francisco.

A reporter in Detroit confronted his mother, who knew nothing about his homosexuality, with the news. She was stunned, and stopped speaking to her son. When she died four years later, his father informed Sipple that he wouldn't be welcome at her funeral.

Devastated, he began to drink heavily, and a few years later was found in his apartment—dead at age forty-seven. "Death and life are in the power of the tongue."

This is what Jewish tradition calls, Avak Lashon Hara—"The Dust of the Evil Tongue"—and it is settling all around us.

So when people asked me, "What do I tell my kids?" I say don't tell your kids, teach your kids.

And what can we teach our children at this New Year—even knowing that tomorrow morning hour after hour of the President's taped testimony will be broadcast over the nation's airwaves?

That the Talmud says "You can kill a person only once, but when you humiliate him, you kill him many times over."

This we can teach our children.

What else can we teach our children?

"If you mess up it is tempting to tell a lie, but people will usually be much more angry about the lie than the original act itself.

This we can teach our children.

What else can we teach our children?

In the end, growing up means the willingness to accept personal responsibility for our own actions.

This we can teach our children.

What else can we teach our children?

We transgress in a moment; we regret for a lifetime. Repentance and forgiveness take work and time—sometimes the work of a lifetime.

This we can teach our children.

What else can we teach our children?

It's not how many times you fall down that ultimately matters in life—it's how often you get up again that counts.

This we can teach our children.

Arrogance, jealousy, temptation are as old as time. From nearly every Biblical hero to our own lives. After all, how many of you can think of at least one episode in your life that would cause you great embarrassment were it to becomes known to everyone else here?

This, too we can teach our children.

And above all, don't look out there for moral heroes—to politics, or sports, musicians or actors or celebrities—You are your children's primary moral models, and you must be their moral heroes.

So teach your children respect. Teach your children restraint. Teach your children by how you talk and the jokes you do or don't tell; the snickering or respectful tone of your voice, the dignity you extend to others.

Teach your children that the highest value isn't always truth—it may in fact be kindness.

One cold evening during the Holiday Season, a little boy about six or seven was standing out in front of a store window in New York City. The little boy had no shoes to speak of and his clothes were nothing more than rags.

A young woman passing by saw the little boy and the condition he was in, so she took him by the hand and led him into the store. She bought him some shoes and warm clothes and told him she hoped he'd have a better holiday season now.

The little boy looked up at her and asked, "Are you God, Ma'am?" She laughed and replied, "No son, I guess I'm just one of God's children."

And as the little boy turned to walk away, he smiled and said, "I knew you had to be some relation." That's who we really are.

It's Rosh Hashana, and a new year lies ahead. A New Year filled with infinite possibilities for change and growth, forgiveness and kindness and love.

So teach your children the wisdom of Rabbi Nahman of Bratzlov who said, "If you are not going to be any better tomorrow than you are today, than what need have you for tomorrow?"

TRIBUTE TO MARION BARRY, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. THOMPSON. Mr. Speaker, I stand here before you today to pay tribute to a man who has given 40 years of unwavering and committed public service, Mayor Marion Barry, Jr.

This year marks the end of an unprecedented public service career which includes four terms as Mayor of Washington, D.C. Born a sharecropper's son in Itta Bena, Mississippi, Marion Barry has truly risen and triumphed over many obstacles in his life. He will take a well-deserved rest this year from an astonishing public service record. However, he will always be remembered as a mover, shaker and innovator in the hearts of the people of Washington, D.C.

Mayor Barry's launch into public service was spirited by his long term commitment to the civil rights movement. In 1960, Mayor Barry and a group of concerned students from throughout the United States formed the Student Non-Violent Coordination Committee (SNCC) in order to take a moral stand against the forces of prejudice and segregation in the south. SNCC chose Marion as its first national chairman, and he moved to the District of Columbia in 1965 as their director and the rest is history.

In 1971, Mayor Barry was elected to the D.C. Board of Education and served as Board President for three years. In 1974, he was elected to hold an at-large-city council seat on the city's first elected council after more than a century of non representations. As a member of the council, he chaired the Committee on Finance and Revenue which gave him a deep understanding for the first needs of his city. In 1978, against two strong opponents and with unshakable enthusiasm, he was elected Mayor of the District of Columbia, a seat to which he was elected Mayor of the District of Columbia, a seat to which he was overwhelmingly returned twice more throughout the 1980's.

As Mayor of Washington, D.C., he was an imaginative and visionary leader who accomplished many things. Among them was the institution of a jobs program for city youth which became a nationwide model and lead to the founding of the Mayor Barry, Jr. Youth Leadership Institute. He also developed housing for low to moderate income families, established day care centers for government employees with children, and encouraged the advancement of business throughout the city.

Mr. Speaker, there is a series of planned events across Washington, D.C. to pay tribute to Mayor Barry, the Mayor, the Man, the Legend. I am proud to be a part of this effort and I wish him the best in his future endeavors.

HONORING HEISI FIGUEROA, WINNER OF THE NATIONAL BUSINESS PLAN COMPETITION

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to commend a young lady from my congressional district who has made the State of Massachusetts proud. Heisi Figueroa of Chelsea, Massachusetts, has proven herself to be an astute entrepreneur at the age of 18.

Heisi founded Heisi's Framing Design when she realized it was difficult to find frames that were personalized for special occasions. Utilizing the entrepreneurial skills she acquired at Camp Start-Up to launch the business, Heisi's objectives are to "provide customers with personalized frames, matting the pictures and to gain a loyal 'customer base.'" She hopes eventually to extend her reach throughout Boston through newspaper ads and the distribution of fliers at grocery stores, malls, laundromats, schools and churches in the neighborhood. Born in El Salvador, Heisi moved to the United States when she was eight. Her first entrepreneurial adventures included babysitting and acting as an Avon representative.

I wish her success and congratulate her on this impressive accomplishment.

USEFUL RECOMMENDATIONS ON NORTH KOREA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. HAMILTON. Mr. Speaker, a few days ago members of an independent task force sponsored by the Council on Foreign Relations and created to examine U.S. policy toward the Korean peninsula wrote to President Clinton about the deteriorating situation on the peninsula.

The task force members pointed out that the 1994 Agreed Framework with North Korea is a necessary but not sufficient component of a U.S. policy designed to enhance stability on the peninsula. Task force members offered the President a number of recommendations, with a view to ensuring the long term viability of U.S. policies toward the peninsula.

Mr. Speaker, I believe that Members will profit by reading the recommendations of the task force. Accordingly, I ask leave to reprint the task force's letter to President Clinton in the CONGRESSIONAL RECORD.

COUNCIL ON FOREIGN RELATIONS,
Washington, DC, October 7, 1998.

Hon. BILL CLINTON,
President of the United States of America,
The White House, Washington, DC.

DEAR MR. PRESIDENT. We are members of an independent task force sponsored by the Council on Foreign Relations to examine U.S. policy toward the Korean Peninsula. In this letter we write from our deep concern about the sustainability of U.S. policy after the discovery of what may be an underground nuclear facility in North Korea. At the very least, this development contradicts the American people's expectations of North Korea under the 1994 Agreed Framework. At worst, it represents an outright violation of the accord and a continuing determination by the DPRK to develop nuclear weapons that would threaten the entire region. The credibility of existing arrangements with Pyongyang has been further undermined by the August 31 launch of a North Korean ballistic missile over Japan, even assuming it was just a missile to launch a satellite. Thus far, negotiations aimed at clarifying North Korean adherence to the Agreed Framework have yielded little. Meanwhile, the U.S. Congress is close to eliminating funding for the Korean Peninsula Energy Development Organization (KEDO), which also could lead to a collapse of the Agreed Framework.

In our opinion, the Agreed Framework is a necessary—but not sufficient—component of a policy designed to enhance stability on the peninsula. Unless and until it is proven that North is violating the accord, it should remain a centerpiece of U.S. policy. Although the Agreed Framework does not, in itself, address the larger threat represented by North Korean terrorism, missiles, conventional weapons, and weapons of mass destruction (WMD), we recognize that these issues will be more difficult to address if we unilaterally dismantle the Agreed Framework and attempt to start over from square one. We also recognize that any unilateral U.S. move that precipitates the collapse of the Agreed Framework would seriously complicate our relations with Seoul and Tokyo. Moreover, we note that an end to the Agreed Framework would allow North Korea to accelerate any nuclear weapons program by utilizing the facilities at Yongbyon, which are now effectively capped by the bilateral agreement.

However, in view of the deteriorating situation, we urge you to consider the following steps:

1. Order a careful examination of current U.S. policy, in light of new circumstances, to include: our interpretations of North Korean intentions; the effectiveness of our coordination with allies; our long-term policy objectives; integration of our disparate negotiating instruments with Pyongyang into a more comprehensive approach; and a consideration of our posture, should the North Korean nuclear effort remain active or the Agreed Framework collapse. This examination should be completed within 60 days.

2. As part of the examination, it is essential to clarify North Korean intentions with regard to the suspect underground facility and adherence to the Agreed Framework. Future funding for KEDO, in our view, should therefore be conditioned on: North Korean clarification of the underground facility and any other suspect sites, with full inspections as required; completion of all canning of the fuel rods at Yongbyon; and a firm deadline for completion of both requirements, set sometime before delivery of FY 99 Heavy Fuel Oil is completed in October 1999.

3. Appoint a senior person (or persons) from outside government to lead this examination of U.S. policy. This person should have the stature necessary to establish bipartisan support in the Congress and to work closely with our South Korean and Japanese allies on a common approach. This senior person should convey directly to those at the center of power in Pyongyang the seriousness with which the United States views recent North Korean actions and should test North Korean actions and should test North Korean willingness to engage in more constructive approaches to our long-standing confrontation.

4. If North Korean adherence to the Agreed Framework is credibly reaffirmed, then the re-examination of longterm U.S. policy on the peninsula should also consider a decision to eliminate on a case by case basis those trade sanctions on North Korea implemented under the Trading with the Enemy Act. This step would complement Seoul's approach to the North, which is designed to expose North Korea to external forces for gradual change by allowing a limited degree of private cultural and economic interaction with the North. It must be emphasized, however, that such moves are unthinkable without Pyongang's clarification of its adherence to the Agreed Framework, and that failure on North Korea's part to do so will lead eventually to a collapse of the accord in any case.

In sum, we believe: (a) that the actions of North Korea and mounting opposition to the Agreed Framework could lead quickly to a new crisis; (b) that recent developments require a re-examination of our approach to North Korea; (c) that the Agreed Framework shall remain the cornerstone of building a new relationship with North Korea only if North Korea can provide access to demonstrate that it is not pursuing a nuclear weapons capability.

We believe the gravity of the situation requires no less than these steps, and that the longterm viability of U.S. policy toward the peninsula will be put at risk by short-term fixes designed only to obtain funding for the Agreed Framework.

Respectfully,

Morton Abramowitz, James Laney, Richard L. Armitage, Daniel E. Bob, Jerome A. Cohen, James Delaney, William Drennan, L. Gordon Flake, Micael J. Green, Donald P. Gregg, Morton H. Halperin, Frank S. Jannuzi, Richard Kessler, Robert A. Manning, Marcus Noland, Sam Nunn, Donald Oberdorfer, Kongdan Oh, James J. Przystup, Robert W. RisCassi, Jason T. Shaplen, Stephen J. Solarz, Helmut Sonnenfeldt, Nancy Bernkopf Tucker, William Watts, Donald S. Zagoria.

A TRIBUTE TO SAFI QURESHEY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. ROHRABACHER. Mr. Speaker, I rise to honor Safi Qureshey, an individual who exemplifies the diversity, enterprise, spiritual values and personal integrity of a newly emerging California and yes, our nation in the 21st century.

Safi immigrated to the United States from his native Pakistan. After finishing his education he went to work in the burgeoning electronics industry. Like the greats of industry who came before him, Safi was not content with the security of working for a large established corporation. Instead Safi joined with two other young immigrant entrepreneurs and started their own computer company in 1980. That company, AST Corporation, went from a garage-based operation to a multi-billion dollar world enterprise in just one decade.

Safi's business success has been heralded throughout the country. He was recognized as one of the nation's top 25 executives and has received numerous other well-deserved accolades for his entrepreneurial achievements. While Safi is justifiably proud of the acclaim he has won as a businessman, those of us who know him understand he is most proud of his community activities and other more spiritually based contributions.

Safi Qureshey is committed to a high quality of education, from grade school through the university level. He is personally involved in programs aimed at opening new educational opportunities through communications technology and children's programming in his native Pakistan. In his adopted homeland, Safi has supported business and technology programs in universities and colleges across the country.

Safi is admired for his generosity and many accomplishments, but he is the first to give credit to his faith in Allah. Safi is, first and foremost, a devout Muslim. He has been a tremendous inspiration to young Muslims and has brought together believers in God from many faiths. His deeply held convictions and respect for the religious rights of others is example of a new Americanism that rests on the foundations of individual freedom and traditional values yet is being practiced by proud citizenry as richly diverse as the world itself.

This year Safi is being presented the Muslim Achievement Award. Safi Qureshey thus represents faith and freedom in America, the best of our country.

HONORING MS. WYNEL PARKER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay tribute to one of those unsung heroes or sheroes who go through life consistently giving of themselves without the glare of television or newspaper headlines. Such has been the life of Ms. Wynel Parker, a resident of the West Garfield Park Community in Chicago. Ms. Parker could be characterized as what some would call a busybody, because she was always busy doing things in her community, doing things for friends and family and doing things for humanity.

For many years, Ms. Parker was a staff person for the City of Chicago's Department of Human Services where she became an expert. If you had a problem or need, if you needed information, call Wynel Parker, if you needed to help somebody, call Wynel Parker.

Ms. Parker was politically astute and politically involved, she was a precinct worker and during her heyday she was not only formidable, she was virtually unbeatable. She did her work and did it well.

Finally, the Good Lord had a need, another soul was needed and the call went out to Wynel Parker. You have worked hard, you have given of yourself, you have helped your neighbors, you have helped your friends, you have done your best, come home now my servant and be at rest.

JONES ACT EXPOSED

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SMITH of Michigan. Mr. Speaker, there are more and more people that are becoming aware that the so called "Jones Act" is unfair to American producers and consumers. A Wall Street Journal editorial on the Jones Act, A Washington Tale (Oct. 5, 1998), is right on target. This 1920's law, which requires that all cargo transported from one U.S. port to another (even via a foreign port) travel on vessels built in the U.S., is protectionism at its worst.

No other mode of domestic transportation operates under such stringent rules and no law prohibits our foreign competitors from using lower cost international ships when they export to our market. Because the Jones Act fleet is so small (down from 2,500 oceangoing ships in 1945 to less than 120 today) many American businesses are unable to access deep-sea ships at any cost. Quite literally, today, the only people who can't ship to Americans are other Americans.

The sterile national security arguments (refuted so well in the Journal's editorial), are used as a bludgeon when any discussion of reforming the Jones Act arises. It seems that whenever we get close to making some headway, the siren call of "national security" is raised to stifle all debate. The real story of the Jones Act is that it benefits a few protected ship operators at the expense of everyone else. I have yet to discover an economist who'll defend the law. The benefits of the Jones Act are based on myth and wishful thinking. The British news journal, The Economist, in their October 3rd edition stated that the United States is "paying dearly for the Jones Act" which has "pushed freight rates to between twice and four times what they would be under free trade." (Pg. 14, Survey of World Trade)

Mr. Speaker, I include as part of my remarks the editorial:

[From the Wall Street Journal, Monday, Oct. 5, 1998]

REVIEW & OUTLOOK—A WASHINGTON TALE

"Accountability" is now being much talked about, not only as an admirable civic virtue, but as an indispensable lubricant to a functioning global economy. Without it, you get Indonesia. But the next time a foreign official is getting lectured by someone from the U.S. Treasury, let them pull out the following tale of how the American political system looks when its own accountability completely disappears.

Our story starts on Kodiak Island, Alaska. There's a fellow there named Ben Thomas who owns a logging company. Mr. Thomas would like to sell his logs in the mainland U.S., but he can't get them to market at a good price. In fact, he says that it's cheaper to send his logs to Korea than it is to send them to Olympia, Washington. Even if he wanted to pay the outrageous shipping prices, Mr. Thomas says, during good markets the ships are often not available.

Unless you're in the ship business, or have to use U.S. ships like Ben Thomas, you probably have never heard of the 78-year-old Jones Act. The beneficiaries of the ancient Jones Act like it that way. What you don't know can't hurt them.

Mr. Thomas' problem is that by law, he must use a "Jones Act" ship to send his logs anywhere in the U.S. The 1920 Jones Act stipulates that maritime commerce within the U.S. must be limited to U.S. flagships that are U.S. built, U.S. owned and operated and manned by U.S. crew. While Mr. Thomas can't get his logs to Olympia, Canadian lumber companies can ship their logs to the U.S. at world market prices on state-of-the-art ships. Obviously this undermines U.S. competitiveness at home.

Senator John McCain held hearings recently on the Freedom to Transport Act, a timid attempt to reform the pernicious Jones Act. The Ben Thomas story is the same for producers in many other industries—oil, agriculture, steel, coal, automobiles, to name but a few. Thanks to the

Jones Act, the U.S. today has a downsized, overpriced ship-building industry, a small and aging maritime fleet—the oldest in the industrialized world—and a wildly distorted shipping network that is reminiscent of the U.S. auto industry before Japanese competition; the customer comes last.

Midwestern farmers are screaming about grain sitting on the ground because of a ship shortage and pig farmers in the South are instead buying their grain from Canada. Shipping as a share of the transportation industry is sharply down. The nation's railways are backed up and the highway system is unable to absorb the fallout.

The Freedom to Transport Act is hardly radical. It would leave in place most of Jones's protection, but its main provision allows those ships over 1,000 tons, carrying bulk cargo, to be built outside the U.S. This may seem a small matter, but the U.S. needs cheap ships before it can have competitive shipping. Forget about foreign competition; as it stands now, the domestic shipping industry has enormous barriers to entry for potential domestic entrants because of the high price of ships.

According to the U.S. Maritime Administration, the U.S. has only 120 self-propelled vessels over 1,000 tons; this is down from 2,500 at the end of World War II. During the Gulf War, President Bush had to suspend the Jones Act to move petroleum supplies. Yet ironically, national security has been the main rationale for maintaining the Jones Act.

U.S.-built commercial ships are so outrageously expensive that shipping companies have practically ceased ordering them. Rather than order high priced deep-water ships, many U.S. companies have taken instead to using integrated tug barges, a sorry replacement for real ships.

Opponents of the new legislation claim that Jones Act shipbuilders help spread the base of military ship-building costs, but the facts suggest the opposite. Rob Quartel, a former U.S. Maritime Commissioner and president of the Jones Act Reform Coalition, cites military builder Newport News Shipyards. Its futile attempt to get back into the commercial ship-building business in 1994 ended with cost overruns and a $330 million loss. It has since abandoned the commercial market.

What's clear is that Jones is not about national security; it's about Congressional security. What counts in Washington is that the shipping industry provides politicians with steady, lucrative cash flow.

According to a 1995 International Trade Commission study dealing with only oceanborne cargo and the potential gains from removing the U.S. build requirement. "The economy-wide effect of removing the Jones Act is a U.S. economic welfare gain of approximately $2.8 billion." Of course open competition would eat into the profits of the protected interests. Federal Election Commission records suggest that those profits make their way, in part, back to the pockets of the Jones Act's political protectors. With no accountability, it's like a political annuity.

The Journal of Commerce has reported that FEC records show that in the 18 months leading up to the 1996 elections, "seven maritime unions with about 45,000 members gave nearly $1.8 million to congressional candidates." Mr. Quartel says that in 1994, three of the top 10 political action committee givers were maritime related. This explains why, even through the evidence demonstrates the destructiveness of Jones, Congress has never had the stomach to dismantle this antique law.

Senator McCain has vowed to hold more hearings, but with the maritime lobby spreading so much money around Washington, he's swimming against the tide. Senator Trent Lott—from the ship- and barge-building state of Mississippi—has testified against the pending legislation.

There is a cautionary tale here for our politics. Words like "shipping" and "the Jones Act" don't get the political juices running. Which is to say that when the press or any other agent of accountability loses interest in a subject, this is what rent-seeking politicians and competition-averse commercial interests will do with it. These are the real fat cats, and right now they're simply getting fatter.

I have called on the House Transportation Committee to hold hearings on my bills (H.R. 1991 and H.R. 4236) to reform the Jones Act. It is my hope that the next Congress will seriously consider this important issue.

TRIBUTE TO SGT. BLANCA ZOILA BURNLEY, U.S. MARINE CORPS

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BATEMAN. Mr. Speaker, I rise today to recognize an exceptional non-commissioned officer of the United States Marines, Sergeant Blanca Z. Burnley. On December 13, 1998, Sergeant Burnley completes a highly successful tour as the Marine Corps' Liaison Non-Commissioned Officer to this body for the past two-and-a-half years. It is a true pleasure for me to recognize a few of her many outstanding achievements.

A native of Mexico, and later naturalized in Los Angeles, California, Sergeant Burnley became dedicated to the service of this country. She entered basic training for the Marine Corps at Parris Island, South Carolina on October 20, 1990 as Recruit Valadez, following her graduation from Alexander Hamilton High School in Los Angeles, California.

Upon completion of basic training, then Private Valadez attended the Basic Administration Course at Camp Johnson, North Carolina, where she was promoted to Private First Class before reporting for duty with the First Marine Aircraft Wing in Okinawa, Japan on May 7, 1991. In 1st MAW's Wing Personnel Office, Blanca served successively as an Orders Clerk and was selected to participate in Ulchi Focus Lens in Osan, Korea. Upon returning from Korea, Blanca was meritoriously promoted to Lance Corporal on September 2, 1991.

After serving a year on Okinawa, on May of 1992, Lance Corporal Valadez reported to the Commanding Officer, Headquarters and Service Battalion, Camp Smith, Hawaii and was assigned to the Personnel Office as the only Separations Clerk. Within 3 months of her arrival, Lance Corporal Valadez was selected to stand before a Meritorious Corporal Board along with other Lance Corporals of her battalion-she was chosen to be meritoriously promoted to Corporal on August 2, 1997. Two years later, Corporal Valadez was promoted to Sergeant.

After 2½ years of serving with H&S Bn in Camp Smith, Hawaii, Sergeant Valadez was transferred to H & S Bn in Quantico, VA. She was attached to Headquarters company and served as the Company Clerk. During this tour, she handled the training and education as well as the administrative duties that kept the company mission-ready. Sergeant Valadez was also able to attend the Sergeants' Course where she graduated on September 21, 1995.

Sergeant Valadez was called for duty as the Marine Corps' Liaison Non-Commissioned Officer here at the Capitol in April of 1996. Soon thereafter she was married to Thurman H. Burnley II. She became well known on Capitol Hill as Sergeant Burnley, and has been instrumental in providing this Congress and its predecessor with a working knowledge of the Marine Corps. Most importantly Mr. Speaker, Sergeant Burnley has come to epitomize those qualities that we as a nation have come to expect from Marines—absolutely impeccable integrity, moral character and professionalism.

Sergeant Burnley's personal awards include the Navy Commendation Medal and the Navy Achievement Medal. Mr. Speaker, Blanca Zoila Burnley has served this nation with distinction in war and in peace for the last eight years. As she reaches the end of her military career, I call upon my colleagues from both sides of the aisle to wish her, her loving husband Thurman, and their proud son Alexander Scott every success as well as fair winds and following seas.

TRIBUTE TO JOSEPH P. KENNEDY, II, MEMBER OF CONGRESS

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LAFALCE. Mr. Speaker, the Kennedys of Massachusetts have served their country—from the White House to the state house—with distinction and a sense of tradition and honor.

As a Member of the House of Representatives, JOSEPH P. KENNEDY II, has served his nation, his constituents and his family with the same vigor demonstrated by his father and his uncles, John and TED KENNEDY. While other Members of his family will continue the Kennedy legacy of public service, JOE KENNEDY'S decision to leave the House will be a very real loss for the House and, in particular, the Committee on Banking and Financial Services.

Those of us who have served on the Banking Committee with JOE will miss him for many reasons. We'll miss his personal presence, his energy and warmth, the way he enters meetings and personally greets each colleague and staffer with his legendary broad grin.

More importantly, the Committee will miss his passion. Throughout his Congressional career, JOE KENNEDY rarely missed an opportunity to direct the attention of the Committee toward issues affecting people not represented by the traditional Washington lobbyist. Low-income housing, community reinvestment, consumer protections are just a few of the issues JOE KENNEDY championed during the twelve years he represented Massachusett's Eighth District.

We know Joe Kennedy will never fully leave the public service arena for it is just not in his nature to do so. He simply has a new mission—to seek different ways to serve the underserved and to accept greater responsibility for the affairs of his extended family.

In closing, Mr. Speaker, the House and the Banking Committee will not easily replace someone like Joe Kennedy, but his contributions to the work of the United States Congress and the people of this country will remain. As Joe embarks on another path through life's journey, I wish him every success and happiness.

Joe, best wishes for all you have yet to accomplish.

DISCOVERY CREEK CHILDREN'S MUSEUM OF WASHINGTON GRAND OPENING AT GLEN ECHO PARK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to celebrate the expansion of the Discovery Creek Children's Museum of Washington to a very special cultural and natural site, Glen Echo Park. Discovery Creek is known as a "living laboratory for science, history, and arts exploration." This organization has offered creative and original environmental education programming for children, schools, and families since 1994. The grand opening ceremony will be held on October 17, 1998.

I welcome Discovery Creek to Glen Echo Park. I am pleased to note that the environmental features of Discovery Creek will complement the dynamic programming of arts and humanities education, public dance, and cultural festivals that have flourished at the Park for years. More than 100 years ago, this gorgeous location was chosen as an assembly site for the national Chautauqua movement. This movement focused on education, culture, science, and the humanities. Discovery Creek's environmental education components continue this notable tradition.

The expansion of Discovery Creek's programming and exhibits will provide additional opportunities for science, history, and art exploration to thousands of children and families each year. A major focus of the exciting growth in the educational initiatives will be the exposure of inner-city children to the joy and discovery of Glen Echo Park's natural environment.

Historically, the Glen Echo site has also served a crucial environmental role. A priority for Glen Echo Park has been the protection of the Potomac Palisades. This preservation function compliments the new environmental education initiatives of Discovery Creek, which will encourage respect for the Park and its rich natural resources.

Glen Echo Park is a true gem of the Washington metropolitan region. The beauty and magic of this special place play a crucial role in the cultural life of our area residents. I have no doubt that Discovery Creek will have an immediate success as a partner with Glen Echo Park. Mr. Speaker, congratulations to Discovery Creek on their exciting expansion!

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber on October 12, 1998, during rollcall vote Nos. 521, 522, and 523. Had I been present, I would have voted "yea" on rollcall vote No. 521, "nay" on rollcall vote No. 522, and "no" on rollcall vote No. 523.

TRIBUTE TO THE TOWN OF ATHERTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. ESHOO. Mr. Speaker, I rise to honor the Town of Atherton in San Mateo County, California as it celebrates its 75th Anniversary.

The Town, incorporated in 1923, was named after Faxon Atherton and his daughter-in-law, writer Gertrude Atherton. Faxon Atherton's home, Valparaiso, was built in the 1860s and was among the first of the great estates in San Mateo County. The Town grew as these properties were subdivided and Atherton is now home to some of the best and brightest minds in San Mateo County and the Silicon Valley. From this quiet bedroom community, the leaders of the economic engine that has driven California, emerge daily to fuel further growth.

Atherton is an educated, civic-minded community. Its residents are known for their leadership, serving on boards and civic organizations whose work is felt throughout the Bay Area and California. Atherton is also known for the philanthropic endeavors of its residents who give most generously of their resources to assist those issues that are near and dear to their hearts.

In the midst of wooded surroundings, Atherton boasts some of the finest educational institutions. Sacred Heart Preparatory, the Menlo School and Menlo College make their home in Atherton. The student population at the Town's eleven schools surpasses the number of residents. These schools are active in the community and educate the next generation of community leaders and Atherton residents.

The Town government is mindful of preserving a country atmosphere as urban growth continues in San Mateo County. The Town's General Plan specifically states that Atherton desires "to preserve its character as a scenic, rural, thickly wooded residential area, with abundant open space and with streets designed primarily as scenic routes rather than for speed of travel."

With its quiet tree lined streets and beautiful homes, Atherton is one of the jewels in the crown of the 14th Congressional District, a place I'm proud to call my home. I ask my colleagues to join me in celebrating the 75th Anniversary of the incorporation of the Town of Atherton and commend its residents for their extraordinary achievements and contributions to our community and our country.

HONORING REVEREND W.D. BROADWAY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BRADY of Texas. Mr. Speaker, soon a remarkable man of faith will bid farewell after 13 years as CEO and executive director of INTERFAITH of The Woodlands, Texas. Our nation should take proud note of the inspiring life and the immeasurable contributions of the Rev. W.D. Broadway.

A graduate of Schreiner Institute in Kerrville, Texas, Reverend Broadway earned a bachelor of arts degree from the University of Corpus Christi followed by bachelor and master of Divinity degrees from Southwestern Baptist Theological Seminary in Fort Worth, Texas.

After school Reverend Broadway was guided to the Texas communities of Rockport, Lancaster, Portland and The Woodlands, where in each he served as pastor of the Southern Baptist Church. With him were his most treasured blessings—wife Hugh Delle Manahan, daughter Jerene and son Mike.

It was through his extraordinary leadership of INTERFAITH of The Woodlands that I proudly became one of his many friends and admirers. Although no one word can hope to illustrate this bountiful life to date, on reflection Reverend W.D. Broadway is, above all, a builder:

A builder of spirit. In men and women, young and old alike, through the World of the Lord. As powerful and compelling in person as in the pulpit, Reverend Broadway frequently provided a crucial moral compass by smiling and announcing "I feel a sermon coming on * * *."

A builder of houses of worship. Under Reverend Broadway's stewardship fourteen building programs were launched in the churches he ministered. His hands and heart have been directed to serve as the fund raising consultant for another 67 churches—Methodist, Baptist, Nazarene and Presbyterian. Think a moment about that: What a remarkable seed Rev. Broadway has sown throughout this land, to so exalt the Lord by helping others attain their vision of constructing much-needed houses of faith.

He is a builder of hope. This I know first hand. During the terrible Texas economic recession during the late 1980's, many families found themselves without jobs, without a means to feed their children or to meet their mortgage payments. In some disheartening instances, both parents suddenly found themselves without work, shattering years of hard earned hopes and dreams.

Reverend Broadway and I worked together back then to create the Interfaith Training & Employment Project to help laid off workers find new jobs—to help them develop new skills and survive the emotional toll of financial uncertainty. Thankfully, the Private Industry Council of the Houston-Galveston Area Council supported the effort.

Since 1987, under this astute and caring leadership, ITEP has helped 24,112 people find new jobs and new hope. It has become one of the most successful job training partnerships in Texas. And it is due to the strength and vision of W.D. Broadway.

He is a builder of the community. When Reverend Broadway was named 1995 Citizen-of-the-Year for South Montgomery County, chamber of commerce Chairman Mike Karlins noted "of the churches, community groups and residents listed in INTERFAITH's annual directory, few have not benefitted from his encouragement, compassion and service to our community. He and his army of volunteers have welcomed thousands to our community, watching over our children as we work, helping families get through tough situations, providing assistance in finding jobs and enriching the lives of our senior citizens."

Mr. Karlins also observed that Rev. Broadway "is happiest and at his best when facing the challenges of planting and nurturing the seeds of our religious infrastructure." In times of crisis, "his ability to marshall community resources was never more apparent than in the days following the devastating flood of the past year."

"Above all, he loves this community and those in it. As a result, we are all better for it."

Soon Rev. Broadway will walk out the door of his INTERFAITH office for the last time to begin a well-earned retirement. To his friends and co-workers it seems unthinkable: a day at INTERFAITH without the kind eyes and broad smile that distinguish the ruddy countenance of "W.D."

His wife of 47 years, Hugh Delle, remembers a long time neighbor in The Woodlands who once commented, "W.D., you have INTERFAITH in your head." Rev. Broadway quickly replied, "I like to think I have it in my heart."

Humble and at heart a servant of the Lord, W.D. will surely be embarrassed by this tribute—even more so if all of his amazing accomplishments, service to the community and national professional leadership positions were identified. In total or in part, his contributions are testament to a life dedicated to living the Gospel and forging the good works of the Lord here on earth.

Reverend W.D. Broadway is truly a builder—of love, inspiration, grace and compassion. As a community and as a nation, we are better for it.

THE ECONOMIC DEVELOPMENT ADMINISTRATION AND LONG BEACH—A TRUE PARTNERSHIP FOR PROGRESS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. HORN. Mr. Speaker, I am a resident of the city of Long Beach, CA. In 1974, then Mayor Wade asked a number of us to form an Economic Development Corporation in order to turn the city around.

The Economic Development Administration [EDA] provided an original grant of $750,000 in the 1970's which was leveraged into a title IX grant of $7.65 million.

This amount was later leveraged into more than $200 million in private funding for the large urban renewal program which changed the face of downtown Long Beach in the 1970's and 1980's. The result was new hotels, new businesses, a major world trade center, an expanded convention facility.

EDA's help meant jobs.

EDA funds also contributed to roadway improvements to allow further renewal of the downtown and shoreline areas of Long Beach.

In the words of City Manager James Hankla and Jerry Miller, deputy city manager, the EDA has been the most responsive agency in the Federal Government in helping Long Beach address the impact of three major base closings through the Defense adjustment program.

EDA provided half of the funding—$6 million—for the parking facilities critical to one of Long Beach's premier attractions, the recently opened Aquarium of the Pacific. This project has been a cornerstone of the city's recovery plan following the closing of three major Navy facilities in the 1990's—naval hospital, naval station, and naval shipyard. With the loss of the Navy, thousands of jobs were lost. Beginning in March 1988, and the end of the cold war, 400,000 jobs in aerospace were lost in Los Angeles County alone. With 450,000 residents, Long Beach is the second largest city in the county.

EDA has also provided $3 million to help establish the California State University, Long Beach Research Park on land formerly belonging to the Long Beach Naval Station. So the newer technologies will grow in place of the old thanks to the EDA which agreed with the community's vision.

EDA has helped provide funding to perform feasibility studies of bridges as part of the Alameda Corridor Transportation Project. That is the major intermodal in the Nation.

The Economic Development Administration is a proven vehicle to bring together Federal and local government, small and large business, so that the end result is a better community which provides opportunities for residents and visitors alike. EDA means a better future.

CONGRATULATING ALLISON BECKWITH

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. DUNN. Mr. Speaker, I would like to take this opportunity to congratulate Allison Beckwith for her winning entry in the National Business Plan Competition. Ms. Beckwith, who hails from Redmond, Washington, is one of five young women whose business plan was selected by women business owners to receive this distinguished award. She will be recognized at the Women's Economic Summit during the Young Entrepreneur Awards luncheon on Thursday, October 15.

Mr. Speaker, I am extremely proud of Ms. Beckwith and her achievement. In her business plan, Ms. Beckwith envisions an online "catazine" (catalog and magazine combined) venture through which teenagers can buy merchandise and read articles written by other teenagers. This entrepreneurial spirit is one of the reasons why women are starting businesses at twice the rate of men and are a powerful and growing economic force in the global marketplace.

I also applaud Independent Means, Inc., sponsor of the National Business Plan Competition, for giving young teenage women the opportunity to turn their dreams of starting a business into reality. By engaging girls in entrepreneurship with female role models and placing an emphasis on the importance of economic self-sufficiency, Independent Means helps thousands of young girls become independent women.

When girls are given the tools and information they need to make informed decisions, they will act responsibly. I believe that we must continue to invest in teaching and inspiring young women in America—for they are our future.

On behalf of the Eighth Congressional District in Washington State, I again congratulate Ms. Beckwith for her outstanding accomplishment and wish her much success in her future pursuits.

SIKH HUMAN RIGHTS ACTIVIST CALLS PUNJAB A POLICE STATE (PEOPLE'S COMMISSION MUST BE SUPPORTED)

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BURTON of Indiana. Mr. Speaker, many of us have spoken out over the years about the ongoing human-rights violations by the Indian government in Punjab. I have recently come into possession of a very interesting document on that subject. Thanks to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, I have seen a letter written by Professor Jagmohan Singh, General Secretary of the Akali Dal (Amritsar), in which he declares that Punjab is still a police state, even under the Akali-BJP government of Chief Minister Badal.

"Human rights abuse in Punjab in the last decade and a half has shattered the lives of a number of individuals and their families," Professor Singh wrote. "Effectively, Punjab has been administered as a police state," he added. "No fresh legal or political initiative has been taken to reinforce rule of law and protect the most endangered primary fundamental right—the right to life."

Jagmohan Singh writes that five false cases are still pending against longtime Sikh activist Simranjit Singh Mann, a political opponent of the Badal government. His is just one prominent case among many. Tens of thousands of Sikhs remain in Indian jails; with no charges pending against them. Alarmingly, some of them have been rotting in jail since 1984! Human-rights activist Jaswant Singh Khalra, who exposed the Indian government's brutal policy of mass cremations of Sikhs, was killed in custody by the police, according to a police witness. Jaspal Singh Dhillon, another prominent human-rights activist, was picked up by the police on a false charge as recently as July of this year. And if that wasn't enough, the police even picked up his attorney! Mr. Speaker, the judicial system in Punjab is a joke, no one is given an ounce of justice.

Jagmohan Singh points out that no action has been taken to punish the police who have committed these atrocities against the Sikhs. In fact, the Badal government even boasts that it has taken no action against these police officers. More than 150 atrocities have been documented since the Akali government took power in Punjab in February of 1997.

Professor Singh cites 15 separate ways in which human rights are violated in Punjab. Mr. Speaker, allow me to list just a few of these horrible and inhumane acts that police commit upon the innocent people of Punjab. Professor Singh has included, among other despicable acts, the promotion of police officers based upon the number of Sikh youth they have killed; bounties offered for the murder of particular individual Sikhs; forces occupation of public places, including houses of worship, like the Golden Temple in Amritsar; extrajudicial killings of political workers, relatives of political leaders and activists; and the planting of illegal weapons and explosives on unsuspecting people who are then labeled as "militants" or "terrorists."

Jagmohan Singh strongly defends the work of the People's Commission in exposing the tyranny of the Punjab police, and supports its continuation. The Commission has come under vigorous attack from the Punjab government, which is desperately trying to interfere in its mission and close it down. The Commission issued 90 citations against police officers and has taken on 3,000 more cases. Now the government has gone to court to stop the People's Commission. I agree with Professor Singh that the Commission's work must continue so that police atrocities can be exposed, and will cease to be covered up by India's political sponsors.

Mr. Speaker, Professor Jagmohan Singh's letter is a chilling description of the ongoing police state in Punjab. I am placing it into the RECORD, and I recommend to my colleagues that they read it carefully.

JAGMOHAN SINGH, GENERAL SECRETARY, SHIROMANI AKALI DAL (AMRITSAR),
Rahon Road, Ludhiana, September 24, 1998.

Rtd. Justice V. K. KHANNA,
Chairperson, Panjab State Human Rights Commission, Kendriya Sadan, Sector 9A, Chandigarh.

DEAR JUSTICE KHANNA: Is Panjab still a police state?

Human rights abuse in Panjab in the last decade and a half has shattered the lives of a number of individuals and their families. Effectively, Panjab has been administered as a police state. The situation did not change even after the election of Beant Singh's Congress government in 1992 and diminution of alleged extremist activities. The people of Panjab expected that the political and human rights environment would change with the election of the Akali Dal Badal-BJP government in February 1997.

Panjab, however, continues to be a police state. The Panjabis now realize that all along they were chasing a mirage. For the last 18 months, the Badal-BJP government has taken no steps to undo the wrongs perpetuated during the last decade. No fresh legal or political initiative has been taken to reinforce rule of law and protect the most endangered primary fundamental right—the right to life.

Let us examine the scenario in present day Panjab:

1. Release of Detenues: No political detenue, including those who have been languishing for more than 8–10 years without trial or protracted trial, has been released from the jails of Panjab. Their cases have not been reviewed. No attempt has been made to bring back detenues from Panjab languishing in the jails of Rajasthan, Delhi, Madhya Pradesh, Maharashtra and Gujarat. There are five false cases still pending against party president, Simranjit Singh Mann.

2. Trial of Police Officers: No attempt has been made to expedite the trial of police and other security force personnel against whom cases of human rights abuse are pending in various courts, including cases in the Panjab and Haryana Court and the Supreme Court. Actually, the prosecution has been delayed under one pretext or the other.

3. Speedy Trial of the Guilty: To ensure speedy trial, it was necessary to constitute a Tribunal with instructions to conduct day to day proceedings to try the guilty police officers, bureaucrats and politicians responsible for executing and directing crimes against humanity. Despite the poll promise to do so, the present government has failed to take any initiative in this direction.

4. Suspension or Dismissal of Police Officers: No police officer or bureaucrat, at various levels in the hierarchy, responsible for formulating policies and strategies for harassment, torture, illegal detention and extrajudicial murder of Sikh youth, in total violation of rule of law, has been suspended or dismissed by the state government. No enquiry has been constituted to expose and identify the conspiracy of the police, the high-ranking bureaucrats and the politicians in Delhi. No step has been taken in the case of the involuntary disappearance of human rights activist Jaswant Singh Khalra. The report of the police inquiry in the extrajudicial murder of former Jathedar of Sri Akal Takht Sahib, Bhai Gurdev Singh Kaunke has not been released. Human rights and political activists have documented the involuntary disappearance of Jathedar Kaonke at the hands of the then Senior Superintendent of Police of Jagraon police district and his officers in January 1993. No attempt has been made to order enquiries about gross abuses in all districts of Panjab to unearth cases as have been detected in the "cremation of unclaimed bodies case" in Amritsar district.

5. Unlawful Promotion of Police Officers: A large number of police officers, who had been promoted on the basis of the number of Sikh youth killed by them, have not been reverted to their original positions or ranks. To rub salt on our wounds, police officers like SSP lqbal Singh, who has a consistent track record of lawlessness and maltreatment has been recommended for the President's medal for his 'meritorious' service. We cannot forget that it was SSP lqbal Singh, then posted in Tarn Taran, who sent a police team which tortured and extrajudicially murdered Kashmir Singh of village Pandori Rukman of district Hoshiarpur on March 14–15, 1997. Kashmir Singh was propaganda secretary of the Youth Wing of our party. Many such officers have been awarded medals for their genocidal role. On the other hand, responsible police officers, who have refused to participate in the genocide of the Sikhs, are still not on active duty.

6. "Head Count" of the Sikhs and Rewards From the State Exchequer: Hundreds of Sikhs have been killed and hundreds of policemen have become rich with the 'head prizes'. With this unlawful enrichment, police personnel have acquired movable and immovable properties. The Panjab State Human Rights Commission should carry out a detailed enquiry into the Comptroller and Auditor General's Report of the last 15 years and prepare a report on the 'head prizes'. It will also be befitting to find out the issuance of any more secret orders or circulars, as the one issued by the then Director General of Police, K.P.S. Gill on 30 August 1989 to the senior police officers ordering the liquidation of 53 alleged militants with price money against each name.

7. Impoundment of Illegal Properties of Police Officers: A survey of all the illegal properties acquired by police personnel is a prerequisite for peace in Panjab. This research will unearth properties not only bought but also those which were "just taken over". Such properties and moneys should be deposited with the state exchequer. Ill-gotten wealth has fuelled disrespect for human rights and further desensitized the police.

8. Police Districts and "Peace" in Panjab: Police districts (Khanna, Jagraon, Majitha, Tarn Taran, Batala and Barnala) were created on the ground that the law and order situation require a small command area. However, although the senior police authorities and the Badal-BJP government claim that "peace has descended on Panjab", the police districts have not been dismantled. De facto, the police administration has become so top heavy that senior police officers, including Senior Superintendents of Police of various districts and the Director General of Police, Mr. P.C. Dogra ingratiate a pliable section of the media in Panjab, without fear of their political masters in Panjab and in active connivance with their political masters in Delhi, to perpetuate the hegemony of the police in Panjab. The state government or the Panjab State Human Rights Commission has failed to monitor the contradictory claims of the Panjab police chief. The State Commission should procure data regarding the cost of the exchequer of these police districts and recommend the winding of the same.

9. Occupation of Public Places by Police Administration: A large number of public places, including parks, private houses, in villages and cities, have been forcibly occupied and converted into police stations, police posts and torture centers. In spite of public protests, the Badal-BJP government has failed to direct the police authorities to vacate these places.

10. Extrajudicial Acts of the Police: In the last 18 months, a number of political workers, relatives of political leaders and activists, (Kashmir Singh of Shiromani Akali Dal (Amritsar), Vijayinder Singh- a nephew of party leader Simranjit Singh Mann, Avtar Singh Karimpuri, General Secretary of Bahujan Samaj Party), human rights activists (Jaspal Singh Dhillon) witnesses in human rights abuse cases (Rajiv Randhawa, Kirpal Singh) and a multitude of alleged

militants, have been tortured, harassed, detained or extrajudicially killed by the police. Families of slain militants continue to face the vengeance of the police. Even in cases not related to militants, there has been a spurt in deaths in police custody. No attempt has been made by the Badal government to dignify the police and to train them to respect human rights.

11. "Confiscation" of Explosives: The Director General of Police has "confiscated" tons of explosive material. Apart from the news-story that such material was recovered from "such and such militant" or "former militant", the DGP has failed to inform the people of Panjab about the ineffectiveness of the police and other security agencies when the material was brought inside Panjab (that is, if we believe the police version to be correct). Is it inertia or is it a well planned conspiracy to allow the monster to grow and then make a big fuss to catch it?

We strongly suspect that the movement of arms, ammunition and explosives in Panjab is a new strategy of the pervert masterminds of the Panjab police-Home Ministry nexus. We cannot forget that journalist Dhiren Bhagat of the Indian Post was killed by Indian security agencies, in 1993, soon after he had documented the illegal and unlawful movement of arms and ammunition by the Indian state through its secret services.

We are closely monitoring the progress made by the police in recovering the huge arsenal of arms and ammunition ostensibly recovered from militants and now missing from police records and stores. According to a communication from the Additional Director General of Police (Crime), Mr. Jarnail Singh Chahal (as mentioned in internal memos to all district SSPs in Panjab in September 1997) as many as 10,451 weapons comprising AK47s, AK57s, rifles, revolvers, pistols, rocket launchers, rockets are missing. There is no iota of doubt that they have either been distributed as bounties to the pet vigilantes of the Panjab police or to the Congress leaders of Panjab. To make matters worse, a large number of such arms have been given to untrained "special police officers" to provide security cover to a large number of people for whom such security is not a requirement but a status symbol.

The Panjab State Human Rights Commission must study the records of the Firearm Bureau at Phillaur and the police stores (Malkhanas) of police stations in the Panjab.

We request the Panjab State Human Rights Commission to prepare a compilation of the total amount of explosives seized by the Panjab police in the last one year and inform the people about the disposal of the same, lest it be used to implicate more innocent youth of Panjab.

12. Extension of Services of Panjab Police Chief. We strongly urge the Commission to look into the reasons cited by the state government while granting extension to the Director General of Police, Mr. Puran Chand Dogra, six months ago. The Commission must also look into the reasons for the state government to recommend the case of DGP Mr. Dogra (bypassing the rules laid down by the Central Administrative Tribunal) for another extension of six months. Media reports say that the government has sought the extension "to combat terrorism in Panjab". This investigation alone by the State Human Rights Commission will be enough to know whether "Panjab is still a police state" and whether "peace has descended on Panjab".

13. Human Rights Defenders in Danger: Defending human rights is a dangerous activity in all banana republics or near-banana republics. Panjab has been governed as such. It is not for the first time; even during his earlier tenure as chief minister, Mr. Parkash Singh Badal resorted to extrajudicial methods to crush opposition in the state. Today, either under pressure or in complicity with the police, human rights defenders are behind bars. Those still working continue to face the wrath of the state in one form or the other.

14. Why Forgive and Forget? Human rights include civil and political rights. Therefore politics and human rights are related to each other. Mr. Parkash Singh Badal, 18 months ago, had promised to the people of Panjab to investigate the causes and factors; and identify the individuals and the political parties responsible for the tragedies in Panjab and to pinpoint the administrative and political accountability for the same. Nothing has been done so far. The present signature tune is "Forgive and Forget". This was the tune of the Congress and the BJP against which the traditional Akali leadership instigated hundreds upon thousands of Sikh youth to revolt! Panjab and its people have forgiven enough and forgotten a lot. Today is the time to prosecute each one of the alleged perpetrators—executive, police and political—for crimes against humanity.

15. The Only Incomplete Positive Step: The only positive step take by the present government is the formation of the Panjab State Human Rights Commission. Unfortunately no changes have been made in the powers and authority of the commission. The commission can investigate only those cases that fall within the last one year. So, the commission, according to the current mandate, cannot redress the fears, grievances and genuine complaints of families of victims of the last decade and a half.

FROM POLICE STATE TO PEOPLE'S COMMISSION . . .

In this frightening police state scenario, what should the people do? The people have come together and formed a People's Commission that will listen to their woes and deliberate upon the merits of each case of violation of human rights in the Panjab, irrespective of the time lag. The Commission has been formed at the initiative of dedicated human rights and political activists under the aegis of the "Committee for Coordination on Disappearances in Panjab." This Commission comprises of Retd. Chief Justice D. S. Tewatia, Retd. Justice H. Suresh and Retd. Justice Jaspal Singh. After the first session of the commission at Chandigarh on 8-9-10 August 1998, the affected families see a glimmer of hope. The People's Commission is the people's response to the non-fulfillment of election promises by the present government at the state level and the incapability of the ruling coalition at the Centre to rectify the wrongs of yesteryears. If people can form governments surely they can form commissions as well; can they not?

Now, the Congress, the BJP and the Police (the trinity responsible for gross human rights abuse in the Panjab through acts of omission and commission) are pressurizing the Badal government to wind up the People's Commission, calling it "illegal" and "harbinger of disturbance" and other names.

We appeal to the Panjab State Human Rights Commission, to advise the state government, not to stoke the fires that are lying buried. Though we contest the "quality of peace" that has "descended on the Panjab", any attempt by the state "not to let people cry for their beloveds" will boomerang. The endorsement of the Panjab State Human Rights Commission of the work of the People's Commission will go a long way to enhance respect for human rights and to smother the politically motivated propaganda against this humble attempt by the people to assuage the hurt of victims and their families. This certainly is part of the moral mandate of any human rights body, more so of a state-sponsored Human Rights Commission.

Moreover the labour of the People's Commission will not go in vain. The report of the People's Commission will not meet the same fate of hundreds of Commissions set up by the Indian state under the Commissions of Enquiry Act. It will perhaps be useful for the Human Rights Commission to conduct a statistical analysis of the total number of Commissions of enquiry instituted by the state and those whose recommendations have been accepted.

The focus of the work of the People's Commission is also not at loggerheads with the working of the judiciary as is being propagated by the wanton statements of the Panjab Advocate General, Congress and BJP leaders and the Panjab police chief. Their consternation is more about the uncovering of truth about their shameful deeds. Those opposing the People's Commission will do well to remember that before the official Srikrishna Commission was setup to pinpoint the responsibility for the riots in Bombay in 1992-93, a People's Commission was set up by an independent body., The Indian Peoples Human Rights Commission. Justice S.M. Daud and Justice H. Suresh made an extensive enquiry and submitted a report on the role of the government and the police in the rioting in Bombay. The report was first published in August 1993. The evidence collected by that People's Commission made the task of witnesses much easier when they deposed before the official Srikrishna Commission.

It may also be noted that the panel of judges on the Indian People's Human Rights Tribunal have conducted enquiries into the firing in Arwal in Bihar in 1987, the burning of 646 huts of tribals in Vishakapatnam district by the Andhra Pradesh government in 1986, the role of the Provincial Armed Constabulary in the riots in Meerut in 1988, the role of the Karnataka government in anti-Tamil riots and the role of the Tamil Nadu government in anti-Kannadiga riots in 1992.

At the international level, the journey for trial of guilty officers, bureaucrats and political leaders responsible for crimes against humanity, which started with the Nuremberg trials has fructified this year in the formation of an International Criminal Court.

The Panjab State Human Rights Commission and the National Human Rights Commission will do well to train the Indian police, paramilitary and military forces to recognize the harsh reality that sooner or later nemesis will catch up. Transparency and not secrecy is the watchword. "Reasons of state", "demoralization of the police forces" and "amendments to the Criminal Procedure code to make it difficult to prosecute police officers", "orders of superiors", "ignorance of law, especially international and humanitarian law" will not be adequate to protect either the protagonists or the perpetrators of human rights abuse.

We are concerned that no serious effort has been made by the government of Panjab or the Commission to popularize the commission and its work among the people of Panjab. No public sitting of the commission has taken place since its formation. The people of Panjab are eager to know the number of cases in which suo moto action has been taken by the Commission. We look forward to the first annual report of the Panjab State Human Rights Commission and we anxiously wait to see how it nails down the state government and the police machinery. Should the commission require details on the above points, we shall gladly furnish them.

We appeal to you and through you also to the overindulgent Advocate General of Panjab, Mr. Gurdarshan Singh Grewal, to advise the present State government in Panjab whether it wants to join the sanguineous trinity of the Police-Congress-BJP or to find a respectable place in contemporary history, particularly in a year, when the international community, inspite of India's abstention, has formed the International Criminal Court to try individual cases of gross human rights abuse.

(Prof.) JAGMOHAN SINGH,
General Secretary.

TRIBUTE TO RETIRING CONGRESSMAN DELLUMS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. OWENS. Mr. Speaker, RON DELLUMS, a great member of the House of Representatives, and a great member of the Congressional Black Caucus retired last February. On several occasions I spoke enthusiastically of my great admiration for Congressman DELLUMS; however, I was absent on the day tributes to my esteemed colleague were made on the floor of the House. Today, for the RECORD, I would like to summarize my tribute to a friend, a mentor and a great role model.

RON DELLUMS is a man defined by magnificent contradictions. he is the activist who took a great risk when he joined the establishment; but he won the bet that he could never be corrupted. He is the peacemaker who rose to the position of Chairman of the powerful war-making Armed Services Committee.

RON DELLUMS was and is a steady keeper of a broad and integrated vision of this complex world. He is a tribune broadcasting a consistent, universal message. Throughout his long career in the Congress he remained loyal to certain fundamental principles advocating peace with justice—and his order of priorities never became confused. Despite his world view, his philosophical and intellectual loftiness and his intensity concerning administrative excellence, RON remained first and foremost a descendant of Frederic Douglass, first and foremost an African American with an abiding dedication to his people.

When the oppressed Blacks three thousand miles away in South Africa needed a champion, RON DELLUMS was there with his parliamentary skills managing a difficult controversial resolution through the House. The effort was greatly enhanced by this oratorical eloquence and the fact that he had already accepted jail and arrest to promote his position. In a historic moment on the floor of the House, which has not yet been accorded its appropriate recognition, the Dellums South African sanctions resolution passed and set in motion a process which doomed the evil of apartheid. Nelson Mandela was later set free and a new South Africa nation was born.

Although he was the Chairman of the Armed Services Committee in 1993 when the call came for direct action to return democracy to Haiti, RON DELLUMS was again on the front lines accepting arrest and jail to promote a policy of sanctions against an oppressive regime.

To promote justice and a better utilization of our national resources throughout the world RON led the drive to reallocate the military budget. He continued to support the Congressional Black Caucus alternative Caring Majority Budget. His concerns for full employment and job training as well as a more generous and sustained investment in education never waiver while he executed his duties as Armed Services Committee Chairman.

Today, the portrait of RONALD V. DELLUMS in the National Security Committee Hearing Room speaks symbolic volumes about the magnificent contradictions of this Renaissance Man. This great room of the warriors, with forbidding portraits all around, many with a background including some weapon of destruction, is transformed by the Dellums portrait which makes a complete and almost perfect statement. From this powerful portrait the sunshine of peace and hope triumphantly invades the war room. This masterpiece leaves the bright shining signature and spirit of a conquering hero: RONALD V. DELLUMS.

HONORING THE PINK RIBBONS PROJECT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BENTSEN. Mr. Speaker, I rise to recognize the tremendous contribution that the Pink Ribbons Project is making in the battle against breast cancer.

Every October, we celebrate Breast Cancer Awareness Month to highlight the efforts by medical providers, community organizations, and businesses to ensure all women have access to the breast cancer screening and treatment they need. It is particularly gratifying to acknowledge the efforts of the Pink Ribbons Project, Dancers in Motion for Breast Cancer, whose generosity is helping to achieve this goal and save lives.

The Pink Ribbons Project was conceived and created in New York City in May 1995 by four artists whose lives were personally touched by breast cancer. One of these dancers is Jane Weiner, the sister of Susan Rafte, a Houstonian who is a survivor of metastatic breast cancer.

I believe that Susan's story is important for all women to understand. In 1992, at age 30, Susan discovered a lump during self-examination, but her doctor did not believe it could be cancer for such a young, healthy patient. In 1994, Susan was diagnosed with metastatic breast cancer. She opted for a bilateral mastectomy and reconstructive surgery. Regrettably, her battle was not over. In 1996, she discovered that her cancer had spread to her spine and she opted to undergo a new bone marrow transplant procedure. Under this procedure, patients undergo extensive chemotherapy and radiation treatment to kill the cancer cells. As a result of these treatments, many patients lose their bone marrow and are susceptible to infections. In order to protect against infections, patients donate healthy bone marrow prior to their radiation and chemotherapy treatments and then transplant their analogous bone marrow after undergoing treatments. Susan's treatment has been a success and today she is fighting to ensure healthier futures for all women with her family, husband Alan Rafte, also a cancer survivor, and her 4-year-old daughter Marika as a special inspiration. In particular, Susan wants to encourage other women to be aggressive about their health and get second opinions when they are not satisfied with diagnoses and treatments.

The Pink Ribbons Project is the first dance initiative to join the fight against breast cancer. In 1996, the dance was introduced in Los Angeles. This year, these Pink Ribbons dancers will create a dance benefit called Hot Pink Houston to be performed at the Cullen Theater on November 12, 1998 in Houston. These dancers donate their time, service and talents to help raise funds for breast cancer advocacy, education and research.

With their first performance, the Pink Ribbons Project raised more than $10,000 that was donated to the National Alliance for Breast Cancer Organizations (NABCO). NABCO used these funds to send 10 women with metastatic breast cancer to Washington, D.C., where they testified before the Federal Drug Administration, the Federal agency responsible for reviewing drug treatments and therapies. Their testimonies helped three new drugs win approval for treatment use.

I congratulate all involved in this vital project, including the Houston Ballet, Chrysalis, the Weave Dance Company, Sarah Irwin, Fly, Robin Staff, Hope Stone, Shake Russell, and Dana Cooper, who are all donating their talents for the Houston show. It is my hope that the Hot Pink Houston event will encourage more in our community to join the fight against breast cancer.

The value of the Hot Pink Houston program cannot be overstated. One in eight women can expect to develop breast cancer during her lifetime, and one in 28 women will die from it. Every 15 minutes, a woman dies from breast cancer. During this decade, it is estimated that more than 1.8 million women, and 12,000 men, will be diagnosed with breast cancer. Nearly half a million will die of this disease. Such statistics can be numbing, but they are all too real to those of us whose families have been affected by breast cancer.

But the saddest fact of all is that so many of these deaths are preventable. With the exception of skin cancer, breast cancer is the most survivable of cancers and when detected in its earlier stages, it has a 95 percent survival rate. So it is vital that women conduct regular breast self-examinations and obtain regular mammograms.

Because of the tremendous generosity of Pink Ribbon dancers, more women will learn about breast cancer and how we can work together to save lives.

EDUCATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. PACKARD. Mr. Speaker, I would like to voice my outrage for President Clinton's veto record with regards to the education of our nation's children.

Over the past Congress, President Clinton has vetoed 7 major Republican education initiatives. That's seven times the President chose politics over our children. I truly believe the key to our children's future is the education they receive. Nothing can be of more importance to our families, our communities and our country than the quality of education in America. Apparently President Clinton does not see it this way.

Despite the President's heavy veto pen, the Republican's have been able to enact legislation which will benefit this nation's education system. We now have the lowest student loan interest rate in 17 years and have enacted a tax deduction for student loans. We also passed a Head Start reauthorization, providing for more funding to help states meet the needs of students with disabilities.

Mr. Speaker, the President's decision to play politics with our children's education and future is a bad choice. The fact is, it doesn't take a bureaucrat from Washington to tell us how to teach our children when parents have always and will always know best. We need to keep Washington out of our schools and ensure that parents and teachers are able to make their own decisions about how they want their children taught. I would like to commend my Republican colleagues for the hard work this Congress has done for our children's future.

TRIBUTE TO JOSEPH P. KENNEDY, II, MEMBER OF CONGRESS

SPEECH OF

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take a few moments today to pay a special tribute to a colleague of mine who at the end of this legislative session will be retiring after a long and distinguished career from the United States House of Representatives.

Congressman JOSEPH P. KENNEDY, II, a native son of Massachusetts and the eldest son of Ethel and the late Robert F. Kennedy, will soon be returning to our great State to, along with other pursuits, run Citizens' Energy Corporation, the low-income assistance program he founded in the early 1980's. Before he departs, I would like to take a few moments today to honor his accomplishments here in the House and to tell you more about the man I regard as my friend.

JOE KENNEDY roots for the underdog and leaves behind in Washington a long track record of standing on the side of people who don't view government as an intrusion, but instead, as a means for achieving justice and dignity in life.

Whether working to assist the homeless, children, the poor, the elderly or the disabled, JOE KENNEDY has always brought a special earnestness and passion to his work. As a result, his legislative achievements on the Banking Committee and in the House have been many, and the impact of his charitable and meaningful work will continue to be felt for years to come.

Since 1986, his constituents in the 8th District of Massachusetts have known of Congressman JOE KENNEDY's dedication. They, like those of us who work with him regularly, also know of the many endearing qualities he brings to the table.

JOE KENNEDY is a remarkably kind man, and it is his heart, not political polls or newspaper headlines, that is the compass that guides him in here in Washington. Congressman JOSEPH P. KENNEDY, II has continued the great legacy of his father and his uncle, and it is his heart and his commitment to what is right and just that people from Massachusetts and across the Nation will miss most.

I would like to take this opportunity to thank JOE KENNEDY, my friend, for his many years of hard work in the United States Congress. I wish JOE and his wife Beth all the best on the road that rises to meet them in the years that lie ahead.

CLARITIN AND SPECIAL INTEREST LOBBYING

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, as all of my colleagues know, this is the time of year when special interests come out in force to take advantage of our busy schedule. They try to slip last-minute riders into conference reports and sneak lucrative patent extensions into crucial appropriations bills. If history is any guide, a number of pharmaceutical companies are at the very head of this unsavory pack.

You may recall that, in the dead of night, someone smuggled a drug patent extension into the conference report of the 1997 Kennedy-Kassebaum Health Care Reform Act. Neither Senator KENNEDY nor Senator Kassebaum were informed of this corporate giveaway. Only public protest prevented the drug company from scoring a multimillion dollar coup at the expense of consumers.

It is the widespread rumors about a similar effort that have brought me here. I want to alert my colleagues to the efforts of Schering-Plough to sneak a backdoor patent extension onto the continuing resolution.

For many years, Schering has sought to extend its patent protections for Claritin, a prescription antihistamine with over $900 million in annual U.S. sales. Last year, Schering lobbied the Senate for an amendment to omnibus patent reform legislation granting outright five-year patent term extensions for a number of drugs, including Claritin. In 1996, Schering tried unsuccessfully to attach Claritin patent extensions to the omnibus appropriations bill, the continuing resolution and the agriculture appropriations bill. In the first half of that year alone, Schering spent over $1 million in lobbying the Congress.

Schering's proposal is a terrible deal for consumers. It would require the Patent Office to adjudicate patent extensions for drug companies who have experienced regulatory delays at FDA. In reality, it is a backdoor opportunity for companies to undercut the scientific judgment of the FDA and its expert advisory committees.

What Schering calls "regulatory delay" is the time needed by our public health agencies to ensure drug safety and efficacy. Often, a company will cause its own delays through miscalculations, complications in its research and new questions about its products. Schering claims that the approval of Claritin was subject to regulatory delay. The company never mentions that its delay resulted from the unexpected discovery that Claritin might cause cancer.

Mr. Speaker, putting the Patent Office in the position of trying to second guess the FDA and its expert advisors on Claritin's possible carcinogenicity would be like having the IRS deciding which research proposals should be funded by NIH.

This proposal would also burden the Patent Office with meritless cases like Claritin. The Patent Office has limited resources and crucial responsibilities. It does not have time to coddle companies like Schering when patents for breakthrough technology are awaiting approval.

Even worse, this proposal would cost taxpayers millions of dollars in additional health care spending for Medicaid, Veterans health programs, the Defense Department and Public and Indian Health Services. Private insurers and HMOs will have to pay higher prices for drugs like Claritin. And ordinary consumers, especially older Americans, will have to pay much more out of pocket for their medicines.

Let me make a final point about this proposal. I am the coauthor of the 1984 Waxman-Hatch Act. The Act grants patent extensions to drug companies for the patent time expended obtaining FDA approval. One of the points of the 1984 Act was to stop companies like Schering from lobbying Congress for patent extensions. It has been very successful, with the exception of rogue companies like Schering.

In fact, I seriously doubt that Schering has told anyone that it already received a 2-year patent extension under this law. The company just wants another pass at the trough.

Lobbying efforts like Schering's are bad for the consumer. They also do harm to the 1984 Act, which strikes a balance between promoting innovation and ensuring that consumers have timely access to affordable medicines. Senator HATCH and I have publicly emphasized that revisions to the 1984 Act be made in a careful, deliberative process to preserve that balance. Dropping the Schering proposal onto the CR without notice, without committee proceedings, and without publicity is the exact opposite of what we meant.

For these reasons, I urge my colleagues to oppose Schering-Plough's proposal, wherever it should appear in these final days of the session. It would cost taxpayers millions, hurt consumer choice, distract the Patent Office, undercut the FDA and do violence to the need for committees of jurisdiction to deliberate carefully over these important issues.

TRIBUTE TO THE LIFE OF JAMES FLETCHER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. DAVIS of Illinois. Mr. Speaker, it is with exceeding regret that I advise my colleagues of the death of a great American and one of the most socially conscious bankers in Chicago.

A former Chicago public schools teacher and a 1960's city planner with a focus on urban renewal, James Fletcher with three other extraordinary individuals established America's first community development bank—in 1973. Soon after, Mr. Fletcher became president and chief executive officer of South Shore Bank in 1983. He served on that post until 1994 and was elected chairman of the bank in 1996.

With the logic of a philosopher, the passion of a preacher, and the precision of a banker he helped redevelop communities who have long been forgotten by all of the major banks in Chicago. Indeed, in the hands of James Fletcher, community development was a creative act. With his foresight, community development is an encounter between socially conscious bankers and private investment. Slowly, step by step, they proved that a strong, independent banking presence in the neighborhood could help get a community back on its feet again.

Beyond his many professional accomplishments, James Fletcher was one of those rare and wonderful individuals who relished being a mentor, role model and always a generous father. We cherish his memory as his work touched the lives of whole communities: men, women and youth alike. Mr. Speaker, I commend to the United States House of Representatives and to the American people the life and service of James Fletcher.

CHINA: A POTEMKIN ECONOMY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SOLOMON. Mr. Speaker, in 1787, Prince Grigory Potemkin, Catherine the Great's longtime prime minister and occasional lover, decided that the recently-annexed Crimea needed a little fixing up in preparation for an official visit by the empress. He is said to have erected a number of false-front buildings along Catherine's travel route so as to create the appearance of a happy and thriving peasant society. Thus was born the legend of the "Potemkin village."

Today, autocratic regimes have more resources at their disposal than Potemkin ever dreamed of. In fact, it can fairly be said that the Chinese communists have managed to build a "Potemkin economy"—an entire national economy that has the surface appearance of being dynamic and prosperous when, in truth, the real situation is something very different. The present-day equivalent of Potemkin's false-front villages are the empty skyscrapers that loom over every large Chinese city.

The September 30 edition of the Washington Post contains a compelling article by Michael Kelly that looks behind China's imposing economic facade and finds an altogether different story than is usually reported. "The central question of the most consequential of all American foreign policy issues is whether the People's Republic of China is evolving, under the munificent influence of capitalism, away from communist totalitarianism and toward democracy." If the answer given to that question is yes, then that "answer, it is now authoritatively revealed, is dead wrong—and so is America's China policy."

Mr. Kelly based his article on a new book China's Pitfall, that was published in Hong Kong last year. This book, which has not yet been translated into English, is the subject of an extensive review by two China scholars in the current edition of The New York Review of Books. That review concludes with these words: "What happened in China in the 1990's is thus becoming clear. Reform was aborted when Deng Xiaoping strangled China's democratic forces in 1989 and when . . . he decided in 1992 to buy stability for his regime by pursuing rapid economic growth whose price was sharply increased corruption, financial deception, and the erosion of the moral basis of society."

Corruption. Deception. Erosion. Hardly the foundation on which a stable economy, to say nothing of a decent society, can be built. Indeed, the author of China's Pitfall, He Qinglian, identifies five negative trends that are tearing at the fabric of Chinese life: "population size, agricultural stagnation, inequality, corruption, and low standards in education." Ironically, the author reports, each of these problems is as bad or worse today as it was a century ago, when the Qing Dynasty was distintegrating and the entire country was plunging headlong toward revolution.

How then to explain China's "rapid economic growth" in recent years? This is, after all, an economy that expanded at an annual rate of 10 to 12% in the years from 1981 through 1996.

According to He Qingian, economic growth in the 1980's was largely based in rural China. As the communist command system in the agricultural sector was dismantled and rural communes were abandoned, the productivity of farms shot up and many farmers and villagers also established light industries and other entrepreneurial ventures. Agriculture and rural industry account for about three-fifths of China's gross domestic product, and so progress in these areas was bound to be reflected in the country's overall performance.

By the end of the 1980's, however, the rural economy was stumbling: "the immediate gains from freeing agriculture could not be continued" and "extortion, overtaxation, and embezzlement by local officials" were taking their toll. Moreover, the effects of "decades of environmental devastation and neglect" began to be felt. China has lost one-third of its topsoil and arable land in the last 40 years. When floods come, as they did this year, rural areas bear the brunt because the government deliberately blows up small dams and dikes, inundating farmlands, so as to spare the cities.

Small wonder then that an estimated 120 million people—twice the population of France—have migrated from rural China into the cities since the late-1980's. And small wonder that Deng Xiaoping decided that he needed a new strategy, especially in the wake of the 1989 Tiananmen Square massacre and unrest in the interior provinces.

China's economic growth in the 1990's has been essentially an urban phenomenon, with many city-dwellers registering visible gains in personal income. Urban free enterprise employs only three percent of the Chinese people but accounts for about one-tenth of China's gross domestic product. Predictably, enterprises that employ cheap labor to make consumer products for export have proved to be the most profitable.

But the real story of Deng Xiaoping's post-1989 "reforms" has been missed by the Western media. He Qinglian puts the truth in stark terms: Deng's so-called reforms are really a "marketization of power"—"a process in which power-holders and their hangers-on plundered public wealth. The primary target of their plunder was state property that had been accumulated from forty years of the people's sweat, and their primary means of plunder was political power."

China's Pitfall describes in detail how China's economy in the 1990's has been fueled by plunder, a process in which wealth hasn't so much been created as it has been transferred. The plunder has taken place two ways.

First, party and government officials manipulate the state-controlled sector of the Chinese economy, which represents about one-third of gross domestic product and includes all of the important industries, commodities, and essential services. A two-track pricing system has been put in place by which unscrupulous officials buy raw materials and industrial products at a government-controlled price and then turn around and sell them on the open market for a much higher market-dictated price.

The "huge illicit profits" that result from this maneuver get plowed into speculation in securities and real estate; they also provide the grease whereby officials allow foreign investors to evade having to deal with market costs when they set up joint ventures and other enterprises in China. Many of the more powerful officials in China also use these profits to establish so-called "tertiary industries" in which favored friends and relatives "take control of the most productive section of a state enterprise . . . in order to run it as a semi-independent company." In other words, for a minimal investment they get the benefit of state protection while cashing in at market prices.

The second means of plunder is even more brazen. All banks in China are state-controlled, and they serve as veritable cash cows for state-controlled industries. He Qinglian estimates that $240 billion—nearly half of all personal savings that have accumulated in China since the 1950's—have been transferred, as emergency loans, from banks to state-controlled industries.

There is little or not hope of recovering these "loans." China's banking sector is verging on bankruptcy by any objective measures, with a huge burden of nonperforming loans that is overwhelming a shrinking capital base—a base that is shrinking all the more now that the equity value of most state enterprises (one-third of the economy, remember) has been reduced to zero and corrupt officials have discovered how to circumvent the restrictions against sending hard currency overseas.

The net result of all this is a society in which zai, the Chinese equivalent for "rip off" has become pervasive, in both attitude and practice. According to The New York Review of Books, "Probably in no other society today has economic good faith been compromised to the extent it has in China. Contracts are not kept; debts are ignored, whether between individuals or between state enterprises; individuals, families, and sometimes whole towns have gotten rich on deceitful schemes.

"He Qinglian sees the overall situation as unprecedented. 'The championing of money,' she writes, 'has never before reached the point of holding all moral rules in such contempt.' She finds the collapse of ethics—not growth of the economy—to be the most dramatic change in China during the Deng Xiaoping era. The challenge facing China is not just 'survival' . . . but 'how to avoid living in an utterly valueless condition.' She does not hold out much hope."

Nor do I. The danger signs are already appearing. The growth in average personal income has fallen sharply since 1996, and for millions of Chinese—in both urban and rural areas—personal income has actually declined. By the end of 1998, an estimated 22 million employees will have been laid off from the state-run sector of the economy, and millions more are subject to late payment, partial payment, or even nonpayment of their wages.

The outflow of capital, which during the 1980's amounted to a level of about half of what was coming into China as foreign investment, has equaled or exceeded net foreign investment since 1992. Meanwhile, an estimated inventory of $360 billion worth of consumer goods has piled up—unsold and, for increasing numbers of people, unaffordable. China's much-congratulated decision not to devalue the yuan is not as impressive, upon close examination, as it first appeared to be to distant observers. For the Chinese communist regime, currency control is an instrument of political control. But even that may have to change now that China's export performance is slowing down.

Organized crime, a substantial problem in the Chinese economy for decades, is getting much worse, and He Qinglian's book traces the emergence of a de facto "government-underworld alliance" that is serving to merge the legitimate economy with the underground economy controlled by the mafioso "triads." Progress toward the development of a civil society, to say nothing of the rule of law, is being severely retarded, and the country is increasingly plagued by "drug trafficking, smuggling, sale of human beings, counterfeiting, prostitution, and pornography."

The true nature of the Chinese economy was brought home to me with startling clarity this past August when I had occasion to visit the Shanghai Stock Exchange. Far from being some kind of citadel of capitalism, it was actually a good example of so-called "virtual reality." Red-vested operatives were essentially there to sit around at the desks, because all the action is done through electronic transactions. When I was there, I saw various "traders" sleeping, reading newspapers, and wandering around talking to friends. But the real scorcher was to learn that the building which houses the stock exchange is owned by Wang Jun and Polytechnologies. Wang Jun is a notorious, internationally-known arms merchant whose military-backed conglomerate, Polytechnologies, supplies weapons of mass destruction to terrorist states and was caught red-handed smuggling AK–47 machine guns into California in the spring of 1996, barely three months after Wang had been feted at a White House tea party. Months later, with the 1996 election out of the way, a Washington Post reporter asked about Wang's White House visit and was given what would come to be an oft-repeated, one-size-fits-all response: "clearly inappropriate."

Mr. Speaker, I began these remarks by suggesting that China has become a "Potemkin economy," a national economy whose growth and stability under its present management will be no more sustainable in the long run than Prince Potemkin's false-front villages were a lasting solution to economic problems in the Crimea. Potemkin's villages may have fooled some people 200 years ago, but there is no excuse for our being fooled today about what is really happening in China.

In my considered judgment, U.S. policy toward China for the past twenty years has been one long exercise in wishful thinking. I have never ceased to marvel at how many otherwise reasonable people, from both parties and all points on the philosophical spectrum, manage to suspend their critical faculties whenever China is the focus of debate or decision-making. The notion that China is emerging as some kind of 21st century economic colossus is just plain bunk.

A more apt analysis might be to draw a comparison with Argentina in the early decades of this century or Iran in the 1960's and '70's. One hundred years ago, more than a few commentators were predicting the "Argentine Century." Well, it never happened. And the principal architects of U.S. policy toward China, Richard Nixon and Henry Kissinger thought Iran was a safe bet. too.

China has built what appears to be an imposing economic edifice, but it stands on a foundation of sand. Sustained economic growth and stability in the modern age require a foundation of comprehensive institutional modernity, legitimacy, and transparency—and even these come with no guarantees. But China has none of it. And as the bills come due for China's peculiar brand of crony—and phony—"capitalism," the price will be very steep.

Mr. Speaker, I salute Michael Kelly for bringing the insightful review from The New York Review of Books to wider public attention. Liu Binyan and Perry Link, who translated He Qinglian's book, China's Pitfall, and whose review in the New York Review of Books provided the source, unless otherwise noted, for the facts and quotations in my remarks, are also to be thanked. I ask that Michael Kelly's article from the September 30 edition of The Washington Post appear at this point in the RECORD.

[From the Washington Post, Sept. 30, 1998]

CHINA'S ROBBER BARONS

(By Michael Kelly)

The central question of the most consequential of all American foreign policy issues is whether the People's Republic of China is evolving, under the munificent influence of capitalism, away from communist totalitarianism and toward democracy. Since reversing its China policy in 1993, the Clinton administration has bet the future that the answer to this question is yes—that Beijing is "reforming," and that, therefore, Beijing must be befriended, its virtues made much of and its flaws overlooked.

That answer, it is now authoritatively revealed, is dead wrong—and so is America's China policy. This news arrives in "China's Pitfall," a book by the Chinese economist He Qinglian that is not yet available in English but is reviewed in the current issue of the New York Review of Books by China scholars Liu Binyan and Perry Link, perhaps the most important article published in recent years on the China issue.

The reviewers begin by fairly stating the terms of the debate over the meaning of what took place in China during the Deng Ziaoping era of capitalist "reform" in the 1980s and 1990s: "In the U.S., many business leaders, followed by the Clinton administration, aruged that Western commercial engagement with China creates not only more wealth but progress toward democracy as well. Skeptics countered that more wealth, by itself, does not necessarily cure social problems or lead to democracy."

Who was right? Binyan and Link write: "'China's Pitfall,' the first systematic study of the social consequences of China's economic boom, vindicates the steptics so resoundingly as to force us to reconceive what 'reform' has meant." China's reform, argues He Qinglian, was nothing more than "the marketization of power," and it has resulted not in anyting approaching a democracy "or even a market economy in the normal sense," but instead has created an immensely rich and immensely corrupt kleptocracy.

What the American business community and the White House chose to see as reform was, He Qinglian writes, actually one of the great robberies of history, "a process in which power-holders and their hangers-on plundered public wealth. The primary target of their plunder was state property that had been accumulated from 40 years of the people's sweat, and their primary means of plunder was political power." The butchers of Beijing were also the looters of Beijing, and it was to save their power to loot that they butchered.

The plunderers were nothing if not bold, nothing if not creative. He Qinglian chronicles quite an array of techniques by which Beijing's evil old despots—sorry, reformers—exercised the levers of the state on behalf of helping themselves to everyone else's money. One breathtakingly simple way was to periodically tap into private savings accounts. Other equally straightforward approaches included "borrowing" public funds for speculation in real estate and stocks, and reselling commodities purchased by the state at fixed prices at much higher prices on the private market.

The pro-Beijing camp points to Deng's 1992 call for everyone in China to go into business and get rich "even more boldly * * * even faster" as a milestone in China's evolution. Indeed it was He Quiglian reports: Deng's message was correctly interpreted by the power elite as a signal that the government and the party would look with a benign eye on even the most outrageous acts of the theft. In the words of Binyan and Link, this message "led virtually every official, government office, and social group or organization in China to 'jump into the sea', and try to make money."

"Reform" simply served as cover for crooked schemes by which these power-holders made money by transferring the wealth of the state to themselves. Consider the denationalization of state industries, and the creation in their places of for-profit companies called "tertiary industries." This was hailed as clear progress toward a free, open-market society. In fact, the state officials who oversaw the denationalization process established their children and friends as the owners of the new industries.

Perhaps all of this is true, China apologists will argue, but it is also true that China, in the process of making money, is necessarily moving away from Communist Party totalitarianism.

Yes, but not toward capitalism and not toward democracy. As Binyan and Link put it: "The party indeed has lost some of its political power, but has lost it not to the citizens but to a new robber-baron class that now allies itself with the party in opposing the rule of law."

This is the reality of China: a country where the primary function of the state is to preserve power so that it might preserve plunder. This is what the Clinton administration praises, and supports, and defends against all efforts to admit the truth.

HAROLD HOLT: A LIFETIME OF PUBLIC SERVICE AND CONTRIBUTIONS TO HIS COMMUNITY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TANNER. Mr. Speaker, for 50 years Harold Holt has been active in public service. For many more years than that, Harold Holt has positively contributed to the quality of life of his fellow citizens, not only in Dyersburg and Dyer County, but throughout West Tennessee.

Today, I want to salute a good friend and former colleague, who I served together with in the Tennessee General Assembly. An aggressive leader for his community, Harold Holt never lost a race for public office and built a respected career in banking.

His solution-oriented, consensus building style helped pave the way for the widening of U.S. 412, now a four-lane highway connecting Dyersburg and Jackson. He was known for his strong support for the best education possible for Tennessee's children and effective law enforcement in our communities.

He is rightfully proud, as we all are, of his wife, Bonnie, and their two sons, Jeff and Steve.

Printed below is a copy of a story published in the Dyersburg State Gazette titled "A Lifetime of Concern for Others."

A LIFETIME OF CONCERN FOR OTHERS

When Harold Holt was growing up on a farm near Finley during the Depression, he saw neighbors pitching in to help those facing hardships such as serious illness of the family bread-winner.

He never has forgotten the spirit of cooperation and helpfulness.

"Each neighbor took care of their neighbor," he said. "If a family couldn't get a crop in, other neighbors would pitch in and put in the crop for them."

"Everybody in the community was close; even though they weren't related, they were very close."

That closeness and concern for others has made Holt perhaps the premier politician in Dyer County. He has served as county trustee, county commissioner and state representative and has never lost a political race. His son, Jeff, has followed in his public service footsteps and now is serving his second term as Dyer County sheriff.

"I've been involved in the political process since 1948," Holt said. "That was my first presidential election, and I voted for Harry Truman."

Former Dyer County Executive P.H. White said Holt is a person who can be trusted.

"Harold is a very trustworthy person in both word and deed," White said. "He's always done what he thought was right, and he's very dedicated and devoted to his family."

Longtime friend Dr. Douglas Haynes said he admires Holt's integrity—and memory.

"He's a person of absolute integrity, and he has the most fantastic memory," Haynes said. "He knows a story about just about everyone in the county."

Doug Williamson, another long-time friend, said Holt has gained respect through his honesty.

"He's a real forthright, honest person," Williamson said. He's just a fine man, and many people respect him for his honesty."

Holt said he has never been tempted to seek political office on a larger stage than representing the local population.

"Dyer County is one of the greatest communities anybody could ever have the privilege of living in," he said. "The people here have been so kind to me and to my family."

He said he has been approached several times to run for Congress but never really considered it.

"I was approached a few times, but I never gave it much thought because I would have had to run against Ed Jones," Holt said. "I always supported Ed Jones, and he's a good friend to this day."

Holt's devotion to his friends and his integrity are remarkable, said Jere Bradshaw.

"Harold Holt is a true gentleman," Bradshaw said. "In my opinion, he's absolutely honest, above board and considerate of other people. I've always been able to rely completely on what he says.

"I've supported him in what he does because it's always for the good of the community."

Holt said Bradshaw's race for county clerk was the first local political race he ever got involved in.

"I probably worked harder for Jere Bradshaw's election than I ever worked for any of my own," he said.

Holt served in the Tennessee General Assembly, representing Crockett and Dyer counties, from 1986–91, when he decided to retire from active involvement in politics.

In the legislature, he was known as hard-working and fair.

Though it is little known in Dyer County, Holt was one of the legislature's most accomplished pranksters.

"Harold was a good representative," said state Rep. Frank Buck (D–Dowelltown), one of Holt's closest friends. "He took his job very seriously, and he did a good job for Dyer County."

Holt often played his pranks in cahoots with Buck and former state Rep. Floyd Crain (D–Ripley).

"When the scandal about funeral directors was exposed several years ago—about one or two mistreating corpses and burying trash and that sort of thing—we sent a letter purporting to be from a woman who (state Rep.) Robb Robinson (D–Nashville) had mistreated at his funeral home," Buck recalled. "Robinson took it seriously and, though he didn't remember the case we made up, contacted the state funeral directors board to ask if anyone had filed a complaint against him.

"When Robinson found out it was a joke, he got pretty testy with Crain and me, but Harold wasn't there.

"When he saw Harold, he looked at him and said, 'I'm disappointed in you, because I knew those other two were common, but I expected more of you.'"

"Holt's a good guy, but he's sneaky," Crain said.

Josephine Binkley, who was Holt's secretary when he first went to the General Assembly, said she can still get Holt riled up by saying she is going to tell Buck something about him.

"If I want Harold ribbed about something, I know Frank Buck is the one to do it," she said. "If I just mention telling something on Harold to Buck, Harold will say, 'Now, that's not necessary.'"

Binkley said Holt is fun but has another side, too.

"Harold is a fun person to be around," she said. "But he can be tough if that's necessary."

Buck said the pressure-packed life of a legislator needs to be leavened with humor.

"In the General Assembly, if you can't maintain a sense of humor, especially about yourself, you'll go crazy," he said. "Harold was always able to maintain a sense of humor."

Since retiring from the legislature, Holt has worked briefly as a lobbyist.

"I worked for Kemmons Wilson for about six weeks when we were trying to enhance and extend the logo sign bill to permit them on state highways and not just interstates," he said. "I still go to Nashville pretty often to visit my friends who still are in the legislature."

He also served a term on the state's judicial council, which looks at proposed legislation about the judicial system and makes recommendations. He was appointed to the council by former Gov. Ned McWherter.

Asked if he has any regrets about his years in the legislature, Holt thought a short while.

"I think the drainage situation at the Tigrett Wildlife Management Area could have been handled better," he said. "We didn't fight hard enough to get legislation that would have given us the type of relief on Stokes Creek that I think is necessary. It needs to be restored to the original course so water can rise and recede naturally."

Holt says he remembers the area from his childhood.

"When I was a kid there was bottomland hardwood timber there," he said. "But now it's a stagnant swamp.

"If we let it return to its natural course we can restore at least part of that area to what it was when I was a kid."

LIFELINES

FAMILY BACKGROUND

Harold Henry Holt was born Oct. 1, 1926, at Richwood in western Dyer County. His parents were Buford and Stella Yarbro Holt. His mother died of complications of childbirth, and his father moved away soon after to seek work during the Depression. Holt was raised by his grandparents. Richard and Lora Holt. "They were 50-years-old when I was born, so they raised me more as their child than their grandchild," he said.

He never lived with his father, who remarried and fathered two more sons. Holt's half brother, Richard Holt, died in 1984. Another half brother, Ralph Holt, lives in Mayfield, Ky.

FAMILY MATTERS

Holt met Bonnie Bivens at a ball game, and the two married on Oct. 2, 1949. They have two sons, Jeff Holt, the current sheriff of Dyer County, and Steve Holt, supervisor of children's services in Tipton, Lauderdale and Fayette counties for the Tennessee Department of Human Services. They have two grandchildren, Steven, a sophomore at the University of Memphis and Katherine, a senior at Covington High School.

EDUCATION

Holt attended Richwood School and Dyersburg High School, graduating in 1945. He has taken courses at Dyersburg State Community College and the Southeastern School of Banking at Louisiana State University.

EMPLOYMENT

Right out of high school, Holt worked at Rhea Wholesale in Dyersburg for about 18 months. Then he worked at a hardware store for a year before becoming a deputy trustee. He held that job for six years until the trustee retired and he was elected county trustee in 1954. He served until November 1969, when he took a job with First Bank and Trust Co. as public relations director. First Bank and Trust was acquired by First Tennessee Bank in 1971, and Holt remained with the bank in public relations until 1992. "In a small bank, you do a lot of things." Holt said. "I was also a loan officer and other things. I never was janitor, but I was custodian."

HOBBIES

Holt loves to fish and has a cabin on Kentucky Lake for about 20 years. He once was an avid hunter but has given up hunting. "My grandfather taught me to play checkers," he said. "I still like to play checkers and dominoes at the (Dyer County) Office On Aging."

ACTIVITIES

Holt was elected to the county commission in 1970 and served until he failed to seek reelection in 1978. He was elected to the Tennessee House of Representatives in 1986 and served until he retired in 1992. He served a term on the Tennessee Judicial Council, which considers proposed legislation relating to the state's judicial system and makes recommendations. During this service in the legislature, he received awards from the State Election Commission, the Dyersburg/Dyer County Chamber of Commerce and the Dyer County Office On Aging for his legislative leadership. He served on the House Commerce, Transportation, State and Local Government and Calendar committees and was secretary of the State and Local Government Committee.

QUOTE

"My grandmother used to tell me, 'If you always tell the truth, you don't have to worry about keeping up with the tales you've told.' That's pretty good advice."

IN HONOR OF THE HONORABLE ADDISON MCLEON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to former State Assemblyman Addison McLeon for his innumerable contributions and many years of honorable service to the community. Assemblyman McLeon has been an icon of African American politics in Jersey City, Hudson County and the State of New Jersey for many years.

Addison McLeon's career exemplifies his selfless dedication to the community. Addison McLeon was Hudson County's first African American to serve in the State Assembly (1966–1970). He has served as a member of the Jersey City Board of Education, the Director of Housing for the Essex County Urban League, a member of the Jersey City Branch of the National Association for the Advancement of Colored People (NAACP) and on the Jersey City Housing Authority. He is also a founder of the Civic Awareness Council, a citizen's action organization.

It is an honor to have such an exceptional gentleman working on behalf of the residents of my home state of New Jersey. I ask that my colleagues join me in recognizing the outstanding work of Addison McLeon who exemplifies community service at its best.

IN HONOR OF DR. HAROLD L. CEBRUN, SR., EDUCATOR, 30 YEARS OF SERVICE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to Dr. Harold L. Cebrun, Sr. who has dedicated thirty years of service to education.

During his thirty year career as an educator, Dr. Cebrun has lived his life according to his personal beliefs. He once stated, "We make a living by what we get, we make a life by what we give." By deed and example, Dr. Cebrun demonstrates this belief in all his actions.

Dr. Cebrun has been an active participant and leader in education, athletics and youth sports programs. As a young man Dr. Cebrun was an outstanding student athlete at Yates High School in Houston, Texas, and throughout his college career at the University of Nebraska, Lincoln.

His academic career earned him a Bachelor's Degree in Physical Education and Sociology, a Masters degree in Intergroup Education and a Doctorate in Counseling Psychology and Education Administration. He began his educational career in 1967 as a substitute teacher. He retired as the Superintendent of Schools for Compton Unified School District. During his thirty year tenure as a teacher he taught elementary, junior high school and high school. He was also a coach for basketball, baseball, and track, high school principal, and director of student services.

In July of 1997 Dr. Debrun started a new career as athletic administrator. He was selected as Assistant Commissioner of Athletics for the California Interscholastic Federation (CIF) Southern Section and, notably, is the first African-American Administrator to serve in the CIF office since the organization began in 1913.

Dr. Cebrun is a leader in the war against ignorance striving always to share his wealth of knowledge with schools, school districts, businesses and corporate executives. He is an eloquent speaker and consultant who views are sought by many organizations. His expertise in team building, team management and effective leadership has earned him the respect and admiration of peers and community leaders.

Colleagues, please join me today in paying tribute to an exceptional educator and mentor—Dr. Harold L. Cebrun, Sr.

TRIBUTE TO ESTEBAN TORRES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, it has been an honor to serve in the House of Representatives with ESTEBAN TORRES, who is retiring as a Member of Congress after sixteen years.

ESTEBAN's legislative achievements stand out because they address the concerns of average Americans who don't have the clout in Washington to make themselves heard. When concerns were raised that the North American Free Trade Agreement (NAFTA) would degrade the quality of life on the Mexican/American border and take jobs from lower-income working Americans, ESTEBAN worked hard to find a solution. He sponsored an innovative proposal that led to the creation of the North American Development Bank (NADBank), a binational institution that provides loans to improve the environment along the border and to create jobs for Americans adversely affected by NAFTA.

ESTEBAN has long devoted himself to measures that would strengthen environmental protections. He led the fight to address the problem of groundwater pollution in the San Gabriel Basin and worked to craft a widely supported agreement to clean it up. He worked to close to toxic chemical dump in West Covina. And, he has been the champion of legislation to recycle used oil, tires, and batteries.

When he led the effort for the World Cup commemorative coin, ESTEBAN obtained an additional public benefit by ensuring that ten percent of the proceeds be set aside for scholarships for Latino students. And, when he was a member of the Banking Committee, he sponsored the Truth-In-Savings legislation that give consumers the right to information in readable language about banks' interest rates, yields, and fees.

ESTEBAN also has a strong record on international human rights. He sponsored the

Cuban Humanitarian Trade Act, which recognizes the failure of U.S. policy toward Cuba and would exempt food, medicine, and medical supplies from the Cuban trade embargo.

ESTEBAN's efforts in Congress have been guided by firm principles and compassion. It has been a privilege to serve with him and I wish him and his family all the best as he begins this new phase in his life.

HAPPY 50TH ANNIVERSARY, LEONARD AND MARY KRYGIER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BARCIA. Mr. Speaker, we have all heard of the golden rule. It has a special application in marriages. Couples who reach that very special 50th anniversary are golden. They have a sheen that surrounds them, and they have earned the admiration of everyone who has the privilege to know them. On October 23, another special couple, Leonard and Mary Krygier, will be celebrating their 50th anniversary.

Leonard and Mary Krygier came from large families that appreciated one another. Leonard has five brothers and four sisters. Mary has three brothers. They were married at St. Stanislaus Catholic Church in Bay City's South End. Their reception, an event I am told was one of the most memorable ever, was held at Michalski Hall. They have one son, Kenneth, and one grandson, Shawn.

Throughout their lives together, they worked hard, appreciating the opportunities that life offered to them. Leonard worked at General Motors for many years. He and Mary operated Krygier Flowers, a quality neighborhood florist shop, on Columbus Avenue. The friends and admirers they developed through this business grew into a bouquet of happiness that any of us would be lucky to have.

Their anniversary party will be held at the Olde Tyme Broadway Restaurant in Bay City, where just as they have so many times during their years together, they will be joined by family and friends to celebrate the love they have for one another, and the model they have created for so many of us to follow.

Mr. Speaker, it is fitting for us to pause to recognize important events worth celebrating. I urge you and all of our colleagues to join me in wishing Leonard and Mary Krygier a most joyous 50th anniversary, with many, many more to come.

TENNESSEE'S DALE CALHOUN RECEIVES NATIONAL ENDOWMENT FOR THE ARTS "1998 NATIONAL HERITAGE FELLOWSHIP"

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TANNER. Mr. Speaker, Dale Calhoun is a fourth generation builder. What he builds has brought him richly deserved recognition. Mr. Calhoun builds boats. They are special boats with a unique history forever tied to the legend of Reelfoot Lake. He builds them by himself and he builds them by hand.

And this week, his talents, nurtured with four generations of family experience, were recognized at the White House. Mr. Calhoun was one of 15 recipients of the National Endowment for the Arts' prestigious 1998 National Heritage Fellowship, which recognizes outstanding contributions to America's folk and traditional arts.

Along with the National Heritage Fellowship, Mr. Calhoun received $10,000.

For 52 years, Mr. Calhoun became a master builder of the famed Reelfoot Lake "Stump Jumper" after honing his craft with skills learned from his father, William Calhoun. His father learned the craft from Dale's grandfather, Boone Calhoun, and his great-grandfather, Joe Calhoun.

The boats are made of cypress and covered with fiberglass. Each one is nearly 16 feet long. And they are typically powered by anything from a three horse-power engine to an eight horse-power engine. The boats have become known as "Stump Jumpers" because they can go in 12 inches of water, or even less as long as the boat is able to float.

People as far away as California call to order these boats that are built to last for decades.

What's more, they have become part of the legend of Reelfoot Lake, the largest natural lake in Tennessee. Reelfoot Lake was created during the earthquakes of 1811 and 1812 when for a time during each of the earthquakes the Mississippi River flowed backwards and filled in what is now Reelfoot Lake.

Dale Calhoun is carrying on the tradition with his fourth-generation mastery of the craft, and he is being correctly honored with the 1998 National Heritage Fellowship.

I want to congratulate Mr. Calhoun for the skills he has honed over more than 50 years of boatmaking, his wife, and his father, grandfather and great-grandfather for all of the stories they have made possible with the thousands of "Stump Jumpers" they have built by hand.

Printed below is a story published in the Union City Daily Messenger with the headline: "Reelfoot Lake boatmaker reels in $10,000 award."

REELFOOT LAKE BOATMAKER REELS IN $10,000 AWARD

(By John Brannon)

At Calhoun Boat Works at Blue Bank, the phone sometimes rings and rings. That's because Dale Calhoun has to stop whatever it is he's doing to walk over and answer it.

Phones ring every day everywhere. No need to get in a hurry.

But this call got his attention, took him by surprise, even stunned him, It was from Washington.

"It was unreal. Unbelievable. It's something that happens to somebody else, not you," Calhoun said. "It's like the lottery. You have a ticket but somebody else always wins."

Not this time, though.

The caller was an official from the National Endowment for the Arts. The occasion was good news: NEA had selected Calhoun to receive one of its 1998 National Heritage Fellowships.

The award, one of the nation's most prestigious honors in folk and traditional arts, includes a $10,000 cash prize for each of 15 artists in 11 states.

Calhoun, a well-known builder of the Reelfoot Lake "stump jumper" boat, still finds it hard to believe.

"They told me I'd won but not to tell anybody about it until their press release came out," he said. "Well, the press release is out and I'm telling everybody."

Other honorees include a jazz fiddler from Kansas City, a silversmith from Oklahoma, a beadworker from Oregon, and a trio of Jewish musicians from Florida.

"These performers and crafts-people, who together represent a rich cross-section of America's many cultures, are honored for their achievements as artists, teachers, innovators, and keepers of traditional art forms," said Cherie Simon of NEA.

"They join the ranks of previous National Heritage Fellows who include bluesman B.B. King, Irish stepdancer Michael Flatley, cowboy poet Wally McRae, and acclaimed musicians Bessie Jones, Doc Watson and Bill Monroe."

Calhoun and other honorees will attend a special presentations program Oct. 5 at Washington. Calhoun said he will be accompanied by his wife, Joanne. He's already kidding about it.

"She's going to be there to get the check. I told her I'd bring it back, but that didn't work," he said with a grin.

Calhoun, who in July 1997 retired from 25 years service with the Tennessee Department of Corrections, is anything but retired from building Reelfoot Lake boats. In fact, he is a fourth-generation boat builder, in direct lineage from previous masters of the craft—his father, William Calhoun; his grandfather, Boone Calhoun; and his great-grandfather, Joe Calhoun.

Calhoun estimates in his time he's built thousands of the shallow-draft boats a writer once dubbed the African Queen of Reelfoot Lake.

"Standard length is 15½ feet. Made of cypress, covered with fiberglass, powered by anywhere from a 3- to an 8-horsepower motor and a set of oars," he said.

"It's called a stump-jumper because it'll run in about 12 inches of water. As long as it can float, it will go. You take care of it. it'll last a long time. There's some around here that's 50 and 60 years old."

Price of one of his boats ranges from $1,500 to $2,500.

Calhoun has displayed his boats and demonstrated his craftsmanship at the World's Fair at Knoxville in 1982, the Tennessee Aquarium at Chattanooga, and at the Smithsonian Institute at Washington.

At the boat-building demonstrations, a curious public stops and watches, he said. Invariably, wherever he's set up shop, a curious public always asks the same three questions.

"Those questions are, 'What kind of wood do you use?', 'How many do you make in a year?, and 'How long does it take you to make one?'" he said.

"I don't know how many I make in a year. It takes me about 10 days to make one, but I take my time, and the phone rings, and ain't nobody here but me. Besides, I'm supposed to be retired. So who knows? I still have orders to fill. I just put their names down and get to 'em when I can."

A Reelfoot Lake boat is one permanent display at Obion County museum, Dixie Gun Works, the Tennessee State Museum at Nashville, and the Fish and Wildlife Museum at Atlanta, GA.

Calhoun's customers are nationwide.

"I keep a boat on hand for a man in California. He might call today and say. 'Send it to me.' He's the largest wholesale grocer in California, and he gives Reelfoot Lake boats to his customers," Calhoun said.

"He says they can't get one like it anywhere else, so it's something unique for them."

A TRIBUTE TO FRED GOSLEY

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor a great Philadelphian, Fred Gosley. Fred is a father and grandfather. He is an honored veteran, who continues to give back to his fellow vets through his work in the VFW. He is a community activist, who is well known for his efforts in the 13th Ward. But, more than anything else, Fred is a man of God.

Fred Gosley made a lifelong commitment to his church. And Fred always keeps his commitments. His Pastor, Rev. Barry Williams, told me that Fred is one of the most active members of New Inspirational. He is an example to old and young of the benefits of hard work and living according to the scriptures.

Mr. Speaker, Fred Gosley will be honored by his church for his service to the community and to New Inspirational. I join them in paying homage to a man who has few peers, Fred Gosley.

IN HONOR OF THELMA GAMMELL ON HER 103RD BIRTHDAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. SANCHEZ. Mr. Speaker, today I rise to honor Thelma Gammell on her 103rd birthday.

Thelma is a resident of Santa Ana, California. She was born in South Dakota and grew up on the South Dakotan prairie. Her family worked hard. A closely knit family, they enjoyed life in an old-fashioned way. Thelma and her sister played with their dolls and "kitten playmates." And when it snowed, the whole prairie became their playground.

Thelma is a joy to know. Witty, humorous, full of the spirit of life. Her life has been one of many wonderful adventures. She met her husband, John Gammell in 1912, and the two of them lived in several states—North Dakota, South Dakota, Montana, Wyoming and Nebraska—before moving to Laguna Beach, California. Their son and daughter were born in Wyoming.

In Laguna Beach, John worked as a carpenter and Thelma worked as a pottery designer. After retirement, they traveled, visiting their friends in the Midwest. In 1967 her husband passed away. Thelma became an active volunteer for the Santa Ana Senior Center and has continued to volunteer for the past 13 years.

Everyone who knows Thelma is captivated by her charm and her outgoing personality. She has truly graced our world by her life.

Please join me today in wishing this most remarkable woman a very happy birthday.

IN HONOR OF THE 1998 ROBERTO CLEMENTE AWARD RECIPIENTS OF THE PUERTO RICAN ASSOCIATION FOR HUMAN DEVELOPMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to the 1998 Roberto Clemente Award Recipients of the Puerto Rican Association for Human Development (PRAHD) for their innumerable contributions to Hispanic communities throughout New Jersey. For years, this agency has been committed to improving the standard of living of Hispanic families through the administration of programs and services which address the social, economic, health, and educational status of these communities. On October 4, 1998, PRAHD is sponsoring the Annual Roberto Clemente Award, honoring five individuals for their outstanding public service and community involvement.

The award recipients honored this year by PRAHD are: Outstanding Professional, Eralides Cabrera; Outstanding Community Service, Melvin Ramos; Outstanding Educator, Senovia Robles-Cruz; Outstanding Academic Student, Jose Garcia; Outstanding Corporation, Goya Foods and Special Roberto Clemente Award, Minister Robert McCoy.

Founded in 1974 as a charitable organization by the Hispanic leadership of the Perth Amboy area, the Puerto Rican Association for Human Development operates a number of service programs, such as day care services, educational tutoring, emergency legal, housing, and medical assistance, drug prevention, youth and family counseling, and various senior services which serve more than 12,000 people annually. The agency is governed by an eleven-member board of directors selected from the community and administered by Executive Director Lydia Trinidad, who is also PRAHD's Chief Executive Officer. PRAHD also relies on the support and effort of community volunteers who work in all areas of agency operations.

I ask that my colleagues join me in recognizing the outstanding work of these honored individuals and the Puerto Rican Association for Human Development. I further commend their accomplishments and encourage them to continue to serve their communities for many more years to come.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. KILPATRICK. Mr. Speaker, due to a death in my family, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on rollcall No. 521; "nay" on rollcall No. 522; and "nay" on rollcall No. 523.

HEROIN CRISIS STARTS IN COLOMBIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. GILMAN. Mr. Speaker, while the Administration has fought the Congress tooth and nail over the last few years to prevent the provision we wanted of high performance (greater lift and range capacity) and crash survivable as well as ballistically hardened helicopters to the Colombian National Police (CNP) excellent DANTI anti-narcotics unit in a real shooting war on drugs, something dramatically has happened on the heroin front here at home.

In the last five years, first time teen (12–17) heroin use has risen a mind boggling 875%, and according to latest DEA seizure and street buy data, 75% of that heroin now comes from Colombia. So while the Administration slept, the Colombian narco-traffickers shifted gears and took over the former Asian dominated U.S. heroin market with cheaper, purer and more deadly South American heroin.

The Washington Times outlined the recent U.S. move towards South American heroin in its edition yesterday in a extensive and comprehensive piece called "Cocaine Cartels Take on New Product-Heroin". The article notes this Colombian heroin on the streets of the U.S. approaches (according to DEA) 70% to 80% purity, while the average of other heroin is only 39% purity. Our DEA, FBI and Customs Service agree that the best place to fight drugs is at the source, and in this case, it's the high Colombian. Andes fields of opium poppy, which the native people call the "devils flower".

Sadly, the Times piece also notes that in nearby Prince Georges' county here in the Washington area, we have witnessed 42 persons who died last year form heroin overdoses. What's happening abroad, also has consequences here at home.

From the front lines in the high Colombian Andes the news isn't any better. The CNP without high performance helicopters needed to reach the opium poppy fields with enough troops to secure the area for later aerial eradication is seeing more and more poppy. In 1997, according to some Colombian sources we may have had a 1/3 increase in Colombian opium growth, and at best we are only eradicating 1/3 of the small but ever growing and valuable poppy crop. All this means hard times and more overdose deaths in our communities from deadly Colombian heroin.

Mr. Speaker, I request that the Washington Times article dated 10/12/98 I referenced be included at this point in the RECORD:

[From the Washington Times, Oct. 12, 1998]

Cocaine Cartels Take on New Product—Heroin

SOUTH AMERICAN SUPPLIERS ECLIPSE ASIA IN BURGEONING U.S. MARKET

(By Jerry Seper)

South America's cocaine cartels have moved into a lucrative new market, becoming the dominant force in supplying heroin to a rapidly expanding clientele of eager U.S. buyers—many as young as 15 years old.

The U.S. Drug Enforcement Administration details in a new report that the agency calls a "dramatic shift" over the past four years as South American drug traffickers have wrested control of the U.S. heroin market from once-dominant smugglers in Southeast Asia.

About 75 percent of the heroin seized in 1997 throughout the United States originated in South America, and the numbers are expected to rise for 1998. By contrast, 97 percent of the heroin seized in the United States in 1991 came from dealers in Southeast or Southwest Asia, which now accounts for only about 5 percent of the heroin shipped each year into this country.

Most of the increase comes form smugglers in Colombia, with the drug being shipped clandestinely to buyers throughout the country, particularly in Boston; New York; Newark, N.J.; Philadelphia; and Baltimore—a region known as "Heroin Alley."

DEA Administrator Thomas A. Constantine said Colombian cartel leaders, working with Mexican-based drug traffickers, have made management decisions over the past four years aimed at increasing their share of the U.S. heroin market.

"The situation we face today, one of high rates of trauma in our hospital emergency rooms and high mortality rates among heroin users, was brought about by strategic management decisions made by both Colombian- and Mexican-based trafficking organizations to increase their respective shares of the lucrative U.S. heroin market," Mr. Constantine said.

Of the more than 6 tons of heroin produced in 1997 in Colombia, virtually the entire stock was delivered to buyers in the United States. Colombia, which already supplies about 80 percent of the world's cocaine, has become both a grower and processor of opium poppies in Bolivia and Peru, which are then refined in jungle labs under the protection of highly paid left-wing guerrillas.

Colombia's new president, Andres Pastrana, has vowed to step up his country's fight against drugs—a promise in sharp contrast to efforts by his predecessor, Ernesto Samper, who accepted $6 million from drug smugglers to help finance his 1994 election campaign.

"Traffickers today know no national boundaries and will utilize the latest technologies and delivery systems to enhance their illicit activities," Mr. Constantine said, noting that Colombian-based smugglers drew on the expertise of drug chemists in Southwest and Southeast Asia to produce the higher-quality product flooding the East Coast.

Mr. Constantine said Mexican drug traffickers are working with Colombian chemists to increase the purity level of Mexican-produced heroin to "expand their markets in the United States."

The DEA report said there are two general U.S. heroin markets:

- One centered on the East Coast, supplying a high-purity, white powder heroin that can be snorted as well as injected.
- One in the West, specializing in injectable-quality heroin, primarily Mexican black tar.

The Office of National Drug Control Policy has estimated that 810,000 hard-core drug addicts are involved in the use of heroin as their principal drug of choice, and that the high-quality South American product has spawned a new breed of users—those more amenable to snorting rather than injecting the drug.

Records show increasing numbers of young people are becoming involved—particularly in Philadelphia, St. Louis and New Orleans, where about 12 percent of those arrested were between 15 and 20.

Locally, both Montgomery and Prince George's counties have seen the number of addicts entering rehabilitation centers double and triple in recent years, averaging about 500 a year. Prince William County treated about 70 persons for heroin use from July 1997 to June 1998. The total for that period has not yet been tallied for comparably sized Howard County, but authorities expect it to exceed 250.

Last year, heroin overdoses killed 42 persons in Prince George's County.

The DEA has tracked the increasing dominance of South American heroin since 1993 and, according to the report, has found that the purity of the product appears to be its draw. While the national average purity of all heroin is about 38 percent, South American heroin—of that confiscated in New York, Boston, Newark, Baltimore and Philadelphia—registers between 70 and 80 percent pure.

In 1996, Baltimore led the nation in hospital emergency room admissions for heroin overdoses and was second only to San Francisco last year. Of the 401 persons who died of heroin overdoses in Maryland in 1997, 252 fatalities occurred in Baltimore.

The DEA has said that in Baltimore 40,000 addicts pay dealers an estimated $2 million a day for heroin. In the District, there are an estimated 17,000 heroin users, although crack cocaine and marijuana continue to be the drugs of choice.

Mr. Constantine said the agency plans to increase manpower levels and spending totals over the next several years for domestic and international heroin enforcement. He said information collected in hospital emergency rooms, police departments, courts, schools, treatment programs and "on the street" shows that heroin consumption in the United States is rising.

"For years, we've seen a hardcore older population of approximately 600,000 heroin addicts," Mr. Constantine said. "Today, we are seeing 11th- and 12th-graders turning to heroin. These 'initiates' are, in all likelihood, at the outset of a long, downward spiral into hard-core addiction or death."

About 14 percent of the heroin seized last year in the United States came from Mexico. Virtually all of it was headed for buyers in Dallas; Houston; Denver; Phoenix; San Diego; Los Angeles; San Francisco; Portland, Ore.; Seattle; St. Louis; and Chicago.

Despite Mexico's continuing involvement in the drug trade, the Clinton administration certified that country this year as a full partner in the war on drugs—meaning it keeps its eligibility for U.S. aid.

The certification came on a recommendation from the State Department. Colombia was among four countries that were decertified, but it continues to enjoy an exemption from the aid cuts. The administration has said that Colombia, along with Cambodia, Pakistan and Paraguay, are too important to U.S. national security to punish.

Southeast Asian traffickers, mainly in Burma, Laos and Thailand, have been squeezed out of the business by South American smugglers, who have seized the market by offering a higher quality heroin at lower prices—even arranging for easy payments.

"Asian groups traditionally demand either sizable down payments or cash on delivery," said Mr. Constantine, noting that Colombia distributors "often provide drugs on consignment or offer credit.

"Given their reputation for strict enforcement of drug deals, few buyers dare risk reneging on a drug deal with criminal organizations operating from Latin America," he said.

BOB OWEN: THE LAST OF THE COUNTRY BANKERS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TANNER. Mr. Speaker, the McKenzie Banner's Chuck Ross tells the story of Bob Owen and what Bob has meant to the town of Gleason as well as anyone could.

I have known Bob Owen since the late 1970's when I served in the Tennessee General Assembly. Bob is the Bank of Gleason without question and his service to the community is what makes Gleason and the surrounding communities such good places to raise a family.

As we celebrate Bob Owen Day in Gleason, I want to add my thanks and appreciation to Bob for everything he has done to improve the quality of life for those who live and work in and around Gleason.

Printed below is a copy of a story published in The McKenzie Banner on October 7th, and written by Chuck Ross.

Bob Owen: The Last of The Country Bankers

(By Chuck Ross)

It has been said many times that a trip of a thousand miles begins with a single step. In this instance, a distinguished banking career began by default. The wartime army called him for induction, yet turned him down on three occasions. As a young high school graduate, shortly after the great depression and right in the middle of a world war, he could not find employment. Then a helpful uncle got him a job as the lowest man on a small banking staff, the first step in a career that has spanned 54 years.

Robert Hiron "Bob" Owen was born on February 19, 1927, in the Old Union Community in Henry County Tennessee, the third of four children born to the union of Robert Owen and Katie Highfill Owen. Both parents had migrated to this area from North Carolina.

The first of the children was James Flemming, who died as an infant. The second was Mary Elizabeth Owen Travillian who lives in Gleason. Bob's younger brother Oscar lives in McKenzie.

Owen said his middle name is unusual, and not many people refer to it when using his name. His mother said she once saw the name in a book, and liked the sound of it. Only his sister still calls him Bob Hiron—when she is mad at him.

Bob's father worked a small farm of 67 acres. The family's property consisted of three or four old cows, a team of mules, and the farm on which they lived. The elder Owen died in 1939 when Bob was only 12 years old, leaving his mother to do odd jobs in order to raise the children.

Few jobs were available for women in those days, so she worked as a seamstress, and took in washing and ironing in order to provide for her young family. The only material possession the family had was the small farm, but they made a go of it because, as Bob said, "Mom worked hard and provided plenty of love."

When work was caught up on their farm, he remembers that the family worked on the farms of neighbors for fifty cents a day, carrying their lunches to the filed in a tin bucket.

He started school at four and one half years of age, in the Liberty Four area in Henry County's New York Community, beginning early because retention of teachers at that time depended upon having a minimum number of pupils in the classes.

His first years of school were spent in a one-room facility which housed all eight grades of elementary school, with a single teacher for all grades.

After completion of the elementary grades, he began high school at Henry Station, but changed schools after two weeks. At that time, a school bus route began which transported students from his area to Cottage Grove. He graduate from Cottage Grove High School in 1944.

When he graduated high school, he had very little success in finding work. With World War II in full swing, all young men who were of draft age could expect to receive a summons from Uncle Sam to join in the defense of our country, and nobody wanted to hire a man who would probably be absent from the job within a matter of weeks.

He knew there was very little chance that he could enroll in college, because his family did not have the means to pay the costs, and there were no loans and grants available at that time.

Bob tried to get a job at Wolf Creek Arsenal (now Milan Arsenal) but they were not interested because of his draft status. He wound up doing odd jobs he could find until he indeed received his invitation from the Army.

He was registered in Henry County, and was sent to Fort Oglethorpe Georgia for induction. As part of his physical examination, it was determined he was not qualified because of a hearing problem, and his draft classification was changed to 4F and he was sent back home. Subsequently, he was recalled on two other occasions, and was rejected both times because of his hearing.

Mr. Owen said that, although he had not originally volunteered, it was embarrassing not to be in service. Every able-bodied man of his age was off fighting the war, and he was forced to stay at home.

Then along came the Korean Conflict, and despite being married and within six months of being too old for military service, he received another call from his government. This time, he boarded a bus along with 52 other younger inductees, bound for the Veterans Hospital in Memphis. This time, he was one of the few to pass the physical examination.

In 1952, he was sent to Fort Jackson, South Carolina for 16 weeks of basic and infantry training, and was assigned to army finance. He served for a time at Fort Jackson, and later in Japan, Okinawa, and Formosa, converting money and making sure the troops were paid. Having served a two year hitch, he came home based on an accumulation of service points.

After high school and prior to military service, Bob had spent quite a lot of time in trying to locate employment. Finally he had been able to find a company that would hire him. Irish Gates, who ran a sawmill near the Como Community, agreed to give him a job.

His mother did not like the idea of him working at the sawmill because it was somewhat dangerous, and just plain hard work, but he was determined to have a job and that was the only one available. In expressing her concern regarding this job, his mother told him it would be hard work, and informed him that the new guys got the toughest and dirtiest jobs. But she also informed him that "We didn't raise any quitters!"

He worked carrying slabs cut off the logs as lumber was processed. After two months, the sawmill closed down, and he again found himself unemployed, but not too sorry because he indeed found it to be hard work.

On August 13, 1944, Bob got a break which proved to be a turning point in his life. His uncle, Bennie Oliver, found that the Bank of Gleason was going to hire somebody to work in the bank, and helped him get an interview. He was signed on as the lowest of the three employees at the bank—for a trial period of six months. Those six months turned out to be more than 54 years.

He had grown up in Henry County and didn't know anybody in Gleason, and didn't even know how much he would be paid until he received his first paycheck after 30 days, when he found he would receive a whopping 50 dollars a month. He didn't really like the job, but was afraid to quit because nothing else was available, so he continued to work six days a week from 8 o'clock until 4 o'clock, including sweeping the floor, building a coal fire in the stove every morning, and doing all the tasks assigned to the junior employee.

After a while the Gleason community began to "grow on him," and the job turned out to be better than he thought, As he proved himself to his employer regarding his ability, he began to move up in the bank. Owen then established a self-imposed objective of becoming a bank officer by the time he was 21 years old.

He was appointed Assistant Cashier, which afforded him officer status, in January 1947, just a month before his 20th birthday. In 1950, he received his appointment as Cashier, and became Vice President in 1951. In 1954, he was appointed Executive Vice President and was elected to the bank's board of directors. He was elected President and Chief Executive Officer of the Bank of Gleason in 1965; and was advanced to his current position as Chairman of the Board in 1993.

When he returned from his tour of duty with the Army, he attended Bethel College for a while, not pursuing a degree, but working on courses that would help him do a better job in the banking business. He is also a graduate of the Tennessee School of Banking at Vanderbilt University.

When asked, he agreed that people in the community refer to him as "the last of the country bankers." He went on to explain that there is a great deal of difference between country and city banks. People in the country are very loyal to the bank with which they do business.

Owen said, "We're in the retail money business. We work hard to give people the service they're so entitled to. We never lose sight that service to our customers is really what it's all about." He continued, "Over the years the community could not have been nicer to me, what with me being an outsider!"

The greatest changes he has noted in 54 years in the banking business are "air-conditioning and computers—in that order!"

He noted that he began working at the bank when it had three employees. They now have 28 employees between the main bank in Gleason and the satellite facility in McKenzie. When he started, the total assets of the bank were about one half million dollars. Today, their assets total 82 million dollars.

In 1947, Bob Owen married Darreen Shaw, from the Tumbling Creek Community. At that time, she worked at Salant and Salant, a shirt factory in Paris. After they married, she went to work at Martin Manufacturing Company, which manufactured army shirts.

Prior to his entry into military service, the Owen family started an insurance agency, the Owen Insurance Company, which was pretty much a "moonlighting" operation necessary to let them make enough to support the family. While he was in the Army, Darreen operated the business, and continued to do so until, as he so aptly put it, "we got in the boy business."

Their first son, Robert Shaw Owen, was born in 1955; Alan came along in 1958; and Eric was born in 1960. Robert received a degree in agriculture from the University of Tennessee. Martin, and Eric completed a double-major degree in chemistry and math at Bethel College. Robert and Eric now have a farming partnership in the county, farming more than 2,000 acres.

Alan Owen completed a business administration degree at Bethel College. He worked part-time at the Bank of Gleason during his college years, and is now a Senior Vice President of the bank.

Their sons gave Bob and Darreen seven wonderful grandchildren; Robert Blaine; Kody; Megan; Ericka; Ellen; Samuel; and James. Darreen passed away in November 1989.

Robert Hiron Owen has served his community for many years. He served as Mayor of Gleason, is past Commander of the Gleason American Legion Post #166, is a 32nd degree mason and a shriner—having received his 50 year pin as a mason recently, is a member of the First Baptist Church in Gleason, and is a charter member and past president of the Gleason Rotary Club.

He also served as President of the Tennessee Bankers Association in 1992–93; presently serves as a Director on the State and Federal Legislative Committee, has served on the Board of the West Tennessee Public Utility District for Benton, Carroll, Weakley, and part of Henry County since 1957—and currently is chair of the Utility District.

Bob has served as a member of the Weakley County Jury Commission for the past 25 years, has been a partner in Finch-Owen Insurance Agency since 1957, and is a former partner of the Gleason Lumber Company. He is presently a partner with Travillian-Owen Farms.

And his community service has been appreciated. He has garnered a list of honors which is much too long to print in this article. A partial list includes the following.

He was appointed Aide-de-Camp on the Governor's Staff by both former Governors Lamar Alexander and Ned McWherter; was appointed to the Tennessee Student Assistance Corporation by Governor McWherter in 1988, and continues to serve in that capacity; he was Grand Marshal of Tatertown Festival in 1978 and 1990; he was named a "Paul Harris

Fellow" by the Rotary Club; he received the outstanding citizenship award in 1959, and was named "Boss of the Year" by the local Jaycee Chapter in 1978.

He was honored by local townspeople with a "Bob Owen Day" in his honor. At that time, an annual "Bob Owen College Scholarship" was set up by the Bank of Gleason, to be awarded to a high school senior, based upon their overcoming financial and hardship difficulties.

The Tennessee House of Representatives passed a resolution in his honor, he was made an honorary staff member of the 77th Legislative District of the Tennessee House of Representatives by then State Representative John Tanner.

The Woodmen of the World Life Insurance Society presented him an Honor Plaque for Outstanding Citizenship, and he was named Rotarian of the Year by the Rotary club in 1978 and 1979.

In keeping with his humble nature, Bob Owen, said, "I'm in the banking business by default, because I couldn't find anything else to do."

Regarding his life, he continued, "It's been a great ride, I came from a humble background. My Mom had to be something out of this world. My father died when she was only 47 years old, and she raised three children with the sweat of her brow, and a lot of love."

It may be accurate for the community to refer to him as the last of the country bankers, but Bob Owen is a world-class citizen, who cares deeply for his community and the people he serves.

As was so appropriate by stated by the late Billy O. Williams, Associate Poet Laureate of the State of Tennessee, during a presentation on Bob Owen Day in Gleason:

"He must have done some things just right,
as he walked down life's highway,
'Cause folks have come from all around,
on this his special day.

Being fair, being honest and being kind,
has been his life's ongoing.
May the good 'Lord' bless, years of happiness,
for Robert H. 'Bob' Owen."

A TRIBUTE TO GUS A. PEDICONE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to utter a few words about Gus Pedicone, a man truly worth honoring. Born and raised in Philadelphia, Mr. Pedicone has been a great leader to his community. His achievements are well worth noting as they demonstrate the positive results that come with hard work and determination.

Perhaps such determination and desire to succeed came about through Gus's early years as a soldier. Serving in both World War II and the Korean conflict, Gus displayed his commitment to serve this community, a commitment that has now spanned over fifty years. Soon after his career as a soldier, Gus entered the political arena, first as a committeeman, then as a Republican Ward Leader for the 26th Ward. At the pinnacle of his political career in 1971, he was even a candidate for United States Congress.

Obtaining degrees from both the Palmer Business School, and the highly esteemed Wharton School of Business at the University of Pennsylvania, Mr. Pedicone's business savvy is self-evident. He started his own air freight business in 1965, which became a very successful endeavor. Gus was also on the State Tax Equalization Board for 14 years, and was a recent appointee to the State Board of Automotive Manufacturers. While too often such success is coupled with a loss of community spirit, Gus has proven his loyalty as a member of the Sons of Italy and as a past member of the Lions Club.

Aside from all these accomplishments, Mr. Speaker, Gus Pedicone should be recognized for his legacy as a role model. He is well known throughout the Philadelphia community as a gentleman and a man of his word. Just the other day, I spoke to his Democratic counter part, the Honorable Ronald Donatucci. Although Mr. Pedicone and Mr. Donatucci spent years opposing each other on election day, Ron had nothing but praise for Gus. All of us can only hope to be so well thought of by our opponents.

Gus Pedicone is a truly remarkable man. His diverse achievements in both the private and public realms give way only to his continuing desire to serve his community as best he can. He has had a positive effect on all aspects of our community for over fifty years, and for this I would like to express my deepest gratitude.

IN HONOR OF HERMAN FINK ON HIS 102ND BIRTHDAY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate Herman Fink of Santa Ana, California, on his 102nd birthday. As a well-known Santa Ana resident, Mr. Fink has lived on the same street (Flower Street) in Santa Ana for 59 years. During that time he has become known as "the Honorary Mayor of Flower Street" to all those who live around him.

An avid world traveler, Mr. Fink has been to the farthest reaches of the world. He has traveled to nearly every land on earth, from Egypt to Australia, from France to South America. He loves to travel and has lived his life as an adventure, seeking out the treasures of discovery and savoring the immense richness of many foreign lands.

Herman Fink was married for 67 years to his wife, Clara. Theirs was a perfect marriage, according to his only daughter, Lorraine Ellison of Garden Grove, California. Many happy years of marriage, a lovely daughter, two granddaughters and two great grandchildren have filled his life with love and joy.

To this day, Mr. Fink lives in his own house in Santa Ana. He is in excellent health and his days are filled with friendship. At his birthday party on September 26, his favorite restaurant beamed with love and friendship. Herman Fink is a man who is loved by many people, a genuine testament to a life well-lived.

IN HONOR OF THE COMMUNITY UNITED FOR THE REHABILITATION OF THE ADDICTED 25TH ANNIVERSARY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to the Community United for the Rehabilitation of the Addicted, Inc. (CURA) for their innumerable contributions throughout New Jersey. For years, this agency has been dedicated to the treatment and rehabilitation of Spanish speaking individuals who are addicted to drugs or alcohol. Because of its unique treatment philosophy, the program boasts one of the highest success rates of any similar program in the country.

CURA was established in 1973 in response to the poor success rate of Spanish speaking addicts in other programs. CURA offers long-term residential drug-free rehabilitation programs, outpatient drug-free rehabilitation programs, short-term residential programs for alcoholic addicts who are 18 years or older, an outreach prevention program in surrounding communities for "high risk" youngsters 12–17 years of age, and supplemental services which include vocational evaluation and training, high school equivalency preparation, a health examination, HIV education and prevention, recreational activities and job placement assistance.

I ask that my colleagues join me in recognizing the outstanding work of the Community United for the Rehabilitation of the Addicted. I would like to commend the CURA staff, Board of Trustees and Chairman Miguel Rivera. I encourage them to continue to serve their communities for many more years to come.

WORLD POPULATION AWARENESS WEEK

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SANDERS. Mr. Speaker, I rise today to call World Population Awareness Week 1998 to the attention of my Colleagues. October 24–31 marks the 13th annual celebration of World Population Awareness Week. More than 300 family planning, environmental, educational, community and service organizations in 61 countries are co-sponsoring the week in an effort to raise awareness of the need for universal voluntary family planning.

I call the Governor of Vermont's, the Honorable Howard Dean, proclamation to the attention of my colleagues.

WORLD POPULATION AWARENESS WEEK PROCLAMATION—1998

Whereas world population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries;

Whereas the consequences of rapid population growth are not limited to the developing world but extend to all nations and to all people, including every citizen of the State of Vermont concerned for human dignity, freedom and democracy, as well as for the impact on the global economy;

Whereas 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one U.S. dollar or less a day;

Whereas 1.5 billion people—nearly one-quarter of the world population—lack an adequate supply of clean drinking water or sanitation;

Whereas more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished;

Whereas demographic studies and surveys indicate that at least 120 million married women in the developing world—and a large but undefined number of unmarried women—want more control over their fertility but lack access to family planning;

Whereas this unmet demand for family planning is projected to result in 1.2 billion unintended births;

Whereas the 1994 International Conference on Population and Development determined that political commitment and appropriate programs aimed at providing universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

Now, therefore, I Howard Dean, Governor of the State of Vermont, do hereby proclaim the week of October 25–31, 1998 as World Population Awareness Week, and urge citizens of the State to take cognizance of this event and to participate appropriately in its observance.

SAVE THE INTERNATIONAL SPACE STATION ACT OF 1998

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing H.R. 4820, the Save the International Space Station Act of 1998. This is a straightforward bill that contains several provisions that will restore accountability to the program while preserving our commitment to our international partners in the Space Station program. More importantly, it lays the groundwork to help prevent future cost growth and schedule delays by putting NASA on a track to solve systemic problems. The bill should be non-controversial. Most members have seen these provisions before. This legislation was drafted around the bipartisan Sensenbrenner-Brown amendment to the Civilian Space Authorization Act for fiscal year 1998 and 1999, which the Committee on Science adopted and the House of Representatives passed last year.

Basically, the bill precludes additional payments to the Russian Space Agency to meet its existing obligations unless Congress concurs that additional payments serve the taxpayer's interest. It requires the Administration to develop a contingency plan and report that plan to Congress for removing each element of the Russian contribution from the critical path for assembling the International Space Station. It does contain two new provisions from the Senate, which were worked out on a bipartisan basis. The first of these new provisions is a total cost cap on the program. The International Space Station has never had a legislatively imposed cap on the total cost of the program before. The Senate has made such a cap a priority and the bill contains a measure worked out between the Senate and the Administration. The second new provision concerns cross-waiver authority under which NASA will negotiate agreements with other Station partners to reduce our liability to one another in the event of problems with the Space Station. Ultimately, this measure must be passed for the Space Station to be assembled and operated in space.

By passing this bill sooner rather than later, Congress can do its part to contain future cost growth and put this program back on track towards developing and operating a world-class scientific laboratory in space.

A TRIBUTE TO H.E.R.O.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor H.E.R.O., the Philadelphia based non-profit organization which endeavored, and succeeded, to make a positive change in our local community. Their motto, which is "Helping to Energize and Rebuild Ourselves", has become a prophecy fulfilled. They have served a dual role since their inception, gathering teens off the street to participate in positive events, while also helping to ease the pain of those who have suffered great loss.

H.E.R.O. came into the spotlight about two years ago after the Philadelphia community was emotionally torn over the grueling murder of Aimee Willard, a 22 year old star athlete who was killed after leaving a bar in Wayne, PA. In an effort supervised by Dorris Phillips, the assistant director of H.E.R.O., the organization transformed the site of where Aimee's body was found. Instead of allowing this site to remain a source of angst in the community, these volunteers decided to turn it into a source of pride.

They have put in an astounding effort to create a memorial for Aimee. Today, the place where Willard was found is marked by two plastic covered photos of her and a two-foot cross draped with a graduation tassel and rosary, set amid fifteen flower pots. Finding lots of help from neighbors, unions, and various city agencies, H.E.R.O. has assisted in planting a garden, building picnic tables and gazebos, and painting a mural of Aimee which was presented to the Willard family on September 13th of this year.

These contributions cannot go unnoticed. In the wake of tragedy, H.E.R.O. has emerged as an organization that is predicated on positive change in the Philadelphia community. Their success in changing the perceptions of the local youth are typified in the comments of one of its youth volunteers, Eugena Humphrey. As Humphrey stated in an article for the Philadelphia Inquirer, "People always talk bad about it; I know I sometimes do. Maybe if you make one change, other changes will develop." With organizations like H.E.R.O. around, positive change does not remain an intangible dream, but is rather allowed to become a reality. For this, the City of Philadelphia owes its sincerest thanks.

IN HONOR OF THE 1998 COLUMBUS DAY HONOREES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today, October 12, 1998, Columbus Day to pay special tribute to the 1998 Hudson County Columbus Day Parade and the Bayonne Columbus Day Parade Honorees.

From the Hudson County Parade: Michael Ricciardone, Parade Chairperson; Guy Catrillo, General Chairman; Nick Fargo, Jr., Grand Marshal; Scott Ring, Honorary Grand Marshal; Reverend James Pagnotta, Italian Clergy of the Year; Lois Shaw, Italian Woman of the Year; Mayor Anthony Russo, Italian Man of the Year; Renee Bettinger, Italian Stateswoman of the Year; Damian Andrisano, Italian Statesman of the Year; Surrogate Donald DeLeo, Italian Diplomat of the Year; Andrew Muscarnero, Italian Educator of the Year; Peter Varsalona, Italian Veteran of the Year; Patricia Cassidy, Italian Policewoman of the Year; Frank Scarpa, Italian Policeman of the Year; Michael Pierro, Italian Fireman of the Year; Susan Loricchio, Miss Columbus; Glorio Esposito, Recipient of the Special Achievement Award; and Caroline Guarini, Recipient of the Golden Chalice Award.

From the Bayonne Columbus Day Parade: Marie Sestito, Parade Chairperson; Joseph Pelliccio, President, Parade Committee; Matthew Guerra, Grand Marshal; Captain Ralph Scianni, Public Safety Officer of the Year; and Lauren Boch, Miss Columbus.

I thank these men and women for their hard work and dedication. I am honored to have such outstanding individuals residing in my district. I am certain my colleagues will join me in paying tribute to them today.

TRIBUTE TO TOM BRADLEY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. WAXMAN. Mr. Speaker, it was an honor to know Tom Bradley and we are all saddened by his death.

People wouldn't, by any stretch of the imagination, think of Tom Bradley as a revolutionary. He was soft-spoken. He was a conciliator. He didn't often show his emotion. And, while he labored hard, he always did so quietly and behind the scenes. He was a gentleman in every sense of the word.

No other single person, however, did more than Tom Bradley to break with the past and redefine the promise of the future.

Tom's own life marked a string of firsts.

He attended Polytechnic High School in Los Angeles—a majority white school—where he was the first elected black president of Poly's Boys League; he was the first black student indicted into Ephebians, a national honor society; and he was the captain of his school's track team.

When Tom joined the Los Angeles Police Department in 1940, there were 100 blacks on a force of 4000. When he retired in 1961, he was a lieutenant, the highest rank of any black officer on the force.

Tom was the first black person elected to the Los Angeles City Council and he was Los Angeles' first black mayor.

The truth is I could spend the next hour reciting a list of barriers that Tom broke down. But recognizing that he was a pioneer only tells half the story. His achievements once those barriers were broken tell the rest of it.

Tom served as mayor of Los Angeles for five terms during twenty years of tremendous economic growth, rapid change, and flourishing diversity.

Tom was a terrific mayor and uniquely suited to those times. He was a consensus builder. He never practiced the politics of division. Under his stewardship, Los Angeles became the financial capital of the West Coast. It became a city that valued its multiethnic people and nurtured their entry into the middle class.

Tom was the son of a sharecropper and the grandson of a slave. He experienced the hard existence of the least fortunate of our society in the early twentieth century. From those humble beginnings, he rose to become a leader of one of the most dynamic and prosperous cities of our nation. His story is uniquely American.

I want to express my condolences to Tom's widow, Ethel, and his daughters, Phyllis and Lorraine, during this very sorrowful time.

GEOGRAPHY AWARENESS WEEK

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BARTON of Texas. Mr. Speaker, today I rise to recognize Geography Awareness Week in Texas. Geography is about knowing where things are. It's about being able to read a map to find your way, calculate the time difference before making a long distance, and even situate a place heard about on the news onto your mental map of the world. But geography is also about understanding why things are located where they are. It offers perspectives and information in understanding ourselves, our relationship to the Earth's resources and our interdependence with other people of the world. By knowing geography, we can see how historical processes and present activities influence people, places and things. Geography education better prepares us to understand, interpret and find our place in this changing world at a time when tools like the Internet take us to every corner of the world with the click of a button.

This year, state geographic alliances across the country, including in my home state of Texas, are celebrating the theme: "People, Places and Patterns: Geography Puts the Pieces Together." The state of Texas has begun the task of improving geographic education by adopting state geography standards, and through the support of the teachers' organization Texas Alliance for Geographic Education, is actively working to implement these standards by disseminating new advances in teaching geography at the kindergarten through senior high level.

November 15th to 21st will be Geography Awareness Week in Texas. I urge residents to recognize the importance of geography, and to work toward the development of geographic knowledge in our schools and communities.

ANKARA'S DECISION TO SENTENCE LEYLA ZANA

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. FURSE. Mr. Speaker, I rise today to express my indignation over the decision of the Turkish government to sentence Leyla Zana, the Kurdish parliamentarian who is currently serving a fifteen year sentence, to two additional years in prison as a blatant violation of the freedom of expression and an insult to her supporters worldwide.

This time, the Turkish authorities charge that Leyla Zana broke the law in a letter she wrote to the People Democracy Party (HADEP) to urge them to be forthcoming, diligent, decisive and to push for individual and collective freedoms. The fact that Leyla Zana has been charged with inciting racial hatred reveals that Turkey is a racist state and continues to deny the Kurds a voice in the state.

As my colleagues know, Leyla Zana is the first Kurdish woman ever elected to the Turkish parliament. She won her office with more than 84% of the vote in her district and brought the Turkish Grand National Assembly a keen interest for human rights and conviction that the Turkish war against the Kurds must come to an end. Last year, 153 members of this body joined together and signed a letter to President Bill Clinton urging him to raise Leyla Zana's case with the Turkish authorities and seek her immediate and unconditional release from prison.

Leyla Zana was kept in custody from March 5, 1994, until December 7, 1994 without a conviction. On December 8, 1994, the Ankara State Security Court sentenced her and five other Kurdish parliamentarians to various years in prison. Leyla Zana was accused of making a treasonous speech in Washington, D.C., other speeches elsewhere and wearing a scarf that bore the Kurdish colors of green, red and yellow. This year marks her fifth year behind the bars.

Today, in Turkish Kurdistan, 40,000 people have lost their lives. More than 3,000 Kurdish villages have been destroyed. Over 3 million residents have become destitute refugees. Despite several unilateral cease-fires by the Kurdish side, the Turkish army continues to pursue policies of hatred, torture and murder, and genocide of the Kurdish people.

Mr. Speaker, as I finish my sixth year in office as a member of the United States Congress, I find it outrageous that the government of Turkey, after so much outcry, after so much petitioning and after so much publicity would dare to punish her again incensing her friends and supporters all over the world. There is only one word that comes to my mind and it is, fear, Mr. Speaker. The government of Turkey is afraid of Leyla Zana and it thinks it can lock her away forever. That was the story of those who locked Nelson Mandela. The longest nights, Mr. Speaker, give way to bright dawns. Mr. Mandela is a public servant now. And the world is grateful.

People like Leyla Zana who utter the words of reconciliation and accommodation need to be embraced, validated and freed. I urge the government of Turkey to set aside its conviction of Leyla Zana and free her immediately, and I urge my colleagues and government to condemn her conviction and make her release a priority.

A TRIBUTE TO SAM MEYERS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. OWENS. Mr. Speaker, on November 8, 1998, Sam Meyers will be honored with a Lifetime Struggle and Achievement Award by the citizens of Central Brooklyn; however, his career is one with far-reaching significance for the national labor movement and for American progressive political leadership.

Sam Meyers, retired President of United Auto Workers Local 259, has been honored by many groups numerous times over the last few decades and all of the accolades have been deserved. Now eighty years old, he can relax with the satisfaction and assurance that he has been to the mountain top. Beyond his individual giving there are also the contributions of his wife, Carolyn, a retired East New York teacher, and his sons, Dan and Matt. Attorney Dan Meyers has devoted much of his life to the case seeking justice for the victims of the Attica assault.

Sam has been a special hero of Central Brooklyn for nearly twenty years. The Frank Barbaro campaign to unseat Koch and the victorious campaign which elected Mario Cuomo are two of the key events which forged the longstanding alliance of Sam Meyers and Major Owens. The Barbaro mayoral campaign created the opportunity, for fighters who had previously briefly met each other only on speaking platforms, to then become permanent partners for progressive politics and empowerment. Beyond his immersion in the strategy and tactics of everyday leadership for his union, Sam Meyers had a vision and acted with others to fulfill the dream of a citywide political coalition.

In the Summer of 1982, on the same day that major Owens announced the formation of the Brooklyn Coalition for Community Empowerment as his congressional campaign committee, Sam Meyers delivered a check from the United Auto Workers. It was a maximum contribution for the primary and the only such Political Action Committee donation received by the new and unknown Brooklyn political movement. Owens and his political partners—Vann, Green, Norman, Boyland—had nothing concrete that they could trade for support. Indeed, Sam Meyers, angered many powerful old friends of his when he endorsed the dissidents who were despised by the old Kings County machine.

Sam's adoptions of the Brooklyn empowerment effort was an act of political faith with roots in his mother's aspirations for a better world. Across boundaries of race, ethnicity and age, without hesitation, he applied the same principles that had guided his building of a great UAW Local 259. Always present in the mind of Brother Meyers was the credo of the street fighter. You have to believe and you have to dare.

Sam Meyers began his lifetime struggle in 1940 as a sheet metal worker and a member of UAW, Local 365. In 1943 he joined the Army Air Corps. In 1958 he led the successful fight to oust a leadership that had become too far removed from the membership and was elected President of Local 259. In the late 60's he was a co-founder of the New York Labor Committee Against the War in Vietnam. In the early 70's Sam helped to bring national attention to the impact of plant closings and runaway shops. In the late 80's he served as a Jesse Jackson Brooklyn delegate to the Democratic National Convention.

For several decades Local 259 championed the forces of liberation and democracy in South Africa, South America, Haiti and throughout the globe. Numerous refugee labor leaders found safe haven, support and solidarity at Local 259. To continue expanding his legacy Sam Meyers now serves on the Commission for the Future of UAW. His career offers both inspiration and challenge for future generations.

The personality of Sam Meyers can be summarized in the same manner that author Edith Hamilton described the mentality of the great Greek civilization. He maintains a steady gaze on the world as it is with all of the harshness and pitfalls, but he never retreats into cynicism and despair. He is tough but full of hope. Central Brooklyn is proud to salute Sam Meyers for his Lifetime Struggle and Achievement.

TRIBUTE TO TOM BRADLEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. BERMAN. Mr. Speaker, few elections have given me greater satisfaction than Tom Bradley's victory as mayor of Los Angeles in 1973. At a time when militants and cynics were beginning to dominate the debate over race, Tom ignored the trend and assembled a coalition of blacks, whites and Latinos in his campaign. I know Martin Luther King would have been proud of Tom's accomplishment.

Courage and strength are the words that come to mind when I look back at the life of Tom Bradley. I can't imagine many of us would have persevered when faced with the same barriers that Tom faced again and again. Grandson of a slave, son of sharecroppers. Tom moved to Los Angeles at the age of seven in 1924. LA in those days was not a city especially hospitable to black people. Certainly there were very few examples anywhere in the country of African-Americans who had achieved success in politics or other fields. But Tom embarked on his career as if none of that mattered.

In 1941, Tom became a member of the Los Angeles Police Department, placing near the top on a recruitment exam. He spent 20 years on the force, eventually becoming lieutenant. At the time of his retirement, Tom was the highest-ranking black officer in the Department.

Now began the most famous phase of Tom Bradley's life. Two years after leaving the LAPD, he ran for a seat on the Los Angeles City Council. In a preview of what was to come, Tom brought together blacks, Asians and whites to defeat a white candidate for the seat. He was the first African-American in the history of Los Angeles to be elected to the City Council.

Tom always remained true to the idea of building coalitions among different groups. This was not only a political strategy, but an honest expression of Tom's humanity. He genuinely liked people, and was as comfortable in the neighborhoods of Fairfax Avenue, Chinatown and Boyle Heights as in South Central Los Angeles. He was exactly the kind of person you would want to be mayor of a large and incredibly diverse city.

In 1969, Tom Bradley ran for mayor of LA. The incumbent, Sam Yorty, waged a blatantly racist campaign to defeat Tom. Rather than reacting with anger and hostility, which would have been understandable, Tom took the loss with equanimity. He vowed to fight again—at the ballot box. Tom's 1973 victory changed Los Angeles forever. For one, he proved that a black person could be elected mayor in a city with a relatively small black population. Even more important was the vivid demonstration that unity can triumph over divisiveness. Unlike many others then and now, Tom didn't play the "race card."

I don't want to cover in detail Tom's 20-year record as mayor, except to note that he opened up city hall to people from all backgrounds and brought the Olympics to LA in 1984. It says something that he was re-elected four times with only token opposition. I can't imagine Los Angeles will ever have a more popular mayor than Tom Bradley.

I ask my colleagues to join me in remembering Tom Bradley, who represented the best America has to offer. He was a gentleman, a fighter for equal rights and justice and a man who fervently believed in the idea that through hard work and determination anything is possible. I hope that future generations will look to Tom Bradley as a model for how to live one's life.

AFRICAN DEVELOPMENT FOUNDATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. PAYNE. Mr. Speaker, I rise in support of the African Development Foundation (ADF) and appeal that it be funded at the full request of $14 million. ADF plays a unique role within the United States government foreign aid programs. It is the only agency providing assistance directly at the community level to alleviate poverty and promote economic and social empowerment in Africa. It uses an approach premised on self-help and fosters self-reliance and local ownership. ADF has an impressive track record of high-impact projects that are sustained by the local community.

Working in fourteen countries, full funding of ADF will leverage an additional $2.0 million from external sources and will finance almost 100 innovative projects that will benefit tens of thousands of poor Africans. ADF efforts are focused in four areas:

Promoting micro and small enterprise development to generate jobs and income for poor women, unemployed youth and other marginalized groups;

Expanding the participation of small African enterprises and producers groups in trade and investment relationships with the U.S. and within Africa;

Improving community-based natural resource management for sustainable development; and

Strengthening civil society and local governance to reinforce democratic structures and values.

I would like to strongly endorse the excellent work of the ADF and encourage my colleagues on both sides of the aisle to do the same. In conclusion, I ask you to join me in supporting full funding for the African Development Foundation.

TRIBUTE TO CARNEY CAMPION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. RIGGS. Mr. Speaker, I rise today to give a special thank you to Carney Campion, who is retiring next month as General Manager of the Golden Gate Bridge, Transportation and Highway District.

San Francisco's Golden Gate Bridge is a national symbol and national treasure. Carney Campion has been with the Bridge District for 23 years, and is its eighth General Manager. He continually dedicated himself to assuring that the Golden Gate Bridge remained structurally sound, and that Golden Gate Bus and Ferry Transit performed efficiently.

Carney has guided the Bridge District through labor strikes, has managed repeated demonstrations and celebrations, and has assured that tolls are sufficient to meet all of the Bridge District's needs. Recently, he helped obtain Federal support for seismic retrofit of the Golden Gate Bridge. Among other of Carney's numerous contributions are successful re-decking of the Bridge, modernization of transit and ferry service and facilities, and re-organization of the District's management and operations structure. He also had the foresight to help acquire the Northwestern Pacific Railroad right-of-way, which represents the Northern San Francisco Bay area's best hope for commuter rail service.

Born in Santa Rosa, California, Carney is a 1950 graduate of the University of California at

Berkeley. He received his Bachelors of Arts degree in Personnel and Public Administration. He has held numerous positions in national and California business, transit and service organizations.

Mr. Speaker, Carney Campion is a true son of Northern California. His contributions will long contribute to the quality of life that we in the area all enjoy. As he begins a well-deserved retirement, I wish him and his wife, Kathryn, best wishes and Godspeed.

THE LOS FRESNOS CISD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to explain why it is particularly painful for me to be here in Washington DC today, as opposed to the event on my schedule for today in Texas. I was to speak to an elementary school in the Los Fresnos Consolidated Independent School District.

Villareal Elementary is a school which has, for the last three years running, scored an exemplary rating from the Texas Education Agency's Texas Academic Achievement Scores (TAAS) test. These tests in Texas gauge our children's progress in learning, as well as the progress by school boards to incorporate various teaching techniques into the curriculum.

The first year I went there, I urged them to do well on their TAAS tests, telling them if they did well, I would come back to urge them on for the next year. They did well, and I went back the next year. It has become a matter of habit for us now, Villareal Elementary scoring high on their TAAS, and their local congressman coming back to shout bravo for their efforts.

Perhaps it will be helpful to explain why this school district does so well academically. This is a school district with a creative and energetic leader, Dr. Eliseo Ruiz, the superintendent of LFCISD, who attributes the high academic achievements to "purposely setting some very high goals."

Dr. Ruiz was named one of 10 "exemplary superintendents" in Texas, and the school district itself ranked fourth in the state in the education of Hispanics, according to research by Texas A&M University. According to Dr. Ruiz, the stars began to line up for the school district about four years ago when they began aligning curriculum, establishing timelines and monitoring benchmarks.

He insists that a greater parental involvement was the key to the schools' collective success. Each school requires a parents' fair at the beginning of the year, followed by various keynote speakers to parents about how to work with children in learning responsibility. Once again, we have an example of what really works in our nation's schools . . . parental involvement from the beginning to the end.

While Congress labors mightily today to complete our work for the year, be aware of the fact that there is a school which very much wanted their congressman to see them today. For the Record, their congressman wants very much to see them today; they never fail to move me and inspire me.

AUTOMOBILE NATIONAL HERITAGE ACT OF 1998

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. DINGELL. Mr. Speaker, I would like to thank Representative Hansen for bringing this legislation before the House for consideration. I am deeply grateful for his support and the work he has done on H.R. 3910.

The industrial, cultural, and natural heritage legacies of Michigan's automobile industry are nationally significant; they have made this a greater country. In cities across Michigan, such as Detroit, Dearborn, Flint, Kalamazoo, Lansing, and Saginaw, the automobile was designed and manufactured and in turn helped establish and expand the United States as an industrial power. The industrial strength of automobile manufacturing was vital to defending freedom and democracy in two world wars and fueled our economic growth in the modern era.

Automobile heritage is more than the assembly lines and engineering rooms where cars were created and built. Turning a vision into a reality, the story of the automobile is a tale of hard work and growth. It is the shared history of millions of Americans who fought, during the labor movement, for good wages and benefits. This industry shaped 20th Century America like no other; it is the quintessential American story. It is a story worth celebrating and sharing.

The end product of all this hard work and cooperation, the Automobile National Heritage Area, creates something special and lasting both for Michigan and America. Again, I thank my colleague from Utah, Representative Hansen, along with Chairman Don Young. The gentleman from Utah has done a superb job, and I salute him. I say to my colleagues from both sides of the aisle, and from all regions of America, that the Automobile National Heritage Area will enormously benefit the people of the 16th District in the State of Michigan and those who work in and are dependent upon the auto industry. This area is very, very important to us in Michigan in terms of remembering our history, who we are, and what we have done to build America.

But all these efforts in Washington would not have come about if not for the years of planning by educators, local officials, and business leaders to bring together—in one package—a way to preserve this story. These local, grassroots efforts have been supported by many organizations in Michigan, including our major automobile manufacturers, labor organizations, businesses, towns and cities, chambers of commerce, and elected officials from both parties. There are too many individuals to thank today. But I would like to extend my gratitude to Ed Bagale of the University of Michigan-Dearborn, Steve Hamp of the Henry Ford Museum, Sandra Clark of the State of Michigan, Maud Lyon of the Detroit Historical Museum, Bill Chapin, and Barbara Nelson-Jameson of the National Parks Service.

I urge my colleagues to support the rich history and tradition of the automobile. Support this unique American story. Support H.R. 3910.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998***SHD***Clarification of Provisions of H.R. 2281 Relating to Stock Market Data*

Mr. BLILEY. Madam Speaker, I rise to correct a clerical error that resulted in the omission of an important portion of my statement of August 4, 1998 in support of H.R. 2281.

In my statement, I had included clarification of certain portions of the legislation that provide for the protection of electronic databases, specifically with respect to entities that collect and disseminate information about our stock markets.

I supported this legislation because my good friend, Chairman Hyde of the Judiciary Committee, agreed to my request to include provisions that ensure that the protections provided in the Act in no way undermine or affect the provisions of the Federal securities laws relating to the collection and dissemination of information about the stock market.

Section 11A of the Securities and Exchange Act of 1934, and the rules promulgated thereunder, charge the Securities and Exchange Commission with the duty to assure the prompt, accurate, reliable and fair collection, processing, distribution, and publication of information about stock quotes and transactions. The ability and extent to which self-regulatory organizations such as stock exchanges may collect fees for the dissemination of this information is subject to the approval of the Commission. Pursuant to this authority, the Commission has, in the past, approved of fees charged for stock market quotations by self-regulatory organizations such as stock exchanges, which have used these fees to fund the collection and distribution of market data pursuant to the requirements of the Exchange Act, among other activities.

Similarly, pursuant to the authority granted it under Section 11A of the Exchange Act, the Commission may, in the future, reexamine the fee structure associated with the dissemination of market data to better serve the public interest, protect investors, and promote efficiency, competition, and capital formation. The legislation explicitly preserves the ability of the Commission to take such action, with respect to both real-time and delayed data. In this regard, I wish to emphasize that this legislation does not create a property right in either real-time or delayed market data for self regulatory organizations, and preserves the full and complete authority of the Commission over the ways in which stock market data is collected and disseminated.

This is critical because some experts have described stock quotation information as being "as necessary as oxygen" to investors, especially as investors turn more and more frequently to their computers to invest on-line.

As the Internet and electronic communication make it increasingly easier for investors to seek out information about the marketplace and participate in our stock markets, we must ensure that these technological advances provide maximum access to information for investors, consistent with the competitive and efficient functioning of our marketplace.

In this regard, I intend to continue the Committee's vigorous oversight of this important area to ensure that the Commission is using its authority under the Exchange Act to ensure that fees that are charged for market data neither hamper the development of the most efficient means for investors, especially retail investors, to obtain this information nor undermine the ability of the stock markets to fulfill their obligation to provide it.

CELEBRATION OF POLISH-AMERICAN HERITAGE MONTH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to mark Polish-American Heritage Month which is being celebrated throughout our nation during the entire month of October. For seventeen consecutive years, the more than one million Polish-Americans in New Jersey have participated in events that honor and recognize the remarkable accomplishments of the Polish-American community.

The Polish values we celebrate during the month of October are universal values, embraced by millions of Americans. On behalf of the active and growing Polish-American community that I am proud to represent in northern New Jersey, I urge all my colleagues to reaffirm our nation's warm relations with Poland during Polish-American Heritage Month.

To be sure, Polish-Americans are rightly proud of the high level of cultural, social, economic and political involvement they have established in America. By assisting Poland's current transition to democratic governance and a market economy, the Polish-American community is continuing a long tradition of aiding their homeland. Following World War II, it was the Polish-American community that initiated legislation that enabled the resettlement to America of over 200,000 members of the Polish Armed Forces who had fought for the cause of freedom. These efforts, coupled with the unbridled patriotism and ingenuity of millions of Polish-Americans, have made our country a better place to live.

Mr. Speaker, I want to praise the dedicated work of the Polish-American Heritage Month Committee and the hard work of the Polish-American Congress in sponsoring this worthwhile month-long celebration of the Polish experience in America. I salute the efforts of all those who have endeavored to highlight the tremendous contribution Polish-Americans have made to our nation.

CALLING ON THE PRESIDENT TO RESPOND TO INCREASE OF STEEL IMPORTS AS A RESULT OF FINANCIAL CRISES IN ASIA AND RUSSIA

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today in strong opposition to H. Con. Res. 350.

This resolution, while drafted with the best intentions, falls far too short. It completely misses the mark. Foreign nations are illegally dumping their cheap steel in our market, and with this resolution, what is the U.S. going to do? With this non-binding resolution, we're only asking the Administration to go and consult. We're not even telling them. We're asking if they could please go and consult with Japan, Taiwan, South Korea, Russia, Europe, and so forth. Consult? Under this Administration, under the Republican controlled Congress, we've been consulting for years. How much longer do we have to consult? How many more reports do we have to look at? How much longer should workers in Illinois and across this nation suffer? How many more good-paying jobs in the steel industry do we have to lose? How long do we have to wait?

With this resolution, we might as well wait. Let us continue to wait as American workers see their paychecks shrink. Let us continue to wait as the U.S. steel industry closes more plants and factories. Let us continue to wait for more consultations and more reports that tell us what we already know. Let us continue to wait as American workers wind up on the unemployment lines. Let us continue to wait as more and more families file for bankruptcies.

Mr. Speaker, we can talk all we want, but if our talk isn't backed up with action, foreign nations will see all the talk as hot air, and unfortunately, that is what has happened. Instead of hot air, let's back up our words with trade sanctions. Instead of a non-binding resolution, why not pass a law that directs the President to take a stronger stand against cheap imports and unfair competition?

Since I've been a Member of this body, I have always advocated a simple philosophy. If you don't let us sell American products in your market, we won't let you sell your products in ours. But instead of fighting for American workers and American industry, this Administration and free trade advocates continue to bend over backwards to let foreign competitors flood our markets with cheap products while putting up protectionist barriers around their markets. How is that free trade? Let us not kid ourselves any longer. We do no live in a world of free trade. We live in a global economy of special interests. Our special interests should be American workers, but our trade policies don't reflect that.

Mr. Speaker, I urge all my colleagues to vote against this empty resolution. This resolution is watered-down, toothless, and ineffective. A yes vote for this is pure political posturing and does nothing for the U.S. steel industry. We don't need more talk. We need the force of law, and this toothless resolution isn't it.

SENSE OF CONGRESS REGARDING FORMER SOVIET UNION'S REPRESSIVE POLICIES TOWARD UKRAINIAN PEOPLE

SPEECH OF

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. HINCHEY. Mr. Speaker, this fall marks the 65th anniversary of the Ukrainian famine, or more precisely, of the world's recognition of the famine that had been developing in Ukraine for two years. We have seen many horrors in this century of civilization. The holocaust in Germany and Central Europe in World War II was the most shocking and has justifiably attracted the most recognition. But it was by no means the only incident of diabolic mass slaughter. We have seen the slaughter of Armenians in the early years of the century, the massacre of Cambodians by their own leaders, and most recently the horrors in Rwanda and Bosnia.

We should not allow the abundance of horrors to dull our senses or to allow us to forget any of these terrible incidents. We must remember that the instruments and techniques we have developed in this century can be used against any people in any country, no matter how advanced or supposedly civilized.

As a Ukrainian-American I wish to call the attention of the House and the American people to the crimes against my family's people. Ukraine is the most fertile farmland of Europe, long called the breadbasket of the continent. Yet millions of Ukrainians—perhaps as many as 10 million, we will never have an exact figure—starved to death in the midst of plenty in the early 1930's. They starved because Stalin decided that traditional farming in the Ukraine would stop, and with the power of the Soviet state, he was able to make it stop. If people did not conform to his will, he would see to it that they had no food to eat, no seeds to plant. The wheat that was harvested was sold at cheap prices on world markets. Protests around the world did not stop the famine; instead, the markets found ways to profit from it and conduct business as usual.

In this respect and others, the Ukrainian famine resembled the great Irish famine of the nineteenth century, when the British government allowed people to starve by the millions rather than interfere with grain markets. I am an Irish-American too, and many of us in this chamber are descended from the people who fled that famine.

The Ukrainian famine did not end until Stalin had gotten his way and subjugated the Ukrainian people. They still suffer today from the consequences of his actions: they have never been able to fully rebuild the agricultural economy that had once made Ukraine the envy of the region. I believe they will rebuild it, hopefully with our help.

But let us learn from the horrors they endured. Let us commit ourselves to the principle that people should always come first, that no one should be allowed to starve. Let us apply that lesson at home, and pledge that no one should go hungry in our prosperous country because of the strictures of ideology or because of the discipline of the market. Let us commit ourselves to opposing oppression around the world, when oppression leads to genocide and death, whether the tools of that oppression are overly violent, or whether they are the subtler but no less cruel tools of deliberate starvation, deliberate hunger, deliberate poverty. Let us remember that all people are our brothers and sisters.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. KILPATRICK. Mr. Speaker, due to a death in my family, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on final passage of H. Res. 494, Commending the Loyalty of the U.S. Citizens of Guam; "aye" on final passage of S. 1364, Federal Reports Elimination Act; "aye" on final passage of H.R. 4756, Ensuring that the U.S. is Prepared for the Year 2000 Computer Problem; and "aye" on final passage of S. 1754, Health Professions Education Partnerships Act. I appreciate being granted a leave of absence, and thank the Speaker for having my remarks appear in the CONGRESSIONAL RECORD.

TRIBUTE TO REVEREND LYNN HAGEMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to an extraordinary human being and a man who made an enormous contribution to the lives of the people of East Harlem, New York City and State, and the United States, the Reverend Lynn LeRoy Hageman. Reverend Hageman, who died last Saturday evening at the age of 67, was known in New York, the United States and around the world as a pioneer in the area of addict rehabilitation for his integrated, comprehensive approach to helping drug addicts.

Reverend Hageman was born in 1931 in Lincoln, Nebraska. In 1956, he received a Bachelor of Divinity from the University of Chicago. Upon graduation, he worked with children in the Department of Welfare in Chicago and at St. Mark's Episcopal Church in Chicago, the site of the first church-centered program for addict rehabilitation.

In 1959, he moved with his wife Leola and their three children, Erika, Hans and Ivan, to East Harlem, where he began serving as an Evangelical United Brethren minister at the East Harlem Protestant Parish. In 1963, he founded an experimental narcotics program at Exodus House on 103rd Street, between Second Avenue and Third Avenue. There, Reverend Hageman developed a step-by-step approach to rehabilitation, involving total abstinence, spiritual guidance, group therapy and artisan training. The program served thousands of addicts with exceptional rates of success.

As a result of his work, Reverend Hageman served on the Mayor's Committee on Narcotics Addiction and frequently appeared in professional journals, newspapers and on television. Reverend Hageman was an active participant in the fight for civil rights and spent time in an Albany, Georgia jail with Reverend Martin Luther King, Jr. Even as he was carrying on his work, Reverend Hageman received a Doctor of Ministry from Drew Theological Seminary in 1976.

Reverend Hageman was a man of rare courage, intelligence and dedication, whose energy, creativity and perseverance were without limit. His legacy is simple and powerful: he worked tirelessly to improve the lives of others, particularly those women and men who were working to overcome drug addiction. He helped thousands, but approached each as an individual, one by one, step by step.

His legacy is also very much alive and can serve as an inspiration to all of us. It is alive in the lives of the thousands of individuals he was able to help, and who are living more fulfilling and productive lives today. It is also alive at Exodus House on 103rd Street. After Reverend Hageman suffered a stroke in 1981, and was unable to carry on his work as fully, his wife Leola reinvented Exodus House as an after-school program for the children of drug addicts. In 1991, his two sons, Hans and Ivan, transformed Exodus House into the East Harlem School, a highly successful middle-school now in its seventh year of operation.

Mr. Speaker, the people of the 15th Congressional District, the City of New York and the United States owe Reverend Lynn Hageman a great debt of gratitude for his exceptional life of service to others. Through his work and energy and courage, his warmth and wonderful sense of humor, he was an enormous presence in our community. He will be sorely missed.

CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

SPEECH OF

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. CRAMER. Mr. Speaker, I rise today in support of passage of the Senate Amendments to H.R. 3494, the Child Protection and Sexual Predator Punishment Act. As a former District Attorney and founder of the National Children's Advocacy Center, I can state, without a doubt, that this legislation will make a positive impact on the lives of children across this nation.

This bill will protect children from Internet-based sex crimes and toughen punishments for sexual predators. It will crack down on the criminals who prey on our kids.

The Internet has opened up new ways for sexual predators to get access to our children, and we have to take serious measures to stop these criminals and punish them. The bill makes it a federal crime to use the Internet to contact a minor for illegal sexual activities such as rape, child sexual abuse, child prostitution, or statutory rape. Under this legislation, using the Internet to contact a minor for these kinds of sex crimes would result in a punishment of up to 5 years in prison. The bill also makes it a federal offense to use the Internet to knowingly send obscene material to a minor.

I am especially proud of the provision in the bill that would allow volunteer groups that serve children to perform background checks to make sure their volunteers have no record of crime against kids.

The bill gives groups like the Boys and Girls Clubs and Big Brothers-Big Sisters access to fingerprint checks to make sure their volunteers haven't been convicted of crimes against children, like child sex abuse. Most states, including Alabama, don't have laws to let volunteer groups do these kinds of background checks. For the sake of our children's safety, we have to change that, and that's what this bill is designed to do.

I appreciate the bipartisan approach to this legislation. In matters dealing with the safety of our children, it is important that we put politics aside and focus on solutions.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BLILEY. Mr. Speaker, as Chairman of the Committee on Commerce, I want to make some additional comments. Specifically, given that the Conference Report contains several new provisions, I want to supplement the legislative history for this legislation to clarify the Conferees' intent, as well as make clear the constitutional bases for our action. Given the inherent page and time limitations of spelling everything out in a conference report, I wanted to share our perspective with our colleagues before they vote on this important legislation. Moreover, given the unfortunate proclivity of some in our society to file spurious lawsuits, I don't want there to be any misunderstanding about the scope of this legislation, especially the very limited scope of the device provisions in Title I and the very broad scope of the exceptions to section 1201(a)(1).

Throughout the 105th Congress, the Committee on Commerce has been engaged in a wide-ranging review of all the issues affecting the growth of electronic commerce. Exercising our jurisdiction under the commerce clause to the Constitution and under the applicable precedents of the House, our Committee has a long and well-established role in assessing the impact of possible changes in law on the use and the availability of the products and services that have made our information technology industry the envy of the world. We therefore paid particular attention to the impacts on electronic commerce of the bill produced by the Senate and our colleagues on the House Judiciary Committee.

Much like the agricultural and industrial revolutions that preceded it, the digital revolution has unleashed a wave of economic prosperity and job growth. Today, the U.S. information technology industry is developing exciting new products to enhance the lives of individuals throughout the world, and our telecommunications industry is developing new means of distributing information to these consumers in every part of the globe. In this environment, the development of new laws and regulations could well have a profound impact on the growth of electronic commerce.

Article 1, section 8, clause 8 of the United States Constitution authorizes the Congress to promulgate laws governing the scope of proprietary rights in, and use privileges with respect to, intangible "works of authorship." As set forth in the Constitution, the fundamental goal is "[t]o promote the Progress of Science and useful Arts. . . ." In the more than 200 years since enactment of the first federal copyright law in 1790, the maintenance of this balance has contributed significantly to the growth of markets for works of the imagination as well as the industries that enable the public to have access to and enjoy such works.

Congress has historically advanced this constitutional objective by regulating the use of information—not the devices or means by which the information is delivered or used by information consumers—and by ensuring an appropriate balance between the interests of copyright owners and information users. Section 106 of the Copyright Act of 1976, 17 U.S.C. 106, for example, establishes certain rights copyright owners have in their works, including limitations on the use of these works without their authorization. Sections 107 through 121 of the Copyright Act, 17 U.S.C. 107–121, set forth the circumstances in which such uses will be deemed permissible or otherwise lawful even though unauthorized. In general, all of these provisions are technology neutral. They do not regulate commerce in information technology. Instead, they prohibit certain actions and create exceptions to permit certain conduct deemed to be in the greater public interest, all in a way that balances the interests of copyright owners and users of copyrighted works.

As proposed by the Clinton Administration, however, the anti-circumvention provisions to implement the WIPO treaties would have represented a radical departure from this tradition. In a September 16, 1997 letter to Congress, 62 distinguished law professors expressed their concern about the implications of regulating devices through proposed section 1201. They said in relevant part: "[E]nactment of Section 1201 would represent an unprecedented departure into the zone of what might be called paracopyright—an uncharted new domain of legislative provisions designed to strengthen copyright protection by regulating conduct which traditionally has fallen outside the regulatory sphere of intellectual property law."

The ramifications of such a fundamental shift in law would be quite significant. Under section 1201(a)(1) as proposed by the Administration, for example, a copyright owner could deny a person access to a work, even in situations that today would be perfectly lawful as a legitimate "fair use" of the work. In addition, under section 1201(b) as proposed by the Administration, a copyright owner could successfully block the manufacturing and sale of a device used to make fair use copies of copyrighted works, effectively overruling the Supreme Court's landmark decision in *Sony Corporation of America* v. *Universal Studios, Inc.*, 464 U.S. 417 (1984).

In the view of our Committee, there was no need to create such risks, including the risk that enactment of the bill could establish the legal framework that would inexorably create a "pay-per-use" society. The WIPO treaties permit considerable flexibility in the means by which they may be implemented. The texts agreed upon by the delegates to the December 1996 WIPO Diplomatic Conference specifically allow contracting states to "carry forward and appropriately extend into the digital environment limitation and exceptions in their national laws which have been considered acceptable under the Berne Convention" and to "devise new exceptions and limitations that are appropriate in the digital network environment."

Thus, the Committee endeavored to specify, with as much clarity as possible, how the anti-circumvention right, established in title 17 but outside of the Copyright Act, would be qualified to maintain balance between the interests of content creators and information users. The Committee considered it particularly important to ensure that the concept of fair use remain firmly established in the law and that consumer electronics, telecommunications, computer, and other legitimate device manufacturers have the freedom to design new products without being subjected to the threat of litigation for making design decisions. The manner in which this balance has been achieved is spelled out in greater detail below.

In making our proposed recommendations, the Committee on Commerce acted under both the "copyright" clause and the commerce clause. Both the conduct and device provisions of section 1201 create new rights in addition to those which Congress is authorized to recognize under Article I, Section 8, Clause 8. As pointed out by the distinguished law professors quoted above, this legislation is really a "paracopyright" measure. In this respect, then, the constitutional basis for legislating is the commerce clause, not the "copyright" clause.

I might add that the terminology of "fair use" is often used in reference to a range of consumer interests in copyright law. In connection with the enactment of a "paracopyright" regime, consumers also have an important related interest in continued access, on reasonable terms, to information governed by such a regime. Protecting that interest, however denominated, also falls squarely within the core jurisdiction of our Committee.

We thus were pleased to see that the conference report essentially adopts the approach recommended by our Committee with respect to section 1201. Let me describe some of the most important features of Title I.

Section 1201(a)(1), in lieu of a new statutory prohibition against the act of circumvention, creates a rulemaking proceeding intended to ensure that persons (including institutions) will continue to be able to get access to copyrighted works in the future. Given the overall concern of the Committee that the Administration's original proposal created the potential for the development of a "pay-per-use" society, we felt strongly about the need to establish a mechanism that would ensure that libraries, universities, and consumers generally would continue to be able to exercise their fair use rights and the other exceptions that have ensured access to works. Like many of my colleagues in the House, I feel it will be particularly important for this provision to be interpreted to allow individuals and institutions the greatest access to the greatest number of works, so that they will be able to continue exercising their traditional fair use and other rights to information.

Under section 1201(a)(1)(C), the Librarian of Congress must make certain determinations based on the recommendation of the Register of Copyrights, who must consult with the Assistant Secretary of Commerce for Communications and Information before making any such recommendations, which must be made on the record. As Chairman of the Committee on Commerce, I felt very strongly about ensuring that the Assistant Secretary would have a substantial and meaningful role in making fair use and related decisions, and that his or her views would be made a part of the record. Given the increasingly important role that new communications devices will have in delivering information to consumers, I consider it vital for the Register to consult closely with the Assistant Secretary to understand the impact of these new technologies on the availability of works to information consumers and to institutions such as libraries and universities. As the hearing record demonstrates, I and many of my colleagues are deeply troubled by the prospect that this legislation could be used to create a "pay-per-use" society. We rejected the Administration's original proposed legislation in large part because of our concern that it would have established a legal framework for copyright owners to exploit at the expense of ordinary information consumers. By insisting on a meaningful role for the Assistant Secretary and by ensuring that a court would have an opportunity to assess a full record, we believe we have established an appropriate environment in which the fair use interests of society at large can be properly addressed.

Sections 1201(a)(2) and (b)(1) make it illegal to manufacture, import, offer to the public, provide, or otherwise traffic in so-called "black boxes"—devices with no substantial non-infringing uses that are expressly intended to facilitate circumvention of technological measures for purposes of gaining access to or making a copy of a work. These provisions are not aimed at widely used staple articles of commerce, such as the consumer electronics, telecommunications, and computer products—including videocassette recorders, telecommunications switches, personal computers, and servers—used by businesses and consumers everyday for perfectly legitimate purposes.

Section 1201(a)(3) defines "circumvent a technological protection measure," and when a technological protection measure "effectively controls access to a work." As reported by the Committee on the Judiciary, the bill did not contain a definition of "technological protection measure." The Committee on Commerce was concerned that the lack of such a definition could put device and software developers, as well as ordinary consumers, in an untenable position: the bill would command respect for technological measures, but without giving them any guidance about what measures they were potentially prohibited from circumventing. Given that manufacturers could be subject to potential civil and criminal penalties, the Committee felt it was particularly important to state in our report that those measures that would be deemed to effectively control access to a work would be those based on encryption, scrambling, authentication, or some other measures which requires the use of a "key" provided by a copyright owner to gain access to a work. Measures that do not meet these criteria would not be covered by the legislation, and thus the circumvention of them would not provide a basis for liability.

Section 1201(b)(2) similarly defines "circumvent protection afforded by a technological measure," and when a technological measure "effectively protects a right of a copyright owner under title 17, United States Code." In our Committee report and in my own floor statement accompanying passage of the original House bill, I felt it was important to stress in this context as well those measures that would be deemed to effectively control copying of a work would be those based on encryption, scrambling, authentication, or some other measure which requires the use of a "key" provided by a copyright owner. The inclusion in the conference report of a separate new provision dealing with the required response of certain analog videocassette recorders to specific analog copy protection measures extends this scope, but in a singular, well-understood, and carefully defined context.

Section 1201(c)(3) provides that nothing in section 1201 requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular technological measure, so long as the device does not otherwise violate section 1201. With the strong recommendation of my Committee, the House had deleted the "so long as" clause as unnecessary and potentially circular in meaning. However, with the addition by the conferees of new subsection (k), which mandates a response by certain devices to certain analog protection measures, the "so long as" clause of the original Senate bill finally had a single, simple, and clear antecedent, and thus was acceptable to me and my fellow House conferees.

If history is a guide, someone may yet try to use this bill as a basis for filing a lawsuit to stop legitimate new products from coming to market. It was the Committee's strong belief—a view generally shared by the conferees—that product manufacturers should remain free to design and produce consumer electronics, telecommunications, and computing products without the threat of incurring liability for their design decisions. Imposing design requirements on product and component manufacturers would have a dampening effect on innovation, on the research and development of new products, and hence on the growth of electronic commerce.

The Committee on Commerce recognized that it is important to balance the interest in protecting copyrighted works through the use of technological measures with the interest in allowing manufacturers to design their products to respond to consumer needs and desires. Had the bill been read to require that products respond to any technological protection measure that any copyright owner chose to deploy, manufacturers would have been confronted with difficult, perhaps even impossible, design choices, with the result that the availability of new products with new product features could have been restricted. They might have been forced to choose, for example, between implementing two mutually incompatible technological measures. In striking a balance between the interests of product manufacturers and content owners, the Committee believed that it was inappropriate and technologically infeasible to require products to respond to all technological protection measures. For that reason, it included the "no mandate" provision in the form of section 1201(c)(3). As a result of this change, it was the Committee's strongly held view that the bill should not serve as a basis for attacking the manufacture, importation, or sale of staple articles of commerce with commercially significant non-infringing uses, but it would provide content owners with a powerful new tool to attack black boxes. Except for the one recognition in the conference report of the balanced requirements of section 1201(k) as "otherwise" imposing certain obligations, this provision remains unchanged from the House bill.

Based on prior experience and the extensive hearing record, the Committee also was concerned that new technological measures and systems for preserving copyright management information might cause "playability" problems. For example, the Committee learned that, as initially proposed, a proprietary copy protection scheme that is today widely used to protect analog motion pictures could have caused significant viewability problems, including noticeable artifacts, with certain television sets until it was modified with the cooperation of the consumer electronics industry. Concerns were expressed that H.R. 2281 could be interpreted to require consumer electronics manufacturers to design their devices not only so that they would have to respond to such similarly flawed schemes, but also that they, and others, would be prevented by the proscriptions in the bill from taking necessary steps to fix such problems.

As advances in technology occur, consumers will enjoy additional benefits if devices are able to interact, and share information. Achieving interoperability in the consumer electronics environment will be a critical factor in the growth of electronic commerce. Companies are already designing operating systems and networks that connect devices in the home and workplace. In the Committee's view, manufacturers, consumers, retailers, and professional servicers should not be prevented from correcting an interoperability problem or other adverse effect resulting from a technological measure causing one or more devices in the home or in a business to fail to interoperate with other technologies. Given the multiplicity of ways in which products will interoperate, it seems probable that some technological measures or copyright management information systems might cause playability problems.

To encourage the affected industries to work together with the goal of avoiding potential playability problems in advance to the extent possible, the Committee emphasized in its report and I made clear in my floor statement that a manufacturer of a product or device (to which 1201 would otherwise apply) may lawfully design or modify the product or device to the extent necessary to mitigate a frequently occurring and noticeable adverse effect on the authorized performance or display of a work that is caused by a technological measure in the ordinary course of its design and operation. Similarly, recognizing that a technological measure may cause a playability problem with a particular device, or combination of devices, used by a consumer, the Committee also emphasized that a retailer, professional servicer, or individual consumer lawfully could modify a product or device solely to the extent necessary to mitigate a playability problem caused by a technological measure in the ordinary course of its design and operation. The conferees made clear in their report that they shared these views on playability.

In this connection, the Committee on Commerce emphasized its hope that the affected industries would work together to avoid such playability problems to the extent possible. We know that multi-industry efforts to develop copy control technologies that are both effective and avoid such noticeable and recurring adverse effects have been underway over the past two years. The Committee strongly encouraged the continuation of those efforts, which it views as offering substantial benefits to copyright owners in whose interest it is to achieve the introduction of effective technological protection measures and, where appropriate, copyright management information technologies that do not interfere with the normal operations of affected products.

I was particularly pleased that the Senate conferees shared our Committee's assessment of the importance of addressing the playability issue and of encouraging all interested parties to strive to work together through a consultative approach before new technological measures are introduced in the market. As the conferees pointed out, one of the benefits of such consultation is to allow the testing of proposed technologies to determine whether they create playability problems on the ordinary performance of playback and display equipment, and to thus be able to take steps to eliminate or substantially mitigate such adverse effects before new technologies are introduced. As the conferees recognized, however, persons may choose to implement a new technology without vetting it through an inter-industry consultative process, or without regard to the input of the affected parties. That would be unfortunate.

In any event, however a new protection technology or new copyright management information technology comes to market, the conferees recognized that the technology might materially degrade or otherwise cause recurring appreciable adverse effects on the authorized performance or display of works. Thus, with our Committee's encouragement, the conferees explicitly stated that makers or servicers of consumer electronics, telecommunications, or computing products who took steps solely to mitigate a playability problem (whether or not taken in combination with other lawful product modifications) shall not be deemed to have violated either section 1201(a) or section 1201(b). Without giving them that absolute assurance, we felt that the introduction of new products into the market might be stifled, or that consumers might find it more difficult to get popular legitimate products repaired.

I want to add, however, that we shared the concern of our fellow conferees that this construction was not meant to afford manufacturers or servicers an opportunity to give persons unauthorized access to protected content or to usurp the rights under the Copyright Act—not title 17 generally—of copyright owners in such works under the guise of "correcting" a playability problem. Nor was it our intent to give the unscrupulous carte blanche to convert legitimate products into black boxes under the guise of fixing an ostensible playability problem for a consumer.

Moreover, with respect copyright management information, the conferees also made it explicit that persons may make product adjustments to eliminate playability problems without incurring lability under section 1202 as long as they are not inducing, enabling, facilitating, or concealing usurpation of rights of copyright owners under the Copyright Act.

Section 1201(k) requires that certain analog recording devices respond to two forms of copy control technology that are in wide use in the market today. Neither employees encryption or scrambling of the content being protected, but they have been subject to extensive multi-industry consultations, testing, and analysis. With respect to this provision, I think it is important to stress four points. First, these analog-based technologies do not create "playability" problems on normal consumer electronics products. Second, the intellectual property necessary for the operation of these technologies will be available on reasonable and non-discriminatory terms. Third, we specifically excluded from the scope of the provision professional analog videocassette recorders, which the motion picture, broadcasting, and other legitimate industries and individual businesses use today in, and will continue to need for, their normal, lawful business operations. And finally, and most importantly, we have established very definitive "encoding rules" to ensure that we have preserved long-standing and well-established consumer home taping practices.

As Chairman of the Committee on Commerce, which has jurisdiction over such communications matters as the distribution of free and subscription television programming, I think it is important to stress that the encoding rules represent a careful balancing of interests. Although copyright owners may use these technologies to prevent the making of a viewable copy of a pay-per-view, near video on demand, or video on demand transmission or prerecorded tape or disc containing a motion picture, they may not use such encoding to limit or preclude consumers from making analog copies of programming offered through other channels or services. Thus, in addition to traditional over-the-air broadcasts, basic and extended tiers or programming services, whether provided through cable or other wireline, satellite, or future over-the-air terrestrial systems, may not be encoded with these technologies at all. In addition, copyright owners may only utilize these technologies to prevent the making of a "second generation" copy of an original transmission provided through a pay television service.

Given that copyright owners may not use these technologies to deprive consumers of their right to copy from pay television programming, the distinction between pay-per-view and pay television services is critical. Where a member of the public affirmatively selects a particular program or a specified group of programs and then pays a fee that is separate from subscription or other fees, the program offering is pay-per-view. Where, however, consumers subscribe to or pay for programming that the programmer selects, whether it be one or more discrete programs, or a month's worth of programming, then that package itself is a pay television service, even if it represents only a portion of the programming that might be available for purchase on the programmer's channel.

In short, with the conferees essentially having endorsed the approach of the Committee on Commerce to WIPO implementing legislation, we have produced a bill that should help spur creativity by content providers without stifling the growth of new technology. In fact, with a clear set of rules established for both analog and digital devices, product designers should enjoy the freedom to innovate and bring ever-more exciting new products to market.

I think we have struck fair and reasonable compromises, and have produced a bill of appropriate scope and balance. I urge my colleagues to support the conference report.

WHY THE JOINT COMMISSION ON ACCREDITING HEALTHCARE ORGANIZATIONS (JCAHO) MUST DO BETTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. STARK. Mr. Speaker, we need to take immediate action to make JCAHO accountable to the public. The Administration's July 1, 1998 report on nursing home quality ["Private Accreditation (Deeming) of Nursing Homes, Regulatory Incentives, and Non-Regulatory Initiatives, and Effectiveness of the Survey and Certification System"] shows that the nation's premier, private health accrediting organization—the Joint Commission on Accrediting Healthcare Organizations needs to do a much better job of protecting Medicare patients and dollars. Before JCAHO extends its accrediting activities to other areas—such as hospice agencies where it is applying to be an accrediting organization—it needs to prove it can do its current job of inspecting nursing homes and hospitals.

As I said in my opening remarks to the Ways and Means Health Subcommittee on July 1, 1990, "Validating the JCAHO status is critical given that HCFA, through a process termed 'deemed Status' relies on JCAHO to assure that most hospitals are providing quality health services to Medicare beneficiaries. If a hospital (or now other health care facility) is accredited by JCAHO, it is deemed to meet the Medicare conditions of participation." We found many problems eight years ago and many still continue, which would indicate a fundamental problem with JCAHO culture caused, I believe, by the system of financing JCAHO inspections. This is why I have introduced H.R. 800 to increase public access to and influence on JCAHO.

H.R. 800 will require that one-third of the members of the governing boards of Medicare-accrediting agencies are members of the public. JCAHO currently claims to have 6 public members on its board. In fact, a recent appointee to one of the scarce public seats, is also a director of the second-largest investor-owned hospital company. This recent appointment is just one example of the conflict of interest rampant in JCAHO's operating procedures. My bill also outlines a definition of "members of the public" to prevent similar appointments in the future.

On July 1, 1998, HCFA issued a Report to Congress entitled, "Study of Private Accreditation (Deeming) of Nursing Homes, Regulatory Incentives, and Effectiveness of the Survey and Certification System". This damning report detailed numerous deficiencies in JCAHO's current inspection system. To extend JCAHO's deeming to hospice care would permit an inadequate program greater authority.

JCAHO recently announced its intention to expand its scope of inspection to include hospice facilities. JCAHO currently surveys nursing homes, hospitals, and other health providers. But according to a recent HCFA/Abt study, JCAHO is unable to effectively administer surveys, identify problems, and implement problem correction policies. Allowing an organization riddled with problems further authority would be a terrible mistake.

JCAHO accredits health care facilities at the facilities' request. The federal government recognizes JCAHO hospital and home health agency accreditation as equivalent to meeting its Medicare Conditions of Participation.

According to the recent HCFA/Abt report to Congress, JCAHO has to make drastic changes to meet the basic Medicare requirements. JCAHO continues to deem facilities Medicare eligible, when in fact these facilities do not meet Medicare standards. Facilities that want to be accredited pay JCAHO to survey their site. Allowing JCAHO to accredit facilities that pay for surveys represent a conflict of interest. JCAHO's lack of objectivity plagues the current accreditation process.

Furthermore, JCAHO accreditation does not meet current Medicare guidelines for allowing facilities to participate in the program. The most serious allegation against JCAHO is that it overlooks regulatory infractions at the expense of patients for example: One nursing home administrator responded to questions about JCAHO's procedures with the following. "They (JCAHO) are big into policies and procedures * * * they are more interested in quality improvement and assessment than problem correction."[1]

---

[1] Pp. 617–618 "Study of Private Accreditation of (Deeming) of Nursing Homes, Regulatory Incentives and Non-Regulatory Initiatives, and Effectiveness of the Survey and Certification", Health Care Financing Administration. July 1, 1998.

Lack of problem correction is of special concern given the nature of nursing home residents. This population is one of the most vulnerable parts of the health care population, with 48 percent of nursing home patients suffering from some form of dementia.

JCAHO is unable to effectively accredit private nursing homes, and thus should not be allowed to additionally accredit hospice facilities until its inspection system is improved. The results of empirical studies included in the Study demonstrate the need for overhaul of the current regulatory system.

While the medicare system may benefit from reduced regulatory costs by using JCAHO, the savings do not outweigh the risk of severe deficiencies in care. Although deeming may save Medicare $2 to $37 million a year by private accreditation, JCAHO surveyors often miss serious deficiencies, which in some cases may even result in unjustified deaths. We must not sacrifice the welfare of the most vulnerable for minimal financial gains.

JCAHO does not effectively administrate regulatory surveys. The timing of JCAHO surveys was easy for nursing home administrators to predict. Surveys were never conducted at night or on the weekends. Thus once a provider paid JCAHO to accredit the facility they could hypothetically increase staff levels on only Monday and Tuesday day shifts in anticipation of a pending survey.

Furthermore, the current system fails miserably to identify problems. The Incidence of serious deficiencies found decreased with the implementation of the new accreditation program. The new process may also tend to identify deficiencies as less serious than they actually are.

Flaws in the problem identification system are evidenced by the fact that simultaneous public accreditation found more serious deficiencies than JCAHO did. More importantly, the current system under-addresses malnutrition and violence problems. Currently nursing home aides are not required to undergo criminal background checks. Furthermore some employers seek out recent parolees knowing that these employees will work for a lower salary. JCAHO fails to detect inadequate and even fraudulent staff training practices: Frequently reported actions to provide in-staff training to staff result in no evidence on quality and content. Very high staff turnover suggests that the staff is not benefitting from the required training. In one case, workers were asked to sign an attendance sheet for an in-staff training session they never attended.[2]

HCFA standards are generally more stringent than JCAHO standards. JCAHO surveyors seem to miss serious deficiencies that HCFA surveyors frequently identify. JCAHO standards are heavily weighted toward structure and process measures, while HCFA standards have a more resident-centered and outcome-oriented focus.

The JCAHO accreditation and HCFA validation inspections differed widely in their approach as well. JCAHO surveyors spent little time assessing quality of life issues or observing clinical treatments. JCAHO surveyors also spent little time observing clinical care or with residents, and those residents who JCAHO surveyors did interview were often pre-selected by nursing home staff.[3]

In the Report to Congress HCFA said that JCAHO lacked the ability to enforce findings and to regulate nursing home care: Some Nursing homes need the punitive threat of review and enforcement to secure improvements. The current system has not worked as well as it should to eliminate poor quality nursing care.[4]

The Study concludes that JCAHO is not adequately ensuring quality nursing care. The potential cost savings of deeming does not appear to justify the risk to the health and safety of the vulnerable nursing home population.

Although the study also found problems with the HCFA survey procedures, these concerns pale in comparison to the inadequacies of JCAHO survey procedures.

The result of this study raise alarming concerns about the quality of nursing care in the nations nursing homes. JCAHO has proven itself unable to identify with facilities are providing substandard care and to implement programs which will correct these problems. JCAHO should not be allowed to accredit hospice facilities until we are sure fundamental changes in JCAHO's system of inspections are in place. The federal government has a responsibility to reevaluate the current deeming system to protect its most vulnerable citizens.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. MORAN of Virginia. Mr. Speaker, I was among those who voted against this bill when it came before us earlier this year. I did so primarily because I was concerned that the sanctions in the bill would have adverse impact on our ability to combat religious persecution and other abuses of human rights across the globe.

I am pleased that this bill has been amended to address these concerns and I now fully support this legislation. The sanctioning mechanism now gives the Administration a wide array of powerful tools with which to combat persecution. It also provides the flexibility necessary to ensure that our efforts to combat religious persecution do not harm our programs to combat other serious human rights abuses such as forced labor and prostitution, slavery, and female infanticide.

I commend my colleague, Mr. Wolf, for his tireless work on this important issue and urge my colleagues to support this critically important bill.

RECOGNIZING THE ACCOMPLISHMENTS OF INSPECTORS GENERAL

SPEECH OF

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. BURTON of Indiana. Mr. Speaker, as Chairman of the Committee on Government Reform and Oversight, responsible for overseeing the economy and efficiency of the federal government, I rise to recognize our Federal Inspectors General, who in the twenty years since their inception, have been a critical asset in the war against waste, fraud and abuse in our Federal Government.

Twenty years ago this month, the Government Reform and Oversight Committee worked to establish Inspectors General in the largest executive agencies. Today, the Inspector General Act of 1978 provides for Inspectors in 27 major agencies and in 30 of our smaller Federal agencies.

Inspectors General were established to correct deficiencies in the way Government agencies addressed performance problems: deficiencies in organizational structure which placed audit and investigative units under the supervision of the officials whose programs they were to examine; deficiencies in procedures which allowed agency officials to intervene in audits and investigations; and deficiencies in amount of resources devoted to preventing and detecting waste, fraud, and abuse.

In addition to their original duties of conducting audits and investigations under the 1978 Act, IGS are playing key roles under recent management reform laws that were enacted to address financial and programmatic problems within agencies. Among them, the Chief Financial Officers Act and the Government Performance and Results Act. The IGS hard work with regard to these laws enables agencies and the Congress to further address serious management and financial problems, making our government more efficient, more effective, and less costly.

Not only the Government Reform and Oversight Committee, but the entire Congress has come to rely heavily on the critical work of the Inspectors General. Their audits and inspections help root out serious problems in Federal programs and bring them into the light of day, saving taxpayers billions of dollars every year. The following statistics compiled by the Presidents' Council on Integrity and Efficiency (PCIE) and the Executive Council on Integrity and Efficiency (ECIE) illustrate the impact of IGS. In Fiscal Year 1997, IG audits and inspections identified a total of $25 billion in funds that could be put to better use; more than 15,000 individuals and businesses were successfully prosecuted; restitutions and investigative recoveries resulting from IG investigations returned $3 billion to the Government; and more than 6,000 individuals or firms were disqualified from doing business with the Federal Government.

Mr. chairman, American taxpayers deserve no less from us than to provide the utmost accountability for their hard-earned money. On this, the eve of the twentieth year anniversary of the Inspector General Act of 1978, I salute our Inspectors General and thank them for their extremely important work on behalf of the American taxpayers.

---

[2] Pg. xii, Executive Summary; Study: HCFA

[3] Pg. 18, Vol. I Study: Health Care Financing Administration

[4] Pg. 13 Vol. I "Study: Health Care Financing Administration July 1, 1998

I urge my colleagues to support S.J. Res. 58 and join me in recognizing and thanking our Federal Inspectors General.

BACKGROUND—INSPECTOR GENERAL ACT OF 1978

Concept of inspector general dates back to the Revolutionary War when the Continental Congress appointed an Inspector General to audit expenditures by General Washington's army.

In 1976, Congress established the first statutory Inspector General in the Department of Health, Education and Welfare.

All cabinet level Departments and most major Executive Branch agencies now have a statutory Inspector General. There are 27 Presidentially appointed Inspectors General required by the Inspector General Act of 1978 as amended (including the new IG for Tax Administration which will not be formally established until January 1999). Additionally, the Inspector General Act establishes 30 Inspectors General in other Federal agencies who are appointed by the head of their agency.

CHRONOLOGY

H.R. 8588 was introduced in the 95th Congress by Congressman L.H. Fountain.

August 5, 1977: Reported by the House Committee on Government Operations by an unanimous vote.

April 18, 1978: Passed House of Representatives by a vote of 388 to 6.

August 8, 1978: Reported by Senate Committee on Governmental Affairs by a vote of 9 to 0.

September 22, 1978: Passed Senate by voice vote.

October 12, 1978: Signed into law (Public Law 95-452).

PURPOSE

The original Act established Inspectors General in six Executive Branch Departments and six government agencies.

To conduct and supervise audits and investigations relating to government programs and operations.

To provide leadership and coordination and recommend policies for activities designed to:

(a) promote economy, efficiency and effectiveness in the administration of government programs and operations.

(b) prevent and detect fraud and abuse in government programs and operations.

To provide a means for keeping the heads of Departments and agencies and the Congress informed about:

(a) problems and deficiencies relating to the administration of government programs.

(b) the necessity for and progress of corrective actions.

NEED FOR LEGISLATION (FROM REPORT OF THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS, S. REPT. 95-1071)

Failure by the Federal Government to make sufficient and effective efforts to prevent and detect fraud, waste and mismanagement in Federal programs and expenditures.

A lack of resources dedicated to prevent and detect fraud, waste and abuse. Audit cycles of up to 20 years in some agencies before all activities would be audited.

The lack of independence of many audit and investigative operations in the Executive Branch. Auditors and investigators must report to and are under the supervision of officials whose programs they are reviewing.

ACCOMPLISHMENTS

During Fiscal Year 1997: IG Audits identified $25 billion in funds that could be put to better use; returned to the Government $3 billion in restitution and investigative recoveries; more than 15,000 successful criminal prosecutions; over 6,000 debarments, exclusions and suspensions of firms or individuals doing business with the Government.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUND EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. TIERNEY. Mr. Speaker, we should not be here today in the position where we are being asked by the Majority to embark upon an impeachment inquiry unlimited in scope and unlimited in time.

On September 11, 1998, this body referred to the Committee on the Judiciary the responsibility to review the communication received on September 9, 1998, from the Independent Counsel; to determine whether sufficient grounds existed to recommend to the House that an impeachment inquiry be commenced. Nothing in that Resolution directed the Committee on the Judiciary to recommend to the House that an impeachment inquiry on matters extraneous to that September 9, 1998 communication be pursued. In fact, the Independent Counsel indicated that, in his view, as soon as information came to his attention which he believed necessitated a referral to the House, it was his duty (in his mind) to make that referral immediately. By inference, then, we can assume that after four years of investigations and over $40 million in expenditures of public funds, there was no other referral forthcoming on any other matter.

Further, Mr. Speaker, the appropriate order of business for the Committee on the Judiciary, if it was to make a recommendation, would be to first, define the standard of what constitutes an impeachable offense. Then, secondly, the Committee should have measured the narrative of the Independent Counsel against that standard. Only then could the Committee properly determine whether or not to recommend that an impeachment inquiry be commenced. That was not done, despite the four weeks that have passed since the House sent the matter to the Committee on the Judiciary.

The American people want this matter resolved. They want this matter resolved fairly and promptly. They have important issues demanding consideration—educating their children within an invigorated and innovative public education system; they need sufficient health coverage for all members of their family; they need job security; they need assurance that people moving from welfare to work, folks going from school to work, and workers displaced who need to go back to work, are adequately trained and educated to be able to support their families well above the poverty line; and, they need retirement security. These are all matters foremost on their minds. The American people know we must deal with these serious issues, but believe the last four weeks have produced little, except clear partisanship and a seeming unending willingness by the Majority to put salacious material before our children and the American public—unnecessarily.

Despite the comments of the Chairman of the Committee on the Judiciary—that he hopes to end this inquiry before the end of the year, and hopes it will not be expanded in scope—the reaction of the Majority side of the House, and statements by many of its Members, indicate that is not the prevailing desire or attitude. That is why it is important, at the very least, that we support the Democratic Motion to Recommit the matter to the Committee, and instruct the Committee to recommend an inquiry limited in scope and time, establish a standard of what constitutes an impeachable offense, and determine whether or not the narrative of the referral meets that standard.

Innumerable constitutional scholars and experts have already given their opinion that, even taken in the light most unfavorable to the President's position, the assertions in the Independent Counsel's narrative do not raise to the threshold of an impeachable offense, as defined by our founding fathers, and which has, by history and precedence, been established. If, in fact, that threshold is not met, then we owe it to the American people to determine just what action is appropriate to address the President's acknowledged personal misconduct. Perhaps more in line with the interests of the American public would be an alternative that allows us to vote and embark upon a process which sets about determining what action would be appropriate to address the President's conduct so that other business of Congress can be pursued.

This is not a parliamentary system, but a presidential system, Mr. Speaker. This should not be a system where the dominant legislative party can decide that a person running the country is a bad person and get rid of him. Persons holding themselves out as Speakers of this body have admitted not telling the truth in several venues, and have met a punishment short of being dispossessed of their elected position and have even, in at least one instance, been re-elected by the members of their political party to the austere position of Speaker of the House. Thus we know that other remedies are available.

Impeachment is really a remedy for the Republic. It is not intended as a personal punishment for a crime. Alexander Hamilton, in Federalist 65, made that assertion and, it is accurate. The Judiciary Committee should have been working this past month to determine whether or not the asserted conduct constituted an action undermining the Republic and/or the American people. The Committee was charged with the review of the communication received on September 9, 1998, and with determining if grounds exist for an inquiry.

The Committee has not fulfilled that responsibility and it is now incumbent upon this body to recommit this Resolution so that any proceedings will be fair, limited in scope to the matters referred, and resolved quickly so that the public's business can receive the attention it deserves. The present Committee Resolution seeks to broaden and drag out this endless process. If the people are, in fact, to be represented, we need a fair process and not a political excursion.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. MORELLA. Madam Speaker, I am pleased to see that the disparate parties could come together and work out a compromise on the Digital Millennium Copyright Act. I believe that it is critical that we ensure that there is a balance between the compensation received by developers of copyrighted works and the public's fair use of those copyrighted works.

However, as I stated when this bill was being considered on the House floor, I am deeply troubled that H.R. 2281 did not update the copyright law concerning distance education. Although the Conference Report authorizes the Register of Copyrights to submit to Congress recommendations on how to promote distance education through digital technologies, I believe the amendment that I was planning to offer struck the appropriate balance between the copyright owners and the educational community.

As we enter the 21st Century, distance education will play an even more pivotal role in educating our children, as well as those individuals interested in life long learning. Distance education will fill an important gap for individuals who, because of family obligations, work obligations, or other barriers, are prevented from attending traditional classes. It will also allow educational institutions, from outlying rural towns to the heart of America's inner cities, to access a full range of academic subjects that would otherwise not be available to them.

Recently, Montgomery County Public Schools (MCPS) received a $9 million federal grant to help the school system develop more effective ways of incorporating technology into the classroom. One of the most promising uses of technology in the classroom is the incorporation of distance education into the everyday lives of educators and students. I believe it will be an injustice if the public schools in my District are unable to fulfill the promise of distance education because we have an outdated copyright law that does not allow for the effective use of distance education in a digital world.

Due to the exceptional talent of our teachers and administrators, Montgomery County's educational system has always been in the forefront of educational innovation. I believe it is critical that we provide our teachers with all the available tools to allow them to continue to find new and exciting ways of educating students. Thus, we must update the copyright law regarding distance education to meet the new challenges and allow for new and exciting technologies that will improve the education of our citizens as we prepare them to compete in this more competitive global economy. I intend to monitor the conduct of the distance education study and work closely with the Register of Copyrights, the educational community, the copyright owners and the relevant House committees over the next several months to develop legislation that will promote distance education in the digital age.

TRIBUTE TO THE HONORABLE ESTEBAN TORRES

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I am honored to recognize the achievements of ESTEBEN TORRES, my esteemed colleague and friend.

As a member of the House for over 15 years, ESTEBAN has faithfully represented the people of East Los Angeles with enthusiasm, dedication and respectability.

As the highest-ranking hispanic member on the Appropriations Committee, longstanding member and former chair of the Congressional Hispanic Caucus, and Deputy Democratic Whip, ESTEBAN is an excellent role model for Latinos and young people across our nation.

Not only is ESTEBAN TORRES an inspiration for our future leaders, but for anyone who strives to improve his or her life. ESTEBAN embodies the wonderful American ideal that no matter who you are or where you come from, you can find success.

ESTEBAN comes from very humble beginnings. His father, a Mexican immigrant who toiled in Arizona's copper mines, was deported during the Depression along with many other Mexican immigrants. ESTEBAN never saw his father again. Later, living with his mother in East Los Angeles, ESTEBAN almost dropped out of high school.

But ESTEBAN defied the odds. Starting as an assembly line worker at the Chrysler Plant in Los Angeles, he rose through the ranks of the United Auto Workers, and later served in the Korean War. In the 1960s, he founded a critically important community development corporation, the East Los Angeles Community Union.

Recognizing ESTEBAN's superb diplomatic skills, President Jimmy Carter appointed him as Ambassador to the United Nation's Education, Scientific and Cultural Organization in 1976 and later, as Special Assistant to the President for Hispanic Affairs. In 1982, ESTEBAN was elected to represent the 34th Congressional District.

What I appreciate most about ESTEBAN is that he has never forgotten his roots. He has tirelessly advocated for the workers and low-income families of this country. He exemplifies the promise of the American dream.

Thank you for making a difference in so many people's lives. I will miss your companionship and kindness. I bid you a fond farewell, ESTEBAN.

THURGOOD MARSHALL COURTHOUSE BILL, H.R. 2187

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for this initiative to rename the new Federal Courthouse in White Plains, New York, in honor of one of the outstanding Americans of the 20th Century, the Hon. Thurgood Marshall.

Recent biographies have spotlighted the remarkable career of this distinguished gentleman. His struggle to end segregation in public schools culminated in the *Brown* vs. *Board of Education* decision of 1954. As the chief counsel for the NAACP in this landmark decision, he successfully brought about not only an overturn of the 60 year old *Plessy* vs. *Ferguson* ruling, but one made by a unanimous vote which virtually every observer and constitutional expert predicted was impossible prior to the Court's decision.

Subsequently, Thurgood Marshall distinguished himself as a justice on the U.S. Court of Appeals, where he wrote over 150 decisions, many of which impact many lives. Support for immigrant rights, limiting government intrusion in illegal search and seizure, double jeopardy and right to privacy cases were only some of the landmark decisions he reached.

As U.S. Solicitor General, Marshall won 14 of the 19 cases he brought before the United States Supreme Court.

In 1967, President Lyndon Johnson appointed Thurgood Marshall as the first Supreme Court Justice in history of Afro-American heritage. He served on our nation's highest bench until 1991, where he left an indelible legacy on our nation.

I strongly urge our colleagues to join in this most fitting tribute. This legislation will remind future generations for many years to come of the tremendous debt our nation owes to Justice Thurgood Marshall.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 1998

Mr. BLILEY. Mr. Speaker, I rise to commend the efforts of Congress in maintaining and strengthening the Regulatory Accounting Provisions in FY 1999 Treasury, Postal Service, and General Government Appropriations.

A regulatory accounting amendment has been signed into law for the past three years as a part of the Treasury/Postal Appropriations Act. The amendment has two major components. First, the President, through the Director of OMB, must prepare and submit to Congress an accounting statement of the total annual costs and corresponding benefits of Federal regulatory programs for FY 1999. Second, after each year an accounting statement is submitted, the President shall submit a report to Congress providing an analysis of impacts on State, local, and tribal government, small business, wages, and economic growth as well as recommendations for regulatory reform. New this year to the regulatory accounting amendment is an independent and external peer review provision. Peer review will ensure the information produced from this report is accurate and balanced.

Recent studies estimate the compliance costs of Federal regulations at more than $700 billion annually and project substantial future growth even without the enactment of new legislation. These costs are passed on to the public through higher prices and taxes, reduced government services, and stunted wages and economic growth. To manage and prioritize these regulatory programs better, we need more information provided by this amendment on the costs and benefits of existing regulatory programs and new rules.

Since 1995, I have introduced bipartisan permanent regulatory accounting legislation, most recently H.R. 2840, the Regulatory Right-to-Know Act. Senators Thompson and Breaux have introduced the analogue to H.R. 2840 in the Senate and have championed this year's regulatory accounting amendment. I thank them for their efforts.

It is vitally important that Congress permanently places regulatory accounting on the books, thereby ensuring this crucial information is provided to the American people. The Regulatory Right-to-Know Act must be one of our top priorities in the 106th Congress.

I urge my colleagues to join the bipartisan coalition in supporting regulatory accounting.

CONVEYING TITLE TO TUNNISON LAB HAGERMAN FIELD STATION IN GOODLING COUNTY, IDAHO, TO UNIVERSITY OF IDAHO

SPEECH OF

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. CRAPO. Mr. Speaker, Idaho is the nation's leading producer of fresh water trout. This important industry depends on springs that supply the Snake River, which is coming under increasingly strict water quality regulations. The State also finds itself leading the debate on Salmon conservation and is continually looking for sound scientific solutions. The University of Idaho is already establishing itself as a significant resource in the science of identifying and developing preservation strategies for the nation's endangered and threatened fish species.

The University of Idaho currently operates the Tunnison Lab, approximately four acres of the Hagerman National Fish Hatchery, pursuant to a cooperative agreement with the U.S. Fish and Wildlife Service. This agreement has allowed the University of Idaho to pursue research that will help conserve the region's endangered and threatened salmonids, and study alternative fish feed that may reduce nutrient loads normally associated with the aquaculture industry nationwide.

S. 2505 will transfer the title of the Tunnison Lab from the U.S. Fish and Wildlife Service to the University of Idaho. By doing this, the University will be able to take advantage of federal funding secured as part of the University's biotech improvement efforts. The University has proposed to spend $1.75 million on improvements to the Tunnison Lab.

As part of the improvements, the University of Idaho will include an on-site learning center that will provide educational training on fish management for federal agents, industry representatives, and others interested in improved management of salmonid species. This bill has the support of the Administration, the Senate, the Governor of Idaho, local government officials, adjacent property owners, Idaho's aquaculture industry, and the U.S. Fish and Wildlife Service.

Knowing that the Hagerman Valley is a rich archaeological area, home to rich fossil sites, extra precautions have been taken to assure protection of any valuable sites discovered in the Environmental Assessment conducted as part of the transfer.

S. 2505 is good government in action. Because of the initiative of a state entity (the UI) and a federal entity (USFWS), we've taken federal resources and put them to the best use for the American public. It is going to address some very real research needs. The result is going to be a cleaner environment, a stronger Idaho aquaculture industry, and a more secure future for Idaho's wild salmon.

H.R. 2822

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, on November 5, 1997, my friend and colleague, Mr. KNOLLENBERG, introduced H.R. 2822, a bill that would recognize a group of individuals self-named the Swan Creek Black River Confederated Ojibwe as a distinct recognized Indian tribe. I have reviewed the bill in detail and have concluded that it reduces to two concepts: sovereignty and process. It is this bill's affect on these two concepts that convinces me that I must oppose this legislation. I encourage my fellow Representatives to oppose it as well.

Congress has been discussing sovereignty in relation to Indian tribes since the first instance a European settler set foot on this continent. It is time we learned to respect tribal sovereignty and uphold it to its fullest extent. The Saginaw Chippewa Indian Tribe of Michigan is a sovereign nation. It has exercised and retained its sovereignty throughout history and throughout its many encounters with the federal government. The Saginaw Chippewa Tribe's sovereignty is not something that Congress granted to it. Rather, it is something the Tribe has retained. The Saginaw Chippewa Tribe is a nation unto itself—with the sovereign authority, power, and right to manage its own affairs and govern its own members. Congress must respect this and must not become involved in internal tribal political affairs—which H.R. 2822 asks us to do.

H.R. 2822 proposes to federally recognize a group that calls itself the Swan Creek Black River Confederated Ojibwe Tribes. This group claims to be the successor in interest to the Swan Creek and Black River Banks of Chippewa Indians. It is my understanding that although these bands were once considered parts of the larger Chippewa group in southeastern Michigan before and during the treaty process, that these bands, by virtue of the 1855 Treaty of Detroit, were affirmatively merged with the Saginaw Band to become the one sovereign nation of the Saginaw Chippewa Tribe. For over 140 years the Saginaw Chippewa Tribe has functioned as one tribe without regard to any band distinctions and has been treated as such by the federal government.

Further, I also understand that most of the participants of the Swan Creek Group pushing the bill, including its organizer, are currently members of the Saginaw Chippewa Tribe and that most tribal members, because of more than a century of intermarriage among the three component bands of the Tribe, find it difficult to determine from which band they descend. Of course, the Saginaw Chippewa Tribe has and continues to serve all of these members equally regardless of their band affiliation.

In reviewing the history and the circumstances surrounding this bill, I can only conclude that H.R. 2822 addresses nothing more than a tribal membership issue of the Saginaw Chippewa Tribe, and that Congress should not interfere in this matter. It is an issue for the sovereign Saginaw Chippewa Tribe and its governing body. Congress must respect this.

If Congress were to do otherwise and pass H.R. 2822, its effect would be to mandate that a splinter group of a well established and long recognized tribe break off and form its own nation, complete with the rights and privileges of all legitimate Indian tribes. It would allow the Swan Creek Group to claim the treaty-preserved rights, jurisdiction and sovereignty currently held by the Saginaw Chippewa Tribe. This is an affront to the Saginaw Chippewa Tribe's sovereignty—and to the sovereignty of all Indian nations. If Congress were to split the Saginaw Chippewa Tribe with H.R. 2822, nothing will stop it from unilaterally splitting other federally recognized tribes when splinter groups come forward. This cannot be the precedent Congress sets—especially when, as in this case, gaming and the establishment of a casino are the motivating factors for recognition. H.R. 2822 would set this dangerous precedent—and I cannot allow that to happen.

Process. The second argument against H.R. 2822 boils down to process. Since 1978, the Bureau of Indian Affairs (BIA), through its Bureau of Acknowledgement and Research (BAR), has been the appropriate forum for determining whether groups merit federal recognition as Indian tribes. The BAR process calls for extensive research and analysis. The BAR staff has the expertise and the experience to conduct such study and review. With all due respect to my fellow Representatives, Congress does not. Congress cannot play the role of the BIA.

Of course, I realize that Congress has granted legislative recognition to tribes in the past. Yet, the circumstances of those were quite different from what we see before us today with the Swan Creek Group. The Swan Creek Group has not even attempted the administrative process. It is my understanding that they filed a letter of intent with the BIA in 1993. This merely opens a file in anticipation of a petition for recognition. As of yet, however, the Group has filed to provide any documentation or to even pursue this process in any way. The Group's file lays dormant in line behind over 100 groups awaiting recognition.

It is my contention that the Swan Creek Group, if it is to pursue federal recognition, should be directed back to the BIA. It would be wholly unfair for Congress to allow this Group that has provided no documentation whatsoever for recognition to be recognized ahead of all the other groups who have abided by the process simply because the Swan Creek Group and its representatives have walked the halls of Congress pushing legislation.

Congress is not equipped to decipher the Group's history and genealogy to determine whether it merits recognition. This, along with the simple fact that many of the Group's participants remain members of the Saginaw Chippewa Tribe and receive the benefits and privileges as such, convinces me that Congress should not pass this bill. Congress must not interfere with the Saginaw Chippewa Tribe's sovereignty. If we are to take any action at all on H.R. 2822, it should be to oppose it to allow the Saginaw Chippewa Tribe, the appropriate governing body for this issue, to resolve the matter. Beyond that, the Group is welcome to pursue the established administrative process for recognition. In efforts to uphold tribal sovereignty and established process, I cannot condone any other action by Congress on this issue.

SEEDS OF PEACE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. KNOLLENERG. Mr. Speaker, I rise today to recognize the important work of the non-partisan organization Seeds of Peace.

After decades of war, terrorism, and other forms of conflict, and after much bloodshed on both sides, Israel and the Palestinian Liberation Organization signed an official document on September 13, 1993 in which they pledged to pursue peace and resolve their differences.

While the peace process over the past five years has had its share of problems. I believe that the Middle East is a fundamentally different region since the historic ceremony on the lawn of the White House. The most concrete results, such as the peace agreement between Israel and Jordan, the end of Israel's occupation of the West Bank, and the creation of the Palestinian Authority, give us hope that further progress is possible. Progress can only come from direct talks between Israel and the Palestinians, with the continued support and encouragement of the United States.

Today it is appropriate to look beyond the complexities of the peace process and consider the necessary ingredients to nurture a peaceful future in the Middle East. As important as the Oslo Accords were and future peace agreements will be, none of these documents will guarantee that peace will take hold in the hearts and minds of Israelis and their Arab neighbors. True peace will only emerge in that region if a new generation adopts attitudes that represent a break from the past.

Seeds of Peace has worked to fulfill this vision. Each summer since 1993, this organization has brought hundreds of teenagers from Israel and Arab lands to a camp in Maine. Over the course of five weeks, the youngsters are engaged in heated discussions about their perspectives and attitudes and build friendships that transcend their differences.

I was fortunate to meet two graduates of the Seeds of Peace camp earlier this year, an Israeli girl named Shani and a Palestinian boy named Abdalsalam, when they visited Detroit. I was very impressed by their stories about how camp opened them to a deeper understanding of their differences and led them to resolve to transcend those differences as they take positions of leadership in their respective societies. They carried their message to high schools throughout the Detroit area, to a joint gathering of Arab and Jewish youth groups, and to an event that brought together leaders of Detroit's Jewish and Arab communities.

This project has special meaning for Michigan's large Jewish and Arab American communities, who have strong cultural, historical, religious, and family ties with the Middle East and follow developments there very closely. Seeds of Peace offers them an opportunity to work together, along with others who seek a Middle East free of war and hatred.

I applaud the efforts of Seeds of Peace and of other similar organizations that are building a foundation for future peace in the Middle East. I encourage Americans to lend their support to their fine initiatives as a way of signaling hope for a brighter future for generations to come.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. TAUZIN. Mr. Speaker, today, we bring to the floor H.R. 2281, the Digital Millennium Copyright Act of 1998. I am pleased that the Conference Report reflects the joint efforts of the Commerce and Judiciary Committees. The House played an extremely important role in the development of this balanced bill. We addressed some of the very tough issues that had yet to be resolved despite passage of the bill by the Senate. The substance of our work resulted in amendments which were ultimately incorporated into the bill which we consider today.

Today, we take the final step toward passage of legislation which will implement the WIPO treaties. It is indeed an historic moment. By passing this legislation, the United States sets the standard for the rest of the world to meet. Our content industries are the world's finest, as well as one of this Nation's leading exporters. They must be protected from those pirates who in the blink of an eye—can steal these works and make hundreds if not thousands of copies to be sold around the world—leaving our own industries uncompensated. This theft cannot continue.

By implementing the WIPO treaties this year, we ensure that authors and their works will be protected from pirates who pillage their way through cyberspace. As we send a signal to the rest of the world, however, it is important that we not undermine our commitment to becoming an information-rich society—right here in the United States . . . inside our own borders.

The discussion generated by the House has been invaluable to finding the balance between copyright protection and the exchange of ideas in the free-market—two of the fundamental pillars upon which this nation was built. In drafting this legislation, we did not overlook the need to strike the correct balance between these two competing ideals. That is indeed the purpose of the legislative process—to debate, haggle, review and ultimately to hammer out what will be strong and lasting policy for the rest of the world to follow.

A free market place for ideas is critical to America. It means that any man, woman or child—free of charge!!—can wander into any public library and use the materials in those libraries for free. He or she—again, free of charge!!—can absorb the ideas and visions of mankind's greatest writers and thinkers.

In this regard, the most important contribution that we made to this bill is section 1201(a)(1). That section authorizes the Librarian of Congress to wave the prohibition against the act of circumvention to prevent a reduction in the availability to individuals and institutions of a particular category of copyrighted works. As originally proposed by the Senate, this section would have established a flat prohibition on the circumvention of technological measures to gain access to works for any purpose. This raised the possibility of our society becoming one in which pay-per-use access was the rule, a development profoundly antithetical to our long tradition of the exchange of free ideas and information. Under the compromise embodied in the Conference Report, the Librarian will have the authority to address the concerns of Libraries, educational institutions, and other information consumers threatened with a denial of access to work in circumstances that would be lawful today. I trust the Librarian, in consultation with the Assistant Secretary of Commerce for Communications and Information, will ensure that information consumers may continue to exercise their centuries-old fair use privilege.

We also sought to ensure that consumers could apply their centuries-old fair use rights in the digital age. Sections 1201(a)(2) and (b)(1) make it illegal to manufacture, import, offer to the public, provide, or to otherwise traffic in "black boxes." These provisions are not aimed at staple articles of commerce, such as video cassette recorders, telecommunications switches, and personal computers widely used today by businesses and consumers for legitimate purposes. As a result of the efforts of the Commerce Committee, legitimate concerns about how these provisions might be interpreted by a court to negatively affect consumers have been addressed to the satisfaction of consumer electronics and other product managers.

Section 1201(c)(3), the "no mandate" provision, makes clear that neither of these sections requires that the design of, or design and selection of parts and components for, a consumer electronics, telecommunications, or computer product provide for a response to any particular technological measure, so long as the device does not otherwise violate section 1201. Members of my Subcommittee included an unambiguous no mandate provision out of concern that someone might try to use this bill as a basis for filing a lawsuit to stop legitimate new products from coming to market. It was our strong belief that product manufacturers should remain free to design and produce digital consumer electronics, telecommunications, and computing products without the threat of incurring liability for their design decisions. Had the bill been read to require that new digital products respond to any technological protection measure that any copyright owners chose to deploy, manufacturers would have been confronted with difficult, perhaps even impossible, design choices. They could have been forced to choose, for example, between implementing one of two incompatible digital technological measures. It was the wrong thing to do for consumers and thus, we fixed the problem.

In our Committee report, we also sought to address the concerns of manufacturers and consumers about the potential for "playability" problems when new technological measures are introduced in the market. I was pleased to see that the conferees also recognized the seriousness of the problem and agreed to include explicit conference report language setting forth our shared respective on how the bill should be interpreted in this respect.

With regard to the issue of encryption research, the Commerce Committee again made an invaluable contribution to this important legislation. The amendment provided for an exception to the circumvention provisions contained in the bill for legal encryption research and reverse engineering. In particular, these exceptions would ensure that companies and individuals engaged in what is presently lawful encryption research and security testing and those who legally provide these services could continue to engage in these important and necessary activities which will strengthen our ability to keep our nation's computer systems, digital networks and systems applications private, protected and secure.

Finally, I want to commend my colleagues, DAN SCHAEFER and RICK WHITE for their efforts in reaching agreement on a provision which has been included in this bill to address the concerns of webcasters. Webcasting is a new use of the digital works this bill deals with. Under current law, it is difficult for webcasters and record companies to know their rights and responsibilities and to negotiate for licenses. This provision makes clear the rights of each party and sets up a statutory licensing program to make it as easy as possible to comply with. It is a worthy change to the bill and again, my thanks to Mr. WHITE and Mr. SCHAEFER and their staffs—Peter Schalestock and Luke Rose.

I can't emphasize enough to my colleagues the importance of not only this legislation, but also the timing of this legislation. An international copyright treaty convention is a rare and infrequent event. We thus stand on the brink of implementing this most recent treaty—the WIPO copyright treaty—knowing full well that it may be another 20 years before we can re-visit this subject. This bill strikes the right balance. Copyright protection is important and must be encouraged here. But in pursuing that goal we must remain faithful to our legacy, and our commitment to promoting the free exchange of ideas and thoughts. Digital technology should be embraced as a means to enrich and enlighten all of us.

Finally, I want to thank Chairman BLILEY and Ranking Member DINGELL as well as my colleagues Mr. MARKEY, Mr. KLUG, Mr. BOUCHER, and Mr. STEARNS. Also, I would like to thank Chairman HYDE, Ranking Member CONYERS, Chairmen COBLE, Mr. GOODLATTE, and Mr. BERMAN, as well as Senators HATCH, LEAHY, and THURMOND for their excellent work on this legislation. And finally, a special thanks to the staffs of these Members—Justin Lilley, Mike O'Reilly, Andy Levin, Colin Crowell, Kathy Hahn, Ann Morton, Peter Krug, Mitch Galzier, Debbie Laman, Robert Rabin, David Lehman, Bari Schwartz, Manus Cooney, Ed Damich, Troy Dow, Garry Malphrus, Marla Grossman, Bruce Cohen, and Beryl Howell.

MEDICARE HOME HEALTH AND VETERANS HEALTH CARE IMPROVEMENT ACT OF 1998

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I must oppose H.R. 4567 even though I support reforming the Interim Payment System (IPS) and I certainly support expanding the health care options available to American veterans. However, I cannot support this bill because this solution to home care is inadequate and it raises taxes on Americans instead of cutting wasteful, unconstitutional spending to offset the bill's increases in expenditures.

I am pleased that Congress is at last taking action to address the problems created by the IPS. Unless the IPS is reformed, efficient home care agencies across the country may be forced to close. This would raise Medicare costs, as more seniors would be forced to enter nursing homes or forced to seek care from a limited number of home health care agencies. In fact, those agencies that survive the IPS will have been granted a virtual monopoly over the home care market. Only in Washington could punishing efficient businesses and creating a monopoly be sold as a cost-cutting measure!

Congress does need to act to ensure that affordable home care remains available to the millions of senior citizens who rely on home care. However, the proposal before us today does not address the concerns of small providers in states such as Texas. Instead, it increases the reimbursement rate of home care agencies in other states. I am also concerned that the reimbursement formula in this bill continues to saddle younger home health agencies with lower rates of reimbursement than similarly situated agencies who have been in operation longer. Any IPS reform worthy of support should place all health care agencies on a level playing field for reimbursements.

A member of my staff has been informed by a small home health care operator in my district that passage of this bill would allow them only to provide an additional eight visits per year. This will not keep home health patients with complex medical conditions out of nursing homes and hospitals. Congress should implement a real, budget-neutral home health care reform rather than waste our time and the taxpayers' money with the phony reform before us today.

Mr. Speaker, I also support the language of the bill expanding the health care options available to veterans' benefits. Ensuring the nation's veterans have a quality health care system should be one of the governments' top priorities. In fact, I am currently working on a plan to improve veterans' health care by allowing them greater access to Medical Savings Accounts (MSAs). However, I cannot, in good conscience, support the proposals before us today because, for all their good intentions, it is fatally flawed in implementation for it attempts to offset its new spending with a tax increase.

Now I know many of the bill's supporters will claim that this is not a tax increase just an adjustment in the qualifications for a tax benefit or tightening a tax loophole. However, the fact is that by raising the threshold before a taxpayer can rollover their traditional IRA into a Roth IRA the federal government is forcing some people to pay higher taxes than they otherwise would, thus they are raising taxes. It is morally wrong for Congress to raise taxes on one group of Americans in order to provide benefits for another group of Americans.

Instead of raising taxes Congress should "offset" these programs by cutting spending in other areas. In particular, Congress should finance veterans health care by reducing expenditures wasted on global adventurism, such as the Bosnia mission. Congress should stop spending Americans blood and treasure to intervene in quarrels that do not concern the American people.

Similarly, Congress should seek funds for an increased expenditure on home care by ending federal support for institutions such as the International Monetary Fund (IMF), which benefit wealthy bankers and powerful interests but not the American people. At a time when the federal government continues to grow to historic heights and meddles in every facet of American life I cannot believe that Congress cannot find expenditure cuts to finance the programs in this bill!

Mr. Speaker, I must also note that the only time this Congress seems concerned with offsets is when we are either cutting taxes or increasing benefits to groups like veterans or senior citizens. The problem is not a lack of funds but a refusal of this Congress to set proper priorities and put the needs of the American people first.

In conclusion, Mr. Speaker, I call upon this Congress to reject this bill and instead support an IPS reform that is fair to all home care providers and does not finance worthwhile changes in Medicare by raising taxes. Instead, Congress should offset the cost to these worthy programs by cutting programs that do not benefit the American people.

HONORING SUNY BROOKLYN PROFESSOR ROBERT FURCHGOTT RECIPIENT OF THE NOBEL PRIZE FOR MEDICINE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor distinguished Professor Emeritus Robert Furchgott recipient of the Nobel Prize for Medicine.

Professor Furchgott received the Nobel Prize for Medicine as a much deserved salute for a long, distinguished and continually evolving career. Furchgott's love for science began as a young man growing up in the great state of South Carolina. After earning a doctorate in biochemistry at Northwestern University in Illinois, he headed to New York's Cornell Medical Center. In 1956, he landed a position at SUNY Downstate (now called SUNY Health Science Center in Brooklyn). He remained there until his retirement in 1989, and is now a professor emeritus.

Doctor Furchgott, always modest and unassuming, stated that a lucky mistake led to his discovery of the role in nitric oxide in vascular relaxation. Those that know him best know that this is his style. The Nobel Prize was not only for his pioneering discovery but it is also in recognition of his years of hard work and perseverance. Even as a tireless researcher, he has also been dedicated to the responsibility of shaping the next generation of pioneers. He never turns down students' request to read their research papers.

The professor, a giant in the field of medicine, is truly a role model and an inspiration for our children. A man of great conviction and passion for increasing the body of medical knowledge we will all benefit from, Mr. Speaker, I ask you and my colleagues on both sides of the aisle to join me in saluting the achievement of Professor Robert Furchgott.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LANTOS. Mr. Speaker, I join the Chairman of the International Relations Committee, Mr. GILMAN of New York, and the Ranking Democratic Member of the Committee, Mr. HAMILTON of Indiana, in strongly supporting this legislation to rename the North South Center as the Dante B. Fascell North South Center.

Mr. Speaker, I had the great honor of serving in this House for 12 years without our distinguished former colleague from Florida, Dante B. Fascell, and for almost a decade of my service in the House, he was the Chairman of the House Foreign Affairs Committee. In that position he played a critical role in dealing with many of the vital foreign policy issues of that time—the Iran-Contra scandal, the collapse of the Soviet Union, the effort to encourage the democratic political transition and the development market economies in the republics of the Newly Independent States and the countries of Central and Eastern Europe, the end of the Berlin Wall and the unification of Germany, the outrageous suppression of democracy and free speech at Tiananmen Square in Beijing.

Dante was a critical player, Mr. Speaker, when the House of Representatives considered the War Powers Act in 1974, and throughout his service in the Congress, he was adamantly committed to assuring the importance of the Congressional role in the formulation of our Nation's foreign policy. In the 1970's the Conference on Security and Cooperation in Europe took place with the involvement of the nations of both Western and Eastern Europe and the United States in an effort to improve relations between Western Europe and the Soviet Union and its client states. At this crucial time, Dante was one of the most insistent and effective voices in advocating the importance of respect for human rights as a key element of any agreement with the communist countries. It was largely through his leadership that the United States Commission on Security and Cooperation in Europe—the Helsinki commission—was established.

Among the most farsighted concerns upon which Chairman Fascell focused his energies and attention, however, Mr. Speaker, was the effort to improve and strengthen United States relations with the nations of the Western Hemisphere, including Latin America, the Caribbean, and Canada. Among his most lasting contributions in this regard was his important legislation to establish the North South Center at the University of Miami in 1990.

Mr. Speaker, Dante Fascell worked tirelessly to promote democracy and foster an open dialogue among the nations of this hemisphere. His efforts in this regard were important in advancing our nation's security, competitiveness and economic viability. The East West Center has played a vital role in the national debate on the role of the United States in the Western Hemisphere. The Center has done important work in focusing on regional topics of great importance to our nation—trade, economic growth, immigration, drug policy and drug control, and the spread of democracy and market economics.

In light of Dante's distinguished record of service in this body and the critical contributions which he and the North South Center have made in our nation's foreign policy in this hemisphere, Mr. Speaker, it is entirely appropriate and fitting that we rename the North South Center in his honor. I strongly support this legislation, and I urge my colleagues to support it as well.

FREE MARKETS, NOT THE IMF, IS THE ANSWER TO GLOBAL ECONOMIC CRISIS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. CRANE. Mr. Speaker, one of the biggest issues being negotiated between our Congressional Leadership and the White House is funding for the International Monetary Fund, the IMF. Indeed, debate over how best to address the various international financial crisis de jour is taking place all over the world.

I urge the Leadership to consider the thoughts of monetary policy experts like the Nobel Prize winning economist Milton Friedman. Specifically, I commend to my colleagues' attention an article from the Tuesday, October 13, 1998 edition of the Wall Street Journal by Mr. Friedman entitled: "Markets to the Rescue".

Among other ideas, Mr. Friedman suggests that the IMF's interventions in markets around the world has caused or exacerbated the various economic crises which, in turn, are having a significant impact on the otherwise healthy U.S. economy.

I urge my colleagues to consider what Mr. Friedman has to say about the IMF before we give one more dime of our taxpayers' money to that international agency.

[From the Wall Street Journal, Oct. 13, 1988]

MARKETS TO THE RESCUE

(By Milton Friedman)

The air is rife with proposals to reform the International Monetary Fund, increase its funds and create new international agencies to help guide global financial markets. Indeed, Congress and the Clinton administration spent much of the last week's budget negotiations find-tuning the details of the U.S.'s latest $18 billion IMF subvention package. Such talk is on a par with the advice to the inebriate that the cure for a hangover is the hair of the dog that bit him. As George Shultz, William Simon and Walter Wriston wrote on this page in February: "The IMF is ineffective, unnecessary, and obsolete. We do not need another IMF. . . . Once the Asian crisis is over, we should abolish the one we have." Centralized planning works no better on the global than on the national level.

The IMF was established at Bretton Woods in 1944 to serve one purpose and one purpose only: to supervise the operation of the system of fixed exchange rates also established at Bretton Woods. That system collapsed on Aug. 15, 1971, when President Nixon, as part of a package of economic changes including wage and price ceilings, "closed the gold window"—that is, refused to continue the commitment the U.S. had undertaken at Bretton Woods to buy and sell gold at $35 an ounce. The IMF lost its only function and should have closed shop.

INTERNATIONAL AGENCIES

But few things are so permanent as government agencies, including international agencies. The IMF, sitting on a pile of funds, sought and found a new function: serving as an economic consulting agency to countries in trouble—an agency that was unusual in that it offered money instead of charging fees. It found plenty of clients, even though its advice was not always good and, even when good, was not always followed. However, its availability, and the funds it brought, encouraged country after country to continue with unwise and unsustainable policies longer than they otherwise would have or could have. Russia is the latest example. The end result has been more rather than less financial instability.

The Mexican crisis in 1994–95 produced a quantum jump in the scale of the IMF's activity. Mexico, it is said, was "bailed out" by a $50 billion financial aid package from a consortium including the IMF, the U.S., other countries and other international agencies. In reality Mexico was not bailed out. Foreign entities—banks and other financial institutions—that had made dollar loans to Mexico that Mexico could not repay were bailed out. The internal recession that followed the bailout was deep and long; it left the ordinary Mexican citzen facing higher prices for goods and services with a sharply reduce income. That remains true today.

The Mexican bailout helped fuel the East Asian crisis that erupted two years later. It encouraged individuals and financial institutions to lend to and invest in the East Asian countries, drawn by high domestic interest rates and returns on investment, and reassured about currency risk by the belief that the IMF would bail them out if the unexpected happened and the exchange pegs broke. This effect has come to be called "moral hazard," though I regard that as something of a libel. If someone offers you a gift, is it immoral for you to accept it? Similarly, it's hard to blame private lenders of accepting the IMF's implicit offer of insurance against currency risk. However, I do blame the IMF for offering the gift. And I blame the U.S. and other countries that are members of the IMF for allowing taxpayer money to be used to subsidize private banks and other financial institutions.

Seventy-five years ago, John Maynard Keynes pointed out that "if the external price level is unstable, we cannot keep both our own price level and our exchanges stable. And we are compelled to choose." When Keynes wrote, he could take free capital movement for granted. The introduction of exchange controls by Hjalmar Schacht in the 1930's converted Keynes's dilemma into a trilemma. Of the three objectives—free capital movement, a fixed exchange rate, independent domestic monetary—free capital movement, a fixed exchange rate, independent domestic monetary policy—any two, but not all three, are viable. We are compelled to choose.

The attempt by South Korea, Thailand, Malaysia and Indonesia to have all three—with the encouragement of the IMF—has produced the external financial crisis that has pummeled those countries and spread concern around the world, just as similar attempts produced financial crisis in Britian in 1967, in Chile in the early 1980's, in Mexico in 1995 and in many other cases.

Some economists, notably Paul Krugman and Joseph Stiglitz, have suggested resolving the trilemma by abandoning free capital movement, and Malaysia has followed that course. In my view, that is the worst possible choice. Emerging countries need external capital, and particularly the discipline and knowledge that comes with it, to name the best use of their capacities. Moreover, there is a long history demonstrating that exchange controls are porus and that the attempt to enforce them invariably leads to corruption and an extension of government controls, hardly the way to generate healthy growth.

Either of the other alternatives seems to me far superior. One is to fix the exchange rate, by adopting a common or unified currency, as the states of the U.S. and Panama (whose economy is dollarized) have done and as the participants in the Euro propose to do, or by establishing a currency board, as Hong Kong and Argentina have done. The key element of this alternative is that there is only one central bank for the countries using the same currency: the European Central Bank for the Euro countries; the Federal Reserve for the other countries.

Hong Kong and Argentina have retained the option of terminating their currency boards, changing the fixed rate, or introducing central bank features, as the Hong Kong Monetary Authority has done in a limited way. As a result, they are not immune to infection from foreign-exchange crises originating elsewhere. Nonetheless, currency boards have a good record of surviving such crises intact. Those options have not been retained by California or Panama, and will not be retained by the countries that adopt the Euro as their sole currency.

Proponents of fixed exchange rates often fail to recognize that a truly fixed rate is fundamentally different from a pegged one. If Argentina has a balance of payments deficit—if dollar receipts from abroad are less than payments due abroad—the quantity of currency (high-powered or base money) automatically goes down. That brings pressure on the economy to reduce foreign payments and increase foreign receipts. The economy cannot evade the discipline of external transactions; it must adjust. Under the pegged system, by contrast, when Thailand had a balance of payments deficit, the Bank of Thailand did not have to reduce the quantity of high-powered money. It could evade the discipline of external transactions, at least for a time, by drawing on its dollar reserves or borrowing dollars from abroad to finance the deficit.

Such a pegged exchange rate regime is a ticking bomb. It is never easy to know whether a deficit it transitory and will soon be reversed or is a precursor to further deficits. The temptation is always to hope for the best, and avoid any action that would tend to depress the domestic economy. Such a policy can smooth over minor and temporary problems, but it lets minor problems that are not transitory accumulate. When that happens, the minor adjustments in exchange rates that would have cleared up the initial problem will no longer suffice. It now takes a major change. Moreover, at this stage, the direction of any likely change is clear to everyone—in the case of Thailand, a devaluation. A speculator who sold the Thai baht short could at worst lose commissions and interest on his capital since the peg meant that he could cover his short at the same price at which he sold it if the baht was not devalued. On the other hand, a devaluation would bring large profits.

Many of those responsible for the East Asia crisis have been unable to resist the temptation to blame speculators for their problems. In fact, their policies gave speculators a nearly one-way bet, and by taking that bet, the speculators conferred not harm but benefits. Would Thailand have benefited from being able to continue its unsustainable policies longer?

Capital controls and unified currencies are two ways out of the trilemma. The remaining option is to let exchange rates be determined in the market predominantly on the basis of private transactions. In a pure form, clean floating, the central bank does not intervene in the market to affect the exchange rate, though it or the government may engage in exchange transactions in the course of its other activities. In practice, dirty floating is more common: The central bank intervenes from time to time to affect the exchange rate but does not announce in advance any specific value that it will seek to maintain. That is the regime currently followed by the U.S., Britain, Japan and many other countries.

FLOATING RATE

Under a floating rate, there cannot be and never has been a foreign exchange crisis, though there may well be internal crises, as in Japan. The reason is simple: Changes in exchange rates absorb the pressures that would otherwise lead to crises in a regime that tried to peg the exchange rate while maintaining domestic monetary independence. The foreign exchange crisis that affected South Korea, Thailand, Malaysia and Indonesia did not spill over to New Zealand or Australia, because those countries had floating exchange rates.

As between the alternatives of a truly fixed exchange rate and a floating exchange rate, which one is preferable depends on the specific characteristics of the country involved. In particular, much depends on whether a given country has a major trading partner with a good record for stable monetary policy, thus providing a desirable currency with which to be linked. However, so long as a country chooses and adheres to one of the two regimes, it will be spared foreign-exchange crises and there will be no role for an international agency to supplement the market. Perhaps that is the reason why the IMF has implicitly favored pegged exchange rates.

The present crisis is not the result of market failure. Rather, it is the result of governments intervening to or seeking to supersede the market, both internally via loans, subsidies, or taxes and other handicaps, and externally via the IMF, the World Bank and other international agencies. We do not need more powerful government agencies spending still more of the taxpayers' money, with limited of nonexistent accountability. That would simply be throwing good money after bad. We need government, both within the nations and internationally, to get out of the way and let the market work. The more that people spend or lend their own money, and the less they spend or lend taxpayer money, the better.

MENTAL HEALTH CRISIS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mrs. ROUKEMA. Mr. Speaker, I am pleased to take this time (with the gentlelady from Ohio, Ms. KAPTUR) to illuminate what needs to be done to address the silent medical crisis in America of mental illness.

Mental illness is not a character flaw, but a tangible treatable health problem as real as hypertension or heart disease or tuberculosis or the many forms of cancer.

The good news: advances of our medical system have provided scientific breakthroughs that make appropriate mental health care as effective as insulin for a diabetic.

While we do have the ability to treat mental illness, we have a tremendous amount of work to do in the critical area of public understanding of mental illnesses—leading to appropriate treatment.

Unfortunately, America is witnessing more violence every day resulting from untreated mental illness and a failed policy of deinstitutionalization without any proper community follow-up.

All too often we hear of situations where an individual with a mental disorder has not received adequate treatment and has reacted violently and endangered him—or herself or, tragically, taken the life of another. Last year, alone, over 1,000 homicides were directly attributable to improperly treated mental illnesses.

This crisis is not just a crisis for adults. This crisis also affects our children.

The American Academy of Child & Adolescent Psychiatry estimates that 12 million American children have a mental illness at any one time, but fewer than one in five is identified as needing treatment. Early diagnosis, follow-up treatment, and prevention and intervention programs can help children and adolescents at risk for violent incidents.

My colleagues, these are the dimensions of this silent crisis. But we are not powerless. We can do something.

I, along with Representative KAPTUR, have introduced a sense of the House resolution to establish a mental illness working group to probe the gaping holes in the network of services designed to identify, assist, and treat those people with mental illness.

While treatment of the mentally ill is primarily a function of the separate states, there does exist significant sharing of costs and some joint federal/state responsibilities in such areas as reciprocity between states, the relationship of SSI and Medicaid to mental illness and the designation of Institutions of Mental Diseases.

Other key federal components that require oversight and analysis are the effectiveness of mental health block grants and the federal prison costs attributed to mental illness.

Our proposed mental illness working group would be charged with gathering information about the nature of the problem, current state and federal policy gaps as well as reviewing the need for reciprocity and how states and communities failed to provide follow-up treatments to these individuals.

This will involve Members of the various Committees that have jurisdiction over federal issues involving the mentally ill, including Ways and Means, Judiciary, Commerce, Veterans Affairs, Appropriation, Banking and the Education and the Workforce Committee. They are involved in issues ranging from discrimination in health care coverage to public housing.

We must take responsible action and seize this opportunity to ensure that something beneficial results from recent tragedies, such as that which occurred here on Capitol Hill.

I hope you will join us in this effort.

OPPOSING REPUBLICAN LAST MINUTE EFFORTS TO PASS A MODIFIED VERSION OF H.R. 4006, THE LETHAL DRUG ABUSE PREVENTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. STARK. Mr. Speaker, I rise to express my strong opposition to attempts that I understand are currently underway to attach a version of H.R. 4006, The Lethal Drug Abuse Prevention Act of 1998, to the omnibus appropriations bill that will soon be considered by Congress.

H.R. 4006 has been scheduled for floor consideration by the Full House several times this year. Each time ti has been pulled from consideration because of the great concerns expressed by our medical community. The bill purports to simply combat the practice of physician-assisted suicide. Unfortunately, that is not all the bill accomplishes. It also presents real barriers to the appropriate care of terminally ill and dying patients.

It does not appear that the supporters of this legislation intend to affect pallative care for the dying. But, regardless of intent, it is the effect of this bill. The latest version of the bill would have the same result.

If it becomes law, doctors will be deterred from providing appropriate pain management to their terminally ill patients. If you've ever lost a loved one after a long, painful illness, you know the importance of these medications. They are vital to ease the pain of people in their final days of life. It should be up to the patient, the doctor, and the patient's family to develop an appropriate pain management program—without the doctor needing to fear intervention from the federal government.

The tools exist today at the state level through the State medical and pharmacy boards to seek out and discipline doctors and other health care providers that violate the law regarding the dispensing of controlled substances. This legislation is not necessary.

The medical community is opposed to this action and patient advocacy groups are opposed to it as well. In total, more than 55 such organizations have signed up to express their opposition. The Department of Justice, the very agency that would be required to enforce the policy if it were to become law, has also voiced strong opposition to this action. In a letter to Chairman Hyde regarding H.R. 4006, the Departments states: "Virtually all potent pain medications are controlled substances. Thus, physicians who dispense these medications to ease the pain of terminally ill patients could well fear that they could be the subject of a DEA investigation whenever a patient's death can be linked to the use of a controlled substance."

If we've learned anything from the managed care debate, it is that the American public wants medical decisions made by doctors and their patients—not health plan or government bureaucrats. This bill goes in the opposite direction from those desires.

We are at this point not because of any need for a new law. We are here because the Christian right is pushing this issue as yet another part of their wish list. They want to force it through the process even though there are serious, legitimate questions about its unintended consequences. Its supporters want it passed regardless of those concerns so that it can send a political message. We should resolve those concerns, not shut our eyes and rush it into law.

The last minute appropriations gimmick is Congress at its worst. Because there is legitimate opposition to passing the legislation through the regular legislative process, this is an attempt to tie the Department of Justice's hands via Congress' ability to control their spending authority. I strongly oppose inclusion of this provision in the omnibus appropriations package and urge my colleagues to join me in defeating this misguided legislation, which attempts to please a political constituency at the cost of appropriate medical care for terminally ill patients.

DISSENTING VIEWS TO H.R. 1842 OMITTED FROM COMMITTEE ON RESOURCES REPORT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MILLER of California. Mr. Speaker, due to an administrative error, dissenting views were inadvertently omitted when the Committee on Resources filed House Report No. 105–781, on H.R. 1842, a bill to terminate further development and implementation of the American Heritage Rivers Initiative. I submit a copy of the dissenting views that would have been filed on this legislation to be printed in the CONGRESSIONAL RECORD. I have also asked that these views be included in the official Archive of the legislative history of this bill.

H.R. 1842—DISSENTING VIEWS

The American Heritage Rivers Initiative is intended to make the government serve the people more efficiently—and in fact that is what it will do. The program would affect only rivers where the local citizens have specifically requested the designation of their rivers as American Heritage Rivers. H.R. 1842 is a bill that would prevent the President from responding to those requests and coordinating the delivery of government services to those local communities. We must oppose this bill, which would stand in the way of government efficiency and effectiveness.

The American Heritage Rivers Initiative is designed to help citizens who ask for assistance with federal river programs. It is driven entirely by requests from local communities who ask to have their rivers designated, and specify the federal programs they believe can serve community goals for their rivers. Once the designations are made, the program will continue to be guided by *local* goals for river restoration and economic development. The designated "River Navigator" will respond to *local* requests to coordinate federal agency assistance.

The American Heritage Rivers Initiative doesn't involve new regulatory authority or new land acquisition. It simply coordinates existing federal programs and asks the federal government to be more responsive to the people. It will not impose any new federal mandates on private land. In fact, the Executive Order on the American Heritage Rivers Initiative provides repeated assurances that no such actions will occur and that Fifth Amendment rights will be protected. And of course, zoning and land use decisions will remain under local control. Nothing about the American Heritage Rivers Initiative changes that traditional local authority.

Concerns have been raised regarding the participation of designated "River Navigators" in local court proceedings and zoning board hearings. CEQ Chair Kathleen A. McGinty assured the Committee that the River Navigators would not take such action in their roles as River Navigators. Obviously, the White House cannot anticipate every circumstance where the government might be sued and federal employees might have to testify. But the White House has promised that River Navigators will not be intervening in local courts and zoning boards in their roles as River Navigators. This is as much as could be expected.

The American Heritage Rivers Initiative will not impose new zoning or new regulations on private property. It will not involve new federal land acquisition. It will simply respond to local communities who request help in accessing government services. We oppose the bill to terminate this worthwhile program.

GEORGE MILLER, ED MARKEY, NEIL ABERCROMBIE, ENI FALEOMAVAEGA, SAM FARR, PATRICK KENNEDY, ADAM SMITH, DONNA CHRISTIAN-GREEN, LLOYD DOGGETT, DALE KILDEE, FRANK PALLONE, NICK JOE RAHALL, BRUCE VENTO, MAURICE HINCHEY, CALVIN DOOLEY, WILLIAM DELAHUNT, CARLOS ROMERO-BARCELO

IN HONOR OF BROOKLYN COPS AWARDED THE TOP COPS AWARD

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to the Brooklyn Police Officers who were honored in the Top Cop Award Ceremony.

These men, who everyday place themselves on the line are a vital resource to Brooklyn in particular and New York State in general. Their heroism above and beyond their call to duty is an admirable and honorable task. These officers without regard for their own safety, used their excellent training and resources to thwart a potential domestic terrorist act.

With the use of civilian informants, the officers were made aware of plans to use explosive devices with the intent of targeting and destroying a section of the New York subway system. One can imagine the tragedy that may have ensued had those deadly plans been carried out. Thanks to the expedient tactical plans created by the officers they were able to catch the would be domestic terrorists before they were able to do any harm. This act is just one of the many these officers do day in and day out constantly protecting civilians from unseen dangers and harm.

These officers embody the true and honorable spirit of law enforcement. They stand as shining examples of what it means to uphold law and justice. Though they deserve so much more for their constant and tireless commitment, this award shows our support and understanding of the danger of the job they do for us everyday. I want these officers to know that I personally thank them for protecting me and my loved ones from an all too close possible incident of domestic terrorism. May their honor and valor stand as an example to others, officers and civilians, of the true meaning of dedication and selflessness.

Mr. Speaker, I would like to ask you and my colleagues on both sides of the aisle to rise with me to give a well deserved round of applause for Brooklyn's Top Cops—Officer Joseph Dolan, Sergeant, John A. English, Jr., Officer Michael F. Kenan, Officer David Martinez, Lieutenant Owen C. McCaffrey, Deputy Inspector Raymond McDermott, Captain Ralph Pascullo, and Officer Mario Zorovic.

SENSE OF CONGRESS REGARDING FORMER SOVIET UNION'S REPRESSIVE POLICIES TOWARD THE UKRAINIAN PEOPLE

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. LANTOS. Mr. Speaker, I join my colleagues on the House International Relations Committee in supporting the adoption of House Concurrent Resolution 295 remembering the suffering of the people of Ukraine on the 65th anniversary of the horrendous 1932–1933 famine which resulted in the death of more than seven million people—a quarter of the population of that land.

Such massive loss of life, Mr. Speaker, is always a great tragedy, but the Ukraninian famine was a particularly devastating event because it was largely an articial diaster—it was the consequence of vicious misguided policies of the Stalinist regime in the Soviet Union. In 1929, the Soviet dictator, Josef Stalin, decreed the implementation of the policy of collectivization in agriculture, largely to ensure government control over the country's agriculture. This was done in order for the totalitarian government in the Kremlin to control more of the country's agricultural products to provide hard currency and capital for investment in industrialization.

After forced collectivization began in 1929, the rural population of Ukraine began to suffer. The diet of the population began to worsen. By the fall of 1931 the people of this rich breadbasket were trying to survive on a diet of potatoes, beets and pumpkins. Hunger people from Ukraine were traveling in ever larger groups to neighboring areas, particularly to Russia, to find food.

By the spring of 1932 people began to die of starvation. Conditions were so difficult that when peasants began the spring sowing, they kept the seeds that were necessary for that year's crop home for their children to eat. This further exacerbated the crisis. Western journalists provided reports of the seriousness of the situation in Ukraine, and the few non-Soviet visitors who were permitted to visit Ukraine confirmed the seriousness of this tragedy.

Demographers who have carefully studied this era have concluded that seven to ten million people died as a consequence of this government-induced famine and the terror and repression carried out against peasants in Ukraine. When Members of Congress wrote to the Soviet government at that time, the Soviet Foreign Minister responded by calling reports of the famine 'lies circulated by counterrevolutionary organizations abroad."

Mr. Speaker, it is most appropriate that we commemorate—in sorrow and in regret—this tragic episode in the history of Ukraine. It is important that in remembering this period, we commit ourselves to take action to prevent similar atrocities in the future in Ukraine or in any other nation.

This is also an occasion, Mr. Speaker, for us to rejoice that the people of Ukraine are now in the position to determine their own destiny. As a free and independent nation, the fate of the people of Ukraine now lies in their own hands. It is important for the people of Ukraine to know that we in the United States welcome their independence and that we are committed to their success as they seek to move toward a free and open and democratic society and toward a prosperous and free market economy.

Mr. Speaker, I join in marking this tragic era in the history of Ukraine, and I extend my best wishes to the people of Ukraine as they work to assure that such a catastrophe never befalls their country.

LIHEAP PROGRAM

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I am outraged that the Labor, Health and Human Services Appropriations bill has eliminated all funding for LIHEAP, the Low Income Home Energy Assistance Program.

This critical program provides energy assistance to over 170,000 households in my home state of California and over 4 million needy families nationwide. Many of these families have young children and over half include elderly or handicapped persons.

By eliminating LIHEAP, Congress is causing unnecessary suffering and forcing poor families to choose between heating their homes and buying food for their children. When winter temperatures fall below zero, children can freeze to death.

When heat waves soar above 90 degrees, the elderly and handicapped are at high risk of heat stroke and other grave health complications. The heat wave in Texas this past summer killed over 100 people, many of whom were elderly. Clearly, air conditioning is a life and death matter.

This vital program can be fully funded for the modest sum of 1.1 billion dollars. It is unconscionable that we would even consider eliminating this inexpensive and compassionate program.

I urge my colleagues to restore full funding for the LIHEAP program in the omnibus appropriations bill.

MANAGED CARE MANAGES NOT TO CARE ABOUT MEDICAL PRIVACY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. MARKEY. Mr. Speaker, on September 27, The Washington Post chronicled a shocking violation of patient privacy and the aggressive tactics of Pharmacy Benefits Managers. This article shines a light on efforts by PBMs, often owned by drug manufacturers to accumulate extremely sensitive and private medical data on individuals which they claim is being used to manage their health plans more economically. The article describes the experience of a woman whose prescription purchases were tracked by a pharmacy benefits manager, which in turn, used the information to inform her doctor that she would be enrolled in a "depression program", to monitor her prescriptions for anti-depression medication and to target her for "educational" material on depression. Even more alarming is that her employer had free access to all this sensitive information.

As it turns out, this woman was not suffering from any depression-related illness. Her doctor prescribed the medication to help her sleep. She had no idea that by signing up for her managed care plan, she was signing up for an invasion of her privacy. By using her prescription-drug-card, the privacy she had every right to expect between patient, doctor and pharmacist was breached and abused

This story serves to underscore my concern that laws protecting the privacy of personal information are woefully inadequate. In this electronic age, we must strengthen our privacy rights in proportion to the supersonic speed at which privacy can now be stripped from unsuspecting patients. I urge my colleagues to reflect on this situation and to work to address it in the next Congress.

[From the Washington Post, Sept. 27, 1998]

PLANS' ACCESS TO PHARMACY DATA RAISES PRIVACY ISSUE—BENEFIT FIRMS DELVE INTO PATIENT RECORDS

By Robert O'Harrow Jr.

Joan Kelly knew she would save money at her pharmacy when she used her prescription-drug card to buy an antidepressant her doctor prescribed to help her sleep. Instead of paying $17 for a month's supply of trazodone, she paid just $8.

But Kelly didn't know that when she filled her prescription last fall at a drugstore in Austin, Tex., she would also be swept up in a technology-driven revolution to control medical costs, a new kind of managed care that trampled on her notions of privacy.

Sensitive information about her prescription was flashed to PCS Health Systems, a company in Scottsdale, Ariz., that administers her pharmacy benefit on behalf of her health insurance plan. Computers instantly matched her information with other data previously collected about medications she had been taking, and the new data was stored for review by PCS administrators.

A few months later, PCS sent Kelly's doctor a letter. At the request of Kelly's employer, it said, the company had peered into one of its databases of more than 500 million prescriptions, pinpointed her as someone who used antidepressants and enrolled her in a "depression program." Kelly's prescriptions would not be monitored, it said, and the doctor would be notified of any lapses. Kelly also would be sent educational material on depression.

The aim of the company, the letter noted, was to "optimize pharmaceutical care."

When Kelly's doctor told her about the letter, Kelly began to fret about being watched. She wondered if her bosses at Motorola Inc., which runs its own health insurance plan, would mistakenly think she was mentally ill.

"I feel it's an invasion of privacy," said Kelly, 50, who has worked at Motorola for 20 years as an engineering assistant. "I feel that if I go looking for a job or a promotion, they'll say, 'She's on antidepressants.'"

A Motorola spokesman said the company chooses not to receive information about specific employee prescriptions, but there are no laws preventing it from doing so. Indeed, there are few federal rules governing the use of personal information by companies such as PCS.

They are called pharmacy benefit managers. Not long ago, such companies primarily determined if individuals' prescriptions were covered by a health plan. Today, they are technology-savvy giants that stand at the heart of a dramatic change in how medicine is being practiced under managed care.

Using powerful computers, these firms have muscled their way into what was once a close and closed relationship between patients and their doctors and pharmacists. They have established electronic links to just about every pharmacy in the United States. And they now gather detailed prescription information on the 150 million Americans who use prescription cards. PCS, which administers the benefit of 56 million people, adds about 35 prescriptions a second to a storehouse of 1.5 billion records.

PCS and other benefit managers said prescription cards should be considered an unprecedented opportunity to improve medical care and save health plans money.

Working on behalf of health plans, the benefit managers said, they use the data to pinpoint dangerous overlaps in medications that shouldn't be taken together, or to suggest generic drugs that might be just as effective at a fraction of the cost. They also reach out directly to patients and advise them on when and how to take their medication, a practice they say saves money by improving individuals' health. Industry officials estimate that their companies have saved health plans billions of dollars in recent years.

"They're the patient's caretaker," said Delbert Konnor, president of the Pharmaceutical Care Management Association, an industry group that represents some of the nation's largest benefit managers. "They're monitoring the physician. They're monitoring the patient. They're also monitoring the costs.

"The whole health care industry is in a state of strategic flux," Konnor added. "It's the information that really is the valuable portion of what's going on."

But a growing number of patients, doctors and pharmacists complain that they never gave explicit approval for personal information to be collected and analyzed. Some doctors contend that the benefit managers have overstepped their roles as administrators, and they worry that new programs touted as improving care mask efforts to market drugs.

Critics say the top three benefit managers sometimes highlight medications made by their parent companies—drug manufacturers Eli Lilly and Co., which owns PCS; SmithKline Beecham, which owns Diversified Pharmaceutical Services; and Merck & Co., which owns Merck-Medco Managed Care. At the same time, drug companies often pay for benefit managers to send in-house specialists to visit doctors in attempts to modify patient care—sometimes without asking patients' permission.

"Right now people live with this myth that the doctor-patient confidentiality is sacrosanct. We know that's not true," said Janlori Goldman, director of the Health Privacy Project at Georgetown University.

"Once they file a claim, once they fill a prescription, the personal, sensitive information they shared with their doctor is fair game," she said. "The information about them essentially becomes a commodity."

Some specialists fear that patients anxious about giving up their privacy may ultimately lose trust in the medical profession.

"There's a fundamental realignment of the players here," said Daniel Wikler, a professor of medical ethics at the University of Wisconsin. "The question is: Who is the patient supposed to look to?"

Regulators in Nevada, Ohio and elsewhere have begun examining possible violations of state confidentiality laws or regulations protecting medical records. Legislators in Virginia, New York and elsewhere also have begun considering laws that would give their states more control over pharmacy benefit managers.

"By what authority do these companies believe they have a right to collect this information?" asked Charles Young, executive director of the Massachusetts Board of Registration in Pharmacy. "And once they get it, how are they using it? Is it in the best interest of the patients? Or is it in the best interest of the company?"

Pharmacy benefit managers have been in business for more than two decades. They began playing a more central and controversial role in health care just a few years ago.

That's when drug manufacturers and pharmacy chains—including CVS, Rite Aid and others—began spending billions of dollars to acquire such companies as part of the race to capture a larger share of the fast-growing market for prescription drugs.

Improvements in computer technology also made it vastly easier to gather, store and track information about patients. This technology has become widespread in recent years, in part because of the plummeting cost of data storage and steady increases in computer processing speeds.

New benefit management companies popped up everywhere. Now more than 150 pharmacy benefit managers manage 1.8 billion prescriptions every year, and the number of people who use prescription cards has more than doubled since 1990 to more than 150 million, according to the industry association. At the same time, the proportion of prescriptions covered at least in part by managed care has soared from about one in four to almost two of every three, according to IMS Health Inc., a health care information company.

The market for prescription drugs is worth more than $81 billion annually, more than twice the amount at the beginning of the decade. Officials at the benefit management companies say that figure would be significantly higher without them. Studies by the General Accounting Office, the Congressional Budget Office and other researchers tend to support that contention.

A GAO report said that three plans in the Federal Employees Health Benefits Program estimated benefit managers saved up to $600 million in overall spending in 1995 "by obtaining manufacturer and pharmacy discounts and managing drug utilization." The report also found a "high degree of satisfaction" among Federal employees with pharmacy benefit management services.

A more recent analysis by the Congressional Budget Office concluded that pharmacy benefit managers have helped to slow the rising cost of prescription drugs. The authors suggested in July that the benefit managers accomplished this by directing doctors and pharmacists to use certain lower-cost drugs.

"We're achieving the dual objective of ensuring appropriate care for patients, while at the same time reducing pharmaceutical costs for health plans," said Blair Jackson, spokesman for PCS Health Systems.

To assess the impact of the benefit management revolution on personal privacy, it is necessary to understand how the system works. But that's not easy. Even many regulators and doctors have only recently begun to sort out how these companies gather, use and resell patient information.

To many consumers, the process is almost invisible, even though in most cases they have given their consent by signing up for a health plan, industry officials say.

It starts when someone uses a prescription card to get medication. Their information is electronically messaged to their health plan's benefit manager, a transaction that in most instances takes seconds. A computer checks to see if the medication is covered and whether the drug is safe for a particular patient, in many cases as the patient waits for the prescription to be filled.

The computers also match the prescription against a formulary, a list of medications the benefit managers have arranged for health plans to buy at a lower cost or that have been determined to be more effective. Health plans often get the discounts by pledging to use certain drugs exclusively. Sometimes the pharmaceutical companies give rebates as their drugs are dispensed, industry officials said.

These formularies are the cornerstone of efforts to control drug costs. They also are a contentious issue. Critics, including some federal and state regulators, contend that benefit managers appear to have shown a bias toward the products of their parent companies.

A study two years ago by the office of the public advocate for the city of New York, for example, found that benefit managers steered doctors and patients toward their parent companies' drugs, an allegation that the benefit managers deny. Public Advocate Mark Green said the companies should not have such sweeping access to patient records.

They "are using medical histories of millions of unsuspecting patients. This is as little known as it is wrong," Green said. "It would be hopelessly naive to trust the voluntary virtue of these PBMs."

If the benefit manager's computer approves a transaction, an affirmative message is sent back to the pharmacist. But if it determines that a less expensive drug can be safely switched, that suggestion is sometimes flashed back. PCS offers pharmacists up to $12 to secure approval from a patient and the patient's doctor for a "therapeutic interchange" of certain drugs. A change can't be made without such approval, PCS officials said.

Meanwhile, a patient's information is stored in various computers, including data warehouses operated by the benefit managers. The technology allows the benefit managers to keep close track of individuals. In some cases, they remind patients to refill prescriptions and take their medicine at appropriate intervals. Medical officials say that up to half of all patients with some conditions—such as hypertension or high cholesterol—fail to take their medicine as prescribed.

The benefit managers also can track people with chronic illnesses and offer suggestions about their care. These increasingly common efforts are known as "disease management" programs. One of the problems with these programs is the risk of misidentifying a person's ailment. Medical specialists say that's because certain drugs can be used to treat different problems.

Kelly, the Texas woman, said she was mistakenly enrolled in a program called "Journeys: Paths Through Depression." She took antidepressant medicine because she was having trouble sleeping because of menopause, she said, not because she was mentally ill. Karen Hill, the physician who was treating Kelly at the time, confirmed Kelly's account.

In the letter, the company acknowledged the possibility of making an incorrect assumption about a patient's ailment and said those who have questions should consult their doctor.

Kelly said she had no idea when she enrolled in her health plan that it would open the way to close scrutiny of her prescriptions.

"Mainly, what you're looking at is what you get and what you pay. I wasn't even thinking about personal information going out," Kelly said. "With managed care, I know it's getting more convoluted. But this never occurred to me."

Motorola officials said there was no reason for such anxiety. They described the PCS effort as a "stigma-free mental health" program that provides employees with help and educational material about depression. So far, 167 of the 5,721 employees enrolled in the program have opted out.Connie Giere, a benefit official at Motorola, said information about patients is protected. "Obviously, we own that data," she said. "But we have chosen not to receive that data because it's counter to our philosophy of confidentiality." Motorola officials said the company chooses only to receive general reports about trends, not the names of employees or other personal information.

Pharmacy benefit managers also routinely urge doctors to change a patient's medicine to a brand or generic drug that the companies believe is less expensive or more effective. The benefit managers contact patients and doctors through letters, telephone calls and faxes. Some benefit managers also send messages to pharmacists as patients wait for their prescription.

Bernard Steverding of Fairfax County received a letter several months ago that said the prescription he was taking to lower his cholesterol had been changed by a pharmacy benefit manager to another drug. The letter he received was typical, but it made him furious.

The letter, from a company now called Express Scripts/ValueRx, said: "When we find a medicine that we believe to be better for a particular patient, we review the patient's medication profile and then confirm with the prescribing physician that a change of medication is appropriate. We know that the only way to help control prescription drug costs is in partnership with you and your doctor."

Steverding and his wife said the letter arrived after the new prescription was filled and the change was made without his consent. Souzana Steverding said her husband wasn't sure if he should take the new drug concurrently with the remaining pills he had under the old prescription. "We got this new prescription and didn't even know what it was for," she said. "Nobody told us you can't take these two together."

Dan Cordes, a vice president at Express Scripts/ValueRx, said Steverding had given his consent to the program by signing up with his health insurance plan, which authorized the collection of his prescription information. Cordes said Steverding's doctor approved the switch. "It's a totally voluntary program," Cordes said.

Officials at benefit managers say they take great care with the information they collect and understand its sensitivity. At PCS, for example, employees must sign a pledge that they will respect the confidentiality of personal records. Patient information also is encrypted or depersonalized whenever PCS transmits it.

"We clearly recognize that by being a part of the health care system we have to abide by this type of ethics," said Nick Schulze-Solce, a vice president for health management services at PCS.

But given the limited oversight by state and federal authorities, there's no way to guarantee information will be used appropriately. In Las Vegas last year, patients who shopped at three independent drug stores later received $5 coupons and promotional fliers in the mail from a pharmacy chain, American Drug Stores. Among them was Mary Grear, a pharmacist and owner of the independent stores.

Grear wondered why she and so many of her customers received the same flier. By looking in her own computers, she discovered they all had the same pharmacy benefit manager, a company owned by American Drug Stores. She complained to state authorities, who confirmed this spring that a pharmacy benefit manager owned by American Drug Stores had passed along the names and other information from confidential prescription records.

Grear said she was outraged, both as a patient and a pharmacist.

"I mean, it's medical information. That's how it should be used. It isn't for marketing," Grear said. "I believe it's between me and my health professional."

State authorities also were unsettled.

"Something like this has never happened before," said Larry L. Pinson, president of the Nevada State Board of Pharmacy, who described the prescription records involved as "very, very private medical histories."

In response, regulatory officials in Nevada recently sent out a stern letter to 275 pharmacy benefit managers and other administrators, warning that many of the companies' activities may be illegal. "You are now on notice," the letter said, "and the board hopes that these illegal practices will now stop."

Dan Zvonek, a spokesman for American Drug Stores, said the sharing of patient records by the companies was a mistake that would not happen again.

He acknowledged that pharmacy benefit companies are struggling with privacy issues, trying to determine what's appropriate as financial matters take an ever larger role in decision making.

"You run this risk of stepping over those boundaries of confidentiality. But no one knows where those boundaries are," Zvonek said. "You running a risk of ignoring the health care aspect and focusing on profit."

One source of profit for the benefit managers is the resale of aggregations of patient data. Although benefit managers remove patient names and other personally identifying information from the records, such data has become increasingly valuable for drug companies and health researchers.

During companies mine the data, for example, to track how much a health plan spends on each specific drug and to try to document whether treatment resulted in the desired outcome. They also use the information to measure the success of direct marketing campaigns and to focus sales forces on doctors who prescribe certain medicines.

Raymond Gilmartin, chief executive of Merck & Co., the giant pharmaceutical company that owns Merck-Medco, said that by monitoring how diabetics take their medication, the firm can save health plans $260 a year per diabetic by keeping them well—and out of the hospital.

"This is exiting stuff," Gilmartin said. "This is the information everyone is looking for and that everyone wants."

Among the many unresolved questions posed by benefit mangers is who has the final say on how personal date is used and maintained. In most cases, according to Schulze-Solce, the health plan that has contracted with a benefit manager to gather the information owns the information.

In many cases that owner is an employer that provides it own health insurance.

"That of course is something that needs to be recognized," said Schulze-Solce. "For society, it is important to get their arms around that because that is a potential source of leak. . . . In theory, [privacy] is depending on the self-discipline of those companies."

In any case, officials at pharmacy benefit managers said patients, doctors and the rest of the medical community might as well get used to them. Not only are they increasingly important to the health care system, but they're not going away anytime soon.

As medical professionals come to rely on a person's genetic history to recommend treatments, even more detailed data will be needed to provide proper care. Schulze-Solce said pharmacy benefit managers will be expected to help fill that need.

He likened the development of pharmacy benefit managers to the evolution of nuclear bombs: "In the case of nuclear weapons, you try to contain the risk," he said. "Trying to go back is moot."

MULTIPLE CHEMICAL SENSITIVITY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SANDERS. Mr. Speaker, I rise today to discuss the issue of Multiple Chemical Sensitivity as it relates to both our civilian population and our Gulf War veterans. I continue the submission for the RECORD the latest "Recognition of Multiple Chemical Sensitivity" newsletter which lists the U.S. federal, state and local government authorities, U.S. federal and state courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statements, and/or published documents recognizing Multiple Chemical Sensitivity disorders for the benefit of my colleagues.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

In a letter from HUD Assistant Secretary Timothy Coyle to Senator Frank Lautenberg, confirming HUD recognition of "MCS as a disability entitling those with chemical sensitivities to reasonable accommodation under Section 504 of the Rehabilitation Act of 1973" and also "under Title VIII of the Fair Housing Amendments Act of 1988" [26 October 1990, 2 pages, R–13]. This was followed by a formal guidance memorandum from HUD Deputy General Counsel G.L. Weidenfeller to all regional counsel, detailing HUD's position that MCS and environmental illness "can be handicaps" within the meaning of section 802(h) of the Fair Housing Act and its implementing regulations [1992, 20 pages, R–14]. Also recognized in a HUD Section 811 grant of $837,000 to develop an EI/MCS-accessible housing complex known as "Ecology House" in San Rafael, CA, consisting of eleven one-bedroom apartments in a two-story complex. This grant was pledged in 1991 and paid in 1993. [2 pages, R–15] (See also Recognition of MCS by Federal Courts, Fair Housing Act, below.)

U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE

In response to a disability rights complaint filed against the Baltimore County Parks and Recreation Department (BCPRD) by Marian Arminger on behalf of her three children, which the National Park Service (NPS) accepted for review pursuant to both Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. The Acting Equal Opportunity Program Manager of the NPS ruled that "the BCPRD must accept the determination of disability by the Baltimore County Public Schools [BCPS, see US Department of Education, above] regarding the children and their disability of MCSS [MCS Syndrome]. This will eliminate possible retaliation with a different conclusion by the same public entity." [Case #P4217(2652), 1996, 4 pages, R–102]. The NPS further ruled that "With the determination that these children are individuals with a disability (MCSS), it is necessary to make reasonable modifications to program facilities. It appears that discontinuing, temporarily or permanently, the use of outside or inside pesticide application and toxic cleaning chemicals is the basic reasonable modification necessary in this case. . . . Therefore we believe that steps should be taken by the BCPRD to provide the necessary communication with other affected agencies such as the BCPS and develop, in consultation with the parents and others deemed appropriate, a plan for the reasonable modification of the program environment for these children."

U.S. DEPARTMENT OF JUSTICE

In its enforcement of the Americans with Disabilities Act of 1990, under the terms of which MCS may be considered as a disability on a case-by-case basis, depending—as with most other medical conditions—on whether the impairment substantially limits one or more major life activities. The Office of the Attorney General specifically cites "environmental illness (also known as multiple chemical sensitivity)" in its Final Rules on "Non-Discrimination on the Basis of Disability in State and Local Government Services" (28CFR35) and "Non-Discrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities" (28CFR36), as published in the *Federal Register*, Vol. 56, No. 144, pages 35699 and 35549 respectively [26 July 1991, 2 pages, R–16]. "Environmental illness," also is discussed in the *ADA Handbook*, EEOC–BK–19, 1991, p. III–21 [14 page excerpt, R–17], jointly published by the Department and the U.S. Equal Employment Opportunity Commission. The *ADA Handbook* describes environmental illness as "sensitivity to environmental elements" and, although it "declines to state categorically that these types of allergies or sensitivities are disabilities," it specifically asserts that they may be: "Sometimes respiratory or neurological functioning is so severely affected that an individual will satisfy the requirements to be disabled under the regulations. Such an individual would be entitled to all the protections afforded by the Act."

U.S. DEPARTMENT OF VETERANS AFFAIRS

In recognizing MCS as a medical diagnosis (although not as a "disability") in the case of at least one Persian Gulf War veteran [Gary Zuspann, October 1992, 3 pages, R–18]. It is impossible to know exactly how many other Persian Gulf veterans may have been diagnosed with MCS as the diagnostic data recorded in the VA's Persian Gulf Registry are based on the International Classification of Diseases (ICD–9CM), which does not yet include a specific code for MCS. In June 1997, VA released its "Environmental Hazards Research Centers' Annual Reports for 1996." These included preliminary data from the New Jersey EHRC showing that, of the 1161 veterans randomly selected from the VA's Persian Gulf Registry (living in NJ, NY, CT, MA, MD, DE, IL, VA, OH or NC) who completed the center's questionnaire, 12.5% "endorsed symptoms compatible with a conservative definition of MCS" [1997, 5 page excerpt, R–144]. When the NJ EHRC published its first report on this study, however, in an abstract entitled "Preliminary prevalance data on Chronic Fatigue Syndrome and Multiple Chemical Sensitivity," it said 26% of 104 veterans randomly selected from the VA Register "were especially sensitive to certain chemicals, and 4% reported that this snsitivity produced at least 3 of 4 lifestyle changes . . . suggesting that something about serving in the Gulf substantially increased the risk of developing CFS and MCS" [1996, Journal of CFS, 2(2/3): 136–137; R–177]

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF POLLUTION, PREVENTION AND TOXINS, HEALTH EFFECTS DIVISION, OCCUPATIONAL AND RESIDENTIAL EXPOSURE BRANCH, SPECIAL REVIEW AND REGISTRATION SECTION

In a peer-reviewed memorandum entitled "Review of Chlorpyrifos Poisoning Data" from EPA's Jerome Blondell, PhD, MPH, and

Virginia Dobozy, VMD, MPH, to Linda Propst, Section Head, Reregistration Branch. The memo discusses data from several sources on acute and chronic health effects, including MCS, associated with exposure to Dursban and other chlorpyrifos-containing pesticides, and recommends many changes (subsequently agreed to by DowElanco, the manufacturer) in the use and marketing of these products, including the phase out of all indoor sprays and foggers, consumer concentrates, and all pet care products except flea collars. Most significantly, the memo documents that of 101 cases of unambiguous chlorpyrifos poisoning reportedly directly to EPA in 1995, 38 had chronic neurobehavioral effects (including 4 who also had peripheral neuropathy), while 50 "reported symptoms consistent with multiple chemical sensitivity" [1977, 70 pages, R-145].

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF RADIATION & INDOOR AIR, INDOOR AIR DIVISION

In its August 1989 *Report to Congress on Indoor Air Quality*, entitled *Assessment and Control of Indoor Air Pollution* (EPA/400/1-89/001C), the Environmental Protection Agency's Indoor Air Division describes MCS as "a subject of considerable intra professional disagreement and concern (Cullen, 1987). While no widely accepted test of physiologic function has been shown to correlate with the symptoms, the sheer mass of anecdotal data is cause of concern." [14 page excerpt from Vol. 2, R-19]. In 1991, the Indoor Air Division asked the National Research Council to sponsor a scientific workshop on "Multiple Chemical Hypersensitivity Syndrome" the proceedings of which are published in *Multiple Chemical Sensitivities: Addendum to Biologic Markers in Immunotoxicology* [National Academy Press, 1992].

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF RESEARCH & DEVELOPMENT

Descries "chemical sensitivity" as an "ill-defined condition marked by progressively more debilitating severe reactions to various consumer products such as perfumes, soaps, tobacco smoke, plastics, etc." in *The Total Exposure Assessment Methodology (TEAM) Study*, Summary and Analysis: Volume 1, by L. Wallace, Project Officer, Environmental Monitoring Systems Division, EPA Office of Research and Development [1987, 2 page excerpt, R-20]. The Office of Research and Development (ORD) began conducting human subjects chamber research at its Health Effects Research Branch in Chapel Hill (NC) in 1992 to identify possible diagnostic markers of MCS. (See also joint entry under U.S. Consumer Product Safety Commission, above.) In the justification for its fiscal year 1998 budget, ORD devotes one paragraph to MCS in the section on Air Toxins, saying that it plans to release "information comparing individuals who identify themselves as belonging to a particular subgroup (multiple chemical sensitivity) against established norms for a variety of health-related endpoints," and will make "recommendations for follow up to evaluate the potential relationship between the signs/symptoms reported by these individuals and objective/quantitative health endpoints" [1997, 3 page excerpt, R-160].

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

In the *ADA Handbook* EEOC-BK-19 [1991], 14 page excerpt, R-17], jointly published by the EEOC and the Department of Justice (see above) and in a Determination Letter signed by Issie L. Jenkins, the director of the Baltimore District Office, recognizing MCS as a disability under the Americans with Disabilities Act requiring workplace accommodation, consisting in this case of a private office with an air filter, *Mary Helinski* v. *Bell Atlantic*, No. 120 93 0152, 17 May 1994 [2 pages, R-22].

FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY, SUBCOMMITTEE ON RISK ASSESSMENT, WORKING PARTY ON NEUROTOXICOLOGY

In its *Final Report: Principles of Neurotoxicology Risk Assessment*, published in the Federal Register by the US EPA's Office of Health Research [17 August 1994, 45 pages for entire report, R-161, or 3 page excerpt, R-162], which says in Section 2.5.1 on "Susceptible Populations" that: "Although controversial [Waddell 1993], recent evidence suggests that there may be a subpopulation of people who have become sensitive to chemicals and experience adverse reactions to low-level exposures to environmental chemicals [Bell et al 1992]." The report is "the result of the combined efforts of 13 Federal agencies comprising the ad hoc Interagency Committee on Neurotoxicology," including ATSDR, the Center for Food Safety and Applied Nutrition, Center for Biologies Evaluation and Research, Center for Drug Evaluation and Research, Consumer Product Safety Commission, Dept of Agriculture, Dept. of Defense, Environmental Protection Agency, National Center for Toxicological Research, National Institutes of Health, National Institute of Occupational Safety and Health, and the National Toxicology Program.

FEDERAL INTERAGENCY WORKGROUP ON MULTIPLE CHEMICAL SENSITIVITY

Formed in 1994 to review and coordinate the role of federal agencies involved in research on multiple chemical sensitivity [1 page agenda from 9/14/94 meeting, R-91]. The Work Group is so-chaired by Dr. Barry Johnson, Assistant Surgeon General and Assistant Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) and Dr. Richard Jackson, Director of the National Center for Environmental Health at the Centers for Disease Control and Prevention. Other agencies represented include the Departments of Energy, Defense, and Veterans' Affairs, the Environmental Protection Agency and two other institutes within the Department of Health and Human Services: the National Institute for Occupational Safety and Health, and the National Institute of Environmental Health Sciences. Draft report is expected to be released by ATSDR in September 1998 for a 60-day public comment period.

NATIONAL COUNCIL ON DISABILITY (AN INDEPENDENT FEDERAL AGENCY)

In ADA Watch—Year One, its "Report to the President and Congress on Progress in Implementing the Americans with Disabilities Act," which recommends that Congress and the Administration "should consider legialtion to address the needs of people with "emerging disabilities," such as those . . . "with environmental illness who are severely adversely affected by secondary smoke or other pollutants in public places" [5 April 1993, 8 pages, R-23].

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

In its report to the President, entitled *Operation People First: Toward a National Disability Policy*, which recommends that the federal government "develop, refine and better communicate methods of 'reasonable accommodation,' in particular, the accommodation needs of people with . . . chronic fatigue syndrome and multiple chemical sensitivity" [1994, 5 pages, R-24] encouraging the Deputy Ministers of Housing, Health Community and Social Services "to begin a consultative process and help to establish some guidelines" spelling out exactly what services and benefits are available to provincial residents with MCS, including possible admission to treatment facilities in the United States [27 October 1989, 2 page letter and 2 pages of press coverage from the *Globe & Mail*, R-158].

RECOGNITION OF MCS BY 28 U.S. STATE AUTHORITIES

ARIZONA TECHNOLOGY ACCESS PROGRAM, INSTITUTE FOR HUMAN DEVELOPMENT, NORTHERN ARIZONA UNIVERSITY

In a report written for the general public entitled *Topics: Multiple Chemical Sensitivity* with sections on What is MCS, Symptoms of MCS, People Diagnosed with MCS, What Can Cause MCS, Treatments, MCS and the Medical Community, MCS is Now Recognized as a Disability, Accommodating Individuals with MCS in the Workplace, MCS is Preventable, and a list organizations and government agencies to contract for Help and Information. Funding for this document was provided by the US Dept of Education National Institute on Disability and Rehabilitation Research (NIDRR), grant #H224A40002, but a disclaimer notes that the content does not necessarily reflect the views of the US government [October 1996, 11pages, R-129].

ARIZONA DEPARTMENT OF ECONOMIC SECURITY, REHABILITATION SERVICES ADMINISTRATION, AND STATEWIDE INDEPENDENT LIVING COUNCIL

In RSA's Interim Fiscal Year 1995 State Plan for Independent Living, specifying that "Services Related to Housing" include "modifications to accommodate people with EI/MCS" [Attachment 12, 1 October 1994, 7 pages, R-31] and in an administrative review decisions issued 22 June 1992 in the case of a vocational rehabilitation client determined to be "severely disabled" by "environmental illness, allergies." In addition, training on MCS was presented to both Vocational Rehabilitation and ILRS counselors at the 1994 state staff conference.

ATTORNEY GENERAL OF CALIFORNIA

In the final report of the *Attorney General's Commission on Disability*, recognizing environmental illness as a disabling condition [1989, 8 page excerpt, R-33].

ATTORNEYS GENERAL OF NEW YORK

Backed by 25 other Attorneys General from AL, AZ, CT, FL, IA, KS, MA, MN, MO, ND, NJ, NM, NV, OH, OK, OR, PA, SD, TN, TX, UT, VT, WA, WI, WV.)

In a thoroughly documented petition to the U.S. Consumer Product Safety Commission, requesting the issuance of safety standards and warning labels governing the sale of carpets, carpet adhesives and paddings suspected of causing MCS and other illness [1991, 1 page excerpt, R-32a, 350 pages total].

CALIFORNIA DEPARTMENT OF HEALTH SERVICES, ENVIRONMENTAL HEALTH INVESTIGATIONS BRANCH

In its extensive final report on "Evaluating Individuals Reporting Sensitivities To Multiple Chemicals," funded by the federal Agency for Toxic Substances and Disease Registry under Cooperative Agreement No. U61/ATU999794-01 [September 1995, 6 page excerpt including abstract, advisory panel members, and table of contents, R-34]. A cover letter sent by the EHIB to the project's Advisory Panel members notes the extraordinary preliminary results obtained from an annual survey of random Californians to which questions about MCS were added for the first time in 1995. Of the first 2,000 people surveyed, 16% reported suffering from MCS symptoms while 7% ("certainly far higher than any of us may have expected") claim they have been diagnosed with MCS by a physician. [3 October 1995, 2 pages, R–100]. Citing personal communication with Dr. R. Kreutzer, the acting chief of the EHIB (also confirmed with Dr. Kreutzer by MCS R&R), Dr. Ann McCampbell reported the study's final results in a letter to the editor published by *Psychosomatics* (38(3): 300–301, May-June 1997): of 4,000 people surveyed, 15.9% reported chemical sensitivity and 6.3% said they had been given the diagnosis of MCS by a physician [1997, 1 page, R–141].

CALIFORNIA ENERGY COMMISSION

In its report on *California's Energy Efficiency Standards and Indoor Air Quality* (#P400–94–003), which says of MCS that "Its increasing incidence is suggested as accompanying the increasingly wide-spread use of products manufactured with potentially toxic chemical constituents. Available information points to this condition as an acquired disorder usually resulting from prior sensitization to chemicals in the environment" [1994, 2 page excerpt, R–35].

CALIFORNIA LEGISLATURE, SENATE SUBCOMMITTEE ON THE RIGHTS OF THE DISABLED

In its final report on *Access for People with Environmental Illness/Multiple Chemical Sensitivity and Other Related Conditions*, chaired by Senator Milton Marks, that summarizes four years of investigations by the subcommittee, [30 September 1996, 26 pages, R–109]. The report addresses common barriers to access in public buildings, transportation, institutions, employment, housing, and present detailed suggested solutions, both those required under law and others recommended. It covers the work of the subcommittee, its outside Advisory Panel, and its MCS Task Forces (on Building Standards and Construction, Environmental Illness, Industry, Medicine and Health).

FLORIDA STATE LEGISLATURE

In legislation that created a voluntary Pesticide Notification Registry for persons with pesticide sensitivity or chemical hypersensitivity, as long as their medical condition is certified by a physician specializing in occupational medicine, allergy/immunology or toxicology [Florida Statute 482.2265(3)(c), 1989, 7 pages, R–38]. The legislation requires lawn-care companies to alert registry members 24 hours in advance of applying chemicals within a half-mile of their home. Note that pesticide sensitivity registries also have been adopted in CO, CT, LA, MD, MI, NJ, PA, WA [1992, 6 pages, R–149], WV and WI, but these do not refer specifically (by any name) to MCS-type illness, and most require notification only of adjacent properties.

INTRODUCTION OF RESOLUTION SUPPORTING THE HAN YOUNG WORKERS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Ms. LOFGREN. Mr. Speaker, I rise today to introduce a resolution on behalf of workers who are on strike to improve conditions at the Han Young truck factory in Tijuana, Mexico. Congress has a moral obligation to support these workers, who are fighting for their basic democratic rights.

The Han Young factory is a contract factory that assembles truck trailer chassis for the Hyundia Corporation. The workers of the Han Young factory, consistent with their rights under Mexican law, formed a union to address issues like low wages and worker safety. However, the management of the Han young factory has refused to bargain with the union and local officials failed to recognize the union. Since May of 1998, eighty Han Young workers have been on strike to protect their basic right to organize.

Under the procedures outlined in the North American Free Trade Agreement, the United States National Administrative Office (NAO) in the Department of Labor has conducted a review of the conditions at the Han Young factory. The NAO found consistent and credible reports of a workplace polluted with toxic airborne contaminants, operating with unsafe machinery, and numerous violations of health and safety standards. The workplace of the Han Young workers lacked even "adequate sanitation facilities for workers to relieve themselves" or even "get a drink of water."

Our trading partners must address the issue of worker's democratic rights. In the case of Mexico this means enforcing already existing labor laws. It is vital that we in Congress send a strong message in support of the Han Young workers. I hope that you will join me in support of the Han Young workers.

COLONEL JAMES R. MARSHALL

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SISISKY. Mr. Speaker, I want to recognize the honorable, selfless, and dedicated service to this country by Colonel James R. Marshall, who will be retiring from the U.S. Air Force on January 1, 1999 after over 28 years of military service. Colonel Marshall began active duty in the Air Force on August 22, 1970, after graduating from the Virginia Military Institute.

Colonel James R. Marshall distinguished himself by performing exceptionally meritorious services to the United States while serving in positions of increasing responsibility culminating as the Director, Environmental Restoration Program and Acting Assistant Deputy Under Secretary of Defense for Environmental Cleanup. During this period, his outstanding leadership and devoted service to the Office of the Secretary of Defense, the Department of Defense, the Services and the United States of America have been of the highest tradition of senior members of the United States Armed Forces.

From his first assignment as a Communications Maintenance Officer in Montana to his last in the Pentagon, Colonel Marshall distinguished himself by his ability, diligence and selfless devotion to duty. His assignments took him to across the U.S. to Montana, New Jersey, Ohio, California, Hawaii, Georgia and Virginia as well as overseas to the Philippines and England.

The exemplary ability, diligence, and devotion to duty of Colonel Marshall were instrumental factors in the resolution of many complex problems of major importance to the Air Force and the Department of Defense. As Commander of the Civil Engineer Squadron and the Base Civil Engineer at Mather AFB, from July 1987 to August 1990, he superbly provided direct, day-to-day management of installation engineer projects and programs and well as ensured that his personnel were trained and ready to meet mission requirements. The fact that he guided his unit to earn the Installation's Heating, Ventilation and Air Conditioning Award attested his keen sense of environmental awareness as well as his interest in conserving resources.

In 1990, Colonel Marshall became the first Director for Environmental Management for the U.S. Pacific Air Force. While serving as the Director, from August 1990 to August 1993, he developed and established a program to oversee the closure of Clark Air Force Base in the Philippines. He readily identified environmental work that needed to be accomplished and successfully obtained a 70 percent increase in funding for the Environmental Program. Of particular note, Colonel Marshall ensured that hazardous material and hazardous waste was accounted for and properly disposed of, to include proper annotation of PCB's on the installation prior to base closure.

Following his assignment in the Philippines, he served as the Director of Environmental Management at Warner Robbins Air Force Base, GA from August 1993 to June 1995. Under his superb leadership and environmental stewardship, Warner Robbins Air Force Base won the coveted Department of Defense Environmental Award for the best Environmental Program in 1994. He was also instrumental in obtaining funding to repair damage following the severe flooding caused by Hurricane Andrews in 1994. In addition to the providing oversight for repair of flood damaged facilities and proper disposal of hazardous materials, he identified requirements for, successfully designed, and found funding for a new state of the art hazardous materials storage facility which serves the base today.

Colonel Marshall's superior performance as a Director of Air Force Environmental Management Programs resulted in his selection to serve as the Environmental Restoration program manager for the Deputy Under Secretary of Defense for Environmental Security's Environmental Restoration Program. He was instrumental in the development and coordination of the "Department of Defense Environmental Restoration" Instruction, which was published in April 1996. This hallmark publication implemented and refined policies as well as prescribed procedures for the Defense Environmental Restoration Program, funded by environmental restoration accounts, and the Base Realignment and Closure environmental restoration program. Additionally, he developed and coordinated a publication, "Management Guidance for the Defense Environmental Restoration Program," published in March 1998. The two publications serve as cornerstones for the entire Department of Defense Environmental Restoration Program.

As the Acting Assistant Deputy Under Secretary of Defense for Environmental Cleanup, Colonel Marshall was a key player in the complete integration of realistic environmental cleanup funding requirements into the Department of Defense's Planning, Programming and Budget System Process. This herculean achievement resulted in the creation of planning and budgeting documentation as well as development of reporting systems to forecast requirements using reliable data from over 1700 Department of Defense installations and 9000 formerly used Department of Defense properties. In addition, he was instrumental in the development and implementation of measures of merit, based on site level data, to measure past progress and to project future performance of the Department of Defense Environmental Restoration Program against Defense Goals. His efforts resulted in stable funding for the Department of Defense Environmental Restoration Program.

Throughout his military career he has brought innovative leadership skills to each of his assignments. He routinely demonstrated a superb ability to combine his extensive program management skills with certain intangibles that constitute leadership, promoting the best efforts of the Department of Defense's Environmental Restoration Program staff on a daily basis. He has gained the trust and confidence of everyone involved in this effort from installation commanders, to congressional representatives by building consensus among those with competing agendas.

As a cadet at the Virginia Military Institute, an old and respected institution that has produced many fine leaders, Colonel Marshall absorbed a heritage of duty, honor, and country that he has more than fulfilled. The singularly distinctive accomplishments of Colonel Marshall culminate a long and distinguished career in the service of his country and reflect great credit upon him, the United States Air Force, the Department of Defense and his country.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to the Republican's Impeachment Inquiry Resolution.

Like so many Americans, I personally am disappointed by the President's conduct. The President demonstrated an extraordinary lack of judgment and respect for his family, the Presidency, and the American people.

The President's actions were wrong. But, as many Americans have indicated, they hardly warrant impeachment.

In pursuing their partisan attack on the President, Republicans are trivializing the impeachment standard. It is an insult to the traditions of this Chamber that the majority party allowed only two hours of debate on such a critically important matter as impeaching the President of the United States.

The power to impeach and remove a sitting President from office is one of the most important Constitutional responsibilities our Founding Fathers assigned to Congress. In the more than 200 years of our nation's history, the House has faced this weighty decision only twice. As elected officials we cannot take this matter lightly. To do so would degrade and undermine our judicial system and the U.S. Constitution.

And what about the Americans who voted to elect the President? While many Americans are unhappy with the President's actions, they are even more unhappy with the way the House is handling the matter. Many of my constituents—both Democrats and Republicans—have written to tell me that they are sick of this issue, do not appreciate the constant barrage of graphic details and want the President and Congress to do the work they were elected to do.

I couldn't agree more. Americans are far more interested in the status of our economy, reforming health care, reducing crime, improving our schools and preserving Social Security than the President's personal improprieties.

Does Congress have a duty to fully investigate any actual wrongdoings by the President? Of course. But this investigation must be based on facts, not politics.

I urge a no vote on the resolution.

SENATE—*Wednesday, October 14, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, for whom there is no separation between the sacred and the secular, or prayer and politics, or blessings and budgets, we praise You that we can call on Your help to accomplish the crucial work of government. Thank You for the progress being made in negotiations on the budget. Often, we don't think of You being concerned about or involved in the mundane details of the budget. Yet, the budget represents our convictions, priorities, and programs. Therefore, we pray for Your help in resolving differences and finding creative compromises. Give strength and patience to those charged with hammering out the specifics of an emerging agreement. Thank You for all the hours they have spent. Now together with one heart, we trust You to bring this crucial process to a successful completion. We ask this for Your glory and the good of our Nation. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will begin a period of morning business until 1:00 p.m. Following morning business, the Senate may consider any legislative items that can be cleared by unanimous consent.

Also, it is expected that the House will send over a 1- or 2-day continuing resolution which the Senate would take up and pass by unanimous consent. The negotiations with respect to the omnibus appropriations bill are still going on, and it is still the hope of the majority leader that the bipartisan bill can be agreed to by unanimous consent.

Once again, in the event a rollcall vote is requested on the funding bill, all Members will be immediately notified.

The majority leader thanks all of our colleagues for their attention.

REQUIRING THE COMMISSIONER OF SOCIAL SECURITY TO TAKE CERTAIN ACTIONS

Mr. CRAIG. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1733, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1733) to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals.

The PRESIDING OFFICER (Mr. COATS). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3822

(Purpose: To provide a complete substitute)

Mr. CRAIG. Mr. President, Senator LUGAR and Senator HARKIN have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for Mr. LUGAR, for himself and Mr. HARKIN, proposes an amendment numbered 3822.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

"(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

"(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.".

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture $500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

Amend the title so as to read: "A bill to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.".

Mr. LUGAR. Mr. President, I rise today to support S. 1733, as amended, a bill to combat fraud and waste in the food stamp program. This bill will do two things. First, it will require food stamp offices to match food stamp files with Social Security data to identify overpayments to deceased food stamp participants. Second, it will require the Secretary of the U.S. Department of

Agriculture to explore data on the development of a national database to identify overpayments resulting from individuals receiving benefits in two or more states at the same time and implement other program interstate requirements.

This bill is the result of the last two General Accounting Office studies that I requested dealing with groups of ineligible people receiving food stamps. In the first report, the GAO reported that 26,000 deceased individuals in four states were counted as members of a food stamp household. According to the GAO, this resulted in overpayments of an estimated $8.6 million. In the second report, the GAO identified over 20,000 individuals who received benefits in at least two states at the same time during 1996. Using administrative records from four states (California, Texas, New York, and Florida), the GAO estimates overpayments of $3.9 million in those states alone.

Last year the GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were overpaid to prisoners' households. In response, we passed legislation to stop prisoners from receiving benefits.

My bill will require state food stamp agencies to use the Social Security Administration's Death Master file to verify that no deceased individuals are counted as members of food stamp households, either increasing a households' benefits or allowing an individual to illegally receive benefits in the deceased person's name. To give SAA enough time to iron out Year 2000 problems, this provision will not be effective until June 1, 2000.

Current law requires that households notify their local welfare office of any changes in the makeup of the household within ten days. The GAO report showed that the deceased individuals were counted in food stamp households for an average of four months; and, in a few instances, the deceased individuals were counted as beneficiaries for the full two years the review was counted. This is unacceptable, particularly since this type of fraud can easily be prevented.

Mr. President, one federal agency has the information to prevent this fraud and abuse, but is not sharing it with other agencies issuing federal benefits. The Social Security Administration (SSA) has a Death Master File that compiles death information available in the federal government. According to the GAO, a match using SSA's Death Master File information could be a cost-effective method for identifying such individuals in food stamp households and eliminating these overpayments. States already relay on the SSA to verify the social security numbers of food stamp applicants. Therefore, a system already exists in one branch of the federal government that, with some modifications, could stop these overpayments.

My bill will also require the United States Department of Agriculture to conduct a study to identify options for a national database to track food stamp participants and combat interstate fraud. The GAO's report validates a Department of Health and Human Services computer match of 15 states which found 18,000 potential duplicated Temporary Assistance for Needy Families (TANF) cases. At present there is no appropriate national database that tracks in means-tested benefit programs. States have been working individually on the problem of benefits paid in multiple jurisdictions. For example, some states have developed cooperative agreements with neighboring states to share data. Current state efforts are effective, but anything short of a national system is inefficient.

Mr. President, the welfare reform bill required states to guard against fraud and abuse, and specifically prohibited participants from receiving benefits in two states. However, the bill did not give states tools to combat this type of fraud. HHS has already fulfilled a congressional mandate to look into some of these issues, so I expect the USDA to use the completed HHS report to Congress as a base upon which to build.

Further, I believe that the study should explore the possibility of a "real time" database, so that eligibility workers will instantly know if there are any problems with an application. This will avoid the "pay-and-chase" problem that forces states to recoup overpayments from beneficiaries after the fact—sometimes years later. This method of fraud enforcement is inefficient, and often a burden on the recipient as well. A national database should not be seen as purely an enforcement tool. There are many cross program benefits for the poor, benefits which may not be apparent today. As with any large governmental database, the study should address how the system will safeguard recipients' privacy and limit unauthorized use and disclosure of data.

Means-tested benefits, including food stamps, provide a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program and welfare reform. Integrity is essential to ensure a program that can serve those in need. It is our responsibility to help end fraud and abuse in all federally funded programs. This legislation is an important step in that direction and will help ensure that welfare reform is a success.

Mr. President, I urge my colleagues to join Senator HARKIN and me in supporting this bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3822) was agreed to.

The bill (S. 1733), as amended, was read the third time and passed.

NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1999

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 459) entitled "An Act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes", do pass the following amendments:

Page 2, beginning on line 8, strike "1997, 1998, 1999, and 2000." and insert: "1999, 2000, 2001, and 2002."

Page 2, beginning on line 12, strike "1997, 1998, 1999, and 2000," and insert: "1999, 2000, 2001, and 2002,".

Page 2, line 18, strike "1997, 1998, 1999, and 2000." and insert: "1999, 2000, 2001, and 2002."

Page 4, strike lines 5 through 10, and insert:

"(3) in subsection (f)(1), by striking '1992, 1993, and 1994, and inserting 2000 and 2001,'.".

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 391) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 391) entitled "An Act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

(2) FUND ACCOUNT.—The term "Fund Account" means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and

(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(4) Tribal governing body.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) In General.—

(1) Amount distributed.—

(A) In general.—Subject to section 8(e) and if no action is filed in a timely manner (as determined under section 8(d)) raising any claim identified in section 8(a), not earlier than 365 days after the date of enactment of this Act and not later than 415 days after the date of enactment of this Act, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) Aggregate amount.—The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 3; minus

(ii) an amount equal to 71.6005 percent of the funds described in section 3.

(2) Distribution of funds to accounts in the fund account.—The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c).

(b) Use.—Amounts distributed under this section to accounts referred to in subsection (d) for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 5.

(c) Tribal Governing Body of Assiniboine and Sioux Tribes of Fort Peck Reservation.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(d) Tribal Trust Fund Accounts.—The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2).

SEC. 5. USE OF DISTRIBUTED FUNDS.

(a) Prohibition.—No funds allocated for a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) Purposes.—The funds allocated under section 4 may be used, administered, and managed by a tribal governing body referred to in section 4(a)(2) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe;

(3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;

(4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 4(a)(2) for litigation or other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.); except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with funds distributed under section 4 shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

(6) the payment of attorneys' fees or expenses of the covered Indian tribe referred to in section 4(a)(2)(B) for litigation and other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.), in accordance, as applicable, with the contracts numbered A00C14203382 and A00C14202991, that the Secretary approved on February 10, 1978 and August 16, 1988, respectively; or

(7) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in section 4(a)(2) for litigation or other representation with respect to matters arising out of this Act.

(c) Management.—Subject to subsections (a), (b), and (d), any funds distributed to a covered Indian tribe pursuant to sections 4 and 7 may be managed and invested by that Indian tribe pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) Withdrawal of Funds by Covered Tribes.—

(1) In general.—Subject to paragraph (2), each covered Indian tribe may, at the discretion of that Indian tribe, withdraw all or any portion of the funds distributed to the Indian tribe under sections 4 and 7 in accordance with the American Indian Trust Fund Management Reform Act (25 U.S.C. 4001 et seq.).

(2) Exemption.—For purposes of paragraph (1), the requirements under subsections (a) and (b) of section 202 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022 (a) and (b)) and section 203 of such Act (25 U.S.C. 4023) shall not apply to a covered Indian tribe or the Secretary.

(3) Rule of construction.—Nothing in paragraph (2) may be construed to limit the applicability of section 202(c) of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022(c)).

SEC. 6. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

SEC. 7. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

(a) In General.—Subject to section 8(e), the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians an amount equal to 71.6005 percent of the funds described in section 3, subject to any reduction determined under subsection (b).

(b) Adjustments.—

(1) In general.—Subject to section 8(e), if the number of individuals on the final roll of lineal descendants certified by the Secretary under section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a), determined by decreasing—

(A) the percentage specified in section 4(a)(B)(ii) by a percentage amount equal to—

(i) .0277; multiplied by

(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) by the percentage amount determined under subparagraph (A).

(2) Distribution.—If a reduction in the amount that otherwise would be distributed under subsection (a) is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 4(a)(1), for distribution in accordance with section 4(a)(2).

(c) Verification of Ancestry.—In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

(1) the 1909 Sisseton and Wahpeton annuity roll;

(2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the "1862 Minnesota Outbreak";

(3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or

(4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

(d) Conforming Amendments.—

(1) In general.—Section 202(a) of Public Law 92–555 (25 U.S.C. 1300d–4(a)) is amended—

(A) in the matter preceding the table—

(i) by striking ", plus accrued interest,"; and

(ii) by inserting "plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998)," after "docket numbered 359,"; and

(B) in the table contained in that subsection, by striking the item relating to "All other Sisseton and Wahpeton Sioux".

(2) Roll.—Section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is amended by striking "The Secretary" and inserting "Subject to the

Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary".

SEC. 8. JURISDICTION; PROCEDURE.

(a) ACTIONS AUTHORIZED.—In any action brought by or on behalf of a lineal descendant or any group or combination of those lineal descendants to challenge the constitutionality or validity of distributions under this Act to any covered Indian tribe, any covered Indian tribe, separately, or jointly with another covered Indian tribe, shall have the right to intervene in that action to—

(1) defend the validity of those distributions; or

(2) assert any constitutional or other claim challenging the distributions made to lineal descendants under this Act.

(b) JURISDICTION AND VENUE.—

(1) EXCLUSIVE ORIGINAL JURISDICTION.—Subject to paragraph (2), only the United States District Court for the District of Columbia, and for the districts in North Dakota and South Dakota, shall have original jurisdiction over any action brought to contest the constitutionality or validity under law of the distributions authorized under this Act.

(2) CONSOLIDATION OF ACTIONS.—After the filing of a first action under subsection (a), all other actions subsequently filed under that subsection shall be consolidated with that first action.

(3) JURISDICTION BY THE UNITED STATES COURT OF FEDERAL CLAIMS.—If appropriate, the United States Court of Federal Claims shall have jurisdiction over an action referred to in subsection (a).

(c) NOTICE TO COVERED TRIBES.—In an action brought under this section, not later than 30 days after the service of a summons and complaint on the Secretary that raises a claim identified in subsection (a), the Secretary shall send a copy of that summons and complaint, together with any responsive pleading, to each covered Indian tribe by certified mail with return receipt requested.

(d) STATUTE OF LIMITATIONS.—No action raising a claim referred to in subsection (a) may be filed after the date that is 365 days after the date of enactment of this Act.

(e) SPECIAL RULE.—

(1) FINAL JUDGMENT FOR LINEAL DESCENDANTS.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more lineal descendants referred to in that subsection, section 4(a) and subsections (a) and (b) of section 7 shall not apply to the distribution of the funds described in subparagraph (B).

(B) DISTRIBUTION OF FUNDS.—Upon the issuance of a final judgment referred to in subparagraph (A) the Secretary shall distribute 100 percent of the funds described in section 3 to the lineal descendants in a manner consistent with—

(i) section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)); and

(ii) section 202(a) of Public Law 92–555, as in effect on the day before the date of enactment of this Act.

(2) FINAL JUDGMENT FOR COVERED INDIAN TRIBES.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more covered Indian tribes that invalidates the distributions made under this Act to lineal descendants, section 4(a), other than the percentages under section 4(a)(2), and subsections (a) and (b) of section 7 shall not apply.

(B) DISTRIBUTION OF FUNDS.—Not later than 180 days after the date of the issuance of a final judgment referred to in subparagraph (A), the Secretary shall distribute 100 percent of the funds described in section 3 to each covered Indian tribe in accordance with the judgment and the percentages for distribution contained in section 4(a)(2).

(f) LIMITATION ON CLAIMS BY A COVERED INDIAN TRIBE.—

(1) IN GENERAL.—If any covered Indian tribe receives any portion of the aggregate amounts transferred by the Secretary to a Fund Account or any other account under section 4, no action may be brought by that covered Indian tribe in any court for a claim arising from the distribution of funds under Public Law 92–555 (25 U.S.C. 1300d et seq.).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the right of a covered Indian tribe to—

(A) intervene in an action that raises a claim referred to in subsection (a); or

(B) limit the jurisdiction of any court referred to in subsection (b), to hear and determine any such claims.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

DENIAL OF BENEFITS TO DEVELOPING COUNTRIES THAT VIOLATE INTELLECTUAL PROPERTY RIGHTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. Con. Res. 124, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 124) expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of U.S. persons, particularly those that have not implemented their obligations under the Agreement on Trade-related aspects of intellectual property.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 3823

Mr. CRAIG. Mr. President, Senator LAUTENBERG has an amendment at the desk to the resolution, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. LAUTENBERG, proposes an amendment numbered 3823.

The amendment is as follows:

On page 3, line 5, strike all in the line after "that" and insert: "is not making substantial progress towards adequately and effectively protecting".

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3823) was agreed to.

The concurrent resolution (S. Con. Res. 124) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 124

Whereas intellectual property-dependent industries include businesses that depend on protection of trademarks, trade secrets, trade names, copyrights, and patents;

Whereas intellectual property-dependent industries have become primary drivers of the United States economy, contributing over $500,000,000,000 to the United States economy in 1997;

Whereas the foreign sales and exports of United States intellectual property-dependent goods totaled at least $100,000,000,000 in 1997, exceeded sales of every other industrial sector, and helped the United States balance of trade;

Whereas international piracy of United States intellectual property, which the Department of Commerce estimates costs United States companies nearly $50,000,000,000 annually, poses the greatest threat to the continued success of United States intellectual property-dependent industries;

Whereas goods from many developing countries receive preferential duty treatment under the Generalized System of Preferences even though those countries do not protect intellectual property rights of United States persons;

Whereas piracy of United States intellectual property is so rampant in some developing countries that receive benefits under the Generalized System of Preferences that it effectively prevents United States intellectual property-dependent industries from selling products in those countries;

Whereas the Agreement on Trade-Related Aspects of Intellectual Property Rights requires its signatories to provide a minimum of essential protections to the intellectual property of citizens from all signatory nations;

Whereas the United States has fully implemented its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights, and in fact in many cases offers stronger protection of intellectual property rights than required in the Agreement;

Whereas it appears that at the current rate many developing countries that receive benefits under the Generalized System of Preferences may not be in compliance with their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights on January 1, 2000, as required; and

Whereas many of the developing countries that receive benefits under the Generalized System of Preferences and that are not on track in complying with their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights are responsible for substantial trade losses suffered by United States intellectual property-dependent industries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should not give special trade preferences to goods originating from a country that is not making substantial progress towards adequately and effectively protecting United States intellectual property rights, particularly a developing country that has not met its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights by January 1, 2000;

(2) Congress should monitor the progress of developing countries in meeting their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights by January 1, 2000; and

(3) Congress should consider legislation that would deny the benefits of the Generalized System of Preferences to developing countries that are not in compliance with their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights beginning on January 1, 2000.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1998

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 507, S. 1222.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1222) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Estuary Habitat Restoration Partnership Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Establishment of Collaborative Council.
Sec. 105. Duties of Collaborative Council.
Sec. 106. Cost sharing of estuary habitat restoration projects.
Sec. 107. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 108. Cooperative agreements; memoranda of understanding.
Sec. 109. Distribution of appropriations for estuary habitat restoration activities.
Sec. 110. Authorization of appropriations.
Sec. 111. National estuary program.
Sec. 112. General provisions.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

Sec. 201. Chesapeake Bay.
Sec. 202. Chesapeake Bay gateways and watertrails.
Sec. 203. Pfiesteria and other aquatic toxins research and grant program.
Sec. 204. Long Island Sound.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities to ensure that restoration efforts are based on sound scientific understanding.

SEC. 103. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term "Collaborative Council" means the interagency council established by section 104.

(2) DEGRADED ESTUARY HABITAT.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 105(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 104. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 105. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(4) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 1999 through 2003.

SEC. 106. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

SEC. 107. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 108. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 109. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 105(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 1999;

(2) $50,000,000 for fiscal year 2000; and

(3) $75,000,000 for each of fiscal years 2001 through 2003.

SEC. 111. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1998, and $25,000,000 for each of fiscal years 1999 and 2000".

SEC. 112. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, and 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this title, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

SEC. 201. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing

the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 202. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 203. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

SEC. 204. LONG ISLAND SOUND.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking "1991 through 2001" and inserting "1999 through 2003"; and

(2) in paragraph (2), by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "$10,000,000 for each of fiscal years 1999 through 2003".

AMENDMENT NO. 3824

(Purpose: To authorize appropriations for the National Environmental Waste Technology Testing and Evaluation Center)

Mr. CRAIG. Mr. President, Senator BAUCUS has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. BAUCUS, for himself and Mr. BURNS, proposes an amendment numbered 3824.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency is authorized to provide financial assistance to the National Environmental Waste Technology Testing and Evaluation Center in Butte, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

Mr. GRAHAM. Mr. President, I would like to express my support of S. 1222, the Estuary Habitat Restoration Partnership Act of 1998 which we are about to pass. I am co-sponsor of the original version of this bill, and I am also a cosponsor of S. 1321, introduced by Senator TORRICELLI of New Jersey, which reauthorizes and provides funding for the National Estuary Program. A modified version of S. 1321 is included in the version of S. 1222 that we are reviewing today. The Estuary Habitat

Restoration Partnership Act of 1998 will invigorate our existing programs to protect and restore our nations' estuaries.

The Florida coastline boasts some of the richest estuarine areas in the world. These brackish waters, with their mangrove forests and seagrass beds, provide an irreplaceable link in the life cycle of many species, both marine and terrestrial. Florida's commercial fishing industry relies on these estuaries because they support the nurseries for the most commercially harvested fish.

Today, many of Florida's estuaries have been damaged from the impacts of increased development, non-point source pollution, and increased nutrient loads. Four of Florida's estuaries are currently a part of the National Estuary Program (NEP)—Sarasota Bay, Indian River Lagoon, Tampa Bay, and Charlotte Harbor. The NEP is charged with the responsibility of addressing point and not-point sources of pollution in addition to restoring and maintaining the chemical, physical, and biological integrity and maximizing the ecological and economic productivity of our nation's estuaries. The NEP has been working over the last twelve years to develop implementation plans for the 28 estuaries in the program that will achieve these goals. In testimony before the Appropriations Subcommittee on the VA-HUD and Independent Agencies, the Association of National Estuary Programs testified that today, 17 of the NEP estuaries are in the implementation phase of their programs and it is anticipated that by 1999 the entire national program will have reached the implementation phase.

Three of the four Florida estuaries in this program have reached the implementation phase of their restoration plans. The Sarasota Bay National Estuary Program began in 1988. It identified several key focus areas for restoration: reducing nitrogen pollution to increase sea grass coverage; constructing salt water wetlands; and building artificial reefs specifically for juvenile fish habitat. Since 1988, nitrogen pollution to the Bay has been reduced by 28–38 percent, with approximately 22 percent of the lost sea grasses and 6 percent of the lost salt water wetlands being restored. It is estimated that Sarasota Bay now supports an additional 49 million fish, 33 million crabs, and 150 million shrimp than it supported 10 years ago.

The continuation of our success is essential to the state of Florida. As I mentioned, our estuarine systems are home to marine and terrestrial species that form the cornerstone of critical natural habitats. They also are extremely valuable to the state's economy. For example, as Professor Walter Milon of the University of Florida testified on July 9 before the Environment and Public Works Committee, the Indian River Lagoon estuary stretches 156 miles along Florida's east coast, covering five counties which are home to more than 1 million permanent residents and more than 6 million visitors each year. The number of residents in this region is expected to increase by 24 percent between 1995 and 2005, increasing stress on this fragile system. Dr. Milon indicated that recreational fishing contributes approximately $340 million per year to the local economy; swimming, boating, water sports, and nature observation activities contribute approximately $287 million each year; commercial fishing of clams, oysters, and crabs contributed nearly $13 million annually; and residential land values were enhanced by approximately $825 million or an annual value of $33 million. The lagoon is estimated to bring more than $725 million to the local economy each year.

Together, the provisions of the original S. 1222 and S. 1321 will provide authorization for much needed funding to be used for execution of these implementation plans. By establishing the concrete goal of restoring 1,000,000 acres of estuary habitat by 2010 and providing a mechanism to achieve this goal, the Estuary Habitat Restoration Partnership Act of 1998 will energize existing local estuary programs to make forward progress on habitat restoration. I am particularly pleased that provisions exist in today's version of S. 1222 to provide funding priority for those estuary habitat restoration projects that are part of an approved Federal estuary management or habitat restoration plan.

Today's version of S. 1222 has incorporated S. 1321, which reauthorizes the NEP to continue developing and implementing estuary restoration plans. However, there are some modifications to the original language that Senator TORRICELLI introduced, including a reduction of the funding levels by 50 percent and the length of the authorization from 5 years to 2. I understand that one of the items on the agenda in the Environment and Public Works Committee for next year is to reauthorize the Clean Water Act which will provide an excellent opportunity to extend the NEP authorization. I look forward to this critical project for the Environment and Public Works Committee.

Together, the provisions of today's Estuary Habitat Restoration Partnership Act of 1998 will provide much needed support to estuary restoration efforts in the state of Florida and throughout the nation.

In addition to the provisions pertaining to our Nation's estuaries, today's version of S. 1222 also includes provisions of a bill introduced by Senator FAIRCLOTH, S. 1219, the Pfisteria Research Act. Earlier this year in the Indian River Lagoon area, the estuary system had several outbreaks of pfisteria-like disease. This was attributed by some to be caused by outbreak of toxic organisms due to increased nutrient loading in the estuary waters. In 1996, a "red tide" caused by algal bloom was believed to have caused the death of 151 manatees off the southwest coast of Florida. The research program included in today's version of S. 1222 authorizes research into the eradication or control of pfisteria and other toxins—an action that will provide vital information that may be used to prevent future occurrences of aquatic toxin outbreaks.

I am pleased to offer my support of S. 1222, the Estuary Habitat Partnership Restoration Act of 1998.

Mr. CHAFEE. Mr. President, I rise today in support of S. 1222 the Estuary Habitat Restoration Partnership Act of 1998. This bill is the culmination of efforts by Senators BREAUX, FAIRCLOTH, SARBANES, TORRICELLI, and myself to address the serious problems facing our Nation's estuaries. I would like to thank each of my colleagues for their diligent work. I would also like to express my appreciation toward the 26 cosponsors who also support the bill. Such strong bipartisan support is a testament to the extent and severity of the problems facing estuaries, and the need for action to restore estuary habitat.

I believe that in order to understand the necessity of this bill, one has to realize the immense value of estuaries and estuary habitat. Estuaries are formed by the mixing of salt water from the ocean and fresh water from rivers and streams. Commonly known as bays, lagoons, and sounds, these water bodies and their surrounding wetlands provide some of the most ecologically and economically productive habitat in the world. Many different plants, waterfowl, fish and wildlife make their home in estuaries. In fact, more than half of the neo-tropical migratory birds in the United States and a large number of endangered and threatened species depend upon estuaries for their survival.

This high productivity also gives estuaries great economic importance. 75 percent of the commercial fish and shellfish catch and 80 to 90 percent of the recreational fish catch are dependent upon estuaries for their survival. The commercial industry contributes $111 billion per year to the national economy. Tourism is another key segment of the economy supported by estuaries. In 1993, 180 million Americans, approximately 70 percent of the U.S. population, visited estuaries to fish, swim, hunt, dive, view wildlife, bike, and learn. In total, approximately 28 million jobs are generated by commercial fishing tourism, and other industries based near estuaries and other coastal waters.

The wetlands, marshlands, and grasslands that surround estuaries also provide important help and safety benefits. These areas improve water quality by filtering terrestrial pollutants before they can contaminate shellfish beds and coastal waters. Doctor J. Easly, a natural resource economist at North Carolina State University, calculates that one acre of tidal estuary has the pollutant filtering and removal capabilities of a $115,000 waste treatment plant. Flooding is serious problem facing many communities around the nation. Estuary habitat not only cleans the water, but can also store large volumes of water and minimize the damage caused by flooding. Finally, esturine wetlands and barrier islands also serve as buffer zones for coastal areas, reducing erosion and storm damage.

While these biological, economic, health and safety benefits help to illustrate the immense value of estuary habitat, I still believe they fail to provide a complete picture. Estuaries have a spiritual and symbolic importance, demonstrated by the close connection between neighboring communities and the bays and sounds. The executive director of the Providence Rhode Island Save the Bay Inc., H. Curtis Spalding, captured this feeling when he testified that:

> Narragansett Bay is our home. Even if we live miles from its shores, it is part of what makes Rhode Island special. The bay is our life line, it nourishes our environment, strengthens our economy, enhances our leisure time, and protects our children's future.

Tragically, this life line is unraveling. Commercial and residential development are resulting in the physical destruction of many estuaries from dredging, draining, bulldozing and paving. Invasive, alien plant species have displaced native plants and overgrown estuary systems. Restricted tidal flow and freshwater diversions interfere with tidal action, impairing the natural cleansing of the bay and harming important fisheries.

Elevated levels of toxics have also been detected in estuary sediments, water, and animals. Many of these substances undergo "bioaccumulation," a process by which toxics from the environment become concentrated in the tissue of living animals. Bioaccumulation of toxics into seafood can pose a serious risk to human health.

Nutrient pollution from a variety of sources disrupts aquatic life by contributing to an overabundance of algae, lox oxygen levels, and massive fish kills. Disease causing microorganisms from animal and human waste contaminate productive shellfish beds and recreational beach waters, necessitating shellfish bed and beach closings.

A recent and ominous development is the transformation of naturally occurring microorganisms from benign to toxic forms. A specific example is Pfiesteria piscicida. Massive fish kills in Maryland, Virginia, and North Carolina have been traced to the emergence of a new, predatory form of Pfiesteria. This new form actively injects toxins into fish and may have the potential to harm human health.

The impact of these problems on Narragansett Bay is painfully apparent. Eel grass beds have declined from thousands of acres to roughly 100 acres. Salt marsh acreage has been reduced by half, and all of the remaining marshland needs some level of restoration. Fish runs, the freshwater rivers and streams needed by many fish to reproduce, have been reduced to 15 out of the original 50. In 1996, 36,000 acres of shellfish beds were permanently closed or harvest restricted due to pathogen contamination. These declines in habitat have contributed to the near collapse of many Narragansett Bay fisheries in the past 20 years, and the loss of millions of dollars in revenue.

The problems facing Narragansett Bay are not unique to Rhode Island. The decline of estuaries is a national tragedy. According to the EPA's National Water Quality Inventory, 38 percent of the surveyed estuarine square miles are impaired for one or more uses. From colonial times to the present, over 55 million acres of coastal wetlands in the continental United States have been destroyed. Recent population growth in coastal areas has resulted in extensive loss of estuary habitat. San Francisco Bay in California has lost 95 percent of its original tidal wetlands, and Galveston Bay in Texas has lost 85 percent of its original sea grass meadows. Almost half of the U.S. population now lives in coastal areas, and the rate of population growth in coastal areas is three times that of noncoastal areas. As America's coastal population increases, so will the pressures placed upon coastal waters and estuaries.

In response to the grave threats facing our estuaries, the Estuary Habitat Restoration Partnership Act of 1998 seeks to both preserve and restore these ecological treasures. The bill sets a national goal to restore one million acres of estuary habitat by the year 2010. In support of this goal, $315 million for fiscal years 1999 through 2003 will be authorized to carry out estuary habitat restoration projects. Given the large scope of our mission, simply handing out money will not solve the problem. We must maximize the environmental benefit obtained from each dollar spent. By emphasizing coordination, cooperation and implementation, the bill ensures that we make the most out of limited Federal resources.

The key to the efficient use of funds is improved coordination. The bill establishes an interagency Collaborative Council to facilitate coordination between Federal, State, and local programs. The council will be composed of the Secretary of the Army, acting through the Army Corps of Engineers, the Under Secretary of the National Oceanic and Atmospheric Administration, the Administrator of the Environmental Protection Agency and the Secretary of the Interior, acting through the Fish and Wildlife Service. The Army Corps of Engineers, due to its expertise in engineering and management, will chair the council.

The council, in consultation with State, tribal, and local governments as well as nongovernmental entities, will develop a national strategy for habitat restoration. One of the primary goals of this strategy will be to prevent overlap between programs and insure the efficient utilization of resources.

The Collaborative Council will also disperse funds to assist community groups and other non-Federal entities in developing and implementing estuary restoration projects. Applicants will be required to obtain approval of State or local agencies, where such approval is appropriate, to prevent conflict with local and regional management strategies. The Collaborative Council will select estuary habitat restoration projects to receive Federal funding. The criteria used to select projects will encourage and emphasize several factors. Priority will be given to the projects implementing approved Federal estuary management restoration plans, and projects with monitoring plans to ensure that restoration goals are achieved and sources of pollution that would otherwise re-impair the restored habitat are addressed. The Council will also consider the quantity and quality of habitat restored in relation to the economic cost of the project.

In order to maximize the benefit of limited Federal resources, and encourage partnerships between Federal and non-Federal entities, the act will establish a Federal cost-sharing requirement. The Federal portion of a restoration project will not exceed 65 percent of the total costs, and priority will be given to applications that minimize the Federal contribution to the project. The cost-sharing provision of the act will preserve the essential role of the Federal Government in supporting estuary restoration, while highlighting the importance of regional and local involvement. Successful restoration efforts depend upon cooperation between public and private sectors. By distributing the costs of conservation and restoration, the act will reaffirm the importance of States, tribes, local communities, and concerned parties in preserving their natural heritage and resources.

Monitoring and evaluation is a key provision of the bill. The Under Secretary of Oceans and Atmosphere will maintain a data base of restoration projects to ensure that available information will be continually incorporated into habitat restoration projects. In addition to maintaining a database, the Council will publish a report to Congress detailing the progress made under the act. This report will allow for an assessment of the successes and failures of current management strategies, with the goal of continually improving restoration efforts.

This legislation will also amend the National Estuary Program provision of the Clean Water Act to emphasize implementation and action as well as planning. The National Estuary Program was established by the 1988 amendments to the Clean Water Act. The program is an important partnership among Federal, State, and local governments to protect estuaries of national significance threatened by pollution. Under the program, governors work with the EPA to designate areas as a National Estuaries. Federal money is then provided to State and local governments to develop comprehensive conservation and management plans. To date, 28 conservation plans have been prepared for designated estuaries. While this program has achieved remarkable results, the law currently restricts EPA to only funding the development of plans, not their implementation. This bill will amend the National Estuary Program to allow the EPA to support both the development and implementation of conservation plans, and will authorize $25 million for each of fiscal years 1999 and 2000. It is important to note that while the Federal Government will increase its support for this valuable program, the primary responsibility for the implementation of conservation plans will rest with State and local governments.

Key provisions of the bill will also continue and expand existing programs. The Chesapeake Bay Program has become a model for other estuary restoration and protection programs around the world. EPA's Chesapeake Bay Program office will continue its leadership and technology transfer to other groups participating in the National Estuary Program. The Chesapeake Bay Program commits States in the bay and the Federal Government to reducing the level of nutrients in the bay and addressing other key issues in natural resources, water quality, population growth, and public access. The bill will authorize $30 million for each of fiscal years 1999 through 2003 to help achieve these goals. The money will be distributed as implementation grants to signatory jurisdictions, and as technical assistance grants to nonprofit private organizations and individuals, State, and local governments, and interstate agencies. Signatory jurisdictions will also be required to update, expand, and begin implementing their tributary specific management strategies. EPA will also be provided with new authority to ensure that Federal facilities in the watershed participate in the Chesapeake Bay Program and contribute to local efforts to restore and protect the bay.

Another positive change in the program will be the addition of the Chesapeake Bay gateways and watertrails network. The network will consist of important natural, cultural, historical and recreational resources linked together in a manner that enhances public education and access to the bay. The act will authorize $3 million for each of fiscal years 1999 through 2003 in matching grants for bay conservation and restoration. The Department of the Interior, in cooperation with the EPA, will identify ecologically or culturally significant areas of the bay and designate these resources as Chesapeake Bay gateway sites. These agencies will then work in partnership with State and local governments, nonprofit organizations, and other interested parties, to conserve and restore these sites.

The act also will continue to support is the effort to restore the Long Island Sound. A comprehensive conservation and management plan has already been developed for this important ecological resource. Over the next 15 years, the Long Island sound conservation plan calls for a reduction in the amount of nutrients reaching the sound by 60 percent. The plan also sets a goal of restoring 2,000 acres of coastal habitat and 100 miles of river used by migratory fishes. In support of these important efforts, the act will authorize $10 million for each of fiscal years 1999 through 2003 to implement this plan.

Finally, this bill will address the threat that pfiesteria piscicida poses to the Nation's waterways. The first toxic outbreak occurred in North Carolina in the late 1980's. In recent years, toxic outbreaks have occurred in tributaries leading into the Chesapeake Bay. The act will authorize $5 million for each of fiscal years 1999 and 2000 to establish an interagency research program for the eradication or control of pfiesteria and other aquatic toxins.

When evaluating this bill, I believe it is important to focus on what the bill does, and does not, do. The bill does not impose mandates. The bill does not create more regulations. And the bill does not require the Federal Government to foot the entire bill for estuary restoration. What the bill does is provide incentives for States, tribes, local governments, and other interested parties to enter into partnerships with the Federal Government for environmental preservation. This bill builds upon years of planning and focuses on action and implementation at the local level, by encouraging communities and individuals to become involved in estuary restoration. In short, the bill is a simple and direct approach to preserving and restoring some of our Nation's most valuable natural resources. By passing this legislation, we are making a responsible investment in our Nation's natural and economic future. Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, the substitute amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The amendment (No. 3824) was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 1222), as amended, was read the third time and passed, as follows:

S. 1222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Estuary Habitat Restoration Partnership Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Establishment of Collaborative Council.
Sec. 105. Duties of Collaborative Council.
Sec. 106. Cost sharing of estuary habitat restoration projects.
Sec. 107. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 108. Cooperative agreements; memoranda of understanding.
Sec. 109. Distribution of appropriations for estuary habitat restoration activities.
Sec. 110. Authorization of appropriations.
Sec. 111. National estuary program.
Sec. 112. General provisions.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

Sec. 201. Chesapeake Bay.
Sec. 202. Chesapeake Bay gateways and watertrails.
Sec. 203. Pfiesteria and other aquatic toxins research and grant program.
Sec. 204. Long Island Sound.
Sec. 205. National Environmental Waste Technology Testing and Evaluation Center.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities to ensure that restoration efforts are based on sound scientific understanding.

SEC. 103. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term "Collaborative Council" means the interagency council established by section 104.

(2) DEGRADED ESTUARY HABITAT.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 105(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 104. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 105. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(4) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 1999 through 2003.

SEC. 106. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

SEC. 107. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 108. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 109. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 105(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 1999;

(2) $50,000,000 for fiscal year 2000; and

(3) $75,000,000 for each of fiscal years 2001 through 2003.

SEC. 111. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1998, and $25,000,000 for each of fiscal years 1999 and 2000".

SEC. 112. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, and 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this title, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

SEC. 201. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 202. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 203. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

SEC. 204. LONG ISLAND SOUND.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking "1991 through 2001" and inserting "1999 through 2003"; and

(2) in paragraph (2), by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "$10,000,000 for each of fiscal years 1999 through 2003".

SEC. 205. NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency is authorized to provide financial assistance to the National Environmental Waste Technology Testing and Evaluation Center in Butte, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

TECHNICAL CORRECTIONS TO THE NATIONAL CAPITAL REVITALIZATION AND SELF-GOVERNMENT IMPROVEMENT ACT OF 1997

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4566, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4566) to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4566) was considered read the third time, and passed.

Mr. CRAIG. Mr. President, I will now speak as in morning business.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE WHITE HOUSE IS SPENDING THE SURPLUS

Mr. CRAIG. Mr. President, last night there was an interesting discussion on CNN. It went something like this:

The White House is now spending the surplus—the surplus that the President, a few months ago, said had to be guaranteed for only Social Security. I am told that the White House immediately responded by saying: Oh, no, no, no, the White House isn't spending the surplus. Surpluses don't exist until after you have had all of the emergency spending you need.

In other words, the White House has now come to the Hill to ask for upwards of $20 billion worth of surplus spending that is now emergency spending, that isn't called surplus and, therefore, doesn't count against application to the trust funds of Social Security.

Now, while the President's legions are up here in negotiations over in Speaker NEWT GINGRICH's office, the President is still out on the stump accusing Republicans of wanting to spend the surplus. The President has effectively, by Democrat action here on the floor, denied the taxpayers a reasonable tax cut this year. And while there are some necessary moneys to be spent in surplus spending for emergencies—such as disaster-related emergencies, the emergency of the commodity price crises in agriculture—nobody has denied that that wasn't surplus money and that in fact we are spending a little bit of that surplus, a very small amount of that surplus, to address some very real national needs. But no Republican has even tried to suggest that the surplus isn't the surplus until we have spent all of it, or a portion of it, and that what is left over becomes the surplus.

Mr. President, this is a doublespeak of yours that we are somehow, as a Nation, getting used to: Is "is"? No; the surplus is the surplus. That is the money that remains unappropriated at the end of a fiscal year. That is the money that, collectively, the budget process of Congress, the appropriating process of Congress, says is not needed; it is not necessary to spend that money.

So now we are attempting something uniquely different. Now we are attempting to once again redefine, at least in the eyes of the President and this administration, what a surplus is. I think we will let the American people decide what that is. You see, we know what "is" is. And "is," in this case, is the money that the budget process suggests is not appropriated beyond its normal channels, and that we have determined can be upward of $60 billion worth of surplus this year, that the President in his budget message to Congress emphatically said had to be spent on Social Security, and that this Congress, in a very real and bipartisan way, said, yes, it is a good idea and should be done, because most of us agree that we are in a unique time—if not a historically opportune time—in our country, and that is to use our surplus, to use the surplus that was produced by a balanced budget that we worked so hard to accomplish—can be used to make major changes, not only in our tax law and tax policy, but now the unique opportunity to reform Social Security, not only to save it, secure it, and maintain it for those who become the immediate recipients of it, but so that our children and our grandchildren will be investing in a Social Security system that is worth investing in, so that they are not denied real return on their investment—25 cents on the dollar, as will be the case for our grandchildren today if we don't reform Social Security. We want them to get $1.50 or $2 back on their investment, as they should be allowed to do.

So what is "is," Mr. President, and what is surplus doesn't allow your definition. It isn't what is left over when you get through spending on all of the additional social programs that you want to spend it on.

Just a few moments ago, our colleagues on the other side of the aisle held a very interesting press conference. They called it a "do-nothing Congress." They denied that we had spent the money necessary to fund all of the social programs. Mr. President, in 1994 the American people spoke most profoundly when they changed Congress and said they wanted a new agenda, they wanted a balanced budget, they wanted us to reform Social Security, and they wanted the influence and the impact of the Federal Government on our lives and on our pocketbooks lessened. That is exactly what this Congress has been doing. Yet, of course, now that we have accomplished those goals, now that our economy and our lessened Government spent less of the money and our economy generates more money and we have a unique opportunity of surplus, the President now sees that opportunity—sees it or seizes it, I am not sure at this moment.

Let me suggest, Mr. President, that what is is. Surplus is surplus. It isn't what is left over after you get through spending. That is exactly what the President and the White House tried to engage in last night, a whole new definition. We have watched this President try to redefine a lot of things over the last good number of months—from the word "is," now to the word "surplus." Mr. President, surplus is surplus. It is when the Congress works the budget process, and that is concluded in a bipartisan fashion, that we determine what surplus is. So I think it is terribly important that we finalize our work here. Those negotiations are now underway. Yes, some surplus money will be spent in emergency. What is left over at the end will be surplus. But you don't start the game by redefining the fact. That is how we deal with it. That is how we must deal with it. And it is very important that we stay with that.

I am proud of the record of the Republican Congress—a balanced budget, welfare reform—major changes—and new dollars into education, education controlled at the local and State level and not new, grand programs here at the national level. Those are the issues about which we are talking. Those are the issues with which we must deal.

I hope we can conclude those quickly, adjourn this Congress, and be able to announce to the American taxpayer that they can rest assured that our effort is to control Government spending, the size of Government, and the impact it has on their pocketbook.

With those comments, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EDUCATION

Mr. ROTH. Mr. President, I rise today to make some comments with respect to the question of the allocation of resources to assist our State and local governments in meeting their challenge in the provision of education for grades K through 12.

First, in this war of words it should not be overlooked that there was no disagreement last year in establishing education as a priority when we enacted the Balanced Budget Act. We entered into an agreement only one year ago with this administration where we indicated that yes, we agree that education is a priority for all. We have honored that commitment.

Under the balanced budget agreement from last year, we agreed to increase spending on education by 15 percent, or $3 billion. We did that.

This year in the budget resolution adopted by the Senate we agreed to increase education spending over the next 5 years by an amount equal to inflation which would result in spending increases of $6.6 billion in budget authority and $4.1 billion in outlays over the next 5 years. Almost all other discretionary programs were frozen.

In addition, earlier this year we passed a bill—with bipartisan support—the Parent and Student Savings Account Plus Act to expand the education IRA which we enacted last year as part of the Taxpayer Relief Act of 1997.

Under this provision the annual contribution limit for education IRAs would be increased from $500 under current law to $2,000 and expand the use of the proceeds from these accounts for elementary and secondary education expenses.

Education expenses, it is important to note, under the provisions of the bill were broadly defined to include after school-programs, expenses for special needs children, computers, tutoring, uniforms—in sum, virtually any expense associated with improving the totality of a child's education.

The benefits of this provision were large for a very small cost, and I would note most importantly, with no Federal interference. Mr. President, this one provision was anticipated to generate $5 billion for education over a 5-year period and $10 billion over a 10-year period.

It was thought that 14 million families would utilize the savings benefit and 20 million school children would benefit. All at minimal cost and interference. The administration vetoed this good and important bill.

As I see it where we are today is not in disagreement over the importance of education or the investment in education, but rather a very different philosophical approach in the best way to provide assistance. As a staunch believer in State and local control of education it is my firm belief that the assistance we provide to our State and local educational agencies must be given with the maximum amount of flexibility.

Time and time again, the evidence has shown that a one size fits all directive from Washington is not the tonic to cure any ills within our educational system. I therefore believe the administration's insistence on their school construction and class room size reduction initiative is wrong, and actually may be harmful.

A policy briefing issued in June of this year by the Progressive Policy Institute states it best: "It makes little sense to dictate in across the board class-size reduction policy from Washington. A national policy can only expect average gains, which appear to be very small at great expense."

Mr. President, I ask unanimous consent that the full text of the policy briefing "Improving Student Achievement—Is Reducing Class Size the Answer?" be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, an additional problem with inflexible mandates from Washington is that it directs resources from the State and local level to areas which a State or local school board might not think is the best use of resources.

Some schools or districts may wish to have smaller class sizes or devote resources to capital projects, others may feel that their school reform efforts can best be served by adding computers, newer textbooks, teacher training, or after school programs or other ideas. This is where I think directives become harmful.

We do not have the solutions in Washington, We must let our State and local educational agencies, parents, and teachers, have the freedom to put their resources where they feel they will do the most good for the benefit of our children. An editorial from the News Journal from my State entitled "Misguided Mandate: Micromanagement by Legislators Is Mockery of Real School Reform" is illustrative of this point, though they were editorializing on an action taken by the State legislature in Delaware.

I ask unanimous consent that the editorial be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, in conclusion, Mr. President, I would say that I am disappointed in the rhetorical excess surrounding the issue of educational excellence.

Our focus should not be on inputs and micromanagement, but on how we can best deliver assistance which will result in positive outcomes reflected by improved student achievement. I suggest that the solution to this problem rests in our communities, with those closest to the problems at hand.

EXHIBIT 1

Editor's Note: Silver bullet ideas for school reform come and go, usually warranting little more than passing attention. However, one idea seems to be taking hold among many camps: class-size reduction. In light of the attention and support this idea has received, the Progressive Policy Institute asked University of Rochester's Eric Hanushek—a renowned education scholar—to review the evidence on the impact of class-size reduction policies. This is his analysis.

IMPROVING STUDENT ACHIEVEMENT—IS REDUCING CLASS SIZE THE ANSWER?

(By Eric A. Hanushek)

Growing numbers of Americans are dissatisfied with our nation's schools and are demanding reform. Recently, results from an international study showed U.S. students trailing the world in twelfth grade math and science. Faced with the daunting task of reforming education, politicians in both parties, including President Clinton, are seizing on a cure-all that appeals to interest groups and enjoys public support: reducing class size.

This is by no means a new idea; teachers' unions have fought for smaller classes for decades.

All other things being equal, smaller classes are preferable to larger ones because teachers can give students more individual attention. However, all things are seldom equal, and other factors, such as the quality of the teacher, have a much more decisive impact on student achievement. Moreover, the huge expense of class-size reduction may impede the ability of schools to make other important investments in quality. Here lies the fundamental question: What effect do broad policies of class-size reduction have on overall student achievement levels?

Supporters of broad class-size reductions generally point to a few studies or a few experiences that suggest improved performance with smaller classes and then rely on the "obviousness" of the proposed policies to carry the day. To be sure, there are U.S. classrooms that are overcrowded. But not every school ranks reducing class size as the highest priority. Some schools may prefer to invest in smaller classes, but others might opt for reading tutors, after-school programs, computers, higher salaries for teachers, or increased professional development. In fact, a thorough review of the scientific evidence shows a startling finding; class-size reduction may be one of the least effective educational investments.

Historical and international evidence also shows that a national policy to reduce class size could displace more productive investments in schooling. The United States has already significantly reduced class sizes over the past 40 years and student performance has remained stagnant, at best. The overall pupil-teacher ratio fell by 35 percent from 1950–95 (from about 27-to-1 to 17-to-1).[1] Aggregate student performance has shown no improvement over this period. Similarly, these changes have done nothing to boost our standing on international achievement tests.

Federal policy should aim to improve teacher quality, not quantity. Rather than reducing class size, a better use of federal money would be to encourage states to boost teacher quality by developing meaningful teacher tests and alternative certification programs. Better yet, federal funds could be used to encourage stronger performance incentives in our schools.

THE BIPARTISAN RUSH TO REDUCE CLASS SIZES

The widespread belief that lowering class size immediately improves education has been echoed by politicians in both parties during this election year. About 20 governors are either proposing or actively considering class-size reduction initiatives. These states are following on the heels of California, which reduced K–3 class sizes under Republican Governor Pete Wilson after the state generated a revenue windfall in 1996. GOP proposals both in Congress and in many states to shift education dollars from "administration" to "classrooms" are also often promoted as enabling school districts to reduce class sizes.

Its status as the hardy perennial of teachers' union proposals has further made class-size reduction popular among many Democratic politicians. But this tendency was given a powerful new impetus this year when President Clinton—previously identified with such performance-oriented reforms as charter schools, high standards, and national tests—made hiring more teachers to reduce class sizes in early education a major feature of his State of the Union Address.

THE CLINTON-PROPOSAL

The President proposed to spend $12 billion in federal funds over seven years to reduce class sizes in grades 1–3. These initiatives are designed to help bring classes in the early grades down to 18 students per class, an undertaking estimated to require 100,000 additional teachers.

Federal funding for class-size reduction would be distributed to states on the basis of the Title I formula. Within the state, each high-poverty school district would receive the same share of these funds as it received under "Title I, and the remaining funds would be distributed within the state based on class size. Participating school districts would be required to match federal funds, on a sliding scale raning from 10 percent to 50 percent.

The initiative also emphasizes teacher certification requirements, an important concern described below. Its approach, however, overlooks the systemic defects of our current certification practices and ignores a critical aspect of teacher quality; recruitment.

More importantly, the President's initiative represents a detour from past initiatives to promote educational results rather than just education spending. The classsize reduction initiative uniquely promotes new educational "inputs" (i.e., money) without a corresponding commitment to educational "outputs" (i.e., results). All these shortcomings might be overcome if it were truly clear that reducing class sizes in and of itself improves education. Unfortunately, the evidence says otherwise.

THE EVIDENCE ON CLASS SIZE[2]

A wide range of perspective can be taken in attempting to pinpoint the effectiveness of reduced class sizes. No matter what the source of evidence, the answer about effectiveness is the same: broad policies of class-size reduction are very expensive and have little effect on student achievement.

1. The United States has extensive experience with class-size reduction and it has not worked. Between 1950–95, pupil-teacher ratios fell by 35 percent, from about 27-to-1 to about 17-to-1 overall. These reductions have been an important component of the dramatic increases in school spending that have occurred over this period. Table 1 shows the pattern of pupil-teacher ratios, teacher attributes, and real spending per pupil since

1960. The one-third fall in pupil-teacher ratios is a significant contributor to the near tripling in real spending per student in average daily attendance (ADA). (The table further shows that other teacher attributes—i.e., advanced degrees and experience—also grew significantly.)

TABLE 1.—PUBLIC SCHOOL RESOURCES IN THE UNITED STATES, 1961–91

Resource	1960–61	1965–66	1970–71	1975–76	1980–81	1985–86	1990–91
Pupil-Teacher Ratio	25.6	24.1	22.3	20.2	18.8	17.7	17.3
Percent Teachers with Master's Degree	23.1	23.2	27.1	37.1	49.3	50.7	52.6
Median Years Teacher Experience	11	8	8	8	12	15	15
Current Expenditure/ADA (1992–93 $'s)	$1,903	$2,402	$3,269	$3,864	$4,116	$4,919	$5,582

While we lack information about student achievement for this entire period, the information that we have from 1970 for the National Assessment of Educational Progress (NAEP) indicates that our 17-year-olds were performing roughly the same in 1996 as in 1970. There are some differences by subject area. For science, the average scale score of 17-year-olds falls 9 points between 1969–96. For math, 17-year-olds improve 3 points between 1973–96. For reading, they improve 2 points between 1971–96. Writing performance, which is only available since 1984, shows a fall of 7 points, by 1996. Only the fall in science (and in writing since 1984) is a statistically significant difference. There have been improvements at earlier ages, but they are not maintained and are not reflected in the skills that students take to college and to the job market. The overall picture is one of stagnant performance.

One common explanation for why the lower pupil-teacher ratio hasn't resulted in increased overall performance is that more students are now designated as special education students, whose classes are much smaller than regular ones. About 12.5 percent of students are now identified as having disabilities covered under special education legislation (up 8 percent at the introduction of programs in the late 1970s). Indeed, the federal and state mandates for the education of handicapped students have placed significant requirements on hiring staff and providing extensive services. On average, these students cost somewhat more than twice that of those undergoing regular instruction. While these programs could account for as much as a third of the increased intensity of teachers over the 1980s, substantial reductions in class size have been directed at regular class room instruction as well.

In sum, the proposals to reduce class sizes are nothing new. We have been pursuing these policies for decades. The aggregate evidence shows no improvements in student performance that can be related to the overall pupil-teacher ratio reductions.

2. International comparisons suggest no relationship between pupil-teacher ratios and student performance. The recent results measuring the performance of U.S. students on international math and science examinations have sobered many. Our high school seniors performed near the bottom of the rankings of the 21 nations participating in the Third International Mathematics and Science Study (TIMSS). This showing has nothing to do with more selective students taking the tests in other countries—our best students performed badly.

At the same time, the dramatic differences in pupil-teacher ratios and in class sizes across the countries are unrelated to measures of mathematics and science achievement. Of course there are many differences across countries that are difficult to adjust for in any analysis, but if smaller classes were strongly related to high student achievement, then one would expect U.S. class sizes to be much larger than those in other countries. In fact, just the opposite is true. Asian countries that routinely outperform the U.S. generally have much larger class sizes. Ironically, the international differences suggest that there is a slight positive relationship between pupil-teacher ratios and student achievement.

3. Extensive econometric investigation shows no relationship between class size and student performance. Over the past three decades, there has been significant research in deciphering what factors affect student achievement. This work, employing sophisticated econometric techniques, provides considerable evidence about the effects of class size on performance.

These extensive statistical investigations show almost as many positive as negative estimates of the effects of reducing class size. Table 2 summarizes the 277 separate published estimates of the effect of pupil-teacher ratios on student achievement. Only 15 percent give much confidence (i.e., are statistically significant) that there is the expected improvement from reducing class sizes. The bulk (85 percent) either suggest that achievement worsens (13 percent) or gives little confidence that there is any effect at all.

TABLE 2.—PERCENTAGE DISTRIBUTION OF ESTIMATED INFLUENCE OF TEACHER-PUPIL ON STUDENT PERFORMANCE, BY LEVEL OF SCHOOLING

School level	Number of estimates	Statistically significant (in percent)—		Statistically insignificant (in percent)—		
		Positive	Negative	Positive	Negative	Unknown sign
All Schools	277	15	13	27	25	20
Elementary Schools	136	13	20	25	20	23
Secondary Schools	141	17	7	28	31	17

Because of the controversial nature of these conclusions, they have been carefully scrutinized—and the policy conclusions remain unaffected. The subsequent discussions have clarified one important aspect of these analyses. The existing studies do show that sometimes variations in class size have significant influences on performance. The difficulty, when thought of in terms of making policy from Washington or from State capitals, is that nobody has been able to identify the overall circumstances that lead to beneficial effects. This finding has important policy implications that are discussed below.

These studies are important because they provide detailed views of differences across classrooms—views that separate the influence of schools from that of family, peers, and other factors. As a group, they cover the influence of class size on a variety of student outcomes, on performance at different grades, and on achievement in different kinds of schools and different areas of the country. In sum, they provide broad and solid evidence.

4. Project STAR in Tennessee does not support overall reductions in class size except perhaps at kindergarten. Much of the current enthusiasm for reductions in class size is based on the results of a random-assignment experimental program in the State of Tennessee in the mid-1980s. The common reference to this program, Project STAR, is an assertion that the positive results justify a variety of overall reductions in class size. This study is the primary reference in the Clinton proposal as well as Governor Pete Wilson's dramatic class-size reductions in California in 1996.

The study is conceptually simple, even if some questions about its actual implementation remain. Students and teachers in the STAR experiment were randomly assigned to small classes (13–17) students) or large classes (22–25) students) with or without aides. Each participating school had one of each type of class. Students were kept in these small or large classes from kindergarten through third grade, and their achievement was measured at the end of each year.

The STAR evidence showed that the gains made were mainly in kindergarten. The STAR data are summarized by Figures 1 and 2. (Graphs were not reproducible in the RECORD.) At the end of kindergarten, children in small classes score better than those in large classes. They then maintain this differential for the next three years.

If smaller classes were valuable in each grade, the achievement gap would widen. It does not. In fact, the gap remains essentially unchanged through the sixth grade, even though the experimental students from the small classes return to larger classes-for the fourth through sixth grades. The inescapable conclusion is that the smaller classes at best matter in kindergarten and perhaps first grade. The data do not suggest that improvements will result from class-size reductions at later grades.

The STAR data suggest that perhaps achievement would improve if kindergarten classes were moved to sizes considerably below today's average. In addition, the effects were greater fro minority students during the first two years. The President's plan gives greater assistance to Title I schools and targets the early grades, but not kindergarten.

Nonetheless, the STAR evidence pertains to a one-third reduction in class sizes, a reduction approximately equal to the overall decline in the pupil-teacher ratio between

1950 and today. As we have seen, that reduction has not led to overall improvement in student achievement.

INTERPRETING THE EVIDENCE ON CLASS SIZE

None of this says that smaller classes never matter. The class size evidence refers to the normal ranges observed in schools—roughly between 15 and 40 studens per class. A class of 100 would likely produce different effects than a class of five, but such a comparison is irrelevant for purposes of the broad policies currently being considered. Indeed, the micro-evidence, which shows instances where differences in pupil-teacher ratios appear important, suggests just the opposite. All things being equal, teachers are probably more effective with fewer students because they can devote more attention to each child. But all things are not equal. Existing teachers may well not adjust their classroom behavior with fewer children in the classroom, and new teachers hired to staff the additional smaller classes may not be as good as existing teachers. There may be situations—of specific teachers, specific groups of students, and specific subject matters—where the huge expense of smaller classes may be very beneficial for student achievement. At the same time, there are other situation where a large scale class-size reduction policy could take away from other education priorities and result in stagnant or worse student achievement.

The complexity of the situation is that we do not know how to describe a prior situation where reduced class size will be beneficial. It makes little sense to dictate an across-the-board class-size reduction policy from Washington. A national policy can only expect average gains, which appear to be very small, at a great expense.

It is also important to remember that bad implementation can actually worsen achievement. When California implemented its large-scale class reduction last year, the state scrambled to hire thousands of new teachers; 31 percent of Claifornia's new teachers are working with only emergency credentials, with a disproportionate number working in urban districts. Due to lack of space, some schools have resorted to placing two teachers in a single classroom with forty students.[3]

Much of the case for reduced class size rests on "common-sense" arguments. With fewer students, teachers can devote more attention to each child and can tailor the material to the individual child's needs. But consider, for example, a movement from class size of 26 to class sizes of 23. This represents an increase in teacher costs alone of over ten percent. It is relevant to ask whether teachers would in fact notice such a change and alter their approach. The observational information from Project STAR suggested no noticeable changes in typical teacher behavior from the much larger changes in the experiment.

The small classes in California have 20 students in them—about the size of the large classes in STAR. No evidence from STAR relates to the likely effects of such a policy change. Indeed, the STAR study was based on previous research which suggested that a class size of 15 or fewer would be needed to make a significant improvement in classroom performance. The Clinton Administration proposals point to class sizes of 18, instead of the 20 in California, but they still do not get down to the STAR levels.

The policy issue is not defined exlusively by whether we should expect positive effects from reducing class sizes. Even if we were confident of positive effects, the case for general policies to reduce class size would not yet be made. Class-size reduction is one of the most expensive propositions that can be considered. The policy experiment of Project STAR involved increasing the number of classroom teachers by one-third, a policy with massive spending implications if implemented on a widescale basis. In recognition of fiscal realities the expense of such policies puts natural limits on what is feasible, leading many reductions to be in the end rather marginal . Marginal changes, however, are even less likely to lead to underlying changes in the behavior to teachers.

TEACHER QUALITY, NOT QUANTITY

Considerable evidence shows that teacher quality is one of the most important factors in student achievement. Whether or not large-scale reductions in class size help or hurt will depend mostly on whether the new teachers are better or worse than the existing teachers. Unfortunately, class-size reduction proposals usually are not accompanied by plans to recruit qualified teachers, and the current organization of schools and incentives to hire and retain teachers do little to ensure that the teacher force will improve. Reducing class sizes may likely have a negative effect by increasing the quantity of teachers at a time when what we need most is to increase teacher quality.

Furthermore, although there is an overall teacher surplus in the United States, high poverty districts often face teacher shortages. In California, this situation has been exacerbated by the state's class-size reduction policy where wealthier districts have raided teachers from poorer districts.

The Clinton Administration proposal call for states to adopt training and certification procedures that have been evaluated and tested. Simply trying to raise certification standards in the current system is unlikely to raise teacher quality. Indeed, certification as practiced today already deters too many talented individuals from teaching, and teachers are rarely held accountable for student performance. Moreover, some states may actually have to lower certification standards just to attract enough teachers for each classroom. If we are to have a real impact on teaching, we must evaluate actual teaching performance and use such evaluations in school decisions. We cannot rely on requirements for entry, but must switch to using actual performance in the classroom.[4]

SUPERIOR APPROACHES

The states and federal government are in a unique position to initiate programs that promise true improvement in our schools. They are not programs that mandate or push local schools to adopt one-size-fits-all approaches—such as lowering overall class sizes or altering the certification of teachers. Instead they are programs that develop information about improved incentives in schools.

The largest impediment to any constructive change in schools is that nobody in today's schools has much of an incentive to improve student performance.[5] Careers simply are not made on the basis of student outcomes. The flow of resources is not related positively to performance—indeed it is more likely to be perversely related to performance. Let us return to class size proposals for a moment. Given that school incentives do not push toward better student performance or toward conserving on expenditures, it is little wonder that decisions about class size are made on the basis of "fairness" and not productivity. After all, would it be fair to some teachers to have to teach large classes or to some students to have less attention in a larger classroom? If schools were more motivated toward performance, the discussion might shift to identifying those situations where changing class sizes would have their largest impact. For example, reducing kindergarten class sizes might be important in communities that lack preschools; communities that face teacher shortages might instead raise teacher salaries in order to improve their applicant pools and recruit more qualified teachers.

The unfortunate fact is, however, that we have little experience with alternative incentive structures. A very productive use of state and federal funds would be to conduct a series of planned interventions that could be used to evaluate improvements. Minimally, instead of funding lowered class sizes everywhere, the states and federal government could team together to mandate more extensive random-assignment trials and evaluation of the benefits of lowered class sizes, à la Tennessee.

More usefully, they could work to develop a series of experiments that investigates alternative incentive schemes—from merit pay to private contracting to wider choice of schools. A new program of trials with altered performance incentives could place an indelible positive stamp on the nation's future by committing to learning about how schools can be improved. Today we do not know enough to develop an effective program of improvement. Nor will continuation of past research programs help, because they must rely upon the existing structure of schools with the existing incentives (or lack of incentives).

The issues of incentives and of devising ways to obtain appropriate information is set out in more detail in Making Schools Work.[6] These are clearly complicated issues that would require considerable change in focus by the federal and state governments—turning from trying to dictate how schools do their jobs to setting up incentives for good performance. Contributors to Making Schools Work also openly admit that there are many gaps in our knowledge and that improving education is more likely if we attack the knowledge problems directly instead of continuing policies that we know do not work.

INVESTING IN SCHOOLS

There are powerful reasons to expand and improve investment in human capital. Educational investments are in fact very important for the U.S. economy, which has been built on a skilled labor force and has capitalized on the presence of skills, making human capital investments very important to the economy. Moreover, many authors show that the labor market value of the increased skills, as measured by schooling level, has increased dramatically in recent years. This valuation demonstrates that the economy continues to need an evermore skilled labor force. Economists have recently spent considerable time and effort trying to understand why some countries grow faster than others, and the majority opinion is that a nation's stock of human capital is an important component of differential growth rates. In addition, Americans have long thought of education as a primary ingredient in providing equality of opportunity to society—as a way of cutting down or breaking intergenerational correlations of income and of trying to provide opportunity to all of society. Taken together, these provide important and relatively uncontroversial reasons for us to continue our attention to education.

Acknowledging the need for investment does not, however, lead to unqualified support for any policies labeled "investment in our youth" or "school improvement." Recent policy discussions have been laced with programs that fundamentally involve haphazard and ineffective spending on schools and that offer little hope for gains in achievement. The current set of class size proposals falls into this category. President Clinton should leave class size policy to schools and districts, and remain faithful to his greatest achievement in education policy: redefining the goal of school reform as results, not merely spending.

ENDNOTES

[1] Pupil-teacher ratios differ from class size for a variety of reasons including the provision of specialized instruction (as with special education), the use of teachers in supervisory and administrative roles, and the contractual classroom obligations of teachers. Nonetheless, even though we have little longitudinal data for class sizes, average class size will tend to move with pupil-teacher ratios.

[2] A more detailed discussion of the evidence along with citations for the relevant work can be found in Eric A. Hanushek, The Evidence on Class Size, Occasional Paper No. 98-1, W. Allen Wallis Institute of Political Economy, University of Rochester, February 1998. The complete text is also available at http://petty.econ.rochester.edu.

[3] Edward Wexler, et al. California's Class-size reduction: Implications for Equity, Practice & Implementation. WestEd and PACE, March 1998.

[4] See Dale Ballou and Stephanie Soler: Addressing the Looming Teacher Crunch: The Issue is Quality. Washington, DC: Progressive Policy Institute, February 1998.

[5] A full discussion of the issues of incentives and of experimentation is found in Eric A. Hanushek with others. Making Schools Work: Improving Performance and Controlling Costs. Washington, DC: Brookings Institution, 1994.

[6] Ibid.

[From the News Journal, Sept. 4, 1998]

EXHIBIT 2

MICROMANAGEMENT BY LEGISLATORS IS MOCKERY OF REAL SCHOOL REFORM

Reducing the size of classes is popular with parents and, in some cases, teachers. It offers politicians a way to make headlines that please constituents.

But most respected academic research suggests that reducing classes by one or two students has virtually no impact on the quality of instruction.

Nonetheless, this year the General Assembly mandated that Delaware's public school classrooms be limited to 22 students. The idea was pushed by Rep. Timothy Boulden, R–Newark, who no doubt thought he was doing the right thing. He wasn't. He was pandering to parents who don't understand the issue any more than he does. Research suggests that a home environment that encourages learning is the most important factor in success in school. But the government can't do much about that.

Next comes teachers. It's no surprise that a highly qualified teacher has enormous impact on students. And that's a factor state government can do something about. But legislators and other reformers have refused to deal with it in any meaningful way this year.

There is discussion about increasing qualifications for teacher certificates, regular recertification thereafter and continuing professional development.

Teachers' salaries also must be part of improving this standard. Delaware pays its teachers too little. We're losing some of the best and brightest to neighboring states. This, too, is something the General Assembly can do something about—but doesn't.

Instead, it micromanages school systems with bills like Rep. Boulden's class-size measure. It's quick, easy, relatively inexpensive and popular. But smaller classes aren't significant unless the numbers go down to 15 or fewer students. That would cost hundreds of millions of dollars (The current 22-student mandate cost $6.5 million.)

Most school districts are having difficulty meeting that mandate as it is, in part because it came well after they had planned the 1998–1999 school year. Many more classrooms are required in some districts, and others have had to shift art, music and physical education. Others might have to dismiss librarians and counselors.

It's ridiculous. The General Assembly does the most harm when it micromanages state agencies. It should set broad goals and high standards, and then give the professionals the tools they need to achieve them.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent to be able to speak up to 12 minutes, to be followed by Senator DEWINE for up to 20 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? Without objection, it is so ordered. The Senator is recognized to speak for up to 12 minutes.

Mr. ENZI. Thank you, Mr. President.

EIA COST ESTIMATES ON GLOBAL WARMING

Mr. ENZI. Mr. President, we have been talking about the budget and the way that the President of the United States wants to spend Social Security—the surplus. I want to talk to you about that in another line—the way that the White House wants to raise your taxes, and the way they are going to do it in November in a very subtle way. I am going to talk to you about jobs—your jobs—and the effort that is underway by the White House to shift your job overseas. The White House has been denying that. I know that the Energy Information Administration confirms it, and how we will not only shift your job overseas, but we are going to charge more for everything that you buy.

Let me explain how this works. The new Energy Information Administration estimate is very important for a couple of reasons. It proves that the White House is using funny numbers on global warming. In my opinion, it also points out that we are spending a lot of time debating the details of a treaty that is fundamentally flawed. I have always said that something not worth doing at all is not worth doing well. The administration has already bought the global warming treaty, and now we are trying to figure out how to pay for it. We are trying to figure out how to make it work. It is as if we decided to sink the mother ship and now we need to figure out the cheapest way to rescue all of the people.

Mr. President, it is easy. Don't sink the ship. Sink the treaty. It is like saying that the *Titanic* is going down and we need to reorganize how the deck chairs are placed.

I came to the floor in July and raised serious doubts about the numbers that were dreamt up by the Council of Economic Advisers. The council chairman, Janet Yellen, has testified twice that Kyoto would cost American families somewhere between $70 and $110 per year. I don't know how you feel about it, but the people in Wyoming think that $70-odd to $110 per year more for Government taxes is a lot. But I want to point out that the independent economists put those costs as high as $2,100 per year per household. That is a pretty good, hefty tax. And it is a $2,000 difference from what the administration is saying that it will amount to.

I have tried to get the real numbers on this before. I have been stonewalled by the White House. Then I finally got some numbers that were rather unintelligible. I asked questions about them. I got a letter from the White House Counsel's Office that said that public disclosure of the real terms would set an unfortunate precedent that could chill the free flow of internal discussions essential to effective executive decisionmaking.

In other words, the White House can't really share the numbers with us because we, the Congress, would have a chilling effect on policy-making? That is our realm. We need to have the data on which to operate. And the White House is the one in charge of providing that data.

We have a credibility gap. We have a credibility gap with the administration.

I think it is interesting to compare the cost estimates from the White House with the cost estimates from the independent Energy Information Administration, part of the administration. The White House says the annual average increase in household energy would be $70 to $110.

I have a little chart. This shows a few of the studies that have been done on global warming. The red line is the administration. You will notice that all of them that have been done are on the very bottom level. This is the one that says it is only going to cost you $70 to $110 a year. The blue line is the Energy Information Administration, part of the administration. This blue line, you will notice, appears at the top of the list. That is what they say it is going to cost you —$335 to $1,740 per year per family.

The White House says gasoline would only go up to $1.31 a gallon. The Energy Information Administration says $1.91 a gallon.

How about fuel oil? That is something our friends in the Northeast worry about. The White House says, "Don't worry, it will only go up to about $1.17 a gallon." The Energy Information Administration says it will go up to $1.90 a gallon. Who do you want to believe? The administration's low numbers or the administration's high numbers? You are the one paying the bill; which one would you trust?

I wanted you to know what kind of assumptions the Council of Economic Advisers used. How did they get things to look so rosy? It turns out they brought the cost down using two tricks. Their own internal report said they had to figure out some way to bring down the cost or it would not be feasible. They already bought the treaty, now they have to figure out why they bought the treaty. They want the American people to think they got a good deal for you.

The two tricks they use are electricity deregulation and emissions trading. That is how they make it seem to cost less, even though I thought we wanted to deregulate electricity to save the people back home money. What we are going to do is deregulate it and use that money to pay for the global warming treaty. I guess now we need to go back and tell them that the money is already spent if we deregulate, and it has to be deregulated because we have to spend the money. That seems to happen a lot around here.

Then the emissions trading scheme, that one takes the cake. Each of the cost estimates I have seen include a range of credit trading scenarios. The assumption is the more credits we can buy, the cheaper it will be to meet our Kyoto commitments. That is the assumption: The more we buy, the cheaper it gets. That is like going to the mall and saving money by taking advantage of as many sales as you can. You still spend the money.

The Energy Information Administration says the credits will cost us $70 to $350 a term. In people terms, that is 15 cents to 70 cents a gallon of gas, up to an 80 percent increase in your electrical bill. And we thought deregulation would save us some money.

The range is as a result of not knowing how many countries will participate. If we have to buy all our credits only from Europe and Russia, they are going to be very expensive. That puts us in the $350-per-ton range. If we get countries like China and India to sell us their emission credits, we can get that cost down to $70. That is the assumption.

Do you know why they will sell us theirs for so low a price? They don't have any ceiling. Last year I went to Kyoto. I got to meet with the Chinese delegation. By the year 2012 they are going to be the biggest polluters in the whole world and they will not be a part of the treaty. Why not? They are a developing nation. They cannot be put under those constraints. I asked them when they would be done being a developing nation. They said, "Never." Good negotiating. They even developed a fine system so that if we pollute, we get fined, and the money goes to, guess who, the developing nations. They get the money that way.

Now there is another scheme—sell credits. We buy the right to pollute from China and the developing nations. They will sell it to us for just $70 a ton because they have no limit. They are not really selling a quantity. They can sell as many units as they want. They are already polluting; they can continue to pollute. Good deal for us? That is what the White House says we can do. We will pay China so we can have the right to drive our cars and turn on our lights. We will pay China so we can drive when we want to and where we want to. Just pay China and you can turn on all your Christmas lights whenever you want. They will already have the jobs.

In theory, China will limit its own emissions at some future level. In the meantime, they will sell us permits, in theory. In theory the whole world would participate and we would reduce the growth of carbon emissions and save the Earth from certain devastation—in theory.

I got to meet with those nations that are island nations; if global warming happens, they will be inundated by water. They are not going to be a part of the treaty. If this were a real problem and your country was going to be inundated by water, wouldn't you sign the treaty? Wouldn't you push every nation in the world to sign the treaty? I can tell you, they are not, which tells you what they think about global warming.

It is a way to get jobs. It is a way to sell emission credits. The whole world is not participating and the Earth will not be saved because the treaty will not reduce carbon emissions. In fact, we cannot even get the developing world to abide by copyright treaties, what makes anybody think they will abide by an emissions treaty even if they sign it? Oh, no, the joke will be on us. It will be on the American people. We are planning to pay China for a piece of paper that says, "We reduced our emissions by 1 ton so you can increase yours by 1 ton." And we will pay them for that right. That is what it says.

What are we going to do if they just take the money and keep on polluting? And they have assured us they would. Are we going to send in troops and demand our money back? The Energy Information Administration has pointed out that this treaty would cost American families between $350 and $1,740 per year. That is what the private economists have been saying. And it will eliminate jobs.

I urge my colleagues to get a copy of this report and read it. In November the administration will go to Buenos Aires, Argentina, to continue negotiations on the Kyoto treaty. They plan to work out emissions trading enforcement provisions. These are two critical parts of how this treaty will hurt American families. People need to be mindful of this process. People need to protest this process. Now is the time, not during the negotiations, not after the President has signed and sent a treaty here that we have already said, 95 to 0, does not meet the requirements for the economy in the United States, that it is just selling our economy.

A study conducted by DRI-McGraw-Hill estimated Kyoto could cost us 1.5 million jobs. Charles River Associates put that figure as high as 3.1 million jobs by 2010.

Even the Argonne National Laboratory, pointed to job losses in a study on the impact of higher energy prices on energy-intensive industries. Argonne concluded that 200,000 American chemical workers could lose their jobs. All of the American aluminum plants could close, putting another 20,000 workers out of work. Cement companies would move another 6,000 jobs overseas. And nearly 100,000 U.S. steel workers would be out of work.

Americans have a right to know what is going on, even if the Office of White House Counsel does not think so. They should have a chance to see who is playing with their livelihoods.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). Under a previous order, the Senator from Ohio is recognized for 20 minutes.

Mr. DEWINE. Mr. President, let me first congratulate my colleague from Wyoming for a very eloquent and very thoughtful statement about a very serious issue, a very serious problem.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mr. DEWINE. Mr. President, 2 weeks ago we introduced the Western Hemisphere Drug Elimination Act. This bipartisan legislation, which now has over one-third of the Senate as cosponsors, calls for an additional $2.6 billion investment in international counternarcotics efforts over the next 3 years. With the additional resources provided in this legislation, we can begin to restore a comprehensive eradication, interdiction, and crop substitution strategy. I say "restore." I say restore because we currently are not making the same kind of effort to keep drugs from entering the United States that we used to. Drugs are now easy to find and easy to buy. As a result, the amount of drugs sold on our streets and the number of people who use drugs, particularly our young people, is at an unprecedented high level. The facts demonstrate the sobering trends.

The August 1998 National Survey of Drug Abuse report by the Substance Abuse and Mental Health Administration lists the following disturbing facts: One, in 1997, 13.9 million Americans age 12 and over cited themselves as "current users" of elicit drugs, a 7 percent increase over 1996's figure of 13 million Americans. That translates to nearly a million new users of drugs each year.

Second, from 1992 to 1997, the number of children age 12 to 17 who were using illegal drugs has more than doubled and has increased by 27 percent, just from 1996 to 1997 alone.

For children age 12 to 17, first-time heroin use—which as we all know can be fatal—surged an astounding 875 percent, from 1991 to 1996. The overall number of past-month heroin users increased 378 percent from 1993 to 1997.

We cannot in good conscience and with a straight face say that our drug control strategy is working. It is not. More children are using drugs. With an abundant supply, drug traffickers now are seeking to increase their sales by targeting children age 10, 11, 12. This is nothing less than an assault on the future of our children, on our families, and on the future of our country itself. This is nothing less than a threat to our national values and, yes, even our national security.

All of this, though, begs the question: What are we doing wrong? Clearly there is no one, simple answer. However, one thing is clear: our overall drug strategy is no longer balanced; it is imbalanced. To be effective, our national drug strategy must have a strong commitment in the following three areas. One is demand reduction, which consists of prevention, treatment and education programs. These are, of course, administered by all levels of government: Federal level, State level, and the local community as well as nonprofit and other private organizations. The second component is domestic law enforcement which, again, has to be provided by all three levels of government. And finally, No. 3, international eradication and international interdiction efforts, which is the sole responsibility of the Federal Government, our sole responsibility.

These three components are really all interdependent—you need them all. A strong investment in each of them is necessary for each to work individually and to work collectively. For example, a strong effort to destroy or seize drugs at the source or outside the United States, both reduces the amount of drugs in the country and drives up the street price. As we all know, higher prices will in fact reduce consumption. This, in turn, helps our domestic law enforcement and demand reduction efforts.

As any football fan can tell us, a winning team is one that plays well at all three phases of the game—offense, defense, and special teams.

The same is true with our antidrug strategy. All three components have to be effective if our strategy is going to be a winning effort.

Mr. President, while I think the current administration has shown a clear commitment to demand reduction and domestic law enforcement programs, the same, sadly, cannot be said for the international eradication and interdiction components. This was not always the case. Let me turn to a chart.

In 1987, a $4.79 billion Federal drug control budget was divided as follows: 29 percent for demand reduction programs; 38 percent for domestic law enforcement; and 33 percent, one-third, for international eradication and interdiction efforts. This balanced approach worked. It achieved real success. Limiting drug availability through interdiction drove up the street price of drugs, reduced drug purity levels and, consequently, reduced overall drug use.

From 1988 to 1991, total drug use declined by 13 percent, cocaine use dropped by 35 percent, and there was a 25-percent reduction in overall drug use by adolescent Americans.

This balanced approach, however, ended in 1993, and by 1995 the $13.3 billion national drug control budget was divided as follows: 35 percent for demand reduction, 53 percent for law enforcement, but only—only—12 percent—only 12 percent for international interdiction efforts.

Though the overall antidrug budget increased almost threefold from 1987 to 1995, the percentage allocated for international eradication and interdiction efforts decreased dramatically. This disruption only recently has started to change. Unfortunately, the imbalance is still there, and the figures still show that.

In the President's proposed $17 billion drug control budget for 1999, 34 percent will be allocated for demand reduction, 52 percent for law enforcement, and 14 percent for international and interdiction efforts. Those are the numbers. But what really matters is what these numbers get you, what they buy, in terms of resources. The hard truth is that our drug interdiction presence —the ship, the air, and the manpower dedicated to keeping drugs from reaching our country—has eroded dramatically, and here are just a few examples.

One, the Department of Defense funding for counternarcotics decreased from $504.6 million in 1992 down to $214 million in 1995. That is a 57-percent decrease in only a period of 3 years. As a result, flight hours by our AWACS planes dropped from 38,100 hours in 1992 down to 17,713 hours by 1996, a 54-percent reduction.

Another example: At the beginning of the decade, the U.S. Customs Service operated counternarcotics activities around the clock. This made sense because drug trafficking is a 7-day, 24-hour enterprise. Today, the Customs Service does not have the resources to maintain these around-the-clock operations. In a recent hearing on our legislation, the original piece of legislation we introduced, a representative of the U.S. Customs Service testified that the Customs Service has 84 boats in the Caribbean in drug apprehension efforts, and that is down from 200 vessels in 1990—200 down to 84.

The Customs Service estimates that they expect to have only half of the current fleet of 84 vessels by the year 2000, if present trends and projections continue—half again.

These, I believe, are shocking statistics, and, perhaps more than the budget numbers themselves, these statistics demonstrate the imbalance in our overall drug strategy. We have to have a balanced strategy. All portions are needed.

I have witnessed the lack of our resources and commitment in the region firsthand. This past year, I traveled to the Caribbean several times to see our counternarcotics operations there. I met with the dedicated people on the front lines of our drug interdiction efforts. I witnessed our strategy in action and sat down with the experts, both military and civilian—our experts who are charged with carrying out the monitoring, the detection, and the interdiction of drugs.

On one of my recent trips, I saw, in particular, Haiti has become the attractive rest stop on the cocaine highway. You can tell, when looking at the map, why that would be. It is strategically located about halfway between the source country, Colombia, and the United States. As the poorest country in the hemisphere, it is extremely vulnerable to the kind of bribery and corruption that the drug trade needs in order to flourish.

Not surprisingly, the level of drugs moving through Haiti has dramatically increased. A U.S. Government interagency assessment on cocaine movement found that the total amount of cocaine coming from the United States through Haiti jumped from 5-percent in 1996 now up to 19 percent by the end of 1997.

In response to that, we initiated a U.S. law enforcement operation called Operation Frontier Lance. Operation Frontier Lance utilized Coast Guard cutters, speed boats, and helicopters to detect and capture drug dealers on a 24-hour-per-day basis. This operation was modeled after another successful interdiction effort that was first done off the coast of Puerto Rico, and that operation was called Operation Frontier Shield. Both these operations were done in two different time periods. Operation Frontier Shield utilized nearly 2 dozen ships and aircraft, and Operation Frontier Lance utilized more than a dozen ships and helicopters.

To make Operation Frontier Lance work ultimately required that we borrow a few ships and helicopters from operations elsewhere in the Caribbean. Because of our scarce resources, frankly, we had to rob Peter to pay Paul, as they say. But these operations produced amazing results. The 6-month operation in Puerto Rico resulted in the seizure of more than 32,000 pounds of cocaine and 120 arrests. The 3-month operation in Haiti resulted in 2,990 pounds of cocaine seized and 22 arrests.

Mr. President, these operations demonstrate we can make a big difference—a big difference—if we provide the right levels of material and the right levels of manpower to fight drug trafficking. They worked.

Having had this success, one would think that these operations would serve as a model for the entire region, that we would be able to duplicate them, replicate them. Instead of maintaining these operations, we ended them. This potential roadblock on the cocaine highway is no more. Now in Puerto Rico, we only have a combined total of six air and sea assets doing maintenance operations.

So this figure, Mr. President, represented by these helicopters and ships has been dramatically changed. That is what has happened. That has been the change—down to six in that region.

In Puerto Rico today, we only have a combined total of six air and sea assets doing maintenance operations.

In Haiti and the Dominican Republic—off the coast of Haiti and the Dominican Republic—we only have one ship and one helicopter devoted for the drug operation. That is what we are down to here—just one. So we can take all of these off at once.

We should keep in mind also that since refugees remain a major problem in this area, these very few vessels are not dedicated solely and exclusively to the antidrug effort. Amazingly, no sooner than we built an effective wall against drug traffickers we tore it down.

While in the region, I was surprised to learn in the eastern Pacific, off the coast of Mexico and Central America, the coast is literally clear for the drug lords to do their business. This is, without a doubt, unacceptable. That whole region—that whole region—is literally clear for the drug lords, the entire eastern Pacific.

Again, we have no presence there because we lack the resources. An interdiction plan does exist for the region which would involve the deployment of several ships and planes in the region. This operation, however, unfortunately, was canceled. It was canceled before it even got started because the resources were needed elsewhere. To date, the coastal waters in the eastern Pacific remain an open sea expressway for drug business.

Mr. President, through my visits to the region I have seen firsthand the dramatic decline in our eradication and interdiction capacity. The results of this decline have been a decline in cocaine seizures, a decline in the price of cocaine, and an increase in drug use. This has to stop. It is a clear and imminent danger to the very heart of our society. That is why this legislation is timely. We need to dedicate more resources for international efforts to help reverse this trend.

I want to make it very clear, as I think I have time and time again, that I strongly support our continued commitment in demand reduction and in law enforcement programs. In the end, I believe that reducing demand is the only real way to permanently end illegal drug use. However, this is not going to happen overnight. That is why we need a comprehensive counterdrug strategy that addresses all components of this problem.

There is another fundamental reason, why the Federal Government must do more to stop drugs, either at the source or in transit, as they are coming into the United States. If we do not, no one else will. Let me remind my colleagues that our antidrug efforts here at home are done in cooperation with State and local governments and scores of nonprofit and private organizations. However, only the Federal Government has the ability and the responsibility to keep drugs from crossing into this country. Only the Federal Government has the ability to help deal with the problem at the source level. Only the Federal Government has the ability to stop drugs in the transit routes. That is our responsibility, and the buck should stop here.

But, it is not just an issue of responsibility. I think it is an issue of leadership. The United States has to demonstrate leadership on an international level if we expect to get the full cooperation of source countries, where the drugs originate, countries such as Colombia, Peru and Bolivia, as well as countries in the transit zone, including Mexico and the Caribbean island governments. There is little incentive for these countries to invest their limited resources and risk the lives of their law enforcement officers to stop drug trafficking unless we provide the leadership and the resources necessary to make a serious dent in the drug trade.

Our bill is designed to provide resources and to demonstrate to our friends in the Caribbean and in Central and South America that we intend to lead once again. With this legislation, we can once again make it difficult for drug lords to bring drugs to our country and make drugs far more costly to buy.

It is clear drug trafficking imposes a heavy toll on law-abiding citizens and communities across our great country. It is time we make it a dangerous and costly business once again for drug traffickers themselves. A renewed investment in international and interdiction programs will make a huge difference, both in the flow and the cost of illegal drugs. It worked before and we believe it can work again.

As I said at the beginning, my colleagues and I reintroduced this legislation a few weeks ago. Since we introduced our original bill in July, we have received a number of suggestions on ways to improve the legislation, including several provided in conversations I personally had with Gen. Barry McCaffrey, the Director of the Office of National Drug Control Policy.

Mr. President, I ask unanimous consent for 5 additional minutes to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I thank my colleagues and I thank the Chair.

Some of these suggestions we incorporated in the House bill first introduced by Congressman BILL MCCOLLUM of Florida and Congressman DENNIS HASTERT of Illinois. The House passed the McCollum-Hastert bill with overwhelming bipartisan support. The final vote was 384–39. Clearly, the overwhelming bipartisan show of support for the Western Hemisphere Drug Elimination Act is a wake-up call—a wake-up call—for leadership. It is time the United States once again led the way in a comprehensive and balanced strategy to reduce drug use; and the time for leadership is now.

Since House passage of the bill, I have reached out once again to the drug czar and to my friends on the Democrat side of the aisle to try to determine how we can work together to strengthen our drug interdiction efforts and our overall antidrug strategy. Again, we have received very constructive suggestions, and I am hopeful this dialogue will yield positive results in the future.

Mr. President, the resources we would provide in our legislation should be of no surprise to anyone involved in our drug control policies. The vast majority of the items in this bill are the very items which the Drug Enforcement Administration, the Coast Guard and Customs Service have been requesting for quite some time. Many of these items are detailed, practically item per item and dollar amount, in the United States Interdiction Coordinator report, known as USIC, which was originally requested by the drug czar.

The new drug bill that we have introduced represents a good-faith effort by the sponsors of this legislation to get something done this year. It includes almost all of the changes made in the House-passed bill and incorporates virtually every suggestion made by the drug czar. Of central concern to the general, as he expressed in his recent testimony before the Senate Foreign Relations Committee, was the need for greater flexibility. And I agree and I understand.

Our new bill provides flexibility for the agencies to determine and acquire the assets best needed for their respective drug interdiction missions. It also provides more flexibility for the administration in providing needed resources to Latin American countries.

Mr. President, thanks to the suggestions we have received, the bill is a better bill. It has far more bipartisan support than the first version. Again, the growing support for this legislation is not surprising. This is not a partisan issue. We need to do more to fight drugs outside our borders.

But let's be frank. In this antidrug effort, Congress is the antidrug funder but the agencies represented here—the Drug Enforcement Administration, Customs, Coast Guard, State and Defense Departments, and the Drug Czar's Office—they are the antidrug fighters. They are the ones who are doing the job. The dedicated men and women of these agencies are working to keep drugs out of the hands of our children. And all we are trying to do is to give them the additional resources they requested to make that work result in a real reduction in drug use. This bill is just the first step in our efforts to work with the agencies represented here. I expect to do more in the future.

Finally, Mr. President, I want to make it clear that while this bill is an authorization measure, I have already started the process to request the money needed for this bill over 3 years. Even though we introduced the bill for the first time in late July, we have already secured $143 million through the Senate passed fy 1999 appropriation measures. Senators COVERDELL, GRAHAM of Florida, GRASSLEY, BOND, FAIRCLOTH, and myself requested these funds through the various appropriation measures.

Given that it will take some time to dedicate some of our larger assets, such as boats, airplanes, and helicopters, we need to start investing in these resources as soon as possible.

I recognize that even as we finally are beginning to balance our budget, we still have to exercise fiscal responsibility. I believe effective drug interdiction is not only good social policy, it is sound fiscal policy as well. It is important to note that seizing or destroying a ton of cocaine in source or transit areas is more cost-effective than trying to seize the same quantity of drugs at the point of sale. But more important, are the short and long term costs if we do not act to reverse the tragic rise in drug use by our children.

Let me remind my colleagues that there are more than twice the number of children aged 12 to 17 using drugs today than there were 5 years ago. With more kids using drugs, we have more of the problems associated with youth drug use—violence, criminal activity, and delinquency. Children are dying—either from drug use or drug-related violence. We will have more of the same unless we take action now to restore a balanced drug control strategy. We have to have all the components of our drug strategy working effectively again.

We did it before and we succeeded.

If we pass the Western Hemisphere drug elimination bill we can take the first step toward success. We can provide the resources, and most importantly, the leadership to reduce drugs at the source or in transit.

In the end, Mr. President, that is what this bill is about—it is about leadership—effective leadership. We have an opportunity with this legislation to show and exercise leadership. I hope we can seize this opportunity to stop drug trafficking, and more important, to save lives.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the senior Senator from West Virginia is recognized for up to 5 minutes.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I thank the Chair. There was no previous order that I be recognized, but I still thank the Chair, and I hope I am recognized.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Now, Mr. President, the Senator from Delaware, Mr. BIDEN, actually was here before I was, which does not mean anything under the Senate rules, but we have to live and let live here, and he has to catch a train at 2 p.m. So I ask unanimous consent that I may retain the floor, but that in the meantime the Senator from Delaware, Mr. BIDEN, be recognized for not to exceed——

Mr. BIDEN. Twenty.

Mr. BYRD. Not to exceed 20 minutes, and that I then be recognized for not to exceed 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. The distinguished Senator from Oregon is also here. I wonder—and the reason I am asking is I have been asked by a Senator on the other side, Mr. GRAMM, to try to get 30 minutes locked in for him. May I ask the distinguished Senator from Oregon how much time he would require?

Mr. WYDEN. Mr. President, I thank the Senator from West Virginia. I would, at the appropriate time, ask unanimous consent to speak for up to 15 minutes. I certainly understand there were Senators here before me, and I am happy to wait until after the Senator from West Virginia and the Senator from Delaware are finished.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the completion of my remarks, the distinguished Senator from Oregon be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Texas, Mr. GRAMM, for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DEWINE. Mr. President, I may have to object at this point. It is my understanding that there are speakers coming over on our side. Maybe we can work an arrangement out to alternate back and forth.

Mr. BYRD. Mr. President, I didn't object to the Senator asking for his time.

Mr. DEWINE. Mr. President, if I could make a suggestion that we have the three Senators who are on the floor now, lock that time in, but with the understanding that, beyond that, we would then begin to go back and forth.

Mr. BYRD. Mr. President, if the Senator knows of a Senator who wishes to speak, that is one thing. I know Senator GRAMM wants to speak for 30 minutes. He inquired through a staff person as to whether or not I would make the request for him. I hope the Senator will not object to Mr. GRAMM following the Senator from Oregon.

Mr. DEWINE. Mr. President, I will not object.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

THE SITUATION IN KOSOVO

Mr. BIDEN. Mr. President, let me begin by thanking the distinguished Senator from West Virginia for allowing me to go first. Mr. President, the reason I didn't say anything initially is because I hoped to be able to still make my commitment in Delaware and hear the Senator from West Virginia. I mean that sincerely. It is rare for the Senator from West Virginia ever to take the floor if he does not have a serious piece of business to conduct. He is going to speak on the same subject I am speaking to. I will not get to hear his speech, but I am sure I will read it in the RECORD.

Mr. President, I had originally intended today to introduce a resolution authorizing United States airstrikes against Yugoslavia in connection with the Kosovo crisis because I believe our Constitution requires the President to come to us for that authority. I have decided, however, not to offer the resolution because of recent developments, not on the constitutional front, but recent developments on the ground. The reality is that we are about to go out of session, and my ability to get a vote on this issue is problematic, at best.

Instead, I rise to discuss the implications for U.S. policy regarding the agreement on Kosovo worked out 2 days ago by Ambassador Richard Holbrooke with Yugoslav President Slobodan Milosevic, after more than a week of intensive negotiations.

I might note that it seems at every important point in our history we have diplomats and elected officials who rise to the occasion to meet the needs of the Nation. I would like to suggest that Richard Holbrooke is the right man, at the right time, at the right spot. I compliment him. We are fortunate to have his diplomatic skills available to this Nation at this moment.

On Monday, NATO's 16 member nations voted unanimously for what they call an ACTORD. That is military terminology for an activation order, which allowed the Supreme Allied Commander in Europe, U.S. General Wes Clark, to order airstrikes, which reportedly would begin with cruise missiles and escalate to a phased bombing campaign that would move beyond Kosovo.

Because this action order was taken, I believe, and only because of this, our negotiator, Mr. Holbrooke, was able to get an agreement from Mr. Milosevic, the criminal President of the Republic of Yugoslavia, to agree to certain of NATO's demands. In response, the alliance has postponed launching the airstrikes, which have been authorized for 4 days, in order to assess whether or not he, Mr. Milosevic, will comply. I assure you that he will not comply if he believes we are not serious about using significant force. The cruise missiles are now on immediate standby; B-52s stand ready on the runway equipped with cruise missiles to move if Milosevic fails to meet his commitments. The cruise missiles are now in immediate standby until Friday evening, U.S. eastern daylight time.

In addition, more than 400 allied aircraft, the majority of them American, remain available for a phased air campaign, should that later become necessary.

Mr. President, let me give my assessment right up front. As I said, I believe that Ambassador Holbrooke has done a good job. The agreement he negotiated in Belgrade is a good one, as long as we can be sure that if Milosevic does not keep his word, NATO air power will be used against the Yugoslav military and security forces.

I must tell you, as the senior member in the minority on the Foreign Relations Committee, I have mixed emotions about Milosevic's having agreed. I believe he only understands force. I believe that he is the problem. I believe that, ultimately, force will have to be used. And, quite frankly, I wish we had just used this force.

Mr. President, this agreement has, at least temporarily, averted NATO airstrikes against Yugoslavia, which, as I indicated, I strongly support. I support them recognizing that they would have endangered the lives of American military personnel, which I do not take lightly. But we must honestly and forthrightly point out to the American people that although the risk was low for high casualties, it was high for some casualties. No one wants war, and this agreement may, in fact, begin to lay the foundation for a political settlement of the crisis in Kosovo. We must understand, though, that war has not been permanently averted in Kosovo.

I would like to review the substance of the agreement negotiated, whose broad outlines are clear, but whose details understandably remain to be hammered out over the next several days. Milosevic, according to the agreement, must take several steps:

First, he must maintain a cease-fire and scale back the presence of both the special police, the so-called MUP, and of the Yugoslav Army, or VJ, to February 1998 levels, dropping the regular army presence from 18,000 to 12,500 and the MUP from 11,000 to 6,500. I, and others, I am sure, including Ambassador Holbrooke, would have liked to have seen it taken back further. But I acknowledge that this was what was possible.

Second, Milosevic must sign an agreement with the Organization for Security and Cooperation in Europe—the so-called OSCE—to allow up to 2,000 "compliance verifiers" full access on the ground in Kosovo to make sure that Milosevic is keeping his promises.

Third, Milosevic must sign an agreement with NATO to allow unarmed aircraft to fly over Kosovo to verify compliance with the cease-fire.

Fourth, he must begin serious negotiations with the Kosovars by November 2, with a goal of giving Kosovo at least autonomy within Serbia.

Fifth, he must allow complete access for humanitarian organizations to deliver assistance to the hundreds of thousands of internally displaced persons within Kosovo. These are the people you see on television, huddled in tents in the middle of fields and out in the forests.

I believe it is unrealistic to think that Milosevic can draw down the special police and the Army units in Kosovo to February levels by the time the Serb-Kosovar negotiations begin on November 2, but he will have to have shown substantial movement in that direction by that time.

Within a day or two, we can expect a statement by Milosevic proposing a timetable for negotiations with the Kosovars. These negotiations are supposed to be without preconditions. But the United States has made it clear that it expects Kosovo to regain a substantial part of the autonomy within Serbia that it lost in 1989. Although we do not presume to negotiate for the Kosovo Liberation Army, the KLA, or for Dr. Ibrahim Rugova, the moderate Kosovar leader, that is the minimum we expect.

Yesterday, Serbia's President, a Milosevic puppet, announced support for elections to a Kosovo parliament, a general amnesty, and the formation of a Kosovar police force to maintain order over the ethnic Albanian community that comprises more than 90 percent of Kosovo's population.

President Clinton has described the verification regime that Milosevic has agreed to as intrusive. It gives the OSCE verifiers a broad mandate, including the authority to establish a permanent presence in locations of their choosing in Kosovo, to accompany remaining Serb military units on patrol, and to coordinate humanitarian relief efforts. These verifiers would be backed up by American U2 spy planes and lower altitude P3 Orions and British Canberra photo reconnaissance planes to verify that compliance was underway. The verifiers will be unarmed, but NATO is putting together what we refer to as an over-the-horizon Quick Reaction Force, which will be ready to intervene on short notice if problems arise.

Let me explain what was meant by that. There will be armed NATO military on the ground—not in Kosovo, not in Serbia—ready to react and cross the border if, in fact, Milosevic goes back to his ways of ethnic cleansing.

Although the basing of this Quick Reaction Force has not yet been announced, I am told that there is an increasing likelihood that Macedonia, rather than Hungary or Italy, will be chosen as the location. Obviously, military requirements must dictate the basing decision, but in my view the choice of Macedonia would provide a needed political and psychological boost for that small country, which itself has a restive ethnic Albanian minority.

I feel our European allies should take the lead on this Quick Reaction Force. I have reason to believe that the United Kingdom, which is in the best position of our allies to play such a role, may step up to the plate and take on this responsibility.

Meanwhile, Milosevic has, as expected, orchestrated the crisis to move against domestic opposition within Serbia. Democratic politicians in Serbia—and there are some—have been threatened. Many independent radio stations have been forced off the air, and dozens of university professors who find Milosevic's conduct abhorrent, have been dismissed.

Diplomacy is not an easy art. Ambassador Holbrooke, as I said earlier, is to be congratulated for his persistence and stamina in crafting this agreement. As yet, no text has been released, and many of the details remain to be worked out in the coming days.

Although all Kosovar politicians, from the nonviolent leader Dr. Rugova to the KLA, vociferously maintain their insistence on independence for Kosovo, I believe most are prepared to accept the return of the pre-1989 autonomy, with the decision on the final status to be deferred for several years.

My supposition is that between now and November 2, U.S. diplomats will work on a fresh draft that will be accepted by Milosevic and the Kosovars as the basis for negotiations. This will not be an easy task.

Assuming that the Belgrade agreement holds, where are we, and what are the implications for U.S. policy?

In the short term, the Belgrade agreement will be seen by some in the Balkans as a victory for Milosevic, since Kosovo will remain part of Serbia and the KLA, temporarily at least, will be denied its goal of independence. I might add, though, that in the short term, a NATO air campaign, most likely would also have redounded to Milosevic's credit, since the Serbs' first reaction would have been to rally round their flag.

It is important to note, however, that if the Belgrade agreement is implemented, Serbian sovereignty will be undermined by the large international presence with wide powers and, eventually, I believe, by some sort of stipulation regarding a decision on final political status for Kosovo after a period of several years.

As I have said many times on this floor, I do not favor independence for Kosovo. It would send the message in the region that state boundaries should be determined by ethnicity. The first casualty of independence of Kosovo at this moment would be the multiethnic, multireligious, democratic Bosnia-Herzegovina that underpins Dayton and is the goal of American policy. I believe it would also seriously destabilize neighboring Macedonia.

Instead of independence, I have argued for a status in Kosovo between that of autonomy within Serbia and independence. But that is for the parties to work out. This could possibly take the form of republic status within Yugoslavia, but within a democratic Yugoslavia, not the current plaything of the thug named Milosevic.

That brings me to the fundamental Balkan policy point that we should cease regarding Milosevic as part of the solution rather than as the problem incarnate. There is simply no chance for peace in the long term in the region until Milosevic is replaced by a democratic government in Belgrade that is willing to grant cultural and political rights to all of its citizens, Serbs and non-Serbs alike, and to respect the sovereignty of its neighbors.

I have no illusions that Belgrade is full of politicians who read Jefferson and Madison in their spare time. Nonetheless, I do not think we have paid adequate attention to the democratic opposition that does exist. Let's not forget that a democratic coalition did win control of 17 major city councils, including that of Belgrade, in the elections of November 1996. Even now, despite many divisions within the democratic ranks, there are significant elements in Serbian politics, in the Serbian Orthodox Church, among journalists, and in academe that could and should be assisted in a major way by the United States of America.

For now, Milosevic has strengthened his grip on power by suppressing much of the opposition and spinning the news to emphasize his defiance of the West and NATO's supposed backing down, but that will be short lived. As Serbia's already pathetic economy worsens, opportunities will reemerge for a broad-based democratic opposition to challenge Milosevic.

We should be patient while protecting life.

We should lay the groundwork for that day by continuing to insist that the Serbian authorities lift the onerous restrictions under which the independent media chafe, by funding those independent media, and by encouraging intensive contact between democratic Western political parties and trade unions and their Serbian counterparts.

In my first visit to Serbia, when I had a long meeting in Belgrade in 1993 with Milosevic, I indicated to him then as forthrightly as I could when he asked what I thought of him, I said to him in the privacy of his office, "Mr. President, I think you are a war criminal and should be tried as such."

I then met with over 100 people in opposition to Milosevic of all stripes, some extreme nationalists in opposition and some Democrats.

The only point I wish to make is that there are roots for democratic growth in Serbia, and we should seek them out.

In the coming days, NATO must watch Milosevic like a hawk and not be afraid to act militarily if he fails to fulfill the terms of the Belgrade agreement, particularly the movement toward reducing the numbers of his special police in Kosovo and sending the army back to its barracks and its heavy weaponry into cantonments.

One must not forget, Mr. President, who have been the big losers in the tragedy of the last eight months. They are the approximately one-third of the Kosovar population whose ranks include perhaps one thousand killed, over three hundred thousand driven from their homes, and over four hundred villages destroyed.

All this in order for Milosevic, whose legacy already includes hundreds of thousands of Bosnian and Croatian dead, to cling to power by once again diverting the attention of the Serbian people from the failure of his ignorant and hopelessly inept domestic policies.

At least we can be thankful that if the Belgrade agreement is implemented, international relief supplies should reach the hundreds of thousands of displaced Kosovars, including many living in the open, thereby preventing massive fatalities this winter.

On the wider stage, NATO has set the important precedent that in certain circumstances it has the right to intervene in the internal affairs of a European state, without an explicit U.N. Security Council authorization.

This is a big deal.

NATO has also made clear to Russia that, in accordance with the 1997 NATO-Russia Founding Act, negotiated by NATO Secretary General Solana and the President of the United States, Moscow has "a voice, not a veto" over NATO policy. That has been reemphasized here as well.

Nevertheless, partly because of Russian objections and partly because of the congenital Western European aversion to using force to achieve political ends, NATO waited several months too long to create the credible threat necessary to compel Milosevic to stop his brutal repression notwithstanding U.S. urging.

In effect, the delay enabled Milosevic to complete the short-term destruction of the KLA and the ethnic cleansing in western and central Kosovo that he desired.

If similar crises arise in the future, we should give ad hoc bodies like the Contact Group one chance to get its act together.

If it doesn't, then we should, without delay, go to NATO and call for resolute action.

The kind of ethnic conflict we have seen in Bosnia and Kosovo was specifically mentioned in NATO's so-called Strategic Concept nearly seven years ago as the prototype for threats to the alliance in the post-Cold War era.

So this is not a surprise to NATO. For that reason—not to mention the thousands of lives that can be spared—we must never again allow racist thugs like Milosevic to carry out their outrages while the alliance dawdles.

The Belgrade agreement on Kosovo is a first step in the right direction. And President Clinton should be complimented. Its details need to be fleshed out.

After they are we must brook no more opposition from Milosevic on its implementation. To use a domestic American term, we must adopt a policy of "zero tolerance" with the Yugoslav bully.

Many of us had hoped that the mistakes that enabled the Bosnian horrors to take place would teach us a lesson.

Unfortunately, we have repeated many of those errors and have thereby allowed Milosevic and his storm troopers to repeat their atrocities in Kosovo.

Twice is enough. There must not be a third time.

I thank the Chair and yield the floor.

I particularly thank the distinguished Senator from West Virginia, my leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I thank the distinguished Senator from Delaware.

KOSOVO: A CRISIS AVERTED OR A CRISIS POSTPONED?

Mr. BYRD. Mr. President, for the first time in weeks, the news from Belgrade regarding Kosovo is encouraging. It would appear—with emphasis on the word "appear"—that Slobodan Milosevic has agreed to NATO's terms to withdraw his forces, begin peace negotiations, and allow 2,000 international observers into Kosovo.

If Mr. Milosevic can be taken at his word, this is truly a turning point in the negotiations. Unfortunately, as we know from the trail of broken promises and from the trail of tears he has left in his wake, Slobodan Milosevic's word is worthless. Hopefully, the concurrent action NATO has taken to authorize air strikes if Mr. Milosevic does not abide by the agreement will be sufficient to persuade him to cooperate. I have my doubts.

As welcome as these new developments are, they do not let Congress off the hook. Over the past several weeks, as we have rushed to complete our work prior to adjournment, we have tiptoed carefully around the role of Congress in authorizing military intervention in Kosovo without ever mustering up the courage to confront the issue head on.

On the topic of Kosovo, we have lectured, we have criticized, we have urged this or that action, but we have been strangely silent on the subject of introducing and voting up or down on a resolution that would fulfill our duty, under both the Constitution and the War Powers Resolution, to authorize the use of force in Kosovo and throughout Serbia.

The Constitution invests in Congress the power to declare war. The War Powers Resolution prohibits the President from waging war beyond 60 days without Congressional authorization. Whether we are acting unilaterally, or as part of a multinational force, or as one member of a formal alliance such at NATO, the burden of responsibility on the Congress is the same.

The bottom line here is that Congress has a duty to authorize the use of force if and when offensive military action is called for. By blinking at the prospect of an authorization of force resolution, we are abdicating our responsibility to the Executive Branch and shirking our duty to the nation.

For weeks, Congress has wrung its hands over conditions in Kosovo while NATO was moving toward a military showdown in the region and while some of us were making solemn speeches condemning the brutality of Mr. Milosevic, our NATO allies were moving to authorize air strikes in and around Kosovo. The agreement reached with Milosevic has, at the very least, bought some time, but it has by no means removed the threat of military intervention in Kosovo. If NATO chooses to move forward with air strikes in the next few days or weeks, Congress, the only branch of Government with the power to declare war, will be just another bystander, watching from the sidelines as U.S. troops are placed in a hostile environment.

Mr. President, none of us wants to rush this nation into military conflict. None of us wants to place the life of even one American at risk. None of us wants to give the order to shoot. But we do not have the luxury of avoiding such decisions. Whether we like it or not, Congress cannot bury its head in the sand when faced with tough issues like declaring war or authorizing military action overseas. And whether we wish to admit it or not, that is exactly what Congress is doing. When it comes to tough issues like Kosovo, Congress seems to want it both ways: we want to be able to criticize the administration, but we do not want to step up to the plate and take the responsibility of giving the administration any guidance.

Now, this matter of responsibility is a two-way street. Congress has responsibility, but so does the administration—at the other end of the avenue. The administration has the responsibility—the duty—to consult with Congress before committing to military action. And the administration has been woefully remiss in accepting its share of the responsibility.

This administration, like so many before it, seems to have confused the concept of consultation on the one hand with the act of advising on the other. Advising Congress of what the administration has already decided to do does not constitute consultation. And charging ahead without making a case to Congress and to the American people does not even constitute common sense.

Like many of my colleagues, I have been troubled by several aspects of the proposed military intervention in Kosovo by the United States and NATO, particularly by the absence of a clear-cut game plan beyond the initial air strikes. Given the complexity of the problem and the potential consequences of any action we take, it is inexcusable and frankly foolhardy for the administration to wait until the eleventh hour to make its case to Congress.

Yes, Congress has the responsibility to exercise its constitutional authority, but that does not give the administration the right to toss what amounts to a live grenade into Congress's lap and expect action before that grenade explodes. Yet, that is the situation with which we were forced to deal. We were told by the administration that air strikes could come at any time once NATO reached consensus on such action. We were alerted that American citizens were being evacuated from Yugoslavia. We watched American diplomats ping-ponging back and forth between Washington and Belgrade and Brussels. And we were given to understand that the administration would like for Congress to endorse its efforts.

Mr. President, this is no way to conduct grave matters of war and peace. I congratulate the administration officials who have been tirelessly working to find a solution to the perilous situation in Kosovo. I am convinced that Secretary of Defense Cohen and Special Envoy Richard Holbrooke have gone the extra mile—literally—to end the bloodshed and turmoil in Kosovo, and to bring Mr. Milosevic to the bargaining table. I spent over an hour meeting with Secretary Cohen this past week, and I believe he understands fully the stakes involved in attempting to broker peace through the use of force in the Balkans. I am confident that he is well aware of the risks and uncertainties associated with the actions that have been taken and those being contemplated by the United States and our allies.

I am not ready to give the administration a blanket endorsement—or a blank check—to carry out any plan for NATO air strikes on Kosovo. I believe there are too many loose ends, too many uncertainties. But I am equally unwilling to close my eyes to the problem and simply let the chips fall where they may. I commend Senator DASCHLE and Senator BIDEN and Senator LEVIN and others for the efforts they have made to deal with this situation. They are among a number of Senators who have worked to craft a resolution authorizing U.S. intervention in Kosovo, if wisdom dictates such intervention. I appreciate their taking my concerns into account as they worked to draft a resolution. They took my concerns into account by incorporating into the resolution provisions that would place some restraints on the administration, guard against an open-ended mission, in terms of its length and scope, and inject some accountability into the operation, without micromanaging the process. The result may or may not have been the best solution; it may or may not have been a resolution that I or a majority of my colleagues could have supported after reasonable debate, but at the very least, it was an effort to acknowledge our constitutional responsibility and articulate our concerns.

Unfortunately, the clock up there on the wall is ticking, and this Senate has neither the time nor the inclination to take up such a resolution, particularly in light of the recent breakthrough in negotiations. I sincerely hope that the agreement Mr. Holbrooke has achieved in Belgrade means that military intervention will be averted, but I have little confidence that Mr. Milosevic will honor his commitment.

I have a feeling he may do the same as Saddam Hussein has done in Iraq. Just watch.

I would recommend that the sine die adjournment resolution contain authority to call Congress back into session. I am not talking about the President calling us back. He has that right under the Constitution. I am talking about our own leadership calling Congress back into session in order to deal with any crisis that might erupt over the period between the end of this Congress and the beginning of the 106th Congress. I further recommend that the administration immediately institute new procedures to truly consult with Congress before committing American troops to hostilities overseas.

Mr. President, I have heard this old record played and replayed over and over and over again; a process in which we Senators on both sides of the aisle will be notified that there will be a meeting in room 407, where classified information can be divulged, at such and such a time, such and such a date. And the administration will appear there, the administration's Representatives will appear there. I have been to several of those meetings.

Very, very seldom have I found anything, any information divulged in those meetings that I haven't already read in the newspapers. And yet the administration, whether it be this one or a preceding administration, feels that the administration has consulted with Congress. The administration hasn't consulted at all. They appear up there, and many times they appear to be talking down to us as though we are new kids on the block, they know it all and we should just be nice, nice boys and girls; they will handle everything; they know everything.

For me, as far as I am concerned, for the most part, it has become an empty exercise to go up to room 407 and listen to the administration's people. Consultation involves far more than that.

In addition to the elected leadership of the Senate and House of Representatives, I think the administration should consult—and I do mean consult, not merely advise—the chairmen, no matter what their gender, and the ranking members of the Appropriations, Armed Services, Foreign Relations and Intelligence Committees.

If military action becomes necessary in Kosovo, the administration will have to come back to Congress to pay for the operation, and the attitude which most administrations appear to have is that if they put American men and women into areas where hostilities are either already going on or imminent, Congress certainly will not turn its back on those men and women; Congress will fork over the money. So the administration always—most administrations in recent years—certainly seemed to have the idea, "Well, once we get our men in there, Congress will have to come along," and we do. Congress isn't going to turn its back on our men and women who are in harm's way. But it doesn't breed confidence between the two bodies. We were told we would only be in Bosnia, oh, something like a year, about a year. That was 3 years ago, 3 or 4, several years back.

I predict that administration officials would find the task a good deal easier if, when they come back before Congress and ask for money, they had truly counseled with Congress, built a case for their request and sought the advice of the pertinent committee leadership beforehand.

Mr. President, I understand absolutely the serious nature of the humanitarian crisis in Kosovo and the threat to regional stability in the Balkans that are posed by Mr. Milosevic's brutal repression of the ethnic Albanian Kosovars. With winter closing in on Kosovo and up to 70,000 ethnic Albanians hiding in the mountains without food or shelter, we are looking at the virtual certainty of a humanitarian catastrophe if something is not done to bring relief to those people and to ensure the safety of the other 250,000 to 400,000 Kosovars who have been forced from their homes by the fighting.

There is a strong case to be made that dealing with the situation in Kosovo now will help to prevent it from becoming a flashpoint that could draw other nations into the conflict like moths to a flame.

Viewed in that light, Kosovo is much, much more than a humanitarian endeavor. But we in the Congress have no right to wring our hands over the plight of the Kosovars while refusing to even debate whatever role wisdom may dictate that Congress should play. We have no right to be bold when it comes to criticizing NATO's proposed action while being timid when it comes to doing our job. Regardless of what anyone else does, Congress has a constitutional duty to authorize whatever action it deems necessary. We do no one any favor by surrendering our duty to the executive branch.

Mr. President, we cannot adequately address the crisis in Kosovo in the time we have remaining in this Congress, but that does not mean we ought to completely abandon our responsibility. NATO is prepared to conduct airstrikes in the event the agreement reached in Belgrade falls apart. Congress should be equally prepared in its sine die adjournment resolution. Congress should be ready and should manifest that it is ready to reconvene on the call of the bipartisan joint leadership of the two Houses of Congress if the situation warrants it.

BREAST CANCER AWARENESS MONTH

Mr. BYRD. Mr. President, October is Breast Cancer Awareness Month, a time when we work to heighten people's awareness of breast cancer and the importance of early detection through mammography and self examination.

Breast cancer is the most prevalent cancer among women with one in nine women at risk of developing breast cancer over her lifetime. That is up from a risk that, in 1960, was just one in fourteen! In West Virginia, the American Cancer Society estimates that this year 1,200 women will be diagnosed with breast cancer, while nearly 300 women in the State will die from the disease. Across the country, more than 43,000 women will lose their battle with the disease this year, while more than 178,000 women will just begin their fight. Too many people know the pain of losing a loved one to this devastating, terrible disease.

The startling statistics on the incidence of breast cancer call for a strong Federal response, and that is what Congress has worked to provide. Since 1990, the Congress has increased cancer research funding by 54 percent. For this new fiscal year, I believe that the Senate is heading in the right direction with its version of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. This measure contains more than $15.5 billion for the National Institutes of Health (NIH), which is an increase of $2 billion over the level appropriated last year. Within that amount, the National Cancer Institute (NCI) would receive almost $3 billion—a 15-percent increase over last year. It is my hope that the final appropriations measure for the NIH, the National Institutes of Health, and the NCI, the National Cancer Institute, will retain these sizable increases. The research performed and funded by NIH is crucial to our Nation, crucial to those suffering from this dreadful disease, and crucial to the families of those who are suffering.

The strong national investment in cancer research is producing some promising results. For instance, an exciting new avenue being tested for breast cancer prevention is the drug tamoxifen. This therapy potentially promises to prevent 50 percent of breast cancer cases in women who run a high risk of developing the disease.

Additionally, there are a number of new treatment options being studied, including such practices as gene therapy and hormonal agents. This combination of research and new therapies is lending hope to the many women and their families who are blighted by this devastating disease. Let us continue to invest in programs to address the scourge of cancer, breast cancer in women in particular.

Early detection of breast cancer is critical, and, according to medical experts, mammography is the best way to find the disease in its early stages. In West Virginia, about 73 percent of women have had a clinical breast examination and mammogram. That is good, but not good enough. West Virginia still lags behind the national median of 77 percent. So we need to do more.

In an effort to boost breast and cervical cancer prevention, I helped to launch the first-ever West Virginia cancer prevention, education, and screening project in 1990. As a result of this effort and other programs that have partnered with it, between 1989 and 1995, West Virginia experienced a 45 percent increase in the number of women receiving mammograms. We need to continue working together to increase the number of women having mammograms.

Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. When a breast cancer tumor is found in its earliest stages, a woman has a better than 90 percent chance of long-term survival. Places like the Mary Babb Randolph Cancer center in Morgantown play an important role in early detection and community education. The center proved to be a life-saver for Jorie Florek. She is a professional golfer from New York State who played in a West Virginia golf tournament to raise money for the cancer center. During the tournament, doctors and nurses from the center provided women with breast cancer information, including instructions on how to perform self examinations. Using that information, Jorie detected a lump that, unfortunately, turned out to be malignant. However, through early detection and aggressive treatment at the cancer center, Jorie is now cancer free.

Another West Virginia success story is that of Stephanie Juristy. Stephanie was working, going to school, raising her teenage son, and planning a wedding when she was diagnosed with breast cancer in 1995. She received treatment at the cancer center, undergoing surgery and chemotherapy, and participated in clinical trials of new treatments. Stephanie is now married, working full-time, and preparing to graduate from school. She is also an advocate for patients in Morgantown, sharing her experiences and knowledge with other women.

Early detection, treatment, and research are all important components in the war against breast cancer. Strides are being made in each of these areas, and, hopefully, one day will lead to a cure for all cancer. And that will be a glorious—glorious—day. However, until then, we must remain vigilant and continue to encourage women to get mammograms and to self screen, and we must continue to make a strong investment in cancer research to press forward for a cure. As we recognize Breast Cancer Awareness Month, let us redouble our efforts to tackle this disease that takes such a devastating toll on our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized, under the previous order.

Mr. WYDEN. Thank you, Mr. President.

Before he leaves the floor, I thank the Senator from West Virginia for the unanimous consent request that he made that ensured I would have the opportunity to speak now and also to thank him for all that I have learned from him during my first years in the Senate.

It is one thing to take out a book that describes some of the procedures and the rules of the Senate, but it seems to me that there is no better way to learn about the Senate and the very high standards that are so important here than to simply watch the Senator from West Virginia for a few hours on the floor of the Senate.

Mr. BYRD. I thank the distinguished Senator for his very gracious felicitations. He is a far better student than I am a teacher. I thank him.

Mr. WYDEN. I thank the Senator.

OREGON'S ASSISTED SUICIDE LAW

Mr. WYDEN. Mr. President and colleagues, I take the floor this afternoon because it is my understanding that democracy in Oregon has won at least a temporary victory. I have been informed that there will be nothing attached to the comprehensive spending bill that would override Oregon's assisted suicide law.

While I intend to be very vigilant to monitor any further discussions that take place on this matter, I come today to talk about why this issue is so important not just to my constituents but to all Americans. And I also thank the participants in the budget negotiations for their willingness to leave out this matter that is so complicated and controversial.

I had informed the leadership of both political parties that I was prepared to speak at considerable length if there had been an effort as part of the final budget bill to toss Oregon's ballot measure on assisted suicide into the trash can. I was prepared to do this in spite of the fact that I have personal reservations about assisted suicide. I was prepared to do this because I believe that nothing is more important than the people's right to govern themselves.

When the people of our States have made difficult decisions, difficult moral decisions about matters that have historically been within the purview of the State governments, it is out and out wrong for the Congress to butt in and override those decisions of voters in the States.

The voters of my State have spoken clearly. In two separate referendums, the verdict was clear: Physician-assisted suicide should, under limited circumstances, be legal in the State of Oregon. If the Congress of the United States, meeting 3,000 miles away, had tossed those decisions aside, in a last-minute backroom deal, it would have been a great insult to the people of Oregon and in my view would have contributed mightily to skepticism and cynicism about Government.

It would have been a mistake because there were many questions raised about the measure drafted by the Senator from Oklahoma who, it seems to me, is very sincere about his interest in this subject. In addition to overriding the popular will of the people of my State, his measure would have also set back considerably the cause of better pain management for patients in end-of-life care.

That would have had serious consequences for the treatment of patients in severe pain across this country. His measure would have great implications not just for the people of Oregon, but for the people of all our States. More than 55 groups representing the medical community, many of whom oppose physician-assisted suicide, joined together in an unprecedented coalition to oppose the legislation of the Senator from Oklahoma because of their fear that doctors and other medical providers would be hampered. They feared that the cause of providing pain care to their patients would be set back by the way the legislation by the Senator from Oklahoma was written. I thank all of these groups for their commitment to humane care and for their hard work on this issue.

The key groups that led the coalition were: The Americans for Better Care of the Dying, the American Geriatrics Society, the American Pharmaceutical Association, the National Hospice Organization, the American College of Physicians-American Society of Internal Medicine, and the American Medical Association.

One of the reasons that so many of these groups worked so hard with respect to keeping out of the spending bill legislation that would overturn Oregon's law was their sincere belief that the legislation by Senator NICKLES would have harmed the effort to promote good pain management.

The Nickles legislation would have given the Drug Enforcement Administration new authority to look at every prescription of a controlled substance to determine for what it was intended. In addition, doctors and pharmacists under this legislation have had to be mind readers about what their patients were going to do with one of the drugs that was used under the Controlled Substances Act. Was the patient going to take a medication as prescribed for pain management, or would they have sought to use it to kill themselves?

There is ample scientific evidence that pain management is not performed as well as it might be at this time. And to add further complexities and a broader role for an agency like the Drug Enforcement Administration to step into an area where it has never been before would have, in my view, added additional barriers and complexities to the effort to promote hospice care, palliative care, comfort care, and advance the science of pain management.

Recently, the findings of a study in Oregon done in 1997 were published that show that families reported relatively constant levels of moderate to severe pain during their loved one's final week of life. During the final months in 1997, families reported higher rates of moderate to severe pain for those dying in acute care hospitals. There was one exception, which was when a loved one died in an acute care hospital in late 1997. An important study showed a statewide trend indicating that there were in so many cases moderate to severe pain for these individuals in the last week of life who would have required a physician and others to step in and advocate for those patients.

I have received many letters and a great deal of e-mail from chronic pain patients. These stories are heartbreaking. They point out that it could be any one of us or any one of our loved ones or constituents who finds themselves in chronic, excruciating pain as a result of an accident or through the development of some painful, chronic disease.

Unfortunately, pain patients in the current regulatory environment feel in many instances—and they have told me—as if they are treated like junkies, and that their providers are extremely nervous about how to use pain management in a climate where, had the Nickles legislation been adopted, certainly you would have had the Federal Government looking over the shoulders of doctors and pharmacists with respect to their motivation in prescribing drugs for those who are suffering these acute health and chronic ailments.

We need to do a great deal more. We can do it on a bipartisan basis to advance the cause of pain management. I have had a number of discussions on this matter with Senator MACK, who has done, in my view, excellent work on a number of health issues. Senator SMITH of my State is greatly interested in these matters. I believe we ought to work together so that early next year we can bring before the health committees—and I see our friend from the State of Texas, the chairman of the Subcommittee on Health Care, is here; he has a great interest in these issues—a bipartisan package to promote good pain management before the Senate next year. We do need to do more to help the dying and those who suffer from chronic pain.

I believe that the mere threat of legislation would put the Drug Enforcement Administration into such an intrusive role that physicians, pharmacists, and other health providers would be reluctant to use these medications and future medications that promote pain management, comfort care, and hospice care. The mere threat of this legislation would be a real setback to the kind of health care services that the vast majority of Americans want to see expanded.

Certainly Americans can have differences of opinion on the issue of assisted suicide. I voted against our ballot measure once. I voted for the repeal of it the second time. I voted against Federal funding of assisted suicide. My reservations with respect to this topic are clear. But I think it is wrong for the Federal Government to butt in and override the voters of my State, on a matter that has historically been left to the States. It is especially wrong to do it in a way that is going to allow the Federal Government, particularly through the Drug Enforcement Administration, to play such an intrusive role that doctors, pharmacists, and other health providers will feel uncomfortable and reluctant to assist their patients who are suffering chronic and extraordinary pain.

We have heard reports in Oregon from hospices where doctors have been reluctant to prescribe needed amounts of pain medication because they were frightened about the implications of being visited by a Government agency that would second-guess them.

I am very pleased that the Nickles legislation will not be included in the comprehensive spending bill. I intend to remain vigilant throughout the remaining hours of the negotiations. I wanted to come to the floor this afternoon to talk about why this issue is so important not to just the people of my State, but to the people of this country.

Finally, I am under no illusion that there will not be further discussions on the floor of the U.S. Senate about this topic. I know that the Senator from Oklahoma feels very strongly and sincerely about this issue. I know that there will be an effort to bring forward that proposal, and others like it, next year. I am aware that there are a number of Members of the U.S. Senate who would be willing to see Oregon's law set aside.

I ask all of my colleagues to think just for a few moments over the next few months about their reaction if their State passed a law on a matter that the States have historically led on, and then a Member of the U.S. Senate sought to step in and lay that aside. That is, in effect, what some in the U.S. Senate are trying to tell the people of Oregon. I think that is a mistake. I think that Senators who would be willing to toss aside a vote of the people of Oregon ought to think about the implications of the precedent they will be setting that will have their voters and the popular will of their States set aside if this Senate, in the future, tosses aside the Oregon law.

There is a better way. The better way is the approach that Senator MACK, Senator SMITH and Members of the House, such as Congresswoman DARLENE HOOLEY, and I are talking about. The better way is to say that there will be differences of opinion in our country about assisted suicide, but let us come together on that broad swath of policy that we all can agree on—which is to promote better hospice care, pain management, and comfort care in the use of advanced directives.

Many of these services in many of our communities are utilized very rarely. So there is much we can do that will bring our citizens together, that will help us improve the conditions of our patients, reduce their suffering, without setting a dangerous precedent of overriding a law passed by the voters of my State that could redound to the detriment of other States and our citizens.

Mr. President, I thank the negotiators who are dealing with the omnibus appropriations bill. I am pleased that it was not necessary for me to speak at length on the omnibus appropriations bill. Our voice will be heard when we are challenged in Oregon. We will be heard each time our rights are challenged.

I will conclude my remarks. I see the Senator from Oklahoma here. He has been very gracious to this Senator in terms of discussing this matter and keeping me apprised of his intentions. We do have a difference of opinion on this issue and, at the same time, he has made it clear that he wants to work with this Senator, Senator MACK, and others, on a variety of issues that we can agree on relating to pain management. I know that we will be back on this Senate floor debating this topic in the future. But I want the Senator from Oklahoma to know that not only do I appreciate his courtesy in keeping me apprised of his intentions, but of my desire to work with him on a variety of issues relating to this topic where I think we can agree.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senator from Oklahoma might speak, and that at the conclusion of his remarks, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

USING FEDERALLY CONTROLLED DRUGS FOR ASSISTED SUICIDE

Mr. NICKLES. Mr. President, I thank my colleague from Texas. I want to make a couple of comments in regard to the legislation that my colleague and friend, Senator WYDEN, alluded to dealing with assisted suicide.

Mr. President, I introduced legislation to correct a mistake that Attorney General Reno made in June of this year when she overruled the Drug Enforcement Act and its interpretation that controlled substances could not be used for assisted suicide.

Let me make sure that everybody understands the picture of this. The Controlled Substance Act is a Federal law. It is not a State law; it is a Federal law. It is a Federal law that controls very strong drugs—drugs that are illegal, drugs that can kill, drugs that are very addictive. They are controlled by Federal law. They can't be used except for legitimate medical purposes. That is what is defined in the Federal law in the Controlled Substance Act. They can only be used for legitimate medical purposes.

What constitutes a legitimate medical purpose? History has it that a legitimate medical purpose is, or can be, the alleviation of pain, to reduce pain, give comfort. It can be used for palliative care, but it is never—let me restate this—the Drug Enforcement Agency, which is in charge of enforcing this act, has never been used for assisted suicide. These drugs are strong drugs. If they are abused, used in heavy quantities, they kill people.

Unfortunately, some people want to use these drugs for assisted suicide. The Drug Enforcement Administrator, Mr. Constantine, a year ago, in November, wrote a letter to Congress and said that assisted suicide is not a legitimate medical purpose.

Mr. President, I ask unanimous consent that at the conclusion of my statement a letter from Mr. Constantine, Administrator of the Drug Enforcement Agency, be printed in the RECORD.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. NICKLES. Mr. President, the letter says they have reviewed it, and assisted suicide is never a legitimate medical purpose. These drugs can only be used for a legitimate medical purpose.

The State of Oregon, by referendum, passed a law that says assisted suicide is OK. They had a couple of them. The State of Oregon can do what it wants, but that doesn't overturn Federal law. What if the State of Massachusetts said they were going to legalize heroin? That is a controlled substance. Does that make it legal? No. There is a reason why we have a Federal law dealing with these very strong drugs, and it is called the Controlled Substance Act. And just because one State has a referendum or petition or the legislature passes a bill, it doesn't overturn Federal drug law, period.

For some unknown reason, the Attorney General—and I still don't know why—gave one of the most absurd rulings in June, where she said, well, we still believe we have control of the Federal Controlled Substance Act, so assisted suicide is illegal for some States, except for those which have legalized it. Now, that is an absurd conclusion. I guess if you take that to its conclusion, any State can do whatever they want on these substances. That is absurd. Why have a Federal law? Why have a Federal law in any way, shape, or form.

Now we have several States—and Oregon is the pioneer in this—like Michigan and other States that are saying they want assisted suicide. I just beg to differ. I don't think that should be the purpose. The whole purpose of these drugs is to alleviate pain. For those organizations that say we are not sure if we support this bill because maybe it would have a chilling impact on pain, that is false. They haven't read the bill. If they want us to help write it in a stronger way—we put very clearly in the bill that these drugs can be used to alleviate pain. We encourage use of these drugs for the alleviation of pain, for palliative care. But they are licensed by the Federal Government and should not be used to kill people. They should not be used for assisted suicide. These are federally controlled drugs.

Are we going to give that kind of license? What happens if somebody does it? Tradition has it and history has had it that the Drug Enforcement Agency, if somebody misuses these drugs—one, they have to get a Federal license to distribute the drug, and if they misuse them, they lose that license. I think it is only appropriate to do so. They should not have the ability to distribute these drugs if they are going to use these drugs for assisted suicide.

So I say to my colleagues and anybody who has an interest in this that I want to work this out. I met with the Secretary of Health and Human Services today, Secretary Shalala, and we talked about this. We need to make sure that these drugs can be used for palliative care. We also need to make sure that they are controlled by the Federal Government. They should not be used for assisted suicide.

Mr. President, let me make a couple of general comments. This is about this administration, and it is about life in general, or maybe their lack of respect for life.

On two or three issues, I think this administration seems quite bent on devaluating life. I am talking about unborn children, where the administration has been eagerly trying to bring forth the distribution of RU486, an abortion pill that aborts fetuses up to 9 or 10 weeks, where there is a beating heart; they want to legalize that. There wasn't a pharmaceutical company in the country that wanted to make the drug, and the administration bent over backwards trying to recruit this drug coming into the country.

Now, you find the administration, through the Attorney General, coming up with a ruling that is totally contrary to the Drug Enforcement Agency's history of controlling controlled substances and saying, oh, well, we think assisted suicide is OK. Even though the President of the United States says he is against it, his administration and the Attorney General say maybe it is OK if the State says it is even though the drugs are controlled by the Federal Government. So you have the administration recruiting people to bring in abortion drugs for young people—an administration that wants to fund and subsidize abortion for unborn children, and then an administration now that, through the Attorney General's ruling, says we think these drugs that have been controlled by the Federal Government, under Federal law—we think it is OK if States want to legalize the use of these federally controlled drugs for assisted suicide. I don't think that makes sense.

I think it is pathetic when you think that the Federal Government's purpose should be to protect people, and they are actually trying to bring in drugs that will kill unborn children. And, then, also at the same time, "Oh, yes. You can use these very strong drugs to kill senior citizens." It is hard to believe that they would take that position. That is the position of this administration. They are wrong. Hopefully, this Congress will vote.

I might mention that this is not the first issue that we have had with this. We passed legislation in the last Congress. We passed it unanimously through the Senate. It was my bill, or my language, that said no Federal funds were to be used for assisted suicide. Now we have people saying, "Well, we want to use Federal drugs for assisted suicide." I think not.

We are going to vote on it. We are going to have significant debate on it. I look forward to that debate. I regret we are out of time to get a significant debate on it this year.

I look forward to working with my colleague from Oregon. I understand trying to represent one's State. I believe very strongly in States rights. But I don't believe so strongly in States rights that if the State of Oklahoma wanted to legalize heroin, or other controlled substances—I don't think that supersedes Federal law.

I would tell my colleague from Oregon that if the State of Oklahoma said, "We think we want to legalize assisted suicide and have it be public," I say that is fine, you can do it with any drug that is controlled by the State, but not drugs controlled by the Federal Government, because we don't want Federal Government policy to be that we are going to basically acquiesce in assisted suicide. That should not be Federal policy.

Again, there is a Federal Controlled Substance Act. It is not State. The State could do whatever they want. But not with Federal law, not with Federal drugs, not with the Federal Drug Enforcement Administration, which controls the licenses and controls the use of these substances. The act is written OK. The act says these substances can only be used for legitimate medical purposes. I agree with that. If anybody thinks that legitimate medical purpose is assisted suicide, I disagree with that. That is not in the law. The Attorney General's reading of the law is totally contrary to that of the Drug Enforcement Administration. I believe she is wrong.

We will give all Members of this body a chance to vote on it in the not-too-distant future—if not this Congress, certainly the next Congress.

I thank my colleagues, particular my colleague from Texas, for allowing me to proceed to respond to my colleague from Oregon.

I yield the floor.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, November 5, 1997.

Hon. HENRY J. HYDE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HYDE: Thank you for your letter of July 29, 1997. In that letter, you requested the Drug Enforcement Administration's (DEA) view as to "whether delivering, distributing, dispensing, prescribing, filling a prescription, or administering a controlled substance with the deliberate intent of assisting in a suicide would violate the Controlled Substance Act (CSA), applicable regulations, rulings, or other federal law subject to DEA enforcement, notwithstanding the enactment of a state law such as Oregon's Measure 16 which rescinds state penalties against such prescriptions for patients with a life expectancy of less than six months."

I apologize for the delay in responding to you. As you know, the CSA authorizes DEA to revoke the registration of physicians who dispense controlled substances without a legitimate medical purpose. Historically, DEA's experience with the phrase "without a legitimate medical purpose" has focused on cases involving physicians who have provided controlled substances to drug addicts and abusers. The application of this phrase to cases involving physician-assisted suicide presented DEA with a new issue to review.

Since receiving your inquiry, my staff has carefully reviewed a number of cases, briefs, law review articles and state laws relating to physician-assisted suicide, including the documents referenced in your letter. In addition, my staff has conducted a thorough review of prior administrative cases in which physicians have dispensed controlled substances for other than a "legitimate medical purpose." Based on that review, we are persuaded that delivering, dispensing or prescribing a controlled substance with the intent of assisting a suicide would not be under any current definition a "legitimate medical purpose." As a result, the activities that you described in your letter to us would be, in our opinion, a violation of the CSA.

Because physician-assisted suicide would be a new and different application of the CSA, a number of issues remain unresolved. For example, suspicious or unnatural deaths require a medico-legal investigation. The first priority in such an investigation would be a comprehensive forensic inquiry by a state or local law enforcement agency, which is traditionally supported by the efforts of a medical examiner, forensic pathologist, and/or coroner. At the conclusion of this stage of the inquiry, the evidence often is submitted to a grand jury or similar process for a determination of potential criminal liability of the person who assisted in the death.

This initial determination as to the cause of death is not DEA's responsibility. Rather, DEA would have to rely on the evidence supplied to us by state and local law enforcement agencies and prosecutors. If the information or evidence presented to DEA indicates that a physician has delivered, distributed, dispensed, prescribed or administered a controlled substance with the deliberate intent of assisting in a suicide, then DEA could initiate revocation proceedings on the grounds that the physician has acted "without a legitimate medical purpose."

In addition to moving to revoke a physician's registration for dispensing controlled substances "without a legitimate medical purpose," please also be aware that the CSA provides a number of other grounds upon which DEA might revoke the registration of a physician who assisted in a suicide. For example, DEA will revoke the registration of any physician whose state license to practice medicine has been revoked for assisting suicide. Similarly, DEA has authority to revoke the registration of any physician whose acts in assisting a suicide result in a conviction under state controlled substances laws.

DEA must examine the facts on a case-by-case basis to determine whether a physician's actions conflict with the CSA. If the facts indicate that a physician has acted as set forth in your letter, however, then DEA would have a statutory basis to initiate revocation proceedings.

I trust that this response addresses your inquiry. If you have any further questions, please feel free to contact me.

Sincerely,

THOMAS A. CONSTANTINE,
Administrator.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I understand the Senator from Wyoming has cleared a bill. Knowing how hard it is in the waning hours to do that, without losing my right to the floor and my full time when he is finished, I would like to yield him 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Thank you, very much.

I thank the Senator from Texas. I have several bills that will be concluded.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1693) to renew, reform, reinvigorate, and protect the National Park System.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1693) entitled "An Act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Parks Omnibus Management Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

Sec. 101. Protection, interpretation, and research in the National Park System.
Sec. 102. National Park Service employee training.
Sec. 103. Management development and training.
Sec. 104. Park budgets and accountability.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

Sec. 201. Purposes.
Sec. 202. Research mandate.
Sec. 203. Cooperative agreements.
Sec. 204. Inventory and monitoring program.
Sec. 205. Availability for scientific study.
Sec. 206. Integration of study results into management decisions.
Sec. 207. Confidentiality of information.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

Sec. 301. Short title.
Sec. 302. Purpose.
Sec. 303. Study of addition of new National Park System areas.

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

Sec. 401. Short title.
Sec. 402. Congressional findings and statement of policy.
Sec. 403. Award of concessions contracts.
Sec. 404. Term of concessions contracts.
Sec. 405. Protection of concessioner investment.
Sec. 406. Reasonableness of rates.
Sec. 407. Franchise fees.
Sec. 408. Transfer of concessions contracts.
Sec. 409. National Park Service Concessions Management Advisory Board.
Sec. 410. Contracting for services.
Sec. 411. Multiple contracts within a park.
Sec. 412. Special rule for transportation contracting services.
Sec. 413. Use of nonmonetary consideration in concessions contracts.
Sec. 414. Recordkeeping requirements.
Sec. 415. Repeal of National Park Service Concessions Policy Act.
Sec. 416. Promotion of the sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
Sec. 417. Regulations.
Sec. 418. Commercial use authorizations.
Sec. 419. Savings provision.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

Sec. 501. Fees.
Sec. 502. Distribution of golden eagle passport sales.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

Sec. 601. Purposes.

Sec. 602. National Park passport program.
Sec. 603. Administration.
Sec. 604. Foreign sales of Golden Eagle Passports.
Sec. 605. Effect on other laws and programs.
TITLE VII—NATIONAL PARK FOUNDATION SUPPORT
Sec. 701. Promotion of local fundraising support.
TITLE VIII—MISCELLANEOUS PROVISIONS
Sec. 801. United States Park Police.
Sec. 802. Leases and cooperative management agreements.

SEC. 2. DEFINITION.

As used in this Act, the term "Secretary" means the Secretary of the Interior, except as otherwise specifically provided.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

SEC. 101. PROTECTION, INTERPRETATION, AND RESEARCH IN THE NATIONAL PARK SYSTEM.

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

Within 2 years after the enactment of this Act, the Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of superintendent of a unit of the National Park System.

SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.

(a) STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.—Each unit of the National Park System shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. Such plans shall reflect the National Park Service policies, goals, and outcomes represented in the Service-wide Strategic Plan, prepared pursuant to the provisions of the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).

(b) ANNUAL BUDGET FOR EACH UNIT.—As a part of the annual performance plan for a unit of the National Park System prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but no later than January 1 of each year), the superintendent of the unit shall develop and make available to the public the budget for the current fiscal year for that unit. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including (but not limited to) special use permits, concession franchise fees, and recreation use and entrance fees.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

SEC. 202. RESEARCH MANDATE.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

SEC. 203. COOPERATIVE AGREEMENTS.

(a) COOPERATIVE STUDY UNITS.—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

(b) REPORT.—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any unit of the National Park System for purposes of scientific study.

(b) CRITERIA.—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

(c) FEE WAIVER.—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) NEGOTIATIONS.—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other applicable laws protecting the resource or object.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the "National Park System New Areas Studies Act".

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-5) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words "For the purposes of carrying" the following: "(f) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

"(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

"(B) themes, sites, and resources not already adequately represented in the National Park System; and

"(C) public petition and Congressional resolutions.

"(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

"(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

"(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

"(2) In conducting the study, the Secretary shall consider whether the area under study—

"(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

"(B) is a suitable and feasible addition to the system.

"(3) Each study—

"(A) shall consider the following factors with regard to the area being studied—

"(i) the rarity and integrity of the resources;

"(ii) the threats to those resources;

"(iii) similar resources are already protected in the National Park System or in other public or private ownership;

"(iv) the public use potential;

"(v) the interpretive and educational potential;

"(vi) costs associated with acquisition, development and operation;

"(vii) the socioeconomic impacts of any designation;

"(viii) the level of local and general public support; and

"(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

"(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

"(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

"(D) may include any other information which the Secretary deems to be relevant.

"(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

"(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

"(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

"(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.".

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: "For carrying out subsections (b) through (d) there are authorized to be appropriated $2,000,000 for each fiscal year.".

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the "National Park Service Concessions Management Improvement Act of 1998".

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) POLICY.—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

SEC. 403. AWARD OF CONCESSIONS CONTRACTS.

In furtherance of the findings and policy stated in section 402, and except as provided by this title or otherwise authorized by law, the Secretary shall utilize concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concessions contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(3) PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process.

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) MINIMUM REQUIREMENTS.—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions contract as set forth in *the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concessions contract incorporating such material amendments or changes.*

(5) SELECTION OF THE BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term "preferential right of renewal" means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concessions contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—(A) The provisions of paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under $500,000.

(B) For the purposes of this title, an "outfitting and guide concessions contract" means a concessions contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System, other than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

(ii) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than $500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

(10) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concessions contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(11) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary's intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 404. TERM OF CONCESSIONS CONTRACTS.

A concessions contract entered into pursuant to this title shall generally be awarded for a term of 10 years or less. However, the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

(a) LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSIONS CONTRACTS.—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) A leasehold surrender interest—

(A) may be pledged as security for financing of a capital improvement or the acquisition of a concessions contract when approved by the Secretary pursuant to this title;

(B) shall be transferred by the concessioner in connection with any transfer of the concessions contract and may be relinquished or waived by the concessioner; and

(C) shall not be extinguished by the expiration or other termination of a concessions contract and may not be taken for public use except on payment of just compensation.

(3) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(4) Effective 9 years after the date of the enactment of this Act, the Secretary may provide, in any particular new concession contract the Secretary estimates will have a leasehold surrender interest of more than $10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that such alternative formula is, compared to the standard method of determining value provided for in

paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described as paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concessions contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) TRANSITION TO SUCCESSOR CONCESSIONER.—Upon expiration or termination of a concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concessions contract.

(d) TITLE TO IMPROVEMENTS.—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be vested in the United States.

(e) DEFINITIONS.—For purposes of this section:

(1) CONSUMER PRICE INDEX.—The term "Consumer Price Index" means the "Consumer Price Index—All Urban Consumers" published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(2) CAPITAL IMPROVEMENT.—The term "capital improvement" means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of the United States within a unit of the National Park System.

(f) SPECIAL REPORTING REQUIREMENT.—Not later than 7 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

SEC. 406. REASONABLENESS OF RATES.

(a) IN GENERAL.—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

SEC. 407. FRANCHISE FEES.

(a) IN GENERAL.—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing necessary and appropriate services for visitors at reasonable rates.

(b) AMOUNT OF FRANCHISE FEE.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concessions contracts with a term of more than 5 years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such extraordinary unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

(c) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) SUBACCOUNT FOR EACH UNIT.—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.

(a) APPROVAL OF THE SECRETARY.—No concessions contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) CONDITIONS.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are likely, directly or indirectly, to reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, adversely affect the quality of facilities and services provided by the concessioner, or result in a need for increased rates and charges to the

public to maintain the quality of such facilities and services.

(c) TRANSFER TERMS.—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) ESTABLISHMENT.—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in of the National Park System.

(b) DUTIES.—

(1) ADVICE.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make National Park Service concessions programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) ANNUAL REPORT.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(e) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

SEC. 410. CONTRACTING FOR SERVICES.

(a) CONTRACTING AUTHORIZED.—(1) To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each the following:

(A) Health and safety inspections.

(B) Quality control of concessions operations and facilities.

(C) Strategic capital planning for concessions facilities.

(D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.

(B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director of the National Park Service regarding the conduct annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) CONDITION.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of a award of a new contract at the same approximate location or resource.

SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-year period based on satisfactory performance and approval by the Secretary.

SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.

Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

SEC. 414. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) ACCESS TO RECORDS.—The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.

(a) REPEAL.—Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) CONFORMING AMENDMENTS.—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through "no natural" and inserting "No natural,"; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–7) is amended by striking subsection (c).

(3) The second paragraph under the heading "NATIONAL PARK SERVICE" in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

(c) ANILCA.—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it

exists and establish the trade in appropriate areas where such trade currently does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 417. REGULATIONS.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below $500,000. The Secretary shall also promulgate regulations which further define the term "United States Indian, Alaskan Native, and Native Hawaiian handicrafts" for the purposes of this title.

SEC. 418. COMMERCIAL USE AUTHORIZATIONS.

(a) IN GENERAL.—To the extent specified in this section, the Secretary , upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

(2) ELEMENTS OF AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) LIMITATIONS.—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) PROHIBITION ON CONSTRUCTION.—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) DURATION.—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

SEC. 419. SAVINGS PROVISION.

(a) TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the "1998 Glacier Bay Prospectus"). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

(b) PREFERENTIAL RIGHT OF RENEWAL.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

SEC. 501. FEES.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

Not later than 6 months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency's total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

SEC. 603. ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than 10 percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be $50.

SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note),

available to foreign visitors to the United States; and

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

(a) PARK PASSPORT NOT REQUIRED.—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)).

(b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l–6a note) shall be honored for admission to each unit of the National Park System.

(c) ACCESS.—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) LIMITATIONS.—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) EXEMPTIONS AND FEES.—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l–6a note).

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

Public Law 90–209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

"SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

"(a) ESTABLISHMENT.—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

"(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

"(1) assist in the creation of local nonprofit support organizations; and

"(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

"(c) PROGRAM.—The program under subsection (a) shall include the greatest number of national park units as is practicable.

"(d) REQUIREMENTS.—The program under subsection (a) shall include, at a minimum—

"(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

"(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

"(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

"(e) ANNUAL REPORT.—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

"(f) AFFILIATIONS.—

"(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

"(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

"(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

"(2) ESTABLISHMENT.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.".

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. UNITED STATES PARK POLICE.

(a) APPOINTMENT OF TASK FORCE.—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

(1) the findings and recommendations of the task force;

(2) complete justifications for any recommendations made; and

(3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–2) is amended by adding at the end the following:

"(k) LEASES.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

"(2) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

"(3) USE.—Buildings and associated property leased under paragraph (1)—

"(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

"(B) shall not result in degradation of the purposes and values of the unit; and

"(C) shall be compatible with National Park Service programs.

"(4) RENTAL AMOUNTS.—

"(A) IN GENERAL.—With respect to a lease under paragraph (1)—

"(i) payment of fair market value rental shall be required; and

"(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

"(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

"(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

"(5) SPECIAL ACCOUNT.—

"(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

"(i) facility refurbishment;

"(ii) repair and replacement;

"(iii) infrastructure projects associated with park resource protection; and

"(iv) direct maintenance of the leased buildings and associated properties.

"(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

"(l) COOPERATIVE MANAGEMENT AGREEMENTS.—

"(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

"(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

"(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.".

(b) HISTORIC LEASE PROCESS SIMPLIFICATION.—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT

Mr. BUMPERS. Mr. President, I rise today in strong support of S. 1693, the National Parks Omnibus Management Act of 1998. Let me begin by acknowledging the work of the sponsor of this legislation, Senator THOMAS. As the chairman of the Subcommittee on National Parks, Historic Preservation and Recreation, he has been willing to compromise and work with all involved parties, including Secretary Babbit, my friend and colleague Senator BENNETT, Congressmen GEORGE MILLER and

DON YOUNG in an effort to enact a meaningful and comprehensive bill for our national parks. It has been a pleasure to work with him on this important legislation and I am very pleased that this bill will pass before I leave the Senate this year. I would also like to particularly thank Senator BENNETT, who has once again been very helpful and constructive in developing a bill that can garner such broad bipartisan support, as I believe this bill has.

Although this is a comprehensive bill that makes a number of positive changes in the way national parks are managed, for me, the most significant provisions are found in title IV—the National Park Service Concessions Management Improvement Act.

Mr. President, for almost 19 years I have worked to reform the concessions policies of the National Park Service to increase competition, provide better services, and to ensure a better return for the American public. Over the past two decades, we have held dozens of hearings, and we've debated this issue in markups and on the Senate floor.

As you know, during the 103d Congress Senator BENNETT and I sponsored a bill which passed the Senate by a vote of 90–9, and passed in the House of Representatives with only minor changes by a vote of 368–30. Despite the overwhelming vote margins, we were unable to pass a final bill before the Congress adjourned. Given the magnitude of those votes, it is very frustrating to be here once again debating park concession reform.

While I support passage of this bill and believe it will enhance the Park Service's ability to better manage our National Park System, the bill before us today is a true compromise worked out between Senator THOMAS and myself in the Senate and with Congressmen MILLER, DON YOUNG, and JIM HANSEN in the House. Each of us gave something up in order to get a bill passed. The bill—particularly the concession title—does not contain all of the policy changes that I would like to see made. However, passage of this bill will finally allow the Park Service to have meaningful competition for park concession contracts.

Most importantly, the bill will repeal the 1965 Concession Policy Act—a 30-year-old anachronism—including its most anticompetitive provision, the granting to incumbent concessioners of a preferential right to renew their contract by simply matching the terms and conditions of a superior offer.

Other important provisions in the concession reform title include: Maintaining existing statutory protections for outfitter and guide contracts and small contracts with less than $500,000 in annual gross revenue; a prohibition against giving any concessioner a preferential right to provide new or additional services; and language linking the value of facilities built by a concessioner to actual construction costs, adjusted for inflation, rather than the "sound value" possessory interest allowed under current law.

During the consideration of this bill in the House, possessory interest was the most contentious issue to be resolved. While Senator THOMAS and I had agreed on a formulation in the Senate passed bill that satisfied us, come in the House, particularly the ranking Democrat on the Resources Committee, GEORGE MILLER, preferred the approach taken in the bill I mentioned earlier that passed the Senate in 1993. Under that formulation, a concessioner's possessory interest would be depreciated over time on a straight line basis. While I too prefer this approach, it is clear that the concessioners are adamantly opposed to this method of calculating possessory interest. More importantly, a major change to this key provision would put at risk the agreement we have reached to eliminate the preferential right of renewal, by far the most anticompetitive provision in the existing law.

After lengthy discussions between Congressman MILLER, Secretary Babbitt, Senator THOMAS, and others, another compromise has been agreed to that gives both sides some of what they want. As passed the House, the legislation provides that the Secretary is to value possessory interest as described in the bill for 9 years. At the end of year 7, the Secretary is to send Congress a report on the concessions program in general and, in particular, how this new method of calculating possessory interest has worked. Congress can examine the report and make legislative changes if necessary based on the track record of the previous 7 years. Then, at the end of the 9th year, if no changes in the law have been made, the Secretary will have the discretion, under certain limited circumstances, to require concessioners to use other methods of valuing possessory interest, including but not limited to, straight line depreciation. I think this is a reasonable compromise and very much appreciate the hard work on the part of all parties in working it out.

While the concession title has been of particular interest to me, the bill before us today includes several other titles which I believe will greatly enhance the Park Service's management authorities. The bill includes directives for the Park Service to improve career development and training for its employees and to establish a strong scientific research program in national parks. It codifies criteria for the Park Service to use in evaluating areas proposed for addition to the National Park System. I must say that I very much regret the decision of the House to remove the provisions contained in the Senate bill that gave the Park Service much needed authority to collect and retain fees for commercial filming activities in national park units, and which would have extended the Recreational Fee Demonstration Progam for park fees for another 6 years. These provisions were included in the Senate bill to help get badly needed money directly to the parks—something that everyone says they want to do. Deleting these provisions that would have provided literally hundreds of millions of dollars to the parks over the next 5 or 6 years will not help restore our badly deteriorating parks and public lands.

The bill before us today will allow the Park Service to develop and market annual park admission passports to increase public awareness about parks and to raise new revenues. There are a few other titles included in the bill, but those are the most significant provisions.

Mr. President, the concession reform provisions in this bill are a great step forward for the National Park Service and the taxpayers. I strongly support these and the other provisions in this legislation, and I hope my colleagues will join me in helping to pass this bill.

In closing, I want to thank several people who worked very hard on this legislation, in particular title IV related to park concessions. David Brooks and Tom Williams on the Energy Committee Democratic staff have worked with me for years on this issue and I appreciate their efforts very much. Jim O'Toole and Gary Ellsworth of the majority staff have been very helpful to me on this and other bills and I thank them both for their help and cooperation. Dan Naatz on Senator THOMAS' staff and Tim Stewart with Senator BENNETT were crucial to Senate negotiations on this bill and provided constructive and substantive input on a number of occasions. Finally, John Leshy, Destry Jarvis, and Lars Hanslin in the Interior Department deserve much of the credit for putting together the final compromise on possessory interest that got this bill moving again in the House. Along with John Lawrence and Rick Healy of the Democratic staff on the House Resources Committee, these gentlemen worked tirelessly to put the finishing touches on a very delicate compromise. I very much appreciate their dedication to this effort and their willingness to go the extra mile to get this bill passed.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTIVE TECHNOLOGY ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2432) entitled "An Act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Assistive Technology Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions and rule.

TITLE I—STATE GRANT PROGRAMS

Sec. 101. Continuity grants for States that received funding for a limited period for technology-related assistance.
Sec. 102. State grants for protection and advocacy related to assistive technology.
Sec. 103. Administrative provisions.
Sec. 104. Technical assistance program.
Sec. 105. Authorization of appropriations.

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

Sec. 201. Coordination of Federal research efforts.
Sec. 202. National Council on Disability.
Sec. 203. Architectural and Transportation Barriers Compliance Board.

Subtitle B—Other National Activities

Sec. 211. Small business incentives.
Sec. 212. Technology transfer and universal design.
Sec. 213. Universal design in products and the built environment.
Sec. 214. Outreach.
Sec. 215. Training pertaining to rehabilitation engineers and technicians.
Sec. 216. President's Committee on Employment of People With Disabilities.
Sec. 217. Authorization of appropriations.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. General authority.
Sec. 302. Amount of grants.
Sec. 303. Applications and procedures.
Sec. 304. Contracts with community-based organizations.
Sec. 305. Grant administration requirements.
Sec. 306. Information and technical assistance.
Sec. 307. Annual report.
Sec. 308. Authorization of appropriations.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

Sec. 401. Repeal.
Sec. 402. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

(A) live independently;

(B) enjoy self-determination and make choices;

(C) benefit from an education;

(D) pursue meaningful careers; and

(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

(2) Technology has become 1 of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is 1 of the main factors underlying the strength and vibrancy of the economy of the United States.

(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of the more than 50,000,000 individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. Such devices and adaptations increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, and recreation programs and activities, and other aspects of daily living.

(5) All States have comprehensive statewide programs of technology-related assistance. Federal support for such programs should continue, strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

(6) Notwithstanding the efforts of such State programs, there is still a lack of—

(A) resources to pay for assistive technology devices and assistive technology services;

(B) trained personnel to assist individuals with disabilities to use such devices and services;

(C) information among targeted individuals about the availability and potential benefit of technology for individuals with disabilities;

(D) outreach to underrepresented populations and rural populations;

(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services;

(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

(G) capacity in such programs to provide the necessary technology-related assistance.

(7) In the current technological environment, the line of demarcation between assistive technology and mainstream technology is becoming ever more difficult to draw.

(8) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunications and information technologies results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

(9) There are insufficient incentives for Federal contractors and other manufacturers of technology to address the application of technology advances to meet the needs of individuals with disabilities of all ages for assistive technology devices and assistive technology services.

(10) The use of universal design principles reduces the need for many specific kinds of assistive technology devices and assistive technology services by building in accommodations for individuals with disabilities before rather than after production. The use of universal design principles also increases the likelihood that products (including services) will be compatible with existing assistive technologies. These principles are increasingly important to enhance access to information technology, telecommunications, transportation, physical structures, and consumer products. There are insufficient incentives for commercial manufacturers to incorporate universal design principles into the design and manufacturing of technology products, including devices of daily living, that could expand their immediate use by individuals with disabilities of all ages.

(11) There are insufficient incentives for commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

(12) At the Federal level, the Federal Laboratories, the National Aeronautics and Space Administration, and other similar entities do not recognize the value of, or commit resources on an ongoing basis to, technology transfer initiatives that would benefit, and especially increase the independence of, individuals with disabilities.

(13) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the quality and use of assistive technology devices and assistive technology services to targeted individuals.

(14) There are changes in the delivery of assistive technology devices and assistive technology services, including—

(A) the impact of the increased prevalence of managed care entities as payors for assistive technology devices and assistive technology services;

(B) an increased focus on universal design;

(C) the increased importance of assistive technology in employment, as more individuals with disabilities move from public assistance to work through training and on-the-job accommodations;

(D) the role and impact that new technologies have on how individuals with disabilities will learn about, access, and participate in programs or services that will affect their lives; and

(E) the increased role that telecommunications play in education, employment, health care, and social activities.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the maintenance, improvement, and evaluation of such a program;

(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized

representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the 2 populations to enjoy the benefits of activities carried out under this Act to the same extent as other populations;

(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, to obtain increased availability or provision of assistive technology devices and assistive technology services;

(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(I) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals;

(J) increase the awareness of the needs of individuals with disabilities of all ages for assistive technology devices and for assistive technology services; and

(K) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

(2) to identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify those Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment; and

(3) to enhance the ability of the Federal Government to—

(A) provide States with financial assistance that supports—

(i) information and public awareness programs relating to the provision of assistive technology devices and assistive technology services;

(ii) improved interagency and public-private coordination, especially through new and improved policies, that result in increased availability of assistive technology devices and assistive technology services; and

(iii) technical assistance and training in the provision or use of assistive technology devices and assistive technology services; and

(B) fund national, regional, State, and local targeted initiatives that promote understanding of and access to assistive technology devices and assistive technology services for targeted individuals.

SEC. 3. DEFINITIONS AND RULE.

(a) DEFINITIONS.—In this Act:

(1) ADVOCACY SERVICES.—The term "advocacy services", except as used as part of the term "protection and advocacy services", means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

(2) ASSISTIVE TECHNOLOGY.—The term "assistive technology" means technology designed to be utilized in an assistive technology device or assistive technology service.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term "capacity building and advocacy activities" means efforts that—

(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(6) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term "comprehensive statewide program of technology-related assistance" means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

(7) CONSUMER-RESPONSIVE.—The term "consumer-responsive"—

(A) with regard to policies, means that the policies are consistent with the principles of—

(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full participation of such individuals in society;

(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems advocacy and community involvement; and

(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect advocacy, capacity building, and capacity building and advocacy activities.

(8) DISABILITY.—The term "disability" means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(9) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

(A) INDIVIDUAL WITH A DISABILITY.—The term "individual with a disability" means any individual of any age, race, or ethnicity—

(i) who has a disability; and

(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

(B) INDIVIDUALS WITH DISABILITIES.—The term "individuals with disabilities" means more than 1 individual with a disability.

(10) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(11) PROTECTION AND ADVOCACY SERVICES.—The term "protection and advocacy services" means services that—

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

(12) SECRETARY.—The term "Secretary" means the Secretary of Education.

(13) STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and section 302, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) OUTLYING AREAS.—In sections 101(c) and 102(b):

(i) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(ii) STATE.—The term "State" does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TARGETED INDIVIDUALS.—The term "targeted individuals" means—

(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) health and allied health professionals;

(F) employers; and

(G) other appropriate individuals and entities.

(15) TECHNOLOGY-RELATED ASSISTANCE.—The term "technology-related assistance" means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1).

(16) UNDERREPRESENTED POPULATION.—The term "underrepresented population" means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

(17) UNIVERSAL DESIGN.—The term "universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

(b) REFERENCES.—References in this Act to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before the date of enactment of this Act.

TITLE I—STATE GRANT PROGRAMS

SEC. 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(2) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall be a State that received grants for less than 10 years under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2) and may use the funds to carry out the activities described in paragraph (3).

(2) REQUIRED ACTIVITIES.—

(A) PUBLIC AWARENESS PROGRAM.—

(i) IN GENERAL.—The State shall support a public awareness program designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services.

(ii) LINK.—Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 104(c)(1).

(iii) CONTENTS.—The public awareness program may include—

(I) the development and dissemination of information relating to—

(aa) the nature of assistive technology devices and assistive technology services;

(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals; and

(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology.

(B) INTERAGENCY COORDINATION.—

(i) IN GENERAL.—The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

(ii) APPOINTMENT TO CERTAIN INFORMATION TECHNOLOGY PANELS.—The State shall appoint the director of the lead agency described in subsection (d) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

(iii) COORDINATION ACTIVITIES.—The development and promotion described in clause (i) may include support for—

(I) policies that result in improved coordination, including coordination between public and private entities—

(aa) in the application of Federal and State policies;

(bb) in the use of resources and services relating to the provision of assistive technology devices and assistive technology services, including the use of interagency agreements; and

(cc) in the improvement of access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State;

(II) convening interagency work groups, involving public and private entities, to identify, create, or expand funding options, and coordinate access to funding, for assistive technology devices and assistive technology services for individuals with disabilities of all ages; or

(III) documenting and disseminating information about interagency activities that promote coordination, including coordination between public and private entities, with respect to assistive technology devices and assistive technology services.

(C) TECHNICAL ASSISTANCE AND TRAINING.—The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including—

(i) the development and implementation of laws, regulations, policies, practices, procedures, or organizational structures that promote access to assistive technology devices and assistive technology services for individuals with disabilities in education, health care, employment, and community living contexts, and in other contexts such as the use of telecommunications;

(ii)(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services; and

(II) the provision of technical assistance, including technical assistance concerning how—

(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law;

(bb) the rights of targeted individuals to assistive technology devices and assistive technology services are addressed under laws other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such individuals; or

(cc) to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

(iii) the enhancement of the assistive technology skills and competencies of—

(I) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

(II) educators and related services personnel;

(III) technology experts (including engineers);

(IV) health and allied health professionals;

(V) employers; and

(VI) other appropriate personnel.

(D) OUTREACH.—The State shall provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

(3) DISCRETIONARY ACTIVITIES.—

(A) ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including—

(i) the development of systems that provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

(I) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

(II) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

(aa) a low-interest loan fund;

(bb) an interest buy-down program;

(cc) a revolving loan fund;

(dd) a loan guarantee or insurance program;

(ee) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(ff) another mechanism that meets the requirements of title III and is approved by the Secretary;

(ii) the short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); or

(iii) the maintenance of information about, and recycling centers for, the redistribution of assistive technology devices and equipment, which may include redistribution through device and equipment loans, rentals, or gifts.

(B) DEMONSTRATIONS.—The State, in collaboration with other entities in established, recognized community settings (such as nonprofit organizations, libraries, schools, community-based employer organizations, churches, and entities operating senior citizen centers, shopping malls, and health clinics), may demonstrate assistive technology devices in settings where targeted individuals can see and try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to other entities who have information on the devices.

(C) OPTIONS FOR SECURING DEVICES AND SERVICES.—The State, through public agencies or nonprofit organizations, may support assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives about options for securing assistive technology devices and assistive technology services that would meet individual needs for such assistive technology devices and assistive technology services. Such assistance shall not include direct payment for an assistive technology device.

(D) TECHNOLOGY-RELATED INFORMATION.—

(i) IN GENERAL.—The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 104(c)(1).

(ii) ACCESS.—Access to the system may be provided through community-based locations, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973), locations of community rehabilitation programs (as defined in section 7 of such Act), schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

(iii) INFORMATION COLLECTION AND PREPARATION.—In operating or expanding a system described in subparagraph (A), the State may—

(I) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information in alternative formats that can be used in telephone-based information systems, and materials using such other media as technological innovation may make appropriate;

(II) identify and classify funding sources for obtaining assistive technology devices and assistive technology services, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(III) identify support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection, including groups that provide evaluations of assistive technology devices and assistive technology services; and

(IV) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in clause (i), and of the nature of such inquiries.

(E) INTERSTATE ACTIVITIES.—

(i) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

(ii) ELECTRONIC COMMUNICATION.—The State may operate or participate in an electronic information exchange through which the State may communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

(F) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

(i) the development, demonstration, and dissemination of assistive technology devices; and

(ii) the ongoing provision of information about new products to assist individuals with disabilities.

(G) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need and not eligible for such payments or services through another public agency or private entity.

(H) ADVOCACY SERVICES.—The State may provide advocacy services.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

(3) CALCULATION OF STATE GRANTS.—

(A) CALCULATIONS FOR GRANTS IN THE SECOND OR THIRD YEAR OF A SECOND EXTENSION GRANT.—For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year.

(B) CALCULATIONS FOR GRANTS IN THE FOURTH OR FIFTH YEAR OF A SECOND EXTENSION GRANT.—

(i) FOURTH YEAR.—An eligible State that would have been in the fourth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 75 percent of the funding that the State received in the prior fiscal year under section 103 of that Act or under this section, as appropriate.

(ii) FIFTH YEAR.—An eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 50 percent of the funding that the State received in the third year of a second extension grant under section 103 of that Act or under this section, as appropriate.

(C) PROHIBITION ON FUNDS AFTER FIFTH YEAR OF A SECOND EXTENSION GRANT.—Except as provided in subsection (f), an eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, may not receive any Federal funds under this title for any fiscal year after such fiscal year.

(D) ADDITIONAL STATES.—

(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)—

(I) for fiscal years 1999 through 2001, as if the State were a State described in subparagraph (A); and

(II) for fiscal year 2002 or 2003, as if the State were a State described in clause (i) or (ii), respectively, of subparagraph (B).

(ii) STATE.—A State referred to in clause (i) shall be a State that—

(I) in fiscal year 1998, was in the second year of an initial extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; and

(II) meets such terms and conditions as the Secretary shall determine to be appropriate.

(d) LEAD AGENCY.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall designate a lead agency to carry out appropriate State functions under this section. The lead agency shall be the current agency (as of the date of submission of the application supplement described in subsection (e)) administering the grant awarded to the State for fiscal year 1998 under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, except as provided in subparagraph (B).

(B) CHANGE IN AGENCY.—The Governor may change the lead agency if the Governor shows good cause to the Secretary why the designated lead agency should be changed, in the application supplement described in subsection (e), and obtains approval of the supplement.

(2) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

(A) submitting the application supplement described in subsection (e) on behalf of the State;

(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

(C)(i) coordinating efforts related to, and supervising the preparation of, the application supplement described in subsection (e);

(ii) continuing the coordination of the maintenance and evaluation of the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 102, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A),

(B), or (C) to 1 or more appropriate offices, agencies, entities, or individuals.

(e) APPLICATION SUPPLEMENT.—

(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, at such time, in such manner, and for such period as the Secretary may specify, that contains the following information:

(A) GOALS AND ACTIVITIES.—A description of—

(i) the goals the State has set, for addressing the assistive technology needs of individuals with disabilities in the State, including any related to—

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(IV) telecommunication and information technology; or

(V) community living; and

(ii) the activities the State will undertake to achieve such goals, in accordance with the requirements of subsection (b).

(B) MEASURES OF GOAL ACHIEVEMENT.—A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

(i) were involved in selecting—

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

(III) the measures to be used in judging if the goals have been achieved; and

(ii) will be involved in measuring whether the goals have been achieved.

(D) REDESIGNATION OF THE LEAD AGENCY.—If the Governor elects to change the lead agency, the following information:

(i) With regard to the original lead agency, a description of the deficiencies of the agency; and

(ii) With regard to the new lead agency, a description of—

(I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) and this paragraph; and

(II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.

(iii) Information identifying which agency prepared the application supplement.

(2) INTERIM STATUS OF STATE OBLIGATIONS.—Except as provided in subsection (f)(2), when the Secretary notifies a State that the State shall submit the application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall specify in the notification the time period for which the application supplement shall apply, consistent with paragraph (4).

(3) CONTINUING OBLIGATIONS.—Each State that receives a grant under this section shall continue to abide by the assurances the State made in the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

(4) DURATION OF APPLICATION SUPPLEMENT.—

(A) DETERMINATION.—The Secretary shall determine and specify to the State the time period for which the application supplement shall apply, in accordance with subparagraph (B).

(B) LIMIT.—Such time period for any State shall not extend beyond the year that would have been the fifth year of a second extension grant made for that State under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if the Act had been reauthorized through that year.

(f) EXTENSION OF FUNDING.—In the case of a State that was in the fifth year of a second extension grant in fiscal year 1998 or is in the fifth year of a second extention grant in any of the fiscal years 1999 through 2004 made under section 103 of the Technology-Related Assistance for Individuals With Disabilitie Act of 1988, or made under this section, as appropriate, the Secretary may, in the discretion of the Secretary, award a 3-year extention of the grant to such State if the State submits an application supplement under subsection (e) and meets other related requirements for a State seeking a grant under this section.

(2) AMOUNT.—A State that receives an extension of a grant under paragraph (1), shall receive through the grant, for each of fiscal years of the extension of the grant, an amount equivalent to the amount the State received for the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, from funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for grants under this section.

(3) LIMITATION.—A State may not receive amounts under an extension of a grant under paragraph (1) after September 30, 2004.

SEC. 102. STATE GRANTS FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—On the appropriation of funds under section 105, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

(2) CERTAIN STATES.—Notwithstanding paragraph (1), for a State that, on the day before the date of enactment of this Act, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 101(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

(3) PERIODS.—The Secretary shall provide assistance through such a grant to a State for 6 years.

(b) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to each eligible system within an outlying area.

(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds described in paragraph (1) in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

(3) SYSTEMS WITHIN STATES.—

(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than $50,000, and the allotment to any system under this paragraph for any fiscal year that is less than $50,000 shall be increased to $50,000.

(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to 1 or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act; and

(5) coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency.

(d) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

(e) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 101(d) with respect to efforts at coordination, collaboration, and promoting outcomes

between the lead agency and the entity that receives the grant under this section.

SEC. 103. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING ENTITIES.—

(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants pursuant to this title are complying with the applicable requirements of this title and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

(2) ONSITE VISITS OF STATES RECEIVING CERTAIN GRANTS.—

(A) IN GENERAL.—The Secretary shall conduct an onsite visit for each State that receives a grant under section 101 and that would have been in the third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year.

(B) UNNECESSARY VISITS.—The Secretary shall not be required to conduct a visit of a State described in subparagraph (A) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a comprehensive statewide program of technology-related assistance.

(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 101.

(4) MINIMUM REQUIREMENTS.—At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(5) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION AND SANCTIONS.—

(1) CORRECTIVE ACTION.—If the Secretary determines that an entity fails to substantially comply with the requirements of this title with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 104 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete fund termination under the grant program.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in funding for the following year under the grant program.

(D) Required redesignation of the lead agency designated under section 101(d) or an entity responsible for administering the grant program.

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this title.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) CONTENTS.—Such report shall include information on—

(A) the demonstrated successes of the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

(B) the demonstration activities carried out through the funded activities to—

(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the funded activities to educate and train targeted individuals about assistive technology, including increasing awareness of funding through public programs for assistive technology;

(D) the research activities carried out through the funded activities to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

(E) the program outreach activities to rural and inner-city areas that are carried out through the funded activities;

(F) the activities carried out through the funded activities that are targeted to reach underrepresented populations and rural populations; and

(G) the consumer involvement activities carried out through the funded activities.

(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services.

(d) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

SEC. 104. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under section 101 or 102.

(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

(2) family members, guardians, advocates, and authorized representatives of such individuals; and

(3) individuals employed by protection and advocacy systems funded under section 102.

(c) SCOPE OF TECHNICAL ASSISTANCE.—

(1) NATIONAL PUBLIC INTERNET SITE.—

(A) ESTABLISHMENT OF INTERNET SITE.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

(B) ELIGIBLE ENTITY.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

(i) working with assistive technology and intelligent agent interactive information dissemination systems;

(ii) managing libraries of assistive technology and disability-related resources;

(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

(v) developing and designing advanced Internet sites.

(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

(iii) RESOURCES.—

(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

(I) providing information and referral services;

(II) promoting interagency coordination of training and service delivery among public and private entities;

(III) conducting outreach to underrepresented populations and rural populations;

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

(VI) training personnel from a variety of disciplines; and

(VII) improving evaluation strategies, research, and data collection;

(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

(iv) demonstration sites where individuals may try out assistive technology.

(2) Technical Assistance Efforts.—In carrying out the technical assistance program, taking into account the input required under subsection (b), the Secretary shall ensure that entities—

(A) address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title, including—

(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(ii) requests for examples of policies, practices, procedures, regulations, administrative hearing decisions, or legal actions, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(v) other requests for technical assistance from other entities funded under this title and public entities not funded under this title; and

(vi) other assignments specified by the Secretary, including assisting entities described in section 103(b) to develop corrective action plans; and

(B) assist targeted individuals by disseminating information about—

(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

(ii) technical assistance activities undertaken under subparagraph (A).

(d) Eligible Entities.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

(e) Application.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this title $36,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.

(b) Reservations of Funds.—

(1) In General.—Except as provided in paragraphs (2) and (3), of the amount appropriated under subsection (a) for a fiscal year—

(A) 87.5 percent of the amount shall be reserved to fund grants under section 101;

(B) 7.9 percent shall be reserved to fund grants under section 102; and

(C) 4.6 percent shall be reserved for activities funded under section 104.

(2) Reservation for Continuation of Technical Assistance Initiatives.—For fiscal year 1999, the Secretary may use funds reserved under subparagraph (C) of paragraph (1) to continue funding technical assistance initiatives that were funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(3) Reservation for Onsite Visits.—The Secretary may reserve, from the amount appropriated under subsection (a) for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 103(a)(2).

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

SEC. 201. COORDINATION OF FEDERAL RESEARCH EFFORTS.

Section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1988) is amended—

(1) in subsection (a)(1), by inserting after "programs," insert "including programs relating to assistive technology research and research that incorporates the principles of universal design,";

(2) in subsection (b)—

(A) by inserting "(1)" before "After receiving";

(B) by striking "from individuals with disabilities and the individuals' representatives" and inserting "from targeted individuals";

(C) by inserting after "research" the following: (including assistive technology research and research that incorporates the principles of universal design)"; and

(D) by adding at the end the following:

"(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall—

"(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

"(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;

"(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

"(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

"(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.";

(3) by striking subsection (c) and inserting the following:

"(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—

"(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);

"(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and

"(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design."; and

(4) by adding at the end the following:

"(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activities to be funded through grants, contracts or cooperative agreements, or other mechanisms—

"(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

"(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

"(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

"(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate, concerning the availability and potential of technology for individuals with disabilities.

"(e) In this section, the terms 'assistive technology', 'targeted individuals', and 'universal design' have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.".

SEC. 202. NATIONAL COUNCIL ON DISABILITY.

Section 401 of the Rehabilitation Act of 1973 (as amended by section 407 of the Workforce Investment Act of 1998) is amended by adding at the end the following:

"(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

"(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

"(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.".

SEC. 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) In General.—Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(2) by inserting after subsection (c) the following:

"(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and

State employees on any obligations related to section 508 of the Rehabilitation Act of 1973.''; and

(3) in the second sentence of paragraph (1) of subsection (e) (as redesignated in paragraph (1)), by striking ''subsection (e)'' and inserting ''subsection (f)''.

(b) CONFORMING AMENDMENT.—Section 506(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794(c)) is amended by striking ''section 502(h)(1)'' and inserting ''section 502(i)(1)''.

Subtitle B—Other National Activities

SEC. 211. SMALL BUSINESS INCENTIVES.

(a) DEFINITION.—In this section, the term ''small business'' means a small-business concern, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) CONTRACTS FOR DESIGN, DEVELOPMENT, AND MARKETING.—

(1) IN GENERAL.—The Secretary may enter into contracts with small businesses, to assist such businesses to design, develop, and market assistive technology devices or assistive technology services. In entering into the contracts, the Secretary may give preference to businesses owned or operated by individuals with disabilities.

(2) SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM.—Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 9(g) of the Small Business Act (15 U.S.C. 638(g)). Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 9(f) of such Act (15 U.S.C. 638(f)).

(c) GRANTS FOR EVALUATION AND DISSEMINATION OF INFORMATION ON EFFECTS OF TECHNOLOGY TRANSFER.—The Secretary may make grants to small businesses to enable such businesses—

(1) to work with any entity funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities;

(2) to benefit from the experience and expertise of such entities, in conducting such evaluation and dissemination; and

(3) to utilize any technology transfer and market research services such entities provide, to bring new assistive technology devices and assistive technology services into commerce.

SEC. 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN.

(a) IN GENERAL.—The Director of the National Institute on Disability and Rehabilitation Research may collaborate with the Federal Laboratory Consortium for Technology Transfer established under section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), to promote technology transfer that will further development of assistive technology and products that incorporate the principles of universal design.

(b) COLLABORATION.—In promoting the technology transfer, the Director and the Consortium described in subsection (a) may collaborate—

(1) to enable the National Institute on Disability and Rehabilitation Research to work more effectively with the Consortium, and to enable the Consortium to fulfill the responsibilities of the Consortium to assist Federal agencies with technology transfer under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq);

(2) to increase the awareness of staff members of the Federal Laboratories regarding assistive technology issues and the principles of universal design;

(3) to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities, including technologies and projects that incorporate the principles of universal design, as appropriate;

(4) to develop strategies for applying developments in assistive technology and universal design to mainstream technology, to improve economies of scale and commercial incentives for assistive technology; and

(5) to cultivate developments in assistive technology and universal design through demonstration projects and evaluations, conducted with assistive technology professionals and potential users of assistive technology.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, nonprofit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

(d) RESPONSIBILITIES OF CONSORTIUM.—Section 11(e)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(1)) is amended—

(1) in subparagraph (I), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (J), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(K) work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.''.

SEC. 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT.

The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of universal design concepts for products (including information technology) and the built environment. In making such grants, the Secretary shall give consideration to enterprises and institutions that are owned or operated by individuals with disabilities. The Secretary shall define the term ''built environment'' for purposes of this section.

SEC. 214. OUTREACH.

(a) ASSISTIVE TECHNOLOGY IN RURAL OR IMPOVERISHED URBAN AREAS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

(b) ASSISTIVE TECHNOLOGY FOR CHILDREN AND OLDER INDIVIDUALS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

SEC. 215. TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS.

(a) GRANTS AND CONTRACTS.—The Secretary shall make grants, or enter into contracts with, public and private agencies and organizations, including institutions of higher education, to help prepare students, including students preparing to be rehabilitation technicians, and faculty working in the field of rehabilitation engineering, for careers related to the provision of assistive technology devices and assistive technology services.

(b) ACTIVITIES.—An agency or organization that receives a grant or contract under subsection (a) may use the funds made available through the grant or contract—

(1) to provide training programs for individuals employed or seeking employment in the field of rehabilitation engineering, including postsecondary education programs;

(2) to provide workshops, seminars, and conferences concerning rehabilitation engineering that relate to the use of assistive technology devices and assistive technology services to improve the lives of individuals with disabilities; and

(3) to design, develop, and disseminate curricular materials to be used in the training programs, workshops, seminars, and conferences described in paragraphs (1) and (2).

SEC. 216. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

(a) PROGRAMS.—The President's Committee on Employment of People With Disabilities (referred to in this section as ''the Committee'') may design, develop, and implement programs to increase the voluntary participation of the private sector in making information technology accessible to individuals with disabilities, including increasing the involvement of individuals with disabilities in the design, development, and manufacturing of information technology.

(b) ACTIVITIES.—The Committee may carry out activities through the programs that may include—

(1) the development and coordination of a task force, which—

(A) shall develop and disseminate information on voluntary best practices for universal accessibility in information technology; and

(B) shall consist of members of the public and private sectors, including—

(i) representatives of organizations representing individuals with disabilities; and

(ii) individuals with disabilities; and

(2) the design, development, and implementation of outreach programs to promote the adoption of best practices referred to in paragraph (1)(B).

(c) COORDINATION.—The Committee shall coordinate the activities of the Committee under this section, as appropriate, with the activities of the National Institute on Disability and Rehabilitation Research and the activities of the Department of Labor.

(d) TECHNICAL ASSISTANCE.—The Committee may provide technical assistance concerning the programs carried out under this section and may reserve such portion of the funds appropriated to carry out this section as the Committee determines to be necessary to provide the technical assistance.

(e) DEFINITION.—In this section, the term ''information technology'' means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, and the provisions of section 203 of the Rehabilitation Act of 1973 that relate to research described in section 203(b)(2)(A) of such Act, $10,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal year 2000.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. GENERAL AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, an alternative financing program featuring 1 or more alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase assistive technology devices and assistive technology services (referred to individually in this title as an "alternative financing mechanism").

(b) MECHANISMS.—The alternative financing mechanisms may include—

(1) a low-interest loan fund;

(2) an interest buy-down program;

(3) a revolving loan fund;

(4) a loan guarantee or insurance program;

(5) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(6) another mechanism that meets the requirements of this title and is approved by the Secretary.

(c) REQUIREMENTS.—

(1) PERIOD.—The Secretary may award grants under this title for periods of 1 year.

(2) LIMITATION.—No State may receive more than 1 grant under this title.

(d) FEDERAL SHARE.—The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

(e) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish an alternative financing program under title I.

SEC. 302. AMOUNT OF GRANTS.

(a) IN GENERAL.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 308 for any fiscal year that are not reserved under section 308(b), the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States from allotments made in accordance with the requirements described in paragraph (3).

(3) ALLOTMENTS.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1)—

(A) the Secretary shall allot $500,000 to each State; and

(B) from the remainder of the funds—

(i) the Secretary shall allot to each State an amount that bears the same ratio to 80 percent of the remainder as the population of the State bears to the population of all States; and

(ii) the Secretary shall allot to each State with a population density that is not more than 10 percent greater than the population density of the United States (according to the most recently available census data) an equal share from 20 percent of the remainder.

(b) INSUFFICIENT FUNDS.—If the funds appropriated under this title for a fiscal year are insufficient to fund the activities described in the acceptable applications submitted under this title for such year, a State whose application was approved for such year but that did not receive a grant under this title may update the application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

(c) DEFINITIONS.—In subsection (a):

(1) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) STATE.—The term "State" does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 303. APPLICATIONS AND PROCEDURES.

(a) ELIGIBILITY.—States that receive or have received grants under section 101 and comply with subsection (b) shall be eligible to compete for grants under this title.

(b) APPLICATION.—To be eligible to compete for a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(1) an assurance that the State will provide the non-Federal share of the cost of the alternative financing program in cash, from State, local, or private sources;

(2) an assurance that the alternative financing program will continue on a permanent basis;

(3) an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control;

(4) an assurance that the funds made available through the grant to support the alternative financing program will be used to supplement and not supplant other Federal, State, and local public funds expended to provide alternative financing mechanisms;

(5) an assurance that the State will ensure that—

(A) all funds that support the alternative financing program, including funds repaid during the life of the program, will be placed in a permanent separate account and identified and accounted for separately from any other fund;

(B) if the organization administering the program invests funds within this account, the organization will invest the funds in low-risk securities in which a regulated insurance company may invest under the law of the State; and

(C) the organization will administer the funds with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person;

(6) an assurance that—

(A) funds comprised of the principal and interest from the account described in paragraph (5) will be available to support the alternative financing program; and

(B) any interest or investment income that accrues on or derives from such funds after such funds have been placed under the control of the organization administering the alternative financing program, but before such funds are distributed for purposes of supporting the program, will be the property of the organization administering the program; and

(7) an assurance that the percentage of the funds made available through the grant that is used for indirect costs shall not exceed 10 percent.

(c) LIMIT.—The interest and income described in subsection (b)(6)(B) shall not be taken into account by any officer or employee of the Federal Government for purposes of determining eligibility for any Federal program.

SEC. 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS.

(a) IN GENERAL.—A State that receives a grant under this title shall enter into a contract with a community-based organization (including a group of such organizations) that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, to administer the alternative financing program.

(b) PROVISIONS.—The contract shall—

(1) include a provision requiring that the program funds, including the Federal and non-Federal shares of the cost of the program, be administered in a manner consistent with the provisions of this title;

(2) include any provision the Secretary requires concerning oversight and evaluation necessary to protect Federal financial interests; and

(3) require the community-based organization to enter into a contract, to expand opportunities under this title and facilitate administration of the alternative financing program, with—

(A) commercial lending institutions or organizations; or

(B) State financing agencies.

SEC. 305. GRANT ADMINISTRATION REQUIREMENTS.

A State that receives a grant under this title and any community-based organization that enters into a contract with the State under this title, shall submit to the Secretary, pursuant to a schedule established by the Secretary (or if the Secretary does not establish a schedule, within 12 months after the date that the State receives the grant), each of the following policies or procedures for administration of the alternative financing program:

(1) A procedure to review and process in a timely manner requests for financial assistance for immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific assistive technology device or service to be financed through the program.

(2) A policy and procedure to assure that access to the alternative financing program shall be given to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology device or assistive technology service for which financing is requested through the program.

(3) A procedure to assure consumer-controlled oversight of the program.

SEC. 306. INFORMATION AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, which shall include—

(1) providing assistance in preparing applications for grants under this title;

(2) assisting grant recipients under this title to develop and implement alternative financing programs; and

(3) providing any other information and technical assistance the Secretary determines to be appropriate to assist States to achieve the objectives of this title.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, and cooperative agreements with public or private agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this title.

SEC. 307. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this title toward achieving the objectives of this title. The report shall include information on—

(1) the number of grant applications received and approved by the Secretary under this title, and the amount of each grant awarded under this title;

(2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;

(3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and

(4) the amount of assistance given to consumers through the program (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population).

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000.

(b) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 306.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

SEC. 401. REPEAL.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is repealed.

SEC. 402. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 6 of the Rehabilitation Act of 1973 (as amended by section 403 of the Workforce Investment Act of 1998) is amended—

(1) in paragraph (3), by striking "section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2))" and inserting "section 3 of the Assistive Technology Act of 1998"; and

(2) in paragraph (4), by striking "section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3))" and inserting "section 3 of the Assistive Technology Act of 1998".

(b) RESEARCH AND OTHER COVERED ACTIVITIES.—Section 204(b)(3) of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1998) is amended—

(1) in subparagraph (C)(i), by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998"; and

(2) in subparagraph (G)(i), by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998".

(c) PROTECTION AND ADVOCACY.—Section 509(a)(2) of the Rehabilitation Act of 1973 (as amended by section 408 of the Workforce Investment Act of 1998) is amended by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (42 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998".

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH PROFESSIONS EDUCATION PARTNERSHIP ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1754) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1754) entitled "An Act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Education Partnerships Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Under-represented minority health professions grant program.
Sec. 102. Training in primary care medicine and dentistry.
Sec. 103. Interdisciplinary, community-based linkages.
Sec. 104. Health professions workforce information and analysis.
Sec. 105. Public health workforce development.
Sec. 106. General provisions.
Sec. 107. Preference in certain programs.
Sec. 108. Definitions.
Sec. 109. Technical amendment on National Health Service Corps.
Sec. 110. Savings provision.

Subtitle B—Nursing Workforce Development

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 131. Primary care loan program.
Sec. 132. Loans for disadvantaged students.
Sec. 133. Student loans regarding schools of nursing.
Sec. 134. General provisions.

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health Education Assistance Loan Program.
Sec. 142. HEAL lender and holder performance standards.
Sec. 143. Insurance Program.
Sec. 144. HEAL bankruptcy.
Sec. 145. HEAL refinancing.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. State offices of rural health.
Sec. 302. Demonstration projects regarding Alzheimer's Disease.
Sec. 303. Project grants for immunization services.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103–183.
Sec. 402. Miscellaneous amendments regarding PHS commissioned officers.
Sec. 403. Clinical traineeships.
Sec. 404. Project grants for screenings, referrals, and education regarding lead poisoning.
Sec. 405. Project grants for preventive health services regarding tuberculosis.
Sec. 406. CDC loan repayment program.
Sec. 407. Community programs on domestic violence.
Sec. 408. State loan repayment program.
Sec. 409. Authority of the director of NIH.
Sec. 410. Raise in maximum level of loan repayments.
Sec. 411. Construction of regional centers for research on primates.
Sec. 412. Peer review.
Sec. 413. Funding for trauma care.
Sec. 414. Health information and health promotion.
Sec. 415. Emergency medical services for children.
Sec. 416. Administration of certain requirements.
Sec. 417. Aids drug assistance program.
Sec. 418. National Foundation for Biomedical Research.
Sec. 419. Fetal Alcohol Syndrome prevention and services.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. UNDER-REPRESENTED MINORITY HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

"SEC. 736. CENTERS OF EXCELLENCE.

"(a) IN GENERAL.—The Secretary shall make grants to, and enter into contracts with, designated health professions schools described in subsection (c), and other public and nonprofit health or educational entities, for the purpose of assisting the schools in supporting programs of excellence in health professions education for under-represented minority individuals.

"(b) REQUIRED USE OF FUNDS.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to expend the grant—

"(1) to develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

"(2) to establish, strengthen, or expand programs to enhance the academic performance of under-represented minority students attending the school;

"(3) to improve the capacity of such school to train, recruit, and retain under-represented minority faculty including the payment of such stipends and fellowships as the Secretary may determine appropriate;

"(4) to carry out activities to improve the information resources, clinical education, curricula and cultural competence of the graduates of the school, as it relates to minority health issues;

"(5) to facilitate faculty and student research on health issues particularly affecting under-represented minority groups, including research on issues relating to the delivery of health care;

"(6) to carry out a program to train students of the school in providing health services to a significant number of under-represented minority individuals through training provided to such students at community-based health facilities that—

"(A) provide such health services; and

"(B) are located at a site remote from the main site of the teaching facilities of the school; and

"(7) to provide stipends as the Secretary determines appropriate, in amounts as the Secretary determines appropriate.

"(c) CENTERS OF EXCELLENCE.—

"(1) DESIGNATED SCHOOLS.—

"(A) IN GENERAL.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

"(i) meet each of the conditions specified in paragraph (2)(A);

"(ii) meet each of the conditions specified in paragraph (3);

"(iii) meet each of the conditions specified in paragraph (4); or

"(iv) meet each of the conditions specified in paragraph (5).

"(B) GENERAL CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) has a significant number of under-represented minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting under-represented minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting under-represented minority individuals to enroll in and graduate from the school, including providing scholarships and other financial assistance to such individuals and encouraging under-represented minority students from all levels of the educational pipeline to pursue health professions careers; and

"(iv) has made significant recruitment efforts to increase the number of under-represented minority individuals serving in faculty or administrative positions at the school.

"(C) CONSORTIUM.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

"(D) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(2) CENTERS OF EXCELLENCE AT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—

"(A) CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) is a school described in section 799B(1); and

"(ii) received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.

"(B) USE OF GRANT.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

"(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for under-represented minority individuals; and

"(ii) to provide improved access to the library and informational resources of the school.

"(C) EXCEPTION.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under paragraphs (2) or (5).

"(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

"(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Hispanic individuals; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit community based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to carry out a program—

"(I) to identify Hispanic students who are interested in a career in the health profession involved; and

"(II) to facilitate the educational preparation of such students to enter the health professions school; and

"(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

"(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

"(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Native Americans; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

"(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

"(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

"(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

"(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are—

"(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

"(B) that the health professions school involved has an enrollment of under-represented minorities above the national average for such enrollments of health professions schools.

"(d) DESIGNATION AS CENTER OF EXCELLENCE.—

"(1) IN GENERAL.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in paragraph (2) or (5) of subsection (c) shall, for purposes of this section, be designated by the Secretary as a Center of Excellence in Under-Represented Minority Health Professions Education.

"(2) HISPANIC CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(3) shall, for purposes of this section, be designated by the Secretary as a Hispanic Center of Excellence in Health Professions Education.

"(3) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(4) shall, for purposes of this section, be designated by the Secretary as a Native American Center of Excellence in Health Professions Education. Any consortium receiving such a grant pursuant to subsection (e) shall, for purposes of this section, be so designated.

"(e) AUTHORITY REGARDING NATIVE AMERICAN CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(1) the school has formed a consortium in accordance with subsection (d)(1); and

"(2) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.

"(f) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED HEALTH PROFESSIONS SCHOOL.—

"(A) IN GENERAL.—The term 'health professions school' means, except as provided in subparagraph (B), a school of medicine, a school of osteopathic medicine, a school of dentistry, a school of pharmacy, or a graduate program in behavioral or mental health.

"(B) EXCEPTION.—The definition established in subparagraph (A) shall not apply to the use of the term 'designated health professions school' for purposes of subsection (c)(2).

"(2) PROGRAM OF EXCELLENCE.—The term 'program of excellence' means any program carried out by a designated health professions school with a grant made under subsection (a), if the program is for purposes for which the school involved is authorized in subsection (b) or (c) to expend the grant.

"(3) NATIVE AMERICANS.—The term 'Native Americans' means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there authorized to be appropriated $26,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) ALLOCATIONS.—Based on the amount appropriated under paragraph (1) for a fiscal year, one of the following subparagraphs shall apply:

"(A) IN GENERAL.—If the amounts appropriated under paragraph (1) for a fiscal year are $24,000,000 or less—

"(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to

health professions schools that meet the conditions described in subsection (c)(2)(A); and

"(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

"(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

"(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under paragraph (1) for a fiscal year exceed $24,000,000 but are less than $30,000,000—

"(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

"(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under paragraph (1) for a fiscal year are $30,000,000 or more, the Secretary shall make available—

"(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

"(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

"(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

"(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

"(3) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for other grants under this section.

"(4) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

"(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the Secretary may not make such a grant to the center for any fiscal year unless the center agrees that the center will, before expending the grant, expend the Federal amounts obtained from sources other than the grant.

"SEC. 737. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

"(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (d)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (d). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school.

"(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agree that, in providing scholarships pursuant to the grant, the schools will give preference to students for whom the costs of attending the schools would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

"(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

"(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, or allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants; and

"(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is from a disadvantaged background;

"(B) has a financial need for a scholarship; and

"(C) is enrolled (or accepted for enrollment) at an eligible health professions or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.

"SEC. 738. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

"(a) LOAN REPAYMENTS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of schools described in paragraph (3) in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

"(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals from disadvantaged backgrounds who—

"(A) have a degree in medicine, osteopathic medicine, dentistry, nursing, or another health profession;

"(B) are enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, nursing, or other health profession; or

"(C) are enrolled as full-time students—

"(i) in an accredited (as determined by the Secretary) school described in paragraph (3); and

"(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree from such a school.

"(3) ELIGIBLE HEALTH PROFESSIONS SCHOOLS.—The schools described in this paragraph are schools of medicine, nursing (as schools of nursing are defined in section 801), osteopathic medicine, dentistry, pharmacy, allied health, podiatric medicine, optometry, veterinary medicine, or public health, or schools offering graduate programs in behavioral and mental health.

"(4) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under paragraph (1) unless—

"(A) the individual involved has entered into a contract with a school described in paragraph (3) to serve as a member of the faculty of the school for not less than 2 years; and

"(B) the contract referred to in subparagraph (A) provides that—

"(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

"(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

"(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

"(5) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

"(6) WAIVER REGARDING SCHOOL CONTRIBUTIONS.—The Secretary may waive the requirement established in paragraph (4)(B) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

"(b) FELLOWSHIPS.—

"(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with eligible entities to assist such entities in increasing the number of underrepresented minority individuals who are members of the faculty of such schools.

"(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, an entity shall provide an assurance, in the application submitted by the entity, that—

"(A) amounts received under such a grant or contract will be used to award a fellowship to an individual only if the individual meets the requirements of paragraphs (3) and (4); and

"(B) each fellowship awarded pursuant to the grant or contract will include—

"(i) a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member for not to exceed 3 years of training; and

"(ii) an allowance for other expenses, such as travel to professional meetings and costs related to specialized training.

"(3) ELIGIBILITY.—To be eligible to receive a grant or contract under paragraph (1), an applicant shall demonstrate to the Secretary that such applicant has or will have the ability to—

"(A) identify, recruit and select underrepresented minority individuals who have the potential for teaching, administration, or conducting research at a health professions institution;

"(B) provide such individuals with the skills necessary to enable them to secure a tenured faculty position at such institution, which may include training with respect to pedagogical skills, program administration, the design and conduct of research, grants writing, and the preparation of articles suitable for publication in peer reviewed journals;

"(C) provide services designed to assist such individuals in their preparation for an academic career, including the provision of counselors; and

"(D) provide health services to rural or medically underserved populations.

"(4) REQUIREMENTS.—To be eligible to receive a grant or contract under paragraph (1) an applicant shall—

"(A) provide an assurance that such applicant will make available (directly through cash donations) $1 for every $1 of Federal funds received under this section for the fellowship;

"(B) provide an assurance that institutional support will be provided for the individual for the second and third years at a level that is equal to the total amount of institutional funds provided in the year in which the grant or contract was awarded;

"(C) provide an assurance that the individual that will receive the fellowship will be a member of the faculty of the applicant school; and

"(D) provide an assurance that the individual that will receive the fellowship will have, at a minimum, appropriate advanced preparation (such as a master's or doctoral degree) and special skills necessary to enable such individual to teach and practice.

"(5) DEFINITION.—For purposes of this subsection, the term 'underrepresented minority individuals' means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions including nursing.

"SEC. 739. EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) IN GENERAL.—

"(1) AUTHORITY FOR GRANTS.—For the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession, the Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, public and nonprofit private schools that offer graduate programs in behavioral and mental health, programs for the training of physician assistants, and other public or private nonprofit health or educational entities to assist in meeting the costs described in paragraph (2).

"(2) AUTHORIZED EXPENDITURES.—A grant or contract under paragraph (1) may be used by the entity to meet the cost of—

"(A) identifying, recruiting, and selecting individuals from disadvantaged backgrounds, as so determined, for education and training in a health profession;

"(B) facilitating the entry of such individuals into such a school;

"(C) providing counseling, mentoring, or other services designed to assist such individuals to complete successfully their education at such a school;

"(D) providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education and health research training designed to assist them to complete successfully such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education;

"(E) publicizing existing sources of financial aid available to students in the education program of such a school or who are undertaking training necessary to qualify them to enroll in such a program;

"(F) paying such scholarships as the Secretary may determine for such individuals for any period of health professions education at a health professions school;

"(G) paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount determined appropriate by the Secretary (notwithstanding any other provision of law regarding the amount of stipends);

"(H) carrying out programs under which such individuals gain experience regarding a career in a field of primary health care through working at facilities of public or private nonprofit community-based providers of primary health services; and

"(I) conducting activities to develop a larger and more competitive applicant pool through partnerships with institutions of higher education, school districts, and other community-based entities.

"(3) DEFINITION.—In this section, the term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in behavioral or mental health.

"(b) REQUIREMENTS FOR AWARDS.—In making awards to eligible entities under subsection (a)(1), the Secretary shall give preference to approved applications for programs that involve a comprehensive approach by several public or nonprofit private health or educational entities to establish, enhance and expand educational programs that will result in the development of a competitive applicant pool of individuals from disadvantaged backgrounds who desire to pursue health professions careers. In considering awards for such a comprehensive partnership approach, the following shall apply with respect to the entity involved:

"(1) The entity shall have a demonstrated commitment to such approach through formal agreements that have common objectives with institutions of higher education, school districts, and other community-based entities.

"(2) Such formal agreements shall reflect the coordination of educational activities and support services, increased linkages, and the consolidation of resources within a specific geographic area.

"(3) The design of the educational activities involved shall provide for the establishment of a competitive health professions applicant pool of individuals from disadvantaged backgrounds by enhancing the total preparation (academic and social) of such individuals to pursue a health professions career.

"(4) The programs or activities under the award shall focus on developing a culturally competent health care workforce that will serve the unserved and underserved populations within the geographic area.

"(c) EQUITABLE ALLOCATION OF FINANCIAL ASSISTANCE.—The Secretary, to the extent practicable, shall ensure that services and activities under subsection (a) are adequately allocated among the various racial and ethnic populations who are from disadvantaged backgrounds.

"(d) MATCHING REQUIREMENTS.—The Secretary may require that an entity that applies for a grant or contract under subsection (a), provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant or contract. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 740. AUTHORIZATION OF APPROPRIATION.

"(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 737, $37,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

"(b) LOAN REPAYMENTS AND FELLOWSHIPS.—For the purpose of carrying out section 738, there is authorized to be appropriated $1,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(c) EDUCATIONAL ASSISTANCE IN HEALTH PROFESSIONS REGARDING INDIVIDUALS FOR DISADVANTAGED BACKGROUNDS.—For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $29,400,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. The Secretary may use not to exceed 20 percent of the amount appropriated for a fiscal year under this subsection to provide scholarships under section 739(a)(2)(F).

"(d) REPORT.—Not later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the efforts of the Secretary to address the need for a representative mix of individuals from historically minority health professions schools, or from institutions or other entities that historically or by geographic location have a demonstrated record of training or educating underrepresented minorities, within various health professions disciplines, on peer review councils.".

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a–2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 108. TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

*(1) in the part heading by striking "***PRIMARY HEALTH CARE***" and inserting "***FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PHYSICIAN ASSISTANTS, GENERAL DENTISTRY, AND PEDIATRIC DENTISTRY***";*

(2) by repealing section 746 (42 U.S.C. 293j);

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting "(including geriatrics), general internal medicine or general pediatrics" after "family medicine";

(iv) in paragraph (3), by striking "and" at the end thereof;

(v) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training; and

"(6) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, of general dentistry or pediatric dentistry.

For purposes of paragraph (6), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general or pediatric practice of dentistry, approved advanced education programs in the general or pediatric practice of dentistry, or approved residency programs in pediatric dentistry.";

(C) in subsection (b)—

(i) in paragraphs (1) and (2)(A), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "or" at the end; and

(II) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(3) PRIORITY IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give priority to any qualified applicant for such an award that proposes a collaborative project between departments of primary care.";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) PRIORITY.—

"(1) IN GENERAL.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general or pediatric dentistry.

"(2) DISADVANTAGED INDIVIDUALS.—With respect to programs for the training of interns, residents, or physician assistants, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care practice or general or pediatric dentistry).

"(3) SPECIAL CONSIDERATION.—In awarding grants under this section the Secretary shall give special consideration to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and victims of domestic violence."; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking "$54,000,000" and all that follows and inserting "$78,300,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002."; and

(ii) by striking paragraph (2) and inserting the following:

"(2) ALLOCATION.—

"(A) IN GENERAL.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available—

"(i) not less than $49,300,000 for awards of grants and contracts under subsection (a) to programs of family medicine, of which not less than $8,600,000 shall be made available for awards of grants and contracts under subsection (b) for family medicine academic administrative units;

"(ii) not less than $17,700,000 for awards of grants and contracts under subsection (a) to programs of general internal medicine and general pediatrics;

"(iii) not less than $6,800,000 for awards of grants and contracts under subsection (a) to programs relating to physician assistants; and

"(iv) not less than $4,500,000 for awards of grants and contracts under subsection (a) to programs of general or pediatric dentistry.

"(B) RATABLE REDUCTION.—If amounts appropriated under paragraph (1) for any fiscal year are less than the amount required to comply with subparagraph (A), the Secretary shall ratably reduce the amount to be made available under each of clauses (i) through (iv) of such subparagraph accordingly."; and

(4) by repealing sections 748 through 752 (42 U.S.C. 293l through 293p) and inserting the following:

"SEC. 748. ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Training in Primary Care Medicine and Dentistry (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals. In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) 1/3 of such members shall serve for a term of 1 year;

"(B) 1/3 of such members shall serve for a term of 2 years; and

"(C) 1/3 of such members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under section 747; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under section 747.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.".

SEC. 103. INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES

"SEC. 750. GENERAL PROVISIONS.

"(a) COLLABORATION.—To be eligible to receive assistance under this part, an academic institution shall use such assistance in collaboration with 2 or more disciplines.

"(b) ACTIVITIES.—An entity shall use assistance under this part to carry out innovative demonstration projects for strategic workforce supplementation activities as needed to meet national goals for interdisciplinary, community-

based linkages. Such assistance may be used consistent with this part—

"(1) to develop and support training programs;

"(2) for faculty development;

"(3) for model demonstration programs;

"(4) for the provision of stipends for fellowship trainees;

"(5) to provide technical assistance; and

"(6) for other activities that will produce outcomes consistent with the purposes of this part.

"SEC. 751. AREA HEALTH EDUCATION CENTERS.

"(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

"(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine, and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

"(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

"(ii) increase the number of primary care physicians and other primary care providers who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

"(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and under-represented populations, including minority and other elementary or secondary students, into the health professions;

"(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

"(v) conduct health professions education and training activities for students of health professions schools and medical residents;

"(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

"(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

"(B) OTHER ELIGIBLE ENTITIES.—With respect to a State in which no area health education center program is in operation, the Secretary may award a grant or contract under subparagraph (A) to a school of nursing.

"(C) PROJECT TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the period during which payments may be made under an award under subparagraph (A) may not exceed—

"(I) in the case of a project, 12 years or

"(II) in the case of a center within a project, 6 years.

"(ii) EXCEPTION.—The periods described in clause (i) shall not apply to projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A).

"(2) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

"(A) IN GENERAL.—In the case of any entity described in paragraph (1)(A) that—

"(i) has previously received funds under this section;

"(ii) is operating an area health education center program; and

"(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in paragraph (1).

"(B) MATCHING REQUIREMENT.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

"(C) LIMITATION.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

"(i) $2,000,000; or

"(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by such entities.

"(b) REQUIREMENTS FOR CENTERS.—

"(1) GENERAL REQUIREMENT.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based organizations.

"(2) SERVICE AREA.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed from the main location of the teaching facilities of the schools participating in the program with such center.

"(3) OTHER REQUIREMENTS.—Each area health education center that receives funds under this section shall—

"(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

"(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine (including geriatrics), general internal medicine (including geriatrics), or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

"(C) conduct and participate in interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, nurse midwives, and behavioral and mental health providers; and

"(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

"(c) CERTAIN PROVISIONS REGARDING FUNDING.—

"(1) ALLOCATION TO CENTER.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education center. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

"(2) OPERATING COSTS.—With respect to the operating costs of the area health education center program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first 3 years in which an entity receives funds under this section.

"SEC. 752. HEALTH EDUCATION AND TRAINING CENTERS.

"(a) IN GENERAL.—To be eligible for funds under this section, a health education training center shall be an entity otherwise eligible for funds under section 751 that—

"(1) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

"(2) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

"(3) conducts training and education programs for health professions students in these areas;

"(4) conducts training in health education services, including training to prepare community health workers; and

"(5) supports health professionals (including nursing) practicing in the area through educational and other services.

"(b) ALLOCATION OF FUNDS.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under section 752 for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

"SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

"(a) GERIATRIC EDUCATION CENTERS.—

"(1) IN GENERAL.—The Secretary shall award grants or contracts under this section to entities described in paragraphs (1), (3), or (4) of section 799B, and section 853(2), for the establishment or operation of geriatric education centers.

"(2) REQUIREMENTS.—A geriatric education center is a program that—

"(A) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

"(B) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

"(C) supports the training and retraining of faculty to provide instruction in geriatrics;

"(D) supports continuing education of health professionals who provide geriatric care; and

"(E) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

"(b) GERIATRIC TRAINING REGARDING PHYSICIANS AND DENTISTS.—

"(1) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support (including residencies, traineeships, and fellowships) for geriatric training projects to train physicians, dentists and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric behavioral or mental health, or geriatric dentistry.

"(2) REQUIREMENTS.—Each project for which a grant or contract is made under this subsection shall—

''(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine or geriatric behavioral or mental health;

''(B) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

''(C) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching behavioral mental health professionals who have experience or training in geriatric behavioral or mental health;

''(D) be based in a graduate medical education program in internal medicine or family medicine or in a department of geriatrics or behavioral or mental health;

''(E) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric behavioral or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

''(F) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

''(3) TRAINING OPTIONS.—The training options referred to in subparagraph (F) of paragraph (2) shall be as follows:

''(A) A 1-year retraining program in geriatrics for—

''(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, geriatrics, and behavioral or mental health at schools of medicine and osteopathic medicine;

''(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry; and

''(iii) behavioral or mental health professionals who are faculty members in departments of behavioral or mental health; and

''(B) A 2-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

''(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, behavioral or mental health, neurology, gynecology, or rehabilitation medicine;

''(ii) dentists who have demonstrated a commitment to an academic career and who have completed postdoctoral dental training, including postdoctoral dental education programs or who have relevant advanced training or experience; and

''(iii) behavioral or mental health professionals who have completed graduate medical education programs in behavioral or mental health.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'graduate medical education program' means a program sponsored by a school of medicine, a school of osteopathic medicine, a hospital, or a public or private institution that—

''(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

''(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

''(B) The term 'post-doctoral dental education program' means a program sponsored by a school of dentistry, a hospital, or a public or private institution that—

''(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and

''(ii) has been accredited by the Commission on Dental Accreditation.

''(c) GERIATRIC FACULTY FELLOWSHIPS.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as academic geriatricians.

''(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under paragraph (1), an individual shall—

''(A) be board certified or board eligible in internal medicine, family practice, or psychiatry;

''(B) have completed an approved fellowship program in geriatrics; and

''(C) have a junior faculty appointment at an accredited (as determined by the Secretary) school of medicine or osteopathic medicine.

''(3) LIMITATIONS.—No Award under paragraph (1) may be made to an eligible individual unless the individual—

''(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application; and

''(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in subsection (e).

''(4) AMOUNT AND TERM.—

''(A) AMOUNT.—The amount of an Award under this section shall equal $50,000 for fiscal year 1998, adjusted for subsequent fiscal years to reflect the increase in the Consumer Price Index.

''(B) TERM.—The term of any Award made under this subsection shall not exceed 5 years.

''(5) SERVICE REQUIREMENT.—An individual who receives an Award under this subsection shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the Award.

"SEC. 754. QUENTIN N. BURDICK PROGRAM FOR RURAL INTERDISCIPLINARY TRAINING.

''(a) GRANTS.—The Secretary may make grants or contracts under this section to help entities fund authorized activities under an application approved under subsection (c).

''(b) USE OF AMOUNTS.—

''(1) IN GENERAL.—Amounts provided under subsection (a) shall be used by the recipients to fund interdisciplinary training projects designed to—

''(A) use new and innovative methods to train health care practitioners to provide services in rural areas;

''(B) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care;

''(C) deliver health care services to individuals residing in rural areas;

''(D) enhance the amount of relevant research conducted concerning health care issues in rural areas; and

''(E) increase the recruitment and retention of health care practitioners from rural areas and make rural practice a more attractive career choice for health care practitioners.

''(2) METHODS.—A recipient of funds under subsection (a) may use various methods in carrying out the projects described in paragraph (1), including—

''(A) the distribution of stipends to students of eligible applicants;

''(B) the establishment of a post-doctoral fellowship program;

''(C) the training of faculty in the economic and logistical problems confronting rural health care delivery systems; or

''(D) the purchase or rental of transportation and telecommunication equipment where the need for such equipment due to unique characteristics of the rural area is demonstrated by the recipient.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—An applicant shall not use more than 10 percent of the funds made available to such applicant under subsection (a) for administrative expenses.

''(B) TRAINING.—Not more than 10 percent of the individuals receiving training with funds made available to an applicant under subsection (a) shall be trained as doctors of medicine or doctors of osteopathy.

''(C) LIMITATION.—An institution that receives a grant under this section shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (b)(1) in the fiscal year preceding the year for which the grant is received.

''(c) APPLICATIONS.—Applications submitted for assistance under this section shall—

''(1) be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas; and

''(2) designate a rural health care agency or agencies for clinical treatment or training, including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers, or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

''(d) DEFINITIONS.—For the purposes of this section, the term 'rural' means geographic areas that are located outside of standard metropolitan statistical areas.

"SEC. 755. ALLIED HEALTH AND OTHER DISCIPLINES.

''(a) IN GENERAL.—The Secretary may make grants or contracts under this section to help entities fund activities of the type described in subsection (b).

''(b) ACTIVITIES.—Activities of the type described in this subsection include the following:

''(1) Assisting entities in meeting the costs associated with expanding or establishing programs that will increase the number of individuals trained in allied health professions. Programs and activities funded under this paragraph may include—

''(A) those that expand enrollments in allied health professions with the greatest shortages or whose services are most needed by the elderly;

''(B) those that provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences;

''(C) those that establish community-based allied health training programs that link academic centers to rural clinical settings;

''(D) those that provide career advancement training for practicing allied health professionals;

''(E) those that expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained;

''(F) those that develop curriculum that will emphasize knowledge and practice in the areas

of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics;

"(G) those that expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly;

"(H) those that expand or establish demonstration centers to emphasize innovative models to link allied health clinical practice, education, and research;

"(I) those that provide financial assistance (in the form of traineeships) to students who are participants in any such program; and

"(i) who plan to pursue a career in an allied health field that has a demonstrated personnel shortage; and

"(ii) who agree upon completion of the training program to practice in a medically underserved community;

that shall be utilized to assist in the payment of all or part of the costs associated with tuition, fees and such other stipends as the Secretary may consider necessary; and

"(J) those to meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

"(2) Planning and implementing projects in preventive and primary care training for podiatric physicians in approved or provisionally approved residency programs that shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

"(3) Carrying out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions.

"SEC. 756. ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Interdisciplinary, Community-Based Linkages (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals from schools of the types described in sections 751(a)(1)(A), 751(a)(1)(B), 753(b), 754(3)(A), and 755(b). In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of the members shall serve for a term of 1 year;

"(B) ⅓ of the members shall serve for a term of 2 years; and

"(C) ⅓ of the members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under this part; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under this part.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 3 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.

"SEC. 757. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $55,600,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATION.—

"(1) IN GENERAL.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make available—

"(A) not less than $28,587,000 for awards of grants and contracts under section 751;

"(B) not less than $3,765,000 for awards of grants and contracts under section 752, of which not less than 50 percent of such amount shall be made available for centers described in subsection (a)(1) of such section; and

"(C) not less than $22,631,000 for awards of grants and contracts under sections 753, 754, and 755.

"(2) RATABLE REDUCTION.—If amounts appropriated under subsection (a) for any fiscal year are less than the amount required to comply with paragraph (1), the Secretary shall ratably reduce the amount to be made available under each of subparagraphs (A) through (C) of such paragraph accordingly.

"(3) INCREASE IN AMOUNTS.—If amounts appropriated for a fiscal year under subsection (a) exceed the amount authorized under such subsection for such fiscal year, the Secretary may increase the amount to be made available for programs and activities under this part without regard to the amounts specified in each of subparagraphs (A) through (C) of paragraph (2).

"(c) OBLIGATION OF CERTAIN AMOUNTS.—

"(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—Of the amounts made available under subsection (b)(1)(A) for each fiscal year, the Secretary may obligate for awards under section 751(a)(2)—

"(A) not less than 23 percent of such amounts in fiscal year 1998;

"(B) not less than 30 percent of such amounts in fiscal year 1999;

"(C) not less than 35 percent of such amounts in fiscal year 2000;

"(D) not less than 40 percent of such amounts in fiscal year 2001; and

"(E) not less than 45 percent of such amounts in fiscal year 2002.

"(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(A) every State have an area health education center program in effect under this section; and

"(B) the ratio of Federal funding for the model program under section 751(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.".

SEC. 104. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended to read as follows:

"PART E—HEALTH PROFESSIONS AND PUBLIC HEALTH WORKFORCE

"Subpart 1—Health Professions Workforce Information and Analysis

"SEC. 761. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide for the development of information describing the health professions workforce and the analysis of workforce related issues; and

"(2) provide necessary information for decision-making regarding future directions in health professions and nursing programs in response to societal and professional needs.

"(b) GRANTS OR CONTRACTS.—The Secretary may award grants or contracts to State or local governments, health professions schools, schools of nursing, academic health centers, community-based health facilities, and other appropriate public or private nonprofit entities to provide for—

"(1) targeted information collection and analysis activities related to the purposes described in subsection (a);

"(2) research on high priority workforce questions;

"(3) the development of a non-Federal analytic and research infrastructure related to the purposes described in subsection (a); and

"(4) the conduct of program evaluation and assessment.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $750,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $600,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.

"(3) AVAILABILITY OF ADDITIONAL FUNDS.—Amounts otherwise appropriated for programs or activities under this title may be used for activities under subsection (b) with respect to the programs or activities from which such amounts were made available.".

(b) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408) is amended—

(1) in subsection (j), by striking "1995" and inserting "2002";

(2) in subsection (k), by striking "1995" and inserting "2002";

(3) by adding at the end thereof the following new subsection:

"(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.";

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 762; and

(6) by inserting such section after section 761.

SEC. 105. PUBLIC HEALTH WORKFORCE DEVELOPMENT.

Part E of title VII of the Public Health Service Act (as amended by section 104) is further amended by adding at the end the following:

"Subpart 2—Public Health Workforce

"SEC. 765. GENERAL PROVISIONS.

"(a) IN GENERAL.—The Secretary may award grants or contracts to eligible entities to increase the number of individuals in the public health workforce, to enhance the quality of such workforce, and to enhance the ability of the workforce to meet national, State, and local health care needs.

"(b) ELIGIBILITY.—To be eligible to receive a grant or contract under subsection (a) an entity shall—

"(1) be—

"(A) a health professions school, including an accredited school or program of public health, health administration, preventive medicine, or dental public health or a school providing health management programs;

"(B) an academic health center;

"(C) a State or local government; or

"(D) any other appropriate public or private nonprofit entity; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PREFERENCE.—In awarding grants or contracts under this section the Secretary may grant a preference to entities—

"(1) serving individuals who are from disadvantaged backgrounds (including underrepresented racial and ethnic minorities); and

"(2) graduating large proportions of individuals who serve in underserved communities.

"(d) ACTIVITIES.—Amounts provided under a grant or contract awarded under this section may be used for—

"(1) the costs of planning, developing, or operating demonstration training programs;

"(2) faculty development;

"(3) trainee support;

"(4) technical assistance;

"(5) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health, that have available full-time faculty members with training and experience in the fields of preventive medicine and dental public health; and

"(B) to provide financial assistance to residency trainees enrolled in such programs;

"(6) the retraining of existing public health workers as well as for increasing the supply of new practitioners to address priority public health, preventive medicine, public health dentistry, and health administration needs;

"(7) preparing public health professionals for employment at the State and community levels; or

"(8) other activities that may produce outcomes that are consistent with the purposes of this section

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—With respect to amounts used under this section for the training of health professionals, such training programs shall be designed to—

"(A) make public health education more accessible to the public and private health workforce;

"(B) increase the relevance of public health academic preparation to public health practice in the future;

"(C) provide education or training for students from traditional on-campus programs in practice-based sites; or

"(D) develop educational methods and distance-based approaches or technology that address adult learning requirements and increase knowledge and skills related to community-based cultural diversity in public health education.

"(2) SEVERE SHORTAGE DISCIPLINES.—Amounts provided under grants or contracts under this section may be used for the operation of programs designed to award traineeships to students in accredited schools of public health who enter educational programs in fields where there is a severe shortage of public health professionals, including epidemiology, biostatistics, environmental health, toxicology, public health nursing, nutrition, preventive medicine, maternal and child health, and behavioral and mental health professions.

"SEC. 766. PUBLIC HEALTH TRAINING CENTERS.

"(a) IN GENERAL.—The Secretary may make grants or contracts for the operation of public health training centers.

"(b) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

"(2) PREFERENCE.—In awarding grants or contracts under this section the Secretary shall give preference to accredited schools of public health.

"(c) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subsection (a) unless the program agrees that it—

"(1) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations;

"(2) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities;

"(3) will specifically designate a geographic area or medically underserved population to be served by the center that shall be in a location removed from the main location of the teaching facility of the school that is participating in the program with such center; and

"(4) will assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs.

"SEC. 767. PUBLIC HEALTH TRAINEESHIPS.

"(a) IN GENERAL.—The Secretary may make grants to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, for the purpose of assisting such schools and institutions in providing traineeships to individuals described in subsection (b)(3).

"(b) CERTAIN REQUIREMENTS.—

"(1) AMOUNT.—The amount of any grant under this section shall be determined by the Secretary.

"(2) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(3) ELIGIBLE INDIVIDUALS.—The individuals referred to in subsection (a) are individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals (which fields include the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health).

"SEC. 768. PREVENTIVE MEDICINE; DENTAL PUBLIC HEALTH.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, and dentistry to meet the costs of projects—

"(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

"(2) to provide financial assistance to residency trainees enrolled in such programs.

"(b) ADMINISTRATION.—

"(1) AMOUNT.—The amount of any grant under subsection (a) shall be determined by the Secretary.

"(2) ELIGIBILITY.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty members with training and experience in the fields of preventive medicine or dental public health and support from other faculty members trained in public health and other relevant specialties and disciplines.

"(3) OTHER FUNDS.—Schools of medicine, osteopathic medicine, dentistry, and public health may use funds committed by State, local, or county public health officers as matching amounts for Federal grant funds for residency training programs in preventive medicine.

"SEC. 769. HEALTH ADMINISTRATION TRAINEESHIPS AND SPECIAL PROJECTS.

"(a) IN GENERAL.—The Secretary may make grants to State or local governments (that have in effect preventive medical and dental public health residency programs) or public or nonprofit private educational entities (including graduate schools of social work and business schools that have health management programs) that offer a program described in subsection (b)—

“(1) to provide traineeships for students enrolled in such a program; and

“(2) to assist accredited programs health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

“(b) RELEVANT PROGRAMS.—The program referred to in subsection (a) is an accredited program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purpose by the Secretary of Education and which meets such other quality standards as the Secretary of Health and Human Services by regulation may prescribe.

“(c) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that meet the following conditions:

“(1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.

“(2) The applicant recruits and admits students from medically underserved communities.

“(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

“(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

“(d) CERTAIN PROVISIONS REGARDING TRAINEESHIPS.—

“(1) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

“(2) PREFERENCE FOR CERTAIN STUDENTS.—Each entity applying for a grant under subsection (a) for traineeships shall assure to the satisfaction of the Secretary that the entity will give priority to awarding the traineeships to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

“SEC. 770. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated $9,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

“(b) LIMITATION REGARDING CERTAIN PROGRAM.—In obligating amounts appropriated under subsection (a), the Secretary may not obligate more than 30 percent for carrying out section 767.”.

SEC. 106. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

“SEC. 796. APPLICATION.

“(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

“(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional health professions program plans.

“(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

“(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish. To the extent practicable, grantees under this section shall establish linkages with health care providers who provide care for underserved communities and populations.

“SEC. 797. USE OF FUNDS.

“(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, dissemination of information, and exploring new policy directions, as appropriate to meet recognized health workforce objectives, in accordance with this title.

“(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

“SEC. 798. MATCHING REQUIREMENT.

“The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

“SEC. 799. GENERALLY APPLICABLE PROVISIONS.

“(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

“(b) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this title from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. The Secretary may accept applications from for-profit private entities if determined appropriate by the Secretary.

“(c) INFORMATION REQUIREMENTS.—

“(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

“(2) DATA COLLECTION.—The Secretary shall establish procedures to ensure that, with respect to any data collection required under this title, such data is collected in a manner that takes into account age, sex, race, and ethnicity.

“(3) USE OF FUNDS.—The Secretary shall establish procedures to permit the use of amounts appropriated under this title to be used for data collection purposes.

“(4) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants or contracts under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

“(d) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

“(e) DURATION OF ASSISTANCE.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

“(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

“(f) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

“(1) IN GENERAL.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

“(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall ensure sex, racial, ethnic, and geographic balance among the membership of such groups.

“(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

“(g) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

“(h) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under section 761; and

"(2) discipline-specific workforce information and analytical activities are carried out as part of—

"(A) the community-based linkage program under part D; and

"(B) the health workforce development program under subpart 2 of part E.

"(i) OSTEOPATHIC SCHOOLS.—For purposes of this title, any reference to—

"(1) medical schools shall include osteopathic medical schools; and

"(2) medical students shall include osteopathic medical students.

"SEC. 799A. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(b) PROFESSIONAL COUNSELORS AS MENTAL HEALTH PROFESSIONALS.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by inserting "professional counselors," after "clinical psychologists,".

SEC. 107. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

"(c) EXCEPTIONS FOR NEW PROGRAMS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet at least 4 of the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking "sections 747" and all that follows through "767" and inserting "sections 747 and 750"; and

(2) in paragraph (2), by striking "under section 798(a)".

SEC. 108. DEFINITIONS.

(a) GRADUATE PROGRAM IN BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B(1)(D) of the Public Health Service Act (42 U.S.C. 295p(1)(D)) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) by inserting "behavioral health and" before "mental"; and

(2) by inserting "behavioral health and mental health practice," before "clinical".

(b) PROFESSIONAL COUNSELING AS A BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) by inserting "and 'graduate program in professional counseling'" after "graduate program in marriage and family therapy'"; and

(ii) by inserting before the period the following: "and a concentration leading to a graduate degree in counseling";

(B) in subparagraph (D), by inserting "professional counseling," after "social work,"; and

(C) in subparagraph (E), by inserting "professional counseling," after "social work,"; and

(2) in paragraph (5)(C), by inserting before the period the following: "or a degree in counseling or an equivalent degree".

(c) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking "or" at the end thereof;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) is designated by a State Governor (in consultation with the medical community) as a shortage area or medically underserved community.".

(d) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

"(3) The term 'program for the training of physician assistants' means an educational program that—

"(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

"(B) extends for at least one academic year and consists of—

"(i) supervised clinical practice; and

"(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(C) has an enrollment of not less than eight students; and

"(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care:".

(e) PSYCHOLOGIST.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended by adding at the end the following:

"(11) The term 'psychologist' means an individual who—

"(A) holds a doctoral degree in psychology; and

"(B) is licensed or certified on the basis of the doctoral degree in psychology, by the State in which the individual practices, at the independent practice level of psychology to furnish diagnostic, assessment, preventive, and therapeutic services directly to individuals.".

SEC. 109. TECHNICAL AMENDMENT ON NATIONAL HEALTH SERVICE CORPS.

Section 338B(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(B)) is amended by striking "or other health profession" and inserting "behavioral and mental health, or other health profession".

SEC. 110. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Workforce Development

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Nursing Education and Practice Improvement Act of 1998".

SEC. 122. PURPOSE.

It is the purpose of this subtitle to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subpart II of part B and sections 846 and 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS";

(3) by striking section 837;

(4) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, academic health centers, State or local governments, and other public or private nonprofit entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, or to an equivalent degree, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) ACCREDITED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) NEW PROGRAMS.—A new program of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such a program.

"(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

"(b) INFORMATION REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

"(1) IN GENERAL.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall, except as otherwise provided, ensure sex, racial, ethnic, and geographic representation among the membership of such groups.

"(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(f) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under this title; and

"(2) discipline-specific workforce information is developed and analytical activities are carried out as part of—

"(A) the advanced education nursing activities under part B;

"(B) the workforce diversity activities under part C; and

"(C) basic nursing education and practice activities under part D.

"(g) STATE AND REGIONAL PRIORITIES.—Activities under grants or contracts under this title shall, to the extent practicable, be consistent with related Federal, State, or regional nursing professions program plans and priorities.

"(h) FILING OF APPLICATIONS.—

"(1) IN GENERAL.—Applications for grants or contracts under this title may be submitted by health professions schools, schools of nursing, academic health centers, State or local governments, or other appropriate public or private nonprofit entities as determined appropriate by the Secretary in accordance with this title.

"(2) FOR PROFIT ENTITIES.—Notwithstanding paragraph (1), a for-profit entity may be eligible for a grant or contract under this title as determined appropriate by the Secretary.

"SEC. 807. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED EDUCATION NURSES

"SEC. 811. ADVANCED EDUCATION NURSING GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced nursing education and practice; and

"(2) traineeships for individuals in advanced nursing education programs.

"(b) DEFINITION OF ADVANCED EDUCATION NURSES.—For purposes of this section, the term 'advanced education nurses' means individuals *trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, clinical nurse specialists, nurse midwives, nurse anesthetists, nurse educators, nurse administrators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.*

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(1) meet guidelines prescribed by the Secretary; and

"(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, acute care, and other health care settings.

"(d) AUTHORIZED NURSE ANESTHESIA PROGRAMS.—Nurse anesthesia programs eligible for support under this section are education programs that—

"(1) provide registered nurses with full-time anesthetist education; and

"(2) are accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

"(e) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced nurse education programs eligible for support under this section.

"(f) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nurse education with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced education nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, preentry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First, Second and Third Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992, 1993 and 1997, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the National Black Nurses Association, the National Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the Native American Indian and Alaskan Nurses Association, and the National Council of State Boards of Nursing.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for individuals from disadvantaged backgrounds and ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the educational mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education, such as through—

"(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, the homeless, and victims of domestic violence;

"(3) providing managed care, quality improvement, and other skills needed to practice in existing and emerging organized health care systems;

"(4) developing cultural competencies among nurses;

"(5) expanding the enrollment in baccalaureate nursing programs;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups;

"(7) providing education in informatics, including distance learning methodologies; or

"(8) other priority areas as determined by the Secretary.";

(5) by adding at the end the following:

"PART F—FUNDING

"SEC. 841. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts B, C, and D (subject to section 845(g)), there are authorized to be appropriated $65,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATIONS FOR FISCAL YEARS 1998 THROUGH 2002.—

"(1) NURSE PRACTITIONERS; NURSE MIDWIVES.—

"(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $17,564,000 for making awards of grants and contracts under section 822 as such section was in effect for fiscal year 1998.

"(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse practitioners and nurse midwives, not less than the percentage constituted by the ratio of the amount appropriated under section 822 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 822 as such section was in effect for fiscal year 1998.

"(2) NURSE ANESTHETISTS.—

"(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $2,761,000 for making awards of grants and contracts under section 831 as such section was in effect for fiscal year 1998.

"(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse anesthetists, not less than the percentage constituted by the ratio of the amount appropriated under section 831 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 831 as such section was in effect for fiscal year 1998.

"(c) ALLOCATIONS AFTER FISCAL YEAR 2002.—

"(1) IN GENERAL.—For fiscal year 2003 and subsequent fiscal years, amounts appropriated under subsection (a) for the fiscal year involved shall be allocated by the Secretary among parts B, C, and D (and programs within such parts) according to a methodology that is developed in accordance with paragraph (2). The Secretary shall enter into a contract with a public or private entity for the purpose of developing the methodology. The contract shall require that the development of the methodology be completed not later than February 1, 2002.

"(2) USE OF CERTAIN FACTORS.—The contract under paragraph (1) shall provide that the methodology under such paragraph will be developed in accordance with the following:

"(A) The methodology will take into account the need for and the distribution of health services among medically underserved populations, as determined according to the factors that apply under section 330(b)(3).

"(B) The methodology will take into account the need for and the distribution of health services in health professional shortage areas, as determined according to the factors that apply under section 332(b).

"(C) The methodology will take into account the need for and the distribution of mental health services among medically underserved

populations and in health professional shortage areas.

“(D) The methodology will be developed in consultation with individuals in the field of nursing, including registered nurses, nurse practitioners, nurse midwives, nurse anesthetists, clinical nurse specialists, nursing educators and educational institutions, nurse executives, pediatric nurse associates and practitioners, and women's health, obstetric, and neonatal nurses.

“(E) The methodology will take into account the following factors with respect to the States:

“(i) A provider population ratio equivalent to a managed care formula of 1/1,500 for primary care services.

“(ii) The use of whole rather than fractional counts in determining the number of health care providers.

“(iii) The counting of only employed health care providers in determining the number of health care providers.

“(iv) The number of families whose income is less than 200 percent of the official poverty line (as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981).

“(v) The rate of infant mortality and the rate of low-birthweight births.

“(vi) The percentage of the general population constituted by individuals who are members or racial or ethnic minority groups, stated both by minority group and in the aggregate.

“(vii) The percentage of the general population constituted by individuals who are of Hispanic ethnicity.

“(viii) The number of individuals residing in health professional shortage areas, and the number of individuals who are members of medically underserved populations.

“(ix) The percentage of the general population constituted by elderly individuals.

“(x) The extent to which the populations served have a choice of providers.

“(xi) The impact of care on hospitalizations and emergency room use.

“(xii) The number of individuals who lack proficiency in speaking the English language.

“(xiii) Such additional factors as the Secretary determines to be appropriate.

“(3) REPORT TO CONGRESS.—Not later than 30 days after the completion of the development of the methodology required in paragraph (1), the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the methodology and explaining the effects of the methodology on the allocation among parts B, C, and D (and programs within such parts) of amounts appropriated under subsection (a) for the first fiscal year for which the methodology will be in effect. Such explanation shall include a comparison of the allocation for such fiscal year with the allocation made under this section for the preceding fiscal year.

“(d) USE OF METHODOLOGY BEFORE FISCAL YEAR 2003.—With respect to the fiscal years 1999 through 2002, if the report required in subsection (c)(3) is submitted in accordance with such subsection not later than 90 days before the beginning of such a fiscal year, the Secretary may for such year implement the methodology described in the report (rather than implementing the methodology in fiscal year 2003), in which case subsection (b) ceases to be in effect. The authority under the preceding sentence is subject to the condition that the fiscal year for which the methodology is implemented be the same fiscal year identified in such report as the fiscal year for which the methodology will first be in effect.

“(e) AUTHORITY FOR USE OF ADDITIONAL FACTORS IN METHODOLOGY.—

“(1) IN GENERAL.—The Secretary shall make the determinations specified in paragraph (2). For any fiscal year beginning after the first fiscal year for which the methodology under subsection (c)(1) is in effect, the Secretary may alter the methodology by including the information from such determinations as factors in the methodology.

“(2) RELEVANT DETERMINATIONS.—The determinations referred to in paragraph (1) are as follows:

“(A) The need for and the distribution of health services among populations for which it is difficult to determine the number of individuals who are in the population, such as homeless individuals; migratory and seasonal agricultural workers and their families; individuals infected with the human immunodeficiency virus, and individuals who abuse drugs.

“(B) In the case of a population for which the determinations under subparagraph (A) are made, the extent to which the population includes individuals who are members of racial or ethnic minority groups and a specification of the skills needed to provide health services to such individuals in the language and the educational and cultural context that is most appropriate to the individuals.

“(C) Data, obtained from the Director of the Centers for Disease Control and Prevention, on rates of morbidity and mortality among various populations (including data on the rates of maternal and infant mortality and data on the rates of low-birthweight births of living infants).

“(D) Data from the Health Plan Employer Data and Information Set, as appropriate.

“PART G—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

“SEC. 845. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

“(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse Education and Practice (in this section referred to as the ‘Advisory Council’).

“(b) COMPOSITION.—

“(1) IN GENERAL.—The Advisory Council shall be composed of

“(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

“(i) 2 shall be selected from full-time students enrolled in schools of nursing;

“(ii) 2 shall be selected from the general public;

“(iii) 2 shall be selected from practicing professional nurses; and

“(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, secondary education, and associate degree schools of nursing, and from representatives of advanced education nursing groups (such as nurse practitioners, nurse midwives, and nurse anesthetists), hospitals, and other institutions and organizations which provide nursing services; and

“(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

“(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

“(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

“(c) VACANCIES.—

“(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

“(2) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(d) DUTIES.—The Advisory Council shall—

“(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this title, including the range of issues relating to the nurse workforce, education, and practice improvement;

“(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement; and

“(3) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.

“(e) MEETINGS AND DOCUMENTS.—

“(1) MEETINGS.—The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

“(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

“(f) COMPENSATION AND EXPENSES.—

“(1) COMPENSATION.—Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(2) EXPENSES.—The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

“(g) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

“(h) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.”; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 131. PRIMARY CARE LOAN PROGRAM.

(a) Requirement for Schools.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) Noncompliance.—Section 723(a)(3) of the Public Health Service Act (42 U.S.C. 292s(a)(3)) is amended to read as follows:

"(3) Noncompliance by student.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with such agreement, the loan involved will begin to accrue interest at a rate of 18 percent per year beginning on the date of such noncompliance.".

(c) Report Requirement.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 132. LOANS FOR DISADVANTAGED STUDENTS.

(a) Authorization of Appropriations.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1998 through 2002".

(b) Repeal.—Effective October 1, 2002, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 133. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) In General.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

(b) Minimum Monthly Payments.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking "$15" and inserting "$40".

(c) Elimination of Statute of Limitation for Loan Collections.—

(1) In general.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

"(l) Elimination of Statute of Limitation for Loan Collections.—

"(1) Purpose.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) Prohibition.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) Effective date.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) Breach of Agreements.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended by adding at the end thereof the following new subsection:

"(h) Breach of Agreement.—

"(1) In general.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) Waiver or suspension of liability.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) Date certain for recovery.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) Availability.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.".

(e) Technical Amendments.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 134. GENERAL PROVISIONS.

(a) Maximum Student Loan Provisions and Minimum Payments.—

(1) In general.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) Third and fourth years.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500)" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary".

(3) Repayment period.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking "Ten-Year" and inserting "Repayment";

(B) by striking "ten-year period which begins" and inserting "period of not less than 10 years nor more than 25 years, at the discretion of the institution, which begins"; and

(C) by striking "such ten-year period" and inserting "such period".

(4) Minimum payments.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "$15" and inserting $40".

(b) Elimination of Statute of Limitation for Loan Collections.—

(1) In general.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

"(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

"(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.".

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) REPORT REQUIREMENT.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding "and" after the semicolon;

(2) in paragraph (5), by striking "; and" and inserting a period; and

(3) by striking paragraph (6).

(c) PROGRAM ELIGIBILITY.—

(1) LIMITATIONS ON LOANS.—Section 703(a) of the Public Health Service Act (42 U.S.C. 292b(a)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

(2) DEFINITION OF ELIGIBLE INSTITUTION.—Section 719(1) of the Public Health Service Act (42 U.S.C. 292o(1)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) GENERAL AMENDMENTS.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking "determined." and inserting "determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.";

(3) by striking "Upon" and inserting:

"(1) IN GENERAL.—Upon"; and

(4) by adding at the end the following new paragraph:

"(2) EXCEPTIONAL PERFORMANCE.—

"(A) AUTHORITY.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

"(B) COMPLIANCE PERFORMANCE RATING.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

"(C) ANNUAL AUDITS FOR LENDERS, HOLDERS, AND SERVICERS.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

"(D) SECRETARY'S DETERMINATIONS.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

"(E) QUARTERLY COMPLIANCE AUDIT.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

"(F) REVOCATION AUTHORITY.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

"(G) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

"(H) COST OF AUDITS.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

"(I) ADDITIONAL REVOCATION AUTHORITY.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

"(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.".

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

"(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. INSURANCE PROGRAM.

Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking "any of the fiscal years 1993 through 1996" and inserting "fiscal year 1993 and subsequent fiscal years".

SEC. 144. HEAL BANKRUPTCY.

(a) IN GENERAL.—Section 707(g) of the Public Health Service Act (42 U.S.C. 292f(g)) is amended in the first sentence by striking "A debt which is a loan insured" and inserting "Notwithstanding any other provision of Federal or State law, a debt that is a loan insured".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any loan insured under the authority of subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) that is listed or scheduled by the debtor in a case under title XI, United States Code, filed—

(1) on or after the date of enactment of this Act; or

(2) prior to such date of enactment in which a discharge has not been granted.

SEC. 145. HEAL REFINANCING.

Section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by striking "CONSOLIDATION" and inserting "REFINANCING OR CONSOLIDATION"; and

(B) in the first sentence, by striking "indebtedness" and inserting "indebtedness or the refinancing of a single loan"; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "DEBTS" and inserting "DEBTS AND REFINANCING";

(B) in the first sentence, by striking "all of the borrower's debts into a single instrument" *and inserting "all of the borrower's loans insured under this subpart into a single instrument (or, if the borrower obtained only 1 loan insured under this subpart, refinancing the loan 1 time)"; and*

(C) in the second sentence, by striking "consolidation" and inserting "consolidation or refinancing".

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) DUTIES AND REQUIREMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Enter into interagency agreements with other agencies of the Public Health Service.

"(3) Support research, demonstrations and evaluations to test new and innovative models.

"(4) Increase knowledge and understanding of health risk factors.

"(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(6) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(7) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(8) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(9) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language. Activities under the preceding sentence shall include developing and evaluating model projects.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) through (9) of subsection (b) for each racial and ethnic minority group.

"(3) CHAIR.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate Departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In carrying out subsection (b), the Secretary shall ensure that services provided under such subsection are equitably allocated among all groups served under this section by the Secretary.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (b), the Secretary acting through the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made, to the extent practical, only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) REPORTS.—

"(1) IN GENERAL.—Not later than February 1 of fiscal year 1999 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted under sections 201(e)(3) and 201(f)(2) for such years by the heads of the Public Health Service agencies.

"(2) AGENCY REPORTS.—Not later than February 1, 1999, and biennially thereafter, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

"(g) DEFINITION.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, such sums as may be necessary for each of the fiscal years 1999 through 2002.".

(b) AUTHORIZATION FOR NATIONAL CENTER FOR HEALTH STATISTICS.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m), by adding at the end the following:

"(4)(A) Subject to subparagraph (B), the Secretary, acting through the Center, shall collect data on Hispanics and major Hispanic subpopulation groups and American Indians, and for developing special area population studies on major Asian American and Pacific Islander populations.

"(B) The provisions of subparagraph (A) shall be effective with respect to a fiscal year only to the extent that funds are appropriated pursuant to paragraph (3) of subsection (n), and only if the amounts appropriated for such fiscal year pursuant to each of paragraphs (1) and (2) of subsection (n) equal or exceed the amounts so appropriated for fiscal year 1997.";

(2) in subsection (n)(1), by striking "through 1998" and inserting "through 2003"; and

(3) in subsection (n)

(A) in the first sentence of paragraph (2)—

(i) by striking "authorized in subsection (m)" and inserting "authorized in paragraphs (1) through (3) of subsection (m)"; and

(ii) by striking "$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1999 through 2003."; and

(B) by adding at the end the following:

"(3) For activities authorized in subsection (m)(4), there are authorized to be appropriated $1,000,000 for fiscal year 1998, and such sums as

may be necessary for each of the fiscal years 1999 through 2002.".

(c) MISCELLANEOUS AMENDMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) in the heading for the section by striking "ESTABLISHMENT OF"; and

(2) in subsection (a), by striking "Office of the Assistant Secretary for Health" and inserting "Office of Public Health and Science".

TITLE III—SELECTED INITIATIVES

SEC. 301. STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1998 through 2002"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$36,000,000".

SEC. 302. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the heading for the section, by striking "**LIMITATION**" and all that follows and inserting "**REQUIREMENT OF MATCHING FUNDS**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the period the following: ", $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002".

SEC. 303. PROJECT GRANTS FOR IMMUNIZATION SERVICES.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking "individuals against vaccine-preventable diseases" and all that follows through the first period and inserting the following: "children, adolescents, and adults against vaccine-preventable diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002."; and

(2) in paragraph (2), by striking "1990" and inserting "1997".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) CONFORMING AMENDMENT.—Section 308(b) of the Public Health Service Act (42 U.S.C. 242m(b)) is amended—

(1) in paragraph (2)(A), by striking "306(n)" and inserting "306(m)"; and

(2) in paragraph (2)(C), by striking "306(n)" and inserting "306(m)".

(e) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. MISCELLANEOUS AMENDMENTS REGARDING PHS COMMISSIONED OFFICERS.

(a) ANTI-DISCRIMINATION LAWS.—Amend section 212 of the Public Health Service Act (42 U.S.C. 213) by adding the following new subsection at the end thereof:

"(f) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for purposes of all laws related to discrimination on the basis of race, color, sex, ethnicity, age, religion, and disability."

(b) TRAINING IN LEAVE WITHOUT PAY STATUS.—Section 218 of the Public Health Service Act (42 U.S.C. 218a) is amended by adding at the end the following:

"(c) A commissioned officer may be placed in leave without pay status while attending an educational institution or training program whenever the Secretary determines that such status is in the best interest of the Service. For purposes of computation of basic pay, promotion, retirement, compensation for injury or death, and the benefits provided by sections 212 and 224, an officer in such status pursuant to the preceding sentence shall be considered as performing service in the Service and shall have an active service obligation as set forth in subsection (b) of this section.".

(c) UTILIZATION OF ALCOHOL AND DRUG ABUSE RECORDS THAT APPLY TO THE ARMED FORCES.—Section 543(e) of the Public Health Service Act (42 U.S.C. 290dd–2(e)) is amended by striking "Armed Forces" each place that such term appears and inserting "Uniformed Services".

SEC. 403. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling," after "family therapy,".

SEC. 404. PROJECT GRANTS FOR SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "1998" and inserting "2002".

SEC. 405. PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

Section 317E(g) of the Public Health Service Act (42 U.S.C. 247b–6(g)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "1998" and inserting "2002"; and

(B) in subparagraph (B), by striking "$50,000,000" and inserting "25 percent"; and

(2) in paragraph (2), by striking "1998" and inserting "2002".

SEC. 406. CDC LOAN REPAYMENT PROGRAM.

Section 317F of the Public Health Service Act (42 U.S.C. 247b-7) is amended—

(1) in subsection (a)(1), by striking "$20,000" and inserting "$35,000";

(2) in subsection (c), by striking "1998" and inserting "2002"; and

(3) by adding at the end the following:

"(d) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 407. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking "fiscal year 1997" and inserting "for each of the fiscal years 1997 through 2002".

(b) STUDY.—The Secretary of Health and Human Services shall request that the Institute of Medicine conduct a study concerning the training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence. Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall prepare and submit to Congress a report concerning the study conducted under this subsection.

SEC. 408. STATE LOAN REPAYMENT PROGRAM.

Section 338I(i)(1) of the Public Health Service Act (42 U.S.C. 254q–1(i)(1)) is amended by inserting before the period ", and such sums as may be necessary for each of the fiscal years 1998 through 2002".

SEC. 409. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking "and" at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

"(13) may conduct and support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) which does not consist of residency training of physicians or other health professionals; and

"(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.".

SEC. 410. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) Repayment Programs With Respect to AIDS.—Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking "$20,000" and inserting "$35,000"; and

(2) in subsection (c), by striking "1996" and inserting "2001".

(b) Repayment Programs With Respect to Contraception and Infertility.—Section 487B(a) of the Public Health Service Act (42 U.S.C. 288–2(a)) is amended by striking "$20,000" and inserting "$35,000".

(c) Repayment Programs With Respect to Research Generally.—Section 487C(a)(1) of the Public Health Service Act (42 U.S.C. 288–3(a)(1)) is amended by striking "$20,000" and inserting "$35,000".

(d) Repayment Programs With Respect to Clinical Researchers From Disadvantaged Backgrounds.—Section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking "$20,000" and inserting "$35,000"; and

(2) in paragraph (3), by striking "338C" and inserting "338B, 338C".

SEC. 411. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended—

(1) by striking "shall" and inserting "may"; and

(2) by striking "$5,000,000" and inserting "up to $2,500,000".

SEC. 412. PEER REVIEW.

Section 504(d)(2) of the Public Health Service Act (42 U.S.C. 290aa–3(d)(2)) is amended by striking "cooperative agreement, or contract" each place that such appears and inserting "or cooperative agreement".

SEC. 413. FUNDING FOR TRAUMA CARE.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32) is amended by striking "and 1996" and inserting "through 2002".

SEC. 414. HEALTH INFORMATION AND HEALTH PROMOTION.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking "through 1996" and inserting "through 2002".

SEC. 415. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a)—

(A) by striking "two-year period" and inserting "3-year period (with an optional 4th year based on performance)"; and

(B) by striking "one grant" and inserting "3 grants"; and

(2) in subsection (d), by striking "1997" and inserting "2005".

SEC. 416. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) In General.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) Conforming Amendments.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) Sense" and all that follows through "In the case" and inserting the following:

"(a) Sense of Congress Regarding Purchase of American-Made Equipment and Products.—In the case";

(2) by striking "(2) Notice to recipients of assistance" and inserting the following:

"(b) Notice to Recipients of Assistance"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) Effective Date.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 417. AIDS DRUG ASSISTANCE PROGRAM.

Section 2618(b)(3) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(3)) is amended—

(1) in subparagraph (A), by striking "and the Commonwealth of Puerto Rico" and inserting ", the Commonwealth of Puerto Rico, the Virgin Islands, and Guam"; and

(2) in subparagraph (B), by striking "the Virgin Islands, Guam".

SEC. 418. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Part I of title IV of the Public Health Service Act (42 U.S.C. 290b et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART I—FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH";

and

(2) in section 499—

(A) in subsection (a), by striking "National Foundation for Biomedical Research" and inserting "Foundation for the National Institutes of Health";

(B) in subsection (k)(10)—

(i) by striking "not"; and

(ii) by adding at the end the following: "Any funds transferred under this paragraph shall be subject to all Federal limitations relating to Federally-funded research."; and

(C) in subsection (m)(1), by striking "$200,000" and all that follows through "1995" and inserting "$500,000 for each fiscal year".

SEC. 419. FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES.

(a) Short Title.—This section may be cited as the "Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act".

(b) Findings.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading preventable cause of mental retardation, and it is 100 percent preventable;

(2) estimates on the number of children each year vary, but according to some researchers, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) Purpose.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

(d) Establishment of Program.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

"(a) Fetal Alcohol Syndrome Prevention, Intervention and Services Delivery Program.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

"(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

"(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development, *and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;*

"(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

"(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

"(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

"(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

"(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

"(d) NATIONAL TASK FORCE.—

"(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

"(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

"(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

"(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and representatives from advocacy and research organization such as the Research Society on Alcoholism, the FAS Family Resource Institute, the National Organization of Fetal Alcohol Syndrome, the Arc, the academic community, and Federal, State and local government agencies and offices.

"(3) FUNCTIONS.—The Task Force shall—

"(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

"(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

"(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

"(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

"SEC. 399J. SUNSET PROVISION.

"This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).".

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of the following bills: S. 2039, S. 2276 and H.R. 3687.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I further ask unanimous consent that the committee amendments to S. 2276 be agreed to, the committee amendment to H.R. 3687 not be agreed to, the bills then be read a third time and passed, the motion to reconsider be laid upon the table, and the statements relating to the bill be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

The bill (S. 2039) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro National Historic Trail Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600-1609) and Santa Fe (1610–1821);

(2) the portion of El Camino Real in what is now the United States extended between El Paso, Texas, and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) in 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) during the Mexican National Period and part of the United States Territorial Period, El Camino Real facilitated the emigration of people to New Mexico and other areas that were to become part of the United States;

(7) the exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland was made possible by El Camino Real, the historical period of which extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderland, promoting cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans; and

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) EL CAMINO REAL DE TIERRA ADENTRO.—

"(A) IN GENERAL.—El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

"(B) Map.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

"(C) Administration.—The trail shall be administered by the Secretary of the Interior.

"(D) Land acquisition.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) Volunteer groups; consultation.—The Secretary of the Interior shall—

"(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

"(ii) consult with affected Federal, State, and tribal agencies in the administration of the trail.

"(F) Coordination of activities.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL ACT OF 1998

The Senate proceeded to consider the bill (S. 2276) to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de los Tejas National Historic Trail Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de los Tejas (the Royal Road to the Tejas), served as the primary route between the Spanish viceregal capital of Mexico City and the Spanish provincial capital of Tejas at Los Adaes (1721–1773) and San Antonio (1773–1821);

(2) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico, were played out along the evolving travel routes in this immense area;

(3) the future of several American Indian nations, whose prehistoric trails were later used by the Spaniards for exploration and colonization, was tied to these larger forces and events and the nations were fully involved in and affected by the complex cultural interactions that ensued;

(4) the Old San Antonio Road was a series of routes established in the early 19th century sharing the same corridor and some routes of El Camino Real, and carried American immigrants from the east, contributing to the formation of the Republic of Texas, and its annexation to the United States;

(5) the exploration, conquest, colonization, settlement, migration, military occupation, religious conversion, and cultural exchange that occurred in a large area of the borderland was facilitated by El Camino Real de los Tejas as it carried Spanish and Mexican influences northeastward, and by its successor, the Old San Antonio Road, which carried American influence westward, during a historic period which extended from 1689 to 1850; and

(6) the portions of El Camino Real de los Tejas in what is now the United States extended from the Rio Grande near Eagle Pass and **[**Loredo**]** *Laredo*, Texas and involved routes that changed through time, that total almost 2,600 miles in combined length, generally coursing northeasterly through San Antonio, Bastrop, Nacogdoches, and San Augustine in Texas to Natchitoches, Louisiana, a general corridor distance of 550 miles.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"**[**(21)**]** *(22)* El Camino Real de los Tejas.—

"(A) In general.—El Camino Real de los Tejas (The Royal Road to the Tejas) National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled 'El Camino Real de los Tejas', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated **[**__ 1998**]** *July 1998*. A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(B) Coordination of activities.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

The Committee amendments were agreed to.

The bill (S. 2276), as amended, was passed.

CANADIAN RIVER PROJECT PREPAYMENT ACT

The Senate proceeded to consider the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 4 to strike "shall have the right" and insert in lieu thereof "may be permitted", as follows:

H.R. 3687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Canadian River Project Prepayment Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "Authority" means the Canadian River Municipal Water Authority, a conservation and reclamation district of the State of Texas.

(2) The term "Canadian River Project Authorization Act" means the Act entitled "An Act to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas", approved December 29, 1950 (chapter 1183; 64 Stat. 1124).

(3) The term "Project" means all of the right, title and interest in and to all land and improvements comprising the pipeline and related facilities of the Canadian River Project authorized by the Canadian River Project Authorization Act.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 3. PREPAYMENT AND CONVEYANCE OF PROJECT.

(a) In General.—(1) In consideration of the Authority accepting the obligation of the Federal Government for the Project and subject to the payment by the Authority of the applicable amount under paragraph (2) within the 360-day period beginning on the date of the enactment of this Act, the Secretary shall convey the Project to the Authority, as provided in section 2(c)(3) of the Canadian River Project Authorization Act (64 Stat. 1124).

(2) For purposes of paragraph (1), the applicable amount shall be—

(A) $34,806,731, if payment is made by the Authority within the 270-day period beginning on the date of enactment of this Act; or

(B) the amount specified in subparagraph (A) adjusted to include interest on that amount since the date of the enactment of this Act at the appropriate Treasury bill rate for an equivalent term, if payment is made by the Authority after the period referred to in subparagraph (A).

(3) If payment under paragraph (1) is not made by the Authority within the period specified in paragraph (1), this Act shall have no force or effect.

(b) FINANCING.—Nothing in this Act shall be construed to affect the right of the Authority to use a particular type of financing.

SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this Act shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the Authority alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such alteration at that time.

(c) RECREATION.—The Secretary of the Interior, acting through the National Park Service, shall continue to operate the Lake Meredith National Recreation Area at Lake Meredith.

(d) FLOOD CONTROL.—The Secretary of the Army, acting through the Corps of Engineers, shall continue to prescribe regulations for the use of storage allocated to flood control at Lake Meredith as prescribed in the Letter of Understanding entered into between the Corps, the Bureau of Reclamation, and the Authority in March and May 1980.

(e) SANFORD DAM PROPERTY.—The Authority [shall have the right] *may be permitted* to occupy and use without payment of lease or rental charges or license or use fees the property retained by the Bureau of Reclamation at Sanford Dam and all buildings constructed by the United States thereon for use as the Authority's headquarters and maintenance facility. Buildings constructed by the Authority on such property, or past and future additions to Government constructed buildings, shall be allowed to remain on the property. The Authority shall operate and maintain such property and facilities without cost to the United States.

SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provision of consideration by the Authority in accordance with section 3(b) shall extinguish all payment obligations under contract numbered 14–06–500–485 between the Authority and the Secretary.

(b) OPERATION AND MAINTENANCE COSTS.—After completion of the conveyance provided for in section 3, the Authority shall have full responsibility for the cost of operation and maintenance of Sanford Dam, and shall continue to have full responsibility for operation and maintenance of the Project pipeline and related facilities.

(c) GENERAL.—Rights and obligations under the existing contract No. 14–06–500–485 between the Authority and the United States, other than provisions regarding repayment of construction charge obligation by the Authority and provisions relating to the Project aqueduct, shall remain in full force and effect for the remaining term of the contract.

SEC. 6. RELATIONSHIP TO OTHER LAWS.

Upon conveyance of the Project under this Act, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

SEC. 7. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property.

The Committee amendment was rejected.

The bill (H.R. 3687) was passed.

WEIR FARM NATIONAL HISTORIC SITE

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1718) to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1718) entitled "An Act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

"(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

"(1) ACQUISITION.—

"(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

"(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

"(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

"(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

"(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

"(A) developing the parking, visitor, and administrative facilities for the historic site; and

"(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.".

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1173) is amended by striking "$1,500,000" and inserting "$4,000,000".

SEC. 2. ACQUISITION AND MANAGEMENT OF WILCOX RANCH, UTAH, FOR WILDLIFE HABITAT.

(a) FINDINGS.—Congress finds the following:

(1) The lands within the Wilcox Ranch in eastern Utah are prime habitat for wild turkeys, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and many other important species, and Range Creek within the Wilcox Ranch could become a blue ribbon trout stream.

(2) These lands also contain a great deal of undisturbed cultural and archeological resources, including ancient pottery, arrowheads, and rock homes constructed centuries ago.

(3) These lands, while comprising only approximately 3,800 acres, control access to over 75,000 acres of Federal lands under the jurisdiction of the Bureau of Land Management.

(4) Acquisition of the Wilcox Ranch would benefit the people of the United States by preserving and enhancing important wildlife habitat, ensuring access to lands of the Bureau of Land Management, and protecting priceless archeological and cultural resources.

(5) These lands, if acquired by the United States, can be managed by the Utah Division of Wildlife Resources at no additional expense to the Federal Government.

(b) ACQUISITION OF LANDS.—As soon as practicable, after the date of the enactment of this Act, the Secretary of the Interior shall acquire, through purchase, the Wilcox Ranch located in Emery County, in eastern Utah.

(c) FUNDS FOR PURCHASE.—The Secretary of the Interior is authorized to use not more than $5,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5) for the purchase of the Wilcox Ranch under subsection (b).

(d) MANAGEMENT OF LANDS.—Upon payment by the State of Utah of one-half of the purchase price of the Wilcox Ranch to the United States, or transfer by the State of Utah of lands of the same such value to the United States, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to those Wilcox Ranch lands acquired under subsection (b) for management by the State Division of Wildlife Resources for wildlife habitat and public access.

SEC. 3. LAND CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without consideration and for educational related purposes, to Embry-Riddle Aeronautical University, Florida, a nonprofit corporation authorized to do business in the State of Arizona, all right, title, and interest of the United States, if any, to a parcel of real property consisting of approximately 16 acres in Yavapai County, Arizona, which is more fully described as the parcel lying east of the east right-of-way boundary of the Willow Creek Road in the southwest one-quarter of the southwest one-quarter (SW¼SW¼) of section 2, township 14 north, range 2 west, Gila and Salt River meridian.

(b) TERMS OF CONVEYANCE.—Subject to the limitation that the land to be conveyed is to be used only for educational related purposes, the conveyance under subsection (a) is to be made without any other conditions, limitations, reservations, restrictions, or terms by the United States. If the Secretary of the Interior determines that the conveyed lands are not being used for educational related purposes, at the option of the United States, the lands shall revert to the United States.

SEC. 4. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(a) AUTHORIZATION OF EXCHANGE.—If the non-Federal lands described in subsection (b)

are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled "El Portal Administrative Site Land Exchange", dated June 1998.

(b) RECEIPT OF NON-FEDERAL LANDS.—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) EQUALIZATION OF VALUES.—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1408) to establish the Lower East Side Tenement National Historic Site, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1408) entitled "An Act to establish the Lower East Side Tenement National Historic Site, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK.

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 102. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term "historic site" means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 103.

(2) MUSEUM.—The term "Museum" means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this title and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 104. MANAGEMENT OF THE HISTORIC SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this title authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—OTHER MATTERS

SEC. 201. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) PURPOSE.—It is the purpose of this section to assist in the preservation and interpretation

of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

(2) ADDITIONAL PROVISIONS.—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

(d) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

SEC. 202. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.

Section 6 of the Act of October 15, 1966, entitled "An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes" (16 U.S.C. 460s–5), is amended as follows:

(1) In subsection (b)(1) by striking "including a scenic shoreline drive" and inserting "including appropriate improvements to Alger County Road H–58".

(2) By adding at the end the following new subsection:

"(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.".

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998

Mr. THOMAS. Mr. President, I ask unanimous consent the Senator proceed to the immediate consideration of H.R. 4326, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4326) to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4326) was considered read the third time and passed.

AUTOMOBILE NATIONAL HERITAGE AREA

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3910, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3910) to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3910) was considered read the third time and passed.

Mr. THOMAS. I thank the Chair very much.

I thank the Senator from Texas for his time in allowing us to complete these bills.

Mr. GRAMM. Mr. President, I yield to the Senator from Pennsylvania for the purpose of a unanimous consent request.

Mr. SPECTER. Mr. President, my understanding is the Senator from Texas has the floor now.

I ask unanimous consent that at the conclusion of his 30-minute allocation that I be permitted to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. I thank my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, thank you for the recognition. I guess before I speak I need to thank several people. I thank Senator BYRD, who has left the floor, for insisting on a unanimous consent request that allowed me to have the opportunity to speak today. Senator BYRD is a Member who always reminds us that we do well to be courteous to one another. I appreciate his generosity.

Second, I am going to speak today on education and on other subjects. Much of the material that I am going to use was developed by Senator FRIST in the Budget Committee Task Force on Education. I want to be sure to give Senator FRIST credit for developing much of this material.

Mr. President, today, as we reach the end of the term, I want to say a little bit about four different subjects. I rarely get up and speak on more than one subject because many Senators, myself included, have trouble doing one subject justice. But I need to say a few words about education. I want to say a few things about home health care. I want to talk a little bit about R&D tax credits that are now pending in both Houses. And, finally, I want to talk about the world economy and what I see the lessons to be, and say a little bit about IMF.

EDUCATION

Mr. GRAMM. Mr. President, let me begin with education. First of all, I want to express some concern about the fact that the administration has decided, in the waning hours of this Congress, to suddenly bring education up as an issue in this omnibus spending bill that we are working on. I want to explain why I have concerns about this.

First of all, so far as I am aware, the administration never mentioned education as an issue, despite the fact that we have been negotiating now for several weeks, until last Friday. All the time we were working, trying to finish the business of the American people, the administration never raised education as an issue, and suddenly on Saturday the President brings it up in his radio address, and now every day the President is somewhere doing a photo opportunity, or a press conference, or having a fundraiser on the education issue.

I want to say a little bit about that because part of what makes it possible for you to finish your work, under very difficult circumstances at the end of a session, is when you have mutual trust, when you believe that both sides to the negotiation are acting in good faith and that we are trying to do the work of the American people and not gain political advantage. I am afraid that in this case the President is not acting in good faith in dealing with us on this issue.

A second reason I was surprised this issue surfaced so late in our negotiations is that the President, in January, proposed in his initial budget that we spend $32 billion in appropriations on education. When we reported our funding bill, we spent $32 billion on education. So it seems strange to me to now have this issue raised about education when, in fact, we have provided almost exactly the amount of money that the President sought in January. But whether we think it is political or not, whether it makes any sense, given that we have funded almost identical levels to those requested by the President, the President has raised the education issue and I thought it was important to give a brief response of what the difference is.

The dispute is not about how much money is going to be spent on education. As I said earlier, the President requested $32 billion; we have provided $32 billion. The question is not about how much money is going to be spent but the debate is about who is going to do the spending. Despite all the rhetoric of the President and the administration, the debate is not about the level of spending but who is going to do the spending. They want the Federal Government to do the spending. They want bureaucrats in Washington, DC, to do the spending. And what Republicans have done in the first change in national education policy in over 30 years is, we have voted to pass money back to local school districts so that local parents, local teachers, and locally elected school board members can set education priority. So the debate is not about how much money is going to be spent, the debate is about who is going to do the spending.

Since the President has raised the issue, let me tell you our side of the story. Our side of the story first points out that we spend a lot of money on education, and we should. In 1969, we were spending $68.5 billion on primary and secondary education in America. Today, we are spending a whopping $564.2 billion. So, in dollar terms, we have almost increased education funding tenfold.

But yet, while education funding has exploded since 1969, we have seen SAT scores, which measure high school achievement, stagnate, we have seen reading stores stagnate, and we have seen, since 1969, a systematic decline of American student performance on international tests, where we have gone from virtually the top of each major learning category to near the bottom on each learning category.

In fact, I just pick two here. This last year on international tests on physics, of all the nations that participated in the program, the United States of America ranked dead last. On math, a critically important ability given the modern era we live in—and we all understand the importance of mathematical skills in the information age—America ranked second to last of all nations that participated in the math testing program. This despite the fact that, on a per capita basis, we are one of the largest spenders on education in the world, spending in some cases two or three times as much per student as the nations that achieved the top scores on these tests.

One of the reasons we are spending so much money and getting so little for it is really encapsulated in this chart. What this chart seeks to do is to show the 23 different federal government agencies that we have funding education through 300 different Federal programs, in trying to provide money for teachers, for at-risk students, and for young children. As you can see, looking at this chart, what we have created is a massive bureaucracy which has overlapping responsibilities and where we have 300 different programs basically all trying to achieve the same thing.

Looking at this chart, you will not be shocked by the next chart. The next chart really is the measure of how efficient we are in getting the dollar we spend in Washington through to the classroom where the child is learning. What this tries to show is, starting out with $1 we spend here—not just through the Department of Education, but all federal education spending—how much of it actually gets to the classroom. Fifteen cents of every dollar we spend never gets to the school district because, for all practical purposes, it never gets out of the State and Federal bureaucracy. It basically is consumed here and in various State capitals, with Federal bureaucracies that we are basically paying to tell people how to run education. Forty-eight cents out of every dollar can go to support local bureaucracies—support staff, administration staff, people who are not directly involved in classroom instruction.

So the bottom line is, from all of this mass of bureaucracy, we are getting 37 cents out of every dollar the federal government is spending on education into the classroom. So no wonder we are spending all this money with such poor results. This is the existing system. It is the 37-cent solution. And the President says, many of our colleagues say, give this system more money.

Our answer has been, look, if this system can only get 37 cents out of every dollar to the classroom, this system is fundamentally broken and it needs to be changed. What we would do in changing it is, basically, we want to go to a block grant system which takes much of the money that we spend in Washington, except for the amount that is targeted to critical needs such as children with special learning disabilities, special education programs, and what we would like to do is take $10.2 billion of the money we are spending in Washington and, rather than giving 63 cents out of every dollar of it to bureaucrats, which we do now, we would like to take the $10.2 billion and give it directly to local school systems. So local parents, local teachers, and locally elected school board members would determine how that money is spent. That gives us a 100-cent solution, because then every dollar will go to local teachers, local parents, and locally elected school board members.

The President and, obviously, many people in Washington believe we know better; that it is worth having a program where only 37 cents out of every dollar gets to the classroom because the bureaucracy is adding so much value by telling parents and teachers and locally elected school board members, who do not understand education, how to do it.

If anybody ever believed that, surely when we are in a situation where our test scores have stagnated, our reading scores are flat or declining, and where we are ranking last, or near last, in every achievement test given internationally, I just think it is unconscionable and hurtful to the country and to the children to stay with a system where only 37 cents out of every dollar we spend gets through to the classroom.

That is what the debate is about. When you hear the President say, "We want Congress to act on education," we have already acted. The President wanted $32 billion. We have given the President $32 billion. But where the difference is, the President wanted the Federal Government to spend the money, the President wanted to keep a system where 63 cents out of every dollar gets lost before it gets to the classroom, and what we are trying to do is to give the money directly to local school systems and cut the bureaucrats out of it.

When you hear the President talking about this issue, understand that, despite what he appears to be saying, the dispute is not about how much money is going to be spent, the dispute is about who is going to do the spending. Bill Clinton and our Democrat colleagues want the Federal Government to do the spending with an old system where bureaucrats get 63 cents out of every dollar. We want local parents, local teachers, locally elected school board members to do the spending, because we believe that people love their children more than the Government does. We believe that parents know better about education than the Government does.

Let me also say for those who say, "Where are the education bills that have been passed in this Congress?" let me just remind those who are interested that we passed a bill in this Congress, this year, that provided parents with the ability to set aside tax free up to $2,000 a year to use to send their children to summer school or to get afterschool tutoring or to buy education equipment, like a computer, or to send their children to parochial or private schools, if they choose. The President vetoed that bill.

We passed literacy funding. The President vetoed that bill.

We passed a teacher merit pay program. The President, standing with the teachers unions and not with the students, vetoed that bill.

We passed a bill giving low-income families some choice in education. The President sent his child to private school in the District of Columbia, and he had every right to do it. The point is, however, that we wanted to give working families the same rights the President had, and the President vetoed it.

We had tax relief for parents whose children use the State tuition prepaid plan where you can start paying, even before your child is born, for him or her to go to Texas A&M, and you can do it at a discount because your money is building up. If they pass the test and can get in, you have paid for it. We wanted to give tax advantages to encourage families to do that. The President vetoed it.

We had tax relief for employer-provided education assistance. We have all heard employers everywhere saying to us, "The kids who come to work for us out of high school don't have the skills they need. They can't read, they can't write, they can't reason." So employers are beginning to pay their own money to reeducate their workers. We wanted to encourage it by making it tax free if they do that, because they know the skills they need. The President vetoed it.

Finally, we now are trying to give local school systems more control, to take control away from Federal bureaucrats. The President says he will veto it unless we change it to spend the money his way, which is 63 cents for bureaucrats and 37 cents for classrooms. That is not good enough for America anymore.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes left.

HOME HEALTH CARE, R&D TAX AND THE WORLD ECONOMY

Mr. GRAMM. Mr. President, let me now turn to home health care, R&D tax credit and the world economy.

HOME HEALTH CARE

We put together a bill in the Finance Committee to provide $1 billion to the home health care industry, which has been hit by a failure of HCFA to implement a workable program to try to control the exploding cost of home health care.

As my colleagues will remember, we passed a bill to have a simple $5 copayment for home health care. That copayment would not apply to moderate-income people who would have their cost paid by Medicaid. The administration said, no, that they could save the money in another way, that they could reform the system. So in the omnibus reconciliation bill for the 1997 budget last Congress, we gave them the ability to do that. Now they have come up with a totally unworkable program which they say they can't fix.

We responded in two ways: No. 1, we in the Senate Finance Committee came up with a bill to provide $1 billion for home health care, and we paid for it by going back and correcting a technical error in the 1997 bill. We meant in that bill to require the Federal Government to reduce payments to health care providers for bad debt because it was producing perverse incentives where they were not trying to collect debts, since the Government paid them off 100 cents on the dollar, and where they were basically extending credit where there was no hope of collection because, again, it wasn't their money.

We meant to do that for every health care provider, but by a technical drafting error, it only applied to hospitals. So we were going to expand it to every other health care provider. It saved us about $1 billion from current law, and we were going to provide $1 billion for home health care relief to give the administration another year or 18 months to try to fix the problem that they have created. We have now had Members of the Senate—at least one Member—object to that funding mechanism.

Look, I don't object to the fact that Senators have a right to stop a bill in the waning hours of the session. I think that represents part of the strength of the Senate and, quite frankly, if you are going to make laws in the last hour of the session, you ought to have unanimous agreement.

I am disappointed, because I thought that was a reasonable way to try to fix the problem. We now have many other people trying to come up with ways of funding this $1 billion, including some proposals that we have a bunch of little tax increases.

I don't think that is the way to go. I hope we can work out a compromise, but there has been so much said about this issue that I wanted to come to the floor and go on record as saying I am for the solution that we reached in the Finance Committee that would pay for another $1 billion of aid to home health care by changing the 1997 law to stop payments for bad debt so that if you don't collect your bills, you have to pay for it, and not the taxpayer. I hope we can work out something.

I certainly believe it is possible to come up with a solution. I thought we had a good one. Someone objected to it. So now we are scrambling trying to find another solution.

R&D CREDIT

I am for the R&D tax credit. I think it should be extended. I think the House has come up with a good extender bill. I am for the House bill. I am afraid that if we fool around trying to add items, like tax credits for biomass energy, which I think is a wasteful subsidy, that we are going to end up with one bill in the Senate, one bill in the House, and we are not going to get the tax extenders. I hope we can just adopt the House bill which deals fundamentally with the major issue in the tax extenders, and that major issue is the R&D tax credit.

WORLD ECONOMY

Finally, in the few minutes I have left, let me say a little bit about the world economy. I think that something fundamentally is getting lost in all of this discussion in the last couple of weeks about the world economy. One would think in listening to the administration and the many commentators that the problem in the world economy is that there is some economic equivalent to the flu which is going around the world and it is being caught randomly.

The plain truth is, the collapse of the economies in Asia was due to crony capitalism where government was directing capital politically rather than economically. That system failed. As a result, it pulled down the economies, first of Thailand, and now several countries in Asia, including Japan.

The solution to the problem is to end crony capitalism. The solution to the problem is to open their markets for competition from American goods and goods produced all around the world, and eliminate the crony capitalism in places like Japan, where American goods had been kept out and in the process it has weakened their economy and it has hurt the world economy. The solution is not to engage in capital controls. And the solution is not to simply have the world use its money to support economic systems that do not work.

So I think it is important to remember that the problem in the world economy is that we had countries practicing crony capitalism. I think in the end this can turn out to be a good thing, not a bad thing. I think if we reform economies in Asia, if we learn the lesson in America that the Government should not be deciding where investments are made, I think the world economy can come back and be strong.

I am very concerned about the International Monetary Fund. It was set up at the end of World War II as part of the Bretton Woods agreement. In those days, we had fixed exchange rates, and the IMF was supposed to provide financing to make the system work. The United States, in 1969, went on flexible exchange rates. The Bretton Woods agreement died. We have not had an international financial crisis come out of America since. So IMF has been scrambling to try to find something to do.

I do not believe they have done a good job. I think in Russia they provided money most of which was simply stolen. I think they did not get the economic reforms they sought, and they squandered their money and ours. I am very concerned about what is happening in much of Asia. But I have decided, with some concrete reforms, to go along with additional money for IMF. But they are going to have to make the reforms to get the money.

The reforms are: If you want to use your money, you can do anything you want to do economically in the world. If you want to shoot your economy in the foot, or someplace worse, you have a right to do it, but you do not have a right to do it with our money. If you want our money, you are going to have to set out a plan to open up your economy for world trade, you are going to have to have movement toward free trade and free capital movement, you are going to have to set up a system where you give everybody equal justice under the law in areas like bankruptcy, and you are going to have to end crony capitalism where the kinfolks of rulers, where politically favored members of political parties, end up getting ownership of property and end up getting investment under their control.

The point is, these reforms are critically important if we are to avoid a world financial crisis. And these reforms are going to have to be made if we are going to provide the IMF the money.

I just want to respond very briefly to the representative from France, and others, who said, "How dare the United States of America try to tell us what to do." Let me make it clear, we do not care what they do with their money. But if they are going to spend our money, they are going to have to use it on programs that we believe can work. And if they do not want to do it our way, that is great, just do not take our money; and they are not going to get it unless they do it our way.

Finally, I think in some ways we are adding to the world financial crisis by using rhetoric that seems akin to the sort of "The sky is falling" logic. Crony capitalism failed. Government does not work as an allocator of capital. That is hardly a surprise, but it is a lesson that is proven in Japan and all over Asia.

I remember not long ago sitting down with a President and with a Cabinet Member and another Member of the Senate, and there was really a discussion about our Government funding high-definition television as part of industrial policy; the Japanese were doing it, and we could lose our cutting edge in technology.

Well, what happened? Fortunately, we did not do it. I opposed it. The Japanese invested over $1 billion in their technology, which failed. The world adopted our private technology, and we now dominate the world market. Crony capitalism does not work in America, it does not work in Japan, it certainly did not work in Korea and Thailand, and the sooner they change their system, the better off they are going to be.

If they want to set their economy right by using a system that we know works—capitalism and democracy—then we want to help. If they want to keep trying crony capitalism and socialism, we wish them good luck, we will include them in our prayers, but we will not fund that experiment, because we know it does not work.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—2-DAY CONTINUING RESOLUTION

Mr. SPECTER. Mr. President, I have been asked to make a unanimous consent request on behalf of our leader, Senator LOTT.

I ask unanimous consent that when the Senate begins consideration of the two-day continuing resolution, there be 10 minutes equally divided between the chairman and ranking minority member of the Appropriations Committee, and following the conclusion or yielding back of time, the resolution be agreed to and the motion to reconsider be laid upon the table, all without additional action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the budget process and the status of events now pending between the Congress and the Administration.

We have come to a stage on appropriations where so many decisions are left, in the final analysis, to negotiations which involve only four Members of Congress and now the Chief of Staff of the President's administration, which I believe is far removed from the regular order of the United States Congress and the regular order as envisioned by the Constitution where the Congress legislates, presents bills to the President, and the President either signs or vetoes those bills.

We have, as we all know, 100 Members of the Senate and 435 Members of the House of Representatives. And it is my view that, if unconstitutional, it is certainly an unwise de facto delegation of power to four Members of Congress: The Majority and Minority Leaders of the Senate, the Speaker, and the Minority Leader of the House of Representatives.

My bill is illustrative. I chair the appropriations subcommittee which has jurisdiction of three major Departments: The Department of Education, the Department of Health and Human Services, and the Department of Labor. And my staff and I worked during the month of August, a recess month, so that when we came back into session on August 31 we would be prepared, as we were on September 1, to have the subcommittee act. The full committee then acted on September 3 in an effort to have this complex and important bill considered early on by the Senate.

The bill never came to the Senate floor because of other pressing business and candidly, because the bill was so controversial that it would likely be tied up in matters which might not be resolved. However, I believe that had these issues been debated on the Senate floor, I think that they would have had chance, a realistic chance. Ultimately, with enough time and effort, we could have prevailed. Similarly, in the House of Representatives there was never floor consideration to the legislation covering these three important departments.

So the subcommittee chairman and the ranking members met and tried to work out many of the points of contention. The matters have never been considered on the floor of the Senate where under our procedures Senators have the right to offer amendments, the right to modify figures in the regular legislative consideration.

We are going to have to take a hard look at our procedures when we reconvene next January so that we go back to the regular order and to the process under which this body, the Senate, considers the legislation we have handled on the floor and then in the conference report and then present it to the President for his signature or for his veto, as he exercises his Presidential judgment.

We had a conference last Friday with representatives from the Office of Management and Budget and the chairmen of the Appropriations Committees from both Houses, as well as the chairmen of the subcommittees and ranking members. At that time we were considering an objection which the President had raised to the appropriations bill covering education. The President had just had a rose garden news conference and was very, very critical of Congress for failing to meet his demands, his requests, his priorities on education.

I was asked to participate in a responsive news conference which, unlike the President's power of the bully pulpit, received virtually no attention. The facts are these: The President has requested for education $31,185,302,000; on Friday the House-Senate Conference Committee had come to a figure of $31,832,358,000. Rounding off the numbers, the President was at $31.2 billion and the House-Senate conference was at $31.8 billion. We were $600 million over the President's figure. It led me at that news conference to comment that the President either did not know what the figures were or was negotiating not in good faith in representing that the Congress had not met his requests for an education funding figure.

A further controversy developed, and I believe is still pending, although those negotiations are ongoing. And minute by minute we do not know whether agreements are made or not until we hear their final report. The President asked for $1.1 billion for classroom size. The President proposed paying for that item with the proceeds from the tobacco settlement, except there never was a tobacco settlement and we never had those proceeds to work with.

My subcommittee had anticipated that problem and had, in the report which we filed, provided for reduction in classroom size to meet what the President considered a priority. We agreed with him that it was a priority. We allocated some $300 million for that effort. According to the information presented in our conference, the maximum expenditure for the next fiscal year would have been $50 million. So we had adequately taken care of the President's priority and we had more than enough funding to proceed for the first year.

It was our concern that the congressional authorizing committees had not taken up the item, which should be done in the context where we saw there was adequate funding. Had we had the tobacco proceeds, I think a good bit more attention would have been paid to this. When the funding did not come through, the subcommittee made its best efforts. I believe the facts are illustrated on these items, which were the bones of contention. The subcommittee had provided more funding for education than the President had requested, and it made an appropriate allocation for classroom reduction size. Congress had done its job on education.

It is obvious that when the President speaks from that bully pulpit he may even get more attention than when a Senator addresses the same subject on the Senate floor, seen by very few people on C-SPAN2. But at least we do what we can to establish the record for the propriety of our congressional action.

The business of having 535 elected Members of the Congress delegate authority to four individual Members, short-circuiting our process, is not in the national interest.

One of the items which has been under consideration in the subcommittee has been a complex question of organ transplants. The subcommittee has adopted the recommendation of the administration, put forward by Secretary of Health and Human Services Donna Shalala, to establish regulations issued by her Department. We held a hearing on the subject and tried to come to grips with that issue. A differing point of view was put forth by the House of Representatives.

I concede that while the House advocates had parochial interests of their State, I, too, had an interest in Pennsylvania on this issue. Looking at the broader national aspects, it really is a matter to be decided by the medical experts. I think that was provided for in the regulations proposed by the Secretary of Health and Human Services. The Secretary had no parochial interest and was speaking for the national interest. If the Secretary was wrong, that is a matter which ought to be decided by the authorizing committee. It ought not to be left to the appropriators.

That is only illustrative of many, many riders we have where the appropriators are called upon to decide very, very complex questions which ought to be resolved after hearings, analysis, floor debate, and a decision on what is public policy. They really are not issues to be decided by how much money ought to be allocated to a specific line, which is the function of appropriations.

It is my hope that these procedures will be corrected when the Congress reconvenes next January, to find a way to return to regular order and to have these issues considered by the full Senate, considered in a Conference Committee, and presented to the President.

When we had our conference last Friday, I raised the question head on with members of the Office of Management and Budget where this education item was a matter for veto. He had some difference of opinion of some $330 million, which is not insignificant, but is not enormous on a $32 billion budget. The representative of the administration couldn't answer the question. If we had passed a bill and submitted it to the President, I think he would not have vetoed. My instinct is if we passed a bill and submitted it to the President, the funding figure which he wished for, classroom size reduction, which has now been conceded by the congressional negotiators, but it left open the issue of whether it would be decided by the States and local government or decided by the Federal Government, with the President pressing to have a mandate from the Federal Government operated out of Washington instead of leaving it to local government.

Here again, I think the President would not have exercised his veto, or at least had we followed regular order and the constitutional procedure without having the President in the negotiations on the appropriations bill—where he ought not to be, his representative ought not to be—we would have had a determination as to whether it rose to the magnitude of a Presidential veto.

Our institutions have been well served, as we know, when we follow constitutional procedures, when you follow regular order on what has been established. I do believe that these shortcuts are not in the public interest and we ought to return to the tried and tested ways of the appropriations process.

I ask unanimous consent to have printed in the RECORD the chart I referred to earlier.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

LABOR, HEALTH HUMAN SERVICES AND EDUCATION APPROPRIATIONS

	1998 comparable	Budget request	House committee bill	Senate committee bill	Tentative agreement—House	Tentative agreement—Senate	Open issues UA
Title II—Department of HHS, current year (federal)	162,167,174	177,149,724	176,289,059	176,178,717	178,665,109	178,695,109	30,000
Prior year advances	31,036,993	31,718,189	31,718,189	31,718,189	31,718,189	31,718,189	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Total	195,002,239	210,819,578	209,958,913	209,591,621	212,338,963	212,368,963	30,000
Mandatory, current year	132,981,566	145,960,968	146,055,968	146,040,968	146,230,968	146,230,968	
Prior year advances	29,099,993	29,618,189	29,618,189	29,618,189	29,618,189	29,618,189	
Subtotal: Mandatory	162,081,559	175,579,157	175,674,157	175,659,157	175,849,157	175,849,157	
Discretionary	29,185,608	31,188,756	30,233,091	30,137,749	32,434,141	32,464,141	30,000
Prior year advances	1,937,000	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Projected HCFA user fee collections		(264,500)					
Child Care Welfare Reform rescission	(3,000)						
Viagra Limitation			(40,000)		(40,000)		40,000
Adjustment for legislative cap on Title XX SSBGs	(81,000)	(471,000)	(81,000)	(471,000)	(81,000)	(81,000)	
Subtotal: Discretionary	32,836,680	34,504,921	34,163,756	33,461,464	36,368,806	36,438,806	70,000
Total: 302(b) scorekeeping	194,918,239	210,084,078	309,837,913	209,120,621	212,217,963	212,287,963	70,000
Title III—Department of Education current year (federal funds)	30,701,330	32,142,182	31,481,671	31,867,651	32,250,768	32,797,056	546,288
Mandatory, current year	2,555,086	2,615,266	2,616,640	2,615,266	2,622,584	2,622,584	
Discretionary, current year (federal funds)	28,146,244	29,526,916	28,865,031	29,252,385	29,628,184	30,174,472	546,288
Prior year advances	1,298,386	1,658,386	1,658,386	1,658,386	1,658,386	1,658,386	
Subtotal, Discretionary	29,444,630	31,185,302	30,523,417	30,910,771	31,286,570	31,832,858	546,288
Total, 302(b) scorekeeping	31,999,716	33,800,568	33,140,057	33,526,037	33,909,154	34,455,442	546,288

LABOR, HEALTH HUMAN SERVICES AND EDUCATION APPROPRIATIONS—Continued

	1998 comparable	Budget request	House committee bill	Senate committee bill	Tentative agreement—House	Tentative agreement—Senate	Open issues UA
Title IV—Related Agencies (federal funds, current year)	17,738,380	23,195,669	23,058,541	23,207,418	23,173,046	23,182,836	9,790

HATE CRIMES

Mr. SPECTER. Mr. President, we have seen the issue of hate crimes again tragically before the American people with a horrendous event in Laramie, WY, on October 6, just last week, where a young man, Matthew Shepard, was kidnaped, robbed, severely beaten, and left tied to a fence in freezing weather. He died 5 days later from his wounds.

Two men have been charged with the murder. It appears that the attack was motivated at least in part by an antigay bias. Police have stated that while robbery was the main motive for the attack, that Mr. Shepard was apparently chosen as a victim because he was gay.

It has been reported by the investigators that the two suspects lured Mr. Shepard from the bar by stating that they, too, were gay and wanted to meet with him. The girlfriend of one of the two suspects has stated that Shepard was targeted because he had flirted with the suspect earlier that evening and allegedly embarrassed him.

The issue of hate crimes was very much a national focus months ago, on June 7 of 1998, when Mr. James Byrd, Jr., an African-American, was kidnaped and killed by being dragged from the back of a pickup truck. Three white men have been charged with the murder. The evidence indicates that there was racial motivation for the attack. Authorities have stated that all three suspects were white supremacists and had white supremacist tattoos on their bodies. All three were identified as belonging to the Ku Klux Klan and the Confederate Knights of America while serving in prison. Racist literature was seized from the home shared by the suspects.

The current hate crime legislation was deemed inadequate on the murder of Mr. Byrd because the victim was attacked in a way where he was not seeking to exercise a federally protected right.

On November 13, 1997, Senator KENNEDY, Senator WYDEN, and I introduced the Hate Crimes Prevention Act, which has not moved forward. It is my view that there is no place in America for hate. There is just no place in America for hate. There is no place for hatred of African-Americans, hatred of Asians, and there is no place for hatred of Jews, Muslims, gays, or anyone else. That is antithetical to America, antithetical to the concepts of the melting pot. We see around the world what has happened in places like Bosnia, and we see what has happened in Kosovo, and we have seen what has happened in Africa. But in the United States, there is no place for hate.

I have asked both leaders in the Congress and the President to push to have this legislation included in the final Omnibus Appropriations Act. I know it is difficult to do. Let's see what happens on it. There ought to be a very, very strong stand taken against hate. Gays ought to be included in the protection, and we ought not to have the highly technical, legalistic concepts of the exercise of a federally protected right.

I served for 8 years as district attorney of Philadelphia and 4 years as assistant district attorney before that, and crime was horrendous. But when hate is added to the crime, it becomes an intolerable circumstance, something which should be acted upon by the Congress of the United States. The legislation has been modified to arrive at a situation where local authorities would call for Federal assistance. I am not sure that is a wise provision, because so frequently we find local authorities unwilling to act, and that is really the reason for the necessity for Federal action. But the legislation has been modified in a number of important respects to try to give an impetus for enactment. We should not await the next tragedy on hate—whether it is directed to someone of Asian ancestry, or someone who is Jewish, or a Muslim, or a gay, or an African-American—to motivate us to take the appropriate steps and be very, very tough in the response and prosecution of those offenses.

Mr. President, in the absence of anyone else seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

EDUCATION

Mr. GREGG. Mr. President, we have heard a lot of talk about education in the last few days, especially from the White House, and about adequate funding for education. I think no item more clearly defines the difference between the two parties on the issue of funding education than the issue of special education.

This White House has been so enthusiastic for creating new programs, that are controlled here in Washington, which tell the teachers, principals, parents, and students back in my State, and in the State of Mississippi, where the occupant of the Chair comes from, and every State of this country, how they shall run their schools on a day-to-day basis, how to manage curriculums, whom they shall hire, when they shall hire them, what they will do after school. This administration has been so insistent in trying to move the control of education to the Federal level and now has come forward with a new series of efforts to accomplish that. But this administration has failed consistently to fund the most fundamental obligation of the Federal Government in the area of education—specifically, the obligation under special education.

Back in 1976, I think, when the special education bill was passed, which was a major step forward in this Nation toward caring for kids who have special needs, the Federal Government committed to the local communities of this country that it would pay 40 percent of the cost of those children's educational needs. But what has happened? Well, when the Republican Congress took control of Congress 4 years ago, at that point, the obligations being paid by the Federal Government weren't 40 percent of the cost of special ed needs, they were only 6 percent of the costs. The difference, 34 percent, which was supposed to be picked up by the Federal Government, was being borne by the local taxpayer.

What was the practical effect of that? The practical effect of that was that the local tax burden was skewed and the local school districts' ability to support their educational agenda was controlled not by what they wanted to do but by their need to meet a Federal mandate that was not being paid for by the Federal Government—specifically, special education. So where a local school board might have wanted to add new teachers, or an afterschool program, or a new language program, or put in new computers, they could not do it. Why? Because they had to pay the cost of the special education students, which costs were supposed to be borne by the Federal Government, at least to the extent of 40 percent.

So you would have thought that this "education Presidency"—as it tries to proclaim itself—would have wanted to correct that problem, would have recognized that as the first step in its efforts on education, and would have fulfilled the underlying obligation to special needs kids and paid the 40 percent the Federal Government is obliged to pay under the law.

What actually happened? In every budget that the President of the United States has sent up to this Congress since this Congress was taken over by the Republican Party, there has been essentially no increase in funding for special education. As a result, what this administration has said is: Rather than funding the needs of special ed kids, we want to create brand new programs, we want to go out and tell the school districts what they are going to have to do with Federal dollars, rather than using the Federal dollars to fund the needs of the special needs kids the way we are supposed to under the law.

So they set up this scenario where they say to local school districts: We are not going to pay you what we are supposed to and allow you to free up your money to spend it on what you need, such as books and teachers—or whatever the local school district thinks it needs. Rather, we are going to tell you what you need, and we are going to make you come to the Federal Government, come to the Federal bureaucrat, and say, "Please, Federal bureaucrat, give us back some of our money so we can pay for new educational initiatives." But we have to do exactly what you tell us in initiating those initiatives. It obviously makes no sense.

What did the Republican Congress do? It said let's live up to our obligations as a Congress first. So we made a priority. In fact, S. 1, the No. 1 bill of the Senate, made as its priority setting a course to fully fund special education at the 40 percent required under the law. We made great strides in this under the leadership of the majority leader, under the leadership of the Senator from Pennsylvania, who is the head of the appropriations subcommittee, with the strong effort of the coalition here on our side of the aisle.

We have increased funding for special education dramatically in the last 3 years, with no help from the administration. Three years ago, we put it up; we increased special education funding by almost $700 million. Last year, we increased it by almost $690 million. This year, we have increased it again by $500 million. So we have taken the percentage which the Federal Government is paying for special education from 6 percent when we took control of the Congress up to over 10 percent now, and it is moving in the right direction.

Now, one more time this week, we hear this disingenuous argument coming from the administration that if we are going to have good education, we have to create a new program where the Federal Government, the President, and his friends at some national labor union and down here at the Department of Education tell local educators how to spend their dollars and what they must spend their dollars on.

If the President really wanted to address the educational needs of this country, he would say to local school districts: I want another $1 billion, but I want to give it back to the local school districts to help them with special education, and that will free up the local school districts to be able to spend money for what they think they need.

Not every school district in this country needs more teachers. Not every school district in this country has a terrible school building. Some school districts need more computers. Some school districts want to expand their language programs. Some school districts want to expand their dance programs. Some may want to expand their math programs. That decision should be made at the local level. Only the parents, only the teachers, only the principals really know what a local school district needs in order to make it a better place for kids to learn in. We don't know in Washington.

Yet, the President and his friends and his supporters seem to feel that they know best, that they can run all the school districts in this country out of some building down here on Constitution Avenue. It doesn't work that way.

If we really want to help out local school districts, what we will do is relieve them of having to fulfill the obligations of the Federal Government by paying the costs of special education and free up those dollars so that the local school districts can spend them where they see fit, where they feel they will get the best return. If we really want to help local education, what we will do as a Congress and what the President should be suggesting is that we will fund the special education needs of kids in this country to the tune of 40 percent, which we committed to.

Ironically, if you take the dollars being proposed by the President to be spent on his new categorical programs where he tells everybody in the country how to run their school districts, and you add them up, in 5 years—which is the goal that we have set as a Republican Congress—in 5 years, you will be at just about the 40 percent that the Federal Government said it was going to spend on special education. If you take those dollars and you move them over to special education, you will be accomplishing what we said we were going to do back in the 1970s. But, more importantly, we will be freeing up the local school districts to educate kids the way they know they must be educated rather than the way some bureaucrat down here in Washington thinks they should be educated.

That is the difference. That is what the debate is about. The Republicans believe that schools should be operated at the local level, that it should be the parents, the teachers, and the principals who make the decisions on education. Regrettably, some of our colleagues on the other side, and clearly the people down on Pennsylvania Avenue, feel that they know better than parents, teachers, and principals—they should be the ones operating our schools.

This is not a dollar fight. It is not a question of putting more dollars in education. It is a question of where the dollars go, how they are better managed, how they can give the best return for the dollars spent for education which we need.

So there is the difference.

The Republican Congress is showing the right way. We have put our money in the right programs. We have committed to special education the huge increase in spending. I just wish the President would join us in that.

Mr. President, I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that all the debate time on the 2-day continuing resolution be yielded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the order, the joint resolution is passed.

The joint resolution (H.J.Res. 135) was considered read a third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m. with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that I may go over that 5-minute limit by not to exceed an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE DEBATE OVER EDUCATION

Mr. GORTON. Mr. President, I can do no better than to echo the eloquent remarks of my friend and colleague from New Hampshire. The debate over education today is not a debate over its importance. It is not a debate over the relative commitment of Republicans and Democrats to increase the educational opportunities for our children. The debate, as we have it today, is over who determines how and where that money should be spent—bureaucrats in Washington, DC, or the parents, teachers, principals, and elected school board members in thousands of school districts across the United States. That debate is a vitally important one.

In his 1997 state of education speech, Secretary Riley said, "We should not cloud our children's future with silly arguments about Federal Government intrusion." But that is exactly what this debate is about. It isn't silly, and it couldn't possibly be more important.

Secretary Riley may feel it very natural that he and the President and his bureaucrats in the Department of Education here in Washington, DC, should set those priorities for all of the thousands of school districts across the country. We do not. We believe in the wisdom of school board members and in the dedication of principals and teachers and parents to the quality of their children's education.

I want to emphasize once again, the President in his budget this year asked for $31.4 billion for education. The budget passed by the Senate of the United States has $31.4 billion for education. Later, the President came back and asked for an additional $1.1 billion. Republicans have agreed that that $1.1 billion is appropriate.

But in negotiations, of which I have been a part, the President has narrow prescriptions for the use of that $1.1 billion. In fact, when I looked at the statutory language that the President's people asked for, the first two lines were about the appropriation of $1.1 billion. All of the rest of the language was designed to restrict the discretion of State and local education agencies in connection with the spending of that $1.1 billion, narrowly focused on teachers, focused even more on teachers in the first three grades; subject to the rules and regulations of the Federal Department of Education at every possible turn, the distribution formula and the set of rules already adopted for the spending of money from the pot into which this $1.1 billion is to go, according to the President. The formal rules take up just 15 pages of regulations—perhaps 15 pages too many. But the nonregulatory guidance for those regulations is another 171 pages. And, of course, there would have to be additional regulations on top of those, and additional guidance on top of those, for this program as the President has recommended it.

In its publication called "Education At The Crossroads," the Education Committee of the House of Representatives reports that there are now 760 Federal education programs, requiring something over 48,600,000 hours of paperwork per year—48,600,000 hours of paperwork. We simply need not add to that burden. Mr. President, 90 percent of those hours now paid for out of the education budgets of our school districts and of our States, 90 percent of those hours could be far more profitably spent on additional instruction for our students or the money spent on improving the physical quality of our schools or the equipment that our schools and our teachers use to train our children. But those moneys are now spent meeting the regulations of the Federal Government accompanying the modest amount of money—some 7 percent to 8 percent—the modest amount of money that the Federal Government supplies as against the States and local taxpayers for the maintenance and the instruction in our public school program.

We, on the other hand, without a debate with the President over the amount of money to be spent on education, prefer that it be distributed through an existing Federal program, the one existing Federal program that carries very few regulations with it, directly to the school districts of the United States, to be spent in the way that each of those school districts feels most appropriate. More teachers? Yes, where those school districts feel that is their No. 1 priority. Focused on special education where, as the Senator from New Hampshire pointed out, we have imposed innumerable burdens and regulations on our school districts but supply less than 10 percent of the money to meet those regulations? On other matters that may be more significant to particular school districts across the country? Yes.

In discussion of this issue in the course of the last 24 hours with a distinguished Democratic Member of the House of Representatives on the committee there dealing with education, we were told that even in that Representative's own district, the school boards could not be trusted. This Representative was eloquent on the tumbled-down nature of many of the schools in his city, eloquent on the lack of adequate teaching in that school district, but he was totally unwilling to let the people who elected both him and the school board members in his city—he was unwilling to allow those elected school board members to decide how this new money should be used. He was convinced, for some reason or another, that they would ignore the condition of their schools and the quality of their teachers and find something else to spend the money on.

Between that idea and ours, there is a great gulf fixed. We feel that if the school boards are allowed to determine how this money should be spent, it will, in the vast majority of all cases, be spent more wisely than it could possibly be spent under a set of one-size-fits-all regulations from Washington, DC, and we feel that there will be more money in the schools because less of it will be used for this 48-plus million hours of filling out paperwork.

Those are the two principal reasons for our perspective on this issue—a trust in the dedication of the parents and teachers and principals and superintendents and school board members to the education of the children committed to their care, and to the belief that the less the paperwork, the fewer the regulations, the more dollars that can get actually into the classroom.

That may be the last major issue separating us from the President in coming up with an overall omnibus budget and allowing this Congress to finish its work. But it is an issue of profound importance to every American—our students and our parents and all other Americans who wish to bequeath to their children and their grandchildren an even stronger America than the one they inherited from their parents.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THOMAS. Mr. President, I ask unanimous consent that Darlene Koontz, a fellow with the National Park Service, be granted the privilege of the floor for this afternoon's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PARKS RESTORATION

Mr. THOMAS. Mr. President, I rise today and come to the floor to thank the Senate and the House for the passage of S. 1693, the Vision 2020 bill, national parks reform. I think it is a great day for the Congress and for our national parks. Parks are one of the real resources, one of the real treasures that we have in this country that I think all of us have feelings for. There are lots of different parks and lots of different kinds of parks, but they are all our heritage. They are our culture.

I think we have known for some time that the parks have needed some assistance. They are more visited now than ever. They are more utilized, as they should be, by Americans than ever. The Park Service, on the other hand, thinks that they are at least $10 billion in arrears in infrastructure costs and they need to change. I think there is a willingness to change on the part of the Park Service. So through hard work and bipartisan compromise we forged a bill that will preserve and help protect our parks now and well into the next century.

I have a special place in my heart for parks. I grew up right outside of Yellowstone Park near Cody, WY. We have the first park, Yellowstone, that is more than 125 years old now, also Grand Teton Park, which is, of course, a spectacular and unusual place, Devil's Tower. So parks are very much a part of the West. They also are very much part of the rest of the country. Right here in Virginia, last week my wife and I went to Philadelphia, Independence Park, one of the great treasures of our history. So I am very pleased with this legislation and I think it will be helpful.

Let me mention a few of the major provisions of S. 1693. First, it requires the Department to develop a strategic plan and comprehensive budget for the individual units. It is a large business. The budget is $1.2 billion. So there has to, now, in addition to the management of resources, be management of a large financial issue. We need plans. We need a Park Service that has transparency in terms of its plans and in terms of its budget. There needs to be a budget. There needs to be assurance that the expenditures are the same as the appropriations requests. That has not always been the case.

We need to establish a process for developing new parks. There are criteria for parks and they need to be followed. We have a proposition where there would be a study to see if, indeed, that park does square with the criteria that we have set forth. Too often, I think, Members of Congress have been able to bring parks into the system to be supported by Federal dollars when, frankly, they really perhaps did not meet the criteria that they should.

The bill provides for enhanced training opportunities for Park Service employees. Many of them have very specialized jobs, very specialized work to inventory and to understand what the resources are and to protect them. In my experience of working with Government and in this Government, I don't know of an agency that has a more dedicated staff than does the Park Service. They are people who are really committed to what they are doing and committed to the preservation of parks and making them useful. We need to help with opportunities for training.

We are providing for increased scientific study and research to ensure park resources are inventoried and they are, indeed, protected.

There are two purposes: The first purpose of the park, of course, is to maintain the resources, whether they be cultural or natural resources. The second is to provide for its owners, the American people, to visit. One of the elements of that, of course, is the concessions that provide the services that are necessary.

We have worked at changing the concessions policy and making it more competitive so that new businesses can have an opportunity to provide them, to provide them more efficiently, to provide more of an opportunity, and to pay some of the income to the park as a means of sustaining it.

We have eliminated the preferential right of renewal so that there is competition for those services as they are renewed.

We have authorized the new national park collectible passport which provides an opportunity for supporters of a park to pay a little something and to have in their car window or their house window this attractive passport that will allow us to help support the parks.

We provide for increased philanthropic support for individual units to help Friends of Yellowstone, for example, to raise money, and they raise significant amounts of money for parks.

We have authorized some studies for the Park Police which is necessary. We have some 400 Park Police right here in the Capital who have large responsibilities.

These are some of the changes that we have worked at. This is the first time in 18 years that we have had a generic parks bill that is designed not to deal with some specific park but rather to deal with the whole idea of a system that will preserve and strengthen the parks. It is the culmination of more than 2 years of work by the subcommittee. We have had hearings coast to coast. We have been in Colorado. We have been out in San Francisco. There are many different kinds of parks. We had the same reaction at the hearings: that there needs to be more resources; they need to be managed better; we need to have more support; we need to deal with gateway communities; and have better communications. I think these things will be strengthened. We passed a bill that, I think, will do much of that.

I want to take a moment to thank some of the people who were involved. We hear a lot about the difficulty of passing legislation, and it is difficult. Everyone has, legitimately, different ideas about how things ought to be done; indeed, philosophies of how they might be done. The media, of course, emphasizes the conflicts that we have, and we have conflicts. Here, although most everyone will agree with parks, there are conflicts about how we resolve these things.

I am so pleased we had an opportunity to come together with people on both sides of the aisle, with people in the administration, with people in the Congress. No one got everything they wanted. We had to make concessions. We had to make changes, give up some things, add some things. But that is the way the legislative process has to work.

I particularly thank Senator MURKOWSKI, the chairman of the Energy and Natural Resources Committee, for all of his guidance on this legislation. Without his help, of course, we wouldn't have had this bill before the Senate. The chairman went out of his way to ensure that negotiations stayed on track. As you know, Alaska has some unique things. He helped to make this thing work.

I also thank Senator BUMPERS, the ranking minority member of the committee. I know personally that he has worked on some of these things. He has worked on the issue of concessions in particular for at least 10 years. He made some concessions on this issue. Without him, frankly, we wouldn't have a bill, particularly over in the House where he worked at it. I just say to the Senator from Arkansas that I really appreciate his help and appreciate the attitude that he brought here to this debate.

I thank Secretary of Interior Bruce Babbitt. It is no secret that we don't always agree with a lot of things, like public lands. Bruce Babbitt worked as hard as anyone could be asked to work. He came from California to work with our staff on this. He helped form a compromise.

Also, I thank Assistant Secretary Don Barry—these folks worked very hard—as well as BOB BENNETT. There is a whole list of people. Over in the House, JIM HANSEN and Chairman DON YOUNG worked very hard as well.

Finally, I thank the staff, of course, at all levels in the Senate, in the committee, particularly my personal associates: Liz Brimmer, my chief of staff; Dan Naatz, legislative director; Jim O'Toole, who is the director of the committee staff; and Steve Shackelton, a fellow, who worked originally with us on the bill.

I wanted to come to the floor to say a couple of things. One is, I am very pleased we passed this. I think it is going to help parks.

Second, I am impressed with the system when we really do work together and cooperate to come up with something that is a compromise and reach the goals with which we began.

Mr. President, I thank you for the time and say, again, I am very pleased we were able to bring this to passage in the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand we are in morning business. I ask unanimous consent that I be allowed to speak for the next 15 minutes uninterrupted.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Iowa is recognized.

Mr. HARKIN. I thank the President.

EDUCATION

Mr. HARKIN. Mr. President, as a member of the Appropriations Committee and as the ranking member on the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee—my chairman is the distinguished Senator from Pennsylvania, Senator SPECTER—we have been involved, as I am sure everyone knows, in a lot of negotiations over the last several days regarding the education portion of the bill. There are some other items there also, but basically on education.

After reading some of the newspaper accounts and listening to some of the speeches on the Senate floor, I can only come to the realization that perhaps the American people are a little bit confused now about what is going on. I respectfully submit that may be the point of what is going on—to try to confuse the American people. I am going to try to set the record a little bit straight here, in my limited amount of time.

I was in my office a little while ago listening to the Senator from Texas talk about education. He had a chart. He went on to say that only 37 cents of every dollar that comes in here, I think in the Department of Education, actually gets back out to the local schools.

Having been involved both on the authorizing committee for now 14 years and on the Appropriations Committee, an equal amount of time on Education, I was quite astounded by this figure because I never heard this figure before. So I decided to go back and find out exactly what were the facts.

So I guess the best place to look is in the committee report, compiled not by the Democrats but by the Republicans,—by Senator SPECTER for the Committee on Appropriations. Of course, I will say this, and most gratefully say, he and his staff have worked very closely with me and our appropriations staff in putting out this report.

So I looked in the report, to check on administrative costs for the Department of Education, because I never heard that figure, 37 cents. I thought, "Boy, if that's the truth, I might join the Senator from Texas in this argument." So I looked it up. In this report—this is the document right here; big and thick, has a lot of numbers in it, very boring reading—the committee recommendation for the Department of Education is $34.4 billion. That number is likely to increase as a result of the negotiations on the final bill.

So then I said, "OK, how much does the Department of Education spend administering these programs?" Well, here is the line item. It is right here in the book. You do not have to go very far. General Departmental Management: $101 million. Well, I am not the best at math, but I tried to figure this out. And as best I can come, that is less than one-half of 1 percent of the total money that we appropriate to the Department of Education goes for administration—less than one-half of 1 percent.

I then asked my staff to find out how much of was spent for administration at the State level. And that is about 2 percent. So 2.5 percent of all the money we take in that we give the Department of Education goes for administration; therefore providing 97.5 percent to local school districts and students. That is right; out of every $1 that goes to the Department of Education, 97 cents-plus goes out to schools and to students.

Where the heck that 37-cent figure, that the Senator from Texas had, came from, I have not the foggiest idea. I have his comments. I still do not understand where he got that figure. The only thing I can expect is that maybe he did not take into account Pell grants that go directly to students that are paid to schools. I do not know. Whatever the reason is, that is not the correct figure. It is not chewed up in administration.

The documentation is right here in black and white in the committee report. It just seems that all we have is we just have a lot of rhetoric around here and somehow we are supposed to take the rhetoric for substance.

The substance is there. It is not a secret. You can find out how much goes for administration, and it is not as much as the Senator from Texas said. Fully 97 cents of every dollar that goes to the Department of Education goes out to schools, goes out to students.

Again, it seems now that what I am hearing is that the Republicans, in the negotiations, are saying that they are going to match us dollar-for-dollar, but they just want to throw the money out there in the Title VI block grant to the States, so they can do with it basically what they want. So the sort of hue and cry is "We'll give money to the States and let the States do what they want."

There is a better way. To deal with class size, the President has an initiative to hire 100,000 teachers to reduce class size in this country. The President and those of us on this side of the aisle, what we want to do is put that money through title I reading and math program to reduce class sizes. I am told the Republicans want to send it out through the Title VI block grant.

Again, I am sure that the American people watching me speak here are saying, "Gobbledygook, Title I, Title VI, so what?" Well, so what is a big difference in whether more money gets out to the students or not.

There is a big difference. For example, in title I, we have a cap by law that says that no more than 1 percent of the money that goes out to Title I can be used for administration at the State level. One cent of every dollar, that is all, no more; so that 99 cents actually gets to the schools and the students.

However, under Title VI, 15 percent of the money that goes out to the States is held at the State level; 15 cents out of every dollar is held at the State level. The remaining 85 cents then goes out to the school districts.

Title I is more efficient and will get more resources into the classrooms and schools—99 cents of every dollar, to actually hire the teachers and reduce class size. What the Republicans are saying is, turn it over to the States. They keep 15 cents and send only 85 cents to the schools.

So I submit, Mr. President, that if you really want to cut administrative costs, if you want to get the most money out there to get the most bang for the buck, let's put the money in Title I and not the Title VI program.

There seems to be another strain going on around here and that is that "the Federal Government is doing too much in education. The Federal Government should do less. We have got to leave this to States and local communities."

I would be the first to defend and the last person standing in defense of the right of local jurisdictions to control their schools. That does not mean that the Federal Government does not have a role to play in helping those schools. I believe it does; a significant role. And we have owned up to that over the years. But to say that the Federal Government is doing too much, I think, is to ignore what we have done in the past.

In 1980—of every dollar that went for elementary and secondary education in America, for every dollar that went out, the Federal Government provided about 10 cents. So about 10 cents of every dollar that went out for elementary and secondary education came from the Federal Government. That was 1980.

To those who say that today, in 1998, the Federal Government is doing too much in elementary and secondary education, I point out that from that point in 1980 to now the Federal Government is only providing about 6 percent of the money for elementary and secondary education. In other words, in the intervening 18 years, the Federal role in support of elementary and secondary education has been cut by almost.

I always tell my constituents in Iowa, and other places, obviously, you wonder why your property taxes are going up. That is why. In order to keep the schools up and to meet their constitutional requirements to provide for new technology, to help fix up crumbling schools, the States then have to put it back on the local jurisdictions, and they have to raise property taxes. That is why the property taxes seem to be going up all over this country.

So I always say to people, if you want property tax relief, the best thing is to get the Federal Government back up to where we were in 1980. You do that and you will find out we will be able to fix our crumbling schools, we will be able to hire 100,000 teachers and reduce class size, we will be able to wire the schools for the Internet, and get the technology these kids need at an early level.

Mr. President, if we had just held constant from where we were in 1980 to today—do not increase but do not decrease; simply held constant—the Federal Government's share of elementary and secondary education would be about a 44-percent increase. We would be providing an additional $10 billion more each year our local schools. And any way you cut it, that spells property tax relief. That spells more technology for our schools.

If I might digress just a moment, there are some who think that our kids in elementary school have to learn the basics first and then they can get on to computers. There are some who say that what our kids need is a No. 2 lead pencil and a Big Chief tablet; they learn that first, and then they can go into computers. They fail to recognize that the No. 2 lead pencil and the Big Chief tablet of today are the desktop computer.

I know the occupant of the Chair is a little bit younger than I am, but when I was a kid in a two-room country schoolhouse in rural Iowa back in the 1940s and early 1950s, we had a blackboard and a piece of chalk. That was our computer. We used that blackboard and a piece of chalk; we had our Big Chief tablet and No. 2 lead pencil. That might have been OK for my generation. It is not OK for this generation; it is not OK for the kids today. It is not something they use after they get smart, it is something they use to help them learn smart, to understand what we are going to need in the 21st century to meet our needs.

We could have that if the Federal Government would meet its obligations, if we just held constant where we were in 1980. That is what we are trying to do. We are trying to support the President's goal of reducing class size and getting 100,000 teachers out there. We are trying to support the President in his goal of getting money out to help fix our crumbling schools, so the kids don't have to go out and learn in trailers, so we don't have 30 to 35 kids in the class but something like 18 or 19, at the maximum, in any class.

Last, we hear all the speeches about turning the money over to the States and let them decide how to respond. That all sounds good. What about all of the bipartisan accomplishments that we also hear about in this Congress? We passed the Higher Education Act; we reauthorized the vocational and technical education bill; we expanded the Federal Charter Schools Program. Senators on both sides of the aisle brag about this. How can you brag about it in one breath and turn around and say that we have to turn over all the money to the States? I am a little confused about that. If you are proud of the vocational and technical education and the fact that the Federal Government has supported it and we just reauthorized it, how can you then turn around and said we shouldn't do any of this?

There is a role, a limited role, for the Federal Government, but a very powerful and important role. I believe this Congress is turning its back on its responsibilities, unless in the closing days of this session we can get an agreement to provide resources to reduce class size and fix our crumbling schools. We need the money in there right now so the kids don't have to go out in trailers in the back of the school to learn.

I hope in the closing days we will be able to get the education funding that we need.

CHILD LABOR

Mr. HARKIN. Mr. President, I turn my attention to another issue that is closely akin to education, an issue I have been working on for a long time, one which has come to the front now because of all the negotiations going on. That is the issue of child labor.

In January of this year, my staff, Rosemary Gutierrez, and I traveled to Nepal, Bangladesh, India, and Pakistan to look at the issue of child labor. While we were in Nepal, the exotic city of Katmandu, I met with a young man who had been a former child laborer. He told me about the awful conditions that were in some of these countries, yet the official government line is, there is no child labor; it is prohibited.

On a Sunday evening, right after it got dark, about dusk, we got into an unmarked car—the former child laborer, a driver, my staff person, and I—and drove to the outskirts of Katmandu to a carpet factory. It was thought by my host, this young man who had been a former child laborer, that the owner of the factory was not going to be there. He kind of knew the guard at the gate and said we could get through. So we drove out to the outskirts. Sure enough, there was a gate, there was a wire fence. The guard let us through. We went up, and the young man talked to him in Nepalese, since I don't speak Nepalese, and we were let through.

What was on the outside of the gate before we entered? This sign right here, in Nepalese and in English. This is the sign; I took this picture with my camera. The brick wall states:

> Child labor [sic] under the age of 14 is strictly prohibited.

Right on the gate it says this. I took the picture. We went through a gate, down a long hallway, turned left; there were doors; we opened the doors and walked in.

Remember:

> Child labor under the age of 14 is strictly prohibited.

Here are some more pictures I took. These are kids working at the looms. We asked our host to ask them their ages. We have a boy here who is 9 and a girl about 12. That is just two of them. This place was loaded with kids that age, working on a Sunday at 7 o'clock in the evening; it was getting dark. They are still working full-time in dirty, dusty conditions, making these carpets.

Here is another picture I took. Again, don't tell me these are phony pictures. I took them with my camera. I was there. More kids are working at their looms—kids, 11, 12, 13, 10, 9 years old. And I have other pictures. I had my staff take a photo with me included with the kids to show that I was there. Again, there are other kids—not the same kids—other kids in the same place, all of whom basically are under the age of 14—there were some older, I admit, but a lot of them under the age of 14, working.

What we are trying to do is do something about the issue of child labor. What can we do? In 1930, Congress passed what was infamously known as the Smoot-Hawley bill. Aside from the bad things Smoot-Hawley did in terms of restricting trade, there was section 307, which is part of the law today, which has been in existence since 1930. I will read the first sentence:

> All goods, wares, articles, and merchandise, mined, produced or manufactured, wholly or in part, in any foreign country by convict labor or/and forced labor, or/and indentured labor, under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

It covers forced and indentured labor. We have prohibited that ever since.

A couple of years ago, I made an inquiry of the Department of the Treasury. I asked if any items made with forced or indentured child labor had been prohibited from entering the United States under this section on forced labor. To my surprise, the answer was no. Furthermore, the Department of Treasury was not sure whether or not forced or indentured child labor was included in the definition of "forced or indentured labor."

This is outrageous. The law says "forced or indentured labor," but we don't know if it covers kids.

Last year, during consideration of the fiscal year 1998 Treasury-Postal appropriations bill, I inserted a provision which instructed the U.S. Customs Service to block from entry into the United States any imports made by forced or indentured child labor as they are inherently imports made with forced and indentured labor.

However, this was only a 1-year provision. It was on an appropriations bill.

But it passed. It was supported by the House and Senate. But it only lasted 1 year. That year is now up. That provision no longer is valid because it was only good for 1 year.

In order to ensure that goods made with forced and indentured child labor are treated the same as goods made with forced or indentured adult labor, we need to change the law permanently. Well, this summer, the Senate approved my amendment to reflect the intent of Congress to include forced and indentured child labor under this umbrella. My amendment was quite simple. The Tariff Act already says that goods made with forced or indentured labor are prohibited from entering the U.S. market. I included the words "forced and indentured child labor," so there is no ambiguity in the statute's interpretation.

Unfortunately, my amendment was struck from the bill during conference because Members did not feel a tariff measure belonged on the defense authorization bill. I was told to find a more relevant measure. Well, I have it. Congress is considering a tariff measure, H.R. 4342, the Miscellaneous Tariff and Technical Corrections Act of 1998, which passed the House on August 4. It has a lot of provisions in it. There is page after page after page of technical corrections to the tariff laws. Examples: Over 100 provisions that would suspend or reduce the tariff applicable to certain specified products, most of these being a wide variety of chemicals and organic pigments, including a temporary suspension on the duties for a variety of HIV medications and anticancer drugs and other trade-related provisions—hundreds of provisions.

Here is the report. As you go through it, there is page after page, including things like pigment yellow No. 151, pigment yellow No. 175, chloroacetone, benzenepropanal. Section 2143, textile machinery. Section 2144. Here are some things and chemicals I can't even pronounce that are being changed here. A lot of chemicals. Here is 4-hexylresorcinol. I don't even know what it is.

My point is this: There are hundreds of tariff changes in this bill. This is a tariff bill. My amendment on child labor amends the Tariff Act of 1930—a tariff measure. So we have the right vehicle. But, Mr. President, because the House passed it on suspension, it came over here and it was never brought out on the floor for debate so that I could offer this amendment—an amendment which is noncontroversial. It passed the Senate twice, and passed the House once. It has been in effect for one year because it was on an appropriations bill. I just want to get an amendment to the tariff bill to indicate that forced and indentured labor includes forced and indentured "child" labor.

Well, I don't know why we can't include it. I did have a conversation on the telephone with the chairman of the Finance Committee last week. I asked why this noncontroversial provision couldn't be put in. I don't know that anyone would come to the floor and object to taking the Tariff Law of 1930, which forbids the importation of goods made by forced and indentured labor, and adding the words "child labor," so that forced and indentured labor would cover forced and indentured child labor. Would someone come to the floor and say, OK, we have to keep everything out of this country made with forced and indentured adult labor, but if you have forced and indentured child labor, that's OK, we will bring it in. Does anybody want to come to the floor and make that argument? I doubt it. I don't think anybody would want to make that argument, because it doesn't make sense. I think we are all fairly reasonable people around here.

So I would like to get my amendment on the tariff bill—an amendment that, as I said, passed both Houses—it passed this body twice—and has been in effect for one year. I didn't hear any hue and cry from anyone. As far as I know, I never had one corporation, one business, one importer yell about it or say that "this is awful that we are keeping goods out made with forced and indentured child labor." My amendment gives our Treasury Department, our Customs people, is a permanent law whereby it would say, in unambiguous terms, forced and indentured labor means forced and indentured child labor, also.

Now, could there be an objection that costs money? Well, I have an opinion here from CBO, from back on July 16 of this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for another 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I hope not to even take that long. Here is the analysis from CBO on my amendment: "This proposal would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under section 252 of the Balanced Budget Act."

There you are. It doesn't cost any money. It has no effect on the budget. It has been passed. All I want to do is get it added to this bill and, since I didn't have a chance to offer it as an amendment, I only have one recourse. I put a hold on the tariff bill. I don't want it to pass by unanimous consent. Am I opposed to the tariff bill? No. I assume everything in it is fine. It has all been cleared. The chairman of the Finance Committee assured me that it has been cleared by everybody. I don't know every section and title, but I assume it's all right. I want the opportunity to put this into permanent law on a tariff bill. I don't know when the next tariff bill will come across the Senate floor. I don't believe this language can be held hostage simply because the Senate didn't do its work. The House passed this on August 4. We had plenty of time to take it up here, but we never brought it up. So I am left in the position of having to do something that I don't like to do, which is to put a hold on the bill and not give my consent to pass the bill by unanimous consent, unless we can get this amendment added. An amendment, which I swear, I would like to know one person that could come over here and argue against it. I don't think you could find such a person.

So I see no reason why it can't be added. It's time that we say about kids what we said in 1930—in 1930—what we said about adults. This Congress said that no goods, no merchandise, or anything that is mined by forced or indentured labor can come into this country. Here we are, 68 years later, and we can't add the words "forced and indentured child labor."

Nonsense. I hope that those who are working on the tariff bill would be so kind as to include this amendment so that we can take away any ambiguity, clean it up once and for all, and prohibit the importation of goods made with child labor.

TRIBUTE TO SENATOR DALE BUMPERS OF ARKANSAS

Mr. HARKIN. Mr. President, I want to take a few minutes to talk in as glowing terms as I can about a great friend, a great Senator, and a person I have admired both as a Senator and as a plain good person for all the years I have been in Washington. And he is leaving us. He is retiring at the end of this session. I am speaking about perhaps the epitome of what I believe to be a good Senator, and that Senator is DALE BUMPERS of Arkansas.

I am really going to miss him, and this country is going to miss him as well. So will this Chamber. He is truly one of the finest Senators to have ever graced this body. He has done so many good things over the years. It is hard to know where to begin.

I know he started out as someone in the Marine Corps. As a Navy person I will not hold that against him. I can overlook that. But then he came back to Arkansas and practiced law, had a small business, and even raised some cattle. He had good practical experience, and knows the people of Arkansas and he knows the people of this country. The people of Arkansas rewarded that—first as Governor, and now finishing his tenure as a Senator. He was elected by more than 60 percent of the vote in the last two terms.

Senator BUMPERS came to the Senate at the same time I came to the House in 1974. For 24 years he has been here.

Someone said once about Senators in general that some Senators come here to coin a phrase, or coin a slogan, and think they have solved the problem. But not DALE BUMPERS. He has worked very hard to solve the problems of this country.

He has been a close friend, a person of immense common sense. When it comes to helping farmers, seniors, working people, and children there is no better person to have as an ally than DALE BUMPERS. He stuck to what he believed. He had the determination to get the job done with a strong commitment to the people of Arkansas. He is certainly one of the finest orators and debaters this Chamber has ever seen. He has led the fight in the Senate against government waste.

I loved to listen to his speeches on that $12 billion boondoggle called the superconductor super collider. And he won. Unfortunately, we wasted a lot of money on it. But, the people finally came to their senses and saw it as the boondoggle that it was.

I wasn't in the Senate at the time. I was in the House working to kill that other boondoggle called the Clinch River breeder reactor. Boy, you would think at that time it was the most important thing to civilization that we built that breeder reactor. But finally people came to their senses, and we stopped it. And we are better and we are stronger because of it. We saved billions of dollars that would have been wasted. DALE led the fight on that in the Senate.

He has led the fight against other wasteful spending such as star wars and the space station.

I believe that he has finally brought home to the American conscience the issue of mining interests and the abuse of our public lands and the fact that we need to update our laws.

Anyway, with a common sense approach he has been a strong ally on the Appropriations Committee where we need that kind of common sense approach.

On the Agriculture Committee, he placed the needs of America's rural communities at the top of the national debate including rural housing and rural economic development. He has been the strongest fighter for protecting the environment. On the Clean Air Act, and Clean Water Act, DALE BUMPERS has been in the forefront of America's fight to keep our country clean.

As the National Journal put it, DALE BUMPERS is the Senator to whom "other Senators pay attention."

In numerous polls of Senate staffers, DALE BUMPERS has consistently ranked as one of the best liked Senators.

So we are going to miss him when we start the 106th Congress in January. We are going to miss DALE and his eloquence, his determination and his stick-to-itness.

So to the entire Bumpers family, DALE and Betty, their children—Brent, Bill and Brooke—and their five grandchildren, I want to extend my gratitude, and the gratitude of the citizens of my State, that I am so proud to represent, for loaning DALE to us for the past 24 years. America is a much better place because of DALE's service in the Senate.

Mr. President, I want to close on the one note—the one area in which DALE has devoted so much of his time and effort, along with Betty on protecting our children from illnesses and diseases that have ravaged kids since time immemorial.

No one has fought harder for childhood vaccinations, and to make them universal, affordable, and accessible than DALE and Betty Bumpers.

So in recognition of their contributions, the Appropriations Committee, on which DALE served, voted unanimously, Republican and Democrats, to name a new vaccine facility at the National Institutes of Health after Senator BUMPERS and his wife, Betty. This new facility, now under construction, will be named the "DALE and Betty Bumpers Vaccine Research Facility."

As I said, DALE has been our resident expert on immunization since early in his Senate career. He has been a tireless advocate for funding to purchase vaccines and provide the public health system with the resources necessary to deliver those vaccines to the children who are most in need. He advocated a grant incentive program in the Senate that the Appropriations Committee has used each year to reward States that have been successful in preventing unnecessary diseases.

So there have been a lot of tributes that have been paid to DALE. But, the most lasting tribute will be his and Betty Bumpers' name on that research facility at NIH because, that is truly where his heart has been in making sure that kids in places like rural Arkansas and rural Iowa, and all over America—including our inner cities—to make sure they have a healthy start in life by getting immunized. To me that says it all about DALE BUMPERS.

We are going to miss him. I hope that he doesn't go too far away. I for one look forward to his continued advice and counsel as I serve out my career in the U.S. Senate.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

THE WORK INCENTIVES IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, we must pass the Work Incentives Improvement Act of 1998 in this Congress.

It seems like so long ago that when we introduced bill, I remember Bob Dole, who has been a hero with disabilities over the years being a disabled man himself, coming forward to us with this legislation, or to help on this legislation, and told his life story, and how incredibly important it was for him as an individual to be able to get back into the workforce. As we all know, he did that so successfully.

I am now watching carefully as we struggle to come to the end of this session, and know that one of the bills that is lying there waiting to be passed is the Work Incentives Improvement Act of 1998 on which the former Senator, Leader Dole, worked so hard.

This legislation addresses the last remaining barrier to true independence for individuals with disabilities. We must act now. For years, both here and in Vermont, individuals with disabilities have said to me, "Senator Jeffords, I want to work. But I cannot afford to."

It took me a while to fully understand and appreciate what they were saying. Simply put, the current system of cash payments and health care coverage in the Social Security Act do not encourage individuals with disabilities to work, or to work to their full potential. Common sense is on our side with regard to Social Security reform. Our country has succeeded in providing Federal and State support for children and adults with disabilities through the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and recently the Work Investment Act of 1998.

But although our Nation has shown its commitment to prepare children and adults with disabilities for work—in fact, in the work incentive bill I referred to, we have the Rehabilitation Act reauthorization there; we put it in the Workforce Act to bring closure, to bring together all of these bills that help people to work—we have conditions that, unfortunately, do not allow or encourage those individuals with disabilities to work.

If someone told you, "Look, you can work, but if you earn over $500 monthly, in 12 months"—that is $6,000 a year—"your health insurance will stop, unless you pay for it yourself," after a period of time would you work and exceed those thresholds? I doubt it.

If someone told you, "We will cover the cost of personal assistance services and prescription drugs that you need in order to work, but you cannot have more than $2,000 in assets, or accumulate more than $2,000 in assets," do these conditions appear to help individuals be self-sufficient? Clearly not.

The facts are on the side of those of us who want to pass the Work Incentives Improvement Act of 1998. We want it included in the omnibus appropriations bill, and there is great effort going on to accomplish that.

There are 7.5 million individuals with disabilities who receive cash payments from the Social Security Administration and receive health insurance coverage through Medicare or Medicaid. According to GAO, in 1996 cash payments were about $1.21 billion weekly. These payments do not include payments made under Medicare or Medicaid. If these payments are factored in, the costs exceed $70 billion annually.

It has been estimated that the number of Social Security beneficiaries with disabilities increased 83 percent between 1989 and 1997, and this number will continue to grow by a rate of about 3 to 6 percent a year.

If just 1 percent of these beneficiaries were to become successfully employed, savings in cash payments would total $3.5 billion over their lifetime for that 1 percent. The Work Incentives Improvement Act is a credible, viable solution in terms of both fiscal responsibility and personal responsibility.

The Work Incentives Improvement Act gives States discretion to offer health care benefits to individuals with disabilities on the Social Security rolls when their earned income exceeds that now in the Social Security Act. As a result, more of these individuals will work and will work for more hours.

The legislation allows States to impose cost-sharing obligations on these individuals. The legislation would cost $200 million a year over a 5-year period—a small price to pay when you consider this legislation has a potential to turn 8 million individuals into taxpayers. There ought to be a substantial gain—no cost. The legislation includes offsets to pay for it.

The legislation includes Representative BUNNING's "Ticket to Work" bill that will give people with disabilities more choices when they need job training before going to work.

All major disabilities organizations support the Work Incentives Improvement Act but will not support the enactment of the "Ticket to Work" alone. They have to come together.

Many of our colleagues in the administration support this legislation. I especially want to thank my friend Senator GRASSLEY for his support in these important last weeks.

The insurance industry fully supports the legislation. The Work Incentives Improvement Act will help reduce the $70 billion annual drain on the budget caused by 8 million individuals with disabilities, many of whom want to work but do not because of their fear of the loss of access to health care.

At this point we cannot say, again, we will try to get something through next Congress. We cannot hide behind excuses. We must pass the Work Incentives Improvement Act now. This is a special time. The momentum is with us. People with disabilities expect us to deliver now. They want to be free to go to work.

If we do, the lives of millions of Americans will be transformed, both disabled and nondisabled Americans. Individuals with disabilities will work and pay taxes. They will experience the true meaning of personal dignity, freedom, independence, and choices. Their family members and friends will be freed from caretaking responsibilities and reenter the workforce or expand their work hours. Decisions about the quality of life and living circumstances of an individual with disabilities will no longer be made for that individual but will be made by and with that individual.

The only down side to the Work Incentives Improvement Act of 1998 is it has taken us so long to get to this precious moment. Let's make it count. Let us deliver, and let us deliver now.

Mr. President, I yield whatever time I have and I am now ready to proceed.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Labor and Human Resources.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF AN AGREEMENT WITH THE REPUBLIC OF LITHUANIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 162

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania extending the Agreement of November 12, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Washington on April 20, September 16 and September 17, 1998, extends the 1992 Agreement to December 31, 2001.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

REPORT OF AN AGREEMENT WITH THE REPUBLIC OF ESTONIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 163

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Tallinn on March 10 and June 11, 1998, extends the 1992 Agreement to June 30, 2000.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

MESSAGES FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3899. An act to expand homeownership in the United States.

H.R. 4756. An act to ensure that the United States is prepared to meet the Year 2000 computer problem.

H.R. 4805. An act to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes.

The message also announced that the House has passed the following bills, with an amendment, in which it requests the concurrence of the Senate:

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operations of automobiles and trucks.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2411. An act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2886. An act to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management for that unit of the National Forest System.

H.R. 3796. An act to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

H.R. 4081. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4658. An act to extend the date by which an automated entry-exit control system must be developed.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:33 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7478. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the Department's intent to obligate funds for activities of the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–7479. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a Presidential Determination (98–39) admitting refugees of special humanitarian concern to the United States; to the Committee on Foreign Relations.

EC–7480. A communication from the Secretary of Defense, transmitting, notice of routine military retirements; to the Committee on Armed Services.

EC–7481. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of a proposed allocation of funds under the Cooperative Threat Reduction Program to carry out chemical weapons destruction activities; to the Committee on Armed Services.

EC–7482. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation regarding the "Postal Employees Safety Enhancement Act" (Report 461) dated October 8, 1998; to the Committee on the Budget.

EC–7483. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on October 9, 1998; to the Committee on Labor and Human Resources.

EC–7484. A communication from the Executive Director of the Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions to the Committee's Procurement Lists dated October 6, 1998; to the Committee on Governmental Affairs.

EC–7485. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the Commission's report entitled "Telemarketing Fraud Offenses"; to the Committee on the Judiciary.

EC–7486. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 98–54) received on October 9, 1998; to the Committee on Finance.

EC–7487. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State Hazardous Waste Management Program Revisions; Immediate Final Rule" (FRL6176–7) received on October 9, 1998; to the Committee on Environment and Public Works.

EC–7488. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions; Immediate Final Rule" (FRL6176–1) received on October 9, 1998; to the Committee on Environment and Public Works.

EC–7489. A communication from the Associate Managing Director for Performance

Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Macon Hampton and Roswell, Georgia)" (Docket 98–18) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7490. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; Buffalo Bayou, TX" (Docket 08–98–066) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7491. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; Lafourche Bayou, LA" (Docket 08–98–064) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7492. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; New Jersey Intracoastal Waterway; Grassy Sound Channel" (Docket 05–98–083) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7493. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Delaware River Safety Zone and Ancorage Regulations" (Docket 05–98–084) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7494. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation for Restricted Area R–2908, Pensacola, FL" (Docket 97–ASO–9) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7495. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Colored Federal Airway; AK" (Docket 98–AAL–6) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7496. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–700 and –800 Series Airplanes" (Docket 98–NM–272–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7497. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada PW530A Series Turbofan Engines" (Docket 98–ANE–58–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7498. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42–200 and –300 Series Airplanes" (Docket 97–NM–266–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7499. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Rough Field Version (RFV) Series Airplanes" (Docket 98–NM–92–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7500. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes" (Docket 98–NM–168–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7501. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes" (Docket 98–NM–173–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7502. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3–60 SHERPA, and SD3 SHERPA Series Airplanes" (Docket 98–NM–203–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7503. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Series Airplanes" (Docket 98–NM–214–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7504. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model Avro 146–RJ85A and RJ100A Series Airplanes" (Docket 98–NM–235–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7505. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Magnetic Levitation Transportation Technology Deployment Program" (Docket FRA–98–4545) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7506. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Qualification of Drivers; Exemption Applications; Vision" (Docket FHWA–98–3637) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7507. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Use of Brokerage Firms as Depositories Under the Capitol Construction Fund Program" (Docket MARAD–98–4433) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7508. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "State Highway Safety Data and Traffic Records Improvements" (Docket NHTSA–98–4532) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–552. A resolution adopted by the House of Delegates of the American Bar Association relative to children's gun violence; to the Committee on the Judiciary.

POM–553. A resolution adopted by the House of Delegates of the American Bar Association relative to the "Uniform Guardianship and Protective Proceedings Act"; to the Committee on the Judiciary.

POM–554. A resolution adopted by the House of Delegates of the American Bar Association relative to workplace violence; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 105–6; 105–11; 105–12; 105–22; 105–23; 105–24; 105–27; 105–34; 105–37; 105–38; 105–40; 105–41; 105–42; 105–44; 105–47; and 105–52 (Exec. Rept. 105–22).

Text of the Committee-Recommended Resolution of Advice and Consent

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (Treaty Doc. 105–6), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) Understanding.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition on Assistance to the International Criminal Court.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Provisos.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, and related exchange of notes, signed at Washington on March 13, 1997 (Treaty Doc. 105–11), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Government of the Republic of Poland on Mutual Legal Assistance in Criminal Matters, signed at Washington on July 10, 1996 (Treaty Doc. 105–12), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago on Mutual Legal Assistance in Criminal Matters, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–22), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Barbados on Mutual Legal Assistance in Criminal Matters, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–23), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on October 31, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, and a related exchange of notes, signed at Washington on April 30, 1997 (Treaty Doc. 105–27), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, and an exchange of notes, signed at Washington on June 13, 1997 (Treaty Doc. 105–34), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis on Mutual Legal Assistance in Criminal Matters, signed at Basseterre on September 18, 1997, and a related exchange of notes signed at Bridgetown on October 29, 1997, and February 4, 1998 (Treaty Doc. 105–37), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997 (Treaty Doc. 105-38), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters, signed at Tel Aviv on January 26, 1998, and a related exchange of notes signed the same date (Treaty Doc. 105-40), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998 (Treaty Doc. 105-41), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters, signed at Brasilia on October 14, 1997 (Treaty Doc. 105-42), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the

Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines on Mutual Legal Assistance in Criminal Matters, and a Related Protocol, signed at Kingstown on January 8, 1998 (Treaty Doc. 105–44), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Czech Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 4, 1998 (Treaty Doc. 105–47), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998 (Treaty Doc. 105–52), and an Exchange of Notes dated September 16 and 17, 1998 (EC–7063), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes

legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Docs. 105–10; 105–13; 105–14; 105–15; 105–16; 105–18; 105–19; 105–20; 105–21; 105–30; 105–33; 105–46; and 105–50 (Exec. Rept. 105–23).

Text of the Committee-Recommended Resolution of Advice and Consent

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg, signed at Washington on October 1, 1996 (Treaty Doc. 105–10), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Luxembourg by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the United States of America and France, which includes an Agreed Minute, signed at Paris on April 23, 1996 (Treaty Doc. 105–13), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Articles 19 and 20 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to France by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996 (Treaty Doc. 105–14), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Poland by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Third Supplementary Extradition Treaty Between the United States of America and the Kingdom of Spain, signed at Madrid on March 12, 1996 (Treaty Doc. 105–15), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus, signed at Washington on June 17, 1996 (Treaty Doc. 105–16), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Cyprus by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Argentine Republic, signed at Buenos Aires on June 10, 1997 (Treaty Doc. 105–18), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Argentina by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on June 3, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Antigua and Barbuda by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Dominica by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Grenada by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Lucia by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis, signed at Basseterre on September 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Kitts and Nevis by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines, signed at Kingstown on August 15, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Vincent by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Barbados, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–20), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Barbados by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–21), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the

United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Trinidad and Tobago by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of India, signed at Washington on June 25, 1997 (Treaty Doc. 105-30), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to India by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Zimbabwe, signed at Harare on July 25, 1997 (Treaty Doc. 105-33), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Zimbabwe by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol to the Extradition Treaty Between the United States of America and the United Mexican States of May 4, 1978, signed at Washington on November 13, 1997 (Treaty Doc. 105-46), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Austria, signed at Washington on January 8, 1998 (Treaty Doc. 105-50), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Austria by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105-7 (Exec. Rept. 105-24).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United

States of America and the Government of Hong Kong for the Transfer of Sentenced Persons, signed at Hong Kong on April 15, 1997 (Treaty Doc. 105-7), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105-17 (Exec. Rept. 105-25).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997 (Treaty Doc. 105-17), subject to the reservation of subsection (a), the declarations of subsection (b), and the provisos of subsection (c).

(a) RESERVATION.—The advice and consent of the Senate to the WIPO Performances and Phonograms Treaty is subject to the following reservation, which shall be included in the instrument of ratification and shall be binding on the President:

REMUNERATION RIGHT LIMITATION.—Pursuant to Article 15(3) of the WIPO Performances and Phonograms Treaty, the United States will apply the provisions of Article 15(1) of the WIPO Performances and Phonograms Treaty only in respect of certain acts of broadcasting and communication to the public by digital means for which a direct or indirect fee is charged for reception, and for other retransmissions and digital phonorecord deliveries, as provided under the United States law.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a "limited reservations" provision, such as that contained in Article 21 of the Performances and Phonograms Treaty, and a "no reservations" provision, such as that contained in Article 22 of the Copyright Treaty, have the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) CONDITION FOR RATIFICATION.—The United States shall not deposit the instruments of ratification for these Treaties until such time as the President signs into law a bill that implements the Treaties, and that shall include clarifications to United States law regarding infringement liability for online service providers, such as contained in H.R. 2281.

(2) REPORT.—On October 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Treaties, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Treaties to ratify and implement them.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Treaties that implement commitments under the Treaties, and an assessment of the compatibility of the laws of each country with the requirements of the Treaties.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under the Treaties, and to advance its object and purpose, during the previous year. This shall include an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Treaties, including its efforts to:

(i) investigate and prosecute cases of piracy;

(ii) provide sufficient resources to enforce its obligations under the Treaties;

(iii) provide adequate and effective legal remedies against circumvention of effective technological measures that are used by copyright owners in connection with the exercise of their rights under the Treaties or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the copyright owners concerned or permitted by law.

(D) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Treaties, including work on any new treaties related to copyright or phonogram protection.

(E) EXPANDED MEMBERSHIP.—A description of U.S. efforts to encourage other non-signatory countries to sign, ratify, implement, and enforce the Treaties, including efforts to encourage the clarification of laws regarding Internet service provider liability.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

By Mr. MACK:

S. 2630. A bill to amend the Internal Revenue Code of 1986 to provide a special rule regarding allocation of interest expense of qualified infrastructure indebtedness of taxpayers; to the Committee on Finance.

By Mr. JOHNSON:

S. 2631. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2632. A bill for the relief of Thomas J. Sansone, Jr; to the Committee on Labor and Human Resources.

By Mr. FRIST:

S. 2633. A bill to amend the Internal Revenue Code of 1986 to allow registered venders to administer claims for refund of kerosene sold for home heating use; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2634. A bill to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GREGG (for himself and Mr. BREAUX):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 299. A resolution to authorize testimony and representation in BCCI Holdings (Luxembourg), S.A., et al. v. Abdul Raouf Hasan Kahlil, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

REGIONAL JET INVESTMENT TAX CREDIT

• Mr. DORGAN. Mr. President, today I am introducing legislation to help bring much-needed regional jet service to underserved communities. This legislation is designed to help restore air service to underserved communities and to stimulate airline competition by offering an investment tax credit to new entrant carriers to provide regional jet service to underserved markets. My bill also significantly reduces the current airline ticket tax on passengers flying in and out of rural America. Together, these tax incentives will encourage new entrants to enter thinner rural markets.

This legislation has two objectives: (A) incentivize the purchase and deployment of regional jets for underserved markets; and (B) stimulate competition in rural areas by providing financial incentives for new entrants to serve underserved markets with regional jets. Using tax credits is a fair and effective means to accomplish these goals.

Most small communities have not benefitted from airline deregulation. In fact, airline deregulation has been a steady decline for much of rural America. Since 1978, when the Congress deregulated the airline industry, more than 30 small communities have had jet service replaced with turbo prop service; out of the 320 small communities served by a major airline in 1978 declined from 213 to 33 by 1995; and the number of small communities receiving service to only one major hub airport nearly doubled, increasing from 79 in 1978 to 174 in 1995.

Countless studies from the General Accounting Office and the U.S. Department of Transportation have documented that as the airline industry grows more and more concentrated under deregulation, small rural communities are being left behind with less service and higher fares. Several GAO studies have pointed to the correlation between industry concentration and higher air fares and that small rural communities are being hit especially hard as a result of the chilling of competition in the industry. In 1990, the GAO identified several market barriers thwarting the emergence of competition. In 1996, the GAO found that not only do the same problems continue to exist, but have gotten worse.

In the present deregulated environment, small rural communities see very little to give them hope that air service will improve. The advent of regional jets holds some promise, but most RJs are presently being purchased by the major carriers who are using them to serve high density markets. Thus, if air service to rural America is going to be revitalized, we must find a way to incentivize the deployment of regional jets in underserved markets.

Last August, Northwest Airlines had a pilot strike and therefore a shutdown of their airline service. That might not have meant much to some. In some airports, Northwest was one of a number of carriers that was serving certain airports and serving passengers. But in North Dakota, the State which I represent, Northwest Airlines was the only airline providing jet service to my State. That is a very different picture than the last time we had an airline strike, which was over 25 years ago.

Nearly a quarter of a century ago when Northwest had another strike and a shutdown prior to deregulation of the airlines, we had five different airline companies flying jets into the State of North Dakota. At roughly the same time, we had folks in Congress saying: "What we really need to do is foster competition. We need to deregulate the airline industry." Thus, Congress deregulated the airline industry about 20 years ago. I wasn't here at the time, but the results for North Dakota was that we went from five jet carriers to one and we pay some of the highest fares of anywhere in the country.

All those folks who swallowed the goal to deregulation in order to stimulate competition are now choking on the word "competition." Today, stimulating competition is likened to re-regulation. What a twist. But, the fact is that competition is more the exception than the rule.

If you live in Chicago and you are flying to New York or Los Angeles, God bless you, because you are going to have a lot of carriers to choose from and you are going to find very inexpensive ticket prices. You have a choice of carriers and ticket prices that are very attractive to you. You live in a city with millions and millions of people and you want to fly to another city with millions and millions of people. This is not an awfully bad deal for you; more choices and low fares. But if you get beyond those cities and ask how has this airline deregulation affected other Americans, what you will find is less selection, fewer choices, and higher prices.

North Dakota is just one example, and the recent shutdown of our state's only jet carrier highlighted the problem. When the strike was called and the airline shut down, just like that, an entire State lost all of its jet service.

A complete shutdown of all jet service chokes the economy very quickly. People can't move in and out. Now, I happen to think Northwest is a good carrier. I believe the same about all the major carriers. Most of them are well-run, good companies.

What I do not admire is what they have done by retreating into regional monopolies—dominating the access points of our Nation's air transportation system. The major carriers have retreated into fortress hubs where one airline controls 60 or 70 or 80 percent of all the traffic at a major hub airport. With that level of market dominance, does anyone believe that another carrier is going to be able to come in and take them on? Competition is not flourishing. It's dying. This is not a free market—new entrants cannot access these dominated hubs and the result is that we now have regional monopolies without any regulation.

What sense does that make, to have monopolies without regulation? The minute I say "regulation," we have people here having apoplectic seizures on the floor of the Senate. Oh, Lord, we cannot talk about "regulation!" I am not standing here today talking about regulation and I am not suggesting to re-regulate the airlines. All I want to do is see if we can provide some sort of industrial-strength vitamin B–12 shot right in the rump of those airlines to see if we cannot get them competing again. How do we do that? We do it by creating the conditions that require competition. This legislation is one attempt to do just that.

In order to encourage new startup regional jet service, I am proposing a 10 percent investment tax credit for regional jet purchases. That is, those startup companies that want to begin regional jet service to fly these new regional jets between certain cities and hubs that are not now served with regional jet service, we would say to them that we will help with a 10 percent investment tax credit on the purchase or lease of those regional jets. We will help because we want to provide incentives for the establishment of regional jet service once again in our country.

Under this legislation, qualifying carriers would be eligible for an investment tax credit—up to ten percent of the purchase or lease price—of regional jet aircraft that are used primarily to serve under-served markets. To receive the investment tax credit, an air carrier must have less than $10 billion annual revenue passenger miles and the aircraft for which the tax credit applies must be used primarily (over 50% of its flight segments) to serve underserved markets for 5 years. An under-served market is defined as a community served by an airport with fewer than 60,000 annual emplanements.

The investment tax credit would be offset by closing a corporate tax loophole regarding the deductible liquidating distributions or regulated investment companies and real estate investment trusts. The remaining revenue available from the offset would be used to reduce the airline ticket tax for the domestic segment serving a rural airport.

Under current law, an 8 percent *ad velorem* tax is imposed on all domestic flights, plus a $2 flight segment tax. Beginning in fiscal year 1999, the *ad velorem* tax is reduced to 7.5 percent and the flight segment tax is increased to $2.25. In subsequent years, the *ad velorem* tax remains at 7.5 percent while the flight segment tax increases $0.25 per year through 2003 at which point is capped at $3.00 per flight segment. Current law provides that the flight segment tax is not imposed on domestic flights to and from rural airports, which are defined as an airport with fewer than 100,000 passenger departures and is not located within 75 miles of another airport (that has fewer than 100,000 passenger departures) or is receiving EAS subsidies. Under this legislation, the 7.5 percent *ad velorem* tax on domestic flights to rural airports would be reduced in proportion to the amount remaining from the revenue offset after the regional jet aircraft investment tax credit has been provided.

It is targeted, it makes good sense, and it will stimulate investment in an activity that this country that very much needs more competition. The so-called free market is clogged—a kind of an airline cholesterol here that clogs up the arteries, and they say, "This is the way we work, these are our hubs, these are out spokes, and you cannot mess with them."

My legislation simply says we would like to assist areas that no longer have jet service but could support it. We would like to encourage companies that decide they want to come in and serve there to be able to purchase the regional jets and be able to initiate that kind of service.

My legislation has a second provision which reduces the airline ticket tax for certain qualified flights in rural America. This proposal also has a revenue offset so it would not be a net loser for the Federal budget.

We are not in a situation in rural areas of this country where we can just sit back and say what is going to happen to us is going to happen to us and there is nothing we can do about it. There are some, I suppose, who sit around and wring their hands and gnash their teeth and fret and sweat and say, "I really cannot alter things very much, this is the way it is."

The way it is not satisfactory to the people of my State. It is not satisfactory to have only one jet carrier serving our entire State. Our State's transportation services and airline service, especially jet airline service, is an essential transportation service. It ought not be held hostage by labor problems or other problems of one jet carrier. We must have competition. If all of those in this Chamber who mean what they say when they talk about competition will weigh in here and say, "Let's stand for competition, let's stand for the free market, let's try to help new starts, let's breed opportunities for broader based economic ownership and more competition in the airline industry," then I think we will have done something important and useful and good for States like mine and for many other rural States in this country.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX CREDIT FOR REGIONAL JET AIRCRAFT SERVING UNDERSERVED COMMUNITIES.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) in the case of an eligible small air carrier, the underserved community jet access credit."

(2) UNDERSERVED COMMUNITY JET ACCESS CREDIT.—Section 48 of such Code (relating to the energy credit and the reforestation credit) is amended by adding after subsection (b) the following new subsection:

"(c) UNDERSERVED COMMUNITY JET ACCESS CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the underserved community jet access credit of an eligible small air carrier for any taxable year is an amount equal to 10 percent of the qualified investment in any qualified regional jet aircraft.

"(2) ELIGIBLE SMALL AIR CARRIER.—For purposes of this subsection and section 46—

"(A) IN GENERAL.—The term 'eligible small air carrier' means, with respect to any qualified regional jet aircraft, an air carrier—

"(i) to which part 121 of title 14, Code of Federal Regulations, applies, and

"(ii) which has less than 10,000,000,000 (10 billion) revenue passenger miles for the calendar year preceding the calendar year in which such aircraft is originally placed in service.

"(B) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102 of title 49, United States Code.

"(C) START-UP CARRIERS.—If an air carrier has not been in operation during the entire calendar year described in subparagraph (A)(ii), the determination under such subparagraph shall be made on the basis of a reasonable estimate of revenue passenger miles for its first full calendar year of operation.

"(D) AGGREGATION.—All air carriers which are treated as 1 employer under section 52 shall be treated as 1 person for purposes of subparagraph (A)(ii).

"(3) QUALIFIED REGIONAL JET AIRCRAFT.—For purposes of this subsection, the term 'qualified regional jet aircraft' means a civil aircraft—

"(A) which is originally placed in service by the taxpayer,

"(B) which is powered by jet propulsion and is designed to have a maximum passenger seating capacity of not less than 30 passengers and not more than 100 passengers, and

"(C) at least 50 percent of the flight segments of which during any 12-month period beginning on or after the date the aircraft is originally placed in service are between a hub airport (as defined in section 41731(a)(3) of title 49, United States Code, and an underserved airport.

"(4) UNDERSERVED AIRPORT.—The term 'underserved airport' means, with respect to any qualified regional jet aircraft, an airport which for the calendar year preceding the calendar year in which such aircraft is originally placed in service had less than 600,000 enplanements.

"(5) QUALIFIED INVESTMENT.—For purposes of paragraph (1), the term 'qualified investment' means, with respect to any taxable year, the basis of any qualified regional jet aircraft placed in service by the taxpayer during such taxable year.

"(6) QUALIFIED PROGRESS EXPENDITURES.—

"(A) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under subparagraph (E), the amount of the qualified investment of such taxpayer for the taxable year (determined under paragraph (5) without regard to this subsection) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

"(B) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this paragraph, the term 'progress expenditure property' means any property which is being constructed for the taxpayer and which it is reasonable to believe will qualify as a qualified regional jet aircraft of the taxpayer when it is placed in service.

"(C) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this paragraph, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

"(D) ONLY CONSTRUCTION OF AIRCRAFT TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the qualified regional jet aircraft.

"(E) ELECTION.—An election under this paragraph may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

"(7) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property with respect to which the energy credit or the rehabilitation credit is allowed unless the taxpayer elects to waive the application of such credits to such property.

"(8) SPECIAL LEASE RULES.—For purposes of section 50(d)(5), section 48(d) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall be applied for purposes of this section without regard to paragraph (4)(B) thereof (relating to short-term leases of property with class life of under 14 years).

"(9) APPLICATION.—This subsection shall apply to periods after the date of the enactment of this subsection and before January 1, 2009, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)."

(3) RECAPTURE.—Section 50(a) of such Code (relating to recapture in the case of dispositions, etc.) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR AIRCRAFT CREDIT.—

"(A) IN GENERAL.—For purposes of determining whether a qualified regional jet aircraft ceases to be investment credit property, an airport which was an underserved airport as of the date such aircraft was originally placed in service shall continue to be treated as an underserved airport during any period this subsection applies to the aircraft.

"(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualified regional jet aircraft under section 48(c)."

(4) Technical amendments.—

(A) Subparagraph (C) of section 49(a)(1) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the portion of the basis of any qualified regional jet aircraft attributable to any qualified investment (as defined by section 48(c)(5))."

(B) Paragraph (4) of section 50(a) of such Code is amended by striking "and (2)" and inserting ", (2), and (6)".

(C)(i) The section heading for section 48 of such Code is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(ii) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new item:

"Sec. 48. Other credits."

(5) Effective date.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990.

(b) Reduced Passenger Tax Rate on Rural Domestic Flight Segments.—Section 4261(e)(1)(C) of such Code (relating to segments to and from rural airports) is amended to read as follows:

"(C) Reduction in general tax rate.—

"(i) In general.—The tax imposed by subsection (a) shall apply to any domestic segment beginning or ending at an airport which is a rural airport for the calendar year in which such segment begins or ends (as the case may be) at the rate determined by the Secretary under clause (ii) for such year in lieu of the rate otherwise applicable under subsection (a).

"(ii) Determination of rate.—The rate determined by the Secretary under this clause for each calendar year shall equal the rate of tax otherwise applicable under subsection (a) reduced by an amount which reflects the net amount of the increase in revenues to the Treasury for such year resulting from the amendments made by subsections (a) and (c) of section ___ of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

"(iii) Transportation involving multiple segments.—In the case of transportation involving more than 1 domestic segment at least 1 of which does not begin or end at a rural airport, the rate applicable by reason of clause (i) shall be applied by taking into account only an amount which bears the same ratio to the amount paid for such transportation as the number of specified miles in domestic segments which begin or end at a rural airport bears to the total number of specified miles in such transportation.".

(c) Treatment of Certain Deductible Liquidating Distributions of Regulated Investment Companies and Real Estate Investment Trusts.—

(1) In general.—Section 332 of the Internal Revenue Code of 1986 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

"(c) Deductible Liquidating Distributions of Regulated Investment Companies and Real Estate Investment Trusts.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.".

(2) Conforming amendments.—

(A) The material preceding paragraph (1) of section 332(b) of such Code is amended by striking "subsection (a)" and inserting "this section".

(B) Paragraph (1) of section 334(b) of such Code is amended by striking "section 332(a)" and inserting "section 332".

(3) Effective date.—The amendments made by this subsection shall apply to distributions after May 21, 1998.●

By Mr. MACK:

S. 2630. A bill to amend the Internal Revenue Code of 1986 to provide a special rule regarding allocation of interest expense of qualified infrastructure indebtedness of taxpayers; to the Committee on Finance.

TAX LEGISLATION

● Mr. MACK. Mr. President, today I am introducing legislation to remedy a problem in the way the U.S. taxes the foreign operations of U.S. electric and gas utilities. With the 1992 passage of the National Energy Policy Act, Congress gave a green light to U.S. utilities wishing to do business abroad, lifting a long-standing prohibition. U.S. utilities were allowed to compete for the foreign business opportunities created by the privatization of national utilities and the need for the construction of facilities to meet increased energy demands abroad.

Since 1992, U.S. utility companies have made significant investments in utility operations in the United Kingdom, Australia, Eastern Europe, the Far East and South America. These investments in foreign utilities have created domestic jobs in the fields of design, architecture, engineering, construction, and heavy equipment manufacturing. They also allow U.S. utilities an opportunity to diversify and grow.

Unfortunately, the Internal Revenue Code penalizes these investments by subjecting them to double-taxation. U.S. companies with foreign operations receive tax credits for a portion of the taxes they pay to foreign countries, to reduce the double-taxation that would otherwise result from the U.S. policy of taxing worldwide income. The size of these foreign tax credits are affected by a number of factors, as U.S. tax laws recalculate the amount of foreign income that is recognized for tax credit purposes.

Section 864 of the tax code allocates deductible interest expenses between the U.S. and foreign operations based on the relative book values of assets located in the U.S. and abroad. By ignoring business realities and the peculiar circumstances of U.S. utilities, this allocation rule overtaxes them. Because U.S. utilities were until recently prevented from operating abroad, their foreign plants and equipment have been recently-acquired and consequently have not been much depreciated, in contrast to their domestic assets which are in most cases fully-depreciated. Thus a disproportionate amount of interest expenses are allocated to foreign income, reducing the foreign income base that is recognized for U.S. tax purposes thus the size of the corresponding foreign tax credits.

As the allocation rules increase the double-taxation of foreign income by reducing foreign tax credits, they also increase domestic taxation by shifting interest deductions from U.S. to foreign operations. The unfairness of this misallocation is magnified by the fact that interest expenses are usually associated with domestically-regulated debt, which is tied to domestic production and is not as fungible as the tax code assumes.

The result of this economically-irrational taxation scheme is a very high effective tax rate on certain foreign investment and a loss of U.S. foreign tax credits. Rather than face this double-tax penalty, some U.S. utilities have actually chosen not to invest overseas and others have pulled back from their initial investments.

One solution to this problem is found in the legislation that I am introducing today. This remedy is to exempt from the interest allocation rules of Section 864 the debt associated with a U.S. utility's furnishing and sale of electricity or natural gas in the United States. This proposed rule is similar to the rule governing "non-recourse" debt, which is not subjected to foreign allocation. In both cases, lenders look to specific cash flows for repayment and specific assets as collateral. These loans are thus distinguishable from the typical risks of general credit lending transactions.

The specific cash flow aspect of non-recourse financing is a critical element of the non-recourse debt exception, and logic requires that the same tax treatment should be given to analogous utility debt. Thus, my bill would exempt from allocation to foreign source income the interest on debt incurred in the trade or business of furnishing or selling electricity or natural gas in the United States. The current situation is a very real problem that must be remedied, and I urge my colleagues to support the solution I am proposing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF INTEREST EXPENSE OF QUALIFIED INFRASTRUCTURE INDEBTEDNESS.

(a) IN GENERAL.—Section 864(e) of the Internal Revenue Code of 1986 (relating to rules for allocating interest, etc.) is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and inserting after paragraph (5) the following new paragraph:

"(6) TREATMENT OF CERTAIN INTEREST EXPENSE RELATING TO QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—

"(A) IN GENERAL.—Interest expense attributable to qualified infrastructure indebtedness of a taxpayer shall be allocated and apportioned solely to sources within the United States and the taxpayer's assets (whether or not held in the United States) shall be reduced by the amount of qualified infrastructure indebtedness.

"(B) QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'qualified infrastructure indebtedness' means debt incurred to carry on, or to acquire, build, or finance property used predominantly in, the trade or business of the furnishing or sale of electrical energy or natural gas in the United States. The determination of whether debt constitutes qualified infrastructure indebtedness under the previous sentence shall be made at the time the debt is incurred.

"(ii) REQUIRED RATE REGULATION.—The rates for the furnishing or sale of electrical energy or natural gas by a trade or business under clause (i) must be established or approved by—

"(I) the District of Columbia or a State or political subdivision thereof,

"(II) any agency or instrumentality of the United States, or

"(III) a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

"(iii) LIMITATION.—If the rate regulation under clause (ii) applies only to a portion of the trade or business of the furnishing or sale of electrical energy or natural gas, the debt incurred to carry on, or to acquire, build, or finance property used in, such trade or business shall constitute qualified infrastructure indebtedness only to the extent that the ratio of the total outstanding qualified infrastructure indebtedness with respect to such trade or business (including such debt) to the total outstanding indebtedness with respect to such trade or business does not exceed the ratio of the assets used in the portion of the trade or business that is subject to such rate regulation to the total assets used in such trade or business. For purposes of the determination under the preceding sentence, assets shall be measured using book value for taxation purposes unless the taxpayer makes an election to use fair market value. Such election shall apply to the taxable year for which the election is made and all subsequent taxable years unless revoked with the consent of the Secretary."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to debt incurred in taxable years beginning after the date of enactment of this Act.

(2) OUTSTANDING DEBT.—In the case of debt outstanding as of the date of enactment of this Act, the determination of whether such debt constitutes "qualified infrastructure indebtedness" shall be made by applying the rules of section 864(e)(6)(B) of the Internal Revenue Code of 1986, as added by this section, on the date such debt was incurred.●

By Mr. JOHNSON:

S. 2631. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

MADE IN AMERICA CONSUMER HOTLINE LEGISLATION

● Mr. JOHNSON. Mr. President, today I introduce common-sense legislation which will greatly benefit America's manufacturers and consumers. My colleague, Senator DEWINE of Ohio, is joining me as an original cosponsor of this bill. The "Made In America" Consumer Hotline bill will establish a toll free number in the Department of Commerce to assist consumers in determining whether the products they buy are American-made. The House has passed this legislation and I urge my colleagues to move this bill swiftly in our remaining days of the Congress.

As the world economy becomes more inter-related, determining to what extent a product is "Made in America" is increasingly difficult for American consumers. We have come to expect access to information about so many of the products and services we rely on every day, information to help us make decisions about what's best for our families, our communities and our economy. With auto parts, computers, clothing, or appliances, American consumers know that the "Made in America" designation on products represents quality, reliability, and value.

This legislation would establish a pilot program for the operation of a three-year, toll-free number to assist consumers in determining what products are "Made in America." This legislation will have no cost to American taxpayers. Instead, fees collected from manufacturers who voluntarily choose to register their product will fully fund the toll-free line. In the past, I cosponsored this hotline legislation in the House and I applaud my House colleagues for passing this bill.

Providing consumers access to accurate and reliable information on the content of the products they buy is common-sense legislation that is long overdue. Some may object to the creation of such an information hotline as a protectionist endeavor. On the contrary, I believe there is nothing more conducive to fair trade than providing consumers the freedom to decide what product is best for them. This legislation is not about telling consumers what to buy, it's about providing consumers the resources they need to make their own decisions.

I have worked hard to advance the issue of freedom of information on country of origin labeling, but we need to do more to facilitate consumer access to information. As you and I know, we can easily determine which country manufactured the automobiles we drive. We trust the tags on our shirts or trousers and we can see where our computers, stereos, and telephones were made by simply looking at the products' label. But many areas remain void of information on product origin. For example, when we go to the grocery store to purchase meat products for our families to eat, we have no idea where that meat originated.

Throughout my service in the United States Congress, I have been a strong believer in country of origin labeling for all types of consumer products. I have been an especially strong supporter of country of origin labeling for meat products because of its common-sense nature, its benefits to ranchers, farmers, and consumers, its strong bipartisan and agricultural group support, its cost-free benefit to taxpayers as scored by the Congressional Budget Office (CBO), and its trade friendly provisions. I don't intend to stop at agricultural products. The legislation I am introducing today targets general consumer products greater than $250 in value.

Freedom of information about country of origin labeling is fair trade because it provides global consumers with freedom of choice. In today's global economy, consumers deserve access to information on where the products their families use are from. By passing this "Made in America" toll-free hotline legislation, Congress will help consumers assert their right to know.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2632. A bill for the relief of Thomas J. Sansone, Jr.; to the Committee on Labor and Human Relations.

PRIVATE RELIEF BILL FOR TOMMY SANSONE, JR.

Mr. D'AMATO. Mr. President, I rise today to introduce a bill for myself and for Senator MOYNIHAN that will provide compensation under the National Vaccine Injury Compensation Program (VICP) to Tommy Sansone, Jr. Tommy was injured by a DPT vaccine in June 1994 and continues to suffer seizures and brain damage to this day. Tommy is the unintended and helpless victim of a drug designed to help him. He needs our help because while the Vaccine Injury Program is meant to make reparations for these injuries, it is hampered by regulations that challenges the worthiest of claims.

Let me be clear, I am not advocating against our national immunization program. Vaccines are an integral part of our preventive health program, and in no way should we stop vaccinating our kids. However, in rare instances, a child will receive a shot designed to keep him safe from whooping cough or measles or other illness but react violently to the serum and end up crippled or sometimes killed. The answer is not to stop inoculating our children. We must review the program to ensure we provide our children with the greatest protection possible against the tragic diseases that older generations of Americans knew all too well, and we must review the Vaccine Injury Act.

Back in 1986, Congress passed the Vaccine Injury Act to take care of vaccine injuries because the shots that we required our children to get were not as safe as they could have been. Since the program was established, more than 1100 children have been compensated. Over the first ten years, a great percentage of those with seizures or brain damage or other symptoms were recognized to be DPT-injured, and, they were summarily compensated. But, by 1995, the Institutes of Medicine (IOM) and others concluded that because the symptoms had no unique clinical profile, they were not necessarily DPT injuries. So, HHS changed the definitions of *encephalopathy* (inflammation of the brain), and of *vaccine injury*. Those new definitions had unintended consequences. Now, the program that we set up to be expeditious and fair, uses criteria that are so strict that the fund from which these claims are paid pays fewer claims than before and the fund has ballooned to over $1.2 billion. As a result, families of children like Tommy find it nearly impossible to win a claim against the Vaccine Injury Compensation Program. Most importantly, the program is failing its mission.

Today, the Vaccine Injury Compensation Program is seen as a Fort Knox of government funds that not even the worthiest claim can access without a high-priced lawyer to guide it through a labyrinth of bureaucratic regulations. It is no longer the "no-fault compensation program under which awards can be made to vaccine-injured persons quickly, easily, and with certainty and generosity," as we originally intended in 1986.

To be clear, VICP is not a medical insurance policy. The program is not designed to take care of those who cannot get or receive care. VICP is a compensation program, where the government makes amends for a failure in the system that it established. Claims are paid from a trust fund established from surcharged that are paid on each shot a child receives. The fund serves as an insurance policy against vaccine injuries. But, following the regulatory changes made in 1995, the government is not recognizing even the most legitimate of claims. We are failing the very children we are trying to protect.

Senator JEFFORDS, the chairman of the Senate Labor Committee and I have commissioned the GAO to study the vaccine injury program. We asked them to examine the overall operation and effectiveness of the Vaccine Injury Compensation Program and the National Vaccine Program. They will look at how revenues in the compensation fund are being managed and dispersed and whether vaccine injury claims are reviewed and processed in a fair and timely manner. They will look for those barriers, if any, that petitioners face in proving vaccine-related injuries. We've asked them to look into how well information about vaccine safety and injuries is collected, maintained and distributed, and to recommend changes (legislative or regulatory) to improve the Vaccine Injury Compensation Program and the National Vaccine Program. We want to fix VICP for children nationwide who needlessly suffer twice at the hands of the federal government; once with an adverse reaction to a vaccine they are required to receive and a second time when they cannot hold the federal government liable for their pain and suffering. But, there is something we can do now. We need to take care of this little guy, Tommy Sansone, Jr.

Over the years after his DPT shot (the combined shot for diphtheria, pertussis and tetanus), Tommy suffers severe seizures and from brain damage that has hampered his mental development. When he wakes in the morning or from a nap, either his mother or father is at his side waiting for the inevitable. Tommy's eyes tear and his face cringes in agony as his entire body is wracked with a muscle-clenching seizure. His parents hold him helplessly until the seizure subsides, sometimes for as long as five minutes. Tommy will then look into his mother's loving eyes, and say, "No more, mommy. Make them stop."

At the very least, Tommy's parents know that the strain of vaccine used on Tommy is now being phased out because of the rash of adverse reactions it caused. But, this does nothing for Tommy or his parents who have been in and out of countless hospitals, and consulted with doctors and experts at the Centers for Disease Control and the Health Resources and Services Administration. Their claim for compensation was dismissed in the Federal Court of Claims, but they and Tommy's doctor feel (and I agree with them) that they should have known more about the potential dangers of the DPT vaccine that Tommy received on June 1, 1994. No one told them that there was a chance that the DPT vaccine could cause such trauma. No one told them about "hot lots," an unofficial team for a batch of shots that has had an abundance of adverse reactions. The lot that Tommy received is known to have had 44 such reactions from March–November 1994, including 2 deaths. These are reactions beyond the short-lived fever and rashes that accompany many vaccines. Their doctor didn't know about the availability of the "new" acellular strain of pertussis vaccine that is replacing the whole cell version that has been used since the 1930s. Sure, it costs a couple of dollars more, but who wouldn't choose that for their child—given the choice?

Tommy's claim would have been covered before the 1995 changes, but that is not the case any longer. He's the victim of a bad DPT vaccine, yet his case continues to be denied because the first seizure didn't occur within 72 hours of the shot. It occurred 18 days later, and he suffers to this day. Tommy also has brain damage (encephalopathy) because of the DPT shot, but it doesn't fit that new definition either. He cried and moaned at a shrill pitch from the moment of the shot until his first seizure, but that doesn't matter either. For the first six months of his life, tommy was in all ways normal, but for 4 and a half years since the DPT vaccine he and his family have suffered. As a parent and grandparent, I would do anything to protect my family from such pain and suffering. Tom Senior has done everything he knows how to help his son. Now he has turned to me because he knows I am in a position to help and I will not relent in my pursuit of relief for the Sansone family. The Vaccine Injury Compensation Program should take care of Tommy, but it doesn't. This bill will enable us to ensure that it does.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION FOR VACCINE-RELATED INJURY.

(a) CAUSE OF INJURY.—In consideration of the petition filed under subtitle 2 of title XXI of the Public Health Service Act (42 U.S.C. 300aa–10 et seq.) (relating to the National Vaccine Injury Compensation Program) by the legal representatives of Thomas J. Sansone, Jr., including the claims contained in that petition that the injury described in that petition was cause by a vaccine covered in the Vaccine Injury Table specified in section 2114 of such Act (42 U.S.C. 300aa–14) and given on June 1, 1994, such injury is deemed to have been caused by such vaccine for the purposes of subtitle 2 of title XXI of such Act.

(b) PAYMENT.—The Secretary of Health and Human Services shall pay compensation to Thomas J. Sansone, Jr. for the injury referred to in subsection (a) in accordance with section 2115 of the Public Health Service Act (42 U.S.C. 300aa–15).

By Mr. FIRST:

S. 2633. A bill to amend the Internal Revenue Code of 1986 to allow registered venders to administer claims for refund of kerosene sold for home heating use; to the Committee on Finance.

TAX CLAIMS FOR REFUND OF KEROSENE SOLD FOR HOME HEATING USE

• Mr. FRIST. Mr. President, today I introduce a bill that will correct a grave injustice to users of kerosene for home heating. My bill would amend last year's change to the tax code concerning kerosene to allow registered vendors to administer claims for the refund of kerosene sold for home heating use.

As many of you know, on July 1, 1998, new regulations regarding the taxation of kerosene went into effect, and I have heard from many Tennesseans who are concerned about the new tax policies. These provisions were included in the House version of the "Taxpayer Relief Act of 1997." While these provisions were not included in the Senate version of the bill, the House language prevailed when the Senate and House worked out the conference agreement on this bill. Prior to the 1997 change in law, kerosene was not taxable unless it was blended with taxable diesel fuel or used as an aviation fuel, nor was it subject to dyeing requirements.

There have been continued problems with the use of untaxed kerosene being blended with taxable highway fuel, like diesel. As a result, some members of the House of Representatives determined and diesel fuel compliance measures, like dyeing, should be extended to kerosene. According to the new law, kerosene is taxed at 24.4 cents per gallon unless it is indelibly dyed and used only for a nontaxable use like home heating.

I am concerned about these changes, especially since kerosene is often used as a heating oil or in space heaters. This is a nontaxable use; however, it is unclear whether dyed kerosene may be used in space heaters due to health concerns. In addition, many small oil companies and kerosene venders do not have sufficient facilities to sell both dyed and undyed kerosene, and many states have regulations mandating that only undyed kerosene may be used in home heaters. As a result, many consumers of kerosene for non-taxable home heating purposes will either be forced, or will choose for safety reasons, to purchase the taxable undyed kerosene. Under current law and IRS regulation, only the taxpayer is allowed to file a claim for a fuel credit if he or she purchases taxable kerosene for a non-taxable purpose other than from a blocked pump.

The Internal Revenue Service (IRS) has provided refund and credit procedures for vendors and/or purchasers of the clear, taxed kerosene when the kerosene is intended for nontaxable purposes like home heating. This process, however, is complex and potentially unwieldy. Individual purchasers may claim a credit on line 59 of the 1040 tax form for whatever amount of tax they paid on clear kerosene bought for a nontaxable use. It is true that an individual must file a return, even if he or she otherwise would not, in order to receive the credit from the IRS. Vendors may claim a credit on their tax returns or may claim a quarterly refund if at least $750 is owed.

Because many of these kerosene consumers do not file tax return form 1040, this provision is an undue burden on hundreds, perhaps thousands, of Tennesseans, and many thousands of Americans. The complex nature of the kerosene tax refund policies on individual consumers who use kerosene for home heating is unduly burdensome. Additionally, for the consumers to pay a 24.4 cent tax per gallon at all strikes me as unjust taxation. Many of those who use kerosene for home heating are poor and can ill-afford to pay approximately 25% more per gallon of kerosene—even if it is to be refunded at a later time.

I sent a letter to the Internal Revenue Service (IRS) on August 13, 1998 asking Commissioner Rossotti to issue a regulation that would allow kerosene vendors to file refund claims on behalf of their consumers. The Commissioner responded that such a regulation would require Congressional action to actually change the statute.

This bill would do just that. I urge my colleagues to support this measure and I strongly urge passage of this bill.●

By Mr. GREGG (for himself and Mr. BREAUX):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Finance.

21ST CENTURY RETIREMENT SAVINGS ACT

Mr. GREGG. Mr. President, I rise, along with my colleague Senator JOHN BREAUX, to introduce the 21st Century Retirement Savings Act.

Earlier this year, I joined Senator BREAUX as two of six co-sponsors of S. 2313, a bill to strengthen and preserve Social Security. This legislation was developed through the expertise of the National Commission on Retirement Policy, convened by the Center of Strategic and International Studies.

The Commission was unique among such efforts in that it looked at the entire picture surrounding retirement saving, and did not seek to increase income through one venue at the expense of another. It was our finding that income through all of the components of the national retirement structures—Social Security, employer-provided pensions, and individual savings—needed to be increased if we are to meet the needs of the 21st century.

This legislation to shore up private retirement savings is a companion piece to S. 2313, which dealt with Social Security. I am pleased that it will also be introduced by Congressmen KOLBE and STENHOLM in the House.

ADDITIONAL COSPONSORS

S. 244

At the request of Mr. MCCAIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 244, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 859

At the request of Mr. KYL, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1529, a bill to enhanceFederal enforcement of hate crimes, and for other purposes.

S. 1855

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1855, a bill to require the Occupational safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies.

S. 2054

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2054, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a model project to provide the Department of Veterans Affairs with medicare reimbursement for medicare health-care services provided to certain medicare-eligible veterans.

S. 2145

At the request of Mr. SHELBY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2263

At the request of Mr. GORTON, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2281

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2288

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2288, a bill to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, and for other purposes.

S. 2295

At the request of Mr. McCAIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2324

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2324, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 2353

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2378

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2378, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests.

S. 2597

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2597, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 2598

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2598, a bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Wyoming (Mr. ENZI), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 199, a resolution designating the last week of April of each calendar year as "National Youth Fitness Week."

SENATE RESOLUTION 299—AUTHORIZING TESTIMONY AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas, in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, C.A. No. 95-1252 (JHG), pending in the United States District Court for the District of Columbia, the plaintiffs have requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

AMENDMENTS SUBMITTED

DENIAL FOR FOOD STAMPS FOR DECEASED INDIVIDUALS

LUGAR (AND HARKIN) AMENDMENT NO. 3822

Mr. CRAIG (for Mr. LUGAR for himself and Mr. HARKIN) proposed an amendment to the bill (S. 1733) to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

"(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

"(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.".

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture $500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

Amend the title so as to read: "A bill to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.".

CONCURRENT RESOLUTION ON THE AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY

LAUTENBERG AMENDMENT NO. 3823

Mr. CRAIG (for Mr. LAUTENBERG) proposed an amendment to the concurrent resolution (S. Con. Res. 124) expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property; as follows:

On page 3, line 5, strike all in the line after "that" and insert: "is not making substantial progress towards adequately and effectively protecting".

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1998

BAUCUS (AND BURNS) AMENDMENT NO. 3824

Mr. CRAIG (for Mr. BAUCUS for himself and Mr. BURNS) proposed an amendment to the bill (S. 1222) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency is authorized to provide financial assistance to the National Environmental Waste Technology Testing and Evaluation Center in Butte, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1998

JEFFORDS (AND LEAHY) AMENDMENT NO. 3825.

Mr. JEFFORDS (for himself and Mr. LEAHY) proposed an amendment to the bill (S. 2253) to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; as follows:

Beginning on page 8, strike line 17 and all that follows through page 9, line 6, and insert the following:

vise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

"(B) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.".

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

D'AMATO (AND SARBANES) AMENDMENT NO. 3826

Mr. JEFFORDS (for Mr. D'Amato for himself and Mr. Sarbanes) proposed an amendment to the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes; as follows:

Strike section 5 of the bill.

In section 6(a) of the bill, strike paragraph (7) and redesignate paragraphs (8), (9), and (10), as paragraphs (7),(8), and (9).

Redesignate section 6 of the bill as section 5.

DEPARTMENT OF STATE REWARDS RELATIVE TO THE FORMER YUGOSLAVIA

HELMS (AND BIDEN) AMENDMENT NO. 3827

Mr. JEFFORDS (for Mr. Helms for himself and Mr. Biden) proposed an amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—DEPARTMENT OF STATE REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) Establishment.—

"(1) In general.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) Purpose.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) Implementation.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) Rewards Authorized.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) Coordination.—

"(1) Procedures.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) Prior approval of Attorney General required.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) Funding.—

"(1) Authorization of appropriations.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) Limitation.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) Allocation of funds.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) Period of availability.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) Limitations and Certification.—

"(1) Maximum amount.—No reward paid under this section may exceed $5,000,000.

"(2) Approval.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) Certification for payment.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) Nondelegation of authority.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) Protection measures.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) Ineligibility.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) Reports.—

"(1) Reports on payment of rewards.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Annual reports.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) Publication Regarding Rewards Offered by Foreign Governments.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) Determinations of the Secretary.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) Definitions.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this Section may be paid from funds authorized to carry out Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the administration and payment of rewards under the rewards program of Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate Committees of rewards paid under this section in the same manner as required by Section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

TITLE II—EXTRADITION TREATIES INTERPRETATION ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the "Extradition Treaties Interpretation Act of 1998".

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnaping" and "kidnapping" to include parental kidnapping.

ADDITIONAL STATEMENTS

THE RUMSFELD COMMISSION REPORT

• Mr. KYL. Mr. President, as you know, over the past year there has been a great deal of discussion in Washington about the growing ballistic missile threat to the United States and our forces and friends abroad. Although Members of Congress and the Administration have not always agreed on how to best respond to this growing threat, I think we can all agree that the Commission to Assess the Ballistic Missile Threat to the United States, chaired by former Secretary of Defense Donald Rumsfeld, has made an indispensable contribution to the debate. The bipartisan, nine-member commission included many of our nation's most prominent experts on national security affairs. Due to Don Rumsfeld's leadership, this diverse group with divergent views on many policy issues, came together and produced an outstanding report that unanimously concluded that the ballistic missile threat to the U.S. is greater than previously assessed, that rogue nations like Iran could develop long-range missiles capable of reaching the U.S. in as little as five years, and that we might have little or no warning that such a threat had developed.

At an event last week, the Center for Security Policy honored Don Rumsfeld by presenting him with the "Keeper of the Flame" award for his outstanding leadership as chairman of the Commission to Assess the Ballistic Missile Threat to the United States. It was a well deserved honor. For the benefit of those who were not able to attend the award ceremony, I ask that Mr. Rumsfeld's remarks at the event be printed in the RECORD.

The remarks follow:

REMARKS OF THE HONORABLE DONALD RUMSFELD, CENTER FOR SECURITY POLICY, OCTOBER 7, 1998

Chairman Ed Meese, distinguished Members of the House and Senate, public officials—past and present—ladies and gentlemen. Good evening.

I see so many here who have served our country with distinction in so many important ways—Senators Cochran, Kyl and Wallop, Secretaries Jim Schlesinger and Al Haig, and many others. And there is Dr. Fritz Kraemer. There is a true "keeper of the flame." It is a privilege as well as a pleasure to be with you all.

Frank—my congratulations to you for your ten years of contributions to our country's security. You and your associates at the Center deserve, and have, our appreciation. We all know and respect the energy, persistence and patriotism that you have brought to the national security debate and are grateful for it.

Senator Thad Cochran, I thank you for your generous words. As you know, your Committee's very useful "Proliferation Primer" was given to each of our Commission members at our first session. You have made important contributions on these key subjects, and I congratulate you for them.

* * * * *

I find since I first arrived in Washington, D.C., to work on Capitol Hill back in 1957, fresh out of the Navy, that while we went back home at regular intervals, I seem to keep finding myself back here on some project or another for over several decades now. I must say that this most recent assignment, the Ballistic Missile Threat Commission, has been particularly interesting, because the subject is so important.

This evening I want to talk a bit about our report, first because it is a message that needs to be heard, and, second, because there's no group who has done more and can do still more to carry that message.

As you will recall, the U.S. Intelligence Community's 1995 National Intelligence Estimate caused quite a stir in the national security community for a number of reasons. As a result, the Congress established our Commission to provide an independent assessment of the ballistic missile threat to the United States—including Alaska and Hawaii. Our charter was not to look at other threats or possible responses.

As one of our Commissioners put it, our task was to find out, Who has them? Who is trying to get them? When are they likely to succeed? Why do we care? and, When will we know?

Thanks to Speaker Gingrich and Minority Leader Gephardt for the House, and Senate Leaders Lott and Daschle, the members of our bipartisan Commission were truly outstanding. They included: Dr. Barry Blechman, the former Assistant Director of the Arms Control and Disarmament Agency in the Carter Administration; Retired four-star general Lee Butler, former Commander of the Strategic Air Command/ Dr. Richard Garwin of IBM, a distinguished scientist; General Larry Welch, former Chief of Staff of the Air Force, and CEO of the IDA; Paul Wolfowitz, former Undersecretary of Defense for Policy, former Ambassador to Indonesia, and Dean of the Nitze School at Johns Hopkins University; and James Woolsey, former Director of the CIA in the Clinton Administration. Also with us this evening is Dr. Steve Cambone, currently the Director of Research at the National Defense University. Steve did a superb job as Staff Director for the Commission.

Two of our Commissioners are here this evening, and I'd like them to stand and be recognized for their important work.

Dr. William Graham, former Science Advisor to President Reagan. Bill Graham has done a superb job. Thank goodness we had the benefit of his technical experienced and knowledge.

Dr. William Schneider, former Undersecretary of State for Security Assistance in the Reagan Administration. Bill kept us sane with his unfailing good humor, penetrating as it is, and challenged by his keen insights.

The members of the Commission spent an enormous number of hours, over six months and received over 200 briefings. Not surprisingly, given our different backgrounds and experiences—military, technical, policy oriented, but all with decades of experience dealing with the Intelligence Community and its products—we started out with a variety of viewpoints. As we proceeded, each time we seemed to be diverging in our views, we called for more briefings and focused back on the facts.

After extensive discussion and analysis, we arrived at our unanimous conclusions and a unanimous recommendation. As General Welch said, the facts overcame our biases and opinions and drove us to our unanimous conclusions. And in this city, unanimity is remarkable, especially on a subject as heated as this.

Given that so few people will be able to read our classified final report of some 307 pages, with several hundred additional classified pages of working papers and technical analysis, and that the unclassified executive summary was only 36 pages, that our conclusions were unanimous makes them considerably more persuasive.

During the course of our deliberations, almost every week there was an event somewhere in the world related to ballistic missiles or weapons of mass destruction—whether the Ghauri missile launch by Pakistan, the Indian and Pakistani nuclear explosions, continued stiff-arming of the U.S. and the U.N. inspectors by Iraq, the Shahab 3 missile firing in Iran, and more recently North Korea's Taepo Dong 1 three-stage launch. The pace of these significant events, while disturbing to be sure, provided a vivid backdrop for our work.

* * * * *

It is clear the Gulf War taught regional powers that they are ill-advised to try to combat U.S. or Western armies and air forces. They can neither deter nor prevail against those vastly greater conventional capabilities. That being the case, it's not surprising that they week asymmetrical advantages and leverage to enable them to change the calculations of Western nations and ways to threaten and deter them as well as their neighbors.

They have several cost effective options. Terrorism is one. Cruise missiles are also an increasingly attractive option in that they are both versatile and relatively inexpensive. At some point they may well become a weapon of choice.

And, third, there are ballistic missiles. It is not happenstance that some 25–30 countries either have or are seeking to acquire ballistic missiles. They are very attractive, and relatively inexpensive when compared to armies, navies, and air forces; second, like cruise missiles, they can be launched from land, sea or air and have the flexibility of carrying chemical, biological or nuclear warheads; and third, they have the compelling advantage of being certain to arrive at their destinations—since there are no defenses against them.

Those of us from Chicago recall Al Capone's remark that "You get more with a kind word and a gun than you do with a kind word alone." We can substitute "ballistic missile" for "gun" and the names of some modern day Al Capones.

The term "rogue countries" is an unfortunate phrase, since it suggests that their behavior might be erratic. While unusual to us, their actions are rational for them and not unpredictable. To say that such countries would be deterred or dissuaded from using terrorist attacks, cruise missiles or ballistic missiles with weapons of mass destruction, because of the vastly greater power of the U.S. and the West, is to misunderstand. As Lenin said, "the purpose of terrorism is to terrorize." these are terror weapons, and they work.

Having these capabilities in the hands of such countries forces a different calculation on the part of the U.S. and any nation that has interests in their regions.

* * * * *

The Commission's unanimous conclusions were these:

China and Russia continue to pose threats to the U.S., although different in nature. Each is on an uncertain, albeit different, path. With respect to North Korea and Iran, we concluded each could pose a threat to the U.S. within five years of a decision to do so, and that the U.S. might not know for several years whether or not such a decision had been made. Given that UNSCOM sanctions and inspections are unlikely to be in place it is increasingly clear that Iraq has to be included with North Korea and Iran.

We concluded unanimously that these emerging capabilities are broader, more mature, and evolving more rapidly than had been reported, and that the intelligence community's ability to provide timely warning has been and is being eroded and that the warning time of deployment of a ballistic missile threat to the United States is reduced. Finally, we concluded that under some plausible scenarios, including re-basing or transfer of operational missiles, sea- and air-launch options, shortened development programs that might include testing in a third country, or some combination of these, the U.S. might well have little or no warning before operational deployment.

* * * * *

One important reason is that the emerging powers are secretive about their programs and increasingly sophisticated in deception and denial. They know considerably more than we would like them to know about the sources and methods of our collection, in no small part through espionage. And they use that knowledge to good effect in hiding their programs.

We concluded that there will be surprises. It is a big world, it is a complicated world, and deception and denial are extensive. The surprise to me is not that there have been and will continue to be surprises, but that we are surprised that there are surprises. We don't, won't, and can't know everything. We must recognize that some surprises will occur and take the necessary steps to see that we invest so that our country is arranged to deal with the risks that the inevitable surprises will pose. As von Clausewitz wrote, "The unexpected is the prince of the battlefield."

* * * * *

The second key factor relative to reduced warning is the extensive and growing foreign assistance, technology transfer and foreign trade in ballistic missile and weapons of mass destruction capabilities. Foreign trade and foreign assistance are, in our view, not a "wild card." They are a fact. The contention that we will have ample warning of developments in nations with "indigenous" ballistic missile development programs misses the point. I don't know of a single nation on earth with an "indigenous" ballistic missile program. There may not have been a truly indigenous ballistic missile development program since Robert Goddard. The countries of interest are helping each other. They are doing it for a variety of reasons—some strategic, some financial. But, be clear—technology transfer is not rare or unusual, it is pervasive.

The intelligence task is difficult. There are more actors, more programs and more facilities to monitor than was the case during the Cold War. Their assets are spread somewhat thinly across many priorities. Methodological adjustments relative to collecting and analyzing evidence is, in our view, not keeping up with the pace of events. We need to remember Baldy's Law: "Some of it (what we see), plus the rest of it (what we don't see) equals all of it." Or, as Dr. Bill Graham frequently reminded us, "The absence of evidence is not evidence of absence."

Specifically, Russia and China have emerged as major suppliers of technology to a number of countries. There is the advent and acceleration of trade among second-tier powers to the point that the development of these capabilities may well have become self-sustaining. Today they each have various capabilities the others do not. As they trade—whether it's knowledge, systems, materials, components, or technicians—they benefit from each other and are able to move forward on separate development paths, all of which are notably different from ours or that of the Soviet Union. And, they are able to move at a more rapid pace.

To characterize the programs of target nations as "high-risk" is a misunderstanding of the situation. These countries do not need the accuracies the U.S. required. They do not have the same concerns about safety that the U.S. has. Nor do they need the high volumes the U.S. acquired. As a result, they are capable of using technologies, techniques and even equipment that the U.S. would have rejected as too primitive as much as three decades ago. But let there be no doubt—they are successfully and rapidly developing the capabilities necessary to threaten the United States.

As I mentioned, we considered a series of ways nations can shorten the missile development process and, therefore, warning time. They include launching shorter-range missiles by air or sea, by placing them in another country, by missile testing in another country, by the turn-key sale of entire ballistic missile systems to other countries, or some combination.

These approaches have been characterized as "unlikely." But each has been done. They are not new, novel, high-risk or unlikely.

As Jim Woolsey pointed out, making ICBMs was like the old 4-minute mile barrier. It seemed impossible until Roger Bannister broke it. Today it's relatively easy.

* * * * *

On the subject of sanctions, you will recall that President Clinton recently said that sanctions legislation causes them to "fudge." It was an honest statement. However, "fudging" can have a dangerous effect.

There are several ways to "fudge": First, simply don't study or analyze a matter if the answer might put your superiors in an uncomfortable position; delay studying or reporting up information that would be "bad news"; narrowly construe an issue, so that the answer will not be adverse to your boss's views or positions; and last, select assumptions that assume that the answer will lead to your desired conclusions. For example, you could study carefully whether or not the U.S. will have adequate warning of "indigenous" ballistic missile development programs, even though "indigenous" ballistic missile development programs don't exist.

In short, the effect of "fudging" is to warp and corrupt the intelligence process. It is corrosive. Leaders have to create an environment that is hospitable to the truth—whether it is bad news or good news—not an environment that forces subordinates to trim, hedge, duck and, as the President said, "fudge."

* * * * *

The recent TD–1 space launch vehicle test is an object lesson and also a warning. Many were skeptical for technical reasons that the TD–1 could fly at all. It had been the conventional wisdom that "staging" and systems integration were too complex and difficult for countries such as North Korea to accomplish in any near time frame. Yet North Korea demonstrated staging twice.

The likelihood that a TD–2 will be successfully tested has gone up considerably since the August 31st flight. The likelihood that a TD–2 flight could exceed 5,000 to 6,000 kilometers in range with a nuclear payload has gone up as well. And, the likelihood that we will not know very much in advance of a launch what a TD–2 will be capable of continues to be high.

Now, the TD–1 launch was interesting with respect to North Korea, but given the reality of technology transfer, what happens in North Korea also is important with respect to other countries, for example, Iran. We can be certain that North Korea will offer that capability to other countries, including Iran. That has been their public posture. It has been their private behavior. They are very, very active marketing ballistic missile technologies. In addition, Iran not only has assistance from North Korea, but it also has assistance from Russia and China, which creates additional options and development paths for them.

* * * * *

What does this all mean by way of warning? Well, it powerfully reinforces our Commission's conclusions that technology transfer is pervasive and that deception and denial work. I've mentioned "surprises," which of course go to the issue of warning. When do we know something? Put another way—when is what we do know sufficiently clear that it becomes actionable?

Roberta Wohlstetter's brilliant book Pearl Harbor, and the foreword to it, compellingly argue that: ". . . we were not caught napping at the time of Pearl Harbor. We just expected wrong. And it was not our warning that was most at fault, but our strategic analysis. We were so busy thinking through some "obvious" Japanese moves that we neglected to hedge against the choice they actually made."

It may have been a somewhat "improbable" choice, but it was not all that improbable. We provided the undefended target, and if we know anything from history, it is that weakness is provocative. Weakness entices others into adventures they otherwise would avoid. "The risk is that what is strange is thought to be "improbable," and what seems improbable is not taken seriously."

The book goes on to point out that: "Surprise, when it happens to a government, is likely to be a complicated, diffuse bureaucratic thing. It includes neglect of responsibility, but also responsibility so poorly defined or so ambiguously delegated that action gets lost. It includes gaps in intelligence, but also intelligence that, like a string of pearls too precious to wear, is too sensitive to give to those who need it (and this is happening today). It includes the alarm that fails to work, but also the alarm that has gone off so often it has been disconnected. It includes the unalert watchman, but also the one who knows he'll be chewed out by his superior if he gets higher authority out of bed. It includes the contingencies that occur to no one, but also those that everyone assumes somebody else is taking care of. It includes straightforward procrastination, but also decisions protracted by internal disagreement. It includes, in addition, the inability of individual human beings to rise to the occasion until they are sure it is the occasion, which is usually too late.

"The results, at Pearl Harbor, were sudden, concentrated, and dramatic. The failure, however, was cumulative, widespread, and rather drearily familiar. This is why surprise, when it happens, is everything involved in a government's failure to anticipate effectively."

Does that sound familiar?

* * * * *

Our Commission's unanimous recommendation was that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment of ballistic missile threats be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning. Specifically, we believe the Department of State should review its policies and priorities, including sanctions and non-proliferation activities, as well as our alliance activities; the intelligence community should review U.S. collection capabilities, given their changing and increasingly complex task; and, last, that the defense establishment should review both U.S. offensive and defensive capabilities as well as strategies, plans, and procedures that are based on an assumption of extended warning.

In short, we are in a new circumstance and the policies and approaches that were appropriate when we could rely on extended warning no longer apply.

* * * * *

Recently I have been asked about the reception our report has received. I would say it has been surprisingly good.

First, the press. The reaction was superb from Bill Safire, but across the country it has been modest. But then there has been a lot of unusual news competition here in Washington, D.C., to say nothing of the news of:

Russia's economic problems and protests and the last Soviet intelligence chief, Mr. Primakov, being named Prime Minister.

The Asian financial crisis.

The Chicago Cubs' Sammy Sosa's brilliant chase for the home run title, to say nothing of Mr. McGwire's accomplishment.

And, if you can believe it, Quaddafi, of all people, holding a 5-nation summit.

As to the Department of State and the National Security Council, I am not aware of any public reaction.

The only reaction from the Department of Defense I am aware of was to reiterate their belief that the U.S. will have ample warning of "indigenous" ballistic missile development programs, with which we, of course, would readily agree, if, in fact, any "indigenous" ballistic missile programs actually existed—which they don't. As General Lee Butler said at one of our Commission's Congressional hearings, "If you are determined to do it, there is no body of evidence that cannot be ignored."

In the Intelligence Community we see positive changes already. I think it is reasonably certain that the next National Intelligence Estimate will look quite different from the last one. The initial press report on the release of the Commission's findings quoted an "anonymous CIA source" as contending that our report was a "worst case." But that was before the North Korean three-stage TD-1 launch in August. We have not seen that phrase used again since. Indeed, our report could prove to have been a "best case," if and when North Korea and/or Iran announce and demonstrate still greater ballistic missile and weapons of mass destruction capabilities, as they most surely will in the months ahead.

* * * * *

We are in a relaxed post-Cold War environment, with increased exchanges of scientists and students, relaxed export controls, leaks of classified information appearing in the press almost daily, espionage continuing apace, an explosion of "demarches," which provide vital information that eventually is used to our disadvantage, and increased international trade of sophisticated dual-use technology.

It is increasingly clear that anti-proliferation efforts, coupled with the inevitable imposition of still more sanctions—which already cover a large majority of the people on earth—are not stopping other nations from acquiring increasingly sophisticated weapons of mass destruction and missile technologies.

There are two schools of thought as to how to deal with this obvious failure:

One is to try still harder and impose still more sanctions.

The second approach is to seriously work to prevent the availability of the most important technologies, try to delay the availability of the next tier of information, but to recognize that we live in a world where those who don't wish us well will inevitably gain sophisticated weapons, and that, therefore, the answer is to invest as necessary in the offensive and defense capabilities and the intelligence assets that will enable us to live with these increasingly dangerous threats.

* * * * *

We hear a lot about the defense budget and the top line pressure—that we can't afford more. Look, our country may not be wealthy enough to do everything in the world that everyone in the world may wish, but the first responsibility of government is to provide for the national security. And, let there be no doubt, our country is more than wealthy enough to do everything important that we need to do. Defense expenditures at 3% of GNP are the lowest in my adult lifetime. We need to stop the mindless defense cuts, rearrange our national defense to fit the post-Cold War world, and invest as necessary to assure our nation's ability to contribute to peace and stability in our still dangerous and increasingly untidy world.

* * * * *

I am optimistic that we will find our way. We are not a nation with but one leader. Our strength is that we have multiple centers of leadership.

Our central purpose remains as compelling as ever. Quite simply, it is to guard the ramparts of freedom and to expand freedom at home and light its way in the world. This means encouraging freedom abroad and enriching it here at home. It requires purposeful diplomacy underpinned by strong, flexible military power and persuasive moral leadership.

As Theodore Roosevelt once said, "Aggressive fighting for the right is the noblest sport that the world affords." To those gathered here this evening, who do that each day, you have my thanks and appreciation. Thank you very much.●

THE SECRET SERVICE'S BERNARDINO STABILE—OUTSTANDING AMERICAN

● Mr. KENNEDY. Mr. President, I rise today to pay tribute to Bernardino R. Stabile on his retirement from the Secret Service. A military veteran and dedicated civil servant, Mr. Stabile has completed 53 outstanding years in service to the government.

Mr. Stabile has served with great distinction for the past 25 years as an Operations Support Technician in the Boston Field Office of the Secret Service, working in support of the agency's protective and investigative missions.

Earlier, Mr. Stabile had served for 27 years in the United States Marine Corps. He served in the South Pacific in World War II, including the Marshall Islands, Saipan, and Iwo Jima. He also served in the Korean War in the 1950's, was part of the Dominican Republic operation in 1965, and had two tours of duty in Vietnam in the 1960's.

In the course of this extraordinary career, he became a highly decorated Sergeant Major and received numerous commendations, including the Bronze Star, the Navy Commendation Medal, the Presidential Unit Citation, and the Navy Unit Citation. Some say, once a "boot," always a "boot." But Sergeant Major Stabile took many "boots" over the years and developed them into effective leaders.

Throughout his brilliant career, Bernardino Stabile has served his country with commitment, dedication, bravery, integrity, honor, and patriotism of the highest order. He deserves the gratitude of the Senate and the nation, and I am proud to take this opportunity to praise his outstanding service.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 13, 1998, the federal debt stood at $5,537,720,928,486.41 (Five trillion, five hundred thirty-seven billion, seven hundred twenty million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents).

Five years ago, October 13, 1993, the federal debt stood at $4,403,485,000,000 (Four trillion, four hundred three billion, four hundred eighty-five million).

Ten years ago, October 13, 1988, the federal debt stood at $2,616,702,000,000 (Two trillion, six hundred sixteen billion, seven hundred two million).

Fifteen years ago, October 13, 1983, the federal debt stood at $1,383,620,000,000 (One trillion, three hundred eighty-three billion, six hundred twenty million) which reflects a debt increase of more than $4 trillion—$4,154,100,928,486.41 (Four trillion, one hundred fifty-four billion, one hundred million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents) during the past 25 years.●

IN MEMORY AND HONOR OF LOUIS L. REDDING

● Mr. BIDEN. Mr. President, I rise today to honor one of Delaware's, indeed this nation's, legal legends.

Louis L. Redding was the first African-American admitted to the Delaware Bar in 1929. As one of the preeminent civil rights advocates in the country, Redding was sought after to participate in the argument before the U.S. Supreme Court in the landmark *Brown* v. *Board of Education*, 347 U.S. 483 (1954), which led to the end of legal segregation in our nation's public schools. *Brown* included a Delaware case Redding had won in the State Chancery Court holding that nine black children had the right to attend white public schools.

Louis L. Redding died Monday, September 28, 1998, at the age of 96. His death is obviously a time of sadness, but also a time to celebrate his truly pioneering life and spirit.

Time and time again, Redding not only overcame adversity—he excelled in the face of it. He pursued justice persistently and passionately—standing up for equal rights in education, public accommodations and criminal law.

Redding, a 1928 Harvard University Law School graduate, broke the color barrier in the Delaware Bar after 253 years of this all-Caucasian group. When he took the Delaware Bar Examination with eight other white law school graduates, he was given a different, harder test. He passed with the top grades. After he was admitted to the Delaware Bar in 1929, he remained the only minority attorney in Delaware for another twenty-seven years.

It even took twenty years for the Delaware State Bar Association to allow him to become a member—and again he excelled in the face of adversity—becoming Vice President of this once all-white Association.

Redding earned national respect with a series of sweeping civil rights victories in the Delaware courts. In 1950, he successfully argued *Parker* v. *University of Delaware*, Del. Ch., 75 A.2d 225 (1950), which held that the University of Delaware's refusal to admit blacks was unconstitutional because the State's black institution, Delaware State College, was woefully inferior.

He next filed the public school racial segregation case, *Belton* v. *Gebhardt*, Del. Ch., 87 A.2d 862 (1952), aff'd, Del. Supr., 91 A.2d 137 (1952). This was the only case ultimately affirmed by the U.S. Supreme Court in *Brown*. Most Americans associate the name of Redding's distinguished fellow NAACP attorney, Thurgood Marshall, with this school desegregation case, since he achieved greatness as a U.S. Supreme Court Justice. And that's just how Redding preferred it. He preferred a lower profile, using his great skills to get the job done.

After the U.S. Supreme Court's *Brown* v. *Board of Education* decision, Redding dedicated his practice to implementing the desegregation order. In 1956, he filed a class action suit in the federal District Court in Delaware seeking to compel a school district to establish a desegregation plan. It took another twenty years for a court order forcing the implementation of this plan. Again, Redding persistently plodded along in the pursuit of justice.

Redding also set precedent in ending discrimination in public accommodations. In 1961, he won another U.S. Supreme Court case, representing former Wilmington City Councilman William "Dutch" Burton, allowing blacks to eat at the same counter with whites at the Eagle Coffee Shoppe owned by the Wilmington Parking Authority.

It is worth noting that Redding did not consider the U.S. Supreme Court victories to be his greatest legal achievements. Instead, he said his most significant accomplishment was desegregating Delaware's courtrooms. In an interview in 1990, Redding said:

> I suppose that really what I am most proud of . . . is my undertaking years back to break up segregation in seating in the courtrooms (of Delaware) . . . It was pretty horrible to go into a courtroom and see blacks seated in one place and whites in another. That's the way I found it when I came in.

Ironically, Redding was not particularly proud of his distinction as the first African-American attorney in Delaware. In a characteristically, blunt, honest statement, Redding once said. "How can you boast about being the first when you realize it was the result of racism and antipathy?"

And Redding downplayed his role as a civil rights and civil liberties pioneer. In a 1974 speech at Notre Dame University, he said: "I am just a pedestrian, journeyman lawyer who happens to have been practicing in a state where the necessities of the situation made me participate in civil rights activities."

The trails Redding blazed, however, set the course for those of us who are humbled to follow in his footsteps.

On a very personal note, Louis Redding was one of my heroes. His leadership in the civil rights movement got me interested in politics. I first met him in 1969 when I was working as a young, public defender representing many in the black community in civil and criminal cases.

And make no mistake about it—he commanded respect in the community and in the courtroom. In the black community, he respectfully was known as "Lawyer Redding." Of course to me, it was never "Lou," I always said "Mr. Redding, Sir." Indeed, he was quite a presence in the courtroom, with his tailored, conservative suits and button-down shirts. His standard was excellence, as he fought for the poorest and most discriminated among us.

Fortunately for us, Louis Redding's legacy and spirit live on in our community, and in his three daughters and five grandchildren. His name also appropriately graces a middle school and the New Castle County/City of Wilmington public building. His bronze statute stands erect surrounded by young children in the pubic square as well.

Louis L. Redding, noted civil rights attorney, teacher, loyal son, father, and grandfather—we will miss you greatly, and vow to keep your legacy alive.•

MEREDITH BIXBY DONATION

• Mr. ABRAHAM. Mr. President, I rise today to recognize Meredith Bixby of Saline, Michigan. Mr. Bixby is the father of the Meredith Marionettes Touring Company and is donating his collection of marionette puppets to the Saline Culture and Commerce Center for permanent exhibit.

For more than forty years, Mr. Bixby toured with his Meredith Marionettes Touring Company across the Midwest and South staging shows in schools, theaters, and community centers. Each year nearly a quarter of a million children enjoyed the marionette magic Mr. Bixby brought to them.

Mr. Bixby has been a leader in puppeteering for nearly five decades. He is affectionately known as the "Master of the Marionettes" and built his own marionettes and produced many original shows. He is also one of the original founding members of The Puppeteers of America, which is celebrating its 60th anniversary this year.

This permanent exhibit is a cooperative effort of the Michigan Council for Arts and Cultural Affairs, the City of Saline, the Bixby Project Group, and Saline Area Chamber of Commerce. This exhibit will preserve the memory of Meredith Bixby's work and educate new generations of children of the art and entertainment of marionettes.

I once again congratulate Meredith Bixby for his years of providing quality entertainment and the gracious donation of his collection to the community of Saline.•

ROBERT F. DEASY

• Mr. DODD. Mr. President, communities are not defined by physical borders. They are defined by people—people who are concerned for the well-being of their neighbors, even if they do not know them. People who want to make their town a good place to raise children. People who recognize the importance of being a part of something larger than themselves. Today, I want to speak about one such person who has worked tirelessly to make Rocky Hill, Connecticut a true community: Robert Deasy.

Bob Deasy worked for more than forty years as an accountant with Travelers and Phoenix Fire Insurance before retiring more than twenty years ago. Throughout his life, Bob has been remarkably active in the Rocky Hill community.

From 1973 to 1985, he served as Rocky Hill's registrar of voters, where he worked closely with the Secretary of State's office. He has also been a member of American Legion Post 123 in Rocky Hill for more than 30 years, and he served for eight years as the Post's commander. Through the American Legion, he reached out to young people in the area by coordinating their Boys State and Girls State activities, which provide young people with an opportunity to see how their government works. He also organized Rocky Hill's Memorial Day parade on many occasions, which earned him a citation from the city for exemplary service.

In 1990, he was recognized for his outstanding service to the community by the Wethersfield/Rocky Hill Elk's Club when they named him their "Citizen of the Year."

Bob also sat on the finance council at St. James Church for ten years, where he helped to strengthen this important house of worship.

But even greater than his commitment to his church and his community is his devotion to his family. Bob has been a devoted husband to his wife Mildred and together they have raised three children, and they enjoy the company of five grandchildren.

Bob also possesses a passion for politics. He has been active in local Democratic politics for years, and I consider myself fortunate to have had the opportunity to work with him and to become his friend. I am particularly thankful to Bob for encouraging his granddaughter Adria to become involved in public service. For the past four years she has worked in my Washington office. It has been a pleasure working with her, and she has only enhanced my already high opinion of the Deasy family.

This Friday, the Rocky Hill Democratic Town Committee will bestow upon Bob their Chairman's Award in gratitude for their work for the party. This award is well deserved, and I congratulate Bob on this honor.

But, as I stated earlier, Bob Deasy's devotion was not to a political party, it was to a community. And thanks to Bob and people like him, Rocky Hill, Connecticut remains a tightly knit community with its own identity. It is a place with a strong sense of history that people are proud to call home. I thank Bob for all that he has done for the people of Connecticut, and I wish him all the best in his future endeavors.•

A TRIBUTE TO DR. KENNETH JERNIGAN, PRESIDENT EMERITUS OF THE NATIONAL FEDERATION OF THE BLIND

• Mr. SARBANES. Mr. President, today I rise to pay tribute to a man who has dedicated his life to improving opportunities for others. He is Dr. Kenneth Jernigan, who served as President of the National Federation of the Blind from 1968 to 1986 and as the Federation's President Emeritus until his death on October 12, 1998. In these capacities, Dr. Jernigan has become widely recognized and highly respected as the principal leader of the organized blind movement in the United States.

On September 14, 1998, Mr. President, I was privileged to attend an especially moving ceremony to recognize Dr. Jernigan for worldwide leadership in the development of technology to assist blind people. The award, consisting of $15,000 Canadian and a 2-ounce gold medallion, was given by the Canadian National Institute for the Blind, and the event was held at the Canadian Embassy here in Washington.

This recognition by our neighbors to the north was a tangible expression, Mr. President, of the respect which Dr. Jernigan has earned throughout his lifetime of service on behalf of blind people in the United States and around the world. Through his grit, determination, and skill, Dr. Jernigan achieved personal success. But more important than that, as a lifetime teacher and mentor, he gave others the chance for success as well.

Born blind in 1926, Kenneth Jernigan grew up on a small Tennessee farm with little hope and little opportunity. But, Mr. President, in the story of Kenneth Jernigan, from his humble beginning in the hills of Tennessee to his stature as a national—and even an international—leader, the story of what is right with American is told.

Dr. Jernigan may have been blind in the physical sense, Mr. President, but he was a man of vision nonetheless. In his leadership of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal.

Mr. President, for those who knew him and loved him, for the blind of this country and beyond, and for the National Federation of the Blind—the organization that he loved and built—the world without Kenneth Jernigan will be difficult. But the world he has left in death is a far better world because of his life.

The legacy which Dr. Jernigan has left is shown in the hundreds of thousands of lives that he touched and the lives that will still be touched by his example and the continuing power of his teaching. This will be the case for many generations to come. Mr. President, Kenneth Jernigan will be missed most by his family and friends, but his loss will be shared by all of us because he cared for all of us. He cared enough to give of himself. With the strength of his voice and the power of his intellect, he brought equality and freedom to the blind. As he did so, Mr. President, Kenneth Jernigan taught us all to love one another and live with dignity. That is the real and lasting legacy of Kenneth Jernigan.

Mr. President, on September 24, 1998, an article entitled "Friends Pay Homage to Crusader for the Blind, Jernigan Still Working Despite Lung Cancer" appeared in the Baltimore Sun. Because it presents a fitting tribute to Dr. Jernigan's life and work, I ask to insert the text of this article in the RECORD at this point.

The article follows.

FRIENDS PAY HOMAGE TO CRUSADER FOR THE BLIND, JERNIGAN STILL WORKING DESPITE LUNG CANCER

(By Ernest F. Imhoff)

A steady stream of old friends—maybe 200 in the past months—have been visiting Kenneth Jernigan at his home in Irvington. Pals who followed the old fighter for the blind as he tenaciously led fights for jobs, for access, for independent living, for Braille, and for civil rights have come to say thank you and goodbye to a dying blind man they say expanded horizons for thousands of people. James Omvig, a 63-year-old blind lawyer, and his sighted wife Sharon flew from Tucson, Ariz., to visit with the president emeritus of the National Federation of the Blind (NFB), who is in the latter stages of lung cancer. "The wonderful life I've had is all due to Dr. Jernigan," Omvig said. In the 1950s, he "was sitting around at home" in Iowa, after learning chair-making, until he met Jernigan and began studying Braille and other subjects. Omvig then graduated from college, got a law degree, became the first blind person hired by the National Labor Relations Board and later developed programs for the blind at Social Security in Baltimore, Alaska, and elsewhere.

One topic of conversation among the friends has been Jernigan's latest project, a proposed $12 million National Research and Training Institute for the Blind for NFB headquarters in South Baltimore.

Last week, Larry McKeever, of Des Moines, who is sighted and has recorded material for the 50,000-member federation, came to chat and cook breakfast for the Jernigans. Donald Capps, the blind leader of 58 South Carolina NFB chapters, called to congratulate Jernigan on being honored recently at the Canadian Embassy for his Newsline invention that enables the blind to hear daily newspapers.

Floyd Matson, who is sighted and has worked with Jernigan for 50 years, came from Honolulu to be with "my old poetry and drinking buddy."

A dramatic example of the high regard in which blind people hold Jernigan came during the annual convention of 2,500 NFB members in Dallas in July. A donor contributed $5,000 to start a Kenneth Jernigan Fund to help blind people.

Quickly, state delegations caucused and announced their own donations. The result: pledges of $137,000 in his honor.

Jernigan, 71, who was born blind and grew up on a Tennessee farm with no electricity, learned he had incurable lung cancer in November. In the past 10 months, Jernigan has been almost as busy as ever. He has continued projects such as editing the latest in his large-type "Kernel Book" series of inspirational books for the visually impaired. But his focus has been the proposed four-story institute, for which $1 million has been raised. It will house the nerve center of an employment program; research and demonstration projects leading to jobs and independent living; technology training seminars; access technology, such as applications for voting machines, airport kiosks and information systems; and Braille literacy initiatives to reverse a 50 percent illiteracy rate among visually impaired children.

In fighting for the blind, Jernigan has frequently been a controversial figure. Before he moved to Baltimore in 1978, the Iowa Commission for the Blind, which he headed, was the subject of a conflict-of-interest investigation by a gubernatorial committee. In the end, Gov. Robert Ray felt the committee's report vindicated the commission. The governor and the committee described the commission's program for the blind as "one of the best in the country."

There are good things in everything, even this illness," said his wife, Mary Ellen Jernigan. "You expect to hear from old friends. But in letters and calls, we hear from hundreds of people we don't know."•

PITNEY BOWES

• Mr. LIEBERMAN. Mr. President, I rise today to acknowledge an important milestone by an important institution in my home state of Connecticut—Pitney Bowes. For the past 78 years, Pitney Bowes has been at the forefront of technological innovation. The postage metering mechanisms that the company patented more than seven decades ago have faithfully performed their everyday task of metering postage.

Twenty years ago Pitney Bowes introduced a postage by phone system, which allowed businesses to refill their postage meters over the phone. This technology has just passed a major milestone. Recently, Pitney Bowes announced the signing of its one-millionth active postage by phone customer. Connecticut's Governor, John Rowland, was on hand to commemorate this event and presented the company with a proclamation noting that nearly three quarters of a billion dollars in time and labor have been saved since the postage by phone system was implemented.

Together with numerous mass mailing machines developed over the years, Pitney Bowes has changed the face of commerce. They enabled mass mail marketing and created millions of jobs. Indeed, every member of this body has had a campaign that depended on the mass mail systems developed by Pitney Bowes.

However, Pitney Bowes is not just postage meters. It's not just faxes, copiers, software, business services, financial services, or cryptographic security for cyberspace transactions and communications. It is not just PC postage metering which makes it possible for businesses to print postage using only a PC and a standard printer. It is not just the $100 million in R&D it spends each year or the dozens of new patents that Pitney Bowes receives annually. It is not just cutting-edge technology.

The spirit of Pitney Bowes is found in its people. More than one million customers, mostly small businesses, use Pitney Bowes products to efficiently conduct their business. Tens of millions of our citizens benefit from the company's mailing and messaging systems. More than thirty thousand employees—seven thousand of these in Connecticut—are dedicated to making all of our jobs easier. It is this spirit that has resulted in Pitney Bowes being repeatedly listed as one of the 100 best companies to work for in America, recognized as providing meaningful opportunities for women and minorities, and respected as a leader in the Connecticut business community.

Congratulations to the Pitney Bowes workforce on this new milestone.●

DR. ROBERT F. FURCHGOTT

● Mr. MOYNIHAN. Mr. President, today I rise to congratulate Dr. Robert F. Furchgott of the State University of New York Health Science Center at Brooklyn on winning the 1998 Nobel Prize in Physiology or Medicine.

Dr. Furchgott, along with Dr. Louis J. Ignarro of the University of California at Los Angeles, and Dr. Ferid Murad of the University of Texas, were awarded the Nobel Prize for their discoveries of how natural production of nitric oxide can mediate a wide variety of bodily actions. Those include the regulation of blood pressure, widening blood vessels, preventing the formation of blood clots, fighting infections, reducing sexual dysfunction, and functioning as a signal molecule in the nervous system.

The bestowment of this prestigious honor to Dr. Furchgott brings long overdue recognition to the medical research conducted at "SUNY Downstate". I commend Dr. Furchgott and the entire staff of the State University of New York Health Science Center at Brooklyn for their many contributions to the field of medicine.

Mr. President, I ask that the article on Dr. Robert F. Furchgott from the New York Times be printed in the RECORD.

The article follows.

RESEARCH HONOR GOES TO THE BROOKLYN SIDE

(By Jennifer Steinhauer)

The State University of New York Health Science Center at Brooklyn has always been a bit of an underdog among the city's medically elite institutions. In spite of its groundbreaking work in the study of AIDS, alcoholism and other illnesses, kudos most often went to hospitals and research centers on the other side of the Brooklyn Bridge, like Mount Sinai and New York University.

But yesterday, SUNY Downstate, as the science center is known, earned its boasting rights over Manhattan when Dr. Robert F. Furchgott, a distinguished professor of pharmacology there, received a Nobel Prize in Physiology or Medicine, the highest recognition possible for a body of work that most Americans would recognize only in the form of Viagra.

Dr. Furchgott, 82, is in many ways a quintessential representative of Downstate, which had never received that Nobel Prize and is better known to most New Yorkers as the college that provides doctors to Kings County Hospital Center, one of the city's busiest and perhaps most embattled hospitals.

Colleagues described Dr. Furchgott as modest, spending nearly every day nibbling sandwiches and eating yogurt in his office while poring over scientific journals, or toiling in his laboratory, pondering the mysteries of nitric, pondering the mysteries of nitric oxide.

"His personal modesty stands in marked contrast to his magnificent achievement," said Dr. Eugene B. Feigelson, the college's dean of medicine. "It is a source of pride for the entire institution and to Brooklyn and is a further distinction for us and for the State University of New York."

When asked to reflect on his honor, Dr. Furchgott seemed almost dismissive. "I was kind of surprised," he said in a telephone interview from his home in Hewlett, N.Y. "My work is sort of old-fashioned pharmacology.

"Is it the highlight of my career? I guess in a way, though you don't do research to win prizes. You do it because you're curious about what makes things tick."

Sure, international attention, television cameras planted on the front lawn, phone ringing off the hook with calls from reporters struggling mightily to understand the subtleties of his work—these things have tickled him.

But his favorite moment in his entire career, he said, "was when we discovered that endothelial cells were necessary for relaxation of arteries."

"Then," he said, "it was finding that the endothelium-derived relaxing factor was nitric oxide. There have been lots of fun things."

He is, by admission of his admirers, a serious man of research.

"His lectures were dull, onerous and droning on," said Eli A. Friedman, a distinguished teaching professor of medicine at SUNY Downstate and a former student of Dr. Furchgott. "But the content of his work was profound and inspiring. So if one could get past the fact that he was less than electric competition for Jackie Gleason on television, he was very exciting and moving."

Dr. Furchgott, who holds a doctorate in biochemistry and is a professor emeritus at Downstate, won his prize for discoveries of new properties of nitric oxide. With colleagues, he was able to demonstrate that the gas nitric oxide can act as a messenger molecule that tells blood vessels to relax and dilate, which lowers blood pressure. The discovery was vital to developing the anti-impotence drug Viagra.

In 1996, he won an Albert Lasker Award in basic medical research, which is often a precursor award to the Nobel Prize. "Everyone here will walk a little straighter and hold their head a little higher because he is here." Dr. Friedman said.

Dr. Furchgott was born in Charleston, S.C., and received a B.S. in chemistry from the University of North Carolina in 1937 and a doctorate in biochemistry from Northwestern University in 1940.

When asked what else he would like known about his career, Dr. Furchgott said: "Nothing really. I would like to get myself some lunch now."●

GRACE M. AMODEO

● Mr. DODD. Mr. President, communities are not defined by physical borders. They are defined by people. People who are concerned for the well-being of their neighbors, even if they do not know them. People who want to make their town a good place to raise children. People who recognize the importance of being a part something larger than themselves. Today, I want to speak about one such person who has worked tirelessly to make Rocky Hill, Connecticut a true community: Grace M. Amodeo.

Born in Italy, Grace Amodeo has lived in Rocky Hill for 44 years. Grace is a political pioneer in this town. In 1971, she ran for Mayor of Rocky Hill and earned the nomination of the Democratic party, the first woman to ever do so. Although she didn't win, she did not let that set-back deter her from actively serving her community throughout her life.

Grace Amodeo was a member of the Board of Education for eight years, and she served as the secretary for four years. A woman of strong faith, she was a Eucharistic Minister at St. James Church. And Rocky Hill has known no stronger advocate on behalf of seniors. Grace was a long-time member of Rocky Hill Seniors and served as their President from 1978 to 1980. She also served on the fundraising committee for the Senior Center. In fact, she was named Rocky Hill's "Senior of the Year" in 1983.

Grace's contributions to the community are all the more remarkable when you consider that she and her late husband Tony also raised eight children.

In addition to possessing a commitment to her community, she had a passion for politics, as evidenced by her run for mayor. Grace has been active in local Democratic politics for years, and I consider myself fortunate to have had the opportunity to work with her. This Friday, the Rocky Hill Democratic Town Committee will bestow upon

Grace their Chairman's Award in gratitude for her work for the party. This award is well deserved, and I congratulate Grace on this honor.

But, as I stated earlier, Grace Amodeo's devotion was not to a political party, it was to a community. And thanks to Grace and people like her, Rocky Hill, Connecticut remains a tightly knit community with its own identity. It is a place with a strong sense of history that people are proud to call home. I thank Grace for all that she has done for the people of Connecticut, and I wish her all the best in her future endeavors.•

TRIBUTE TO MATTHEW SHEPARD AND HIS FAMILY

• Mrs. MURRAY. Mr. President, I rise today to remember a young man who was wrongly, viciously struck down in the prime of his life. Matthew Shepard was an innocent, kind, young man pursuing his education and enjoying the life of a college student. Tragically, he is now a reminder of what happens when we do not stand up to hate and bigotry.

On Monday night in Seattle and Spokane, Washington, hundreds of people from all walks of life came together to remember Matthew and to call for action to end hate crimes. Many people in Washington were outraged and shared in our nation's sorrow. I was touched by this response and join with so many others in expressing my own deep sense of hopelessness, I know that this was not just an isolated incident. Hate crimes are a real threat. We cannot be silent any longer.

A week ago today, I joined many of my Colleagues down at the White House in celebration of the signing of the Higher Education Reauthorization Act. I was proud to be there to call attention to the importance of this Act. I was proud that the legislation increased opportunities for young students and improved access to quality education for all students. I thought about how important it was for us to be focused on the needs of young Americans and their families striving to achieve a higher education.

I thought of the many college students and high school students I have met who would benefit from these opportunities. I thought about my own college age children and the opportunities they would have. I knew this was a big accomplishment.

Today, my thoughts are with another young college student who will never experience the opportunities and improvements we worked so hard to achieve. My thoughts have gone from improving opportunities to how to prevent the terrible heartache that Matthew Shepard's family and friends are now experiencing.

When I first heard of this horrible crime I immediately felt deep sympathy for Matthew's parents. How frightening it must have been for them to fly half way around the world to be with their child who was almost unrecognizable because of the violent attack he suffered. I can't imagine the pain they must be experiencing. There are simply no words that I could offer in comfort.

I then felt deep sorrow for the community and the University. To know that those who committed this violent and hateful crime are part of their community must be unbearable. This community will never be the same.

I now feel sorry for our nation. What we have lost? A young man with so much potential. What might Matthew Shepard have become? We know that he was interested in political science and very interested in this field of study. Could Matthew have become a U.S. Senator?

I think now that maybe Matthew can teach us all. We need to use this tragic and despicable crime to attack hate as we attack any other disease that kills. We must treat hate crimes as the deadly threat that they are and do more to prevent them. Hate is nothing more than a cancer that needs to be stopped.

S. 1529, Hate Crimes Prevent Act, offers us that opportunity. I am pleased to have joined with many of my Colleagues in cosponsoring this important legislation. The bill would expand the definition of a hate crime and improve prosecution of those who act out their hate with violence. No one beats a person to death and leaves them to die without being motivated by a deep sense of hate. This was no robbery. The motive was hate.

The immediate response of local law enforcement officials illustrates why we need to strengthen federal Hate Crimes laws and why the Federal Government must take a greater role in ending this violence.

I urge all of my Colleagues to think about the many Matthew Shepard, we have all met. Kind and hard working young adults. Let us act now to prevent any more senseless violence and deaths.

It is often said that from tragedy we can learn. Let us learn from this tragic event and make a commitment that we will act on Hate Crimes Prevention legislation. Let our actions serve as a comfort to Matthew's parents and the hundreds of other parents who fear for their children.

There are so many tragedies that we cannot prevent. Another senseless, brutal attack like the one experienced by Matthew is a tragedy that we cannot prevent. We spend millions of dollars a year seeking cures for deadly diseases that strike the young and old. We simply cannot accept a disease that strikes without warning and takes the life of a percious vulnerable child. We need to treat hate the same. It cannot and will not be tolerated.•

DESECRATION OF THE AMERICAN FLAG

Mr. THURMOND. Mr. President, I rise today to express my disappointment that we will not have the opportunity to vote before the end of this session on passage of S.J. Res. 40, the Constitutional amendment to protect the flag of the United States.

Recently, the Majority Leader made a reasonable request for time for debate and then a vote on this amendment. However, the minority unfortunately would not agree. There is not time for extended debate on this issue in the last days of this session, but extended debate should not be necessary.

We have considered this issue in the Judiciary Committee and on the Senate Floor many times in the past. In fact, we have been debating this matter for almost a decade. I have fought to achieve Constitutional protection for the flag ever since the Supreme Court first legitimized flag burning in the case of *Texas* v. *Johnson* in 1989. We have held numerous hearings on this in the Judiciary Committee, most recently this past July.

In our history, the Congress has been very reluctant to amend the Constitution, and I agree with this approach. However, the Constitution provides for a method of amendment, and there are a few situations where an amendment is warranted. This is one of them.

The only real argument against this amendment is that it interferes with an absolute interpretation of the free speech clause of the First Amendment. However, restrictions on speech already exist through Constitutional interpretation. In fact, before the Supreme Court ruled on this issue in 1989, the Federal government and the states believed that flag burning was not Constitutionally-protected speech. The Federal government and almost every state had laws prohibiting flag desecration in 1989.

Mr. President, flag burning is intolerable. We have no obligation to permit this nonsense. Have we focused so much on the rights of the individual that we have forgotten the rights of the people?

During moments of despair and crisis in our history, our people have turned to the flag as a symbol of national unity. It represents our nation, our national ideals, and our proud heritage. It is much more than a piece of cloth.

One of the most vivid reminders of the importance of the flag is the Battle of Iwo Jima during World War II some 53 years ago. On the fourth day of the battle, after our troops fought their way onto the beaches and over dangerous terrain, six men raised a United States flag on the highest ridge on Mount Suribachi. That was February 23, 1945, but the battle raged on until March 15, 1945. During those weeks of fighting, the flag served as an inspiration for our troops to keep pressing forward to victory.

Many times, American soldiers have put their lives on the line to defend what the flag represents. We have a duty to honor their sacrifices by giving the flag the Constitutional protection it deserves.

Since we will not be able to turn to this amendment in the closing days of this session, this issue will have to wait for the next Congress. We must not be deterred. I am firmly committed to fighting for this amendment until we are successful.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. DASCHLE. Mr. President, I am pleased to report that, after years of waiting, families facing the tragedy of alcohol-related birth defects can finally expect a coordinated federal response to their needs. The Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act, which has been included as part of S. 1754, the Health Professions Education Partnerships Act, will establish a national task force to address FAS and FAE, and a competitive grant program to fund prevention and intervention for affected children and their families.

The Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act was introduced as S. 1875 earlier this year and, with today's Senate passage, will be cleared for the President's signature. It is a modest measure, but its implications—in terms of children saved, families saved, and dollars saved—are dramatic.

Alcohol-related birth defects, commonly known as Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE), wreak havoc on the lives of affected children and their families. The neurological damage done by fetal exposure to alcohol is irreversible and extensive, undercutting normal intellectual capacity and emotional development. A child with FAS or FAE may be unable to think clearly, to discern right from wrong, to form relationships, to act responsibly, to live independently.

The complicated and debilitating array of mental, physical, and behavioral problems associated with FAS and FAE can lead to continual use of medical, mental health, and social services—as well as difficulty learning basic skills and remaining in school, alarming rates of anti-social behavior and incarceration, and a heightened risk of alcohol and drug abuse. FAS is the leading cause of mental retardation in the United States.

And it is 100 percent preventable.

FAS is completely preventable, yet, each year in the United States, some 12,000 children are born with FAS. The rate of FAE may be 3 times that. Researchers believe these conditions are often missed—or misdiagnosed—so the actual number of victims is almost certainly higher.

The incidence of FAS is nearly double that of Down's syndrome and almost 5 times that of spina bifida. In some Native American communities, one of every 100 children is diagnosed with FAS.

It has been more than 30 years since researchers identified a direct link between maternal consumption of alcohol and serious birth defects. Yet, the rate of alcohol use among pregnant women has not declined, nor has the rate of alcohol-related birth defects. In fact, both are increasing over time.

The Centers for Disease Control (CDC) reported a sixfold increase in the percentage of babies with FAS born between 1980 and 1995. This increase is consistent with the CDC's finding that rates of alcohol use during pregnancy, especially the rates of "frequent drinking," increased significantly between 1991 and 1995. These findings defy the Surgeon General's warning against drinking while pregnant as well as a strongly worded advisory issued in 1991 by the American Medical Association urging women to abstain from all alcohol during pregnancy. Clearly, we need to do more to discourage women from jeopardizing their children's future by drinking while pregnant.

In addition to the tragic consequences for thousands of children and their families, these disturbing trends have a staggering fiscal impact. The Centers for Disease Control and Prevention estimates the lifetime private and public cost of treating an individual with FAS at almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

We know FAS and FAE are not "minor" problems. They are prevalent; they are irreversible; they are devastating to the victim and his or her family; and they are a drain on societal resources. We know the word is not getting out—or maybe it's not getting through—that drinking alcohol during pregnancy is a tremendous and senseless risk. We know children with FAS and FAE and their families are not receiving appropriate services, and we are all paying the consequences.

Given what we know about FAS and FAE, our governmental and societal response to date are clearly inadequate. With this legislation, we are finally strengthening that response.

To the extent we can prevent FAS and FAE and help parents respond appropriately to the special needs of their children, we can reduce institutionalizations, incarcerations and the repeated use of medical, mental health and social services that otherwise may be inevitable. It makes fiscal sense, but, far more importantly, it is what we need to do for the children and families who suffer its impact.

The legislation we are sending to the President will establish a national task force of parents, educators, researchers and representatives from relevant federal, state and local agencies. That task force will tell us how to raise awareness about FAS and FAE—how to prevent it and how to deliver the kinds of services that will enable children and adults with FAS and FAE, and their families, to cope with its devastating effects.

A national task force with membership from outside of, as well as within, the federal government is our best bet if we want to take a realistic look at this problem and address it. The true experts on these conditions are the parents and professionals who deal with the cause and effects of these conditions day in and day out. If we want to respond appropriately, parents, teachers, social workers, and researchers should have a place at the table. A national task force will also provide the opportunity for communities to share best practices, preventing states that are newer to this problem from having to "reinvent the wheel."

In conjunction with the task force efforts, the Secretary will establish a competitive grants program. This $25 million program will provide the resources necessary to operationalize the task force recommendations by supporting education and public awareness, coordination between agencies that interact with affected individuals and their families, and applied research to identify effective prevention strategies and FAS/FAE services.

Mr. President, responding to the tragedy of alcohol-related birth defects is an urgent cause. I'd like to thank the many concerned parents, researchers, educators, advocacy organizations and federal agencies for their invaluable input on this legislation. I am confident this initiative will deliver profound benefits to the Nation, and I am thrilled to see us moving toward its enactment.

TUG AND BARGE SAFETY

Mr. CHAFEE. Mr. President, I rise today to thank the managers of the 1998 Coast Guard Authorization Act for their help in addressing an issue of great importance in Rhode Island: the safety of the tug and barge industry. The managers' amendment to the Coast Guard Authorization Act that passed the Senate on Monday included a provision that will strengthen the regulation of transportation of petroleum by barges in the waters of the Northeast.

I appreciate the cooperation of Commerce Committee Chairman McCAIN, Ranking Member HOLLINGS, Subcommittee Chairwoman SNOWE, and Ranking Member KERRY for incorporating my provision into the bill.

I especially want to thank the cosponsor of the provision, Senator JOSEPH LIEBERMAN of Connecticut, for his support. We have worked closely on this issue for several years. Senator DODD of Connecticut also lent his support to the effort.

In order to understand why the Chaffee-Lieberman provisions are necessary, you must go back to the 1996 disaster when the tug *Scandia* and barge *North Cape* grounded on the coast of Rhode Island. After the accident, the Environment and Public Works Committee, which I chair, reported a bill to improve towing vessel safety, and important elements of the bill were included in the 1996 Coast Guard Authorization Act. My intent in enacting 1996 provisions was to improve safety in the towing industry so as to prevent a repetition of a disaster like the 1996 *Scandia/North Cape* spill in Block Island Sound.

In October, 1997 the Coast Guard issued rules to implement the 1996 towing vessel legislation. I and others concluded that the proposed rules might not prevent a repetition of the *Scandia/North Cape* disaster and asked the Coast Guard to reconsider. The Coast Guard is now reworking the rules and expect to issue an interim final national rule on anchoring and barge retrieval systems in November 1998. They will repropose fire suppression regulations in January 1999.

Senator LIEBERMAN and I also were concerned that the proposed rules did not implement the recommendations of the Regional Risk Assessment Team or "RRAT," which forged a remarkable consensus among Coast Guard District One, the States, the environmental community, and the regulated industry on rules, to improve safety and reduce risks in the waters of the Northeast States.

The team was assembled by the Marine Safety Office in the First Coast Guard District shortly after the *North Cape* spill. The RRAT met for six months and, in February 1997, delivered a report with extensive regulatory recommendations. Regulations were proposed in the following areas: vessel manning, anchors and barge retrieval systems, voyage planning, navigation safety equipment aboard towing vessels, enhanced communications, vessel traffic schemes and exclusion zones, lightering activities, tug escorts, and crew fatigue.

The report was signed by the RRAT Steering Committee members: the Chief of the Marine Safety Division of the First Coast Guard District, the American Waterway Operators (on behalf of the regulated industry), Save the Bay (on behalf of environmental organizations), and the Rhode Island Department of Environmental Management (on behalf of states participating in the RRAT).

The Coast Guard was deeply involved in the RRAT process. The First Coast Guard District facilitated RRAT meetings, prepared the agendas and minutes, and lent other administrative support to the effort. In June 1997, the First Coast Guard District also forwarded its plan to implement the RRAT recommendations to Coast Guard Headquarters.

It was the expectation of the state, environmental, and industry RRAT participants that the RRAT recommendations for regional regulations would be included as a part of the rulemaking to implement the towing vessel safety provisions in the Coast Guard Authorization Act of 1996. This was a reasonable expectation based upon the level of Coast Guard involvement in the development of the consensus RRAT recommendations, which were then endorsed by the Coast Guard Officer charged with marine safety in the RRAT study area.

Unfortunately, the regulations proposed by the Coast Guard in October 1997, did not incorporate the RRAT's recommendations for regional regulations. It also rejected specific RRAT recommendations on anchor and emergency retrieval provisions. Subsequent inquiry by Senator LIEBERMAN and myself revealed that the Coast Guard did not have any future plan to issue the RRAT's recommended regulations.

This decision by the Coast Guard was simply not acceptable. In April 1998, Senator LIEBERMAN and I asked that the Coast Guard immediately issue the regional regulations. This same request was made by many others in New England, including States environmental departments, regional and local environmental organizations, and private citizens in written comments, and at an April 9, 1998, hearing in Newport, Rhode Island.

To its great credit, the Coast Guard has reevaluated its initial rejection of regional regulations. The Coast Guard has embraced the RRAT recommendations, and has been making admirable progress of implementing the RRAT report. I am pleased to report that the Coast Guard will publish a proposed regional regulation in the Federal Register today. Because of its proactive reponse to the concerns that Senator LIEBERMAN and I raised, the Coast Guard is in position to meet the aggressive deadlines in the Chafee-Lieberman provision in this year's Coast Guard bill.

The Chafee-Lieberman provision, section 311 of the managers' amendment to H.R. 2204, directs the Coast Guard to issue regulations for towing and barge safety for the waters of the Northeast, including Long Island Sound. Section 311 directs the Coast Guard to give full consideration to each of the regulatory recommendations made by the RRAT and explain in detail if any recommendation is not adopted.

Section 311 directly addresses anchoring and barge retrieval systems on a regional basis only. It is my understanding the Coast Guard is planning to issue a nationwide national interim final regulation on the anchor requirement by the end of November 1998. The amendment gives the Coast Guard the discretion to forego a regional requirement if the national requirement for anchoring and barge retrieval are no less stringent than those required for the waters of the Northeast.

Though not a part of the Chafee-Lieberman provision adopted in H.R. 2204, I wish to address the issue of fire suppression systems on tugboats. The fire on board the *Scandia* was the critical link in the chain of events that led to the grounding of the barge *North Cape* and the resultant oil spill. It is my view that the October 1997 proposed rules badly missed the mark on this issue. The Coast Guard proposal did not require a fire suppression system that would flood the engine room with a gas to extinguish a serious fire. This is a fatal defect in the proposed rule, and is inconsistent with the 1996 Coast Guard Authorization Act.

The Coast Guard's October 1997 proposal inferred a mandate "to prevent casualties involving barges which are the result of a loss of propulsion of the towing vessel." The 1996 Coast Guard Authorization Act's actual mandate is quite explicit: "The Secretary shall require * * * the use of a fire suppression system or other measures to provide adequate assurance that fires on board towing vessels can be suppressed under reasonably foreseeable circumstances." This is a clear mandate that onboard equipment be able to suppress reasonably foreseeable fires such as occurred on the *Scandia*.

The 1996 statute reflects Congress' judgment that the preferred alternative is to suppress a fire quickly enough so that damage is limited and propulsive power can be restored if interrupted due to fire fighting efforts. A fixed fire suppression system is an option that any vessel master would desire if faced with an engine room fire that could not be controlled by other means.

The proposed regulations used vessel size as a principal criterion, while failing to consider adequately any differential requirements based on the "characteristics, methods of operation, and nature of service" as required by the law, which intentionally omitted size from the list of factors to consider.

Not all towing vessels are the same when considering the imposition of a requirement for a fixed flooding fire suppression system. Specifically, tugboats like the *Scandia* which tow barges on the East Coast of the United States, are essentially seagoing vessels with sealable watertight doors and port holes. Tow boats operating on rivers and inland waterways are not designed for the same type of service. On these inland vessels, engine rooms may be located on the main deck, and they may have conventional doors and windows.

The proposed Coast Guard rule correctly noted that, looking at towing vessels as a whole, certain types of vessels are "constructed with engine rooms that would not be sufficiently air tight" to be able to use a system that floods the space with a gas to extinguish an out-of-control blaze. This is certainly true in the case of inland tow boats.

Tug boats designed for ocean service such as the *Scandia*, if they are operated in a prudent and seamanlike manner, do have the requisite water and air tightness to use a fixed flooding fire suppression system to good advantage. Congress specifically required that the proposed regulations account for the variations within the commercial towing fleet.

My preference was to simply mandate a fire suppression system for ocean-going tugboats in this year's Coast Guard bill. After hearing the concerns raised by the Coast Guard and colleagues on the Commerce Committee, I will not pursue fire suppression changes this year. I look forward to the Coast Guard's new proposal on fire suppression, which is due for publication in January 1999. I expect it will be a marked improvement over the flawed October 1997 proposal.

In closing, I again thank my colleagues on the Commerce Committee for accommodating my concerns on this issue. I also want to thank the Coast Guard. They could have waited until section 311 became law before starting on the regional regulations. Instead, the Coast Guard, by proposing the regional regulations this very day, has accelerated the date when the Northeast will have the protection it deserves. Finally, I thank my longtime collaborator on oil spill issues, Senator JOSEPH LIEBERMAN of Connecticut, for his steadfast support in this effort.

DARE NOT SPURN RUSSIA

Mr. MOYNIHAN. Mr. President, the news from Russia remains grim. The Times reported on Saturday:

> Rocked by its worst harvest in 45 years and a plummeting ruble, Russia appealed today for relief aid from the European Union. It has also approached the United States and Canada for help.

Clearly Russia is in a perilous—one could say dangerous—state. The grain harvest is down almost 40 percent primarily because of a summer drought in the Volga River and Ural regions. And the financial crisis in Russia has only added to the problems. For example the Times also reports that because payment has not been made "15 ships full of American frozen poultry have delayed unloading their cargo."

What to do? For starters let's not repeat the mistakes of the past. Following the defeat of Germany in World War I, we failed to provide aid to the Weimar Republic as it attempted to sustain a democratic government. The resulting Nazi reign of terror was both devastating and unspeakable.

By contrast, following the defeat of the Nazis in World War II, we adopted the Marshall Plan to rebuild a democratic Germany. From 1948 to 1952, the United States gave almost $3 billion a year to fund the Marshall Plan. A comparable contribution in round numbers, given the current size of the United States economy, would be about $100 billion a year for five years.

Recognize that Russia, no less than Nazi Germany, is a defeated nation—the latter on the military battlefield, the former on the economic battlefield. To keep Russia on the road to democracy and economic reform will require economic aid perhaps on the scale of the Marshall Plan. When you consider what we have been through, a post cold war Marshall Plan does not seem excessive. Particularly since we were able to fund the Marshall Plan at the same time we were threatened by an empire that subscribed to the view that eventually the entire world would succumb to communism.

The singular truth is that we were utterly unprepared for the collapse of the Soviet Union. During the 1980s we began a defense build up which resulted in the largest debt the United States has ever known. When the Soviet Union did collapse, we felt broke and unable to launch the kind of economic assistance that we were able to do after World War II.

While we have provided some assistance, it falls far short of Russia's needs and lacks a coherent plan. Such a plan would include technical assistance on tax collections, operations of banks and stock exchanges, protection of property and individual rights to name just a few areas that a country with little or no experience with democracy and free markets might find helpful. Let me emphasize: without real short- and long-term financial assistance none of this technical assistance will be effective or, indeed, welcome.

But the United States cannot do it alone. What would make the countries of Central and Eastern Europe more secure than any military alliance would be membership in the European Union. Unfortunately, our Western European allies have not embraced their eastern neighbors in this way.

Ambassador Richard Holbrooke has explained that to a certain extent, expanding NATO served as a surrogate for EU enlargement. Roger Cohen reports Ambassador Holbrooke's remark in the International Herald Tribune:

> Almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill the void.

We seem to have stumbled into a reflexive anti-Russian mode. The United States continues to act as though the Cold War is still the central reality of foreign policy, withal there has been a turnover and we now have the ball and it is time to move downfield. For instance, in a Times story on Sunday about the selection of a trans-Caucus oil pipeline, it was reported:

> The Administration favored the Baku-Ceyhan route because it would pass through only relatively friendly countries—Azerbaijan, Georgia and Turkey—and would bind them closer to the West; because it would pull Azerbaijan and Georgia out of the Russian shadow; and because it would not pass through either Russia or Iran, both of which have offered routes of their own.

Is "binding" Azerbaijan and Georgia closer to the West part of a flawed strategy of isolating Russia? We seem clearly headed in that direction with the expansion of NATO. And ignoring George F. Kennan, who lamented the Senate vote on NATO expansion in an interview with Thomas L. Friedman. Commenting on the Senate debate, Ambassador Kennan stated:

> I was particularly bothered by the references to Russia as a country dying to attack Western Europe. Don't people understand? Our differences in the cold war were with the Soviet Communist regime. And now we are turning our backs on the very people who mounted the greatest bloodless revolution in history to remove the Soviet Regime.

We would do well to remember these words.

LOW INCOME HOUSING TAX CREDIT

Mr. D'AMATO. Mr. President, about a year ago, the distinguished Senator from Florida, Senator GRAHAM, and I introduced legislation (S. 1252) to increase the amount of low-income housing tax credits allocated to each state to reflect inflation since 1986, and to index this amount to reflect future inflation. Today, we have 64 additional cosponsors. In this time when the conventional wisdom is that everything is supposed to be so partisan in Washington, it is a very good testament about the importance of the low-income housing tax credit that S. 1252 has garnered the bipartisan support of two-thirds of the Senate.

I guess we should not be surprised about this support. The housing credit has become an extraordinarily effective mechanism to encourage construction of affordable housing. Since its creation in 1986, the low-income housing tax credit has successfully expanded the supply of affordable housing and helped revitalize economically distressed areas throughout the United States. The credit has been responsible for almost 900,000 units of housing in the past decade. Nearly all new affordable housing today (98%) is constructed with the help of the credit. Without the credit, these units simply would not be available.

Credits are allocated to each of the states on a formula based on population: $1.25 multiplied by the number of people in the state. Each state must adopt an allocation plan based on housing needs in that particular state. Then private developers compete for allocation of the limited amount of tax credit. This creates an environment where each state can encourage the type and location of affordable housing it needs. And the competition for limited amounts of credit means that the Federal Government gets more and better housing for each credit dollar. Effectively, the low income housing tax credit is a block grant to each state, and each state uses market competition to maximize the amount and quality of the housing.

In March, 1997, after an 18 month study of the program, the General Accounting Office reported on the many achievements of the program without finding any problems in need of legislative correction. In fact, the GAO study concluded that families living in housing built with the help of the credit had incomes that were lower than that required by statute.

Unfortunately, the amount of credit that can be allocated each year has not been adjusted since the program was created in 1986. If the credit had been indexed for inflation since it was first enacted, the per capita credit amount would be $1.85 this year.

Although building costs rise each year, as does the affordable housing needs of the nation, the federal government's most important and successful housing program is in effect being cut annually as a result of inflation. When the cap was first established, the credit would fund 115,000 units. Now it will fund between 75,000 and 80,000 units. Despite economic prosperity in recent years, the shortage in affordable housing has become more, not less, severe. According to HUD, the number of households with crisis-level rental housing needs exceeds 5 million.

I had hoped that we would have been able to see the enactment of S. 1252 this year. Twelve years of erosion in value of the credit should be enough. Unfortunately, it appears that this meritorious legislation will have to wait until next year. It is not often that we can find a proposal that is supported by a bipartisan two-thirds of the Senate, a majority of Republican governors, and a Democratic President. Given the need for additional affordable housing, the effectiveness of the credit, and its broad bipartisan support among elected officials at all levels of government, I am very hopeful that we will be able to make this legislation a priority tax item early next year when the new Congress convenes.

JUDICIAL NOMINATIONS BEING HELD HOSTAGE

Mr. LEAHY. Mr. President, there are currently 21 qualified nominees on the Senate calendar who have been reported favorably by the Judiciary Committee. Ten of those nominations would fill judicial emergency vacancies, which have been without a judge for over 18 months. We have been trying for days, weeks, months and in some cases years to get votes on these nominees.

The Majority Leader has yet to call up the nomination of Judge Richard Paez to the Ninth Circuit. That nomination was first received by the Senate back in January 1996, almost three years ago. His nomination was delayed at every stage and this is now the judicial nomination that has been pending the longest on the Senate Executive Calendar this year, seven months. Over the last few days the Majority Leader has repeatedly indicated that he would be calling up this nomination, but he has not done so.

I have heard rumors that some on the Republican side planned to filibuster this nomination. I cannot recall a judicial nomination being successfully filibustered. I do recall earlier this year when the Republican Chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination. During this year's long-delayed debate on the confirmation of Margaret Morrow, Senator HATCH said: "I think it is a travesty if we ever start getting into a game of filibustering judges." Well, it appears that travesty was successfully threatened by some on the Republican side of the aisle and kept the Majority Leader from fulfilling his commitment to call up the nomination for a confirmation vote.

Like the nomination of Bill Lann Lee to head the Civil Rights Division, it appears that some on the Republican side have decided to take the Paez nomination as a partisan trophy and to kill it—and to do so through obstruction and delay rather than allowing the Senate to vote up or down on the nomination.

Judge Paez and all 21 judicial nominations recommended to the Senate by the Judiciary Committee deserve better. They should be cleared for confirmation without further delay. I note that of the 21 judicial nominations on the Senate Executive Calendar, 19 were reported unanimously by the Senate Judiciary Committee over the last five months. Those judicial nominations which cannot be cleared by unanimous consent ought to be scheduled for debate and a confirmation vote without further delay.

Let me put this in perspective: Most Congresses end without any judicial nominations left on the Senate Executive Calendar. The Senate calendar is usually cleared of such nominations by a confirmations vote. Indeed the 99th, 101st, 102nd, and 103rd Congresses all ended without a single judicial nomination left on the Senate calendar. The Democratic Senate majority in the two Congresses of the Bush Administration ended both those Congresses, the 101st and 102nd, without a single judicial nomination on the calendar.

By contrast, the Republican Senate majority in the last Congress, the 104th, left an unprecedented seven judicial nominations on the Senate Executive Calendar at adjournment without Senate action. And today, this Senate still has 21 judicial nominations on its calendar. The goal should be to vote on all judicial nominations on the calendar. To leave as many as seven judicial nominations without action at the end of this Congress is shameful; to be toying with the prospect of 21 is irresponsible.

In his 1997 Year-End Report, Chief Justice Rehnquist focused again on the problem of "too few judges and too much work." He noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

That is good advice. That is what this Senate should do, take up these nominations and vote them up or vote them down. I believe that if the Senate were given an opportunity to have a fair vote on the merits of the nomination of Judge Richard Paez or Timothy Dyk or any of the 21 judicial nominations pending on the Senate Executive Calendar, they would be confirmed. Perhaps that is why we are not being allowed to vote.

The Chief Justice of the United States Supreme Court has called the number of judicial vacancies "the most immediate problem we face in the federal judiciary." I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfil our constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are harming the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

We began this year with the criticism of the Chief Justice of the United States Supreme Court ringing in our ears: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." Nonetheless, instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continued and unjustified and anonymous "holds" become regular order.

To date, the Senate has actually been losing ground to normal attrition over the last two years. When Congress adjourned in 1996 there were 64 vacancies on the federal bench. In the last 24 months, another 87 vacancies have opened. And so, after the confirmation of 36 judges in 1997 and 48 so far this year, there has still been a net increase in judicial vacancies. The Senate has not even kept up with attrition. There are more vacancies in the federal judiciary today than when the Senate adjourned in 1996.

This is without regard to the Senate's refusal to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration. Last year the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. If Congress had passed the Federal Judgeship Act of 1997, S. 678, as it should have, the federal judiciary would have 120 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past two years. In that light, the judicial vacancies crisis continues unabated.

In order to understand why a judicial vacancies crisis is plaguing so many federal courts, we need only recall how unproductive the Republican Senate has been over the last three years. More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 23 of those judicial emergency vacancies, nominations that are still pending as the Senate prepares to adjourn.

When the American people consider how the Senate is meeting its responsibilities with respect to judicial vacancies, it must recall that as recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate three years to reach the century mark for judicial confirmations—to accomplish what we did in one session.

Unlike other periods in which judicial vacancies could be attributed to newly-created judgeships, during the past four years the vacancies crisis has been created by the Senate's failure to move quickly to consider nominees to longstanding vacancies.

No one should take comfort from the number of confirmations achieved so far this year. It is only in comparison to the dismal achievements of the last two years that 48 judicial confirmations could be seen as an improvement. I recall that in 1992, during a presidential election year and President Bush's last year in office, a Democratic Senate confirmed 66 of his nominations.

I began this year challenging the Senate to maintain that pace. Instead, the Senate has confirmed only 48 judicial nominees instead of the 84 judges the Senate would have confirmed had it maintained the pace it achieved at the end of last year. The Senate has acted to confirm only 48 of the 91 nominations received for the 115 vacancies the federal judiciary experienced this year.

I know that some are still playing a political game of payback for the defeat of the nomination of Judge Bork to the Supreme Court and other Republican judicial nomination over the last decade. I remind the Senate that the Senate voted on the Bork nomination and voted on the nomination of Clarence Thomas and did so in each case in less than 15 weeks. To delay judicial nominations for months and years and to deny them a vote is wrong.

THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. KENNEDY. Mr. President, the passage of the Irish Peace Process Cultural and Training Program Act is an important step to facilitate the ongoing peace process in Northern Ireland and advance the goals of the Good Friday Agreement of April 10, 1998. The legislation contributes to this effort by providing the people of that strife-torn region with new opportunities to achieve permanent peace and reconciliation.

This bill which authorizes a total of 12,000 residents of Northern Ireland and the six border counties of the Republic of Ireland to come to the United States for up to three years for job training and education.

Northern Ireland has an overall unemployment rate of 9.6 percent, and it is 13 percent in Belfast. The economy grew only three percent in the last year. Economic stagnation and high unemployment disproportionately affect unskilled workers. The legislation reaches out to these disadvantaged workers by giving many of them an opportunity to learn skills in the United States, which they will in turn take home to their communities in Northern Ireland and the border counties and use them productively for their future.

One of America's greatest strengths is its diversity, and the diversity of Northern Ireland can be a strength as well. A major goal of this legislation is to promote cross-community and cross-border understanding and build grassroots support for long-term reconciliation and peaceful coexistence of the two communities. Building on the success of similar programs, this legislation will enable persons who have lived amidst the conflict and bigotry of Northern Ireland to spend time in communities in the United States where reconciliation works to achieve a strong and more just society. It is our hope that the experience generated by this legislation produce long-lasting social and economic benefits for all the people of the borders and Northern Ireland.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

Mr. ABRAHAM. Mr. President, I rise today in support of S. 2263, the Advancement in Pediatric Autism Research Act, introduced by Senator SLADE GORTON. Infantile autism and autism spectrum disorders are biologically-based, neuro-developmental diseases that cause severe impairments in language and communication. This disease is generally manifested in young children, sometimes during the first years of life.

Estimates show that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder. The cost of caring for individuals with this disease is estimated at $13.3 billion per year. Rapid advancements and effective treatments are attainable through biomedical research.

S. 2263 improves research on pediatric autism in the following areas: networks five Centers of Excellence combining basic research and clinical services; appropriates funds for an awareness campaign aimed largely at physicians and professionals and designed to aid in earlier and more accurate diagnosis; appropriates monies for gene and tissue banking, and funds current proposals at NIH in autism. Michigan families who have been affected by autism or an autism spectrum disorder have contacted my office in support of this legislation. They have impressed upon me the need for better research into this disorder.

With three young children of my own, I too am concerned for millions of children afflicted with childhood diseases and birth defects. I have long been committed to supporting policies that encourage research into this and other afflictions, particularly those conditions that directly impact children. For these reasons, I urge my colleagues to join me in support of this important piece of legislation.

Mr. President, I yield the floor.

RETENTION OF RECKLESSNESS STANDARD OF LIABILITY

Mr. CLELAND. Mr. President, in the wake of final passage of S. 1260, the Securities Litigation Uniform Standards Act, I wish to emphasize my interest in the retention and reinforcement of the recklessness standard of liability and the Second Circuit Court of Appeals pleading standard in federal securities fraud cases. Securities law experts, including officials of the Securities and Exchange Commission, have recognized that the continued vitality of the federal securities laws and the health of the financial markets depend on the reaffirmation of this standard.

It is essential that we be clear that reckless wrongdoing satisfies the scienter standard under the federal securities laws. The current standard that provides liability for reckless behavior should be explicitly reaffirmed; any suggestion that a victimized investor must establish actual knowledge by a defendant is not only legally incorrect but would undermine the integrity of our financial markets. The SEC has repeatedly stated in legal filings and Congressional testimony that the recklessness standard is critical to investor protection. Every federal appellate court that has considered this issue has held that recklessness suffices. The text of the 1995 Private Securities Litigation Reform Act did not change the scienter standard; Members of Congress understood that raising the standard would have not only a chilling effect on private actions by defrauded individuals, but on regulatory actions by the SEC.

Since the 1995 Reform Act, there has been some disagreement in the courts about whether Congress intended to elevate the pleading standard in securities fraud class actions above the previously existing Second Circuit pleading standard. It is clear to me that the answer to the question must be "no". I am pleased that the Senate Banking Committee Report on S. 1260, as well as the recorded colloquy on the Senate floor about the Second Circuit pleading standard, reaffirm this point.

As I mentioned in my floor statement during debate on this legislation, I am not convinced that the federal preemption of state anti-fraud protections is a necessary step. I support the right of investors to seek legal remedies against those persons selling fraudulent securities. While I worked to streamline the regulatory process in Georgia, I opposed amendments to federal regulations that would have impaired the ability of a state to protect its investors. Here in the Senate, my focus remains the same. For this reason, I opposed S. 1260 during its initial Senate consideration. Nevertheless, if passage of this legislation is inevitable, let us at least make it absolutely clear that an investor's right to seek redress through civil litigation is not eliminated due to a failure to reaffirm the existing standard of recklessness in federal securities fraud cases.

COMMITMENT TO EDUCATION

Mr. FRIST. Mr. President, I rise today to discuss the very important issue of education.

I am very disappointed that some Democrats in Congress and those in the White House have chosen to demagogue and politicize education as we attempt to wind down our legislative year. These Democrats would like for the American people to believe that Republicans just don't care about education and that we are refusing to spend more money to improve our educational system.

Nothing could be further from the truth.

Since I took office in 1995, I have seen a 27 percent increase in the amount of money this Congress has appropriated for education. In 1994, we spent $24.6 billion for education. For fiscal year 1999, we have proposed to spend $31.4 billion—exactly, I might add, that the President requested for discretionary spending. Historically, the federal commitment to education has risen from $23.9 billion in 1959 to over $564 billion in 1996. As a percentage of GDP, educational expenditures have risen from 4.7 to 7.4 percent over the same timeframe.

For many Democrats, more money and more federal education programs are the answer to our Nation's education woes. Over the last few days, we have heard Democrats lament how Republicans have held up all of the Democratic efforts to provide funding for school construction and to reduce class size.

For these Democrats, more money is a surrogate for the structural reform that American education needs. Structural reform, change—this is what these Democrats fear. Instead, their response to crisis is more money and another federal program.

The last thing that we need is another federal program. Through my work as the Chairman of the Senate Budget Committee Education Task Force, I discovered that there are approximately 552 federal education programs. The Department of Education administers 244 of these programs, and EVEN IF you count only those "providing direct and indirect instructional assistance to students in kindergarten through grade 12," the GAO found that there are still 69 programs.

Among these programs, overlap is pervasive. In my office, we call this chart the "spider web chart." This chart, prepared by the GAO, shows that 23 federal departments and agencies administer multiple federal programs to three targeted groups: teachers, at-risk and delinquent youth, and young children. For early childhood, for example, there are 90 programs in 11 agencies and offices. In fact, one disadvantaged child could be eligible for as many as 13 programs.

In addition, the effectiveness of many of these programs is doubtful or unknown. The GAO has expressed concern that the Department of Education does not know how well new or newly modified programs are being implemented, or to what extent established programs are working. The efficacy of Title I also remains uncertain.

Lastly, it should come as no surprise that so many programs and so much confusion comes at great cost. Critics of the education establishment note that although federal funds make up only 7% of their budgets, they impose 50% of their administrative costs. As one concrete example, Frank Brogan, Florida's Commissioner of Education, has reported that it takes 297 state employees to oversee and administer $1 billion in federal funds. In contrast, only 374 employees oversee approximately $7 billion in state funds. Thus, it takes six times as many people to administer a federal dollar as a sate dollar.

Brogan went on to say:

> We at the State and local level feel the crushing burden cased by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible, categorical Federal programs that divert precious dollars away from raisin student achievement. Many of these Federal program typify the misguided, one-size-fits-all command and control approach. Most have the requisite focus on inputs like more regulations, increasing budgets, and fixed options and processes. The operative question in evaluating the effectiveness of these programs is usually: How much money have we put into the system?

Cozette Buckney, Chief Education Officer, of the Chicago school system echoed the sentiments of many state and local officials:

> Excessive paperwork is a concern. Too many reports, the time lines for some of the reports, the cost factor involved, the administrative staff just do not warrant that kind of time on task. That is taking from what we need to do to make certain our students are achieving and our teachers are prepared.

Senator WYDEN and I introduced legislation to help with this regulatory tangle and untie the hands of states and localities. Our Ed-Flex expansion bill would expand to 50 states the enormously popular "Ed-Flex" demonstration program that has already been "field-tested" and proven successful in 12 states.

Ed-Flex frees responsible states from the burden of unnecessary, time-consuming Washington regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as the states are making progress toward improving their students' results. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results. The 12 states that currently participate in Ed-Flex have used this flexibility to allow school districts to innovate and better use federal resources to improve student outcomes.

I would also like to add that educational flexibility should extend beyond teaching techniques, curricula, and the rest of what happens in public school classrooms. It should reach to the management of those schools. One of the most important lessons about the prospective changes in education operations is the realization that decentralized, on-the-spot leadership by principals and other administrators is crucial to the success of a school.

Unfortunately, many of America's school systems are frozen into managerial patterns that reward conformity and discourage independent leadership. American business has had to make structural adaptations to meet the challenge of the world market and international competition. Top-heavy managerial structures have given way to more flexible—and therefore more responsive—ways of engaging the work force in team efforts. The result has been greater productivity and enhanced quality.

That is a good example of the kind of adaptation our schools can make, to free up the enormous resources of talent and commitment both among teachers and in the ranks of administrators at all levels.

Republicans would like to stick with this strategy of untying the hands of states and localities and giving states and local school districts more flexibility. Rather than create another 2 or 3 entitlement programs that are prescriptive and inflexible, we believe that we should allow states to use additional federal monies in whatever manner the state determines the additional money can best be used.

For some states, this may very well be for school construction. For others, it may be for hiring more teachers. But for others, it may be for wiring every school, or for putting more computers in the classroom. Some states may decide that they need the money for teacher training, to improve the teachers that they already have in the classrooms.

The point is—how do we in the federal government know better than those in the states and local communities—and parents—what their students need the most? The answer is that we don't.

Some in Washington argue that by allowing states the flexibility to use federal money in the best way state officials see fit removes accountability from the equation. But to whom are state and local officials more responsive—the sprawling federal bureaucracy or local teachers, parents and residents?

This Congress has actively addressed federal education. We had lengthy and thoughtful debate on a variety of education initiatives during consideration of the Coverdell Education Savings Accounts bill. We passed the Coverdell bill to allow parents to save more of their own money for use in paying educational expenses including, but not limited to, computers, school uniforms, tutors, textbooks or tuition.

The President vetoed the Coverdell bill.

This Congress has passed the Higher Education Amendments and made great strides in improving teacher quality.

Just a few days ago, we passed the Charter School bill to support charter schools which are given more flexibility and freedom from burdensome state and federal regulations. I am encouraged by the success of charter schools in the states that have them, and remain hopeful that when all 50 states have increased flexibility with Ed-Flex, that similar gains may be seen in the regular public schools. If charter schools are successful, we must give our regular public schools the same freedoms and opportunities to improve student achievement that we have given charters.

In closing, my colleagues have heard me many times discuss the poor state of our American education system. In recent international comparisons, we have performed abysmally—scoring in the middle of the pack or at the very bottom depending on the age category and subject tested.

Washington should not, however, rush to address this crisis by creating new programs with new mandates on parents and teachers, schools and localities. The last thing that our schools need is more bureaucracy and federal intrusion. Instead, what Washington should and can do is to free the hands of states and localities and to support local and state education reform efforts. When localities find ideas that work, the federal government should either get out of the way or lend a helping hand.

I applaud the efforts of those on both sides of the aisle who are fighting for education. This is not a partisan issue. Witness my efforts with Senator WYDEN on Ed-Flex—a bill that is also supported by Senators KERREY, FORD, GLENN, and LEVIN on the Democratic side and more than a dozen senators on the Republican side. Most of us here in the Senate are parents and we all want what is best for our children—and all children.

But let's not let extremist Democrats, who are hostage to the old order, paint the Republicans as the Grinches who stole Christmas for America's school children. It is extremist Democrats, with their well-intentioned but completely misguided approach of throwing more money into the federal education abyss and adding more and more programs to the already complex maze of federal education programs, who are short-changing the future of America's students.

The temptation for too many of us is to measure our commitment to education by the size of the federal wallet. But let's not just throw money at our problems. Let's not just create more of the same old tired education programs.

Let's focus on results. Let's give parents and local school boards control of schools, and empower them to chart a course that improves student outcomes. Let's allow States to decide how they can best utilize increased federal resources.

HUMAN RIGHTS IN CHIAPAS

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of S. Con. Res. 128, introduced last week by the Senator from Vermont [Mr. LEAHY]. I believe that this resolution is both timely and important.

This resolution calls on the Secretary of State to take a number of steps to foster improvement in the human rights situation in Mexico and to end the violence in the state of Chiapas. These steps include ensuring that any assistance and exports of equipment to Mexican security forces are used primarily for counter-narcotics and do not contribute to human rights violations, encouraging the Mexican government to disarm paramilitary groups and decrease the military presence in Chiapas, and encouraging the Mexican government and the Zapatista National Liberation Army to establish concrete conditions for negotiations for a peaceful resolution to the conflict in Chiapas.

Mr. President, allow me to just review briefly what is going on in Chiapas today. Just over four years ago, in January 1994, the Zapatista National Liberation Army, an organization of peasant and indigenous peoples seeking political and social changes, launched an uprising by seizing four towns in the Chiapas region of southern Mexico; fighting in the region resulted in nearly 100 deaths. Although the Mexican government initially countered the rebellion by sending troops to the region, issuing arrest warrants for all Zapatista leaders, and creating a new military zone near the site of the Chiapas rebellion, Mexican President Ernesto Zedillo subsequently canceled the arrest warrants, ordered the cessation of all offensive actions against the Zapatista Army, and called for dialogue between Zapatista leaders and the Mexican government. Since August of 1995, the Zapatistas have participated intermittently in peace negotiations with the Mexican government.

Last December, 45 indigenous peasants in the village of Acteal, Chiapas, were killed by armed men reportedly affiliated with President Zedillo's Institutional Revolutionary Party (PRI). Following this incident, President Zedillo appointed a new Minister of Government and a new peace negotiator for Chiapas, the Governor of Chiapas resigned, and Mexican authorities arrested more than 40 people in connection with this incident, including the mayor of a nearby town.

These incidents renewed calls for peace in Chiapas. The Zapatistas rejected legislation submitted to the Mexican Congress by President Zedillo in March 1998 to promote indigenous rights in Chiapas. President Zedillo visited the region several times in mid-1998 to promote dialogue, but the talks fell apart after the June 1998 resignation of Bishop Ruiz from the mediation commission, and the commission subsequently dissolved. In July 1998, the Zapatistas advanced a proposal for mediation and for a Mexican plebiscite on President Zedillo's indigenous rights legislation.

But, Mr. President, efforts for dialogue between the Mexican government and the Zapatistas have been largely fruitless, and the violence continues. I am deeply troubled by this situation.

I am also deeply troubled by the cool reception that the Mexican government has given to some international human rights observers, including people from my home state of Wisconsin. Many of these individuals have worked tirelessly from the beginning of the Chiapas conflict to help organize humanitarian assistance for the indigenous peoples of the troubled region. Some of these individuals feel that there has been a concerted effort by the Government of Mexico to keep foreigners out of the region in order to limit this kind of humanitarian assistance and to limit the ability of outsiders to monitor and report on the human rights situation there. Many humanitarian workers have been detained for long periods of time and summarily deported from Mexico.

The deficient reception of humanitarian workers in Chiapas casts doubt on the sincerity of the Mexican Government when it says it wants to work with the United States and others to control drug trafficking or to enter into end-use monitoring agreements on the transfer of military equipment.

Mr. President, I believe the United States has an obligation to be an advocate for human rights protections around the world. I am not convinced that the Mexican National Commission on Human Rights (CNDH), which was established in 1990, has done enough to prevent continuing violations by Mexican law enforcement officials and the Mexican military. I believe the United States must make human rights a top priority in our relations with Mexico, and I do not believe Mexico can reach stability without permitting its citizens to exercise their basic rights. In light of the proximity of Mexico to the United States and the myriad ties between our two countries, we have a clear interest in working to ensure that human rights are respected in Mexico.

Again, Mr. President, I am pleased to be a cosponsor of S.Con.Res. 128, which, in my view, will further call attention to the on-going human rights abuses in Chiapas. I hope that the Administration will actively work to put human rights at the very top of our priority list with respect to Mexico, and that the Mexican government will take concrete steps to end the violence in Chiapas and to respect the rights of all Mexican citizens and international visitors.

BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS

Mr. FEINGOLD. Mr. President, I want to bring to the Senate's attention an excellent editorial published by the Washington Post on Wednesday, October 7, 1998 concerning the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

This convention seeks to establish worldwide standards for the criminalization of the bribery of foreign officials to influence or retain business. Just over 20 years ago the Congress passed the Foreign Corrupt Practices Act, or FCPA. This landmark legislation, which I am proud to say was sponsored by one of Wisconsin's most respected elected officials, Senator William Proxmire, was enacted after it was discovered that some American companies were keeping slush funds for making questionable and/or illegal payments to foreign officials to help land business deals.

For these 20 years, the FCPA has succeeded at curbing U.S. corporate bribery of foreign officials by establishing extensive bookkeeping requirements to ensure transparency and by criminalizing the bribery of foreign officials.

The OECD treaty, which passed the Senate unanimously earlier this year, would bring most of our major trading partners up to the same standards that U.S. companies have been exercising since the FCPA became law.

Mr. President, I consider this treaty, and the implementing legislation, S. 2375, that accompanies it, to be important work of the Congress. However, as the Washington Post noted in its editorial, the House of Representatives has yet to pass this legislation.

As a member of the Senate Committee on Foreign Relations, which had the responsibility to recommend the Senate provide its advice and consent on this treaty, I hope the House will move quickly to pass the implementing legislation prior to adjournment.

Mr. President, I ask unanimous consent that the text of the October 7, 1998, Washington Post editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 7, 1998]

A VOTE AGAINST BRIBES

Its not every day that Congress has an opportunity to pass legislation that has no down side whatsoever, that can only help the United States and U.S. businesses; that fulfills a demand Congress itself made 10 years ago; and that—perhaps rarest of all—has the ardent support of both President Clinton and Sen. Jesse Helms. The House has such an opportunity now, with a bill to implement an international treaty combating bribery overseas. Yet, perhaps not surprisingly, even this universally acclaimed legislation is no longer a sure thing.

More than 20 years ago, Congress passed the Foreign Corrupt Practices Act, which outlawed the paying of bribes by U.S. business executives to win foreign contracts. It was and remains a good law, and by most accounts it has had a beneficial effect on how Americans do business. But it's also put them at a competitive disadvantage to European and other companies that not only aren't prohibited from paying bribes but in many cases can deduct the payoffs from their taxes. The administration estimates that U.S. industry may lost $30 billion worth of contracts each year for its honesty.

The Clinton administration last year negotiated a treaty with other major industrial countries that would essentially extend the Foreign Corrupt Practices Act to all of them. Instead of the United States lowering its standards, long years of diplomacy finally persuaded Europeans to raise theirs. The Senate unanimously ratified the treaty, citing what Sen. Helms called an "urgent need to push—and I use that word advisedly—to push our European allies" to criminalize bribery overseas. Now the House must make U.S. law consistent with the treaty. No one is against this. But the press of business may put the bill in danger.

This may seem less urgent than other matters awaiting congressional action. But corruption is at the root of the financial crisis sweeping the world. Rich countries are good at telling their poor counterparts to behave; here is a change to show that the rich are willing to police themselves, too. For the United States, which has been doing such policing for two decades, this is a no-lose proposition. But if Congress doesn't approve the treaty, Europe and Japan won't either. The House should pocket this win before it's too late.

MEDICAL DEVICE MANUFACTURER YEAR 200 RESPONSE

Mr. GRAMS. Mr. President, about two weeks ago, a list of medical device companies was printed in the CONGRESSIONAL RECORD which indicated they were non-responsive to The Food and Drug Administration's request for Year 200 compliance status.

As Chairman of the Senate Medical Technology Caucus, I believe it is important my colleagues have the latest on manufacturers which have been responsive to the FDA's request for information on the Year 2000 compliance status of their products Companies were asked by the FDA to indicate in their response the following:

The medical devices marketed and have sold are not Year 2000 vulnerable; medical devices marketed and sold are all year 2000 compliant; the manufacturer is providing specific information regarding those products which are not compliant or their assessment is currently incomplete; or the manufacturer is working on an assessment and will post the results.

Mr. President, there are many sectors of our economy which still need to address the potential for problems in the year 2000, but I am pleased that a vast majority of medical device companies in the United States have responded to the FDA on year 2000 compliance status and deserve to be recognized for having done so.

I would like to mention specifically thirteen companies mistakenly listed in the CONGRESSIONAL RECORD as being unresponsive to the FDA's request. These manufacturers have responded to the FDA's request for Year 2000 compliance status: Apothecary Incorporated, Augustine Medical Incorporated, Braemar Corporation, Dantec Medical Incorporated, Diametrics Medical Incorporated, Keomed Incorporated, Medtronic PS Medical Medtronic Biomedicus, Medtronic Neurological, Prime Ideas Incorporated, Puritan Bennett Corporation, Timm Research Company, and Williams Sound Corporation.

Mr. President, while this list only represents companies based in Minnesota, the FDA has compiled a much larger listing of companies which are or have addressed year 2000 issues on their website located at www.fda.gov.

CAMPAIGN FINANCE REFORM

Mr. LEVIN. Mr. President, the 105th Congress is nearing its conclusion. As we look over the past two years of this Congress, one issue that consumed hours of effort and debate, exposed problems that strike at the heart of our government, and whose ramifications are nothing less than a cancer eating at the body politic, remains unresolved. I'm talking about campaign finance reform.

In January 1997, this Congress launched multiple investigations into events associated with the 1996 federal elections. Dozens of hearings were held, and the Senate Governmental Affairs Committee issued a 9,575 page report. Bipartisan legislation addressing the major issues was introduced and debated on the floor of the Senate and the House. Majorities on both sides of the Capitol voted in support of reform, to strengthen federal election laws. In the Senate, a majority supported the McCain-Feingold bill. In the House, a majority voted for the Shays-Meehan bill. Both bills sought to ban soft money, treat phony issue ads as campaign ads they are, strengthen disclosure, and streamline enforcement. Despite majority support in both Houses, we are ending this Congress without major campaign finance reform.

It is a tragedy. Given the controversy and criticisms following the 1996 elections, the failure to enact meaningful campaign finance reform is unjustifiable, it is inexplicable, and it is wrong.

As many of us have said repeatedly, the problem with the 1996 elections is that the vast majority of the conduct most loudly condemned was not illegal—it was legal. Most involved soft money—the solicitation and spending of undisclosed and unlimited election-related contributions, despite laws now on the books requiring federal campaign contributions to comply with strict limits and be disclosed. Virtually all the foreign contributions so loudly condemned involved soft money. Virtually every offer of access to the White House or the Capitol Building or to the President or the leadership of the Senate or the House involved contributions of soft money.

Opponents of campaign finance reform contend that soft money is not a problem and that the laws on the books do not need reform, but the truth is that legal limits which once had meaning have been virtually swallowed up by the loopholes. The limits on individual, corporate and individual contributions have become a sham. Campaign contribution limits, for all intents and purposes, do not exist.

The law now states, for example, that no one may contribute more than $1,000 per election to a candidate; no one may contribute more than $20,000 per year to a political party; and corporations and unions may not make federal campaign contributions at all except through a PAC. But the soft money loophole makes these limits meaningless. For example, under the current system, a corporation, union or individual can give $1 million to a candidate's party and have that party televise so-called issue ads in that candidate's district during the election, using an ad that is indistinguishable from candidate ads which have to be paid for with regulated funds. That's exactly what is happening. In the 1998 elections, for example, the Republican National Congressional Committee is conducting a $37 million advertising effort dubbed "Operation Breakout" in which the party runs television ads in areas where there are close Congressional races, claiming that the ads discuss issues and are not efforts to elect or defeat the candidates they mention by name. The Democratic Congressional Campaign Committee is spending $7 million on similar issue ads. These multi-million dollar advertising efforts by both parties demonstrate how the loopholes have effectively erased the campaign limits.

Other, more fundamental problems with current law are illustrated by a recent court decision, issued October 9th in the Charlie Trie prosecution, holding that the law as currently worded does not prohibit soft money contributions by foreign nationals.

The plain truth is that the federal election laws now on the books are too often unenforceable. While the Republican leadership rails at the Attorney General for not doing more and threatens her with impeachment for not appointing an independent counsel to investigate the 1996 federal elections, they simultaneously block efforts to clarify and strengthen the very laws that they say they want her to enforce.

The soft money loophole exists, because we in Congress allow it to exist. Foreign involvement in American election campaigns exists, because we in Congress allow it to exist. Phony issue ads exist, because we in Congress allow them to exist. Weak enforcement of campaign laws continues, because we in Congress allow the current loophole-ridden statutes to continue on the books unchanged.

It is long past time to stop pointing fingers at others and take responsibility for our share of the blame for this system. We alone write the laws. Congress alone can close the loopholes and reinvigorate the Federal election laws.

We could have made significant progress during this Congress. The House passed meaningful campaign finance reform. The majority of the Senate voted to do the same, but the Republican leadership brought sufficient pressure to bear so that the chief sponsor of the legislation in the Senate, Senator MCCAIN, withdrew his reform amendment to the Interior appropriations bill. We had 52 votes in favor of his amendment to include the McCain-Feingold legislation in that bill. But rather than allow the majority to prevail, the Republican leadership sank the campaign finance reform effort. And when Senator FEINGOLD announced his intention to offer the same amendment again to force another vote, the leadership chose to pull the Interior bill from the Senate floor. And since the Interior appropriations bill was pulled from the Senate floor in September, there has been no must-pass bill on the Senate floor that supporters could seek to amend to forward the campaign finance reform effort.

Instead the Interior bill, along with a number of other appropriations bills, have been folded into a so-called omnibus appropriations bill. That means that anyone who wants to enact campaign finance reform by amending the omnibus spending bill would be forced to hold up almost all government appropriations—essentially to shut down the government—in order to debate the issue.

The question is whether these strong-arm tactics will prevail. Whether, given the obstacles thrown in the path of campaign finance reform, we give up this fight or whether we continue to press on. Senators McCAIN and FEINGOLD have said publicly that they will be back in the next Congress to fight for reform. I plan to stand with them. I believe the stakes are nothing less than the integrity of our electoral system.

The time is over for empty rhetoric about the 1996 campaign and the need for stronger enforcement of the campaign laws already on the books. The laws now on the books are too often unenforceable, and everyone knows it. It is time to wipe away the crocodile tears and see clearly what the American people see. Campaign finance reform is long overdue.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, we are now in the closing days of this congressional session. A lot is happening in these final hours. With the clock ticking we almost always knuckle down and get things done. But it has become clear that one thing that this Congress will not do before it adjourns is pass meaningful campaign finance reform.

Today I want to serve notice that this fight is not over. If the people of Wisconsin in their wisdom send me back to this chamber next year, the Senate will hear about campaign finance reform again and vote on campaign finance reform again because our democracy has been made sick by the corrupting influence of big money, and the future of our country is at stake.

And Mr. President, this fight will continue regardless of what I say. Because the fight for campaign finance reform is bigger than any one Senator or any one political party. It is as big as the idea of representative democracy itself, and just as resilient. This is a fight for the soul and the survival of our American democracy. This democracy cannot survive without the confidence of the people in the legislative and the electoral process. The prevalence—no—the dominance—of money in our system of elections and our legislature will in the end cause them to crumble. If we don't take steps to clean up this system it ultimately will consume us along with our finest American ideals.

Mr. President, there has been alot of discussion on this floor in recent weeks about morality. Indeed, we are now engaged in a process, both constitutional and political, that may ultimately lead to an impeachment trial in this historic chamber. Questions of morality are at the center of that process, which has consumed much of the public's and the press's attention over the past several months.

I submit that questions of morality should be central in this body's treatment of the campaign finance issue. Along with millions of other Americans, religious leaders from across a wide spectrum of denominations have urged us to enact reform. They see how this corrupt system is undermining the moral authority of our government. How can we pretend to be following the dictates of conscience, and not politics, as we prepare to judge the President, while simultaneously ignoring this moral crisis in the process by which the people elect their representatives?

There has also been a lot of discussion about high crimes and misdemeanors.

I haven't decided yet whether the President's misbehavior meets that high standard. Many of the American people seem skeptical.

But they do think it's a crime that the tobacco companies can use money to block a bill to curtail teen smoking. They do think it's a crime that insurance companies can use money to block desperately needed health care reform. They do think it's a crime that telecommunication companies use money and can force a bill through Congress that's supposed to increase competition and decrease prices, but leads to cable rates that keep on rising and rising. And they do think it's a crime that corporations and unions are able to give unlimited soft money contributions to the political parties to advance their narrow special interests.

They think it's a crime. And you know what, it should be a crime. But here in Washington it is business as usual—until we manage to pass meaningful campaign finance reform.

Mr. President, it was very disappointing to me that 48 of our colleagues voted against the McCain-Feingold bill a few weeks ago, killing reform for this year. It was especially disappointing that we were unable to break through the filibuster here, after the enormous accomplishment of our colleagues in the other body who passed reform by a lopsided 252–179 margin.

It was especially disappointing that all the votes to kill our bill in the Senate came from one party. Facing the determined opposition of the leadership, reformers in the House succeeded not only in bringing campaign finance reform to the floor but in passing it with a strong bipartisan majority. When we failed to invoke cloture on the McCain-Feingold bill last month, we missed a golden opportunity to together do something positive for the American people on a bipartisan basis.

I emphasized the strong bipartisan vote in the House, Mr. President, because this effort has been a bipartisan effort all along. The senior Senator from Arizona, Senator McCAIN, and the Senior Senator from Tennessee and Chairman of the Governmental Affairs Committee, Senator THOMPSON, have been in the forefront of this effort from the beginning. Five other distinguished Republican Senators voted for the McCain-Feingold bill. In the House, fully ¼ of the Republican Members voted for the bill. Senator McCAIN and I recognized a long time ago that a partisan campaign finance bill will never become law. A serious effort to actually do something about this problem, Mr. President, has to be bipartisan.

It is significant, Mr. President, that many of the leaders in this body on campaign finance reform were part of the Governmental Affairs Committee's year long investigation of campaign finance abuses in the 1996 campaign. Not only the Chairman, Senator THOMPSON, but two other highly respected Republican members of the committee, Senator COLLINS and Senator SPECTER, supported the McCain-Feingold bill. And Democratic members such as the Senator GLENN, Senator LEVIN, and Senator DURBIN, have also been very active and outspoken in pushing for reform. These Senators saw—up close and personal—how the excesses of the 1996 campaign stem from problems with the law, particularly the enormous loophole known as soft money.

I want to thank all of them for their hard work on the investigation and on this legislation, and promise them that their work shall not have been in vain. It is unfortunate that the investigation did not lead to legislative correction in this Congress, but the factual record they amassed remains the most powerful and detailed argument for reform, and it will undoubtedly shape our efforts in the future.

There are plenty of scandals in this scandal-obsessed town—but when it comes to campaign finance, the greatest scandal of all is not about laws that were broken. The greatest campaign finance scandal is about the outrageous practices and compromising contributions that are perfectly legal. Yes, those who broke the current campaign finance laws should be punished, but that will hardly begin to solve the problems in this corrupt campaign finance system.

We've heard the horror stories again and again. The parties have special clubs for big givers and offer exclusive meetings and weekend retreats with officeholders to the donors. And it's totally legal.

The tobacco companies have funneled nearly $17 million in soft money to the national political parties in the last decade, $4.4 million in 1997 alone when the whole issue of congressional action on the tobacco settlement was very much alive—and it's totally legal.

In 1996, the gambling industry gave nearly $4 million in soft money to the two major political parties at the same time that Congress was creating a new national commission on gambling, but with limited subpoena powers—and it's totally legal.

The National Republican Congressional Committee is engaged in a $37 million dollar effort called Operation Breakout, funded largely by soft money, to attack Democratic candidates with advertisements that aren't considered election ads and don't even have to be reported to the FEC because they don't use certain "magic words" like Vote For or Vote Against—and it's totally legal.

And we're even starting to extort money from our own colleagues. It was recently reported that Republican leaders actually threatened to deprive their own Members of appropriations subcommittee chairmanships if they didn't cough up up to $100,000 for the Operation Breakout plan. And it's totally legal.

There are some in this body, of course, despite what the Thompson investigation uncovered and what news stories show on almost a daily basis, who don't see or won't acknowledge the corrupting influence of these unlimited soft money contributions, which are now totally legal. In our most recent debate, the junior Senator from Utah gave us a history lesson intended to convince us that we should not fear enormous campaign contributions. He recounted the frequently told story of how Sen. Eugene McCarthy's Presidential campaign in 1968 was jump-started by some very large contributions by some very wealthy individuals.

He also noted that Steve Forbes was apparently prepared to make similarly enormous contributions to support Jack Kemp in a run for the Presidency in 1996, but was prohibited from doing so by the federal election laws and so decided to run his own campaign, a decision from which we might infer that the money is more important than the candidate. And he recounted as well the story of Mr. Arthur Hyatt, a wealthy businessman who gave large soft money contributions to the Democratic Party in 1996, but decided after that election not to give soft money to the parties anymore, and instead to fund an advocacy group that is promoting public financing of elections.

The point of these examples was supposed to be that wealthy donors are motivated by ideology and the desire to benefit the public as they see it rather than by the desire to gain access and influence with policy makers through their contributions. And I suppose that is sometimes the case. Of course, there is also the well known story of Roger Tamraz, who testified under oath to our Governmental Affairs Committee that he never even votes, and the only reason that he gave soft money to the DNC was to gain access to officials he thought could help him with his business. I mean no disrespect to the Senator from Utah and the civic-minded millionaires he cites, but Mr. Tamraz, I suspect, is more typical in his motives, if not his methods, of big contributors.

I'm not cynical, Mr. President. There is a reason that I hold that suspicion. And the reason is that the vast majority of soft money contributions to our political parties are coming from corporate interests. And it simply cannot be argued that these interests are acting out of public spiritedness or ideological conviction. Corporations do not have an ideology, they have business interests. They have a bottom line to defend, and they have learned over the years that making contributions to the major political parties in this country is a very good investment in their bottom line. Campaign money buys access, and access pays off at the bottom line.

Corporate interests are special interests. Special interests have self-interested motives. They are concerned with profits, not what is best for other citizens or consumers or the country as a whole. They like to cast their arguments in terms of the public interest, and they certainly will argue that if the Congress follows their advice on legislation the public will be better off, but in the end it is their own businesses that they care about, not the public good. Indeed, the boards of directors and management of corporations have a legal duty to act in the best interests of their shareholders, not the public at large.

And I have no problem with that, and no illusions about it either. It's OK with me that the corporate special interests are looking out for number one in the public debate, but I object when their deep pockets give them deep influence that ordinary Americans don't have.

Take the tobacco companies. They oppose increasing the taxes paid by consumers of their products, they promote putting caps on the damages that smokers and their families can be awarded in personal injury or wrongful death actions, but they oppose ending government subsidies for tobacco farmers. In each case, they say they are supporting the public interest, but in the end they are protecting their own bottom line. And they have invested heavily in this Congress, and in our political parties, millions upon millions of dollars to protect their bottom line.

These are the folks who raised their right hands and swore that tobacco was not addictive. These are the companies that concealed crucial studies on the dangers of their product for years. These are the people who spent millions on a misleading advertising campaign to kill the most important public health initiative that the Congress considered this year because it threatened their economic health. I'm not willing to rely on them to look out for the public interest, particularly when the voices of opposing views can hardly be heard because they don't have a lot of money.

Most soft money donors are using their contributions like Roger Tamraz and the tobacco companies do. That is borne out by a recent study by Common Cause of the major soft money donors so far in this election cycle. The political parties have already raised over $116 million in soft money in this cycle, the most ever in a non-presidential cycle and more than twice the amount given in a similar 18 month period in the 1993–94 cycle.

As is always the case, corporations with business before the Congress, not disinterested, public-spirited millionaires, and certainly not ordinary citizens, are leading the way in soft money giving in this cycle. Securities and investment companies and their executives have given $8.5 million, the insurance industry has given $7.3 million, the telecommunications industry $6.1 million, the real estate industry $5.9 million, the pharmaceutical industry $4 million, and the tobacco industry $3.9 million. All of these amounts are at least double and in some cases triple the amount given in 1993–94.

And one very interesting set of contributors shows that access, not ideology, is the main reason for soft money donations. Fifty-seven donors in the first 18 months of this cycle gave more than $75,000 to both parties. 15 companies, including Philip Morris, AT&T, Walt Disney Co., MCI, Bell South Corporation, Atlantic Richfield and Archer Daniels Midland gave more than $150,000 to both parties.

Now I suppose there might be some in those companies, or even in this body, who will argue that all of these "double-givers" just really want to help the political process. That they are motivated not by their bottom line but by a deep desire to assist the parties in serving the public. But if that is the case, why is that in every Congress since I have been here the industries most seriously affected by our work pony up to give huge contributions to us and to the political parties?

In 1993–94 it was the health care debate. Hospitals, insurance companies, drug companies, and doctors all opened their wallets in an unprecedented way. Then in 1995 and 1996, the Telecommunications Act was under consideration and lo and behold the local and long distance companies and the cable companies stepped up their giving. Now in this Congress, we've been working on bankruptcy reform and financial services modernization, and the biggest givers of all in this cycle according to Common Cause's research report are securities and investment companies, insurance companies, and banks and lenders, eager to have their business interests protected or expanded. What's going on here? I submit that it's not a spontaneous burst of civic virtue. And if we don't finish work on these bills this year, you can bet that the money will be there for us in the Congress as well—it has been suggested that sometimes the very members of Congress who most want a big bill to pass will slow its progress to keep the checks coming in and the money flowing that much longer.

Mr. President, not surprisingly, there's also a powerful new player in the soft money game in this Congress—the computer and electronics industry. According to Common Cause, these companies have given the parties nearly $2.7 million so far, more than twice as much as they gave four years ago. And why is that, Mr. President? Could it have anything to do with the ongoing antitrust investigations and the possibility of congressional action in connection with those investigations? Or is it that the industry suddenly became more public spirited than it was in the past?

Mr. President, the American people are not gullible or naive. They know that these companies contribute these enormous sums to the parties because their bottom line is affected by what the Congress does and they want to make sure the Congress will listen to them when they want to make their case. And they know that the big contributors get results.

And frankly, Mr. President, it's a two way street. The parties are hitting up these donors because they know that most companies, unlike Monsanto and General Motors who announced early in 1997 that they would no longer make soft money donations—most companies don't have the courage to say no. Most companies are worried that if they don't ante up, their lobbyists won't get in the door. Our current campaign finance laws encourage old fashioned shakedowns, as long as they are done discreetly.

Faced with this kind of evidence, it is beyond me how any Senator could support this soft money system. We simply must pass comprehensive reform, including a ban on soft money at the beginning of the next Congress, and we must make that ban effective immediately to prevent the presidential election in the Year 2000 from being contaminated with this corrosive and corruptive force. The consequences of failing to make these reforms will be devastating to the confidence of average citizens in the fairness and impartiality of the legislative process and the actions of a future Chief Executive.

Let me be clear Mr. President, I'm not suggesting that any individual Member of Congress is corrupt. I don't know that any Member of this body has ever traded a vote for a contribution. But while Members are not corrupt, the system is riddled with corruption. It is only human to help those who have helped you get elected or reelected, to agree to the meeting, to take the phone call, to allow the opportunity to be persuaded by those who have given money. It is true of the parties, and it is true of the Members, even those who seek always to cast their votes on the merits. The result is that people who don't have money don't get heard.

So we don't need to point fingers at one another, we just have to rise above politics and do the right thing by the American people. We must clean up our own house, Mr. President. We cannot continue to ignore the corruption in our midst, the cancer that is eating the heart out of the great American compact of trust and faith between the people and their elected representatives.

We know that unlimited soft money contributions make a mockery of our election laws and threatens the fairness of the legislative process. We know that phony issue ads paid for with unlimited corporate and union funds undermine the ability of citizens to understand who is bankrolling the candidates and why. We can find bipartisan solutions to these problems that protect legitimate First Amendment rights if we are willing to put partisan political advantage aside and sit down and work it out.

Senator McCAIN and I are ready—we have been ready ever since we introduced our bill—to make changes to our bill that will bring new supporters on board and get us past the 60 vote threshold that the Senate rules have placed in our way, so long as we stay true to the goal of a cleaner, fairer, system in which money will no longer dominate.

I look forward to continuing this work next year Mr. President. And I am confident that we will succeed. Again, I want to thank Senator McCAIN and all the Republicans who joined our bill this year. And of course, Senator DASCHLE and all the Democratic Senators who have so steadfastly supported bipartisan reform in this Congress.

Mr. President, most important legislative accomplishments take more than one Congress to enact. Rome was not built in a day, and campaign finance reform obviously could not be enacted in a year. But I believe that early in the next Congress there will be a real chance to deal with the campaign finance issue in a bipartisan fashion to make the election in the Year 2000 cleaner and fairer than the one we just had or the one we are about to have. The American people deserve that as we enter a new century, and here is a promise: I will never, ever, give up this fight until we give it to them.

THE NOMINATION OF JAMES C. HORMEL

Mrs. FEINSTEIN. Mr. President, as the 105th Congress draws to a close, I rise to express my disappointment over something we did not do. The Senate, despite strong support from both sides of the aisle, has not brought the nomination of James C. Hormel to serve as U.S. Ambassador to Luxembourg to the floor, has not had a debate on the nomination, and has not had a vote on it.

This failure is really quite incomprehensible.

The President nominated James Hormel for this post on October 6, 1997. After a thorough review by the Senate Foreign Relations Committee, the committee approved the nomination by a vote of 16–2 and reported it to the full Senate with the recommendation that it be confirmed. And yet here it is, October 14, 1998, in the final hours of this Congress, and the nomination has not budged from the Executive Calendar.

Mr. Hormel is eminently qualified for the job of U.S. Ambassador to Luxembourg. He has had a diverse and distinguished career as a lawyer, businessman, educator, and philanthropist, and he gained diplomatic experience as a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva in 1995 and as a member of the U.S. delegation to the 51st U.N. General Assembly in 1997. He was even confirmed unanimously by this very Senate for the latter post on May 23, 1997.

He has been an upstanding civic leader in San Francisco, and he has been honored for his work by organizations too numerous to mention. He is a man who is kind to all he meets, generous beyond measure, and deeply committed to making the world and his community a better place to live for all people. He is a devoted father of five grown children, and grandfather of 13. Anyone who knows him, as I have been privileged to do for over two decades, knows that he is a man of decency and honor, and the type of person who should be encouraged to be in public service.

So this is the situation we face: we have a nominee with outstanding talents and credentials; he was previously confirmed by this Senate for another post; he was approved by the Foreign Relations Committee by a 16–2 vote nearly a year ago; and over 60 Senators support bringing his nomination to a vote. And yet, we have never had the opportunity to vote on it.

Why? Because several Senators on the other side of the aisle have placed holds on the nomination, preventing a debate and a vote they knew they would lose. And the Majority Leader has refused to call up the nomination, effectively allowing the passage of time to kill it.

Why has Mr. Hormel been denied the Constitutionally delineated due process of a Senate debate and vote? The answer is simple: Mr. Hormel is gay. With no other reasonable grounds to block this nomination, one can come to no other conclusion than that some Senators are simply opposed to a gay man serving our country as a U.S. Ambassador. I believe the Senate does not want to allow this type of discrimination to prevail, and I think the vast majority of my colleagues agree. But so far, it appears that discrimination has prevailed.

I believe the majority of Americans agree with this position as well. To cite just one measure, newspaper editorials have appeared in support of Mr. Hormel's nomination across the country, including in the: Albany Times Union, Albuquerque Journal, Arkansas Democrat-Gazette, Atlanta Journal & Constitution, Boston Globe, Charleston (W.Va.) Gazette, Chicago Tribune, Cincinnati Post, Cleveland Plain Dealer, Detroit Free Press, Evansville Courier, Fort Worth Star-Telegram, Hartford Courant, Houston Chronicle, Los Angeles Times, Louisville (Ky.) Courier-Journal, Minneapolis-St. Paul Star-Tribune, Newark (N.J.) Star-Ledger, New Orleans Times Picayune, New York Daily News, New York Times, Peoria Journal-Star, Philadelphia Inquirer, Pittsburgh Post-Gazette, Portland Press Herald, Providence Journal, Riverside (Ca.) Press-Enterprise, Rocky Mountain News, San Diego Union-Tribune, San Francisco Chronicle, San Francisco Examiner, Santa Rosa (Ca.) Press Democrat, Seattle Post-Intelligencer, Springfield (Ill.) Journal-Register, St. Louis Post-Dispatch, St. Petersburg Times, Syracuse Post-Standard, Tulsa World, Washington Post, and York (Pa.) Daily Record.

Many of these newspapers have also run op-ed columns which call for a vote on the nomination, as have the: Arizona Republic, Buffalo News, Columbus Dispatch, Dallas Morning News, Denver Post, Des Moines Register, Detroit News, Fort Lauderdale Sun-Sentinel, Greensboro News & Record, Madison Capital Times, Memphis Commercial Appeal, Northern New Jersey Record, Raleigh News & Observer, Salt Lake City Tribune, and USA Today.

I deeply regret that the Senate has not been permitted to have its say on this eminently qualified nominee solely because he is gay. But the Senate's failure to act need not prevent Mr. Hormel from assuming his post. In a case such as this, where the Senate has so clearly failed to fulfill its Constitutional obligation with respect to a nomination, even though a clear majority of the Senate supports that nomination, I believe it is entirely appropriate for the President to use his Constitutional authority to make a recess appointment.

Luxembourg is a NATO ally, and we need an ambassador there. Mr. Hormel has every qualification necessary to be an outstanding ambassador, and he would have been overwhelmingly confirmed if the Senate had been allowed to vote. But we were not. I, therefore, urge President Clinton, after Congress adjourns, to make a recess appointment of James Hormel to be U.S. Ambassador to Luxembourg. It is the right thing to do, and it will give the country the benefit of the service of James Hormel, which the Senate has failed to do.

Mr. President, because the Senate has not had the opportunity to debate this nomination, I ask unanimous consent to place in the RECORD some of the materials I would have used in the course of that debate, including some of the notable editorials, op-ed pieces, and letters of support that have come to my attention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 22, 1998]

GAME'S NOT OVER FOR HORMEL

Even though this hasn't been a notably busy or productive year for the U.S. Senate, Majority Leader Trent Lott has decided that there simply is no time available to vote on the nomination of James Hormel as ambassador to Luxembourg. Never mind that Hormel's confirmation has been pending since last fall, that hearings on his fitness have long since been completed or that Lott early on declared his unshakable belief that Hormel should not represent his country abroad because he is a homosexual. The excuse du jour is that the Senate calendar is too crowded to permit a confirmation vote. So Lott and a handful of others of like mind will have denied the Senate its constitutional responsibility to advise and consent to this nomination.

That's not the end of the story, however. The Constitution also empowers the president to fill vacancies when Congress is in recess. Congress is rushing toward recess now, its members eager to campaign for the November elections. Once it has adjourned, President Clinton can name Hormel to the Luxembourg post. He is qualified, he is acceptable to the host government and his sexual orientation is utterly irrelevant.

That's the way most senators feel, as Lott well knows. Had the Senate leader allowed a floor vote, Hormel would easily have been confirmed. Instead Lott used his powers to prevent a vote, meanwhile taking to the airwaves to give his opinion that homosexuality is a treatable condition, as he put it, like alcoholism or kleptomania. In other words, anyone who makes the effort can surmount it. That notion may play well in some circles. It hardly elevates the reputation of the Senate.

In a few weeks the Senate will recess. There's no reason why Hormel shouldn't be presenting his credentials in Luxembourg not long after.

[From the Atlanta Constitution, July 2, 1998]

SENATE DISCRIMINATES AGAINST GAYS

When gay Americans have sought protection against being fired from jobs or being denied employment solely because of their sexual orientation, they have been slapped with the charge that they are seeking "special rights."

The implication of the term, "special rights," has been that gay Americans don't really need job protection, that they seek some sort of exalted legal status above and beyond that enjoyed by other Americans. That doesn't make much sense to gay Americans, for whom job discrimination is very real, but it has nonetheless become the standard line for politicians in rejecting gay-rights legislation.

The example of businessman James Hormel has exposed the hypocrisy of that argument. President Clinton has nominated Hormel to be U.S. ambassador to Luxembourg, a largely honorary role that requires confirmation by the U.S. Senate. But a vote on Hormel's nomination has been blocked by a small minority of U.S. senators for one very obvious and silly reason: He is gay, and they don't like gay people.

It's a situation rich in irony. Most of those opposing Hormel have no doubt cited the "special rights" argument in the past, denying that gay Americans need protection. Now here they are, in a very public setting, committing a form of discrimination that supposedly does not exist.

For that reason, the Hormel nomination already has served a great public benefit. It has stripped away the code phrases and the weasel words that certain politicians have used to communicate their message of hate to one crowd while maintaining the pretense of tolerance for others. It has ripped away the mask exposing the hate that has always hidden behind that term "special rights."

Here is a good man, a person of great accomplishment and civic contributions, denied the chance to represent his country simply because he is gay. And the wellspring of that bias and hate, the agency denying him a job because of his sexual orientation, is the U.S. Senate.

That is shameful.

No American should be denied the opportunity to contribute to his country, or more fundamentally, to simply earn a living, because of his sexual nature. If the right to earn a living and contribute to one's country is a "special right," it is a special right that must be available to all Americans.

[From the Philadelphia Inquirer, June 23, 1998]

HOLD THAT HOMOPHOBIA

Maybe Don Nickles, the second-ranking Republican in the Senate, thinks he's Don Rickles, the insult-comedian? That might explain his screed Sunday against a gay businessman nominated to be an ambassador.

Alas, Mr. Nickles and other die-hard opponents of sending James Hormel to Luxembourg are slinging their insults in dead earnest.

They say it's not simply that this would-be diplomat is gay; it's that he's out of the closet. Mr. Hormel, a wealthy San Franciscan, has given tons of money to various causes and institutions, including Swarthmore College. But his foes fulminate about his donations to "a gay and lesbian center" at San Francisco's main library.

"One might have that lifestyle," said Mr. Nickles, "but if one promotes it as acceptable behavior . . . I don't think they [sic] should be representative of this country."

Never mind that Mr. Hormel's public service includes stints at the U.N. Human Rights Commission and General Assembly.

Never mind that his nomination has been endorsed by Republicans such as former Secretary of State George Shulz and Senate Judiciary Committee Chairman Orrin Hatch.

Never mind that his defenders, including the executive director of the American Library Association, argue that libraries ought to include a breadth of materials.

For months now, his nomination has been in limbo because a few senators invoke their informal power to put an indefinite "hold" on it. If homophobes want to oppose Mr. Hormel, even though Luxembourg has expressed its approval, let 'em. But his future should be decided by the full Senate, not X'd out by a tiny minority.

[From the New York Times, June 22, 1998]

LET THEM VOTE ON MR. HORMEL

James Hormel, President Clinton's nominee to be ambassador to Luxembourg, is opposed by a small group of Republican senators who are looking smaller all the time. It is not Mr. Hormel's credentials that are in question. An heir to the Hormel Meat-packing fortune, a former dean of the University of Chicago Law School, he has given leadership and money to causes that range from the San Francisco Symphony to Swarthmore College and the Human Rights Campaign, the main political lobby for homosexual rights.

Mr. Hormel is gay, but that is not an issue in Luxembourg. As Alphonse Berns, Luxembourg's Ambassador to the United States, said on Friday, "We would welcome Mr. Hormel." But for months, Senators James Inhofe of Oklahoma, Tim Hutchinson of Arkansas and Robert Smith of New Hampshire have been blocking a vote on the nomination, making dark suggestions about Mr. Hormel's gay-rights "agenda," as if he might somehow seek to lead the moral standards of Luxembourg array.

Discrimination against people on the basis of their sexual orientation is outlawed in Luxembourg and in all the other countries in the European Union. It is illegal in San Francisco, where Mr. Hormel lives, and in Washington—except in such place as Congress, where the Republican leadership has made a fetish of it lately.

Last week, Trent Lott, the Senate majority leader, who has refused to bring the Hormel nomination up for a vote, said in a television interview that he thought homosexuality was a sin. He likened it to alcoholism, kleptornania and "sex addiction." The next day, Dick Armey, the House majority leader, said he thought it was a sin too, and cited some Bible scripture to the effect that neither fornicators, nor adulterers, "nor effeminate, nor abusers of themselves with mankind" shall inherit the kingdom of God.

Finally, in a letter to Mr. Lott made public on Thursday, Senator Alfonse D'Amato of new York broke the silence of his fellow Republicans to say that it was wrong to block Hormel's nomination simply because he is gay. "I am embarrassed," he said. Senator Dianne Feinstein of California has said she believes more than 60 senators support Mr. Hormel. Mr. Lott should let the nomination go to the floor, so Mr. Hormel. can be judged on his merit.

[From the Washington Post, May 12, 1998]

QUALIFIED TO SERVE

Senate Majority Leader Trent Lott, refuses to let the Senate vote on President Clinton's nominee to be ambassador to Luxembourg. Four of Mr. Lott's fellow Republicans have objected to would-be ambassador James Hormel because, they say, of his support for gay rights. But many other Clinton appointees have shared Mr. Hormel's views on that matter. The real problem seems to be that Mr. Hormel is himself openly gay.

Mr. Hormel, 65, is a longtime supporter of the Democratic Party, and you could certainly make a case that more career diplomats and fewer political contributors should get ambassadorial posts. But as political nominations go, Mr. Hormel is, according to wide bipartisan consensus, unusually well qualified. A lawyer and businessman from San Francisco, Mr. Hormel has been a longtime and effective supporter of many charitable causes. George Shultz, former secretary of state, says Mr. Hormel "would be a wonderful representative for our country."

The senators who object—Tim Hutchinson of Arkansas, James Inhofe of Oklahoma, Robert Smith of New Hampshire and a fourth who remains anonymous—say they fear he would use his ambassadorship to advance a gay rights agenda. How that might come about in Luxembourg is hard to see; in any case, Mr. Hormel has made clear that he would use his post to promote U.S. policy, and U.S. policy only.

Mr. Hormel's nomination sailed through the Senate Foreign Relations Committee last fall. Now he deserves a vote in the full Senate. Those senators who don't believe a gay person should represent the United States overseas would be able to vote no. Those who believe the United States should welcome to public service its most qualified citizens regardless of race, religion, gender, ethnic background or sexual orientation, would be able to vote yes. We believe a majority of the Senate inclines toward the latter view. As Republican Sen. Orrin Hatch said in support of Mr. Hormel's nomination, "I just don't believe in prejudice against any individual, regardless."

[From the Arkansas Democrat-Gazette]

STRANGE DIPLOMACY—SENATOR HUTCHINSON, MEET MR. HORMEL

Any day now Tim Hutchinson is to meet with James Hormel. Mr. Hutchinson, you may have noticed, is the junior senator from Arkansas, and Mr. Hormel is the ambassador-designate to Luxembourg whose appointment Senator Hutchinson has been holding up.

We thought better of Tim Hutchinson. It's one thing to block an ambassadorial nomination when policy is the issue. That's what Jesse Helms did when William Weld, then governor of Massachusetts, was nominated as ambassador to Mexico. The irrepressible senator from North Carolina reasoned that the drug trade was going to be a major issue between the United States and Mexico, and that made Mr. Weld's position on legalizing marijuana fair game.

But now Senator Hutchinson has put ahold on the nomination of James Hormel—scion of the Spam-making family—as ambassador to Luxembourg. The senator says he's concerned about the "activism" of Mr. Hormel in pushing rights for homosexuals.

Funny, we don't remember homosexuality being a major issue between the United States and Luxembourg. Nor does Luxembourg seem to offer much of a platform for espousing any political agenda. Luxembourg is by all accounts a lovely country about the size of Rhode Island, and one not likely to be confused with a great power.

Tim Hutchinson says he plans to find out more for himself about the nominee's background. When he does he'll learn that James Hormel has many qualifications as representative of this country.

* * * * *

Not only all that, but James Hormel already has a diplomatic background of sorts: He was a delegate to the United Nations Human Rights Commission's meeting in Geneva in 1995, and he was an alternate in this country's delegation to the UN General Assembly this year.

That last position required confirmation by the Senate. Mr. Hormel's "activism" wasn't an issue for Senator Hutchinson when that vote came up.

When it comes down to it and ambassadorship to a small friendly country requires little more than an ability to throw good parties. What's our junior senator worried about—that James Hormel will serve Spam at diplomatic receptions? That he'll re-decorate the ambassador's residence in lavender? Come On, senator. Wake up and grow up.

Senators have more realistic problems to worry about. Or should have Senator Hutchinson's objections to Mr. Hormel are enough to make that clunky, over-worked word Homophobis all too relevant.

Orrin Hatch, the senator from Utah, said it plain when he urged his colleagues to lift Tim Hutchinson's embarrassing hold on this nomination. "We ought to vote on him," Senator Hatch said of the nominee, "and I personally believe he would pass and he'd become the next ambassador to Luxembourg. I just don't believe in prejudice against any individual and, frankly, we have far too much of that." to quote Orrin Hatch. "I get tired of that kind of stuff." So do we.

[From the Washington Post, July 7, 1998]

A VOTE FOR HORMEL

(By James K. Glassman)

Luxembourg is a nation of 400,000 souls in the middle of Europe. It's smaller than Jacksonville, Fla., but it's the focus of a big controversy in Washington. Back in October, President Clinton picked James C. Hormel of San Francisco, an investor and philanthropist, to be U.S. ambassador to Luxembourg. The next month, he was approved by the Senate Foreign Relations Committee, 16-2. But it is unlikely that the "Spam heir," as the local newspapers call him, will ever become our envoy to the Grand Duchy.

Trent Lott, the Senate Majority Leader, refuses to put the matter to a vote. Hormel is gay, and Lott considers homosexuality a sin. In an interview on "The Armstrong Williams Show," Lott elaborated: "You should still love that person. You should not try to mistreat them or treat them as outcasts. You should try to show them a way to deal with that problem, just like alcohol . . . or sex addiction . . . or kleptomaniacs."

Kleptomaniacs! The Hormel nomination has brought anti-gay sentiment among GOP leaders out of the closet—and it is an ugly sight. Recent comments by Lott, Foreign Relations Chairman Jesse Helms ("it's sickening") and Senate Whip Don Nickles ("immoral behavior") may appear unenlightened and ignorant, but politicians, like the rest of us; are entitled to their bigotries.

Through their actions as lawmakers, however, politicians should not be entitled to impose such bigotries—or religious or moral convictions, if you prefer—about matters of personal behavior on the rest of us.

In general, while Americans don't approve of homosexuality, they are very tolerant of it—and getting more so. For example, 52 percent of respondents to a Gallup poll last year said homosexuality was "not an acceptable alternative lifestyle"—a figure essentially unchanged from 1982. But 84 percent (up from 59 percent 16 years ago) said homosexuals "should have equal rights in terms of job opportunities." Gallup says that "solid majorities" favor gays as elementary school teachers (up from 27 percent in 1977) and clergy (up from 36 percent).

What's truly disturbing about the Hormel affair is that it shows how conservatives, who claim to favor a smaller, less intrusive government, can't resist using it to impose their own moral views on the public.

Frederich von Hayek, the Nobel Prize-winning economist and a patron saint to many conservatives, identified this propensity in a famous essay in 1960. "In general," he wrote, "it can probably be said that the conservative does not object to coercion or arbitrary power so long as it is used for what he regards as right purposes. . . . Like the socialist, he regards himself as entitled to force the values he holds on other people."

At a conference on homosexuality at Georgetown University, Bill Kristol, a conservative intellectual leader and editor of the Weekly Standard, complained about "a denial of the public's right to uphold moral standards." But he, too, misses the key distinction: No one is denying the right of individuals and groups to campaign against immorality as they see it. But public officials, in the discharge of their duties are something else. Judgments about truly personal behavior are not their province.

Some of Hormel's foes claim they are against him not because he's gay but because he's a vigorous proselytizer for gay causes. "He has promoted that lifestyle and promoted it in a big way, in a way that is very offensive," said Nickles.

But this is a meaningless distinction. Gays are denied jobs because of their sexual orientation. Why shouldn't Hormel campaign to change that situation? Lott and Nickles sound like a couple of 1950s southern segregationists: "It's not that we're against nigras. It's that we're against them marching for their so-called rights."

One reason the American system works so well is that, in Hayek's words, "we agree to tolerate much that we dislike." It's that agreement "that makes it possible to build a peaceful society with a minimum of force."

When we abandon tolerance, the trouble begins. It's bad enough on college campuses, where rules against "offensive speech" are used to stifle ideas unpopular to the left and, of course, to hypersensitive gays. But when it comes to government, which wields the power to tax and imprison, tolerance is an absolute necessity.

As far as our international relations are concerned, it makes no difference at all whether Hormel becomes an ambassador. As far as the preservation of our freedoms and proper role of our government are concerned, it makes a big difference indeed.

SAN FRANCISCO, CA, *February 6, 1998.*

Senator TRENT LOTT,
U.S. Capitol,
Washington, DC.

DEAR TRENT: We are writing on behalf of James Hormel, a candidate for the post of Ambassador to Luxembourg. We know him as a highly regarded individual in the City of San Francisco. His community service and philanthropy are extraordinary. He gives time and personal effort as well as resources to improve the quality of life in our community.

We recommend him to you because we believe he would be a wonderful representative for our country. We hope that his nomination can be brought to the floor of the Senate for a vote as soon as possible

Sincerely,

CHARLOTTE M. SHULTZ.
GEORGE P. SHULTZ.

D'AMATO URGES MAJORITY LEADER LOTT TO SCHEDULE VOTE ON NOMINATION OF JAMES HORMEL

WASHINGTON—U.S. Senator Alfonse M. D'Amato (R–NY) today called on Senate Majority Leader Trent Lott (R–MS) to permit an up or down vote on the nomination of James Hormel to serve as U.S. Ambassador to Luxembourg. Text of Senator D'Amato's letter follows:

DEAR MAJORITY LEADER: I urge you to permit an up or down vote on the nomination of Mr. James Hormel to serve as United States Ambassador to Luxembourg. I support proceeding to a vote for three basic reasons.

First, Mr. Hormel is a highly qualified nominee. His academic, business, and community service credentials are outstanding and are easily equal to or greater than those of most ambassadorial nominees. I know of no statements or actions by Mr. Hormel that make him unfit to represent our country in this diplomatic post. Furthermore, he clearly understands that his own personal philosophies, whatever they may be, are not to influence his ambassadorial duties. He is completely committed to representing the policies of the United States government.

Second, simple fairness demands that the Senate be allowed to vote on Mr. Hormel's nomination. The Foreign Relations Committee overwhelmingly approved the nomination, and a majority of Senators are on record supporting the nomination. Opponents of the nominee should certainly have their voices heard, but so too should supporters. And Mr. Hormel should also be given the chance to defend himself. This can only happen if the Senate is permitted to vote.

Third, and most fundamentally, I fear that Mr. Hormel's nomination is being obstructed for one reason, and one reason only, the fact that he is gay. In this day and age, when people ably serve our country in so many capacities without regard to sexual orientation, for the United States Senate to deny an appointment on that basis is simply wrong. What's more, on a personal level, I am embarrassed that our Republican Party, the Party of Lincoln, is seen to be the force behind this injustice.

I know that you join me in standing for the proposition that all people should be judged on their ability to do the job. By that sole standard, Mr. Hormel is well qualified to be Ambassador to Luxembourg. I urge you to permit a Senate vote on the nomination, and to join me in opposing those who would deny Mr. Hormel this position because of his sexual orientation.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

CATHOLIC CHARITIES,
San Francisco, CA, July 22, 1998.

Hon. TRENT LOTT,
U.S. Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: Please accept this letter in my capacity as the Chief Executive Officer of Catholic Charities of the Archdiocese of San Francisco and the immediate past President of Catholic Charities of California. It has been alleged that James Hormel, President Clinton's nominee to be Ambassador to Luxembourg, is anti-Catholic and anti-religious. I know the characterizations of Mr. Hormel are not true. I know personally that Mr. Hormel vigorously opposes discrimination in all forms including that of religion.

I urge you to allow Mr. Hormel's nomination to come before the full Senate for he would be an excellent representative for the United States to the predominantly Catholic country of Luxembourg.

Sincerely,

FRANK C. HUDSON,
Chief Executive Officer.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. MURKOWSKI. I rise to speak in support of the passage of H.R. 2000, a bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, and I hope it will be sent on its way to the President for his signature.

A measure similar to H.R. 2000 was passed by the Senate Energy and Natural Resources Committee on September 24, of last year. S. 967 contained the majority of the provisions in H.R. 2000.

One of the most important provisions in H.R. 2000 is section 6 which implements a land exchange with the Calista Corporation, an Alaska Native regional corporation organized under the authority of the Alaska Native Claims Settlement Act. This exchange, originally authorized in 1991, by P.L. 102–172, would provide for the United States to acquire more than 200,000 acres of Calista and village corporation lands and interests in lands within the Yukon Delta National Wildlife Refuge in southwestern Alaska.

The Refuge serves as an important habitat and as a breeding and nesting ground for a variety of fish and wildlife, including numerous species of migratory birds and waterfowl. As a result, the Calista exchange will enhance the conservation and protection of these vital habitats and thereby further the purpose of ANCSA and the Alaska National Interest Lands Conservation Act.

In addition to conservation benefits, this exchange will also render much needed economic benefit to the Yupik Eskimo people of southwestern Alaska. The Calista region is burdened by some of the harshest economic and social conditions in the Nation. As a result of this exchange, the Calista Corporation will be better able to make the kind of investments that will improve the region's economy and the lives of the Yupik people. In this regard, this provision furthers and carries out the underlying purposes of ANCSA.

This provision is, in part, the result of discussions by the various interested parties. As a result of those discussions, a number of modifications were made to the original package of lands offered for exchange.

Mr. President, it is past time to move forward with this exchange.

Another section of this bill I wanted to comment on is a provision that was not included in the technical amendments I introduced but that was added in the House.

Section 12 of this bill expressly authorizes and confirms the original intent of ANCSA in 1971: that ANCSA corporations could provide health, education and welfare benefits for Alaska Natives, including those persons who were their shareholders.

This provision is necessary because one recent Alaska Supreme Court case has concluded that an ANCSA corporation had liability to its shareholders under Alaska state law for a cash payment benefits program. The program at issue in that case was limited to the persons reached a certain age. Given the narrowness of this program, it was not consistent with the intent of ANCSA. Section 12 of this bill is not intended to alter the result in that case, or otherwise, with regard to that specific benefit program.

However, in reaching its decision under Alaska state law, the court used language which suggests that any ANCSA corporate benefits program which does not provide equal pro rata benefits to all shareholders simultaneously is invalid. Such a conclusion goes too far and is inconsistent with the intent behind ANCSA.

Thus, section 12 of this bill is intended to make clear that in evaluating the legality of health, education and welfare programs maintained by ANCSA corporations, federal law (ANCSA) is to preempt Alaska state law. Such programs have been established in good faith to provide health, education and/or welfare benefits for the ANCSA corporations' shareholders or their family members.

To be valid under ANCSA, it is not necessary that benefits be provided on an equal pro rata basis simultaneously to all shareholders, or even that the program recipients be shareholders as long as they are family members of shareholders.

Examples of the type of programs authorized include: scholarships, cultural activities, shareholder employment opportunities and related financial assistance, funeral benefits, meals for the elderly and other elders benefits including cash payments, and medical programs.

I believe these programs represent an important part of the ANCSA corporations, and I hope they will continue long into the future.

REVISION OF RECORD CONCERNING AMENDMENT NO. 3812

Mr. HATCH. Mr. President, prior to the passage of H.R. 3494 by the Senate and House, Title 18 of the United States Code, Section 2252 and 2252A permitted prosecution for possession of child pornography only when it could be alleged that an individual possessed three or more pictures or images of child pornography. When the original Senate substitute to H.R. 3494 was reported out of the Judiciary Committee, no agreement had been reached on amending the federal child pornography laws to prohibit the possession of even one picture or image of child pornography.

Thanks to the diligent efforts of Senators LEAHY, DEWINE, and SESSIONS, we were able to reach agreement on that issue. The final bill makes it clear that the United States has "Zero Tolerance" for the possession of any child pornography. Unfortunately, Senators LEAHY, DEWINE, and SESSIONS were inadvertently omitted from the list of cosponsors of Senate amendment 3812 to H.R. 3494, which incorporated that agreement. The RECORD should be corrected to reflect their work on, and cosponsorship of, this important amendment.

MISPRINT OF THE STATEMENT OF MANAGERS OF S. 1260

Mr. SARBANES. Mr. President, I rise to address a question to the chairman of the Banking Committee, Senator D'AMATO: it is my understanding that the joint explanatory statement of the committee of conference on S. 1260, as printed by the Government Printing Office in Report 105-803, and as it appeared in the CONGRESSIONAL RECORD for Friday, October 9, 1998, contained an error and was incomplete. Is that the Senator's understanding?

Mr. D'AMATO. Yes, my colleague from Maryland, the ranking Democrat on the Banking Committee is correct. Due to a clerical error, the joint explanatory statement of the committee of conference on S. 1260, was printed without the final page. This page contained some essential explanatory information regarding the 1995 Securities Litigation Reform Act regarding scienter standards. Unfortunately, this same clerical error occurred in the version of the report language that appeared in the House RECORD at H10270. The official version of the joint explanatory statement was filed in the Senate on October 9th and did contain the page that was omitted by the GPO and the CONGRESSIONAL RECORD for October 9th.

In order to clarify this situation, I ask for unanimous consent that the text of the explanatory statement be reprinted in its entirety.

Mr. SARBANES. Is it the further understanding of the Chairman of the Banking Committee that page 26011 of the CONGRESSIONAL RECORD for October 13, 1998 contains a printing error?

Mr. D'AMATO. The Senator from Maryland is correct. The Joint Explanatory Statement of the committee of conference begins on page 26010 of the CONGRESSIONAL RECORD for October 13, 1998 and concludes on page 26011 where the names of the House and Senate Managers appear. The material on page 26011 that follows the names of the Managers, although printed in the same typeface, is not part of the Joint Explanatory Statement. It does not represent the views of the Managers.

Mr. SARBANES. So the correct version of the Joint Explanatory Statement is that which will appear in today's Senate RECORD?

Mr. D'AMATO. The Senator is correct.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title I of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless "strike" suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a "covered security" (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

"Class actions" that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called "mass actions," in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated[2]; (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of "class action" for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the "Reform Act") and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

---

[1] Public Law 104-290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

[3] Public Law 104-67 (December 22, 1995).

The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a "substition effect" whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court "potentially the most significant development in securities litigation" since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

> It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its peculiar litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

The managers understand, however, that certain Federal district courts have interpreted the Reform Act as having altered the scienter requirement. In that regard, the managers again emphasize that the clear intent in 1995 and our continuing intent in this legislation is that neither the Reform Act nor S. 1260 in any way alters the scienter standard in Federal securities fraud suits.

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind." The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in Ernst and Ernst v. Hochfelder,[10] the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b–5 in a subsequent case, Herman & Maclean v. Huddleston,[11] where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at http://securities.stanford.edu. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO DANA TASCHNER

● Mr. REID. Mr. President, I rise today to call attention to the outstanding achievements of a Nevadan who has dedicated himself to helping individuals who often lack the means to help themselves. Dana Taschner has achieved national recognition as a champion for victims of domestic violence and civil rights abuses. He is a 38 year-old lawyer from Reno who chooses cases that are relatively small-scale, but representative of many of the problems facing Americans. Time and again, Mr. Taschner has had the courage and initiative to take on cases that more prominent firms are hesitant to handle for political or monetary reasons. Dana Taschner truly brings honor to his profession.

Mr. Taschner's devotion to fighting oppression recently earned him the American Bar Association's Lawyer of the Year award. He was chosen from a pool of approximately 245,000 other lawyers in North America, competing with litigators with much higher profiles and greater wealth. In 1993, Mr. Taschner took on the Los Angeles Police Department and succeeded in forcing them to change their policy regarding police officers who commit domestic violence. In this case, he represented 3 orphans whose father, an L.A. police officer, murdered their mother and then took his own life. Taschner was able to overcome his own painful childhood memories of domestic abuse and secure the orphans a settlement. He argued that the department should not have returned the officer's gun after he had beaten his wife and threatened to kill her. He also forced the department to treat these matters as criminal cases, rather than internal affairs.

In this era of cynicism and self-promotion, I believe we must take steps to encourage and reward sincerity. Dana Taschner's unwavering dedication to his clients can be seen in his personal relationships with them, relationships that often outlive the outcome of the case. As an attorney myself, I have seen firsthand how much our country needs people in my field who care enough about their clients to commit themselves personally, as well as professionally. Many litigators find it much easier to take the cases that bring financial gain, rather than attempting to help the true victims of injustice.

I am proud that his colleagues have lavished accolades upon Mr. Taschner, but I believe it is a much greater sign of his success that his clients put their faith in him. Dana Taschner, whose integrity and selfless devotion to fairness truly embody our American justice system, is a role model for us all.●

THE HEALTHCARE QUALITY ENHANCEMENT ACT

Mr. FRIST. Mr. President, I rise today to express my continued support for S. 2208, the Healthcare Quality Enhancement Act, which seeks to reform and improve the Agency for Healthcare Policy and Research (AHCPR).

Studies show that health care quality is dictated more by where you live than by scientific evidence or what is the best practice in medicine. Today, we have more biomedical research results than ever before, yet we are falling short in our success to disseminate our findings and to influence practice behavior. In 1843, Dr. Holmes published his famous article on hand washing for the prevention of puerperal fever in the

---

[4] Grundfest, Joseph A. & Perino, Michael A., Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105–85, at 41–45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities" "Oversight Hearing on the Private Securities Litigation Reform Act of 1995," Serial No. 105–182, at 3 (July 27, 1998).

[10] 425 U.S. 185 (1976).

[11] 459 U.S. 375 (1983).

New England Quarterly Journal of Medicine and Surgery. While it is an accepted and expected practice today, it took several decades before his recommendation became a universally accepted practice.

The landmark Early Treatment Diabetic Retinopathy Study was published in 1985. Then, three years later, the American Diabetes Association published its eye care guidelines for patients with diabetes. Unfortunately, however, today the national rates for annual diabetic eye exam is still only 38.4 percent. Clearly, the practical application of scientifically sound diabetic eye care recommendations has not fared much better than the highly beneficial and very important hand washing theory. While there are more scientific discoveries than ever before, the practical introduction of these new scientific discoveries does not appear to be much faster today than it was more than 100 years ago.

Through S. 2208, I am seeking to close the gap between what we know and what we do in health care. The expired statute of AHCPR represented an outdated approach to health care quality improvement. S. 2208 would establish the Agency for Healthcare Quality Research (AHQR), whose mission is the overall improvement in health care quality.

Built upon the current AHCPR, the Agency for Healthcare Quality Research is refocused and enhanced to become both the hub and driving force of federal efforts to improve quality of health care in all practice environments. The Agency will assist, not burden physicians in four specific ways. First, it will aggressively support state-of-the-art information systems for health care quality. Improved computer systems will advance quality scoring and facilitate quality-based decision making in patient care. Next, it will support research in areas of primary care delivery, priority populations and access in under served areas. The Agency's authority is expanded to support health care improvement in all types of office practice—both solo practitioners and managed care. In addition, it will promote data collection that makes sense. Physicians want information on quality to enable them to compare their outcomes with their peers. Statistically accurate, sample-based national surveys based on existing structures will efficiently provide reliable and affordable data. And finally, the Agency will promote quality by sharing information with doctors, not the federal government. While proven medical advances are made daily, patients wait too long to benefit from these discoveries. We must get the science to the people who use it—physicians.

I would like to point out that S. 2208 does not create a new bureaucracy, nor does it expand the federal government. Rather, it refocuses an existing agency, the AHCPR, on a research mission that can better serve the health and health care of all Americans. The reauthorization of the AHCPR and the creation of the Agency for Healthcare Quality Research enjoys broad-based support. By taking leadership in supporting research on health care quality improvement, eight Senators, including myself, are co-sponsoring this bill. They are Senators COLLINS, FAIRCLOTH, JEFFORDS, INOUYE, MACK, BREAUX, and LIEBERMAN. In addition, S. 2208 was later incorporated in another bill which received co-sponsorship from 49 Senators. Also, I am pleased to report that 44 leading organizations, consisting of health care professionals, patient advocates, major health care organizations and health services researchers, have also lent their support for this measure.

Americans want and deserve better health care. For this compelling reason, I will reintroduce S. 2208 in the 106th Congress. I urge my colleagues to support health care quality improvement and to refocus the federal government's role in this vitally important area of research.

NOMINATION OF JEFFREY S. MERRIFIELD

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of Mr. Jeff Merrifield to the position of U.S. Nuclear Regulatory Commissioner.

Mr. Merrifield was born in Westerly, Rhode Island and spent most of his childhood in Antrim, New Hampshire. In 1985, Jeff graduated Magna Cum Laude with his B.A. from Tufts University. In 1986, he joined Senator Gordon Humphrey's staff and handled energy and environmental issues. I first came to the Senate in 1990 and I was fortunate that Jeff was one of several staffers who carried over from Senator Humphrey's staff to mine.

While working for Senator Humphrey and me, Jeff put himself through Georgetown Law School. He graduated in 1992 after which he began work for the Washington D.C. based law firm of McKenna and Cuneo. There, he practiced environmental and government contracts law until 1995. I was very pleased to have Jeff returned to my staff in 1995 to be my counsel for the Senate Subcommittee on Superfund, Waste Control and Risk Assessment. He was the lead staffer in developing my Superfund reauthorization legislation.

During his time with the Senate, Jeff has been involved with all aspects of solid and hazardous waste disposal and cleanup regulation. He took part in a number of bills including the Price Anderson reauthorization, the Oil Pollution Control Act, the Clean Air Act reauthorization, efforts to reauthorize both Superfund and RCRA, and the Intermodal Surface Transportation Act (ISTEA I).

In addition to his duties on the Committee, Jeff has also been extensively involved in assisting me on the Armed Services Subcommittee on Strategic Forces, which I chair. He has provided me with valuable oversight of hazardous and radiological waste programs at DOD and DOE facilities.

Jeff's philosophy as Commissioner will be that the NRC cannot take a solitary role in maintaining full public confidence in the safety of nuclear power. He has said that the nuclear industry must also assume equal responsibility for taking the steps necessary to maintain the trust of the American public.

Mr. President, Jeff has done a great job for me over the years. Although I'm sorry to lose him from my staff, I'm confident that he will provide the NRC with the talents necessary to ensure adequate protection of the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States. Jeff is a bright, dedicated and articulate individual who will serve the nation with distinction. I strongly recommend him for the position of U.S. Nuclear Regulatory Commissioner and urge my colleagues to do the same. Thank you, Mr. President.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. FRIST. Mr. President, I rise to address the Senate today on the passage of the Health Professions Education Partnerships Act of 1998. This bill reauthorizes the programs funded through Titles VII and VIII of the Public Health Service Act. These programs are intended to increase access to primary care and to improve the distribution of members of the health professions—physicians, dentists, pharmacists, nurses, and others—to underserved areas. For many years, this legislation has helped our nation's schools of health serve the needs of their communities better and prepare the health care practitioners of the future. This bill provides a comprehensive and flexible authority to support training programs for health professions and related community-based educational partnerships. It will improve the quality, diversity, and distribution of the work force.

The Senate has worked diligently on this effort for the past four years. Reauthorization has been a priority since the authority expired for Title VII programs in 1995 and for Title VIII programs in 1994. In 1995, Senators Kassebaum, KENNEDY, and I introduced S. 555 to take the 44 programs involved and consolidate them into six groups or clusters. Performance outcomes and improved data collection were added.

This approach was used to streamline the granting process, and to allow the Department of Health and Human Services greater flexibility to leverage areas of development; and to align with community workforce needs. It also provided flexibility for strategic planning of the workforce supply, and insured that a greater percentage of program dollars would go directly to grantees versus federal administration.

After this bill, S. 555, passed in the Senate but failed to pass in the House during the 104th Congress, I identified areas of disagreement and developed ways to address these obstacles. At a hearing in April 1997, I had the opportunity to listen to concerned groups and outline possibilities for compromise. My staff has worked very hard to maintain a high level of input from constituency groups. We worked with the Congressional Hispanic Caucus to address their concerns. We worked to ensure that this bill lived up to the goal of increasing the number of underrepresented minorities in the health professions. We are very pleased that the Congressional Hispanic Caucus supports S. 1754.

This bill enjoys broad support in the medical and public health community. The bill is supported by a broad range of professional societies for physicians, nurses, pharmacists, psychologists, dentists, and others.

S. 1754 establishes a program with the flexibility to respond to changes in the workforce. Flexibility is built into the bill over time. As funding lines change, the Secretary's authority to move funds across program lines increases. This revision will allow programs to address the constantly changing health care needs of communities and respond to the changes in the health care delivery system.

Since so much of the Act's flexibility is based on the discretion of the Secretary, we have added advisory councils to ensure that the view points of those providing medical services are considered. This will generate confidence among the grantees and encourage collaboration between agency officers and the programs they manage. In addition, these councils will report back to Congress to ensure oversight of these programs.

However, flexibility alone will not result in successful targeting of resources. As noted by the Government Accounting Office in testimony to the Senate Labor Subcommittee on Public Health and Safety in April 1997, federal efforts should be based on performance measures and achievement of goals. The Secretary of Health and Human Services will ensure that there is an annual evaluation of programs and projects funded through this legislation.

It was very important to maintain the distinct and separate funding for nurse education—Title VIII, the "Nursing Education and Practice Improvement Act of 1998." We wanted to increase the flexibility of the Department of Health and Human Services to target funding and to respond to the nursing workforce needs of a rapidly changing health care system. S. 1754 strengthens the role of the National Advisory Council on Nursing Education and Practice. We rewrote the duties of the Council so that it not only provides advice and recommendations to the Secretary and the Congress but also to report its findings and recommendations annually. In addition, S. 1754 specifies that the Council include representatives of advanced practice nursing groups, including nurse practitioners.

The bill specifically states that authorized nurse practitioner programs have as their objective the education of nurses who will provide primary health care. For advanced practice nurse traineeships, the Secretary shall give special consideration to those programs that agree to train advanced practice nurses who will practice in health professional shortage areas. The amendment proposed and passed by the House further clarifies how funding for training for nurse midwives, nurse practitioners, and nurse midwives will be allocated. The Department of Health and Human Services, in consultation with individuals in the field of nursing, will develop a methodology, based on data, to allocate training funds. The data for this methodology will include the need for and distribution of services among underserved populations and health professional shortage areas, and the percentage of the population that are minorities, elderly, or below the poverty level. The methodology will be in place by fiscal year 2003. Until the methodology is developed, the funding for nurse practitioners, nurse midwives, and nurse anesthetists will be "held harmless". The House amendment also clarifies the use of the definition of an advanced practice nurse in S. 1754.

Mr. President, this bill creates new partnerships and supports existing ones. It represents the best example of team work among interest groups, agencies and legislators. Through the goals of improving the distribution and quality of health professions in underserved areas and of simplifying the administration of existing programs, this bill fosters change. The Health Professions Education Partnerships Act of 1998 will help underserved areas meet their future health care needs.

Mr. President, I am proud of our work. I would like to take this opportunity to specifically thank, Senators KENNEDY, JEFFORDS, and BINGAMAN, and all their staffs for their efforts to work with us on this bill. I would also like to thank the interest groups which gave so generously of their time and support to help us address the issues involved. Mr. President, I especially thank Dr. Mary Moseley, Dr. Carol Pertowski, Dr. Debra Nichols, and Sue Ramthun of my staff for their dedication and hard work toward the reauthorization of these programs.

THE WOMEN'S BUSINESS NETWORK

Mr. CAMPBELL. Mr. President. I take this opportunity to call my colleagues' attention to the role of women owned businesses in our economy, and particularly in Colorado. The Business Women's Network (BWN), which is a network of 1200 women's associations working in concert to expand all women's inclusion in business development, is helping towards that end. Tonight, the BWN will be hosting an event to honor its members and the many structures which serve the development of women's business.

Colorado enterprises which embody well-developed and successful business ventures include: the Colorado Women's Business Office, which represents more than 75,000 women and 50,000 girls; the Denver Women's Business Network; the Casa Career Development and Business Center for Women; the Southern Colorado Women's Chamber of Commerce; the University of Colorado Women's Resource Center; the Women Owner, Managers and Executive Network of Colorado Springs; the Women's Foundation of Colorado; the Women's Library Association in Denver, and many others. Colorado's success in identifying and nurturing a strong base of women owned businesses provides a model for other states seeking to conquer the spectrum of needs and obstacles that confront women entrepreneurs.

National recognition is in order. Last year, the women-owned businesses in the Denver metro area had the highest regional growth rate in the country, at 57%. Both employment and sales increased four-fold. The translation for Coloradans is easy. As a state, we enjoy more than 77,600 women-owned businesses that provide jobs for almost 208,000 people, to the tune of $23 billion in annual sales.

The Business Women's Network is important because it profiles all women's groups, both nationally and globally, in salute of their achievements. Today, I wish to single out for special honor the solid foothold women's business has in Colorado's unparalleled economy. I also want to encourage the continued efforts of BWN—the strong presence of women in our world economy cannot be emphasized enough.

WHITE RIVER JUNCTION VA CENTER—60 YEARS OF EXCELLENCE

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Department of Veterans Affairs (VA) Hospital and

Regional Office Center of White River Junction, Vermont. October 16 marks this facility's sixtieth anniversary. For six decades it has provided compassionate, high-quality service to Vermont and New Hampshire Veterans.

On October 16, 1938, an elaborate dedication ceremony was held in White River Junction at the newly completed VA hospital. The next day, the first patient was admitted. In an unusual move, the regional VA office relocated its offices from Burlington to the White River Junction location to better serve veterans in processing their claims for benefits. The facility gradually grew over the years. By the end of World War II, 26 "Quonset" huts had to be erected to provide space for the rapidly expanding veterans programs, increasing the hospital's capacity to 250 beds.

In 1946, the VA hospital entered into an agreement with Dartmouth Medical School to become a teaching hospital, an arrangement that continues and thrives today. Recognizing the importance of research programs, in 1954, the VA, in partnership with Dartmouth Medical School, launched a medical research initiative. The research function was significantly expanded in 1992 with the completion of a research and education facility that enabled the hospital to perform medical and health services research, rehabilitation and cooperative studies. In addition to these critical fields of study, this facility is helping veterans make more informed choices about their medical treatment through cutting edge outcomes research.

From 1971 through 1981, several construction projects were undertaken to modernize and expand the hospital. In 1989, the VA began its venture of providing community-based outreach centers (CBOCs) to meet veterans' primary care needs in locations closer to their homes. A outreach clinic was opened in Burlington, and based on the success of this project, a community clinic was opened in Bennington earlier this year.

The White River Junction VA center has also done an exemplary job of meeting more than just the veterans' health care needs. Vermont veterans are also very fortunate to have, under the same roof, a very capable group of people to assist them with their benefit needs. The staff is small but mighty when its comes to their advocacy for veterans and I greatly appreciate the assistance they have provided Vermont veterans, for more than half a century, as well as to my office for the past 20 years.

In closing, Mr. President, I want to publicly thank all of the unsung heroes associated with this tremendous facility. They know who they are—the director of this facility, Gary DeGasta; the dedicated staff at the hospital and regional office; the Veterans Service Organizations who donate so much time and money to help provide for veterans; and, of course, the veterans, who for 60 years have supported the mission of this fine facility with their continuous patronage.

To my friends at the VA in White River Junction—Happy Anniversary. May you have many more.

IN SUPPORT OF SUBSTITUTE TO H.R. 3433

Mr. GRASSLEY. Mr. President, I rise today in support of the amendment in the form of a substitute to H.R. 3433.

Many people with disabilities who have been out of the workforce are eager to return to work. However, because of the risks of losing cash benefits and health insurance provided through the Social Security Disability Insurance program and the Supplemental Security Income program many beneficiaries are discouraged from entering or re-entering the workforce. The intent of these programs was never to demoralize or dishearten Americans who are ready, willing and able to work. We must look at ways to overcome this attitude.

Thanks to the disability reform proposal developed by Senator JEFFORDS and Senator KENNEDY many of the barriers facing people with disabilities will be addressed. Several provisions in the Jeffords-Kennedy substitute to H.R. 3433 tackle the problems of loss of cash benefits and health insurance which can prevent beneficiaries from being able to support themselves once they begin working. The substitute legislation would provide working individuals with disabilities access to additional services under the Medicaid program, such as personal assistance and prescription drugs. These services are vital to many people on SSDI and SSI. Furthermore, this proposal would provide improved access to rehabilitation opportunities for beneficiaries of both the SSI and SSDI programs.

The most encouraging parts of this proposal are those that eliminate work disincentives and facilitate self-sufficiency among those with disabilities. This legislation prohibits using work activity as the only basis for triggering a continuing disability review. Moreover, the proposal put forth by my colleagues, Senator JEFFORDS and Senator KENNEDY, would expedite the process of eligibility determinations of individuals who have been on disability insurance but who lost it because they were working. Also, the Jeffords-Kennedy substitute creates incentives for both disabled beneficiaries and providers of vocational rehabilitation to secure jobs for those who want to work. It is my hope that this will eliminate shuffling these people from vocational rehabilitation programs to state programs without them being able to make any real progress.

Finally, I want to say how glad I am to see that a component of the Jeffords-Kennedy substitute includes a proposal to ensure that local prisoners will not receive Social Security Disability Insurance benefits. I sponsored legislation in the beginning of the 105th Congress to prevent this needless waste of taxpayer dollars by closing a loophole in the law. Criminals should not be allowed to "double dip" and receive Federal money earmarked for the purchase of food and clothing while they are part of a prison system which provides these necessities already. This proposal would protect the financial soundness of the Social Security Disability Insurance program for the people it is meant to assist.

The work Senator JEFFORDS and Senator KENNEDY have put forth on this bill characterizes the bipartisanship necessary to pass the proposal into law. I am glad to lend my support to the Senate substitute legislation to H.R. 3433. I look forward to passage of this legislation.

ADDRESSING READINESS ISSUES

Mr. WELLSTONE. Mr. President, I rise in opposition to proposed increases in military spending contained in the supplemental appropriations provisions for FY 1999, and to comment on even larger anticipated proposals for increases in the military budget for fiscal year 2000 and beyond that will be the subject of ongoing debate in Washington in the coming months.

I have always been a strong supporter of our men and women in uniform, and I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. But certain Republican proponents of increased defense spending here in Washington are trying to use an alleged "readiness crisis" to get $1 billion or more additional funding included in the omnibus appropriations bill to be considered before adjournment. And this is just the first step. Some Pentagon officials, and Republican defense hawks here in Congress, are reportedly already pressing the Administration to increase next year's budget request by up to $15 billion, and by an estimated $50–75 billion over the next five years. These numbers are in addition to the grossly wasteful and unnecessary military spending of recent years, much of which was over and above what the Pentagon itself had requested from Congress to complete its mission.

These large increases are unjustified. Yes, I recognize that to a certain extent there are problems with readiness. There are shortages of spare parts in some areas, for example. It is reportedly difficult to retain pilots and other key personnel; certain of our armed forces, especially enlisted personnel, are suffering a declining quality of life. But if we look carefully at the military budget we can see that these readiness problems are not caused by inadequate military budgets, but rather by a wasteful and irresponsible, often politically-motivated misallocation of existing defense dollars to military programs and projects in states of key members of Congress. This is the crux of the matter. There is more than sufficient funding in the current budget to fix these problems if priorities are reassessed and money is redirected from wasteful and obsolete weapons programs to crucial readiness measures.

We continue to pour billions into Cold War era weapons programs that are essentially massive pork projects for the states and districts of various members of Congress. Congress has also contributed to the readiness problems by refusing to close military bases which the Pentagon acknowledges are unneeded and obsolete, and has pressed to have closed. The Chairman of the Joint Chiefs, and his colleagues on the Joint Staff, testified to this recently before the Armed Services Committee—they effectively said if you want us to fix these problems, then stop ramming down our throats weapons systems, ships and planes that we don't need, don't want, and haven't requested—and start closing down antiquated or outdated military bases that we can no longer afford to maintain, for which there is no reasonable purpose.

Mr. President, as I've said, I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. But let's make sure we carefully identify the threats we face and tailor our defense spending to meet them. Let's not continue to maintain military spending based on the needs of the Cold War.

Mr. President, we do not need to spend more on the military. We only need to spend what we have already allocated more intelligently and more honestly. We do not need to give more money to an already bloated Pentagon for wasteful pork projects when we have so many urgent problems in this country that need attention. We need to focus on adequate funding for the hundreds of domestic programs that protect the vulnerable; protect our lakes and streams; provide health care for the vulnerable elderly; and create expanded opportunities for the broad middle class, such as student loans and job retraining.

The real "readiness" crisis, Mr. President, is not in the military budget but in the readiness of the Congress to give up its attachment to wasteful pork projects, and in the readiness of Pentagon officials to make the hard choices about what programs are really necessary for the restructured military force we need to face the challenges of the 21st century. I expect that an omnibus bill will pass, and that some additional defense spending will be included in it for Bosnia and other needs. But I hope my colleagues will keep these concerns in mind as the defense spending debate moves forward next year.

I intend to press forward my efforts here in the Senate to make sure we more responsibly balance our defense and domestic priorities, by scaling back wasteful defense spending, and reallocating existing military funds to address our readiness problems, so that we can invest more in the skills and intellect and character of our children; in basic health care for all; in decent education, affordable housing and jobs that can sustain families.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. FEINGOLD. Mr. President, in these last few days of the 105th Congress, when I come to the floor, I often look wistfully to the aisle just to my left here, where DALE BUMPERS has trod up and down yanking the microphone cord and dispensing wisdom for just about twenty-four years now. The other day he gave his last speech here, and it was brilliant—an eloquent and moving reminder of the best purposes of politics. But now I want to look back and pay tribute to my friend DALE BUMPERS for what he has done and what he has been for me, for the Senate, for his beloved Arkansas and for our country.

DALE BUMPERS was born in Charleston, Arkansas in 1925, and it's from that little town he first drew the values he has eloquently proclaimed on this floor for two and a half decades. In a small town in western Arkansas during the Depression, young DALE BUMPERS learned about human suffering and deprivation, learned to believe that it could be defeated and came to understand, on his father's knee, that the government could be a force for good in that struggle. He saw typhoid in his hometown and saw a New Deal program put an end to it. He saw rural electrification light the countryside, projects that made the water cleaner, the roads safer, he saw the WPA and he saw the tenacity, and the ingenuity and the sense of community of the American people. One day as a boy he went to the nearby town of Booneville and saw Franklin Roosevelt himself, and he heard his father tell him that politics is an honorable profession—he took all that to heart and we are all the richer for it. He sometimes says, as his father did, "When we die, we're going to Franklin Roosevelt."

In 1943, DALE BUMPERS joined the Marines. He shipped out to the Pacific and he expected to be a part of the invasion force that would hit the beaches of Japan. He did not expect to survive it. The invasion never came, but that experience made a profound impression on him. When I hear him speak about the Constitution, our Founding Fathers and the flag on this floor it is plain how that wartime experience helped him comprehend the true stakes of the constitutional debate, how it informed his notions of patriotism and his sense of what America means. When he returned from the service he got a first-rate education at the University of Arkansas and Northwestern University Law School, all paid for, he is quick to point out, by Uncle Sam under the GI bill. He has been returning the favor to the American people ever since.

DALE BUMPERS started his career as a country lawyer in Charleston, a very successful one by all reports, and he got a reputation around Arkansas, even if he was, as he says, "the entire membership of the South Franklin County Bar Association." As time went by, his practice grew, he took over his father's hardware store, he taught Sunday School and sang in the church choir and he and his wonderful wife Betty started a family. But he wasn't feeling complacent.

There are a lot of great DALE BUMPERS stories many people don't know. In the days following the *Brown* v. *Board of Education* decision, tension was building in the South as school integration looked more and more inevitable. By 1957, we had the Little Rock Crisis, but there was one town in Arkansas that had already integrated by then, without any great trouble. It was the first in Arkansas, maybe the first in the entire south. It was Charleston, Arkansas, where DALE BUMPERS was a young lawyer, representing the school board. He saw what was coming and he knew what was right. He did a little research and he found out how much the district was spending to bus its black students to Fort Smith. He made his case to the school board about the right course, working those numbers into the argument. The board then voted to do what he had advised them to do—integrate the schools. It was not long after that he helped to integrate his church—the pastor of the local black Methodist church approached the all white congregation of his Methodist church, seeking help to repair a leaky roof. Why spend all that money and have two churches, why not just join our two churches together, said DALE BUMPERS, and it was done. Those are two quiet little pieces of history that tell us plenty about the principles and the persuasive powers of DALE BUMPERS.

Well, after a while, school board politics were getting to him, so DALE decided he would like to be the Governor of Arkansas. So off he went, eighth out of eight in the early primary polls, to do battle with Orval Faubus and other established politicians. His critics said he had "nothing but a smile and a shoeshine." But then the people of Arkansas heard what he had to say. He beat everybody but Faubus in the primary, beat Faubus in the runoff and then he beat Winthrop Rockefeller. Arkansas had never seen a governor like DALE BUMPERS. He reformed everything from education to heath care and gained the lasting affection of the people while doing it.

After four years as Governor, he decided he wanted to go to the Senate. All that stood in his way was J. William Fulbright, an institution in his own right. But BUMPERS won, and he came to the Senate. As we have seen, this chamber is the place where he always belonged.

When I came to the Senate, I had heard of Senator BUMPERS' intelligence, his quick wit, his impatience with wasteful spending, his vigorous defense of the environment and his role as a relentless guardian of our Constitution. When it comes to amending the Constitution. DALE BUMPERS always says, "I'm a founding member of the 'Wait Just a Minute' club." That is a great line, but it tells of a Senator who has risked defeat, has felt real contempt from those who disagree, all because he would not stand for the political use of the Constitution. He gave a great speech once called "The Trivialization of the Constitution" in which he made the case that we must never casually fiddle with our Constitution for political gain or to deal with transitory policy issues. His work to defend the Constitution and inject sobriety into the constitutional debate, all by itself, qualifies him as a great patriot and senator. Let the record reflect that I too am a member of the "Wait Just a Minute" club.

DALE BUMPERS' leadership in cutting wasteful spending and his fiscal foresight are unsurpassed. In 1981, when Ronald Reagan was calling the shots in the budget debate, DALE BUMPERS was one of only three Senators to oppose Reagan's tax cuts and support the spending cuts. If their position had prevailed, the budget would have been balanced in 1984. That was fourteen years ago. Now there's a fiscal role model.

Senator BUMPERS went after what we now call "corporate welfare" years before the term was coined, and years before others were willing to focus on the problem of government waste. From the international space station to the 1872 Mining Law, Senator BUMPERS has been resolute in his pursuit of excesses in the federal budget. He has gone after sacred cows and hidden pork, and faced strong opposition from both sides of the aisle. But he has continued his work, tirelessly and often thanklessly, because he knows he is doing what is right for the American people. I have often felt great pride standing with DALE BUMPERS on an amendment, even when we knew we would lose, because when he made a stand, his allies knew they were doing the right thing.

His campaign against government waste is matched only by his efforts to protect the environment as Chairman and Ranking Member of the Energy and Natural Resources Committee. Senator BUMPERS has been an outstanding leader on the committee, and has exhibited a conservation ethic unparalleled in the U.S. Senate. DALE BUMPERS was the first Senator to sound the alarm about the ozone layer and the danger of ozone-depleting gases, long before most of us had ever heard of them. And he always remembered his father's hardware store—there never was a more relentless defender of small business in the Senate.

I have been honored to work with him on a number of conservation efforts, including public land reform and nuclear energy issues, and I know the Senate will miss his leadership in that area. His work to reform the 1872 mining law is the issue where his environmental stewardship and his determination to cut wasteful spending have gone hand-in-hand. I have been proud to join him in this fight, because it's a crucially important one, an "outrage," as he calls it, that wouldn't be under scrutiny today if it weren't for the work of Senator BUMPERS. And I am confident, Senator BUMPERS, that your view will prevail on the mining law soon enough, because you are right and everybody knows you're right.

Everybody thinks of DALE BUMPERS first and foremost as an orator, a story teller, a raconteur and a dispenser of folk wisdom. He is common sense with a silver tongue and a sense of history. So let me finish my remarks with a tribute to his oratorical style. DALE BUMPERS often decried the idea that we could eliminate the deficit by cutting taxes and raising spending, he said "That reminds me of the combination taxidermist/veterinarian in my hometown. His slogan was 'Either way you get your dog back.'" When he saw a flaw in his opponent's argument he jumped on it like a duck on a junebug. He might declare. "His argument is as thin as spit on a rock!" Why is he such a masterful debater? Because he can explain the complex in a simple way, and expose the truth in uncomplicated language, without demagoguery or distortion. As he would say, "You gotta throw the corn where the hogs can get at it." He hated deficit spending, and when he saw a budget full of red ink, he said, "Well, you pass that and you'll create deficits big enough to choke a mule. That's just eating the seed corn!"

Being in this body, and having the honor of serving with DALE BUMPERS, has given me an invaluable chance to get to know a remarkable man, and to understand what his legacy in this body will mean for generations to come. The greatest thing he has taught me is not to fear the tough votes. Time and again, from the Panama Canal to the flag amendment, he has cast the hard votes. Time and again, he has gone home to Arkansas and made his case, explaining his votes to the people. He didn't always persuade them all, but he convinced them that his were votes of principle—and the poeple's confidence in his integrity has sustained him in the affection of even those Arkansans who disagreed.

DALE BUMPERS has plenty to be proud of, but he has always remembered who he is and where he came from. He mixed it up with the best of them during debate, but never with rancor. He is quick to point out the work of other Senators and his staff when things are accomplished. The other day he stood on this floor and thanked his grade school teacher, Miss Doll, for encouraging him more than sixty years ago! He never fails to credit all his success to his remarkable wife Betty, who has achieved so much in promoting peace and the health of children. He speaks always of his family as the wellspring of his values and the source of his priorities.

So now he leaves the Senate having enriched this country and this institution in a thousand ways. His wisdom and courage and his persistent voice will echo long into the future. To every member of the Senate, on both sides of the aisle, DALE BUMPERS is an admired friend and colleague. To those of us who share his principles and have learned from his leadership, he is nothing less than a hero. He is one of the great ones—and you don't need to be all broke out in brilliance to know that. Thank you DALE BUMPERS and good luck! I yield the floor.

RETIREMENT OF SENATOR DIRK KEMPTHORNE

Mr. SESSIONS. Mr. President, six years seems too short a time for a man of DIRK KEMPTHORNE'S character to serve in the United States Senate. In the two years that I have been privileged to work with the Senator from Idaho, I have been impressed by both his considerable integrity and also his unwavering dedication to the citizens of Idaho and to his fellow countrymen. When I reflect upon Senator KEMPTHORNE'S tenure in the Senate, I will remember the traits that made him such a successful legislator. I will especially remember the thoughtful approach the the Senator used when addressing the pressing issues of the day. When Senator KEMPTHORNE chose a course of action, every Senator could be certain that his decisions were guided by careful deliberation, broad consultation, and sincere prayer. Now, Senator KEMPTHORNE has decided to return to his people of Idaho, offering to sere their interests closer to home.

Selfishly, I and others will miss his quiet strength, his leadership in a pinch, his good judgment, and his deep faith. It has enriched all who have had the privilege of serving with him and, I must say, it has been a special source of strength to me. DIRK not only talks the talk, he walks the walk. His concern is for the least among us and his insights are superior. Whether he is in a small group meeting, a committee hearing, a leadership conference, a Bible study, or on the floor of the United States Senate, DIRK KEMPTHORNE always reveals himself to be a man of integrity. This is so because he is one solid whole. He does not compartmentalize. What you see is what you get, from the surface to the center.

DIRK has called us to higher things than mere public policy. He wants our government to make us better, not just richer and more powerful. His service in the Senate has been to that goal. He is both a humble servant of a higher calling, and an effective leader. We will miss that leadership and strength on issue after issue. We will miss even more his good example, his living proof that one can serve in public life and posses the richest qualities of a Christian gentleman. DIRK, we will miss you. You have made us better by your word, your manner, and your life. Our best wishes go with you. Godspeed DIRK KEMPTHORNE.

TRIBUTE TO SENATOR WENDELL FORD

Mr. INOUYE. Mr. President, since taking my oath of office in January of 1963, I have had the high privilege of serving with 323 senators. Among them were some of the giants we read about in history books, Richard Russell of Georgia, Everett Dirksen of Illinois, Mike Mansfield of Montana, and John Stennis of Mississippi.

I have served with men and women of great moral strength and high intellect, but, of the 323 senators, I shall always look upon one person as my "best friend"—Senator WENDELL FORD.

How does one become a best friend of a stranger? I had some knowledge of WENDELL before he was elected, because I was then a member of the Senate Campaign Committee and serving as the Secretary of the Democratic Caucus. I knew that he was a former State Senator, Lieutenant Governor, and the 49th Governor of the Commonwealth of Kentucky before he was elected to the Senate. I also knew that he was one of the most popular Presidents of the U.S. Junior Chamber of Commerce.

When I first met WENDELL in early 1974, I immediately liked what I saw.

I could see that he was "truth in packaging" personified. There were no fancy frills, or bells, or ribbons around him. He was down to earth. He obviously loved his constituents and without question, understood them. Immediately, I concluded that he was a "man of the people." Soon, I found myself serving with him on two important Committees—the Senate Committee on Commerce, Science, and Transportation and the Committee on Rules and Administration.

Whenever he stood and raised his voice to defend, advocate, oppose, or support a measure, you knew that it related to people.

Therefore, I was not surprised when he became the prime mover of the National Voter Registration Act which would ensure that every American who was of age, qualified and wanted to vote was given the opportunity to do so. He took away all of the obstacles that stood in their path.

He also made certain that when a worker's spouse was ill at home, he or she was given the right to be with their loved ones in their time of great need. He knew what it was to be a husband and a father. And he knew what it meant to comfort wives and children in time of need. When WENDELL became the Chairman of the Aviation Subcommittee, first and foremost on his agenda was passenger safety.

He was always ready to carry the banner for the working man and woman. And during the recent tobacco legislation debates, WENDELL's voice was one of the very few that spoke out for the tobacco farmer. His concern was not for the wealthy Chief Executive Officers. His concern was for the poor farmer who had to struggle, day in and day out, to eke out a livelihood.

WENDELL also spoke out for the miners who worked in the deep coal mines, and for those who had been discriminated against in employment because of their age. He was a "work horse," never a "show horse." When others would give eloquent speeches on cutting the cost of government, he did something about it. He led the movement to adopt a two-year budget, thereby saving millions of dollars by streamlining our budgetary process.

He introduced the measure that is responsible now for using recycled printing paper by the federal government, thus saving millions of dollars. After all, the paperwork of the federal government today, with all the technological advances, still uses more than 480,000 tons of paper annually. However, before WENDELL FORD got into the act, it was nearly double that amount.

As a politician, he wanted to make certian that campains were carried out without corruption and without impediments. He streamlined voter registration procedures, and did everything to increase voter participation in federal elections.

WENDELL FORD's departure from the Senate will leave a huge void in the committee rooms and in the Senate Chamber. It is difficult for me to imagine that next year we will not hear his voice rising to defend the working man and woman.

We will not hear his voice to insist upon safety for our traveling public. And we will not hear his voice for good and clean government. I hope that the people of Kentucky will someday come to the realization that they and the people of this nation were blessed with the service of WENDELL FORD.

Winston Churchill just prior to his retirement from active government service said, "Service to the community is the rent we pay for living on this earth." WENDELL FORD has been paying his rent throughout his life.

It will be difficult for me to say goodbye to my good friend. It will be difficult no matter how good a person his successor may be, to fill his "huge boots."

But most importantly, I agree with my wife, Maggie, that what makes WENDELL a good husband, a good father, and decent human being is the fact that he had the good sense to marry his beloved Jean. Without Jean, Kentucky and our nation would have been denied the great service of WENDELL H. FORD.

WENDELL and Jean, you have my best wishes for continued happiness and fulfillment in the bright years ahead. We shall miss you immensely.

RETIREMENT OF SENATORS

WENDELL FORD

Mr. FEINGOLD. Mr. President, I want to take a moment to honor Senator WENDELL FORD for his long and distinguished record of service in the United States Senate.

A vigorous defender of his home state, WENDELL FORD's raspy voice has spoken out for the people of Kentucky and the entire nation with intelligence, tenacity and humor, winning him the respect and affection of his colleagues.

Of Senator FORD's many accomplishments during his years of public service, his positions in the Senate's Democratic leadership and as Chairman of the Senate Rules Committee stand out as invaluable contributions to his party and his country. I have greatly appreciated, as have all my Democratic colleagues, the outstanding job Senator FORD has done as the Democratic whip, and the dedication he has shown to the caucus. Here on the floor, WENDELL FORD has exhibited an uncommon commitment to fairness.

Kentuckians can also be proud of Senator FORD's sponsorship of the Motor Voter bill and longstanding support of government reforms, which are a testament to his commitment to the democratic principle of government.

I want to wish Senator FORD all the best for his well-earned retirement, and thank him for his many contributions to American political life.

DIRK KEMPTHORNE

Mr. FEINGOLD. Mr. President, I want to wish all the best to Senator KEMPTHORNE as he leaves the Senate. Senator KEMPTHORNE and I both joined the Senate in 1992, and both, as very junior senators, initially found ourselves with offices in the basement of the Dirksen building.

Senator KEMPTHORNE has always demonstrated a strong grasp of policy issues, including his work on unfunded mandates, and has always conducted himself with the highest degree of professionalism in the Senate. I thank him for his service, and wish him well in his new endeavors.

Now he returns to Idaho to seek the office of governor. Whatever happens in that race, the people of Idaho will know that he is a thoughtful man of grace and civility.

JOHN GLENN

Mr. FEINGOLD. Mr. President, today I want to take this opportunity to thank Senator JOHN GLENN for his long and distinguished service in the United States Senate. He has served this body with great dignity, and with an unparalleled commitment to our country.

Of course, Senator GLENN is known for a great deal more than his Senate service, as the first man to orbit the earth and a hero in both World War II and the Korean War. But his contributions here in the Senate, all by themselves, have made for Senator GLENN the legacy of an American hero.

I worked with Senator GLENN in 1993 on an amendment to the Clean Water Act, which was just one of his many efforts to focus environmental protection efforts on the Great Lakes region. The Great Lakes states owe a great debt to Senator GLENN for his work in this area, which has included chairing the Senate's Great Lakes Task Force and helping to get Great Lakes regional offices for the Environmental Protection Agency and the Fish and Wildlife Service.

As the Chair and Ranking Member of the Senate Governmental Affairs Committee, Senator GLENN has been fair-minded and provided outstanding leadership on the committee, in particular during the recent hearings into campaign finance violations. During those hearings, Senator GLENN showed his keen understanding of the flaws in the current system and his commitment to its reform. As someone who cares deeply about campaign finance issues, I was grateful for his leadership.

Senator GLENN has also worked tirelessly on nuclear proliferation issues, and been a valued member of the Armed Services Committee, the Select Committee on Intelligence, and the Special Committee on Aging.

Now Senator GLENN is moving on to his newest challenge, and, as usual, making history. At the age of 77, he will again launch into space, this time for a nine-day ride on the Shuttle Discovery. Most of us would be content being the first man to orbit the earth, flying 149 combat missions, and breaking a transcontinental flight speed record in a Navy jet. But then JOHN GLENN has more determination, more talent and more courage than most of us can imagine. He must know that he is not just respected and famous, he must know that he holds a special place in the hearts of his fellow Americans and in American culture, yet there is no humbler man in the Senate. We admire him for that, we thank him for his dedicated service to the U.S. Senate, to the people of Ohio and to America. We wish him every success on his next mission, and wish him all the best in his retirement.

DAN COATS

Mr. FEINGOLD. Mr. President, I want to offer my best wishes to Senator COATS as he retires from the Senate this year. I have enjoyed working with him in areas where we agree, and I have always respected his viewpoint when we have differed. He is a gentleman in the best tradition of the Senate.

I have appreciated Senator COATS leadership in several areas, including his commitment to the line-item veto, which I agree can be a powerful tool against wasteful spending. Senator COATS has also taken on the issue of solid waste disposal, calling for more state discretion over what types of waste are disposed of within individual states. In Wisconsin, where we have a strong recycling program and create less solid waste than many states, we share Senator COATS' belief that states deserve to be heard on this issue, and not be forced to accept unwelcome garbage.

Senator COATS has also been a leader among the "donor states" in ISTEA funding for a more equitable distribution of highway funds, another issue of great importance to Wisconsin, where we again appreciate his commitment to fairness.

Senator COATS now voluntarily walks away from the Senate, still a young man, with humility and dignity, sure to find success in private life. As he leaves the Senate, I thank him for his years of service in this body and in the House of Representatives, and I wish him all the best in his new endeavors.

THE RETIREMENT OF SENATOR DAN COATS

Mr. SESSION. Mr. President, many have spoken more eloquently than I of the contributions made to this body and to this nation by DAN COATS. I will not try to describe his distinguished career or to list his legislative achievements, but I will, once again, attempt to review the qualities that have made DAN COATS special to me and to so many others.

First, he is a man of faith who lives that faith and allows it, shockingly to some, to actually affect how he votes and how he does his job. He is fully apprized of all the technical data and the Senate procedures required for effective service in the Senate on the Armed Services Committee and the Labor and Human Resources Committee. But, the strength of his service goes beyond technical skills—DAN brings honesty, strong principle and faith to every issue he faces. He does not approach these issues in a shallow or parochial fashion, but instead brings perspective to these matters that only comes from faith. Faith shapes what he does. It inspires others. It has inspired me, an event for which I am most grateful. DAN COATS is generous, kind, loving and courteous. He is also courageous. He cares about our nation and he wants it to achieve its highest and best goals. He knows that coarseness, selfishness, dishonesty, and meanness must not be our norm. So, while DAN tended to the daily duties of the Senate, he always kept his eye on the permanent things. Whether he was working quietly behind the scenes, or passionately on the floor, DAN has sought to ensure that our nation's policies result not only in making us stronger and richer, but also better. DAN knows, to the depth of his being, that God desires goodness, humility, honesty and justice more than power, fame and wealth. Indeed, DAN has steadfastly and in a winsome manner, worked, perhaps more than any other Senator, to cause the members of this body to think on these things. He has encouraged us, as the prophet Habakkuk says, "to walk on my high places". He has shown that one person can improve the lives of others by articulating and living a message of faith. That DAN is national president of the Big Brothers organization is not surprising. He knows that profound change comes one life at a time, not through the expenditure of a few more governmental dollars. And, though he has served in the most exemplary fashion as a United States Senator, still, to paraphrase, nothing has so become him as his manner of leaving. He, with grace and dignity, has just walked away. DAN knows, he really knows, that this great Senate, this earthy pit, too often leads us to believe, by our own pride and self deception, that we control our own destinies, the destinies of others, and the destiny of the world. And, most importantly, he knows that such price is false. DAN knows that another power controls this world, a power far beyond our imaginings. While we have governmental duties to fulfill, we must also listen to that still, small voice. It is not only important to listen, but to obey. DAN does both. He has just walked away from this Senate and the wise think this decision is foolish. But, as he leaves this body, and begins a new period in his life of obedience, none can know precisely what the future will hold anymore than Abraham did when he was called. But, when he was called, he went. As DAN COATS leaves this Senate, we are all saddened because we love him, admire him, and because we will miss his guidance. Certainly, he has loved us first and uplifted this senator and others with his example. With grace and strength he has dropped the trappings of power to serve in another way. His example, Mr. President, is bright and pure. We watch with love and awe. Godspeed DAN COATS.

RETIREMENT OF SENATOR WENDELL FORD

Mr. SESSIONS. Mr. President, I am pleased to join others to comment on the service provided to America and to Kentucky by WENDELL FORD. While we were members of different political parties, I often had the opportunity to hear him speak on this floor and to observe him represent his party as a Democratic leader. He is strong, experienced, filled with good humor and a tough advocate for his state and for his beliefs. I was honored to be the presiding officer for the Senate on the day in which WENDELL FORD eclipsed the service record of a host of outstanding Kentucky senators and became the longest serving Senator from that great state.

While he loves government, politics and the debate that goes with this office, he is a family man at heart. He has the sense of a southerner. He remembers his friends and he loves his state.

He is also independent. I recall one late night that we were debating whether to limit the high attorneys' fees in the tobacco cases. Senator FORD came on the floor and I noticed him looking my way during the debate. As we concluded, he asked if I would yield for a question. I answered his inquiry as best I could and he firmly nodded. Even though his party was strongly against my amendment, and no one could doubt that WENDELL FORD is a good Democrat, he voted for the amendment and it passed by one vote.

Those are the things that you remember and are a good example for all of us. While we want to be loyal, we are also independent.

Mr. President, we are losing one of our more notable members. We will miss the richness of his experience, the sharp debate, and the good humor. While our association has been a short one, I have enjoyed and benefitted from it, and expect that it will continue.

ALLOWING HASKELL INDIAN NATIONS UNIVERSITY AND THE SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE EACH TO CONDUCT A DEMONSTRATION PROJECT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4259, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4259) to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4259) was considered read the third time and passed.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 608, S. 2253.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2253) to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3825

(Purpose: To establish a matching grant program to help State and local jurisdictions purchase video cameras for use in law enforcement vehicles)

Mr. JEFFORDS. Mr. President, Senators TORRICELLI and LEAHY have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. TORRICELLI, for himself and Mr. LEAHY, proposes an amendment numbered 3825.

The amendment is as follows:

Beginning on page 8, strike line 17 and all that follows through page 9, line 6, and insert the following:
vise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

"(B) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.".

Mr. JEFFORDS. I ask unanimous consent that the amendment be considered read and agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3825) was agreed to.

The bill (S. 2253), as amended, was considered read the third time and passed, as follows:

S. 2253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

"Subpart A—Grant Program For Armor Vests";

(2) by striking "this part" each place that term appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) In General.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) Uses of Funds.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) Preferential Consideration.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

"(d) Minimum Amount.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) Maximum Amount.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) Matching Funds.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) Allocation of Funds.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) In General.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) Regulations.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) Eligibility.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) Authorization of Appropriations.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

"(C) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.".

SEC. 4. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

"(e) Bullet Resistant Technology Development.—

"(1) In General.—The Institute is authorized to—

"(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

"(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

"(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

"(2) Priority.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

"(3) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 1999 through 2001.".

AUTHORIZING TESTIMONY AND REPRESENTATION IN BCCI HOLDINGS (LUXEMBOURG), S.A., ET AL. V. ABDUL RAOUF HASAN KHALIL, ET AL.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 299, submitted earlier by Senators Lott and Daschle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 299) to authorize testimony and representation in BCCI Holdings (Luxembourg), S.A., et al. v. Abdul Raouf Hasan Khalil, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of BCCI Holdings (Luxembourg), S.A., et al. versus Abdul Raouf Hasan Khalil, et al., pending in the District Court for the District of Columbia, is a civil action brought by court-appointed fiduciaries of the Bank of Credit and Commerce, International, known as BCCI, to recover on behalf of depositors and creditors of BCCI funds wrongfully diverted from the bank.

Between 1988 and 1992, the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, under the leadership of Senator JOHN KERRY and Senator HANK BROWN, conducted a wide-ranging investigation into BCCI. As the Subcommittee described in its report to the Foreign Relations Committee, one of the individuals with whom the Subcommittee staff met during its investigations may have used his contacts with the Subcommittee to extort money from BCCI. The court-appointed fiduciaries are seeking to recover any such improperly diverted funds. As a part of that effort, the fiduciaries are seeking testimony from a former Subcommittee counsel, Jack Blum, about his contacts with the BCCI employee.

Both Senator KERRY and the Committee believe that it is appropriate to authorize the testimony requested on this subject. This resolution would accordingly authorize Mr. Blum to testify about this subject and to be represented by the Senate Legal Counsel in connection with the testimony.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 299

Whereas, in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, C.A. No. 95–1252 (JHG), pending in the United States District Court for the District of Columbia, the plaintiffs have requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

AUTHORIZING PAYMENT OF SALARIES AND EXPENSES OF PATENT AND TRADEMARK OFFICE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 3723 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3723) to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3723) was considered read the third time and passed.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2375) entitled "An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Anti-Bribery and Fair Competition Act of 1998".

SEC. 2. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING ISSUERS.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or";

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or"; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or".

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (1) of section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1(f)(1)) is amended to read as follows:

"(1)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.".

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) is amended—

(1) by adding at the end the following:

"(g) ALTERNATIVE JURISDICTION.—

"(1) It shall also be unlawful for any issuer organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof and which has a class of securities registered pursuant to section 12 of this title or which is required to file reports under section 15(d) of this title, or for any United States person that is an officer, director, employee, or agent of such issuer or a stockholder thereof acting on behalf of such issuer, to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a) of this section for the purposes set forth therein, irrespective of whether such issuer or such officer, director, employee,

agent, or stockholder makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

"(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(2) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (g)"; and

(3) in subsection (c), by striking "subsection (a)" and inserting "subsection (a) or (g)".

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) in paragraph (1)(A), by striking "section 30A(a)" and inserting "subsection (a) or (g) of section 30A";

(2) in paragraph (1)(B), by striking "section 30A(a)" and inserting "subsection (a) or (g) of section 30A"; and

(3) by amending paragraph (2) to read as follows:

"(2)(A) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who willfully violates subsection (a) or (g) of section 30A of this title shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

"(B) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who violates subsection (a) or (g) of section 30A of this title shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Commission.".

SEC. 3. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or";

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or"; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or".

(b) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(g)) is amended—

(1) by amending subsection (g)(1) to read as follows:

"(g)(1)(A) PENALTIES.—Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be fined not more than $2,000,000.

"(B) Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General."; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who willfully violates subsection (a) or (i) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

"(B) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.".

(c) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (2) of section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)) is amended to read as follows:

"(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.".

(d) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is further amended—

(1) by adding at the end the following:

"(i) ALTERNATIVE JURISDICTION.—

"(1) It shall also be unlawful for any United States person to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, irrespective of whether such United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

"(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(2) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (i)";

(3) in subsection (c), by striking "subsection (a)" and inserting "subsection (a) or (i)"; and

(4) in subsection (d)(1), by striking "subsection (a)" and inserting "subsection (a) or (i)".

(e) TECHNICAL AMENDMENT.—Section 104(h)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(4)(A)) is amended by striking "For purposes of paragraph (1), the" and inserting "The".

SEC. 4. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING OTHER PERSONS.

Title I of the Foreign Corrupt Practices Act of 1977 is amended by inserting after section 104 (15 U.S.C. 78dd–2) the following new section:

"SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

"(a) PROHIBITION.—It shall be unlawful for any person other than an issuer that is subject to section 30A of the Securities Exchange Act of 1934 or a domestic concern (as defined in section 104 of this Act), or for any officer, director, employee, or agent of such person or any stockholder thereof acting on behalf of such person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

"(1) any foreign official for purposes of—

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or

"(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person;

"(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or

"(B) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person; or

"(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or

"(B) inducing such foreign official, political party, party official, or candidate to use his or its influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality, *in order to assist such person in obtaining or retaining business for or with, or directing business to, any person.*

"(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) of this section shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

"(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) of this section that—

"(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the foreign official's, political party's, party official's, or candidate's country; or

"(2) the payment, gift, offer, or promise of anything of value that was made, was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate and was directly related to—

"(A) the promotion, demonstration, or explanation of products or services; or

"(B) the execution or performance of a contract with a foreign government or agency thereof.

"(d) INJUNCTIVE RELIEF.—

"(1) When it appears to the Attorney General that any person to which this section applies, or officer, director, employee, agent, or stockholder thereof, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a) of this section, the Attorney General may, in his discretion, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

"(2) For the purpose of any civil investigation which, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General or his designee are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

"(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General or his designee, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(4) All process in any such case may be served in the judicial district in which such person resides or may be found. The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement the provisions of this subsection.

"(e) PENALTIES.—

"(1)(A) Any juridical person that violates subsection (a) of this section shall be fined not more than $2,000,000.

"(B) Any juridical person that violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

"(2)(A) Any natural person who willfully violates subsection (a) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

"(B) Any natural person who violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

"(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a person, such fine may not be paid, directly or indirectly, by such person.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'person', when referring to an offender, means any natural person other than a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the law of a foreign nation or a political subdivision thereof.

"(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.

"(3)(A) A person's state of mind is knowing, with respect to conduct, a circumstance or a result if—

"(i) such person is aware that such person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

"(ii) such person has a firm belief that such circumstance exists or that such result is substantially certain to occur.

"(B) When knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a person is aware of a high probability of the existence of such circumstance, unless the person actually believes that such circumstance does not exist.

"(4)(A) The term 'routine governmental action' means only an action which is ordinarily and commonly performed by a foreign official in—

"(i) obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

"(ii) processing governmental papers, such as visas and work orders;

"(iii) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

"(iv) providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

"(v) actions of a similar nature.

"(B) The term 'routine governmental action' does not include any decision by a foreign official whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decision-making process to encourage a decision to award new business to or continue business with a particular party.

"(5) The term 'interstate commerce' means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State or between any State and any place or ship outside thereof, and such term includes the intrastate use of—

"(A) a telephone or other interstate means of communication, or

"(B) any other interstate instrumentality.".

SEC. 5. TREATMENT OF INTERNATIONAL ORGANIZATIONS PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.

(a) DEFINITION.—For purposes of this section:

(1) INTERNATIONAL ORGANIZATION PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.—The term "international organization providing commercial communications services" means—

(A) the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization; and

(B) the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Satellite Organization.

(2) PRO-COMPETITIVE PRIVATIZATION.—The term "pro-competitive privatization" means a privatization that the President determines to be consistent with the United States policy of obtaining full and open competition to such organizations (or their successors), and nondiscriminatory market access, in the provision of satellite services.

(b) TREATMENT AS PUBLIC INTERNATIONAL ORGANIZATIONS.—

(1) TREATMENT.—An international organization providing commercial communications services shall be treated as a public international organization for purposes of section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2) until such time as the President certifies to the Committee on Commerce of the House of Representatives and the Committees on Banking, Housing and Urban Affairs and Commerce, Science, and Transportation that such international organization providing commercial communications services has achieved a pro-competitive privatization.

(2) LIMITATION ON EFFECT OF TREATMENT.—The requirement for a certification under paragraph (1), and any certification made under such paragraph, shall not be construed to affect the administration by the Federal Communications Commission of the Communications Act of 1934 in authorizing the provision of services to, from, or within the United States over space segment of the international satellite organizations, or the privatized affiliates or successors thereof.

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as specifically and expressly required by mandatory obligations in international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—The President and the Federal Communications Commission shall, in a manner that is consistent with specific and express requirements in mandatory obligations in international agreements to which the United States is a party—

(1) expeditiously take all actions necessary to eliminate or to limit substantially any privileges or immunities accorded to an international organization providing commercial communications services, its officials, its employees, or its records from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States, that are not eliminated by subsection (c);

(2) expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities not eliminated pursuant to paragraph (1); and

(3) report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any remaining privileges and immunities of an international organization providing commercial communications services within 90 days of the effective date of this act and semiannually thereafter.

(e) PRESERVATION OF LAW ENFORCEMENT AND INTELLIGENCE FUNCTIONS.—Nothing in subsection (c) or (d) of this section shall affect any immunity from suit or legal process of an international organization providing commercial communications services, or the privatized affiliates or successors thereof, for acts or omissions—

(1) under chapters 119, 121, 206, or 601 of title 18, United States Code, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 514 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 884), or Rules 104, 501, or 608 of the Federal Rules of Evidence;

(2) under similar State laws providing protection to service providers cooperating with law enforcement agencies pursuant to State electronic surveillance or evidence laws, rules, regulations, or procedures; or

(3) pursuant to a court order.

(f) RULES OF CONSTRUCTION.—

(1) NEGOTIATIONS.—Nothing in this section shall affect the President's existing constitutional authority regarding the time, scope, and objectives of international negotiations.

(2) PRIVATIZATION.—Nothing in this section shall be construed as legislative authorization for the privatization of INTELSAT or Inmarsat, nor to increase the President's authority with respect to negotiations concerning such privatization.

SEC. 6. ENFORCEMENT AND MONITORING.

(a) REPORTS REQUIRED.—Not later than July 1 of 1999 and each of the 5 succeeding years, the Secretary of Commerce shall submit to the House of Representatives and the Senate a report that contains the following information with respect to implementation of the Convention:

(1) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification by such countries, and the entry into force for each such country.

(2) DOMESTIC LEGISLATION.—A description of domestic laws enacted by each party to the Convention that implement commitments under the Convention, and assessment of the compatibility of such laws with the Convention.

(3) ENFORCEMENT.—As assessment of the measures taken by each party to the Convention during the previous year to fulfill its obligations under the Convention and achieve its object and purpose including—

(A) an assessment of the enforcement of the domestic laws described in paragraph (2);

(B) an assessment of the efforts by each such party to promote public awareness of such domestic laws and the achievement of such object and purpose; and

(C) an assessment of the effectiveness, transparency, and viability of the monitoring process for the Convention, including its inclusion of input from the private sector and non-governmental organizations.

(4) LAWS PROHIBITING TAX DEDUCTION OF BRIBES.—An explanation of the domestic laws enacted by each party to the Convention that would prohibit the deduction of bribes in the computation of domestic taxes.

(5) NEW SIGNATORIES.—A description of efforts to expand international participation in the Convention by adding new signatories to the Convention and by assuring that all countries which are or become members of the Organization for Economic Cooperation and Development are also parties to the Convention.

(6) SUBSEQUENT EFFORTS.—An assessment of the status of efforts to strengthen the Convention by extending the prohibitions contained in the Convention to cover bribes to political parties, party officials, and candidates for political office.

(7) ADVANTAGES.—Advantages, in terms of immunities, market access, or otherwise, in the countries or regions served by the organizations described in section 5(a), the reason for such advantages, and an assessment of progress toward fulfilling the policy described in that section.

(8) BRIBERY AND TRANSPARENCY.—An assessment of anti-bribery programs and transparency with respect to each of the international organizations covered by this Act.

(9) PRIVATE SECTOR REVIEW.—A description of the steps taken to ensure full involvement of United States private sector participants and representatives of nongovernmental organizations in the monitoring and implementation of the Convention.

(10) ADDITIONAL INFORMATION.—In consultation with the private sector participants and representatives of nongovernmental organizations described in paragraph (9), a list of additional means for enlarging the scope of the Convention and otherwise increasing its effectiveness. Such additional means shall include, but not be limited to, improved recordkeeping provisions and the desirability of expanding the applicability of the Convention to additional individuals and organizations and the impact on United States business of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977.

(b) DEFINITION.—For purposes of this section, the term "Convention" means the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted on November 21, 1997, and signed on December 17, 1997, by the United States and 32 other nations.

AMENDMENT NO. 3826

(Purpose: To strike provisions relating to treatment of international organizations providing commercial communications services, and for other purposes.)

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate concur in the House amendments with a further amendment by Senators D'AMATO and SARBANES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 3826.

The amendment is as follows:

Strike section 5 of the bill.

In section 6(a) of the bill, strike paragraph (7) and redesignate paragraphs (8), (9), and (10), as paragraphs (7), (8), and (9).

Redesignate section 6 of the bill as section 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956 AMENDMENTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4660, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3827

(Purpose: To provide substitute language)

Mr. JEFFORDS. Mr. President, Senators HELMS and BIDEN have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 3827.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3827) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4660), as amended, was considered read the third time and passed.

AMENDING CHAPTER 47, TITLE 18, UNITED STATES CODE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4151, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4151) to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing H.R. 4151, the "Identity Theft and Assumption Deterrence Act." This is virtually identical to the Kyl-Leahy substitute to S.512, which passed the Senate unanimously on July 30, 1998. This bill penalizes the theft of personal identification information that results in harm to the person whose identification is stolen and then used for false credit cards, fraudulent loans or for other illegal purposes. It also sets up a "clearinghouse" at the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

Protecting the privacy of our personal information is a challenge, especially in this information age. Every time we obtain or use a credit card, place a toll-free phone call, surf the Internet, get a driver's license or are featured in "Who's Who,"in the form of personal information, which can be used without our consent or even our knowledge. Too frequently, criminals are getting hold of this information and using the personal information of innocent individuals to carry out other crimes. Indeed, U.S. News & World Report has called identity theft "a crime of the 90's".

The consequences for the victims of identity theft can be severe. They can have their credit ratings ruined and be unable to get credit cards, student loans, or mortgages. They can be hounded by creditors or collection agencies to repay debts they never incurred, but were obtained in their name, at their address, with their social security number or driver's license number. It can take months or even years, and agonizing effort, to clear their good names and correct their credit histories. I understand that, in some instances, victims of identity theft have even been arrested for crimes they never committed when the actual perpetrators provided law enforcement officials with assumed names.

The new legislation provides important remedies for victims of identity theft. Specifically, it makes clear that these victims are entitled to restitution, including payment for any costs and attorney's fees in clearing up their credit histories and having to engage in any civil or administrative proceedings to satisfy debts, liens or other obligations resulting from a defendant's theft of their identity. In addition, the bill directs the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

This is an important bill on an issue that has caused harm to many Americans. It has come a long way from its original Senate formulation, which would have made it an offense, subject to 15 years' imprisonment, to possess "with intent to deceive" identity information issued to another person. I was concerned that the scope of the proposed offense in the original Senate version of the bill would have resulted in the federalization of innumerable state and local offenses, such as the status offenses of underage teenagers using fake ID cards to gain entrance to bars or to buy cigarettes, or even the use of a borrowed ID card without any illegal purpose. This problem, and others, were addressed in the Kyl-Leahy substitute that was passed by the Senate.

This bill appropriately limits the scope of the new offense governing the illegal transfer or use of another person's "means of identification" to exclude "possession." This change ensures that the bill does not inadvertently subject innocuous conduct to the risk of serious federal criminal liability. For example, with this change, the bill would no longer raise the possibility of criminalizing the mere possession of another person's name in an address book or Rolodex, when coupled with some sort of bad intent.

At the same time, the Kyl-Leahy substitute as reflected in H.R. 4151, restores the nuanced penalty structure of section 1028 of the Federal criminal code. Specifically, the bill provides that the use or transfer of 1 or more means of identification that results in the perpetrator receiving anything of value aggregating $1,000 or more over a 1-year period, would carry a penalty of a fine or up to 15 years' imprisonment, or both. The use or transfer of another person's means of identification that does not satisfy those monetary and time period requirements, would carry a penalty of a fine and up to three years' imprisonment, or both.

Finally, again with the support of the Department of Justice, we created a limited and appropriate forfeiture penalty for these offenses and specified the forfeiture procedure to be used in connection with them.

I am glad that Senator KYL and I were able to join forces to craft legislation that both punishes the perpetrators of identity theft and helps the victims of this crime.

Finally, an amendment added in the House, at the joint request of Senator HATCH and myself, gives the United States Judicial Conference limited authority to withhold personal and sensitive information about judicial officers and employees whose lives have been threatened. Apparently, sophisticated criminals are able to use information set forth in publicly available financial disclosure forms to collect more detailed personal information then used in carrying out threats against our judicial officers. This amendment is an important step to protect the lives of judges, and I am glad that we were able to accomplish this.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4151) was considered read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 15, 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Thursday, October 15. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask unanimous consent that there then be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, on Thursday, there will be a period for morning business until 1 p.m. Following morning business, the Senate may consider any legislation that can be cleared by unanimous consent. Negotiations are still ongoing with respect to the omnibus appropriations bill, and it is still the leader's hope that the bill can be passed without a rollcall vote. Once again, Members will be notified if a rollcall vote is necessary on passage of the funding bill.

RECESS

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:43 p.m., recessed until Thursday, October 15, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 14, 1998:

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2003, VICE WILLIAM B. GOULD IV, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, October 14, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BLUNT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 14, 1998.

I hereby designate the Honorable ROY BLUNT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

We are taught in Your word, O God, that we should come into Your presence with joy and singing. And yet we know too that there are places and times when people do not sing and there is no joy. Our petition to You, gracious God, is that You would show us the marvelous vision of Your eternal grace, so we would see more clearly the power and presence of charity and kindness, of love and appreciation, of esteem and respect. Remind us always, O God, that whatever we are doing or wherever we are we can show forth a spirit that reflects these virtues. May Your benediction of joy and peace, of love and grace be with all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Dakota (Mr. THUNE) come forward and lead the House in the Pledge of Allegiance.

Mr. THUNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on either side.

HUMPTY DUMPTY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is time for a nursery rhyme for the kids in the White House:

"Humpty Dumpty sat on a wall. Humpty Dumpty had a great fall."

Mr. Speaker, back when this nursery rhyme was written, when kings were sovereign and people were subjects, it was a revolutionary concept to say that we the people are sovereign and that government officials are subject to the rule of law like all other citizens.

In America, the President is not a king. In America, no man has more rights because he has more money, more property or higher position. All are equal before the law. All are subject to the law. And when a man violates the law, he must answer to the law and not opinion polls.

"And all the king's horses and all the king's men couldn't put Humpty Dumpty together again."

Today all the king's men are still trying to put Humpty back together in one piece, but falling and breaking the law has consequences in America even for a man who thinks he is above the law.

ON GAY STUDENT MURDER

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise today compelled to speak out about the murder of 21-year-old Matthew Shepard. This college freshman was kidnapped, robbed, savagely beaten and then tied to a fence in near-freezing temperatures, left to die. And why? Because of his sexual orientation.

Unfortunately, Matthew is not alone. FBI statistics reveal that sexual orientation played a role in over 1,000 hate crimes recorded in 1996. This behavior cannot be tolerated. Legislation must be passed to increase the penalty for crimes committed because of sexual orientation.

Today, I join my voice with thousands of Americans who are outraged and who are calling for their elected leadership to do just that, just lead. As a cosponsor of the Hate Crimes Prevention Act of 1998, I know that we have legislation that addresses this issue. We have a responsibility to pass this legislation. How can we do anything less?

Pass the bill and pass the bill now.

EDUCATION POP QUIZ

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is time for a pop quiz. Parents, teachers and local educators, get out your number two pencils.

Question number one: Who do you trust more when it comes to educating your kids?

A. Yourselves.

B. Washington bureaucrats.

Question number two: Who should decide whether your school district needs more teachers, more books, more computers or more funds for school construction?

A. Yourselves.

B. Washington bureaucrats.

Question number three: Who has a better understanding of the individual needs of each student in your school?

A. Yourselves.

B. Washington bureaucrats.

Okay. Time is up. Put down your pencils.

Mr. Speaker, parents, teachers and local educators, if you answered "Washington bureaucrats" to any of these questions, then the new $1 billion Republican education plan for your classrooms is not for you.

EDUCATION FUNDING FROM DEMOCRATIC PERSPECTIVE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I listened to my Republican colleague who just spoke and I have to say that he essentially is not indicating what has happened here in the last 2 years with the Republican effort to slash funding for public education, with the suggestion that we abolish the Department of Education and with the opposition to the two Democratic initiatives that we insist be included in this budget before we go home. That is, 100,000 new teachers across the country and money to modernize and upgrade our schools.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Democrats and President Clinton want the local school boards to make the decisions about who to hire and how to fix their buildings and how to go out to bond, but we also know that those school districts do not have the money, they do not have the local property taxes to pay for those new initiatives. They cannot hire extra teachers, they cannot renovate the school buildings because they do not have the dollars.

Democrats are pushing this Republican leadership kicking and screaming to the point over the next few days where hopefully we will have the funding available for those local school districts. Those local school districts will decide how the money is spent, but right now they do not have the money because this Republican leadership wants to slash education funding.

EDUCATION FUNDING FROM REPUBLICAN PERSPECTIVE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, every year Republicans have been in charge we have increased spending on public schools. The gentleman knows this. But yet he says something differently.

The strength of America's future depends upon the education of our children, not the Washington bureaucracy. Republicans have offered an education plan that would send $1.1 billion to our local school districts. This Republican education plan would empower our local communities to hire new teachers if they see fit, to reduce class sizes, to train special education teachers, to test teacher competency, purchase more books and supplies and allow for school repairs.

Mr. Speaker, every Member of this body on both sides of the aisle should agree with the intent of this plan. The main difference boils down to this: How should we deliver the money. The beauty of the Republican plan is local control. This means 100 percent of this money will go directly to the classrooms, I repeat, directly to the classrooms, not to the fat-cat Federal bureaucrats or hollow Federal programs.

Republicans believe education is best accomplished on a local level and decisions should be made on the local level.

PINK SLIPS TO AMERICAN WORKERS WHILE WASHINGTON BAILS OUT ASIA AND BRAZIL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Merrill Lynch just cut 3,000 jobs. Ameritech cut 5,000 jobs. Raytheon cut 14,000 jobs. Motorola cut 15,000 jobs. AT&T cut 20,000 jobs. Boeing cut 30,000 jobs. Jobs lost. Jobs lost. And Japan, Russia, Brazil and Korea are destroying our steel industry and getting away with it. Illegal trade, getting away with it.

Unbelievable, ladies and gentlemen. While Washington is bailing out Asia and Brazil, American workers are getting the pink slips because of in fact illegal trade from people we are giving loans to.

Beam me up. We were not elected to the United Nations. We were elected to the Congress of the United States and Congress should take care of America first, before there is not a job left here.

I yield back the balance of any jobs left in this country.

REPUBLICANS WANT MORE SPECIAL ED TEACHERS

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, we have heard here again this morning that this Congress and the Congress before it has not appropriated money for education when in fact we have appropriated more money every year than the year before. So much of the debate about education in the Congress is about who controls the money and about whether the Federal Government is going to keep its word to local school districts.

Any time I am in the Seventh District in Missouri and ask an educator what is their biggest problem with the Federal Government, they always say, "Special education mandates." When we mandated special education, we said we would provide 40 percent of the money. At the beginning of the 104th Congress, we were providing 6 percent. Now we are providing 12 percent.

Part of the debate about teachers is whether some of those teachers could be special education teachers and help us get to what we have promised local districts we could do. But, no, that is not good enough. We have to tell local districts exactly what classes those teachers should be in and special education would not be one of them unless we prevail in this debate about education.

ROLE OF EDUCATION IN ONGOING BUDGET BATTLE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, public education is a local responsibility but a national concern. We have provided more police on the street to make our neighborhoods safe. Now, let us go the next step and spend it smarter by providing 100,000 new teachers to make our country stronger and hopefully not have to provide more police on the street. Let us help local public schools and parents have smaller classes to teach and mentor those children so we do not need those 100,000 new police officers in the next generation.

My Republican friends oppose the new 100,000 teachers and the smaller class sizes. In fact one of their Members was quoted a few months ago as saying that public education is a relic of communism. Well, my district does not share that. More than 90 percent of my children go to public schools.

My Republican friends brought a bill to the floor, the Labor-HHS appropriations bill about 2 weeks ago that would cut first Goals 2000, which is a block grant, 51 percent; cut School-to-Work 40 percent; cut American Reads Challenge 100 percent; cut summer youth jobs 100 percent.

Where are the priorities they have for education?

WORD TO LIBERALS: GO HOME AND DO SOME REAL WORK

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, I have a suggestion to all my friends on the other side of the aisle who think that we are not spending enough time here in Washington. Do what some of the rest of us do. Go home and do some real work. Find out what is going on in your local communities and your schools. Go home and work on a Habitat for Humanity house or something like that.

I know our liberal friends think it is important that we spend more time in Washington. We do not define good government by how much time we spend here creating new bureaucracies, hiring new bureaucrats, raising taxes, or how many bills we pass. We define good government by how much power we give back to communities and to people in this country, hardworking Americans. We are doing what we can to free up Americans to make a difference in their communities. That is where the real work is getting done. I invite my liberal colleagues to go home and check it out.

DEMOCRATS KEEP REPUBLICANS IN TOWN TO FUND EDUCATION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Day 111 of this Congress. This Congress has worked 111 days this year. The average American has worked 202 days so far this year. The Republican majority is being held against its will in Washington, D.C. They wanted to adjourn last Saturday after 108 days of work. Because so far as they were concerned, their job was done. They had served the special interests. They had killed insurance industry HMO reform, they had killed for the tobacco industry cessation of teenage smoking, and they had served Wall Street very well.

When they wanted to adjourn last Saturday, there were zero dollars for the after-school programs, zero dollars for the school-to-work program, zero dollars for new teachers. Today because the President and the Democrat minority kept them in town to work just a few more days, they might even put in 115 days this year, those programs are funded and now they want to say, "Well, it is really about how we want to spend the money, that billion dollars on the new teachers. It is about local control." That is not the point. They did not want to spend a penny on these new education programs. It is very clear. You wanted to adjourn without one cent additional for education.

REPUBLICANS DEMAND ACCOUNTABILITY FOR EDUCATION DOLLARS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the President, as the gentleman said, wants 100,000 new teachers. I am opposed to giving the Federal Government any more power over local schools. But I am willing to compromise. So I would like to say something that might surprise my Democrat colleagues. I am willing to accept the President's proposal to hire 100,000 new teachers but the President must then agree to test them for competence and he must also agree to discharge them for incompetence.

Uh-oh, I am just guessing, but suddenly the President may not be so enthusiastic about his idea for 100,000 new teachers. The special interests who currently protect incompetent teachers at all costs would go ballistic and find a way to block the proposal. Suddenly the talk about education and the children would end because a proposal with more Federal dollars that demanded accountability for those dollars would be automatically unacceptable.

So how many on the other side would be willing to take up my proposal?

□ 1015

EDUCATION IS TOO IMPORTANT TO LEAVE THE FEDERAL GOVERNMENT OUT OF IT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, we hear a lot of talk these days about the education proposals that the Democrats are fighting for, and those on the other side of the aisle say it is a matter of federal control versus local control. Democrats, they say, want federal control. They made the same arguments when we tried to get 100,000 police on the streets of this country, and that is local control. It may be federal money, but it is local control, and that is what Democrats are arguing for now.

Education is simply too important in this country to leave it to someone else. We all have to participate. We all have to participate in fighting crime, and that is what we did when we asked for 100,000 new police on the streets, and we got them in every district around this country. Now what we are saying is education is too important to leave the federal government out of it. The public servants who work for this government, for the state government and the local governments have to join together.

Mr. Speaker, we need support for 100,000 new teachers in this country. That is what we are fighting for as Democrats right now, and we are not going home until we have that as part of this agenda. There has been plenty of time in this Congress for votes on vouchers, but this issue has not come up before.

RETINAL DEGENERATIVE DISEASES TAKING THE SIGHT OF MILLIONS OF AMERICANS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. ROS-LEHTINEN. Mr. Speaker, every day I look around me at all the beautiful things I am lucky enough to see, the faces of the people I love, the words on the pages of a book I read, and I think of the living angels who are working to help me and my sister and brother keep this most precious gift of all, our sight.

As I read the note that Ilana Lidsky sent to me, I thought of how blessed Ilana's, Carlos and Betti Lidsky, are to have such caring and brave children who in the midst of adversity see the value of all that is truly important in life. Ilana, Daria and Isaac Lidsky, three of Carlos and Betti's children are afflicted with retinal degenerative diseases, a group of diseases with no current treatment which is taking the sights of millions of Americans who, like the Lidsky children, have great hopes and dreams for their future.

While we work toward a cure, Mr. Speaker, we can learn much from the Lidskys about courage, hope and unconditional love. They exemplify loving what is truly precious about having a loving family that recognizes, as Betti Lidsky once wrote to me, that in spite of the challenges life is most beautiful. For the Lidskys and the millions of Americans who, like them, wait for a cure, let us do all we can to help them in this battle.

WE STILL HAVE TIME

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, eating and learning are two very important functions for the young people of this Nation and for my State of North Carolina, yet both of those functions are threatened because this Congress would rather focus on the President than to fight for our children.

Eating is threatened because we have not yet corrected the provision in the 1996 farm bill which are driving small farmers out of farming. Unless we allow small farmers access to credit, we are threatened with losing almost 57,000 of them. There is still time now to pass the agriculture appropriation bill of year 1999 with the corrected language. I hold out hope for that.

Learning is threatened because Congress has not come to final agreement on the problems of overcrowded classes and has not addressed the problem of crumbling schools. There is still time to pass education legislation that addresses both of these problems. We still have time, Mr. Speaker, to make sure American children, we can make sure that they are fed and that they are learning, but time is rapidly falling aside.

DEMOCRATS' SILENCE ON ILLEGAL CAMPAIGN CONTRIBUTIONS SPEAKS VOLUMES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, one can tell an awful lot about people by what they do not talk about. How many times have we heard Members of the other side express their shock, outrage or even curiosity about why 79 witnesses have taken the Fifth Amendment in connection with the campaign finance investigation? Again I ask is there not a single Democrat who is even curious about why 79 witnesses have taken the Fifth? Anyone? Anyone at all? In addition, 12 witnesses have fled the country, 23 foreigners have refused to be interviewed.

What does that say about the ethics of the Democrat party? Would the party of Andrew Jackson, FDR and Harry Truman have remained silent in the face of all this evidence of illegal campaign contributions from a Communist Nation? Is that what the Democratic party has become? Is there not a single statesmen left in the entire party? Does not the Democratic party even want to know if foreign policy decisions were sold for campaign contributions? Their silence, Mr. Speaker, speaks volumes.

MORE TEACHERS MEANS A BETTER EDUCATION FOR OUR KIDS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today this do-nothing Congress will try to buy some time to pass a budget that they had all year long to complete. The last few days, the Republican leadership has steadfastly refused to reduce the size of our classrooms by giving local schools, local authority the funding that they need to hire 100,000 new teachers. They call it federal intrusion, but I tell my colleagues 2 years ago Republicans said that the Cops program was federal intrusion on the local police departments, but when we put 100,000 more cops on the street, we made dangerous neighborhoods safe again. We gave police departments, local police departments, targeted resources so that they could make local decisions, and it worked. Now what we need to do is to do the same thing, to help our schools in the same way.

Mr. Speaker, we need to put 100,000 teachers in America's classrooms. We need to reduce the size, give our kids the attention that they need, bring greater discipline to our classrooms and allow our kids to succeed. Just as more cops has meant more safety for our families, more teachers means a better education for our kids.

SUPPORT FUNDING FOR SPECIAL EDUCATION

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, 25 years ago the Congress passed the Individuals with Disability Education Act, and contained therein was a mandate that the Federal Government should supply 40 percent of the funding to teach disabled children. To date we have broken the record at 12 percent.

Mr. Speaker, let me suggest to my colleagues that in the course of these negotiations Republicans and Democrats should join together and urge the budget negotiators to fulfill the unfunded mandate for special education because fulfilling that unfunded mandate will not only help teachers, but it will help school administrators, it will help principals, it will help parents, it will help taxpayers, and most importantly, it will help the children of America.

Let us get together and agree on something that Republicans and Democrats can move forward on. Let us put more money into special education because it helps the entire educational system across this country.

I urge my colleagues to call my office and join me in urging the negotiators to support special education when it really counts, and it counts today.

DEMOCRATS CONTINUE THE FIGHT FOR OUR CHILDREN AND PUBLIC SCHOOLS

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, the issue before this House is education, and the question is which party, the Republican party or Democratic party, best stands up for our Nation's public schools?

Let me remind the American people, Mr. Speaker, what the Republicans would have had in the law had it not been for Democrats. They would have eliminated the Department of Education, the agency that administers Head Start and college student loans. They would have stolen money from public schools where 90 percent of our kids are educated to subsidize private schools, wealthy private schools in America's neighborhoods. They would have eliminated title I reading programs. They would have reduced funding for Head Start. They would have cut school nutrition programs for the children of low income working families. They would like us to forget that they tried to throw out funding for summer youth jobs. They wanted to get rid of the Safe and Drug-free School Program.

These are the education platform proposals the Republican party would like us to forget. The Democrats will continue to fight for our children in public schools.

WE ARE SAVING MILLIONS OF CHILDREN FROM POVERTY

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, one of the central planks of our Contract with America was real welfare reform that required work and personal responsibility. Three times we passed our plan that gave States wide latitude to reform their systems. Twice the President vetoed. Our friends on the left warned of dire consequences. Donna Shalala was, quote, visibly shaken when the President finally signed the bill. Since then welfare rolls have been cut by nearly 40 percent. Over 2 million families have moved off of welfare rolls and onto payrolls. Dependency and despair have been replaced with hope and opportunity. Billions of dollars are being saved, but, more important, we are saving millions of children from one more generation of poverty.

Mr. Speaker, what a difference a Republican Congress has made.

IS THIS WHAT WE WANT FOR OUR KIDS?

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, as we meet here today, hundreds of thousands of American children are beginning their school days in overcrowded classrooms with poor lighting, ceilings that are literally crumbling apart, lead pluming systems and barely enough money for textbooks and basic supplies, and what we, as Democrats, want to do is to make sure those local school districts have the opportunity with federal assistance to leverage and to have their own decision-making to make a difference in those classrooms with 100,000 school teachers which they will put in classrooms. We want to make sure that in fact we end up hiring 100,000 school teachers and not spending money on things that will not reduce class size or will not improve the leaking roof over their head. Mr. Speaker, if it were up to Republicans, they just simply would not support these initiatives.

Is that what we want for our kids?

Republicans say stop throwing money at the problem. For God's sake, Mr. Speaker, it takes money to repair a roof, it takes money to buy a modern heating system, it takes money to hire new teachers, and schools like these can be found in urban, suburban and rural areas alike.

Every child deserves a good school and a good education, and that is why we are still here fighting on a budget to make sure that happens.

DO NOT LEAVE EDUCATION UP TO THE WASHINGTON BUREAUCRATS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, regardless of the rhetoric that is bandied about on this floor; it would be nice if everyone here learned a simple lesson when they came to the well of the House. The lesson may not be taught that often in school; it should be taught at home to tell the truth.

Now, Mr. Speaker, since the debate centers around numbers, here are some important numbers our colleagues should remember:

Number of days since the last U.S.-U.N. inspection for weapons of mass destruction in Iraq: 71.

Number of days since the last fundraiser featuring the President: 2.

Number of meaningful educational initiatives passed by this common sense conservative Congress, vetoed by the President of the United States: 7.

Number of Cabinet meetings held in the White House by the President of the United States this year: 2, focusing on his personal problems.

Mr. Speaker, we need not fall for the lure of focus groups. We need to join sincerely to solve problems and not leave education up to the Washington bureaucrats.

Remember these numbers as the days continue.

SCHOOLS NEED FEDERAL ASSISTANCE, NOT FEDERAL CONTROL

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, I have here in my hand a cloth filled with coal dust sent to me by a principal from a southern Ohio school saying:

Congressman, this is what our teachers must use to wipe the coal dust from our desks and the computers before our students can use them.

Ohio, Ohio ranks 50 among the States in terms of the physical condition of our school buildings, and yet in Ohio we use public tax dollars to build sports stadiums. The average school in my district is 46 years old. Students in my district go to schools that are unsafe. Ten percent do not meet local fire codes.

We need federal assistance, not federal control, but federal assistance to enable our local schools to build, repair and modernize the schools our children attend.

In Ohio prisoners could not be housed in some of our school buildings because the courts would say they were unfit for prisoners, and yet we send our students there.

☐ 1030

NEA FUNDING FOR OBSCENE PLAY 'CORPUS CHRISTI'

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I was deeply disturbed this morning listening to NPR, National Public Radio, regarding a play called Corpus Christi, written by Terence McNally, playing at the Manhattan Theater Club in New York City. This play is a blasphemous, pseudo-creation by homosexuals about the life of Christ.

Now, the first thought I had was, how much money did the NEA provide?

Sure enough, in a letter on June 11, 1998, the chairman of the NEA admitted, "The theater did apply to the NEA for funding to support development of Corpus Christi." It goes on to say, "After consideration, the NEA approved an award of $31,000 to support the development of this play based upon the information provided in the application."

The NEA now claims the money was eventually used for other purposes, but this entire situation further shows that the NEA still does not get it and uses taxpayers' money to fund questionable projects that are antithetical to our values.

I call on Bill Ivey, Chairman of the NEA, to cut off all funding, all funding, to the Manhattan Theater Club today.

WORK IN A BIPARTISAN FASHION ON IMPROVING EDUCATION

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, we all know that we do our best work in government when we work in a bipartisan matter and we work in partnership with each other, and that is why it is so important when we look at funding for 100,000 teachers that we do it the smart way, that we do it in partnership, making sure that the funding gets into the classroom.

I was in local government for 14 years and our school board for two years before that, and I saw a lot of money wasted under programs that were just block granted. Instead, what works best is when we set parameters, we hold hands and we work together for the well-being of our country, and nothing is more important than having enough teachers to make sure that our children get the best education available and are the best educated children in the world. Our economic future depends on it, and really the peace and hope for society depends on it.

I would urge all of us to work with our President to make sure that the funding for teachers gets to the classroom and not into the administration, as is currently being recommended and requested by the majority party.

STATISTICS ON INDEPENDENT COUNSEL INVESTIGATIONS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, quite frankly, I have had it right up to my eyeballs with the rhetoric from the Democrats and the White House. Now Vice President GORE has the gall to go to my state, Florida, and slam Republicans for too many investigations.

Mr. Speaker, this is like Clyde saying to Bonnie, "I can't believe the law continues to pursue us."

He does this as he is under investigation by his Attorney General. Then the Vice President has the audacity to say that Republicans are dragging their feet on investigations.

Do they think the American people and the Congress are fools? When over 100 witnesses have either fled the country or taken the 5th Amendment? The fact is that more independent counsels have been appointed by their Democrat-appointed Attorney General for this administration, their administration, than all the previous in the history of the United States.

The fact is the Independent Counsel law expired in 1992 under President Bush. The fact is President Clinton signed into law and 243 Democrats, all but two, voted to pass the Independent Counsel Law, and put these investigations in place only after their Attorney General finds substantial and credible evidence of wrongdoing. Those are the facts.

PASS H.R. 3081, THE HATE CRIMES PREVENTION ACT

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, history has taught us that unchecked ignorance, intolerance and hatred always yields violence. The fact that we have not yet learned this lesson was made strikingly clear this week with the brutal beating and murder of Matthew Shepard, a Wyoming college student. His killers chose Matthew only because he was gay.

Mr. Speaker, incidences of violent crime are in fact decreasing in the United States, yet FBI statistics show that this is not so for crimes based on sexual orientation.

The time has come to recognize these heinous acts for what they are. They are hate crimes. The time has come to pass the Hate Crimes Prevention Act. We should do it today by unanimous consent.

It is tragic that yet another life has been lost to ignorance and intolerance. How many more will be lost by our silence?

TRUSTING LOCAL COMMUNITIES TO EDUCATE CHILDREN

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, like all things in public life, in the covenant that exists between the people and their elected officials, the overriding issue is trust and credibility.

Now, we have heard for the last few days an attempt by the other side to divert attention away from the fact that we were going to deliver much-needed tax relief for the American people, phasing out the marriage penalty tax, helping small business owners with health insurance deductibility, raising it to 100 percent, and, above all, helping farmers across our country.

Now we hear that education is the issue. Of course it is the issue. We all want to see education improve. But every attempt we have to take the bureaucracy out of Washington and bring it back home to Staten Island, Brooklyn, across the country, we are opposed.

We passed education savings accounts to give parents more flexibility to do what is right for their children, not the Washington bureaucrats. Threatened by the President, vetoed by the President.

Opportunity scholarships for the poorest students in the Washington, D.C. school system passed this House and Senate, again giving power back to parents locally. Vetoed by the President.

Let us end the rhetoric. We all want to improve education. The question is how do we do it. We say give it back to the people, back to the parents, back to the teachers.

PARTNERSHIP WITH THE FEDERAL GOVERNMENT ON EDUCATION

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, I am pleased to hear that the negotiations are now concentrated on education as the issue this week before we go back to our districts.

Let me make two points. Hopefully we will get some progress on education in these final days of the budget negotiations. I fear it will be too little to be of great help to our districts back home.

I recently made a tour of one of my schools in my district, and I spend a lot of time visiting schools. The superintendent and principal took me around to show me how they had parced together these buildings, put these buildings together, different ages, poor wiring systems, inadequate for the technology of the day; science labs with inadequate utilities, gyms with inadequate air conditioning, the problems that they have in trying to keep up in a rural district with the needs for school construction and school renovation.

These are real problems, whether you are in an urban area, a rural district or a suburban area. Our school districts want help modernizing their buildings and building new classrooms. They know they can do it in partnership with the Federal Government, with them maintaining local control. They know we are not about taking away their local control.

LETTING PARENTS AND LOCAL SCHOOL AUTHORITIES DETERMINE EDUCATION NEEDS

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, they are not all liberals, but the Democrats have a position on education that I think needs to be addressed. That is, they keep asking the question, do Democrats represent the best for education, or do Republicans represent the best for education?

What is wrong with this particular position is that it leaves out the parents and the local school authorities. This is not a political issue. It is not a question of which party can gain in an election by blaming the other person or taking credit for their particular position. What it is is a difference in between what the Democrats want to do for education and what the local school boards and the parents can do for education.

We as conservatives want to step out of the way and point to the local school districts and to the parents and say it is not a political issue, it is not whether the Democrat or Republicans are doing the most, it is how we are taking care of our children.

MAKING EDUCATION IMPROVEMENT A ONE-MONTH-A-YEAR PRIORITY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, in October of every election year the Republican leadership says they support public education. The other 11 months they try to dismantle the Department of Education, they try to cut Head Start and school lunches, they try to weaken the student loan program.

Now, for the month before the election, Republicans reluctantly say they want to better fund public education. But the issue is this: Should we adopt the Republican plan, which is a blank check to school administrators, which will mean more money in bureaucracy, more money in central offices, more money wasted in school districts, or do we adopt the democratic plan to put 100,000 teachers in the classroom?

Mr. Speaker, we should support the democratic plan. It means more modern schools, it means more teachers, and it means smaller class size. It simply makes sense.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the provisions of clause 5 of rule I, the Chair announces that it will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 2 p.m. today.

CANYON FERRY RESERVOIR LEASEHOLD CONVEYANCE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3963) to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana, as amended.

The Clerk read as follows:

H.R. 3963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that the conveyance of the properties described in section 4(b) to the lessees of those properties for fair market value would have the beneficial results of—

(1) reducing Pick-Sloan project debt for the Canyon Ferry Unit;

(2) providing a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—

(A) restore and conserve fisheries habitat, including riparian habitat;

(B) restore and conserve wildlife habitat;

(C) enhance public hunting, fishing, and recreational opportunities; and

(D) improve public access to public land;

(3) eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Federal Government's ownership of the properties while increasing local tax revenues from the new owners; and

(4) eliminating expensive and contentious disputes between the Secretary and leaseholders while ensuring that the Federal Government receives full and fair value for the properties.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) establish terms and conditions under which the Secretary of the Interior shall, for fair market value, convey certain properties around Canyon Ferry Reservoir, Montana, to private parties; and

(2) acquire certain land for fish and wildlife conservation purposes.

SEC. 3. DEFINITIONS.

In this Act:

(1) CANYON FERRY-BROADWATER COUNTY TRUST.—The term "Canyon Ferry-Broadwater County Trust" means the Canyon Ferry-Broadwater County Trust established under section 8.

(2) CFRA.—The term "CFRA" means the Canyon Ferry Recreation Association, Incorporated, a Montana corporation.

(3) COMMISSIONERS.—The term "Commissioners" means the Board of Commissioners for Broadwater County, Montana.

(4) LEASE.—The term "lease" means a lease or permit in effect on the date of enactment of this Act that gives a leaseholder the right to occupy a property.

(5) LESSEE.—The term "lessee" means—

(A) the leaseholder of 1 of the properties on the date of enactment of this Act; and

(B) the leaseholder's heirs, executors, and assigns of the leasehold interest in the property.

(6) MONTANA FISH AND WILDLIFE CONSERVATION TRUST.—The term "Montana Fish and Wildlife Conservation Trust" means the Montana Fish and Wildlife Conservation Trust established under section 7.

(7) PROJECT.—The term "project" means the Canyon Ferry Unit of the Pick-Sloan Missouri River Basin Project.

(8) PROPERTY.—

(A) IN GENERAL.—The term "property" means 1 of the cabin sites described in section 4(b).

(B) USE IN THE PLURAL.—The term "properties" means all 265 of the properties and any contiguous parcels referred to in section 4(b)(1)(B).

(9) PURCHASER.—The term "purchaser" means a person or entity, excluding CFRA or a lessee, that purchases the properties under section 4.

(10) RESERVOIR.—The term "Reservoir" means the Canyon Ferry Reservoir, Montana.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(12) STATE.—The term "State" means the State of Montana.

SEC. 4. SALE OF PROPERTIES.

(a) IN GENERAL.—Consistent with the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), the Secretary shall convey to CFRA or a purchaser—

(1) all right, title, and interest (except the mineral estate) of the United States in and to the properties, subject to valid existing rights and the operational requirements of the Pick-Sloan Missouri River Basin Program; and

(2) perpetual easements for—

(A) vehicular access to each property;

(B) access to and use of 1 dock per property; and

(C) access to and use of all boathouses, ramps, retaining walls, and other improvements for which access is provided in the leases as of the date of enactment of this Act.

(b) DESCRIPTION OF PROPERTIES.—

(1) IN GENERAL.—The properties to be conveyed are—

(A) the 265 cabin sites of the Bureau of Reclamation located along the northern end of the Reservoir in portions of sections 2, 11, 12, 13, 15, 22, 23, and 26, Township 10 North, Range 1 West; and

(B) any small parcel contiguous to any property (not including shoreline or land needed to provide public access to the shoreline of the Reservoir) that the Secretary determines should be conveyed in order to eliminate an inholding and facilitate administration of surrounding land remaining in Federal ownership.

(2) ACREAGE; LEGAL DESCRIPTION.—The acreage and legal description of each property and of each parcel shall be determined by the Secretary in consultation with CFRA.

(3) RESTRICTIVE USE COVENANT.—

(A) IN GENERAL.—In order to maintain the unique character of the Reservoir area, the Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that the use restrictions to carry out subparagraphs (B) and (C) shall—

(i) be appurtenant to, and run, with each property; and

(ii) be binding on each subsequent owner of each property.

(B) ACCESS TO RESERVOIR.—

(i) IN GENERAL.—The Secretary, the purchaser, CFRA, and the subsequent owners of each property shall ensure that—

(I) public access to and along the shoreline of the Reservoir in existence on the date of enactment of this Act is not obstructed; and

(II) adequate public access to and along the shoreline of the Reservoir is maintained.

(ii) FEDERAL RECLAMATION LAW.—

(I) IN GENERAL.—No conveyance of property under this Act shall restrict or limit the authority or ability of the Secretary to fulfill the duties of the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(II) NO LIABILITY.—The operation of the Reservoir by the Secretary in fulfillment of the duties described in subclause (I) shall not result in liability for damages, direct or indirect, to the owner of any property conveyed under section 4(a) or damages from any loss of use or enjoyment of the property.

(C) HISTORICAL USE.—The Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that future uses of the property shall be limited to the type and intensity of uses in existence on the date of enactment of this Act, as limited by the prohibitions contained in the annual operating plan of the Bureau of Reclamation for the Reservoir in effect on October 1, 1998.

(c) PURCHASE PROCESS.—

(1) IN GENERAL.—The Secretary shall—

(A) solicit sealed bids for the properties;

(B) subject to paragraph (2), sell the properties to the bidder that submits the highest bid above the minimum bid determined under paragraph (2); and

(C) not accept any bid for less than all of the properties in 1 transaction.

(2) MINIMUM BID.—

(A) IN GENERAL.—Before accepting bids, the Secretary shall establish a minimum bid, which shall be equal to the fair market value of the properties determined by an appraisal of each property, exclusive of the value of private improvements made by the leaseholders before the date of the conveyance, in conformance with the Uniform Appraisal Standards for Federal Land Acquistion.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(3) RIGHT OF FIRST REFUSAL.—If the highest bidder is other than CFRA, CFRA shall have the right to match the highest bid and purchase the properties at a price equal to the amount of the highest bid.

(d) TERMS OF CONVEYANCE.—

(1) PURCHASER.—If the highest bidder is other than CFRA, and CFRA does not match the highest bid, the following shall apply:

(A) PAYMENT.—The purchaser shall pay the amount bid to the Secretary for distribution in accordance with section 6.

(B) CONVEYANCE.—The Secretary shall convey the properties to the purchaser.

(C) OPTION TO PURCHASE.—The purchaser shall give each lessee of a property conveyed under this section an option to purchase the property at fair market value, as determined under subsection (c)(2).

(D) NONPURCHASING LESSEES.—

(i) RIGHT TO CONTINUE LEASE.—A lessee that is unable or unwilling to purchase a property shall be provided the opportunity to continue to lease the property for fair market value rent under the same terms and conditions as apply under the existing lease for the property, and shall have the right to renew the term of the existing lease for 2 consecutive 5-year terms.

(ii) COMPENSATION FOR IMPROVEMENTS.—If a lessee declines to purchase a property, the purchaser shall compensate the lessee for the fair market value, as determined pursuant to customary appraisal procedures, of all improvements made to the property by the lessee. The lessee may sell the improvements to the purchaser at any time, but the sale shall be completed by the final termination of the lease, after all renewals under clause (i).

(2) CFRA.—If CFRA is the highest bidder, or matches the highest bid, the following shall apply:

(A) CLOSING.—On receipt of a purchase request from a lessee or CFRA, the Secretary shall close on the property and prepare all other properties for closing within 45 days.

(B) PAYMENT.—At the closing for a property—

(i) the lessee or CFRA shall deliver to the Secretary payment for the property, which the Secretary shall distribute in accordance with section 6; and

(ii) the Secretary shall convey the property to the lessee or CFRA.

(C) APPRAISAL.—The Secretary shall determine the purchase amount of each property based on the appraisal conducted under subsection (c)(2), the amount of the bid under subsection (c)(1), and the proportionate share of administrative costs pursuant to subsection (e). The total purchase amount for all properties shall equal the total bid amount plus administrative costs under subsection (e).

(D) TIMING.—CFRA and the lessees shall purchase at least 75 percent of the properties not later than August 1 of the year that begins at least 12 months after title to the first property is conveyed by the Secretary to a lessee.

(E) RIGHT TO RENEW.—The Secretary shall afford the lessees who have not purchased properties under this section the right to renew the term of the existing lease for 2 (but not more than 2) consecutive 5-year terms.

(F) REIMBURSEMENT.—A lessee shall reimburse CFRA for a proportionate share of the costs to CFRA of completing the transactions contemplated by this Act, including any interest charges.

(G) RENTAL PAYMENTS.—All rent received from the leases shall be distributed by the Secretary in accordance with section 6.

(e) ADMINISTRATIVE COSTS.—Any reasonable administrative costs incurred by the Secretary, including the costs of survey and appraisals, incident to the conveyance under subsection (a) shall be reimbursed by the purchaser or CFRA.

(f) TIMING.—The Secretary shall make every effort to complete the conveyance under subsection (a) not later than 1 year after the satisfaction of the condition established by section 8(b).

(g) CLOSINGS.—Real estate closings to complete the conveyance under subsection (a) may be staggered to facilitate the conveyance as agreed to by the Secretary and the purchaser or CFRA.

(h) CONVEYANCE TO LESSEE.—If a lessee purchases a property from the purchaser or CFRA, the Secretary, at the request of the lessee, shall have the conveyance documents prepared in the name or names of the lessee so as to minimize the amount of time and number of documents required to complete the closing for the property.

SEC. 5. AGREEMENT.

(a) MANAGEMENT OF SILO'S CAMPGROUND.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Commissioner of Reclamation, shall—

(1) offer to contract with the Commissioners to manage the Silo's campground;

(2) enter into such a contract if agreed to by the Secretary and the Commissioners; and

(3) grant necessary easements for access roads within and adjacent to the Silo's campground.

(b) CONCESSION INCOME.—Any income generated by any concession that may be granted by the Commissioners at the Silo's recreation area—

(1) shall be deposited in the Canyon Ferry-Broadwater County Trust; and

(2) may be disbursed by the Canyon Ferry-Broadwater County Trust manager as part of the income of the Trust.

SEC. 6. USE OF PROCEEDS.

Notwithstanding any other provision of law, proceeds of conveyances under this Act shall be available, without further Act of appropriation, as follows:

(1) 10 percent of the proceeds shall be applied by the Secretary of the Treasury to reduce the outstanding debt for the Pick-Sloan project at the Reservoir.

(2) 90 percent of the proceeds shall be deposited in the Montana Fish and Wildlife Conservation Trust.

SEC. 7. MONTANA FISH AND WILDLIFE CONSERVATION TRUST.

(a) ESTABLISHMENT.—The Secretary, in consultation with the State congressional delegation and the Governor of the State, shall establish a nonprofit charitable permanent perpetual public trust in the State, to be known as the "Montana Fish and Wildlife Conservation Trust" (referred to in this section as the "Trust").

(b) PURPOSE.—The purpose of the Trust shall be to provide a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—

(1) restore and conserve fisheries habitat, including riparian habitat;

(2) restore and conserve wildlife habitat;

(3) enhance public hunting, fishing, and recreational opportunities; and

(4) improve public access to public land.

(c) ADMINISTRATION.—

(1) TRUST MANAGER.—The Trust shall be managed by a trust manager, who—

(A) shall be responsible for investing the corpus of the Trust; and

(B) shall disburse funds from the Trust on receiving a request for disbursement from a majority of the members of the Joint State-Federal Agency Board established under paragraph (2) and after determining, in consultation with the Citizen Advisory Board established under paragraph (3) and after consideration of any comments submitted by members of the public, that the request meets the purpose of the Trust under subsection (b) and the requirements of subsections (d) and (e).

(2) JOINT STATE-FEDERAL AGENCY BOARD.—

(A) ESTABLISHMENT.—There is established a Joint State-Federal agency Board, which shall consist of—

(i) 1 Forest Service employee employed in the State designated by the Forest Service;

(ii) 1 Bureau of Land Management employee employed in the State designated by the Bureau of Land Management;

(iii) 1 Bureau of Reclamation employee employed in the State designated by the Bureau of Reclamation;

(iv) 1 United States Fish and Wildlife Service employee employed in the State designated by the United States Fish and Wildlife Service; and

(v) 1 Montana Department of Fish, Wildlife and Parks employee designated by the Department.

(B) REQUESTS FOR DISBURSEMENT.—After consulting with the Citizen Advisory Board established under paragraph (3) and after consideration of the Trust plan prepared under paragraph (3)(C) and of any comments or requests submitted by members of the public, the Joint State-Federal Agency Board, by a vote of a majority of its members, may submit to the Trust Manager a request for disbursement if the Board determines that the request meets the purpose of the Trust.

(3) CITIZEN ADVISORY BOARD.—

(A) IN GENERAL.—The Secretary shall nominate, and the Joint State-Federal Agency Board shall approve by a majority vote, a Citizen Advisory Board.

(B) MEMBERSHIP.—The Citizen Advisory Board shall consist of 4 members, including 1 with a demonstrated commitment to improving public access to public land and to fish and wildlife conservation, from each of—

(i) a Montana organization representing agricultural landowners;

(ii) a Montana organization representing hunters;

(iii) a Montana organization representing fishermen; and

(iv) a Montana nonprofit land trust or environmental organization.

(C) DUTIES.—The Citizen Advisory Board, in consultation with the Joint State-Federal Agency Board and the Montana Association of Counties, shall prepare and periodically update a Trust plan including recommendations for requests for disbursement by the Joint State-Federal Agency Board.

(D) OBJECTIVES OF PLAN.—The Trust plan shall be designed to maximize the effectiveness of Montana Fish and Wildlife Conservation Trust expenditures considering—

(i) public needs and requests;

(ii) availability of property;

(iii) alternative sources of funding; and

(iv) availability of matching funds.

(4) PUBLIC NOTICE AND COMMENT.—Before requesting any disbursements under paragraph (2), the Joint State-Federal Agency Board shall—

(A) notify members of the public, including local governments; and

(B) provide opportunity for public comment.

(d) USE.—

(1) PRINCIPAL.—The principal of the Trust shall be inviolate.

(2) EARNINGS.—Earnings on amounts in the Trust shall be used to carry out subsection (b) and to administer the Trust and Citizen Advisory Board.

(3) LOCAL PURPOSES.—Not more than 50 percent of the income from the Trust in any year shall be used outside the watershed of the Missouri River in the State, from Holter Dam upstream to the confluence of the Jefferson River, Gallatin River, and Madison River.

(e) MANAGEMENT.—Land and interests in land acquired under this section shall be managed for the purpose described in subsection (b).

SEC. 8. CANYON FERRY-BROADWATER COUNTY TRUST.

(a) ESTABLISHMENT.—The Commissioners shall establish a nonprofit charitable permanent perpetual public trust to be known as the "Canyon Ferry-Broadwater County Trust" (referred to in this section as the "Trust").

(b) PRIORITY OF TRUST ESTABLISHMENT.—

(1) CONDITION TO SALE.—No sale of property under section 4 shall be made until at least $3,000,000, or a lesser amount as offset by in-kind contributions made before full funding of the trust, is deposited as the initial corpus of the Trust.

(2) IN-KIND CONTRIBUTIONS.—

(A) IN GENERAL.—In-kind contributions—

(i) shall be approved in advance by the Commissioners;

(ii) shall be made in Broadwater County;

(iii) shall be related to the improvement of access to the portions of the Reservoir lying within Broadwater County or to the creation and improvement of new and existing recreational areas within Broadwater County; and

(iv) shall not include any contribution made by Broadwater County.

(B) APPROVAL.—Approval by the Commissioners of an in-kind contribution under subparagraph (A) shall include approval of the value, nature, and type of the contribution and of the entity that makes the contribution.

(3) INTEREST.—Notwithstanding any other provision of this Act, all interest earned on the principal of the Trust shall be reinvested and considered part of its corpus until the condition stated in paragraph (1) is met.

(c) TRUST MANAGEMENT.—

(1) TRUST MANAGER.—The Trust shall be managed by a nonprofit foundation or other independent trustee to be selected by the Commissioners.

(2) USE.—The Trust manager shall invest the corpus of the Trust and disburse funds as follows:

(A) PRINCIPAL.—A sum not to exceed $500,000 may be expended from the corpus to pay for the planning and construction of a harbor at the Silo's recreation area.

(B) INTEREST.—The balance of the Trust shall be held and the income shall be expended annually for the improvement of access to the portions of the Reservoir lying within Broadwater County, Montana, and for the creation and improvement of new and existing recreational areas within Broadwater County.

(3) DISBURSEMENT.—The Trust manager—

(A) shall approve or reject any request for disbursement; and

(B) shall not make any expenditure except on the recommendation of the advisory committee established under subsection (d).

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commissioners shall appoint an advisory committee consisting of not fewer than 3 nor more than 5 persons.

(2) DUTIES.—The advisory committee shall meet on a regular basis to establish priorities and make requests for the disbursement of funds to the Trust manager.

(3) APPROVAL BY THE COMMISSIONERS.—The advisory committee shall recommend only such expenditures as are approved by the Commissioners.

(e) NO OFFSET.—Neither the corpus nor the income of the Trust shall be used to reduce or replace the regular operating expenses of the Secretary at the Reservoir, unless approved by the Commissioners.

SEC. 9. AUTHORIZATION.

(a) IN GENERAL.—The Secretary is authorized to—

(1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the development of the project;

(2) conserve the scenery, the natural historic, paleontologic, and archaeologic objects, and the wildlife on the land;

(3) provide for public use and enjoyment of the land and of the water areas created by the project by such means as are consistent with but subordinate to the purposes of the project; and

(4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.

(b) COSTS.—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and nonreturnable under Federal reclamation law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3963 authored by the gentleman from Montana (Mr. HILL) would establish terms and conditions under which the Secretary of the Interior must convey fee title to leaseholders in certain properties around Canyon Ferry Reservoir in Montana. Canyon Ferry Reservoir is a man-made lake located in central Montana near Helena.

The Bureau of Reclamation presently leases 265 cabin sites around the lake to local citizens. This section would direct the Secretary of Interior to sell these leaseholds at fair market value to a private interest. The sites would be sold at public auction. The present leaseholders would then have the opportunity to purchase title to the land.

This bill is a compromise negotiated with the gentleman from Montana (Mr. HILL) and Senator BAUCUS of Montana and with the administration.

Mr. Speaker, this is a very important bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 3963. Here we are again, in the last days of the session, presented with a bill that has never cleared the Committee on Resources and violates the Budget Act and sets precedents on the use of and disposition of Federal resources.

I understand why Senator BAUCUS and the gentleman from Montana (Mr. HILL) have been in discussions with the administration on this initiative, and he has a letter from OMB stating they will not object. That is worth considering, but I believe there are still serious problems with this legislation.

First, the bill sets up a bidding process for these cabin sites, supposedly to get fair and open bids on the property. However, the bill then sets terms and conditions that rig the bid so that effectively there is only one bidder, that just happens to be the Canyon Ferry Recreation Association.

Next the bill takes any funds received from these sales and sets up a fund for the Federal, state and local management board, trust funds for the resources. I guess some would argue why we have the board or do not have the board, but I think, more importantly, that this is the conveyance of public resources, ostensibly to private hands. And yet, at the same time, when we look at the process to receive fair market value, it really precludes others from bidding on these properties, because if any bidder is other than the Canyon Ferry Recreation Association, that purchaser then has to provide for an option to purchase to the lessees, the existing lessees, and also for those who decide they do not want to purchase, it has to provide them continuance of the lease.

□ 1054

Well, is highly unlikely that somebody who seeks to have one of these properties for their use and enjoyment would bid in that process and therefore, then by default, what we have is Canyon Ferry being really the only bidder in the process, and they also get the benefit in that situation of fully depreciating, excluding the value of the improvements on that property.

However, under existing Federal law at the end of their lease, the value, if there are cabins or improvements, would revert to the Federal Government as it would in the private sector. If one makes improvements on lease property, generally those enure to the property owner.

So, I think for those reasons that this legislation should undergo further consideration. I also think because of the fact that we have, scattered throughout the public lands in this country, hundreds of thousands of inholdings, lease holdings and all the rest, that we ought to make sure of what we are doing here, prior to setting a precedent on how we would convey those properties either to existing private owners or on a bid process, or whether in fact they should revert to the people of the United States.

Mr. Speaker, reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. HILL), the sponsor of this legislation.

Mr. HILL. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) for yielding to me, and thank him for bringing this bill to the floor.

Mr. Speaker, let me point out that what this bill will do is to authorize the sale of 240 cabin sites on Canyon Ferry Reservoir to people who currently have cabins that have been built on these sites. These are truly cabins. These are not houses. They are not high-value properties. These are simply recreational properties.

But the management of this reservoir has been a matter of considerable dispute and controversy ever since the reservoir was originally constructed back in the late 1940s. What this bill attempts to do by selling these cabin sites to these cabin owners is to resolve an area that has been contentious and a long-standing matter of dispute.

This bill has the support of the governor of the State of Montana. It has the support of both United States Senators, Democrat and Republican. It has the support of county commissioners in Broadwater and Lewis and Clark County, Democrats and Republicans. It has the support of the administration. It has the support of sportsman groups, and it has the support of local conservation groups.

On October 10, the Executive Office of the President wrote to Senator BAUCUS saying, "I am writing to express the Administration's support for the substitute amendment to . . . the Montana Fish and Wildlife conservation act." It goes on to say that this bill would create "a unique opportunity to exchange lands at Canyon Ferry Reservoir for other lands in the State to conserve fish and wildlife, enhance public hunting, fishing, and recreation opportunities, and improve public access to public lands."

It is important for my colleagues to understand that this is basically a land exchange bill. The proceeds from the sale of these lots will be put into a trust fund, and this trust fund will be used for the purposes of acquiring other lands in this area or other conservation efforts in those areas.

I want my colleagues to understand that this area on the Missouri River from Three Forks to Holter Dam is an area that is prime trout habitat. In fact, the watershed there is a watershed that supports critical cutthroat habitat, and the funds from the sale of these lots will be used for the purposes of conserving that habitat which is extremely critical. As we all know, the cutthroat has been proposed as a threatened species. It will also be used to accomplish other conservation efforts to acquire other access to the river and to the reservoir and it will also be used to secure other lands.

Mr. Speaker, it is important to note that the trustees over this trust fund will be appointed by the Secretary of the Interior, so the Secretary will approve whoever serves on this trust fund, and the trust fund itself will be protected. Only the income from the trust fund can be used, so it will be a permanent trust fund to help secure important habitat and to provide access.

Mr. Speaker, the gentleman from California (Mr. MILLER) has pointed out that there is some controversy, or was some controversy, over the method of selling the lots. Substantially, those were changed at the request of the administration so that it is clear now these lots will be valued using existing law for the purposes of determining the appraisal and for the purposes of bidding.

It is important for Members to understand that these lots can only be sold at or above fair market value, which will be determined by an independent appraisal process. It is true that cabin owners will have the option to buy those lots, a last refusal right, but it is important for my colleagues to understand that that is necessary because currently the leases go to the year 2008, and there are improvements on these lots that have to be accommodated somehow in the transaction.

I would just urge my colleagues to look at the fact that the administration supports this; Democrats and Republicans that are local and here in Washington support it; it has the support of landowners and conservation groups and sportsman groups. I think that that in and of itself indicates this is a consensus approach to resolving a long-standing problem.

Mr. Speaker, with that I urge all of my colleagues to support the bill.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3963, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUBJECTING CERTAIN RESERVED MINERAL INTERESTS OF THE OPERATION OF THE MINERAL LEASING ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3878) to subject certain reserved mineral interests of the operation of the Mineral Leasing Act, and for other purposes.

The Clerk read as follows:

H.R. 3878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding the provisions of section 4 of the 1964 Public Land Sale Act (P.L. 88-608, 78 Stat. 988), the Federal reserved mineral interests in lands conveyed under that Act by United States land patents No. 49-71-0059 and No. 49-71-0065 shall be subject to the operation of the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) ENTRY.—Any person who acquires any lease under the Mineral Leasing Act for the interests referred to in subsection (a) may exercise the right to enter reserved to the United States and persons authorized by the United States in the patents conveying the lands described in subsection (a) by occupying so much of the surface thereof as may be required for all purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals by either of the following means:

(1) By securing the written consent or waiver of the patentee.

(2) In the absence of such consent or waiver, by posting a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to insure—

(A) the completion of reclamation pursuant to the Secretary's requirements under the Mineral Leasing Act, and

(B) the payment to the surface owner for—

(i) any damages to crops and tangible improvements of the surface owner that result from activities under the mineral lease, and

(ii) any permanent loss of income to the surface owner due to loss or impairment of grazing use, or of other uses of the land by the surface owner at the time of commencement of activities under the mineral lease.

(c) LANDS COVERED BY PATENT NO. 49-71-0065.—In the case of the lands in United States patent No. 49-71-0065, the preceding provisions of this section take effect January 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3878, a bill to open to the operation of the Mineral Leasing Act two tracts with reserved Federal mineral estate near Big Piney, Wyoming. The lands affected by this bill were sold at auction several decades ago under a statute which requires the minerals be reserved to the United States in the land patent because the surface was to be used for commercial purposes.

But, the planned use never occurred. The tracts remain grazing lands, like thousands of acres nearby that are currently subjected to interest for oil and gas exploration and development. Sublette County, Wyoming, where the affected parcels are located, hosts the Jonah field, which has been described as the largest recent onshore discovery of natural gas on public lands. One unleased parcel will be subject to competitive bid offering under the normal BLM leasing process. BLM has already leased the other parcel.

Mr. Speaker, I urge my colleagues to support H.R. 3878 to help make available a prospective supply of this fuel. The gentlewoman from Wyoming (Mrs. CUBIN) should be commended for her work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3878, as explained by the chairman of the subcommittee, would open two tracts of land in Sublette County, Wyoming, to oil and gas leasing under the Mineral Leasing Act of 1920, as amended.

It would provide that any party acquiring a lease under this authority could also exercise the right reserved to the United States to enter lands and occupy the surface for oil and gas operations. The bill would also protect the surface landowner against damage to crops or tangible improvements and the loss of surface uses as a result of oil and gas activities. This bill would also would validate an existing lease on one of the two tracts of land that the BLM inadvertently leased in 1997.

Mr. Speaker, the administration supports the enactment of this legislation, and we have no objection to the substance of the bill.

Mr. Speaker, H.R. 3878 would open two tracts of land in Sublette, County, Wyoming, to oil and gas leasing under the Mineral Leasing Act of 1920, as amended. It would provide that any party acquiring a lease under this authority could also exercise the right reserved to the U.S. to enter the lands and occupy the surface for oil and gas operations. The bill would also protect the surface landowner against damage to crops or tangible improvements and the loss of surface uses as a result of oil and gas activities. The bill would also validate an existing lease to one of the two tracts of land that the BLM inadvertently leased in 1997.

Title to the surface of the subject lands was transferred through the Public Land Sales Act of 1964, P.L. 88–608, which authorized disposal of public lands for certain specified users (chiefly grazing and foraging.) Upon transfer of the lands, the mineral rights were reserved to the U.S. and withdrawn from leasing.

The surface of the land was sold and has been used primarily for grazing. In 1997, the BLM offered one of the two tracts for competitive lease. Enron Corporation succeeded in leasing the tract for $165 per acre. Subsequently, BLM discovered its error and concluded that they would be required to cancel the leases. H.R. 3878 would allow the lease to stay in effect and would authorize them to offer the other tract for lease.

The administration supports enactment of H.R. 3878. We have no objection to the substance of the bill.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3878.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill was amended so as to read as follows:

"A bill to subject certain reserved mineral interests to the operation of the Mineral Leasing Act, and for other purposes."

A motion to reconsider was laid on the table.

REQUIRING STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4501) to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

The Clerk read as follows:

H.R. 4501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES.

(a) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of the Interior shall jointly conduct a study regarding ways to improve the access for persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, trapping, wildlife viewing, hiking, boating, and camping) made available to the public on the Federal lands described in subsection (b).

(b) COVERED FEDERAL LANDS.—The Federal lands referred to in subsection (a) are the following:

(1) National Forest System lands.

(2) Units of the National Park System.

(3) Areas in the National Wildlife Refuge System.

(4) Lands administered by the Bureau of Land Management.

(c) REPORT ON STUDY.—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report containing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4501 is a bill introduced by the gentleman from Colorado (Mr. BOB SCHAFFER). The gentleman deserves credit for working hard to craft a bill which will lead to the benefit of disabled people across the United States.

H.R. 4501 directs the Secretary of Agriculture and the Secretary of the Interior to study ways to improve access for the disabled to outdoor recreation on Federal land. Emerging disabled outdoor sports markets point to a growing demand for recreational opportunities for the over 40 million disabled in America.

Over the last several decades, the disabled have proven that personal determination and technological advances can overcome seemingly insurmountable obstacles. This legislation brings a heightened awareness of these issues by studying ways to improve access for disabled Americans pursuing outdoor recreational activities. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation H.R. 4501, has had no hearings or markups in the Committee on Resources. We just did a disabled access study 7 years ago cosponsored by the gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) of our committee. The result of this study was a memorandum of understanding entered into between Federal land management agencies and the wilderness disability access groups.

So, I do not think there is really a need for this study when, in fact, we have already procured that information and have entered into an agreement and continue to work on those efforts.

There is concern by a number of people that this legislation, in fact, is a stalking horse for those who would unfortunately want to use this agenda to justify additional roads, whether in wilderness areas or in other Federal resource areas, and use the subject of individuals with disabilities as a means of sponsoring those roads to cut in and to open a number of the wilderness areas.

Mr. Speaker, I think given the history of our committee's work on this legislation, the fact that we have reached agreement with a number of these groups on this topic, and that we just did an expansive and exhaustive study on this effort, I would oppose this legislation.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the people in America realize that a few years ago under the direction of President Bush, we passed a bill called the Americans with Disabilities Act, a very important piece of legislation. Up to that point, there were all kinds of obstacles standing in the way of people who were disabled.

The thing I found very interesting at that time was a part of the Wilderness Act. In 1964, Congress passed the Wilderness Act which said we could use no mechanized things in the wilderness. Up to that point, what does a person do who wants to take something mechanized into the wilderness?

I remember distinctly being in Ogden, Utah, and a youngster came up to me, young by my terms anyway, and he was in a wheelchair and had the broad shoulders and the biceps and the bit. We talked about what he could do. He unfortunately lost his legs in Vietnam. He made an interesting statement to me. He said, "As a kid, I used to go in the wilderness areas with my uncle and my dad and we would fish." He talked about the north slope of the Uinta Mountains and he said, "Congressman, I am not subject to this wheelchair. I play tennis," and he said, "I'll take you on." And he probably would have defeated me.

He said, "I play basketball. I road race. I do all of these things, and I do it in this wheelchair." He showed how he could get on his hands, and said "I am not subjected to this wheelchair, and I would still like the right to go to the North Slope of the Uinta Mountains and fish as I did as a youngster."

□ 1100

Well, what does one say? That at that point we decided we would put an amendment to the Americans with Disabilities Act which would allow people in wheelchairs to go into wilderness areas.

I notice that the environmental community, especially the Sierra Club, really took that on. They did not like the idea at all. They said this was a poor idea. Why would we ever encroach on these wilderness areas? But we came to the floor and fortunately Members saw the wisdom in that, and we now have amended into that bill the right for people in wheelchairs to go into wilderness areas.

I do not know why we do not expand it and make it more accessible to more people. It is really not wilderness areas. It is severely restricted areas is what it amounts to. My good colleague from Colorado has a good idea to benefit more people who are disabled. A lot of people are disabled in America, whether it be a slight disablement or be something rather substantial like my friend I was talking about in the wheelchair. So I think that this is a good piece of legislation, one of the things we should do to help people out who have some unfortunate thing happen to them somewhere in their life.

Therefore, I strongly recommend to my colleagues that they do everything in their power to support this bill.

Mr. Speaker, I include the following for the RECORD:

COMMITTEE ON AGRICULTURE,
Washington, DC, September 10, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth HOB, Washington, DC.

DEAR DON: It is my understanding that the Committee on Resources will soon consider H.R. 4501, a bill to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

Knowing of your interest in expediting this legislation and in maintaining the continued consultation between our committees on these matters, I would be pleased to waive the additional referral of the bill to the Committee on Agriculture. I do so with the understanding that this waiver does not waive any future jurisdictional claim over this or similar measures. In addition, in the event the bill should go to conference with the Senate, I would reserve the right to seek the appointment of conferees from this Committee to be represented in such conference.

Once again, I appreciate your cooperation in this matter and look forward to working with you in the future on matters of shared jurisdiction between our respective committees.

Sincerely,
ROBERT F. (BOB) SMITH,
Chairman.

COMMITTEE ON RESOURCES,
Washington, DC, October 12, 1998.
Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

MR. CHAIRMAN: Thank you for your letter regarding H.R. 4501, to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons, with disabilities to outdoor recreational opportunities made available to the public, authorized by our colleague, Congressman Bob Schaffer.

I appreciate you waiving the Committee on Agriculture's additional referral of this bill and agree that it does not prejudice your jurisdiction over the subject matter. In addition, I will be pleased to support your request to be represented on any conference on the bill, although I hope that one will not be necessary.

I will include our letters in any Floor debate on H.R. 4501 and once again thank you, Gregory Zerzan, and David Tenny for your cooperation on this matter which is very important to Congressman Schaffer.

Sincerely,
DON YOUNG,
Chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself 1 minute.

No one argues, no one argues with the purpose of the gentleman's remarks, but he cited the exact provision of the Wilderness Act that he and others have attacked now for 20 years and that is no motorized vehicles in wilderness areas. This comes at the same time in the session that we see Members on the other side supporting helicopter flights over wilderness, roads through wilderness of questionable need, added on as riders to the environmental legislation and tragically, unfortunately, I think that here again the disability groups are being used to try and confront what they really want, and that is opening up of the wilderness areas with roads and other means to overfly these areas and to start invading the various concepts of wilderness.

This has been how they contest it in the gentlemen's States. People said they have rights to go into these areas. They bulldozed roads into some of the areas in southern Utah that are under study that are existing wilderness areas. This is a constant battle.

Again, the wilderness disability groups and other groups have worked with the administration. They have worked out memorandums of understanding, and I have very serious concerns about Members using this legislation to try and attack a fundamental key component of the wilderness legislation about the use of motorized vehicles or any other motorized object in the wilderness area. But this has been under attack, as I have said, since the Wilderness Act was put into law by many Members on the other side of the aisle. I do not think that we ought to do this where we have had had no hearings on the committee.

This bill has not been reported out of the committee, and most of the wilderness groups do not seek an exemption in the case of that. We ought to bring forth the hearings. We ought to find out exactly what you believe the problem to be. But as the gentleman knows, he was a cosponsor of the study over the last 7 years. We just went through all of this. For that reason, I would again ask Members not to support the legislation.

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to reclaim the time I yielded back.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. I would like to respond to my friend from California.

I think it is very interesting, as we look at all of the various environmental organizations who have decided to put legislation or introduce legislation that comes into the west. I find it also interesting that most of those who introduce this legislation have never even been in the country and never seen it. I would ask some of these people if they would harken back to the 1964 Wilderness Act and also the many things that were said in the House and Senate and both committees when the bill was passed. Hubert Humphrey said some very interesting things about it. Let us read the act. Untrammeled by man, as if man was never there, no sign of man, intended to mean no roads, no cattle ponds, no fences, no structures, no sign of man, as if man was never there.

You are the first man God puts on earth and there you are, in a pristine beautiful area. I say, why then is it that my friends who introduced this legislation, expecially in my home State of Utah, put legislation in that goes right over the top of structures, of class B and class C roads, some of them even paved. I call their attention to one called King Top mountain in Millard County. It has paved roads in it. It has stop signs in it. It has mines in it. It has a whole area. I ask them, let us take it out. It does not even come close, but they would not do that.

So they go down to this idea of my friend from California and others, fine, let us live by the 1964 Wilderness Act. Let us not be introducing bills that go over the top of these areas and we would not have to be doing these things.

I can name you, having been part of a lot of these wilderness bills in the last 18 years, most of them that are introduced Utah, Wyoming, Arizona and Nevada absolutely blatantly go against the spirit and the intent of the law.

Mr. Speaker, I reserve the the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

It did not take long to get past the disability issue here to see the anger over the fact that we have a national Wilderness Act in this country. It does not say no sign of man. It talks about the context in which the wilderness will be considered and which the wilderness will be created and it will be untrammeled and you do not see permanent impact of man in these situations.

We have structures in wilderness areas. We have old trails in wilderness areas. In some cases we have old mines. As we try to create wilderness today in 1998, clearly the context is different than if you are trying to create it in 1898, because lands have been utilized from time to time. That does not mean that it is permanent upon the land. That does not mean overtime those trails will not revert back, as they are overgrown, what have you, if that is the concern that Members have, or even some of those crazy roads that some of your constituents have bulldozed into what they thought was going to be a wilderness area. Over time even out there in the desert some of those will be healed through time and through nature.

But the fact of the matter is, the Wilderness Act says disability groups have not asked for this exemption. They have worked out a memorandum. This is really not about disabilities. This is really about trying to find another way in which you can get into under the old Wilderness Act and get those motorized vehicles in there.

I do not think the disability groups appreciate being used as a stalking horse for that effort. It is not the first time, because we have seen here in terms of the IDEA legislation in education where last year education for people with disabilities was thrown up as every alternative. They were used to try to cut every other budget within the Department of Education. Those were all rejected by the Congress. It is not because they were not concerned about people with individual disabilities. It was concern that they were being used as an attack on other segments of the education budget. And here we see that same effort being undertaken here.

Again, I will repeat myself, you are just duplicating a study which you are not supposed to be for. You just finished a study. We just worked out the memorandums. We have ended in consultation with these groups. I suspect that the longer this debate goes on, the clearer the case is made that this is about an attack on wilderness status of public lands less than it is about access to people with disability to those lands.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. Let me respond if I may.

I think it is interesting that my friend from California used the term the context is different in 1998 than it was in 1964. I think that is a direct quote. I would agree with that. I think it is different.

So if we are going to say that all of our friends in the extreme environmental community can come up with all of these wild bills that go right over the top of cities, airports and the whole nine yards, then we ought to say, let us look at this wilderness bill again. I would hope the gentleman would join with me in the next session of Congress, if we are both still here and maybe look at some of these things.

Why do we not define what a road is? I agree with the gentleman, some roads are reclaimed. Are two tracks a road or does it take a freeway to be a road? It does not say. Why do we not put a sunset on these things instead of a WSA being in perpetuity. Let us bring it to a head. Let us put 10 years on it, as has been suggested by both Democrats and Republicans alike.

If ever there was a time to take care of some contentious issues, this wilderness issue is one of the more contentious ones. I would hope that maybe we could do something about it instead of this nebulous loose term that we use as we look at the 1964 Wilderness Act.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BOB SCHAFFER), the sponsor of this bill.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, H.R. 4501 directs the Secretaries of Agriculture and Interior to contract with an independent entity in consultation with the National Council on Disabilities to study ways to improve access for the disabled to outdoor recreation. Few agencies have a thorough understanding of the needs of this important population of Americans.

Over the last several years the disabled have proven that personal determination and technological advancements overcome seemingly insurmountable odds. This bill will bring a heightened awareness of those issues and help facilitate the hopes and goals of over 40 million disabled Americans through outdoor recreation.

This bill has had the inputs, suggestions and support of many organizations, including particularly the Rocky Mountain National Park Associates, the Wilderness Inquiry, and I thank my colleagues on both sides of the aisle for their support in this well-timed 18-month study. I encourage all of my colleagues to vote for this sound bipartisan measure.

This measure does enjoy bipartisan support not only here in Congress but throughout the country as well. I think as we look across the country at how we manage our public lands, national parks and forests, other public lands, that we keep in mind that there are many, many Americans who are taxpayers who are citizens who have every right to enjoy this great, rich legacy that our country has set aside for all Americans to enjoy. This is public lands, I speak to.

Making sure that the new improvements, the new developments, that all of the new designations that are made in our public lands, systems and structures take into account the needs of the disabled and the rights that they have to enjoy these national treasures is something that is of paramount importance. That is what is embodied in this important legislation. Those are the issues that I hope all Members of this body will agree are important in moving forward on this day and in persuading the Senate to do the same following our action.

I want to thank the chairman again for the opportunity to present this legislation, to bring it to the floor and for his vigorous support of it.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume. Again, let us just understand what is being said over here. Now this is an attack on extreme environmentalists. This was supposed to be about disability groups.

The gentleman was in the room last year when the disability groups and the agencies and others penned the agreement of understanding pursuant to his study to do exactly what this legislation has done. That is what the memorandum of agreement was about, it was about further consultations and reviews of laws and access and all of the rest of that as a result of the Hansen-Vento work that had been completed.

Now all of a sudden we are going to create new legislation without any hearings as to its purpose at all. I would again say that this is really about an attack on wilderness. This is not about access issues. Members ought to reject this, what I have to tell Members, I think, is somewhat cynical use of the disability issue, when we know that many of the concerns that are being articulated here have in fact been resolved during the process of being resolved with the combined efforts of all of the various agencies that are outlined in this legislation and the disability groups across this Nation. We should not accept this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4501.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1115

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 3963, H.R. 3878 and H.R. 4501, the last three bills considered.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the gentleman from Utah?

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. TRAFICANT. Mr. Speaker, I rise to a question of privileges of the House and offer a privileged resolution.

The SPEAKER pro tempore. Under rule IX, the gentleman will state the form of the resolution.

Mr. TRAFICANT. Mr. Speaker, in accordance with House rule IX, clause 1, expressing the sense of the House that the House's integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930 (Subtitle B of Title VII) have not been expeditiously enforced;

Now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives calls upon the President of the United States to:

(1) Immediately review and investigate for a period of 10 days the entry into the customs territory of the United States of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(2) Immediately impose a one-year ban on imports of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil, if, after the above referenced review period, he finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to dumping or other illegal actions.

(3) Establish a task force within the Executive Branch to closely monitor U.S. imports

of steel from other countries to determine whether or not international trade agreements are being violated with respect to dumping and other illegal actions.

(4) Report to the Congress by no later than January 5, 1999, on any other actions the Executive Branch has taken, or intends to take, to ensure that all the trading partners of the United States abide by the spirit and letter of international trade agreements with respect to the import into the United States of steel products.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio (Mr. TRAFICANT) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. TRAFICANT. Mr. Speaker, I thank the chair.

AUTHORIZING PRESIDENT TO CONSENT TO THIRD PARTY TRANSFER OF EX-U.S.S. "BOWMAN COUNTY" TO USS LST SHIP MEMORIAL

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4519) to authorize the President to consent to third party transfer of the ex-U.S.S. *Bowman County* to the U.S.S. LST Ship Memorial, Inc.

The Clerk read as follows:

H.R. 4519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO CONSENT TO THIRD PARTY TRANSFER OF EX-USS BOWMAN COUNTY TO USS LST SHIP MEMORIAL, INC.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the long-standing policy of the United States Government to deny requests for the retransfer of significant military equipment that originated in the United States to private entities.

(2) In very exceptional circumstances, when the United States public interest would be served by the proposed retransfer and end-use, such requests may be favorably considered.

(3) Such retransfers to private entities have been authorized in very exceptional circumstances following appropriate demilitarization and receipt of assurances from the private entity that the item to be transferred would be used solely in furtherance of Federal Government contracts or for static museum display.

(4) Nothing in this section should be construed as a revision of long-standing policy referred to in paragraph (1).

(5) The Government of Greece has requested the consent of the United States Government to the retransfer of HS Rodos (ex-USS Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(b) AUTHORITY TO CONSENT TO RETRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(2) CONDITIONS FOR CONSENT.—The President should not exercise the authority under paragraph (1) unless the USS LST Memorial, Inc.—

(A) utilizes the vessel for public, nonprofit, museum-related purposes; and

(B) complies with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the Federal Government of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Virginia (Mr. SISISKY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4519, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the Subcommittee on Military Procurement of the Committee on National Security, I rise in support of H.R. 4519. This bill would consent to the third-party transfer at no cost to the U.S. Government of the ex-U.S.S. *Bowman County*, a World War II era tank loading ship, to the U.S.S. LST Ship Memorial, Incorporated, a not-for-profit organization.

This organization would operate the vessel as a memorial to the veterans of World War II amphibious landings. The ex-U.S.S. *Bowman County* is currently the property of the government of Greece. It was transferred to Greece in 1960 under the Military Assistance Program.

Today, Greece wants to dispose of this vessel and is willing to transfer the ship back to the U.S. Government, who would then transfer it to the LST Ship Memorial, Incorporated.

That is the state of play, Mr. Speaker. We support this particular bill very strongly on the Republican side of the aisle and in the Committee on National Security.

We want to commend, of course, not only the gentleman from Virginia (Mr. SISISKY), the ranking member on the Subcommittee on Military Procurement, but also the gentleman from Texas (Mr. HALL), who has been the prime mover of this particular bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SISISKY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as ranking member of the Subcommittee on Military Procurement, I rise in support of H.R. 4519. I agree with the representations made by the distinguished gentleman from California (Mr. HUNTER) regarding the proposed transfer of ex-U.S.S. *Bowman County*, LST 391, from the government of Greece to the U.S.S. LST Ship Memorial, Incorporated.

Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SISISKY) and the gentleman from California (Mr. HUNTER).

Mr. Speaker, I will be brief. I just want to say a word or so of gratitude to those that have been of such great help to a group of veterans to whom this means so very much.

This bill, of course, is to recognize a group of veterans who put their lives in harm's way, and I am going to mention some of them. One of them right off, Speaker Rayburn, appropriated the funds with which these ships were built and bought and dispatched. It is from these ships that they went to Omaha Beach.

Olin Tiger Teague of this body, the first chairman of the Committee on Space and longtime Member here departed from this ship. General Earl Rudder, who is next to the highest decorated veteran of World War II from Texas, just under Audie Murphy, embarked from this ship.

It means a lot to us and it means a lot to these old soldiers and sailors. After World War II, it was transferred to Greece. The government of Greece has requested the consent that it come back. I think all the bases have been tagged.

This ship was in Sicily. It was in Italy, Salerno, Normandy, Omaha Beach. It suffered casualties. It transported prisoners of war when the war was over. It is a ship that will find its home port in New Orleans with the help of these two fine leaders in Congress and the support their committees have given, and I appreciate it.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thought this might be an appropriate moment, too, to reflect on the fact that today we do not have a lot of World War II veterans in the United States Congress. At one time we had a lot of them but we now have very few. I know the gentleman from Texas (Mr. HALL) is a World War II veteran, I believe a pilot, and the gentleman from Virginia (Mr. SISISKY) is a World War II veteran.

I know on our side, on the national security side, the gentleman from Arizona (Mr. STUMP) is a World War II veteran. He claims he joined at the age of 11. I think he is trying to keep his age down there.

I just want to express my thanks to the gentleman from Texas (Mr. HALL) for all of the great service that he has given this country, long before he came to the House of Representatives. I believe we only have a handful of World War II veterans right now serving in the U.S. Congress. Is that accurate?

Mr. HALL of Texas. Those of us that are just the very healthiest and have really taken care of ourselves, live real clean lives, are still around.

Mr. MCGOVERN. Mr. Speaker, I rise in support of H.R. 4519, and I want to thank my colleague from Texas, Congressman RALPH HALL, for his leadership and persistence in bringing this bill to the House floor for consideration.

Earlier this summer, I was contacted by Mr. Peter Leaska and told about the history of the U.S.S. *Bowman County*. Mr. Leaska is a member of the LST Association of Massachusetts, an association of veterans who served on these LST vessels during World War II. He is a man of quiet dedication and courage, like his fellow members in the LST Association, who served our country during its time of greatest peril.

Mr. Leaska told me how the U.S.S. *Bowman County* was used to carry troops, tanks and guns to Normandy as part of the amphibious assault to liberate Europe. His request was simple: Could the U.S.S. *Bowman County*, now in Greece, be transferred back to the United States and to the control of the non-profit U.S.S. LST Ship Memorial? The veterans who served on these vessels want to preserve the U.S.S. *Bowman County* and display her as a museum and memorial, so that their families and today's and future generations of children might recall the heroic deeds carried out by average American men and women and be honored and remembered.

I won't go into the details of how complicated it turned out to be to fulfill this simple request made by these World War II veterans. It has taken enormous perseverance on the part of LST Association members around the country to bring us to this moment. It has taken the determination of my colleague from Texas [Congressman RALPH HALL] to provide the Congressional authorization for the transfer of this vessel to a third party. And I hope in these final days of Congress, the Senate will approve this bill and also authorize the transfer of the U.S.S. *Bowman County* to these veterans.

It's popular these days to go see the movie, "Saving Private Ryan," a beautiful film about the sacrifices and horrors faced by the men and women who served during World War II. This is a simple act to reward and remember those veterans who served on LST vessels.

I urge my colleagues to support this legislation.

Mr. SISISKY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4519.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1130

ADDING BRONCHIOLO-ALVEOLAR CARCINOMA TO LIST OF SERVICE-CONNECTED DISEASES

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 559) to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans.

The Clerk read as follows:

H.R. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(P) Bronchiolo-alveolar carcinoma.".

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 559.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 559 would add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans. This disease is a very particular type of rare lung cancer occurring among veterans who are exposed to ionizing radiation.

I would like to thank the cosponsor of this bill the gentleman from New Jersey (Mr. SMITH) who is also vice chairman of the Committee on Veterans' Affairs for his persistence in bringing this bill to the floor. The House has passed this bill in previous Congresses; however, it has never been agreed to by the Senate.

I would strongly urge my colleagues to vote for the bill at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 559 which will provide a presumption of service-connection for atomic veterans who suffer from an extremely rare form of nonsmokers' lung cancer. For those veterans who died of this disease, benefits will be made available to their surviving dependents.

I commend the author of this legislation the gentleman from New Jersey (Mr. SMITH) for his tireless efforts on behalf of these veterans and all veterans and their dependents. I also want to thank the gentleman from Arizona (Mr. STUMP) for bringing this bill to the floor today.

The time to redress these injustices has long since passed. H.R. 559 will provide justice to a small group of veterans. Congress can and should do more to compensate those veterans who sacrificed their health and in some cases their lives on behalf of our Nation. I urge all of my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the vice chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Madam Speaker, let me thank the gentleman from Arizona (Mr. STUMP) for yielding me this time. There is no one who has done more for veterans in this country. I appreciate his working to get this legislation to the floor today. I do want to thank the gentleman from Illinois (Mr. EVANS) for his strong support for this legislation.

Madam Speaker, H.R. 559 would do a very simple thing. It would add a rare form of cancer, bronchiolo-alveolar pulmonary carcinoma, to the list of cancers that are presumed to be service connected for veterans who were exposed to radiation, in accordance with the provisions of Public Law 100–321.

In 1986, Madam Speaker, I became acquainted with Joan McCarthy, a constituent from New Jersey. Mrs. McCarthy has worked for many years to locate other atomic veterans and their widows and she founded the New Jersey Association of Atomic Veterans.

Joan's husband, Tom McCarthy, was a participant in Operation Wigwam, a nuclear test in May of 1955 which involved an underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean about 500 miles southwest of San Diego. Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to observe Operation Wigwam. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports indicate that the entire test area was awash with airborne particulates of the detonation. The spray from the explosion was described in the official government reports as, and I quote, an insidious hazard which turned into an invisible radioactive aerosol, close quote. Tom spent 4 days in this environment while serving aboard the U.S.S. *McKinley*.

In April of 1981 at the age of 44, Tom McCarthy died of a rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This illness is a non-smoking-related cancer. It is estimated that about 97 percent of all lung cancers are caused by smoking. On his deathbed Tom told his wife Joan about his involvement in Operation Wigwam and wondered about the fate of the other men who were stationed on the U.S.S. *McKinley* and other ships in the area.

Madam Speaker, it has been well documented that exposure to ionizing radiation can cause this particular type of lethal cancer. The National Research Council cited Department of Energy studies in the BEIR V reports, stating that, and I quote, bronchiolo-alveolar carcinoma is the most common cause of delayed death from inhaled plutonium 239. The BEIR V report notes that this cancer is caused by inhalation and deposition of alpha-emitting plutonium particles.

Madam Speaker, the Department of Veterans Affairs has also acknowledged the clear linkage between this ailment and radiation exposure. I include that information for the RECORD at this point.

The Veterans' Advisory Committee on Environmental Hazards considered the issue of the radiogenicity of bronchiolo-alveolar carcinoma and advised me that, in their opinion, this form of lung cancer may be associated with exposure to ionizing radiation. They commented that the association with exposure to ionizing radiation and lung cancer has been strengthened by such evidence as the 1988 report of the United Nations Scientific Committee on the Effects of Atomic Radiation, the 1990 report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiations (the BEIR V Report), and the 1991 report of the International Committee on Radiation Protection. The Advisory Committee went on to state that when it had recommended that lung cancer be accepted as a radiogenic cancer, it was intended to include most forms of lung cancer, including bronchiolo-alveolar carcinoma.

Back in 1985, Madam Speaker, I met with former Secretary Brown of the VA and he assured me that the VA would not oppose Congress taking action to add this disease to the presumptive list. Notwithstanding this fact, the VA continues to deny Joan McCarthy's claim for survivor's benefits, a clear outrage and I think a miscarriage of justice.

Finally, just let me say that CBO estimates that this will cost the government on average about $10,000 a year for each affected widow. CBO estimates that the cost will be approximately $13.5 million over a 5-year period. I do hope that this legislation will get the full support of the body. While nothing can replace their loved ones, these widows deserve this very small compensation—it is the least we can do.

Mr. STUMP. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I would like to commend the distinguished chairman of our Committee on Veterans' Affairs the gentleman from Arizona (Mr. STUMP) and the ranking Democratic member the gentleman from Illinois (Mr. EVANS) for their cooperation in bringing this bill to the floor at this time. I want to commend the gentleman from New Jersey (Mr. SMITH) for taking on this issue. We cannot do enough for our veterans. Where we have specific diseases that have been related to their service on behalf of our Nation, we must do whatever we can to make certain that they are going to be taken care of.

☐ 1145

H.R. 559 in adding bronchiolo-alveolar carcinoma to the list of diseases presumed to be service connected for certain radiation exposed veterans is an issue that deserves our consideration today, and I welcome this opportunity of participating in this legislation that will help a veteran who has been exposed to radiation of this kind in connection with his service, and we must examine all cases of this nature to make certain that our veterans are going to be properly taken care of, and I know that our Committee on Veterans' Affairs under the Chair of the gentleman from Arizona (Mr. STUMP) goes out of its way to make certain that we do not neglect our veterans, and for that I commend him.

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of H.R. 559, a bill which is long overdue. This bill represents one step for Congress to correct an injustice against some of our nation's veterans. By designating this rare lung disease as a service-connected illness, we can open the door to just compensation for those veterans with unexplained illnesses brought about from their service to our nation.

Radiation exposure is common among our troops. As we have seen in the aftermath of the Gulf War, thousands of our veterans continue to languish with unexplained illnesses which the DOD and VA are unable to designate as compensable diseases. Even with evidence that these illnesses could come from nowhere else but military service, our government has dropped the ball.

Mr. Speaker, passage of H.R. 559 will bring relief to the hundreds of veterans who suffer from this disease. On top of that, H.R. 559 should help usher in broader legislation to compensate the thousands of veterans who suffer from illnesses caused by exposure to radiation while in the service.

Mr. STUMP. Madam Speaker, I have no further speakers.

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 559.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1998

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4243) to reduce waste, fraud, and error in government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes as amended.

The Clerk read as follows:

H.R. 4243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Waste, Fraud, and Error Reduction Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definition.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

Sec. 101. Improving financial management.
Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

Sec. 201. Miscellaneous technical corrections to subchapter II of chapter 37 of title 31, United States Code.
Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF DEBTS OWED TO UNITED STATES

Sec. 301. Authority to sell debts.
Sec. 302. Requirement to sell certain debts.

TITLE IV—TREATMENT OF HIGH VALUE DEBTS

Sec. 401. Annual report on high value debts.
Sec. 402. Review by Inspectors General.
Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value debt.

TITLE V—FEDERAL PAYMENTS

Sec. 501. Transfer of responsibility to Secretary of the Treasury with respect to prompt payment.

Sec. 502. Promoting electronic payments.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce waste, fraud, and error in Federal benefit programs.

(2) To focus Federal agency management attention on high-risk programs.

(3) To better collect debts owed to the United States.

(4) To improve Federal payment systems.

(5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act—

(1) the term "nontax debt" means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930; and

(2) the term "nontax claim" means any claim other than a claim under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

(a) Repeal.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "1997" and inserting "1999"; and

(B) by inserting "Congress and" after "submit to";

(2) by striking subsection (e); and

(3) by striking subsections (f), (g), and (h).

(b) Production of Documents.—

(1) Authority.—Section 5114(a) of title 31, United States Code, is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needs of the United States—

"(A) produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States; and

"(B) produce security documents for States and their political subdivisions.".

(2) Reimbursement.—Section 5143 of title 31, United States Code, is amended—

(A) in the first sentence, by inserting ", foreign government, or individual State or any political subdivision thereof" after "agency"; and

(B) in the last sentence, by inserting ", foreign government, or individual State or any political subdivision thereof" after "agency".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) Secretary's waiver authority.—Subsection (a)(1) of this section shall take effect March 1, 1998.

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) Limited Exclusion From Requirement Regarding Occupation of Quarters.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.".

(b) Use of Travel Management Centers, Agents, and Electronic Payment Systems.—

(1) Requirement to encourage use.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) Plan for implementation.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 1999.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS TECHNICAL CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) Child Support Enforcement.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.".

(b) Charges by Debt Collection Contractors.—

(1) Collection by secretary of the treasury.—Section 3711(g) of title 31, United States Code, is amended by adding at the end the following:

"(11) The amount received by a person for performance of collection services under this section shall not be limited by State law, and reasonable collection costs may be charged to the debtor notwithstanding any provision of State law. The preceding sentence shall not apply to the collection of child support debt by any person.".

(2) Collection by program agency.—Section 3718 of title 31, United States Code, is amended by adding at the end the following:

"(h) The amount received by a person for performance of collection services under this section or section 3711(g) of this title shall not be limited by State law.".

(c) Debt Sales.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(d) Gainsharing.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking "delinquent loans" and inserting "debts".

(e) Provisions Relating to Private Collection Contractors.—

(1) Collection by secretary of the treasury.—Section 3711(g) of title 31, United States Code, is further amended by adding at the end the following:

"(12) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor's current employer, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(13)(A) The Secretary of the Treasury shall provide that any contract with a private collection contractor under this subsection shall include a provision that the contractor shall be subject to penalties under the contract—

"(i) if the contractor fails to comply with any restrictions under applicable law regarding the collection activities of debt collectors; or

"(ii) if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(B) Notwithstanding any other provision of law, a private collection contractor under this subsection—

"(i) shall not be subject to any liability or contract penalties in connection with efforts to collect a debt pursuant to a contract under this subsection by reason of actions that are required by the contract or by applicable law or regulations; and

"(ii) shall not be subject to payment of statutory damages or attorney's fees by reason of any action in connection with efforts to collect such debt, except in a case of bad faith or intentional misconduct by the contractor.

"(14) Performance of a contractor under any contract entered into under this subsection, including without limitation any contract in effect on the date of enactment of the Government Waste, Fraud, and Error Reduction Act of 1998, shall be measured, and allocation of account placements and bonus compensation shall be determined, solely through an evaluation methodology that bases not less than 50 percent of the contractor's score under such evaluation on the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid borrower complaints shall be considered in the evaluation criteria.

"(15) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that bases not less than 50 percent of the bidder's score in such evaluation on the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size. The frequency of valid borrower complaints shall be considered in the evaluation criteria.".

(2) Collection by program agency.—Section 3718 of title 31, United States Code, is further amended by adding at the end the following:

"(i) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(j)(1) The head of an executive, judicial, or legislative agency that contracts with a private collection contractor to collect a debt owed to the agency, or a guaranty agency or institution of higher education that contracts with a private collection contractor to collect a debt owed under any loan program authorized under title IV of the Higher Education Act of 1965, shall include a provision in the contract that the contractor—

"(A) shall be subject to penalties under the contract if the contractor fails to comply with any restrictions imposed under applicable law on the collection activities of debt collectors; and

"(B) shall be subject to penalties under the contract if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(2) Notwithstanding any other provision of law—

"(A) a private collection contractor under this section shall not be subject to any liability or contract penalties in connection with efforts to collect a debt owed to an executive, judicial, or legislative agency, or owed under any loan program authorized under title IV of the Higher Education Act of 1965, by reason of actions required by the contract, or by applicable law or regulations; and

"(B) such a contractor shall not be subject to payment of statutory damages or attorney's fees by reason of any action in connection with efforts to collect such a debt, except in a case of bad faith or intentional misconduct by the contractor.

"(k) Performance of a contractor under any contract for the performance of debt collection services entered into by a Federal agency, including without limitation any contract in effect on the date of enactment of the Government Waste, Fraud, and Error Reduction Act of 1998, shall be measured, and allocation of account placements and bonus compensation shall be determined, solely through an evaluation methodology that bases not less than 50 percent of the contractor's score under such evaluation on the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid borrower complaints shall be considered in the evaluation criteria.

"(3) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that bases not less than 50 percent of the bidder's score in such evaluation on the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size. The frequency of valid borrower complaints shall be considered in the evaluation criteria.".

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions in section 362 of title 11, United States Code.

(f) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee.".

(g) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—(1) Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(2) Section 3716(h)(2)(C), of title 31, United States Code, is amended by striking "a Federal agency" and inserting "an executive, judicial, or legislative agency".

(h) CLARIFICATION OF INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104–134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(i) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or any monetary claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) IN GENERAL.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§ 3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or license otherwise required by law.

"(b)(1) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(2) The Secretary of the Treasury may waive the application of subsection (a) with respect to any Federal permit or license otherwise required by law.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer of the agency.

"(3) The chief financial officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer of the agency. The deputy chief financial officer may not redelegate such authority.

"(d) As used in this section—

"(1) the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930; and

"(2) the term 'nontax claim' means any claim other than a claim under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits.".

(c) CONSTRUCTION.—The amendment made by this section shall not be construed as altering or superseding the provisions in section 525 of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) USE OF PRIVATE COLLECTION CONTRACTORS AND FEDERAL DEBT COLLECTION CENTERS.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent debts by referring delinquent debts promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph—

"(i) the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930; and

"(ii) the term 'nontax claim' means any claim other than a claim under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) LIMITATION ON DISCHARGE BEFORE USE OF PRIVATE COLLECTION CONTRACTOR OR DEBT COLLECTION CENTER.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a debt or terminate collection action on a debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The Secretary of the Treasury may, at the request of an agency, waive the application of clause (i) to any debt, or class of debts, if the Secretary of the Treasury determines that the waiver is in the best interest of the United States.".

TITLE III—SALE OF DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL DEBTS.

(a) Purpose.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of debt sales in order to—

(1) minimize the loan and debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent debts held by the agency;

(4) obtain the maximum value for loan and debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93–344).

(b) Sales Authorized.—(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

(2) Costs the agency incurs in selling debt pursuant to this section may be deducted from the proceeds received from the sale. Such costs may include, but are not limited to—

(A) the costs of computer hardware and software, processing and telecommunications equipment, other equipment, supplies, and furniture;

(B) personnel training and travel costs;

(C) other personnel and administrative costs;

(D) the costs of any contract for identification, billing, or collection services;

(E) the costs of contractors assisting in the sale of debt;

(F) the fees of appraisers, auctioneers, and realty brokers;

(G) the costs of advertising and surveying; and

(H) other reasonable costs incurred by the agency.

(3) Sales of debt under this section—

(A) shall be for—

(i) cash; or

(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

(B) shall be without recourse against the United States, but may include the use of guarantees if otherwise authorized by law; and

(C) shall transfer to the purchaser all rights of the United States to demand payment of the debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii).

(c) Existing Authority Not Affected.—This section is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, debts, or other assets.

SEC. 302. REQUIREMENT TO SELL CERTAIN DEBTS.

(a) Sale of Delinquent Loans.—The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

(1) the date on which the debt becomes 24 months delinquent; or

(2) 24 months after referral of the debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

(b) Sale of New Loans.—The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Such loan obligations shall be audited annually in accordance with generally accepted audit standards. Sales under this subsection shall be conducted under the authority in section 301.

(c) Sale of Debts After Termination of Collection Action.—After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Such debts shall be audited annually in accordance with generally accepted audit standards.

(d) Limitations.—(1) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

(2) The head of an executive, judicial, or legislative agency may exempt from sale any class of debts if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) In General.—Not later than 90 days after the end of each fiscal year, the head of each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) Content.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the borrower defaulted.

(c) Definitions.—In this subsection:

(1) Agency; debt.—Each of the terms "agency" and "debt" has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) High value nontax debt.—The term "high value nontax debt" means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds $1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

(a) Inspector General Reports.—The Inspector General of each agency shall review the annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency's debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

(b) Report by the President's Council on Integrity and Efficiency.—Not later than 270 days after the end of each fiscal year, the President's Council on Integrity and Efficiency shall submit a report to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate which summarizes the reviews conducted by the inspector general under this section. Notwithstanding the preceding sentence, the Chairman of the President's Council on Integrity and Efficiency may submit such report in conjunction with an annual report on the collection of debts owed to the United States.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. TRANSFER OF RESPONSIBILITY TO SECRETARY OF THE TREASURY WITH RESPECT TO PROMPT PAYMENT.

(a) Definition.—Section 3901(a)(3) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(b) Interest.—Section 3902(c)(3) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(c) Regulations.—Section 3903(a) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(d) Reports.—Section 3906(a)(1) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" each place it appears and inserting "Secretary of the Treasury".

SEC. 502. PROMOTING ELECTRONIC PAYMENTS.

(a) Early Release of Electronic Payments.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) provide that the required payment date is—

"(A) the date payment is due under the contract for the item of property or service provided; or

"(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;"; and

(2) by striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) provide that the Secretary of the Treasury may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.".

(b) AUTHORITY TO ACCEPT ELECTRONIC PAYMENT.—

(1) IN GENERAL.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Secretary of the Treasury, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a debt owed to the agency.

(2) GUIDELINES FOR AGREEMENTS REGARDING PAYMENT.—The Secretary of the Treasury shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, according to the Department of the Treasury delinquent nontax debts owed to the Federal Government totaled $51 billion at the end of fiscal year 1997. Of this amount $47.2 billion was delinquent for more than 180 days. In addition, the Federal Government also writes off about $10 billion per year. In short, Madam Speaker, collection of Federal debt is a major problem.

The bill before this House, H.R. 4243, the Government Waste, Fraud and Error Reduction Act of 1998 would improve the efficiency and economy of Federal debt collection practices. It builds on other debt collection initiatives such as the Debt Collection Improvement Act of 1996 which the gentlewoman from New York (Mrs. MALONEY) and myself brought to this Chamber and is now law, and it provides the Federal Government with additional tools to improve debt collection.

H.R. 4243 allows States to collect past due child support by offsetting the amount owed by a debtor from Federal benefits paid to that person. In other words, if an individual receives a payment from the Federal Government and yet has not met his or her child support obligation, the amount owed can be deducted from the payment received from the Federal Government.

The bill also authorizes private collection agencies to verify the employment information of a Federal debtor for the purpose of collecting debts owed to the Federal Government.

The bill authorizes agencies to bar delinquent debtors from obtaining a Federal permit or license, Federal contractor or other award or renewal of a Federal benefit. H.R. 4243 also requires agencies to refer debts to a private collection agency or an agency-operated debt collection center prior to the termination of a collection action.

The bill focuses its attention on large debts. It authorizes each agency to prepare a report on high value delinquent debts; that is, debts greater than $1 million within 90 days after the end of the fiscal year. Agencies are authorized by this legislation to seize any pledged asset if the high value debt is not repaid. H.R. 4243 contains these important provisions and many others designed to improve the efficiency and effectiveness of Federal debt collection.

This measure, along with the Debt Collection Improvement Act of 1996, is a bipartisan piece of legislation. My thanks to the ranking member, the gentleman from Ohio (Mr. KUCINICH), and the former ranking member the gentlewoman from New York (Mrs. MALONEY) for all their help. I also wish to give thanks to a former member of the staff, Mark Brasher, for the great effort that he made on behalf of this legislation in the 1996 law as well as this bill which is before us.

Madam Speaker, H.R. 4243 is a significant step forward. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to commend my colleagues the gentleman from California (Mr. HORN), chairman of the Subcommittee on Government Management, and the gentlewoman from New York (Mrs. MALONEY) for their recent efforts to craft a bipartisan bill, and I also want to acknowledge the work done by the gentleman from Ohio (Mr. KUCINICH). I applaud their devotion to assuring that Federal debts are fully paid. Chairman Horn has been receptive to the administration's concerns with this bill. The administration is not opposed. I am hopeful that this bill will provide the government with helpful new options to recover substantial amounts of Federal taxpayer money.

I support H.R. 4243. This bill is intended to increase collections on delinquent debt owed to the Federal Government, improve federal payment systems and travel management and decrease high value debt totaling over $1 million. This legislation will provide the Federal Government with new tools to collect debt over a million dollars. The bill would strengthen the Federal government's ability to recover substantial amounts of taxpayer money. It also enhances the ability of the Department of Justice to pursue civil actions seeking monetary damages, fines or penalties.

We urge all Members to support this bill. It is a noncontroversial piece of legislation.

More specifically, this legislation will provide additional tools for the government to improve government operations:

First, the bill contains general management improvements. It will ensure that Congress continues to receive agency audited financial statements and repeals obsolete provisions of the law. The bill will improve travel management by requiring agencies to use, to the maximum extent possible, travel management centers and electronic reservation and payment systems in order to improve efficiency and economy.

Second, the bill makes improvement to the Federal Debt Collection Improvement Act of 1996. It corrects an error which has prevented Social Security payments from being offset for the collection of child support. These debts, since they are being enforced by a State, were ineligible for offset, as State debts were specifically excluded from Social Security offset. With this correction, States will be able to move forward with implementation of this provision.

Third, I am pleased that Representative HORN has agreed to add a provision that the minority requested that authorizes the Department of Justice to obtain the assistance of outside counsel in the Department's pursuit of monetary claims, including civil fines or penalties. Due to the growing complexity of litigation, many lawsuits now require highly specialized expertise. These cases range from intricate antitrust cases involving software companies to labyrinthine fraud cases involving home health care or other types of complex consumer fraud. Outside firms have acquired substantial expertise that the Department of Justice may lack. To address this concern, section 201 of this bill amends section 3718 of title 31 to allow the Department of Justice to retain outside counsel to assist the Department in litigation seeking monetary damages, fines, or penalties.

Fourth, this bill will authorize agencies to sell nontax debts owed to the United States in order to reduce delinquent debts held by agencies. This will allow Federal agencies to obtain the maximum value for loans and debt assets. In addition, this legislation will provide agencies with increased leverage to collect debt from certain self-employed professionals. Under the bill, agencies will have the authority to deny Federal permits or licenses to delinquent Federal debtors.

Fifth, this legislation will dictate greater disclosure of high value nontax debts by requiring annual reports to Congress. It will also authorize agencies to seize the asserts of delinquent debtors who owe the United States more than $1 million.

And finally, this legislation improves financial management by authorizing agencies to accept electronic payments to satisfy a debt owed to the agency.

It is our goal in passing this legislation to improve the efficiency of our Government and to protect the financial interest of the taxpayers by collecting what is rightfully owed.

This bill makes constructive changes to improve the performance of the Federal Government. It makes good sense and is good government. I urge your support for this measure.

Madam Speaker, I yield back the balance of my time.

Mr. HORN. Madam Speaker I yield, such time as he may consume to the gentleman from New York (Mr. GILMAN), my good friend and one of the ranking members of the Committee on Government Reform and Oversight.

Mr. GILMAN. Madam Speaker, I want to commend the gentleman from California (Mr. HORN), a senior member of our Committee on Government Oversight and Reform, for bringing this measure to the floor and for sponsoring this measure along with the gentlewoman from New York (Mrs. MALONEY), the gentleman from Texas (Mr. SESSIONS) the gentleman from New Hampshire (Mr. SUNUNU) and the gentleman from Pennsylvania (Mr. KANJORSKI), a bipartisan measure out of our Committee on Government Reform. It is amazing to hear the statistics that the gentleman from California (Mr. HORN) related of over $100 million in bad debts, and $10 million being wiped out each year, and many of those debts over 180 days due and delinquent. This is the kind of attention we should be giving in Federal management.

I remember the Grace Commission during my earlier days in the Congress, and I was pleased to follow some of his recommendations. I was the first one to insist that checks received by our government be deposited within 30 days, a very simple business like method, and I am pleased to see that the gentleman from California (Mr. HORN) is carrying on that tradition of trying to get rid of some of the waste and mismanagement in our vast bureaucracy, the Federal Government. I commend him and the sponsors, and I thank the gentleman from California (Mr. WAXMAN) for pursuing this matter as well, and I want to urge our colleagues to fully support this measure.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from New York (Mr. GILMAN) for his kind remarks on a number of us.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4243, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING THE SECRETARY OF STATE TO SUBMIT AN ANNUAL REPORT TO CONGRESS CONCERNING DIPLOMATIC IMMUNITY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 759) to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

The Clerk read as follows:

S. 759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I, of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following new section:

"SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.

"(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

"(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

"(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

"(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

"(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

"(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

"(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

"(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

"(A) any felony under Federal, State, or local law;

"(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

"(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

"(D)(i) driving under the influence of alcohol or drugs;

"(ii) reckless driving; or

"(iii) driving while intoxicated.

"(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

"(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

"(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

"(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on S. 759.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to bring this bill before the House sponsored by the gentleman from San Dimas, California (Mr. DREIER), the distinguished senior member of the Committee on Rules. This is a measure that is substantially identical to a provision that has passed the House, is a portion of another bill, the enactment of which into law is still uncertain in the other body. It is noncontroversial, and it is backed by organizations such as the Fraternal Order of Police, and the calls upon the President to seek to reform the practice of diplomatic immunity so as to assure that diplomats who commit crime are punished either in the country where they are posted or in their home country. It also provides for enhancing reporting of crimes by diplomats in this Nation and encourages the Secretary of State to communicate clearly to foreign missions in our Nation our Nation's policy of zero tolerance for diplomatic crimes.

This bill is a counterpart of a bill, H.R. 1672 introduced by the gentleman from California (Mr. DREIER) who has been a leader in the effort to accomplish sensible reform of diplomatic immunity, and the passage of this bill at this time is a tribute to Mr. DREIER's dedication. The gentleman from California is an internationalist who recognizes the importance of American diplomatic missions abroad and of the presence of their counterparts in our Nation. But he also understands that diplomats should not be able to have free rein to commit crimes.

I should note that the legislation also draws on elements of an amendment propounded by H.R. 1757 by the gentleman from Colorado (Mr. HEFLEY). I salute his contributions and, of course, the leadership of the senator from Georgia, Mr. COVERDELL who is a sponsor of the Senate bill which we are considering today.

This bill is worthy legislation, and it deserves the support of our colleagues.

Madam Speaker, I reserve the balance of my time.

Mr. HAMILTON. Madam Speaker, I yield myself such time as I may consume, and I rise in support of the bill.

Let me begin by commending the distinguished chairman of the committee, the gentleman from New York (Mr. GILMAN), and Senator COVERDELL and the gentleman from California (Mr. DREIER) for their work in bringing this bill to the floor today. The bill would require the State Department to provide an annual report to Congress on foreign diplomats in the United States who commit serious crimes. I think it is a very worthy bill. Such a report would enable us to determine the gravity of offenses committed by foreign diplomats and the number of times diplomatic immunity has been requested by foreign government in U.S. prosecutions. At the same time the report would also track cases where foreign countries have asked the United States to waive immunity for U.S. diplomats who have committed serious crimes. So I think the report does serve a useful purpose.

My only concern about the bill is, of course, the number of times we place upon the administration the burden and the cost of reports, and we have to be cognizant of that, but I do recognize hear the information that is required by this report can be very helpful to us in assessing this possible abuse of diplomatic immunity.

I urge my colleagues to join me in support of this bill.

Madam Speaker I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from San Dimas, California (Mr. DREIER), the author of this measure.

□ 1200

Mr. DREIER. Madam Speaker, I thank my friend from Middletown, the distinguished chairman of the Committee on International Relations, and I appreciate his strong support and leadership on this issue in helping us shepherd it through.

I would also like to say to my friend the gentleman from Indiana (Mr. HAMILTON) that I have appreciated his understanding of the need to deal with what obviously is a very important issue and his support, as he just stated, of the legislation.

Let me just take one moment, and I know that I had the privilege during the special order that we had the other evening to enter some very strong words in support of LEE HAMILTON and making it clear he is going to be sorely missed when he retires at the end of this Congress, and we do not know exactly when that will be, so his service may be extending further than he anticipated. We already know, having gone for several days, that it has done that.

But it has been a privilege for me to have worked closely with LEE HAMILTON on a number of issues. This obviously is one of them, issues dealing with the committee which he used to Chair and now, I am happy to say, serves as ranking minority member of the Committee on International Relations, formerly the Committee on Foreign Affairs, and I should say that actually is one of the issues we spent a great deal of time working on, trying our darnedest to bring about a modicum of reform of this institution.

We had the privilege in 1993, I guess that was the 103d Congress, to work together on an overall reform of the institution. I was privileged to serve as his co-vice chairman of what was called the Joint Committee on the Organization of Congress. Unfortunately, we were not able to get many, really none of those recommendations, that we had through in the 103d Congress. But when we did come to majority in 1995, we were able to take large parts of the work product which LEE HAMILTON had overseen and were able to implement that.

I also would like to say on the issue of global trade, there has been no one who has been more passionate and committed to what I think is the correct position than LEE HAMILTON. He is a strong free-trader, and we worked long and hard on our goal of expanding western values through trade internationally, and he will be sorely missed in that effort as we continue to pursue fast track, normal trade relations with the People's Republic of China and a number of other issues in the years to come.

I would like to say, what a great friend, and I wish LEE and Nancy well in their retirement. LEE showed his great brilliance by selecting a Californian as his wife, and I know that they will be here in Washington in this great spot at the Wilson Center and also at the Indiana University.

Mr. HAMILTON. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Indiana.

Mr. HAMILTON. Madam Speaker, I just want to thank the gentleman for his very kind and generous and even magnanimous remarks, and to say it has been for me too a magnificent privilege to work with you. I do not want to try to make a prediction about the elections coming up, but I know that if they turn out favorably for the majority party here, the gentleman in the well now will have very, very major responsibilities in the next Congress. I have no doubt that he will discharge those well, and we wish him well. Thank you very much.

Mr. DREIER. Madam Speaker, reclaiming my time, I thank my friend.

Madam Speaker, let me just take a moment to again express my appreciation of the gentleman from New York (Mr. GILMAN) for moving this legislation forward. This is a very important measure. The gentleman from Indiana (Mr. HAMILTON) and the gentleman from New York (Mr. GILMAN) had it incorporated in the Foreign Assistance Authorization Act, and we all know exactly what happened to that. Unfortunately, we have not been able to see that bill become public law.

But last year, just into this Congress, we all heard, the world heard, about the horrible tragedy of the killing of Jovian Waldrich, a 16 year old girl who was run over by a drunken diplomat from the State of Georgia. It seems to me that when this problem came to the forefront, it focused attention on the issue of diplomatic immunity.

We recognized that repeal of diplomatic immunity, obviously, could be devastating for our national interests. We cannot have in other countries people have their lives jeopardized and threatened by governments if we were to repeal diplomatic immunity. That conceivably could happen. So diplomatic immunity is a very important thing.

But with the dramatic increase in the number of diplomats that we have seen in this country and throughout the world, there has been abuse, and when you have the tragic loss of life and some of the other horrendous instances that have been reported to me, of raping and other crimes that have been inflicted against our citizenry, and diplomatic immunity has been claimed, it seems to me we need to take some kind of action to bring about reform.

This bill, which we have been working, as I said, for nearly two years on with our friends, is one which is designed to really make sure that, first, we have a reporting from the State Department on the instances of diplomatic immunity being used, and then it is our hope that we can see accountability come about, where we will have the nations involved actually take responsibility for the actions of their representatives who are here in this country.

It is my hope that if crimes are perpetrated here in the United States or anywhere in the world, that these diplomats or their family members who use diplomatic immunity will be sent back to their home countries and face full responsibility for the actions that they have perpetrated here.

So I am a supporter of diplomatic immunity. I believe it is a very important tool for us. But I believe also when you look at the tragic loss of Jovian Waldrich and the countless other victims of those who have been victims of those who have used diplomatic immunity to free themselves of responsibility, that this is a step towards addressing that.

So I again thank my colleagues, and I believe this is a very important measure, and urge my colleagues to support it.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from California for his very persuasive arguments on behalf of the bill. It is worthy legislation, and I hope our colleagues will join with him in support of this measure.

Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Aviation, who is a cosponsor, along with the gentleman from California, of the House counterpart of this bill.

Mr. DUNCAN. Madam Speaker, I would like first to thank the gentleman from New York (Chairman GILMAN) and other members of the committee for bringing this important legislation to the floor today, which is almost identical to a bill that the gentleman from California (Mr. DREIER) and myself introduced in the House early last year.

I would also like to thank Senator COVERDELL, a senior member of the Senate Foreign Relations Committee, for introducing the same legislation in the Senate.

This language, the language in this bill, will encourage the State Department to hold diplomats accountable for crimes committed in the United States, and it is the first time that we have had legislation that will attempt to accomplish this.

Specifically, the bill urges the State Department to pursue waivers of diplomatic immunity when foreign diplomats commit serious crimes in the United States. In addition, if a foreign government of a diplomat who commits a crime will not agree to waive immunity, that government will be encouraged to prosecute the criminal for the same offense in their own courts.

Madam Speaker, this problem was brought to the forefront last year in Washington when a 16 year old girl was killed by a diplomat who was driving while drunk. This diplomat could have avoided prosecution under diplomatic immunity.

I believe this case and others have shown us that we need to take a serious look at how the current system operates. In fact, it has been reported that there has been on average one death a year over the last 10 years in which a diplomat has been involved when the perpetrator was not charged. We need to make foreign representatives in this country know that they will be held accountable when they commit terrible crimes. I welcome all people, all of us welcome all people of all nationalities into this country, but, at the same time, I do not think diplomats should have the right to come here and kill or commit other serious crimes against U.S. citizens without expecting punishment.

Again, Madam Speaker, I would like to thank the chairman and the other members of the Committee on International Relations for recognizing this problem and for moving on this legislation to attempt to correct this problem.

Mr. HAMILTON. Madam Speaker, I am pleased to yield three minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I want to take this time to say something that has absolutely nothing to do with this bill. I do simply want to say that when the gentleman from Indiana (Mr. HAMILTON) retires, this institution will have lost one of the most thoughtful human beings who has ever walked the floor of this House.

Of all of the relationships that I have had through the years in this House, it is hard for me to think of one that has made me feel more rewarded than the relationship I have had with the gentleman from Indiana (Mr. HAMILTON) in dealing with our mutual responsibilities in the area of international affairs.

When Congresses deal with foreign affairs, usually we are dealing with issues that are not very well understood by our constituents and, frankly, often not very well understood by a number of our colleagues as well.

Often in dealing with international affairs, the right thing for our country is to do something which may not be, for the moment, very popular. That has never stopped the gentleman from Indiana from doing exactly what he has thought was right for this country on each and every occasion that I have ever dealt with him, whether the issue is seeing to it that we have a constructive policy in the Middle East, or whether it is searching for ways to open up lines of assistance to the newly emerging democracies that were behind the Iron Curtain, or whether it is dealing with the economic problems that we face in Asia on each and every issue, the gentleman from Indiana has simply asked what is in the best long-term interests of the United States. He has stood on principle, and yet he has not been afraid to look for reasonable compromises that did not compromise those principles.

I, for one, will very much miss him, and I am certain that every thoughtful Member of this House would share my views and say that the country is experiencing a major loss with his departure from this institution. But I know that in his next work, he will also be contributing to the long-term interests of this country.

Mr. HAMILTON. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. HAMILTON. Madam Speaker, let me just say I appreciate very deeply the comments the gentleman from Wisconsin has made. He and I have had an opportunity to work on a great many foreign policy issues over a period of years, and everything you have said about me I return in spades for you. It has been a great pleasure to work with you. I thank you for your kind and generous remarks.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 759.

The question was taken.

Mr. HAMILTON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CENTENNIAL OF FLIGHT COMMEMORATION ACT

Mr. PAPPAS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1397) to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright Brothers.

The Clerk read as follows:

S. 1397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Centennial of Flight Commemoration Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the first successful manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine;

(2) the first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of powered flight, it is appropriate to celebrate and commemorate the centennial year through local, national, and international observances and activities.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 6 members, as follows:

(1) The Director of the National Air and Space Museum of the Smithsonian Institution or his designee.

(2) The Administrator of the National Aeronautics and Space Administration or his designee.

(3) The chairman of the First Flight Centennial Foundation of North Carolina, or his designee.

(4) The chairman of the 2003 Committee of Ohio, or his designee.

(5) As chosen by the Commission, the president or head of a United States aeronautical society, foundation, or organization of national stature or prominence who will be a person from a State other than Ohio or North Carolina.

(6) The Administrator of the Federal Aviation Administration, or his designee.

(b) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original designation was made.

(c) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay or compensation.

(2) TRAVEL EXPENSES.—The Commission may adopt a policy, only by unanimous vote, for members of the Commission and related advisory panels to receive travel expenses, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5703 of title 5, United States Code. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(d) QUORUM.—Three members of the Commission shall constitute a quorum.

(e) CHAIRPERSON.—The Commission shall select a Chairperson of the Commission from the members designated under subsection (a) (1), (2), or (5). The Chairperson may not vote on matters before the Commission except in the case of a tie vote. The Chairperson may be removed by a vote of a majority of the Commission's members.

(f) ORGANIZATION.—No later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) represent the United States and take a leadership role with other nations in recognizing the importance of aviation history in general and the centennial of powered flight in particular, and promote participation by the United States in such activities;

(2) encourage and promote national and international participation and sponsorships in commemoration of the centennial of powered flight by persons and entities such as—

(A) aerospace manufacturing companies;

(B) aerospace-related military organizations;

(C) workers employed in aerospace-related industries;

(D) commercial aviation companies;

(E) general aviation owners and pilots;

(F) aerospace researchers, instructors, and enthusiasts;

(G) elementary, secondary, and higher educational institutions;

(H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;

(I) aerospace-related museums; and

(J) State and local governments;

(3) plan and develop, in coordination with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio, programs and activities that are appropriate to commemorate the 100th anniversary of powered flight;

(4) maintain, publish, and distribute a calendar or register of national and international programs and projects concerning, and provide a central clearinghouse for, information and coordination regarding, dates, events, and places of historical and commemorative significance regarding aviation history in general and the centennial of powered flight in particular;

(5) provide national coordination for celebration dates to take place throughout the United States during the centennial year;

(6) assist in conducting educational, civic, and commemorative activities relating to the centennial of powered flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(7) encourage the publication of popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this Act enhance, but do not duplicate, traditional and established activities of Ohio's 2003 Committee, North Carolina's First Flight Centennial Commission, the First Flight Centennial Foundation, or any other organization of national stature or prominence.

SEC. 6. POWERS.

(a) ADVISORY COMMITTEES AND TASK FORCES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee or task force from among the membership of the Advisory Board in section 12.

(2) FEDERAL COOPERATION.—To ensure the overall success of the Commission's efforts, the Commission may call upon various Federal departments and agencies to assist in and give support to the programs of the Commission. The head of the Federal department or agency, where appropriate, shall furnish the information or assistance requested by the Commission, unless prohibited by law.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force authorized under paragraph (1) shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 4(c)(2).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision in this Act, only the Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this Act.

(2) RESTRICTION.—

(A) IN GENERAL.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(B) FEDERAL SUPPORT.—The Commission shall obtain property, equipment, and office space from the General Services Administration or the Smithsonian Institution, unless other office space, property, or equipment is less costly.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this Act and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

SEC. 7. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission and chosen from among detailees from the agencies and organizations represented on the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS–14 of the General Schedule.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided under subsections (a) and (b) of this section.

(d) MERIT SYSTEM PRINCIPLES.—The appointment of the Executive Director or any personnel of the Commission under subsection (a) or (b) shall be made consistent with the merit system principles under section 2301 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on either a nonreimbursable or reimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act.

(f) ADMINISTRATIVE SUPPORT SERVICES.—

(1) REIMBURSABLE SERVICES.—The Secretary of the Smithsonian Institution may provide to the Commission on a reimbursable basis any administrative support services that are necessary to enable the Commission to carry out this Act.

(2) NONREIMBURSABLE SERVICES.—The Secretary may provide administrative support services to the Commission on a nonreimbursable basis when, in the opinion of the Secretary, the value of such services is insignificant or not practical to determine.

(g) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with other Federal agencies, State and local governments, and private interests and organizations that will contribute to public awareness of and interest in the centennial of powered flight and toward furthering the goals and purposes of this Act.

(h) PROGRAM SUPPORT.—The Commission may receive program support from the nonprofit sector.

SEC. 8. CONTRIBUTIONS.

(a) DONATIONS.—The Commission may accept donations of personal services and historic materials relating to the implementation of its responsibilities under the provisions of this Act.

(b) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) REMAINING FUNDS.—Any funds (including funds received from licensing royalties) remaining with the Commission on the date of the termination of the Commission may be used to ensure proper disposition, as specified in the final report required under section 10(b), of historically significant property which was donated to or acquired by the Commission. Any funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) IN GENERAL.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the centennial of powered flight.

(b) LICENSING.—The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name "Centennial of Flight Commission" on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(c) EFFECT ON OTHER RIGHTS.—No provision of this section may be construed to conflict or interfere with established or vested rights.

(d) USE OF FUNDS.—Funds from licensing royalties received pursuant to this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

(e) LICENSING RIGHTS.—All exclusive licensing rights, unless otherwise specified, shall revert to the Air and Space Museum of the Smithsonian Institution upon termination of the Commission.

SEC. 10. REPORTS.

(a) ANNUAL REPORT.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the centennial of powered flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of powered flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of powered flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of powered flight;

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year; and

(5) an accounting of any cooperative agreements and contract agreements entered into by the Commission.

(b) FINAL REPORT.—Not later than June 30, 2004, the Commission shall submit to the President and Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 8(a)(1).

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—

(1) AUDIT.—The Comptroller General of the United States shall audit on an annual basis the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.

(2) ACCESS.—In conducting an audit under this section, the Comptroller General—

(A) shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(B) shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) FINAL REPORT.—Not later than September 30, 2004, the Comptroller General of the United States shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

SEC. 12. ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a First Flight Centennial Federal Advisory Board.

(b) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Board shall be composed of 19 members as follows:

(A) The Secretary of the Interior, or the designee of the Secretary.

(B) The Librarian of Congress, or the designee of the Librarian.

(C) The Secretary of the Air Force, or the designee of the Secretary.

(D) The Secretary of the Navy, or the designee of the Secretary.

(E) The Secretary of Transportation, or the designee of the Secretary.

(F) Six citizens of the United States, appointed by the President, who—

(i) are not officers or employees of any government (except membership on the Board shall not be construed to apply to the limitation under this clause); and

(ii) shall be selected based on their experience in the fields of aerospace history, science, or education, or their ability to represent the entities enumerated under section 5(a)(2).

(G) Four citizens of the United States, appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

(H) Four citizens of the United States, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives. Of the individuals appointed under this subparagraph—

(i) one shall be selected from among individuals recommended by the representative whose district encompasses the Wright Brothers National Memorial; and

(ii) one shall be selected from among individuals recommended by the representatives whose districts encompass any part of the Dayton Aviation Heritage National Historical Park.

(c) VACANCIES.—Any vacancy in the Advisory Board shall be filled in the same manner in which the original designation was made.

(d) MEETINGS.—Seven members of the Advisory Board shall constitute a quorum for a meeting. All meetings shall be open to the public.

(e) CHAIRPERSON.—The President shall designate 1 member appointed under subsection (b)(1)(F) as chairperson of the Advisory Board.

(f) MAILS.—The Advisory Board may use the United States mails in the same manner and under the same conditions as a Federal agency.

(g) DUTIES.—The Advisory Board shall advise the Commission on matters related to this Act.

(h) PROHIBITION OF COMPENSATION OTHER THAN TRAVEL EXPENSES.—Members of the

Advisory Board shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 4(e).

(i) TERMINATION.—The Advisory Board shall terminate upon the termination of the Commission.

SEC. 13. DEFINITIONS.

For purposes of this Act:

(1) The term "Advisory Board" means the Centennial of Flight Federal Advisory Board.

(2) The term "centennial of powered flight" means the anniversary year, from December 2002 to December 2003, commemorating the 100-year history of aviation beginning with the First Flight and highlighting the achievements of the Wright brothers in developing the technologies which have led to the development of aviation as it is known today.

(3) The term "Commission" means the Centennial of Flight Commission.

(4) The term "designee" means a person from the respective entity of each entity represented on the Commission or Advisory Board.

(5) The term "First Flight" means the first four successful manned, free, controlled, and sustained flights by a power-driven, heavier-than-air machine, which were accomplished by Orville and Wilbur Wright of Dayton, Ohio on December 17, 1903 at Kitty Hawk, North Carolina.

SEC. 14. TERMINATION.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 10(b) and shall transfer all documents and material to the National Archives or other appropriate Federal entity.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $250,000 for fiscal year 1999, $600,000 for fiscal year 2000, $750,000 for fiscal year 2001, $900,000 for fiscal year 2002, $900,000 for fiscal year 2003, and $600,000 for fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAPPAS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAPPAS).

GENERAL LEAVE

Mr. PAPPAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1397.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAPPAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill creates a commission to recognize the centennial of the first flight. The achievement of the Wright Brothers, Wilbur and Orville, began an era of unprecedented change. Since those few historic seconds on the dunes at Kitty Hawk, North Carolina, American industry has developed the powered aircraft into a major commercial industry, a vital instrument of our national defense, and a precursor to our efforts to ascend to the outer reaches of space.

☐ 1215

Because these sons of an Ohio preacher had the initiative and ambition to build beyond the bicycle repair shop that they ran in Dayton, Ohio, we benefit from faster transportation around the world, a more mobile society, and an export industry that extends our economic leadership around the globe.

The first flight marked the opening of the 20th century, and the Federal Government has played a major role in all aviation development during this century. The Wright Brothers developed many of their heavier airplanes as a result of research contracts from the Department of the Army.

The Postal Service supported the development of commercial aviation by supporting pilots who flew the mail. Federal agencies developed within the Department of Commerce to provide certification for the airworthiness of airplanes, and to chart the airways and navigational aids that now comprise our national system of airports and airways.

The aviation industry is one of the finest demonstrations of effective partnership of industry and government, so it is entirely fitting that we end this century and enter the 21st century by recognizing the achievement at its beginnings. I urge all Members to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill will establish a commission to commemorate the centennial of powered flight, and the achievements of the Wright Brothers. Wilbur and Orville Wright manned the first successful controlled and sustained powered flight. The Wright Brothers, originally bicycle store owners from Dayton, Ohio, moved to Kitty Hawk, North Carolina for the hills, the strong and steady winds, and soft sandy ground, essential ingredients for successful flight.

They went back to Dayton and built a 6-foot wind tunnel to conduct experiments with over 200 different wing models. They developed the first reliable tables on the effects of air pressure on curved surfaces, the principles that we use today and that we see on every airplane.

In 1903 the Wright Brothers completed the construction of a larger plane powered by their own lightweight gas-powered engine, and returned to Kitty Hawk. On December 17th, 1903, four men and a boy witnessed the first flight, a flight which dramatically changed the course of transportation, commerce, communication, and warfare throughout the world.

Madam Speaker, I wholeheartedly support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PAPPAS. Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Madam Speaker, I thank the gentleman for New Jersey for yielding me this time.

Madam Speaker, I rise today in support of the Centennial of Flight Commemorative Act, Senate bill 1397, introduced by Senator JESSE HELMS. This bipartisan bill calls for the establishment of a Federal Commission to help coordinate the national celebration of the 100th anniversary of the Wright Brothers historic 1903 flight at Kitty Hawk, North Carolina.

The national celebration will focus on Kitty Hawk in Dayton, Ohio, where the Wright Brothers did much of their early work in the field of aviation. As the Member who represents Kitty Hawk, I have been honored to be part of this bipartisan group, including Senator HELMS, Senator JOHN GLENN, and my friend, the gentleman from Ohio (Mr. TONY HALL), as we proceed with the national and international celebration of flight.

As the year 2003 anniversary quickly moves closer, the Centennial of Flight Commission will help coordinate the planning at the national and international level. Operations in North Carolina and Ohio have begun planning this celebration.

The Commission will work with local organizations, such as the First Flight Centennial Commission and the First Flight Centennial Foundation in planning and developing programs and activities to commemorate the 100th anniversary of flight. Even the National Air and Space Museum, the Library of Congress, and NASA have joined in the planning to help celebrate one of the greatest innovations the world has ever witnessed.

Additional participation in national and international commemorative activities by aviation-related organizations, industries, and educational institutions is expected.

I believe passage of this bill to be a fitting tribute to Senator JOHN GLENN as he prepares to make history in the next few weeks. I hope my colleagues will join the gentleman from Ohio (Mr. HALL) and myself in supporting this legislation.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I congratulate the gentleman from North Carolina (Mr. JONES) and the gentleman from Ohio (Mr. HALL) for this bipartisan piece of legislation. They were the sponsors of the House version, and we just heard the gentleman from North Carolina (Mr. JONES) eloquently talk about the significance of this legislation and the significance of the Wright Brothers, and what part they played in our Nation's history.

We now would like to hear from the distinguished gentleman from Ohio (Mr. HALL) and the gentleman from North Carolina (Mr. JONES). The Ohio link, of course, is the fact that the Wright Brothers are from Ohio.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. TONY HALL).

Mr. HALL of Ohio. Madam Speaker, I want to thank the gentleman from Maryland for yielding me the time, and for his excellent remarks. I want to join my colleague, the gentleman from North Carolina (Mr. JONES) certainly in support of Senate bill 1397.

Madam Speaker, this bill will establish a Commission to coordinate and assist the Nation's celebration in the year 2003 of the 100th anniversary of the Wright Brothers first flight.

I am excited, because I represent the home of the Wright Brothers, Dayton, Ohio, so this is an especially exciting bill for us to have, and I am so glad to join with our colleagues in the Senate.

This is similar to other commissions created in honor of the anniversaries of the American Revolution, adoption of the U.S. Constitution, and other pivotal events in our history. The conquest of flight by Orville and Wilbur Wright is one of mankind's greatest triumphs of invention. To understand their place in American history, one has only to look up at the frieze in the rotunda of this building and see the image of the two brothers in Dayton, Ohio, and the plane they flew at Kitty Hawk, North Carolina. The invention of the airplane has changed our lives and captured our imagination. The 100th anniversary of that achievement will be a time for a national celebration, not only in Ohio and North Carolina, but all across America.

The Commission created by this legislation will assist that celebration by serving as a national clearinghouse of information about events. This legislation will coördinate private groups, the National Air and Space Museum, Federal agencies, which could have a role in the celebration, including the National Park Service, the Library of Congress, the Federal Aviation Administration, NASA, the Air Force, and the Navy.

Madam Speaker, the Commission will work with international organizations and foreign governments celebrating the centennial of flight. Finally, the legislation will provide the highest stature possible for the celebration through the symbolic backing of the President, the Congress, and the Federal Government.

Senate bill 1397 is the Senate version of H.R. 2305, a bill that I introduced with my colleague, the gentleman from North Carolina (Mr. JONES) and the gentleman from Ohio (Mr. HOBSON). It is sponsored or cosponsored by 33 Members, including most of the Ohio and North Carolina delegations.

Earlier this year, the House passed the Centennial of Flight Act as part of H.R. 4057. However, because final passage of that bill is uncertain, I ask my colleagues again to approve this measure.

Madam Speaker, I certainly want to thank my principal cosponsor, the chief sponsor of the bill, the gentleman from North Carolina (Mr. JONES), and certainly my other Ohio colleague, the gentleman from Ohio (Mr. DAVE HOBSON), for their great support and pushing and great work behind the scenes in making this happen.

The measure, which was cosponsored by Senator JOHN GLENN, will probably be his last bill enacted into law. JOHN GLENN could have retired into history after becoming the first American to orbit the Earth in 1962. However, he chose to continue to serve his country as a United States Senator for 24 years. Now he has chosen to make one last flight as the oldest man in space.

Passage of this bill to celebrate the first 100 years of aviation is a fitting tribute to a man who has been so much a part of that history. JOHN GLENN continues in the tradition of the Wright Brothers as one of the great pioneers of air and space. God speed, JOHN GLENN.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is interesting that the Wright Brothers are two brothers that I talk about often in speeches to young people when I talk about the misfits of life. Misfits. I tell a little story that there was once a gentleman who had come home from war, and he was marching down Pennsylvania Avenue with the troops, and his mother came out with a friend. The mother said, look at my son. Look how great he is. And so the friend says, he does not look too great to me. He is out of step. And the mother said, that is why he is so great.

The Wright Brothers are misfits. They are wonderful misfits. I can imagine that when they went around and said one day that man would be able to fly around in a piece of metal, folk looked at them as if they were crazy. But the fact is that they were misfits. They believed in what could be done. They could not see it, but they knew it. So today this legislation is very significant to commemorate two great misfits, folks who believed what others could not see.

Madam Speaker, I would urge all of my colleagues to vote in favor of this very important legislation, and I yield back the balance of my time.

Mr. PAPPAS. Madam Speaker, I urge all Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New Jersey (Mr. PAPPAS) that the House suspend the rules and pass the Senate bill, S. 1397.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. LIVINGSTON. Madam Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 135) making further continuing appropriations for the fiscal year 1999, and for other purposes; and that it be in order at any time to consider the joint resolution in the House; and that the joint resolution be considered as having been read for amendment; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled between myself and the gentleman from Wisconsin (Mr. OBEY); that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Madam Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 135) making further continuing appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 135

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105–240 is further amended by striking "October 14, 1998" and inserting in lieu thereof "October 16, 1998".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 135, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the current continuing resolution for fiscal year 1999 expires tonight. We have been here before saying this same thing, but the White House negotiators and congressional negotiators have been working day and night on some very important decisions. We are doing the people's work.

Not only are these issues important, but they are very complicated. We are dealing with wrapping up the eight regular bills plus emergency supplemental appropriations, and various authorizing pieces of legislation which we believe must pass before we adjourn Congress for the 105th Congress.

☐ 1230

All parties are working in good faith, but we have just not yet completed our negotiations. We will need another day or two to complete our work and get it to the floor. An extension of a further continuing resolution is, therefore, needed. Adoption of H.J. Res. 135, which runs through Friday, October 16, will give us time to complete our remaining work, I hope.

Again, I wish I did not have to bring this joint resolution to the floor, but more time is needed. Unfortunately, we have not completed our work, and we need that time to do it. I do not think we need to debate this issue extensively or take a lot of time today. We all know that we need to take this action to keep the government open. It is our intention to keep the government open, and it is our intention to stay as long as it takes to get our business done so that the government remains open and that the final bill be passed.

Adoption of this continuing resolution will give us the time needed to complete our work and keep the government running, and so I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself 12 minutes.

Madam Speaker, well, I guess I would say that this debate, as did the debate 2 days ago, also reminds me of Yogi Berra's statement, "This is deja vu all over again," and again and again and again.

We are in a situation in which we are now 14 days past the beginning of the fiscal year. This is certainly not the first time this has ever happened in the Congress. We have often seen the Congress not complete its budget work on time. But I think we are in a unique position in terms of why and a unique position in terms of what it is that still divides us.

Madam Speaker, in my discussions this morning with the White House and with leadership, as I understand the situation, we are essentially down to a number of issues. The gentleman from Louisiana (Mr. LIVINGSTON) and I have been able, along with our Senate counterparts, to wade through many, many dollar issues. But at this point, we are still divided because the President and the Democratic membership of this House still wants to see movement on the President's proposal for school construction so that we can help some of the poorest districts in the country who simply do not have the bonding resources to modernize their school buildings with Federal help. There are literally some schools, as the President said the other day, that are in such falling-down shape that if they were a prison, they would be condemned by a Federal judge. We cannot allow that disgrace to continue in our view.

We also have the division between us on the issue whether or not we are going to provide Federal assistance to lower class size in the first three grades, when early intervention is crucial in getting kids off to the right start in life. And we are at this point still divided on that issue and whether or not funding that would be provided would, indeed, be targeted to reducing class size or would, in fact, be dissipated on other items.

In addition to that, we still have some environmental issues which divide us. In my view, especially important are the administration's efforts to begin to deal with the problem of global warming, which could be the most catastrophic problem that any of us have faced in our lifetimes. It could be as catastrophic as war itself if the natural environment which protects us all begins to change significantly. And the scientific evidence certainly seems to suggest that it is.

We need more resources in that area. Not to enforce the Kyoto Treaty, about which I have strong objections, but simply to support research and education efforts which are going to be necessary in order for us to deal with that problem of global warming. We also have some other environment issues there.

Then we have the issue of what I call Viagra versus the pill. The budget so far has provided millions and millions of dollars to provide for coverage of Viagra at the Pentagon, and yet women who work for the Federal Government are being told that their insurance policies may not be required to cover basic contraceptive services for women. To me, that is a ludicrous position. And the President and those of us on this side of the aisle are working very hard to see to it that that changes before we go home.

Next, we have a huge problem on the census where we have really a three-cornered debate going on about how that issue is going to be resolved. And I respect the views of people of both sides. On this one I am in a peculiar position. I do not happen to agree fully with the position of my party or the Republican party. But this institution must find a way to deal with that problem.

Then we have the problem of the United Nations. We owe the United Nations some $900 million or so in back funding. If we are going to entertain going to war in places like Kosovo and other places, we need to arm ourselves so that we have all of the possible tools available in order to shape the United Nations response to that and other problems, and we do not have those tools so long as that money is being withheld because of the Mexico City impasse. The Mexico City impasse, in plain language, involves questions of policy with respect to family planning issues abroad.

Then lastly, we have the very legitimate issue of what we are going to do to respond to the fact that the market has collapsed for many farmers in this country, and also with respect to the kind of farmers that I represent, the fact that dairy farmers have an income which in real terms is about 50 percent of what it was in 1980, over a year's time.

So those are the real issues that still divide us and we are going to have to come to a resolution on them, but we are not there yet and that is why we need this additional time.

Now, I would like to also explain why it is that I believe why we are here. And as I said 2 days ago, this is not the responsibility of the gentleman from Louisiana (Mr. LIVINGSTON). He is a first-rate chairman of the Committee on Appropriations, and the committee itself has not created this problem. But the committee has not been allowed to do its work because of external realities. Let me cite the main reality. There are two, as far as I see.

First of all, if we take a look at the schedule which the leadership of this House put together, in January, we were in session 2 days. In February, the month that we got the budget from the President, Congress was in session 8 days. In March, when we normally have a very heavy hearing schedule, Congress was in session 15 days and there was very little floor action at the same time.

In April, Congress was in session for 8 days. And then in April, we had a 19-day Easter district work period, one of the longest in history.

On the day that the budget resolution was due, supposed to be finished in this House, this Congress was in recess. Then in May, this Congress was in session a total of 13 days, and then we recessed. We recessed for an 11-day Memorial Day district work period.

In June, Congress was in session 15 days. We did, on June 16 pass the committee allocation to each of the subcommittees so the committee could begin its work. But that was 2 months late, because of the delay on the part of the Committee on the Budget and the House leadership in not bringing that budget debate to a full completion. And when the committee did make its allocation, it did so at the direction of the leadership, absent a budget for the government.

We then went on recess for 18 days over the July 4th district work period. That was one of the longest July 4th recesses in history. Congress was in session a total of 14 days in July and 5 days in August. We had a 31-day August district work period. In September, Congress was in session 15 days.

So the timetable created by the leadership's schedule made it impossible for the Committee on Appropriations to get its work done on time. And that is why, as of this date, the Congress has still not completed action on 9 of the 13 appropriation bills which we are supposed to finish.

That has been complicated by the fact that the majority party leadership has apparently come to the conclusion that not only do we have to reach agreements which can get majority support in the House, but that in many cases those agreements also have to satisfy the most conservative and the most confrontational elements in their own caucus.

The example of that that I would use is the issue of contraception, where this House on a bipartisan basis passed the Lowey amendment. I think we had some 50 Republican votes for that, along with most Democrats. We then had an even larger margin in favor of that in the Senate, so that women would have the full availability of contraceptive services.

But because a good many Members in the caucus of the Republican Majority have very strong feelings against the pill and the IUD, we are now told that we have to overturn the judgment of both houses in order to reach a compromise on this budget.

Madam Speaker, I think that the way that contraceptive issue has blown up the budget is an example of what has happened across the budget on many of these other items. And then we also have the problem compounded by the fact that on the Labor-HHS bill, the majority party brought a bill to the floor which was so extreme, it cut $2 billion out of the President's education budget. It was so extreme that the Senate Republicans would not even accept it. And our friends, our Republican friends in the House could not even pass it on this floor because of opposition in their own caucus by moderate Members.

So, if my colleagues want to know why we are here, I do not want to hear any more of this baloney about the fact that the President has been out of town, because as I pointed out the last time, the last time I looked, William Clinton is not a Member of the House. He is not a Member of the Senate. He does not get to vote, and he only gets to sign or veto bills after we send them to him, and so far we have not sent him 9 out of 13 bills.

So, if the Congress wants to know why we are at this impasse, all we have to do as an institution is look in the mirror. So that is why we are here. I did not want to take that much time, but I think it is important for us to understand why we are at this impasse as we try to get out of it.

Madam Speaker, I reserve the balance of my time.

□ 1245

Mr. LIVINGSTON. Madam Speaker, I yield myself 12 minutes.

I had not really intended to get into a prolonged debate, but I see the cast of thousands over there on the other side ready to pounce on me so I thought I might make some preemptive remarks and responsive remarks to the gentleman that just preceded me.

My friend from Wisconsin has criticized the schedule. Let me take a second to note that in all but 5 of the last 15 years, we are actually ahead of schedule. We actually have done better in some 10 years out of the last 15 years in terms of getting our work done and closing out the legislative year.

Just taking, for example, the year 1990 and comparing it with this year on the matter on which the gentleman criticized the number of working days. The fact is in 1990, there were only 134 legislative days for the entire legislative session which is actually less than what we have done this year. And in that same year, I am counting, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve appropriations bills, all passed on November 5 of 1990. That is three or four weeks after we will be through here in this session of the 105th Congress.

The point is, one can criticize the number of days we have been in session or not. The fact is, we are doing much better than we have done in other years, doing better than we have done in all but 5 of the last 15 years.

What about the record of achievement for this legislative term? I think that a balanced budget, the first balanced budget in 30 years is worth crowing about. I think the first tax cut in 16 years is worth crowing about. We have gotten both of those. My friends in the minority, when they were in the majority, projected that we would have $200 to $300 billion in deficits every year as far as the eye could see. Under our leadership, that has ceased to become the case. In fact we have reversed it. We have restored some fiscal integrity to this massive Federal Government of ours so that we do not mortgage the future of our children and our grandchildren.

In the process, we have passed a Higher Education Act, a Reading Excellence Act, a Dollars to the Classroom Block Grant Act. We passed scholarships for youngsters so that they are not forced and compelled to go to drug-ridden schools or crime-ridden schools or inferior schools for the District of Columbia, but unfortunately that was vetoed by the President.

We did pass prepaid college tuition plans and job training reform and emergency student loans and quality Head Start funding. We provided bills to provide for school nutrition and charter schools and drug education initiatives. We also passed an opportunity for people to save for their children's education called the A-plus savings accounts, but again President Clinton did not think that was worth allowing people to save for the future of their children and save for their children's education so he vetoed that one.

But we also passed and enacted into law $500 million more for special education, loan forgiveness for new teachers, teachers testing provisions, Individuals with Disabilities Education Act, the high tech job skills vocational education. We have implemented bilingual education reform. Prohibition on new Federal school tests, equitable child care resolution and juvenile justice programs all have been done this year just in the field of education.

You hear the President standing up for education these last few days. I am glad to see that he has awaken to a critical need for this country. But one thing we should note when we start talking about the application of Federal dollars, remember, Federal dollars are nothing more than taxpayers' dollars.

We should understand that we are spending taxpayers' dollars every time we talk about creating a new program, with Federal strings attached. In effect, we are employing Federal bureaucrats to tell people back home how they should better their lives.

The President says he wants more money for school construction, but he wants Federal bureaucrats to dictate how that money should be spent. The President says he wants more money for teachers, but he wants Federal bureaucrats to dictate which teachers get funded. That is not our approach. It is a source of controversy. It is not a matter of money. We have provided, throughout the discussions that are going on between our leadership and the representatives of the White House. We have fundamentally agreed on the amount of money. We are just trying to get the money back to the localities without interference from the Federal bureaucracies.

Remember, States and localities already pay for 95 percent of all dollars on education. The other 5 percent is spent by the Federal Government with taxpayers' dollars. It has only been in the last 30 to 35 years that the Federal Government has been involved in education at all.

The gentleman says that we have differences on global warming. The fact is that there is some very real credible science to say that actually the climate in the last 40 years has cooled rather than warmed. Did we have a hot summer this last summer? Yes. We had some severely cold winters a couple years ago though. The idea advanced primarily by the Vice President and a lot of people who believe as he does that we should run out and spend billions upon billions upon billions of taxpayers' dollars crying that the sky is falling and call Chicken Little just in anticipation of the possibility that the world is warming up by an iota of a degree is insanity. Let us get the facts. Let us find out what the facts are. Scientific information says that probably in the last 2- or 300 years maybe the world has warmed a little bit in some stages, but that it has cooled in others. In the last 40 years it may actually have cooled.

Why should we spend billions upon billions of dollars from the taxpayers' pockets in anticipation of a theory that may be totally flawed and totally inaccurate? Why should we tell our American citizens who are working so hard for their children to keep their families and their communities together that we should take their money and at the same time promote programs which put them out of work to the advantage of the emerging countries, which is exactly what the Kyoto Treaty is all about? It says to America, you have consumed too much energy so close your businesses down, send all the jobs overseas. I do not think that that is what we should be doing, Madam Speaker. So we have some legitimate debate on issues of that sort.

The gentleman also raises funding for the census. My goodness, the Constitution of the United States says that every citizen should be counted. That means counted. But, no, they want to use their thumb and estimate whole communities. They want to sample. They want to sample how many people are out there in this neighborhood and that neighborhood and develop the representation of the United States Congress on these estimates.

My goodness, there must be some sort of hidden social agenda, Madam Speaker. What are they trying to do when they do not want to count everybody? When we say that we will spend every dollar that is necessary to count everybody, they say, no, we want to be scientific in this age of science. We want to estimate how many people are in America rather than count them.

Madam Speaker, we have heard them. They estimated the number of immigrants into the United States just before the last election and let about 100,000 illegal aliens in, and a bunch of them were criminals and murderers. So they want us to take them at their word that they are going to estimate them correctly.

I am concerned about this estimation. The Constitution calls for no sampling, for counting every individual. I think that we ought to take the Constitution at face value. We ought to enumerate. But they disagree with us. Two courts of appeal have ruled with us in our favor saying that you have to count every citizen and still they want to ignore the wishes of the courts that have ruled in our favor and still estimate the number of people in America.

Well, the gentleman from Wisconsin has indicated that there are other issues about how much to bail out the farmer because of the recent disasters. If the money is well spent, if it is going to people that truly need it because of real disasters, we agree, the money should be spent. But let us just not throw money at a problem simply because it is the right political season. I am afraid that issue is becoming very much involved in whether or not we properly spend taxpayers funds, and we are the stewards of the taxpayer. We should understand that the money should be well spent.

The gentleman has questioned why we are here at this late date. I would simply agree with him when he says that we should have gotten our business done earlier. We should have. But we are not inconsistent with the vast majority of Congress in the last 15 years when they were mostly in control, and we were in the minority. This happens. Sometimes we push our business off until we have to handle it in one lump sum at the very end.

That is not an efficient way to do business. We have spent too much time on the budget. We have spent too much time on things when we should have been spending more time on the appropriations bills. But we are where we are. We are not going to close the government. We are going to stay here as long as we absolutely have to to get our business done. It is my hope, my genuine and sincere hope that we will conclude our business in the next few hours and that we will be able to submit a very large bill comprising the untended business to the Members of Congress, to our colleagues so that they can vote finally and completely and go home to election time.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself 2 minutes.

It is simply false to say that the difference between the President and the Republican majority on the issue of class size is that the administration wants to run this program through Federal bureaucracy and the Republicans want to make sure that it is run through State and local bureaucracy. That is not what is at stake.

What we want to do is assure that if we are going to spend over $1 billion that that money is used for the purpose for which it is appropriated, which is to reduce class size. It has nothing to do with which bureaucracy it runs through.

We do not want that money to be used for noninstructional purposes. If you run that money through title VI, as the Republicans want, that means there will be at least 1 percent available for Federal administration. It means there will be up to 15 percent available for State administration. And there is no limit whatsoever on administrative cost at the local level. That is why we are insisting on this principle. It is not a question of which bureaucracy it goes through. It is a question of whether this is going to be used for a national priority to reduce class size or whether it is going to be frittered away on a dozen other things. We want to follow the same process that we followed on Cops on the Beat, where the Republicans also opposed having 100,000 cops on the beat.

□ 1300

The fact is that, today, that is one of the most popular programs at the local level; and certainly in my hometown it has been a very effective program.

We do not want to do in education what was done in the 1970s when money was simply thrown out in a block grant, and it was used to make Motorola rich and used to make a lot of other contractors rich in selling a lot of equipment to local communities without having any appreciable improvement on law enforcement, under the Law Enforcement Assistance Act.

What we are trying to do is very simply to make certain that money appropriated for reducing class size is used for that purpose, and that is the issue that divides us.

Madam Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Madam Speaker, how much time do both sides have remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each have 16 minutes remaining.

Mr. LIVINGSTON. Madam Speaker, I am pleased to yield 2 minutes to the very distinguished gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Madam Speaker, I rise in support of this very responsible resolution, which is simply a resolution to keep the government moving and not shut down, in order that we can resolve the several remaining issues.

But in listening to the gentleman from Wisconsin's explanation of why we are where we are, I just thought I might come and explain to my colleagues and to the Speaker what really happened with respect to that area of jurisdiction that I have; and that is passing a bill that has to do with the foreign operations, monies for foreign countries.

To put it simply, last spring, the President requested that this Congress give him $13.5 billion, plus $18 billion for the International Monetary Fund. As responsible appropriators, we did exactly what we were supposed to do. We passed a bill, but we did not give the President everything he wanted. We cut his request by $1 billion, because we thought we ought to use the money in other areas of government.

Even back in the spring, Mrs. Albright told me that if I did not give her the entire $13.5 billion, she was going to recommend a veto.

It was not left to SONNY CALLAHAN to make that determination, but, rather, it was left to this body. We brought a bill through subcommittee. We brought a bill through full committee. We brought a bill to the floor of the House, and the House rejected the President's request.

Now in the waning moments of this session, the President is coming back and saying, "Look, I have you now in a position that I want you in, and I am going to insist that, regardless of what a majority of the Members of the House, Republicans and Democrats alike, regardless of what you think, you are going to give me my extra billion dollars."

So that is where we are. It is not a question, as the gentleman from Wisconsin fully understands, of whether we acted responsibly, because we did. We passed the bill through the House. We passed the bill through the Senate. It was not what the President wanted.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Speaker, today, we are considering our fourth continuing resolution to keep the government open, because the Republican majority failed to get a budget done in time, as is exhibited by this chart, failed to give us a strong HMO Patient Protection Act for our families, failed to ensure that the budget surplus would be used to protect Social Security before all else, and failed to protect our kids from tobacco.

We Democrats simply do not want my colleagues to go back home and fail our children. That is why we are still here fighting to reduce class size and modernize our aging schools.

With our 100,000 teachers initiatives, Democrats are trying to ensure that local taxpayers supporting public school systems across the country get a break by guaranteeing that the new Federal dollars are used to help local school districts reach a specific goal that everyone supports, reducing class size in early grades.

Under the Republican proposal, the dollars could be used for all sorts of other purposes that have nothing to do with helping our children. In essence, we Democrats want to accomplish what we did with 100,000 Cops on the Beat, local control with Federal support to hire 100,000 new teachers.

This is a battle about whether we want more money for educators or more investigators, whether we want to spend more time investigating the past or more time investing in our future. Our schools, our teachers, and our children, that is what we Democrats are fighting about.

Mr. LIVINGSTON. Madam Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

Mr. ROGERS. Madam Speaker, I thank the chairman for yielding to me.

Madam Speaker, we passed the Commerce, Justice appropriations for the State Department, the Commerce Department, the Judiciary, and Related Agencies through this body, through the Senate, for the full year.

We fenced in the last half of the year's funding for the decennial census until the Federal courts could decide whether or not it is legal to do sampling.

I will tell my colleagues what is going on in that room right back there where they are negotiating this budget deal. The President is insisting that we not fund all of these agencies in the bill for the last half of the year. In March, all of these agencies would shutdown if the President prevails.

What does that mean? It means that the Bureau of Prisons will shut down. Do we turn the prisoners loose? It means the National Weather Service will go out of business. Do we want to know what our weather will be tomorrow? Do not watch television. National Weather Service is shut down.

It means the Justice Department would be shut down. The FBI would be closed. The laboratories that test bullets from all over the country for local police departments shut down, closed by the President's decree. It means the State Department and all of the embassies worldwide keeping the peace in the world would be shut down by the President's decree on March 15 if he prevails back there in that room. That is what is going on.

Why are they insisting upon this? So they can have their way on the frivolous idea of sampling the census for the decennial census.

Yesterday, I received a letter from the Federal Judicial Conference, over which the Chief Justice presides. In the letter, it says that this has a dangerous incursion into perhaps intimidation of the Judicial Branch of government, of the very Court that will eventually decide sampling and its constitutionality.

The Supreme Court itself would be shut down in March if the President has his way. All of the Federal courts would be shut down. The U.S. Marshals would be shut down. The drug war would be shut down if the President had his way back there in that room this very minute.

I say that is outrageous. It is unconscionable. It is unconstitutional, in my judgment, and it is an attempt to intimidate the United States Supreme Court on the very makeup of this body. I say that is outrageous. It is unacceptable and should be whisked away like the dirt on the floor.

Mr. LIVINGSTON. Madam Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Madam Speaker, the gentleman had an alternative to this terrible policy. Would the gentleman please explain that alternative?

Mr. ROGERS. What we should do is fund the entire year of this bill for all of these agencies, keep them going, not hold them hostage to this fight over the census; fund the decennial census only for the half year, until the courts have time to decide the constitutionality of sampling, until the test projects that are going on around the country right now on sampling can take place and we will see the results by March; until the advisory committee this Congress set up to supervise the census has time to report to us in February.

By March, the courts will have decided, the advisory committee will have reported and the pilot projects will be completed and we will know whether or not sampling is a good idea, constitutional and so forth.

Mr. LIVINGSTON. Madam Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I take it that that plan was in the House bill when it left here?

Mr. ROGERS. That was the plan, the gentleman is correct, that this House passed, and now we hit this brick wall of the White House saying, no, siree, we are going to shut the government down until we get our way on the census.

Mr. OBEY. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, what I have just heard is absolute total nonsense. The administration does not want to shut down the government. The administration is asking for one thing, full funding of the census. You are holding those programs hostage. They are not. Let us keep the facts straight.

Secondly, what is outrageous is not the administration conduct but the expression of opinion of the Republican representative on this issue last night, who told Democratic representatives that regardless of whether we won or lost the Supreme Court case they did not have any intention of following the court case if we won. That is what is outrageous.

Madam Speaker, I yield 5 minutes to the distinguished Democratic whip, the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Madam Speaker, if I could amplify upon the remarks of the gentleman from Wisconsin (Mr. OBEY) on this census issue, I think my colleague, the gentleman from Texas, said it very well in our caucus this morning. He said, for 100 years in this country, we did not treat them as human beings and now we do not even want to recognize that they exist.

That is what is going on here. They do not want to recognize literally millions of people who are out there and who have a right to be counted so that they and their communities can reap the benefits therein from the governments that represent them.

As we approach the end of this session, I think it is important to once again review, as my colleague, the gentleman from Wisconsin (Mr. OBEY) just did, about really what is going on here. The scorecard for the Republican Congress is pretty meager. Bills to improve public education, zero; managed care reform, killed in the Senate, zero; campaign finance reform, after they tried to talk it to death week after week, month after month in this body, killed again, zero; bills to reduce teenage smoking, zero; bills to protect the environment, zero; minimum wage increase so people can have some sense of dignity, so they can earn a wage that will get them above the poverty level, and that is where they are now with the minimum wage, below the poverty level, zero.

On the things that count for people who are talking amongst themselves around the kitchen table, we have not done the work of the people in this country.

If we look at the budget, I would think we would at least get our budget done. For first time in 24 years since the Budget Act was established in 1974, we do not have a Federal budget; two bills signed into law, one bill vetoed, a couple of bills on the President's desk. So we have got 4 out of the 13 essential bills, that are necessary to do the budget, completed; 9 of the 13 are hung up and cannot get done.

Why is that? The reason is, we spent the whole 2 years investigating. We investigated anybody we could find around here and we did not do the work on health and we did not do our education stuff and we did not do a decent minimum wage for people and we did not do campaign finance reform and we did not do teen smoking but, boy, did we investigate.

Now we are at the end of the session and there is nothing to show for it. My colleagues are going to go home and they are going to tout their accomplishments. That makes about as much sense as an American league pitcher bragging about his batting average. There is nothing there to brag about.

Let us look at education for just a second. Nearly a year ago, the President stood right there, during his State of the Union address, and he called on us to hire 100,000 new teachers, to reduce class size so we can improve discipline and help our children get the most out of their education. They would not do a thing on that until we got to the end of the session where we actually had some leverage with the President and now we are in this battle.

What do they want to do with the $1.1 billion so we can hire the teachers? They want to move it under Title VI, and as the gentleman from Wisconsin (Mr. OBEY) correctly states, it will go to bureaucracy. One percent of that money under Title VI can go to the Federal bureaucracy; 15 percent can go to the State bureaucracy, and the rest, if they want, can be spent at the local level.

We want to take the money and hire teachers so they get into the school, kids get more discipline, kids get more attention and we get a better product on education.

The other issue on education that is out there, of course, is the modernization effort so that American children can go to school in a safe, well-equipped environment, so they can prepare themselves for the next century. We are talking about leveraging roughly $3.6 billion for 5,000 school districts to help them subsidize their bonds so that they can raise the money locally to get their things done on education.

In conclusion, I urge my colleagues to vote for this resolution because we need it to pass, but to understand that we really have not done the work of the people in this Congress.

Mr. LIVINGSTON. Madam Speaker, I have but one speaker, and I reserve the right to close.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

□ 1315

Ms. DELAURO. Madam Speaker, I thank the gentleman for yielding me this time. Here we go again. We are here for the fourth time to pass a continuing resolution. Why are we here? Because this Republican-controlled House has still not completed the work that the American people sent us here to do. The fact of the matter is that they are in the majority. They are in charge.

Let us take this opportunity to look at the many accomplishments Republicans take such pleasure in touting. Have we put more teachers in the classroom to make sure children get the attention that they need to learn? No. Have we modernized schools and hooked classrooms up to the Internet so that children will have access to the technology they need for a successful future? No. Have we invested in teacher training to make sure that students have talented, enthusiastic and creative teachers to learn from? No. Have we reformed the managed care system? No. Have we reformed the campaign finance system? No. Have we reformed the Social Security system? No. Let us work together. Let us work together to try to improve our schools.

I am distressed to hear my colleagues on the other side of the aisle raise the bureaucratic bogeyman. Teachers are not bureaucrats. Teachers are our best hope for the future. The Democratic plan would add 100,000 teachers to our classrooms. It is modeled after the successful COPS program. Democrats passed a bill to add 100,000 new police officers to our streets. That program has helped to make our streets safer. One hundred thousand new teachers in our classrooms will help to make our schools better. The COPS program works. Do not listen to me, it is what chiefs of police are saying around this country, because it is about Federal dollars and the local, local control. Just ask your local police. The police chief of Miami has said that he has seen a 30 percent drop in crime since the bill was passed. He said that the drop was made possible because of the crime bill. Police chiefs all over the country thank us for adding 100,000 new cops to our streets. Our parents and our youngsters will thank us for 100,000 new teachers.

Mr. OBEY. Madam Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MILLER).

Mr. MILLER of California. Madam Speaker, it is unfortunate that once again we yet have to again extend the time for the budget to be completed for this country. It is unfortunate because we come down to an item that is so terribly important to America's families and to America's children, and, that is, the issue of school construction, whether or not we are going to try to end the process by which children are being educated in storage rooms, in split-up gymnasiums, on the stage of the school auditorium, in the janitor's change rooms as they try to reduce class sizes and as they try to avoid those parts of schools in many cases that are unsafe for children to go. We think that the Federal Government ought to help these school districts. They can do it by providing no-interest loans or low-interest loans to help those school districts that are struggling to provide for safe and healthy schools for our children. The other one is class size reduction. Here we have an opportunity to take a program modeled after Cops on the Beat, a program that has been incredibly successful. If you go around your congressional district and you talk to the police officers, if you talk to the chiefs of police, they will tell you this has made a remarkable difference in their police department's ability to talk to the business community, to talk to young kids on the street, to interact with the schools and has made the police department much more accessible, much more effective on the streets of our communities, and we have watched as the crime rate has continued to come down in most American communities. So now we want to take and have the Federal Government provide help to school districts that want to add additional teachers to reduce class size, recognizing that teachers are far more effective with 18 students than they are with 30 students. Again, do not trust us; trust the parents, trust the teachers, trust the students who if you go to your schools and you talk where this has been done, parents are excited about the chance that teachers are spending more time with their students, helping them with reading, helping them with mathematics. The teachers feel better that they are able to spend better time with these students in helping those students who may be having a little bit of extra problem. But we are right back to where we were before Cops on the Beat. Just before we voted for Cops on the Beat, the Republicans came up with a plan to spread that money all over the community, to spread it all over the community. They said they were going to call it Cops on the Beat but it could be spent anywhere. But the chiefs of police, the law enforcement agencies came here and said, "Don't do that. Put it into police officers that can be out in the community."

Now the education establishment is saying the same thing: "Don't spread this all over. Don't spread this across the bureaucratic cost of State Departments of Education. Put it in the classroom where it can make a difference, where it can make a difference to the ability of our children to read, to compute, to critically think. These teachers can make a difference in our children's lives."

But we are back here. The State Department of Education in California funds almost 70 percent of its bureaucracy off of Federal dollars. Why are those Federal dollars not going into the classroom? This legislation that the President is proposing for classroom reduction, school construction is about sending the money to where it belongs, not spreading it across the community like the Republicans want us to do.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time and for his extraordinary leadership in explaining the differences between the Democrats and the Republicans in the priorities that we set for our great country.

Madam Speaker, this is a Congress of missed opportunities, missed opportunities to modernize education for our children, missed opportunities to reform HMOs for the health care for all Americans, missed opportunities to save Social Security as a top priority, and a missed opportunity to protect the environment after we look at some of the proposals that have been put before us.

We send this very mixed message from this Congress to the children of America. We tell them that education is important, it is for their self-enrichment, for their economic security and for the competitiveness of our country. Yet we send them to schools that are below par, that are leaking, that are asbestos-laden, are lead-filled, that are not wired for the future. How can we tell children that education is important and yet not value it by having small classes, adequate facilities and have them be in places where children can learn and teachers can teach and parents can participate?

We tell children that their health is important, they should not smoke because it is harmful to their health. Yet we do not provide them with access to quality education. Children are smart. They get the mixed message. Reforming HMOs would have been one clear message to the people of America that health is important to us. Then as far as work, the work ethic, how important that is, we tell that to young people and yet we do not value work adequately. That is one of the missed opportunities of this Congress, to have us have a living wage in this country. Also, we threaten the pension security of America's children. Their health, their education, the economic security of their families are very, very important to our children and to the future of our country. How sad for us that this Congress has missed the opportunity to send a clear message and take the action necessary to make their future brighter.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Madam Speaker, one of the key differences between the United States is that we have made education universally available. As we compete in this modern economy, it is clear that we cannot compete at the bottom of the economic ladder. Countries will always hopefully have lower hourly wages for their employees than we do in this country. In China right now it is 2 cents on the dollar. In Mexico it is about 15 cents on the dollar. The only way we are able to stay competitive internationally is by investing in education to make sure the next generation is ready for an even more economic battlefront that is internationally based. If we underfund education as a country, we will end up being a second-rate power economically and we will be a second-rate power militarily as well. The future of this country is dependent on the investment in education, so that we have the brightest workers, the most patents as we have today, the Nobel prize winners in arts and sciences. That is what moves this country forward.

There is a debate. The Republicans generally do not feel there is a Federal role for education. I think whether you live in Bozrah, Connecticut or Baltimore or Selma, Alabama you ought to expect the very best education that we can provide because every American benefits from this investment in education.

Mr. OBEY. Madam Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here as the gentleman from Wisconsin indicated living up to the words of Yogi Berra when he said he felt like deja vu all over again. This is the third or fourth time that we have had this confrontation involving an extension of funding authorization for another couple of days to complete our business. Unfortunately the negotiators on all sides, between the House and the Senate, Republicans and Democrats, and the Congress versus the administration have not put a final ribbon on their package of these eight bills plus a supplemental package, and so as a result we are forced to take a little bit more time.

But let us be very sure why we are here engaged in this debate. This is not a momentous, historical debate on issues of great moment other than to espouse our respective political philosophies with 3 weeks left in the election cycle. The fact is this is nothing more than a C-SPAN moment. It should be interpreted as nothing more than that. We are having an opportunity to make great speeches on our respective positions. Should they be dismissed as being too casual or too light and nonconsequential? No, of course not. The fact is that the Republican majority of Congress believes that we should be frugal with the tax dollar, that we should be proud that we have finally brought about conditions that reap us a surplus this year, the first balanced budget or first surplus in 30 years; and we should be proud of that accomplishment. We should likewise be proud that we have in the last year provided the first tax cut in 16 years. We believe that we are stewards for the American taxpayer and that we should not waste their money. We should not spend it unwisely. We should not create unneeded bureaucracies to tell people what is good for them.

The other side says, no. They have got good programs, well-intentioned, that are going to do great things for the American people. All the American people have to do is keep sending money, and they will keep coming up with programs. That is understandable. We had that for some 40 years, from the New Deal, through the Great Society, through the War on Poverty, through Vietnam and up through the point where finally the American people had had enough and put Republicans in charge of the Congress. The other side of the aisle does not like that. They do not like being disenfranchised and not being able to jam through all their new programs.

They have a President in the White House who even though about a year and a half ago said the era of big government is now over is attempting to spend billions upon billions of dollars more than he agreed to in the balanced budget agreement of last year.

□ 1330

But, we are not really here today debating how much money to spend on education. We pretty well agreed to that. The amount of money is in agreement. They say it is never enough. We say $32 billion; that is what we will spend on education from the Federal Government; we say that is a pretty good number. It is still only 5 percent of what America spends on education because States and localities spend 95 percent of the cost of education. But the Federal taxpayer puts in $32 billion, and it will never be enough according to my friends on the other side of the aisle.

But, we are not really debating whether or not what we are spending in this last fiscal year is sufficient. What we are really debating is how it should be spent. They believe creating new narrow programs, narrowly-focused programs run by bureaucrats in Washington, not teachers. The Department of Education is not comprised of teachers, it is comprised of bureaucrats. They think that by giving those bureaucrats more money to dole out, the money for their little favorite programs, that they are going to do great things for America, and certainly some good will be done; we have to admit that. We think that by giving the greatest amount of flexibility to the teachers, and to the school faculties and the school boards around America, the school districts, that they can decide for themselves where they want to best apply those Federal dollars. We think that the flexibility inherent in block grants is a much better idea.

So that is what is going on here. We are not debating amounts of dollars, we are debating philosophies, we are debating ideas on how best to get the job done. Either we give the money to the States and localities, like we want to, or we give it to the bureaucracies like the President wants to. That is essentially the debate.

On foreign aid, they want to throw more money, another billion dollars here and there. We happen to believe that a few extra dollars in foreign aid is not going to make any difference. We think that basically what the President needs to put forth for the American people and the world is a coherent, cogent, understandable foreign policy, which unfortunately has been sorely lacking.

The fact is a few more extra dollars will not give us a better Russian policy. A few more extra dollars will not stop the slaughter in Kosovo. A few more extra dollars will not restart, regenerate the moribund peace talks in the Mideast or manage the problems presented by Saddam Hussein, who is pointing weapons of mass destruction at the civilized world. A few more dollars will not invigorate our policy with respect to North Korea or stop India or Pakistan from proliferating weapons of mass destruction. No, a few more dollars or even a few billion dollars will not give us a coherent foreign policy if this President and this administration do not work together towards trying to bring some common sense to their foreign policy, more than they have done in recent months.

Madam Speaker, we could send everyone home today if only we in the majority, we Republicans, would bow down and accept every plan, every program every hair brain scheme to spend tax dollars that the Democrats have thrown at us. That is easy. We could finish our business if we would just simply mindlessly say, "Okay, you have got lots of new ideas on how to spend taxpayers' dollars, we'll accept those, all in their entirety, and then we'll go home." But we are not going home without some debate.

The President proposes, the Congress disposes. Right now the Democrats are in the minority in the House and in the minority in the Senate. But, as long as we are in the majority, we have to use our best judgment to deal with the President as we see fit, as we firmly believe our constituents and the American people that sent us here really want us to do. They did not send us here to cave in to the President. They did send us here to ignore the problems that he has encouraged in the last several months. They did not send us here simply to worry that we will be accused of being mean and heartless and thereby fold our cards and go home. They sent us here to use our good judgment and to be those stewards of the Federal Treasury to make sure that the person who is working so hard to feed his family, go to work, be good citizens throughout the community all around America, does not send his or her money to Washington just simply to see it wasted on another well-intentioned program or another run-wild bureaucracy. That is not exactly why the people put us in the position of the majority.

We are against his profligate ways, we are against the wasteful ways of the former majority and now the minority who have said, "We've got another great new program for you, another great new bureaucracy, another great way to spend your money; just give us all your cash and we'll tell you what to do with it." We think that is not the way to approach government. We are standing up for what we believe.

It is taking longer than we wanted it to take, but sooner or later we will end this soap opera. Sooner or later we will tell the American people we are tired of debating philosophy and programs, and we will put a ribbon on this package. It may not be the prettiest or the neatest package, but it will in fact still, after all the dust is settled, result in the first surplus in 30 years, and we will go home with a proud record of accomplishment.

I urge all Members to vote for this continuing resolution.

Mrs. CLAYTON. Madam Speaker, this is the fourth Continuing Resolution that has come before us—four times we have delayed the important business of keeping the government running.

Perhaps when we conclude this business, we can get on with the business of the American people.

This Congress has done nothing to help working families, but, while it is too late for some issues, it is not too late for others.

It is too late to pass health reform.

It is too late to reduce teen smoking and reform our campaign finance system.

And, it is too late to enact laws to protect the environment and to truly safeguard the surplus for social security.

But, it is not too late to make responsible budget decisions.

It is not too late to enact laws to hire new teachers, reduce class sizes and modernize schools.

It is not too late to help our small farmers by giving them reasonable access to credit.

And, it is not too late, Mr. Speaker, for voters to note what Congress has done and what it has not done.

Mr. LIVINGSTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

The joint resolution is considered read for amendment.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on H.J. Res. 135 will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4566. An act to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

The message also announced that the Senate had passed a bill of the following title in which concurrence of the House is requested:

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 391) "An Act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 459) "An Act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes."

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 1 o'clock and 39 minutes p.m.), the House stood in recess until approximately 2 p.m.

□ 1414

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 2 o'clock and 14 minutes p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 5, rule I, the Chair will now put the question on H.J. Res. 135, and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.J. Res. 135, de novo;

H.R. 3963, de novo;

H.R. 4501, de novo;

H.R. 559, by the yeas and nays; and

S. 759, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

The SPEAKER pro tempore. The pending business is the question of the passage of the joint resolution, H.J. Res. 135.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

CANYON FERRY RESERVOIR LEASEHOLD CONVEYANCE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 3963, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3963, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 181, not voting 36, as follows:

[Roll No. 530]

YEAS—217

Aderholt
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans

Farr
Fattah
Fazio
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Waters
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—36

Archer
Barr
Berman
Carson
Conyers
Davis (IL)
Frank (MA)
Graham
Greenwood
Hefner
Inglis
Kennelly
Kilpatrick
Kolbe
Largent
Lipinski
McGovern
McHugh
Neal
Pickett
Poshard
Pryce (OH)
Regula
Reyes
Rothman
Scarborough
Schaefer, Dan
Shuster
Smith (OR)
Tauzin
Torres
Visclosky
Watt (NC)
Weldon (FL)
Wilson
Wise

□ 1435

Ms. ESHOO and Mr. HALL of Ohio changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings today.

REQUIRING STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 4501.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4501.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADDING BRONCHIOLO-ALVEOLAR CARCINOMA TO LIST OF SERVICE-CONNECTED DISEASES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 559.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 559, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 531]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—34

Archer
Barr
Berman
Carson
Clayton
Conyers
Davis (IL)
Edwards
Frank (MA)
Graham
Hefner
Inglis
Kennelly
Kilpatrick
Kolbe
Largent
Lipinski
McGovern
McHugh
Neal
Pickett
Poshard
Pryce (OH)
Reyes
Rothman
Scarborough
Schaefer, Dan

Shuster
Smith (OR)
Torres
Visclosky
Watt (NC)
Weldon (FL)
Wilson

□ 1447

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUIRING THE SECRETARY OF STATE TO SUBMIT AN ANNUAL REPORT TO CONGRESS CONCERNING DIPLOMATIC IMMUNITY

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the Senate bill, S. 759.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 759.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to take a moment to advise all Members of the body that we have had the last vote for today. We will continue with many items that we have under consideration, many items that are already cleared, some that we are still working on clearance for the Suspension Calendar. The negotiations continue as my colleagues know. We are optimistic that we will be able to conclude them this week.

But for now, Mr. Speaker, we will have no more recorded votes today, and Members should be advised that there will be recorded votes tomorrow after 3 o'clock. I know many Members would like to make short trips back to their district; and insofar as that is possible, we certainly do not want to discourage that. But the body should be advised there will be votes tomorrow after 3 o'clock.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, we have an important issue dealing with the surge of steel imports, and I had scheduled today, which is the second calendar day under House rules, to bring forth the Question of Privilege on that resolution. I am willing to let that go if I have an understanding that the resolution that I have submitted at the desk with a number of cosponsors and coauthors from both sides, if that will be scheduled for a vote in the House tomorrow or at least before we leave here.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. The gentleman, of course, has shown great interest in this matter, and I want to assure the gentleman, without doubt, that it will be scheduled for floor action and for a vote tomorrow before we leave.

AGREEMENT BETWEEN UNITED STATES AND REPUBLIC OF ESTONIA CONCERNING FISHERIES - MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–323)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Tallinn on March 10 and June 11, 1998, extends the 1992 Agreement to June 30, 2000.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

AGREEMENT BETWEEN UNITED STATES AND REPUBLIC OF LITHUANIA CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–324)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania extending the Agreement of November 12, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Washington on April 20, September 16 and September 17, 1998, extends the 1992 Agreement to December 31, 2001.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

RHINO AND TIGER PRODUCT LABELING ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger, with a Senate amendment thereto, and concur in the Senate amendment, with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendments to the Senate amendment as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6(a) of the Migratory Bird Treaty Act (16 U.S.C. 707(a)) is amended—

(1) by striking "thereof shall be fined not more than $500" and inserting the following: "thereof—

"(1) shall be fined not more than $15,000";

(2) in paragraph (1) (as designated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) in the case of a violation of section 3(b)(2), shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior *shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).*

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) In General.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) Conforming Amendments.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) In General.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) Executive Orders.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) In General.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) Executive Order.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) Penalties.—

"(1) Knowing violations.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) Other violations.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) In General.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) Publication of Policy.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) Prohibition.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) Penalties.—

"(1) Criminal penalty.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be

fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVES

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiatives Act of 1998".

SEC. 502. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions

taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 503. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 504. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

House amendments to Senate amendment:

(1) Amend the title so as to read: "An Act to clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.".

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking "$500" and inserting "$15,000";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w-1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVE

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiative Act of 1998".

SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendments to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Alaska?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Alaska?

There was no objection.

A motion to reconsider was laid on the table.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2129) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Volcanoes National Park Adjustment Act of 1998".

SEC. 2. HAWAII VOLCANOES NATIONAL PARK.

The first section of the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b), is amended by inserting before the period at the end the following: ", except for the land depicted on the map entitled 'NPS–PAC 1997HW', which may be purchased with donated or appropriated funds.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

☐ 1500

APPOINTMENT AS MEMBERS TO PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

The SPEAKER pro tempore (Mr. GIBBONS). Without objection and pursuant to the provisions of section 2(b)(2) of Public Law 105–186, the Chair announces the Speaker's appointment of the following Members of the House to the Presidential Advisory Commission on Holocaust Assets in the United States:

Mr. GILMAN of New York.
Mr. FOX of Pennsylvania.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESSIONAL ACCOMPLISHMENTS IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I want to take a little time this afternoon to talk about some of the 25 accomplishments that this Congress has made in the area of education. We have heard a lot about education over the last week or so. The President has been a little distracted. He has not had a chance to focus on education until the last couple of weeks. He has had over 100 fund-raisers and two Cabinet meetings, so I guess in the time that he has spent between fund-raisers, being overseas and the 22 days he spent on vacation that he has not had time to sit down and talk about education until this last week. In the meantime, Congress has been working very hard on the issues of education and we do have 25 accomplishments. Some of the things that I think are most important for the accomplishments that we have had in education is getting dollars into the classroom. One of the problems that we have in our local school districts is that it is difficult to get the dollars directed into the classroom. For example, in Kansas, about 7 percent of all dollars are dollars that come from the Federal Government. Out of that 7 percent, it could be expanded to over 14 percent, but much of that money is wasted right here in Washington, D.C., where we have a large education bureaucracy that does not educate any children. The Department of Education is only a few blocks from the Capitol, itself. They have quite a few people that work there that do nothing more than demand additional paperwork from the local school districts. The average salary at the Department of Education is $52,000 per year. Now, I would invite any of the Members to go back and talk to their teachers and see if any of the teachers are making an average of $52,000 in the school districts in their congressional district. My wife worked in public schools for 4 years. At that time she made significantly less than $52,000 a year. But that is what the average amount of salary is at the Department of Education. What we have been trying to do this year is limit that amount of money that is wasted here in Washington, D.C. on education and ship those dollars out to the local school districts so that it can be spent, and our Dollars to the Classroom program would have required that 95 percent of the money gets into the classroom. The significance of that is that we could increase the amount of Federal money that is actually spent in the classroom where the rubber meets the road. That is the important thing, is that we see that our children get educated. Instead, we see a lot of it being spent right here within the District of Columbia not escaping to the local school districts. We have been working on sending dollars to the classroom to make sure that it is spent where the teachers can use that money to get the materials they need, get the books they need, make sure that the right amount of money is spent in the classroom.

Another area that we have been trying to focus on is special education. Title I money, special education money has been a requirement from the Federal Government, yet it has never yet been fully funded. That has had to have been made up by the local school districts. They have raised local taxes in order to pay for these programs. Rather than having the mandate come from the Federal Government, it ought to be paid for by the Federal Government, and the Republican Congress has spent time this Congress focusing on getting more money for special education, which is a big problem in almost every school district in south central Kansas where my district is. That is another area where we have been focusing on education.

We have also been trying to make college more affordable. We have had the lowest student loan rates in 17 years. We have had the highest ever Pell grant awards. Because we have the Balanced Budget Act, this was very clear that has come straight from Alan Greenspan, the chairman of the Federal Reserve Board, he said that if we would balance the Federal budget, interest rates would be lower. In fact we have balanced the Federal budget, we have a surplus this year, interest rates are lower. That directly affects student loans. My wife and I could not have gotten through college without student loans. We both had student loans. For 10 years we faithfully paid back those student loans. But it would have been nice to have a lower interest rate. It would have saved us hundreds, potentially thousands of dollars when you add that together. It is not just a fact or an accounting principle when we talk about balancing the budget. When we talk about balancing the budget, it affects students and student loans, just as it affects people who have credit cards, car loans, home mortgages.

Another thing that we have been doing is developing a program to help get teachers into education. It is a loan forgiveness program for new teachers. Many people want to serve their local communities, serve their States, serve their country by dedicating themselves to teaching. I have to tell you, outside of the Department of Education, their salary is not very good. This program will help teachers get into education.

I just wanted the fellow Members to know that we have been working very hard on education for the last 2 years and we are glad that the President is finally focused on it.

ON SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I firmly believe that it is our responsibility as a society to ensure that our schools are not failing our children. We can frame this in a positive way. In the United States of America, we have no greater calling as a democracy than to ensure that our children, the next generation, our greatest investment, receive the very best start in life in education that we can make available to them. Through our public school system in this country, we ensure that democracy is passed from one generation to the next. This is no small task that we entrust to our public schools. Through our public school system throughout the country in every hamlet, community, rural school, inner city school, each student who enrolls is given an opportunity to succeed, to make something of themselves. It is our way of the American dream. I also believe just as strongly that as this session of Congress comes to an end, we must agree on bipartisan legislation that will truly improve the quality of education for our children. This is a job that we have here in Congress that will be enacted by another quality of our public school life that I think is central to its success, and that is local control. In each school district around this country, citizens elect members of a school board to set the policy for that school district. That is the way it should continue and that is how our support for education must filter through. As a school nurse in the Santa Barbara School District in my community for over 20 years, I have seen firsthand the damage that deteriorating schools can do to our children. Students cannot thrive academically if they are learning in overcrowded and crumbling buildings. I can imagine how hard it would be for us in Congress to work if we had to dodge falling plaster, to work in our hallways, to contend with leaky roofs. Yet this is just what is happening now, even today, in many of our schools throughout this country.

When I was elected to Congress earlier this year, I conducted a survey of the schools in my district on the central coast of California. The results were distressing. The average high school class now holds 30 students per class. Over half of the schools conduct classes in rooms not meant to be classrooms. And over 80 percent of the schools use temporary or portable classrooms. I have personally visited and spent much time in classes being held in hallways, in teachers lounges, in utility rooms and even in janitors closets.

Mr. Speaker, let me highlight the Santa Maria Bonita School District, which is in desperate need of funds for school construction. This district was built to House 6,700 students but the current enrollment is 10,500 students. To accommodate growth, 12 of the district's 14 schools have converted to a four-track, year-round schedule and 175 portable buildings have been added. To add more would mean taking away all the playgrounds that now exist. The children, teachers and parents of this community are stretched to the limit. They are calling out for some help from Congress so that they can build better facilities. I believe that we must answer that call.

If our students are to have any chance of competing in tomorrow's economy, we must not shortchange them today. Even a small investment in school construction, bonds, in the ability of school districts to borrow money without having to pay interest, a small investment like this in our body this week will pay enormous dividends for our Nation in years to come.

Mr. Speaker, I implore us to put politics aside and think of our children. Let us stop these partisan fights and put our resources into the most important challenge of all, the education of our children.

HONORING JOAN ZIMMERMAN FOR A QUARTER CENTURY OF PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I rise today to recognize the career of a valued employee, Joan Zimmerman.

I feel fortunate to have had Joan on my staff since I was first elected to Congress back in 1987. But her time on the Hill did not start with me. She worked for my predecessor, the Honorable Stewart B. McKinney, as well as Stan Parris from Virginia and Robin Beard from Tennessee.

Joan has worked for the United States Congress for a quarter century. She is a witness to many major changes in this institution and has seen many things: from Watergate to the Iran hostage crisis, to the end of the Cold War and seemingly never-ending budget deficits to an eventual surplus this year.

Joan is not just a friend and colleague in our office but throughout the buildings of the Capitol. She talks to her loading dock buddies about possible dates of adjournment and counts many of the Capitol Police force as dear friends.

When the tragic shooting of officers John Gibson and J.J. Chestnut at the Capitol occurred earlier this year, Joan offered her advice, guidance and sympathies to the many friends she has on the force who were deeply shaken by the death of these two American heroes. I know they appreciated her support as we appreciate her years of dedication.

Joan, our office sage, after years of dedicated service is retiring this December and so many in our Capitol community will miss her.

She always approached her job with a calm and consistent demeanor, steadfastly getting the work done in an often hectic environment. Her perspective and wisdom about this House has soothed the jagged nerves of a generation of young staffers.

We will remember her for her sweetness of manner and her quiet determination, and a wonderful love and devotion to her two cats. We know our office will never be able to properly replace her.

□ 1515

MAJOR WORK REMAINS UNDONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, what a difference a week makes. Last week the Republican leadership was cruising toward an early adjournment after the Congress had worked only 107 days despite the fact the Congress' work was not yet done. They had hoped to roll it all into one giant bill that none of us would have been allowed to read or understand under a special rule, and vote on it, and leave town, and go home and spend their special interest money to get reelected.

Well, things have changed. Here we are, Day 111. Pretty heavy lifting for this Republican led Congress. We have now worked 111 days in Congress with our $137,000 salary. Of course the average American working for $40,000 or so has worked 202 days so far this year, and they have had to finish their job day in, day out, every day of the year before they go home to their families. But this Congress has not.

But there is a change of heart in the Republican leadership. Maybe? No, not really. They have not decided to address the major work left undone, not at all. They are held here against their will.

They still refuse to address health maintenance organization insurance industry reform, patient provider rights so people can have a right of appeal when they are denied tests they need to restore their health, and when their doctors order tests to restore their health and is denied by the insurance industry. They will not touch that with a 10-foot pole because of the tens of millions of dollars flowing in from that industry to help their reelections.

Teen tobacco prevention? That has dropped off the charts, too, because the tobacco industry is providing one heck of a lot of money for their reelections. Social Security? The only time they addressed Social Security was to attack the trust fund to attempt to give it away by calling it a surplus and spend it as tax cuts.

Now, held in D.C. against their will, they have discovered something. The people of America would like to see an investment in the public education, in the investment of their kids, in the education of their kids.

Let me say the Speaker earlier, the President has just come recently to this; he just discovered education. The President proposed back in January smaller class size, 100,000 new teachers and a major reconstruction program for the one-third of our schools that are falling apart and the other one-third that are obsolescent. They are the ones who did not discover it until this week, until they had to discover it. There has not been a single hearing held by the Republican led Congress on the issue of 100,000 new teachers, smaller class size or the crumbling state of our schools and federal assistance for them. They had ample time. We took three votes, three votes in this Chamber on school vouchers, taking our tax dollars and transferring them to private religious institutions. That is their agenda: do not help the public schools, help the private schools, help the religious schools despite what the Constitution might say.

They have spent a lot of time trying to eliminate the Department of Education that administers the Head Start program and the student loan programs. They have attempted to cut, and we blocked, school lunches for small children. They have enacted or tried to enact tax cuts for wealthy taxpayers to send their kids to private schools, again abandoning the public system, eliminating the summer jobs program for kids, eliminating the school to work opportunities for high school students, eliminating the in-school interest subsidy for student loans, and I heard someone over here wax eloquent about what they have done to lower the interest rate on loans. Yes, a tiny, tiny, tiny bit, but you were really drug kicking and screaming to that, too, because the banks did not want to give up anything on these loans where they never lose a penny that are guaranteed by the Federal Government. They cannot even be discharged in bankruptcy. They still want outrageous rates of interest. So finally the Republicans paid them off. The banks are still going to get the high rate of interest, the taxpayers are going to pay it, and the students will get a tiny, tiny cut, less than 1 percent.

Oh, that is a great deal, that is a great way to do this. Get rid of the banks, give the loans directly to the kids through the schools. You could give another 600,000 students loans next year at a much lower rate of interest. They have tried to eliminate the Safe and Drug-free School Program and after school programs. That is quite a record. But they have become born again on the issue of public education. Now they say what they really want to do is fight over how the money they did not want to spend on public education is spent because we have held them here against their will. Because they want to bolt out of town without finishing their work, we have managed to get another $1.1 billion commitment for education. They are saying, well, they are really concerned about how that money might be spent. They want it to be spent under something called title VI. Title VI, the first 16 percent goes to administration. Republicans like that. And the other 84 percent can go to anything, does not go to teachers, smaller class size. It is not even necessary to be invested in rebuilding our schools.

They can spin and spin and spin as much as they want as they wax eloquent about the importance of public schools. They are a billion point one late and 4 days late.

CLINTON FOREIGN POLICY—A CAUSE FOR ALARM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I yield to my distinguished colleague from California.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding. I just want to say to my colleagues in response to the last speaker in the well that, as the chairman of the Early Childhood Youth and Family Subcommittee, which has jurisdiction over all Federal education programs and policies from preschool through high school, we did in fact have hearings specifically on the different, the competing Republican and Democratic classroom size and teacher training proposals in this Congress, and I do not recall receiving any letter or indication of interest from the gentleman from Oregon (Mr. DEFAZIO).

Mr. GOSS. Mr. Speaker, I want to speak about foreign policy, a very difficult and delicate task these days. If it were an easy subject, I do not think the Nation's first President would have encouraged us to avoid foreign entanglements altogether, but it is precisely because it is difficult and because risks to Americans and our interests are so great that we have got to exercise all due care and diligence of an exercise of American foreign policy, and that particularly means using our troops and putting them in harm's way.

A successful foreign policy is built on clearly articulating American interests and having the willingness to fight for those interests when and how best appropriate. In other words, knowing what we are doing, looking before we leap. A successful foreign policy is not built on photo opportunities, it is not built on eroding American capability by saying one thing and then doing another. And most certainly it is not built on appeasement.

Most Americans follow international events through the media. The press tends to provide us snapshots of what is going on in the world other than of course the sensational topic du jour that we read about inside the Beltway. The snapshots that have made their way through the haze lately, from Russia to Haiti to Bosnia to Sudan to Iraq, North Korea, to the Middle East are indeed a cause for a great deal of concern. When you take a close look at those events and what the Clinton administration is doing, and in some cases not doing, they are in fact a cause for alarm.

Bosnia:

When President Clinton committed troops to Bosnia in 1995, he promised they would be home by Christmas of 1996. Everybody remember Christmas 1996? Well, that deadline is almost 2 years passed, and our troops remain on the ground with no strategy in place for their withdrawal. Indeed the Clinton administration has no idea has no idea when the troops can be withdrawn. After several years and about 10 billion of taxpayers' funds, it would seem to me that the administration needs to start talking about bringing an end to this mission or accomplishing something more than we are.

Somewhat of an irony, just in the Speaker's Lobby outside of this Chamber we are invited to send Christmas messages and Christmas greetings to our troops in Bosnia. My message is: Hurry home. I wish it were possible to send that message. We cannot send that message in good faith because we do not have policy for that now, and I want to know why not.

And interestingly enough, the administration recently considered bombing Serbia over the Kosovo Province and, in fact, is considering supporting a deployment of some 2,000 observers from the Organization of Cooperation Security in Europe. Of that not many Americans know who is in the Organization of Security and Cooperation, what it is comprised of and what its capabilities are. But I guarantee you they will not be able to do much in Kosovo. I suppose they can watch, as we can watch, but I am not sure they will be able to do much more. I do not even know what the ground rules would be for such observers nor how to protect them. I imagine some would be Russians, some would be appeasers, and some would be other, and I do not know exactly what they would expect to do or how to do it. We need those details as we approach the 72-hour countdown before the ultimatum on using force in Kosovo.

North Korea:

Since 1994 the Clinton administration has pursued a policy of butter for guns with North Korea. The reports out of North Korea suggest that despite its receipt of a hundred million in heavy fuel oil and two hundred million food aid, the dying regime of Kim Jong-Il, there have been repeated violations of the 1994 nuclear agreement that has continued to proliferate ballistic missiles, has continued to divert food aid from the starving population from the needy to the elites of the ruling class, the ruling few. The North Korean regime is engaged in narcotics trafficking and counterfeiting of American dollars.

At some point what this means is the administration is going to have to decide when North Korea has simply gone too far, what does it take? Can we not verify the deal that they are supposed to comply with?

In Iraq a similar situation exists. Since the end of the Gulf War the United States has taken a lead in ensuring Iraqi compliance with the ceasefire agreements. The administration has talked tough on Iraq. We all remember those words the President made, threatening use of force and engaging in a massive show of military might earlier this year. However, the reality is that the effectiveness of the U.N. arms inspections has been badly undermined by the United States. In addition to the mountain of evidence making that clear, the words of Scott Ritter, a former U.S. Marine and leading arms inspector, raises serious questions about the administration's commitment to eliminating Iraq's war making capability.

This is an issue with serious ramification. In addition to the threat of chemical-biological weapons, Iraq has apparently hidden away components to build three nuclear weapons. It simply needs to acquire the necessary fissionable material on the international black market in order to produce a completed nuclear weapon. And we have withdrawn.

This is hardly get tough policy. We need to know more. We need to know now. We need to know it before we go home.

MANY ISSUES FOR THE WANING HOURS OF THE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if I might just take a moment? I see my good friend, JOE KENNEDY, is on the floor of the House, and I was not able to pay tribute to him along with my colleague, Representative HENRY GONZALEZ, and I just wanted them both to know, and I hope to extend my remarks in the RECORD, how much I appreciate their leadership for the Nation. Mr. KENNEDY has been long known as an advocate for the least of those and particularly as he has helped in dollars to assist those seniors without the resources to give them good heating in the winter and air conditioning in the summer, and that is a tough place to be in. So I thank him for his leadership, his kindness, his recognition that the voiceless need a voice.

And then there is nothing more to be said about our senior leader in the Texas delegation, HENRY GONZALEZ, who has for years been a fighter on equal opportunity and home buying in America. He, too, has lifted up those who are voiceless. He is a giant of a person with kindness and dignity, and we wish him well, and we wish my good friend, JOE KENNEDY, well as they retire from this body.

Mr. Speaker, I want to talk about what we can do in these last waning hours, and that is why I am here today, because certainly there are many issues in my district. We have just faced flooding about a month or so ago, and many of my constituents are trying to rebuild their homes. There is a great need for modernization of our schools, and so there is a lot that we, as Members of Congress, could be doing in our local communities. But I would like to assure you, Mr. Speaker, that we can actually do some good here.

There is no reason, Mr. Speaker, why we cannot pass the school modernization legislation that allows us to rebuild our crumbling schools so that schools like those in my district whose roofs are falling in, the wiring is not good, we can actually bring tax relief locally by providing tax credits for those constituents who are putting in bonds in order to rebuild their schools. We can do that.

Mr. Speaker, we can have a real actual collaboration on the census. We understand that sampling is documented by the National Academy of Sciences, the National Foundation of Sciences, which indicate that sampling is the best and accurate way to count the 2000 census. We can still do that, Mr. Speaker.

And frankly I think that we can answer our constituents on the question of a good Patient Bill of Rights. We can do that. We can balance the rights of physicians and patients. We can overcome the burden of HMOs who tell you that you cannot get the service at this emergency room or you cannot continue with this doctor. We can do that, Mr. Speaker.

We can help the home health care agencies. We can tell them that the interim payment system that is brutalizing them, keeping them from keeping our seniors in their homes with their children and protecting them a way from the hospital system or the nursing home, we can get a better system for those small agencies, and I am determined to do so.

And finally, Mr. Speaker, something I would like to talk about that I know America can do because America is a land of equality and good conscience and good-faith. We can pass the Hate Crimes Protection Act. Matthew Shepard should not die in vain, and neither should James Baird, and I believe that we who believe, who are believers, as well as those who want to offer the secular reasons for doing so, even if you may disagree with the beliefs that you think Matthew Shepard represented, he is a human being, and he was killed because of his sexual orientation and because of his difference.

□ 1530

James Baird was killed and dismembered, beheaded in Texas, because he was black. There is no reason why we cannot pass a Hate Crimes Protection Act of 1998 that protects the disabled, it protects you if your religion is different, if your race is different, if your gender is different, if your sexual orientation is different.

We have had some 21 members of the gay lesbian community killed in this Nation because of their difference, and 10,000 hate crimes in this Nation. One person who testified in our hearings in the Committee on the Judiciary said very clearly, "I am not gay, but because it was perceived that I was gay, I was brutally beaten."

Do we want to have a Nation that fights China on human rights grounds, that fights countries in Africa on human rights ground, and yet not stand up and be counted here on the basic human decency of not beating somebody so brutally, hitting them over the head that you crush their skull, leaving like a scarecrow on a fence?

This is not about Wyoming. This is not about the good people of Wyoming or the good people in Texas or the good people in Ohio or the good people in Washington, DC. It is about a Federal standard that insists on human decency. It is about the fact that we have only 40 states that have passed their laws, that Wyoming has defeated hate crimes laws three times, that Texas hate crimes laws were so weak that we could not even prosecute those who dismembered Mr. Baird, and we may have a problem prosecuting those in Wyoming.

Let us do the right thing and pass the hate crimes protection act and all the other good initiatives that the American people want.

MAKING EDUCATION DECISIONS AT THE LOCAL LEVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, I think it is appropriate at this point to rewind the tape a little bit to earlier this year in this very chamber where the President came before the Congress and the American people and requested billions of dollars in additional spending and billions of dollars in additional taxes.

Now, I believe fundamentally that trust and credibility are something that we try to contract with the people who send us here, the ability for us to go back home and tell the people back at Staten Island or Brooklyn that we are fighting to do the right thing here in this country and this Congress. And I believe, and I think a lot of the colleagues on this side of the aisle believe, that the American people are taxed too much; that too many people go to work each and every day and do not see enough come back in the form of their paycheck.

Now, indeed too much money goes to the Federal Government and not enough comes back to the people in Staten Island, the ones that I represent. Obviously what has happened is the Republican majority in the last several months has fought for much needed tax relief and fought for the elimination of the ridiculous marriage penalty tax, whereby millions of American couples are penalized through the Tax Code for being married. That means they pay an additional fee over and above what they should pay just because they are married.

In addition, there are a lot of small business owners around this country who want good health insurance, but they can only deduct approximately 45 percent of that health insurance. What that means essentially is the Federal Government takes that money in place of good health insurance, affecting many of the small business owners' decisions when it comes to the uninsured and providing health insurance for their families. This Congress offered 100 percent deductible to be imposed next year. Not to mention the fact we are trying to stimulate our economy by allowing our economy to grow, and that means getting the money out of Washington and allow people, whether it is in Staten Island, San Francisco, anywhere across the country, to reinvest the money, to save money.

Basically, folks, it is the freedom to spend your money as you see fit and not here in Washington. And we fought month after month, and what happened? The President threatened to veto it and killed the tax relief that was so desperately needed from so many people across this country.

Now we see an attempt to divert attention away from the issue at hand, and, yes, it becomes under the guise of education. Who could not stand in this well and say we do not want to improve education? We have been fighting for years to try to improve education, at least I know back on Staten Island. But there is a philosophical and fundamental difference as to who is best able to make those decisions.

Now, I stand firm and I stand strong to say the people on Staten Island, the parents and the teachers and the principals and the administrators back home are in a better position to make those decisions than bureaucrats here in Washington. All they want to do is send billions more to fund those bureaucrats, to fund the big government, instead of sending the money back home.

We have tried to make progress over the years, but the defenders of the status quo who love more government and bigger government and more bureaucrats at the expense of the children and the families, all they can do is say "no" and divert attention.

Education savings accounts, empowering parents with the flexibility to make the decisions best for their children passed this House. Vetoed by the President. Opportunity scholarships for the students of the Washington, DC school system. To the chagrin of the people on the other side who say it is taking money away, no, in fact, it was not. That is not true. It was money over and above what we were sending to the Washington, DC school system to go to the poorest students who were trapped in the horror of the Washington, DC school system. An opportunity for 2,000 students. The President vetoed it.

More money to the classroom. Ninety-five percent of the Federal money that now finds its way too often in Washington, we were sending it back home to Staten Island and Brooklyn, to the classroom where it is needed most. What happened? A threatened veto. Killed by the President in the White House.

Who can argue with empowering parents, sending more money to the classroom, providing flexibility for local teachers and administrators and local school districts? I will tell you who can argue with that; the people who wanted to divert attention away from doing the people's business, divert attention away from the fact that all they want to do is make the government in Washington bigger and bigger, and take the freedom and liberty away from the people back home in Staten Island and across this country.

I believe strongly that the American people are tired of that record and want to see tax relief and better education options.

EDUCATION POLICY THAT MAKES SENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, as we near the final days of the legislative session, I rise to express my real disappointment with the lack of attention that this Republican Congress has given to public education. Democrats have, month after month, put forth education initiatives to improve our public schools and to provide opportunities for all of our students. We offered an amendment to reduce class size in primary schools to 18 children per class. It was opposed by Republicans. On two occasions we put forth legislation to allow local school authorities to build new schools and to modernize classrooms. We were not talking about Federal authorities, but we were talking about local school authorities to be able to build and modernize these classrooms. These initiatives were rejected by the Republicans.

These are only two examples of the long list of important education initiatives that Republicans have defeated this year. Even worse, they continue to propose counterproductive policies, such as school vouchers and tax incentives for private and religious schools. These efforts undermine public education.

Now, we know that a strong educational system provides students with the necessary background, skills and training to survive and to be productive members of this society and the world community.

We have also learned that education is the best form of crime prevention. A California-based think tank recently released a study showing that crime prevention efforts are more cost effective than building prisons. Of all crime prevention methods, education is the most cost effective method of crime prevention. Yet, rather than invest in education, Republicans would have us funnel more money into prisons.

We see money flowing into sources such as constructing new prisons, as if we need to prepare for the inevitable incarceration of our children. There are now plans on the drawing board to construct prisons within the next 10 to 12 years counting on children who are now 10 years old to fill them.

This is wrong. In fact, the lack of investment in education actually contributes to the enormous incarceration rate. Nineteen percent of adult inmates are completely illiterate and 40 percent are functionally illiterate. Nationwide, over 70 percent of all people entering state correctional facilities have not completed high school. In our juvenile justice system, youth at a median age of 15 read on average at the same level as most nine-year-olds.

So it is imperative that we begin to refocus on education and building schools, instead of building prisons. With children attending classes in trailers, being subjected to unheated and sometimes unsafe buildings, or packed together 35 in a classroom, it is no wonder that too many students are not learning and receiving the healthy start they need to succeed in the competitive fast-paced working world.

Education is the key to our investment in the future. We should be constructing new classrooms, building after school facilities and strengthening important programs like preschool and after school programs, not concentrating on more centers for incarceration. By attending to students' academic, physical and emotional needs, we can prevent the experiences of neglect and abandonment that can lead to misbehavior and even criminal activity.

Investing in education makes sense. It makes sense for our national budget, it makes sense for the safety of our communities and it makes sense for the well-being of our children. It is my hope that in the final hours of negotiation and debate, that this Congress can pull together and give the remaining public education initiatives the priority they deserve. We owe at least this much to our students.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MICA. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from Virginia (Mr. DAVIS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SCANDAL IN WASHINGTON CONCERNING PUBLIC EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I would like to talk about scandal in Washington. The scandal in Washington really is what the Democrats and the former majority party did to public education in 40 years.

In 40 years, when they controlled the House and the other body, they nearly destroyed public education. If you ask anyone, any teacher, any high school principal or elementary principal in our public schools what is wrong with our schools today, they will tell you, very simply, it is not just a need for more teachers and better teachers, it is a question of some fundamentals.

We have lost control of our classrooms, they will tell you. There is no discipline in the classroom. Why is there no discipline? Because the liberal policies of the other side for 40 years has eroded the principles of discipline, the power to the teacher, the power to the local school board, the power to the parent. That is one of the major problems facing our public schools today. So the scandal is what they have done to public education in the United States.

Let me tell you about the other scandal that they have committed in education. The scandal is they have created a bureaucracy that is unparalleled in any civilization in education. Now, listen to this quote from Investor's Daily, just an observation they made: "School funding in 40 years has quadrupled. Teachers' salaries have only increased during that same period 43 percent."

Teachers only account now for barely half the personnel in public schools. That is because they have built an unparalleled bureaucracy. That bureaucracy starts right here in Washington, DC. There are 5,000, count them, full-time employees in the Department of Education; 3,600 of them are in Washington, DC.

Now, we may need a Department of Education, I do not want to get into that debate, but I do not have in my school district teachers who are making the $50,000 to $100,000 that these 5,000 bureaucrats are making in the Federal Department of Education.

□ 1545

This is about control, this is about bureaucracy. What do 5,000 Federal bureaucrats and 10,000 more contract bureaucrats that they have hired to hide, what do they do with education, public education today? They regulate. It is unbelievable. Talk to a teacher, talk to a principal, I beg the Members. They will tell us the scandal that has been committed by the other side of the aisle. They have passed so many rules, so much red tape, so many regulations that our teachers cannot teach.

We see here that most of our school budgets now are going for bureaucracy, administrators, regulators, and all the myriad obligations that have been mandated from Washington, because they control and they want to maintain power. They have created 788 Federal education programs, dozens and dozens, and bureaucrats. They all have their programs, so a teacher cannot have control of the classroom. Ask any teacher. A teacher is inundated with paperwork, and school boards and even State agencies are mandated to create this huge bureaucracy.

What we need is 100,000 less bureaucrats in education. That is what this battle is about. That is why we are here. That is why I am almost hoarse, because I got up the other night and tried to explain this to my colleagues and the American people.

They want to pass regulations. They want to make certain that teachers do not teach. They want to have the most expensive approach to education. They have ruined public education. We are trying to take that back. It is simple: We want the money to go to the classrooms. We voted 95 percent, that it should go to the classrooms, to the teachers, for basic education, not for the bureaucracy that has been created.

We said that we want the teacher and the parent to have control. That was the foundation of public education. My wife was an elementary teacher. I have a degree in education. I did not want to teach because of the conditions in our classrooms. That is the same reason that we have this. We need to keep control with the parents and we need to stop the control of Washington. That is what this is all about.

INTRODUCING THE REPETITIVE FLOOD LOSS REDUCTION ACT OF 1998

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

CRUMBLING AND INADEQUATE INFRASTRUCTURE ARE THE TRUE PROBLEMS FACING PUBLIC EDUCATION, NOT FEDERAL CONTROL OR OVER-REGULATION

Mr. BENTSEN. Mr. Speaker, I am speaking today on a bill I am introducing, but before I do, let me just say something. A lot of Members come to the floor and say things, and get a little carried away. I just have to make a couple of comments.

For the last 40 years, while the Democrats may have controlled the House, the history I learned showed that the Republicans controlled the other body, off and on on a number of occasions, and there are two bodies in our system. That is how legislation is done.

Second of all, let me say that at least in my State of Texas, and I cannot speak for the other States, I only represent part of Texas, I find that it is the State legislature that sets the regulations, along with the school boards.

I was in a school in my district not long ago. The teachers I talked to did not say one thing about Federal regulations. What they talked about was the fact that they had an air conditioning system that was 35 years old, and that the school was crumbling, that the foundation was cracked. If they had any gripes, it was not even with the State legislature, it was with the local school board. So every State is different and everybody's situation is different.

Mr. Speaker, I rise today to introduce legislation, the Repetitive Flood Loss Reduction Act of 1998, to reform the National Flood Insurance Program by improving pre-disaster mitigation and facilitating voluntary buyouts of repetitively flooded properties.

I am hopeful that an effective pre-disaster mitigation and buy-out program will both reduce costs to taxpayers and better protect residents of flood-prone areas.

I have drafted this legislation in consultation with the Federal Emergency Management Agency and the Harris County, Texas, Flood Control District, one of the Nation's most experienced and innovative flood control districts. However, I want to emphasize that I consider this legislation to be a starting point to begin the debate, and I look forward to input from my colleagues, my constituents, and other interested parties, so an improved version of this legislation can be introduced in the 106th Congress.

Some ideas in this bill will be considered controversial and may need to be changed. By introducing this bill, I am not endorsing each provision, but rather, the idea that some action needs to be taken to reform the National Flood Insurance Program. In fact, it is my hope that the public will review the contents of the bill and make their specific support and objections known, so we can develop consensus legislation.

The need for this legislation was underscored by a recent report by the National Wildlife Federation, that the National Flood Insurance Program has made flood insurance payments exceeding the values of the properties involved to thousands of repetitively flooded properties around the Nation.

This report, entitled Higher Ground, found that from 1978 to 1995, 5,629 repetitively flooded homes had received $416 million in payments, far in excess of their market value of $307 million.

My State of Texas led the Nation in volume of such payments, with more than $144 million, or $44 million more than the market value, paid to 1,305 repetitively flooded homes. The Houston/Harris County area, which I represent, had 132 of the 200 properties that generated the largest flood insurance payments beyond their actual value.

This included one property in South Houston that received a total of $929,680 in flood insurance payments from 17 flooding incidents, and another property near the San Jacinto river that received $806,591 for 16 flooding incidents, about 7 times the actual value of the home.

Other areas around the country have also had the same incidents occur. Altogether, according to the National Wildlife Federation report, although repetitive flood loss properties represent only 2 percent of all properties insured by the National Flood Insurance Program, they claim 40 percent of all NFIP payments during the period studied.

Since its creation in 1968, the NFIP has filled an essential need in offering low-cost flood insurance to homeowners who live inside 100-year flood plains. The program has helped to limit the exposure of taxpayers to disaster costs associated with flooding. However, the recent report clearly points out the need to improve the NFIP to address the problem of repetitive loss property.

Furthermore continued losses to the NFIP has increased the call by some of my colleagues to increase premiums and reduce the Federal subsidy for all Federal homeowners in the flood plain, not just those who suffer from repetitive flooding loss, in order to reduce Federal budget outlays.

Without long-term comprehensive reform of the NFIP, I am concerned that in the future, Congress may follow through with proposals to double or triple flood insurance premiums for all flood-prone homeowners, as was proposed in 1995 and 1996. Many of us, myself included, fought vigorously to oppose these increases, but our victory will be short-lived if we do not make changes in the program.

These repetitive loss properties represent an enormous cost for taxpayers. They are also a tremendous burden to residents whose lives are disrupted every time there is a flood. In many cases, these residents want to move but cannot afford to do so. By repeatedly compensating them for flood damage, current Federal law makes it easier for them to continue living where they are, rather than moving to higher ground.

I ask my colleagues to look at the bill and please comment on it.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to exchange special order times with the gentleman from Michigan (Mr. EHLERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WHAT THIS CONGRESS HAS DONE FOR PUBLIC EDUCATION AND SPECIAL EDUCATION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, a previous speaker asked the question, what has this Congress done for education, and in particular, she said, what has this Congress done for public education? She should be very proud of what this Congress has done as far as education is concerned during the last 2 years.

Just a few of the issues that we have enacted into law, which the President has already signed: The Higher Education Act, a bipartisan effort; special education, signed into law, the second largest program from the Federal Government in relationship to elementary and secondary education; the Workforce Investment Act, signed into law; loan forgiveness for new teachers, signed into law; quality teaching grants, that is the law; emergency student loans, that is law; and yes, in a bipartisan way, prohibition on Federal school tests. That is in law.

This Congress has also, for public education, dealt with school nutrition and reauthorized the school nutrition legislation, very important to schools; charter schools for public schools, $100 million; quality Head Start, again, bipartisan, and again, bicameral; vocational education; Community Services Block Grant; $500 million extra for special education; and the Reading Excellence Act.

That is only 14 programs; I might say, probably more than any Congress in the history of my term in the Congress; by far anything more than I have seen in a long, long time.

The issue is not what we have done or what we may not have done; the issue is, where is the control. We believe that if we are going to reform education and make a positive effort, it starts from the bottom up. We do not try any longer, as we have done for so many years, to say, "Here, this is coming from the Federal Government. It is good because we said it is good. We know that one-size-fits-all. You do not know anything, on the local level. You should not make any decisions. We know it all."

That is not the way it works, and it has not worked. We ought to admit that it has not worked. We are trying something different: passing 14 pieces of legislation dealing with elementary schools, secondary schools, public schools, for $31 plus billion in this year's budget for education.

Special education got a $750 million boost last year. It is going to get another $500 million this year. This is the one unfunded curriculum mandate from the Federal Government, a 100 percent mandate from the Federal Government.

Thirty years ago local government was promised that they will get 40 percent of the excess costs. Whatever it costs them to educate a regular student, and all of that above to educate a special needs student, we will send them 40 percent. We sent them, until 2 years ago, 6 percent. We are about up to 12 percent.

But as I have mentioned so many times, in California, the Los Angeles Unified School District, it means $60 million a year, every year. Now, if we talk about reforming schools, talk about the pupil-to-teacher ratio, talk about school maintenance, what they could do with $60 million, if we would put our money where our mouth is. That is a tragedy. In the St. Louis schools there is a $25 million increase every year, and on and on it goes.

So what we have done is tried to get money back so that they could do on the local level what they want to do to improve schools. But they cannot do it because, for instance, in Los Angeles, they have to raise $325 million from their local taxpayers to pay for our 100 percent mandate. They would have that $325 million, at least they would have $60 million more at the present time.

I tried to get this point across for 20 years in the minority, and now as a member of the majority, because that is the biggest problem facing local school districts: How do we fund the 100 percent mandate? They do not know how to do that. They do not have a tax base in order to do that. The mandate came from here.

So I am pretty proud of the fact that in the last 2 years, $750 million and another $500 million. This will be the first year that local school districts will be able to reduce their spending on special ed so they can put it into maintenance, they can put it into new teachers, they can put it into additional teachers, reduce class size all of those things. But if they got the 40 percent of the excess costs, it is unbelievable what they could do on the local level.

I would hope that no one leaves the Congress this session without being proud of what we have been able to do in the area of public education.

THE STATUS OF LEGISLATION RECOMMENDED BY THE WOMEN'S CONGRESSIONAL CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon in sincere gratitude and sincere regret, in my capacity as chair of this session of the Women's Congressional Caucus. In that capacity I have worked most productively with the cochair, the gentlewoman from Connecticut (Mrs. NANCY JOHNSON). The work we have produced I think indicates what happens when Members work together.

I want to say a word about my gratitude, and then how what we have achieved has been quite overwhelmed by what women have been denied. I want to acknowledge the innovations that we designed this year, and the must-pass agenda. It had the help of the Speaker, gentleman from Georgia (Mr. GINGRICH) and the minority leader, the gentleman from Missouri (Mr. GEPHARDT).

Three of our seven priorities were passed. Two were vital to women: the reauthorization of the Mammography Quality Standards Act, which assures women that both the equipment and personnel involved in mammograms are up to standards; and sections of the Violence Against Women Act. There was a third important bill on our must-pass agenda, the Commission on Women, Minorities, and People with Disabilities in Science, Engineering, and Technology Jobs.

□ 1600

Two more bills of great importance to women I want to acknowledge. We beat back an attempt to take women out of basic training and separate them from men, and we passed an Innocent Spouse Tax Relief Act. These are very important, and I do not want to denigrate what they are.

But, Mr. Speaker, these are overwhelmed by the regret that I bring to the floor this afternoon and that regret boils down to the three Cs: Choice, Contraception and Child Care.

Mr. Speaker, if we were to ask women how they would rate this Congress, I think the three Cs would give us an F. Choice, because since the majority took control, we have had a hundred votes on choice, which should be a settled vote in this body, 23 of them in the 105th Congress. We continue to be obsessed with choice, though the American people have laid this issue to rest. In this Congress, the Hyde amendment is no longer an appropriation rider, but became law. Shame on us.

Perhaps the greatest disappointment was in contraception, where we had a case study on how victory can be stolen from women. Because both the House and the Senate voted to include the full range of contraceptive coverage for Federal employees in Federal employees' health plans. This, which had the support of this body, majority support of this body, passed by voice vote in the Senate and was stripped out in conference in a move that deserves remark for its profound anti-democratic tactics.

Then there is the one issue we hoped would be passed this year. This should have been the year of the child. Child care would have made it the year of the child. The Women's Caucus put together what we thought was a bipartisan set of principles that would produce child care in this session. Something for each side of the aisle. For Democrats who tend to be concerned about working families, more low-income certificates. Particularly, because the welfare to work is absorbing all of the child care, leaving little for women who want to go to work, for them, for low-income families. And then for stay-at-home spouses, we said we would accept a bill for tax relief for stay-at-home spouses, and then we would accept quality that was State imposed and the Federal Government would assist the States to bring up the quality of child care.

Mr. Speaker, anybody who cannot get a bipartisan bill for our children out of that is not trying hard enough, and we have not tried hard enough in the 105th Congress as long as mainstream issues like choice, contraception, like child care are not done by this Congress.

Whatever we do, including the must-pass victories of the Women's Caucus, will be overwhelmed when the gavel goes down on this Congress. As delighted as I am by the passage of three of our four priorities, we of the Women's Caucus of the 105th Congress will have to answer the question: "What did you do for women in the 105th?" The answer from American women will be: Not much.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 3687. An act to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3910. An act to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

H.R. 4326. An act to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which concurrence of the House is requested:

S. 1222. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 2039. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 2276. An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. Con. Res. 124. Concurrent resolution expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1408) "An Act to establish the Lower East Side Tenement National Historic Site, and for other purposes.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1693) "An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1718) "An Act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1754) "An Act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2432) "An Act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.".

EXCHANGE OF SPECIAL ORDER TIME

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from South Dakota (Mr. THUNE).

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

2000 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, last evening, a meeting was held in my office with two senior Democrats to discuss the issue of the 2000 Census. It is unfortunate that not only was the confidence of this meeting broken, but my position was misrepresented. Obviously, there are those who would betray a confidence for what they believe to be a short-term political gain.

Let me make clear what transpired at the meeting and what my position is on the 2000 Census. The position of these Democrats was that they wanted to remove Congress from the decision-making process for the 2000 Census. I disagree. At no time did I say that there would not be funding for the 2000 Census. As I have said publicly before, the one thing we can all be sure of is there will be a 2000 Census.

What I did say is the simple fact that if the Supreme Court might rule that sampling is legal, it does not automatically mean there will be sampling in the 2000 Census.

Let me explain, as I did last night. The Supreme Court is going to rule on whether or not sampling is legal or constitutional, not if the Clinton sampling plan will work. That issue is very much debatable. In fact, even the National Academy of Sciences which has endorsed the concept of sampling has not endorsed this plan.

Additionally, as I pointed out last night, the administration has been arguing that the Supreme Court case should not be considered on its merits, but rather dismissed because the House of Representatives lacks standing and the issue is not ripe for review. If this were to happen, why would Congress allow the administration to use sampling when the entire census would be invalidated in the future when standing is no longer an issue and sampling is ripe for review? We already have the writing on the wall. Two Federal courts and six Federal judges have unanimously ruled that sampling is illegal. How many judges does it take to get the message through?

The Republican position on this issue is crystal clear and makes the most sense. Here are six common sense reasons why the appropriations language which prohibits the Census Bureau from spending money after March 1999 should remain as it is:

First, six Federal judges have ruled that sampling is illegal.

Two, there is nothing in our appropriations language which prevents the bureau from preparing for both sampling and a non-sampling census. In fact, we have worked with the bureau to make sure that they have more money in the first 6 months than in the second 6 months. We have told the bureau that they will not have any cash flow problems.

Three, in all likelihood, the Supreme Court will have decided this by March 1999. The case is on an expedited track and oral arguments are set before the Supreme Court for November 30.

Four, by March, the information from the dress rehearsal will have been reviewed and available for study.

Number five, by March, the bipartisan Census Monitoring Board will have issued its report on the 2000 Census.

And six, Congress must have a role in deciding how to conduct the 2000 Census. Without the appropriations language, the administration is free to unilaterally decide how the 2000 Census is conducted.

Our position is clear and reasonable. The Democrats fear a ruling of the Supreme Court against sampling will devastate the chances for its use in 2000. They are desperately trying to figure out a way to diminish the importance of the court case.

The common sense approach is to give the Census Bureau the money to function for the year, restrict spending after March, and wait until we have all the information needed to decide how to conduct the 2000 Census.

Mr. Speaker, I hope in the future that these House Democrats can be trusted to negotiate in good faith. At this point, after the misrepresentations of last evening's private conversations, I have grave doubts.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Connecticut (Ms. DELAURO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

MORE MONEY TO IMF WILL ONLY MAKE WORLD ECONOMIC SITUATIONS WORSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, let me begin by expressing my strong objection to the current legislative process in the House. Some day soon, we do not know, maybe tomorrow, maybe Friday, maybe Saturday, eight appropriations bills, which as I understand it will add up to some $500 billion, will be dumped into one omnibus bill. Members here, with relatively little knowledge as to what is in that legislation, are going to vote for it. I think that is a pretty poor process.

What is of particular concern to me is that within that huge omnibus bill will be, as I understand it, an $18 billion appropriation for the expansion of the IMF, the International Monetary Fund.

Now, it seems to me that in a time when we are cutting back on veterans' benefits, when 43 million Americans have no health care, when millions of middle-class families are unable to afford to send their kids to college, that maybe, just maybe, we might want to have an open debate upon the wisdom of putting $18 billion of taxpayers' money into the IMF. Maybe we would like to hear the pros and the cons of that discussion. Maybe we would like to see an up-or-down vote on that issue. But I guess that is not going to happen.

Mr. Speaker, President Clinton wants the IMF. The gentleman from Georgia (Mr. GINGRICH) wants the IMF. Every large multinational corporation in this country wants the IMF. The corporate media wants the IMF. And, I guess, they are going to get the IMF without any serious debate.

But let me just say a few words about the IMF. I happen to agree with those people who say that the international economy is in a fragile state right now and that the United States has got to act. I disagree with those people who say that the solution is to pour more money into the IMF.

In my opinion, if recent history is any indicator of what might happen in the future, giving more money to the IMF might only make a bad situation, an unstable situation even worse. All we have to do is take a hard look at what has happened throughout the world in those countries which the IMF has "helped" to understand that maybe the IMF path is not the road that we want to go down.

They "helped" the people of Mexico several years ago. Today, as a result or partially as a result of their help, the Mexican economy is in disastrous condition. Wages are down. Unemployment and child labor are up. And their Congress in Mexico is now addressing a massive bailout of their banking system.

But something did happen out of the Mexican bailout of several years ago. That is that the investors that we bailed out, the large banks and speculators, learned a very important lesson. They learned that the taxpayers of the United States would be there no matter how ill-advised or stupid their investments might be, no matter how much money they might lose. No problem, Uncle Sam was there to bail them out.

They took that lesson to Asia, and they continued that process. They pumped huge sums of money into Thailand and Malaysia and Indonesia and South Korea. And then, when that part of the world began to suffer, no problem, the President, Mr. Rubin and Mr. Summers and everyone said well, we have got to bail them out again, and we bailed them out again.

We bailed out major banks and financial investors because we do not want them to lose any money. Small businesspeople, family farmers, hey, they can lose money. But when it's the Chase Manhattan Bank, they are not supposed to lose money. They only make money, I suppose.

Then the meltdown in Russia began. Poor Russia. It is incredible that a great country with such a tragic history has got to suffer all over again. When communism fell in 1991, the Russian Government received the attention and the guidance of the IMF and all of their wonderful policy advisors. Tragically, the Russian Government listened to them and took their advice. It is fair to say that never before in modern history has a major industrialized Nation experienced the kind of decline in a 7-year period as Russia has under IMF guidance and with $20 billion of IMF loans.

Mr. Speaker, those people who are asking our taxpayers for $18 billion in order to expand the functioning of the IMF are telling us that the global economy is in a fragile state, economic contagion is a reality, and that the United States could well suffer if the crisis in the global economy is not addressed.

Well, let me say this, I believe that the global economy is in a fragile state, economic contagion is a reality, and that the United States could well suffer if the crisis in the global economy is not addressed. But I very strongly differ with our friends who believe that another $18 billion will make the situation better. In my opinion, if recent history is any indicator of what might happen in the future, giving more money to the IMF will only make a bad situation worse. Four years ago when Mexico was in dire economic circumstances Mr. Rubin, Mr. Greenspan, President Clinton, Mr. GINGRICH, corporate America, and all of the Corporate media told us that we would have to pony-up and bail out investors who had lost money in that country. We were told that if Mexico went under the contagion would spread, and there would be an international economic disaster would occur. Well, some of us fought very hard against that bail out, but we lost. Today, the Mexican economy is in disastrous condition, wages are way down, unemployment and child labor are way up, and their congress is now addressing a massive bail out of their banking system.

But something did happen out of the Mexican bailout, the investors that we bailed out, the large banks and speculators, learned a very important lesson. They learned that the taxpayers of this country would be there to make sure that no matter how stupid or ill-advised Uncle Sam and the American taxpayers were there to protect their interests. And, with that knowledge in mind, these reckless and irresponsible international investors poured huge sums of money into Asia and Russia—with the full confidence that the U.S. Government and the IMF would be there to bail them out again if they suffered any losses.

Last year, when Thailand, Malaysia, Indonesia, and South Korea suffered their economic meltdown, Mr. Rubin, Mr. Greenspan, NEWT GINGRICH, President Clinton, and corporate America, were chanting their mantra again. And in unison they cried out "Let's bail-out the banks and financial investors who lost money doing business in Asia because if we don't the contagion will spread." And, against my vote and my strong opposition, the IMF bailed out Asia.

And then the meltdown in Russia began. Poor Russia. It is incredible that a great country with such a tragic history has got to suffer again. When communism fell in 1991, the Russian government received the attention and the guidance of the IMF and all of their brilliant policy advisors, and tragically the Russian government listened to them and took their advice. It is fair to argue that never before in modern history has a major industrialized nation experienced the kind of decline in a seven-year period as Russia has under IMF guidance, and with $20 billion of IMF loans.

In Russia today millions of workers are unpaid, old people do not receive their pensions, and hunger and malnutrition are very serious concerns. Russia's GDP has fallen by at least 50 percent, capital investment by 90 percent, and meat and dairy livestock herds by 75 percent. A nation that, despite their inefficient and bureaucratic system, used to be one of the great agricultural and manufacturing producers in the world now imports a majority of its food and produces almost nothing. And, as we all know, Russia has recently defaulted on its loans.

Meanwhile, in Russia a handful of people who have accumulated billions of dollars, much of it illegally and through swindles, have enormous power over that country which is rampant with corruption. At a hearing that SPENCER BACHUS and I held last week, two economists from Russia, one from the left and one from the right, both stated that it would be foolish to give the IMF money because that money would simply disappear in corruption and not help the Russian people.

Given the horrendous record of the IMF in making life worse for the people of Mexico, worse for the people of Asia, worse for the people of Russia—not to mention all of the suffering that "austerity programs" have caused in Africa and Latin America, why in God's name would anyone want to continue along the incredible path of failure that has been developed by the IMF?

Now I should add, however, that while the taxpayers of this country are at risk for IMF expenditures, and while people throughout the world are suffering as a result of IMF policy, not everybody gets hurt. In country after country where IMF policy has developed, the richest people in those countries invariably become richer, and we now have the absurd situation in which 358 of the wealthiest people in the world own more wealth than the bottom 45 percent of the worlds population, or 2.3 billion.

The United States cannot turn its back on the world's economy, and we must address the very serious economic situation which is unfolding, but we must do it in a new way. Our goal must be to develop sustainable economies in countries throughout the world, not boom or bust economies designed to make foreign investors rich. Our goal must be to make the United States an ally of the poor and the hungry, not a spokesman for the rich, the powerful, and the corrupt.

Mr. Speaker, this is the opinion of BERNIE SANDERS. Now let me quote from some other sources about the role that the IMF has played. "It's only a bit of an overstatement to say that the free-market, IMF, Bob Rubin, and Larry Summers, model is in shambles," said John S. Wadsworth, Jr. who runs Morgan Stanley's operations in Asia.

According to a Wall Street Journal editorial from July 20, 1998 "The IMF helped create the very crisis that Mr. Camdessus says he now needs more money to solve." According to Congressman Carlos Heredia, representing 126 deputies in the Mexican Congress, "Contrary to the view promulgated by the Clinton administration and the U.S. media, the packaging of 12.5 billion from the ESF and 17.8 billion from the International Monetary Fund to bail out Mexico benefited only foreign investors and a small group of already wealthy Mexican investors while wreaking havoc on our national economy."

A letter from 140 American and international environmental groups, labor unions, and development organizations says and I quote, "the disastrous impact of IMF-imposed policies on workers rights, environmental protection, and economic growth and development; the crushing debt repayment burden of poor countries as a result of IMF policies; and the continuing secrecy of IMF operations provide ample justification for denying increased funding to the IMF."

THE PRESIDENT'S RECORD ON EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise, as I did last night about this time, as the chairman of the House Subcommittee on Early Childhood, Youth, and Families of the Committee on Education to respectfully suggest that if the President of the United States is genuinely concerned about the education and well-being of our children, perhaps he ought to examine the lessons and the example that his own personal behavior is setting for our children.

Mr. Speaker, I can understand, though, why the President would want to perhaps shift the focus of the debate. He has, I guess, a number of very good reasons for shifting the focus of the debate, one of which is his real record on education.

In just this Congress over the last 2 years, the President has vetoed our legislation to send directly down to the local level, down to local school districts and into local school classrooms, $800 million of funding in block grants.

He has vetoed our legislation denying American taxpayers the right to invest their own hard-earned money in tax-free savings accounts and then make tax-free withdrawals to spend for a variety of educational purposes as they deem best suited and most appropriate for their children.

He has vetoed our legislation that puts an emphasis on improving the quality of teaching in American classrooms through improving traditional teacher education and training at colleges and universities, as well as more emphasis on professional development in in-service training for teachers, including our provision to give really outstanding teachers merit pay.

□ 1615

We really do believe in the philosophy that the teaching profession is a missionary calling and a teacher can never tell where their influence might end because they can effect eternity through that profound influence they have on the child and then through that child to future generations.

He vetoed our legislation putting an emphasis on helping to make sure that all of our children can read and write well in English, the official common and commercial language of this country, by the end of the third grade, and he vetoed our legislation giving the poorest of the poor families, who all too often are found neglected in the middle of inner cities, scholarships so that they can send their children to the school of their choice. That is particularly important if their children are trapped in a failing or unsafe or underperforming school, all items, all part of our very impressive Republican record, common sense, conservative Republican record on education which the President has seen fit to veto.

But he has not vetoed all of our legislation, which leads me to my second chart. On Saturday, the House minority leader, the gentleman from Missouri (Mr. GEPHARDT), the leader of House Democrats said, we have not spent one day, one minute, one second on our most important challenge, making sure every child is a productive citizen in a global economy. You know, because of the chart that I just held up, that that comment is pure nonsense. And the very next day the President said, in just the last two days, Republicans and Democrats have worked together to pass strong charter school and vocational education measures.

Are you confused yet? I certainly am. I think congressional Democrats are as well. I am the author of both of those bills, the charter school and vocational education bills that will soon become law. I take real exception to this kind of blatant political gamesmanship and partisan hypocrisy.

The gentleman from Missouri (Mr. GEPHARDT) made these comments on the very day that he voted for the charter school bill which passed the House of Representatives by a vote of 369 to 50. The President made his comments the very next day, with the gentleman from Missouri (Mr. GEPHARDT) seated directly at his side at the conclusion of a White House meeting on the budget negotiations. So which is it?

This is blatant hypocrisy. What we are really fighting here is a losing philosophical battle, because we Republicans believe that in fighting for our children's future and in trying to improve the quality of American education, we can only get there by emphasizing local control and decisionmaking, by putting greater emphasis on more parental involvement and choice in education, shifting the education paradigm from the providers of education to the consumers of education, raising teacher competency and strengthening accountability. And we can only do that by infusing competition and choice into the education system. It is called the market system, market principles. That is how we will get the reforms and the results that everybody wants in this country, certainly every parent, better pupil performance and higher student achievement.

So what you have been hearing in the House of Representatives over the last few days is a partisan debate on how we should proceed. And I quote, in conclusion, an editorial from a newspaper in the district of the gentleman from Pennsylvania (Mr. GOODLING) that he gave me just before leaving:

"The argument behind the Democratic approach is that local officials don't have the talent, character or motivation to use the money wisely. Only the Solomons in Washington have the necessary attributes."

Mr. Speaker, our record beats their rhetoric, and that is why we are a growing majority in the Congress and in the country.

A HISTORY LESSON WORTH REMEMBERING

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, my colleagues on the other side of the aisle need to brush up on their history lessons. When they talk about block granting the President's teachers initiative to put 100,000 more teachers in the classroom, they should start by reviewing the history of the cops on the beat program.

In 1995, House Republicans voted to eliminate the cops on the beat program and replace it with a block grant. But we prevailed; the program remains intact. And despite all the predictions of an out-of-control bureaucracy, the cops program has been one of the most successful and popular Federal programs in our history.

This program is making a real difference to people across this country. It is making a real difference to the people in my district in Northern California, the district just north of the Golden Gate bridge. The cops program is helping my district to be a safer place to live, a safer place to raise our children. This same program is making other districts, all of the districts across the country that much safer for families.

Since the cops program began, local police departments in my district, which includes Marin and Sonoma Counties, have received a total of more than $4.4 million in Federal funding, including nearly $2 million in funds for public safety departments, to hire the equivalent of 38 new police officers. Cops funding has been used for a variety of public safety programs, including establishing domestic violence reduction programs.

Guess what? There is no out-of-control bureaucracy. There are no hoops to jump through, no red tape. Police departments have had the flexibility to put officers and other resources where they need them the most. The Clinton initiative for schools to hire 100,000 new teachers would be much the same. Yet despite the overwhelming success of the targeted cops program, House Republicans want to do the same thing that they proposed for that program to the President's teachers initiative, that they tried to do before. They want to use a block grant rather than target funds to hire the new teachers. Will they never learn?

We already know that overcrowded classrooms is one of the biggest obstacles to improving education for our children, and we know that a block grant cannot guarantee our kids smaller classes unless we guarantee more trained teachers.

Democrats want to target funds to schools to hire more teachers using the title I formula.

They want to use the title VI formula. They will not use the title I formula, when title I is the most successful education funding formula and it will guarantee that our Federal dollars are used to hire teachers and, in turn, reduce class size.

Democrats also want to help schools reduce class size by financing school bond initiatives. Too many American students are trying to learn in crumbling, unsafe school buildings or in temporary trailers which have turned into permanent trailers in school parking lots.

Democrats also want many of our students that are already missing out on technology and being part of the technology superhighway to help their schools get wired.

This Congress should be helping communities repair their unsafe schools. They should be helping communities renovate their school buildings and they should be helping their communities make sure that these temporary-turned-into-permanent trailers are not a real ongoing part of their school.

Mr. Speaker, children make up 25 percent of our population, but they are 100 percent of our future. Investing in their education is the best way to invest in their future and, therefore, the best way to invest in the future of the United States of America.

IN SUPPORT OF H.R. 4567

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this afternoon to once again urge passage of legislation that this body passed several days ago, in fact last Saturday we passed H.R. 4567, which provides funding for home health care agencies hardest hit by changes made in last year's Medicare bill. Unfortunately the Senate has yet to address this legislation, and it is an awfully critical issue for the senior citizens as well as home health care providers in the State of Kansas and across the country.

While I recognize the need to curb Medicare costs, we need to direct changes at fraud, waste and abuse. The changes that we made last year in many cases were simply across-the-board cuts in funding, and unfortunately this has had a dramatic impact on some of the most cost-effective providers in our communities across the country.

H.R. 4567 would provide relief for our senior citizens in need of home health care. These issues are critical to many senior citizens.

Many senior citizens have attempted to keep their loved ones in home. Many people have tried to stay in their home, and they are only able to do so because of the benefits of home health care.

In my home State of Kansas, a number of those agencies that provide home health care services have already closed their doors. And for the people that they provide services to in rural areas and small communities, the loss of their home health care agency often means a loss of this service, resulting in increased cost and a lessening of the quality of life.

Home health services provide senior citizens with the opportunity to remain in their own homes with their own families, and ultimately they save Medicare program costs, which exist because of the alternative being hospital care or long-term care.

While this legislation is not a perfect solution, it does represent a step in the right direction. Congress knew that this payment system was flawed in the home health care area and assured our senior citizens that there would be a short-term fix. We now know that this new "short-term fix" will last a long time, causing continual problems for home health care agencies and the people that they serve.

This new payment system that we are told is waiting in the wings is now not going to be ready until next year and perhaps not even until the following year.

We simply cannot afford to close this session of Congress without the Senate addressing the bill that the House has already passed, without incurring dire consequences to the citizens of this country.

The Medicare home health care patients in this country and in Kansas desperately need reforms. I urge the Senate to join the House in passing this bipartisan legislation.

A WORLD SERIES CHALLENGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the 17th congressional district in New York covers a large part of Bronx County. We affectionately call Bronx "the Bronx," it is one of the only places in the country where we put the "the" in front of it. I am Bronx born and bred. The Bronx is not only famous for the Bronx Zoo and for the Bronx cheer, but it is also famous for the Bronx Bombers, notably the New York Yankees.

And last night at the close of the last vote, I flew back to New York to be at Yankee stadium and watch the New York Yankees win the American League pennant and now the World Series will begin Saturday night at Yankee stadium.

I was raised just a few blocks from Yankee stadium. When I was boy I used to walk to Yankee games. Now I look forward, Saturday night, to seeing the Yankees march on to win the World Series.

This year, Mr. Speaker, the Yankees set an American League record, winning a record 114 games. And, of course, this week's Baseball Weekly has a picture of Bernie Williams on the front page, and it says, Bronx Battlers, and so we are very, very proud of that in the Bronx.

I take to the well today to issue a challenge to my colleagues from both San Diego and Atlanta. We do not quite know who is going to win the National League pennant, but it will be decided in a day or two. I would like to issue a challenge to them. I would like to bet them on the eventual winner of the World Series for 1998. I have no doubt that it will be the New York Yankees.

And let me say that I would be more than willing, when the Yankees win, to take them on a tour of the Bronx. The Bronx has come back after many years and we are very, very proud of the 1.3 million people living in the Bronx and very, very proud of what the Bronx Bombers, the New York Yankees, have accomplished.

So since we probably will be out of session by Thursday or Friday and we might not know who the Yankees will face, I want to issue a challenge again to my colleagues from both Atlanta and San Diego. I would be very happy to take a tour of their district, if their team wins, but of course their team will not. So I want to invite them to take a tour of the Bronx after the New York Yankees win the World Series.

□ 1630

LEAVE THE RUNNING OF SCHOOLS TO THE SCHOOL BOARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am a former teacher from Everett, Washington. Over the 30 years I have taught in Everett, there are now thousands of former students in Washington State and scattered across the Nation. I know how crucial the education improvements in this budget are.

We must now make education one of our top priorities. Yet, we are all well aware that Washington, D.C. cannot run our schools. It would be a disaster for us to try. Our mission is to support education but leave maximum power and authority at the State and local levels.

Our school systems worked so well when the parents and the local school boards had full responsibility for local schools. However, the financing of education has not kept pace, so our best course now is to provide all the money possible and leave the actual running of the schools in the hands of the local school board and of the teachers, remembering, however, that the parents must retain ultimate control of schools or the system will fail the students.

THE TRUTH NEEDS TO BE TOLD ABOUT HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois (Mr. HASTERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. HASTERT. Mr. Speaker, I just want to weigh in with the previous speaker. I did also teach for 16 years in Illinois, and I see the rhetoric and have heard the rhetoric that has been flying across the room these last couple of days, and it amazes me too a great deal. When I think about education, I think about putting good teachers in the classrooms. All the other folderol and bells and whistles, sometimes it helps but it does not make the difference whether kids are learning or not.

I think the effort that we have put into this bill, that we anticipate to have moving forward, to put the responsibility back home with local school boards and with moms and dads and teachers and school board members so that they can do the best job and decide who the teachers are that should be in their classroom, instead of having somebody in Washington, D.C., in the Department of Education, deciding which school district should do which and how many people they should have in every classroom, let us keep that decision back home.

Mr. Speaker, I rise today to discuss another issue, and I think it is an issue of great importance to the people of this country, and that is HMO reform, or managed care reform. Over the last days also I have heard great partisan rhetoric on this floor about this issue, and I rise today, Mr. Speaker, with some of my colleagues who are also concerned about the truth, to set the record straight.

Mr. Speaker, I understand that this is a political time of year. People are running for election. They are looking for political issues, and I know that we will listen to all kinds of exaggerations and partisan debate on this floor but there is no excuse, Mr. Speaker, for the kind of nasty and misleading information I have heard over the last few days. The truth needs to be told.

For six months, 15 of my colleagues and I sat down around a table and considered the problem of HMO reform.

Let me say at the outset, it is a very real problem. We know that from time to time, in a very deliberate situation, that people do not always get the care that they think they should need and their doctors tell them that they should have. So it is a very real problem.

People believe that HMO bureaucrats have too much control over their health care, and people are afraid that their health care will not be there for them when they need it.

My colleagues and I sat down and listened and learned about the problems in the health care industry. We listened to the people who were the advocates of the consumers. We listened to doctors. We listened to the health care practitioners. We listened to the people who bought health care for people who worked for them. We listened to the people who owned and worked through the companies that insure workers and people who buy insurance.

Through this whole thing, we tried to listen and understand what the abnormalities of the market were. Why were people not getting the health care that they needed? We did not attempt to use tragedy for political gain, as I have heard some folks shamefully try to do on this floor. We listened, and after 6 months of listening to scholars and patient advocates and providers, we sat down to begin to solve the problems. We came up with a proposal to give people assurances that their health care would be there when they need it and we did it without the heavy hand of government.

The last thing that most people want is some bureaucrat in Washington, or some bureaucracy in Kansas City or wherever it might be, saying that we have to go to this doctor, we have to have this kind of treatment, we have to have HCFA, which is the health finance organization of the Federal Government, prescribing what kind of health care individuals get. There are some in this Congress that would like health care to be prescribed by the Federal Government, to control our health care, our family's health care, what our children's health care is going to be in the future.

There are many of us who do not think that the Federal Government should be able to do that and to micromanage what kind of health care we should get. We think that people ought to make choices, that doctors ought to make decisions and that health care ought to flow between that relationship between a doctor and a patient.

There are two ways to address the HMO problem. We can throw the problem to the courts to decide or we can establish a common sense process that gets people the care they need up front. We really want, Mr. Speaker, people to get their health care in doctor's offices and hospital rooms. We do not want them to get their health care by suing and ending up having to go to a lawyer's office or a courtroom to get their health care, and that is what the other group of people out there believe; that people ought to be able to go to the courts and if they are sick and cannot get the health care they need they ought to sue.

If they end up suing people, the only folks that probably will get benefits from that are the heirs because by the time the lawyers and the courts get done making the decision on health care, which needs to be done in a timely basis, they are probably, in many, many cases, not going to be there to enjoy that health care treatment. The care needed should be between the patient and the doctor.

I guess that is one of the predicates that we set down in trying to develop a health care program off of, that the relationship between a doctor and a patient is pretty special. That relationship between a doctor and a patient also should be sacrosanct.

In the health care situation, especially with HMOs or managed care, doctors are contractees or, in a sense, some type of an employee of the HMO. When they tell us that we should have this type of treatment or they give us this prognosis, and this type of care should be taken care of in health care, then that is the care that we should get.

We should not really have a green-eyed guy or somebody who is the clerk of the office answer the phone and say, oh, by the way, Doc, we are not going to give that care. That should not happen. Does it happen? Yes, unfortunately it does from time to time.

It is happening less and less, but as cost crunches go on, we will see that some insurance companies, some insurance companies are bad actors, and they are controlling the amount of health care that their customers or the patient can get.

We think that is wrong. We do not think that insurance companies should limit doctors in being able to tell the patients what they think is, first of all, wrong with them and, secondly, what they think the prognosis or the care should be.

That contract between the doctor and the patient is sacred. When a doctor tells the patient what his illness is and what he thinks the care should be, that ought to be carried through. We should not have a green-eyed person or a clerk telling us to do this a different way.

It also sets us up in another situation. We need to be able to not allow insurance companies, then, to gag, what the word is, gag doctors from being able to limit what doctors could tell their patients.

In our health care bill, one of the things we did was to put a stop to it, that insurance companies could not gag the doctors. We also said that, if we needed expedited health care and a specialist, we should be able to get in to see that specialist within 72 hours, and that we should not be denied, if a doctor says that we need to see the heart surgeon or the cancer specialist or the lung specialist, we should be able to get in to see that doctor within a very short frame of time so that we can get the kind of care we need.

It really does not make any sense to expand a failed system that does not work in a vain attempt to solve a real problem. The solutions we came up with are certainly timely. We give people a timely access to review.

Otherwise, if our doctor says that I think you should have this treatment, and the HMO says well, the doctor thinks that, but we are not going to pay for it, we can immediately go to a doctor for an appeal, an independent third doctor for an appeal and have that second doctor say I confirm or I disagree.

Then if that second doctor disagrees, then we have the ability to go to a panel of experts and have them get us in in an urgent care situation into a hospital room or into the doctor's office or into the operating room within 72 hours in an urgent type of situation.

We also believe that, if we wake up in the morning or in the middle of the night, heaven forbid, and we have chest pains and we really think that we are having a heart attack, we need to get to the hospital right away. We should not have to call an insurance company or the "company doctor" before we can get in to the emergency room.

This bill says we have an expedited procedure that we can get us into an emergency room immediately, the emergency room that is closest to us and most convenient to us, that we can get there, and we cannot have us 3 days later saying, well, I thought I had a heart attack, but the company doctors said and insurance company said, well, you really only had heartburn and we are not going to pay the bill. We are not going to let that happen.

There is a piece of legislation where we expedited people in health care, we got them in the emergency room, and they got the urgent care that they needed.

We also thought that the common sense approach here is most women who have to get health care go to the OB/GYN, and they go on a yearly basis, so why should they have to go to an HMO, in to an independent care giver or a gatekeeper or the doctor that is the general practitioner, just to go to the OB/GYN to get their health care?

The OB/GYN ought to be the doctor of first reference, because that is where most people go. We should not have to go to a third party to make that happen. So we make that ability to go directly to the OB/GYN an important piece of this legislation.

The same way with families with children. If we have three kids, the chances are the doctor that we take those kids to is the pediatrician. We should not have to go to a general practitioner before we take our kids to the pediatrician to get service. That is common sense. We make that happen in this bill that the people have that immediate access.

We also go ahead, and we try to do a few other things and try to make sure that the people are aware of what their insurance policy covers and that they have an appeal process. If they think they should have some type of treatment, and they are not getting it, they can have an expert tell them what they are entitled to and what they are not entitled to. We think that is important. They ought to know that up front.

They also need to have their health records kept in confidence, that that information that their doctor accumulates or their pharmacy accumulates should not be handed off to another company so that they can be solicited for some type of medicine, that people's health care and their records of health care are sacrosanct, and that confidentiality ought to be in place.

No amount of money is sufficient. If we do not get the health care we need, if we do not get the type of service that we need, if we do not get the ability of continuing the access to health care that is there, those, I think, are the very, very important things.

□ 1645

I had about 15 folks who worked with us on a very, very diligent basis and tried to put together a piece of legislation that worked.

At this time I would like to recognize my good friend from St. Louis, MO (Mr. TALENT), to whom I will yield the balance of my time.

REPUBLICAN MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri (Mr. TALENT) is recognized for the balance of the hour as the designee of the majority leader.

Mr. TALENT. Mr. Speaker, I thank the gentleman from Illinois for yielding to me and for all his really excellent work on this bill. It is a great pleasure to get up and talk about the Patient Protection Act which passed the House this year. We made enormous progress in the direction of ensuring that people get the care that they need and that their physician has prescribed when they need it and that we could do that without big government. It was a great bill. It passed the House. Unfortunately it got caught up in politics and some partisanship both in the other body and on the other end of Pennsylvania Avenue and that is unfortunate. We have all heard some specimens of that this afternoon. But that should not keep us from talking about this bill and what it would do for people, because, as I said before, we have made an enormous amount of progress. We need to make progress in this area.

When I go around my district and talk with people about health care, they are concerned. It is less about the reach of the coverage that they are promised in their insurance. There is some concern about that. The concern is that if they get sick, they will not get the care they have been promised. They will not get the care that their physician has prescribed. They have some reason for that concern, Mr. Speaker. We have all heard about these horror stories around the country. They are not just horror stories, they are horrible stories. People losing their children because an HMO turned down the care that their physician had recommended, pregnant women not being allowed to go into the hospital when they have high-risk pregnancies, seniors being denied chemotherapy on the grounds that it was supposedly experimental. These are horrible stories. We should not have that. We do not have to have that. We can have a system that refocuses the health care system and the power in the system on the patient and on their physician. That is what the Patient Protection Act does. The gentleman from Illinois has talked about some of the good things in it. I am going to be yielding to people in a few minutes to go into greater depth on that.

Let me just say the bill does two things that are very important and it is the only bill that was before the House this year that did these two things: The first thing, it expanded the coverage that was available, good private sector coverage available to people around the United States. At any given time about 42 million people do not have health insurance coverage, working people. But they work for employers, typically small employers who typically cannot afford to provide the coverage to them. Our bill had a feature in it that no other bill had that we have needed to do for decades here that makes perfect common sense and would make good, solid, private sector health care available to millions of those people who currently do not have it. The gentleman from Illinois (Mr. FAWELL) is going to discuss it later, but briefly, Mr. Speaker, it is the concept of association health plans. All that means is that these small businesses who cannot afford them, they may only have 5, 6 or 10 employees and cannot afford to go through all the administrative costs and the hassle of offering health insurance, can pool together as associations. Then the association is a sponsor of a health plan and the small business can send its employees to that health plan, can put up some money for the employees, they put up some money on their own and they are able to buy health insurance from a plan that can offer them all the choices that currently employees of big companies have. Why should an employee just because he or she happens to work for a restaurant have no health insurance offered to him or her or have fewer choices offered to him or her than somebody would if they worked for IBM or they worked for Emerson Electric or they worked for Boeing or any other of the big employers in the country? This provision in the bill when we pass it out of here, and I think we will get it early next year because it is an idea whose time has come, will make health care available to millions who currently do not have it. It is the only bill that does that.

I will say, Mr. Speaker, we were enlightened on that issue when at a press conference a reporter asked a very important member of the other body what the administration bill does for the uninsured. He thought about it and said, with his typical candor, "Not much." That is true. It did not do anything for the uninsured. This bill would make health care available to millions of people who currently do not have it. It is part of the whole idea behind this bill, to provide health care to people when they need it, when their physician prescribes it, without big government.

But the feature I am up here to talk about and I am going to be yielding to other Members of Congress to talk about other features in the bill, the feature I want to talk about, Mr. Speaker, is the accountability features in the bill. The gentleman from Illinois (Mr. HASTERT) referred to this generally, but what we did, we worked on this for months and months and came up with the tightest, best accountability procedure anywhere in this country to ensure that patients get the care their physician recommends at the time their physician recommends it, notwithstanding some bean-counter at the HMO. It is low-cost to the patient, it is easily accessible, it is quick, and it is certain. I think it is going to be a model that will be used in States, and I certainly hope in Federal legislation when we pass it next year.

Basically what it does is this: The problem now is that if you belong to a plan, an HMO, let us suppose your physician recommends care for you or your family. I will just take an example. Let us suppose, because I have three children, Mr. Speaker, 8, 6 and 2. None of them have a problem with their ears. Some kids have a constant problem with ear infections. With my kids it is sinus infections. With some people it is ear infections. Let us suppose that after two or three times the pediatrician says, for a 4 or 5-year-old, "Look, we got to put in the ear tubes." That is a very common procedure. So you call up the HMO and they say, "No, we don't think that's medically necessary. So we're not going to pay for the ear tubes." What would you do today? What would you do without this bill? You would either pay for the ear tubes yourself or you would file some amorphous appeal with the HMO that would take months and months and months and then they could turn it down and never tell you why and if you wanted to then you can go to court and sue them for the cost of putting in the ear tubes and who is going to do that? It is just not a feasible procedure for the average person who belongs to an HMO. Under this bill what you could do is this: You could immediately file an appeal, what we call it is an internal review. The first stage is an internal review before a physician in the plan. It would have to be a physician. No more would the plan be able to turn down the care your physician has recommended on the authority of an accountant, or even a nurse or some other allied health care professional. So immediately you would get a review before a physician in the plan. That review would be either within 3 days if your physician said it was an emergency situation, 10 days if your physician said it was urgent care or 30 days if your physician said it was routine care. This would probably be considered, absent some kind of really bad side effect of the infection, a more or less routine situation. But that would be up to your physician, the treating physician, to say whether it was emergency, urgent or routine care. If the plan did not return a result from the appeal within the time limit specified in the statute, the appeal would be taken as granted and the care would be paid for, so they could not spin you out and deny the care just by indecision.

So you go before the plan physician. Let us say the plan physician backs up the plan, says, "No, I don't think it's medically necessary, either." Then you would get an appeal to an external panel of independent specialists. Our bill was the only one that provided for easy, low-cost access to a panel of independent specialists in this field. In this case it would be pediatricians, and so the plan would have had to contract, let us say, with the Mayo Clinic or the local research hospital, they would make their pediatricians available, it would be a double-blind kind of situation. The plan would not know who the pediatricians were who were reviewing that case, the pediatricians would not know the name of the patient, just the information before them. Then these specialists would make a decision about whether it was medically necessary. If they said it was medically necessary and the plan still refused to pay for the care, you could go immediately to court. When you went to court, you could sue not only for attorney's fees, not only for the cost of the treatment, not only for the court costs but for a penalty of up to $1,000 a day up to $250,000 if they refused to pay the cost of providing those ear tubes. What are the plans going to do, Mr. Speaker? Under those situations they are going to say, "We better pay because if we don't pay up front now, we're going to end up paying up front, we're going to end up paying in a few weeks anyway. And in addition we're going to have to pay all these attorney's fees and we're going to get whacked with this huge penalty."

The key to this plan, and we have outlined it here, from the time the initial claim is denied, within a matter of weeks you get an internal appeal before a physician. It is the only bill that provides for that. You get an external review with no threshold. It does not have to be a $1,000 claim or a $5,000 claim or a $10,000 claim, and it should not be. If it is a $200 claim but it is required under the insurance contract, you should get it.

I yield to the gentleman from Georgia.

Mr. NORWOOD. There was another bill before us in Congress, those from the left had a managed care reform bill, too. Did they have a threshold in their bill?

Mr. TALENT. Yes, they did.

Mr. NORWOOD. Do you know what that threshold was?

Mr. TALENT. I will reclaim my time. I am sorry for stepping on the gentlemen's comment there, but they said it had to be a significant claim. Then it left that up to the Department of Labor to define. We said any claim that you feel you are not getting coverage on that you have been promised coverage, you can go to external review.

Mr. NORWOOD. Does that not mean, then, many cases of patients who were in HMOs who had a claim that was being denied, many of those people would not have an external appeals process through their plan, do I have that right?

Mr. TALENT. That is absolutely correct. I thank the gentleman for raising the point. We all know on that task force it was the gentleman through his efforts who made sure that this bill did not have a threshold. Then again, after external review if the plan still does not pay, you go to court immediately. You do not have to wait until your child has lost his hearing. You do not have to wait until somebody has got really sick and died and then maybe 4 or 5 years later after you have run the gauntlet in the State court system you can try to sue for recovery later on, you can sue right away for penalties up to $250,000 in addition to attorney's fees, court costs and the cost of the treatment. There are others who want to speak on this bill, Mr. Speaker. I am eager to have them do it.

Mr. NORWOOD. If the gentleman will yield further, I wanted to ask him a question, if I could, about the court remedy. One of the things I keep hearing is that under our bill, patients could not sue an HMO and under the Democratic bill they said you could sue an HMO. I believe that is incorrect information. Under our bill, you can sue HMOs, but, in fact, without our bill, you can sue HMOs.

Mr. TALENT. There is a major difference. Under our bill, you do not have to die first. You can sue to get the treatment that you need. Because the emphasis here, and I appreciate the gentleman's comments, I say, in all good faith, the emphasis here is on giving people the care they need when they need it. We want people in the treatment room, not in the courtroom. I would anticipate that very few people would have to go to court. Because we have changed the incentives in this bill for these HMOs. For the very same reason that they have been denying care in the past, they are going to be granting care now because they are going to know, it is going to end up costing them more money if they deny the care up front. So I would anticipate that few people would have to go to court. But that hammer is there. If they spin people along, if they do not pay when they are supposed to pay, you go to court right away. In fact, as the gentleman knows, you can go to court up front in an emergency situation to get an injunction, an emergency injunction to order them to pay. Florence COCHRAN, the very unfortunate lady who had a high-risk pregnancy and her doctor wanted her to go into the hospital and the HMO said, "No, we don't think it's all that high risk a situation," she could have gone to court under our bill, got an injunction to allow her to go into the hospital right away and then because it was an emergency gone through this internal and external review procedure within about a week to establish the right that she had the right to have that hospital care paid for.

Mr. NORWOOD. If the gentleman will yield further, would Mrs. Cochran have been able to go into court immediately?

Mr. TALENT. Yes.

Mr. NORWOOD. Once the benefits of the plan were denied, she would have been able to get to court immediately. Because her case was not just routine care, it bordered at least on urgent and perhaps emergency. So she could have gotten into court immediately.

Mr. TALENT. And it would have been up to her physician to decide whether it was emergency or urgent care which then triggers the time limits in the bill. Moreover, if the plan had denied coverage after the external review panel had said it was covered, as the gentleman knows, the $250,000 penalty is a per diem penalty, a per day penalty. Every day they do not pay, they would be liable for up to $1,000. Why? Because we are not trying to promote litigation in this. We want the treatment covered when the physician has recommended it. And so what we are saying to the HMOs, "Pay and don't delay because the longer you delay the more you're going to have to pay after a few weeks or months."

Mr. NORWOOD. If the gentleman will yield further, I am not an attorney and I know that the gentleman is, but explain to us as an attorney how attorneys would be able to take cases today where benefits are denied and patients can sue their HMOs today for benefits, but what if the benefit was only $1,000? Can an attorney afford to take a case like that, that is $1,000, not knowing whether they will ever be paid for their services that may run up $20,000, their fees.

Now, the change in our bill, how does that help that?

Mr. TALENT. It would be borderline because under the law today you are allowed attorney's fees. So it would be a borderline type of situation. In many cases the lawyer would just say and the patient would say, "It's not worth it." Why do I want to go years and years and years in court with the plan having every incentive to spin out the case as long as possible? So ours is an improvement in a number of different respects. First of all, the $250,000 penalty, which is triggered by delay, we are saying to the plans, "Every day you delay it costs you more. We want you to pay when this panel has said you should pay." In addition, you can go to court right up front to get an emergency injunction in those cases where a life is really at stake. Any judge is going to say, "The treating physician has recommended this care, it's an emergency situation, there's some kind of a contract dispute, I'm going to put this person in the hospital while you take the necessary week or 10 days or whatever it is to resolve this matter."

So we have expedited the process, it is low cost to the patient as the gentleman knows, it is swift, it is sure, it is certain, it is a way of getting people the care that they need. I will just say to the gentleman, then I will close and yield to the gentlewoman from New York to discuss a different aspect of the bill.

I was asked during this debate on the bill by somebody who said to me: Look, suppose they have this situation. A person has an infected leg, and his plan physician recommends institutional care in a hospital. The plan turns it down, the infection gets worse, the persons loses the leg, what can they recover? Under your bill, what could they recover from the plan?

□ 1700

And I said, "Well, they can get attorney fees, they can get costs, they can get $250,000 in penalty, they can get the cost of the treatment, and they get their leg because that leg is not lost."

And that is the whole point. Nothing I think differentiates the different approaches that were before this House in that example.

We have written this as air tight as you can write it, and where that care is medically necessary, where the treating physician recommends it, the person is going to get the care that they need.

That is what America wants, and they want it without litigation, they want it without big government, they want people in treatment rooms, not in courtrooms, and, as in most cases, the American people got a lot of good common sense in this. That is what this bill would have given to them. I am very glad it passed the House. I think it is the starting point for legislation next year.

And I am very happy to yield to the gentlewoman from New York (Mrs. KELLY) for any comments she may wish to make.

Mrs. KELLY. Mr. Speaker, I rise today to join my colleagues from the House Working Group on Health Care Quality to reflect on the critical legislation passed by the House in July, the Patient Protection Act.

Mr. Speaker, unfortunately politics has taken precedence over policy with regard to reasonable health care reform. I want to share with Americans some key provision of the Patient Protection Act that will not come to fruition because some Members of this Congress would rather resort to demagoguery on the issue rather than actually do something to improve America's health care.

As my colleague has pointed out, we are interested in making sure all Americans have health care when they need it, not have to go to court to fight for it.

I have approached the health care debate from two different perspectives, the first from that of a professional patient advocate and the second from that of a former small business owner. As a professional patient advocate, I have dedicated my life to ensuring the sanctity of the doctor/patient relationship. It is that relationship, the relationship between a patient and their doctor that results in high quality care. To that end, the Patient Protection Act includes several provisions that recognize the distinctive health care needs of patients, especially women and children.

For example, the Patient Protection Act provides women with direct access to their OB/GYNs without authorization or referral by a primary care physician. It also gives parents a very important right, access to a pediatrician as their child's primary care provider.

Other patient protections in the bill include providing new avenues to health care coverage where quality and choice are available by requiring health plans to offer a point of service option. The measure also includes a prohibition on gag rules that are often placed on medical providers as well as ensures access to emergency care by eliminating preauthorization requirements for emergency services, allowing a patient to access emergency services from any emergency service provider and demanding that coverage is based on patient symptoms rather than a final diagnosis.

However, while it is of utmost importance for Congress to protect patients in today's managed health care market, it is also our responsibility to be mindful of producing a bill that does not have dire consequences such as making health insurance too expensive for American families and businesses.

The Patient Protection Act does not turn its back on the financial impact health care reform might have on families and businesses. The President's health care proposal does nothing to address the 42 million uninsured Americans, many of whom work for small businesses or are self-employed. In fact, the Congressional Budget Office reports that his proposal could result in a premium increase of 4 percent which would result in many Americans losing health care coverage. The Patient Protection Act, on the other hand, is the only health care reform proposal that creates new health care choices so that more, not less, Americans can have access to affordable health care.

Mr. Speaker, the Patient Protection Act recognizes that reform means nothing to those Americans who cannot access health care. The Patient Protection Act is an excellent starting point on the road to quality affordable health care for all Americans. It is my hope that next year Congress will rise above political rhetoric and demagoguery and protect America's patients and families as well as America's uninsured.

Mr. TALENT. Mr. Speaker, it is my pleasure now to yield to the gentleman from Florida (Mr. BILIRAKIS) for such comments as he would wish to make, and I will just add in yielding to him that Mr. BILIRAKIS has been a leader in this field both of health care reform and patient protection and access to health care for a number of years and did outstanding work in this task force, and it is a pleasure to yield to him.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding to me and for those kind remarks.

Mr. Speaker, Congress had a tremendous opportunity this year to expand health care access to the uninsured as well as to the insured and, at the same time, provide better protections for the patients of managed care providers.

Earlier this year the House completed its job and passed health care, health reform legislation. Unfortunately, the Senate was not able to debate and approve a similar bill. I am deeply disappointed by the fact that the Congress was unable to work in a bipartisan fashion and reach agreement in this very important issue, and I honestly feel let down because many days and hours, early and late, would have gone for naught because many needed patient protection reforms would not be available for patients.

This situation, Mr. Speaker, we are in today is similar to what we went through in 1994. At that time we had the Rowland-Bilirakis health bill sidetracked by the then Democratic majority leadership because the large number of cosponsors from both parties meant sure passage, sure passage if the bill had been allowed to come to the floor. A couple of years later, many of the same provisions, I would say most of the same provisions, were contained in the Kassebaum-Kennedy bill which was enacted into law, but the American people would have had those reforms available to them 2 years earlier under the aforementioned Rowland-Bilirakis bill.

As our task force worked on the Patient Protection Act, I believed it was necessary to include provisions on health access to the uninsured as well as those who are insured. After all, we have to ask ourselves what good is insurance if one does not have access to basic medical care? Both expanded care for the uninsured and increased patient protections were accomplished, as others have already said I think, in the Patient Protection Act without, without imposing burdensome government mandates.

One principle way our bill expanded health access was by broadening the role of community health centers. Currently there are 42 million uninsured individuals in the United States. Our bill made it easier for community health centers to offer health care to those in medically underserved areas. H.R. 4250 would have saved money because patients would have used more efficient forms of care.

The bill also created community health organizations which are managed care plans controlled by community health centers. H.R. 4250 eliminated state requirements preventing community health organizations from participating in the health market.

H.R. 4250 also encouraged more competition in order to lower prices for health consumers. Community health centers would have had more money because they would have had more private paying patients using their facilities, and, as a result, these health centers would have provided care to even more uninsured people.

In addition, the Patient Protection Act also created important new safeguards which have been mentioned previously and gave patients greater access to high quality health care. The bill included a provision that enabled employers to pull together in health marts, a voluntary choice market where small employers could have obtained low cost and high quality coverage through the fully insured market. Of course the Patient Protection Act also included, as we have already said so many times, important new patient protections.

For months people across the country told Congress that they wanted to choose their own doctors. Well, we listened to our constituents. In fact, through our bill patients were guaranteed their choice of medical providers.

We also made it easier for patients to determine what their health plans covered. People would have actually understood their health care policies because descriptions would have been written in plain English.

Mr. Speaker, again Congress had a great opportunity to follow through with its commitment to reform health care in our country, and I challenge those that support patient rights to put people ahead of politics and agree to work with us instead of against us. Next year we must continue our fight for the uninsured. They deserve access to health insurance, and we will not stop until we achieve this goal, and in addition we must help those who want to choose their own doctors instead of allowing their insurance companies to choose their doctors for them. People want their personal health evaluated by someone who they can trust, and I feel it is our responsibility as Members of Congress to move forward in order to make this goal a reality for all Americans.

And finally, Mr. Speaker, I want to personally thank both you and Congressman DENNY HASTERT and of course all of the members of the task force with whom it was such a pleasure to work for their leadership in this issue. Both of you, both the Speaker and Mr. HASTERT, have done a tremendous job in bringing health reform before the House of Representatives this year. I will continue to be supportive of your efforts during the 106th Congress.

Mr. TALENT. Mr. Speaker, I appreciate the gentleman's comments, as always, about this bill which would have expanded the reach of private health insurance to millions of people who currently do not have it and then help to guarantee that those who do have health insurance get the care they need when they need it, when their physician recommends it and done that without big government. It was a good bill. It is a shame we could have closed ranks behind it.

Mr. Speaker, nobody did more to fight for this bill and to fight for the interests of people who currently do not have health insurance than the gentleman I am pleased to yield to next, the gentleman from Illinois (Mr. FAWELL), and I just want to say about him that he has fought tirelessly year after year after year to make association health plans a reality, he has talked to small business people, he talked to employees of small business people and he knows that patient protections are not worth anything if you do not have health insurance, as the gentleman says. And so it is a pleasure to yield to him for such comments as he might wish to make.

Mr. FAWELL. Mr. Speaker, I thank the gentleman very much, and I do want to commence my remarks by lauding Chairman HASTERT who brought a tremendous group of, yes, Republican Members of the House together, all of whom had varying degrees of experience in health care, and they worked, they have worked so hard, and they came up with a bill that I think the Patient Protection Act was a very fine piece of legislation. Unfortunately so much has happened. The President's problems and other matters have come along, and we have not had the light shine upon this legislation to bring forward its many, many good parts to which reference, a lot of references have already been made.

I think that the expansion that we were talking about here of the ERISA statute, for instance, so that small businesses can have the very same advantages that unions and large businesses have had for many, many years to be able to give to small businesses the ability to be able to band together into multiple-employer health care plans and so that they can have the economies of scale so they can do what the large businesses and unions can do. And what the large businesses and unions can do is they can, because they have the economies of scale, they can self-insure, and when they can self-insure, Mr. Speaker, that means that they have the ability to use clout and be able to bargain with health care providers or be able to bargain, for instance, with indemnity insurance companies and HMOs to bring the price down and to demand that there be the highest possible quality that can be given to their employees.

□ 1715

This ERISA statute is often misunderstood, but it enables employers who are, by the way, not pro-health care provider nor pro-insurance company. They are pro-consumer. They are pro and for the employees of their company. And the large corporations all across America utilize this ERISA statute to have some very innovative and creative legislation.

In fact, it covers about 132 million people who get their health care from employer provided ERISA health care plans. And this legislation was simply suggesting that because the 43 million people in America who do not have health care are largely people who live in homes where the breadwinner is employed by small businesses or is self-employed, where obviously they do not have the economies of scale of large businesses or large unions, that this legislation suggested the very elementary idea that, why not allow small businesses to also band together multiple employer health care plans under association health care plans, which would be churches, associations, the Boys Club of America, for instance, farm groups, the National Chamber of Commerce, any number of business associations which are solid people, they are interested in their members. And why not let them therefore sponsor these associations, and therefore they too would have the ability because they have the numbers to be able to self-insure and to be able to have the ability to talk to health care providers and to bring the price of health care down, and that is what managed care is all about, and be able to also deal with indemnity insurance companies, the regular indemnity insurance companies, and be able to experience rates, for instance, on the basis of their particular smaller employers and employees.

That is what large corporations do. I think that is why most people who are employed by large corporations do have good solid health care coverage, and with a lot of choices too. That is awfully important. That means they have fee-for-service choices and things of that sort, which we would like to see occur.

As it is right now, the 43 million people, of course, have to go out into the individual market and, one by one, they do not have the economies of scale, they do not have the clout and the ability to do what larger corporations can do.

So this legislation, for instance, that is just one part of this legislation. It is an idea whose time is long past due. I will not see it come to fruition, but people like the gentleman from Missouri (Mr. TALENT), the gentleman from Georgia (Mr. NORWOOD), and so many of the other fine people, the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Virginia (Mr. BLILEY), the gentleman from California (Mr. THOMAS), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. HOBSON), the gentleman from Florida (Mr. GOSS), the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY), I hope I have not missed anybody, but these are all-stars. These are people who really worked on this, and I feel the only sad part of it is they did not get this legislation to be really allowed to blossom.

Mr. TALENT. The gentleman's comments are very kind. I just have to say it is the gentleman's efforts year after year that have brought this to the floor and I hope bring it to fruition next year.

It comes down to this: If you are an employee of, let us say the Boeing Company, and Boeing has a very important division in my district with a former McDonnell Douglas company, with tens and tens of thousands of people working for them, it is a great company, so that company is big enough and has this huge group of people and the group is an efficient group and they can put out money and sell funds, so in effect they do not have an insurance company except maybe to administer different aspects of the plan. As a result, they can stay in control, they can provide the kind of coverage that their employees want, and they have these kinds of economies of scale.

Is not the whole issue why should not small employers be able to band together as groups to offer the same thing to their employees? They want to do it, their employees want it. There are tens of millions of people who do not have private health insurance. Why should they not be able to do that? Can you think of a reason?

Mr. FAWELL. No, I certainly cannot, except I suppose one might say that those who may be out there now serving this small business community do not want the competition, and I can understand that.

Mr. TALENT. That is the other question. Who was it that opposed this provision? Let us be up front about it. Was it not the insurance company who opposed this provision?

Mr. FAWELL. They did not agree with our view of the legislation. Yes, that is quite true. But the time has come where I have tried to point out the 43 million people who have to go out into the regular indemnity insurance market, for instance, which is, by the way, under state jurisdiction, are really anti-selected. Forty-three million cannot get health care.

We have to do something about it. If we do not do something about it, I would suggest that the private market is going to get a real black mark and somebody is going to talk about let us go back to the Clinton plan or something like that, when we do have the ability to be able to do something about it.

I wish you folks well in the next session of Congress. I shall be rooting for the team. I hope you get the same team together. And the gentleman from Illinois (Chairman HASTERT), I cannot say enough for him, because he sat there meeting after meeting after meeting. You know how many hours we worked, how many days we worked on this. And we had a great work product.

Unfortunately, the day that I think that that was passed, another event of terrible magnitude here occurred, a shooting and murder of two fine policemen, and then, after that, the President had his troubles, and I think the news media never even looked at this legislation very much as a result of this.

But it will pass eventually. It has to pass, because it is good legislation. I thank the gentlemen for their time.

Mr. TALENT. I thank the gentleman for his comments.

Mr. Speaker, it is curious that this bill was opposed in this House and the other body by people on the grounds that it was too nice to insurance companies and they opposed the provisions in it that the insurance companies were fighting, and that can only happen in Washington. Unfortunately, it happened here.

I am happy to yield to the gentleman from Georgia, whose efforts it is I think quite correct to say are the reason why this bill, a bill on this issue, was before the House. He has labored long and hard and against opposition sometimes from a lot of different quarters, and he has it here, and there is nobody I respect more and nobody who worked harder on behalf of patients. I yield to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for his comments. I, too, enjoyed the 300 hours we spent on our task force trying to hammer out a patient protections bill. I thought in the few minutes I have to talk, I would like to talk about the history and how we got to really where we are at the end of the 105th Congress.

Much of this started many years ago, 1973 when Congress passed an HMO act, 1974, when Congress passed an ERISA act. And then we come up to 1995, and it was Republicans that dropped the health care bill. It was the Republicans who dropped a bill to bring to the attention of the 104th and 105th Congress that there were problems in managed care. People were being denied treatment, people were being rationed treatment, people were not being able to choose their own doctors. And, over the last three years, it has been Republicans who have said we have to deal with some of these issues.

Now I would like to just focus in on maybe two things. It is the two things I think about health care reform right now that are most important, and it has to do with principles like freedom, freedom to choose your own doctor. It has to do with principles, such as being responsible for the decisions you make.

When I go home in my district, I see a lot of political ads out there about HMOs that simply are not correct. They are being played, in my view, by people who do not quite understand what is going on.

But one of those issues and the one that probably has been the most contentious is about liability. I think everybody in America should know today, even though the Federal law, ERISA, preempts any state law, in other words, public policy at the state level no longer takes effect, and even though Federal law through ERISA is very solid on public policy regarding health care, it does at least say this: A patient has the right today, without us passing any legislation, to sue their insurance company or their HMO if their benefits are denied. You can do that today.

Now, the beauty of what this bill does, this task force bill, is it improves that so that it works. This is all under contract law. It allows people to actually be able to sue for their benefits, because if you win that benefit after going through an external review, then you cannot only win the cost of the benefit, but you can win the cost of going to Federal Court. That is extremely important, because that has denied people their due process because of the $25,000 or $30,000 it took to go to court to win the value of a $2,000 benefit. Basically nobody could go. We corrected that in the House task force bill.

In addition to that, if you have been denied care in a very untimely manner, then you have the possibility of winning up to $250,000 appointed by the judge. Now, this is very, very important, because all of these court cases are before bodily harm or death occurs. That is when you need the health care.

A mother wants their child treated. A mother does not want to go to court necessarily and win $1 million in punitive damages because their child died. Now, that is the beauty of the health task force bill.

I had a bill known as Patient Access to Responsible Care, PARC, and in that bill we were trying to give the patients the right to sue their HMO at the state level through tort law, through malpractice. I still believe that is a very good way to go, because what it does for these health care accountants, it makes them think twice before they turn to the mother and say, "I know your pediatrician wants to have your child hospitalized, but I am the accountant and I say no." Then should bodily harm or death occur, that accountant should be held responsible for that decision in a state court of law.

Now, unfortunately, I could not win that debate. In January of this year, as I was pushing my bill, I was the only one willing to say that. I pleaded with the White House to add that kind of language in their Patients' Bill of Rights. I pleaded with the White House to add that to the State of the Union. I actually found out that the Democrat leadership was against that. The original Kennedy-Dingell bill didn't have that in it. In fact, one of my good friends in Congress on the other side of the aisle would not cosponsor my bill because it had it in it.

I find it very curious that today, that is the very thing that the Democrats decided to fall on their sword about and keep those in the Senate from putting out a good piece of legislation.

The other part of our bill, the task force bill, and my bill, PARC, that is extremely important, in my opinion, is to allow people to choose their own doctor. This is America, is it not? Why should we not have as much freedom as they do in England?

Now, our bill, for the first time, had what is known as a point of service provision in it that opened the door to allow the American people to choose their own doctor. But maybe even more importantly in this task force bill, that was not in mine, I wish it had been, was improving on medical savings accounts.

That is the greatest freedom there is in health care. I am very proud to be part of a task force that made possible medical savings accounts for those all over the country.

In conclusion, let me just say that what we hear today in the political ads is exactly what has killed health care reform in the 105th Congress. It is people who were more willing and more wishful of having votes than they were of protecting patients. That is exactly what the Democratic Senate did. They wanted to win votes on this issue, rather than opening the door and for the first time having some national public policy regarding health care.

I am going to join with my friend the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. FAWELL), who will not be here, but the gentleman from Florida (Mr. BILIRAKIS) and others, and we are going to start again and keep on, and we are going to keep on and keep on until we give the patients of this country what they deserve, and that is the right to choose their own doctor and ask people who make decisions about your health care and tell people that you have to be responsible.

Mr. TALENT. I thank the gentleman for his comments.

I know I am close to being out of time, Mr. Speaker. I will just repeat again, we had a good bill. It would have provided the people the care they need, when they need it, when their physician recommends it, without big government and a lot of lawyers' fees.

As the gentleman from Georgia said, we will be back with it. I am confident we will have success. It is what the American people want. It is the best thing we could have done in the 30 years since the Congress passed Medicare.

□ 1730

THE OMNIBUS BILL: WHERE IS IT, WHAT DOES IT CONTAIN, WHO IS WRITING IT, AND WHEN WILL MEMBERS GET A CHANCE TO SEE IT?

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, do we remember the movie Roger and Me, where producer Roger Moore attempted to find Roger Smith, the President of General Motors? He looked everywhere for him. He looked in Detroit, he looked in Boca Raton. He could not find him, as Roger dutifully avoided the camera lens.

In Congress this month and last, we are producing a sequel to Roger and Me. It is called the Omnibus and Me. Let me ask, where is the omnibus bill? We know it is a large bill. We know we cannot find it. We know it is looking more and more like one of those dreaded congressional Christmas tree bills. No one seems to know in which room it is being written. No one knows exactly who is writing it. In fact, we are told three or four staffers are actually in charge. So who exactly are these unelected people? Where can Members go to read the bill?

Most importantly, Members do not know what is in the bill. We are told one-third of $1 billion is being slipped in to bail out poultry traders, get this, in Russia. That issue never came up during House consideration of the agricultural appropriation bill, which passed here overwhelmingly. It never came up in the Senate, either.

According to Sect. 201(f) of the Agricultural Trade Act of 1978; "The Commodity Credit Corporation may not make export sales financing authorized under this section available in connection with sales of an agricultural commodity to any country that the Secretary determines cannot adequately service the debt associated with such sale." Currently, Russia is ineligible for the program.

So why is regular order being violated for certain special interests who can gain access to the corridors of this Congress very late in the year?

In fact, every piece of legislative business not completed during this Congress, now famous as the do-nothing Congress, the 105th Congress, is now being put on the table as bargaining chips among a very few players. Why? Because this Chamber and the other have not completed their business on time. The fiscal year began October 1. Everything happening here in Congress is being played actually in overtime, simply because every single congressional deadline under regular order has been missed by the group in charge.

What about the budget? There is no approved budget resolution for 1999, the fiscal year. We are already into that year. Some Committee on the Budget Members in leadership positions here in the House want to run for president, but they have not even completed the responsibilities of their committee work here in the House.

Look at the appropriation bills. A majority of them, eight of 13, have not been completed on time. Now they are being picked apart by a very few folks around here, without the sunlight of regular order and regular committee oversight.

Why is Congress here in October, at the end of a fiscal year? There is no budget. A majority of appropriation bills for fiscal year 1999, which has already begun, are not completed, a majority. Congress is operating in a stop-start knee-jerk operation actually not worthy of those that we represent.

For the record, let me point out again, there is no completed budget for the fiscal year we are already in because Congress did not finish its legislative business by passing its 13 appropriation bills by September 30.

On September 25 the first continuing resolution was offered that extended the congressional session 14 days overtime, as a handful of Members began drafting the omnibus bill that I have been looking for for several days. They are doing so in secret. Members, find the room and tell me where all this is being done.

Then, when they still did not finish after 2 more weeks, a second continuing resolution passed the House on

October 9. They said they needed 4 more days to add more to the Christmas tree bill. That did not work, so then a third continuing resolution was offered on October 12, Columbus Day, somewhat historic, I suppose, for 2 more days, until October 14. Now today, a fourth overtime resolution was offered for 3 more days until Friday, the end of this week, October 16.

I sure would not put those manipulating this hit and miss scheduling in charge of anything after this Congress is over.

So I ask, where is the omnibus Christmas tree appropriation bill? Where can Members read it? Where, more importantly, can the public read it? Is it going to be put on the Internet, so the American people can read it before we have to vote on it, whenever that is?

I would say to Members, and I have been here a few years, I can tell Members with absolute certainty, if Members are not able to read this bill before it comes to the floor, Members have only one choice: Vote no.

TRIBUTE AND A THANK YOU TO KEITH PUTNAM, A HERO FROM HANAHAN, SOUTH CAROLINA

The SPEAKER pro tempore (Mrs. MYRICK). Under a previous order of the House, the gentleman from South Carolina (Mr. SANFORD) is recognized for 5 minutes.

Mr. SANFORD. Madam Speaker, I rise today because in many ways we are a country in search of heroes. We look back through the history pages for heroes. We look at George Washington. We look at Patton. We look at William Wallace. We look at Colonel Joshua Chamberlain and his group of bedraggled soldiers in the battle of Gettysburg. We look at movies, where there are all kinds of different heroes that may or may not have existed, but we look at them in movies.

We look around the world for heroes. In Tiananmen Square, the young student stands up in front of a tank, because he has ideas that he believes in. A young student in Moscow back in 1991 stands up in front of a tank, again because of ideas he believes in. Yet, when we look at movies and we look at history and we look at events around the world, what we oftentimes forget is that in fact, heroes live at home. Heroes live in our midst.

What I want to say for just a few minutes today is that I stand here in praise of one such hero. That hero is a young 15-year-old boy by the name of Keith Putnam, who lived in Hanahan, South Carolina. This boy was the quintessential low country boy. I grew up in the woods and waters of the low country. When you get it in your veins, it stays in your veins.

It was certainly in his, because this boy loved hunting, he loved fishing, he loved sailing, he loved the water; he loved all elements of the low country. This boy was athletic. He had played on the soccer team for the last 2 years. This boy was an achiever. He was in Who's Who in American High School Students for the last 2 years.

He was a hardworking, good person. He had wanted to buy a car. He was not given money to buy a car, he went out and earned money to buy a car. By cutting grass for a whole summer in different yards across North Charleston and Hanahan, he managed to end up with enough money to buy himself a 1965 Volkswagen Beetle; and he did not do it just on Sunday mornings, because he was an usher at Peace Lutheran church.

The boy was known for the way he helped other people. In short, I would say that he was everything that is special and unique about being American. In fact, he was as well a dreamer, because he dreamed of going to the Citadel, and then going on to the Air Force Academy, and then ultimately becoming a commercial airline pilot.

Yet, those dreams came to an end about 2 months ago, because Keith Putnam was killed in Hanahan, South Carolina, about 2 months ago. He was killed trying to save the life of another. He and a friend were driving down the road one evening, and they looked and saw a car lodged on the railroad tracks there in Hanahan.

They jumped out of the car. He jumped out of the car. He pulls a woman with her 3-year-old baby out of the car, gets her to safety. He goes back to the car. He pulls another woman out of the car, gets her to safety. He goes back a third time to make sure that there is nobody else still in the car, and tragically, the train hits the car and drives it into Keith, killing Keith.

So I just wanted to say here today how sorry I am for what the Putnams have been through, and most of all, to thank Keith for the life that he lived. Because though I did not know Keith, his life stands out as one of those special lives. William Wallace, 600 years ago, stood on a battlefield totally out numbered. He said, Remember, men, they can take from us our lives, but they can never take our freedom. He went on to say to his men, Men, every man has to die, but not every man gets to live.

I think what is special about Keith's life is that he actually lived it. He shows us about being engaged and being involved in life. Most of all, what he shows us is that, in fact, heroes do live in our midst. For that, I thank him.

REPUBLICANS SUPPORT MORE DOLLARS FOR THE CLASSROOM, AND EDUCATION DIRECTED FROM THE LOCAL LEVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Madam Speaker, I am absolutely amazed that the same people who opposed the Dollars to the Classroom Act, a Republican bill to send $2.74 billion to our children's public schools, are today telling the Nation that Republicans are opposed to hiring new teachers for public school classrooms.

This is a falsehood. Republicans have been working to send dollars to local schools so new teachers can be hired, classrooms can be connected to the Internet, computers can be bought to enhance learning, microscopes can be purchased so biology students can view various parts of nature, reading specialists can be hired to ensure that every child learns to read, and the list goes on and on.

The point is that Republicans do not believe that the Federal Government should dictate and mandate to principals, teachers, and parents what is needed for our Nation's classrooms.

Do Members of Congress actually have the audacity to believe that they in their Capitol Hill offices and those in the White House on Pennsylvania Avenue or bureaucrats at the Department of Education in Washington know what is needed in every single classroom in our Nation? They cannot possibly know.

A child in a classroom in Lancaster, Pennsylvania, might have different needs than one in New York City or Anchorage, Alaska. As a teacher, I know that the only way to truly know what a child needs to learn is to see that child, to listen to that child every day. That is why Republicans are working for local control of education. While the President wants to control local schools from the Washington beltway, Republicans are working to send dollars to our Nation's classrooms.

Do many of our Nation's public schools need more teachers? Many do. However, 100,000 new teachers is not a cure-all solution for the schoolchildren of our Nation. Are these 100,000 good teachers? The President evidently does not care about that, since he vetoed our bill for teacher training and merit pay.

There are many wonderful teachers serving our Nation's classrooms. Even they will tell us that just hiring another person is not going to improve learning. Is that not what we are about, improving classroom learning for our children? Then why is the other side afraid of sending dollars to the classroom, to be used to meet the educational needs of local schoolchildren, whether the need is for a new teacher, new instructional materials, or a new computer?

Why has the President threatened to veto the Dollars to the Classroom Act, that would send an additional $800 million to the classroom to meet these critical needs without new taxes, just increased efficiency by bypassing the bureaucracy?

In the omnibus bill Republicans are supporting education funding, but with the requirement that the dollars are sent to the classroom. We simply believe that local school districts should decide if they need more teachers, more books, more computers, or building repairs.

We support the hiring of new high-quality teachers, the reducing of class size, providing professional development to teachers to teach children, providing for teacher competency exams. But we do not want this directed by Washington bureaucrats. We want more dollars to local schools, more local control, and more local flexibility.

Teachers are not calling for more government programs, they are calling for more local control and flexibility, dollars to the classroom. A program similar to the Dollars to the Classroom Act and one which the President has opposed is Title VI, the block grant. Educators nationwide have expressed how much they like this program, for it is extremely flexible, allowing them to focus on priorities of children in their schools.

On Monday I believe our House Republicans offered the President a $1.1 billion educational proposal that would expand Title VI, emphasizing the hiring of new high-quality teachers to reduce class size.

I would like to tell the Members about a few of the locally-driven initiatives that have resulted from Title VI in Pennsylvania.

Garnet Valley, in Delaware county, implemented an English course supplemental program. Teachers and students were trained on the successful completion of research projects, use of CD-ROM products, and print resources to support the student thesis.

Southeastern Greene School District implemented a professional development technology program to support reading, language arts, and math at the elementary level.

In Philadelphia, the Model for Enriching Reading through In-service Training Professional Development program was created. Professional development and student participation was conducted in "Writing and Language Arts", "Parent Conferencing," and "Content Area Writing."

When dollars are sent to the classroom and schools are given flexibility using them, success is the outcome. Do we want children to have these types of successful learning experiences, or do we simply want them to attend smaller classes? That seems like an awfully simplistic answer to an enormous problem.

I urge the President to agree to send education dollars in the omnibus bill to the classroom, to a teacher who knows the names of our children.

TRIBUTE TO THE HON. THOMAS J. MANTON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. RANGEL) is recognized for 45 minutes as the designee of the minority leader.

Mr. RANGEL. Madam Speaker, being the senior member of the New York delegation is a great privilege, but one of the problems you have is that you have a responsibility to lead the tribute to say good-bye to so many New Yorkers who have served the delegation, the Congress, and the country so well. Of course, tonight is one of those nights where one of Congress' greatest Members, the gentleman from New York (Mr. THOMAS MANTON), has decided after 14 years that he will be going into the private sector.

I think the gentleman from New York (Mr. TOM MANTON) is the perfect type of New Yorker. He was born in New York, the son of an Irish immigrant family. He went to school in the city of New York and became an attorney. He also was a New York City policeman, and served in my own community in central Harlem, where he was walking the beats of Harlem while I was serving as a desk clerk in the Hotel Teresa. We both were going to law school at the time.

He then went into public office, having served 15 years as a member of the New York City Council, and finally came some 14 years ago to join us in the Congress.

□ 1745

TOM MANTON serves on the Committee on Commerce, which is one of the most important committees in the Congress, but also one of the most important committees for the City of New York dealing with finance, energy environment, health, and a variety of other things that have been so important to our citizens of this city and of the State.

In addition to that, he is one of the most powerful political figures. Even though he walks with a soft step and has a velvet glove, he did not epitomize what most people think would be the Democratic county leader. More, he has been pictured as one who has built bridges, made friendships, and as he has done it in the city and in our State, he has also done it in our national conventions and certainly here in the United States Congress.

As we all look forward to peace throughout the world, and especially in Ireland, TOM MANTON will know as a part of his legacy that he spent a lot of time in trying to reach a peace accord in the land of his forebearers.

And so, TOM, it is with heavy heart that we are going to miss your friendship, your camaraderie, we are going to miss your strong support and your leadership that you have given us that serve on other committees, alerting us that matters were coming to the full committee or coming to the floor and working with the House leadership, both Republican and Democrat, to do the best for our country, our Congress, and the great City of New York.

We are going to miss you, but fortunately you are not leaving our city. We look forward to working with you and your family. And your loved ones should know that we say thanks for a job that has been well done.

Madam Speaker, I yield to the gentleman from New York (Mr. ACKERMAN) who took this time out for the delegation.

Mr. ACKERMAN. Madam Speaker, let me thank the distinguished gentleman from New York (Mr. CHARLIE RANGEL), Dean of the New York delegation, "Mr. New York," for bringing us together today. We share today, I think in the waning hours of the 105th Congress, another chapter in the American dream.

A generation ago, Madam Speaker, Irish immigrants came here to these shores looking for a better way of life as young people seeking opportunity, as troubles brewed in their homeland of Ireland. One person was Peggy and the other one, TOM MANTON. TOM came here, became a skilled laborer, married Peggy, got a job, and worked here in the capital of the free world. He was a tradesman, a plasterer, and he worked on the very buildings that we work and make our speeches in today.

Little did TOM MANTON from Ireland know at that time as he was applying his trade in these hallowed halls that one day his son would grow up to be a Member of the United States House of Representatives and work in the very building that he helped to build, in the land that with his hands he helped to build as well.

Young TOM, when he was born, went to school in Queens, after being born in Manhattan. That was a wise choice, he came to Queens. He went to St. Joseph's Prep Elementary School. He went to St. John's Prep after that, and then he put himself through St. John's University and got a college degree. At the tender age of 19, still a teenager, he joined the Marine Corps and put in 3 years in the service, serving this Nation in Korea.

After that, he became a New York City policeman, a tough job. We call them "New York's Finest," and TOM epitomizes that. He certainly is one of New York's finest in every way and every aspect. As the Dean mentioned, he served a tour of duty while on the force on the job, as they say, on the beat in central Harlem, working with the people there.

While he worked as a policeman in the City of New York, he put themselves through law school getting a degree from St. John's University during the night, a difficult thing to do while holding down a full-time job in the day.

It was shortly after that that he ran for public office and was elected to the New York City Council and became the chairman of the powerful Housing Committee and served the citizens of our great city in that capacity for some 15 years with great distinction.

TOM has always been a team player, but when it came time to being able to stand up for what he believed in, he was willing to step forward and rock the boat. He took on the establishment when it was necessary. He ran for the United States Congress and the rest, as we say, is history.

He has been our good colleague now for 14 years. How time flies. For 14 years, he served with us in the House of Representatives, serving originally on the Committee on Banking and Financial Services, serving on what was then House Administration, Merchant Marine Committee, and the Committee on Commerce, handling such matters as trade and telecommunications and securities and consumer protection, working hard.

Here in a place, Madam Speaker, known as a stable for show horses, TOM proved to be a workhorse. Recognized by all of us as a Member's Member, doing the day-to-day work that was necessary to make this place run, to make it easier for other Members to be able to do their jobs. Doing many jobs that many other Members of Congress would ordinarily shun.

In addition to that, he quickly assumed responsibilities as the cochair of the Congressional Ad Hoc Committee on Irish Affairs, a cause, very, very dear to his heart, trying to argue the cause and work for peace with justice in the land of his ancestors. His work, along with that of many others, with his leadership, has begun to finally bear fruit. For that, I know that his dad, Tom, and mom, Peggy, who I know are looking down upon him today, would be very, very proud.

It is hard for some of our Members to understand, because of his always friendly smile and congenial personality and attitude, working to build bridges with Members of both parties across both sides of the aisle, is that kind of a person. Yet at the same time, back home, I have to assure my colleagues he is a very partisan political player within the Democratic Party, fighting for the values that we all believe in on our side.

A great leader, becoming the county leader of our Democratic Party for at least 12 years, taking the helm of our party in Queens County at a time when it previously had been racked with scandal and had many problems. He straightened out that county organization making it one of the proudest, cleanest, preeminent county parties in the State of New York. Always a person who is fair. Always a person we could count on. Always a person to step up to the plate and exert great leadership.

Madam Speaker, I say this with a great deal of reverence and respect: We are losing in this Congress somebody who is one of the last of the old school Irish politicians from New York. He is a guy who will look you in the eye, give you his word, shake your hand and, you could count on the fact that he has been true and faithful to his word. His word is his bond, and we do not see a lot of that in politics too often these days.

These are the days of "blown-dry hair" politicians, elbowing each other for time in front of the cameras, seeking publicity. TOM represents none of that. He is from the old school. He does the work quietly, behind the scenes, not looking to advance himself in other's eyes, but knowing that he is going to be doing the right thing.

We are going to miss him down here in the Congress of the United States. It is going to be my privilege and pleasure, when I return back for weekends to my district which includes the County of Queens, to know that TOM is the county leader. After putting in all of these years, 14 in the Congress and 15 on the City Council, and a term in the Marines and all of that, he returns to private life after giving of himself, returning to his family that so graciously has shared him with us. To his wife Diane, to his children Catherine and Tom Junior and John and Jeanne, and all the grandchildren here and yet to come.

We have been privileged to serve with the likes of TOM MANTON in this Congress, Madam Speaker. He is a breed hard to find, a breath of fresh air reflecting the best of politics and the best that this system has to offer. I am happy to consider him my dear friend.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Bronx County, New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding to me. The gentleman from New York (Mr. ACKERMAN) really said it all. It is difficult to add anything, so I am just going to repeat some things. Because when we talk about TOM MANTON, all the good qualities that we would like to have in an elected official really come out. Honesty, integrity, hard working. That is really what TOM MANTON is all about.

When I first came to Congress 10 years ago, and TOM had already been here for 4 years, he came and extended his hand and offered me any help that I would need. And that is why in the 10 years that I have been here, TOM MANTON has been one of my best friends, because I always know that if there is something I need, I can go to TOM MANTON, whether it is advice or a personal favor or anything else. He make its very, very easy.

One thing about friends, we want friends to be approachable. We want to be able to come to our friends and be honest and know that we are going to get that same honesty back in return. That is what you have with TOM MANTON.

It has been a privilege to serve with him on the Committee on Commerce, and on that committee he is the ranking member of the Subcommittee on Finance Hazardous Material and has done a very wonderful job there as well. We are fighting for the good not only of New York, but for the good of the country. And it has been a pleasure to serve with TOM on the Committee on Commerce.

When redistricting came in 1992, TOM saw his district change, as we all did. Part of his district, for the very first time, came to the Bronx where I was born and bred and have my district. TOM and I right now have adjourning districts, back to back, and we share a number of communities in the Bronx. And even though he is Queens' famous son, the Bronx has taken him as a son as well and we have worked very well together.

The beauty of this country has been so many different groups have come to the shores, different immigrants, and we know that in New York where so many different groups have come together, the ethnic diversity of New York has been the treasure of New York. Those of us who have been born in New York and growing up in New York City share that diversity and share the culture of all the different ethnic groups, whether it is the culture or the food or just the family and the friendship, that is what we do.

TOM has been very much a part of that culture. As was mentioned before, he has been a leader in the fight for peace and justice in the North of Ireland as one of the founders and the chairman for many years of the Ad Hoc Committee on Irish Affairs. But he has always stood for right and against injustice all over the world, whether it was fighting injustice in South Africa, or whether it was fighting for the right of Israel to live in peace, or whether it was fighting for peace and freedom all over the world. TOM MANTON has already been there.

□ 1800

It has been mentioned before, when TOM gives you his word, you can go to the bank with it. That is what we really want to see in our elected officials and in our friends.

The fight for working people, one of the things that many of us who have grown up, again, in New York and across the country, TOM's father, with his blue-collar roots and my father with his blue-collar roots, TOM and I would often talk about the fight for working people, the fight for men and women in this country to ensure that workers have dignity and have the rights. That is why TOM has always been supported by working people and has always had a very, very high rating in terms of labor and in fighting for the rights of working people.

So it was with a bit of sadness, Madam Speaker, when TOM announced that he was going to retire. But one of the joys that we have is, he may be retiring from the United States Congress but, as was mentioned before, he will be active in New York City politics as the chairman of the Queens County Democratic Party.

So even though my district does not go into Queens, I am delighted that we will continue to work together for the betterment of the Democratic Party in New York, for the betterment of the people of the city of New York and the State of New York, and for the betterment of the people of the United States of America.

TOM, we are really going to miss you. You are a great guy, a great Member. It has been an honor to be a colleague. It has been an honor to be your friend. I know that we are going to continue to work closely together in the coming years. God bless you. You are the type of elected official, you set the standard to which we all aspire. Thank you for your friendship and thank you for just being you.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Albany, New York (Mr. MCNULTY).

Mr. MCNULTY. Madam Speaker, I thank the dean of the New York delegation for yielding to me. I am delighted to join with the gentleman from New York (Mr. RANGEL) and the other members of the New York delegation today in saluting my dear friend, TOM MANTON.

I want to take the few moments available to me to talk about the subject of gratitude. I am a grateful man today because 10 years ago, when I first sought election to the United States Congress, the man from Queens, TOM MANTON, reached to upstate New York and he helped me. He helped me to win that election.

And after that election was over and before I even came to Washington for freshman orientation, he called me and invited me to come to his district office in New York City where we spent the day together. And he gave me tremendous advice and counsel on what I was about to face as a Member of the United States House of Representatives. And I shall never forget that.

When I did arrive in Washington and wanted to serve on a couple of special committees, he helped me do that as well. That kind of support and assistance has gone on for the past 10 years. I have not been the only recipient, but on my own behalf today, I want to thank my good friend, TOM MANTON, for all that he has done for me over the period of the past 10 years.

CHARLIE and my friends, it got better than that. During one of my reelection campaigns, the folks in the capital district and the Irish American community decided to get together and have an event in support of my reelection. And simultaneous with the planning of that, TOM MANTON came up to me on the floor of the House one day and said, is there anything I can do to help you in your reelection campaign? I said, well, the Irish American community is having this event and maybe it might be possible for you to come up to Albany and appear at that event with me. He immediately said yes.

And he did that. And he came up and we had a great big party up in Albany, and he spoke on my behalf. And then, DEAN RANGEL, what he did was, he sang on my behalf. And I am here today to report back to the New York delegation and the entire country that despite the fact that TOM MANTON sang in my behalf, I still won that election.

I am so grateful to have TOM MANTON as a friend. I speak for many, many people who do not have access to a microphone like this today to speak to all New Yorkers and to the rest of the country.

TOM, what I simply want to say to you today is, you have rendered outstanding service over a very long period of time to your community and your country, and I am deeply grateful that you have allowed me to be among your many friends.

Mr. RANGEL. Madam Speaker, I yield to the gentlewoman from Westchester County, New York (Mrs. LOWEY), and Queens and the Bronx.

Mrs. LOWEY. Madam Speaker, actually, those boundaries are pretty important in the last couple of years. Because of those boundaries, as a result of redistricting, I have gotten to work even more closely with our good friend, TOM MANTON.

I wanted to rise today, Madam Speaker, in tribute to our friend and our distinguished colleague, THOMAS MANTON. Actually, I have known TOM since the early 1960s. As some of you may know, my district does run from Westchester through the Bronx to Queens, but we both raised our children in Queens. And when I lived in Queens raising my children, I guess it is about 40 years ago, a while ago, TOM and I were both raising our children and we got to know each other in Queens politics. And TOM is an example of what is good and right in politics today.

TOM understands that government and politics is the way to make life better for people, make life better for families in our communities. He has been very involved in politics and government in Queens County and, in fact, the entire State for a long, long time.

We can all learn a lot from TOM because, as my colleagues have said, and I think that is probably one of the core traits of TOM, is that he is the kind of person you can trust. His word is his bond. He has absolute integrity. He is a man you can count on to tell the whole story, not part of the story.

He is a man who stands up and tells it like it is and we can respect that. We need more people like that in this body and in politics and government today.

As a member of the New York delegation, I have developed a great relationship with TOM and, more importantly, a warm friendship. In fact, my respect for TOM, my admiration for TOM, has only grown throughout the years.

First, it was local politics, and then when I was elected in 1988 I had the privilege of working with TOM as a member of the delegation.

I am sad to see TOM leave this body but I know that he will be happy and successful in whatever he does. TOM MANTON was born in 1932, of Irish immigrant parents on the west side of Manhattan, having grown up in Astoria. He is a product of the area he was elected to serve.

After attending both St. John's University as an undergraduate, and St. Johns's Law School, which are both in my district, TOM served as a flight navigator in the United States Marine Corps and then joined the New York City Police Department.

TOM has, as I mentioned before, a long and distinguished record of leadership in the Democratic Party of New York State. He began as a member of the executive committee in 1972, and in 1986 he was elected chairman of the executive committee of the Queens County Democratic Organization. In 1988, TOM was unanimously reelected county chairman and has served continuously in that capacity since then.

During his tenure in Congress, TOM has been active on a number of environmental issues. He has used his seat on the Committee on Commerce to fight for much needed improvements in the Superfund program in order to accelerate the cleanup of toxic waste sites. As chairman of the Subcommittee on Fisheries Management, during the 103rd Congress, he also took a lead in improving conservation of our Nation's fisheries resources.

Perhaps TOM's greatest legacy, as my colleagues have mentioned, will be his tireless and effective work regarding Northern Ireland. I am pleased to be a member of the Congressional Ad Hoc Committee on Irish Affairs, and TOM has been and continues to be a great cochairman.

The committee was founded in 1977, to bring about peace, justice and an end to all violence and discrimination in Northern Ireland, and as the leader of this committee, TOM MANTON has held hearings, introduced legislation, written letters in support of the rights of the Irish. The committee crosses over partisan and geographic lines to advocate and represent the interests of the Irish American community and to ensure a friendly and productive relationship between America and the people of Northern Ireland.

Efforts such as this and the great leadership of our colleague TOM MANTON paved the way for the historic Good Friday Peace Agreement. When deportation proceedings were tearing apart the Irish American community in my district, TOM MANTON was there to fight to keep these families together. His commitment to the peace process is unquestioned, and as the people of Northern Ireland struggle through perhaps this most vital and important time, you can be assured that TOM MANTON, even after leaving this body, will continue to lead this effort and standing with them.

TOM has doggedly represented his constituents for 14 years. The people of the 7th District of New York and Congress will be losing a wonderful representative, but I can assure you that Congressman TOM MANTON will continue to stand up for what is right.

I am very pleased that my district is right near where TOM currently resides, and I know we will continue to be good friends. I look forward to spending time with TOM and Diane, and I wish you both good luck. God bless. I have been privileged to be your friend. I am proud to be your colleague and I look forward to continuing to work with you to stand up for what is right and just. Thank you, TOM.

Mr. RANGEL. Madam Speaker, I yield to the gentlewoman from New York City (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, I thank the dean of the New York delegation, the gentleman from New York (Mr. RANGEL), for yielding me this time and being here with us as we all pay tribute to our dear friend and outstanding colleague, TOM MANTON.

It is always very good to have neighbors you can rely on. TOM MANTON is my neighbor. He literally lives in my congressional district. It has been a pleasure working with him and sharing the New York Queens Borough with him. I know how the New York Police Department must have felt when officer, Police Officer Manton, left the force.

We will truly miss this law enforcer, turned law maker on the front lines of this House of Representatives. The residents of Queens are now feeling the same loss as the entire New York delegation feels this loss.

TOM MANTON has made clear through his years of public service, first as a police officer and later as a fellow member of the New York City Council, his commitment to mankind. He has made, many contributions in his work for the residents of New York City on the New York City Council Housing Committee, and I worked with TOM on that committee. He was chairman of that committee. I had to work hard many years to even get on that committee.

Madam Speaker, I can remember when TOM was elected to Congress. He came in late to a city council meeting and we sat there and waited about an hour or two for him to come in. He had been up all night and he came in and chaired his last meeting as chairman of the Housing Committee.

TOM is also a leader and is chair of the Ad Hoc Committee for Ireland. He was grand marshal for the St. Patrick's Day Parade, and he told me that his mother was not particularly impressed when he became a Member of Congress but when he was grand marshal on St. Patrick's Day, that was really, really important to her.

TOM and I had the good fortune of traveling to Northern Ireland and Ireland with President Clinton. I had the great opportunity of meeting his family, his aunts, his sisters, his extended family that still lived in Ireland, and TOM was really a leader in working with President Clinton for the Good Friday agreement and very recently working in a bipartisan way with the gentleman from New York Congressman (Mr. WALSH) in increasing the number of peace visas for the Irish to come here to New York.

TOM is also, and has been for many years, the county chair of the great County of Queens. He has been recognized as the most outstanding county chair really, I believe, in New York City. He was the first county chair in the borough to endorse President Clinton.

I personally think that he would make an outstanding State chair of New York State and bring the same balanced leadership and commitment and understanding and time that he gives to all of the problems of New York City and to this delegation daily in helping us work through our problems.

He is a great friend. He has been a rock on which to lean. He has helped me and other Members of this delegation on so many issues that we work on.

I remember also he is a very personal and wonderful friend. I remember being in his office one day, and he looked around the office, and he said, my father, when he came to this country, he worked on the House office buildings. He helped modernize them. He was tremendously proud that the building that he helped modernize and helped restore was the office that his son later took as a Member of Congress.

He told me, on the day that his father was here when he was sworn in to this great body, that his father left the celebration and just walked around the buildings trying to find the exact spots that he had worked on many years ago and was deeply moved that his son later was elected to this body.

TOM will leave many marks of achievement here in Washington, and he will be remembered for a long time to come. While we will miss him here in Washington and in New York, I admire his decision to pursue his personal dreams.

So I wish you well, THOMAS. All your constituents and friends do. I am sure that your goodwill and dedication will follow you as you enter this new world. Best of luck to you. Our friendship is always with you. Thank you for all that you have done for New York City, New York State, the great Borough of Queens and all your many friends and supporters.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Bronx, New York (Mr. SERRANO), home of the New York Yankees.

Mr. SERRANO. Madam Speaker, I thank the gentleman from New York for mentioning the greatest team on Earth. In fact, there is no score between those other two teams that are just playing today for a chance to get beaten by the Yankees next week.

TOM, I was wondering as I was watching these proceedings on TV if the folks who visit us here and the folks who watch on TV fully understand what goes on when we do one of these, when we come together as a delegation, when we come together as colleagues to say farewell from this body to a Member such as you.

I think what is important to note is that we take very seriously what we do, and this job brings a lot of joy with it, a lot of accomplishment, and then it brings some difficult moments. It is those difficult moments, I think, that bring people together and friendships and relationships that last a lifetime.

So what we do today in saying all of these things about you is to do that which human beings never get a chance to do on a regular basis to say, and we should, to say you are a great guy, you are a great human being, you are a stand-up person, but mostly you have been a good friend and a good colleague. I wanted to take some time to tell you what you mean to me.

Two years ago, 1990, they were going to redraw districts, as my colleagues know, and they did. There was a possibility that they would put my district into Queens, into East Harlem, and Manhattan along with the Bronx. I stayed in the Bronx. I did not for one moment get nervous about the possibility of having Queens in my district, first of all, because I would get Shea Stadium, and then you would have a problem to tell me what team I am rooting for, but because I would have you as my county leader.

But I think what the gentlewoman from New York (Mrs. MALONEY) just said about you becoming a great State chairman, we are not knocking anybody who is there now, but I think it is something you should think about, because I think you have everything that it takes to be the chairman of the State party.

What are we talking about? We are talking about your ability to be fair. We are talking about your ability to be friendly. We are talking about your ability to understand the county you represent, the district you represent, the city you are in, and the Nation we are living in, and trying to deal with every one in a fair way.

But most importantly, we are talking about this ability you have to never look on the surface like you are upset at anyone. I know you have been upset, at least slightly, at all of us at least once, but you do not show it.

We know of your work. We know of the work you have done on behalf of Northern Ireland. We know the work you have done on behalf of many issues here. We know what a strong party man you are and what a loyal Member of this delegation and loyal Member of the Democratic Caucus. But all of our colleagues have spoken about that, and everything we put in the RECORD will indicate that.

I wanted today just to tell you what a great human being you are and how much I know you have played a role in some of the things that have happened to me.

When I decided that I wanted to be on the Committee on Appropriations, my delegation was good enough to support me. But that was step one. Two gentlemen here, the gentleman from New York (Mr. MANTON) and the gentleman from New York (Mr. RANGEL) played a major role in it.

They kept in touch with me on a daily basis telling me how they were going to maneuver my ascension to that committee. It is not an easy thing to do. After all, I had been here a couple of years, and I wanted to move on to a big committee. But you felt it was important to do it for the delegation, for my neighborhoods, and for myself. I am not going to forget that ever.

I am also not going to forget the way in which you just deal with each one of us on a daily basis. As our colleagues know, you could always be found in that corner over there to the right. Well, to somebody's left, but probably to most people's rights.

You always know what is going on in New York city politics, what is going on on the floor, what is happening nationally, and you just talk to people and make them feel good.

When this is all done, when this is all over for us, what do we have? A couple of laws that carry our name, one reporter who may curse us out or say something nice about it, our family trips while we were Members of Congress.

I think what we will remember the most is those people that we met here, that we dealt with, that we keep a relationship with, as we will, because we are from the same part of town.

That is what is important today, the fact that, no matter how long I am here, I shall remember that my beginnings were strengthened because it was TOM MANTON who was willing to support me and to be a friend.

So I can tell you honestly, as I know all my colleagues can, because I know how they feel about you, that you are measured by the friends you have. You are measured by the respect people have for you. I assure you, you will have friends and respect like very few people do.

I just wanted to simply come and join my colleagues to tell you how special you are to me. If I may drive the young lady to my left crazy, let me just say that we have a phrase in Spanish that I use every so often on the floor, and it is one that sticks to a few people. It says—(Mr. SERRANO spoke in Spanish). Tell me who you walk with, and I will tell you who you are.

Well, this delegation walks with you, and therefore we are you. We do pretty well when we stay close to you. The best to you. I know you will probably make $10 million on the outside, but you will probably become State chairman and do not make $1.50 after that.

You will be at Shea Stadium. We will welcome you at Yankee Stadium. You will be with your family. You will enjoy your life. We will miss you. We will miss you, my friend. I am just so glad I had an opportunity in my life to serve with you. Thank you.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Brooklyn, New York (Mr. TOWNS), who knows how important it is to have a friend as county leader.

Mr. TOWNS. Madam Speaker, I think the gentleman from New York (Mr. RANGEL) and of course to all the Members of our delegation here.

This is a real tribute to a very fine individual, 1 that I have had the opportunity to serve with for 14 years. Of course, TOM and I serve on the same committee.

TOM is a real stabilizing force. He has a flare for saying the right thing at the right time. I remembered some meetings when they get pretty heated. In the Committee on Commerce, there is always a lot of negotiating and that we sit there.

Of course TOM does not speak early, early. He will let it sort of heat things up; and when things get really heated, then TOM will come with his common voice and say, well, have you thought about this? Of course, sometimes we do not get it right away; but then, all of a sudden, just before we give up, then TOM will come back again with a thought or an idea, and that idea will carry the day.

TOM, you have just been a tremendous person on that committee. A lot of things that we were able to accomplish we would not have been able to accomplish if it had not been for that common voice of TOM MANTON.

TOM MANTON is one negotiator. If TOM MANTON cannot negotiate it, forget about it. It is something that cannot be done. TOM knows how to talk in the back room. He knows how to operate.

He is not a guy that gets on the floor every day and make a lot of noise on the floor and bang and talk about what should happen and all that. But TOM is always there sitting very focused and negotiating on what is in the best interest for his district, what is in the best interest for the State, what is in the best interest for this Nation. TOM is always there doing that.

I think the other thing that TOM has, he has the ability to sort of listen to whatever is being said and then, of course, sort of pick out really the key kind of factors, because then, based on that, then you can determine what tomorrow is going to do. We watch him. Then all of a sudden, he will make a vote.

Occasionally I will ask him why did you vote this way. He will give us history. That was the thing that I was very shocked, because I did not see TOM in terms of the kind of guy that would sit back and sort of talk about what happened many, many years ago and, as a result, that is why he is now behaving this way.

I want my colleagues to know, the other part that I think that is very, very important is that TOM is truly a leader, because sometimes we have people that are leading, and nobody is following. That is just somebody taking a walk. But TOM MANTON shows real leadership, and people follow him. People listen to him. People want to know in terms of what he is going to do and what he is going to say.

TOM, I would just like to sort of associate myself with those who are saying that they would like to see you become the next New York State Chair. I do not want to get involved in that. I do not want to talk about it too much.

But I will tell you this, TOM, that if there is anything that I could do, I mean, of course whatever it is, I would definitely be there on behalf of you in terms of making certain that that happened, because I know that New York State and this Nation would be much better off as a result of TOM MANTON providing that kind of leadership. He has done it on the local level. I am certain that he could do it on the State level. Of course he will do it again on the national level as he has done it as a Member of the United States Congress.

On the Committee on Commerce, TOM, let me close by saying we are going to miss you. We are going to miss you in terms of the fact that I am sort of wondering now who is going to calm us down, who is going to be the guy that has the flare to say the right word to sort of settle things down. I do not know who is going to do it.

I think the gentleman from New York (Mr. Manton) has been here around long enough that he sort of trained some of us here from our delegation, and I am hoping that we will be able to use those skills that he has given us to be able to sort of calm things down, to be able to continue to get things for Queens, of course, and of course Brooklyn and New York State, and of course to be able to do the kind of things that this Nation needs done, and we need it done very effectively.

Tom, you have done a magnificent job here in the 14 years that you have been here. We are going to miss you, Tom, but I am so happy to know that you are not leaving politics, that you are going to go back to New York, and you are going to be involved in the political arena as well.

So we look forward to working with you there in that capacity where you can continue to calm folks down. Thank you so much. You need to come to Brooklyn and calm Brooklyn down.

Mr. GILMAN. Madam Speaker, it is my sad duty to rise to pay tribute to an outstanding colleague and a dear friend who regrettably has decided to depart this body after a fourteen year record of outstanding public service to his Congressional District and to our nation.

Tom Manton first came to Congress unexpectedly 14 years ago. I say "unexpectedly" because no one had anticipated only a few months earlier that his own Member of Congress, our former colleague and my former constituent, Ms. Ferraro, would be nominated for the Vice Presidency. However, when Ms. Ferraro stepped into the national spotlight, Tom was more than ready to take her place in this chamber, having already accumulated 14 years experience on the New York City Council, and a successful career as a practicing attorney.

In the House, Tom gained recognition not only for his dedication to diligent work but also for his concern regarding those issues of deep concern to him. As a fellow co-chair of the House Ad Hoc Committee on Irish Affairs, I became familiar first hand with Tom's deep concern for the cause of justice and peace in the north of Ireland, and his commitment to human rights. Tom is one of those individuals who grasps instinctively that any threat to the human rights to any people anywhere is a threat to the human rights of all of us.

On our House Commerce Committee, Tom has served with distinction, and his position as Ranking Minority Member on the Subcommittee on Finance and Hazardous Materials has been of great benefit to all of us in the State of New York, where the transport and disposal of hazardous wastes is a deep concern.

We extend to Tom our best wishes for good health, happiness and success in all of his future endeavors, and we remind Tom and his lovely wife, Diane, that they will always have a home away from home here at the Capitol. Tom Manton's accomplishments will long be remembered.

Mr. BLILEY. Madam Speaker, I will truly miss Representative Tom Manton of New York. He is an honorable and friendly person.

He is also my kind of Democrat.

We worked together on the financial reform bill, my satellite privatization act, securities litigation reform and many other issues.

He leaves Congress having built a record of accomplishment and a long list of friends on both sides of the aisle.

I am happy to be one of his friends.

We did some traveling together when Democrats controlled Congress. I will always remember our side trip to the holy shrine of Medjagoria. Since Tom and I share the same religious faith, that was an important event we will always remember.

The son of Irish immigrants, a former policeman, a good politician and a friend—I will miss Tom Manton.

I wish him and his family all the best in the years ahead.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from New York (Mr. Manton), our honoree and our friend, who is not leaving New York but leaving the Congress.

Mr. MANTON. Madam Speaker, I thank the gentleman from New York (Mr. Rangel) very much, a great dean of our New York delegation, and all of my colleagues who are here tonight joining in this tribute.

Some mention was made of my mother and father being Irish immigrants who came to the United States from the west of Ireland from small farms. They did not know each other in Ireland, but they both came to the great city of New York from the quiet country life of their respected farms. They met in New York City where they married and raised a family.

The reason I am here is because we live in a republic which recognizes that people can advance themselves. My father was always one who said you must get an education.

☐ 1830

My father had a third-grade education. My mother was much more educated. She had eight grades of education.

They came to the loud and boisterous and busy city of New York with the cacophony of all these sounds—taxis, trucks, and people. I always wondered how they survived those early years.

I was blessed in being able to have a number of jobs before coming to this great body. Some mention was made of my service in the United States Marine Corps, 2 years of active duty. After the Corps, I served some 5 years in the New York City Police Department, 15 years in the New York City Council, and, now, 14 years in this great body.

Where else can you walk through the hallways of your place of employment but this Capitol and know that they were traversed by many great people who were also Members of the House of Representatives: John F. Kennedy, Lyndon Johnson, Abraham Lincoln, James Madison, and there are others, such as John Tyler, James Polk, Millard Fillmore, Franklin Pierce. So, it shows that in the United States of America, people from modest backgrounds under our system of laws can get an education and prosper in this great nation that we know as the United States of America.

Yes, I have had an affinity for the problems in my parents' ancestral land, in Ireland. I was very pleased to serve as the cochair on the committee which we know as the Ad Hoc Committee on Irish Affairs. The fact that we had the peace agreement of Good Friday makes my service, and I think the service of all of those who were involved in that process, all the more memorable. We worked to bring President Clinton into the process having him invest a lot of political capital, sending an envoy, Senator Mitchell, to Ireland and generally working with the leadership in Northern Ireland of both traditions to see that we had this agreement. It makes me proud, and I know the people in this body who worked with me on this issue happy as well.

I have had the opportunity to, as was mentioned, go to law school, I practiced law for some 20 years before coming to this great body, and I am going to return to that profession. I loved it a lot, I have missed it in the last couple of years and decided that I am going to take another try at it.

My colleagues, I thank you very much for bringing on this special order tonight. It is with a certain amount of bittersweetness that I am leaving this body but I am not, as you have suggested, leaving politics, too. I am going to continue as long as they will have me as chairman of the great Queens County Democratic organization. It is an organization that stands for the principles of the Democratic Party that we all love and admire.

With a certain amount of sadness, I bid you good-bye for a short while. I will be around. Please do not forget me. When you come to Queens, you are always welcome. Some of you may end up in Queens with the reapportionment of 2002, and we will be awaiting your good suggestions on how these lines should be drawn and whatever input we can have in the process.

Before closing, I would be remiss if I did not say a word of thanks to my dedicated staff, both current and those who previously served in my office. I could not have done this job without their help—Elaine Simek, Cinnamon Rogers, Lizzy O'Hara, Maggie Berman, Adam Wolf, John Olmsted, Matt Socknat, David Springer, Steve Vest, and Jim Mathews.

I say good-bye, God bless you, and thanks for everything. It has been a great honor.

GENERAL LEAVE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mrs. MYRICK). Is there objection to the request of the gentleman from New York?

There was no objection.

DEMOCRATIC MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 15 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, let me also if I can just take a minute to also express really the friendship that I have had over the last few years with TOM MANTON. He is also on the Commerce Committee with me and the gentleman from New York (Mr. ENGEL) and the gentleman from New York (Mr. TOWNS) as well. I have always admired him for the reasons my colleagues have all set forth but just to mention a couple of things. My father was a policeman. I know what it was like to have a policeman, to serve on the police force, and I know that he is the kind of policeman or the person in the police law enforcement background that is really kind of the perfect image, if you will, of a law enforcement individual.

In addition to that, I have seen him as I think the gentleman from New York (Mr. TOWNS) said really be a consensus builder on the committee. The committee can often be very contentious, not only Republican-Democrat but even within the Democrats. TOM was always the person that was out there trying to bring us together on so many very important issues. I also saw him operate with the Hellenic Caucus. I do not know if that was mentioned tonight, but he worked very hard with the Greek community and he was a leader dealing with those issues as well. I really admired him for a long time. We worked on the Merchant Marine Committee together. He was always a person that was trying to help other Members of Congress, to help his colleagues at all times and do what was best for the country and for his State and for his district. Thanks again, also. I am going to miss you as well.

Madam Speaker, I just wanted to take some time this evening, if I could, to essentially refute, if you will, some of the statements that were made earlier this evening in the special order that my colleagues on the Republican side of the aisle made on the issue of HMO reform. I have taken to the floor many times over the last few months to point out that I believe, and I think the evidence shows, that the Republican leadership of this House was very much determined not to bring a true HMO or managed care reform to the floor and essentially was very much under the influence of the insurance industry which still today does not want to see any real HMO reform. And so I was sort of, not shocked I would say but I was sort of displeased to see that in the waning hours of this Congress that the Republicans who put together the HMO bill that passed this House were actually trying, I think effectively, to defend their actions, because they know that the American public is clamoring for HMO reform.

And so I will say two things tonight: One is the fact that the HMO reform bill was not even taken up in the other body, in the Senate, is a strong indication of the fact that from the beginning, the Republican leadership in both houses of Congress had no intention of really dealing with the issue of HMO reform. In addition to that, the Republican leadership over here bypassed all the committees, never allowed hearings, never allowed a markup of the HMO reform bill and at the 11th hour when it appeared that there was overwhelming support for the Democrats' patients' bill of rights, which was really sort of a bipartisan bill because we had some Republicans, also, that supported us, but when the patients' bill of rights, the real HMO reform bill, was gathering incredible strength and the Republican leadership felt it was necessary to address the issue in some form, they quickly brought up their HMO bill, brought it to the House floor, without hearings, without committee markup, and passed it very narrowly, I think by about five votes, and sent it over to the Senate where it was never heard from again.

Let me just point out some of the reasons why this Republican bill was not real HMO reform. I really am using as a source some of the criticisms that were made by one of the Republicans that I most admire, the gentleman from Iowa (Mr. GANSKE), a Republican Member who was initially part of the Republican health care task force but became very much opposed to the Republican bill because he felt that the patients' bill of rights, the true HMO reform bill, was far superior and that what the Republicans were bringing to the floor in terms of HMO reform was not real and actually set us back. I just want to give some of the examples, some of the criticisms, if you will, that the gentleman from Iowa (Mr. GANSKE) made.

First, on the issue of medical necessity. The Democratic patients' bill of rights guarantees a review on the merits by outside experts as to whether a service or treatment is medically necessary. Under the Republican bill that was talked about tonight, the outside review is limited to determining whether the plan followed its own definition of medical necessity. The biggest problem that we face today with HMOs is that people are denied care, an operation, length of stay in a hospital, whatever it happens to be, because the insurance company determines that that procedure or extra day in the hospital is not medically necessary. Well, under the Republican bill, the insurance company gets to define what is medically necessary. All the review that my colleagues on the other side were talking about tonight, external, internal review, extends exclusively to the issue of whether or not the plan correctly defined by its own terms what was medically necessary. So basically the insurance company can still say, this is not medically necessary, this procedure, this operation was not medically necessary, and there is no change in the current law.

Emergency room coverage. The Republican bill has only a watered-down version of the prudent layperson rule which means that managed care companies still have ways to get out of paying for their patients' emergency room visits. What we say in the Democratic bill is if the average person would think that the pain that they have necessitates their going to the emergency room, then the insurance company has to cover it. That is not true in the Republican bill. If, for example, you have severe pain and the insurance company decides that severe pain does not qualify for emergency room care in a given circumstance, then the insurance company will not pay for your emergency room bill. Again, there is really no progress, if you will. Everything is pretty much the same. It is like the status quo.

Protecting doctors and nurses from HMO bureaucrats. The GOP bill does not help doctors and nurses to serve as advocates for their patients because it gives medical professionals no protection from the health care plan when they speak up for their patients. In other words, under the Republican bill, they can be penalized because they speak up for their patients, the health care professionals.

Access to specialists. The Republican bill does not provide for ongoing access to specialists for chronic conditions such as multiple sclerosis and arthritis. Under the GOP bill, patients with chronic conditions cannot get standing referrals to specialists or designate specialists as their primary care providers. This is very important. One of the major points of the Democrats' patients' bill of rights is that you have access to a specialist. Many senior citizens say to me that that is the main reason that they are concerned about their HMOs, because they cannot get referrals to their specialist. Well, there is no guarantee of that under the Republican bill.

Financial incentives to withhold health care. The Democratic patients' bill of rights ensures that health plans not place inappropriate financial incentives on providers to withhold care. On the other hand, the Republican bill is silent on that point. So, in other words, a big problem now under the current system is that the HMO gives a bonus, if you will, to physicians who essentially limit care. Well, that is not changed under the Republican bill. That is still possible under the Republican bill in most circumstances. The Democratic bill basically prevents that and corrects it and says you cannot have those financial incentives to the physicians.

Special legal protections for HMOs. This is most important. Because of a Federal law known as ERISA, patients injured because their HMO delayed or denied treatment have very limited remedies. The patients' bill of rights, the Democratic bill, would permit States to set their own rules for such actions. The Republican bill passed by the House tinkers with but does not really fix this problem.

I just wanted to mention that because my colleagues on the other side spent a lot of time tonight explaining that you would not have the right to sue under the Republican bill but they are going to establish some very exotic and bureaucratic process whereby you would have some kind of review with some sort of penalty to the HMO. It took them almost 15, 20 minutes to describe it. Well, the bottom line is that if I am denied care and I am seriously injured because I cannot get that care, I have no access to that care, I should be able to sue the HMO. I can sue the doctor. Why can I not sue the HMO if they are the ones who are making the decision about denial of care? I know my colleagues on the other side are saying, well, we do not need any more lawsuits. That may be true in general, we do not need as many lawsuits as perhaps we have, but do not tell the person who has been denied the care and suffered severe damages that they cannot sue and recover for the damages. All the machinations that were made tonight about how we are going to deal with this without having you have the right to sue to me were just essentially a bunch of garbage. It had to be explained in such detail that it almost sounded like another legal case to explain the process as opposed to having the right to sue.

My point is again, there was never any attempt by this Republican leadership to come up with true HMO reform. We knew that from the beginning, when they delayed and delayed and delayed and finally when they brought a bill to the floor, they brought a bill to the floor that actually makes the situation worse for patients in managed care, in HMOs. In addition to that, and I do not know if they mentioned it tonight on the other side, there were a number of poison pills placed in that Republican HMO bill. I say poison pills because they were so controversial and unrelated to the issue of HMOs that they made it impossible for that bill to ever move forward. They knew that this was a bill that was not going to move forward and ultimately it did not move forward in the Senate. Those are things that are not necessarily bad. Some people like them and some do not.

The issue of medical malpractice was placed in the bill to reduce the cap on damages. We have controversy in the House back and forth over whether or not that is a good thing. But it is so controversial that it guarantees, or essentially it is a poison pill to make sure that the bill never sees the light of day.

□ 1845

Now many of us on the Democratic side went over to the Senate last week, and we tried to get HMO reform brought up in the other body, and we were essentially gaveled down. There was a vote, and the Republicans made it impossible to bring this up.

So we know that this issue is dead this year because the Republicans have refused to let it proceed. All their efforts tonight to try to suggest that somehow they really meant it and they were really trying to achieve some kind of HMO reform to me is simply not true because, if there was a real effort to do that, then they would have allowed the process to proceed, and this bill would not have been killed in the other body.

Let me also say that for the those who think that somehow there is not some cynical aspect to all this, and I mentioned before that the insurance companies basically wanted to kill HMO reform, we have a document in here that talks about the Business Round Table that is basically financed by the health insurance industry that is beginning now a $2 million ad campaign thanking the Republicans in key House districts for their opposition to HMO reform. Now basically these are the companies that spend millions of dollars successfully lobbying to kill any major health insurance reform a few years ago when the President put forward his plan. Well, now they are spending another $2 million to make sure that people, that Republicans are returned to Congress who will continue to oppose HMO reform.

There is just some information here about how they are going about it, but this is a coalition and its member organizations from the health benefits coalition, and they are the ones that are essentially out there to make sure that Members are elected who are friendly to the health insurance industry and who will not be supportive of HMO reform.

But I want to say this:

This issue may be dead for this Congress, but it is not dead for the American people. This is the number one issue that Americans care about. It is the number one issue that is brought to my attention by my constituents, and I know that next year, when the new Congress begins, this issue is not going to go away, it is going to be out there as a significant issue once again. The public will be clamoring for reform because the problem is not going away. There is going to be more and more pressure, if you will, built up to do something about HMOs and to have these kind of patient protections.

So let us just rest assured we are going to be here again to deal with this, and even if Members of Congress are elected on some sort of platform because of what they owe to the insurance industry, that, you know, they cannot support this, I guarantee that the public is going to clamor for these patient protections and we are going to be back once again fighting for the patients bill of rights to make sure that it is passed in the next Congress.

CONGRESS FAILS TO ACT ON ISSUES AFFECTING OUR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Madam Speaker, first I would like to thank my colleague, Mr. PALLONE, for setting the record straight on the patients bill of rights and managed care reform. But, Madam Speaker, my desire to be a Member of the Congress of this United States comes chiefly from wanting to help create a better world for my two daughters and all children. That is why this Congress' failure to act on so many bills and issues affecting our children is so frustrating and distressing to me and mothers across this country.

We talk a great deal about child abuse and neglect as a tragic crime that it is, but is not what the leadership of this House has failed to do on children's issues also child neglect? It is a sad indictment that the 105th Congress, even in these waning hours, still has not passed the President's education initiative to ensure that our children will have smaller classes and more teachers, safe and sound school buildings, the tools they need to be successful in life and the after-school programs that are proven to reduce juvenile crime. This Congress has also neglected the needs of working or would-be mothers and their children by failing to provide safe child care and training for those who provide it.

As we go back to our districts to ask our constituents to give us another 2 years to represent them in Congress, what will we say to those mothers who after we Democrats turned back more of the draconian measures of welfare reform began to look forward with hope for training and jobs so that they can have a better life for themselves and their children. We can only tell them that their hopes are being dashed because this Congress, under Republican leadership, has failed them by not providing the child care they need.

Madam Speaker, the 105th Congress by not passing a real patients bill of rights has also failed to provide mothers with the security of knowing that when our children are sick or injured needed care will be there, that their doctors will be able to refer them to the specialists required or be able to make the necessary decisions to bring them back to good health.

In my own District of the Virgin Islands and the other territories the issue of health care in children care and children comes together at its worst. It would be a travesty, Madam Speaker, if we were to adjourn continuing to shortchange the children who live in the offshore areas of the United States by not giving them equitable funding under the children's health insurance program.

We must not go home at the end of this week leaving American children in the territories without health care coverage, especially when Medicaid in the territory is capped at levels that lock many outside of Medicaid's doors as well. Madam Speaker, it is un-American for any citizen to be treated unfairly or excluded from these basic programs because of where they live.

Dr. Marian Wright Edelman reminds us that service is the rent we pay for being here on earth. Unfortunately my colleagues on the other side have not been serving our children because of their failure to bring these bills to the floor, so they have not been paying their rent for being in this Congress, and the voters of this country will send them an eviction notice on November 3.

I call on all of my colleagues to start paying our rent by insuring that children have adequate child care, Head Start and after school care, that they are protected from those who would neglect and abuse them, that the care is put back into health care and that their schools return to be the centers of learning and safe haven that they once were and that all America's children are treated fairly.

THE VALUES OF CONGRESS ARE POISON TO THE SENSIBILITIES OF THE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes.

Mr. BOB SCHAFFER of Colorado. Madam Speaker, the impasse between the Congress and the President has now held this great body in session 5 days beyond our planned adjournment date. The principle disagreement is a typical one of whether this Nation will redistribute greater portions of the taxpayers' wealth or devote it to debt relief and the people themselves. Our failure to resolve these matters has delayed us from returning to our home States, to our constituents, and most of all to our families.

A few days ago, I came to this floor and addressed the House on my thoughts about the public morals and of the Nation's character. I directed that address at my three daughters, and tonight I intend to express to the House my thoughts about my son, Justin, who is 9 years old and wondering, I am sure, why his dad has been gone so long. He knows, I think, the importance of the Nation's business in Congress, and he knows I would not remain away for trivial reasons.

Madam Speaker, it is significant that a major or portion of today's debate involves the issue of public education. I believe the Republican agenda is the proper one, to send more education authority to the States, to local schools and to every family. Our opponents have the opposite idea. Theirs is to expand the scope of the Federal Government in this important area, to federalize various aspects of a traditionally decentralized system.

Now their plan is to grow the size of the Federal Government at the expense of State and local autonomy and liberty, and I raise this issue, Madam Speaker, because the debate coincides with one of the most historic decisions this Congress must resolve, and that is the matter of impeachment of the same chief executive who would be charged with commanding the education authority in question.

Education is about values. Public education is about public values. And the education of America's children is about the future of human civilization and life on the entire planet.

As a father of four children, three of whom attend public schools, I will tell you this:

The last thing we should do is give the bureaucracy in this city more power to manipulate the Nation's local schools. The values of Washington, D.C., are poison to the sensibilities of the Nation. There is no one, no one at the White House whom I would trust to shape the academic structure of our schools, much less convey the moral precepts of our Declaration or shape the character of our children. In fact, our purpose here in this Congress should be just the opposite.

The values of America are strong. Our moral purpose has been defined by 222 years of glorious history as a mighty Nation based on simple precepts, that we are governed by basic truths, self-evident ones at that.

Our purpose, Madam Speaker, should be to apply the values of America to this city, not the other way around. The voices of decent Americans should be heard over and above the petty partisanship and unruly law-breakers of this capital.

For the truly patriotic Members of Congress, I know that this is why you are here at this very moment in time. Your courage is an inspiration because through you the decency of the American people speaks, and I want my son, Justin, to know that the innocence of a little boy is the hope for America, and he is the reason I am here.

So, as we debate whether to export the values of Washington, D.C., to Colorado and every other State, I want to make a case for the young boys and girls all over America, that they may be raised up in spite of this terrible folly that has transpired over the past several months just at the other end of Pennsylvania Avenue.

Madam Speaker, my message to my son is as follows:

Justin, how confusing it must be to grow up at a time when public behavior differs so much from what you know to be good, honorable and right. There are things I want you to know and remember forever. America is the greatest Nation on earth because it is a Nation under God, and we have come so far as a people because throughout our history great men and great women have looked to the Almighty for direction in making all the decisions that have affected you and me to this very day.

And I believe with all my heart that he has blessed America. America is not great because of Congress. It is not great because of the Supreme Court, or the Constitution, or the Declaration of Independence, or because of the presidency; not because of our military might, our natural resources or our prospering economy. No, America is great because common people with big dreams and caring hearts have maintained the faith that there is something bigger and more noble to pursue. America is great because of you and your sisters, little boys and girls just like you. You are the messengers that we will send into another time. And what message will you carry, what message will you carry with you when you one day lead as all American citizens lead?

As your father, I do not want you to lose hope because of the disgrace of certain leaders, I do not want you to be confused about what is good and wholesome or why America is great or what it will take to keep this shining Nation glowing bright. America needs great men and women now more than ever, and America will need them always.

Now I have had the privilege to meet so many, many great men and women and know them well, and our history is replete with many more. My hope for you has always been that you might one day be called by your peers a great man.

One of my favorite presidents, Theodore Roosevelt, he once said and I quote, the best boys I know, the best men I know, are good at their studies or their business, fearless and stalwart, hated and feared by all that is wicked and depraved, incapable of submitting to wrongdoing and equally incapable of being aught, but tender to the weak and the helpless.

These are the words I was taught as a boy. The rules which govern the behavior of truly great men are the same in the office as in the home. In the heart and in every action there is no separation.

Now some will say that it is perfectly okay to be immoral in one's private life or so long as one's public life is respectable.

□ 1900

They say a decent man need only be good in the eyes of others, not good in his heart or good when no one is looking. They say it is okay to tell some lies, as long as one tells some truths.

An honest man need not be totally honest, in their estimation. One need not be faithful or loyal, just likeable. One can be selfish to strangers, so long as one is generous to friends; can be cruel to adversaries, if he is kind to supporters. They believe that there can be victimless crimes. They believe the end justifies the means. They say they are sorry, but do not stop doing what they are doing.

In all these things they are wrong. I submit that what matters most is what is in a person's heart. Good people do what is right, even when it would be easier to do wrong. They do what is right when no one is looking.

People who are worthy of our respect hold themselves to high moral standards in every area of their lives. When the camera is not rolling and they are behind closed doors, good people are faithful. Good people are kind to everyone, not just their friends. They know that wrong actions always hurt someone. They know that wrong deeds diminish the doer as well.

There is no honor in a victory if someone cheats. How one accomplishes something is as important as what is accomplished. When good people make a mistake, they tell the truth. They recognize that people have been hurt by their actions and they apologize. They do not continue doing wrong. They are willing to submit themselves to authority. In the words of Teddy Roosevelt, "these are the best men."

Some question the need for honor and integrity and truth and leadership. They seem to think that the ability to wield power is sufficient. Character does not count, they claim; results are the only measure, they say.

Justin, just imagine if this were true for sports. People who are caught cheating would still get trophies and medals. When cheating is allowed, victory is meaningless. How one plays the game is as important as winning.

I think Teddy Roosevelt would have agreed that great men must first be good men. There cannot be effective leadership without honor and integrity. In fact, a man of integrity and honor provides leadership wherever he goes. In his home, in his office, in school, in his church, in his circle of friends, he is an example to others.

President Roosevelt was considered by many to be a great man, and, for the most part, our Nation has been led by great men.

Justin, the news of recent months have revealed stories about the behavior of a man who is very different. The television, the newspapers, Hollywood, these institutions might even persuade a young boy that this kind of behavior is somewhat normal, understandable, maybe even excusable. Young boys today are led to believe that everyone does these kinds of things.

Justin, no, they do not. No, they do not.

The kinds of things you have heard about and about which little boys giggle during recess are not normal. The example of the White House is not the way we live at our House, and, if I accomplish nothing else in Congress, I hope to successfully impress upon you this point. In that I would be most pleased.

You are my highest responsibility. I thank God every day for you, that he has allowed me to raise you in America.

Just a few hours ago somebody out in the hallways behind the Congress gave me some advice and asked me to pass it along to you, and it is good advice. It is good advice for all young boys in America.

I might say for any of my colleagues who are interested in acquiring this document, just please call my office, and I will be happy to pass it along or refer you directly to the source.

Number one, when people say marriage vows do not matter, you must honor marriage. Americans have always believed that marriage vows matter.

Number two, treat women and girls with dignity and respect.

Number three, character does matter. One of the most damaging aspects of the scandal is the idea that character in our leaders does not matter, so long as we are prosperous and at peace. That cannot be true. When you think throughout the history of America, all of the great moments in our existence, we do not remember the great heroes in our history because of some economic plan that they devised, because of some road they built or bridge they constructed or some war that they won or some budget that they crafted. Take a walk around Washington, D.C. Those individuals who are enshrined in brass and marble are enshrined because they were men of character and women of integrity. That is what we remember. That is what makes America great. Character does matter.

Number four, honesty is the best policy. Lying is unacceptable.

Number five, the truth, the whole truth and nothing but the truth, is the code of justice.

Number six, take responsibility for your actions. Do not blame others if you are caught doing something wrong. Today we see numerous examples of people in public life who blame others for their wrongdoing. Do not do it.

Number seven, take responsibility, and that means accepting consequences.

Number eight, the higher your position, the greater your obligation to observe the law.

Number nine, because we are all imperfect, we must submit to the rule of law.

Number ten, put principle first.

Those are important words to live by. I hope you will never forget them.

Your mother and I have done everything we possibly can to give you these words of wisdom and occasions for guidance, so that you will not be distracted or discouraged when you see the kinds of examples that have been exhibited in the highest offices in the land.

Here is what other officeholders and famous Americans have said about character and how it does count.

Samuel Adams said, "It is not possible that any state should long remain free where virtue is not supremely honored."

Our first president, George Washington asked, "Can it be that providence has not connected the permanent felicity of a Nation with its virtue?"

John Adams said, "Public virtue cannot exist in a Nation without private, and public virtue is the only foundation of a republic."

Abigail Adams said, "Above all things, support a virtuous character."

Thomas Jefferson said, "Never suppose that in any possible situation or under any circumstances that it is best for you to do a dishonorable thing, however slightly so it may appear to you."

James Madison said, "But I go on this great republic in principle, that the people will have virtue and intelligence to select men of virtue and wisdom."

Frederick Douglas said, "The life of the Nation is secure only while the Nation is honest, truthful and virtuous."

And the Bible, Proverbs, says, "When the righteous are in authority, the people rejoice; and when the wicked rule, the people mourn."

Honor and integrity does matter. Honor and integrity matters always. The rest of the world looks to the United States of America for leadership and guidance for precisely that reason. They know that the Declaration of Independence was something that brave men and women shed blood over, that the principles are self-evident truths, that we are all created equal, endowed with unalienable rights, to life, liberty and the pursuit of happiness. And to that declaration and to that concept, our settlers, our forefathers, those who led the westward expansion, carried with them a vision for all Americans that we will in our moments of truth stand for those same principles and stand up for the Declaration of Independence and continue on that great revolution that they started 222 years ago this year.

They said at the end, "And in support of this declaration with a firm reliance upon the protection of divine providence, we mutually pledge to ourselves and each other our lives, our fortunes and our sacred honor."

Honor does matter. It is what launched a country, it is what preserves us today. And it is how we should live, at home, at work, at school, and in the White House.

There is more great advice for us to live by, and I want to finish with this.

We all have gifts that differ according to the Grace given to us: Prophesy in proportion to faith; ministry in ministering; the teacher in teaching; the exhorter in exhortation; the giver in generosity; the leader in diligence; the compassion in cheerfulness. Let love be genuine. Hate what is evil. Hold fast to what is good. Love one another with mutual affection, outdo one another in showing honor. Do not lag in zeal, be ardent in spirit, serve the Lord, rejoice in hope, be patient in suffering, persevere in prayer, contribute to the needs of the saints, extend hospitality to strangers. Bless those who persecute you, bless and do not curse them. Rejoice with those who rejoice. Weep with those who weep. Live in harmony with one another. Do not be haughty, but associate with the lowly. Do not claim to be wiser than you are. Do not repay any one evil for evil, but take thought for what is noble in the sight of all. If it is possible as far as it depends on you, live peaceably with all. Never avenge yourselves, but leave room for the wrath of God, for it is written, vengeance is Mine. I will repay, says the Lord.

No, if your enemies are hungry, feed them. If they are thirsty, give them something to drink. For by doing this you will heap burning coals on their heads. Do not be overcome by evil, but overcome evil with good.

Madam Speaker, my son really is, and my three other daughters, are the most important things in my life. My wife and I work very, very hard to raise up a family where these children are given the guidance that we have been given.

These children really are the messengers that we send into a distant time, and it is important that they understand that these dark days that we are enduring presently here in Congress in dealing with an unfortunate question which we must resolve can be just a temporary occasion from which this Nation can emerge even greater. That is my hope and my prayer. It is my message to my son Justin, and in a second I will yield to the gentleman from Georgia.

Madam Speaker, earlier today our negotiators with the White House had been engaged, with the Senate, with the White House negotiators and others in trying to craft an appropriations bill to pay for the government. The longer we stay here in Washington talking, the more expensive it seems to get.

This Congress agreed earlier on in the year that we would work hard toward a balanced budget, and it was fairly exciting, I would say, for most people throughout the country, certainly my constituents back home in Colorado, when the numbers began to come in showing we have achieved those objectives, that we balanced the budget as a Republican Congress, in fact four years ahead of when we promised originally in the last election season. The budget we promised to balance in the year 2002 is in fact balanced this year in 1998.

The President of the United States has even gone to the point of heralding a budget surplus and devising plans on how to divvy up that surplus and how to spend it, and that really is what stalls us here in Congress now. Five days ago we would have adjourned, were it not for the President wishing to break his faith with that earlier budget agreement. Setting the surplus aside for additional spending is something that the Republican Congress is really not interested in, yet that is what the President is insisting upon as we stay here to negotiate with him.

We managed to pass the first tax cuts in 16 years, capital gains tax cuts that the Chairman of the Federal Reserve Board Alan Greenspan says is driving the most prosperous economy in the world today. In fact when he testified just at the other end of the Capitol before the Senate Finance Committee approximately one month ago, Chairman Greenspan said what is driving economic prosperity in America is capital gains, that the capital gains tax reduction has allowed for trillions of dollars in private capital to be available to be reinvested in the economy.

□ 1915

What that means, Madam Speaker, is that private risk-takers, families, farmers, business owners, small business owners as well as large, are taking the risks and making the investments to create jobs, to create wealth, to circulate and recycle that private capital in the economy over and over and over again in a way that has driven up consumer confidence, that has driven up investors' confidence, that has driven up every single indicator, or most indicators, in the American economy.

By lowering taxes, the capital gains tax, in this example, we have lowered the effective rate on the American people, but at the same time driven up the tax revenues collected by the Federal Government, because we generated an economy based on growth. By taxing the growth in the economy more often, more frequently, at a lower rate, we have managed to make for an occasion when the budget balances earlier than we had thought.

We also cut the inheritance taxes or the death tax. We have gone back for more, when it comes to death tax cuts, just recently. The farmers and ranchers throughout the eastern plains of Colorado tell me that is a critical tax. It is one that suppresses the farm economy, and they say that we have unleashed, to some extent, economic productivity in farm country by lowering the capital gains tax rates.

As many of these farmers and ranchers approach retirement age, they are looking for ways to hand the farm over to their children. It becomes prohibitive, as a result of the capital gains tax, to hand the farm over to the families presently, but establishing an estate structure to allow for the farm to be passed on to descendents in the event the current owner passes on or dies is the way most farms are actually broken up today. They are broken up because upward of 50 percent of the value of the asset, the farm, has to be given to the government. The family has to go visit the undertaker and the IRS tax agent on the same day, selling off equipment, selling off quarters of the farms. It makes for an economic entity that often just cannot survive economically.

Mr. Speaker, the inheritance tax is a devastating tax to America's farmers and ranchers. I would hope that we will be able to continue to press forward, not only with providing some relief for the inheritance taxes, but also reducing the demand on the other end, by shrinking the size of the Federal budget, slowing the rate of growth in Federal spending, so that the demand for onerous tax revenues can be diminished; so we can abolish the inheritance tax, for example, the death tax.

Imagine that, getting rid of the death tax. That is our goal on the Republican side. That is what is at stake in these debates that are taking place downstairs and tomorrow on trying to achieve some kind of compromise on this appropriations agreement.

Madam Speaker, our plan also called for a $500 per child tax credit, in our belief that families are important and essential as the most central social unit in American society. We believe that finding ways to relieve the burdens on families is important, and we will continue to press for those, to make it easier to send our children to college, to save money for their health care, to put money aside for their college education, to put money aside for the things that any family believes to be important for their children.

We have also made, in this particular appropriations agreement that we are fighting for today, a number of significant steps to try to free up local schools, so that we can educate the children of America better.

There are two differences of opinion, certainly, here on the floor of the House of Representatives. The Democrats, their plan calls for hiring more government bureaucrats, growing the size of the United States Department of Education, tying more strings and red tape to the dollars that leave Washington, D.C. and go back home to the districts, to the people who worked hard to raise the money to send it here in the first place, so the bureaucrats could play games before they send it back, and generally to expand the authority and influence of Washington, D.C. over and above our local schools and our local communities.

We are for local control of education. The President insists that beltway bureaucrats, not teachers, parents, and local school districts, control education policy, including even deciding what type of teachers the District needs. I think that is ridiculous.

Our idea is pro-liberty, pro-freedom. We talk about the liberty to learn and the freedom to teach, cutting the red tape, cutting the strings, cutting the rules, cutting the bureaucracy that this city likes to attach to our city back home, so that teachers can do their jobs as they know best how to do, so that administrators can lead their schools in the directions that mirror the values and the priorities of their communities, so that school board members can make the kinds of decisions that they were in fact elected to do without the unfortunate and unnecessary intrusion of bureaucrats in Washington, D.C.

We passed the Dollars to the Classroom bill, Madam Speaker. The Dollars to the Classroom bill was the legislation that insisted that 95 percent of every dollar that Washington currently spends on education actually makes it to a classroom.

The only opposition we had was from the other party, the Democrats. When it comes to distributing the Federal government's money, in the classroom or in Washington, the Republicans chose the classroom. The Democrats chose Washington.

We are also fighting for a strengthened military. The President has allowed our defense budget to shrink to dangerous levels while he expands our commitments overseas. Our soldiers, our troops, our sailors and airmen, are overseas engaged in police actions of various sorts, without clear direction from their Commander in Chief, without clear guidance as to the nature of their mission, in many cases without being on one side or the other, just standing in between warring parties, trying to resolve civil wars where America's interests are not all that clear, yet at the same time ignoring troubled hot spots around the world where America's interests are very apparent.

It is unfortunate when we lack the kind of leadership that the chief executive ought to be able to provide, and that most chief executives over our history have been able to provide, and do so in a way when our troops are underfunded, when they do not have the support and the backup and the equipment necessary to do the job and do it right, and walk into any situation confident, knowing that they will never lose.

That is what America ought to represent overseas. That is what our military strength ought to show. That is what every soldier who wears the flag ought to be able to convey, because they are Americans and they matter to us.

Protecting our budget surplus is something that we believe in. The President wants to spend that surplus on more Washington bureaucracies, and even stopped the middle-income tax relief to accomplish that goal. When it comes to winning the war on drugs under President Clinton, teenage drug abuse has soared. His administration would even allow free needles for heroin users and other drug addicts. We are committed to reversing that trend, stopping the needle exchange and winning the war on drugs.

We stopped the President's $130 billion in tax and fee increases. It is not enough for President Clinton to spend the Federal budget surplus. Remember, his budget called for $130 billion in tax and fee increases to finance his bigger government, taxes on middle-income families, retirees, those who save, and job-creating businesses.

We are working hard to stop the President's $150 million in new spending. The President's budget asks for 85 new Washington spending programs, including 39 new or expanded entitlements. The entitlement spending alone accounted for nearly $53 billion for 5 years.

Do Members realize that when we cut taxes last year and relieved the tax burden on the American people, the American people became more productive? They invested more wisely and they worked harder. When consumer confidence went up, people consumed more, they invested more, they spent more. Private capital was recirculated through the economy at greater frequency. We taxed it more at a lower rate, we generated more revenue to the Federal budget and for the Federal Government than even our best economists had predicted.

What we proved last year, and again this year, is that President Reagan was right, that we can cut taxes and balance the budget quicker, improve the economy faster, in a way that allows us to save social security and pay down the debt even quicker. We believe that to be true. The Members are showing that we are right.

Really is what is at stake is whether we are going to allow this president today to put the brakes on robust economic growth by passing a bigger budget than the country needs, by passing greater spending than the country has to have, and by further delaying the reductions in tax cuts, reductions and tax cuts that the American people so richly deserve.

We know that is a winning strategy on our part. We know it is a strategy that the American people want. We are willing to stay here as long as it takes to see that prudence prevails in these negotiations that are taking place downstairs.

Mr. KINGSTON. Madam Speaker, will the gentleman yield?

Mr. BOB SCHAFFER of Colorado. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Speaker, I think it is real important for us to just have a good balance between reducing spending and trying to fund necessary programs.

This Congress has done a great job towards balancing and protecting and preserving Medicare, protecting and preserving social security, and reforming welfare, and providing, as the gentleman has stated, the first tax cut in 16 years.

I still think the American people are overtaxed. We have to be very, very careful with how we spend the money that we get from the hardworking American people. On the same hand we are going to continue to push for these things, even if we do not get the full load this year.

I think it is very important for us to stay at the table, get the job done, make sure that education is run as much as possible on the local level, not out of Washington bureaucracies, not out of State capital bureaucracies.

We have stood strong for lowering the teacher-to-student ratio. We want more teachers in the classroom, but we do not want those teachers to work for Washington, we want the teachers to work for the local school board. We want the local school board to be able to make the decisions.

It is similar to the COPS program, the community police officers on the street. In my area in Statesboro, Georgia, they have utilized COPS grants to put police substations in different housing developments, in high-risk crime areas. What has happened as a result of that is crime has gone down in this crime-infested area, and the little children are looking up to policemen. They are making friends with the policemen. Instead of running from policemen and seeing them as an enemy, they see them as a good citizen, and, if you will, a father figure, in many cases. It has been very positive.

The reason why that COPS program I think has worked in Statesboro, Georgia, is because they do not rely on Washington to tell them how to spend the money or where to spend the money and when to spend the money. We want to do the same with education.

Mr. BOB SCHAFFER of Colorado. The history of the country since the mid or late seventies has been to grow the size of Washington's bureaucracy when it comes to education. The Department of Education was created during the Carter administration. It has consistently grown and grown and grown.

The percentage of Federal funds or Federal involvement in our local neighborhood schools has grown dramatically, and I know the impact in my community back in Colorado has not been positive by the Federal Government's manipulative efforts here out of Washington.

I am curious as to what the impact of the growing Federal bureaucracy has had on the schools in the gentleman's local neighborhoods and local schools back in Georgia.

Mr. KINGSTON. Let me tell the gentleman, I will give three examples. A teacher in Saint Mary's, Georgia, told me that she had just returned from Athens, Georgia, where she went to a seminar where they taught teachers from all over the State how to behave around students.

□ 1930

What they meant by that is one has to be careful to never be alone with a student because they might do something to the student. They should never go to a bathroom or a gym locker room alone with a student.

These are prudent things, but then they went on to say one should not ever hug a student and one should avoid being with a student after class hours. Now think about that for those who may be a little slow on algebra, need to hear the grammar for a second time in order to get it. I had to often go back after class and talk to the teachers. They are telling these teachers not to do that.

The worst part is she told me they were told not to hug the students, and she said I live in an area where we have a lot of young families, a lot of military families, dads are away, on ships in the Navy a long time. Some of these kids are actually from a broken home. They need a hug a lot more than they need an A.

She went at taxpayers' expense to hear from the bureaucrats at the State Department of Education, who heard from the bureaucrats in the Washington Department of Education, do not hug your children down in Saint Marys, Georgia. I think this teacher was capable of making her own decisions. A teacher in Darien, Georgia, I asked her how much paperwork she has to do each day beyond grading papers in the normal paperwork that comes with being a teacher and she said she spends about 30 minutes a day; 30 minutes a day. That is 2 to 3 hours a week filling out forms of statistics, often which are meaningless to the bureaucrats in Atlanta, who send them to the bureaucrats in Washington.

What we are trying to do, and I think this budget agreement is moving in that direction, is to give more power to the local teachers.

If the gentleman will continue to yield, I would like to show him some of the education components that we have passed in this Congress this year, which we are trying to get, and I think we are going to be successful in getting a lot of these in the budget, the Higher Education Act, the A-Plus Savings Account Act. Now unfortunately that was vetoed. $500 million more for special education. The students in special education have particular needs that are not always met by the normal funding process.

Mr. BOB SCHAFFER of Colorado. This is one of the most important points, I think, in the Republican accomplishments for education. The special education program, and the funding for special education, is a matter of civil rights. The Supreme Court has determined that the Congress has now a legal obligation to really look out for the children who are of special needs, that they deserve the kind of education, the highest quality of education possible, to live the American dream as all students would.

Yet, when the special education programs were created, this Congress, under Democrat leadership, has consistently eroded the funding for the program. So here again, we have a liberal model of government bureaucracy that establishes the rules and slowly drains away the funding that you need to comply with those rules.

Today we have many, many school districts, in fact every school district throughout the country is trying to deal with the red tape, the rules, the regulations, which are fine. Some of these rules make sense and they lead to noble and worthwhile purposes and we need them, but these schools also need the funding necessary in order to meet this mandate from the Federal Government.

This is a huge, unfunded mandate, and one that we are committed to resolving. By placing an additional $500 million in this particular line item, we have dramatically increased the percentage of Federal funding for special education students.

This is a point of contention between the White House and the Congress. In fact, the President opposes our efforts to increase special education funding in this appropriations bill. He would rather take that $500 million and spend it on a free needle exchange program, spend it on other kinds of ridiculous programs that are a high priority over at 1600 Pennsylvania Avenue, not up at this end of the street.

We are committed here. This is why these negotiations are carrying on as long as they are, because we are committed to funding this program for special education students to a much higher and greater degree than we have been able to do in past years. It is a real remarkable turnaround for the American people.

I know when I hear from school board members, administrators and teachers from back home, they really have their eye on this particular line item. They are really hoping that the Republicans win out on this debate, that we are able to beat the President on this particular topic because they know the children back home who have special needs, who need additional funding, who need this particular line item, who are protected under the civil rights laws of our country now, and this is the one of the few legitimate areas of Federal funding that this Congress is constitutionally bound to deliver as determined by the Supreme Court.

Mr. KINGSTON. A number of parts of this are so important, teacher testing for teacher competency, Reading Excellency Act, high job skills training. One item I wanted to talk about, though, school nutrition, now I am on the Committee on Agriculture and my friend, the gentlewoman from New York (Mrs. LOWEY) also was formerly on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. We work hard to protect school nutrition, to make sure that our children have a good balanced meal, and it is not just lunch.

They often need to have a breakfast program, because the only warm meal that they get is at the school. So we want it to be a good meal. We want to make sure that the food is safe. We want to make sure that the food is nutritious and that it is quality. We do not want a situation where some broker is coming in there with some special deal to pawn off on American school children some third grade beef.

So we have worked hard to make sure that our children are served consistently good quality meals. We think that is going to make also a better education product, but these are things that Republicans and Democrats can and do agree on, and we move in the right direction of it with this budget agreement because we believe there is so much that we do agree on, and unfortunately so on in the negotiating process we go at it like it is the World Series and there is only one team that can win.

We have a vision that is different of government than the Democrats. Yet, when you put the two visions together, as we often will in a budget agreement, America wins; not Democrats, not Republicans, not the White House, not Congress but America. That is what these negotiations are all about.

One of the things that I do want to talk to the gentleman about a little further is the level of reduction in government spending, how we are moving in a direction where we are bringing down the level of government spending and we think that it is very important to bring that level down consistently because the smaller the growth of government, the bigger the growth of the private sector, and that is where jobs are created. That is where the budget actually gets balanced and that is where more quality goods and services get to people.

Mr. BOB SCHAFFER of Colorado. Remember just last year, during the State of the Union address, the President stood right behind where the gentleman is standing right now by just a few feet, stood here and announced to all of us assembled in this Chamber and also to the country that the era of big government was now over; signaling that he was now going to join hands with the Republican Congress and fight for a balanced budget, to fight for reduced spending, to keep us on that trend line that the Republicans had established as a long-term goal for the Nation.

I think that the Republican Party has done a good job and the Republicans here in Congress have done a good job conveying the message to the country, and persuading the country that less spending is better; that more savings at home through tax relief and through smarter investments and a stronger economy is more liberating, provides more freedom for the American people and they have really sent us all a message, Republicans and Democrats alike, that we need to start doing some more belt tightening, that there is still a lot of fat in government, that we are still funding programs that we do not need. Yet, when the President came over just last week and said, wait a minute, this plan we had all agreed on up to this point of balancing the budget, of trying to set money aside for Social Security, for other important purposes, is something that he does not agree with anymore. Heading into an election, just a month out from the election, he has gone back to his old ways and his friends over on the Democrat side, they are just joining him almost instinctively because now they are back talking their old language again, spend more money, spend more money, delay tax cuts, do not talk about paying down the national debt; do not talk about rescuing Social Security; do not talk about Medicare. Let us spend money right now while we have got it in our hands. That is the way they won elections year after year after year.

I am just curious as to the gentleman's opinion. I do not think it is going to work this year. Does the gentleman think it is going to be a successful formula for liberal victories around the country? Do the American people really want to see this Congress spend more money?

Mr. KINGSTON. I believe that the American people are interested in less government overall. They had more control over their lives and more control on a local level. If a local city wants to do something, provide a service, and then they want it in Colorado but they might not want it in Georgia, people want that decision to be made in Colorado and in Georgia, not in Washington. Unfortunately, as the government grows, it is all up to some unnamed, faceless Washington bureaucracy to say this is what is good for the people of Georgia and Colorado and all of the States east and west of them.

There are not that many States east of Georgia right now, but the way the government is expanding they might put a few people out there on pontoons or something. One has to be careful with this crowd.

The reality is, though, the average hard working American, in my opinion, wakes up in the morning, scurries to get ready for work, both mom and dad, and get the children shoehorned into their clothes. In my house, and I know in the gentleman's house, we are full of children and the gentleman knows that their shoes disappear overnight. Even if they put them in a particular place, the shoes seem to walk under their own power, and somehow there is always a book, even though they have packed their backpack the night before there is a book that is missing, so somewhere in that dynamic the kids have to be dressed and organized and then fed, again, good nutritious breakfast so that they will be good learners.

Then they have to be scooted off to school to the bus station or drop them off in the car pool and then run off to work.

At work, we go back to a pile of paper or jobs that we could not complete the day before and we work real hard for that. Then we get an hour for lunch but we have to cut it off because we have some stuff to do. We are supposed to get off at 5:00, and it is kind of hard but the day care center closes at 6:00 so we have to push through, leaving some more stuff at work, to get the kids and then get home on time, maybe run by the grocery store to get something on the way.

This is the modern nineties marriage. This is the modern nineties family experience. These folks do not sit around and watch us necessarily on C-SPAN, as brilliant as we are, and they are out saying, I am spent. By the time I get the family fed, get myself unwound, get the dishes done, get the yard work finished for the day and whatever daylight is left, finish with the kids' homework and get them in bed and bathed and all the good stuff, it is over with. People do not sit down and read the paper and think about national policy.

What they do is say we voted. We expect the Members of Congress to do a good job. Republicans or Democrats, we expect them to put their party differences aside and do what is good for the country, and we want our government to work. By working, we want a budget that is balanced.

This Congress has balanced that budget for the first time since 1969 because of reductions in wasteful spending, and slowing down the growth of government. They want a Medicare system that is going to be there for them and the future, not one that is going to be imperiled year after year and fixed for election year purposes only. They want one that is solid, which this Congress has solidified on a bipartisan basis. They want a Social Security that is reliable.

We have put aside $1.4 trillion for Social Security. For the first time in 40 years, Social Security has been protected. They want to know it is there for them. They also do not want to pay 45 to 50 percent of their income in taxes. They feel their taxes are quite adequate, and we ought to do well with the money we are already taking out of their paycheck.

That is why they are happy that this Congress has cut taxes for the first time in 16 years, and they want us to do it again because they are tired of busting their tails and having us share in it just because we have the power to do so.

Mr. BOB SCHAFFER of Colorado. This is a point that I think many Americans are actually in tune with and understand. It takes a lot of hard work to shrink the size of this Federal Government. It takes a lot of hard work for the Congress to go do battle with those bureaucrats across the street and throughout the country to reduce the burden on taxation, to squeeze more efficiency out of the Federal Government. Every time we want to make some agency or some program do more with fewer dollars, there are a certain number of comfortable bureaucrats who are inconvenienced by that line of thinking, yet that is the way most Americans work every day.

The farmers and ranchers who live in the gentleman's district and mine, they know what it is like to squeeze an extra mile out of the tractor.

□ 1945

They know what it is like to, to put in a few more bushels in an acre by whatever way they can. Sometimes that's investing in technology or research or better seed stock or perhaps better fertilizer, what have you. But the American people understand continuous improvement. They understand continual efficiency measures. It does take hard work.

The Democrats, on the other hand, they look at balancing the budget, tax cuts, more efficiency as doing nothing. See, they measure success when they were in charge by how much money they can spend, how much of somebody else's money they can spend on the charities of their choice. Our measure is very different and I think more in tune with the American people.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, the interesting part, the gentleman is talking about the farmer, is he is putting his savings back into production.

That middle class taxpayer out there often, when they have little money left over at the end of the month, and they are planning on taking a nice vacation in the summer time or adding onto their house or buying a new car, inevitably the dryer breaks or the refrigerator breaks down, or the transmission falls apart.

The money always seems to go back into the trappings of working and trying to be productive, sometimes the rat race. I mean, they have a hard time liberating themselves from it. I think that is why it is so important for to us remember that, when we are spending money, it is not our money. It is the American people's money.

If we are walking down the street, and we find a wallet, the wallet has $100 in it. We do not go rush out and say, okay, here is what I am going to do with $100. We say, oh, man, a wallet. Somebody has lost $100 how do I get it back to them? Oh, let us see, here is their address now. I am going to return this money and the wallet, and they are going to be happy, and I am going to make share day. That is what we do.

Here we have a surplus, people have overpaid, and we are saying, okay, how do we spend it. That is what I am very concerned about, that there are members of the administration who are taking this approach that, look, we have got this surplus, we are going out and obligate ourselves a new government and spending on new programs.

What we are saying is, give part of it back, put the rest of it, 90 percent, and protect it for Social Security purposes because we have never protected money for Social Security.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, let me pick up where the gentleman left off with the analogy of finding a wallet. When we get elected to Congress and we walk into the door, they give us one of these. We get a little wallet of sorts.

Inside, this is a plastic card. This is our voting card. Many people do not know how this works. There is a little computer chip inside of this one that says this is BOB SCHAFFER'S voting card from the 4th District of Colorado.

When we walk on the House floor, we put the card in the little boxes behind the chairs here, and we vote. When it comes to spending money, many of our Democrat colleagues and people over in the White House look at this voting card as some kind of a credit card, a remarkable credit card wherein we never have to pay back. We spend other people's money, and we can spend and spend and spend, and we personally never get the bill. Instead, the bill gets sent to our children.

Where we stand right now, $5.5 trillion in debt from using this card too many times, without responsibility or accountability. To the point now, when we divide that $5.5 trillion by every man, woman, and child in America, it comes out to a little over $20,000 per person. That is what has been the result of using this card with reckless abandon when our Democrat opponents were in charge of this Congress.

The President downstairs is negotiating with the Congress right now, trying to see how long he can keep us here at election time, trying to see how many promises he can make for spending more money on programs that sound good at first, he is trying to persuade Members of Congress to pick up this card and spend again with reckless abandon and do it in a way that will push any prosperity that America is enjoying now on to future generations.

We are determined to stand here and say, no, that we are not going to leave for home until we are convinced and able to stand proudly in front of our constituents and say we did our level best to continue this downward de-escalation of government spending, that we have tried to raise the amount of revenue that the Federal Government generates, not through higher taxes, but through more economic productivity. That is our promise and our message and what we are here fighting for tonight, and the reason we are here now.

Mr. KINGSTON. Mr. Speaker, I want to mention, the gentleman talked about the amount of national debt. The debt service is actually about $2,000 per family. We pay I think it is the second largest expenditure in the budget is interest on the national debt, which runs to about $2,000 a family, which would be half a year's college tuition. It would be a down payment on a new car, or it could be a nice vacation. So the interest on the national debt is already something we are facing.

Since the gentleman is from Colorado, and I have a mama and a sister and brother-in-law and nephew out in that great State. I also have to brag about one of my best friends two of my best friends, Ross and Paloma Fox, whose son Richard just got a full 4-year college to the University of Colorado. He is 6'10". He is going to be a Buffalo out there. I know that is not in your distict. But he is a great guy.

I just want the gentleman to know, since he represents Colorado State, and I want him to know I have known Richard Fox, this 17-year-old boy, all my life. I know his brother David. They are both great kids. I know their families.

But I just want the gentleman to know that, when Richard Fox and the Colorado Buffalos go up to Colorado State in Fort Collins, I am going to be cheering for him. I want the gentleman from Colorado (Mr. SCHAFFER) to know that I hope they win, and that Colorado State can go win the national championship because they are not going to be able to beat Richard Fox and team. I just have to have this personal brag, because he is a good Georgia boy.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I sure appreciate that, and I am grateful that we are able to maintain our good friendship in spite of the disappointment the gentleman is about to suffer when that contest takes place.

Mr. KINGSTON. Mr. Speaker, I guess, in our time to close, let us just say, this Congress has worked and has balanced the budget. This Congress has worked to protect Social Security. We have worked to protect Medicare, not just for the next election, but for the next generation. We have reformed welfare. Thirty-seven percent of the people that were on it in 1994 have now gotten off of it.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, that, by the way, is about 2½ million American families which are no longer in welfare in the last 3 years.

Mr. KINGSTON. Which are very significant. That is not just measured in tax dollar savings, that is measured in people who are happy, who are independent, greater self-esteem, greater satisfaction, because they went out and found a job, and working they are working their way up the ladder.

Finally, this Congress has cut taxes for the first time in 16 years, which we believe the American people are overburdened, and they need to hold as much as their own money that they earn as possible.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for helping with the special order tonight to shine light on what has, I think, historians will record as one of the most productive Congresses in recent memory.

We have managed to balance the budget ahead of schedule. We have managed to turn the authority out of Washington and back toward the States and cut taxes for the first time in 16 years.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON THURSDAY, OCTOBER 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered tomorrow, Thursday, October 15, 1998:

H. Res. 597, expressing the sense of the House with respect to the Brutal killing of Mr. Matthew Shepard;

H.R. 4829, authorizing the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Franklin D. Roosevelt Historic Site to the Archivist of the United States;

H.R. 1467, a bill to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest;

H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente and of Cahuilla Indians;

S. 2500, to protect the sanctity of contracts and leases entered in to by surface patent holders with respect to coalbed methane gas;

S. 2272, Grant-Kohrs Ranch National Historic Site Boundary Adjustment Act;

S. 2133, to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance;

House concurrent resolution, correction in enrollment to H.R. 3910;

H.R. 3972, to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the outer Continental Shelf;

S. 1132, Bandelier National Monument Administrative Improvement and Watershed Protection Act;

And H. Res. 598, Steel Import Resolution.

CLARIFICATION OF ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. LOWEY) is recognized for 60 minutes.

Ms. LOWEY. Mr. Speaker, I am delighted to be here this evening to clarify some of the issues that we have been working on. I was just in my office when my good friend the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Colorado (Mr. BOB SCHAFFER) were speaking.

I was working with my staff on some of the key educational issues, and I heard some of the comments. I thought, well, I better get down to that floor and clarify some of these issues.

Yesterday, I was in Maryland with the President of the United States, with leaders in the House and leaders in the Senate, and we had an opportunity to visit a school which has wonderful children, a great principal. We met the superintendent. We were there with the Governor of Maryland.

We talked to some of the teachers. We talked to the students. They are working so hard to give those children the very best education they could. Yet, I was shocked to see three or four trailers outside in which the children were learning.

This is the United States of America. This is not a Third World Nation. In a middle class community in Maryland, the children were forced to have classes in trailers because the community was not able to get school construction bond issues through their local communities.

I have worked on the issue of school modernization a long time and let me tell my colleagues why. A couple of years ago, I did a survey of the schools in the metropolitan New York region, and I was shocked.

I grew up in Bronx, New York. I raised my children in Queens. Now I live in Westchester County. So I am very interested in what is happening in the entire metropolitan region.

In this survey, it showed that one out of four, one out of four schools have children learning in classrooms that were meant to be locker rooms, meant to be bathrooms. This in the United States of America.

Two-thirds of these schools have boilers, have roofs, have other areas that have to be fixed. Around the country, there is $112 billion worth of improvements that have to be made in these schools.

A couple years ago, CAROL MOSELEY-BRAUN in the Senate and I introduced a bill. We introduced it again with our good friend the gentleman from New York (Mr. RANGEL) that would do something about this problem. I do not think we should be talking about liberals, conservatives, right wing, left wing.

I am a mother. In fact, I am a grandmother. I bet Jillie is watching this program. Because we want to be sure that our youngsters, like my grandchildren, are going to go to schools that are going to give them the best education they could get.

I am shocked to think that my colleagues on the other side of the aisle would say only bureaucracies want to do this. Let me make it very clear what the school modernization proposal that our President is talking about and has been so forceful about, what our leader, the gentleman from Missouri (Mr. GEPHARDT), is talking about, what TOM DASCHLE in the Senate is talking about, this is a proposal that allows local communities to make the decision. The Federal Government's role is to pay the interest on those bonds. But it is the local community that has to float the bonds.

Do my colleagues know what? My good friends on the other side of the aisle are talking about cutting taxes. What this proposal will do is help lower property taxes, because unless the Federal Government is a partner with local school districts, the local school districts will have to assume this burden.

Just a couple of weeks ago, I toured a school in my district in Westchester County. This district has about $8 million in repairs. They cannot go out with a bond issue of $8 million because this middle class community has so many responsibilities that it will be voted down. So they go out with bond issues of $35,000 and $45,000.

My colleagues and I know when we have repairs in the House, whether we are fixing a bathroom or some leaky pipes, if we go out piecemeal, we do not get as good a price as if we put it all together.

So by the Federal Government paying the interest, giving a tax credit to these bonds, and the local government going out and floating these bonds, the Federal Government is not making the decision. So all this talk about bureaucracies is kind of a joke. It is the local communities that make a difference.

My friends and all of the good people, the hardworking people who are watching us tonight have to understand that there is a real difference in views about school modernization. My colleagues, my friends on the other side of the aisle and I would love this to be a bipartisan issue, because, again, this is the United States of America. But my colleagues on the other side of the aisle do not feel that the Federal Government should be a partner in modernizing our schools. The Democrats on this side of the aisle feel strongly, passionately that the Federal Government has responsibility to help local governments in modernizing the schools.

□ 2000

How can we in this Congress, Democrat or Republican? Because many of us, most of us voted for it, vote to make the Federal Government be a partner in rebuilding our roads, our highways, our bridges and yet not be a partner in rebuilding our schools and modernizing our schools? That does not make any sense.

How can we on both sides of the aisle, Democrat and Republican, vote, and I vote that way, to make the Federal Government a partner in building prisons and yet say to local taxpayers, you have to bear the burden of modernizing our schools. The Federal Government is not going to be a partner. It does not make any sense.

I want to clarify that. Local governments will have the control over the decisions of how they are going to float these bonds, which responsibilities they want to assume, but we would tell them, you will lower your local tax burden because the Federal Government is reaching out the hand to be a partner.

So let us clarify. The Republicans do not want to be a partner in modernizing our schools. The Democrats are saying, we want to help you lower your property taxes and be a partner in modernizing our schools. That is the difference.

I have visited schools, not only in Westchester County but in Queens County, in New York City where the plaster is falling down because of leaks on the roof and they have sheets of plastic holding up the ceiling, not in a third world nation, in the United States of America. Locker rooms that are damp are now places for classrooms. Bathrooms are classrooms. This in the United States of America? How can we say that school modernization is not our responsibility if we are saying that we have to prepare our youngsters for the future, that education is the key to the future? How can we say there should be a computer in every classroom, that there should be computers for every youngster when many of the schools do not have the wiring, they do not have the infrastructure to support these computers? I visited one school and it would be hard for my colleagues to believe this, where they were wiring the schools outside of the window because the school could not have the infrastructure that would support the computers. Does this make sense? No, I think the majority of families, the hardworking families who are listening to us tonight, who send their kids to local schools where there are trailers because there are too many kids for those classrooms that are existing, who send their kids to local schools where the boilers are old, where they need to refurbish, where they want their children to have computers would say, "Help us, be a partner, reach out to us," they are not going to say, "You bureaucrats in Washington, don't help us modernize our schools." This does not make sense.

They are also saying, stop all this labeling. I am tired of people being referred to as liberal and conservative, Republican and Democrat. All of us should join hands across the aisle and help our parents, our hardworking families give their youngsters the very best education they can. That is what this proposal is all about. My colleagues are saying that there are a lot of arguments from, they said Democratic opponents. I do not think we are opponents in this effort. We should be working together. But yes, the Democrats are fighting for school modernization because we feel it is in the interest of our youngsters.

I want to make another point in response to my colleagues. This President, because of bold actions in 1993 and actions following up, has balanced this budget. Now my colleagues are saying that we should be giving away some of this money. Do you know what the money in the surplus really is? The money in the surplus belongs to the Social Security trust fund. These are FICA taxes that are in that trust fund. We should not be using that money other than frankly preserving Social Security and Medicare. This is what our constituents want.

I want to make a couple of other points. My colleagues on the other side of the aisle, my good friends on the other side of the aisle talked about the issues, and they talked about what they have accomplished. I want to remind our listeners that they bottled up campaign finance reform. They did not do anything about preserving Social Security and Medicare. What happened to the patient bill of rights? What happened to reforming HMOs? What happened to the environmental progress that we are trying to make that they are trying to roll back? So it is not just that they are saying no school modernization. They have not taken action to preserve Social Security and Medicare. They have not taken action on the patient bill of rights.

Now, for my constituents that are listening this evening, there is an HMO in my district that has suddenly said to the seniors, "We're not going to cover you anymore." That same HMO called me on the telephone and said, "We're not going to cover you on the Federal Employee Health Benefit Plan. You are just going to have to find another provider." Why was this bottled up in the Senate? Why have we not taken action? We need campaign finance reform. We need HMO reform. We need the enforcement.

I have an interesting story which may relate to some of the personal stories of families here. I was in the office of my ophthalmologist. The ophthalmologist had a difficult decision to make. As so often when I go to the doctor, and my friend from Wisconsin is here and he may have the same experiences, I often hear about what is wrong with the HMO for an hour and then maybe they examine me for 2 minutes. But on one of these occasions, the doctor said to me, Mrs. LOWEY, I had to make the most difficult decision. I felt a patient needed to have surgery immediately to save her eye. That patient had to be put in a taxi, sent back to Stamford, Connecticut, this was in New York City, because the HMO would not allow this doctor to treat her and she had to be sent back for another physician who was not as expert as this physician. So in our HMO bill, we talk about enforcement, making sure that not just the doctor can be sued when something goes wrong but the HMO has to bear responsibility.

So why has this Congress led by the Republican majority not passed HMO reform, passed campaign finance reform and passed our school modernization program? I am going to close now and turn it over to my good colleague from Wisconsin, because I think it is important that you hear what is happening all over the country. School modernization is critical. It is critical that in this negotiation that is going on, and it is not last-minute. I introduced my bill 2½ years ago. This is not last-minute. It is critical that we stand up and fight hard for the children of America. School modernization has nothing to do with bureaucrats. It has to do with the Federal Government reaching out to our local governments and to say to those local governments, "We're going to be partners with you. You can lower your property taxes because we understand that you can't do this alone." This problem around the Nation is $112 billion.

I want to close, as I mentioned before, by saying if this Congress can have a role in rebuilding highways and roads and bridges, and I think we should, if this Congress should have a critical role in building prisons, then we have a responsibility to make education the number-one issue. We have to make sure our youngsters are going to schools that have the latest technology. We have to make sure that our teachers are given all the support they need. It is too easy to criticize our teachers when you and I know that all the problems of our community converge on the teachers in our school system. So we want to be sure those schools are modern, we want to be sure those schools are equipped with computers, we want to be sure those youngsters are safe in those schools, we want to be sure there are not roofs that are leaking, we want to be sure that the boilers are up to date and that when we drive by we do not see a coal truck as I did delivering coal to the local school. We have this responsibility.

I am very proud to be a Member of the Congress of the United States of America. As I look at the Capitol dome as I come in, it is often hard for me to believe that I was elected to be a Member of the Congress of the United States of America. And frankly it pains me deeply to see constant attacks, constant partisan attacks. We have to work together on the priorities that our families and our communities sent us here to accomplish. It is unfortunate that my colleagues on the other side of the aisle want one investigation after another. We would like to bring these investigations to closure, take appropriate action and focus on the issues that we were sent here to do.

Education, my colleagues, is number one. I started working on this not only as a mother, as a PTA president, I continue to care passionately about these issues, and I am optimistic that as these negotiations are brought to closure, we will not only increase the number of teachers by 100,000 as our President has suggested, but we will pass the appropriate legislation that will provide the partnership for school modernization that is so necessary for the future of this country. And then we can go home and make it clear to our constituents that we are here fighting for you and your concerns and be proud to be representatives in this great body, in this greatest country in the world. I thank my colleagues.

I am delighted that I am joined here by my good friend the gentleman from Wisconsin (Mr. BARRETT), and I know that he has worked hard on these issues, and my colleague would like to share some thoughts.

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY). I also want to welcome a good colleague the gentleman from North Carolina (Mr. ETHERIDGE) who has been an incredible force on the issue of education as well.

As far as I am concerned, and I come, I think, to this issue from the same perspective as my good friend from New York, as a parent. I have two children who are in kindergarten right now, and so this is not a political issue, this is a real-world issue for me. As far as I am concerned, there is not an issue more important to the future of this country than education. We can talk about hundreds of other issues, we can talk about political fights back and forth between the parties, but education is our future. As we look to the future, we have to make the investment. The Republicans talk about this as if it is some sort of pork-barrel spending. I do not view this as pork-barrel spending. I view this as investing in our future. That is why I am pleased that the President has been so forceful and I am pleased that he has continued the fight that he began in January to add 100,000 teachers in our classrooms in this country. And I am pleased that we are continuing to fight for school construction.

I want to tell my colleagues a story about my children, and it is important. I think it is instructive. Both of my kids are in Milwaukee public schools. We love the school. We love the teachers. It is wonderful. But just two nights ago my wife had her first parent-teacher conference for our 4-year-old daughter who is in 4-year-old kindergarten. I called her afterward, said how did it go, she said it went fine. Of course the teacher again, whom we think is a wonderful teacher, she taught our son last year, does not know her very well but you cannot really expect her to because she has got 25 kids in the morning and she has got 25 kids in the afternoon. So she has got 50 kids. It is just difficult to get to know the kids. It is hard. It is hard for the teacher who is doing a tremendous job to get to know these children. I think there is not a person in this Chamber who would disagree with the statement that the smaller the class size, the more personal attention an individual is going to get. This is the time when we are nurturing our children.

It is interesting to note that right now, we are basically in the second baby boom. There are more kids now in that younger stage than there have been since I was a baby boomer. So this is not an issue that is sort of a boutique issue for some people, this is a huge issue for our country. There are so many children in our country that we have to be mindful. It is more important in many ways that we pay attention to this baby boom generation than to my baby boom generation, because we are in a different economic world. Many of the jobs that were in my community, the jobs at American Motors or Pabst Brewery, Allis Chalmers, those jobs are gone and they are gone forever.

□ 2015

And if you are going to have a person who is going to be able to support a family, they are going to have to have an education to do it because many of those jobs have gone overseas, and they are never coming back, and so we have to be mindful.

So I am pleased, although obviously it was a grudging acceptance from our colleagues on the other side of the aisle, that we have been able to move forward on the plan to put 100,000 teachers into classrooms, and the important phrase there is in classrooms because the debate we have had was whether the money should go in a fashion that would allow the Federal Government to skim off 1 percent for bureaucrats in Washington DC, whether the States should be able to then skim off 15 percent more for bureaucrats at the State level, and at the local level who knows how much would be skimmed off? We were insistent that that money go in the classrooms because we want smaller classes. We think that that is extremely important.

And I think we would not have gotten it if the President had not shown leadership on this issue in January and those of us in Congress had not kept talking about the issue when the majority party wanted to simply ignore it. It simply was not on the radar screen until we continued to work for this issue because it is important for the parents and the children of this country.

Now we may have been successful, and I am pleased that we were successful in convincing the Republicans to help us add 100,000 teachers, but there is a second issue, and, as you have pointed out, that is the issue of school construction.

We have seen in the last decade and a half city after city build beautiful new stadiums. Many times those stadiums were built with the help of some sort of financing mechanism that was available through the Federal Government. That has dried up somewhat, but there are still very creative methods available for municipalities to build stadiums.

I think that this is great, that we have these stadiums, but I find a lot of irony in the argument that people have to have a modern facility to go sit in and watch entertainment, but we do not think it is important for our kids to be able to sit in an environment conducive to learning.

And as you have, Mrs. LOWEY, and you have, Mr. ETHERIDGE, I visit a lot of schools in my district, and just last month I visited a school, and it was a hot day, and it was an old school, and the ventilation was so bad when I visited one of the classrooms the teachers aide was going around to each student with one of these spray bottles with water in it, and was not embarrassed by doing it. The kids with obviously very hot, they were sitting there sweating, and said, "Okay, I want you to hold up one finger or two fingers or three fingers. If you hold up one finger, I'll spray you once in the face. If you hold up two fingers, I'll spray you twice in the face. If you hold up three fingers, I will spray you twice in the face and once in the back of the head." And all the kids started raising their hands, and he would go around and spray them, and it was just so hot in this classroom with poor ventilation that they were delighted to get this, and they would then get a little towel, a paper towel, and they could dry themselves off. But this is the atmosphere that they are sitting in, and we are supposed to compete with all the other countries in the world if we are asking our children to sit in this type of classroom.

It just simply boggles my mind that our friends on the other side of the aisle accept the notion that we should be partners in building highways, which we should be, that we should be partners in building prisons, which we should be, but somehow there is something wrong in investing in our children by giving them the physical tools to have an environment conducive to learning.

So I am very, very frustrated that the majority does not think that this is an important issue because it is an important issue, and again I applaud you for the work that you have done. You have been tremendous.

We are being joined by our friend the gentlewoman from California (Ms. SÁNCHEZ) from California who also has been really outspoken on this issue.

Mrs. LOWEY. Mr. Speaker, I yield to Mr. ETHERIDGE from North Carolina who brings an education background, one that I think all of us appreciate, to these chambers, and although in his first term you would think he had been here 20 years because he has done so much in pushing this issue, I think he is teaching a lot of us from his perspective on how we can improve the education system in this country. So I would like to yield to Mr. ETHERIDGE.

Mr. ETHERIDGE. I thank my colleague. I was listening to what the gentleman from Wisconsin said about his child and being in school, and all of us can relate, having children. And I visited in 8 years, the State Superintendent, an awful lot of classrooms, some very good ones and some that sadden me greatly to see them. I have been in classrooms that water was in the basement, that we needed to move children out of the basement and out of harm's way, and in buildings that were fire codes that we had to move them out of.

And I was listening earlier to our friends on the other side of the aisle, and they were berating bureaucrats, et cetera, and I could not help but think that it was a partisan issue.

And 2 years ago in my State we had raised a lot of awareness on the need for school facilities, and we are not unlike any other State. North Carolina still has tremendous needs. We have grown very rapidly, and you were talking about the growth of students in the public schools, and we are now in the midst of what is being called the baby boom echo, the largest number of children showing up in the public schools over the next 10 years, and that is true today we have ever had, and North Carolina will be the fifth fastest growing State, the fifth; New York being the fourth; California being the first; Texas being second and Florida, number 3, over the next 10 years of students because of this phenomenon of growth.

But the point being that we argued with our general assembly, and I happen to believe the public is well ahead of us in Congress and many of our State legislatures; the reason being, they know what their children need. They know that they need good safe environments, they need a good education, and we finally convinced the general assembly with the help of educators and parents, PTAs and others, put a $1.8 billion bond issue on the ballot in North Carolina. We put it on at the same time that the general election was, and many of the politicians said, Oh, we don't want that on the ballot when we're on it."

Well, I happen to have disagreed with them. I thought it was the proper time to have it. And guess who got the most votes in the general election? It was not any candidate running for statewide office, from the Governor all the way down to our judges and all the counsel of State. It was that vote on the ballot that parents and grandparents and aunts and uncles could go to the ballot box and vote for the next generation of young people who were going to run this country, who were going to sit in these halls of Congress and the legislatures and teach our children and be our doctors and nurses and all the professions. It got over 60 percent of the vote, the largest bond issue in the history of our State by the largest margin ever of any statewide bond issue passing.

That tells me that the people in my State, and I think that is reflective of America, will say to this Congress, you are not keeping up with the times when you refuse to say we are going to pay, we are going to allow you to sell bonds, and we are going to pay the interest on it so you can repair those run down buildings, so you can build a new building for growing population of young people who will be coming in so that the prisons are not better than the place we send our children.

As I said the other night, children are not stupid either. You know, we tell them how important education is, we want you to get a good education, we want you to do better. And at a young age is, as you talked about your four year old a few minutes ago, every parent feels that way whether they are a United States Congressman or Congresswoman or whether they work in a sweat shop in Anywhere U.S.A. They want their child to have the very best. They want them to have a opportunity to burgeon out in them, whatever they have, they can be the best they can be. That is what they want.

If that is true, and I happen to believe it is, then we ought not to say we cannot do it because we can if we have the will.

There was a time when we did not provide water and sewer to our cities and our rural areas, and we are still doing it, as we should. You mentioned it earlier. The reason we did not do it, there was not a great need. This country was very rural.

I grew up in rural North Carolina. I remember before we had running water. We had a well and an outhouse. Well, today that is not acceptable. It is only acceptable to have running water and the other things. And we invested. The Federal Government did not become the major partner. We became a little partner and provided leadership, and what we are talking about, the Democratic alternative here that we cannot get on the floor, and right now does not look like we are going to get it in a package, and we ought to have, and the President is fighting for it with us.

I introduced a bill and join Representative LOWEY on her bill because I think it is important in all across this country to have facilities. I also signed a bill for reducing class sizes. I know from personal experience what that will do. We have done that in North Carolina.

Children are coming to school today different than the children were 20–25 years ago. They come from backgrounds and homes where they have great needs. They do not get that love and nurturing they should have, not because parents do not want to, that is not the issue. They really want their child to have the best. Many do not know how and cannot, and for some others, they are working two jobs just to keep their lives a float, and they do not have the time, they come home worn out. And that small a class size allows that teacher to teach that child to read and do math before they get to the third grade, and if a child learns to read by the third grade, and these statistics are true all across America and around the world, if a child reads by the third grade, they are going to make it, they will not be a dropout. And we cannot afford dropouts. Dropouts cost all of us.

Eighty percent of the people—well, it is 85 percent now, 85 percent of the people who are incarcerated in American prisons today by and large are dropouts. The drug culture goes with dropouts. Cannot afford it, absolutely cannot afford it, and I am very proud of the job that my colleagues on the Democratic side are working so hard to help bring this issue of education to the forefront so that we can be a partner with the States, with the local jurisdictions and with parents and business community, as we have done in our State and you have done in your state.

And I am proud to join with you this hour to talk about two issues that are so important, and there are a lot of others. We cannot solve them all, but these are two we can do something about before we go home, and we should.

Mrs. LOWEY. Mr. Speaker, I yield to the gentlewoman from California who had worked so hard and been such a champion for children in this session of the Congress as a freshman.

Ms. SANCHEZ. I thank my colleague.

You know, you were talking earlier about the fact that right here in this room we represent some of the States that have the largest increase in student enrollment, and it is amazing when you see those figures because your State is one of those, mine is, yours is also NITA. But the fact of the matter is that the people that I represent, the children that I represent in California and Anaheim, my own hometown, Santa Ana and Garden Grove, when we look at the rate of enrollment in these school districts, it is twice that of the five fastest growing States in enrollment across the United States. In fact, I get to go back to my elementary school, an elementary school that probably was about 550 students when I attended, maybe built for about 600, maybe 700 at the most. These schools have 1100—a thousand children at them, and when you have a school district that grows at a thousand children, additional students a year, that is really a new school you need to be building.

Now you know I have heard my colleagues on the other side say this is a very local issue. Well, normally I would say, yes, school construction should be as local as it gets. After all, it goes in your neighborhood, you care what it looks like, it affects the value of your home, and more importantly it affects the value of the future of your child. So it is a local issue.

But you know in the State of California we decided awhile ago that building would be done at the State level, and we funded at the State level. In the last few years we have not funded it at all, which has created an incredible backlog not only of schools that need modernization, but new schools for the children and the enrollment that we have, and that is why we need to step in and say this is a national crisis, this is about our national security because our children are the future when we deploy them as troops, when we have problems of software engineers, when we need these high tech jobs that we are counting for the future. They are about our children being educated.

□ 2030

It is about the security of the United States for the future, so we need to be involved.

I will tell you another reason we need to be involved. You were talking about a $1.8 billion school construction bond in your state. On November 3rd, we have a $9.2 billion bond issue that we are going to ask the voters in California to approve for school construction, the first one in a long time. The largest bond we have ever had.

Why? Because we are so far behind. And yet that is not going to take care of the rest of the problems that we have, the rest of the money that is needed for school construction and renovation.

In fact, if we pass that $9.2 billion at the state level, the only way for a school district like Anaheim City school district to get part of that money to help them build their schools is to match it 50–50, which means you have to locally find part of the solution.

So when my colleagues on the other side say, "This is a local issue," you are right, it is a local issue. And the initiative that the President has, I know it very well, and you described it very well earlier, is about the Federal Government helping local people make the right decision; helping local people decide, yes, I am going to invest in my local school district, I am going to build that school we need. When they do that, they will have in partnership, for example in Anaheim, the State of California with a little bit and the interest from the United States Government.

This is not about taking your money in taxes and bringing it to Washington and then maybe sending it back to the school district. It is a tax cut. It is saying you get a one for one dollar write-off when you file your income tax return. So this is a tax cut. It is saying do not send your money; keep it in Anaheim and build the schools that you need for our children. That is what our initiative is about.

So when people say we do not want locals to take responsibility, they must take the responsibility that, yes, they are going to build the school. We just need to help them.

There is another reason why I believe we should be involved. As you both know, I was in the financial markets. I helped schools districts to build schools. What I did was finance them for them. So I know all the innovative financing techniques and how schools raise the money and how you can build it. And let me tell you, when the Federal Government is a part of the equation that builds schools, the money, the cost, the interest cost, goes significantly down.

So we are giving them our stamp of approval to go ahead and build. They must raise local monies to do so and state monies to do so, and then they get a lower interest rate anyway, so the amount of money they need to spend on schools is even lower. It is a win-win-win for everyone.

I know that the Democrats have fought for this, because I sit on the Committee on Education and Workforce. I have seen and I know because I put forward a bill that would do that. This is patterned after something we already have, the quality zone bonds that we passed last year, and it is working in California.

I had a school district from Fresno, California, come in and tell me we needed to build an elementary school, that it was going to cost us $12 million. We saved our money, we had a little bit over $3 million saved in our pot, and by using the program that we put into play in August, their cost, because of the lower interest costs, because of the government security, will be about $4 million for the same school. It was amazing when they showed me the program they have to build this school.

We need to help. Even if we pass bonds at the state level, a school district like Anaheim needs the Federal Government to make itself a partner with the local area.

I think my colleague wanted to address an issue there.

Mr. ETHERIDGE. I think the point you made earlier is so true. I could not help but think as you were talking about schools and how things have changed, I think unless you have been there a lot, you forget. I think of the community I grew up in that I happen to represent in Congress now. The school I was in was a very small union school that you stayed in. I went there for 12 years. That same community today has built schools, and they are running behind. I went there last year and they had 30 trailers outside of a new school, it is growing so rapidly.

I talked with one of the financial people, a banker in that community today, Johnston County down in North Carolina, and he said, "You know, we have passed two bond issues. We have the state bond money on a match," like California. He said, "I do not know how we are going to make all these things fit with the tremendous growth we have without some help." The Wade County superintendent, where our state capital is, I was on a conference call with him two days ago with the Secretary. They are gaining 3,500 students a year in new students. He said, "We are spending $3 million a month on construction and renovation and can't come close to keeping up."

These are the kinds of things where we need that partnership that you were talking about. No one entity is going to be able to take care of these tremendous burdens of cost, and if we will take care of the need for facilities, the technology will be there, it will be readily available.

But, more importantly, the other issues that we struggle with here, the issue of crime, the issue of drugs, the issues of violence and safety in our schools, they will tend to go away, because when you have a good clean learning environment, academics go up and discipline problems go down. Statistically that is true. There is no question about it. It certainly happened in my state, and I think we are no different than any state in this country. Because when children have a nice place to come to, a nice building, in some of our communities, and it makes no difference whether it is an upscale community or otherwise, when you have a nice school building, that one school building becomes the community center for that community. And then pride comes. If you build a nice new school, academics improve and you start seeing reinvestment in that community all over again.

So it is a good piece for investment in America. If you build a school, you put a lot of people to work, but, more important, you put a lot of people to work around that school building.

Mrs. LOWEY. I want to thank my colleague, Mr. ETHERIDGE from North Carolina again, and, of course, Ms. SÁNCHEZ from California. Mr. ETHERIDGE has been cochair of the Education Task Force, and you have brought your huge experience, your wide range of experience as a superintendent of schools in North Carolina. So you have really seen the change over, I believe it is, eight years.

Certainly Ms. SÁNCHEZ, who has been very involved in the community, has seen the change. I could not help but think as a young woman who grew up in the Bronx, New York, in the shadow of Yankee Stadium, how times have changed. In those years the biggest problem in the school was someone was chewing bubble gum or one child pushed another child. Life is different today, and all the problems of the community converge in our schools.

My colleague, the gentleman from Maryland (Mr. HOYER) and I were working on a proposal for comprehensive schools, because we believe, as you said, and I could not help but think of it as you were talking about it, that the school should be the focus of the community. It could be a place where not only the children gather, but our seniors could gather, where you could have reading programs, where the seniors could assist the young people, and we could really do creative things in the school.

I mentioned before that I tour my schools all the time. My colleague, Ms. MCCARTHY, who could not be here with us tonight, represents another suburban district. It is amazing for us to see how this issue cuts across all of our communities. It is not just an inner-city issue, it is a middle class issue. In fact, I want to emphasize again a point I made before and my colleague Ms. SÁNCHEZ, who is an expert in this area of financing made before, that we are actually, by focusing on the school modernization program, the bill that was introduced by CHARLIE RANGEL and myself and several others this year, are cutting taxes because of this partnership which will be controlled by the locals, not us in Washington, the local communities will make the decision. But because we are sharing the burden through tax relief, they will have a lower tax rate, because they will not have to raise the local property taxes.

So I cannot understand why the majority party opposes this school modernization proposal. It makes sense. It helps us help local governments in revitalizing their schools, modernizing schools, expanding schools, providing up-to-date technology in our schools, putting computers in our schools, with the infrastructure, and that is a fancy word for anyone who is looking for it, for the wires and the mortar and bricks that support the computers. You just cannot put computers in these schools.

So, to me, this should be an issue that everyone supports. My little girl, my grandchild that is watching this, wants to go to a school that provides up-to-date technology. Your children and your family all want to make sure that we are giving our youngsters the best education they can get, and I know how important this is to you.

Ms. SANCHEZ. Let me explain a little. I am a businesswoman. That is the background I come from. I am in the finance area. Look at all the downsizing that has gone on in our United States. A lot of people have now begun their own businesses.

Let us say tomorrow you decide to go and start your own business. Probably the first place you are going to do it from is your own home. Many people are doing that. You go home, you decide you are going to set a room aside. What would be the first thing you need? Well you need contact to the outside world. So how many phone lines would you put in that one room in your home to start a new business?

Well, you would not put one. Most people would put at least two, three, maybe four. Let us see, you need one for your computer, you need one to access out to the Internet, you need one to receive calls, maybe one for your fax, maybe one to call out. You are going to put at least three lines in your own home for yourself to start your business.

Now, can you imagine if I would tell you that the elementary schools in the City of Anaheim have three phone lines into their entire school? A school where you have a principal, and probably about three or four administrative-type people, and then you have, what, maybe 60 to 80 teachers, what I would call middle managers. Then you have the employees, maybe 20 or 30, and really the client, the people who are in the classroom. You have 800, 900, 1,000 people in a particular spot every day, and the schools there only were built with three lines into the school.

So that means if I am a parent and I am calling in to say my child is sick, I might get a busy signal, because if the PTA happened to buy a fax machine for that school and they have a fax and something is being faxed out, and the principal is there and she is on the line talking to another parent or the school district or to somebody, someone outside of the school, and I am calling in as a parent trying to say my child is sick today, and maybe there is more than one sick child that day and the other mother is calling in at the same time, guess what? The line will be busy.

You would never do that in your own personal one-room business, so why do we allow our children to have inferior, inferior, offices when they go to school?

We need to modernize. We need to bring it up. How can we have our children on the Internet, on computers in the classroom, so they can have the high-tech jobs of the future that we are all counting on? That is what globalization is about. We continue to say we are going to get rid of some of those other jobs and in their place we are going to put higher paying high-tech jobs for our children. How can they be skilled to have that type of a job if they started out for six or seven years without even a phone line into their classroom?

This is what I believe America has not seen. Enough business people have not gone into the classroom to come out and shake their head and say, "You know, we need to do something about this."

☐ 2045

That is what our school construction program is about, modernizing, building new facilities, giving our kids the same kind of office we would expect to have a fighting chance to start our business.

Mrs. LOWEY. Mr. Speaker, I want to thank the gentlewoman for those wise comments. I am particularly pleased that the gentlewoman talked about the global economy, because this is a global economy. We have to be sure that we are preparing our young people so that they can compete in this global economy, so they get the best education that we can provide in the leader of the free world, so these youngsters can go out there with this education and earn their own way in the world.

We talk about cutting back on a lot of the support programs in our country. We can do this if we make sure our youngsters are educated, that they have the best education that we can provide them.

I am going to close by just emphasizing a few points that we talked about this evening. With President Clinton's leadership, we did balance the budget. This is the time that we can focus on the concerns of working families in this country.

Families care about education. They worked very hard to raise their children. They should not worry, when their children go to school, that the school is not safe, that it is not providing them with computer technology that is up-to-date. Parents should not have that concern.

I know there are some people in the majority party who believe the answer to education is providing a voucher, to take a small percentage of youngsters out of the public schools and letting them go to another school, where we feel that we have to be sure not 2 percent, not 3 percent of youngsters get the best education, but that every youngster gets what they are entitled to, the very best education that we can provide.

It is unfortunate that we end up in one large omnibus bill, and that the majority party could not get each appropriation bill passed. I am a member of the Committee on Appropriations, and I would have liked to see every appropriations bill passed in a timely way. But this is where we are.

So I am hoping that as these negotiations are going on, that everyone on both sides of the aisle remembers who sent us here, all the families of this country, and that we focus on not just education for a few, not just vouchers, which would take youngsters out of the school, but that we renew our commitment to every child in every community; that we include a school modernization program, so that every youngster can go to a school that is up-to-date, that is modern, that has computers, that is safe. Because it seems to me that that is the responsibility of this country, to provide the best education we can for our youngsters.

I thank my good friend, the gentlewoman from California (Ms. SÁNCHEZ), for joining us here this evening. Whether it is California or New York, this would mean millions of dollars to our local school districts, creating a partnership that I know our families and our communities and our country need, so that we can be strong and enter the next century as a strong Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McGOVERN (at the request of Mr. GEPHARDT) for today before 5 p.m., on account of official business.

Mr. REYES (at the request of Mr. GEPHARDT) for today before 6 p.m., on account of official business.

Mr. McHUGH (at the request of Mr. ARMEY) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. BLAGOJEVICH, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. DeLAURO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mrs. ROUKEMA, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. GREENWOOD, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

(The following Members (at their own request) and to revise and extend their remarks:)

Mr. RIGGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following member (at her own request) and to revise and extend her remarks:)

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2039. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Resources.

S. 2276. An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

S. Con. Res. 124. Concurrent resolution expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property; to the Committee on Ways and Means.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

S. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following title:

H.R. 2411. To provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2886. To provide for a demonstration project in the Stanislaus Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System.

H.R. 3796. To authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

H.R. 4081. To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4284. To authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4658. To extend the date by which an automated entry-exit control system must be developed.

H.J. Res. 135. Making further continuing appropriations for the fiscal year 1999, and for other purposes.

ADJOURNMENT

Ms. SANCHEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, October 15, 1998, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; with an amendment (Rept. 105-819). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SOLOMON:

H.R. 4829. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 4830. A bill to provide support for certain institutes and schools; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan:

H.R. 4831. A bill to temporarily reenact chapter 12 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. BENTSEN:

H.R. 4832. A bill to amend the National Flood Insurance Act of 1968 to reduce losses from repetitive flooding; to the Committee on Banking and Financial Services.

By Mr. BOSWELL:

H.R. 4833. A bill to provide grants to local educational agencies to provide a sufficient number of teachers and facilities to accommodate students who are disruptive in the classroom; to the Committee on Education and the Workforce.

By Ms. FURSE:

H.R. 4834. A bill to ensure salmon recovery in the Pacific Northwest, and for other purposes; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. ROMERO-BARCELÓ, and Mr. FROST):

H.R. 4835. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to extend COBRA continuation coverage for surviving spouses; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. STARK, and Mr. MILLER of California):

H.R. 4836. A bill to amend title XI of the Social Security Act and the Internal Revenue Code of 1986 to establish a mechanism to promote the provision of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE (for himself, Mr. CARDIN, Mr. KASICH, Mr. SOLOMON, Mr. DREIER, Mr. GOSS, Mr. MINGE, Mr. SUNUNU, Mr. RADANOVICH, Ms. GRANGER, and Mr. STENHOLM):

H.R. 4837. A bill to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VENTO:

H.R. 4838. A bill to authorize the Secretary of Housing and Urban Development to make grants to States to supplement State assistance for the preservation of affordable housing for low-income families; to the Committee on Banking and Financial Services.

By Mr. YOUNG of Florida:

H.R. 4839. A bill to suspend temporarily the duty on certain crystal vases and drinking glasses; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mr. BARTLETT of Maryland):

H.R. 4840. A bill to make certain technical amendments to the Act commonly known as the Clinger-Cohen Act of 1996, and to provide that certain cost accounting standards shall not be applied to the Federal Employees Health Benefit program until the Cost Accounting Standards Board Review Panel submits its report and recommendations to Congress; to the Committee on Government Reform and Oversight.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. NORWOOD, Mr. TAYLOR of North Carolina, Mr. NADLER, Mr. COBURN, Mr. ACKERMAN, Mr. DICKEY, Mr. KING of New York, Mr. JENKINS, and Mr. HILLEARY):

H.R. 4841. A bill to establish minimum standards of fair conduct in franchise sales and franchise business relationships, and for other purposes; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.J. Res. 135. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; considered and agreed to.

By Mrs. CUBIN (for herself and Ms. DEGETTE):

H. Res. 597. A resolution expressing the sense of the House with respect to the brutal killing of Mr. Matthew Shepard; to the Committee on the Judiciary.

By Mr. TRAFICANT (for himself, Mr. ROEMER, Mr. RANGEL, Mr. DEFAZIO, Mr. HORN, Mr. OBERSTAR, Mr. FATTAH, Mr. KINGSTON, Mr. FOX of Pennsylvania, Mr. REGULA, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. CHAMBLISS, Mr. EVERETT, Mr. DUNCAN, Mr. NEY, Mr. MOLLOHAN, Mr. RAHALL, Mr. DOYLE, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. BALDACCI, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. COLLINS, Mr. LATOURETTE, Mr. COOKSEY, Mr. KLINK, Mr. MASCARA, Mr. VISCLOSKY, Mr. PARKER, Mr. KUCINICH, Mr. HUNTER, Mr. DICKEY, Mr. MOAKLEY, Ms. JACKSON-LEE of Texas, Mr. LEWIS of California, Mr. ENGEL, and Mr. ENGLISH of Pennsylvania):

H. Res. 598. A resolution calling on the President to take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes; to the Committee on Ways and Means.

By Mr. RIGGS:

H. Res. 599. A resolution expressing the sense of the House on a question relating to the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. ROYCE:

H. Res. 600. A resolution amending the Rules of the House of Representatives to provide that certain extraordinary bills reported by the Committee on Government Reform and Oversight to eliminate waste and provide reform of the executive branch are privileged; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. MEEHAN.

H.R. 468: Mr. SHERMAN.

H.R. 902: Mr. WATKINS.

H.R. 1061: Mr. OBERSTAR.

H.R. 2704: Ms. SÁNCHEZ, Mr. GREEN, Mr. NADLER, Ms. ESHOO, Ms. NORTON, Mr. FOX of Pennsylvania, Mrs. LOWEY, Ms. KILPATRICK, and Mrs. MEEK of Florida.

H.R. 2733: Mr. PITTS and Mr. BECERRA.

H.R. 2868: Mr. SNOWBARGER.

H.R. 2922: Mr. GOODE.

H.R. 2923: Mr. MCHALE.

H.R. 3514: Mr. WEYGAND.

H.R. 3905: Mr. BARR of Georgia.

H.R. 3925: Mr. ACKERMAN.

H.R. 3955: Ms. KILPATRICK and Mr. BARRETT of Wisconsin.

H.R. 4171: Mr. TRAFICANT and Mr. WISE.

H.R. 4174: Mr. LUTHER.

H.R. 4221: Mr. ANDREWS.

H.R. 4235: Mr. DEUTSCH.

H.R. 4315: Mr. GEPHARDT.

H.R. 4332: Mr. CLEMENT.

H.R. 4403: Ms. MILLENDER-MCDONALD.

H.R. 4429: Mr. DIXON.

H.R. 4449: Mr. LAMPSON.

H.R. 4531: Mrs. TAUSCHER, Mr. FARR of California, and Mr. LUTHER.

H.R. 4534: Ms. DEGETTE.

H.R. 4674: Mr. MILLER of California.

H.R. 4716: Mr. FILNER.

H.R. 4761: Mr. LAZIO of New York.

H.R. 4765: Mr. BUNNING of Kentucky.

H.R. 4818: Mr. CUMMINGS, Ms. WOOLSEY, Ms. CARSON, Mr. SERRANO and Mr. JEFFERSON.

H. Con. Res. 322: Mr. KUCINICH.

H. Con. Res. 325: Mr. WATT of North Carolina, Mr. FARR of California, and Mr. GILMAN.

H. Con. Res. 345: Mr. HOEKSTRA, Mr. BOB SCHAFFER, Mr. ROTHMAN, Mr. MCNULTY, Mr. BLUNT, and Mrs. CUBIN.

EXTENSIONS OF REMARKS

DANTE B. FASCELL—NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of H.R. 4757, which would designate the North/South Center at the University of Miami as the Dante B. Fascell North/South Center.

I thank Chairman Gilman for his initiative in this matter, for it is a fitting honor for a truly great man.

For 36 years, Dante Fascell served on the House Foreign Affairs Committee, eight years as full Committee Chairman. He devoted his whole lifetime to the service of this nation and the nations of the world. A man with great insight, judgment, and knowledge, he was an advisor to Presidents who was also sought out by foreign leaders and dignitaries.

Throughout his decades of service, Mr. Fascell became more and more convinced of the need for an American foreign policy based on cultural, educational, trade and person-to-person exchanges between nations, in addition to normal government-to-government contacts. His vision became reality at his alma mater, the University of Miami. Dante Fascell is recognized as the father of the North/South Center, which today is Congressionally-authorized and one of the nation's leading institutions focusing on improving relations between the countries of North and South America and the Caribbean.

Despite his great achievements, however, Dante Fascell never forgot his roots. He was always friendly, open and approachable to his constituents in South Florida. He committed his efforts to solving little problems, as well as big ones. His common sense and common touch endeared him to—literally—generations of voters. It is not an exaggeration to say that, by the end of his service in Congress he was, as he is today, truly a legend in Florida.

Mr. Fascell retired from the Congress the year that I was elected, in 1992, and so I never had the honor of serving with him. But I have known him for many years. He set a very high standard for public service which all of us who follow him try daily to meet. And I am completely confident that those of you here today who served with Dante Fascell will agree with me that he is one of the finest men to serve in this body.

I would like to share with my colleagues a few comments on Dante Fascell which appeared in a Miami Herald editorial on his retirement.

[From the Miami Herald, May 28, 1992]

Dante Fascell retiring? Say it isn't so! But it is: Yesterday the veteran South Dade congressman announced in Washington that he won't seek a 20th term on Capitol Hill. Neither will he convert to his personal use, though legally he could, the $500,000 or so in his campaign treasury. That's fully consistent with his integrity, public and private.

Representative Fascell is a close second in seniority, but a clear first in esteem, among the members of Florida's congressional delegation. He has served with distinction as chairman of the House Foreign Affairs Committee.

Never was his wisdom on better display than during 1990's congressional debate of America's role in the Persian Gulf. His reasoned support for deploying multinational forces against Saddam Hussein was pivotal to winning House approval of President Bush's policies.

Yet Mr. Fascell, 75, also knows full well that violence rarely resolves international disputes. Long before Iraq's invasion of Kuwait, for instance, he had built a solid record of support for negotiations to bring peace to the Mideast while ensuring Israel's security. He also played a key role in congressional efforts to end violence and injustice in Central America and to restore democracy and human rights in Cuba, Haiti, Nicaragua, El Salvador, and Chile.

Less visible but arguably as important was Mr. Fascell's work in concert with leading European parliamentarians on behalf of human rights behind the Iron Curtain. Their efforts to free dissidents and goad the Eastern bloc to honor the Helsinki accords may well have helped hasten tyranny's demise and the Cold War's end. . . .

Among Mr. Fascell's endearing traits is one all too rare among elected officials: candor. He still has a way of cutting through baloney to get to the point. You can believe what he says.

You can also believe, however, that Mr. Fascell might leave some things unsaid in deference to his longtime colleagues and to an institution that he loves. Some retiring congressmen have spoken bitterly of their disillusionment with politics and of the 'poisonous atmosphere' pervading Capitol Hill. Mr. Fascell said that it was simply time to go after nearly 38 years of service.

Even so, there's cause for concern over Mr. Fascell's departure. Granted, many term-limits advocates would argue that he had already stayed on too long. It ought to be worrisome, though, when able public servants no longer feel that serving in Congress is rewarding enough or enjoyable enough to make them want to stick around.

For the nation and for Florida, then, Mr. Fascell's retirement is a loss. Beyond that, though, the obvious erosion in public service's attractiveness to candidates of his stature is an even greater loss.

H.R. 4519

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. HALL of Texas. Mr. Speaker, under the rules, H.R. 4519 is considered a private bill. However, because of their wide constituent interest, the following Members of Congress would like to be shown as supporters of H.R. 4519.

1. Jim McGovern
2. Bob Livingston
3. William Jefferson
4. Allen Boyd
5. Gene Green
6. John Olver
7. Carlos Romero-Barceló
8. Virgil Goode
9. Bob Stump
10. Phil English
11. Gerald Solomon
12. Linda Smith
13. Jim Gibbons
14. Sue Kelly
15. John Tierney
16. Lynn Rivers
17. Nancy Pelosi
18. Tom Petri
19. Michael Pappas
20. David Hobson
21. David Obey
22. Richard Burr
23. Clay Shaw
24. Jay Johnson
25. Marcy Kaptur
26. Bud Cramer

A DIFFICULT TASK

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SANFORD. Mr. Speaker, over the past few months, I have heard from literally thousands of folks back home on the President's matter. On Thursday, I had to digest all that I had heard, read and thought about this, and simply vote yes, or no, on whether or not to authorize the Judiciary Committee to proceed with an inquiry of impeachment. I voted yes and owe you an explanation of how I got there.

I agree with opponents of the process who have suggested there has been far too much grandstanding and moralizing on this issue. Frustration with politicians grandstanding, however, never moved me into the camp that believed we needed to quickly move on to "the nation's business." In fact, since this story broke in January, I have tried to listen carefully and in no way have forgotten about issues like Social Security or national security. However, I have come to believe that in the long-run, the current debate is probably just as relevant to the lives of Americans. Here is the reasoning that brought me to this conclusion.

At the core, representative government is built on trust. Thus, maintaining trust in the leaders who run the many components of government is every bit as important as the individual functions of government. In other

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

words, "national security", or "moving onto the nation's business," without trust in the people running it is an oxymoron.

In our system of representative government, every free citizen has ceded over to our school board member, our county council member, our Senator and our President a little bit of our authority. We place our trust in them. If the President raised his right hand and lied to a grand jury, we have a major problem because he is the chief law enforcement officer of this land. If people felt free to lie in our municipal, state or district court system after raising their hand and swearing to tell the truth, our criminal justice system would not work.

I fear that if we "leave it alone," we would be sending a message to everyone that since the President lied, they can, too. Or, worse yet, that two systems of justice exist—one for "big people," like Presidents, and another for regular people. Since I don't want to pass either one of these messages along to my children or yours, I don't believe we can simply leave this issue to fester.

David Schippers, Chief Investigative Counsel on the Judiciary Committee and a life long Democrat who headed then-Attorney General Robert F. Kennedy's organized crime task force in Chicago, summed this idea up well in his testimony before the committee:

"The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth, is the foundation of the American System of Justice, which is the envy of every civilized nation. If lying under oath is tolerated and, when exposed, is not visited with immediate and substantial adverse consequences, the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse."

For these reasons, I have come to view the beginning of impeachment proceedings differently than many do. An inquiry does not impeach the President, but instead simply looks at the charges and the evidence behind them. It is a chance to clear this matter and to truly put it behind us in a way that leaving it alone never could.

To date, we have had a prosecutorial endeavor with Judge Starr and the Office of Independent Counsel. They have made their case but it has never been tested by the defense in a "courtroom" setting. In an impeachment inquiry, this would change. Democrats on the Judiciary Committee will have the chance to cross-examine witnesses, challenge evidence and tell the President's side of the story. In this process, one of two things can happen: (1) the President is absolved of all charges because the evidence does not hold up after it is cross-examined, and we can therefore truly have this behind us; or (2) there is enough credible evidence to warrant sending it to the Senate.

Scott Peck years ago wrote a book titled "The Road Less Traveled." Its premise was that doing the right thing was often the more difficult, and therefore less traveled, course. An impeachment inquiry fits under the same umbrella. You do not see them in Malaysia, Pakistan, or Zaire. Even the possibility of an impeachment is unique around the world. The key now is that we treat a process this special and unique with the proper consideration. This means sticking to one of America's most cherished values—the idea that we are a nation of laws, not men.

75TH ANNIVERSARY OF HIGH POINT STATE PARK

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to call attention to the 75th anniversary of the opening of High Point State Park, one of the most beautiful state parks in the State of New Jersey and, indeed, our nation. At a time when development pressures are stripping us of our open spaces, High Point is a pristine paradise despite the dense population around it. Made up of land donated by private owners and maintained by the state and volunteer workers, High Point is an outstanding example of what can be done when the public and private sectors work together for the betterment of their community. From the Kuser family, who donated the land, to the Friends of High Point State Park, whose volunteers provide a variety of services, many individuals deserve our thanks.

High Point State Park occupies more than 14,000 acres along the northern tip of New Jersey and contains the state's highest peak, 1,903 High Point. Its remoteness has kept the park virtually unchanged since King George of England gave the land to James Alexander—the first private owner—in 1715 as a royal land grant. The first substantial construction did not come for 173 years, when Charles St. John and his family built the plush High Point Inn resort in 1888. In 1909, the inn went bankrupt and was purchased, along with the land, by businessmen Anthony and John Kuser. Anthony Kuser tore down half the inn and reconstructed a "summer house" now known to visitors as the Lodge.

Private ownership came to an end in 1922, when Anthony Kuser gave 10,000 acres—the bulk of the modern park—to the State of New Jersey. The Kuser family also paid for construction of the 220-foot obelisk that tops the summit of High Point itself. The tower, completed in 1930, is a monument to veterans killed in the nation's wars. It offers majestic views of the Delaware Valley, the Catskill and Pocono Mountains, and the lakes and forests of the park itself.

As a multi-use park, High Point is managed with an eye toward balancing backcountry preservation with the provision of ample recreational facilities. The northernmost part of the park is the 800-acre John D. Kuser Natural Area, much of which is old growth Atlantic white cedar swamp. Just south of the natural area is the summit of High Point itself. There are three public-access lakes within the boundaries of the park. Twenty-acre Lake Marcia, at 1,600 feet the highest lake in New Jersey, has a supervised bathing beach. Lake Steenykill, west of Marcia, has a boat-launching ramp and furnished cabins that may be rented by family groups. Sawmill Lake, near the center of the park, has boat-launch facilities and 50 campsites.

Hiking, naturally, is one of the prime attractions at High Point State Park. The Maine-to-Georgia Appalachian Trail runs north and south through the length of the park and is intersected by a system of nine park trails varying in length from one-half to four miles.

High Point State Park is treasured by all who have hiked its mountains, swum or fished in its lakes or simply taken in its majestic views. The people of New Jersey owe their undying gratitude to the Kuser family for sharing this natural wonder with the public and, in doing so, keeping it in its natural state. I ask my colleagues in the House of Representatives to join me in thanking the Kuser family, the Friends of High Point State Park, the park's employees and all others involved in protecting this treasure for generations to come.

THAILAND, A BEACON OF HOPE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, 25 years ago today the people of Thailand stood up and threw out a military dictatorship and created a nation built on the rule of laws and not of men.

It was a painful turning point in Thai history. Seventy-three people were killed and nearly a thousand were injured calling for their God given rights, demonstrating for democracy, political pluralism and the rule of law. The people of Thailand led the way in a region that was, and to this day still is, ruled by corrupt dictatorships.

Vietnam, Cambodia, Laos and Burma have not changed much. Most of these nation's dictators are linked to illicit drug production and all of them have no intention of permitting the expression of any political pluralism or the rule of law. To this day, Thailand is still a beacon of hope for thousands who flee from these repressive rulers.

The Karen and the Karenni whose nations were absorbed into Burma, the Hmong who are repressed by the Pathet Lao, the Montagards and other ethnic minorities and hill tribes pursued by the Vietnamese, all of them have taken refuge at one time or another in the free and democratic Kingdom of Thailand.

Thailand's People's Constitution was adopted in 1997 but was born from the blood that was shed in demonstrations 25 years ago today in Bangkok and all across the country involving some 500,000 people. Today we mourn and pay respect for Thailand's heroes who gave their lives for their nation and the greater good of all it people.

The United States remembers you, your nation loves you and the repressed people of the region who take refuge within your borders thank you from the bottom of their hearts.

IN HONOR OF THE MEMORY OF JOHN L. KOCEVAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of John L. Kocevar, a man who devoted his life to protecting and enhancing the well-being of his community in Seven Hills, Ohio.

Serving in World War II with the Army's 392nd Bomb Group in Europe, John Kocevar soon acquired a deep commitment to serving others. Shortly after the war, John began a career in public service, a career to which he would devote the rest of his life.

Protecting and enhancing the well-being of his community, John served as an enforcement agent and chief for the Ohio Department of Liquor Control, executive officer of the Cuyahoga County Sheriff's Office and attentively owned the former Area Wide Paging Company. In addition to pursuing his public service career, John also spent much of his time in church. John served as a Eucharistic minister and Holy Name Society member at St. Columbkille Catholic Church in Parma.

John L. Kocevar leaves behind his wife, Rita; son, John T.; daughters, Lori Shannon and Kathryn Terlaak; three grandsons; two brothers; and two sisters.

My fellow colleagues, join me in honoring John L. Kocevar, a man who dedicated his life to improving and enhancing the lives of others.

TRIBUTE TO STEPHEN G. YEONAS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my personal thanks and give public recognition to Mr. Stephen Yeonas. Mr. Yeonas has spent the last 50 years dedicated to providing the consistently growing population in Northern Virginia with more than 10,000 quality homes that now are the cornerstone of our neighborhoods and communities. After his graduation from Catholic University of America's Columbus School of Law, Mr. Yeonas founded the Yeonas Company in 1946. As founder and president from 1946 to 1973, the Yeonas Company became the largest builder of new homes in the Washington Metropolitan Area for many years.

With his professional success Mr. Yeonas has also been the recipient of a number of awards bestowed upon him by the industry he led for some many years. These include the "Man of the Year Award" by the Home Builders Association of Metropolitan Washington Area and his being named Virginia Realtor of the Year. But I proudly rise today to recognize Stephen Yeonas as truly one of the great philanthropists of Northern Virginia. Most recently Mr. Yeonas and his family have lent their financial support and home building expertise to the Ronald McDonald House of Northern Virginia.

The Ronald McDonald House of Northern Virginia, located on the grounds of Fairfax Hospital, offers the families of critically ill children seeking treatment in the Washington area a safe and free place to stay during their time of need. In support of this noble charity, the Yeonas family has graciously combined the 50th anniversary celebration of the first home their family built with a benefit for the Ronald McDonald House. The Yeonas family of home builders have designed, built, and furnished a show home in McLean from October 17 to November 15. The Yeonas family has selected for the furnishings the finest items and products from the home collection of Virginia's Design Foundry which is run by prominent architect Walter Lynch, AIA.

Every dollar earned from the entry fee to the home will be donated by the Yeonas family directly to the Ronald McDonald House. In addition, a portion of the proceeds from each piece of furniture sold and a percentage of the sale of the show home itself will be donated to the Ronald McDonald House so that they may provide even more families with the support they need.

Over the past 50 years Stephen Yeonas has been building the communities that make Northern Virginia and indeed all of the Metropolitan Washington Area one of the most vibrant areas in the country. As Mr. Yeonas steps down after so many years of service he has left us an indelible legacy of innovation and selfless philanthropy that should serve as a model to us all and I know has been imparted upon his successors, the next generation of Yeonas home builders: Steve Yeonas, Jr., Stephanie Yeonas Ellis and her husband Richard Ellis. I would like to thank Stephen Yeonas for all he has contributed over the past half century. He has enriched the lives of countless thousands and offered hope to so many.

HONORING NOBEL PRIZE WINNER DR. FERID MURAD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Dr. Ferid Murad of the University of Texas Health Science Center in Houston on being awarded the 1998 Nobel Prize in Physiology or Medicine. Dr. Murad, along with Dr. Robert Furchgott of the State University of New York in Brooklyn and Dr. Louis Ignarro of the University of California at Los Angeles, were recognized for detailing the important biologic properties of the gas nitric oxide. Their work has led to new treatments and promising research in areas such as heart and lung disease, shock, and degenerative diseases such as arthritis, saving and improving millions of lives around the world.

Dr. Ferid Murad and his colleagues demonstrated that nitric oxide helps to maintain our body's regulatory system. When Dr. Murad and his colleagues started their research more than 20 years ago, many of their peers did not believe that such a gas could be so important to the regulation of circulation. As a result of this research, we now know that maintaining the proper level of nitric oxide in the body is vital to good health. Dr. Murad's research has shown that this colorless, odorless gas is a key regulator of transmitting signals between cells.

Dr. Murad's innovative research focused on how the drug nitroglycerine relieves chest pains by encouraging blood vessels to relax and dilate. Dr. Murad found that when patients receive nitroglycerine, it is broken down in the body to create nitric oxide. Once this gas is released, it sends messages to blood vessels to carry more blood to cramping, oxygen-starved tissues. As a result, patients receive more oxygen and their chest pains are reduced.

Dr. Murad has a long record of distinguished service as a scientist and researcher. Currently, he serves as the Chairman of the Department of Integrative Biology, Pharmacology, and Physiology at the University of Texas Health Science Center (UT Health Science Center) in Houston. In 1996, Dr. Murad was awarded the Albert and Mary Lasker Basic Medical Research Award by the National Academy of Sciences for his innovative research in understanding the biochemical mechanisms in numerous cells and tissues. Prior to his tenure at the UT Health Science Center, Dr. Murad served as the Vice President of Research and Development at Abbott Laboratories and an adjunct professor with Northwestern University Medical School in Chicago from 1988 to 1992. From 1981 through 1988, Dr. Murad served as the Chief of Medicine at the Palo Alto Veterans Administration Medical Center as well as a professor at Stanford University. From 1975 through 1981, Dr. Murad served as a Professor in the Departments of Internal Medicine and Pharmacology at the University of Virginia School of Medicine.

In addition to congratulating Dr. Murad, I also want to congratulate UT Health Science Center for fostering an environment of innovation and cutting-edge research that attracts and supports the world's best medical researchers and students. Although the initial discovery of nitric oxide's biologic role was made at the University of Virginia, Dr. Murad has continued to conduct nitric oxide research at the UT Health Science Center. And with the awarding of the Nobel Prize to Dr. Marud, UT Health Science Center will continue to attract new facility and students from around the nation and the world who wish to work with such prestigious researchers as Dr. Murad.

I want to congratulate Dr. Murad for achieving the highest honor in his field, the Nobel Prize, and recognize the significant contributions that he has made to understanding the body's regulatory system and saving lives.

AMARTYA SEN CHANGES THE WORLD'S THINKING ABOUT HUNGER AND POVERTY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. HALL of Ohio. Mr. Speaker, I don't often speak on the floor of the House about economic theory—that being a topic that's usually best left to our colleague, the Majority Leader and former economic professor from Texas.

However, today is not an ordinary day in the field of economics—or for the poor and hungry people I am more familiar with. Today, one of the world's most dedicated and innovative scholars has been named as the 1998 recipient of the Nobel prize for economics—and his contributions are worth our attention and gratitude.

A year ago, the world lost one of its preeminent leaders when Mother Teresa died. Today, another Nobel laureate has been named who is as dedicated as she was to helping the poor of India and the world.

Amartya Sen is best known for his efforts to expose food shortages as a symptom—and not the cause—of famines. Having seen many of the places he studied, I am particularly grateful for his contribution to changing the world's thinking about hunger and poverty.

Hunger is the most devastating form of poverty, and too often it has little relation to the supply of food. Our world produces more than enough to feed every man, woman, and child alive—and yet today, and every day after that, 24,000 people will die of hunger and the diseases it spawns. Nor is the problem one of getting the food to the people in need.

No, the cause of hunger almost always turns out to be a lack of political will to ease poverty just enough to ensure people can sustain their own lives. Mr. Sen's work has exposed that, and it informs the debate of the many governments, charities, and individuals who devote their efforts to fighting hunger.

The decision of the Nobel committee to make its award to Mr. Sen could not have come at a better time. All around the world, countries whose memory of hunger was fading into the past are facing it again. In Indonesia, the world's fourth-largest country, one-half of its people are in poverty. In Russia, the figure was one-third—but is likely to increase because key crops have failed. Throughout Asia, poverty vanquished through hard work is back, and people are facing conditions not seen since 30 years of intensive development initiatives began.

In addition to this alarming back-slide, full-blown famines now threaten Sudan and North Korea. Two million have died in Sudan during its latest cycle of war and famine; more than a million North Koreans are widely believed to have died since its economic collapse. Africa's prospects for peace—one of the best guarantees against famine—have evaporated, as wars engulf one-third of Africa and threaten to ignite the entire continent.

The people involved in fighting hunger are among the most dedicated, savvy, and exceptional people I have had the honor to know. But not many of them are economists.

Amartya Sen is an exception. He is a pragmatist cut from different cloth than most of his contemporaries. His scholarship is at least as solid as that of pure theorists, but it is remarkable for its focus on practical issues that dominate the lives of vast numbers of the poor who still account for the majority of our world's people.

The name of Amartya Sen is as familiar to students of development economics as Milton Friedman is to earlier economics disciplines. He is the first significant economist to focus on people as more than just the labor side of the capitalist equation. His work brings an ethical component to his discipline that makes it especially relevant for policy makers. And his receipt of the Nobel prize will encourage a wide range of others to continue his efforts.

Mother Teresa said "we can do no great things—only small things with great love." From his humble reaction to the news of his award, it seems that Amartya Sen shares her sentiment. There is no question that both did their work with great love for the poor to whom they devoted their lives.

We all know that Mother Teresa's legacy refutes her humility. Today, the world knows, by the announcement of the Nobel committee's award, that Amartya Sen too has done great things. I am honored to have this opportunity to thank him for it, and to congratulate him on an honor none deserves more.

80TH BIRTHDAY TRIBUTE TO DR. J. EUGENE GRIGSBY, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CLAY. Mr. Speaker, I am very pleased to recognize the accomplishments of Dr. J. Eugene Grigsby, Jr. who, on October 17, 1998, will celebrate his eightieth birthday.

Dr. Grigsby is a distinguished artist, educator and author. His art work is represented in numerous public and private collections throughout the world. He has had one man exhibits in Luxembourg, Arizona, Texas, North Carolina, Georgia, Colorado, Ohio and New York. In addition, his work has been included in group exhibits in Louisiana, Maryland, Illinois, Georgia, Nigeria, Florida, California, Texas, Washington, New Jersey, Iran, Alabama, North Carolina and South Carolina.

Dr. Grigsby began his teaching career as an art instructor at Bethune-Cookman College in Daytona Beach, Florida in 1941. In 1946, he was recruited to establish an art program and department at Carver High School in Phoenix, Arizona. From there, he moved on to Phoenix Union High School and then to Arizona State University in 1966. He retired as professor of art from Arizona State University in 1988. In 1958, Dr. Grigsby was one of a select group of American artists invited to serve as artist in residence at the Children's Creative Center in the American Pavilion during the Brussels, Belgium World Fair.

Gene Grigsby has written numerous articles on art and art education. His writings have appeared in Arts & Activities, Black Art Quarterly, School Arts, and The Journal of the National Art Education Association. His landmark book, Art & Ethnics, is used extensively in public schools throughout the nation as a resource on teaching about diversity and art in America.

Dr. Grigsby has been affiliated with and held leadership positions in numerous professional organizations and associations throughout his long and distinguished career. He has been president of the Arizona Art Education Association; chair of the Consortium of Black Organizations and Others for the Arts; chair of the Artists of the Black Community/Arizona; Chair of the Committee on Minority Concerns of the National Art Education Association; and vice-president of the National Art Education Association. His civic involvement has included being president of the Booker T. Washington Child Development Center, serving as a board member of the Phoenix Opportunities Industrialization Center, the Garfield Neighborhood Association, the Arizona State University Performing Arts Board, the Neighborhood Housing Service of Phoenix, the Phoenix Art Museum, the Phoenix Urban League, Phoenix Festivals, the South Mountain Magnet School Advisory Board, and the Advisory Board of Discover Art the art textbook widely used in grades 1–6.

Dr. Grigsby has received numerous awards for his achievements. This year the National Art Education Association named him their "Retired Educator of the Year". He has also received distinguished service awards from his alma mater, Morehouse College, from The Miami University of Ohio and The Arizona Alliance of Black School Educators. He has been honored by Four Corners Art Education Association, the University of Arizona and the National Gallery of Art. The Arizona State University Graduate College bestowed the "Distinguished Research Scholar" award upon him in 1983. In 1989 Grigsby received the Arizona Governor's "Tostenrud Art Award" for contributions to the Arts of Arizona and in 1992 he was the first African American to receive the Arizona History makers Award presented by the State of Arizona. Inducted into the History maker Hall of Fame along with Grigsby were Barry Goldwater and Sandra Day O'Connor. In 1965 the Philadelphia College of Art awarded him the Honorary Doctor of Fine Arts.

Dr. Grigsby has also been cited by the Phoenix OIC, the Arizona NAACP, and numerous schools, churches and community organizations for his selfless contributions of time, effort and expertise. The Meritorious Service Award of the National Art Education Association has been named the "Eugene Grigsby Award for Service to Art Education" in recognition of his significant contributions to the field of art education. In addition, his accomplishments are noted in numerous publications including: Who's Who Among African Americans; Who's Who in the World; Who's Who in America; Who's Who in American Art; Who's Who in the West; and Who's Who in Black America. Chapters on him also can be found in Art: African American; Those Who Serve; Contributions of Afro-Americans to the Visual Arts; Paths Toward Freedom, Biohistory of Blacks and Indians in North Carolina; Afro-American Artists, Dimensions in Black; Black Artists on Art; and American Negro Art.

Dr. Grigsby is still widely in demand as a guest speaker. The former Danforth Fellow has lectured, conducted workshops and demonstrations on African Art, African American artists, and teaching art to high school students throughout the United States and in 13 countries in Africa, South America, the Caribbean and Australia.

Gene Grigsby received his undergraduate education at Morehouse College in Atlanta, Georgia. He went on to earn the Master of Arts degree from The Ohio State University and the Ph.D from New York University in

1963. While in college Grigsby was an art major and a theater minor. He was an active participant in the Atlanta University Players as an actor and as a scenic designer. While attending Art School in New York, he was a participating member of the Rose McClendon Players as actor and scenic designer and was a member of the Langston Hughes' Suitcase Theatre. Grigsby was an apprentice to the scenic designer Perry Watkins for the Broadway Production, "Mamba's Daughters". He was a founding member of the Ohio State University Playmakers while attending The Ohio State University. In Phoenix, he became a member of the Civic Drama Festival as an actor and scenic designer.

Grigsby, a 1942 volunteer for World War II, was Master Sergeant of the 573rd Ordinance Ammunition Company under 3rd Army's General George Patton. He devised the method of providing ammunition to the fast moving 3rd Army from Omaha Beach through France, Luxembourg and Germany to the Battle of the Bulge, by issuing ammunition from trucks instead of unloading it on the ground and reloading it on to trucks. After the war in Europe he wrote, produced and directed a hit musical comedy for the 573rd Army Battalion with soldiers from the 572nd and the 583rd Companies entitled "Two Points Shy". This production entertained soldiers in the German cities of Furth, Nuremberg and Hamburg among others. It received commendations from the 3rd Army Commanding Officer.

Gene Grigsby has been a creative dynamo for all of his adult life. His creative energy and talent have helped to train thousands of young artists and art educators. He continues to be a mentor to those who have known and worked with him for over fifty years.

Gene Grigsby and his loving and supportive wife of over 55 years—Thomasena—continue to reside in Phoenix, Arizona. Mr. Speaker, I am happy to count Gene and Tommy Grigsby among my friends, and I am proud to salute the distinguished career of this great artist, are educator and American citizen.

HATE CRIMES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. CARSON. I rise, Mr. Speaker, to make a point, all apart from the self-righteous rancor of our recent debates before we go out from here to our homes across the land. I am concerned about some recent horrors in our country, frightening to Americans of decency everywhere. I rise because I think there is something we can do and because this is the time to start doing it.

This year, we have seen horrific hate crimes committed against innocent men. One man in Texas was brutally dragged behind a pickup truck to his death merely because of the color of his skin.

Another young man was savagely beaten to death in Wyoming because of his sexual orientation. This was the third attack he had suffered in recent months because of his orientation.

The FBI reported 7,947 hate crimes in 1995, and 11,039 in 1996. The vast majority of these crimes were based on racial prejudice. Only 33 of these cases were prosecuted by the Justice Department under existing hate crime laws. However, we also know that hate attacks are chronically under-reported by victims and law enforcement agencies. Attacks like the one in Wyoming are probably more widespread than we know.

We must do more to prevent these kinds of outrages.

I have cosponsored legislation, HR 3043, to require colleges and universities to collect and report statistics concerning the occurrence on campus of crimes arising from prejudice based on race, gender, religion, sexual orientation or disability.

I also have cosponsored HR 3081, which would strengthen criminal penalties of those who commit violent hate crimes.

Many states, including Wyoming, do not even have hate crime laws on the books. My own state of Indiana has no penalties on the books aimed at preventing hate crimes.

These states need to act to do whatever they can to prevent crimes of hate.

Here in Congress, let us dedicate ourselves to passing strong anti-hate crimes legislation before we adjourn this year.

We in Congress and the states must do what we can to focus such attention on hate crimes that it may never be said that we did not act to help to prevent this great national shame.

TRIBUTE TO THE LATE REVEREND DOCTOR LEROY OSCAR PAYTON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DAVIS of Virginia. Mr. Speaker, a very distinguished leader in the Northern Virginia and surrounding area, Reverend Doctor Leroy Oscar Payton passed away on September 28, 1998.

Reverend Payton, born September 29, 1931, was the eldest of nine children born to the late Reverend Leroy Payton and Mrs. Sarah Mack Payton. A native of Orangeburg, South Carolina, he had been active in the ministry since the age of 17. He was ordained in 1950 and served as an assistant to the pastor at the Mount Zion Baptist Church in Arlington, Virginia. Reverend Payton held academic degrees from what was then the District of Columbia Teachers College, now known as the University of the District of Columbia, the Washington Bible College, and George Washington University.

In 1960, he became the pastor of First Baptist Church in Sycoline, Virginia, where he served the community and congregation for seven years. In 1967 he was called to the Chantilly Baptist Church, Chantilly, Virginia, where he faithfully served thirty years as pastor. Under the leadership of Reverend Payton, Chantilly Baptist Church, which is place of worship to a number of my constituents, has grown from a small rural congregation to a present day modern suburban church with many ministries. Reverend Payton was retired from George Washington University as the Director of Environmental Services.

My introduction to Reverend Payton was through his work at the Northern Virginia Baptist Association (NVBA). The NVBA is an association of more than one hundred and twenty-five primarily African American churches, many of which are in my district in the counties of Fairfax and Prince Williams, located in the Northern Virginia region of the Baptist General Convention of Virginia. Reverend Payton had been a leader in this Association of churches for more than forty years, culminating his tenure as the fourteenth Moderator of this dynamic one hundred and twenty-one-year-old organization. It was during his stewardship of the Northern Virginia Baptist Association that I came to know and respect Reverend Payton. He preached the message of, "Love: the Binding Tie and the Healing Balm," during his years as Moderator, 1993–1997.

Not only did Reverend Payton preach the word of his belief from which he drew his strength, he was also actively involved in his community. An unassuming gentle man, he believed it to be his duty as a citizen in this great country to concern himself with the immediate community as well as the broader community. He had been recognized on many occasions and had been the recipient of numerous awards because of the warmth of his leadership, spiritual guidance, and dedication to do the Lord's will. Closer to home, Reverend Payton was also a dedicated family man.

He leaves to carry on his good memory, his loving wife, Margaret, their children—Leroy, Joan, Ravoyne, and Dana; his mother, Mrs. Sarah Mack Payton; five brothers, three sisters and many other relatives and friends. Reverend Payton was the epitome of what makes this nation great—he loved his community enough to care to make a difference in everyday life, he loved his family, and he loved the Lord. He did not look for any accolades. He saw what needed to be done in the community and did it without seeking recognition.

Northern Virginia is without Reverend Doctor Leroy Oscar Payton today, but the memories of his strong leadership, moral courage, integrity, and devotion to God will live on in our hearts and be an example to follow.

TRIBUTE TO COLONEL STEVEN S. HOFFMAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SAXTON. Mr. Speaker, I rise to congratulate and pay tribute to Colonel Steven S. Hoffman as he retires from the United States Air Force following 28 years of outstanding military service. During his distinguished career, Colonel Hoffman has served his country, the U.S. Air Force, and the community of McGuire Air Force Base with distinction and honor.

Since July 1996, Colonel Hoffman has been the Director of Staff and Inspector General at the 305th Air Mobility Wing, McGuire Air Force Base, New Jersey, a responsibility that cannot be overestimated nor underappreciated. It is during this period that I have gotten to personally know and appreciate Steve's professional integrity and positive outlook. As the Director of Staff, Steve directed and supervised the daily operational activities of 17 wing staff agencies. In his other role as the Inspector General, he was responsible for a base population of over 11,000 personnel with resources over $1.1 billion and an annual budget exceeding $250 million. Steve excelled under a high operations tempo requiring his leadership and dedication at McGuire Air Force Base.

A native of Shandanken, New York, Steve entered the Air Force in 1970 through the Reserve Officer Training Corps and earned his pilot wings as a KC–135 pilot at Laredo Air Force Base, Texas. Although initially trained as a pilot, Steve sought early in his career to work with people and improve the personal and professional relationships within the Air Force. In addition to his piloting, his tours in the Air Force included positions in Public Affairs, Operations, Plans and Security, Air Force Liaison Officer and Commander/Publisher of the European Stars and Stripes.

Steve's devotion to country and the Air Force is evidenced by the awards he has so richly earned. These awards include the Defense Superior Service Medal, Meritorious Service Medal with two oak leaf clusters, Air Medal and the Air Force Commendation Medal with one oak leaf cluster.

Col. Hoffman, his lovely wife Joyce and their two daughters, Jessica Marie and Jennifer Gabrielle will soon begin a new life in his hometown in New York. I know I speak for the entire McGuire community in wishing Steve and his family the very best as they leave the U.S. Air Force. I offer my personal thanks and the thanks of an appreciative nation as he begins a new chapter in his life.

TRIBUTE TO THE HONORABLE ESTEBAN TORRES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. REYES. Mr. Speaker, I rise to celebrate the accomplishments and friendship of Congressman ESTEBAN TORRES who will be retiring from the House of Representatives at the end of this session. He is truly an inspirational leader who will leave this legislative body with the respect and admiration of his colleagues.

His life story reflects the value of hard work and determination. Growing up the son of Mexican immigrants during the depression, he has remained a humble and dignified individual. He has never forgotten his roots nor the sacrifices made by his parents and their generation in speaking out for all Americans.

After serving in the United States Army as a Korean War conflict veteran, his military service was just the beginning of a life of service. Working as an auto plant worker, he became a labor leader throughout the 1960's and ever since has stood up for the working people of this country and around the world. His leadership was soon recognized within the labor movement and led him to speak on behalf of workers rights throughout the Americas. His advocacy on behalf of better pay, compensation, benefits and conditions for workers led to his involvement in the broader community by starting a community development corporation in East Los Angeles which grew into one of the largest anti-poverty agencies in the nation.

Fortunately his international diplomacy and economic development abilities were recognized by President Jimmy Carter. In 1976, Congressman TORRES answered the call of the President, and served as Ambassador to the United Nation's Education, Scientific and Cultural Organization and later as Special Assistant to the President for Hispanic Affairs.

Seeing an opportunity to serve as an elected official, we should all be grateful that in 1982 Congressman TORRES won a seat in this House, and has honorably served in the House of Representatives for the past 15 years.

Since coming to this legislative body he has worked to improve the quality of life for all Americans by bringing greater job opportunities, protecting consumers, and cleaning up the environment. He has taken a lead role in bills impacting Trade, Banking, Crime, Housing, and Economic Development. Throughout, he has been a powerful voice for minorities and the working people of the United States.

His committee assignments on Appropriations and Banking and his leadership position as Deputy Democratic Whip reflect his tremendous ability to bring together diverse interests and work toward common goals. Moreover, as Chairman of the Congressional Hispanic Caucus, he set a high standard for addressing the important issues of the growing Hispanic population.

Congressman TORRES is a person who has always provided me with invaluable guidance and support. I will always appreciate his efforts to improve conditions along the United States-Mexico border which is so important for my community.

He is a true champion of the people, a friend, and someone whose departure will be greatly felt in this legislative chamber. His work on behalf of the 34th Congressional district of California was tremendous, and his constituents can always be proud of the difference his tenure made for their community. I wish him well in his future pursuits as I know that he will remain engaged and active in working to bring greater opportunities for Americans everywhere.

TRIBUTE TO CARNEY CAMPION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my Congressional District's very dedicated individuals, Carney Campion. Carney is being honored as he retires from the Golden Gate Bridge, Highway and Transportation District after 23 years of successful innovative transportation leadership. I am proud to mark this occasion with his family, friends, and colleagues on November 30, 1998 as we celebrate his truly remarkable accomplishments.

Carney Campion is widely recognized as a transportation pioneer in his service to California's North Coast. As the eighth General Manager of the Bridge District, Carney successfully balanced a comprehensive transportation plan that effectively kept the North Coast linked to San Francisco. Due to Carney's strong leadership skills he was able to adapt the changing needs of our communities to the needs of individuals. He reduced automobile traffic and congestion, while protecting the environment with efficient and reliable alternatives such as buses and ferries.

Carney's career accomplishments are many. Among the most noteworthy are the development and modernization of the unified bus and ferry system; the implementation of the District's public awareness, environmental health and public safety program; the purchase of the abandoned Northwestern Pacific Railroad right-of-way from Novato to Willits for vital future rail service; and his fervent commitment to the seismic safety of the Golden Gate Bridge.

Carney has been instrumental in the advancement of electric toll collection systems on bridges throughout the world. As a long time advocate of North Coast transportation matters, he served as Past President to the Board of Directors on the Electric Toll and Traffic Management Task Force, and Vice Chair to the International Task Force of the International Bridge, Tunnel, and Turnpike Association. In his many impressive civic endeavors, Carney has served as Secretary, Treasurer and Vice President to the Press Club of San Francisco during his 35 years of membership. He was also Vice President of the Marin Forum, and Director of the YMCA/Marin and the Marin Theatre Company.

Mr. Speaker, it is my great pleasure to pay tribute to Carney Campion. The North Coast owes Carney Campion a great deal of gratitude for his tireless efforts throughout his 23 years of public service at the Golden Gate Bridge District. I extend my hearty congratulations and best wishes to Carney, his wife Kathryn of 45 years, his six children, and ten grandchildren for continued success and joy in the years to come. Carney Campion will be missed, and remembered.

TRIBUTE TO MS. MARY TULLIS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. THOMPSON. Mr. Speaker, I rise today to commend Ms. Mary Tullis of Rosedale, Mississippi. Ms. Tullis is a shining example for both recipients of public assistance and government policy makers of the ability for hardworking people to escape welfare when provided with the proper community support.

No longer requiring public assistance, Ms. Tullis was recently awarded a "Success Story Award" by the United States Small Business

Administration. She is now serving as a student assistant for the Center for Community Development, which is cosponsored by the SBA and the Small Business Development Center at Delta State, and will be applying for a position as a graduate assistant in the 1999 Spring Semester.

Ms. Tullis has been attending Delta State University for the past 3 years and will graduate with a major in Sociology in December. She is on the Dean's List and has been named a Faculty Scholar. Once in graduate school, Ms. Tullis hopes to write her thesis on matters relating to "Welfare, Women and Education: Attaining and Sustaining Financial Independence."

Ms. Tullis sets an example not just as a dedicated worker, but also as a superb parent. She is 47 years old, single, and a mother of 11 children ranging from 9 to 32 years old. Five of her children are in college, one is on scholarship at Yale University and another is almost a senior on scholarship at a boarding school in New England. Two of her children have already received degrees, one in Nursing and the other in Law and Economics.

In addition to her individual achievements, Ms. Tullis has unselfishly sought to assist other public assistance recipients in following her course. A volunteer for numerous community services, she has recently been selected to be a member of the Americorps Delta Service Corps. Her work in the Delta Service Corps will include educating and promoting community awareness in the values of being a volunteer, and she will also assist in creating the Community Service Projects and Signature Projects to locate resources which can be used for further development.

Mr. Speaker, I commend Ms. Tullis for her outstanding achievements, and I would also like to complement Delta State and all the community service organizations which provided her with support in her persistent drive towards independence. Together they are a model of what can be achieved in this nation through community support and individual effort.

INTRODUCTION OF THE QMB IMPROVEMENT ACT OF 1998

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. McDERMOTT. Mr. Speaker, today Mr. STARK and I introduced legislation that will dramatically improve the Medicare program for its low-income beneficiaries. If passed, our legislation will ensure that Medicare beneficiaries eligible for existing income protections actually receive the benefits they deserve.

The current Medicare program places many beneficiaries at risk due to the inadequacy of its benefit package. Specifically, Medicare's high out-of-pocket costs for "covered services" and its failure to cover the cost of prescription drugs and long-term care can seriously erode a beneficiary's total family income. Additionally, as Congress continues to push all beneficiaries into Medicare managed care, many more low- and moderate-income beneficiaries will face increased financial risks.

In 1995, 12.2% of Medicare's 35 million beneficiaries were at or below 100% of the Federal Poverty Level (FPL), 6.2% were between 100% and 120% FPL, and 4.9% had incomes between 120% and 135% FPL. Despite their dual eligibility for both Medicare and Medicaid, health care spending averaged roughly 30% of their total family income.

The programs that Congress designed to protect low-income beneficiaries from unreasonable out-of-pocket costs—the Qualified Medicare Beneficiary (QMB), Specified Low-Income Beneficiary (SLMB), and Qualified Individuals (QI–1 and QI–2) programs—are notorious for having poor enrollment of eligible Medicare beneficiaries.

A recent report by Families USA found that nationwide, roughly 3.5 million Medicare beneficiaries are eligible for QMB, SLMB & QI–1 benefits but are not receiving them. The report highlighted that Washington State was the 10th worst state at enrollment with roughly 100,000 eligible beneficiaries not covered—costing WA low-income beneficiaries $55 million alone in lost Social Security benefits.

The lost Social Security benefits are attributable to eligible seniors having their part B premiums automatically deducted by Medicare from their Social Security checks each month even though they are eligible for one of the existing income protection programs. The loss of $43.80 month/$525.60 year is tremendous to a Medicare beneficiary whose income hovers around $8,000 to $9,000 a year.

The reasons for poor enrollment vary, so rather than dwell on our collective failure, we propose action to fix the problem. Our legislative solution simply would presumptively enroll eligible Medicare beneficiaries in the appropriate QMB or SLMB protection program—enrolling as close to 100 percent of eligibles as possible.

As Congress and the National Commission on the Future of Medicare struggle to reform the Medicare program, we need to keep an open mind about how we can do more to improve, rather than harm, the program.

Presumptively enrolling current Medicare eligibles for existing low-income protections would be a good start. My hope is that in addition to making this necessary improvement, the next Congress and the Commission also will consider other options to enhance the low-income protections such as simplification through federalization and modernizing its eligibility, income, and asset test criteria.

MEDICAID PROTECTIONS FOR LOW-INCOME MEDICARE BENEFICIARIES

QMB: Qualified Medicare Beneficiaries eligible for financial assistance covering Medicare premiums, deductibles, and copayments for singles/couples at or below 100% of poverty—$8,292/$11,100 year.

SLMB: Specified Low-Income Medicare Beneficiaries eligible for Part B premium assistance for singles/couples between 100 & 120% of poverty—$9,900/$13,260 year.

QI–1: BBA '97 allows Qualified Individuals to apply for block grant assistance to pay for Part B premiums if the single/couple's income is between 120 and 135% of poverty—$11,112/$14,892 year.

QI–2: BBA '97 allows Qualified Individuals to apply for assistance to pay for the portion of the Part B premium increase caused by transfer of Home Health Services from Part A to Part B if the single/couple's income is between 135 and 175% of poverty. This benefit is estimated to be worth $1.07/month per beneficiary.

Part B premiums cost $43.80/month equaling $525.60/year.

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TOWNS. Mr. Speaker, I rise today in strong support of S. 1722, The Women's Health Research and Prevention Amendments of 1998. This legislation is a positive step in the right direction towards prioritizing research and prevention in regards to women's health.

This timely legislation increases Congress support of research which will clearly benefit a segment of the population often relegated to a "second place" status in research. For too long, research on men has been extrapolated to women especially in the area of cardiovascular disease. It is time for Congress to acknowledge the lack of strong and complete research on women's health issues, and do something about it. The question should no longer be when, the question should be, shall we do it today? This legislation is our opportunity to tell the women of America that we recognize their unique health problems and want to advance plans to combat them.

The bill expands research and education in areas such as; breast, ovarian and related cancer, osteoporosis, Paget's and other bone diseases. These diseases have devastated many women, but this legislation allows us to continue to elucidate their pathogenesis, treat, and most importantly possibly prevent these diseases. The importance of the education and early detection programs this legislation extends should not go unnoticed. Education is one of the most powerful keys to empowering women with regards to their health. It also removes the social isolation so many of these ailments may create. In addition S. 1722 will help women to be aware of preventative health programs and support groups designed to assist them in their time of need.

Mr. Speaker, I strongly urge my colleagues on both sides of the aisle to join me in an aye vote for this legislation. As I stated earlier the question is not when will we do it, the question is will we do it today?

IN SUPPORT OF THE PASSENGER SERVICES ENHANCEMENT ACT

SPEECH OF

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. RAMSTAD. Mr. Speaker, I rise in support of this bill before us today to provide for the continuation of preclearance activities for air transit passengers.

I want to thank Mr. CRANE and Mr. SHAW for working with me on this important legislation to help facilitate the services Customs provides to process the massive amounts of people and products entering and existing our country.

This bill, which is similar to legislation Mr. CRANE and I introduced last April, would allow the Customs Service to access funds in the User Fee Accounts and enhance inspector staffing and equipment at preclearance service locations in foreign countries.

This is significant because if U.S. Customs eliminates these positions, preclearance for passengers to the United States will slow, travel will be disrupted, and the tourism industry in many states will suffer. Allowing the preclearance services to continue means a great deal to many employers in my district, like Northwest Airlines and all those affiliated with the Mall of America—which attracts more visitors each year than Disneyworld, Graceland and the Grand Canyon combined.

The Customs Service has said there are insufficient resources in its salaries and expenses account to fund the enhanced preclearance positions. This bill gives access to excess funds in the User Fee Account, without any additional cost to taxpayers. Acting-Commissioner Banks testified before our Ways and Means Committee in support of our earlier version of the legislation, and the airline industry supports it as well.

I appreciate how quickly the House has recognized the merits of this legislation and allowed us to bring it to the floor today. I urge my colleagues to join me in support of this critical bill.

KATHLEEN LUKENS—A LIVING SAINT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of Mrs. Kathleen Lukens, a resident of Rockland County, NY, late last night.

Kathleen Lukens is a lady for whom the title "living saint" was exceptionally appropriate. She was the personification of the giving, loving person who are so rare in today's world. She served as an inspiration for many and will not soon be forgotten.

A recent editorial stated that: "Kathy Lukens is the mover of every developmentally disabled child, so committed has she been to showing Rocklanders and others they need not offer 'pity' but recognize that these people are 'gifts to us'."

In the mid 1960's, Kathy Lukens became an activist in order to help her own son, David, who was developmentally impaired. Her movement grew by leaps and bounds, due in good part to her energy and dedication. She first created a day care program specifically for children with developmental disabilities, and then became founder and first president of the Exceptional Child P.T.A. She established camp venture in 1969, the first all day summer camp program for the disabled. Today, it is open to all children.

Venture also operated 15 group homes for the challenged, affording them with a venue to conduct productive, normal lives. Over 1,000 individuals are served today by the programs Kathy Lukens initiated.

Kathy Lukens was born on Jan. 5, 1931, in Philadelphia, PA, the daughter of Joseph and Margaret Burge. She lived in Philadelphia before moving to New Jersey when she was 13 years old, attending elementary schools in Edgewater and Bergenfield.

Kathy attended Columbia University's graduate program and in 1952 graduated from Barnard College with distinction and a bachelor of arts degree in history.

Kathy married Dr. John H. Lukens, a clinical psychologist, in Bergenfield, NJ, in Sept. 1954. They moved to Rockland County in 1958, settling in Tappan.

Kathy was first employed as an elementary school teacher and as a newspaper reporter for the Bergen Record in New Jersey and the Rockland Independent and the County Citizen, both in Rockland County, prior to establishing camp venture in 1968.

Kathy was the author of two books: Thursday's Child Has Far To Go (1969) and Song of David (1989). Her early career encompassed an amazing amount of volunteer work. She co-founded the Tappan Zee Nursery School in 1959 and served as president of the Lockhart Nursery School in 1964.

In 1974, Kathy Lukens founded the Child Advisory Council of the Rockland County Legislature. She founded and was president of the Rockland County Exceptional Child Parent Teacher Association in 1958; was chair of the Rockland County Community Service Board from 1991 to 1997, and was vice chair from 1982 to 1985; was chair of the district planning focus group of the Letchworth transition group from 1995 to 1997; and the Board of Directors of the New York Foundling Hospital from 1985 to 1990.

Kathy Lukens was very active in the anti-nuclear movement in the 1960's, and was a participant in the famous march on Washington in 1963, at which Martin Luther King, Jr. gave his famous "I have a dream" speech.

Kathy was the first women elected to the U.S. Catholic Bishop's Advisory Council in 1973 and co founded the Rockland County Catholic Interracial Council in 1963.

Kathy Lukens received honorary degrees from the College of New Rochelle, from Long Island University, St. Thomas Aquinas College and the Dominican College. She was named outstanding woman in Rockland County by the Association of the American Society of Women.

In 1984, Kathy Lukens was named 'woman of the year' in New York State by Governor Cuomo. Later that same year, the Governor bestowed upon her the Eleanor Roosevelt Community Service Award.

Lukens was appointed in 1985 to the New York State Advisory Council on Mental Retardation and Developmental Disabilities. Governor Pataki appointed her to the Provider Council of New York in 1996.

Among the major achievements of Kathy Lukens' life was the establishment of camp venture. She understood that those in our society who could not help themselves needed our time, our efforts, our energy and our love.

In summary, the life and career of Kathy Lukens is that of a truly unique lady who distinguished herself in more facets than most other people: an outstanding teacher, journalist, author, humanitarian, care giver and mother, Kathy Lukens was a renaissance person, who remained humble and unassuming regarding her own remarkable accomplishments. Those of us who had the honor of knowing and loving her were well aware that this modest lady was in fact one of the more remarkable persons we would ever encounter.

It is of some small gratification that Kathy remained with us long enough to see the new Center for Adult Living and Day Treatment Center in Sparkill named in her honor. It is a fitting tribute to this lady who gave so much for so many others.

We extend our deepest condolences to her widower, John, who for 44 years was truly her partner in goodness. We also extend our sympathies to her son, Daniel, who has now taken over the operations of camp venture, her son David, who inspired her to dedicate her life to others her son Mark who duplicated much of her work by helping found Crystal Run, a similar facility in Orange County, and her son Jonathan.

We extend our condolences to her daughter Margaret and to her nine grandchildren.

We also extend condolences to the thousands of individuals and their families whose lives were touched and made better by this exceptional lady.

Kathy Lukens, who left us too prematurely, will long be missed.

THE SMALL BUSINESS FRANCHISE ACT OF 1998

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. COBLE. Mr. Speaker, I rise today to introduce the Small Business Franchise Act of 1998.

Franchise businesses represent a large and growing segment of our nation's retail and service businesses and are rapidly replacing more traditional forms of small business ownership in our economy. As a result, franchise owners have become the heart and soul of America's economic engine and the backbone of local commerce. In fact, according to the International Franchise Association, a new franchised outlet opens every eight minutes and the industry gave birth to tens of thousands of new jobs in the last year alone.

The franchisor/franchisee relationship is fundamentally an economic one where the objective of each party is to make money. By purchasing a franchise, a franchisee can sell goods and services that have instant name recognition, while the franchisor can increase market access with little or no risk. However, buyers should beware—like any investment, purchasing a well-known franchise is no guarantee for success. As I have studied this issue, I have come to realize that there is an uneven playing field for the small business person looking to become a franchise owner.

For instance, while pre-sale disclosure information must be made available to the buyer by the corporate franchisor, post-sale opportunities to pursue recourse for presentation of misleading or false information in the pre-sale negotiations are inadequate. I am introducing this legislation because I believe this gross inequity needs to be addressed.

Under present regulations, small business franchise operations are subject to the Federal Trade Commission's (FTC) trade regulation rule. The FTC issued this rule, entitled the "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" on December 21, 1978, and under the Federal Trade Commission Act. The FTC rule requires franchisors to give prospective franchise purchasers financial details about the business and explain the arrangements in the franchise agreement. Well intentioned as this prospectus requirement is, as the old saying goes, "the devil is in the details," and I am afraid that much of this pre-sale information, while detailed, may be very misleading. After hearing many horror stories from franchise owners about the inaccuracy of pre-sale disclosure, I must question the reliability of this information. In fact, there are no current protections to ensure that this information is relevant and accurate. The FTC, the regulatory body with oversight responsibility, does not even review this material for accuracy as say the Securities and Exchange Commission must when a private company readies itself for a public stock offering.

The FTC enforces the franchise rule as part of its consumer protection mission. However, FTC enforcement is definitely lacking. Under current rules, franchisees do not have the right to sue franchisors for violations of the franchise rule. The FTC brings suit only on behalf of the federal government, not as a representative of individuals who may have been adversely affected. In July 1993, an audit by the General Accounting Office found that the FTC acted on less than six percent of all franchise complaints brought to its attention.

Because of the FTC's inability to review more franchise complaints, the FTC recently approved a plan to allow the largest corporate franchisors to self-regulate their own industries. Under this program, violators of franchise disclosure laws could avoid federal enforcement proceedings by attending what amounts to an industry-run reform school that it intended to teach franchisers how to comply with disclosure rules. And adding insult to injury, if the corporate violator completes this program, they do not have to report the infraction on disclosure documents available to prospective small business franchisees. Mr. Chairman, I venture to say that this FTC ruling threw full disclosure and due diligence for future franchise owners right out the window.

In the past 20 years, there has been tremendous change in the franchising industry, and as a result, I believe it is time for Congress to review the franchise rule and level the playing field for the thousands of small business owners who invest in franchise operations. The legislation that I introduce today, along with my distinguished colleague from Michigan, Congressman JOHN CONYERS, addresses the fundamental and necessary safeguards that this industry so desperately needs. I believe that the safeguards provided by this legislation level the playing field for small business franchisees across our nation. This legislation, like the Automobile Dealers Day in Court Act and the Petroleum Marketing Practices Act, rights the imbalance that has existed for too long in the franchisor/franchisee relationship.

Recognizing that it is too late to act on this legislation during the 105th Congress, I am hopeful that the 106th Congress will address this matter and ensure that this important segment of the small business world will remain viable for future generations.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the martial law resolution, H. Res. 589. This measure waves the one-day layover requirement, guaranteed by House rules, and allows any appropriations bill, appropriations conference report or continuing resolution to be brought to the floor for a vote—today and for the remainder of the 105th Congress. This is yet another attempt by the Republican majority to prevent critical Democratic proposals from being brought to the floor for consideration.

In spite of the fact that the fiscal year is over, the Republican Congress has failed to complete the regular business of the House, including: Passing a budget resolution and concluding action on several appropriations bills.

Rather than legislating, House Republicans have focused their efforts on investigating. In fact, over the last four years, House Republicans have spent more than $17 million on more than 50 politically-motivated investigations in the House. They have shown very little interest in creating positive legislative accomplishments that would benefit our Nation's working families. And, they have wasted valuable time on promoting excessively partisan issues.

Earlier this year, congressional Democrats joined the administration in introducing a comprehensive education proposal—which includes school modernization and class size reduction initiatives. These efforts are critical to ensuring that students across the United States are prepared for the twenty-first century. However, House Republicans have continuously blocked this legislation from being considered on the floor. Instead, they have supported anti-public school initiatives such as school vouchers and budget cuts in essential education funding.

Mr. Speaker, recent polls indicate that the American voters are primarily concerned with improving public education in this country. However, the Republican 105th Congress has failed to act on legislation that would help to improve our Nation's public schools. School modernization and class size reduction legislation is vital to enabling local school districts to renovate and modernize their existing facilities as well as to build new classrooms that will enable them to effectively address rising school enrollments.

According to the General Accounting Office, our neighborhood schools are sorely in need of $112 billion to repair or upgrade dangerous and substandard school facilities. In fact, 60 percent of the Nation's public schools have at least one major building feature in complete disrepair.

Before the 105th Congress adjourns, we must work to address these and other problems associated with critical funding needs for school modernization and class size reduction. The Democratic education proposal provides Federal tax credits to pay the interest on $22 billion in bonds for the modernization or construction of more than 5,000 schools across the country. It also assists local school districts in hiring an additional 100,000 qualified teachers and reduce class size in grades one through three. At a time when the Nation's public schools are experiencing record school enrollment, and many teachers in the early grades have classes at large as 36 students, this effort is absolutely essential.

It is for these reasons that I urge my colleagues to join me in opposing the martial law resolution. It is time to stop playing games. We must get to work and enact legislation that will benefit all of our Nation's children and ensure that they have access to quality public school education.

Vote no on H. Res. 589

AGRICULTURE'S UNFINISHED BUSINESS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. MORAN of Kansas. Mr. Speaker, I rise today on behalf of America's farmers and ranchers. Agricultural producers make up only two-percent of the U.S. population, yet they are productive and efficient enough to safely and inexpensively feed this country and much of the rest of the world. Our agricultural production system is the envy of the world, but we cannot take it for granted.

Mr. Speaker, farmers and ranchers work hard for us. Tonight I call on Congress and the President to return the favor.

Agriculture is different than other U.S. industries. It is a sector that is at the whims of both government policies and the global economy. Unfortunately, neither one of these influences are controlled by the Kansas farmer. The collapse of the Asian economy has beaten down prices like a hailstorm ripping across the Kansas plains. According to the U.S. Treasury Department, Kansas' agricultural exports to Asia have fallen by 20%. Through no fault of their own, Kansas farmers will miss out on over $2 billion in farm income due to lost markets and low prices. We need to take action, not just for today, but for the next generation.

In the short-term, the most important issues is the disaster relief bill for agriculture. This bill passed both the House and Senate, only to be vetoed by the President. The passage of this legislation could not be more timely or important. The price decline, combined with the weather and transportation problems, has left many farmers and ranchers in dire straits. Congress and the President need to put aside their differences to pass a meaningful relief bill.

In the long-term, removing sanctions and foreign subsidies must be a to priority for Congress. I am pleased that a bill to limit agriculture embargoes has passed the House. This bill should be approved by the Senate and sent to the President for him to sign into law. Congress should then focus on repealing sanctions that currently damage our producers and work to ensure that new sanctions are done only as a measure of last resort, and not a knee-jerk reaction to the problem of the day. If this is going to be a global agricultural economy, we in the U.S. have to give our farmers a chance to sell and market around the globe.

Subsidies must also be addressed. The Export Enhancement Program, one of our only programs available to promote agriculture exports, has been left unused since I arrived in exports, an increase of 300%. The U.S. is still being out spent by nearly $7 billion by the European Union. To do nothing is the worst response possible. We cannot afford to stand by while our competitors take away markets by using aggressive government subsidies.

Mr. Speaker, we owe a lot to the American farmer. Working together on their behalf is the least we can do. It is time to act.

THE NORTHWEST SALMON RECOVERY ACT OF 1998

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. FURSE. Mr. Speaker, as the entire country knows, the Pacific Northwest enjoys significant benefits from federal power through the Bonneville Power Administration. As I have advocated throughout my career, the Northwest also needs to be able to meet all of the public obligations associated with these benefits, including restoring fish and wildlife, meeting tribal treaty and trust obligations, and paying the U.S. Treasury.

I come to the floor today to introduce legislation that will give the Northwest region new tools to deal with anticipated changes in the utility industry, and new tools to promote salmon recovery and renewables conservation.

This bill, the Northwest Salmon Recovery Act of 1998, includes the following provisions to help the region get on track with its conservation responsibilities:

First, a Unified Plan for Fish and Wildlife. Under this bill, the Secretary of the Interior will be responsible for overseeing the development of a unified plan for salmon recovery in the Pacific Northwest. The plan will have as its goal to restore harvestable, sustainable fish and wildlife populations in the Columbia Basin, consistent with the ESA, the NW Power Act, the U.S.-Canada Pacific Salmon Treaty, and the Clean Water Act.

Second, the bill establishes a Natural Resources Recovery Fund. This Fund will aid us in paying for restoration of fish and wildlife in the Columbia Basin, the fish mitigation and enhancement requirements of the Northwest Power Act, and the water quality standards under the Clean Water Act. Funding would come from a 3 mills/kilowatt hour charge on all retail power sales in the northwest.

Third, this bill provides accountability. The bill provides for an improved accounting system for BPA expenditures, based upon GAO recommendations. Under these provisions, Treasury repayments are met; WPPSS debt obligations are met; costs for flood control, navigation, power generation, irrigation, and fish & wildlife are independently assessed and reported; and accounting records are made publicly available.

Finally, this legislation creates a cost recovery mechanism that would give BPA authorization to adjust the rates of its customers up to the market rate.

At this critical time for salmon in the Northwest, bold steps are needed to ensure that these fish do not go extinct. I know that my colleagues continue to lead the fight to protect salmon and restore the greatness of these Northwest icons after I'm gone.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 4757, a bill to name the North-South Center after our former colleague, Dante Fascell.

It is fitting that Congress is naming the North-South Center, which Dante helped found, in his honor. During his long and distinguished career in the House, Dante used his position as chairman of the Foreign Affairs Committee to promote understanding and cooperation between nations of the Western Hemisphere. To advance this view, in 1984 Dante helped establish the North-South Center, located in Miami. This educational institution helps promote better relations between the United States and the other nations of the Western Hemisphere through cooperative study, training and research. Today, the North-South Center plays an essential role in the conduct of American diplomacy.

Mr. Speaker, one of Chairman Fascell's top priorities in Congress was to promote closer relations among our allies in this hemisphere. Dante was also a tireless fighter against tyranny and oppression in Latin America and the Caribbean. Since the North-South Center is essentially carrying on Dante's work, it is fitting that this organization be named in his honor. I hope the naming of the North-South Center will remind future generations, and especially South Floridians, the gratitude we owe Dante Fascell for his tireless efforts.

I urge my colleagues to support H.R. 4757.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. HOUGHTON. Mr. Speaker, I rise today to applaud the University of Miami for naming the North-South Center after one of their most esteemed graduates and one of the greatest Members of Congress to sit in this chamber—Dante Fascell.

My experience with Dante really started when I joined the International Relations Committee in 1988. Dante was Chairman. He was always fair, even handed, and very knowledgeable in all matters of international relations—especially on issues pertaining to the U.S.-Latin America relationship. That's why I feel that naming the Center after Dante is particularly appropriate.

Dante Fascell has contributed so much to the North-South Center, the University of Miami, the Congress, the Nation, and the world. I'm so glad that he's been honored so appropriately. I think I speak for everyone, Mr. Speaker, when I say that we all miss him dearly.

TRIBUTE TO SPOTTSWOOD W. ROBINSON, III

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize Spottswood W. Robinson, III. Judge Robinson died in his Richmond, Virginia home on Sunday, October 11, 1998. He was 82 years of age.

Spottswood W. Robinson, III was a federal appeals judge, law school dean, civil rights attorney, husband, father, son, friend, and HERO. The world is less one phenomenal individual, and I rise because I must pay tribute to his life and his many accomplishments. As a Howard University Law School graduate, I was inspired by those civil rights giants who also inspired and taught Judge Robinson. It is upon the back of Judge Robinson on which I rise.

A graduate of Virginia Union University in Richmond, Judge Robinson entered the Howard Law School in 1936, at age 20. His arrival came at a time when Charles Hamilton Houston, a pioneering black lawyer, was building the law school into a think tank for civil rights. According to U.S. Court of Appeals Chief Judge Harry Edwards, "Robinson graduated from Howard Law School with what is still reputed to be the highest scholastic average in the school's history." He received his law degree in 1939 from Howard, magna cum laude.

Originally planning to return to practice law with his father in Richmond, he accepted a two-year teaching fellowship at Howard, which, due to World War II, turned into eight years. In 1941, Oliver W. Hill, Martin A. Martin and Spottswood W. Robinson III formed the law firm of Hill, Martin and Robinson. Mr. Robinson taught full time and practiced law part time.

Mr. Robinson became a full-time lawyer in 1947. The law firm of Hill, Martin and Robinson had been handling some civil rights cases when they received a letter in 1951 from two black high school girls in Prince Edward County, VA, who said their school was inadequate and that 450 students refused to attend classes. The decision to take this case led to their historic involvement in *Brown* vs. *Board of Education* in 1954. The Virginia case was combined with Brown and other cases from South Carolina and Delaware.

The Supreme Court's decision in *Brown* vs. *Board of Education* declared that segregation in public schools violated the constitution. When the court handed down its decisions, the justices also ruled on the four other cases.

Since Robinson had become legal representative of the Legal Defense and Educational Fund in Virginia in 1948, he was charged with arguing the constitutional history of the 14th Amendment before the Supreme Court during the *Brown* case.

Robinson's view was that the 14th Amendment had envisioned the establishment of complete equality for all people, regardless of race. Equality was denied to blacks, he held, as long as their children could not go to white schools.

Continuing his civil rights advocacy, Mr. Robinson helped lead the 1956 fight against Virginia's so-called NAACP Bills, a set of laws passed by Virginia legislators attempting to cripple the activities of the National Association for the Advancement of Colored People. The U.S. District Court in Virginia eventually threw out the laws in a decision that called them unconstitutional.

Judge Robinson was also an instrumental force in the following landmark civil rights decisions:

McGhee vs. *Sipes* and *Hurd* vs. *Hodge*, 1948 (decided along with *Shelley* vs. *Kraemer*) in which the Supreme Court ruled that court enforcement of race-based restrictive property covenants is unconstitutional.

Morgan vs. *Virginia*, 1948 where the Supreme Court ruled that State-enforced racial segregation in interstate transportation is unconstitutional.

Chance vs. *Lambeth*, 1951 in which the 4th U.S. Circuit Court of Appeals ruled and the Supreme Court upheld that carrier-enforced racial segregation in interstate transportation is unconstitutional.

Department of Conservation and Development vs. *Tate*, 1956 where the 4th Circuit ruled and the Supreme Court upheld that the denial of state park facilities on racial grounds is unconstitutional.

In addition, from 1949 to 1951, he was part of an NAACP team that defended the Martinsville Seven, a group of black men accused of raping a white woman in Martinsville, VA. The men eventually were executed.

President John F. Kennedy appointed Robinson to the United States Commission on Civil Rights where he served from 1961 to 1963. In 1964, he was appointed by President Lyndon B. Johnson as the first black to serve as a judge of the U.S. District Court in Washington. Judge Robinson was also the first black to serve as a judge of the U.S. Court of Appeals for the District of Columbia and, was chief judge of the appellate panel from 1981 until 1986.

At the courthouse, Judge Robinson was known to friends as "Spots." A self-effacing and kind man whose conscientious matter led him to once fill a 43 page opinion with 403 footnotes.

Judge Robinson was bestowed with many honors during his life for his work in civil rights and commitment to community. In his home State of Virginia, the Old Dominion Bar Association gave him its President's Award in 1988. The National Bar Association honored him with its Wiley A. Branton Award in 1993. In 1995, Mr. Robinson was honored in the Virginia Power/North Carolina Power "Strong Men and Women, Excellence in Leadership" educational series. He also received an honorary doctorate of laws in 1986 from New York Law School, for his efforts "to achieve true equality under the law for all Americans" and addressing "the conscience of the nation."

In his personal life, Judge Robinson was an accomplished woodworker and an amateur architect who designed his own split-level home in Richmond. He loved fishing so much that the built his own fishing boat in his basement in 1953 and utilized it for 25 years.

Judge Robinson is survived by his wife, Marian Wilkerson Robinson; a son, Spottswood W. Robinson IV of Richmond; a daughter, Nina Govan of Greenbelt, MD; and a sister, Mrs. Isadore Burke of Freeport, Bahamas.

Judge Spottswood W. Robinson, III, is gone, but his legacy shall remain. His hard work and dedication paved the way for those of us who came after him. As an African-American male, an attorney, and an elected member of this esteemed body, it is incumbent upon me to honor Judge Robinson for allowing me to tread mightily in his footsteps.

DIANE MEDINA'S "COMMUNITY EXCELLENCE AWARD"

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. ORTIZ. Mr. Speaker, I ask my colleagues to join me in honoring a leading Hispanic in the entertainment industry, Diane Medina, the Director of Diversity Programs for the Walt Disney Company. Next month, Diane will be honored by the Latino Entertainment Media Institute's Community Excellence Award.

The Latino Entertainment Media Institute is a non-profit organization which follows and speaks to the issue of Hispanics in the entertainment industry. Their theme this year is: "Investing in our Image."

Diane Medina is uniquely qualified for this award. Her entire life she has worked to bring Hispanics into the entertainment industry across a wide swath of opportunities that currently exist. She was born and raised in Southern California, where she has worked in the industry for over 25 years. She worked at ABC in Human Resources and diversity, moving to the Walt Disney Company after they bought ABC.

Walt Disney knew a good thing when they saw it. Diane has immersed herself in the nonprofits associated with the industry which advocate a larger inclusion of Hispanics in Hollywood. She sits on boards for the following non-profits dealing with issues pertaining to Hispanics in the entertainment industry: the *Imagen* Foundation, Nosotros, Latino Entrtainment Media Institute, National Hispanic Foundation for the Arts, Hispanic Academy of Media Arts and Sciences, the National Council of La Raza (host of the Alma Awards), and many others.

Just last month during Hispanic Heritage Month events, Diane and I discussed the direction of one of the non profits with whom we both have worked, and, as always, I was impressed with her passion and her commitment to the prospect of including Hispanics in the entertainment industry at all levels, from on-camera talent, to behind-the-camera talent, to the business suites of the studios.

Diane and I share a common philosophy about how to accomplish our goal of getting more Hispanics in the entertainment industry. We both believe that if you appeal to the better angels of those you are trying to convince, you get more done. My grandfather used to tell me that you get more flies with honey than with vinegar.

Diane knows, from her position inside the industry, that if the Hispanic presence is to change, so, too, must the voices doing the presentation. We are both persuaded that the very best way to increase that presence is to approach both the industry and the community with reasoned voices.

I ask my colleagues to join me in commending Diane for her role in increasing the number of Hispanics throughout the industry, and for being a role model for those who aspire to be part of the entertainment industry.

TRIBUTE TO THE HONORABLE HENRY B. GONZALEZ

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. REYES. Mr. Speaker, I rise in tribute to Congressman HENRY B. GONZALEZ who will be retiring from the House of Representatives at the end of this session. As the Dean of the Texas delegation, he has been a remarkable representative for his district, for Texas, and for the entire Nation.

Throughout his career Congressman GONZALEZ has never failed to stand up for the rights of others. For over 40 years, beginning in the Texas legislature and throughout his career in the United States House of Representatives he has stood up for minorities. Moreover, he has continually spoken out for improved educational, economic and housing opportunities for the Nation. His legendary courage to stand by his principles, and singularly take on controversial positions in the national interest are an inspiration to all Americans.

Moreover, we should all be grateful for his skilled leadership as Chairman of the House Banking Committee. His oversight and investigative skills steered our Nation through one of the most serious financial periods of our Nation. Through his insightful and decisive actions he brought about meaningful solutions to the devastating multibillion dollar savings and loan crisis. Additionally, he averted a similar crisis in the banking industry with important legislative reforms with an overhaul of our system of deposit insurance.

Furthermore, as the first Mexican-American Congressional Representative from Texas, he has been an inspiration for Hispanics and all Americans. He stands as a model of a person having the courage to sometimes stand alone and blaze a new trail in the name of public service. He is an example of the American ideal that one person can truly make a difference. His powerful voice spoke out for the hopes and dreams of millions of Americans, and his level of dedication and commitment is a standard for all Members of Congress.

I am proud to say that I have known Congressman GONZALEZ for many years. I am even more proud to have had the opportunity to serve with him as a Member of the 105th Congress. Congressman GONZALEZ is a person whose strength of character and tenacity I admire and respect.

As he leaves this legislative body, his independent spirit will forever remain in this chamber. We will always remember Congressman HENRY B. GONZALEZ as a fierce advocate for the highest American ideals. His 37 years of service are filled with distinction and accomplishments, and his constituents can be proud of sending a legendary advocate for his district and for all Americans.

Congressman HENRY B. GONZALEZ, I wish you well in your future pursuits, and know that you leave a powerful legacy of tirelessly working for the betterment of America.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FOSSELLA. Mr. Speaker, it is with a heavy heart that I rise today to support this resolution. I say this not as a Republican, not as a New Yorker, but as a person who loves this great country and all it represents.

Earlier today, the gentleman from New York, Mr. NADLER, stated in essence: "This matter will be the most divisive issue this nation has faced since Vietnam." While I do not question the gentleman from New York's belief that he believes this to be true, I do take exception to the comparison and respectfully disagree. Here is why during the Vietnam war, as has been the case with every war or military conflict since our nation's birth, men and women were sent overseas with a willingness to die for freedom, liberty and to defend the rule of law. In the case before us, the President of the United States has been charged with violating the rule of law that so many Americans have died for and are still willing to die for at a moments notice all over the globe. The same rule of law that we must ensure applies equally to every single American, including the President of the United States.

This matter goes to the very heart and soul of what America is all about. This matter will determine whether we defend the Constitution, or destroy it. I hope and pray that each distinguished Member of this body places America first and that each Member sees through the clouds of rhetoric to uphold the rule of law.

It is the rule of law that unifies this country. It is the rule of law that allows each American the opportunity to enjoy and to pursue what our founding fathers and every generation of Americans since have always hoped for—that each American be entitled to life, liberty and the pursuit of happiness. If we, indeed, cherish the notions of personal freedom and individual liberty granted to every single American, then we will seek to vindicate the rule of law and proceed with this matter with all deliberate speed and an unbreakable bond with each other towards fairness, equity and justice for each party involved, including the President of the United States.

Mr. Speaker, too many Americans have died to defend these principles we hold so sacred. Too many generations of Americans have given so much to wish reluctantly that this matter just disappear. Just as important, Mr. Speaker, with the Almighty blessing, generations of Americans yet unborn will look back to this day and claim this to be one of America's finest hours, not as a sideshow that some are trying to depict this as.

Each Member of this body still must maintain an obligation and responsibility to be bound to our oath of office, the same oath of office voluntarily taken by the President of the United States. Accordingly, Mr. Speaker, I support this resolution.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BOUCHER. Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 2281.

Through this legislation, we extend new protections to copyright owners to help them guard against the theft of their works in the digital era. At the same time, we preserve the critical balance in the copyright law between the rights of copyright owners and users by also including strong fair use and other provisions for the benefits of libraries, universities, and information consumers generally.

I am pleased to advise my colleagues that many of the compromises achieved in this legislation reflect the work of the Commerce Committee. I want to underscore my appreciation for the leadership of Chairman BLILEY and Ranking Member DINGELL in successfully crafting balanced legislation both in the Committee and as conferees.

I want to highlight briefly several provisions addressing fair use and the effect of this legislation on consumer electronics devices, computers and other technologies. These provisions are fundamental to the balance that the conferees have achieved in this measure.

First, the conferees included a provision which ensures that the legislation's prohibition against circumvention of copy protection technologies in digital works does not thwart the exercise of fair use and other rights by all users. This safeguard requires that the Librarian of Congress, in consultation with the Register of Copyrights and the National Telecommunications and Information Administration of the Commerce Department, conduct proceedings periodically to determine if these rights are being adversely affected by copy protection technologies in the digital age. If the Librarian of Congress determines that noninfringing uses of certain classes of copyright works are, or are likely to be, adversely affected, then the measure's prohibition against circumvention of copy protection technologies shall not apply to users with respect to those works.

Second, with respect to consumer electronics devices and other equipment, the conferees included a "no mandate" provision which should reassure manufacturers of future digital telecommunications, consumer electronics and computing products that they have the design freedom to choose parts and components in designing and building new equipment. Read together with other provisions of the measure and other parts of the relevant legislative history, the "no mandate" provision confirms that Congress does not intend to require equipment manufacturers to design new digital telecommunications equipment, consumer electronics and computing products to respond to any particular copy protection technology.

Third, the conferees also clarified that manufacturers, retailers and professional services can make "playability" adjustments to their equipment without fear of liability. Recognizing that, whether introduced unilaterally or after a multi-industry development process, a copy protection technology might cause playability problems, the conferees explicitly stated that makers or servicers of consumer electronics, telecommunications or computing products can mitigate these problems without being deemed to have violated the measure's prohibition against circumvention of a copy protection technology. Equipment manufacturers should thus be able to make product adjustments without fear of liability, and retailers and professional servicers should not feel burdened with the threat of litigation in repairing videocassette recorders and other popular products for their customers.

Taken together, these provisions demonstrate that the legislation is not intended to diminish core fair use and other rights that have always been recognized in our copyright law. These provisions confirm that the measure does not limit the development and use of consumer electronics, telecommunications, and computer products used by libraries, universities, schools and consumers everyday for perfectly legitimate purposes.

In short, with these and the other changes made to preserve the rights of information consumers, the conferees have produced a bill worthy of our support. I commend their efforts in achieving this careful compromise.

VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. STUMP. Mr. Speaker, we have unfortunately come to the point of impasse with the other body over efforts to wrap up veterans' legislation in the 105th Congress.

The House and Senate Veterans' Affairs Committee have reached agreement on a wide-ranging package of veterans' program enhancements in our usual bipartisan fashion.

The House is ready to act on that agreement.

However, there seems to be difficulty in the other body because certain Members may disagree with the compromises agreed to by the two veterans' committees.

We should not have come to this point, Mr. Speaker.

The House has worked diligently this year on veterans' legislation.

We have passed bills in a timely fashion: two bills in the month of March, two bills in May, and two in early August.

In contrast, the other body did not bring a veterans' bill to the floor until the last day of September.

They are still trying to bring up various bills under unanimous consent but holds are being placed on some of them for one reason or another.

This puts the House in the difficult position of facing the need to try one last time in this session to move a bill which includes all the agreements reached between the two Veterans' Affairs Committees.

Passage of House amendments to the Senate amendment to H.R. 4110 will provide the Senate the opportunity to either send this entire package to the President for his signature or kill the bill, including the cost-of-living adjustment for veterans service-connected disability payments. I want to make it very clear to House Members and Members in the other body that I will not ask the House to take any further action on this legislation this year.

The House has done its job, more than once.

The other chamber should clear this bill for the President to sign.

We should be forthright and sincere about our efforts on behalf of veterans rather than engaging in brinkmanship over the provisions on one particular piece of legislation.

I hope we can avoid this situation in the future, Mr. Speaker.

The House Committee would like to work with the other body next year to reach agreement on individual bills during the course of the session.

Waiting until the very last minute to act on bills risks our entire work product on behalf of veterans.

I believe this bill is an excellent package of program enhancements for veterans.

It clearly demonstrates action by Congress to fulfill our Nation's commitment to those who have sacrificed in defense of freedom.

This bill includes:

Significant progress toward improving health care to Persian Gulf war veterans;

An independent scientific evaluation by the National Academy of Science of the potential health effects of risk factors veterans may have been exposed to in the Gulf war;

An increase in pensions for those incredible heroes who earned the Congressional Medal of Honor;

A new innovative loan guarantee program for multifamily transitional housing for homeless veterans;

Burial benefits and national cemetery eligibility for World War II merchant mariners;

Increasing the Federal share for establishing State veterans' cemeteries to one-hundred percent;

Extending VA home loan eligibility for guard and reservists through the year 2003;

Authorizing medical facility construction funding at a level that is $157 million above the administration's budget request; and

Providing a cost-of-living adjustment (COLA) for veterans' compensation, pension, and related programs.

H.R. 4110 also includes various enhancements to medical care, pension, insurance, education, and employment provisions in current law.

The COLA will follow the Social Security Administration figure, which is based on the Consumer Price Index.

Final action on H.R. 4110 will provide plenty of time for the VA to implement the COLA by December 1, 1998.

I strongly urge my colleagues to vote for this bill.

I want to express my appreciation to the leadership of the Veterans' Affairs Committee in the other body, Chairman SPECTER and Senator ROCKEFELLER, for reaching agreement on these provisions.

I also want to thank the members of the House Veterans' Affairs Committee for their hard work on all the bills passed by the House this year and their cooperation on reaching these agreements.

We have truly worked in bipartisan fashion for the benefit of veterans.

Mr. Speaker, this is the final piece of legislation the Veterans' Affairs Committee will bring to the floor in the 105th Congress.

I want to tell the Ranking Democratic member of the committee, Mr. EVANS, that his work and cooperation on all these issues, as well as the day to day operation of the committee are truly appreciated.

The House Committee on Veterans' Affairs takes a back seat to none in our bartisan approach to the very serious business of crafting legislation.

LANE EVANS has steadfastly adhered to that tradition and should be commended by all veterans for his support on their behalf.

His committee staff members have also performed their responsibilities in the highest bipartisan tradition of the committee—and I want to thank every member of the majority and minority staff for their contribution to the committee's work.

MEDICARE MEDICAL NUTRITION THERAPY ACT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. ENSIGN. Mr. Speaker, it is rare for any legislation in the House of Representatives to obtain the support of a majority of its members. In fact, fewer than one percent of all bills introduced in the 105th Congress have reached this status. I would like to announce with pride that a bill I sponsored, H.R. 1375, The Medical Nutrition Therapy Act, has achieved this remarkable level of support.

Over 220 of our colleagues support this measure because they recognize that the absence of coverage for nutrition therapy services is a glaring omission in current Medicare policy. Medical science makes clear that properly nourished patients are better able to resist disease and recover from illnesses than those who are malnourished. We also know that elderly Americans are at a higher risk of malnutrition than others in society due to the naturally occurring aging process.

Despite this knowledge, Medicare does not cover nutrition assessment and counseling services by registered dietitians—what is commonly known in the health care field as medical nutrition therapy (MNT). As a result, the elderly either pay for this service out of their own pockets, or go without. This is not a choice that those on fixed incomes should have to make. Medical nutrition therapy is medically necessary care and ought to be a covered benefit.

I am convinced that this bill is an important part of the solution to saving Medicare. It will help us cut costs without sacrificing the quality of patient care. Empirical evidence shows that MNT is effective for patients with diabetes, heart disease, cancer and other costly diseases that are prominent among the elderly. It lowers treatment costs by reducing and shortening the length of hospital stays, preventing health care complications and decreasing the need for medications. Yet still, we do not provide seniors coverage for this care.

It should be noted that support for medical nutrition therapy is not confined to Congress. Major patient advocacy groups including the American Cancer Society, the American Heart Association, the National Kidney Foundation, the American Diabetes Association and the National Osteoporosis Foundation also support coverage for MNT. These groups understand that appropriate nutrition therapy saves money and lives.

Any measure that achieves such an impressive level of political support is deserving of serious deliberation in this body. While I regret that this bill will not be taken up in the remaining days of this Congress, I urge the leadership of both parties to make this bill a top priority next year. While the Balanced Budget Act helped strengthen the Medicare program in the short term, additional reforms will be necessary to prepare the program for the coming retirement of the Baby Boom generation. Congress will be remiss if it overlooks medical nutrition therapy as part of those long-term reforms.

In closing, I want to thank the American Dietetic Association and the Nevada Dietetic Association for their fine work in helping me educate members of Congress about this important measure. The dedicated health and nutrition professionals represented by those groups can be proud of how far this bill had advanced in the 105th Congress and confident that we will ultimately succeed in these efforts.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BERMAN. Mr. Speaker, I am pleased that the House yesterday passed H.R. 4757 to rename the North-South Center in Miami after former House Foreign Affairs Committee Chairman Dante B. Fascell. I am proud to have cosponsored the bill, and I commend International Relations Committee Chairman BEN GILMAN and Ranking Member LEE HAMILTON for their leadership in introducing it.

I had the great pleasure of working with Dante on what was then known as the House Foreign Affairs Committee. He richly deserves the honor of having the North-South Center renamed after him. As the Committee's senior expert on Latin America, Dante Fascell contributed substantially to U.S. policy toward the region even before becoming chairman in 1983. A stern opponent of Cuba's Communist regime, Dante was a driving force behind the establishment of Radio Marti in 1982. He promoted democracy throughout Latin America and the world.

I remember his years as chairman with deep respect and fondness. Watching Chairman Fascell officiate over foreign affairs legislation was the political equivalent of watching a great maestro conduct a fine orchestra. During his tenure as chairman, Dante frequently bridged the Committee's deep ideological divisions by working out compromises. He tried to strengthen the Committee's voice in foreign policy by defending its prerogatives on foreign aid authorizations. He also fought for Congress's overall role in making foreign policy. In 1987, Dante served as vice chairman of the special committee that investigated executive branch conduct in the Iran-Contra scandal.

Dante Fascell helped establish the North-South Center, an independent research and educational organization that produces policy-relevant studies on such critical issues as democracy, trade, sustainable development and the persistent gap between the rich and the poor. Formally associating Dante's name with the Center is especially appropriate because of their shared emphasis on the Western Hemisphere. Renaming the Center after him is fitting recognition of his many years of hard work in foreign affairs. We all miss his presence and wish him well in his retirement in his beloved Florida.

WHEN SHALL THE BELLS OF BALANGIGA TOLL ANEW?

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. UNDERWOOD. Mr. Speaker, I have stood many times before this body to advocate the return of at least one of the Bells of Balangiga to its rightful owners, the people of Samar in the Philippines. To this effect, I introduced House Resolution 312, calling on the transfer of the one of the bells from F.E. Warren Air Force Base. Today, I am proud to transmit to this body the remarks of Congressman Marcelino "Nonoy" C. Libanan, a distinguished colleague from the Republic of the Philippines House of Representatives. Congressman Libanan represents the Lone District in Eastern Samar.

WHEN SHALL THE BELLS OF BALANGIGA TOLL ANEW?

(By Hon. Marcelino C. Libanan)

I rise on a matter of personal and collective privilege.

Mr. Speaker, many have tried and just as many have failed. But this will not stop this representation from singing in a louder tune that very same refrain for the return of the Bells of Balangiga to where they belong; to the belfry of Balangiga Church, to the faithful of our Christian community; and, to the heart of every Samareno.

On September 28, 1998, the people of Eastern Samar will once again observe a date of remembrance and commemorate a victorious past when our forebears, ill-equipped and ill-armed, fought gallantly and won a battle in defense of our country's freedom and independence. And this makes this year very significant as we are celebrating the Centennial of our Philippine Independence.

The reprisal of the United States Army under Col. Jacob Smith need not be recalled in this august chamber when they killed "every Filipino capable of bearing arms and burned Samar and made it a howling wilderness." In fact he said, "the more you kill and burn, the better you will please me". This savagery of unparalleled notoriety had earned him the monicker "Hell Roaring Jake".

Yes, Colonel Smith was court-martialed, reprimanded and cashiered after the U.S. Congress conducted a searching inquiry. But, this is not enough. The Bells of Balangiga, our most symbolic civic treasure, which they carted away must be returned.

Lifeless and motionless, these bells are kept in an Air Force Base in Wyoming, USA. Few Americans attach significance to these relics. These have no value to them. They care less about these bells for very few of them know their importance. In a privilege speech delivered before the House of the U.S. Congress, Guam Representative Underwood, said: "There was a time when the officers of F.E. Warren wanted to get rid of the bells. These brass relics have no relevance for F.E. Warren Air force Base, which is a missile base. Few people seem to know or care about these bells. But, to us, freedom loving Filipinos, these represent not only national pride but also as memorial for the brave men who offered their lives so that others may graciously live under the blessings of independence.

Eight (8) years have passed since our people and our government started making serious efforts to repossess these bells. Filipinos from a broad spectrum composed of legislators, religious, governors, peasants, professionals, business leaders and even the President of the Republic have joined the nationalistic chorus demanding for nothing less than the return of these historic bells.

To us, Eastern Samarenos, these bells are not mute for they are capable of making sound; they are not captives for they cannot be imprisoned; neither can they be silenced for they are forever shouting for freedom and yelling the sentiments that every Filipino have been wanting to.

These are enough considerations that should not fall on deaf American ears. Indeed, for so many long years, it has been the dream of every freedom-loving Filipino to have these bells returned to our motherland and hear them toll once more. Representative Underwood can never be more correct when he said: "For almost 100 years, the Philippines has been our closest friend and ally, and in the name of friendship and cooperation it would only be fitting and proper for the United States to share the Bells of Balangiga with the people of the Philippines for their centennial celebrations." Well said; said well. As I have intimated earlier, many have tried and many have failed.

To the mind of my constituents, the return of the Bells of Balangiga could be an opportunity for the Americans to show that they have indeed changed; for the homecoming of these inanimate relics which are symbols of our forebears' blood, flesh and tears, will at the very least, show a screaming message that America is now sensitive to our national freedom, liberty and dignity and is ready to value international comity and goodwill. In short, only when we hear these Bells of Balangiga toll anew, and its sound reverberates over our land, can we, the Filipino people, say that we are ready to talk about this animal called VFA.

Mr. Speaker, in the name of international understanding, national pride and dignity, I respectfully appeal to my colleagues in this chamber to join me champion this good cause so that the bells of Balangiga shall be returned to its rightful owners the Filipino people. Hence, this representation filed House Resolution No. 145 entitled: A Resolution Demanding from the Government of the United States of America (USA) for the Immediate Return of the Bells of Balangiga to the People of the Republic of the Philippines", co-authored by twenty-seven of my colleagues, I earnestly urge this august chamber for its immediate adoption.

Thank you very much.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LAZIO of New York. Mr. Speaker, I want to compliment Subcommittee Chairman TAUZIN and Chairman BLILEY as well as the Ranking Democrats of the full and subcommittee, Mr. DINGELL and Mr. MARKEY for their work in bringing this bipartisan legislation before the House today. I imagine all of us have heard from friends, neighbors, and constituents who have been victims of slamming. I know I have heard from Long Islanders who are so frustrated that somehow, without their knowledge, their long distance carrier has been switched. Trying to get their phone bill corrected and switched back to their desired carrier can be a time-consuming and frustrating experience.

The legislation before us today should accomplish two goals. First, it should reduce the likelihood that consumers will be slammed. The bill therefore encourages carriers to act responsibly by adhering to a new Code of Subscribers Protection Practices. Carriers who do not comply with the Code's consumer protection requirements and then make an error will be subject to FCC civil penalties as well as a possible fine. Second, Congress cannot legislate away human error. If a consumer loses his long distance carrier and has not been slammed, this bill should make it easy for the consumer to rectify quickly the situation. This bill says the consumer will only have to make one call to return to the carrier of his choice. Additionally, to compensate the consumer for his trouble, he will be switched back to his authorized carrier for free and will be credited up to 30 days of service. Because consumers will not have to be obligated to pay for the service they used after they have been slammed, carriers will have every incentive to guard against mistakes. Carriers will no longer be able to profit from slamming.

The bill before the House today also strikes a fair balance because a long distance company has the opportunity to produce their records of a verified sale when faced with a consumer complaint. This is very important legislation that seeks to protect American families and businesses from slamming. I urge its adoption.

RIGHTS OF THE INDIVIDUAL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. PAUL. Mr. Speaker, I commend to my colleagues in Congress as well as citizens everywhere an article authored by Michael Kelly, National Journal editor. Mr. Kelly aptly describes how the notion of hate crimes undermines a pillar of a free and just society; that is, equal treatment under the law irrespective of which particular group or groups with whom an individual associates. Ours is a republic based upon the rights of the individual.

PUNISHING 'HATE CRIMES'

(By Michael Kelly)

As one who wholeheartedly supports capital punishment, I have what seems to me a cleareyed vision of what justice demands in the murder of Matthew Shepard, the 21-year-old Wyoming college student who was, one night last week, robbed, pistol-whipped, tied to a fence and left to die. Bring in the monsters who did this, try 'em, verdict 'em and string 'em up, preferably before an applauding crowd of thousands.

And justice does appear on the way to being served. Two young men—Russell A. Henderson and Aaron J. McKinney—have been arrested and charged with first-degree murder; their girlfriends have been charged as accessories. There does not seem to be a lot of doubt that Henderson and McKinney did commit the acts that caused Shepard's death, nor does it seem at all likely that they will escape punishment.

But this, it is said, is not enough. Because Shepard was gay, and because his killers appear to have been motivated in part by an anti-gay animus (though police say robbery was the primary motive), justice is said to demand more. Specifically, it demands more bad law.

"Hate-crime" laws mandate increased penalties for defendants found guilty of committing crimes inspired by certain categories of prejudice. In 21 states and the District of Columbia, the categories are: race, religion, color, national origin and sexual orientation. Nineteen additional states have hate-crime laws that do not cover sexual orientation. Ten states, including Wyoming, have not passed categorical hate-crime laws. There is also a federal law, which covers race, religion, color and national origin but not sex or sexual orientation.

For Shepard's sake, the cry arises, Wyoming must pass a hate-crime law, and Congress must pass a new, more sweeping, Federal Hate Crimes Protection Act, which would add to the roster of crimes made federal offenses those inspired by bigotry based on sex, disability and sexual orientation. "There is something we can do about this. Congress needs to pass our tough hate crimes legislation," President Clinton declared Monday, the day Shepard died of his injuries.

At least he is consistent. No president has ever been more willing to assault liberty in the pursuit of political happiness than has this one. Clinton is always willing to embrace any new erosion of rights, as long as there is a group of voters or political contributors out there who wish it so. This is one area in which Clinton has been thoroughly bipartisan. In his five years in office, he has joined Republicans in Congress on quite a spree of liberty-bashing. He has signed laws that have stripped habeas corpus to its bones, vastly increased the number of crimes deemed federal offenses, established mindless mandatory sentencing and targeted certain classes of defendants—terrorists, drug pushers—for the special evisceration of rights.

And playing to the other side of the political spectrum, Clinton has consistently and strongly supported the expansion of harassment and discrimination law, an expansion that has in recent years increasingly worked to criminalize behavior that government once regarded as private. Well, at least he supported such law until the case of *Jones* v. *Clinton* arose.

Of all the violence that has been done in this great expansion of state authority over, and criminalization of, the private behavior and thoughts of citizens, none is more serious than that perpetuated by the hate-crime laws. Here, we are truly in the realm of thought crimes. Hate-crime laws require the state to treat one physical assault differently from the way it would treat another—solely because the state has decided that one motive for assaulting a person is more heinous than another.

What Henderson and McKinney allegedly did was a terrible, evil thing. But would it have been less terrible if Shepard had not been gay? If Henderson and McKinney beat Shepard to death because they hated him personally, not as a member of a group, should the law treat them more lightly? Yes, say hate-crime laws.

In 1996 the FBI recorded 1,281 "crimes against persons" for reasons of sexual-orientation bias. Two of these were murders and 222 were aggravated assaults. Four hundred and seventy-two of what the government termed hate crimes were not assaults but "acts of intimidation." These latter would not be crimes except for the determination that expressions of certain prejudices and hatreds were in themselves criminal offenses.

There is a long history of police and prosecutors slighting assaults against gays and lesbians. Justice demands that the cops and the courts treat the perpetrators of assaults against citizens who happen to be homosexual as harshly as they do the perpetrators of assaults against anyone else. But not more so.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber on October 13, 1998, during roll call vote numbers 524, 525, 526, 527, 528, and 529. Had I been present, I would have voted "yea" on roll call vote number 524, "aye" on roll call vote number 525, "aye" on roll call vote number 526, "yea" on roll call vote number 527, "yea" on roll call vote number 528, "yea" on roll call vote number 529.

TRIBUTE TO THE LATE FRED SANDERS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to the memory of Mr. Fred Sanders. Fred was a small business owner in Leasburg, Missouri who, for ten years, ran a small campground and rented rafts and canoes to folks who wanted to enjoy warm-weather days floating down the serene Meramac River and to take in the beauty of the Onodaga State Park. Fred, however, was more than a successful entrepreneur. He was also a successful community leader.

In 1991, a flood damaged a bridge in the Onodaga State Park, which enabled campers and "floaters" to make their way to Fred's campsite and canoe and raft rental outfit. In his quest to see the bridge rebuilt, Mr. Sanders met with some resistance. Fred made up his mind to try and rebuild the bridge himself. While his initial attempts were blocked, Fred persisted and after years of working with the county government, they agreed to replace the damaged bridge.

Seven years after Fred began his crusade, the bridge in Onodaga State Park is now rebuilt. Unfortunately, Fred passed away on March 17, 1998—several months before his long-fought-for bridge was finally completed. In honor of Fred's unwavering commitment to this bridge project, the new bridge in the Onodaga State Park was dedicated in his memory on October 10, 1998. I cannot think of a more fitting tribute to Fred. He fought long and hard to get this bridge built, and he was instrumental in making a real difference in Crawford County, Missouri. I think we can all learn from Fred's exemplary perseverance and commitment to a local infrastructure improvement project that one person truly can make a difference in his or her community. I am proud to be able to honor the memory of Mr. Fred Sanders today here in the House of Representatives.

HONORING SISTER M. ANITA ROSAIRE FAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues a truly remarkable lady who has recently celebrated a significant milestone in her life.

Sister M. Anita Rosaire Fay, who is celebrating her jubilee year as a Dominican Sister, entered the Dominican sisters convent at Mount St. Mary in Newburgh, NY, on September 8, 1928. When she entered the sisterhood, she brought with her to the order the love of a wonderful family and a deep and abiding faith.

Sister Anita's love of God goes back to her birth, as does her love of life. Always an avid sports fan—then and now—she often recalls playing hooky with her brothers and sisters to see the New York Yankees play.

Sister Anita received her B.A. from Fordham University and her M.A. degree from Villanova University, majoring in history and political science.

Sister Anita taught for 45 years in elementary education and secondary education in both New York State and New Jersey. Sister also taught political science and other courses at Mount Saint Mary College in Newburgh, NY. One of the legislators in our New York State Assembly, Tom Kirwan, who studied under Sister Anita when he was still a State Police officer, is only one of her many students who were inspired to enter politics by Sister Anita.

In 1975, Sister Anita informed me that she was seeking new challenges to conquer. I invited her to join my Washington Congressional staff, and she remains with us to this day. My entire Congressional staff values her wise counsel and her cheery disposition, as do I. She is considered the sunshine and the morale booster in our office.

Sister Anita's dedication to assisting my constituents is rivaled only by her dedication to her beloved Georgetown Hoyas. Sister Anita balances her time between helping my Congressional offices operate at peak efficiency, rooting for her favorite basketball team, and the Office of the Hours prayers.

Mr. Speaker, as Sister Anita is celebrating her 70th Jubilee year as a Dominican sister, I am pleased to call her remarkable life to the attention of all our colleagues and their staffs, and invite everyone to join in celebrating her remarkable life.

DISABILITIES EMPLOYMENT AWARENESS MONTH—A PACIFIC PERSPECTIVE ON INDIVIDUALS WITH DISABILITIES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. UNDERWOOD. Mr. Speaker, Guam is the place where America's day begins. While small, idyllic and remote, it is a place where lots of things happen first. Today, I rise to inform my colleagues of a new first, we are the first to bring our other brothers and sisters from the international community of persons with disability together to develop our own local solutions to the global issues of rehabilitation and employment in the Pacific. We have used our own talent and skills from our communities to study what we can do to address the issues of unemployment of persons with disability on Guam and the rest of the Pacific. The importance of these locally-developed solutions cannot be overstated as persons with disabilities face barriers and problems that are endemic to our way of life. From my friends at the Rehabilitation Research and Training Center of the Pacific at San Diego State University, I have learned that over 16,000 individuals with a disability in the Pacific have applied for assistance in order to work, train and attend school in 1995. The unemployment rate of persons with disabilities in the Pacific is four times that of any other group. Applying this statistic anywhere else with any other group in America and it would be deemed a travesty. However, we have also learned that through our own studies and methods, we are in the best possible situation to remedy these inequities.

Over the last four years, our friends and colleagues at San Diego State University, University of Guam, Northern Marianas College, American Samoa Community College, College of Micronesia—FSM, and the College of Marshall Islands have established local steering committees for rehabilitation research and training. This work culminates in the first ever international conference, entitled "Pacific Perspectives for the Employment of Persons with Disabilities in the 21st Century." The conference will be convened on Guam from October 28–30, 1998.

It is momentous that this conference will be held in concert with "Disabilities Awareness Month" in the Pacific. Our own local network on Guam of rehabilitation professionals, educators, teachers, researchers and consumers acknowledge the people from our business communities employing persons with disabilities. On Guam on October 26, 1998, we are awarding those members of our own business community for their continued support by employing persons with disabilities. Mr. Rodney Priest, the Chairperson of the Guam Rehabilitation Advisory Council and a research associate with San Diego State University, was instrumental in organizing this event. The October 26 event maintains our commitment to our greatest resource, the people of Guam.

Hiring the disabled is an asset for us all. There are similar ceremonies acknowledging employers in the islands across the Pacific this month. Events will also be held in the Marshall Islands, the Federated States of Micronesia, American Samoa, the Republic of Palau and the Commonwealth of the Northern Marianas Islands.

October is Disabilities Awareness Month. During this month, we commemorate individuals with disabilities and pay tribute to their contributions in our communities. None of the activities this month would have been possible without the successful collaboration between institutions of higher education, community service organizations, responsive government officials and supportive consumers from our villages. These recent cooperative efforts have been coordinated by San Diego State University Rehabilitation Research and Training Center of the Pacific, funded by the National Institute on disability Rehabilitation Research.

The Rehabilitation Research and Training Center of the Pacific adopted a model for research that focuses on participation, action and local priorities. This unique approach resulted in the sponsorship of the Guam Rehabilitation Research Local Steering Committee led by people with disabilities who live in my district. Together with other similar committees led by persons with disabilities from the islands, these groups are improving our ability to address our systems of service and economic development which result in real jobs, careers and life-long learning impacting our communities today and in the future. This is an example of community leadership combined with university skills that can positively affect the lives of numerous individuals in the 21st century. It is a Pacific perspective that should be acknowledged and replicated.

Mr. Speaker, this message would be incomplete without mentioning other individuals and organizations contributing tremendously to assisting individuals with disabilities. I commend Dr. Fred McFarlane, Director of the Interwork Institute and the Rehabilitation Research and Training Center of the Pacific (RRTCP) and Dr. Kenneth Gelea'i, Co-Director and Research Coordinator of the RRTCP. I also commend the Association of Pacific Island Legislatures (APIL), presided by Senator Carlotta A. León Guerrero, for their commitment to individuals with disabilities, as evinced by their resolution passed by APIL's 17th General Assembly. I also congratulate Mr. Rodney Priest for his tireless efforts on behalf of Guam's disabled community.

TRIBUTE TO GARY GRAY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SMITH of Michigan. I rise before you today to honor Gary Gray, a constituent of mine from Adrian, Michigan whose accomplishments and accolades are many.

Mr. Gray is the recipient of the Lenawee County Chamber of Commerce 1998 Small Business Person of the Year Award. This distinguished honor is bestowed upon those individuals who have not only created and guided successful businesses but have made an even greater contribution through their selfless giving to those in their community.

Gary Gray, a nationally recognized physical therapist, grew up in the city of Ft. Wayne, Indiana. Upon graduating from the University of Indiana in 1976, he began his professional career as Director of Physical Therapy at Bixby Hospital in Adrian, Michigan. He continues to enjoy Adrian as his home.

In 1986 Gary opened the doors of Gary Gray Physical Therapy Clinic, Inc. in Adrian with two employees. Nearly thirteen years later this thriving company has grown into three sites employing 35 employees.

Upon realizing the critical need this country has for continuing education in rehabilitation, he began Wynn Marketing, Inc. in 1988. Through the years, Wynn Marketing has produced 95 seminars throughout the nation, presenting innovative, practical and enlightening rehabilitation seminars to over 10,000 physical therapists, athletic trainers, orthopedic physicians and chiropractors. The closeness of his family life is revealed in the fact that his mother and father are the hosts and coordinators of these seminars.

Gary continues to be a consultant to various college and professional athletic teams around the country as well as educational institutions. He is the author of several published articles and manuals on rehabilitation and prevention. Recognized by various physical therapy schools around the nation, many of these are required reading in the physical therapy curriculum.

Recognized as a successful inventor of rehabilitation equipment, Gary opened the doors of Functional Designs in 1997. The purpose of this company is to develop and market many of Gary's inventors i.e. the Golf Gazebo, the Stretch Frame and the Pyramid Strider.

Gary Gray consistently supports community projects, especially those involving youth. He developed the "Hot Rock" boys basketball camp in 1989. This two week summer camp of basketball ministry combines the unique blend of both sport and Christ in the lives of the youth today. This past summer's Hot Rock was enjoyed by over 120 young boys and remains fully sponsored by Gary.

Realizing the need was also there for the young girls of the community, Gary developed "Girls of Summer" in 1995. Over 70 girls were ministered to this past summer, again combining the blend of basketball and Christ.

Beginning his 5th year as the assistant varsity basketball coach at Lenawee Christian High School is one of the positions Gary holds most dear. His love of Christ and family is prevalent to all who know him. His lovely wife of 22 years, Cindi, is also known as an excellent speaker and leader in the community. He has two wonderful sons of whom he is very proud: Brad, a freshman at Cornerstone College and Doug, a junior at Lenawee Christian High School.

I want to commend Gary Gray for all of his achievements. He truly is deserving of the Lenawee Chamber of Commerce's Small Business Person of the Year Award.

A TRIBUTE TO DR. KENNETH JERNIGAN, PRESIDENT EMERITUS OF THE NATIONAL FEDERATION OF THE BLIND

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CUMMINGS. Mr. Speaker, today I rise to pay tribute to a man who has dedicated his life to improving opportunities for others. He is Dr. Kenneth Jernigan, who served as President of the National Federation of the Blind from 1968 to 1986 and as the Federation's President Emeritus until his death on October 12, 1998. In these capacities, Dr. Jernigan has become widely recognized and highly respected as the principal leader of the organized blind movement in the United States.

Mr. Speaker, I have been proud to represent Kenneth Jernigan and his wife, Mary Ellen, since coming to Congress in 1996. But more than being my constituent, Mr. Speaker, Dr. Jernigan has been my friend. In fact, as he did with so many others over his lifetime of leadership, he encouraged me and helped me to believe in myself.

Born blind in 1926, Kenneth Jernigan grew up on a small Tennessee farm with little hope and little opportunity. But in the story of Kenneth Jernigan, from his humble beginnings in the hills of Tennessee to his stature as a national—and even an international—leader, the story of what is right with America is told.

Dr. Jernigan may have been blind in the physical sense, but he was a man of vision nonetheless. As a leader of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal.

Mr. Speaker, for those who knew him and loved him, for the blind of this country, and for the National Federation of the Blind—the organization that he loved and built—the world without Kenneth Jernigan will be different. But the world he left in death is a far better world because of his life.

The legacy which Dr. Jernigan has left behind is visible in the hundreds of thousands of lives that he touched and will continue to inspire through the programs and projects that will live on in his name. This will be the case for many generations to come.

Kenneth Jernigan will be missed deeply by his family and friends, and his loss will be shared by all of us because he cared for all of us. With the strength of his voice and the power of his intellect, he brought equality and freedom to the blind. As he did so, Kenneth Jernigan taught us all to love one another and live with dignity. This is the real and lasting legacy of Kenneth Jernigan.

Mr. Speaker, on September 24, 1998, an article entitled, "Friends Pay Homage to Crusader for the Blind. Jernigan Still Working Despite Lung Cancer" appeared in the *Baltimore Sun*. Because it presents a fitting tribute to Dr. Jernigan's life and work, I insert the text of this article in the RECORD at this point.

FRIENDS PAY HOMAGE TO CRUSADER FOR THE BLIND JERNIGAN STILL WORKING DESPITE LUNG CANCER

(By Ernest F. Imhoff)

A steady stream of old friends—maybe 200 in the past months—have been visiting Kenneth Jernigan at his home in Irvington.

Pals who followed the old fighter for the blind as he tenaciously led fights for jobs, for access, for independent living, for Braille and for civil rights have come to say thank you and goodbye to a dying blind man they say expanded horizons for thousands of people.

James Omvig, a 63-year-old blind lawyer, and his sighted wife Sharon flew from Tucson, Ariz., to visit with the president emeritus of the National Federal of the Blind (NFB), who is in the latter stages of lung cancer.

"The wonderful life I've had is all due to Dr. Jernigan," Omvig said. In the 1950s, he "was sitting around at home" in Iowa, after learning chair-making, until he met Jernigan and began studying Braille and other subjects. Omvig then graduated from college, got a law degree, became the first blind person hired by the National Labor Relations Board and later developed programs for the blind at Social Security in Baltimore, Alaska and elsewhere.

One topic of conversation among the friends has been Jernigan's latest project, a proposed $12 million National Research and Training Institute for the Blind for NFB headquarters in South Baltimore.

Last week, Larry McKeever, of Des Moines, who is sighted and has recorded material for the 50,000-member federation, came to chat and cook breakfast for the Jernigans. Donald Capps, the blind leader of 58 South Carolina NFB chapters, called to congratulate Jernigan on being honored recently at the Canadian Embassy for his Newsline invention that enables the blind to hear daily newspapers.

Floyd Matson, who is sighted and has worked with Jernigan for 50 years, came from Honolulu to be with "my old poetry and drinking buddy."

A dramatic example of the high regard in which blind people hold Jernigan came during the annual convention of 2,500 NFB members in Dallas in July. A donor contributed $5,000 to start a Kenneth Jernigan Fund to help blind people.

Quickly, state delegations caucused and announced their own donations. The result: pledges of $137,000 in his honor.

Jernigan, 71, who was born blind and grew up on a Tennessee farm with no electricity, learned he had incurable lung cancer in November. In the past 10 months, Jernigan has been almost as busy as ever. He has continued projects such as editing the latest in his large-type "Kernel Book" series of inspirational books for the visually impaired.

But his focus has been the proposed four-story institute, for which $1 million has been raised. It will house the nerve center of an employment program; research and demonstration projects leading to jobs and independent living; technology training seminars; access technology, such as applications for voting machines, airport kiosks and information systems; and Braille literacy initiatives to reverse a 50 percent illiteracy rate among visually impaired children.

In fighting for the blind, Jernigan has frequently been a controversial figure. Before he moved to Baltimore in 1978, the Iowa Commission for the Blind, which he headed, was the subject of a conflict-of-interest investigation by a gubernatorial committee. In the end, Gov. Robert Ray felt the committee's report vindicated the commission. The governor and the committee described the commission's program for the blind as "one of the best in the country."

"There are good things in everything, even this illness," said his wife, Mary Ellen Jernigan. "You expect to hear from old friends. But in letters and calls, we hear from hundreds of people we don't know."

TRIBUTE TO BILL GRADISON

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. KASICH. Mr. Speaker, I rise today to pay tribute to our former colleague Bill Gradison. Bill served as a highly respected Member of this body from 1975 through January, 1993. For the past 6 years Bill has served as President of the Health Industry Association of America. He will retire from that post at the end of the year.

During his years at HIAA, Bill has demonstrated the same knowledge, commitment and skills that he did in this body. As an expert on health care policy, Bill worked to improve the Nation's health care system and the health of all Americans. Equally important, he did so at all times with great thoughtfulness and by truly being a gentleman.

In his 18 years in the House, Bill had a strong influence on many issues, including health care, the budget, Social Security, trade and governmental self discipline.

Bill found health care to be particularly absorbing and challenging. Both on and off Capitol Hill, Bill has worked hard to ensure that all Americans have access to high quality health care at a reasonable cost.

In Congress, Bill worked enthusiastically to promote hospice care, an innovative, compassionate approach to caring for the terminally ill and their families. In 1982, legislation which he sponsored with then Representative Leon Panetta to allow hospices to provide care under Medicare was enacted. Over the years, Bill sponsored numerous other hospice-related measures that received strong bipartisan support. Today, this humanitarian yet cost effective end of life care is widely accepted.

One of Bill's most significant non-health congressional achievements was indexing income tax brackets and the standard deduction for inflation. Bill was also a major participant in developing the 1983 Social Security measures that restored the Social Security System to solvency.

I hope my colleagues will join me in congratulating Bill for his years of service in Congress and at HIAA. We should certainly appreciate his contributions to public policy and wish him the best of luck in his future endeavors.

100% ENROLLMENT OF LOWER INCOME MEDICARE BENEFICIARIES IN THE QMBY & SLMBY PROGRAMS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. STARK. Mr. Speaker, I am pleased to join Representative MCDERMOTT in introducing legislation to ensure that 100 percent—or as close to 100 percent as humanly possible—of low-income Medicare beneficiaries eligible for QMBy and SLMBy are enrolled in those programs. The bill provides for a data match between the IRS and HHS to detect low income Medicare beneficiaries and presumptively enroll them in the programs.

We are introducing the bill in the last hours of the Congress so that the administration, seniors' groups, and others can study the issue over the adjournment period and make suggestions for improvements and changes for a new bill in the 106th Congress.

In 1988, Congress enacted provisions to protect low-income Medicare beneficiaries from the financial distress of out-of-pocket health care costs. The protections were embodied in the Qualified Medicare Beneficiary (QMB) Program under which state Medicaid Programs pay Medicare premiums, deductibles and co-insurance for people with limited resources and with incomes of not more than 100 percent of the Federal poverty threshold, currently $691 per month for an individual. In subsequent years similar but more limited provisions were enacted for those with slightly higher incomes.

Premium and other cost-sharing protections are critical to the well-being of low-income Medicare beneficiaries. Medicare covers less than half of the total health spending of the elderly and is less generous than health plans typically offered by large employers. Health care spending for low-income beneficiaries who are also eligible for Medicaid is substantially higher—Medicare payments for them are 70 percent higher than for those with higher incomes. Beneficiaries spend, on average, more than $2,500 out-of-pocket on Medicare premiums and cost-sharing, and on health services not included in the Medicare program. This is a third of the annual income of an individual living in poverty.

Moreover, on average the health of low-income Medicare beneficiaries is substantially worse than that of the general Medicare population: Low-income beneficiaries are nearly twice as likely as those with higher income to self-report fair to poor health and nearly twice as likely to have used an emergency room in the past year; they are less likely to have a particular physician; and they are three times more likely to have needs for assistance due to functional impairments in activities such as dressing, eating and bathing.

Despite the importance of financial protections and their promise of help to low-income beneficiaries, the current QMBy and SLMBy (Specified Low-Income Medicare Beneficiaries, with incomes up to 120 percent of poverty) benefits have failed to reach nearly four million eligible individuals. A recent Urban Institute report estimates that only 10 percent of those eligible are participating in the SLMBy program and less than two-thirds of those eligible are enrolled for QMBy benefits.

Complex enrollment processes, requirements to apply at welfare offices, lengthy delays in refunding premiums deducted from cash payments, and the lack of effective, coordinated outreach and problem-solving systems have all been identified as issues that impede program effectiveness. Identifying and enrolling those entitled to benefits has been a significant challenge of the buy-in programs. Moreover, administration of the buy-in programs by different Medicaid systems of the 50 states and the District of Columbia make the benefit unevenly available across the country.

The importance of the buy-in programs to low-income Medicare beneficiaries should not be underestimated. Because of their greater-than-average health care costs, and because Medicare does not cover many services critical to older and disabled people, individuals eligible for buy-in programs can benefit greatly from the extra income they retain when they are relieved of cost-sharing responsibilities. The obvious and most important aspect of the buy-in programs is that they put income back into the pockets of low-income people who can use it to pay for food, clothing, shelter, unreimbursed medical expenses and other necessities of life.

Mr. Speaker, we look forward to public comment on the technical features of the bill, and hope it will have widespread support in the 106th Congress.

HONORING SHELDON L. GOLDBERG ON HIS RETIREMENT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate my constituent Sheldon L. Goldberg on his retirement as President of the American Association of Homes and Services for the Aging (AAHSA), after more than fifteen years of service. The AAHSA is a national nonprofit organization representing 5,000 nursing homes, continuing care retirement communities, senior housing and assisted living facilities and community service organizations for the elderly. The AAHSA is a leader in the development of an integrated continuum of care for frail elderly people and individuals with disabilities. I am familiar with the AAHSA through their nursing facilities and retirement communities in Maryland, including Asbury Methodist Village in Gaithersburg, the Friends House Retirement Community in Sandy Springs, the Hebrew Home of Greater Washington in Rockville, and the National Lutheran Home in Rockville. Mr. Goldberg, who has been a force in the long-term care field for more than twenty years, is leaving the AAHSA to become the CEO of the Jewish Home and Hospital in New York City.

During his tenure at the AAHSA, Mr. Goldberg has been instrumental in expanding the organization's focus in several key areas, including public policy advocacy. In addition, the

AAHSA's array of services has grown under his guiding hand, and now includes capital financing through the AAHSA Development Corporation, professional certification for retirement housing professionals, and continuing care retirement accreditation through the Continuing Care Accreditation Commission. Mr. Goldberg also spearheaded the AAHSA's movement to include "Services" in its name and initiated the development of the International Association of Homes and Services for the Aging, serving as its president since 1994.

In addition to serving as President of the AAHSA since 1982, Mr. Goldberg currently serves on the United States board of the International Leadership Center on Longevity and Society, the board of Generations United, and the Housing Development Reporter advisory board. He served as president of the National Assembly of National Voluntary Health and Social Welfare Organizations from 1992 through 1995, when he was the recipient of the 1995 Award for Excellence in the National Executive Leadership Forum. In 1995 and 1996, Mr. Goldberg served as chair of the Leadership Council of Aging Organizations, a coalition of national organizations concerned with the well-being of America's elderly and committed to representing the elderly's interests in the federal policy arena.

Prior to joining the AAHSA, Mr. Goldberg held the position of executive director of the Wisconsin Association of Homes for the Aging for three years. Prior to that he was director of the Wisconsin County Boards Association and a budget analyst at the Wisconsin Department of Health and Human Services. A native of Wisconsin, Mr. Goldberg received his bachelor's degree in political science, psychology and sociology and his master's degree in psychology at the University of Wisconsin, where he also did his graduate work in public administration.

Sheldon Goldberg has been a tireless advocate for the needs of older Americans. I know his colleagues join me in recognizing his many years of service to the AAHSA and in wishing him health, happiness and personal fulfillment in his future endeavors.

INTRODUCTION OF SMALL BUSINESS FRANCHISE ACT OF 1998

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CONYERS. Mr. Speaker, I am pleased to be introducing the "Small Business Franchise Act of 1998" along with my good friend from North Carolina Mr. COBLE. This legislation represents the culmination of many months of work in crafting legislation which creates an appropriate balance between the rights of franchisors and franchisees.

There is currently no federal law establishing standards of conduct for parties to a franchise contract. The Federal Trade Commission rule promulgated in 1979 (16 C.F.R. 436), was designed to deter fraud and misrepresentation in the pre-sales process and provides disclosure requirements and prohibitions concerning franchising and business opportunity ventures. However, the FTC has consistently maintained that it has no jurisdiction over problems franchisees face after the franchise agreement is entered into.

In the absence of any federal controls or regulation, a number of problems and complaints have been lodged in recent years, principally stemming from the fact that franchisees do not have equal bargaining power with large franchisors. The concerns include the following:

Taking of Property without Compensation. The franchise relationship almost always includes a post-termination covenant not-to-compete which prohibits the franchisee from becoming an independent business owner in a similar business upon expiration of the contract. This can have the effect of appropriating to the franchisor all of the equity built up by the franchisee without compensation.

Devaluation of Assets. Franchisors often induce a franchisee to invest in creating a business and then establish a competing outlet in such proximity to the existing franchisee that it causes significant damage or destruction to the existing franchised business.

Restraint of Trade. Most franchise relationships mandate that franchisees purchase supplies, equipment, furniture, or other items from the franchisor or sources affiliated with or approved by the franchisor. While it may be appropriate for franchisors to exercise some control concerning the characteristics of the products or services offered to franchisees, tying franchisees to certain vendors can cost franchisees millions of dollars, prevents competition among vendors, and can have an adverse impact upon consumers.

Inflated Pricing. Many franchise agreements specify that the franchisor has the right to enter into contractual arrangements with vendors who sell goods and services to franchisees that are mandated by the franchise agreement. It has been alleged that these vendors often provide kickbacks, promotional fees, and commissions to the franchisor in return for being allowed to sell their products and services to a captive market. Instead of passing these kickbacks, promotional fees, and commissions on to the franchisee to reduce their cost of goods sold and increase their margin, these payments, it is asserted, benefit the franchisor.

While our nation has enjoyed an unprecedented economic boom, it is essential that we in Congress insure that prosperity reaches down to the small businesses that make up the heart and soul of our economy. There is of course little time left in the 105th Congress to allow for consideration and inaction of this legislation. However, I am hopeful that this legislation will be at the top of the Judiciary's committee agenda when we return next year, and I will be seeking hearings on this matter at the earliest occasion.

The following is a section-by-section description of the legislation.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

Sets forth the short title of the Act and the table of contents.

SECTION 2. FINDINGS AND PURPOSE

Subsection (a) specifies a series of Congressional findings. Subsection (b) states that the purpose of the Act is to promote fair and equitable franchise agreements, to establish uniform standards of conduct in franchise relationships, and to create uniform private Federal remedies for violations of Federal law.

SECTION 3. FRANCHISE SALES PRACTICES

Subsection (a) prohibits any person, in connection with the advertising, offering, or sale of any franchise, from (1) employing a device, scheme, or artifice to defraud; (2) engaging in an act, practice, course of business, or pattern of conduct which operates or is intended to operate as a fraud upon any prospective franchisee; (3) obtaining property, or assisting others in doing so, by making an untrue statement of a material fact or failing to state a material fact; and (4) discriminating among prospective franchisees on the basis of race, color, sexual orientation, sex, religion, disability, national origin, or age in (a) the solicitation, offering or sale of any franchise opportunity, or (b) the selection of any site or location for a franchise business.

Subsection (b) prohibits franchisors, sub franchisors, and franchise brokers, in connection with any disclosure document, notice, or report required by any law, from (i) making an untrue statement of material fact, (ii) failing to state a material fact, or (iii) failing to state any fact which would render any required statement or disclosure either untrue or misleading. The subsection also prohibits franchisors, sub franchisors, and franchise brokers from failing to furnish any prospective franchisee with all information required to be disclosed by law and at the time and in the manner required and from making any claim or representation to a prospective franchisee, whether orally or in writing, which is inconsistent with or contradicts such disclosure document.

"Disclosure document" is defined as the disclosure statement required by the Federal Trade Commission in Trade Regulation Rule 436 (16 CFR 436) or an offering circular prepared in accordance with Uniform Franchise Offering Circular guidelines as adopted and amended by the North American Securities Administrators Association, Inc. or its successor.

SECTION 4. UNFAIR FRANCHISE PRACTICES

Subsection (a) prohibits any franchisor or subfranchisor, in connection with the performance, enforcement, renewal and termination of any franchise agreement, from (1) engaging in an act, practice, course of business, or pattern of conduct which operates as a fraud upon any person; (2) discriminating among franchisees on the basis of race, color, sexual orientation, sex, religion, disability, national origin, or age; (3) hindering, prohibiting, or penalizing, either directly or indirectly, the free association of franchisees for any lawful purpose, including the formation of or participation in any trade association made up of franchisees or of associations of franchises; and (4) discriminating against a franchisee by imposing requirements not imposed on other similarly situated franchisees or otherwise retaliating, directly, or indirectly, against any franchisee for membership or participation in a franchisee association.

Subsection (b) prohibits a franchisor from terminating a franchise agreement prior to its expiration without good cause.

Subsection (c) prohibits a franchisor from prohibiting, or enforcing a prohibition against, any franchisee from engaging in any business at any location after expiration of a franchise agreement. This subsection does not prohibit enforcement of a franchise contract obligating a franchisee after expiration or termination of a franchise to (i) cease or refrain from using a trademark, trade secret or other intellectual property owned by the franchisor or its affiliate, except that language in the franchise agreement purporting to determine ownership of a trademark, trade secret, or other intellectual property shall not be binding upon any court or forum for purposes of this paragraph, but may be considered as evidence of such ownership, (ii) alter the appearance of the business premises so that it is substantially similar to the standard design, decor criteria, or motif in use by other franchisees using the same name or trademarks within the proximate trade or market area of the business, or (iii) modify the manner or mode of business operation so as to avoid any substantial confusion with the manner or mode of operations which are unique to the franchisor and commonly in practice by other franchisees using the same name or trademarks within the proximate trade or market area of the business.

SECTION 5. STANDARDS OF CONDUCT

Subsection (a) imposes a duty to act in good faith in the performance and enforcement of a franchise contract on each party to the contract.

Subsection (b) imposes a nonwaivable duty of due care on the franchisor. Unless the franchisor represents that it has greater skill or knowledge in its undertaking with its franchisees, or conspicuously disclaims that it has skill or knowledge, the franchisor is required to exercise the skill and knowledge normally possessed by franchisors in good standing in the same or similar types of business.

Subsection (c) imposes a fiduciary duty on the franchisor when the franchisor undertakes to perform bookkeeping, collection, payroll, or accounting services on behalf of the franchisee, or when the franchisor requires franchisees to make contributions to any pooled advertising, marketing, or promotional fund which is administered, controlled, or supervised by the franchisor. A franchisor that administers or supervises the administration of a pooled advertising or promotional fund must (i) keep all pooled funds in a segregated account that is not subject to the claims of creditors of the franchisor, (ii) provide an independent certified audit of such pooled funds within sixty days following the close of the franchisor's fiscal year, and (iii) disclose the source and amount of, and deliver to the fund or program, any discount, rebate, compensation, or payment of any kind from any person or entity with whom such fund or program transacts.

SECTION 6. PROCEDURAL FAIRNESS

Subsection (a) prohibits a franchisor from requiring any term or condition in a franchise agreement, or in any agreement ancillary or collateral to a franchise, which violates the Act. It also prohibits a franchisor from requiring that a franchisee relieve any person from a duty imposed by the Act, except as part of a settlement of a bona fide dispute, or assent to any provision which would protect any person against any liability to which he would otherwise be subject under the Act by reason of willful misfeasance, bad faith, or gross negligence in the performance of duties, or by reason of reckless disregard of obligations and duties under the franchise agreement. Nor may a franchisor require that a franchisee agree to not make any oral or written statement relating to the franchise business, the operation of the franchise system, or the franchisee's experience with the franchise business.

Subsection (b) makes void and unenforceable any provision of a franchise agreement, or of any agreement ancillary or collateral to a franchise, which would purport to waive or restrict any right granted under the Act.

Subsection (c) forbids any stipulation or provision of a franchise agreement or of an agreement ancillary or collateral to a franchise from (i) depriving a franchisee of the application and benefits of the act or any Federal law of the State in which the franchisee's principal place of business is located, (ii) depriving a franchisee of the right to commence an action or arbitration against the franchisor for violation of the Act, or for breach of the franchise agreement or of any agreement or stipulation ancillary or collateral to the franchise, in a court of arbitration forum in the State of the franchisee's principal place of business, or (iii) excluding collective action by franchisees to settle like disputes arising from violation of the Act by civil action or arbitration.

Subsection (d) states that compliance with the Act or with an applicable State franchise law is not waived, excused or avoided, and evidence of violation of the Act or State law shall not be excluded, by virtue of an integration clause, any provision of a franchise agreement or an agreement ancillary or collateral to a franchise, the parol evidence rule, or any other rule of evidence purporting to exclude consideration of matters outside the franchise agreement.

SECTION 7. ACTIONS BY STATE ATTORNEYS GENERAL

Subsection (a) permits a State attorney general to bring an action under the Act in an appropriate United States district court using the powers conferred on the attorney general by the laws of his State.

Subsection (b) states that this section does not prohibit a State attorney general from exercising the powers conferred on him by the laws of his State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

Subsection (c) states that any civil action brought under subsection (a) in a United States district court may be brought in the district in which the defendant is found, is an inhabitant, or transacts business, or wherever venue is proper under 28 U.S.C. 1391 which establishes general venue rules. Process may be served in any district in which the defendant is an inhabitant or in which he may be found.

Subsection (d) states that nothing in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

SECTION 8. TRANSFER OF A FRANCHISE

Subsection (a) permits a franchisee to assign an interest in a franchised business and franchise to a transferee if the transferee satisfies the reasonable qualifications generally applied in determining whether or not a current franchisee is eligible for renewal. If the franchisor does not renew a significant number of its franchisees, then the transferee may be required to satisfy the reasonable conditions generally applied to new franchisees. The qualifications must be based upon legitimate business reasons. If the qualifications are not met, the franchisor may refuse to permit the transfer, provided that the refusal is not arbitrary or capricious and the franchisor states the grounds for its refusal in writing to the franchisee.

Subsection (b) requires that a franchisee give the franchisor at least thirty days' written notice of a proposed transfer, and that a franchisee, upon request, will provide in writing to the franchisor a list of the ownership interests of all persons holding or claiming an equitable or beneficial interest in the franchise subsequent to the transfer.

Subsection (c) states that a franchisor is deemed to have consented to a transfer thirty days after the request for consent is submitted, unless the franchisor withholds consent in writing during that time period specifying the reasons for doing so. Any such notice is privileged against a claim of defamation.

Subsection (d) establishes that a franchisor may require the following four conditions before consenting to a transfer: (1) the transferee successfully complete a reasonable training program, (2) payment of a reasonable transfer fee, (3) the franchisee pay or make reasonable provisions to pay any amount due the franchisor or the franchisor's affiliate, (4) the financial terms of the transfer at the time of the transfer comply with the franchisor's current financial requirements for franchisees. A franchisor may not condition its consent to a transfer on (1) a franchisee forgoing existing rights other than those contained in the franchise agreement, (2) entering into a release of claims broader in scope than a counterpart release of claims offered by the franchisor to the franchisee, or (3) requiring the franchisee or transferee to make, or agree to make, capital improvements, reinvestments, or purchases in an amount greater than the franchisor could have reasonably required under the terms of the franchisee's existing franchise agreement.

Subsection (e) permits a franchisee to assign his interest for the unexpired term of the franchise agreement and prohibits the franchisor from requiring the franchisee or transferee to enter an agreement which has different material terms or financial requirements as a condition of the transfer.

Subsection (f) prohibits a franchisor from withholding its consent without good cause to a franchisee making a public offering of its securities if the franchisee or owner of the franchisee's interest retains control over more than 25 percent of the voting power as the franchisee.

Subsection (g) prohibits a franchisor from withholding its consent to a pooling of interests, to a sale or exchange of assets or securities, or to any other business consolidation among its existing franchisees, provided the constituents are each in material compliance with their respective obligations to the franchisor.

Subsection (h) establishes six occurrences which shall not be considered transfers requiring the consent of the franchisor under a franchise agreement and for which the franchisor shall not impose any fees or payments or changes in excess of the franchisor's cost to review the matter.

Subsection (i) prohibits a franchisor from enforcing against the transferor any covenant of the franchise purporting to prohibit the transferor from engaging in any lawful occupation or enterprise after the transfer of a transferor's complete interest in a franchise. This subsection does not limit the franchisor from enforcing a contractual covenant against the transferor not to exploit the franchisor's trade secrets or intellectual property rights except by agreement with the franchisor.

SECTION 9. TRANSFER OF FRANCHISE BY FRANCHISOR

Subsection (1) prohibits a franchisor from transferring interest in a franchise by sale or in any other manner unless he give notice thirty days prior to the effective date of the transfer to every franchisee of his intent to transfer the interest.

Subsection (2) requires that the notice given contains a complete description of the business and financial terms of the proposed transfer or transfers.

Subsection (3) requires that the entity assuming the franchisor's obligations have the business experience and financial means necessary to perform the fanchisor's obligations.

SECTION 10. INDEPENDENT SOURCING OF GOODS AND SERVICES

Subsection (a) prohibits a franchisor from prohibiting or restricting a franchisee from obtaining equipment, fixtures, supplies, goods or services used in the establishment or operation of the franchised business from sources of the franchisee's choosing, except that such goods or services may be required to meet established uniform system-wide quality standards promulgated or enforced by the franchisor.

Subsection (b) requires that if the franchisor approves vendors of equipment, fixtures, supplies, goods, or services used in the establishment or operation of the franchised business, the franchisor will provide and continuously update an inclusive list of approved vendors and will promptly evaluate and respond to reasonable requests by franchisees for approval of competitive sources of supply. The franchisor shall approve not fewer than two vendors for each piece of equipment, each fixture, each supply, good, or service.

Subsection (c) requires a franchisor and its affiliates officers and/or its managing agents, must fully disclose whether or not it receives any rebates, commissions, payments, or other benefits from vendors as a result of the purchase of goods or services by franchisees and requires a franchisor to pass all such rebates, commissions, payments, and other benefits directly to the franchisee.

Subsection (d) requires a franchisor to report not less frequently than annually, using generally accepted accounting principles, the amount of revenue and profit it earns from the sale of equipment, fixtures, supplies, goods, or services to the franchisee.

Subsection (e) excepts reasonable quantities of goods and services that the franchisor requires the franchisee to obtain from the franchisor or its affiliate from the requirements of subsection (a), but only if the goods and services are central to the franchised business and either are actually manufactured or produced by the franchisor or its affiliate, or incorporate a trade secret owned by the franchisor or its affiliate.

SECTION 11. ENCROACHMENT

Subsection (a) prohibits a franchisor from placing, or licensing another to place, one or more, new outlet(s) in unreasonable proximity to an established outlet, if (i) the intent or probable effect of establishing the new outlet(s) is to cause a diminution of gross sales by the established outlet of more than five percent of the twelve months immediately following establishment of the new outlet(s), and (ii) the established franchisee offers goods or services identified by the same trademark as those offered by the new outlet(s), or has premises that are identified by the same trademark as the new outlet(s).

Subsection (b) creates an exception to this section if, before a new outlet(s) opens for business, a franchisor offers in writing to each franchisee of an established outlet concerned to pay to the franchisee an amount equal to fifty percent of the gross sales of the new outlet(s), for the first twenty-four months of operation of the new outlet(s), if the sales of the established outlet decline by more than five percent in the twelve months immediately following establishment of the new outlet(s), as a consequence of the opening of such outlet(s).

Subsection (c) places upon the franchisor the burden of proof to show that, or the extent to which, a decline in sales of a established franchised outlet occurred for reasons other than the opening of the new outlet(s), if the franchisor makes a written offer under subsection (b) or in an action or proceeding brought under section 12.

SECTION 12. PRIVATE RIGHT OF ACTION

Subsection (a) gives a party to a franchise who is injured by a violation or impending violation of this Act a right of action for all damages caused by the violation, including costs of litigation and reasonable attorney's fees, against any person found to be liable for such violation.

Subsection (b) makes jointly and severally liable every person who directly or indirectly controls a person liable under subsection (a), every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions and every employee of a person so liable who materially aids in the act or transaction constituting the violation, unless that person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subsection (c) states that nothing in the Act shall be construed to limit the right of a franchisor and a franchisee to engage in arbitration, medication, or other nonjudicial dispute resolution, either in advance or after a dispute arises, provided that the standards and protections applied in any binding nonjudicial procedure agreed to the parties are not less than the requirements set forth in the Act.

Subsection (d) prohibits an action from being commenced more than five years after the date on which the violation occurs, or three years after the date on which the violation is discovered or should have been discovered through exercise of reasonable diligence.

Subsection (e) provides for venue in the jurisdiction where the franchise business is located.

Subsection (f) states that the private rights created by the Act are in addition to, and not in lieu of, other rights or remedies created by Federal or State law.

SECTION 13. SCOPE AND APPLICABILITY

Subsection (a) applies the requirements of the Act to franchise agreements entered into, amended, exchanged, or renewed after the date of enactment of the Act, except as provided in subsection (b).

Subsection (b) delays implementation of Section 3 of the act until ninety days after the date or enactment of the Act and applies Section 3's requirements only to actions, practices, disclosures, and statements occurring on or after such date.

SECTION 14. DEFINITIONS

Defines terms used in the Act.

H. CON. RES. 283 ON TIBET

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERMAN. Mr. Speaker, I am proud that House Concurrent Resolution 283, expressing the sense of the Congress on the December 1997 report on Tibet of the International Commission of Jurists and on United States policy on Tibet, is being considered now.

I offered this Resolution in an effort to maintain the world's attention on developments in Tibet. A comparable provision has been offered and passed in the Senate. With 66 cosponsors in the House, this resolution has strong bipartisan support.

Tibet remains on the American foreign policy agenda today and it remains on the international community's agenda largely because the U.S. Congress does not let anyone forget what is happening to Tibetans and Tibet culture under Chinese rule. This resolution reflects our serious concern for the plight of the Tibetan people and our strong support for the Dalai Lama's efforts to enter into serious discussions with the Chinese leadership on the future of Tibet.

The resolution cites a recent and comprehensive report by the International Committee of Jurists entitled "Tibet: Human Rights and the Rule of Law." It is the fourth report on Tibet by this distinguished body since 1959 and their first since 1964. The December 1997 report was inspired by the situation in Tibet that by all credible accounts, including the Department of State, remains unsettled and in many ways has grown more desperate.

The President has appointed a Special Coordinator for Tibetan Issues. Until recently, this position was held by Mr. Gregory Craig of the U.S. Department of State. I understand that he has played a very active and productive role behind the scenes in promoting discussions between the Dalai Lama and his representatives and the Chinese. I would hope that further progress will be made on opening this dialogue as President Jiang Zemin indicated that he would do during his summit meeting with President Clinton. Discussions must lead to negotiations and a positive outcome to those negotiations would improve substantially American relations with China.

Finally, I would like to draw the House's attention to the continuing detention of Gendun Choekyi Nyima. Over three years ago, the Dalai Lama announced the recognition of this young boy, then only six, as the Panchen Lama of Tibet. Within days, this child disappeared from his home. It was not until a year later that the Chinese Ambassador to Geneva admitted to a meeting of the United Nations Committee on the Rights of the Child that Gendun Choekyi Nyima was under the "protection" of the Chinese government. Repeated requests from governments and private humanitarian organizations to meet with the boy have been denied. No one knows where he is nor the conditions under which he lives. It is unconscionable that in today's world a young child, now nine years old, has apparently become a pawn in Beijing's political efforts to control Tibet.

I would like in particular to thank MR. PORTER, an original cosponsor of this resolution; Mr. GILMAN, chairman of the International Relations Committee, and Mr. BEREUTER, chair of the Asia and Pacific Subcommittee, on which I serve as Ranking Member, for doing all they could to see that this resolution was brought forward for consideration. I appreciate the efforts they both made to achieve a compromise which would permit the House to consider this initiative. I would also like to note the contribution made by Mr. BEREUTER's subcommittee counsel, Dan Martz, who has negotiated in good faith with my staff to reach accommodation on this legislation. I understand that Mr. Martz will be soon leaving the subcommittee staff to join the private sector in New York City. His advice will be missed in the subcommittee but we all wish him well in his next endeavor.

I urge my colleagues to join me in introducing this resolution which calls for the release of Gendun Choekyi Nyima, the 11th Panchen Lama of Tibet, and for a dialogue between the Dalai Lama and Chinese authorities.

H. CON. RES. 283

Sponsor: Rep. Berman (introduced 05/22/98).

66 Cosponsors

Rep. Porter—05/22/98.
Rep. D. Payne—05/22/98.
Rep. Lantos—05/22/98.
Rep. Lowey—05/22/98.
Rep. Wolf—05/22/98.
Rep. C. Smith—05/22/98.
Rep. J. Kennedy—05/22/98.
Rep. Scarborough—06/25/98.
Rep. Menendez—06/25/98.
Rep. Hinchey—06/25/98.
Rep. Borski—06/25/98.
Rep. Woolsey—06/25/98.
Rep. LoBiondo—06/25/98.
Rep. Ehlers—07/17/98.
Rep. Allen—07/17/98.
Rep. Waxman—07/17/98.
Rep. S. Brown—07/17/98.
Rep. King—07/17/98.
Rep. Meehan—07/17/98.
Rep. Faleomavaega—08/06/98.
Rep. Cramer—08/06/98.
Rep. Olver—08/06/98.
Rep. Calvert—08/06/98.
Rep. Forbes—08/06/98.
Rep. Kelly—08/06/98.
Rep. Adam Smith—08/06/98.
Rep. Underwood—08/06/98.
Rep. Engel—08/06/98.
Rep. Kennelly—09/23/98.
Rep. Ackerman—09/23/98.
Rep. Furse—09/23/98.
Rep. Watts—09/25/98.
Rep. Slaughter—10/05/98.
Rep. C. Maloney—05/22/98.
Rep. Abercrombie—05/22/98.
Rep. Rohrabacher—05/22/98.
Rep. Gilman—05/22/98.
Rep. Cox—05/22/98.
Rep. Lofgren—05/22/98.
Rep. Pelosi—05/22/98.
Rep. Dixon—06/25/98.
Rep. Nadler—06/25/98.
Rep. Skaggs—06/25/98.
Rep. Farr—06/25/98.
Rep. Pappas—06/25/98.
Rep. Frank—06/25/98.
Rep. Rivers—07/17/98.
Rep. Roybal-Allard—07/17/98.
Rep. Solomon—07/17/98.
Rep. Pascrell—07/17/98.
Rep. Goodling—07/17/98.
Rep. Gejdenson—08/06/98.
Rep. John Lewis—08/06/98.
Rep. Stark—08/06/98.
Rep. McGovern—08/06/98.
Rep. Sherman—08/06/98.
Rep. English—08/06/98.
Rep. Dreier—08/06/98.
Rep. Sanders—08/06/98.
Rep. Rangel—08/06/98.
Rep. G. Miller—09/23/98.
Rep. Christensen—09/23/98.
Rep. Inglis—09/23/98.
Rep. Kilpatrick—09/23/98.
Rep. Salmon—10/05/98.
Rep. McKinney—10/07/98.

H. CON. RES. 283

Whereas the International Commission of Jurists is a nongovernmental organization founded in 1952 to defend the rule of law throughout the world and to work toward the full observance of the provisions of the Universal Declaration of Human Rights;

Whereas in 1959, 1960, and 1964 the International Commission of Jurists examined Chinese policy in Tibet, violations of human rights in Tibet, and the position of Tibet in international law;

Whereas these findings were presented to the United Nations General Assembly, which adopted three resolutions (in 1959, 1961, and 1965) calling on the People's Republic of China to ensure respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental human rights and freedoms;

Whereas in December 1997, the International Commission of Jurists issued a fourth report on Tibet, examining human rights and the rule of law;

Whereas the President of the United States has repeatedly indicated his support for substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas on October 31, 1997, the Secretary of State appointed a Special Coordinator for Tibetan Issues to oversee United States policy regarding Tibet: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses grave concern regarding the findings of the report of the International Commission of Jurists on Tibet issued in December 1997, that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, suppression of peaceful protests, and an accelerated movement of Chinese people to Tibet; and

(B) in 1997, a senior office of the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural integration;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to ensure respect for the fundamental human rights of the Tibetan people; and

(ii) to end those practices which threaten to erode the distinct cultural, religious, and linguistic identity of the Tibetan people;

(B) call on the United Nations General Assembly to resume its debate on Tibet; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to the Congress in accordance with the requirements of section 536(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236); and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year-old child identified by the Dalai Lama as the Panchen Lama, Gedhun Choekyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) recognizes that the Dalai Lama is not seeking independence but genuine autonomy and calls on the People's Republic of China to respond positively to the Dalai Lama's proposal for Tibet and to enter into discussions with him or his representatives;

(6) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(7) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.

SENATE—*Thursday, October 15, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You provide strength in our struggles and courage for contentious days of conflict. We thank You for consensus out of conflict and creative decisions out of discord. In the midst of the concluding discussion and debate over crucial issues in the completion of the budget, we need Your divine intervention and inspiration. Overcome party spirit; make us party to Your Spirit. Give the Senators strength to communicate with mutual respect and without rancor. Keep them focused more on winning what is best for our Nation, than defeating political opponents. May the motivation of brave patriotism overcome the manipulation of bartered partisanship. The time for greatness is now; the place for greatness is here. Grant it, Father. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

THE CHAPLAIN'S PRAYER

Mr. LOTT. I thank the Chaplain again for his prayer. Over the past few days, as we have tried to negotiate in good faith, it has been so important we try to maintain respect for each other. Yesterday morning I had reached the point where I had lost that. But I referred to the Chaplain's book "One Quiet Moment," and there was a passage in there, I believe from Proverbs, that said you must respect your fellow human beings. And I thought about that, and I thought from the unborn child in late term, they have a right to respect for human life, or a young man in Wyoming who is killed, for whatever horrible motives, they have a right to respect, and also for strong action against those who caused this problem. So the admonition to negotiate in good faith and have respect for each other has certainly been a source of strength to me during the last 48 hours.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will begin a period of morning business until 1 p.m. Following morning business, we may consider any legislation that can be cleared by unanimous consent.

OMNIBUS APPROPRIATIONS NEGOTIATIONS

Mr. LOTT. Mr. President, negotiations are still ongoing with respect to the omnibus appropriations bill, but I think I can say that it is in its very final stages, and we should have a final conclusion before 2 o'clock so that all of the drafting can be carried out. I emphasize, though, there are a few minor issues that have not been finally cleared, and there are a couple of big issues that are still being debated about exactly what the effective date would be, for instance, with regard to the census issue.

I think it is a very important issue. The census is in the Constitution. And the Constitution says that the census shall be taken by enumeration; that means count, head count. No amount of modern manipulation or technology can replace what the Constitution says. Twice Federal courts have ruled 3-0 that the census must be done by enumeration.

But rather than fight this out on and on and on, I think the logical order to do business is, let the Supreme Court rule, which they will do in March, and then we will proceed from there. That issue has not been finally resolved, but it will be in the next couple of hours, and then every Senator and House Member will have an opportunity to ask questions, to look at the language.

There are hundreds—thousands—of issues that are in this legislation. But the legislation will be available. There will be staff and Senators and Congressmen who have been involved, who can answer questions about things as varied as education and agriculture and defense and the drug war and missile defense. It is all in this bill.

I must say that while there are some great disappointments on my part about what is not in the bill and some disappointments about some things that are in the bill, on balance this is going to be good for America. I had a question a moment ago about who is the winner and who is the loser. The only question should be: Is America the winner? Are our children going to be better off, safer? Will there be a greater effort to fight the scourge of drugs in our schools and in our society? The answer is yes.

We will have a stronger defense. For the first time since 1985, we have stopped the free-fall in spending for the necessary readiness and equipment for our men and women in uniform. We added some $9 billion in this legislation for the drug war, for defense of our country, for intelligence, and for missile defense.

We also agreed to $690 million for a greater effort in the drug area. We did agree to the President's request for more funds for education. A lot of time has been spent this year in the education area, and we have made some progress. We have a better higher education bill. We are going to have a stronger vocational education bill. And that is an area where I think we should put a lot more emphasis.

We did improve on some of the programs connected to Head Start, and we are going to have more teachers in our schools in America, smaller class sizes. But the decision of how it is going to be done will be made at the local level in the individual school districts; it will not be dictated by and run by bureaucrats here in Washington, DC. So I think that was a significant achievement on both sides of the issue.

I will not go down the list of all the areas in this bill, but when you look at them all and you consider what we have done and what this can lead to next year, I think it is progress, and I hope the Members will believe that they can support it.

There will be time for Members to review its content. If a rollcall is requested, it is expected to occur at either 10 o'clock in the morning on Friday or 5 o'clock in the afternoon, to accommodate the maximum number of Senators and give them time to review the language that is included in the final agreement. Certainly, we will make Members aware of any specific time for votes, if necessary. I will be consulting with Senator DASCHLE on that.

I thank my colleagues for their attention and for their cooperation throughout the year.

I do have a number of issues that we would like to do in terms of some tributes and resolutions on travel and other issues. So I would like to do that now.

ORDER FOR PRINTING OF INDIVIDUAL SENATE DOCUMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that there be printed as individual Senate documents a compilation of materials from the CONGRESSIONAL RECORD in tribute to Senators DAN COATS of Indiana, DIRK KEMPTHORNE of Idaho, DALE BUMPERS of Arkansas, WENDELL FORD of Kentucky, and JOHN GLENN of Ohio.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. LOTT. These clearly are five great Senators who have served their States and their country so well. And I am sure they will continue to do so, albeit in a different arena. Of course, I have said here, DAN COATS has been one of my closest friends for the past 20 years. I will miss him here but I will be with him in other areas.

And, of course, JOHN GLENN makes history once again flying off into space. And many Senators and their spouses will be there to see that event.

ELECTION OF SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 300, which is at the desk, and I ask that the resolution be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 300) electing James W. Ziglar, of Mississippi, as the Sergeant at Arms and Doorkeeper of the Senate.

Resolved, That James W. Ziglar, of Mississippi, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate effective November 9, 1998.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 300) was agreed to.

RULE XXXIX AUTHORIZATION

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 301, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 301) relative to Rule XXXIX.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 301) was agreed to as follows:

S. RES. 301

Resolved, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 21, 1998.

RULE XXXIII AUTHORIZATION

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 302, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 302) relative to Rule XXXIII.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, reserving the right to object—I don't have any intention of objecting—what are these two changes in 33 and 39?

Mr. LOTT. Mr. President, Rule XXXIX is with regard to foreign travel by Members. Senator BUMPERS will be going with a Codel and we had to have special permission for that to occur.

I am very anxious to advise Senator BYRD regarding Rule XXXIII. The purpose is to provide for a video presentation of Senator BYRD on the operation of the Senate during orientation. We think it would be very useful for our Members who may not be able to attend orientation, for review later. We think it would also be useful for students of this institution.

Mr. BYRD. I thank the distinguished majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 302) was agreed to as follows:

S. RES. 302

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorizes the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 1998.

AUTHORIZATION OF RECESS APPOINTMENTS

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 303, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 303) authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments during the recess of the present session.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 303) was agreed to as follows:

S. RES. 303

Resolved, That during the recess of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Mr. LOTT. I might say to Senators who are in the Chamber, and others who may be watching, ordinarily much of this is done at the very last minute of the session. I thought that some of it could be done this morning. I thought we would start our wrap-up work now. I think that is appropriate. We get, frankly, more attention, and it also will help conclude sooner tomorrow.

THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT. I ask unanimous consent that the Senate now proceed to Senate Resolution 304, introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 304) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to as follows:

S. RES. 304

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Senate Resolution 305, introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 305) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to as follows:

S. RES. 305

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

Mr. LOTT. Mr. President, I want to add one note. I have never seen a more diligent Senator than Senator THURMOND has been in opening the Senate. He and Senator BYRD are living institutions. They have reverence for this institution. Many times, Senator THURMOND had been up late, had committee hearings, had been involved in moving the Thurmond bill, which was the armed services authorization bill, and had worked well into the night for a year. But when the Senate would open at 8:30, 9 o'clock, or 9:30, he was in the Chair and always very kind to our Chaplain. That exemplifies what the Senate should really be like. So I add my special appreciation to the President pro tempore.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. MACK). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I assume we remain in morning business until 1 o'clock; is that correct?

The PRESIDING OFFICER. That's correct.

AGRICULTURAL CRISIS

Mr. CRAIG. Mr. President, we have just heard the Republican majority leader outline in brief the negotiations between the White House and the Congress as it relates to a final package of fiscal affairs for this Government for the coming year.

Over the course of the last several days, I have had the opportunity to attend a variety of those negotiations, and on occasion, based on my certain areas of knowledge, to be consulted as to what directions we might head.

I thought for a few moments this morning I would discuss briefly the agricultural package, because it is one of those major areas of concern and dispute for a period of time up until late last evening—that, of course, and the educational package that most of our colleagues are now becoming aware of.

While the final language on the agricultural package is being put together, there are some fundamental principles we adhered to that I think are important for our colleagues to understand when they begin to examine this package for their final consideration of it tomorrow.

First and foremost, it is important to recognize that this Republican Congress back in May and June began to recognize the very critical situation that American agriculture was in and the character of the decline in commodity prices that was evident out there, along with loss of foreign markets, that was producing what I consistently called on the floor of this Senate and across my State of Idaho an "agricultural crisis."

It was in late June that I, along with six other Senators and the majority leader, sat down with about 15 commodity group representatives in this community, representing national agricultural commodity groups, to examine the crisis from their perspective and to look at a variety of things that we might do here within current policy and current budget constraints to deal with the crisis, recognizing that if we weren't responsive, we would see many of our farmers on the edge of bankruptcy, and potentially by next crop season they would be out of production. That is not good for America. It is not good for our economic base or for the food-consuming public.

Fewer farmers mean larger farmers, usually, or fewer farmers with larger acreages. And in many instances what we find is large corporations buying up smaller production units that find themselves in bankruptcy.

Consistently we have looked at farm policy recognizing the need to keep farm families intact and a production unit in American agriculture that was sympathetic to the American farm family. So it was with that spirit in mind that we met with these commodity groups and came up with a list of items that we would attempt to be responsive to.

First and foremost in the general discussion with that commodity group was to keep the current farm policy in place, keep the 1996 farm bill, better known as Freedom to Farm, in place. It is working. It gives farmers greater flexibility to decide what to farm, what to grow, and how to deal with market trends. It does so with less Government interference, less opportunity to farm to a Government program instead of farm to what the market is demanding, what the consuming market is demanding. That became a premise of operation for us here in the Senate—that we would not violate or attempt to go in and offer dramatic changes to farm policy.

Immediately before the August recess, we responded by reaching out and putting more of what we call the AMFTA payments into this year's current payment to bump up some money that would go directly back to that farmer and to that production unit.

Most of us, of course, in August visited our farmers, and we came back clearly with the understanding that we were in a crisis, that the commodity prices were at a 20-year low, many times below the cost of production, and that the loss of Asian markets, the loss of markets in Central and South America, was also driving this decline in commodity prices.

There was also a large influx of product coming in from Canada, which was part of a program of opening the borders for the North American Free Trade Agreement. And we had to be sensitive to that.

But, most importantly, what our farmers were telling us, along with the decline in commodity prices, was that when we had put the 1996 farm policy in place, we had also said at that time there would be other things we would have to do. We would have to review trade policy. We would have to look at the cold war policy coming out of World War II that put sanctions on a variety of countries and basically took 13 to 20 percent of the world market out of reach of production agriculture by one or another sanctions that were built up as a product of foreign policy statements and/or policy laws in this country that we had to review.

Most immediate, when we came back in August, was the need to deal with the inability to trade with Pakistan and India based on the confrontation they were having and the nuclear tests they were engaged in, which was a direct violation of the nuclear test ban and, of course, the provisions we had put in there that would disallow us trading with or dealing with countries that were in violation. We were able to strike those two sanctions down immediately, which then in a near immediate sense put in play major sales of soft white wheat out of the Pacific Northwest. Those sales have gone forward, and they have been very helpful to production agriculture nationwide.

We also said—and Chairman LUGAR, chairman of the Senate Agriculture Committee, said—we have to look at the overall need to review sanctions, the attempted sanctions legislation. There were some modifications in it, but it was not complete. He knows it; we know it.

One of our jobs coming back next year will be to take a serious look at the post-World War II era sanctions that have taken a large chunk of the world market away from our farmers, because in Freedom to Farm we said: You are going to be free to farm, and we are going to use the political clout, the governmental clout, of your country to open up these world markets to assist you. And we would look at another provision.

That is the very provision that the negotiations moved toward in the past several days. That was a tax component—a tax provision that said to production units: You are cyclical by nature. By that I mean, 1-year commodity prices are at an all-time high and the next year they are at an all-time low. Those who have ever farmed—and I farmed during my other life as a private citizen—know that very well, that some years you make money and in other years you lose a lot of money. It is simply because of oversupply and then undersupply of certain commodities within the market.

As a result, we had historically said, up to 1986, that tax laws should reflect that you ought to be able to reach back and pull forward some of those losses into a crop year where there are high profits; you ought to be able to income average those kinds of things out. In 1986 we took that out—or I should say a Democrat Congress took that out—of the tax policy of that year, in my opinion badly handicapping and creating long-term injury to production agriculture. Last year we did some tentative work in that area putting income averaging back.

But the package that our colleagues will have a chance to review tonight and tomorrow as a final work product of this Congress will have made permanent the permanent income average, which is a key component to agriculture. Someone on the other side suggested to us that doesn't solve the immediate problem. No, it doesn't. But we put $5.97 billion in to solve the immediate problem directly flowing through to production agriculture. But what we have to look at is the long-term character that we had promised production agriculture when we changed the farm bill. And we do that—permanent income averaging, a 5-year carryback provision allowing farmers to account for, as I expressed a moment ago, the cyclical character or future of production agriculture.

Then we went in and did some technical corrections to IRS tax laws, because, for example, when a farmer is guaranteed a Government payment but the payment doesn't come until a certain time, the Government wants to tax you on the payment at the moment that you are eligible for it. We say no; that payment should occur at that time.

The bill that is being reviewed now also recognizes the kind of drought that your State of Florida had, Mr. President, and Texas and other parts of the southeastern part of the United States, Georgia. And there are $3 billion in there to deal with economic disasters. That will be critically important.

Between the payments that were scheduled in the Freedom to Farm 1996 farm policy, along with recognizing the crisis created by loss of foreign markets and the typical natural cycling of our environment and our weather, we are going to recognize all of that.

I will conclude by saying this. We preserve current farm policy because American agriculture told us they needed that to happen for the flexibility of future years. We have also kept some promises that we made in 1996, to begin to look at sanctions and to free up opportunity in world markets. And also, most important, the third passage dealt with tax—tax law flexibility, so that that production unit, that farmer or rancher, can deal with the cyclical character of his or her markets on good years versus bad years. So they pay their fair share in taxes but they do not pay taxes one year on substantial profits and then the next year have tremendous losses that put them in a bind.

They used to understand that. That is the way the law used to be. With that flexibility, you kind of store it up in the good years to offset your needs in the bad years. That is the way agriculture ought to operate, and that is the way our tax laws ought to allow them to operate.

I thought I would give that synopsis of what we are doing and what I think is important for our taxpayers to understand. Keeping this tremendous production unit in our country—known as agriculture—healthy and producing is of critical importance to our country. The American consumers today pay less for food than any other item they buy. As a result of that, our consuming public has more spendable income to buy cars, to buy homes, to provide for their children's education. They are not paying 30 percent or 40 percent or 50 percent or 60 percent of their income for food. They are paying 13 to 14 percent, for the highest quality, safest, richest foods in the world. That is a result of this marvelous production unit we call American agriculture.

I am proud that this Republican Congress, working with our colleagues on the other side, represented that understanding in the current policy that is embodied in this omnibus bill with which we will be dealing. It is an important area. I am glad our leaders were sensitive to it and that we can turn to agriculture and say: We didn't save you, we didn't guarantee you, but we recognize the need to shore up, in those areas of disaster, and to assure that those units of production—and those are family farms; these are people, men and women and their children who oftentimes work from daylight to dark—are going to be held as whole as we can possibly keep them at a time when farm commodities, because of certain situations here and around the world, have plummeted to nearly 25- and 30-year lows.

Mr. President, let me run through a few unanimous consent requests cleared by both sides of the aisle.

ACTIVITIES OF THE MICCOSUKEE TRIBE

Mr. CRAIG. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3055, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3055) to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

The Senate proceeded to consider the bill.

Mr. GRAHAM. Today I join my colleague Senator MACK in supporting the right of the Miccosukee Tribe of Indians of Florida to reside in Everglades National Park.

Mr. MACK. I thank the Senator and feel that although the acreage provided to the Miccosukee in this legislation is far less than their historic territory within the Everglades, it does satisfy their right to reside within Everglades National Park.

Mr. GRAHAM. It is also my understanding that by giving the Miccosukee Tribe this opportunity to build a community within Everglades National Park we are fully resolving their claims to land within the park.

Mr. MACK. Yes. Also, it is expected that Miccosukee Tribe is granted the right to occupy, reside in, and govern in perpetuity the Miccosukee Reserved Area in Everglades National Park. I am pleased that this legislation will resolve the dispute between the Park Service and the Miccosukee Tribe over lands within the park.

Mr. GRAHAM. I am pleased to join the Senator in supporting the continued residence of the Miccosukee Tribe of Indians of Florida in Everglades National Park.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3055) was considered read the third time and passed.

PUBLIC SAFETY OFFICERS EDUCATIONAL ASSISTANCE ACT OF 1998

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1525) to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1525) entitled "An Act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Police, Fire, and Emergency Officers Educational Assistance Act of 1998".

SEC. 2. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION TO DEPENDENTS OF PUBLIC SAFETY OFFICERS KILLED OR PERMANENTLY AND TOTALLY DISABLED IN THE LINE OF DUTY.

Part L of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended—

*(1) in the heading for subpart 2, by striking "**Civilian Federal Law Enforcement**" and inserting "**Public Safety**";*

(2) in section 1211(1), by striking "civilian Federal law enforcement" and inserting "public safety";

(3) in section 1212(a)—

(A) in paragraph (1)(A), by striking "Federal law enforcement" and inserting "public safety";

(B) in paragraph (2), by striking "Financial" and inserting the following: "Except as provided in paragraph (3), financial"; and

(C) by adding at the end the following:

"(3) The financial assistance referred to in paragraph (2) shall be reduced by the sum of—

"(A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and

"(B) the amount, if any, determined under section 1214(b).";

(4) in section 1214—

(A) by inserting "(a) IN GENERAL.—" before "The"; and

(B) by adding at the end the following:

"(b) SLIDING SCALE.—Notwithstanding section 1213(b), the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible dependent who is in financial need receives priority in receiving funds under this subpart.";

(5) in section 1216(a), by inserting "and each dependent of a public safety officer killed in the line of duty on or after October 1, 1997," after "1992,"; and

(6) in section 1217—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

Mr. CRAIG. I ask unanimous consent the Senate agree to the amendment of the House-passed bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I was proud to cosponsor the Federal Law Enforcement Dependents Assistance Act of 1996 and am again proud to cosponsor this bill, S. 1525, the Public Safety Officers Educational Benefits Assistance Act of 1998. I am delighted that the Senate is finally sending this important bill to the President's desk for his signature into law.

Our legislation extends the educational benefits that we previously provided to the children of federal law enforcement to the families of State and local public safety officials who die or are disabled in the line of duty. Those families make the ultimate sacrifice for our public safety and deserve our support and assistance. I commend Senator SPECTER and Senator BIDEN and all the cosponsors for their work on these measures.

The Federal Law Enforcement Dependents Assistance Act of 1996, known as the Degan Act after U.S. Deputy Marshall Bill Degan, who died in the Ruby Ridge incident in 1992, provides Federal educational assistance to families of Federal law enforcement officers killed in the line of duty. It is proper that we expand this educational assistance to the families of state and local law enforcement officers because most law enforcement needs are met at the state and local level. I would have preferred to send the President the original text of our legislation since it provided full assistance to these families, but the House of Representatives decided to impose a sliding scale means test to our bill.

This past May, I called for Congress to pass this legislation during National Police Week and the annual memorial activities for law enforcement officers. I believe it would have been a fitting tribute to those who gave their lives in preserving our public safety for Congress to enact the Public Safety Officers Educational Benefits Assistance Act, S. 1525; the Care for Police Survivors Act of 1998, S. 1985; and the Bulletproof Vest Partnership Act of 1998, S. 1605. Fortunately, President Clinton signed the Bulletproof Vests Partnership Act and the Care for Police Survivors Act into law on June 16, 1998 and now he will have the opportunity to sign into law this third piece of legislation. Together these measures make a significant package of legislation to benefit the families of those who serve in law enforcement.

The unfortunate reality of contemporary life is that we may still lose upwards of 100 law enforcement officers a year nationwide. I wish there were none and I will keep working to improve the assistance and support we provide our law enforcement officers. For those families that sacrifice a loved one in the line of duty I support the college education assistance that will be made possible by the Public Safety Officers Educational Benefits Assistance Act. I look forward to the President signing this important legislation into law.

AMENDING THE ORGANIC ACT OF GUAM

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2370, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2370) to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2370) was considered read the third time, and passed.

INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS OF 1998

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 677, S. 2539.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2539) to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

The Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, after months of review and careful Committee action, I am proud that the full Senate is poised to approve the International Crime and Anti-Terrorism Amendments of 1998. Along with Senators LEAHY, BIDEN, and others, the Senate Judiciary Committee has undertaken a careful review of the ambitious and expansive international crime package developed by the administration and introduced by President Clinton on May 12. This proposal took the best ideas developed by the Department of Justice, the Customs Service, the Treasury Department, and other federal agencies involved in the fight against international crime.

Senator LEAHY and I have worked with the Department to winnow the bill down to 17 sections which are generally noncontroversial but would provide valuable assistance in the fight against international crime, terrorism, and drug trafficking. Potentially controversial sections have been shelved in an effort to broaden support for the legislation, and Senator LEAHY supports each of the remaining 17 sections. I hope that next Congress we can undertake a broad review of these issues and confront the more difficult provisions which have been placed aside for the moment.

It is clear that the world has become a smaller place, with faster transportation and communication, loosening of borders, and great leaps in transnational economic activity. But as these changes have benefited law-abiding citizens, they have also made it easier for criminals to spread their misery and destruction throughout the globe. Whether we talking about drug cartels, arms smugglers, terrorists, or those involved in economic espionage, international crime is an increasing threat to our national security and well-being.

This legislation should not be seen as a comprehensive response to these problems, but rather as a package of moderate technical responses to weaknesses in current law that would make a real difference in the fight against international crime. Our proposal, among other things, improves federal laws which regulate the jurisdiction of law enforcement, allows exclusion of violent criminals, determines how our legal system deals with foreign defendants and records, and responds to emerging computer and financial crimes.

On a title-by-title basis, the bill does the following:

Title I—Investigating and Punishing Violent Crimes Against U.S. Nationals Aboard

101 Extend investigative authority to cover crimes committed against U.S. nationals abroad by organized criminal groups

102 Allow federal authorities to investigate murder and attempted murder of state and local officials

Title II—Strengthening the Borders of the United States

201 Strengthen law enforcement authority to board ships

Title III—Denying Safe Haven to International Criminals and Enhancing National Security Responses

301 Allow exclusion from U.S. of persons fleeing lawful, non-political prosecution

302–04 Allow exclusion of persons from U.S. involved in RICO offenses, arms trafficking, drug trafficking, or alien smuggling from U.S., with waiver authority to Attorney General

305 Forfeiture of proceeds of foreign crimes held in U.S.

306 Expand administrative summons authority under Bank Secrecy Act

307 Increase monetary penalties for violations of International Emergency Economic Powers Act

308 Add attempt crime to Trading with the Enemy Act

Title IV—Responding to Emerging International Crime Threats

501 Expand wiretap authority to cover computer fraud and hackers

502 Expand extraterritorial jurisdiction to cover credit card, ATM, and other electronic frauds with can cause harm in U.S.

Title V—Promoting Global Cooperation in the Fight Against International Crime

601 Authority to share proceeds from joint forfeiture actions with cooperating foreign agencies

602 Changes in procedures for MLAT's (mutual legal assistance treaties)

Title VI—Streamlining the Investigation and Prosecution of International Crimes in U.S. Courts

701 Allow Attorney General to reimburse state and local governments for costs incurred in assisting extraditions

702 Change Federal Rules of Evidence to ease admission of foreign records

703 Bar foreign fugitives from receiving credit for time served abroad

I appreciate the Senate's quick action on this necessary legislation, and I urge the House to pass this bill before we adjourn.

Following my statement is a detailed section-by-section analysis of the legislation.

INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS OF 1998

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST U.S. NATIONALS ABROAD

Section 101. Murder and extortion against U.S. nationals abroad in furtherance of organized crime (old section 1001)

This section provides additional discretionary authority for investigations and prosecutions of organized crime groups who perpetrate criminal acts against U.S. nationals abroad. With the expanded role of Federal law enforcement, specifically the Federal Bureau of Investigations, in the investigation of international organized criminal groups, additional legislation is needed to counteract crimes occurring abroad. Statutes now in effect are narrow and generally address these kinds of issues only when they are related to international terrorism matters. This provisions broadens the scope of other current statutes so that they can be of assistance in targeting violent criminal acts committed against U.S. nationals by members of organized criminal groups. The same safeguards are required that have been established in statutes relating to international terrorism, *i.e.*, such a prosecution cannot be brought without the approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General. In subsection (g), the statute places a monetary limitation in extortion cases, and defines an organized criminal group by reference to the RICO statute. These limitations have been included to preclude any expectation that the United States will devote resources to investigate and prosecute cases which are or primarily local (versus international) impact or those which the foreign nation is adequately addressing.

Section 102. Murder and serious assault of a state or local official abroad (old section 1002)

This section provides additional discretionary authority to investigate and prosecute murders and serious assaults of State and local Officials that occur abroad when the State and local officials are involved in a federally-sponsored training or assistance program. As the United States expands its efforts to fight international crime and bring peace and stability to nations the world over, the role of State and local officials—law enforcement, judges, and others—in federally-sponsored training and other forms of assistance programs is also increasing. The scope of these programs is broad, and includes programs designed to bolster law enforcement, promote trade and tourism, and improve education. As with United States military personnel, these officials may become targets of violent acts committed abroad. Insofar as these officials are often involved in training designed to assist a host country in improving its criminal justice system or other public-sector infrastructures, the host country may lack the resources and skills to effectively investigate and prosecute such crimes. Because these officials are acting under the auspices of the Federal Government, the United States has a strong interest in prosecuting those criminals who attack and kill them. As with other provisions of law that allow extraterritorial jurisdiction over crimes, this provision requires that the Attorney General approve any prosecutions under this section.

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

Section 201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information (old section 2201)

The Coast Guard is authorized to enforce, or assist in the enforcement of, all applicable federal laws on, under, and over the high seas and waters subject to the jurisdiction of the United States (14 U.S.C. §2). Coast Guard commissioned, warrant, and petty officers are also deemed to be customs officers (14 U.S.C. §143; 19 U.S.C. §1401). The Coast Guard may board and examine any vessel subject to the jurisdiction of the United States (14 U.S.C. §89). To carry out this broad grant of authority, statutory sanctions are needed against the master, operator, or person in charge of a vessel who fails to obey the order of a federal law enforcement officer to heave to, or who otherwise obstructs the exercise of law enforcement authority.

Under existing law, a civil penalty can be imposed for failure to heave to a vessel upon the command of a customs officer (19 U.S.C. §1581(d)). However, the penalty only applies to violations involving vessels at those places where a customs officer is authorized to stop and board. In addition, a criminal and civil penalty can be imposed for failure to stop a vessel when hailed by a customs officer or other government authority within 250 miles of the territorial sea of the United States (19 U.S.C. §1590(g)(8)). However, these penalties may be imposed only on vessels caught with prohibited or restricted merchandise. As a last resort, to compel vessels to heave to, the Coast Guard is authorized, after firing warning shots, to fire into and disable a vessel which has failed to stop (14 U.S.C. §637).

Appropriate sanctions are required to facilitate and enhance the Coast Guard's interdiction of vessels smuggling contraband. The Coast Guard requires an intermediate measure—short of firing into a vessel—to compel a vessel to comply with a lawful order to heave to. Without such sanctions drug smugglers can delay or sometimes prevent the legitimate exercise of Coast Guard law enforcement boarding authority.

Such sanctions are necessary to address the following scenario. The operator of a vessel fails to heave his vessel to in order to delay a Coast Guard boarding. After a lengthy pursuit, the vessel is finally boarded and no contraband is found. Or the operator of a vessel avoids being boarded by failing to heave his vessel to and fleeing; he eventually enters the territorial waters of a safe haven country. In either case, the vessel may have initially been carrying contraband—which has been jettisoned—or may have been acting as a decoy to divert Coast Guard assets away from other vessels carrying contraband. The use of such tactics by drug smugglers not only thwarts Coast Guard drug law enforcement efforts, but diverts Coast Guard assets from their other missions.

Sanctions are also required to deter non-forcible acts of obstruction during a Coast Guard boarding. While forcibly obstructing a federal law enforcement officer is a crime (18 U.S.C. §§111, 113), no statute provides penalties, criminal or civil, for non-forcible acts of obstruction during a Coast Guard boarding. Such penalties are needed as a deterrent to prevent confrontational situations from escalating from non-physical obstructions of boardings to physical assaults on Coast Guard boarding officers.

Sanctions are also required as a means to compel persons on board vessels to provide truthful information regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. False information concerning a vessel's nationality or registration can delay the determination as to whether the United States has jurisdiction over a vessel, or hinder attempts to obtain consent from a foreign country for the United States to exercise jurisdiction. This offers drug smugglers the opportunity to jettison contraband and destroy evidence. Truthful information concerning the vessel's destination, origin, ownership, cargo, or crew facilitates the ability of the boarding team to determine whether the vessel may be engaged in drug smuggling. This information is also important for the successful prosecution of drug smuggling cases.

This section addresses these gaps in current United States drug interdiction law and makes several changes to enhance enforcement of federal law involving vessels. Subsection (a)(1) provides that it shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized federal law enforcement officer. Paragraph (2) provides that it shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to: (1) fail to comply with an order of an authorized federal law enforcement officer in connection with the boarding of the vessel; (2) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any federal law; or (3) provide false information to a federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew. Nothing in this section is a limitation on 18 U.S.C. §1001, which makes it a crime to give a false statement to a government agent.

Subsection (b) provides that this section does not limit in any way the preexisting authority of a customs officer under section 581 of the Tariff Act of 1930 or any other provision of law enforced or administered by the Customs Service, or the preexisting authority of any federal law enforcement officer under any law of the United States to order a vessel to heave to. This section is necessary to establish that this statute in no way limits the potential actions of federal law enforcement officers that exist under other statutes.

Subsection (c) specifies that a foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section in an international agreement, or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the Secretary's designee.

Subsection (d) defines the terms used in this section, including "vessel of the United States," "vessel subject to the jurisdiction of the United States;" to "heave to;" and "Federal law enforcement officer."

Subsection (e) sets forth penalties for violation of this section. Any person who intentionally violates the provisions of this section shall be subject to: (1) imprisonment for not more than five years; and (2) a fine as provided in this title.

Subsection (f) authorizes the seizure and forfeiture of a vessel that is used in violation of this section. Existing customs laws and duties shall apply to such seizures and forfeitures. This subsection further provides that any vessel that is used in violation of this section is also liable in rem for any fine or civil penalty imposed under this section. This provision gives added force to the prohibitions contained in the section, and provides additional incentives to would-be portrunners to comply with the law.

TITLE III—DENYING SAFE HAVEN TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

Section 301. Exclusion of persons fleeing prosecution in other countries (old section 3201)

This section will add flight to avoid lawful prosecution as an additional ground of inadmissibility under the Immigration and Nationality Act and designate the country seeking to prosecute such individuals as the primary country of deportation. This section will be triggered if the crime for which prosecution is sought is a crime of moral turpitude, other than a purely political offense.

Individuals often seek refuge in the United States to avoid prosecution for crimes committed in other countries. Presently, if such persons are detected attempting to enter the United States, the United States must either find some other basis for exclusion (*e.g.*, having been previously convicted of another crime), or embark on lengthy extradition proceedings, assuming there is an applicable extradition treaty, which is not always the case.

This section will provide an independent statutory basis to remove persons who enter or attempt to enter the United States for the purpose of avoiding lawful prosecution in another country and to return them to the country seeking their prosecution unless the Attorney General, in his/her discretion, determines that such return would be impracticable, inadvisable, or impossible. An additional ground of removal under INA section 237 is not necessary because such an alien fugitive found in the United States would be removable under section 237(a)(1)(A) as an alien inadmissible at the time of entry or adjustment of status. The provision is intended to reach situations where the person flees after a warrant has been issued or in anticipation of a warrant being issued. Nothing in this proposed new section would alter U.S. obligations to protect bona fide refugees. Persons covered by this section remain eligible to apply for withholding of deportation under INA section 241(b)(3), and asylum under section 208, to the extent those remedies would otherwise be available.

Section 302. Exclusion of persons involved in racketeering and arms trafficking (old section 3202)

This section will provide for inadmissibility of any individual whom a consular officer has reason to believe has or is engaged in certain RICO and arms trafficking offenses, or any criminal activity in a foreign country that would constitute such an offense if committed in the United States, regardless of whether a judgment of conviction has been entered or avoided due to flight, corruption, etc. This section treats serious criminals with the same standard applicable to drug traffickers and will make our ability to exclude aliens involved in such activities less dependent upon our ability to draw inferences about a person's intent to do something illicit in the United States. With only minor exceptions, the RICO offenses referenced constitute crimes involving moral turpitude that are already grounds for exclusion under the Immigration and Nationality Act.

The Provision includes a waiver provision that allows the Attorney General to waive its applicability for offenses other than aggravated felonies. This provision has been added to provide the Attorney General flexibility to waive these provisions in the event that there is a law enforcement, humanitarian or other important national interest justifying such waiver.

A part of this section related to spouses and adult children of persons in this category has been removed before Committee consideration.

Section 303. Clarification of exclusion of persons involved in drug traffickers (old section 3203)

This section makes minor changes to the law concerning exclusion of those the Attorney General or a consular officer has reason to believe are or have been an illicit trafficker in controlled substances.

A part of this section related to spouses and adult children of persons in this category has been removed before Committee consideration.

Section 304. Exclusion of persons involved in international alien smuggling (old section 3204)

This section will address the problem of excluding international alien smugglers where there is evidence that they have assisted aliens to illegally enter countries other than the United States, but not the United States. Often there is a strong likelihood that such assistance was part of a scheme to illegally bring such aliens into the U.S. or could develop into a scheme to illegally bring such aliens into the U.S., but under current law the alien providing such assistance may not be excludable. This provision will allow consular officers and the Immigration and Naturalization Service to find such aliens ineligible for entry into the U.S. when the alien should have known that the illegal entry into another country would have assisted other aliens to enter the U.S. in violation of law.

Section 305. Seizure of assets of persons arrested abroad (old section 4008)

This section relates to situations where a person has been arrested in a foreign country and there is a danger that property subject to forfeiture in the United States in connection with the foreign offenses will disappear if it is not immediately restrained. In the case of foreign arrests, it is possible for the property of the arrested person to be transferred out of the United States before U.S. law enforcement officials have received from the foreign country the evidence necessary to support a finding a probable cause for the seizure of the property in accordance with federal law. This situation is most likely to arise in the case of drug traffickers and money launderers whose bank accounts in the United States may be emptied within hours of an arrest by foreign authorities in the Latin America or Europe.

To ensure that property subject to forfeiture in such cases is preserved, the new provision provides for the issuance of an ex parte restraining order upon the application of the Attorney General and a statement that the order is needed to preserve the property while evidence supporting probable cause for seizure is obtained. A party whose property is retrained would have a right to a post-restraint hearing in accordance with Rule 65(b), Fed.R. Civ.

Section 306. Administrative summons authority under the Bank Secrecy Act (old section 4015)

This section will amend 31 U.S.C. §5318(b)(1) to expand the situations in which an administrative summons will be sufficient to obtain information from financial institutions subject to the Bank Secrecy Act (BSA). At present, the Secretary of the Treasury is permitted to examine information maintained at financial institutions under the requirements of the BSA, but is permitted to summon information or individuals only "in connection with investigations for the purpose of civil enforcement of violations of" BSA, it regulations, or certain related statutes. BSA policy requires the government to focus on the efficacy of compliance systems rather than attempt to identify particular BSA violations. Restriction of summons authority to investigations for the purpose of civil enforcement of BSA violations could hamper the ability of the Secretary to review the adequacy of compliance systems. In addition to existing civil enforcement authority, this amendment will enable the Secretary to review the adequacy of BSA compliance systems. Subpoena requests will remain subject to the account holder rights specified in the Right to Financial Privacy Act.

Section 307. Criminal and civil penalties under the International Emergency Economic Powers Act (old section 4018)

This provision will increase the monetary limits of the civil and criminal penalty authorities provided for in the International Emergency Economic Powers Act (IEEPA). IEEPA currently provides for civil penalties of up to $10,000 per violation of IEEPA prohibitions, and criminal penalties of up to $50,000 per violation for individual and corporations, and imprisonment for up to 10 years per violation by individuals and participating corporate officers. These limitations no longer constitute effective deterrents for flagrant or willful violations of IEEPA and are significantly less than the penalty limitations provided for in the Trading with the Enemy Act for violations of economic sanctions imposed under that statute. The ineffectiveness of the civil penalty cap is particularly apparent in situations where the IEEPA violation relates to transactions (and profits) valued at many times the maximum penalty amount. This section will raise the IEEPA civil penalty authority to $50,000 per violation, and raise the criminal penalty monetary limits to $250,000 per violation for individuals and participating corporate officers, as is provided for criminal offenses generally in 18 United States code §3571(b)(3), and $1 million per violation for corporations.

Section 308. Attempted violations of the Trading With the Enemy Act (old section 4019)

This section will amend the Trading with the Enemy Act (TWEA) to provide that criminal and civil penalties may be imposed not only against any person who violates a license, order, or regulation issued under TWEA, but also against a person who attempts to violate such a license, order, or regulation. last year, Congress added an "attempt" provision to the International Emergency Economic Powers Act (IEEPA), but did not add a similar provision to its companion statute, TWEA. TWEA lacks an attempt provision similar to those found in other export administration statutes, for example, the Export Administration Act. Recent executive orders imposing economic sanctions and regulations implementing such orders typically include language prohibiting attempted violations. Current case law in the federal circuit courts of appeal supports promulgation of regulations prohibiting attempts to violate statutes not explicitly containing attempt language. In spite of these factors, the absence of an attempt provision in TWEA makes prosecution of attempted violations more problematic. to clarify existing law and to insulate prosecutions of attempted violations from any possibility of attack based on the scope of the President's authority, these amendments expressly prohibit attempts to violate TWEA.

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

Section 401. Enhanced authority to investigate computer fraud and attacks on computer systems (old section 5101)

This section would add certain violations relating to computer crime to the list of serious criminal activity for which 18 U.S.C. §2516 permits court authorized interception of wire, oral, and electronic communications when the rigorous requirements of chapter 119 (including section 2516) are met. Violations of 18 U.S.C. §1030 can include computer fraud and attacks on computer systems, such as those controlling the public telecommunications networks, air traffic control, and the electric power network. In computer attack cases, since the evidence of the crime may lie largely in cyberspace, interceptions of wire and electronic communications may be the primary or only available avenue of investigation. Moreover, in computer cases where the activities originate from a business or university, voicetaps may be the only way to complete the identification of the criminal actually using the terminal involved. The statute limits wiretap authority to investigation of felony offenses.

Section 402. Jurisdiction over certain financial crimes committed abroad (old section 5102)

This section clarifies the extraterritorial jurisdiction of 18 U.S.C. §1029 (access device fraud). It expressly recognizes United States jurisdiction over access device fraud—including credit card fraud, debit card fraud and telecommunications fraud—in cases where the fraud causes an effect on an entity within the jurisdiction of the United States, even if the defendant has never physically entered the United States. Such a clarification is of great importance to the United States' ability to protect its financial system. The modern financial system relies substantially on access devices to access and utilize a vast array of accounts and systems, including credit and debit card accounts, accounts in banks and other financial institutions, electronic funds, and telecommunications systems. Increasingly, U.S. financial, corporate and government entities have implemented access device payment systems to conduct transactions reaching billions of dollars per day. The dramatic increase in electronic and computerized access to such systems from outside the United States has enhanced the vulnerabilities of these systems to criminal activities internationally. By recognizing that the United States has the authority to protect its access device systems against both foreign and domestic threats, this section ensures the security and integrity of United States based payment systems in the same way that 18 U.S.C. §470 ensures the integrity of United States currency. Together, this section and 18 U.S.C. §470 will enhance the United States' ability to protect its financial system and combat transnational financial crimes that target that system.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

Section 501. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies (old section 6001)

This proposal provides for expansion of the authorization to share forfeited property with foreign governments that cooperate in federal forfeitures. It was Section 406 of the "Forfeiture Act of 1996" which has been previously submitted to Congress. Section 981(i) of Title 18, U.S. Code, authorizes the sharing of forfeited property with foreign governments in certain circumstances. It currently applies to all civil and criminal forfeitures under 18 U.S.C. §§981, 982, which are the forfeiture statutes for most federal offenses in Title 18. Older parallel provisions applicable only to drug cases and Customs cases appear in 21 U.S.C. §881(e)(1)(E) and 19 U.S.C. §1616a(c)(2), respectively.

The amendment simply extends the existing sharing authority to all other criminal and civil forfeitures, including those undertaken pursuant to RICO, the Immigration and Naturalization Act, the antipornography and gambling laws, and other statutes throughout the United States Code. Because the amendment makes the parallel provisions in the drug and customs statutes unnecessary, Section 881(e) is amended to remove the redundancy.

Section 502. Streamlined procedures for execution of MLAT requests (old section 6002)

This section expands the authority of U.S. district courts to execute, or order execution of, foreign requests for assistance in criminal matters made pursuant to mutual legal assistance treaties (MLATs), conventions, and executive agreements such as an "antitrust mutual assistance agreement" (see, e.g., 15 U.S.C. §6201 et seq.). This section applies only when the execution of such a request requires or appears to require the use of compulsory measures in more than one district. On such occasions, this section permits a judge or judge magistrate in any district involved in a multidistrict execution, or in the District of Columbia, to execute the entire request.

The U.S. generally relies on 28 U.S.C. §1782—which authorizes the practice of appointing a "commissioner" to execute a foreign request for assistance—to provide the framework for executing foreign requests for assistance, whether made by letter rogatory, letter of request, request pursuant to an MLAT, or other similar form of request. Section 1782 calls for execution of the foreign request in the district where the witness resides or is found, or where the evidence is located. Consequently, the Attorney General—the authority to whom foreign requests in criminal matters are generally sent for execution—often transmits the same request to each district in which a witness or evidence may be located for execution of that portion directly connected to the district.

This practice of transmitting a request to each and every district in which assistance requested may be found is inefficient and prone to creating delay. A majority of requests entail execution in multiple districts. Execution of a multiple district request requires substantial coordination by U.S. authorities (e.g., often documents located in different districts must be produced and analyzed before testimony from witnesses located in other districts can be profitably taken) and duplication of efforts by U.S. authorities (e.g., a judge or magistrate judge, prosecutor, and assisting agent or agents in each district must become familiar with and involved in executing the same request). In addition to the profligate expenditure of U.S. resources, the practice often results in delay, rendering the U.S. unable to provide foreign law enforcement authorities, and especially foreign treaty partners, with the level of service that the U.S. would like to receive with respect to U.S. requests. Another problem often encountered with multidistrict requests is that a U.S. Attorney's Office designated to execute a portion of a request is unable to devote the necessary resources at the time requested. If timing is critical, and it often is, execution of the request in a district involved in another aspect of the execution, or in the District of Columbia, is a reasonable solution.

This proposal provides an alternative to the current practice of executing foreign requests for assistance only in each and every district in which a witness or evidence is located. Placing authority in a U.S. district court for a district otherwise involved in the execution of a multidistrict request, or in the U.S. District Court for the District of Columbia, should dramatically improve: (1) the efficient use of U.S. resources to execute foreign requests that involve multiple districts, and (2) the execution of requests involving multiple districts in a timely manner.

Providing the U.S. District Court for the District of Columbia as an alternative venue also permits the Attorney General, with requests that require substantial allocation of resources or coordination, to provide attorneys to undertake execution in the District of Columbia in conjunction with the United States Attorney's Office for the District of Columbia.

Finally, this proposal recognizes that executing foreign requests in criminal matters by requiring witnesses to appear in different districts from those in which they are located may create some hardships for witnesses, just as it does in domestic criminal investigations and prosecutions where the U.S. prosecutor subpoenas witnesses to appear anywhere in the U.S. (i.e., where in the U.S. the investigation or prosecution is taking place). This proposal contemplates the same possibility of travel to comply with a commissioner's order as in a domestic criminal investigation or prosecution; however, it provides a procedure to balance the hardship against the exigencies of the request. Upon notice to either the court or the commissioner executing the request, the court will decide whether to transfer execution involving the complaining witness to that witness' district by balancing the (1) inconvenience to the witness against the (2) negative impact upon execution of the request.

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN U.S. COURTS

Section 601. Reimbursement of state and local law enforcement agencies in international crime cases (old section 7001)

This proposal authorizes the Attorney General to designate funds to defray unusual expenses incurred by state and local jurisdictions in international extradition cases, including the costs of transporting the fugitive back to the United States and the cost of translating the extradition documents into the language of the foreign state.

State and local prosecutors are sometimes forced to abandon efforts to extradite serious offenders who have fled abroad because the prosecutors lack the resources to pay the cost of international extradition. Because extradition in cases involving violent offenders or career criminals is a national priority, this provision would authorize the Attorney General to allocate funds to pay the costs of such extraditions in serious cases if the state or local authorities certify that the financial assistance is needed. The Marshals Service spent about $900,000 last year transporting federal fugitives back to the U.S., and it estimates that transportation of all state and local fugitives could cost twice that amount. The Marshals Service currently retrieves fugitives from abroad for state and local jurisdictions, on a reimbursable basis.

This provision is not intended to shift the entire financial burden that may be involved in international cases from states and localities to the federal government. Rather, it provides authority to assist state and localities in meeting extraordinary expenses that could not reasonably be anticipated in the local jurisdiction's ordinary budget process.

Section 602. Facilitating the admission of foreign records in United States courts (old section 7002)

This section provides a statutory basis to authenticate and admit into evidence, in federal judicial proceedings, foreign-based records of regularly conducted activity obtained pursuant to official requests. The section expands the extant statutory basis with respect to foreign business records, making records produced in accordance with the statute admissible to civil proceedings (whereas the statute currently authorizes admission only in criminal proceedings). The section also provides an independent statutory basis for foreign official records, treating official records produced in accordance with the statute as admissible in a fashion similar to foreign business records. The section continues to incorporate elements of the Federal Rules of Evidence, especially Rule 803(6), that ensure the reliability of the foreign records and maintains the requirement of a foreign certification or similar certification provided by treaty, convention, or agreement.

To make foreign business records admissible in a civil proceeding under Federal Rules of Evidence 803(6) and 901(a)(1), a foreign custodian or other qualified witness must give testimony, either by appearing at a proceeding in the U.S. or by providing a deposition taken abroad and introduced at the U.S. proceeding, which testimony or deposition establishes that the foreign business records are authentic (901(a)(1)) and reliable (Rule 803(6)). The United States has no means by which to compel the attendance of a foreign custodian or other qualified foreign witness at a U.S. proceeding to testify. Thus, to adduce the requisite testimony, U.S. authorities must (1) rely on the prospective witness' willingness to voluntarily appear (which is rare and subject to vicissitude) or (2) attempt to depose the witness abroad. The latter process is unduly cumbersome and not available in many situations (e.g., in matters involving tax administration pursuant to tax treaties or agreements). This section provides a streamlined process for making foreign business records admissible without having to rely on the unpredictability of a foreign witness' voluntary travel to the U.S. or the unpredictable and cumbersome process of deposing the witness abroad.

Foreign official records include records of birth, vehicle registry, property transfer and liens, foreign business incorporation, and the like. Such records are routinely kept in much the same manner as business records. This section authorizes a single certification for both self-authentication and foundation for an exception to the hearsay rule similar to that currently available for foreign business records. It, likewise, will streamline the process of securing documents admissible in U.S. judicial proceedings while, at the same time, maintaining assurances of reliability.

Section 603. Prohibiting fugitives from benefitting from time served abroad (old section 7004)

This proposal is designed so that defendants who become fugitives either by fleeing the United States, or by remaining outside the United States (in the event they are sought based on an assertion of extraterritorial jurisdiction), in order to avoid trial and punishment do not inappropriately benefit from their actions. Because U.S. prison time is now credited to fugitives after their return to the U.S. for the time during which fugitives pursue tactics in foreign countries designed to delay their return and trial in the United States, the current law unwittingly encourages fugitives to file every frivolous challenge to their rendition which is available, in order to delay the case and perhaps weaken the prosecution's case. This proposal is needed because the time consuming and complex nature of the international extradition process which involves foreign sovereigns, foreign legal laws and processes, and foreign languages, typically creates substantially longer delays than the delays that occur in the comparable domestic situation. Nationwide Federal jurisdiction and interstate compacts typically result in the swift rendition of interstate fugitives.

Mr. LEAHY. Mr. President, I am pleased to have been able to work with the Senator from Utah to gain passage of this important legislation, the Improvements to International Crime and

Anti-Terrorism Amendments of 1998. It will give United States law enforcement agencies important tools to help them combat international crime.

Unfortunately, recent incidents have made amply clear that crime and terrorism directed at Americans and American interests abroad are part of our modern reality. The bombings of U.S. embassies in Kenya and Tanzania are just the most recent reminders of how vulnerable American citizens and interests are to terrorist attacks. In a shockingly brutal attack, more than 250 men, women and children, were murdered in cold blood. Among those 250 victims were 12 of our fellow citizens.

With improvements in technology, criminals now can move about the world with ease. They can transfer funds with a push of a button, or use computers and credit card numbers to steal from American citizens and businesses from any spot on the globe. They can strike at Americans here and abroad. The playing field keeps changing, and we need to change with it.

This bill does exactly that, not with sweeping changes but with thoughtful provisions carefully targeted at specific problems faced by law enforcement. The bill gives tools and protection to investigators and prosecutors, while narrowing the room for maneuver that international criminals and terrorists now enjoy.

I initially introduced certain provisions of this bill on April 30, 1998, in the Money Laundering Enforcement and Combating Drugs in Prisons Act of 1998, S. 2011, with Senators DASCHLE, KOHL, FEINSTEIN, and CLELAND. Again, on July 14, 1998, I introduced with Senator BIDEN, on behalf of the Administration, the International Crime Control Act of 1998, S. 2303, which contains many of the provisions set forth in this bill. Virtually all of the provisions in the bill were included in another major anti-crime bill, the "Safe Schools, Safe Streets, and Secure Borders Act of 1998," that I introduced on September 16, 1998, along with Senators DASCHLE, BIDEN, MOSELEY-BRAUN, KENNEDY, KERRY, LAUTENBERG, MIKULSKI, BINGAMAN, REID, MURRAY, DORGAN, and TORRICELLI.

We have drawn from these more comprehensive bills a set of discrete improvements that enjoy bipartisan support so that important provisions may be enacted promptly. Each of these provisions has been a law enforcement priority.

The bill would provide discretionary authority for investigations and prosecutions of organized crime groups that kill or threaten violence against Americans abroad, when in the view of the Attorney General, the organized crime group was trying to further its objectives. This should not be viewed as an invitation for American law enforcement officers to start investigating organized crime around the world, but when such groups are targeting Americans abroad for physical violence and the Attorney General believes it is necessary, we must act.

In addition, the bill would expand current law to criminalize murder and other serious crimes committed against state and local officials who are working abroad with federal authorities on joint projects or operations. The penalties for murder against such state or local officials, who are acting abroad under the auspices of the federal government, are the same as for federal officers, under section 1119 of title 18, United States Code, and would therefore authorize imposition of the death penalty. While I oppose the death penalty, there is no reason to distinguish the penalties for murder of federal versus non-federal officials, who are both acting under the auspices of the Federal Government.

Also, the authority of the Attorney General to bring such prosecutions is limited so as not to interfere with the criminal jurisdiction of the foreign nation where the murder occurred. Thus, I would expect this authority to be exercised only in the rare circumstance in which the Attorney General believes the foreign country is not adequately addressing the crime.

The bill contains provisions to protect our maritime borders by providing realistic sanctions for vessels that fail to "heave to" or otherwise obstruct the Coast Guard. No longer will drug-runners be able to stall or resist Coast Guard commands with impunity. The additional sanctions for resisting "heave to" orders and for lying to law enforcement officers about a boat's destination, origin and other pertinent matters, will help the Coast Guard in its efforts to interdict illegal drugs and other contraband.

The bill also provides specific authority to exclude from entry into our country international criminals and terrorists, including those engaged in flight to avoid foreign prosecution, alien smuggling, or arms or drug trafficking under specific circumstances. At the same time, we ensure that the Attorney General has full authority to make exceptions for humanitarian and similar reasons.

The bill includes important money laundering provisions strongly supported by law enforcement. At a recent Judiciary Committee hearing on anti-terrorism, FBI Director Louis Freeh noted the importance of money laundering laws as a tool in stopping not only international drug kingpins, but also international terrorists, such as Usama bin Laden, the multi-millionaire terrorist who has been linked to the recent embassy bombings.

The bill has two important provisions aimed at computer crimes: it provides expanded wiretap authority, subject to court order, to cover computer crimes, and also gives us extraterritorial jurisdiction over access device fraud, such as stealing telephone credit card numbers, where the victim of the fraud is within our borders.

We cannot stop international crime without international cooperation, however. This bill facilitates such cooperation by allowing our country to share the proceeds of joint forfeiture operations, to encourage participation by foreign countries. It streamlines procedures for executing MLAT requests that apply to multiple judicial districts. Furthermore, the bill addresses the essential but often overlooked role of state and local law enforcement in combating international crime, and authorizes reimbursement of state and local authorities for their cooperation in international crime cases. The bill helps our prosecutors in international crime cases by facilitating the admission of foreign records in U.S. courts. Finally, it will speed the wheels of justice by prohibiting international criminals from being credited with any time they serve abroad while they fight extradition to face charges in our country.

These are important provisions that I have advocated for some time. They are helpful, solid law enforcement provisions. I thank my friend from Utah, Senator HATCH, for his help in making this bill a reality. Working together, we were able to craft a bipartisan bill that will accomplish what all of us want, to make America a safer and more secure place.

Finally, I would like to address the encryption amendment that Senator KYL offered and then withdrew during Committee consideration of this bill. This amendment would have criminalized the use of encryption in the commission of any federal felony.

Unlike analogous provisions incorporated into pending encryption bills, the Kyl amendment was not limited in any way to the criminal use of encryption "for the purpose of avoiding detection by law enforcement agencies or prosecution", as reflected in the SAFE bill, H.R. 695, or "with the intent to conceal that communication or information for the purpose of avoiding detection by a law enforcement agency or prosecutor," as reflected in the Ashcroft-Leahy E-PRIVACY bill, S. 2067. The scope of the offered Kyl amendment raised concerns about inviting government over-reaching. There is no requirement in the amendment, for example, that a conviction for use of encryption be predicated on a conviction of any underlying criminal offense.

Moreover, were this amendment to become law, it could chill even the routine use of encryption in the course of every day business, such as communications between clients and lawyers or accountants, since the mere use of encryption could result in exposure to substantial criminal penalties of up to five years in prison.

In addition, as I noted during the committee's discussion of the amendment, the definition of encryption in the offered Kyl amendment varied greatly from definitions used in pending legislation, including bills I have introduced and cosponsored, that have been thoroughly vetted with encryption and other technical exports. The Kyl amendment definition of "encryption" is drafted so broadly that it could apply to any transformation of analog to digital communications, without any use of mathematical algorithms commonly associated with encryption. We can and should do better if we are going to add a definition of this highly technical operation to the criminal code for the first time.

I appreciate the chairman's efforts, and Senator KYL's willingness, to address this issue in a considered fashion in the next Congress.

As a former prosecutor, I have long been concerned about helping law enforcement have the tools necessary to deal with changing technologies, and at the same time provide procedural safeguards to protect privacy and other important constitutional rights of American citizens. That is why I sponsored, among other laws, the Electronic Communications Privacy Act in 1986 and the Communications Assistance for Law Enforcement Act in 1994, and worked with Senator KYL and Chairman HATCH on passage of the National Information Infrastructure Protection Act in 1996 and, most recently, on identity theft legislation.

When it comes to encryption, I fully appreciate the challenge such technology poses for law enforcement officers, who may increasingly find that the communications they capture during court authorized electronic surveillance is unintelligible because it is scrambled with encryption technology. In the last Congress, I introduced legislation, S. 1587, that contained a provision to criminalize the use of encryption to obstruct justice. Again, in this Congress, I have introduced a bill with such a provision, S. 376, and cosponsored with Senator ASHCROFT yet another bill, S. 2067, that contains a criminal penalty for the willful use of encryption to conceal incriminating communications or information. Thus, taking the step of creating a new crime to address the criminal use of encryption is not a new idea to me.

I remain frustrated that sound encryption legislation was not enacted this year, particularly since this technology is such an effective crime prevention tool. The longer we go without addressing encryption policy in a comprehensive fashion, the longer our computer information, networks and critical infrastructures remain vulnerable to cyber-attacks and theft.

I encourage the FBI to continue working with industry to try to define some cooperative efforts to facilitate court ordered access to encrypted files and communications. But the job of Congress is to ensure that procedural safeguards are in place to guide such cooperation in ways that comport with our Constitution. I look forward to working with Senator KYL, as we have successfully in the past on technology issues, and with other members, on comprehensive encryption legislation that addresses both the criminal use of encryption as well as policy changes to promote the widespread use of encryption as a shield against cybercrime.

CRIMINALIZING THE USE OF ENCRYPTION

Mr. KYL. Mr. President, I am concerned over our inability to advance good policy on encryption this Congress. The Senate has held many hearings on encryption, and there have been a number of bills introduced, with nothing concrete to show for it. What these bills have in common is an approach that would fold all aspects of national policy on encryption into one legislative vehicle. That has been a recipe for gridlock.

Meanwhile, terrorist and criminals and drug lords are increasingly using encryption to hide their acts from law enforcement investigators. This already serious problem will continue to worsen unless we find some way to level the playing field.

In committee, I offered an amendment I believed to be noncontroversial. It would criminalize the use of encryption in furtherance of a crime. It echoes language that appeared in each and every encryption bill introduced this Congress. And yet, it was rejected by some Members because it did not address other aspects of encryption policy. We need to get beyond this all-or-nothing approach.

Mr. HATCH. I am generally supportive of the concept embodied in the amendment offered by the Senator from Arizona which was discussed in committee, and I regret that it was not possible to work out acceptable language to include in this bill. Next Congress, I believe the Judiciary Committee should take up the challenge of reviewing this Nation's encryption policies and ensure that law enforcement agencies can continue to fulfill their critical responsibilities. This review will include a hearing to consider the FBI's proposed Technical Support Center, in order to evaluate its potential for solving some of law enforcement's access concerns. I pledge my support to help enact legislation to address the use of encryption in furtherance of a felony.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2539) was read the third time and passed as follows:

S. 2536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Crime and Anti-Terrorism Amendments of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST UNITED STATES NATIONALS ABROAD

Sec. 101. Murder and extortion against United States nationals abroad in furtherance of organized crime.
Sec. 102. Murder or serious assault of a State or local official abroad.

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

Sec. 201. Sanctions for failure to heave to, obstructing a lawful boarding, and providing false information.

TITLE III—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

Sec. 301. Inadmissibility of persons fleeing prosecution in other countries.
Sec. 302. Inadmissibility of persons involved in racketeering and arms trafficking.
Sec. 303. Clarification of inadmissibility of persons who have benefited from illicit activities of drug traffickers.
Sec. 304. Inadmissibility of persons involved in international alien smuggling.
Sec. 305. Seizure of assets of persons arrested abroad.
Sec. 306. Administrative summons authority under the Bank Secrecy Act.
Sec. 307. Criminal and civil penalties under the International Emergency Economic Powers Act.
Sec. 308. Attempted violations of the Trading With the Enemy Act.

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

Sec. 401. Enhanced authority to investigate computer fraud and attacks on computer systems.
Sec. 402. Jurisdiction over certain financial crimes committed abroad.

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

Sec. 501. Sharing proceeds of joint forfeiture operations with cooperating foreign agencies.
Sec. 502. Streamlined procedures for execution of MLAT requests.

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN UNITED STATES COURTS

Sec. 601. Reimbursement of State and local law enforcement agencies in international crime cases.
Sec. 602. Facilitating the admission of foreign records in United States courts.

Sec. 603. Prohibiting fugitives from benefiting from time served abroad.

TITLE I—INVESTIGATING AND PUNISHING VIOLENT CRIMES AGAINST UNITED STATES NATIONALS ABROAD

SEC. 101. MURDER AND EXTORTION AGAINST UNITED STATES NATIONALS ABROAD IN FURTHERANCE OF ORGANIZED CRIME.

Section 2332 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following:

"(d) Extortion of United States Nationals Abroad.—Whoever commits or attempts to commit extortion against a national of the United States, while the national is outside the United States, shall be fined under this title, imprisoned not more than 20 years, or both.";

(3) in subsection (e), as redesignated, by inserting ", or was intended to further the objectives of an organized criminal group. A certification under this paragraph shall not be subject to judicial review" before the period at the end; and

(4) by adding at the end the following:

"(f) Rule of Construction.—Nothing in this section may be construed as indicating an intent on the part of Congress—

"(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

"(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.

"(g) Definitions.—In this section—

"(1) the term 'extortion' means the obtaining of property worth $100,000 or more from another by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged or destroyed; and

"(2) the term 'organized criminal group' means a group that has a hierarchical structure or is a continuing enterprise, and that is engaged in or has as a purpose the commission of an act or acts that would constitute racketeering activity (as defined in section 1961) if committed within the United States.".

SEC. 102. MURDER OR SERIOUS ASSAULT OF A STATE OR LOCAL OFFICIAL ABROAD.

(a) In General.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§1123. Murder or serious assault of a State or local law enforcement, judicial, or other official abroad

"(a) Definitions.—In this section:

"(1) Serious bodily injury.—The term 'serious bodily injury' has the meaning given the term in section 2119.

"(2) State.—The term 'State' has the meaning given the term in section 245(d).

"(b) Penalties.—Whoever, in the circumstance described in subsection (c)—

"(1) kills or attempts to kill an official of a State or a political subdivision thereof shall be punished as provided in sections 1111, 1112, and 1113; or

"(2) assaults an official of a State or a political subdivision thereof, if that assault results in serious bodily injury shall be punished as provided in section 113.

"(c) Circumstance Described.—The circumstance described in this subsection is that the official of a State or political subdivision—

"(1) is outside the territorial jurisdiction of the United States; and

"(2) is engaged in, or the prohibited activity occurs on account of the performance by that official of training, technical assistance, or other assistance to the United States or a foreign government in connection with any program funded, in whole or in part, by the Federal Government.

"(d) Limitations on Prosecution.—No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated and shall not be subject to judicial review.

"(e) Rule of Construction.—Nothing in this section may be construed to indicate an intent on the part of Congress—

"(1) to interfere with the exercise of criminal jurisdiction by the nation or nations in which the criminal act occurred; or

"(2) to mandate that each potential violation should be the subject of investigation or prosecution by the United States.".

(b) Technical and Conforming Amendment.—The analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"1123. Murder or serious assault of a State or local law enforcement, judicial, or other official abroad.".

TITLE II—STRENGTHENING THE BORDERS OF THE UNITED STATES

SEC. 201. SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTING A LAWFUL BOARDING, AND PROVIDING FALSE INFORMATION.

(a) In General.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information

"(a) Definitions.—In this section:

"(1) Federal law enforcement officer.—The term 'Federal law enforcement officer' has the meaning given that term in section 115(c).

"(2) Heave to.—The term 'heave to' means, with respect to a vessel, to cause that vessel to slow or come to a stop to facilitate a law enforcement boarding by adjusting the course and speed of the vessel to account for the weather conditions and the sea state.

"(3) Vessel of the United States; vessel subject to the jurisdiction of the United States.—The terms 'vessel of the United States' and 'vessel subject to the jurisdiction of the United States' have the meanings given those terms in section 3 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

"(b) Failure To Obey an Order To Heave To.—

"(1) In general.—It shall be unlawful for the master, operator, or person in charge of a vessel of the United States or a vessel subject to the jurisdiction of the United States, to fail to obey an order to heave to that vessel on being ordered to do so by an authorized Federal law enforcement officer.

"(2) Impeding boarding; providing false information in connection with a boarding.—It shall be unlawful for any person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States knowingly or willfully to—

"(A) fail to comply with an order of an authorized Federal law enforcement officer in connection with the boarding of the vessel;

"(B) impede or obstruct a boarding or arrest, or other law enforcement action authorized by any Federal law; or

"(C) provide false information to a Federal law enforcement officer during a boarding of a vessel regarding the destination, origin, ownership, registration, nationality, cargo, or crew of the vessel.

"(c) Statutory Construction.—Nothing in this section may be construed to limit the authority granted before the date of enactment of the International Crime and Anti-Terrorism Amendments of 1998 to—

"(1) a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581) or any other provision of law enforced or administered by the United States Customs Service; or

"(2) any Federal law enforcement officer under any Federal law to order a vessel to heave to.

"(d) Consent or Waiver of Objection by a Foreign Country.—

"(1) In general.—A foreign country may consent to or waive objection to the enforcement of United States law by the United States under this section by international agreement or, on a case-by-case basis, by radio, telephone, or similar oral or electronic means.

"(2) Proof of consent or waiver.—The Secretary of State or a designee of the Secretary of State may prove a consent or waiver described in paragraph (1) by certification.

"(e) Penalties.—Any person who intentionally violates any provision of this section shall be fined under this title, imprisoned not more than 5 years, or both.

"(f) Seizure of Vessels.—

"(1) In general.—A vessel that is used in violation of this section may be seized and forfeited.

"(2) Applicability of laws.—

"(A) In general.—Subject to subparagraph (C), the laws described in subparagraph (B) shall apply to seizures and forfeitures undertaken, or alleged to have been undertaken, under any provision of this section.

"(B) Laws described.—The laws described in this subparagraph are the laws relating to the seizure, summary, judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of the property or the proceeds from the sale thereof, the remission or mitigation of the forfeitures, and the compromise of claims.

"(C) Execution of duties by officers and agents.—Any duty that is imposed upon a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to a seizure or forfeiture of property under this section by the officer, agent, or other person that is authorized or designated for that purpose.

"(3) In rem liability.—A vessel that is used in violation of this section shall, in addition to any other liability prescribed under this subsection, be liable in rem for any fine or civil penalty imposed under this section.".

(b) Technical and Conforming Amendment.—The analysis for chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"2237. Sanctions for failure to heave to; sanctions for obstruction of boarding or providing false information.".

TITLE III—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS AND ENHANCING NATIONAL SECURITY RESPONSES

SEC. 301. INADMISSIBILITY OF PERSONS FLEEING PROSECUTION IN OTHER COUNTRIES.

(a) New Grounds of Inadmissibility.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

"(G) Unlawful flight to avoid prosecution.—Any alien who is coming to the United States solely, principally, or incidentally to avoid lawful prosecution in a foreign country for a crime involving moral turpitude (other than a purely political offense) is inadmissible.".

(b) Countries to Which Aliens May Be Removed.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (3)(A), by striking "(1) and (2)" and inserting "(1), (2), and (4)"; and

(2) by adding at the end the following:

"(4) Aliens sought for prosecution.—Notwithstanding paragraphs (1) and (2) of this subsection, any alien who is found removable under section 212(a)(2)(G) (or section 212(a)(2)(G) as applied pursuant to section 237(a)(1)(A)), shall be removed to the country seeking prosecution of that alien unless, in the discretion of the Attorney General, the removal is determined to be impracticable, inadvisable, or impossible. In that case, removal shall be directed according to paragraphs (1) and (2) of this subsection.".

SEC. 302. INADMISSIBILITY OF PERSONS INVOLVED IN RACKETEERING AND ARMS TRAFFICKING.

(a) New Grounds of Inadmissibility.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following:

"(H) Racketeering activities.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been engaged in activities that, if engaged in within the United States, would constitute 'pattern of racketeering activity' (as defined in section 1961 of title 18, United States Code) or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity.

"(I) Trafficking in firearms or nuclear or explosive materials.—Any alien inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been engaged in illicit trafficking of firearms (as defined in section 921 of title 18, United States Code), nuclear materials (as defined in section 831 of title 18, United States Code), or explosive materials (as defined in section 841 of title 18, United States Code); or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit activity.".

(b) Waiver Authority.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182) is amended, in the matter preceding paragraph (1)—

(1) by striking "The Attorney General" and all that follows through "of subsection (a)(2)" and inserting the following: "The Attorney General may, as a matter of discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2),"; and

(2) by inserting before "if—" the following: ", and subparagraph (H) of that subsection insofar as it relates to an offense other than an aggravated felony".

SEC. 303. CLARIFICATION OF INADMISSIBILITY OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF DRUG TRAFFICKERS.

Section 212(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)(2)(C)) is amended to read as follows:

"(C) Controlled substance traffickers.—Any alien is inadmissible if the consular officer or the Attorney General knows or has reason to believe that the alien is or has been an illicit trafficker in any controlled substance or in any listed chemical or listed precursor chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or is or has been a knowing assister, abettor, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical.".

SEC. 304. INADMISSIBILITY OF PERSONS INVOLVED IN INTERNATIONAL ALIEN SMUGGLING.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(6), by striking subparagraph (E) and inserting the following:

"(E) Smugglers.—Any alien is inadmissible if, at any time, the alien has knowingly encouraged, induced, assisted, abetted, or aided any other alien—

"(i) to enter or try to enter the United States in violation of law; or

"(ii) to enter or try to enter any other country, if that alien knew or reasonably should have known that the entry or attempted entry was likely to be in furtherance of the entry or attempted entry by that alien into the United States in violation of law."; and

(2) in subsection (d)(11)—

(A) by striking "clause (i) of"; and

(B) by inserting "or to enter any other country in furtherance of an entry or attempted entry into the United States in violation of law" before the period at the end.

SEC. 305. SEIZURE OF ASSETS OF PERSONS ARRESTED ABROAD.

Section 981(b) of title 18, United States Code, is amended by adding at the end the following:

"(3)(A) If any person is arrested or charged in a foreign country in connection with an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the property is located for an ex parte order restraining the property subject to forfeiture for not more than 30 days, except that the time may be extended for good cause shown at a hearing conducted in the manner provided in Rule 43(e), Federal Rules of Civil Procedure.

"(B) An application for a restraining order under subparagraph (A) shall—

"(i) set forth the nature and circumstances of the foreign charges and the basis for belief that the person arrested or charged has property in the United States that would be subject to forfeiture; and

"(ii) contain a statement that the restraining order is necessary to preserve the availability of property for such time as is necessary to receive evidence from the foreign country or elsewhere in support of probable cause for the seizure of the property under this subsection.".

SEC. 306. ADMINISTRATIVE SUMMONS AUTHORITY UNDER THE BANK SECRECY ACT.

Section 5318(b) of title 31, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) Scope of power.—The Secretary of the Treasury may take any action described in paragraph (3) or (4) of subsection (a) for the purpose of—

"(A) determining compliance with the rules of this subchapter or any regulation issued under this subchapter; or

"(B) civil enforcement of violations of this subchapter, section 21 of the Federal Deposit Insurance Act, section 411 of the National Housing Act, or chapter 2 of Public Law 91–508 (12 U.S.C. 1951 et seq.), or any regulation issued under any such provision.".

SEC. 307. CRIMINAL AND CIVIL PENALTIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) Increased Civil Penalty.—Section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)), is amended by striking "$10,000" and inserting "$50,000".

(b) Increased Criminal Fine.—Section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)), is amended to read as follows:

"(b) Whoever willfully violates any license, order, or regulation issued under this chapter shall be fined not more than $1,000,000 if an organization (as defined in section 18 of title 18, United States Code), and not more than $250,000, imprisoned not more than 10 years, or both, if an individual.".

SEC. 308. ATTEMPTED VIOLATIONS OF THE TRADING WITH THE ENEMY ACT.

Section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) is amended—

(1) in subsection (a), by inserting "or attempt to violate" after "violate" each time it appears; and

(2) in subsection (b)(1), by inserting "or attempts to violate" after "violates".

TITLE IV—RESPONDING TO EMERGING INTERNATIONAL CRIME THREATS

SEC. 401. ENHANCED AUTHORITY TO INVESTIGATE COMPUTER FRAUD AND ATTACKS ON COMPUTER SYSTEMS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ", a felony violation of section 1030 (relating to computer fraud and attacks on computer systems)" before "section 1992 (relating to wrecking trains)".

SEC. 402. JURISDICTION OVER CERTAIN FINANCIAL CRIMES COMMITTED ABROAD.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g) Jurisdiction Over Certain Financial Crimes Committed Abroad.—Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b), shall be subject to the same penalties as if that offense had been committed in the United States, if the act—

"(1) involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

"(2) causes, or if completed would have caused, a transfer of funds from or a loss to an entity listed in paragraph (1).".

TITLE V—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

SEC. 501. SHARING PROCEEDS OF JOINT FORFEITURE OPERATIONS WITH COOPERATING FOREIGN AGENCIES.

(a) In General.—Section 981(i)(1) of title 18, United States Code, is amended by striking "this chapter" and inserting "any provision of Federal law".

(b) Conforming Amendment.—Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)(1)) is amended—

(1) in subparagraph (C), by adding "or" at the end;

(2) in subparagraph (D), by striking "; or" and inserting a period; and

(3) by striking subparagraph (E).

SEC. 502. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"§ 1790. Assistance to foreign authorities

"(a) IN GENERAL.—

"(1) PRESENTATION OF REQUESTS.—The Attorney General may present a request made by a foreign government for assistance with respect to a foreign investigation, prosecution, or proceeding regarding a criminal matter pursuant to a treaty, convention, or executive agreement for mutual legal assistance between the United States and that government or in accordance with section 1782, the execution of which requires or appears to require the use of compulsory measures in more than 1 judicial district, to a judge or judge magistrate of—

"(A) any 1 of the districts in which persons who may be required to appear to testify or produce evidence or information reside or are found, or in which evidence or information to be produced is located; or

"(B) the United States District Court for the District of Columbia.

"(2) AUTHORITY OF COURT.—A judge or judge magistrate to whom a request for assistance is presented under paragraph (1) shall have the authority to issue those orders necessary to execute the request including orders appointing a person to direct the taking of testimony or statements and the production of evidence or information, of whatever nature and in whatever form, in execution of the request.

"(b) AUTHORITY OF APPOINTED PERSONS.—A person appointed under subsection (a)(2) shall have the authority to—

"(1) issue orders for the taking of testimony or statements and the production of evidence or information, which orders may be served at any place within the United States;

"(2) administer any necessary oath; and

"(3) take testimony or statements and receive evidence and information.

"(c) PERSONS ORDERED TO APPEAR.—A person ordered pursuant to subsection (b)(1) to appear outside the district in which that person resides or is found may, not later than 10 days after receipt of the order—

"(1) file with the judge or judge magistrate who authorized execution of the request a motion to appear in the district in which that person resides or is found or in which the evidence or information is located; or

"(2) provide written notice, requesting appearance in the district in which the person resides or is found or in which the evidence or information is located, to the person issuing the order to appear, who shall advise the judge or judge magistrate authorizing execution.

"(d) TRANSFER OF REQUESTS.—

"(1) IN GENERAL.—The judge or judge magistrate may transfer a request under subsection (c), or that portion requiring the appearance of that person, to the other district if—

"(A) the inconvenience to the person is substantial; and

"(B) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

"(2) EXECUTION.—Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with subsections (a) and (b).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"1790. Assistance to foreign authorities.".

TITLE VI—STREAMLINING THE INVESTIGATION AND PROSECUTION OF INTERNATIONAL CRIMES IN UNITED STATES COURTS

SEC. 601. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN INTERNATIONAL CRIME CASES.

The Attorney General may obligate, as necessary expenses, from any appropriate appropriation account available to the Department of Justice in fiscal year 1998 or any fiscal year thereafter, the cost of reimbursement to State or local law enforcement agencies for translation services and related expenses, including transportation expenses, in cases involving extradition or requests for mutual legal assistance from foreign governments.

SEC. 602. FACILITATING THE ADMISSION OF FOREIGN RECORDS IN UNITED STATES COURTS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"§ 2466. Foreign records

"(a) DEFINITIONS.—In this section:

"(1) BUSINESS.—The term 'business' includes business, institution, association, profession, occupation, and calling of every kind whether or not conducted for profit.

"(2) FOREIGN CERTIFICATION.—The term 'foreign certification' means a written declaration made and signed in a foreign country by the custodian of a record of regularly conducted activity or another qualified person, that if falsely made, would subject the maker to criminal penalty under the law of that country.

"(3) FOREIGN RECORD OF REGULARLY CONDUCTED ACTIVITY.—The term 'foreign record of regularly conducted activity' means a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, maintained in a foreign country.

"(4) OFFICIAL REQUEST.—The term 'official request' means a letter rogatory, a request under an agreement, treaty or convention, or any other request for information or evidence made by a court of the United States or an authority of the United States having law enforcement responsibility, to a court or other authority of a foreign country.

"(b) FOREIGN RECORDS.—In a civil proceeding in a court of the United States, including civil forfeiture proceedings and proceedings in the United States Claims Court and the United States Tax Court, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness, a foreign record of regularly conducted activity, or copy of the record, obtained pursuant to an official request, shall not be excluded as evidence by the hearsay rule if the foreign certification is obtained pursuant to subsection (c).

"(c) FOREIGN CERTIFICATION.—A foreign certification meeting the requirements of this subsection is a foreign certification, obtained pursuant to an official request, that adequately identifies the foreign record and attests that—

"(1) the record was made, at or near the time of the occurrence of the matters set forth, by (or from information transmitted by) a person with knowledge of those matters;

"(2) the record was kept in the course of a regularly conducted business activity;

"(3) the business activity made or kept such a record as a regular practice; and

"(4) if the record is not the original, the record is a duplicate of the original.

"(d) AUTHENTICATION.—A foreign certification under this section shall authenticate the record or duplicate.

"(e) CONSIDERATION OF MOTION.—

"(1) NOTICE.—As soon as practicable after a responsive pleading has been filed, a party intending to offer in evidence under this section a foreign record of regularly conducted activity shall provide written notice of that intention to each other party.

"(2) OPPOSING MOTION.—A motion opposing admission in evidence of the record under paragraph (1) shall be made by the opposing party and determined by the court before trial. Failure by a party to file that motion before trial shall constitute a waiver of objection to the record or duplicate, but the court for cause shown may grant relief from the waiver.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

"2466. Foreign records.".

SEC. 603. PROHIBITING FUGITIVES FROM BENEFITING FROM TIME SERVED ABROAD.

Section 3585 of title 18, United States Code, is amended by adding at the end the following:

"(c) EXCLUSION FOR TIME SERVED ABROAD.—Notwithstanding subsection (b), a defendant shall receive no credit for any time spent in official detention in a foreign country if—

"(1) the defendant fled from, or remained outside of, the United States to avoid prosecution or imprisonment;

"(2) the United States officially requested the return of the defendant to the United States for prosecution or imprisonment; and

"(3) the defendant is in custody in the foreign country pending surrender to the United States for prosecution or imprisonment.".

COMMENDING THE CREW MEMBERS OF THE U.S. NAVY DESTROYERS OF DESRON 61

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 308, introduced earlier today by Senators DODD and INOUYE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 308) commending the crew members of the U.S. Navy destroyers of Desron 61 for their heroism, intrepidity and skill in action in the only surface engagement occurring inside Tokyo Bay during World War II.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I rise today to commend the crews of the United States Navy destroyers of Destroyer Squadron 61 who participated in the July 22, 1945 surface naval engagement in Tokyo Bay. That night, the squadron detached from Admiral Halsey's Task Group 38.1, avoided a typhoon, and steamed towards the Japanese mainland. The alert sailors of the squadron identified radar contacts that turned out to be a four-ship Japanese convoy. The squadron commander maneuvered his destroyers on various courses and attacked the convoy with gunfire and torpedoes. At the conclusion of the daring surface engagement, two enemy ships had been sunk, one probably sunk, and one damaged. United States forces suffered neither damage nor casualties. The nine destroyers of the squadron were: U.S.S. *DeHaven*, U.S.S. *Mansfield*, U.S.S. *Swenson*, U.S.S. *Collett*, U.S.S. *Maddox*, U.S.S. *Blue*, U.S.S. *Brush*, U.S.S. *Taussig*, and U.S.S. *Moore*. The sailors who manned those destroyers during this unprecedented operation are deserving of this nation's deepest gratitude, and I hope that my colleagues will join me in this small act of recognition.

Mr. CRAIG. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statement relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 308) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 308

Whereas DesRon 61, a group of nine United States destroyers composed of the U.S.S. DeHaven (DD 727), U.S.S. Mansfield (DD 728), U.S.S. Swenson (DD 729), U.S.S. Collett (DD 730), U.S.S. Maddox (DD 731), U.S.S. Blue (DD 744) U.S.S. Brush (DD 745) U.S.S. Taussig (DD 746) and U.S.S. Moore (DD 747), and commanded by Captain T.H. Hederman, penetrated Tokyo Bay, Japan, on rough seas and at night;

Whereas, although surrounded in darkness, the vigilant and intrepid members of the crews of the United States destroyers were able to detect a Japanese convey attempting to sneak out of Tokyo Bay along the coastline, engage and defeat the heavily-armed warships of the Imperial Japanese Navy escorting the convoy, and subdue the convoy; and

Whereas the victory was gained without the loss of a single sailor or ship: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States commends the members of the crews of the United States Navy destroyers of DesRon 61 who participated in the July 22, 1945, surface naval engagement in Tokyo Bay for their heroism, intrepidity, and skill in battle that contributed to the defeat of Japanese forces in World War II.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCONNELL). Without objection, it is so ordered.

RECESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today.

There being no objection, at 1 p.m., the Senate recessed until 2:28 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, asks and grants unanimous consent that morning business be extended until 3:30 p.m., with Senators permitted to speak for up to 5 minutes each, and suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, rescinds the order for the quorum call.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:45 p.m., recessed until 3:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GORTON].

The PRESIDING OFFICER. The acting President, in his capacity as a Senator from the State of Washington, notes the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL RESERVE BOARD REDUCES INTEREST RATES

Mr. CONRAD. Mr. President, I have just learned that the Federal Reserve Board has moved to reduce interest rates by a quarter of a point. The irony for me is that about an hour ago, I came to the floor to give a speech to urge the Federal Reserve Board to take action to reduce interest rates. I left my office to come here, and just when I arrived, the Chair had left for the press informational meeting.

I do not know exactly when the Federal Reserve Board acted, but I was going to urge them to take such action because of the growing financial crisis we see around the world. I noted in the speech that I intended to give about an hour ago, urging the Federal Reserve Board to take this action, that recently Newsweek magazine had a cover story entitled "The Crash of 1999: It Doesn't Have to Happen."

I also noted that yesterday in the Wall Street Journal there was an opinion piece by Robert Eisner entitled "Act Now to Prevent a Recession," and a news story also in yesterday's Wall Street Journal indicating that "Asia Waits in Vain for Money to Return."

Mr. President, the point that is critically important to understand is that we cannot be an island unto ourselves. I noted with interest the statement of Alan Greenspan, the head of the Federal Reserve, on September 23, 1998, when he said:

> It is not credible that the United States, or for that matter Europe, can remain an oasis of prosperity unaffected by a world that is experiencing greatly increased stress.

It seems very clear the United States is being affected. We have seen growth in the second quarter of 1998 drop to 1.6 percent—down from 5.5 percent in the first quarter. And if corporate profits sag, the business investment which has accounted for nearly a third of our growth over the last 4 years could decline.

Most importantly, the world economic situation is deeply troubling. If we look at what has happened in world stock markets, going back to September of last year and then looking forward to August of this year, only the United States has been holding up. We have seen dramatic declines in Japan, in Hong Kong, and, of course, a virtual collapse in Russia.

Earlier this summer, I was at a meeting with the Russians in Europe. At that meeting, I met with the top people of their economics institute who went through the actual numbers, the financial numbers, for Russia. And I must say, I left there increasingly alarmed. Frankly, Russia is in much deeper trouble than I think is commonly understood. They explained to me that they have at the national level about $3 billion a month of income—$3 billion. They have about $5 billion of fixed expenses.

Mr. President, they have short-term debt due by the end of this year of $41 billion. They are in deep trouble. They are engaged in a giant Ponzi scheme of taking in money from outside and paying those that they are under the most pressure to pay. None of it adds up.

This financial collapse in Russia, coupled with the Asian financial situation, threatens not only most of the developing world but it also can certainly have a dramatic effect on economic growth here at home. That is why I believe it is imperative that the United States take action, specifically with regard to the Federal Reserve Board reducing interest rates to give an additional lift to this economy.

I am very pleased that the Federal Reserve Board took action today to reduce rates a quarter of 1 percent. But I think it is going to take more than that to get us through this crisis, to prevent a recession from hitting America.

Total U.S. export volume has fallen nearly 6 percent this year, a very sharp reversal over the steady export increases in the preceding 6 years. In addition, the dollar value of our exports to Asia has dropped 13 percent this year while our trade deficit with Asia is projected to increase by nearly $50 billion from last year.

Prices received by U.S. exporters, including our farmers, have fallen. I represent a farm State, perhaps the most agricultural or certainly one of the most agricultural States in our Nation. I can tell you, we are already in a deep recession because of collapsing commodity prices. Those prices are at a 52-year low, adjusted for inflation. So in real terms, the prices our farmers are getting are at a 52-year low. No wonder we have just had to pass a $6 billion rescue package.

In addition, I think it is important to understand that one of the key reasons the Federal Reserve Board has been reluctant to reduce interest rates is because they are concerned about inflation. Well, I do not think inflation is the threat. There currently is virtually no inflation in the U.S. economy.

Over the last 12 months, consumer prices are up less than 2 percent; in fact, they are up about 1.7 percent. Producer prices are actually declining. We are actually experiencing deflation in producer prices. And at that very moment, the real Federal funds rate is at a very high level. The real rate is at about 4 percent. Historically, if we look at the record, the real Federal funds rate is about 2 percent. So the real rate we are paying for interest on money today is about double the historical rate.

Mr. President, that could be understood if we were facing an inflationary threat. But I believe, and I think the evidence suggests, that the greatest threat we are facing is a threat of recession. That is why I am very pleased the Federal Reserve acted today to reduce rates an additional one-quarter of 1 percent. I was disappointed when, at their last meeting, they did not cut more aggressively. And I hope they do not stop here. Further easing of interest rates is going to be necessary to avoid a very serious economic slowdown not only here but around the rest of the world.

If you look at economic history, when other countries are slowing down—and we have seen dramatic slowdowns in much of Asia, in Russia, and now we are seeing the creeping effect of that slowdown in Central America, in Latin America, and South America—the only way to prevent this all from leading to recession here at home is to give a lift to the economy. And the best and simplest and most direct way to give a lift to this economy is to lower interest rates.

As I have indicated, the real rate of interest in this country is at about double the historical rate. So certainly there is room for additional easing to avoid recession here and to help lift the rest of the world out of economic slowdown—in some cases a recession, in some cases potentially much worse than that.

Mr. President, lower interest rates will expand consumer buying power, provide an important stimulus to the U.S. economy, and help restore consumer confidence, which has dropped markedly since the beginning of the year. Businesses, of course, will also be paying less in interest costs, which will help to sustain profits and to encourage continued strong business investment. Finally, lower interest rates will make other investments in troubled economies more attractive, helping to stem capital outflows from those countries that are so deeply troubled.

Additional interest rate cuts will send important psychological reassurance to world markets and to American consumers and businesses. Cutting interest rates is, I believe, a prudent insurance policy against the threat of recession here at home and a deepening recession abroad.

The Federal Reserve Board should be commended for taking action today. And I would urge them to be prepared to take further action to avoid the kind of slowdown in this country that will only make world recovery that much more difficult.

A BUDGET AGREEMENT

Mr. CONRAD. Mr. President, I also want to note that we have now had a budget agreement. I just heard the announcement of our colleagues that we have reached a conclusion. I know there are details still to be sorted out, but this is good news. But I must say, I do not think we are ending on a proud note. We are going to wind up with eight appropriations bills grouped together in one omnibus package.

That isn't the way we ought to do business here. And, frankly, this situation with omnibus appropriations bills has been getting worse every year. Five bills were grouped together 3 years ago; six bills were grouped together two years ago; and now eight bills will be grouped together this year. This is not the way we ought to conduct ourselves. And I think there was a failure this year, a failure for the first time in 24 years, with no budget resolution. The budget resolution, after all, is the blueprint that guides us in the appropriations process.

I think there was a substantial failure this year, the first time since we have had a Budget Act, a failure to achieve a budget resolution. That slowed the appropriations process and left us in this posture of having to group all of these bills together—which comprise a third of all federal spending—and pass them, perhaps in a vote that won't even be a recorded rollcall vote. It is a sorry spectacle and one which I think brings dishonor to this Chamber.

I hope very much we find a way to avoid this practice in the future. I hope very much that next year we would have a budget resolution, we would have it on time, or close to on time. After all, the budget resolution was supposed to have been done April 15. For the first time in 24 years we did not have a budget resolution. In addition, we missed the deadlines, although that has happened often, but always before we have achieved a budget resolution. This year, for the first time in 24 years, there was none.

I remember very well President Reagan said in his 1987 State of the Union Message that we should never again have a continuing resolution that had multiple appropriations bills all stacked together. In his budget message in February of 1988 he said very clearly to Congress, "Don't do this anymore. Don't do it again. It is wrong." Yet here we are, falling back into these old ways. It is unfortunate.

With respect to this agreement, I think it is also important to say that the surplus has, by and large, been preserved. There are emergency spending measures, that Congress and its Leadership must designate as "emergencies." I think one could question whether all of them really constitute emergencies, but, by and large, they are emergencies. The agriculture emergency, certainly that is an emergency response; the spending for the embassies that were destroyed by terrorist attack, certainly that constitutes emergency spending; much of the spending that is in the defense bill constitutes emergency spending.

Those items, under our own budget rules, are considered outside the normal budget process. We have avoided what some were advocating—a very massive multi-year tax reduction, which would have come directly from the Social Security surplus. I think that would have been a profound mistake. I, for one, believe the American people deserve a tax cut, but I don't think it should come from raiding Social Security surpluses.

Some of the language we use in this town is somewhat misleading. We say that there is a $70 billion surplus on a unified basis. That means when you put all of the revenue of the Federal Government in the pot and all of the spending of the Federal Government into the same pot, we have $70 billion more in terms of revenue than we have in terms of spending. But it is important to remember that is counting the Social Security funds. This year Social Security is running a $105 billion surplus. If we put the Social Security money aside—which we should do—we would still be running a budget deficit of $35 billion.

Until and unless that operating deficit is ended—and we now project that will end in 2002, and we won't be using any Social Security surpluses in that year, and we will actually balance on what I consider a true basis—until that is achieved, I don't believe it is appropriate to have new nonemergency spending or to have unpaid-for tax cuts. If we are going to have new spending that is nonemergency spending, it ought to be paid for. If we are going to have tax reductions, they ought to be paid for. New spending and new tax breaks should not be paid for by taking it from the Social Security surplus. That is truly robbing Peter to pay Paul.

I am pleased that other than the emergency spending, we don't have new spending that is not offset by cuts in other spending. I am also pleased that we didn't embark on a risky tax cut scheme that would have been paid for, in whole, out of Social Security surpluses. I believe that would have been irresponsible.

I am remiss if I do not end on a note on agriculture. As I indicated, agriculture is critically important to my State. North Dakota has 40 percent of its State's income, 40 percent of its State's economy, based on agriculture. North Dakota, like many agricultural States, is in deep trouble. From 1996 to 1997, we saw farm income decline 98 percent. That is a disaster. That is an emergency by any definition. It is the result of a combination of the lowest prices in 52 years, coupled with natural disasters that have spread the disease called scab through our fields which have reduced production, coupled with bad policy. Frankly, it is a trade policy that allows unfairly traded Canadian grain to sweep into our country, displacing our own grain, reducing our own prices, putting enormous pressure on our farm producers.

In the midst of all of this, our chief competitors, the Canadians and the Europeans, are spending 10 times as much as we are to support their farm producers. They are spending nearly $50 billion a year while we are spending, under the new farm bill, about $5 billion a year.

Those are the pressures that our producers are under. It is an emergency. It is a disaster. I am very pleased that we have responded with a $6 billion package. I want to be swift to say that is not enough. The pain felt by farm families and the hole in income in farm country is so deep that even $6 billion won't fill it, but it will certainly help. We have come a long way from the moment in July that I offered on this floor a $500 million indemnity payment plan for those areas devastated by natural disaster.

I say a special thanks to my colleague, Senator DORGAN, who cosponsored that amendment, and to Senator CRAIG, of Idaho, who is on the floor, who gave great help and support to us in that effort and who has played a leading role in trying to win greater support as the need increased, as natural disasters spread from our part of the country to other parts. We saw later this year drought conditions in Oklahoma, Texas and Louisiana, and hurricanes that affected much of the coastal areas of the southeastern United States. It started in our part of the country but it spread. That required a greater response. Again, I thank my colleague, Senator CRAIG, for the very constructive role that he played in assisting us to get a much stronger, more robust package of disaster assistance.

I yield the floor.

Mr. CRAIG. Let me thank my colleague from North Dakota for those kind words. While he and I might disagree on policy as it relates to how we respond to American agriculture, we did not disagree and we do not disagree on the need. There are consequences if we fail to respond to that need at a time when markets are being taken away from production agriculture in this country. We have seen dramatic declines in commodity prices across the board.

He and I agree on Canadian trade policy. We are very frustrated by what appears to be a one-way flow of commodities out of Canada with very little moving from our side into Canada; and when it attempts to move, finding all kinds of restrictions.

I must tell the Senator from North Dakota I have been very frustrated with this administration, that they have not taken a more aggressive role in trying to determine why those differences have come about and responding to them. Thanks to our Governors, collectively, and our urging, the administration is now making some response in that area. I hope it is very, very productive.

Canadians need to understand that under the North American Free Trade Agreement it is not a one-way street, nor should it be.

I would agree also with my colleague from North Dakota as it relates to the response by the chairman of the Federal Reserve today. We probably would not differ on our concern over the analysis of the current world economic situation. I hope that our economy will respond to lower interest rates, but I must say that our economy also responds to tax cuts. Our economy also responds when consumers are having to pay less to their Federal Government and are allowed more of their own hard-earned money to stay in their pockets.

But this administration was adamant this year, and we were unable to effectively respond to what I thought, and others thought, was a need for a reasonable tax cut in certain areas. There is an interesting analysis that we have just done as it relates to the obstructive nature of policy used on the floor of the Senate this year by our colleagues on the other side. In the last four years, the need for cloture—that is a term used here in a procedural effort to shut down a filibuster effort so that we can proceed to deal with a bill—had to be used four times more than in the preceding years under a Democrat-controlled Senate. In other words, there was a concerted effort this year by my colleagues on the other side of the aisle to simply stop the process, to slow it down, to force cloture, to seek endless debates.

So it becomes very frustrating when you are trying to do the business of the citizens, to move a timely budget process, a timely appropriations process that requires the necessary voting on 13 different appropriations bills to fund Government, to get it done when, day after day, debate is made on issues that are not relevant to the procedure and, in some instances, not relevant to the policy at hand. But that is a tactic that can be used and is legitimate before the Senate. I am not denying its legitimacy; I am denying the repetitiveness in which it was used as compared to the prior four years under a Democrat Senate, with George Mitchell as leader of the U.S. Senate. There has been nearly a four times greater need to file cloture so as to move the process forward. In other words, was there a directed effort to slow down the Congress, to slow down the Senate this year? I think the statistics and the history will clearly demonstrate that is the case.

Be that as it may, it was important that we ultimately finish our work and that we adjourn. We are now on the eve of an adjournment because our work is done. We now have completed the appropriations process. We have done so in a way that dealt with the needs of this administration and the balance of power that, by Constitution, must and does occur in our Government. I will tell you that the end product isn't all that I would like, and there is a lot in it that I don't care for. But that is not unusual in any process where compromise is necessary to produce a final product.

So I am pleased to say that that final product has been produced, that our majority leader labored mightily with the speaker, with representatives from the administration, and with representatives of our colleagues on the other side of the aisle to resolve this issue. Should it have been done here on the floor in open debate? Yes. If we hadn't had to file over 100 cloture motions in the last four years, the process would have been much different. But that is the character of the Senate itself, and those are the rules under which we operate. Having to deal with those rules and the obstructive nature that can be applied to the process, I think we can declare a successful session. I hope that is the case in the end.

Is the surplus produced by a balanced budget, which Republicans are proud of, intact? Yes, it is, by a very large amount. But it is also important to say that we never argued in the first place that all of the surplus would be held intact, and that it must be guaranteed to Social Security. That was a marker the President laid down. And while we agreed with him that there was adequate money in the surplus to reform Social Security for present and future purposes, it was the President that laid that marker down and, just in the last 48 hours, has tried to redefine what he meant by the marker. I am sorry, Mr. President, "is" is. Let me repeat that for the President. Mr. President, "is" is. We don't need to redefine it. We explain it. We totally understand it. We know what you said in your budget statement. All of the surplus went to Social Security, except you wanted about $20 billion of it to go somewhere else without getting blamed for it, and were simply saying that the argument is much different. We have used a very limited amount of moneys that we had not appropriated that could arguably be called surplus.

But the surplus is intact. The budget is balanced. There is adequate money to begin what I think is a generational opportunity to not only assure and guarantee Social Security in the outyears beyond 2020 but, most importantly, to guarantee that it is done in a way so that our children and our grandchildren will not have to pay excessively to get a reasonable return on a guaranteed retirement annuity as Social Security has become. Those are the issues that we will deal with in a new Congress, and those are issues that are going to be paramount to the strength and stability of our country, and to the well-being of our citizens. I hope that we will deal with them in a reasonable and bipartisan fashion, because the correct solution to Social Security must be bipartisan by its nature and by its definition, and I am sure that we can accomplish that.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. CRAIG. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from consideration of Senate Resolution 129 and that the Senate proceed to its consideration and to the consideration of the following private relief bills and resolutions en bloc:

Calendar No. 604, S. 1460; Calendar No. 603; S. 1202; Calendar No. 672, S. 1961; Calendar No. 605, S. 1551; Calendar No. 669, S. 1171; Calendar No. 671, S. 1916; Calendar No. 675, S. 2476; Calendar No. 673; S. 1926; Calendar No. 678, Senate Resolution 283; and S. 2637.

I ask unanimous consent that the committee amendments be agreed to, the measures be considered read a third time and passed, the title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the bills appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVATE RELIEF BILL

The bill (S. 1460) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, was considered, read the third time, and passed; as follows:

S. 1460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

PRIVATE RELIEF BILL

The bill (S. 1202) providing for the relief for Sergio Lozano, Fauricio, and Ana Lozano, was considered, read the third time, and passed; as follows:

S. 1202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sergio Lozano, Fauricio Lozano, and Ana Lozano, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

PRIVATE RELIEF LEGISLATION

The bill (S. 1961) for the relief of Suchada Kwong, was considered, read the third time, and passed; as follows:

S. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Suchada Kwong shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

PRIVATE RELIEF BILL

The bill (S. 1551) for the relief of Kerantha Poole-Christian, was considered, read the third time, and passed, as follows:

S. 1551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Clifton or Linette Christian, citizens of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Kerantha Poole-Christian shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PRIVATE RELIEF LEGISLATION

The Senate proceeded to consider the bill (S. 1171) for the Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. CERTIFICATE OF CITIZENSHIP.

(a) CITIZENSHIP STATUS.—Upon the filing of an application for a certificate of citizenship and upon being administered the oath of renunciation and allegiance described in section 337(a) of the Immigration and Nationality Act, Janina Altagracia Castillo-Rojas shall be held and considered to be a citizen of the United States from birth pursuant to section 301(g) of the Immigration and Nationality Act (8 U.S.C. 1401(g)) and shall be furnished by the Attorney General with a certificate of citizenship.

(b) SUPERSEDES EXISTING LAW.—This section supersedes the parental physical presence requirement in section 301(g) of the Immigration and Nationality Act (8 U.S.C. 1401(g)) and any other provision of law.

The committee substitute was agreed to.

The bill (S. 1171), as amended, was considered, read the third time, and passed.

The title was amended so as to read: "For the relief of Janina Altagracia Castillo-Rojas.".

PRIVATE RELIEF LEGISLATION

The Senate proceeded to consider the bill (S. 2476) for the relief of Wei Jengsheng, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Wei Jingsheng shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Wei Jingsheng as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

Mr. ABRAHAM. Mr. President, I rise today to thank my colleagues for the unanimous support they have given for the Wei Jingsheng Freedom of Conscience Act. This bill will grant lawful permanent residence to writer and philosopher Wei Jingsheng, one of the most heroic individuals the international human rights community has known. I particularly want to mention Senators HATCH, DEWINE, HUTCHINSON, BROWNBACK, HELMS, ROTH, and WELLSTONE, all of whom cosponsored the bill.

Mr. President, Wei has spent literally decades struggling against an oppressive Chinese government. He has called for freedom and democracy through speeches, writings, and as a prominent participant in the Democracy Wall movement. His dedication to the principles we hold dear, and on which our Nation was founded, brought him 15 years of torture and imprisonment at the hands of the Chinese communist regime. Seriously ill, Wei was released only after great international public outcry. Now essentially exiled, he lives in the United States on a temporary visa and cannot return to China without facing further imprisonment.

By granting Wei permanent residence, Mr. President, we will show that America stands by those who are willing to stand up for the principles we cherish. We also will help Wei in his continuing fight for freedom and democracy in China.

I commend my colleagues for sending a strong signal about America's commitment to human rights, human freedom, and the dignity of the individual. I yield the floor.

The committee substitute was agreed to.

The bill (S. 2476), as amended, was considered, read the third time, and passed.

The title was amended so as to read: "For the relief of Wei Jingsheng.".

PRIVATE RELIEF LEGISLATION

The bill (S. 1926) for the relief of Regine Beatie Edwards, was considered, read the third time, and passed; as follows:

S. 1926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Regine Beatie Edwards shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Stan Edwards, a citizen of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Regine Beatie Edwards shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

PRIVATE RELIEF LEGISLATION

The bill (S. 1916) for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup, was considered, read the third time, and passed, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marin Turcinovic and his fiancee, Corina Dechalup, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marin Turcinovic and his fiancee, Corina Dechalup, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

FOR THE RELIEF OF LLOYD B. GAMBLE

The resolution (S. Res. 283) to refer H.R. 998 entitled "A bill for the relief of Lloyd B. Gamble" to the chief judge of the United States Court of Federal Claims for a report thereon, was considered and agreed to.

The resolution is as follows:

S. RES. 283

Resolved, That (a) H.R. 998 entitled "A bill for the relief of Lloyd B. Gamble" now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims.

(b) The chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the Senate, at the earliest practicable date, providing—

(A) such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the claim for compensation referred to in such bill as a legal or equitable claim against the United States or a gratuity; and

(B) the amount, if any, legally or equitably due from the United States to Mr. Lloyd B. Gamble.

(c) It is the sense of the Senate that if any judgment is entered in favor of Lloyd B. Gamble against the United States, any damages arising from injuries sustained by Lloyd B. Gamble should not exceed $253,488.

PRIVATE RELIEF BILL

The bill (S. 2637) providing for the relief for Belinda McGregor was considered, read the third time, and passes, as follows:

S. 2637

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE

(a) Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Belinda McGregor shall be held and considered to have been selected for a diversity immigrant visa for fiscal year 1999 as of the date of the enactment of this Act upon payment of the required visa fee.

(b) ADJUSTMENT OF STATUS.—If Belinda McGregor, or any child (as defined in section 101(b)(1) of the Immigration and Nationality Act) of Belinda McGregor, enters the United States before the date of the enactment of this Act, he or she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Belinda McGregor as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

STRATEGY TO COMBAT MONEY LAUNDERING AND RELATED FINANCIAL CRIMES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1756, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3828

(Purpose: To amend the definition of "money laundering and related financial crimes")

Mr. CRAIG. Mr. President, Senators GRASSLEY and D'AMATO have an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CRAIG), for Mr. GRASSLEY, for himself and Mr. D'AMATO, proposes an amendment numbered 3828.

On page 2, strike line 21 and all that follows through page 3, line 3 and insert the following:

"(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime'—

"(A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or

"(B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.".

Mr. GRASSLEY. Mr. President, I am pleased today to see this historic piece of legislation will pass the Senate. After much careful work with Senator D'AMATO, the Treasury Department, and the Justice Department, as well as our colleagues in the other body, we have crafted a bill that I believe will lead to much improved coordination in fighting money laundering. I want to thank everyone involved for their hard work on this legislation.

The bill will hit the criminals where they feel it the most—in their pocketbooks. By implementing a strategy on a national level, hundreds of communities across our country will no longer be held hostage by these criminal enterprises. As you know, money laundering involves disguising financial assets so they can be used without detection of the illegal activity that produced them. Through money laundering, the criminal transforms the monetary proceeds derived from the criminal activity into funds with an apparently legal source. Money laundering provides the resources from drug dealers, terrorists, arms dealers, and other criminals to operate and expand their criminal enterprises. Today, experts estimate that money laundering has grown into a $500 billion problem worldwide.

The Money Laundering and Related Financial Crimes Strategy Act of 1998 will authorize the Secretary of the Treasury, in consultation with the Attorney General and other relevant agencies, to coordinate and implement a national strategy to address the exploitation of our Nation's payment systems to facilitate money laundering and related financial crimes. I look forward to the delivery of this first strategy next February, and believe it will be a valuable document not only for law enforcement agencies, but also for Congress as we look to react to the increasingly inventive ways criminals take advantage of our financial system. I hope this legislation will be the beginning of a serious effort by Congress to impact the growing threat of money laundering not only to our Nation, but worldwide.

Mr. D'AMATO. Today, Mr. President, I urge my colleagues to support the passage of H.R. 1756, the Money Laundering and Financial Crimes Strategy Act of 1997. I am glad that we have been able to reach this point. The House has sent over H.R. 1756, a strong antimoney laundering tool for law enforcement, and after some negotiation, we have amended the language slightly. The House has agreed to accept the compromise and I have a letter from James E. Johnson, Under Secretary for Enforcement at the Treasury Department supporting the goals of this legislation. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. D'AMATO. I believe we are now ready to proceed to passage of the bill providing sufficient time for the House to act.

Mr. President, this is an important tool for the counternarcotics effort. Drug traffickers and dealers are destroying our families, communities and the future of our children, and we must fight them with Every weapon at our disposal. This bill will attack drug traffickers by making it harder for these criminals to profit from their illegal windfalls.

Mr. President, through money laundering, drug traffickers are able to take their blood money and launder it clean. Their ill gotten gains are then filtered throughout our economy. Money laundering sustains drug traffickers and arms dealers, as well as terrorists and other criminals searching for a way to prolong their illegal enterprises.

That is why I joined with Senator GRASSLEY and Congresswoman VELÁZQUEZ to develop the Money Laundering and Financial Crimes Strategy Act which the House passed on October 5, 1998. The bill will provide the means for federal, state and local crime fighters to pursue and prosecute the drug traffickers and those that finance their criminal trade.

This bill will allow the Secretary of the Treasury and the Attorney General to create a national money laundering strategy and designate high risk zones. State and local officials within these zones will be encouraged to form a task force and become eligible for enforcement and technical assistance and, most importantly, anti-money laundering grants.

Mr. President, let me explain why this is especially important for New York, where money launderers have benefited from the financial, trade and transportation systems in the metropolitan area. New York is the largest financial center in this country—and one of the top three international money centers in the world. Unfortunately, money launderers have used this infrastructure to pursue their own criminal activities.

Assistance by state and local officers in New York has been invaluable in stopping drug traffickers from sending money back to the cartels. In 1997, in the New York area, law enforcement officials determined that organized narcotics traffickers were using the services of unscrupulous money remitters and their agents to send the proceeds of drug sales back to the drug source countries.

Utilizing a temporary Geographical Targeting Order (GTO) for the New York metropolitan area, remitters and agents were required to report detailed information about the remittances of cash to Colombia of more than $750.

Within a week of the GTO's issuance, the local, state and federal agencies that made up the El Dorado Task Force found that money laundering activity in that area, Jackson Heights, dropped dramatically. The number of remittances to Colombia dropped 95 percent and the dollar amount dropped 97 percent (from $67 million to $2 million). The New York GTO resulted in the seizure of millions in currency that was diverted to bulk shipments through the air and seaports and most importantly, disrupted the profit back to the drug cartels.

Mr. President, this operation was a huge success—thanks to the cooperative efforts of federal, state and local law enforcement. We should build on that cooperation with this legislation.

Law enforcement efforts must follow the financial schemes and cash flows of the drug traffickers. As the drug cartels change their method of laundering their proceeds, law enforcement must respond. This bill provides law enforcement and prosecutors with the resources and flexibility to do just that. This monumental effort will cripple the drug traffickers where it hurts—in their pockets—and take an important step forward in our war on drugs.

I am proud to have cosponsored the Senate measure with Senator GRASSLEY and to have worked with Representative VELÁZQUEZ to enact this important tool in antidrug efforts.

I urge my colleagues to support this important anticrime bill.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, October 8, 1998.

Hon. ALFONSE D'AMATO,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, Washington, DC.

DEAR MR. CHAIRMAN: During the course of this year we have been following a bill introduced by Congresswoman Velázquez, the "Money Laundering and Related Financial Crimes Strategy Act" (H.R. 1756). On June 16, the Treasury Department provided testimony on H.R. 1756 indicating support for the bill's overall goals and objectives.

We continue to support these goals. We appreciate that Congresswoman Velázquez's bill recognizes the scope of the money laundering problem, and attempts to develop a mechanism to address these challenges. Developing an anti-money laundering strategy could prove useful in setting priorities and communicating them to Congress and the public. Moreover, money laundering enforcement is complex and resource-intensive. Enforcement of money laundering laws could benefit from proper coordination among federal, state, and local law enforcement.

We also appreciate the bill's goal of providing additional resources for state and local antimoney laundering activities. Financial crime investigations are complex and require specialized expertise, as well as resource commitments to follow leads that often take time to develop. Cases themselves may span years and are information-intensive. Because of this, state and local law enforcement could benefit from additional resources and expertise to fully join the fight against money laundering.

We look forward to continuing to work with you and your Committee in combating money laundering and other financial crimes.

Sincerely,

JAMES E. JOHNSON,
Under Secretary (Enforcement).

Mr. CRAIG. Mr. President, I ask unanimous consent that amendment be agreed to, the bill considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3828) was agreed to.

The bill (H.R. 1756), as amended, was passed.

GOVERNMENT PAPERWORK ELIMINATION ACT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 581, S. 2107.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (S. 2107) to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communication and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. STUDIES ON USE OF ELECTRONIC SIGNATURES TO ENHANCE ELECTRONIC COMMERCE.

The Secretary shall conduct an ongoing study of the enhancement of electronic commerce and the impact on individual privacy due to the use of electronic signatures pursuant to this Act, and shall report findings to the Commerce Committee of the House and to the Commerce, Science, and Transportation Committee of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 3. ELECTRONIC AVAILABILITY OF FORMS.

(a) NEW FORMS, QUESTIONNAIRES, AND SURVEYS.—The head of an agency or operating unit shall provide for the availability to the affected public in electronic form for downloading or printing through the Internet or other suitable medium of any agency form, questionnaire, or survey created after the date of enactment of this Act that is to be submitted to the agency by more than 1,000 non-government persons or entities per year, except where the head of the agency or operating unit determines by a finding that providing for such availability would be impracticable or otherwise unreasonable.

(b) ALL FORMS, QUESTIONNAIRES, AND SURVEYS.—As soon as practicable, but not later than 18 months after the date of enactment of this Act, each Federal agency shall make all of its forms, questionnaires, and surveys that are expected to be submitted to such agency by more than 1,000 non-government persons or entities per year available to the affected public for downloading or printing through the Internet or other suitable electronic medium. This requirement shall not apply where the head of an agency or operating unit determines that providing such availability for particular form, questionnaire or survey documents would be impracticable or otherwise unreasonable.

(c) APPLICABILITY OF SECTION.—The requirements of this section shall not apply to surveys that are both distributed and collected one-time only or that are provided directly to respondents by the agency.

(d) AVAILABILITY.—Forms subject to this section shall be available for electronic submission (with an electronic signature when necessary) under the provisions of section 8, and shall be available for electronic storage by employers as described in section 7.

(e) PAPER FORMS TO BE AVAILABLE.—Each agency and operating unit shall continue to make forms, questionnaires, and surveys available in paper form.

SEC. 4. PAYMENTS.

In conjunction with the process required by section 8—

(1) where they deem such action appropriate and practicable, and subject to standards or guidance of the Department of the Treasury concerning Federal payments or collections, agencies shall seek to develop or otherwise provide means whereby persons submitting documents electronically are accorded the option of making any payments associated therewith by electronic means.

(2) payments associated with forms, applications, or similar documents submitted electronically, other than amounts relating to additional costs associated with the electronic submission such as charges imposed by merchants in connection with credit card transactions, shall be no greater than the payments associated with the corresponding printed version of such documents.

SEC. 5. USE OF ELECTRONIC SIGNATURES BY FEDERAL AGENCIES.

(a) AGENCY EMPLOYEES TO RECEIVE ELECTRONIC SIGNATURES.—The head of each agency shall issue guidelines for determining how and which employees in each respective agency shall be permitted to use electronic signatures within the scope of their employment.

(b) AVAILABILITY OF ELECTRONIC NOTICE.—An agency may provide a person entitled to receive written notice of a particular matter with the opportunity to receive electronic notice instead.

(c) PROCEDURES FOR ACCEPTANCE OF ELECTRONIC SIGNATURES.—The Director, in consultation with the Secretary, shall coordinate agency actions to comply with the provisions of this Act and shall develop guidelines concerning agency use and acceptance of electronic signatures, and such use and acceptance shall be supported by the issuance of such guidelines as may be necessary or appropriate by the Secretary.

(1) The procedures shall be compatible with standards and technology for electronic signatures as may be generally used in commerce and industry and by State governments, based upon consultation with appropriate private sector and State government standard setting bodies.

(2) Such procedures shall not inappropriately favor one industry or technology.

(3) Under the procedures referred to in subsection (a), an electronic signature shall be as reliable as is appropriate for the purpose, and efforts shall be made to keep the information submitted intact.

(4) Successful submission of an electronic form shall be electronically acknowledged.

(5) In accordance with all other sections of the Act, to the extent feasible and appropriate, and described in a written finding, an agency, when it receives electronically 50,000 submittals of a particular form, shall take all steps necessary to ensure that multiple formats of electronic signatures are made available for submitting such forms.

SEC. 6. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with agency procedures and guidelines established pursuant to the Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures and guidelines, shall not be denied legal effect, validity or enforceability because they are in electronic form.

SEC. 7. EMPLOYER ELECTRONIC STORAGE OF FORMS.

If an employer is required by any Federal law or regulation to collect or store, or to file with a Federal agency forms containing information pertaining to employees, such employer may, after 18 months after enactment of this Act, store such forms electronically unless the relevant agency determines by regulation that storage of a particular form in an electronic format is inconsistent with the efficient secure or proper administration of an agency program. Such forms shall also be accepted in electronic form by agencies as provided by section 8.

SEC. 8. IMPLEMENTATION BY AGENCIES.

(a) IMPLEMENTATION.—Consistent with the Privacy Protection Act of 1980 (42 U.S.C. 2000aa) and after consultation with the Attorney General, and subject to applicable laws and

regulations pertaining to the Department of the Treasury concerning Federal payments and collections and the National Archives and Records Administration concerning the proper maintenance and preservation of agency records, Federal agencies shall, not later than 18 months after the enactment of this Act, establish and implement policies and procedures under which they will use and authorize the use of electronic technologies in the transmittal of forms, applications, and similar documents or records, and where appropriate, for the creation and transmission of such documents or records and their storage for their required retention period.

(b) ESTABLISHMENT OF A TIMELINE FOR IMPLEMENTATION.—Within 18 months after the date of enactment of this Act, Federal agencies shall establish timelines for the implementation of the requirements of subsection (a).

(c) GENERAL ACCOUNTING OFFICE REPORT.—The Comptroller General shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce 21 months after the date of enactment of this Act on the proposed implementation policies and timelines described in subsections (a) and (b).

(d) IMPLEMENTATION DEADLINE.—Except where an agency makes a written finding that electronic filing of a form is either technically infeasible, economically unreasonable, or may compromise national security, all Federal forms must be made available for electronic submission within 60 months after the date of enactment of this Act.

SEC. 9. SENSE OF THE CONGRESS.

Because there is no meaningful difference between contracts executed in the electronic world and contracts executed in the analog world, it is the sense of the Congress that such contracts should be treated similarly under Federal law. It is further the sense of the congress that such contracts should be treated similarly under State law.

SEC. 10. APPLICATION WITH OTHER LAWS.

Nothing in this this Act shall apply to the Department of the Treasury or the Internal Revenue Service, to the extent that—

(1) it involves the administration of the internal revenue laws; and

(2) it conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 11. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(2) AGENCY.—The term "agency" means executive agency, as that term is defined in section 105 of title 5, United States Code.

(3) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies a particular person as the source of such electronic message; and

(B) indicates such person's approval of the information contained in such electronic message.

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(5) FORM, QUESTIONNAIRE, OR SURVEY.—The terms "form", "questionnaire", and "survey" include documents produced by an agency to facilitate interaction between an agency and nongovernment persons.

AMENDMENT NO. 3829

(Purpose: To establish procedures for efficient government paperwork reduction)

Mr. CRAIG. Mr. President, Senator ABRAHAM has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. ABRAHAM, proposes an amendment numbered 3829.

The amendment is as follows:

On page 10, strike out line 7 and all that follows through page 18, line 10, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

Mr. ABRAHAM. Mr. President, I wish to take a moment to discuss language that has been added to this legislation, the Government Paperwork Elimination Act. In May, I introduced S. 2107 to enhance electronic commerce and promote the reliability and integrity of commercial transactions through the establishment of authentication standards for electronic communications. S. 2107 was reported by the Committee on Commerce, Science, and Transportation last month.

After the bill was reported, it was discovered that the bill was erroneously referred to the Commerce Committee and should have been referred to the Committee on Governmental Affairs. S. 2107 deals with Federal Government information issues and, according to the parliamentarian, falls directly within the jurisdiction of Governmental Affairs. I understand a similar bill had been approved by Governmental Affairs last Congress.

Obviously, this was discovered late in the session. Nevertheless, Senator THOMPSON, the chairman of the Governmental Affairs Committee, worked with me to develop language which combines language from the bill reported by his committee last Congress and S. 2107. I want to thank my colleague from Tennessee for his help and insight. He spent a great deal of time assisting me with this legislation and, in my opinion, his language makes many improvements to the original bill.

Mr. LEAHY. Mr. President, the digitization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government. This bill, S. 2107, will make the United States government more accessible and accountable to the citizenry by directing federal agencies to accept "electronic signatures" for government forms that are submitted electronically.

I am pleased that Senator ABRAHAM has addressed my concerns about the privacy issues raised by this legislation. As reported out of committee, S. 2107 would have established a framework for government use of electronic signatures without putting in place any privacy protections for the vast amounts of personal information collected in the process. Without such protections, people could be forced to sacrifice their privacy as the price of communicating with the government electronically.

For example, to submit a particular form electronically, a person might be required to use an electronic signature technology that offers a high level of security, such as the increasingly popular cryptographic digital signature. This will usually involve the use of a commercial third party—we'll call it "X Corp."—to guarantee the person's identity. X Corp. will need to collect detailed personal information about the person, such as home address, phone number, social security number, date of birth, and even credit information. Some of the most secure systems even collect biometric information such as fingerprints or handwritten signatures. X Corp. might also collect information about how the person uses electronic signature services, amassing a detailed dossier of the person's activities on-line. Nothing in the original bill prevented X Corp. from using or selling such private information without permission.

We have corrected this oversight by adding forward-looking privacy protections to the amendment, which strictly limit the ways in which information collected as a byproduct of electronic communications with the government can be used or disclosed to others. The provision we have crafted is designed to prevent anyone who collects personal information in the course of providing electronic signatures for use with government agencies from inappropriately disclosing that information.

We recognize that this is just the beginning of Congress's efforts to address the new privacy issues raised by electronic government and the information age. Congress will almost certainly be called upon in the next session to consider broader electronic signature legislation, and issues of law enforcement access to electronic data and mechanisms for enforcing privacy rights in cyberspace will need to be part of that discussion. For the time being, however, this legislation will ensure that Americans can interact with their government on-line, and that they can do so with the necessary safeguards in place to protect their privacy and security.

Mr. THOMPSON. Mr. President, I thank my colleague from Michigan for his hard work on and dedication to information technology issues. The Committee on Governmental Affairs which I chair has had a long and involved history with this issue.

This bill which we are addressing today seeks to take advantage of the advances in modern technology to lessen the paperwork burdens on those who deal with the Federal Government. This is accomplished by requiring the Office of Management and Budget, through its existing responsibilities under the Paperwork Reduction Act and the Clinger-Cohen Act, to develop policies to promote the use of alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information to substitute for paper, and the use of acceptance of electronic signatures.

The Federal Government is lagging behind the rest of the nation in using new technologies. Individuals who deal with the Federal Government should be able to reduce the cumulative burden of meeting the Federal Government's information demands through the use of information technology. This bill hopefully will provide the motivation that the Federal Government needs to make this possible for our Nation's citizens.

I thank Senator ABRAHAM for offering us the opportunity to work with him on this important issue.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3829) was agreed to.

The bill (S. 2107), as amended, was considered read the third time and passed, as follows:

S. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

AMENDING TITLE 35, UNITED STATES CODE, TO PROTECT PATENT OWNERS AGAINST THE UNAUTHORIZED SALE OF PLANT PARTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1197, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3830

(Purpose: To provide for access to electronic patent information)

Mr. CRAIG. Mr. President, Senators LEAHY, SMITH of Oregon, and HATCH have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. LEAHY, for himself, Mr. SMITH of Oregon and Mr. HATCH, proposes an amendment numbered 3830.

The amendment is as follows:

At the end of the bill add the following:

SEC. 4. ACCESS TO ELECTRONIC PATENT INFORMATION.

(a) IN GENERAL.—The United States Patent and Trademark Office shall develop and implement statewide computer networks with remote library sites in requesting rural States such that citizens in those States will have enhanced access to information in their State's patent and trademark depository library.

(b) DEFINITION.—In this section, the term "rural States" means the States that qualified on January 1, 1997, as rural States under section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379bb(b)).

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering the "Plant Patent Amendments Act of 1998," H.R. 1197. This legislation closes a loophole in the law by providing patent protection, not only for an entire plant, but for parts of a plant as well.

Since the 1930s, U.S. patent law has benefited agriculture, horticulture and the public by providing an incentive for breeders to develop new plant varieties. This incentive is the availability of patents for new plant varieties.

An unforeseen ambiguity in the law, however, is undermining the incentives for breeders holding U.S. plant patents. Because current U.S. law only provides patent protection for entire plants, plant parts are being traded in U.S. markets to the detriment of U.S. plant patent holders. The resulting lost royalty income has been inhibiting investment in domestic research and breeding activities associated with a wide variety of crops.

By clearly and explicitly providing that U.S. patent law protects the owner of a plant patent against the unauthorized sale of plant parts taken from plants illegally reproduced, H.R. 1197 will close the existing loophole in the law and will strengthen the ability of U.S. plant patent holders to enforce their patent rights.

Another matter of special interest to me is the amendment that I offered to the "Plant Patent Amendments Act of 1998" to enhance access to all types of patent information. I have long thought that electronic access should be more widespread and want to work with the United States Patent and Trademark Office (PTO) to ensure the effective implementation of statewide electronic accessibility of patent information in rural states and eventually in all areas to make it easier for inventors to study prior art and make further advances. This should be of particular benefit to Vermont, which last year established a patent and trademark depository library.

The Articles of Association of the Vermont Patent and Trademark Depository Library (Vermont PTDL) state that the library will "create a vital educational and economic development resource that will provide all Vermonters with access to patent and trademark records and supporting research materials and reference services." At this time, however, all Vermonters do not, in a practical sense, have access to the wealth of resources at the Vermont PTDL. In fact, it can be as much as a four hour drive for certain Vermont citizens to drive to the Vermont PTDL at the University of Vermont's Bailey/Howe Library.

The intent of my amendment, which is cosponsored by Senator ORRIN HATCH of Utah and Senator GORDON SMITH of Oregon, is for the PTO to work with the people in the trenches currently operating the patent and trademark depository libraries to develop and implement the statewide computer networks with remote library sites; it only makes sense for the PTO to work with the people who most fully understand the needs of the constituents they currently serve and may serve in the future.

This legislation is timely, because the Senate is considering the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999, H.R. 3723. As the lead Senate Democratic champion for H.R. 3723, I am hopeful that the Senate will pass this measure today so the PTO will not suffer a reduction in revenue for the current fiscal year. I am also committed to working with the PTO, now and in the future, as it ensures the effective implementation of statewide electronic accessibility of patent information in rural states.

I would like to pay a special thanks to Eric Benson, President of Vermont PTDL, former State representative Kerry Kurt, who was instrumental in the development of the Vermont PTDL, and everybody who serves on the Board of the Vermont PTDL. These Vermonters were the inspiration for my amendment, and they have worked hard to make the Vermont PTDL an asset of which all Vermonters can be proud.

Mr. HATCH. Mr. President, I rise today in support of Senate passage of H.R. 1197, the Plant Patents Amendment Act of 1997. This legislation, passed by the House last Friday, would close a loophole in the Patent Act through which foreign infringers are able to exploit the products of their infringements within the United States, depriving American plant patent owners of millions of dollars in royalties. This bill is identical to legislation introduced in the Senate by Senator GORDON SMITH, and its substantive provisions are mirrored in the omnibus patent bill I introduced and which was reported favorably to the Senate by the Judiciary Committee last year.

The development of new plant varieties in the United States is encouraged by chapter 15 of the Patent Act, which grants patent-like protection to anyone who develops new, distinct varieties of asexually reproduced plants. Plant patent owners are rewarded for their ingenuity with a limited monopoly that allows them to prevent others from asexually reproducing the plant or selling or using a plant so reproduced.

The so-called loophole exists because the sale or use of plant parts is not explicitly prohibited. As a result, plant patent owners must stand by while their patents are infringed abroad and the products of such infringement—for example, fruit or cut flowers—are then imported to and sold within the United States, without a single dime in royalty revenue to the patent owner. This is no small problem. Royalty losses with respect to some key horticultural plants have been estimated to reach between $50 to $100 million over the past five to ten years. This is money that rightfully should be directed to American plant patent owners—many of whom are small businesses and family farmers—and which would otherwise contribute tremendously to the U.S. economy.

Enactment of this legislation is not only good for American business and the economy, it is consistent with our international treaty obligations. The International Convention for the Protection of New Varieties of Plants (UPOV) was last revised in March 1991, and the United States signed the convention in October 1991. This convention provides protection for plant breeders by requiring member countries to accord certain plant patent rights, including specifically the right to prohibit others from selling, importing, or exporting harvested material (i.e., plant parts) derived from unauthorized asexually reproduced plants.

Mr. President, I had hoped to enact this change in the context of a comprehensive patent reform bill. I am disappointed that consideration of that bill has been blocked by a few senators with unrelated and rather non-descript objections, and that we are forced to take this measure up as a stand-alone bill. Nevertheless, I am pleased that the House has acted on this measure, and I commend the efforts of my colleague, Senator SMITH, to bring this bill to a vote in the Senate.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3830) was agreed to.

The bill (H.R. 1197), as amended, was considered read the third time and passed.

THROTTLE CRIMINAL USE OF GUNS

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 191) to throttle criminal use of guns.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 191) entitled "An Act to throttle criminal use of guns", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENT TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 924(c) of title 18, United States Code, is amended—

(1) by striking "(c)" and all that follows through the end of paragraph (1) and inserting the following:

"(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any such crime, possesses a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(i) be sentenced to a term of imprisonment of not less than 5 years;

"(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 7 years; and

"(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 10 years.

"(B) If the firearm possessed by a person convicted of a violation of this subsection—

"(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 10 years; or

"(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 30 years.

"(C) In the case of a second or subsequent conviction under this subsection, the person shall—

"(i) be sentenced to a term of imprisonment of not less than 25 years; and

"(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

"(D) Notwithstanding any other provision of law—

"(i) a court shall not place on probation any person convicted of a violation of this subsection; and

"(ii) no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed."; and

(2) by adding at the end the following:

"(4) For purposes of this subsection, the term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.".

(b) CONFORMING AMENDMENT.—Section 3559(c)(2)(F)(i) of title 18, United States Code, is amended by inserting "firearms possession (as described in section 924(c));" after "firearms use;".

Mr. CRAIG. I ask unanimous consent the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

RHINO AND TIGER PRODUCT LABELING ACT

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2807) entitled "An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger", with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking "$500" and inserting "$15,000";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of

Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVE

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiative Act of 1998".

SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING SUPPORT FOR CERTAIN INSTITUTES AND SCHOOLS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2638, introduced earlier today by Senator FRIST.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2638) to provide support for certain institutes and schools.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2638) was considered read the third time and passed, as follows:

S. 2638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES

SEC. 101. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by Portland State University for the purpose of generating income for the support of the Institute.

(2) INSTITUTE.—The term "Institute" means the Oregon Institute of Public Service and Constitutional Studies established under this title.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 102. OREGON INSTITUTE OF PUBLIC SERVICE AND CONSTITUTIONAL STUDIES.

From the funds appropriated under section 106, the Secretary is authorized to award a grant to Portland State University at Portland, Oregon, for the establishment of an endowment fund to support the Oregon Institute of Public Service and Constitutional Studies at the Mark O. Hatfield School of Government at Portland State University.

SEC. 103. DUTIES.

In order to receive a grant under this title the Portland State University shall establish the Institute. The Institute shall have the following duties:

(1) To generate resources, improve teaching, enhance curriculum development, and further the knowledge and understanding of students of all ages about public service, the United States Government, and the Constitution of the United States of America.

(2) To increase the awareness of the importance of public service, to foster among the youth of the United States greater recognition of the role of public service in the development of the United States, and to promote public service as a career choice.

(3) To establish a Mark O. Hatfield Fellows program for students of government, public policy, public health, education, or law who have demonstrated a commitment to public service through volunteer activities, research projects, or employment.

(4) To create library and research facilities for the collection and compilation of research materials for use in carrying out programs of the Institute.

(5) To support the professional development of elected officials at all levels of government.

SEC. 104. ADMINISTRATION.

(a) LEADERSHIP COUNCIL.—

(1) IN GENERAL.—In order to receive a grant under this title Portland State University shall ensure that the Institute operates under the direction of a Leadership Council (in this title referred to as the "Leadership Council") that—

"(A) consists of 15 individuals appointed by the President of Portland State University; and

"(B) is established in accordance with this section.

(2) APPOINTMENTS.—Of the individuals appointed under paragraph (1)(A)—

(A) Portland State University, Willamette University, the Constitution Project, George Fox University, Warner Pacific University, and Oregon Health Sciences University shall each have a representative;

(B) at least 1 shall represent Mark O. Hatfield, his family, or a designee thereof;

(C) at least 1 shall have expertise in elementary and secondary school social sciences or governmental studies;

(D) at least 2 shall be representative of business or government and reside outside of Oregon;

(E) at least 1 shall be an elected official; and

(F) at least 3 shall be leaders in the private sector.

(3) EX-OFFICIO MEMBER.—The Director of the Mark O. Hatfield School of Government at Portland State University shall serve as an ex-officio member of the Leadership Council.

(b) CHAIRPERSON.—

(1) IN GENERAL.—The President of Portland State University shall designate 1 of the individuals first appointed to the Leadership Council under subsection (a) as the Chairperson of the Leadership Council. The individual so designated shall serve as Chairperson for 1 year.

(2) REQUIREMENT.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1), or the term of the Chairperson elected under this paragraph, the members of the Leadership Council shall elect a Chairperson of the Leadership Council from among the members of the Leadership Council.

SEC. 105. ENDOWMENT FUND.

(a) MANAGEMENT.—The endowment fund shall be managed in accordance with the standard endowment policies established by the Oregon University System.

(b) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the Institute under section 103.

(c) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be spent by Portland State University in collaboration with Willamette University, George Fox University, the Constitution Project, Warner Pacific University, Oregon Health Sciences University, and other appropriate educational institutions or community-based organizations. In expending such funds, the Leadership Council shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000 for fiscal year 1999, and each subsequent fiscal year thereafter.

TITLE II—PAUL SIMON PUBLIC POLICY INSTITUTE

SEC. 201. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) ENDOWMENT FUND CORPUS.—The term "endowment fund corpus" means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 202(d).

(3) ENDOWMENT FUND INCOME.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) INSTITUTE.—The term "Institute" means the Paul Simon Public Policy Institute described in section 202.

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) UNIVERSITY.—The term "University" means Southern Illinois University at Carbondale, Illinois.

SEC. 202. PROGRAM AUTHORIZED.

(a) GRANTS.—From the funds appropriated under section 206, the Secretary is authorized to award a grant to Southern Illinois University for the establishment of an endowment fund to support the Paul Simon Public Policy Institute. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) DUTIES.—In order to receive a grant under this title, the University shall establish the Institute. The Institute, in addition to recognizing more than 40 years of public service to Illinois, to the Nation, and to the world, shall engage in research, analysis, debate, and policy recommendations affecting world hunger, mass media, foreign policy, education, and employment.

(c) DEPOSIT INTO ENDOWMENT FUND.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) MATCHING FUNDS REQUIREMENT.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) DURATION; CORPUS RULE.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 203. INVESTMENTS.

(a) IN GENERAL.—The University shall invest the endowment fund corpus and endowment fund income in those low-risk instruments and securities in which a regulated insurance company may invest under the laws of the State of Illinois, such as federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, or obligations of the United States.

(b) JUDGMENT AND CARE.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 204. WITHDRAWALS AND EXPENDITURES.

(a) IN GENERAL.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) SPECIAL RULE.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) REPAYMENT.—

(1) INCOME.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) CORPUS.—Except as provided in section 202(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 205. ENFORCEMENT.

(a) IN GENERAL.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 204, except as provided in section 202(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 203; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under this title, pursuant to such rules and regulations as may be proscribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) TERMINATION.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $3,000,000 for fiscal year 1999, and each subsequent fiscal year thereafter. Funds appropriated under this section shall remain available until expended.

TITLE III—HOWARD BAKER SCHOOL OF GOVERNMENT

SEC. 301. DEFINITIONS.

In this title:

(1) BOARD.—The term "Board" means the Board of Advisors established under section 304.

(2) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the University of Tennessee in Knoxville, Tennessee, for the purpose of generating income for the support of the School.

(3) SCHOOL.—The term "School" means the Howard Baker School of Government established under this title.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) UNIVERSITY.—The term "University" means the University of Tennessee in Knoxville, Tennessee.

SEC. 302. HOWARD BAKER SCHOOL OF GOVERNMENT.

From the funds authorized to be appropriated under section 306, the Secretary is authorized to award a grant to the University for the establishment of an endowment fund to support the Howard Baker School of Government at the University of Tennessee in Knoxville, Tennessee.

SEC. 303. DUTIES.

In order to receive a grant under this title, the University shall establish the School. The School shall have the following duties:

(1) To establish a professorship to improve teaching and research related to, enhance the curriculum of, and further the knowledge and understanding of, the study of democratic institutions, including aspects of regional planning, public administration, and public policy.

(2) To establish a lecture series to increase the knowledge and awareness of the major public issues of the day in order to enhance informed citizen participation in public affairs.

(3) To establish a fellowship program for students of government, planning, public administration, or public policy who have demonstrated a commitment and an interest in pursuing a career in public affairs.

(4) To provide appropriate library materials and appropriate research and instructional equipment for use in carrying out academic and public service programs, and to enhance the existing United States Presidential and public official manuscript collections.

(5) To support the professional development of elected officials at all levels of government.

SEC. 304. ADMINISTRATION.

(a) BOARD OF ADVISORS.—

(1) IN GENERAL.—The School shall operate with the advice and guidance of a Board of Advisors consisting of 13 individuals appointed by the Vice Chancellor for Academic Affairs of the University.

(2) APPOINTMENTS.—Of the individuals appointed under paragraph (1)—

(A) 5 shall represent the University;

(B) 2 shall represent Howard Baker, his family, or a designee thereof;

(C) 5 shall be representative of business or government; and

(D) 1 shall be the Governor of Tennessee, or the Governor's designee.

(3) EX OFFICIO MEMBERS.—The Vice Chancellor for Academic Affairs and the Dean of the College of Arts and Sciences at the University shall serve as an ex officio member of the Board.

(b) CHAIRPERSON.—

(1) IN GENERAL.—The Chancellor, with the concurrence of the Vice Chancellor for Academic Affairs, of the University shall designate 1 of the individuals first appointed to the Board under subsection (a) as the Chairperson of the Board. The individual so designated shall serve as Chairperson for 1 year.

(2) REQUIREMENTS.—Upon the expiration of the term of the Chairperson of the individual designated as Chairperson under paragraph (1) or the term of the Chairperson elected under this paragraph, the members of the Board shall elect a Chairperson of the Board from among the members of the Board.

SEC. 305. ENDOWMENT FUND.

(a) MANAGEMENT.—The endowment fund shall be managed in accordance with the standard endowment policies established by the University of Tennessee System.

(b) USE OF INTEREST AND INVESTMENT INCOME.—Interest and other investment income earned (on or after the date of enactment of this subsection) from the endowment fund may be used to carry out the duties of the School under section 303.

(c) DISTRIBUTION OF INTEREST AND INVESTMENT INCOME.—Funds realized from interest and other investment income earned (on or after the date of enactment of this subsection) shall be available for expenditure by the University for purposes consistent with section 303, as recommended by the Board. The Board shall encourage programs to establish partnerships, to leverage private funds, and to match expenditures from the endowment fund.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2000, and each subsequent fiscal year thereafter.

TITLE IV—JOHN GLENN INSTITUTE FOR PUBLIC SERVICE AND PUBLIC POLICY

SEC. 401. DEFINITIONS.

In this title:

(1) ENDOWMENT FUND.—The term "endowment fund" means a fund established by the University for the purpose of generating income for the support of the Institute.

(2) ENDOWMENT FUND CORPUS.—The term "endowment fund corpus" means an amount equal to the grant or grants awarded under this title plus an amount equal to the matching funds required under section 402(d).

(3) ENDOWMENT FUND INCOME.—The term "endowment fund income" means an amount equal to the total value of the endowment fund minus the endowment fund corpus.

(4) INSTITUTE.—The term "Institute" means the John Glenn Institute for Public Service and Public Policy described in section 402.

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

(6) UNIVERSITY.—The term "University" means the Ohio State University at Columbus, Ohio.

SEC. 402. PROGRAM AUTHORIZED.

(a) GRANTS.—From the funds appropriated under section 406, the Secretary is authorized to award a grant to the Ohio State University for the establishment of an endowment fund to support the John Glenn Institute for Public Service and Public Policy. The Secretary may enter into agreements with the University and include in any agreement made pursuant to this title such provisions as are determined necessary by the Secretary to carry out this title.

(b) PURPOSES.—The Institute shall have the following purposes:

(1) To sponsor classes, internships, community service activities, and research projects to stimulate student participation in public service, in order to foster America's next generation of leaders.

(2) To conduct scholarly research in conjunction with public officials on significant issues facing society and to share the results of such research with decisionmakers and legislators as the decisionmakers and legislators address such issues.

(3) To offer opportunities to attend seminars on such topics as budgeting and finance, ethics, personnel management, policy evaluations, and regulatory issues that are designed to assist public officials in learning more about the political process and to expand the organizational skills and policymaking abilities of such officials.

(4) To educate the general public by sponsoring national conferences, seminars, publications, and forums on important public issues.

(5) To provide access to Senator John Glenn's extensive collection of papers, policy decisions, and memorabilia, enabling scholars at all levels to study the Senator's work.

(c) DEPOSIT INTO ENDOWMENT FUND.—The University shall deposit the proceeds of any grant received under this section into the endowment fund.

(d) MATCHING FUNDS REQUIREMENT.—The University may receive a grant under this section only if the University has deposited in the endowment fund established under this title an amount equal to one-third of such grant and has provided adequate assurances to the Secretary that the University will administer the endowment fund in accordance with the requirements of this title. The source of the funds for the University match shall be derived from State, private foundation, corporate, or individual gifts or bequests, but may not include Federal funds or funds derived from any other federally supported fund.

(e) DURATION; CORPUS RULE.—The period of any grant awarded under this section shall not exceed 20 years, and during such period the University shall not withdraw or expend any of the endowment fund corpus. Upon expiration of the grant period, the University may use the endowment fund corpus, plus any endowment fund income for any educational purpose of the University.

SEC. 403. INVESTMENTS.

(a) IN GENERAL.—The University shall invest the endowment fund corpus and endowment fund income in accordance with the University's investment policy approved by the Ohio State University Board of Trustees.

(b) JUDGMENT AND CARE.—The University, in investing the endowment fund corpus and endowment fund income, shall exercise the judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of the person's own business affairs.

SEC. 404. WITHDRAWALS AND EXPENDITURES.

(a) IN GENERAL.—The University may withdraw and expend the endowment fund income to defray any expenses necessary to the operation of the Institute, including expenses of operations and maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. No endowment fund income or endowment fund corpus may be used for any type of support of the executive officers of the University or for any commercial enterprise or endeavor. Except as provided in subsection (b), the University shall not, in the aggregate, withdraw or expend more than 50 percent of the total aggregate endowment fund income earned prior to the time of withdrawal or expenditure.

(b) SPECIAL RULE.—The Secretary is authorized to permit the University to withdraw or expend more than 50 percent of the total aggregate endowment fund income whenever the University demonstrates such withdrawal or expenditure is necessary because of—

(1) a financial emergency, such as a pending insolvency or temporary liquidity problem;

(2) a life-threatening situation occasioned by a natural disaster or arson; or

(3) another unusual occurrence or exigent circumstance.

(c) REPAYMENT.—

(1) INCOME.—If the University withdraws or expends more than the endowment fund income authorized by this section, the University shall repay the Secretary an amount equal to one-third of the amount improperly expended (representing the Federal share thereof).

(2) CORPUS.—Except as provided in section 402(e)—

(A) the University shall not withdraw or expend any endowment fund corpus; and

(B) if the University withdraws or expends any endowment fund corpus, the University shall repay the Secretary an amount equal to one-third of the amount withdrawn or expended (representing the Federal share thereof) plus any endowment fund income earned thereon.

SEC. 405. ENFORCEMENT.

(a) IN GENERAL.—After notice and an opportunity for a hearing, the Secretary is authorized to terminate a grant and recover any grant funds awarded under this section if the University—

(1) withdraws or expends any endowment fund corpus, or any endowment fund income in excess of the amount authorized by section 404, except as provided in section 402(e);

(2) fails to invest the endowment fund corpus or endowment fund income in accordance with the investment requirements described in section 403; or

(3) fails to account properly to the Secretary, or the General Accounting Office if properly designated by the Secretary to conduct an audit of funds made available under this title, pursuant to such rules and regulations as may be prescribed by the Comptroller General of the United States, concerning investments and expenditures of the endowment fund corpus or endowment fund income.

(b) TERMINATION.—If the Secretary terminates a grant under subsection (a), the University shall return to the Treasury of the United States an amount equal to the sum of the original grant or grants under this title, plus any endowment fund income earned thereon. The Secretary may direct the University to take such other appropriate measures to remedy any violation of this title and to protect the financial interest of the United States.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $6,000,000 for fiscal year 2000, and each subsequent fiscal year thereafter. Funds appropriated under this section shall remain available until expended.

REQUIRING MINTING OF COINS IN COMMEMORATION OF BICENTENNIAL OF LEWIS AND CLARK

Mr. CRAIG. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 1560 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3831

(Purpose: To award congressional gold medals to the "Little Rock Nine" and Gerald R. and Betty Ford, to provide for a 6-month extension for certain coin sales, and for other purposes)

Mr. CRAIG. Mr. President, Senator D'AMATO has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. D'AMATO, proposes an amendment numbered 3831.

The amendment is as follows:

At the end of the bill, add the following new sections:

SEC. 11. CONGRESSIONAL GOLD MEDALS FOR THE "LITTLE ROCK NINE".

(a) FINDINGS.—The Congress finds that—

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the "Little Rock Nine", voluntarily subjected themselves to the bitter stinging pains of racial bigotry;

(2) the Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country;

(3) the Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation;

(4) the Little Rock Nine sacrificed their innocence to protect the American principle that we are all "one nation, under God, indivisible";

(5) the Little Rock Nine have indelibly left their mark on the history of this Nation; and

(6) the Little Rock Nine have continued to work toward equality for all Americans.

(b) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of

Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to as the "Little Rock Nine", gold medals of appropriate design, in recognition of the selfless heroism that such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(c) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (b) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(d) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1998, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 12. FORD CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

(d) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 13. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3831) was agreed to.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1560), as amended, was considered read the third time and passed.

THIRD-PARTY PROCUREMENT MONITORING

Mr. COCHRAN. Mr. President, it is my understanding that corruption and fraud are major problems in the procurement of goods and services funded by multi-lateral lending programs. Since these programs are paid for by U.S. taxpayers, the Senate Appropriations Committee identified potential mechanisms in its report accompanying the fiscal year 1999 Foreign Operation Appropriations bill to ensure that procurement processes by borrowing or recipient nations are transparent, non-biased and open.

One of the mechanisms identified by the committee is independent third party procurement monitoring. An independent third party procurement monitor provides an independent review and assessment of government procurement projects by auditing and certifying that the procurement process is non-biased, open, transparent and fair. Importantly, independent third party monitoring provides technical assistance and training in country to improve the quality of the procurement process, thereby making the procurement process more effective. The program also verifies that the contractual, technical, economic and financial obligations of the supplier are fully discharged.

I encourage the Administration to support the use of programs such as independent third-party procurement monitoring which have proven their value in reducing costs by deterring corruption and fraud, ensuring the quality of the goods and services provided, stimulating competition and free trade, as well as enabling U.S. business to compete more successfully.

FOREIGN POLICY: AN UNFINISHED AGENDA

Mr. KERREY. Mr. President, I have some good news, and I have some bad news.

First the good news: We won. The Cold War, that is. Now the bad news: We may find the burden of winning that war as heavy as the burden of fighting it. I say that is the "bad news," Mr. President, because it seems like bad news. But I believe it is both our destiny—a mantle that history has placed on our shoulders whether we like it or not—and an opportunity. The opportunity is this: the furnace in which American values are forged throughout the world is fiery hot, and its door is open.

That furnace will not be hot forever, Mr. President. Our triumph in the Cold War dissolved an empire and set free the nations that had been chained up by it. The totalitarian idea was stripped of the thin threads of legitimacy to which its aging adherents continued to cling. The birth of freedom—the opportunity to build new institutions of democracy and world stability—opened.

This furnace was hot, and still is, Mr. President, but the opportunity to build from the rubble of a fallen empire also brings turmoil. As what we hope are the transitional problems of economic instability, ethnic conflict, and proliferation of weapons of mass destruction cool and harden into habits, the door to that furnace of opportunity is closing.

America has learned before that the smoldering embers of victory contain the fires of reignited conflict. Once in this century we got it wrong. After the first world war, we made the fatal mistake of a vengeful peace. The result was a second world war, after which we got much more right, especially our leadership in rebuilding a crumbled world. Now, like then, we are weary of war's toll, but now, like then, we must bear the burden of leadership in victory. And we must do it while the furnace is hot and the opportunity right.

That, Mr. President, is why I am concerned that the 105th Congress is preparing to adjourn with too much foreign policy business left unfinished. The challenges we face around the world are burdens not just for this Congress, but for this country, for every American. The bell of leadership will toll for all of us, and we should not be surprised when it does. I want to outline just a few places where we may hear that call.

First, we face a global economic meltdown. Economies throughout the world are slowing and more uncertainty seems to arise everyday. Over the past year we have seen how instability in the Asian financial markets can quickly spread and undermine the stability of the global economy.

The impact has been devastating. Overnight, people in Asia and Russia have seen their entire life savings disappear. They have seen the chance to give their children an education and a shot at a better life evaporate. They have seen their standards of living plummet to the point where they must struggle to acquire basic necessities. Failure to act quickly to reverse the situation and promote global economic growth could consign an entire generation—who only months ago were on the verge of building a middle class—to a life of continued poverty.

We must know that global prosperity is not possible without a strong U.S. economy. I am pleased with the recent decision by the Federal Reserve to cut U.S. interest rates; although I admit I wish they would have cut it further. As the economic engine that drives the world, we must be prepared to take bold action to ensure world economic growth. Let me be clear, not only do we seek to improve the lives of people around the world through economic growth, we act with an element of self interest. A healthy global economy is the surest way to maintain a robust economy in the United States. As the farmers in my state know, without markets for U.S. products abroad, our own prosperity is threatened. Should this economic crisis deepen, should we start seeing credible signs of global depression, this Congress and the Administration must be prepared to act boldly to stimulate economic growth.

In that regard, I am pleased we are taking a proactive role in trying to prevent the economic crisis from spreading further to places like Latin America. We should continue to work cooperatively with other nations, like Japan, to assist them in implementing the kind of economic and legal reforms that will help them rebuild their economies.

Out of this crisis, we are also learning that economic instability leads to political instability. We see this in Russia, where financial shocks have created a political crisis which threatens Russian democracy. The situation in Russia demands our attention. As a nation with a capability to launch thousands of nuclear weapons, we cannot afford to allow Russia to slip into anarchy. I still believe the Russian transition will be successful, but it will be measured in decades, not years. We must be prepared to help the Russian people over the long run to create a democratic system based on the rule of law.

At the same time, we cannot allow the wealth of challenges we face both at home and abroad to embolden despotic leaders to flaunt international standards. Recent missile tests by North Korea only too clearly demonstrate the need to remain committed to the security of our friends in Asia. It refocuses our attention on this troubled region.

A divided Korea is one of the few lingering vestiges of the Cold War. But a change there is inevitable. I see two potential scenarios on the Korea Peninsula. In the first scenario, North Korea will acquiesce to the tide of history, renounce totalitarianism, embrace democracy, and peacefully reunite with the South. In the other scenario, North Korea implodes into an irrational and dangerous nation threatening the peace and security not only of South Korea, but of the entire region. While we should strive to ensure the former scenario, we should prepare for the latter.

First, we should reaffirm our military ties with South Korea and Japan. The 37,000 American troops stationed in South Korea, and the tens of thousands stationed throughout Asia, should serve as ample warning of our intent to stand by our allies and respond to all threats. Second, we should continue to support South Korea as it rebuilds its economy and implements further democratic reforms. Finally, we must maintain our active containment of North Korea with the cooperation of all of our partners in the region.

As we remain vigilant in Korea, we cannot release the pressure we have built on Saddam Hussein's regime. We are all concerned about Saddam's unwillingness to live up to his agreements, to fully disclose all information on his weapons of mass destruction programs, and to cooperate with United Nations Security Council Resolutions and mandates. Iraq's refusal to cooperate with UNSCOM monitors can not be allowed to go unchallenged.

But ultimately, our success in Iraq will not come from winning a game of hide and seek with Saddam's weapons of mass destruction, but through the establishment of democracy in Iraq. We must change our policy from containment of Iraq to the replacement of Saddam Hussein with a democratic government. I am pleased legislation sponsored by Senator LOTT and myself—designed to set the Iraqi people on the path to self-government—was recently passed by both the House and the Senate. As Americans, we should strive for no less. This policy is both noble, and with our assistance, possible.

In the Balkans, recent election victories by Serbian hardliners in Bosnia once again raise concerns about the prospects for a lasting peace. While enormous progress has been made since the days of open warfare and ethnic cleansing, more must be done to assure that Bosnia will become a peaceful, multi-ethnic state.

Let us be clear, the chance for peace in Bosnia did not come from a sudden willingness of the warring parties to come together. It came from our willingness to use our own military power. I am extremely proud of the men and women of the United States Armed Forces who have served in Bosnia as a part of IFOR and SFOR. Their ability to bring peace to Bosnia is the best example of the effectiveness of U.S. leadership in the world. We should not forget that before the U.S. military intervention in Bosnia, our nightly news was filled with images of the destruction of Bosnian villages; of men, women, and children being gunned down in the streets of Sarajevo; and of families being separated and never seeing each other again.

But because we acted—because men and women in America's armed forces put their lives on the line—the fighting was stopped, the Dayton Peace Accords were signed, and the people of Bosnia have been given the chance to return to a normal life. Ultimately, the success or failure of our efforts in Bosnia will be determined by the capability to fully implement the civilian components of the Dayton Accords and our ability to help the people of Bosnia establish democracy and the rule of law based on ethnic security.

However, just as we allow ourselves to be hopeful for the people of Bosnia, we see more senseless killing of innocent civilians in the Balkans. The situation in Kosovo—while different and perhaps more complex than Bosnia—presents another challenge. Once again, we are faced with the question: do we have the resolve to confront Serb aggression and to halt the spread of ethnic conflict in the region? In answering this question, we must heed the lesson of Bosnia—at times, the credible use of force precedes diplomacy.

Over the past few months, Serbia has been given ample warning by the international community that its policies of ethnic cleansing, indiscriminate destruction of villages, and brutality toward civilian populations would not go unchallenged. However, Mr. President, President Milosevic did not respond to the demands of the international community until NATO began serious consideration of military action. One of the reasons I voted for NATO enlargement earlier this year was my firm belief that the inclusion of Poland, Hungary, and the Czech Republic—nations that had only recently thrown off the yoke of dictatorial regimes—would make the Alliance more willing to act in defense of freedom. Therefore, I was heartened to see President Vaclav Havel providing leadership and insisting that NATO respond to Serb action in Kosovo.

I am hopeful that the agreement reached earlier this week will improve the prospects of peace in Kosovo and will avert the pending humanitarian crisis. But if we have learned one lesson in dealing with Slobodan Milosevic in the past it is this: believe his actions, not his words.

Mr. President, as I look out onto the world these are only a few of the foreign policy challenges we face. I come before my colleagues today with a simple message: America must lead. But for America to lead, Congress must act.

First, Congress must ensure a strong national defense. I am pleased that we have passed both the Defense Authorization and Appropriations Bills, which in my opinion are two of the most important pieces of legislation we pass on an annual basis. The United States maintains the best equipped and most skillfully trained military the world has ever seen. This is not bravado, but a fact. A fact that should serve as a constant reminder to any nation contemplating a challenge to our interests. A strong American military, one that's ready to deploy and one that's backed up by the will of the American people, is a tremendous deterrent, and is likely to prevent conflict and the need for U.S. intervention.

Next, we must ensure that we maintain our intelligence capabilities. Americans should not suffer the illusion that we currently have the intelligence capacity to know everything that's going on in the world. We simply do not. We are not allocating enough resources to make certain our military is getting the intelligence it needs to identify threats and protect our national interests. But more importantly, we are not allocating enough resources to make certain policymakers are informed so that conflicts that might occur can be avoided. Mr. President, I believe we will not be able to allocate sufficient resources to our intelligence needs until we declassify the current budget and have a public debate about how we spend those dollars.

As I look at the legacy of the 105th Congress, I see many areas in which we have failed to provide the leadership necessary to guide the United States through these troubled times. We have left an unfinished agenda that we must confront in the 106th Congress.

Our first line of national defense is diplomacy. But we in Congress have spent far too little of our time and resources on ensuring we have a strong, well-financed diplomatic corps. In fact, as of today, the Senate has failed to act on over 20 State Department nominees—including over 15 nominations for ambassadorial positions. How can the United States represent its interests abroad without having our diplomatic representatives in place? Like our military, we should strive to make our diplomatic corps the envy of the world. I am convinced a strong diplomatic presence would reduce the chance of having to use our military forces.

In the same manner, Congressional refusal to provide funding to meet our international financial obligations puts a range of U.S. interests at risk. Currently, the United States owes over $1 billion in arrears to the United Nations. At a time in which we are trying to strip Saddam Hussein of his weapons of mass destruction programs through the auspices of UNSCOM and the U.N. Security Council, it would be foolish to believe that our failure to pay our debts does not impact our credibility. While I support efforts to reform U.N. operations, too often the payment of our arrears has been held hostage by those simply opposed to U.S. engagement in the world or by unrelated political debates. Former Secretary of Defense Frank Carlucci said it best: "One thing is certain—we can't reform the U.N. if we're the biggest deadbeat." It's time for the United States to act like the most powerful nation in the world, it's time for Congress to pay our debts to the United Nations.

This Congress has not done enough to promote arms control. Specifically, our failure to debate and ratify the Comprehensive Test Ban Treaty during this Congress has relinquished our historic role as the leader in the effort to end the testing of nuclear weapons. Mr. President, the American people overwhelmingly support the Test Ban Treaty because they understand ratification of the treaty will give us new tools to fight the proliferation of nuclear materials and technology and will help us better monitor compliance of other nations.

The nuclear tests conducted earlier this year by India and Pakistan highlight the danger that can arise when nations engage in nuclear brinkmanship. The potential consequences of increased tensions in the region arising from additional testing by India and Pakistan should cause each of us concern, and should elevate this issue to the top of our priority list. The recent declaration by the Prime Ministers of both India and Pakistan of their intention to join the CTBT offer hope that we can make this treaty work. When the 106th Congress reconvenes, the Senate must bring this treaty to the floor. We cannot insist that potential rogue nuclear states adhere to the precepts of the CTBT if the United States Senate gives it less time for debate than bills changing the names of airports.

I spoke earlier about the challenge presented by the global economic crisis. One of the few tools the international community has for extinguishing the sudden brush fires of global crisis is the International Monetary Fund. In response to the crisis, President Clinton requested $18 billion to replenish the IMF's capital base. On two separate occasions, the Senate has overwhelmingly voted to provide this funding, sending a clear message of our belief that the threat to the prosperity of the American people is too great not to act. I am pleased with reports that the funding will be provided as a part of the FY99 Omnibus Appropriations Bill. While imperfect, the IMF is the only institution that pools the world's resources to address large-scale financial crises.

Finally, I was disappointed by our failure to renew fast track authority for the President to negotiate future trade agreements. I believe it's unfortunate because without fast track authority it will be more difficult to negotiate reductions in non-tariff barriers throughout the world that would stimulate demand for American products and create jobs for American citizens.

I have outlined a heavy burden, Mr. President, one whose weight may surprise us. Many Americans thought we won, no doubt, and that the burden of leadership—along with the cloud of danger—had passed. We did win, Mr. President, our blood and treasure struck a tremendous blow for freedom. Our pride is not diminished by the fact that our work is not done.

Shortly before the Soviet Union fell, one of the great soldiers of the Cold War, General Colin Powell, met with General Jack Galvin—commander of NATO—to discuss threats to our security. General Galvin wore a worried look on his face as he plodded through threat after threat after threat that remained. General Powell responded: "Smile, Jack. We won."

Smile, Mr. President. But we must also steel our will. The burden of war is behind us. The burden of victory remains.

EXPORT-IMPORT BANK AND THE ENVIRONMENT

Mr. D'AMATO. Mr. President, I understand that my good friend and colleague from Alaska, Senator MURKOWSKI, chairman of the Senate Energy and Natural Resources Committee, has recently introduced legislation which would amend the Export-Import Bank Act of 1945 to assure that the United States is consistent with other G–7 countries in evaluating environmental concerns whenever the Bank undertakes project financing. I understand the Senator's concerns. However, I feel that this issue would be much better addressed with a full hearing. Adding this provision onto the Omnibus Appropriations bill without fully discussing it and analyzing its implications with a hearing, may not be prudent.

Mr. MURKOWSKI. Mr. President, my good friend from New York, the chairman of the Senate Committee on Banking, Housing, and Urban Affairs, Senator D'AMATO, is correct. I have introduced a bill, S. 2537, to amend the Export-Import Bank's environmental provisions. The bill does two things. First, it directs the Ex-Im Bank to negotiate a multi-lateral agreement with the export financing agencies of all G–7 countries to address environmentally sensitive development overseas. Second, until such agreement is reached, my legislation would ensure that U.S. companies have access to Ex-Im Bank financing of overseas projects where other G–7 countries are providing or have indicated an intent to provide financing to the project in question without conditioning such assistance on environmental policies or procedures. The net effect of this law is to impose unilateral sanctions on U.S. companies in the name of the environment.

I had intended to discuss this legislation as part of Senate action on trade issues, because the issue here is trade and competition. This year, however, trade legislation may only be adopted as part of the omnibus spending bill, or not at all.

Mr. D'AMATO. Clearly, my friend has raised a valid concern. Certainly, no member in the Senate is in favor of needlessly denying the necessary financing to a U.S. company, and allowing them to compete internationally, especially in light of the disproportionate levels of financing, and in some cases subsidization provided by many foreign governments to their domestic businesses. I share the Senator's concerns that the Bank not give any other country an unfair advantage when it comes to competing for jobs abroad. However, I am also concerned that this issue has not been addressed properly by the Senate Banking Committee, the committee of jurisdiction with regard to this issue. When ever the Bank considers financing projects abroad, there certainly should be consideration given to the effects on the environment. And additionally, the U.S. should continue to participate in negotiations with the rest of the international community which seek to establish some set of standards for all countries.

Mr. MURKOWSKI. Mr. President, I understand the concerns of the Senator form New York about this legislation, particularly because he is chairman of the committee with jurisdiction over the Export-Import Bank. And I agree that this matter is so important that it deserves the attention of the full Committee on Banking, Housing and Urban Affairs. Is the Senator saying that when the Senate reconvenes for the 106th session, the Chairman will schedule a hearing on my legislation at the earliest possible convenience?

Mr. D'AMATO. Mr. President, that is precisely what I am suggesting, and I appreciate the cooperation of the Senator from Alaska and his understanding on this matter.

Mr. MURKOWSKI. I thank my good friend from New York. As a result of his commitment on hearings. I will not attempt to include my Ex-Im legislation in the omnibus spending bill. I will look forward to working with the Chairman next year to address this important issue.

SOFTWARE COMPETITION

Mr. KERRY. As many of my colleagues are aware, on October 7, a coalition of prominent consumer groups released a study entitled "The Consumer Case Against Microsoft." The report reviews quantitative evidence, journalistic accounts of the software industry and evidence presented by the Department of Justice and the states Attorneys General in its discussion of four major areas of alleged attempts at monopolization—operating systems, desktop applications, web browsers and electronic commerce. The report concludes that Microsoft has a monopoly in several important segments of the consumer software market and is likely to continue to use its market power to gain monopoly market share in other existing and developing markets. In addition, the report argues that Microsoft's business practices and monopoly status combine to deprive consumers of cost savings, quality and choice. These are important issues, and I hope the next Congress will further explore this matter.

Later this month, after we adjourn, the antitrust case against Microsoft will go to trial, and it may conclude before the next Congress convenes. During the course of this trial, the public will learn much about business practices in the software industry, and issues surrounding competition in the software industry will likely gain a higher degree of visibility. I commend all of my colleagues to monitor this trial and the questions that it may raise.

I also ask my colleagues to review the consumers groups' report along with any rebuttal which Microsoft may put forth. The issues raised in the report and during the trial may force Congress to examine whether existing antitrust law sufficiently addresses market abuses in the new digital age. They may also force Congress to consider new and important consumer protection and market dominance issues absent traditional antitrust examination. In the final analysis, we must strive to ensure that all consumers, large and small, are able to benefit from a vibrant and competitive electronic marketplace marked by innovation, competitive pricing and consumer choice.

MANUFACTURED HOUSING IMPROVEMENT ACT

Mr. SHELBY. Mr. President, due to an inadvertent oversight, Senator SUSAN COLLINS was not listed as a cosponsor of S. 2145, the Manufactured Housing Improvement Act of 1998, when the Senate returned from August recess in September. I hope this statement in the CONGRESSIONAL RECORD will clarify Senator COLLIN's enthusiasm for S. 2145. I thank Senator COLLINS for her support of the bill.

PATENT AND TRADEMARK OFFICE REAUTHORIZATION

Mr. LEAHY. Mr. President, I am pleased that the Senate has passed the United States Patent and Trademark Office Reauthorization Act, Fiscal Year 1999, H.R. 3723. This bill, which passed the House of Representatives on May 12, 1998, is an important measure that would benefit all American inventors and would, for the first time in the history of the U.S. patent system, reduce patent fees.

The United States Patent and Trademark Office (PTO) is totally funded by user fees. Prior to 1990, the PTO was funded through a combination of user fees and taxpayer revenue. However, in a deficit reduction exercise in 1990, taxpayer support for the operations of the PTO was eliminated and user fees were substantially increased by the imposition of a surcharge on patent fees. The temptation to use the surcharge has proven to be increasingly irresistible to Congress and the Administration, to the detriment of sound functioning of our nation's patent system. Through Fiscal Year 1998, a total of $235 million has been diverted from the PTO to other unrelated agencies and programs.

At the urging of the inventor community, Congress allowed the surcharge to sunset at the end of Fiscal Year 1998. This means, however, that Congress must take affirmative action to adjust patent fees or the PTO will suffer a drastic reduction in revenue for the current fiscal year which will leave it unable to hire the patent examiners needed to reduce the time required to get a patent to eighteen months. Prompt processing of patent applications is particularly important for those inventors who need their patents to raise risk capital.

The Administration forwarded a draft bill to the Congress which would have continued patent fees at the current levels. However, in an oversight hearing before the House Judiciary Committee, Commissioner Lehman stated that the PTO would be unable to use all the revenues that would be generated if patent fees were to be continued at their current level in fiscal year 1999. Commissioner Lehman stated that keeping fees at their current level would generate $50 million in excess fee revenue which the Administration planned to divert to other government programs. The response by the House of Representatives was to craft a bill, H.R. 3723, that would adjust patent fees to provide all of the money which the PTO indicated that it could use in fiscal year 1999, but which would not generate an unneeded $50 million simply to support other government programs.

In the absence of any action on H.R. 3723, Congress had to include specific language in the continuing resolution signed by the President on September 25, 1998 addressing the level of patent fees that the PTO could charge. Section 117 of Public Law 105–240 provides that the PTO can continue to charge patent fees at the same level that existed on September 30, 1998 through October 9, 1998. As I previously noted, patent fees at this level are higher than they need to be to fully fund the PTO in fiscal year 1999. In a fiscal year when there are debates over how to use the billions of dollars of budget surplus, it is inappropriate for Congress to require the PTO to charge inventors more than the cost of rendering the services which they receive. By enacting H.R. 3723 we serve American inventors and provide them with the first real patent fee reduction in the history of the nation. This bill is good for American inventors and good for the United States.

THE HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT 1998

Mr. JEFFORDS. Mr. President, I am very pleased to support the passage of S. 1754, the Health Professions Education Partnerships Act of 1998. This legislation reauthorizes the health care training programs contained in titles VII and VIII of the Public Health Service Act and its enactment will improve health workforce quality, diversity, and the distribution of funds—while requiring greater accountability of both the grant recipients of federal funds and the agency that administers them. I am pleased to be an original co-sponsor of the Act.

Senate bill 1754 reauthorizes and consolidates 37 categorical grant and contract authorities of title VII and VIII of the Public Health Service Act into 8 clusters to provide for the support of health professions training programs and related community-based educational partnerships. To preserve the integrity of the programs, 15 funding lines will continue. This legislation provides comprehensive, flexible, and effective authority for the support of health professions training programs and the related community-based educational partnerships.

In my own State of Vermont, the students of the University of Vermont's College of Medicine have benefited from a number of these programs and scholarships, including those relating to family medicine and professional nurse and nurse practitioner training. The newest title VII program in Vermont is the Area Health Education Center (AHEC) which opened its first site in April 1997 in the Northeast Kingdom of Vermont. The AHEC will decentralize health professions education by having portions of the training provided in primary medical personnel shortage areas and by improving the coordination and use of existing health resources. Over the next two years, two additional sites are planned in other underserved areas of the State. These efforts have contributed to making Vermont a better place to obtain health care services and they have improved the quality of life for its residents.

I want to thank Senator FRIST and his excellent staff for their dedication and hard work in drafting the Health Professions Education Partnerships Act of 1998. The enactment of this act will improve the training of our nation's health workforce and, also, provide for greater accountability of the public funds used to support these educational programs.

THE MEDICAL RESEARCH INFRASTRUCTURE GAP

Mr. HARKIN. Mr. President, before this Congress ends, I want to bring to my colleagues' attention an important issue confronting our nation's biomedical research enterprise and its search for medical breakthroughs as we move into the next century.

First, I want to say how pleased I am that we were able to provide the biggest increase ever for medical research this year. We worked hard to make that happen and I want to commend my colleague, Senator ARLEN SPECTER, for his leadership and work with me on this important accomplishment. The Conference Agreement of the Fiscal 1999 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provides a $2 billion, or 15 percent, increase for the National Institutes of Health (NIH), the principal source of Federal funding for medical research conducted at our nation's universities and other research institutions. That 15 percent increase puts Congress on course to double funding for the NIH over the next five years, a target I've called for and agreed to by the Senate earlier in this Congress.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted, as well as the training of future scientists and the salaries of those scientists.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have been greatly reduced, ranging from zero to $20 million annually over the past decade. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

Over the past decade, I've worked hard both as chair and now Ranking Member of the health subcommittee to get the NIH budget increased to $15.5 billion. Yet, over that same period, support for facility and laboratory modernization totaled only $110 million. In the Fiscal 1999 appropriations bill, only 0.2 percent of the NIH budget will be directly devoted to improvement of the extramural laboratories that house NIH-funded scientists and support their research.

As we work to double funding for medical research over the next 5 years, the already serious shortfall in the modernization of our nation's aging research facilities will grow unless we take specific action. According to the most recent National Science Foundation study of the status of biomedical research facilities (1996), 47 percent of all biomedical research-performing institutions classified the amount of biological science research space as inadequate, and 51 percent indicated that they had an inadequate amount of medical science research space. Only 45 percent of biomedical research space at research-performing institutions was considered "suitable for scientifically competitive research."

The 1996 NSF Report further found that 36 percent of all institutions with biomedical research space reported capital projects, involving either construction or renovation, that were needed but had to be deferred because funding was not available. The estimated costs for deferred biomedical research construction and renovation projects totaled $4.1 billion. The problem is more severe for Historically Black Colleges and Universities, where only 36 percent of their biomedical research space was rated as being suitable for use in the most competitive scientific research.

The extramural facilities gap has been recognized by leading research organizations, the members of which have recommended a major construction and renovation funding initiative as part of any proposal to significantly increase funding for the NIH. In a March 1998 report, the Association of American Medical Colleges found that "recent advances in science have generated demand for new facilities and instruments, much of which could most rationally be provided through federal programs that are merit reviewed. The AAMC report concluded that "the government should establish and fund an

NIH construction authority, consistent with the general recommendations of the Wyngaarden Committee report of 1988, which projected at that time the need for a 10-year spending plan of $5 billion for new facilities and renovation."

These sentiments are echoed by a June 1998 report of the Federation of American Societies for Experimental Biology (FASEB), one of the leading organizations of basic researchers. The FASEB report concluded that "laboratories must be built and equipped for the science of the 21st century. Infrastructure investments should include renovation of existing space as well as new construction, where appropriate."

Mr. President I am committed to addressing this need. I believe future increases in federal funding for the NIH must be matched with increased funding for repair, renovation, and construction of our extramural research facilities. To this end, I plan on introducing legislation next year to significantly expand our investment in research facility modernization to assure that 21st century research is conducted in 21st century labs and facilities. And over the next year I plan to meet with patients, health professionals, and academic leaders from across the country to discuss this initiative which is so vitally important for the future of the entire medical research enterprise.

Mr. President, this is a very exciting time in the field of biomedical research. We are on the verge of major medical breakthroughs which hold the promise of improved health and reduced costs for the people of this nation and the world. The ravage of killers like cancer, heart disease and Parkinson's and the scores of other illnesses and conditions which take the lives and health of millions of Americans can be ended if we devote the resources. I look forward to working with my colleagues in the coming months and years to assure that this promise is realized.

TERRORISM AND THE GROWING THREAT TO HUMANITARIAN WORKERS ABROAD

Mr. BROWNBACK. Mr. President, today I wish to call attention to a target of terrorism that is rarely discussed. Increasingly, acts of violence are directed at some of the noblest members of our community, namely, humanitarian relief workers. I have been requested by internationally-respected aid agencies to call attention to this issue to encourage risk assessment solutions to minimize humanitarian aid worker fatalities. Borrowing from a recent GAO report entitled Combatting Terrorism, finding solutions demands a "threat and risk assessment approach used by several public and private sector organizations [who] deal with terrorist and other security risks." Unfortunately, little security expertise has been directed to their extraordinary circumstances.

How great is this threat? A March study presented at Harvard warned of sharp increases in security threats against the humanitarian community. The United Nations reports that the safety risks for relief workers has altered dramatically in the last 5 years. We know that at least 25 relief workers from America and other countries died in 1997. Between 1995 and 1997, the International Red Cross, alone, recorded 397 separate security incidents of aggression and banditry against its personnel.

In the farthest corners of the earth, aid workers feed the hungry, heal the sick, comfort the persecuted, and shelter the homeless. Non-profit aid organizations do the hardest work for the littlest pay under the greatest risks with the least support. From Kosovo to Cambodia, Angola to Afghanistan, Liberia to Chechnya, selfless people from America and beyond are serving in increasingly dangerous situations with tremendous personal exposure.

Some of these voluntary organizations have become household names like CARE, World Vision, the American Red Cross, and Catholic Relief Services. Some are smaller community-based charities. Some are missionary organizations in the most isolated places. Some are faith-based, others are secular, but all of them have one thing in common: they are at greater risk than ever before of murder, abduction, and assault.

Their extraordinary vulnerability is illustrated by the following stories: In Tajikistan, a health care worker for street children was kidnaped. Ultimately, both the worker and her 5 abductors were killed by a grenade they set off. In Rwanda, a worker transporting emergency food relief died during an attack by unknown assailants at a military checkpoint. The truck was then set on fire, resulting in the loss of 15 tons of humanitarian relief food which would have fed some 1,700 people for the next month. These are only a few of the countless untold stories of worker maiming and death.

At a recent training course in security for humanitarian organizations held by InterAction (a coalition of international aid organizations), an instructor asked if anyone present had ever evacuated a country under hazardous conditions or had been physically assaulted in the course of their work. Nearly all of the assembled field workers raised their hands. Many asked, "Which time?"

These voluntary organizations play a central role in foreign assistance, and significant American foreign assistance is being funneled through them at an increasing rate. As these groups distribute US foreign relief, they represent America in difficult and dangerous international arenas. And they do it well—they are lean, efficient, and flexible as is demanded by the extremities of working in the most conflicted regions worldwide. Their accomplishments are legendary. Over the years, they have stood between life and death for countless millions during numerous, threatened famines which were averted because of their efforts.

This is the central point of my concern. These courageous and selfless groups are more exposed than ever as terrorism continues to escalate against Americans worldwide. The least we can do during the current, on-going public debate on "terrorism" is to direct attention their way to generate risk assessment solutions. They cannot isolate themselves behind compound walls as would an embassy or arm themselves with military equipment. Their job description requires them to live among the people, and by necessity, become vulnerable.

What can be done? First, I do not want to implement more cumbersome legislation. I do, however, hope to energize private sector solutions relating to risk assessment in this new era of violence. I hope that both public and private sector expertise will be directed towards their unique security challenges.

One immediate solution is information sharing. Even though most experienced humanitarian workers can relate harrowing stories, hard data is difficult to obtain. Experts agree that security incidents among voluntary organizations operating overseas are vastly under-reported. By working cooperatively, aid organizations can share information and resources as incidents occur. Another solution involves training; InterAction, in conjunction with the Office of Foreign Disaster Assistance, recently developed a security training course for aid organizations which was well received. I encourage their continued endeavors and commend all groups seeking ways to improve security training. Training resources could be developed and shared via a consortium.

The gathering of more information quantifying the problems is another step towards solutions. The skills and equipment that once well-served field workers in the past may no longer be adequate. To get a better understanding of the scope and nature of these new problems, I am working with the General Accounting Office to provide a detailed study to assess this problem.

Aid workers are one of America's great natural resources—living in obscurity at great personal sacrifice to ease the suffering of strangers, they express the best of the American character through their extraordinary generosity. They already sacrifice their personal lives, they should not also pay with their blood. We should not lose them to senseless acts of violence if this can be avoided by appropriate risk assessment and resource sharing. I believe there are unique solutions for these unique challenges, where the best security experts will creatively address these special needs. We should not let these heroes be defeated by heartless terrorism—we should not unnecessarily lose our best to this insidious form of violence.

THE INTERNATIONAL RELIGIOUS FREEDOM ACT

Mr. CRAIG. Mr. President, for some months now, pressure has been building for the enactment of legislation that would address the long-neglected but widespread problem of religious persecution in a number of countries, notably persecution of Christians. This legislation, which has been approved by both Houses of Congress and has been sent to the White House, addresses that problem in a manner that will allow the flexibility to protect U.S. interests. Because there was no Committee Report for this legislation, it is important that appropriate guidance be given as to the intent behind the legislation, for the benefit both of the Executive Branch and, in particular, the Commission established by the Act. As an original cosponsor of the legislation, I wish to supplement the Statement of Managers submitted by Mr. NICKLES to draw particular attention to two provisions in the Act that address what is the fundamental duty of any government: to protect the rights of its own citizens.

The primary purpose of this bill is to address the rampant persecution in many foreign countries by the governments of those countries against their own people. But however repugnant we find persecution of citizens of foreign countries—and properly so—it is even worse when we find that the U.S. government has too often turned a blind eye to violations of Americans' religious freedom by persecuting regimes. For example, the State Department has collaborated with the denial of religious freedom by shutting down Christian services on the premises of the U.S. Consulate in Jeddah (Saudi Arabia) and punished a whistle-blowing State Department official who protested. Similarly, the State Department has refused to take any meaningful action to secure the release of an unknown number of minor U.S. citizens who have been kept from leaving Saudi Arabia and who have been forcibly converted to Islam. This is an especially acute problem in the case of girls, who will not be able to leave Saudi Arabia even after reaching the age of majority—in effect, theirs is a life sentence.

This bill addresses both of these issues, and the intent of Congress is clear. First, the bill requires the State Department to report on both practices as they affect the rights of American citizens (section 102(b)(1)(B) (i) and (ii)). This report should be detailed and specific both as to the nature of the violations and the remedial actions that have been applied. Second, because forced religious conversion is among the violations that mandate presidential action under this bill, documentation of the victimization of minor U.S. citizens in this manner by any foreign government should be of particular note in the President's decision to take action. Third, section 107 mandates access for U.S. citizens to diplomatic missions and consular posts for the purpose of religious services on the same basis as the many other nongovernmental activities unrelated to the diplomatic mission that frequently are permitted access. Fourth, the Commission should take particular note of Congress' intent in the provisions relating to violations of Americans' rights in making its recommendations and should be strict in reviewing U.S. government policies in this area. And fifth, notice of these violations of U.S. citizens' rights should prompt a thorough review of the Department of State's too-often dismissive attitude toward these concerns in comparison to its desire to cultivate good relations with foreign governments.

ACCESS TO U.S. MISSIONS ABROAD

It is important to note that these concerns were not invented in the abstract but are drawn from real problems of real people. On the question of the State Department's negative attitude toward the desire of American citizens to be afforded the opportunity for worship in countries where this is forbidden, the following is relevant (from The American Spectator, "Saving Faith: Why won't the State Dept. stand up for Christians?" By Tom Bethell, April 1997):

> The Saudi dictatorship forbids all non-Muslim religious activity, but services were for years held on embassy and consular grounds in Riyadh and Jeddah. In the 1970's, hundreds of Catholics attended Mass within the U.S. mission each week; Protestant services were equally well attended, and Mormons had their own service. (No American diplomats thought to be Jewish are stationed in Saudi Arabia.) Within the British mission, such religious services continue today. But the U.S. mission has now phased them out. In contrast, the U.S. consulate in Jeddah sets aside special facilities for Islamic worship, five times a day, whether by Americans, Saudis, or embassy employees from other countries.
>
> I met with Tim Hunter at a restaurant near his home in Arlington, Virginia. Before joining the Foreign Service, he told me, he had worked for the U.S. Army in counter-intelligence and as a political appointee to various federal agencies. When he arrived in Saudi Arabia in 1993 he was told by the Consul General that his "informal duties" would include monitoring the "Tuesday lecture," a euphemism for the Catholic Mass held on consulate grounds. By then, the number of attendees had dwindled to fifteen. The reason was not hard to find. Hunter's job was to tell any inquiring U.S. citizens that the embassy knew nothing about any such service or "Tuesday meeting." Only if callers were extremely persistent was he to meet with them and gauge their trustworthiness.
>
> Since this was entirely irregular and contrary to U.S. law, Hunter decided to blow the whistle. He even told the FBI what was going on. Within days of telling visiting officials from the Inspector General's office he was ordered to return to the U.S. A State Department review panel observed that Hunter had not "absorbed the Foreign Service culture"—an understatement. In April 1995, Hunter recalled, "two uniformed officers of the State Department's Diplomatic Security Service, displaying brightly polished 9mm caliber pistols, appeared at the office of my supervisor [James Byrnes] and advised him that I was being removed from further employment." Today Hunter calls the U.S. mission in Saudi Arabia a "rogue part of the U.S. diplomatic establishment." Thomas Friedman provided an oblique corroboration in the New York Times, noting in December 1995 that the U.S. has "withdrawn diplomats from Riyadh whom the Saudis felt became too knowledgeable and frank about problems in the kingdom."

Section 107 of this bill will remedy this problem. The State Department may not adopt a cavalier attitude toward the requests of U.S. citizens for access for the purpose of religious worship or suggest that such requests are uniquely unrelated to the conduct of the diplomatic mission in comparison to other permitted activities, for example, the dispensing and social consumption of alcoholic beverages and the serving of pork products, that are also contrary to Saudi law. Many other social and American community activities without any discernable diplomatic purpose will no doubt continue, and in most cases should continue, but religious service access requests under section 107 may receive no less consideration. The fact that several other foreign consulates afford access to worship for their citizens disproves any suggestion that diplomatic interests preclude similar provisions for Americans by the State Department. The annual report required under the bill must make this clear, and the Commission should give strict scrutiny to enforcement of this provision according to its clear intention. Finally, the victimization of Mr. Hunter for blowing the whistle on this matter is unconscionable, and the Commission should recommend and monitor speedy redress of his status by the State Department.

FORCED CONVERSION OF MINOR U.S. CITIZENS

If the neglect of the worship needs of Americans abroad is deplorable, inaction in the cases of the victimization of minors who have been taken to a foreign land, subjected to forced religious conversion, and prevented from returning to the United States where they would enjoy religious freedom is intolerable. One particular case illustrates the severity of this problem, that of Alia and Aisha Al Gheshiyan. In Chicago, Illinois, on January 25th, 1986, Alia, aged seven, and Aisha, aged three and a half, visited the apartment of their father, Khalid Bin Hamad Al Gheshiyan, a citizen and Saudi Arabia. The girl's mother, Patricia Roush had been awarded custody of the children by a U.S. court but had agreed to permit their father to have the children for an overnight visit. He promised to return them to their mother the next day. However, instead of returning the girls to their mother, Al Gheshiyan abducted the two girls and took them to Saudi Arabia. On January 28th 1986, an Illinois court issued a warrant for Al Gheshiyan's arrest on charges of child abduction.

Having been removed from the United States and placed under the law of Saudi Arabia, where no non-Islamic region may be practiced, the girls (who had been baptized as Christians) were obliged to give up their previous Christian identity. According to their mother, who has secured documentation of her daughters' mandatory conversion to Islam:

> My daughters Alia and Aisha Gheshiyan were raised in a Christian home by a Christian mother and were not familiar with Islam or their father's family, culture or religion. (Which he stated he was disobeying when he was in the United States for twelve years). My daughters are now young women who are nineteen and sixteen years of age with no possible choices of religious freedom. If they do not practice Islam, they could be killed—quite possibly by their own father. This is not uncommon in Saudi Arabia. If a child, especially a daughter, does not submit to her father's commands, he has the right to put her to death.

It is important to remember that in cases like that of Alia and Aisha, their plight amounts to a life sentence, because under Saudi law, even after attaining majority (as Alia already has) they may not travel abroad without their father's permission (in the case of unmarried girls and woman) or their husband's permission (in the case of married women).

As if the total denial of rights to these Americans were not bad enough, even more deplorable has been the response of the Department of State, which has simply dismissed the matter as a "child custody" case and has advised Ms. Roush to hire a lawyer for proceedings in a Shari's religious court—a court in which she, as a non-Muslim and a woman, has virtually no standing. There is no evidence that the State Department has ever dealt with this (and other such forced conversions) as not just a private dispute or a routine consular access case but as a state-to-state matter involving not only the solemn obligation of the government of the United States to secure the rights of its citizens but of the indefensible hostility of the Saudi government toward religious freedom. If the United States could make the fate of prominent Soviet Jewish "refuseniks" Natan Scharansky and Ida Nudel a matter of national policy in American relations with the Soviet Union—as we should have—the fate of Alia and Aisha must be seen as a litmus test of the willingness of the State Department to give proper weight to the requirements of this statue in its relations with the Riyadh government. The Commission should recommend specific action as the highest level to ensure that the United States no longer gives the impression that such treatment of its citizens is acceptable or is only a routine "private" or "family" matter.

COSPONSORSHIP OF S. 1529

Mr. KENNEDY. Mr. President, I would like to state for the RECORD that Senator LEAHY agreed to cosponsor S. 1529, the Hate Crimes Prevention Act of 1998 on September 30.

Due to an unfortunate clerical error, his name was not added until today, October 15.

Y2K CHALLENGE

Mr. DEWINE. Mr. President, almost everyone has heard of the impending "Year 2000" or "Y2K" problem, also commonly known as the "millennium bug." The problem itself is fairly simple. In the early years of computers, programmers set aside only two digits to denote the year in dates. To the "minds" behind computers and other technology-driven devices, the year 2000 is indistinguishable from the year 1900. The problem is present in billions of lines of software as well as billions of small computer chips embedded in electronic devices used by Americans every day. Without the necessary checks to ensure that electronic devices can operate by January 1, 2000, the impact of this computer bug could be wide-ranging and even disastrous. Household gadgets like garage door openers or VCRs could break down. Traffic delays could be caused by non-complaint traffic lights. Stock exchanges and nuclear reactors could shut down.

Although the problem is easy to describe, it has proven difficult and time-consuming to solve. To make the necessary corrections, each line of computer code must be hand-checked by a computer programmer, and all computer chips must be tested. In the United States alone, it is estimated that it will cost over $600 billion to correct the millions of lines of computer program code. Not only are these corrections expensive, the process of analyzing, correcting, testing and integrating software and hardware has become a heavy management burden on all levels of government as well as the private sector.

Although the federal government has been working to meet the time constraints of the Y2K deadline, the General Accounting Office has found that problems still remain with computer systems at every federal agency they examined. Overall, it is estimated that the federal government must check at least 7,336 mission critical computer systems. Some larger systems, those used by the Internal Revenue Service, for example, have more than 60 lines of code per system. The Office of Management and Budget has established an interagency committee to facilitate federal efforts to instruct each federal agency on the best possible solutions.

Some federal agencies are closer to achieving Y2K compliance than others. The Treasury Department's Financial Management Service, responsible for paying Social Security disability and retirement benefits, Veterans' benefits, and IRS refunds, installed two new Y2K compliant systems earlier this month. Treasury Department officials are confident they will be ready and checks will arrive on time.

The Federal Aviation Administration is among the agencies furthest behind in this process. This is of particular concern to me. A recent survey by the Air Transport Association of America shows that 35 percent of our nation's airports surveyed do not yet have a Y2K plan and that only 20 of 81 of our country's larger airports are on schedule to fix their Y2K problems. Although FAA officials testified that they will, in fact, be fully compliant by the end of June 1999, this will not give their administrators much time for testing the updated systems. The Transportation Department is prepared to shut down unsafe aviation systems domestically and will be working with the State Department to access the safety of international systems so they will be ready to stop flights to unsafe airports. Unless we can accelerate Y2K compliance at our airports, the rippling Y2K effect on air travel could make air travel inconvenient and costly to the American traveler.

During this session of Congress, we have devoted a great deal of attention to the Y2K challenge. A special Senate Subcommittee on Y2K, headed by our colleague from Utah, Senator ROBERT BENNETT, held several hearings to raise awareness of this problem and to discuss possible solutions. To expedite the federal government's efforts to correct all agency computer systems, last year Congress provided $86 million to perform Y2K updates at the Federal Aviation Administration, the Treasury Department and the Health Care Financing Administration. This fall, Congress is expected to provide another $3.25 billion in emergency funding to ensure the federal government can fully meet the Y2K challenge.

We also need to encourage companies, large and small, to meet this challenge. During congressional hearings, representatives from the private sector discussed hesitancy to disclose any information about their own Y2K progress. Companies are reluctant to work together based almost entirely on fears of potential litigation and legal liabilities. For example, in my state of Ohio, NCR, a world-wide provider of information technology solutions, has been working on Y2K solutions since 1996. NCR made valuable progress in research on its own preparedness for Y2K and in finding solutions to help other businesses prepare for the millennium. Unfortunately, they were hesitant to deliver these statements for fear that they would be sued. In order to encourage the private sector to share valuable information and experiences, these lines of communication need to be open. Congress recently passed legislation, S. 2392, to encourage companies to freely discuss potential Y2K problems, solutions, test results and readiness amongst themselves. This law will provide businesses the temporary protection from lawsuits regarding statements made about Y2K.

As the chairman of the Antitrust, Business Rights and Competition Subcommittee, I am usually reluctant to support any exemption from our antitrust laws. As a general proposition it is very important that these laws apply broadly to all sectors of the economy to protect consumers and allow businesses to operate in an environment of fair and rigorous competition. However, I do support the narrow, temporary exemption passed by Congress as a part of our overall effort to address the Y2K problem.

This exemption does not cover conduct such as price fixing or group boycotts. Even with these important limitations this antitrust exemption should provide significant protection for those who might otherwise be reluctant to pool resources and share information.

S. 2392 is crucial to opening the lines of communication between companies, particularly those in the utility and telecommunications industries, which were cited by the Senate Y2K Subcommittee as its top priority for review. This legislation will be a giant step in implementing Y2K solutions. Not only will the bill promote discussion, it will also establish a single government website for access to Y2K information.

Mr. President, both the supplemental spending and information sharing bills represent the kind of effort we need to meet the Y2K challenge. Without question, we are in an era of rapid communication and innovation, and the role computer technology plays in our daily lives is a constant reminder of this fact. Now, with this technology at risk of disrupting our lives as we usher in a new century and millennium, our ability to both communicate and to innovate will be put to the test over the next 14 months. It will take a combined effort from the public and private sector to pass this test.

FAILURE TO PASS JUVENILE CRIME LEGISLATION

Mr. LEAHY. Mr. President, last Friday, the Chairman of the Judiciary Committee, my good friend from Utah, spoke on the floor about juvenile justice legislation. He indicated that he will be urging the Majority Leader to make this issue one of the top legislative priorities in the 106th Congress. It is indeed unfortunate that the Senate has failed to consider legislation in this important area.

Improving our Nation's juvenile justice system and preventing juvenile delinquency has strong bipartisan support in Congress and in the White House. That is why I and other Democrats have introduced juvenile crime legislation both at the beginning and the end of this Congress. Within the first weeks of the 105th Congress, I joined Senator DASCHLE in introducing the "Youth Violence, Crime and Drug Abuse Control Act of 1997," S. 15, and last month introduced, with the support of Senators DASCHLE, BIDEN and other Democratic members, the "Safe Schools, Safe Streets and Secure Borders Act of 1998," S. 2484. That is why the Administration transmitted juvenile crime legislation, the "Anti-Gang and Youth Violence Control Act of 1997," S. 362, which I introduced with Senator BIDEN on the Administration's behalf in February 1997.

Given the strong interest in this issue from both sides of the aisle, the failure of the Senate to consider juvenile crime legislation would appear puzzling. Indeed, the House passed juvenile justice legislation three times this year, when it sent to the Senate H.R. 3 on May 8, 1997, H.R. 1818 on July 15, 1997, and both these bills again attached to S. 2073 on September 15, 1998. The Senate juvenile crime bill, S. 10, was voted on by the Judiciary Committee in July 1997, and then left to languish for over a year.

The Republicans have never called up S. 10 for consideration by the full Senate. Instead, in early September they rushed to the floor with no warning and offered terms for bringing up the bill that would have significantly limited debate and amendments on the many controversial items in the bill. For example, although the substitute juvenile crime bill that the Republicans wanted to debate contained over 160 changes from the Committee-reported bill, the majority wished to limit Democratic amendments to five. This offer was unacceptable, as the Republicans well knew before they ever offered it.

We should recognize this offer for what it is: a procedural charade engaged in by the Republicans in a feeble effort to place the blame on the minority for the majority's failure to bring up juvenile justice legislation in the Senate. Nevertheless, I suggested a plan for a full and fair debate on S. 10. On September 25, 1998, I put in the record a proposal that would have limited the amendments offered by Democrats to the most controversial aspects of the bill, such as restoring the core protection for juvenile status offenders to keep them out of jail, keeping juveniles who are in custody separated from adult inmates, and ensuring adequate prevention funding.

I never heard back from the Republicans. They simply ignored my proposal, and failed to turn to this issue again on the floor of the Senate. These facts make clear that assertions about Democrats refusing proposals to limit the number of amendments to S. 10, and refusing to permit a conference on House-passed legislation, could not be farther from the truth. Indeed, no proposal to agree to a conference was ever propounded on the floor of the Senate.

During the past year, I have spoken on the floor of the Senate and at hearings on numerous occasions about my concerns with S. 10, including on November 13, 1997, January 29, 1998, April 1, 1998, June 23, 1998, and September 8, 1998. On each of those occasions, I expressed my willingness to work with the Chairman in a bipartisan manner to improve this bill. Since Committee consideration of the bill, I have continued to raise the areas of concern that went unaddressed in the Committee-reported bill. Specifically, I was concerned that the bill skimped on effective prevention efforts to stop children from getting into trouble in the first place.

Second, I was concerned that the bill would gut the core protections, which have been in place for over 20 years to protect children that come into contact with the criminal justice system and keep them out of harm's way from adult inmates, to keep status and nonoffenders out of jail altogether, and to address disproportionate minority confinement.

Third, I was concerned about the federalization of juvenile crime due to S. 10's elimination of the requirement that federal courts may only get involved in prosecutions of juveniles for offenses with which the federal government has concurrent jurisdiction with the State, if the State cannot or declines to prosecute the juvenile.

Finally, I was concerned the new accountability block grant in S. 10 contained onerous eligibility requirements that would end up imposing on the States a one-size-fits-all uniform sewn-up in Washington for dealing with juvenile crime. I know many States viewed this bill as a straight-jacket, which is why it was opposed by the National Governors' Association, the National Conference of State Legislatures, the National Association of Counties and the Council of State Governments.

Unfortunately, productive negotiations on this bill did not commence in earnest until the final days of this Congress. The fact that negotiations began at all is due in no small part to the efforts and leadership of Representatives BILL McCOLLUM, CHARLES SCHUMER, FRANK RIGGS, BOBBY SCOTT and JOHN CONYERS. They and their staffs have worked tirelessly on this issue and to address many of the concerns that were raised about the juvenile crime legislation.

Over the past week, I have worked with Senators HATCH, SESSIONS, BIDEN, KENNEDY, KOHL, FEINGOLD and BINGAMAN, and our House counterparts, to craft bipartisan legislation that could be passed in the final days of this Congress. While our last-minute efforts to complete action on this bill were unsuccessful, I appreciate the good faith in which these bipartisan, bicameral negotiations took place and recognize the important compromises that were offered on all sides. Time ran out in this Congress to get our job done on this legislation.

I appreciate the frustration of many of my Republican colleagues about our inability to achieve consensus on juvenile justice legislation because I know that those frustrations are shared by me and my Democratic colleagues. It is unfortunate that the majority did not chose to begin these negotiations, and did not chose to start addressing the significant criticisms of this bill, until the last minutes of this Congress.

When the 106th Congress convenes, and we again turn our attention to juvenile justice legislation, my hope is that the good work we have accomplished over the last week is the starting point. If not, I fear that the 106th Congress will end up at the same place we are today: with no juvenile justice legislation to show as an accomplishment for all of us. I thank all who have been willing to make the effort in the final days, and look forward to completing this work early next year.

CBO PROJECT ANALYSES

Mr. MURKOWSKI. Mr. President, at the time the Committee on Energy and Natural Resources filed its reports on H.R. 4079, to authorize the construction of temperature control devices at Folsom Dam in California, and H.R. 3687, the Canadian River Prepayment Act, the analyses from the Congressional Budget Office were not available. Those analyses have now been received. I ask unanimous consent that they be printed in the RECORD for the advice of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4079—An act to authorize the construction of temperature control devices at Folsom Dam in California

Summary: H.R. 4079 would authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to construct devices for controlling and monitoring water temperatures at Folsom Dam and certain nonfederal facilities. Temperature control devices allow water to be diverted from a higher point in the water column of a reservoir, thereby preserving cool water for fish. The act would authorize the appropriation of $7 million (in October 1997 dollars) for construction and such sums as necessary for operating, maintaining, and replacing the devices. A portion of these amounts would be repaid by water and power users in the region.

CBO estimates that implementing H.R. 4079 would result in additional outlays of $7 million over the 1999–2003 period, assuming the appropriation of the necessary amounts. H.R. 4079 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that enacting H.R. 4079 would decrease direct spending by about $400,000 over the 1999–2003 period. The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4079 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	7	(1)	(1)	(1)	(1)
Estimated Outlays	5	1	1	(1)	(1)

[1] Less than $500,000.

Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 4079 will be enacted by the beginning of fiscal year 1999 and that the estimated amounts necessary to implement the act will be appropriated each year.

Spending subject to appropriation

H.R. 4079 would authorize the appropriation of $5 million for constructing a temperature control device and monitoring apparatus at Folsom Dam and $2 million for constructing similar mechanisms at nearby nonfederal facilities. Those amounts are authorized in October 1997 dollars and may be adjusted to reflect inflation, but such adjustments would not be significant if funds are provided in fiscal year 1999 or 2000. Based on information provided by the bureau, CBO expects that construction at Folsom Dam would be completed in 1999 and that construction at nonfederal facilities would be completed by 2001, if the necessary appropriations are provided. CBO estimates that the annual cost of operating, maintaining, and replacing these devices over the 1999–2003 period would be negligible.

Direct spending

About $4 million of the cost of constructing the temperature control device and monitoring apparatus at Folsom Dam would be repaid by water and power users. (The costs of devices at nonfederal facilities would not be repaid.) CBO estimates that repayments would total $140,000 annually over the 2001–2030 period. (Because water and power rates are set one year in advance, there would be a one-year lag between the year the project is completed, 1999, and the year that repayment begins.)

Pay-as-you-go-considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.R. 4079 would affect direct spending but that there would be no significant impact in any year. Enacting this legislation would not affect governmental receipts.

Estimated intergovernmental and private sector impact: H.R. 4079 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Previous CBO estimate: On August 10, 1998, CBO provided an estimate for H.R. 4079, as ordered reported by the House Committee on Resources on July 29, 1998. The two versions of the legislation and their estimated costs are identical.

Estimate prepared by: Gary Brown.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

H.R. 3687—Canadian River Project Prepayment Act

Summary: H.R. 3687 would authorize prepayment by the Canadian River Municipal Water Authority of amounts due for the pipeline and related facilities of the Canadian River Project in Texas. Current law provides for conveying title for these elements to the authority once repayment is complete.

CBO estimates that enacting H.R. 3687 would slightly reduce discretionary spending, and would yield a net decrease in direct spending of $26 million over the 1999–2003 period. That near-term cash savings would be offset on a present-value basis, however, by the loss of currently scheduled payments. Because H.R. 3687 would affect direct spending, pay-as-you-go procedures would apply.

The act contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments might incur some costs as a result of H.R. 3687's enactment, but these costs would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3687 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
DIRECT SPENDING					
Spending Under Current law:[1]					
Estimated Budget Authority	0	0	−3	−3	−3
Estimated Outlays	0	0	−3	−3	−3
Proposed Changes:					
Estimated Budget Authority	−35	0	3	3	3
Estimated Outlays	−35	0	3	3	3
Spending Under H.R. 3687:					
Estimated Budget Authority	−35	0	0	0	0
Estimated Outlays	−35	0	0	0	0

[1] The next payment from the Canadian River Municipal Water Authority is not due until 2001.

Basis of estimate: CBO assumes that H.R. 3687 is enacted near the beginning of fiscal year 1999 and that prepayment will occur within this fiscal year. (The authority to prepay would expire 360 days after enactment.)

Direct spending

CBO estimates that enacting H.R. 3687 would result in a prepayment to the federal government of about $35 million in 1999. After prepayment, the authority would no longer make the regularly scheduled payment of $3 million a year over the 2001–2022 period.

Spending subject to appropriation

The Canadian River Municipal Water Authority pays 100 percent of the cost of operating and maintaining the Canadian River project dam, reservoir, pipeline, and related facilities. The Bureau of Reclamation reimburses the authority for about 26 percent of the cost of operating and maintaining the project dam and reservoir. The 1998 appropriated amount for this purpose was about $30,000. Enacting H.R. 3687 would eliminate this annual federal cost as early as 1999.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted. Enacting H.R. 3687 would not affect governmental receipts.

	By fiscal years, in millions of dollars—									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays	−35	0	3	3	3	3	3	3	3	3
Changes in receipts	Not applicable									

Estimated impact on State, local, and tribal governments: H.R. 3687 contains no intergovernmental mandates as defined in UMRA. The conveyance authorized by this legislation would be voluntary on the part of the authority, and any costs incurred as a result would be accepted by them on that basis. As conditions of the conveyance, H.R. 3687 would require the authority to prepay its outstanding obligations to the federal government and to assume all responsibility for the operations and maintenance costs of the project. The act would impose no other costs on state, local, or tribal governments.

Estimated impact on the private sector: This act would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Gary Brown. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 14, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed by the President pro tempore (Mr. THURMOND) on October 14, 1998.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 15, 1998, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

H.R. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

H.R. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

H.R. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

H.R. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 559. An act to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans.

H.R. 3878. An act to subject certain mineral interests to the operation of the Mineral Leasing Act, and for other purposes.

H.R. 4243. An act to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment system, Federal benefit programs, and for other purposes.

H.R. 4501. An act to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

H.R. 4519. An act to authorize the President to consent to third party transfer of the ex-U.S.S. *Bowman County* to the U.S.S. LST Ship Memorial, Inc.

The message also announced that the House has passed the following bills and joint resolution, without amendment:

S. 1134. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 2500. An act to protect the sanctity of contract and leases entered into by surface patent holders with respect to coalbed methane gas.

S.J. Res. 35. Joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

H.R. 2807. An act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the House to the bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4660) to amend the Senate Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The message also announced that pursuant to the provisions of section 2(b)(2) of Public Law 105–186, the Speaker appoints the following Members of the House to the Presidential Advisory Commission on Holocaust Assets in the United States: Mr. GILMAN and Mr. FOX of Pennsylvania.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 15, 1998, he had presented to the President of the United States, the following enrolled bills:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

S. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resources officers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7509. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Rehabilitation Training: Rehabilitation Long-Term Training" received on October 13, 1998; to the Committee on Labor and Human Resources.

EC-7510. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding income from sales of inventory involving possessions of the United States (RIN1545-AU79) received on October 13, 1998; to the Committee on Finance.

EC-7511. A communication from the Chairman of the Consumer Products Safety Commission, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-7512. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Time-Limited Pesticide Tolerance" (RIN2070-AB78) received on October 13, 1998; to the Committee on Environment and Public Works.

EC-7513. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Approval and Promulgation of State Implementation Plan for South Dakota; Revisions to the Air Pollution Control Program" (FRL6175-4) received on October 13, 1998; to the Committee on Environment and Public Works.

EC-7514. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to Establish an Additional Manatee Sanctuary in Kings Bay, Crystal River, Florida" (RIN1018-AE47) received on October 13, 1998; to the Committee on Environment and Public Works.

EC-7515. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidelines Establishing Year 2000 Standards for Safety and Soundness" (RIN1550-AB27) received on October 13, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-7516. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Grazing Administration: Alaska; Reindeer; General" (RIN1004-AD06) received on October 13, 1998; to the Committee on Indian Affairs.

EC-7517. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Olney, Archer, Denison-Sherman and Azle, Texas; and Lawton, Oklahoma)" (Docket 97-225) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7518. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Arcadia, Ellingon, and Marble Hill, Missouri, Carbondale and Steeleville, Illinois, and Tiponville, Tennessee)" (Docket 97-168) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7519. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Eastland and Baird, Texas)" (Docket 97-242) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7520. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Laramie and Rock River, Wyoming)" (Docket 96-255) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7521. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Freeport and Cedarville, Illinois)" (Docket 97-67) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7522. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Missoula, Montana)" (Docket 98-106) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7523. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules to Allow Interactive Video and Data Service Licensees to Provide Mobile Services" (Docket 98-169) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7524. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's fiscal year 2000 budget request; to the Committee on Commerce, Science, and Transportation.

EC-7525. A communication from the Secretary of the Interior, the Secretary of Labor, the Secretary of Commerce and the Attorney General, transmitting jointly, a report recommending the enactment of legislation to extend federal immigration and wage laws to the Commonwealth of the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

EC-7526. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, a report entitled "Impacts of the Kyoto Protocol on U.S. Energy Markets and Economic Activity"; to the Committee on Energy and Natural Resources.

EC-7527. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding adequacy determinations for Alaska State Municipal Solid Waste Landfill Permit Programs (FRL6177-6) received on October 13, 1998; to the Committee on Environment and Public Works.

EC-7528. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding New Jersey state plans for the control of oxides of nitrogen (FRL6174-5) received on October 13, 1998; to the Committee on Environment and Public Works.

EC-7529. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r) (7): State of Florida" (FRL6166-9) received on October 14, 1998; to the Committee on Environment and Public Works.

EC-7530. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report entitled "Report on Citizenship of Certain Legalized Aliens"; to the Committee on the Judiciary.

EC-7531. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Suspension of Deportation and Cancellation of Removal" (RIN1125-AA25) received on October 14, 1998; to the Committee on the Judiciary.

EC-7532. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate" (Docket FV98-931-1 IFR) received on October 14, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7533. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Partial Exemption From Handling Regulation for Producer Field-Packed Tomatoes" (Docket FV98-966-2 IFR) received on October 14, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7534. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges and Grapefruit Grown in the Lower Rio Grand Valley in Texas; Decreased Assessment Rate" (Docket FV98-906-1 IFR) received on October 14, 1998; to the

Committee on Agriculture, Nutrition, and Forestry.

EC–7535. A communication from the Administrator of National Banks, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safety and Soundness Standards" (RIN1550–AB27) received on October 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred to as indicated:

By Mr. LEAHY:

S. 2636. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new source review requirements, and to promote alternative energy sources such as solar, wind, and biomass; to the Committee on Finance.

By Mr. HATCH:

S. 2637. A bill for the relief of Belinda McGregory; considered and passed.

By Mr. FRIST (for himself, Mr. DEWINE, Mr. KENNEDY, Mr. SMITH of Oregon, Mr. THOMPSON, and Mr. WYDEN):

S. 2638. A bill to provide support for certain institutes and schools; considered and passed.

By Mr. MURKOWSKI:

S. 2639. A bill to require the Secretary of the Interior to submit a report on the feasibility and desirability of recovering the costs of high altitude lifesaving missions on Mount McKinley in Denali National Park and Preserve, Alaska; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Res. 300. A resolution electing James W. Ziglar, of Mississippi, as the Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

S. Res. 301. A resolution relative to Rule XXXIX; considered and agreed to.

S. Res. 302. A resolution relative to Rule XXXIII; considered and agreed to.

S. Res. 303. A resolution authorizing the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders to make certain appointments during the recess or adjournment of the present session; considered and agreed to.

S. Res. 304. A resolution tendering the thanks of the Senate to the Vice President for courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 305. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

S. Res. 306. A resolution to commend the exemplary leadership of the Democratic Leader; submitted and read.

By Mr. DASCHLE:

S. Res. 307. A resolution to commend the exemplary leadership of the Majority leader; submitted and read.

By Mr. DODD (for himself, Mr. INOUYE, and Mr. LEVIN):

S. Res. 308. A resolution commending the crew members of the United States Navy destroyers of DesRon 61 for their heroism, intrepidity, and skill in action in the only naval surface engagement occurring inside Tokyo Bay during World War II; considered and agreed to.

By Mr. HELMS (for himself and Mr. MCCONNELL):

S. Res. 309. A resolution expressing the sense of the Senate regarding the culpability of Hun Sen for violations of international humanitarian law after 1978 in Cambodia (the former People's Republic of Kampuchea and the State of Cambodia); to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 2636. A bill to promote economically sound modernization of electric power generation capacity in the United States, to establish requirements to improve the combustion heat rate efficiency of fossil fuel-fired electric utility generating units, to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide, to require that all fossil fuel-fired electric utility generating units operating in the United States meet new source review requirements, and to promote alternative energy sources such as solar, wind, and biomass; to the Committee on Finance.

CLEAN POWER PLANT AND MODERNIZATION ACT OF 1998

Mr. LEAHY. Mr. President, as we approach the close of the 105th Congress, it is time to take stock of our accomplishments, and reflect on the work that remains. When the environmental record of this Congress is tallied up, there won't be much to show. At best, we have avoided a great roll-back of environmental protections. We can't claim to have broken much new ground.

To her credit, Carol Browner and her staff at the Environmental Protection Agency have tried to push ahead in a very difficult political climate. Administrator Browner recently announced that EPA was ordering 22 Eastern states to make sharp cuts in emissions of the pollutants that result in summertime ozone pollution. A significant portion of these pollutants come from coal-fired power plants. The predictable howl from the utility companies and their lobbyists is being heard on Capitol Hill. I applaud Administrator Browner and her staff for their persistence on this important issue.

Even though this is a good step, it doesn't go far enough. Stronger, more comprehensive action is needed to finally address the whole gamut of air pollution problems that spew from power plant smoke stacks.

Taken collectively, fossil fuel-fired power plants constitute the largest source of air pollution in the United States. It is clear by now that the current Clean Air Act and its regulations are not up to the job of addressing the local, regional and global public health and environmental burdens imposed by the emissions from these plants. Congress took a big step to control air pollution with the Clean Air Act of 1970, and it did major rewrites of the Act in 1977 and 1990. Even with all this legislation on the books, most fossil fuel-fired power plants produce as much pollution as they did prior to 1970. The average fossil fuel-fired generating unit in the United States came into operation in 1964—six years before the 1970 Act. Seventy-seven percent of the fossil fuel generating units in operation in the United States began operation before the 1970 Clean Air Act was implemented, and are thus not subject to the full force of its regulations.

At the very heart of the environmental problems posed by this industry are the antiquated and inefficient combustion technologies that are used. Nothing in the Clean Air Act, or in other energy related statues, tackles this inefficiency. The average plant uses technology devised in the 1950's or before, and has a combustion efficiency of 33%. Put another way, 67% of the energy available in the fuel is wasted. When you get so little energy out of the fuel, you have to burn a lot more fuel to produce a given quantity of electricity. The more fuel you burn, the more pollution you get. Increasing efficiency is the only way to reduce carbon dioxide emissions, and burning less fuel will result in smaller amounts of all pollutants.

Burning all this fuel may be good for the bottom line of the companies that produce the coal, oil, and natural gas, but it imposes great environmental and health consequences on the rest of us. Many of my colleagues came to the Senate after successful business careers. I imagine that most would agree with me that any other business that was this wasteful would not survive for long.

To produce the power that our economy needs, some level of emissions is inevitable. But this inefficiency, coupled with the free ride on emissions that the pre-1970 plants get, exacts an enormous environmental cost. Consider the following power plant facts:

Every year, fossil fuel-fired power plants in the United States produced a staggering 2 billion tons of carbon dioxide, the primary "greenhouse gas," the equivalent weight of 24,655 Washington Monuments.

Over 600 of these generating units produce over one million tons of carbon dioxide per year—two produce more than 9 million tons per year.

On average, coal plants emit over 2,100 pounds of carbon dioxide for every megawatt hour of electricity that is generated.

Coal-fired power plants emit at least 52 tons of mercury per year and are the leading source of mercury pollution in the United States.

Power plants emit particulate and urban ozone pollution that impair respiratory function in people with asthma, emphysema, and other respiratory ailments.

Power plant emissions result in acid deposition, which damages lakes, streams and rivers, and the plants and animals that depend on them for survival.

Technology exists that can raise power plant efficiencies to 35% to 50% above current levels. The question is how to get utilities to retire their inefficient processes and bring new, clean, and efficient ones on line. We can see a better future, but we don't have a clear path to get there.

Today, I am introducing the "Clean Power Plant and Modernization Act of 1998" to help us get to the other side. My goals with this legislation are to chart a sensible and balanced course for the future that: protects public health and the environment; protects consumers, workers, and the economy; and provides electrical power producers with a clear set of achievable performance expectations and financial incentives for installing new, clean, and efficient electrical power generating capacity that will meet our needs into the 21st Century.

This industry plays a central role in the U.S. economy and in our daily lives. We expect that electrical service will be reliable, predictable and affordable. We flip on the switch without giving a second thought that the light will go on. My bill will not change that.

Major changes cannot be made over night. We know about inertia From Sir Isaac Newton's First Law of Motion that "any object in a state of rest or uniform linear motion will remain in such a state unless acted upon by an external force." The inertia in the utility industry to continue business as usual is overwhelming. The old, inefficient, pollution-prone power plants will continue to operate in perpetuity because they are paid for, they burn the cheapest fuel, and they are subject to less stringent environmental requirements.

My bill provides an "external force" in the form of financial and regulatory incentives to prompt modernization that is beneficial for the environment and the economy. It provides industry decision-makers with a comprehensive and predictable set of requirements and incentives to guide their long-term business planning.

For investor-owned utilities, the bill provides accelerated depreciation tax incentives for plants that meet the efficiency goals. Under current tax law, new generating capacity is depreciated over a 20 year period. Under my bill, new capacity that meets a 45% efficiency level would be depreciated over a 15 year period, and new capacity that meets a 50% efficiency level would be depreciated over a 10 year period. Publicly owned utilities would be eligible for grants that have the equivalent monetary value of the depreciation benefit received by a similarly-situated investor-owned utility. This approach will spur innovation, and will reward utilities that aggressively move to increase their efficiency and reduce their emissions.

To pay for these incentives and to achieve this within the balanced budget constraints, my bill establishes a fee that would be levied on carbon dioxide emissions. The emission fees would also provide funds: for worker retraining for individuals adversely affected by reduced consumption of coal; community redevelopment funds; research and development for renewable technologies such as wind, solar, and biomass; development of a carbon sequestration strategy; and implementing carbon sequestration projects including soil restoration, tree planting, preservation of wetlands, and other ways of biologically sequestering carbon dioxide.

I want to work cooperatively with the power companies on this legislation, and I want to work with my colleagues from coal-producing states to minimize the impact of reduced coal consumption on mine workers and mining communities. I also want to work with my colleagues on the Committees that are taking up utility restructuring legislation to ensure that this industry, whether in its current form or in a restructured form, finally comes to terms with the environmental costs of its operations.

While the 105th Congress may not have much of an environmental record to brag about, pressure is mounting to dramatically reduce the environmental impact from fossil fuel fired power plants. The people of Vermont are willing, I look forward to working hard in the first session of the 106th Congress to enact this much needed and long-overdue piece of legislation.

Mr. President, I ask unanimous consent that the full text of the bill and the section-by-section overview be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clean Power Plant and Modernization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Combustion heat rate efficiency standards for fossil fuel-fired generating units.
Sec. 5. Air emission standards for fossil fuel-fired generating units.
Sec. 6. Accelerated depreciation for investor-owned generating units.
Sec. 7. Grants for publicly owned generating units.
Sec. 8. Clean Air Trust Fund.
Sec. 9. Carbon dioxide emission fees.
Sec. 10. Extension of renewable energy production credit.
Sec. 11. Recognition of permanent emission reductions in future climate change implementation programs.
Sec. 12. Renewable power generation technologies.
Sec. 13. Evaluation of implementation of this Act and other statutes.
Sec. 14. Assistance for workers adversely affected by reduced consumption of coal.
Sec. 15. Community economic development incentives for communities adversely affected by reduced consumption of coal.
Sec. 16. Carbon sequestration.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States is relying increasingly on old, needlessly inefficient, and highly polluting powerplants to provide electricity;

(2) the pollution from those powerplants causes a wide range of health and environmental damage, including—

(A) fine particulate matter that is associated with the deaths of approximately 50,000 Americans annually;

(B) urban ozone, commonly known as "smog", that impairs normal respiratory functions and is of special concern to individuals afflicted with asthma, emphysema, and other respiratory ailments;

(C) rural ozone that obscures visibility and damages forests and wildlife;

(D) acid deposition that damages estuaries, lakes, rivers, and streams (and the plants and animals that depend on them for survival) and leaches heavy metals from the soil;

(E) mercury and heavy metal contamination that renders fish unsafe to eat, with especially serious consequences for pregnant women and their fetuses;

(F) eutrophication of estuaries, lakes, rivers, and streams; and

(G) global climate change that may fundamentally and irreversibly alter human, animal, and plant life;

(3) tax laws and environmental laws—

(A) provide a very strong incentive for electric utilities to keep old, dirty, and inefficient generating units in operation; and

(B) provide a strong disincentive to investing in new, clean, and efficient generating technologies;

(4) fossil fuel-fired power plants, consisting of plants fueled by coal, fuel oil, and natural gas, produce nearly two-thirds of the electricity generated in the United States;

(5) since, according to the Department of Energy, the average combustion heat rate efficiency of fossil fuel-fired power plants in the United States is 33 percent, 67 percent of the heat generated by burning the fuel is wasted;

(6) technology exists to increase the combustion heat rate efficiency of coal combustion from 35 percent to 50 percent above current levels, and technological advances are possible that would boost the net combustion heat rate efficiency even more;

(7) coal-fired power plants are the leading source of mercury emissions in the United States, releasing an estimated 52 tons of this potent neurotoxin each year;

(8) in 1996, fossil fuel-fired power plants in the United States produced over 2,000,000,000 tons of carbon dioxide, the primary greenhouse gas;

(9) on average—

(A) fossil fuel-fired power plants emit 1,999 pounds of carbon dioxide for every megawatt hour of electricity produced;

(B) coal-fired power plants emit 2,110 pounds of carbon dioxide for every megawatt hour of electricity produced; and

(C) coal-fired power plants emit 205 pounds of carbon dioxide for every million British thermal units of fuel consumed;

(10) the average fossil fuel-fired generating unit in the United States commenced operation in 1964, 6 years before the Clean Air Act (42 U.S.C. 7401 et seq.) was amended to establish requirements for stationary sources;

(11)(A) according to the Department of Energy, only 23 percent of the 1,000 largest emitting units are subject to stringent new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411); and

(B) the remaining 77 percent, commonly referred to as "grandfathered" power plants, are subject to much less stringent requirements;

(12) on the basis of scientific and medical evidence, exposure to mercury and mercury compounds is of concern to human health and the environment;

(13) pregnant women and their developing fetuses, women of childbearing age, and children are most at risk for mercury-related health impacts such as neurotoxicity;

(14) although exposure to mercury and mercury compounds occurs most frequently through consumption of mercury-contaminated fish, such exposure can also occur through—

(A) ingestion of breast milk;

(B) ingestion of drinking water, and foods other than fish, that are contaminated with methyl mercury; and

(C) dermal uptake through contact with soil and water;

(15) the report entitled "Mercury Study Report to Congress" and submitted by the Environmental Protection Agency under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), in conjunction with other scientific knowledge, supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and mercury concentrations in air, soil, water, and sediments;

(16)(A) the Environmental Protection Agency report described in paragraph (15) supports a plausible link between mercury emissions from combustion of coal and other fossil fuels and methyl mercury concentrations in freshwater fish;

(B) in 1997, 39 States issued health advisories that warned the public about consuming mercury-tainted fish, as compared to 27 States that issued such advisories in 1993; and

(C) the number of mercury advisories nationwide increased from 899 in 1993 to 1,675 in 1996, an increase of 86 percent;

(17) pollution from powerplants can be reduced and possibly eliminated through adoption of modern technologies and practices, including—

(A) methods of combusting coal that are intrinsically more efficient and less polluting, such as pressurized fluidized bed combustion and an integrated gasification combined cycle system;

(B) methods of combusting cleaner fuels, such as gases from fossil and biological resources and combined cycle turbines;

(C) treating flue gases through application of pollution controls;

(D) methods of extracting energy from natural, renewable resources of energy, such as solar and wind sources;

(E) methods of producing electricity and thermal energy from fuels without conventional combustion, such as fuel cells; and

(F) methods of extracting and using heat that would otherwise be wasted, for the purpose of heating or cooling office buildings, providing steam to processing facilities, or otherwise increasing total efficiency; and

(18) adopting the technologies and practices described in paragraph (17) would increase competitiveness and productivity, secure employment, save lives, and preserve the future.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect and preserve the environment while safeguarding health by ensuring that each fossil fuel-fired generating unit minimizes air pollution to levels that are technologically feasible through modernization and application of pollution controls;

(2) to greatly reduce the quantities of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides entering the environment from combustion of fossil fuels;

(3) to permanently reduce emissions of those pollutants by increasing the combustion heat rate efficiency of fossil fuel-fired generating units to levels achievable through use of commercially available combustion technology, installation of pollution controls, and expanded use of renewable energy sources such as biomass, geothermal, solar, and wind sources;

(4)(A) to create financial and regulatory incentives to retire thermally inefficient generating units and replace them with new units that employ high-thermal-efficiency combustion technology; and

(B) to increase use of renewable energy sources such as biomass, geothermal, solar, and wind sources;

(5) to establish the Clean Air Trust Fund for the purpose of encouraging and facilitating the modernization of fossil fuel-fired generating units in the United States;

(6) to eliminate the "grandfather" loophole in the Clean Air Act relating to sources in operation before the promulgation of standards under section 111 of that Act (42 U.S.C. 7411);

(7) to express the sense of Congress that permanent reductions in emissions of greenhouse gases that are accomplished through the retirement of old units and replacement by new units that meet the combustion heat rate efficiency and emission standards specified in this Act should be credited to the utility sector in any climate change implementation program;

(8) to promote permanent and safe disposal of mercury recovered through coal cleaning, flue gas control systems, and other methods of mercury pollution control;

(9) to increase public knowledge of the sources of mercury exposure and the threat to public health from mercury, particularly the threat to the health of pregnant women and their fetuses, women of childbearing age, and children;

(10) to decrease significantly the threat to human health and the environment posed by mercury;

(11) to promote energy efficiency in homes, including major appliances;

(12) to provide worker retraining for workers adversely affected by reduced consumption of coal; and

(13) to provide economic development incentives for communities adversely affected by reduced consumption of coal.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) GENERATING UNIT.—The term "generating unit" means an electric utility generating unit.

SEC. 4. COMBUSTION HEAT RATE EFFICIENCY STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) STANDARDS.—

(1) IN GENERAL.—Not later than the day that is 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit that commences operation on or before that day shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 45 percent (based on the higher heating value of the fuel).

(2) FUTURE GENERATING UNITS.—Each fossil fuel-fired generating unit that commences operation more than 10 years after the date of enactment of this Act shall achieve and maintain, at all operating levels, a combustion heat rate efficiency of not less than 50 percent (based on the higher heating value of the fuel), unless granted a waiver under subsection (d).

(b) TEST METHODS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(c) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(d) WAIVER OF COMBUSTION HEAT RATE EFFICIENCY STANDARD.—

(1) APPLICATION.—The owner or operator of a generating unit that commences operation more than 10 years after the date of enactment of this Act may apply to the Administrator for a waiver of the combustion heat rate efficiency standard specified in subsection (a)(2) that is applicable to that type of generating unit.

(2) ISSUANCE.—The Administrator may grant the waiver only if—

(A)(i) the owner or operator of the generating unit demonstrates that the technology to meet the combustion heat rate efficiency standard is not commercially available; or

(ii) the owner or operator of the generating unit demonstrates that, despite best technical efforts and willingness to make the necessary level of financial commitment, the combustion heat rate efficiency standard is not achievable at the generating unit; and

(B) the owner or operator of the generating unit enters into an agreement with the Administrator to offset by a factor of 1.5 to 1, using a method approved by the Administrator, the emission reductions that the generating unit does not achieve because of the failure to achieve the combustion heat rate efficiency standard specified in subsection (a)(2).

(3) EFFECT OF WAIVER.—If the Administrator grants a waiver under paragraph (1),

the generating unit shall be required to achieve and maintain, at all operating levels, the combustion heat rate efficiency standard specified in subsection (a)(1).

SEC. 5. AIR EMISSION STANDARDS FOR FOSSIL FUEL-FIRED GENERATING UNITS.

(a) ALL FOSSIL FUEL-FIRED GENERATING UNITS.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit, regardless of its date of construction or commencement of operation, shall be subject to, and operating in physical and operational compliance with, the new source review requirements under section 111 of the Clean Air Act (42 U.S.C. 7411).

(b) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 45 PERCENT EFFICIENCY.—Not later than 10 years after the date of enactment of this Act, each fossil fuel-fired generating unit subject to section 4(a)(1) shall be in compliance with the following emission limitations:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) CARBON DIOXIDE.—

(A) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.9 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.3 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.55 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) NITROGEN OXIDES.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(c) EMISSION RATES FOR SOURCES REQUIRED TO MAINTAIN 50 PERCENT EFFICIENCY.—Each fossil fuel-fired generating unit subject to section 4(a)(2) shall be in compliance with the following emission limitations:

(1) MERCURY.—Each coal-fired or fuel oil-fired generating unit shall be required to remove 95 percent of the mercury contained in the fuel, calculated in accordance with subsection (e).

(2) CARBON DIOXIDE.—

(A) NATURAL GAS-FIRED GENERATING UNITS.—Each natural gas-fired generating unit shall be required to achieve an emission rate of not more than 0.8 pounds of carbon dioxide per kilowatt hour of net electric power output.

(B) FUEL OIL-FIRED GENERATING UNITS.—Each fuel oil-fired generating unit shall be required to achieve an emission rate of not more than 1.2 pounds of carbon dioxide per kilowatt hour of net electric power output.

(C) COAL-FIRED GENERATING UNITS.—Each coal-fired generating unit shall be required to achieve an emission rate of not more than 1.4 pounds of carbon dioxide per kilowatt hour of net electric power output.

(3) SULFUR DIOXIDE.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 95 percent of the sulfur dioxide that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.3 pounds of sulfur dioxide per million British thermal units of fuel consumed.

(4) NITROGEN OXIDES.—Each fossil fuel-fired generating unit shall be required—

(A) to remove 90 percent of nitrogen oxides that would otherwise be present in the flue gas; and

(B) to achieve an emission rate of not more than 0.15 pounds of nitrogen oxides per million British thermal units of fuel consumed.

(d) PERMIT REQUIREMENT.—Not later than 10 years after the date of enactment of this Act, each generating unit shall have a permit issued under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that requires compliance with this section.

(e) COMPLIANCE DETERMINATION AND MONITORING.—

(1) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Energy, shall promulgate methods for determining initial and continuing compliance with this section.

(2) CALCULATION OF MERCURY EMISSION REDUCTIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate fuel sampling techniques and emission monitoring techniques for use by generating units in calculating mercury emission reductions for the purposes of this section.

(3) REPORTING.—

(A) IN GENERAL.—Not less than often than quarterly, the owner or operator of a generating unit shall submit a pollutant-specific emission report for each pollutant covered by this section.

(B) SIGNATURE.—Each report required under subparagraph (A) shall be signed by a responsible official of the generating unit, who shall certify the accuracy of the report.

(C) PUBLIC REPORTING.—The Administrator shall annually make available to the public, through 1 or more published reports and 1 or more forms of electronic media, facility-specific emission data for each generating unit and pollutant covered by this section.

(f) DISPOSAL OF MERCURY CAPTURED OR RECOVERED THROUGH EMISSION CONTROLS.—

(1) CAPTURED OR RECOVERED MERCURY.—Not later than 2 years after the date of enactment of this Act, the Administrator shall promulgate regulations to ensure that mercury that is captured or recovered through the use of an emission control, coal cleaning, or another method is disposed of in a manner that ensures that—

(A) the hazards from mercury are not transferred from 1 environmental medium to another; and

(B) there is no release of mercury into the environment.

(2) MERCURY-CONTAINING SLUDGES AND WASTES.—The regulations promulgated by the Administrator under paragraph (1) shall ensure that mercury-containing sludges and wastes are handled and disposed of in accordance with all applicable Federal and State laws (including regulations).

(g) PUBLIC REPORTING OF FACILITY-SPECIFIC EMISSION DATA.—

(1) IN GENERAL.—The Administrator shall annually make available to the public, through 1 or more published reports and the Internet, facility-specific emission data for each generating unit and for each pollutant covered by this section.

(2) SOURCE OF DATA.—The emission data shall be taken from the emission reports submitted under subsection (e)(3).

SEC. 6. ACCELERATED DEPRECIATION FOR INVESTOR-OWNED GENERATING UNITS.

(a) IN GENERAL.—Section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended—

(1) in subparagraph (D) (relating to 10-year property), by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following:

"(iii) any 50-percent efficient fossil fuel-fired generating unit."; and

(2) in subparagraph (E) (relating to 15-year property), by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following:

"(iv) any 45-percent efficient fossil fuel-fired generating unit.".

(b) DEFINITIONS.—Section 168(i) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following:

"(15) FOSSIL FUEL-FIRED GENERATING UNITS.—

"(A) 50-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '50-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan approved by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to place into service such a unit that is in compliance with sections 4(a)(2) and 5(c) of the Clean Power Plant and Modernization Act of 1998, as in effect on the date of enactment of this paragraph.

"(B) 45-PERCENT EFFICIENT FOSSIL FUEL-FIRED GENERATING UNIT.—The term '45-percent efficient fossil fuel-fired generating unit' means any property used in an investor-owned fossil fuel-fired generating unit pursuant to a plan so approved to place into service such a unit that is in compliance with sections 4(a)(1) and 5(b) of such Act, as so in effect.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property used after the date of enactment of this Act.

SEC. 7. GRANTS FOR PUBLICLY OWNED GENERATING UNITS.

Any capital expenditure made after the date of enactment of this Act to purchase, install, and bring into commercial operation any new publicly owned generating unit that—

(1) is in compliance with sections 4(a)(1) and 5(b) shall, for a 15-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section 168(c)(3)(E) of the Internal Revenue Code of 1986 by a similarly-situated investor-owned generating unit over that period; and

(2) is in compliance with sections 4(a)(2) and 5(c) shall, over a 10-year period, be eligible for partial reimbursement through annual grants made by the Secretary of the Treasury, in consultation with the Administrator, in an amount equal to the monetary value of the depreciation deduction that would be realized by reason of section

168(c)(3)(D) of such Code by a similarly-situated investor-owned generating unit over that period.

SEC. 8. CLEAN AIR TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following:

"SEC. 9511. CLEAN AIR TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Air Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—There are hereby appropriated to the Trust Fund amounts equivalent to the taxes received in the Treasury under section 4691.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Trust Fund such additional sums as are necessary to carry out the activities described in subsection (c).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, upon request by the head of the appropriate Federal agency in such amounts as the agency head determines are necessary—

"(1) to offset reductions of revenues to the Treasury resulting from the amendments made by section 6 of the Clean Power Plant and Modernization Act of 1998;

"(2) to provide grants under section 7 of such Act, as in effect on the date of enactment of this section;

"(3) to provide assistance under section 14 of such Act, as so in effect;

"(4) to provide community economic development incentives under section 15, as so in effect; and

"(5) to provide funding under section 16 of such Act, as so in effect.".

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following:

"Sec. 9511. Clean Air Trust Fund.".

SEC. 9. CARBON DIOXIDE EMISSION FEES.

(a) IN GENERAL.—Chapter 38 of subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by inserting after subchapter D the following:

"Subchapter E—Carbon Dioxide Emission Fees

"Sec. 4691. Imposition of fees.

"SEC. 4691. IMPOSITION OF FEES.

"(a) TAX IMPOSED.—There is hereby imposed on each fossil fuel-fired generating unit with a generating capacity of 5 or more megawatts a tax equal to $50 per ton of carbon dioxide emitted by such generating unit.

"(b) PHASED-IN RATE.—In the case of—

"(1) calendar years 2003 through 2006, subsection (a) shall be applied by substituting '$25' for '$50'; and

"(2) calendar years 2007 through 2009, subsection (a) shall be applied by substituting '$37.50' for '$50'.

"(c) ADJUSTMENT OF RATES.—Not less often than once every 2 years beginning after 2002, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate the rate of the tax imposed by subsection (a) and increase the rate if necessary for the calendar year—

"(1) to ensure that emissions of carbon dioxide are reduced to levels that are adequate to protect sensitive populations, with an adequate margin of safety, against adverse health effects;

"(2) to ensure that emissions of carbon dioxide are reduced to levels (including, if necessary, a level of zero emissions) that preclude any reasonable possibility that the environment, including sensitive species or ecosystems, will be seriously or permanently altered on a global, continental, or subcontinental scale;

"(3) to provide adequate incentives for generating units to minimize emissions of carbon dioxide to levels that are technologically feasible, including a level of zero emissions; and

"(4) to eliminate any economic benefit that a generating unit may derive from the emission of carbon dioxide.

"(d) PAYMENT OF TAX.—The tax imposed by this section—

"(1) shall be paid quarterly by the owner or operator of each fossil fuel-fired generating unit; and

"(2) shall be based on the measured emissions of the generating unit.

"(e) FOSSIL FUEL-FIRED GENERATING UNIT.—The term 'fossil fuel-fired generating unit' means a generating unit (as defined in section 3(2) of the Clean Power Plant and Modernization Act of 1998) powered by fossil fuels.".

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by inserting after the item relating to subchapter D the following:

"SUBCHAPTER E. Carbon dioxide emission fees.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to emissions in calendar years beginning after December 31, 2002.

SEC. 10. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT.

Section 45(c) of the Internal Revenue Code of 1986 (relating to definitions) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and";

(B) in subparagraph (B), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

"(C) solar power.";

(2) in paragraph (3)—

(A) by inserting ", and December 31, 1998, in the case of a facility using solar power to produce electricity" after "electricity"; and

(B) by striking "1999" and inserting "2010"; and

(3) by adding at the end the following:

"(4) SOLAR POWER.—The term 'solar power' means solar power harnessed through—

"(A) photovoltaic systems,

"(B) solar boilers that provide process heat, and

"(C) any other means.".

SEC. 11. RECOGNITION OF PERMANENT EMISSION REDUCTIONS IN FUTURE CLIMATE CHANGE IMPLEMENTATION PROGRAMS.

It is the sense of Congress that permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the combustion heat rate efficiency and emission standards specified in this Act, or through replacement of old generating units with nonpolluting renewable power generation technologies, should be credited to the utility sector, and to the owner or operator that retires or replaces the old generating unit, in any climate change implementation program enacted by Congress.

SEC. 12. RENEWABLE POWER GENERATION TECHNOLOGIES.

(a) IN GENERAL.—Under the Renewable Energy and Energy Efficiency Technology Act of 1989 (42 U.S.C. 12001 et seq.), the Secretary of Energy shall fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from biomass, geothermal, solar, and wind technologies.

(b) TYPES OF PROJECTS.—Demonstration projects may include solar power tower plants, solar dishes and engines, co-firing of biomass with coal, biomass modular systems, next-generation wind turbines and wind turbine verification projects, and geothermal energy conversion.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under any other law, there is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2003 through 2015.

SEC. 13. EVALUATION OF IMPLEMENTATION OF THIS ACT AND OTHER STATUTES.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Energy, in consultation with the Chairman of the Federal Energy Regulatory Commission and the Administrator, shall submit to Congress a report on the implementation of this Act.

(b) IDENTIFICATION OF CONFLICTING LAW.—The report shall identify any provision of the Energy Policy Act of 1992 (Public Law 102-486), the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791 et seq.), the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.), or the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.), or the amendments made by those Acts, that conflicts with the intent or efficient implementation of this Act.

(c) RECOMMENDATIONS.—The report shall include recommendations from the Secretary of Energy, the Chairman of the Federal Energy Regulatory Commission, and the Administrator for legislative or administrative measures to harmonize and streamline the statutes specified in subsection (b) and the regulations implementing those statutes.

SEC. 14. ASSISTANCE FOR WORKERS ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2010, and $50,000,000 for each of fiscal years 2011 through 2015, to provide assistance, under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.), to coal industry workers who are terminated from employment as a result of reduced consumption of coal by the electric power generation industry.

SEC. 15. COMMUNITY ECONOMIC DEVELOPMENT INCENTIVES FOR COMMUNITIES ADVERSELY AFFECTED BY REDUCED CONSUMPTION OF COAL.

In addition to amounts made available under any other law, there is authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2010, and $50,000,000 for each of fiscal years 2011 through 2015, to provide assistance, under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), to assist communities adversely affected by reduced consumption of coal by the electric power generation industry.

SEC. 16. CARBON SEQUESTRATION.

(a) CARBON SEQUESTRATION STRATEGY.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Energy for each of fiscal years 2003 through 2005 a total of $15,000,000 to conduct research and development activities in basic and applied science in support of development by January 1, 2005, of a carbon sequestration strategy that is designed to offset all growth in carbon dioxide emissions in the United States after 2010.

(b) METHODS FOR BIOLOGICALLY SEQUESTERING CARBON DIOXIDE.—In addition to amounts made available under any other law, there is authorized to be appropriated to the Environmental Protection Agency and the Department of Agriculture for each of fiscal years 2003 through 2015 a total of $15,000,000 to carry out soil restoration, tree planting, wetland protection, and other methods of biologically sequestering carbon dioxide.

SECTION-BY-SECTION OVERVIEW OF THE "CLEAN POWER PLANT AND MODERNIZATION ACT OF 1998"

What will the "Clean Power Plant and Modernization Act of 1998" do?

The "Clean Power Plant and Modernization Act of 1998" lays out an ambitious, achievable, and balanced set of financial incentives and regulatory requirements designed to increase power plant efficiency, reduce emissions, and encourage use of renewable power generation methods. The bill encourages innovation, entrepreneurship, and risk-taking.

The bill encourages "retirement and replacement" of old, dirty, inefficient generating capacity. It does not utilize a "cap and trade" approach. Many believe that the "retirement and replacement" approach does a superior job at the local and regional levels of protecting public health and the environment from mercury pollution, ozone pollution, and acid deposition. On a global level, the "retirement and replacement" also does a much superior job of permanently reducing the volume of carbon dioxide emitted.

Section 4. Combustion Heat Rate Efficiency Standards for Fossil Fuel-Fired Generating Units.

Fossil fuel-fired power plants in the United States operate at an average combustion efficiency of 33%. Put another way, on average, 67% of the heat generated by burning the fuel is wasted. Increasing combustion efficiency is really the only way to reduce carbon dioxide emissions. Section 4 lays out a phased two-stage process for increasing efficiency. In the first stage, by 10 years after enactment, all units in operation must achieve a combustion heat rate efficiency of not less than 45%. In the second stage, with expected advances in combustion technology, units commencing operation more than 10 years after enactment must achieve a combustion heat rate efficiency of not less than 50%. Carbon dioxide emission reductions of at least 650 million tons per year are expected, and the potential exists for even larger reductions.

If, for some unforeseen reason, technological advances do not achieve the 50% efficiency level, Section 4 contains a waiver provision that allows owners of new units to offset any shortfall in carbon dioxide emissions through implementation of carbon sequestration projects.

Section 5. Air Emission Standards for Fossil Fuel-Fired Generating Units.

Subsection (a) eliminates the "grand father" loophole in the Clean Air Act and requires all units, regardless of when they were constructed or began operation, to comply with existing new source review requirements under Section 111 of the Clean Air Act.

Subsection (b) sets mercury, carbon dioxide, sulfur dioxide, and nitrogen oxide emission standards for units that are subject to the 45% thermal efficiency standards set forth in Section 4. For mercury, 95% removal of mercury contained in the fuel is required. For carbon dioxide, the emission limits are set by fuel type (i.e., natural gas = 0.9 pounds per kilowatt hour of output; fuel oil = 1.3 pounds per kilowatt hour of output; coal = 1.55 pounds per kilowatt hour of output). Ninety-five percent of sulfur dioxide emissions (and not more than 0.3 pounds per million Btu's of fuel consumed), and 90 percent of nitrogen oxides (and not more than 0.15 pounds per million Btu's of fuel consumed) are to be removed.

Subsection (c) contains the same emission standards for mercury, sulfur dioxide, and nitrogen oxides as those in Subsection (b). Greater combustion efficiency results in lower emissions of carbon dioxide, and the fuel specific emission limits at the 50% efficiency level are lowered accordingly (i.e., natural gas = 0.8 pounds per kilowatt hour of output; fuel oil = 1.2 pounds per kilowatt hour of output; coal = 1.4 pounds per kilowatt hour of output). Section 6. Accelerated Depreciation for Investor-Owned Generating Units.

Under the Internal Revenue Code of 1986, utilities can depreciate their generating equipment over a 20 year period. Section 6 amends Section 168 of the Internal Revenue Code of 1986 to allow for depreciation over a 15 year period for units meeting the 45% efficiency level and the emission standards in Section 5(b). Section 168 is further amended to allow for deprecation over a 10 year period for units meeting the 50% efficiency level and the emission standards in Section 5(c).

Section 7. Grants for Publicly-Owned Generating Units. No federal taxes are paid on publicly-owned generating units. To provide publicly-owned utilities with comparable incentives to modernize, Section 7 provides for annual grants in an amount equal to the monetary value of the depreciation deduction that would be realized by a similarly-situated investor owned generating unit under Section 6. Units meeting the 45% efficiency level and the emission standards in Section 5(b) would receive annual grants over a 15 year period, and units meeting the 50% efficiency level and the emission standards in Section 5(c) would receive annual grants over 10 year period.

Section 8. Clean Air Trust Fund, and Section 9. Carbon Dioxide Emission Fees.

To offset the impact to the Treasury of the incentives in Sections 6 and 7, the bill establishes the Clean Air Trust Fund. The Trust Fund is similar to the Highway Trust Fund or the Superfund. The revenue for the trust fund will be provided through phased implementation of a "per ton fee" on emissions of carbon dioxide. Implementation of the fee would begin 3 years after enactment at the rate of $25.00 per ton. The rate would increase to $37.50 per ton seven years after enactment, and would be fully implemented 10 years after enactment at a rate of $50.00 per ton.

The Trust Fund will also be used to pay for assistance to workers and communities adversely affected by reduced consumption of coal, research and development for renewable power generation technologies (e.g., wind, solar, and biomass), and carbon sequestration projects.

Section 10. Extension of Renewable Energy Production Credit.

Section 45(c) of the Internal Revenue Code of 1986 is amended to include solar power, and to extend renewable energy production credit to 2010 (it is currently set to expire in 1999). This section expands on S. 1459 (Senator LEAHY is a co-sponsor) which would extend the credit to 2004. S. 1459 has been referred to the Finance Committee.

Section 11. Recognition of Permanent Emission Reductions in Future Climate Change Implementation Programs.

This section expresses the sense of Congress that permanent reductions in emissions of carbon dioxide and nitrogen oxides that are accomplished through the retirement of old generating units and replacement by new generating units that meet the efficiency and emissions standards in the bill, or through replacement with non-polluting renewable power generation technologies, should be credited to the utility sector and to the owner/operator in any climate change implementation program enacted by Congress.

Section 12. Renewable Power Generation Technologies.

Beginning 3 years after enactment, this section provides $75 million per year (for a total of $975 million over 13 years) to fund research and development programs and commercial demonstration projects and partnerships to demonstrate the commercial viability and environmental benefits of electric power generation from biomass, geothermal, solar, and wind technologies. Types of projects may include solar power tower plants, solar dishes and engines, co-firing biomass with coal, biomass modular systems, next-generation wind turbines and wind verification projects, and geothermal energy conversion.

Section 13. Evaluation of Implementation of this Act and other Statutes.

Not later than 2 years after enactment, DOE, in consultation with EPA and FERC, shall report to Congress on the implementation of the Clean Power Plant and Modernization Act of 1998. The report shall identify any provision of the Energy Policy Act of 1992, the Energy Supply and Environmental Coordination Act of 1974, the Public Utilities Regulatory Policies Act of 1978, or the Powerplant and Industrial Fuel Use Act of 1978 that conflicts with the efficient implementation of the Clean Power Plant and Modernization Act of 1998. The report shall include recommendations for legislative or administrative measures to harmonize and streamline these other statutes.

Section 14. Assistance for Workers Adversely Affected by Reduced Consumption of Coal.

Beginning 3 years after enactment, this section provides a total of $850 million over 13 years ($75 million per year for the first 8 years and $50 million per year for the following 5 years) to provide assistance to coal industry workers who are adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic dislocation and worker adjustment assistance program of the Department of Labor authorized by Title III of the Job Training Partnership Act.

Section 15. Community Economic Development Incentives for Communities Adversely Affected by Reduced Consumption of Coal.

Beginning 3 years after enactment, this section provides a total of $850 million over 13 years ($75 million per year for the first 8 years and $50 million per year for the following 5 years) to provide assistance to communities adversely affected as a result of reduced consumption of coal by the electric power generation industry. The funds will be administered under the economic adjustment program of the Department of Commerce authorized by the Public Works and Economic Development Act of 1965.

Section 16. Carbon Sequestration.

This section authorizes expenditure of $45 million over 3 years for development of a long-term carbon sequestration strategy for the United States. This section also authorizes EPA and USDA to fund up to $195 million over 13 years ($15 million per year) for carbon sequestration projects including soil restoration, tree planting, wetlands protection, and other ways of biologically sequestering carbon dioxide.

By Mr. MURKOWSKI:

S. 2639. A bill to require the Secretary of the Interior to submit a report on the feasibility and desirability of recovering the costs of high altitude lifesaving missions on Mount McKinley in Denali National Park and Preserve, Alaska; to the Committee on Energy and Natural Resources.

MOUNT McKINLEY IN DENALI NATIONAL PARK AND PRESERVE LEGISLATION

• Mr. MURKOSWKI. Mr. President, today I am introducing legislation that would require the Secretary of the Interior to report to Congress on the feasibility and desirability of recovering the cost to taxpayers of rescuing high altitude climbers on Mt. McKinley in Denali National Park and Preserve in the State of Alaska.

Mr. President, Denali National Park and Preserve attracts approximately 355,000 visitors per year who come to see the wildlife, the grandeur of our State, and to gaze at America's highest peak. Most are unaware that while they are taking in the breathtaking vista that is Mt. McKinley, there are approximately another 1,100 persons per year that are attempting to attain the 20,320 submit.

Climbing Mt. McKinley is certainly no easy walk in the Park. A typical year sees a dozen major rescue incidents and one or two fatal accidents. Extreme and unpredictable weather on Mt. McKinley make high altitude rescues very dangerous and very expensive.

Over the last few years the National Park Service has actively and successfully worked to reduce the loss of life and injury to climbers who have made attempts to climb this mountain. The NPS spends more than $750,000 per year for education; pre-positioning supplies and materials at various altitudes on the mountain; the positioning of a special high altitude helicopter in the Park; and actual rescue attempts.

Just last summer the military and the Park Service spent four days and $221,818 rescuing 6 sick and injured British climbers who disregarded warnings and advice from park ranger stationed on the mountain. This rescue included what is probably the world's highest short haul helicopter rescue at 19,000 feet and entailed a very high level of risk for the rescue team. This is just one example of many rescues the Park Service conducts each year on Mt. McKinley.

Mr. President, I personally do not feel that the American taxpayer should be left with the bill for rescues on this mountain. The Federal Government does not force these climbers to climb; they engage in this activity voluntarily and with full knowledge of the risks. While I admire the courage and tenacity of mountain climbers, I do not think it is fair to divert scarce park funds from services that benefit the majority of park visitors for the purpose of providing extraordinarily expensive services to a small number of users who put themselves in harm's way with their eyes wide open. Mountain climbers are a special breed who are proud of their self-sufficiency and independence—and rightly so. For that reason I think they should recognize the simple equity of paying their fair share of the public costs of their sport.

As a result of a recent field hearing on this issue, I found that while I have received many letters of support, there are a few stalwart individuals who do not agree with my point of view and have raised some legitimate questions. That is why I want the Secretary of the Interior to look at the feasibility and desirability of some sort of a cost recovery system that puts a minimal burden on climbers, whether it be an insurance requirement or any other scheme. The pros and cons of these cost recovery mechanisms need to be carefully explored before we act.

Last but not least, Mr. President, I want the Secretary to evaluate requiring climbers to show proof of medical insurance so that hospitals in Alaska and elsewhere are not left holding the bag as they sometimes are under present circumstances. It is a good neighbor policy that should be put into effect at the earliest opportunity.•

ADDITIONAL COSPONSORS

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1089

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1089, a bill to terminate the effectiveness of certain amendments to the foreign repair station rules of the Federal Aviation Administration, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 2418

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 2418, a bill to establish rural opportunity communities, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution requesting the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II, and for other purposes.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution supporting the religious tolerance toward Muslims.

SENATE RESOLUTION 298

At the request of Mr. ABRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of Senate Resolution 298, a resolution condemning the terror, vengeance, and human rights abuses against the civilian population of Sierra Leone.

SENATE RESOLUTION 300—ELECTING JAMES W. ZIGLAR, OF MISSISSIPPI, AS THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 300

Resolved, That James W. Ziglar, of Mississippi, be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate effective November 9, 1998.

SENATE RESOLUTION 301—RELATIVE TO RULE XXXIX

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 301

Resolved, That if a Member who is precluded from foreign travel by the provisions of Rule 39 is appointed as a delegate to an official conference to be attended by Members of the Senate, then the appointment of that individual shall constitute an authorization by the Senate and the individual will not be deemed in violation of Rule 39.

SEC. 2. This resolution shall be applicable only until November 21, 1998.

SENATE RESOLUTION 302—RELATIVE TO RULE XXXIII

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 302

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 1998.

SENATE RESOLUTION 303—AUTHORIZING CERTAIN APPOINTMENTS DURING THE RECESS OR ADJOURNMENT OF THE PRESENT SESSION

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 303

Resolved, That during the recess or adjournment of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the Majority Leader of the Senate, and the Minority Leader of the Senate be, and they are hereby, authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

SENATE RESOLUTION 304—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 304

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

SENATE RESOLUTION 305—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 305

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Fifth Congress.

SENATE RESOLUTION 306—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT submitted the following resolution:

S. RES. 306

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 105th Congress.

SENATE RESOLUTION 307—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE submitted the following resolution:

S. RES. 307

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 105th Congress.

SENATE RESOLUTION 308—COMMENDING THE CREW MEMBERS OF THE UNITED STATES NAVY DESTROYERS OF DESRON 61 FOR THEIR HEROISM DURING WORLD WAR II

Mr. DODD (for himself, Mr. INOUYE, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 308

Whereas, DesRon 61, a group of nine United States destroyers composed of the U.S.S. DeHaven (DD 727), U.S.S. Mansfield (DD 728), U.S.S. Swenson (DD 729), U.S.S. Collett (DD 730), U.S.S. Maddox (DD 731), U.S.S. Blue (DD 744), U.S.S. Brush (DD 745), U.S.S. Taussig (DD 746), and U.S.S. Moore (DD 747), and commanded by Captain T.H. Hederman, penetrated Tokyo Bay, Japan, on rough seas and at night;

Whereas, although surrounded in darkness, the vigilant and intrepid members of the crews of the United States destroyers were able to detect a Japanese convoy attempting to sneak out of Tokyo Bay along the coastline, engage and defeat the heavily-armed warships of the Imperial Japanese Navy escorting the convoy, and subdue the convoy; and

Whereas the victory was gained without the loss of a single sailor or ship: Now, therefore, be it

Resolved, That the Senate, on behalf of the people of the United States commends the members of the crews of the United States Navy destroyers of DesRon 61 who participated in the July 22, 1945, surface naval engagement in Tokyo Bay for their heroism, intrepidity, and skill in battle that contributed to the defeat of Japanese forces in World War II.

SENATE RESOLUTION 309—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CULPABILITY OF HUN SEN FOR VIOLATIONS OF INTERNATIONAL LAW IN CAMBODIA

Mr. HELMS (for himself and Mr. MCCONNELL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 309

Whereas under the Vietnamese communist occupation of Cambodia (the former People's Republic of Kampuchea and the State of Cambodia) between 1979 and 1989, Hun Sen was among a large number of former Khmer Rouge members who were designated by the Vietnamese communists as surrogate leaders of the People's Republic of Kampuchea, where international human rights organizations documented widespread human rights violations;

Whereas during the period leading to internationally supervised elections in 1993, as Prime Minister of the State of Cambodia and a Politburo member of the communist Cambodian People's Party (CPP), Hun Sen was responsible for the disappearances, murder, and assassination attempts against democratic opponents of the Cambodian People's Party;

Whereas after the Cambodian People's Party lost the 1993 national election, Hun Sen organized a military force that threatened a military coup, resulting in his being given a share of the Prime Minister position with Prince Norodom Ranariddh, the election winner, and his Cambodian People's Party maintaining control of the military, the internal security forces, and provincial government administration;

Whereas in July 1997, Hun Sen ordered a coup d'etat against First Prime Minister Prince Ranariddh which resulted in the deaths of a large number of civilians caught in the crossfire and the torture and summary execution of at least 100 government officials and the forced displacement of at least 50,000 people as assaults continued on people or communities loyal to Prince Ranariddh;

Whereas during the period leading to the July 1998 national election there were widespread threats, assaults, and the suspected assassination of scores of members of parties opposed to Hun Sen;

Whereas in September 1998, Hun Sen ordered a violent crackdown on thousands of unarmed demonstrators, including Buddhist monks, who supported credible investigations of irregularities in the electoral process and the change in the format for allocating seats in the National Assembly which permitted Hun Sen to maintain a small edge over Prince Ranariddh's FUNCINPEC Party and entitled Hun Sen to maintain the post of Prime Minister, which resulted in the brutality toward tens of thousands of pro-democracy advocates and the deaths and disappearances of an unknown number of people, and led to widespread civil unrest which threatens to further destroy Cambodian society; and

Whereas Hun Sen has held, and continues to hold, high government office in a repressive and violent regime, and has the power to decide for peace and democracy and has instead decided for killing and repression, who has the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who once again is directing a campaign of murder and repression against unarmed civilians, while treating with contempt international efforts to achieve a genuinely democratic government in Cambodia: Now, therefore, be it

Resolved, That it is a sense of the Senate that—

(1) the United States should establish a collection of information that can be supplied to an appropriate international judicial tribunal for use as evidence to support a possible indictment and trial of Hun Sen for violations of international humanitarian law after 1978;

(2) any such information concerning Hun Sen and individuals under his authority already collected by the United States, including information regarding the March 1997 grenade attack against Sam Rainsy, should be provided to the tribunal at the earliest possible time;

(3) the United States should work with members of interested countries and nongovernmental organizations relating to information any country or organization may hold concerning allegations of violations of international humanitarian law after 1978 posed against Hun Sen and any individual under his authority in Cambodia and give all such information to the tribunal;

(4) the United States should work with other interested countries relating to measures to be taken to bring to justice Hun Sen and individuals under Hun Sen's authority indicted for such violations of international humanitarian law after 1978; and

(5) the United States should support such a tribunal for the purpose of investigating Hun Sen's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in violation of international humanitarian law after 1978 in any judicial proceeding that may result.

AMENDMENTS SUBMITTED

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

GRASSLEY (AND D'AMATO) AMENDMENT NO. 3828

Mr. CRAIG (for Mr. GRASSLEY for himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; as follows:

On page 2, strike line 21, and all that follows through page 3, line 3 and insert the following:

"(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime'—

"(A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or

"(B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.".

GOVERNMENT PAPERWORK ELIMINATION ACT

ABRAHAM AMENDMENT NO. 3829

Mr. GRAIG (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2107) to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, and for other purposes; as follows:

On page 10, strike out line 7 and all that follows through page 18, line 10, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Paperwork Elimination Act".

SEC. 2. AUTHORITY OF OMB TO PROVIDE FOR ACQUISITION AND USE OF ALTERNATIVE INFORMATION TECHNOLOGIES BY EXECUTIVE AGENCIES.

Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 3. PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act, develop procedures for the use and acceptance of electronic signatures by Executive agencies.

(b) REQUIREMENTS FOR PROCEDURES.—(1) The procedures developed under subsection (a)—

(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

(B) may not inappropriately favor one industry or technology;

(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

SEC. 4. DEADLINE FOR IMPLEMENTATION BY EXECUTIVE AGENCIES OF PROCEDURES FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act, Executive agencies provide—

(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

(2) for the use and acceptance of electronic signatures, when practicable.

SEC. 5. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act, develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

SEC. 6. STUDY ON USE OF ELECTRONIC SIGNATURES.

(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106) and the amendments made by that Act, and the provisions of this Act, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

(1) paperwork reduction and electronic commerce;

(2) individual privacy; and

(3) the security and authenticity of transactions.

(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

SEC. 7. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

Electronic records submitted or maintained in accordance with procedures developed under this Act, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

SEC. 8. DISCLOSURE OF INFORMATION.

Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this Act, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

SEC. 9. APPLICATION WITH INTERNAL REVENUE LAWS.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 or the Internal Revenue Code of 1986.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) ELECTRONIC SIGNATURE.—The term "electronic signature" means a method of signing an electronic message that—

(A) identifies and authenticates a particular person as the source of the electronic message; and

(B) indicates such person's approval of the information contained in the electronic message.

(2) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

PLANT PATENT AMENDMENTS ACT OF 1998

LEAHY (AND OTHERS) AMENDMENT NO. 3830

Mr. GRAIG (for Mr. LEAHY for himself, Mr. SMITH of Oregon, and Mr. HATCH) proposed an amendment to the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes; as follows:

At the end of the bill add the following:

SEC. 4. ACCESS TO ELECTRONIC PATENT INFORMATION.

(a) IN GENERAL.—The United States Patent and Trademark Office shall develop and implement statewide computer networks with remote library sites in requesting rural States such that citizens in those States will have enhanced access to information in their State's patent and trademark depository library.

(b) DEFINITION.—In this section, the term "rural States" means the States that qualified on January 1, 1997, as rural States under section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379bb(b)).

LEWIS AND CLARK EXPEDITION BICENTENNIAL COMMEMORATIVE COIN ACT

D'AMATO AMENDMENT NO. 3831

Mr. GRAIG (for Mr. D'AMATO) proposed an amendment to the bill (H.R. 1560) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes; as follows:

At the end of the bill, add the following new sections:

SEC. 11. CONGRESSIONAL GOLD MEDALS FOR THE "LITTLE ROCK NINE".

(a) FINDINGS.—The Congress finds that—

(1) Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, hereafter in this section referred to as the "Little Rock Nine", voluntarily subjected themselves to the bitter stinging pains of racial bigotry;

(2) the Little Rock Nine are civil rights pioneers whose selfless acts considerably advanced the civil rights debate in this country;

(3) the Little Rock Nine risked their lives to integrate Central High School in Little Rock, Arkansas, and subsequently the Nation;

(4) the Little Rock Nine sacrificed their innocence to protect the American principle that we are all "one nation, under God, indivisible";

(5) the Little Rock Nine have indelibly left their mark on the history of this Nation; and

(6) the Little Rock Nine have continued to work toward equality for all Americans.

(b) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of Congress, to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to the "Little Rock Nine", gold medals of appropriate design, in recognition of the selfless heroism that such individuals exhibited and the pain they suffered in the cause of civil rights by integrating Central High School in Little Rock, Arkansas.

(c) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (b) the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary for each recipient.

(d) AUTHORIZATION OF APPROPRIATION.—Effective October 1, 1998, there are authorized to be appropriated such sums as may be necessary to carry out this section.

(e) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

SEC. 12. FORD CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Gerald R. and Betty Ford a gold medal of appropriate design—

(1) in recognition of their dedicated public service and outstanding humanitarian contributions to the people of the United States; and

(2) in commemoration of the following occasions in 1998:

(A) The 85th anniversary of the birth of President Ford.

(B) The 80th anniversary of the birth of Mrs. Ford.

(C) The 50th wedding anniversary of President and Mrs. Ford.

(D) The 50th anniversary of the 1st election of Gerald R. Ford to the United States House of Representatives.

(E) The 25th anniversary of the approval of Gerald R. Ford by the Congress to become Vice President of the United States.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $20,000 to carry out this section.

(d) DUPLICATE MEDALS.—

(1) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to this section under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(2) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out this section shall be reimbursed out of the proceeds of sales under paragraph (1).

(e) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 13. 6-MONTH EXTENSION FOR CERTAIN SALES.

Notwithstanding section 101(7)(D) of the United States Commemorative Coin Act of 1996, the Secretary of the Treasury may, at any time before January 1, 1999, make bulk sales at a reasonable discount to the Jackie Robinson Foundation of not less than 20 percent of any denomination of proof and uncirculated coins minted under section 101(7) of such Act which remained unissued as of July 1, 1998, except that the total number of coins of any such denomination which were issued under such section or this section may not exceed the amount of such denomination of coins which were authorized to be minted and issued under section 101(7)(A) of such Act.

ADDITIONAL STATEMENTS

WORLD POPULATION AWARENESS WEEK

• Mrs. MURRAY. Mr. President, I rise on behalf of myself and Senator JEFFORDS to acknowledge and celebrate World Population Awareness Week.

World population stands today at more than 5.9 billion and increases by more than 80 million per year, with virtually all of this growth in the least developed countries.

A total of 1.3 billion people—more than the combined population of Europe and North Africa—live in absolute poverty on the equivalent of one United States dollar or less a day; 1.5 billion people—nearly one-quarter of the world's population—lack an adequate supply of clean drinking water or sanitation; more than 840 million people—one-fifth of the entire population of the developing world—are hungry or malnourished.

Demographic studies and surveys indicate that in the developing world there are at least 120 million women who want more control over their fertility but lack access to family planning. This unmet need for family planning is projected to result in 1.2 billion unintended births.

The 1994 International Conference on Population and Development in Cairo determined that a combination of political commitment and appropriate programs designed to provide universal access to voluntary family planning information, education and services can ensure world population stabilization at 8 billion or less rather than 12 billion or more.

We are pleased to support the week of October 24–31, 1998 as World Population Awareness Week.•

ISLAMIC HOUSE OF WISDOM

• Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event in the state of Michigan. The Islamic House of Wisdom will be holding its Semi-annual fundraising dinner Sunday, October 18, 1998.

The Islamic House of Wisdom, has served an invaluable role in educating both Muslims and non-Muslims on important moral and social issues. They have worked diligently to promote a positive image of Islam in the Detroit metropolitan area, and their interfaith symposiums have helped to bridge the gap between the diverse peoples and faiths that make up our Metro Detroit community.

Again, I offer my congratulations to Imam Mohammad Ali Elahi and all the members of the Islamic House of Wisdom for hosting this successful event and wish them continued success in their journey of faith and teaching.•

TRIBUTE TO MOLLY ALLEN

• Mr. BROWNBACK. Mr. President, it gives me great pleasure to recognize an outstanding young fifth grade student from Kansas, Molly Allen. Molly is a student at Sunset Ridge Elementary School in Shawnee Mission, and was diagnosed with juvenile diabetes in July. Since that time, Molly brought awareness about this disease to her fellow classmates by sharing her personal experience.

In addition, Molly organized her school's effort to raise money for the Juvenile Diabetes Foundation's walk, which was Saturday, September 19, 1998. This courageous young lady exemplifies leadership and courage. I am proud to recognize one of Kansas' outstanding young leaders. I wish Molly continued success in her future endeavors, and I ask that the Kansas City Star article featuring Molly follow my remarks in the CONGRESSIONAL RECORD.

The article follows:

[From the Kansas City Star, Sept. 19, 1998]

STUDENT WALKING TO FIGHT DIABETES

(By Anne Christiansen)

When 10-year-old Molly Allen participates in the Walk to Cure Diabetes today, she'll have 4 miles ahead of her and 459 feet behind her.

That's how many paper sneakers cover the windows of her elementary school—the newly opened Sunset Ridge. They're put there as a visual indicator of how much money students have raised so far—$459—only halfway through a six—day fund drive that ends Wednesday.

Molly was diagnosed with juvenile diabetes in July. Since that time, she's talked to classes at the school from her own fifth grade right down to kindergarten.

"They asked me why I have to wear this bracelet," she said, twirling the medical alert chain around her wrist. "They ask me if the (insulin) shots hurt. They were really pretty mature about it."

She's brought in the device that measures the glucose in her blood. She's taught her friends to look for signs of low blood sugar.

She's also spearheaded the school's effort to raise money for the Juvenile Diabetes Foundation's walk, which begins at 10 a.m. today in Shawnee Mission Park.

Principal Jane Fletcher said she has been impressed with Molly's dedication.

"She got on the intercom, and she said, 'Thank you for helping me.' that took a lot of courage," Fletcher said.

When school first started, some of the students were afraid they would "catch" diabetes from Molly.

"I had to explain to them that it wasn't that kind of disease," she said.

She also had to explain to her class why she was allowed a mid-morning snack in class while the rest of the students salivated jealously.

"They said, 'What are you doing?' because only a few of the girls knew before school started that I had diabetes," she explained.

Molly's mother, Norma Allen, said it wasn't easy for Molly at first.

"No child wants to be singled out as being different," she said. "But once everyone at school understood the disease, they've been so supportive."

Judy Marino, school nurse at Sunset Ridge, said she's been thrilled with the response the students and staff have given Molly.

"Of course, she's done most of it by herself," she said. "She's a great girl."

With a snack in her pocket, Molly has been able to stay active in her long list of athletic interests: basketball, cheerleading, softball, soccer, swimming and tennis.

She said she's looking forward to the walk today.

"I feel like a lot of people care about me," she said. "With this much help, we will find a cure for diabetes."•

THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 14, 1998, the federal debt stood at $5,536,803,329,458.17 (Five trillion, five hundred thirty-six billion, eight hundred three million, three hundred twenty-nine thousand, four hundred fifty-eight dollars and seventeen cents).

One year ago, October 14, 1997, the federal debt stood at $5,412,699,000,000 (Five trillion, four hundred twelve billion, six hundred ninety-nine million).

Five years ago, October 14, 1993, the federal debt stood at $4,407,560,000,000 (Four trillion, four hundred seven billion, five hundred sixty million).

Ten years ago, October 14, 1988, the federal debt stood at $2,616,812,000,000 (Two trillion, six hundred sixteen billion, eight hundred twelve million).

Fifteen years ago, October 14, 1983, the federal debt stood at $1,383,483,000,000 (One trillion, three hundred eighty-three billion, four hundred eighty-three million) which reflects a debt increase of more than $4 trillion—$4,153,320,329,458.17 (Four trillion, one hundred fifty-three billion, three hundred twenty million, three hundred twenty-nine thousand, four hundred fifty-eight dollars and seventeen cents) during the past 15 years.•

CORNFIELD FAMILY

• Mr. ABRAHAM. Mr. President, I rise today to welcome five new citizens to the United States of America. Mackenzie, Mikayla, Alyxandra, Allyssa and Arianna, beautiful sisters from Romania, are now happy additions to the Cornfield family. I hope they now enjoy the rewards of citizenship and assume the responsibilities that accompany this privilege.

As citizens of the United States these sisters will share in the ideals of a nation founded on the belief that all people are created equal; a nation where the power of the government comes from the consent of the people; and a nation which has respect for individual rights.

The United States is truly the land of diversity and opportunity. The Cornfield sisters are now citizens of a country that openly welcomes the views and opinions of all its citizens. Their unique thoughts and ideas, formed by their native culture, are now a part of the rich tapestry known as the American culture.

My congratulations also go out to Doctor and Mrs. Cornfield and their son, Nicholas for demonstrating the compassion, love and understanding in bringing together five sisters to live in this great country.

Once again, I welcome Mackenzie, Mikayla, Alyxandra, Allyssa and Arianna to their new nation, the United States of America.•

ORDERS FOR FRIDAY, OCTOBER 16, 1998

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Friday, October 16. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I further ask consent that there then be a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, on Friday there will be a period of morning business until 11 a.m. Following morning business, the Senate may consider any legislative items that can be cleared by unanimous consent. The Senate is expected to begin debate in relation to the omnibus appropriations bill at some point during Friday's session, while awaiting receipt of the actual papers from the House. It is still the hope that it can be disposed of by unanimous consent. However, if a rollcall vote is required, it will not occur prior to 5 p.m. on Friday evening.

If the President will remember, our majority leader had agreed that he would offer our colleagues a 24-hour notice. Certainly, without additional information coming from our colleagues on the other side of the aisle to make that determination, the 5 o'clock time specified here could well advance into the evening to assure the commitment of our majority leader that our colleagues have that 24 hours. So Members will be given appropriate notification as to the exact time of that vote in relation to when we can offer that announcement today, or late into the evening today.

RECESS UNTIL 10 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:13 p.m., recessed until Friday, October 16, 1998, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, October 15, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RIGGS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 15, 1998.

I hereby designate the Honorable FRANK RIGGS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day, O gracious God, we pray for Your goodness and Your blessings on us and upon all Your people. May the majesty of Your whole world inspire us, may the beauty of Your creation enliven us, may the miracle of Your love surround us, may Your message of faith and hope encourage us and may Your grace be sufficient for all our needs. We pray that Your benediction of good will and Your spirit of peace will be with us and inspire us to do good work, that in all things we will do justice, love mercy and ever walk humbly with You. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wisconsin (Mr. JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSON of Wisconsin led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

H.R. 4151. An act to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

H.R. 4259. An act to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4660. An act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The message also announced that the Senate had passed a bill of the following title in which concurrence of the House is requested:

S. 2253. An act to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2375) "An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes," with amendments.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minute addresses from each side.

CONGRATULATING SAN DIEGO PADRES ON WINNING NATIONAL LEAGUE PENNANT

(Mr. BILBRAY asked and was given permission to address the House for 1 minute.)

Mr. BILBRAY. Mr. Speaker, it is with great political risk that I speak here today. With the Speaker and the head of the NRCC coming from Georgia, I would like to rise today to congratulate the San Diego Padres for winning the National League championship in Atlanta. I would like to congratulate the Padres owner John Morris, president Larry Lucchino, manager Bruce Bochy and the entire team from the San Diego Padres. I would also like to congratulate the Padre fans. When you look to San Diego you usually think of beaches, beautiful zoos, bays and also Qualcomm Stadium.

Mr. Speaker, my constituents celebrated last night in the 49th District and sadly I was not there to join them. But today I would like to point out that their celebration is something that we can all join in. In light of the fact that Congress will be out, though, Mr. Speaker, when the Padres win the World Series, I would like to take this opportunity to congratulate them on their pending victories.

Go Padres.

PRESCRIPTION DRUG FAIRNESS FOR SENIORS

(Mr. JOHNSON of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to speak about some of the work of Congress, armed with concern and new evidence that senior citizens in America and in northeast Wisconsin from my survey are paying a lot more for needed prescription drugs, on average 85 percent more, than the favored customers of the drug companies.

I have just compiled the results of a new survey of pharmacies across my district in northeast Wisconsin. We asked the price that seniors and other individuals pay for their prescriptions, then compared that price to what the drug companies charge their volume buyers. We found that senior citizens are paying nearly two times as much, 85 percent more, than the big buyers and the insurance companies. It is outrageous. Seniors rely on their prescription medications, and seniors are most likely to be on a fixed income. Most importantly, Medicare the main source of health coverage for seniors, does not cover the cost of most prescription drugs, leaving seniors to pay for their prescriptions out of their own pockets. My study shows that drug companies are making huge profits on the backs of seniors.

I will be fighting, therefore, for new legislation, the Prescription Drug Fairness for Seniors Act, put forward by

---

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the gentleman from Maine (Mr. ALLEN) guaranteeing older Americans the same prices for their prescription drugs that the Federal Government gets from drug companies.

EXAMPLE IS THE BEST PRECEPT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, some have argued that private conduct does not matter. But as leaders we must set the example, guiding our Nation by our actions. Example is the best precept.

Aesop, the learned storyteller, writes the following fable:

One fine day two crabs came out of their home to take a stroll on the sand. "Child," said the mother, "you're walking very ungracefully. You should learn to walk straight forward without twisting from side to side."

"Mother," said the young one, "set the example yourself, and I will follow you."

Example is the best precept.

President Franklin Roosevelt said the following: "The presidency is not merely an administrative office. That's the least of it. It is preeminently a place of moral leadership."

Mr. Speaker, it is time for our leaders to lead, not just fiscally, not just politically but morally.

Example is the best precept.

SCHOOL MODERNIZATION INITIATIVE STILL NEEDED IN BUDGET DEAL

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, we are still likely to be here a few more days as we hammer out this budget agreement, but I want to say that I am very proud of the Democrats who have stuck it out and demanded that this budget agreement address education initiatives. It appears, and I say it appears because we do not know for sure, but it seems like the Republicans finally have agreed to our proposal for 100,000 teachers that are going to be hired across the country with Federal dollars. I just want to say it is only because Democrats have kept insisting that this education initiative be in the budget that we may finally realize that hope of having those 100,000 extra teachers spread around the country to reduce class size.

But we still do not have the modernization initiative. The Republicans should agree to this as well. This is the initiative that says that we will spend Federal dollars to try to improve schools around the country, to renovate schools, to put in new roofs, to also upgrade, if you will, schools for technology, for computers and other things of that nature. I think it is very important that we continue to stay here until that initiative is also included in this budget.

I know the Republicans do not want to hear it. They keep saying that this is unnecessary, but it is important.

HALLOWEEN MESSAGE TO LIBERALS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Halloween is right around the corner, conjuring up all kinds of scary stories. Soon I will gather my children around me and tell them just what they might expect from Congress.

Now, I am not talking about candy, trinkets or toys. What I am talking about is bringing home a commitment to a balanced Federal budget, real education reform, meaningful tax cuts, a strong military force and a real commitment to saving Social Security.

There is one problem. My liberal colleagues on the other side of the aisle would rather have me tell them the story of the headless horseman or a bloated bureaucracy, a hollow military force and more tax increases.

Mr. Speaker, no one wants to go home with the liberals' view of Congress. Rather, we all want to go home with some great news for America's schoolchildren, for America's hardworking families, for the men and women who serve in our nation's armed forces, news that we are working for them, not some fat-cat bureaucrat here in Washington.

To my liberal colleagues, I say this: Let us put an end to wasteful bureaucratic spending. Help us send Federal education dollars directly to the schools and to the classrooms for the benefit of educating children. Help us give back hard-earned tax dollars to America's hardworking families. Help us make the strength of our nation and our national defense a priority again.

Trick or treat, Mr. Speaker. I yield back big government, scary stories, and the headless horseman point of view of my liberal colleagues.

SUPPORT STEEL RESOLUTION AND STAND UP FOR LEGAL TRADE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another chapter on American steel. We have already read Chapter 11, Chapter 13, and we are about to read a stone cold Chapter 7 due to illegal trade, dumping steel in America below cost, destroying families, destroying companies, destroying jobs, destroying pensions, and nobody is doing one thing about it.

We pass laws here, and the law is not being enforced. There is such a glut of steel there is a fire sale in America. America is burning. And while America burns, the administration is fiddling doing nothing.

Today you will have an opportunity to vote on a resolution. I predict that there will be an attempt to bring a softer resolution than mine. Today is the time to stand up for legal trade.

THE CHOICE IS CLEAR

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the majority of Republicans are conservative and they are proud of that. The majority of Democrats are liberal and I imagine that they are proud of that as well. One can only imagine what the liberals dream about in their private moments, the number of new government programs they could create if only those Republicans were not standing in the way.

Republicans believe that the country has been going in the wrong direction for far too long, down the road of higher taxes, more government and less freedom. Democrats disagree. They favor a continuation down this path, and the current negotiations with the White House and with the other side of the aisle over the appropriations bill clearly reflect that. In almost every single case the dispute reflects the Republican desire to hold the line on spending and the Democrat desire to increase it. Although most Americans appear to support less government and lower taxes, you would never know it listening to the other side of the aisle in these negotiations. Spend more or spend less? The choice is clear.

SUPPORT TRAFICANT REAL STEEL RESOLUTION

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, we have a crisis in steel that my colleague from Ohio (Mr. TRAFICANT) just alluded to. I want to thank the leadership of this House for promising the gentleman from Ohio that we would have a vote on his resolution today, a real steel resolution with real language, real teeth, and I ask every one of my colleagues to support this bipartisan resolution introduced by the gentleman from Ohio, House Resolution 598. It is the resolution I am personally going to support.

We need this, because H. Res. 598 calls for a 10-day review period for all steel imports and a 1-year ban on steel imports from countries found to be violating our law, not 3 months of consultation.

We need this, because the American Institute for International Steel has written to every one of its members and said that because of cases filed on September 30, the earliest date for withholding of liquidations would be December 9.

Translation: Dump your steel before December 9 or it will be too late. Vote for Traficant.

ACHIEVEMENTS OF REPUBLICAN-LED CONGRESS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, for 40 years Washington was on autopilot and heading in one direction and one direction only, toward higher taxes and bigger government. Republicans were elected to a majority in 1994 and things have been different ever since, despite the efforts of the President to raise taxes, to create new government programs and to expand old ones. Republicans passed middle-class tax cuts, welfare reform, IRS reform, and Medicare reform.

Let us just consider for a moment if any of these achievements, even a single one, would have seen the light of day if the liberal Democrats had still been in the majority. Welfare reform? The liberals are still bitter about that. Tax cuts? They tried to raise taxes, not cut them. IRS reform? Now, why would a liberal ever want to take on his best friend? Medicare reform? This is perhaps the most unlikely proposition of them all. Any effort to reform Medicare was greeted with hysterical cries of extremism by liberal defenders of the status quo in this very body.

No, Mr. Speaker, not a single one of these achievements could have been possible were it not for a Republican majority in Congress.

HONORING WALTER KOHN AND AMERICA'S TEACHERS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, with great pride I rise to congratulate Dr. Walter Kohn, a recent recipient of the Nobel prize for chemistry. Dr. Kohn is a professor of physics at the University of California at Santa Barbara where my husband Walter taught for over 30 years. Walter Kohn's life story is inspirational. He escaped Nazi-occupied Germany on the last children's transport train to England. Dr. Kohn's contributions to chemistry and physics are immense, and he also contributes greatly to our society as a teacher and role model for young people.

As we honor our Nobel winners, let us remember the priceless values of teachers in our country. Motivated, well-trained teachers are the heart and soul of our schools.

Mr. Speaker, I am very pleased that Congress will soon pass a budget bill that will provide our local school districts with the capable teachers that they need to educate our children. I strongly support more teachers. I am glad we have put partisanship aside to invest in the future of our nation.

REPUBLICAN-LED CONGRESS IGNORES CRIES OF "EXTREMISM" TO PASS MEANINGFUL REFORMS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, most Americans do not think it is extremist to want to reduce the size and power of the Federal Government. In fact after 40 years of Democratic control in which the Federal Government got bigger and bigger, more costly, more out of touch, more meddlesome and less accountable to the people, the majority of Americans finally had had enough in 1994 and they have not looked back since.

What has the Republican majority in Congress done since 1995 to reverse course? A Republican-led Congress passed the first balanced budget since 1969 and the first tax cuts in 16 years after it ignored the charges of extremism and warnings that it could not be done. A Republican-led Congress passed welfare reform after years of hearing the other side defend a system that everybody knew was broken, again after ignoring the other side cry "extremism" at every opportunity. And a Republican-led Congress reformed Medicare for the first time ever, something that should have been done a long time ago, so that our seniors would be able to retire with peace of mind.

□ 1015

I think the American people are right. It is not extremist, but responsible good government.

WHAT A DIFFERENCE A REPUBLICAN CONGRESS HAS MADE

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, let us look back at where we were just four short years ago.

Deficits were headed up to $300 billion. Millions of Americans were being trapped in a welfare cycle. Medicare was headed towards bankruptcy, and that was threatening seniors' health care. Billions were being wasted on Washington programs that were unnecessary or ineffective. Interest rates were too high, and our economy was teetering, and taxes on families were going up and up and up.

Mr. Speaker, let us look at where we are today.

Deficits no longer exist. We have balanced the budget. We have taken 2 million families off of welfare rolls and put them on payrolls. Medicare is solvent. Three hundred programs have been eliminated here in Washington. Interest rates have dropped by over 2 percent, and taxes on families is going down.

Mr. Speaker, what a difference a Republican Congress has made.

WE MUST HAVE SCHOOL MODERNIZATION AND QUALITY EDUCATION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I did not intend to come here this morning and deliver a message, but in following the discussion that we have had on education in the last several days, particularly really for a lifetime as being a former teacher, I saw the opportunity now that we are going to have in improving our classrooms certainly by increasing the number of teachers, and it brought a story to mind that happened to me in 1970 when I was transferred to one of the high schools in which I taught.

Within the first week, as I tried to raise the blinds of the one of the windows, the window shade fell off the wall and cut my face on my cheek. I noticed that 2 weeks later when it began to rain the walls leaked, the roofs leaked, and water ran down the side of the walls, and the children had to be evacuated from some of the classrooms in which they were.

I could not teach. The children were there to learn, but they were so distracted by their surroundings that they were not focused.

We have to give our children an opportunity for a better future, and that is going to be through a quality education. We know we are going to have more teachers now. That is going to be in this budget. Thank goodness for that. Now we need the classrooms to put them in, good, quality classrooms to do it.

Mr. Speaker, we must have school modernization. We must pass that in this particular bill in this Congress now. Let us do it before we leave.

FROM DEFICITS TO SURPLUSES—WHAT THE VOTERS SHOULD REMEMBER WHEN THEY GO TO THE POLLS

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, late last night the Republican Congress and the Democrat President arrived at an agreement on the Nation's spending plan.

Now our disagreement up to this time has delayed our adjournment by 6 days now. What were we arguing about, one might ask. Well, Mr. Speaker, we were debating the merits of spending a budget surplus.

Now before we get on to details of the spending, let us talk about this surplus. See, Mr. Speaker, were it not for the Republican Congress, we would still be debating the travesties of deficit spending. But today we are not. And that is what Americans should keep in mind. From deficits to surpluses, from runaway spending to lower spending, from higher taxes to lower taxes, from bondage to liberty. That is what happened when control of this Congress went from Democrat to Republican, and that is what voters should remember when they go next month from their homes to the polls.

CONGRESS' UNFINISHED BUSINESS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, good morning. I would like to talk about Congress' unfinished business.

My colleagues on the other side rankle when we say it has been a do-nothing Congress, but it has been. We really have not addressed the big issues, the concerns that people in America want to see resolved by Congress. They have failed to achieve anything on tobacco reform. Thousands of our young people will die as a result. They have failed to do anything about HMO reform. Patient after patient, seniors across the spectrum, have said we need to reform HMOs to give patients a bill of rights. The Republicans have not delivered they fail to achieve. We know the biggest problem facing our country is Social Security. What are we going to do about it? Again, this do-nothing Congress, these under-achievers, have failed to address the real problem. We need to save the surplus and put it into saving Social Security. They want to give an election year tax break. It is a gimmick.

But most importantly, Mr. Speaker, I think they fail to address the problem of our future in terms of education and school construction. We need modern classrooms, we need to invest in education, we need to solve the overcrowding problem, and they have not done it.

TWO CRITICAL ISSUES THAT NEED TO BE ADDRESSED

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, the President and the people of this country have forced this do-nothing Congress to take some actions, and we have begun a process of dealing with issues they have avoided for 2 years. But there are two critical issues that still are not addressed.

One is fixing the pensions of people in our Armed Services to make sure that they get a decent retirement so we can keep quality people in the Armed Services. The second affects almost every American, and that is HMO reform.

Mr. Speaker, seniors are losing their HMOs as they hop from city to city trying to get only healthy seniors. Every citizen who has to deal with their doctor or hospital is frightened that their HMO will not pay the bill or will not allow them to get service. Hospitals and doctors and patients are being run by people who have never seen the patient and never seen the inside of a medical facility. These people are in danger physically.

This Republican Congress has to address these two issues. There are others, but certainly the life and death of our constituents, the viability of our hospitals, is something we ought not to be able to ignore.

THIS IS NOT A DO-NOTHING CONGRESS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I am often amused when I hear Democrats say this is a do-nothing Congress. What they mean is we have done nothing towards increasing the taxes, we have done nothing towards increasing the size of government, and then nothing to further destroy the American dream which they seem to be so intent on. What we have done though is pass the first tax cut in 16 years, we have balanced the budget for the first time since 1969 when Woodstock was at Max Yasgur's farm, and Mod Squad was on TV, and Neil Armstrong was on the moon. We have reformed Medicare on a bipartisan basis. We have reformed welfare, and almost 40 percent of the people on welfare have gotten off it in the last 3 years. What have we done in this budget agreement? Strong drug interdiction, strong prevention and rehabilitation programs. What have we done for education? We have returned more dollars and more power and more flexibility to the local level where the teacher in the classroom gets most of the money, where the teacher in the classroom can make most of the decisions, where the teacher in the classroom can call the shots on how to teach Johnnie to read and how to teach Susie to read because they might be a little bit different in Georgia then they are in California or New York.

These are important steps. This is not a do-nothing Congress.

THE HIT-AND-RUN CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this Republican controlled Congress has failed, and it has wasted the American people's time. Let me just say that what they have not done is they have accomplished less than a Congress typically does across a 2-year period. On specific issues, they made no progress on making sure that Social Security and Medicare were preserved for future generations. They did not change the way, in fact, we run our campaigns and the amount of money that is raised in those campaigns, and they have done nothing about protecting patients' rights and managed care reform.

Last night they caved under the President's pressure, Democrats' pressure, to allow 100,000 new teachers to go into our schools in grades 1 through 3 to help our children, and yet today they take pride and view it as a victory that they did not want to move on modernizing our schools, to wire up our schools so that kids can get the opportunity to be on an Internet, so they can in fact be able to compete in the future. They view that as a badge of honor.

Quite frankly, this is a Congress that has done a hit and run on the American people.

DO-NOTHING CONGRESS? I DO NOT THINK SO

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, good morning. As my colleagues know, I guess this partisan debate really boils down to whether we want to see the glass as half empty or half full, and it is too reminiscent of I think the all too common American mindset of what have you done for me lately. The do-nothing charge though does not stand up to scrutiny because this is the Congress that balanced the budget and passed major tax relief for working Americans for the first time in a generation. We have fundamentally, as earlier speakers have pointed out changed, the debate in Washington, and we can take pride not in being the do-nothing Congress, but in being the surplus Congress.

We have also reigned in the IRS through real reform of the IRS, shifting the burden of proof from taxpayers to the IRS in legal proceedings, and we put Medicare, the health insurance program for older Americans, on solvent solid footing.

Do-nothing Congress? I do not think so. The glass is half full and only getting better as the Republican majority grows in Congress and in the country.

WE DO NOTHING TO HARM THE AMERICAN PEOPLE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, do-nothing indeed. Members forget that just about a month ago the President of the United States signed into law a little recognized bill that we had been working on for about 2 or 3 years, the Bio Materials Access bill. This provides a steady flow of vital materials to people who need medical devices like hip replacements, and heart shunts and brain shunts. That was a bill that this do-nothing Congress put into place and attacked the problems of health care, prevention of disease and products liability all in one bill. The President signed it right after we promoted it and passed it into law.

Do-nothing indeed. That is a slander to say something like that.

At the same time we passed an IRS reform bill that the American people by 90 to 10 advocated, supported and applauded when it finally became law.

Do-nothing indeed. We will do nothing to harm the American people. We will do nothing to harm Social Security. We will do nothing to harm the prospects of a steady economy in the near and far future. That is what we are, we do something.

□ 1030

TAKING CREDIT FOR BALANCING THE BUDGET

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, let me take a minute to look at this question of a balanced budget. We hear our Republican colleagues talk with pride about the fact that they passed a balanced budget and we have a surplus.

Let us go back five short years ago when there was a bill in 1993 before this House. The bill said let us cut $250 billion of programs, and let us increase $250 billion of taxes on the top 2 percent of Americans. Ninety-eight percent of the Americans were exempt from that tax increase.

At that time, not one single Republican vote was cast for that plan that President Clinton gave to the American people. It was passed overwhelmingly by Democrats, without one single Republican vote, a $500 billion process that put us on the target now where we have over 16 million new jobs, a $70 billion surplus and many other positive things. We did it, not them.

FOREIGN AID BUDGET

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, sometimes it is amazing to me the memory of some of our colleagues about we did nothing this year.

One of my responsibilities in the House is to Chair the Subcommittee on Foreign Operations, Export Financing and Related Programs, how much money we are going to give the President for foreign aid. It is not a pleasant job.

But just to remind my colleagues, we did our job. The President wanted $13.5 billion. We did our job, but we would not give him all he wanted. We passed the bill through the House, we passed it through all the committees, we passed it through the Senate, but the President said, "There is no sense in sending it down here, because I will veto it if you do not give me another $1 billion."

Well, we felt like we had better things to do with that $1 billion. But the President said no, and there we were faced with the possibility of shutting the government down or giving him his $1 billion.

So it was not that we did not do our job, because we did everything we were supposed to do, except the President refused to sign the bill, telling us that unless we gave $1 billion more, that he was going to shut the government down.

BLOCKING DOLLARS FOR THE CLASSROOMS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the Republicans are standing in the schoolhouse door and they refuse to allow Federal dollars to build classrooms or to modernize and renovate classrooms. The Republicans are blocking dollars for the classrooms. They have a bill called "dollars for the classrooms," which is really dollars to the governors and state bureaucracies to play around with Federal money.

But when it comes to straight bulleting of money for construction, which most school boards in America realize is one of their greatest needs. They understand that they need help; they cannot get local or state dollars. Why not bring home our Federal dollars? All taxes are local. They come from the local level. They just print money here. They do not really have taxes based in Washington. It comes from the local level. Give it back to the local level, without strings attached.

This is the best deal ever for local school boards and states. It says you can have the money. You can float the bonds, and the Federal Government will pay the interest on the debt you accumulate to build classrooms. What better deal is there; or has ever been offered? The Republicans are blocking dollars to build classrooms in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules, but not before 3 p.m. today.

EXTENDING VISA PROCESSING PERIOD FOR DIVERSITY APPLICANTS DUE TO EMBASSY BOMBINGS

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4821) to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.

The Clerk read as follows:

H.R. 4821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION INTO FISCAL YEAR 1999 OF VISA PROCESSING PERIOD FOR DIVERSITY APPLICANTS WHOSE VISA PROCESSING WAS SUSPENDED DURING FISCAL YEAR 1998 DUE TO EMBASSY BOMBINGS.

(a) EXTENSION OF PERIOD.—

(1) IN GENERAL.—Notwithstanding clause (ii)(II) of section 204(a)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(G)), in the case of an alien described in paragraph (1) or (2) of subsection (b)—

(A) the petition filed for classification under section 203(c) of such Act (8 U.S.C. 1153(c)) for fiscal year 1998 is deemed approved for processing for fiscal year 1999, without the payment of an additional $75 filing fee; and

(B) the priority rank for such an alien for such classification for fiscal year 1999 is the earliest priority rank established for such classification for such fiscal year.

(2) VISAS CHARGED TO FISCAL YEAR 1999.—Immigrant visas made available pursuant paragraph (1) shall be charged to fiscal year 1999.

(b) ALIENS ELIGIBLE FOR BENEFITS.—

(1) PETITIONING ALIEN.—An alien described in this paragraph is an alien who—

(A) had a petition approved for processing under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 1998; and

(B)(i) had been scheduled for an immigrant visa interview on or after August 6, 1998, and before October 1, 1998, at the United States embassy in Nairobi, Kenya, at the United States embassy in Dar Es Salaam, Tanzania, or at any other United States visa processing post designated by the Secretary of State as a post at which immigrant visa services were suspended in fiscal year 1998 as a result of events related to the August 7, 1998, bombing of those embassies; or

(ii) had been interviewed for such a visa but refused issuance under section 221(g) of such Act (8 U.S.C. 1201(g)) during fiscal year 1998 at such an embassy or post,

(2) FAMILY MEMBERS.—An alien described in this paragraph is an alien who—

(A) is a family member described in section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) of an alien described in paragraph (1); or

(B)(i) is a family member described in such section of an alien described in paragraph (1)(A); and

(ii) meets the requirement of clause (i) or (ii) of paragraph (1)(B).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4821.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last August 7, as everyone will recall, our Nation was shaken by the news that our embassies in Kenya and Tanzania were bombed and hundreds of natives and American diplomats as well were killed.

As tragic as that is, and it still has tragic consequences in leftover items that will haunt us for years to come, there was another unintended but serious consequence of those bombings. That is, there were many people filing into those embassies prior to this bombing who were making application for diversity visas to which they might have been entitled.

Now, with the extinction of these embassies, these people, who might have a right to come to the United States to exercise their skills, were denied that privilege of applying for this diversity visa. What has happened is they may lose that chance forever, unless we pass this piece of legislation, because what this does is in effect put a hold on the deadlines that would have ordinarily applied to these applicants for diversity visas, thus, allowing the system to move ahead into 1999, without allowing it to come to an end by the process that would have come to an end this year, but for the bombings of the embassies in those countries.

We urge the passage of this legislation as one that is absolutely necessary. This would not guarantee, by the way, that those applying would automatically be granted the visa, but we do not want to rob them of the opportunity to file an application to receive such a visa. That is the purpose of the bill, and what it does is make up for lost time by reason of the destruction of the embassies.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. GEKAS) for his support of this legislation. I rise in support also today of H.R. 4821, a bill to extend into next year the visa processing period for Nairobi, Kenya, and Dar es Salaam, Tanzania, due to the U.S. embassy bombings.

This is one of the most heinous acts of state-sponsored terrorism that has been done anywhere in a long time. The bombs that exploded on August 7th at the U.S. embassies in Nairobi and Dar es Salaam killed 247 people in Kenya and 10 people in Tanzania and left more than 5,500 people injured, including many Americans. Sadly, on August 7th of this year, the U.S. embassies in East Africa were the target of state-sponsored terrorism backed by financier Osama Bin Laden.

Fighting terrorism is a complex and very, very difficult task, and in the aftermath of every sinister terrorist act a rebuilding process must occur to restructure buildings, send food and shelter and rehabilitate the lives of the victimized men, women and children, so I am pleased to hear that the U.S. will extend a helping hand to the innocent victims during this tragic period.

Our immigration process is oftentimes complicated, as we know. It is mired with confusion and, at many times, is discriminatory. The annual diversity visa lottery permits 50,000 applicants from countries that are underrepresented in legal immigration to qualify for a U.S. immigrant visa.

At the time of the bombings, hundreds of visa applicants were suspended because of lack of manpower to operate our counselor services. The temporary closure meant that applicants were unable to process their visas.

One story that has particular meaning to me was from a young lady named Maritee who lived in Nairobi. She had told her family she was looking forward to coming to the United States of America with her sister. She was at the U.S. embassy's consular office waiting in line filling out an application to come to her dream country, the USA, when the truck bomb exploded, ripping out the walls of the consular section. She did not make it through the blast. She died.

When she was buried, her family with tears streaming down their eyes remembered the jubilance of her getting up that morning and going to the embassy to apply, for her dream to come to this country to study. It was not Maritee's fault, the bombs were targeted for Americans.

We cannot bring Maritee back, but we can pass a bill and show our support and sympathy for the Kenyan and Tanzanian people.

Also at this time, in concluding this portion, I would like to express my gratitude to France, Israel and South Africa for their valor, dedication and commitment. I know that Israel brought in sniffer dogs to locate missing people trapped in the rubble and debris.

South Africa responded almost immediately. They facilitated and expedited a route allowing our Air Force and the FBI to fly through South Africa to Nairobi and Dar es Salaam. They also brought back injured people, lifting visa restrictions, and sent their medical experts to care for the wounded.

Months later they had a similar bombing at the Hard Rock Cafe in Cape Town, South Africa. I know they had to work very closely with our FBI during this second attack in South Africa, and they have been very, very supportive in working closely with us.

In closing, I would like to express support for the immediate and decisive decision taken by the President. The strikes at the Shifa Pharmaceutical Plant in Khartoum and the terrorist camps in Afghanistan will help to stave off impending terrorist threats by Osama Bin Laden and his Taliban terrorist groups.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I rise in strong support of this legislation, because I think it is evidence of the great Nation of America acting in a small way to deal with a problem. It will probably be ignored and not recognized. Nobody knows it, but in very small ways we have attempted to provide as much assistance as possible to all the victims of the bombings in Kenya and elsewhere. We have taken steps to deal with the medical bills, the hardship suffered by the people surrounding the embassy and those killed in the embassy.

The whole matter has been brought home to us as members of the Congressional Black Caucus because two very close members of the Congressional Black Caucus family were involved. Consul General Julian Bartley had served as a fellow on the hill here for a half a year and worked with the Congressional Black Caucus. His son, Jay Bartley, we also got to know, and his daughter, Edith Bartley, is still active in Congressional Black Caucus matters. It was brought home to us in a very personal way. But I think the important thing here is that this legislation is designed to help people we will never know. It is designed to help people that happened to be unfortunately there on that awful day.

The message that should go out to all across the world is you need never fear being a friend of America. To be an ally of America, to host an embassy in your country, there is nothing unique to fear. We will stand by our friends.

We have many enemies in the world, and for good reason. We have enemies who are seeking to maintain old systems that we are definitely against. We are against slavery in the Sudan and slavery in Mauritania. We are against the Taliban enslavement of women in Afghanistan. We are against a lot of things that create a lot of enemies.

□ 1045

But we are also the most admired country in the world. People know that we will stand by our friends in every way. We stood by France a couple of centuries after they helped us in the Revolutionary War. Our troops were on the beaches of Normandy.

This is the American colossus which is unlike any empire that ever existed; not an empire, really, but we have influence all over the world. We probably have more friends and more people who admire Americans than any other Nation in the world. That is for a good reason, because we do stand by our friends. We do stand for principles and values that large numbers of people identify with.

That creates incidents. It leads to bombings, like the one in Kenya. We have retaliated, and many people are upset with the fact that we did retaliate by sending bombs into Afghanistan and then into Sudan. But if we are in a situation where terrorism is the way of the future, and there is a new form of war which can strike anybody, and you are guilty even by association, by friendship, then everybody is included. Terrorism can strike anywhere and we must strike back.

The fact that we are acting today to indicate that we recognize that innocent victims need to be compensated; innocent victims need to be recognized. This Act is addressing the fact that there were people who wanted to obtain visas and wanted to come to this country whose visas were not prosecuted in a timely way. But we have also had legislation for which I understand monies are being appropriated to deal with the expenses incurred by people who suffered hardships from this awful tragedy.

I want to salute the sponsors of this legislation, Mr. Speaker, and the whole spirit of the legislation, which sends a clear message to all those nations in the world, and certainly the underdeveloped Nations, which is that you need not fear, you need not back away from an alliance with America. You need not fear standing for the same kind of principles that we do. You need not fear hosting our personnel or being the home of one of our embassies. We are in a world where everybody is targeted by terrorists, and anybody at any time can be a victim. But this Nation will stand by its friends. This Nation has shown that it is ready to act in a humane manner.

In the case of Julian Bartley and his son, Jay Bartley, I think special efforts were made and a special dispensation was undertaken. Both of them were buried in Arlington Cemetery. That is the kind of gesture of a great president, of a great Nation, that is indicative of what is happening here. We are taking care of people who were victimized unnecessarily, and I wholeheartedly support this legislation.

Mr. Speaker, I urge support of H.R. 4821.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to pay tribute to the gentleman from Texas (Mr. LAMAR SMITH), our colleague on the Committee on the Judiciary, who supported the production, promotion, and the final passage, as we envision it, of this legislation. He has also worked hard on questions of immigration and visas for these purposes, and he deserves a lot of credit for what has occurred here, along with the inspiration of the legislation, the gentleman from New York (Mr. BEN GILMAN), who, in his position as chairman of that relevant committee, also has worked very hard to get to our final stages.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4821.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANTING CONSENT OF CONGRESS TO PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 35) granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.

The Clerk read as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the Pacific Northwest Emergency Management Arrangement entered into between the States of Alaska, Idaho, Oregon, and Washington, and the Province of British Columbia and the Yukon Territory. The arrangement is substantially as follows:

"PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

"Whereas, Pacific Northwest emergency management arrangement between the government of the States of Alaska, the government of the State of Idaho, the government of the State of Oregon, the government of the State of Washington, the government of the State of the Providence of British Columbia, and the government of Yukon Territory hereinafter referred to collectively as the 'Signatories' and separately as a 'Signatory';

"Whereas, the Signatories recognize the importance of comprehensive and coordinated civil emergency preparedness, response and recovery measures for natural and technological emergencies or disasters, and for declared or undeclared hostilities including enemy attack;

"Whereas, the Signatories further recognize the benefits of coordinating their separate emergency preparedness, response and recovery measures with that of contiguous jurisdictions for those emergencies, disasters, or hostilities affecting or potentially affecting any one or more of the Signatories in the Pacific Northwest; and

"Whereas, the Signatories further recognize that regionally based emergency preparedness, response and recovery measures will benefit all jurisdictions within the Pacific Northwest, and best serve their respective national interests in cooperative and coordinated emergency preparedness as facilitated by the Consultative Group on Comprehensive Civil Emergency and Management established in the Agreement Between the government of the United States of America and the government of Canada on Cooperation and Comprehensive Civil Emergency Planning and Management signed at Ottawa, Ontario, Canada on April 28, 1986: Now, therefore, be it is hereby agreed by and between each and all of the Signatories hereto as follows:

"ADVISORY COMMITTEE

"(1) An advisory committee named the Western Regional Emergency Management Advisory Committee (W-REMAC) shall be established which will include one member appointed by each Signatory.

"(2) The W-REMAC will be guided by the agreed-upon Terms of Reference-Annex A.

"PRINCIPLES OF COOPERATION

"(3) Subject to the laws of each Signatory, the following cooperative principles are to be used as a guide by the Signatories in civil emergency matters which may affect more than one Signatory:

"(A) The authorities of each Signatory may seek the advice, cooperation, or assistance of any other Signatory in any civil emergency matter.

"(B) Nothing in the arrangement shall derogate from the applicable laws within the jurisdiction of any Signatory. However, the authorities of any Signatory may request from the authorities of any other signatory appropriate alleviation of such laws if their normal application might lead to delay or difficulty in the rapid execution of necessary civil emergency measures.

"(C) Each Signatory will use its best efforts to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment or other resources into or across its territory, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating Signatories.

"(D) In times of emergency, each Signatory will use its best efforts to ensure that the citizens or residents of any other Signatory present in its territory are provided emergency health services and emergency social services in a manner no less favorable than that provided to its own citizens.

"(E) Each Signatory will use discretionary power as far as possible to avoid levy of any tax, tariff, business license, or user fees on the services, equipment, and supplies of any other Signatory which is engaged in civil emergency activities in the territory of another Signatory, and will use its best efforts to encourage local governments or other jurisdictions within its territory to do likewise.

"(F) When civil emergency personnel, contracted firms or personnel, vehicles, equipment, or other services from any Signatory are made available to or are employed to assist any other Signatory, all providing Signatories will use best efforts to ensure that charges, levies, or costs for such use or assistance will not exceed those paid for similar use of such resources within their own territory.

"(G) Each Signatory will exchange contact lists, warning and notification plans, and selected emergency plans and will call to the attention of their respective local governments and other jurisdictional authorities in areas adjacent to intersignatory boundaries, the desirability of compatibility of civil emergency plans and the exchange of contact lists, warning and notification plans, and selected emergency plans.

"(H) The authority of any Signatory conducting an exercise will ensure that all other signatories are provided an opportunity to observe, and/or participate in such exercises.

"COMPREHENSIVE NATURE

"(4) This document is a comprehensive arrangement on civil emergency planning and management. To this end and from time to time as necessary, all Signatories shall—

"(A) review and exchange their respective contact lists, warning and notification plans, and selected emergency plans; and

"(B) as appropriate, provide such plans and procedures to local governments, and other emergency agencies within their respective territories.

"ARRANGEMENT NOT EXCLUSIVE

"(5) This is not an exclusive arrangement and shall not prevent or limit other civil emergency arrangements of any nature between Signatories to this arrangement. In the event of any conflicts between the provisions of this arrangement and any other arrangement regarding emergency service entered into by two or more States of the United States who are Signatories to this arrangement, the provisions of that other arrangement shall apply, with respect to the obligations of those States to each other, and not the conflicting provisions of this arrangement.

"AMENDMENTS

"(6) This Arrangement and the Annex may be amended (and additional Annexes may be added) by arrangement of the Signatories.

"CANCELLATION OR SUBSTITUTION

"(7) Any Signatory to this Arrangement may withdraw from or cancel their participation in this Arrangement by giving sixty days, written notice in advance of this effective date to all other Signatories.

"AUTHORITY

"(8) All Signatories to this Arrangement warrant they have the power and capacity to accept, execute, and deliver this Arrangement.

"EFFECTIVE DATE

"(9) Notwithstanding any dates noted elsewhere, this Arrangement shall commence April 1, 1996.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this particular piece of legislation is mandated, actually, by the Constitution. The Constitution says that when two States arrive at some kind of arrangement between the two that arises to the level of a compact, a binding agreement, that then the Congress of the United States must approve such a compact, else the Framers of the Constitution felt that would lead to conflict that might turn even violent if it were not guaranteed by the Federal Government, as one of the oversee functions it would have, should such an agreement be reached. So the Congress of the United States has, from time to time, approved these compacts.

Such a compact was proposed a long time ago now, it seems, with respect to the Pacific Northwest Emergency Management Arrangement between the States of Alaska, Idaho, Oregon, Washington, and the provinces of British Columbia and the Yukon Territory.

In this bill, this compact has to do with the coordination of emergency services in disaster relief and all the hundreds of scenarios that many of us, through our years of service, have seen examples of time and time again on the floor of this Chamber.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 35. Mr. Speaker, this bill would grant the consent of Congress to two compacts among Northwestern States and Canadian provinces to coordinated responses to forest fires and other emergencies.

These compacts, which have already been ratified by the affected States and provinces, require the consent of Congress to take effect under the Compacts clause of the Constitution.

This particular bill has bipartisan support of members of the other body and from States participating in these compacts. They were passed by unanimous consent in the Senate. I am not aware of any opposition to this bill.

The need for a coordinated response to fires and other emergencies is clear. I want to commend the participating States and provinces for their effort to protect human lives and property, and to safeguard the environment in this region. We need to have continued cooperation between bordering areas. I commend those who are involved in this, and I urge adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take some time to pay tribute here to another colleague, the gentleman from Washington (Mr. DOC HASTINGS), who, in his endeavors over the course of time in the last session and before, has come to us time and time again to press for not just this compact, but another one that we will be taking up as the next order of business.

He has worked tirelessly in this regard, and because of his perseverance, has helped to solve some serious problems in his region of the world.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of Senate Joint Resolution 35, a joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement. A compact entered into by the states of Alaska, Idaho, Oregon and Washington, as well as the Province of British Columbia and the Yukon Territory.

Mr. Speaker, these state and provincial governments have negotiated this compact to coordinate regional responses to natural disasters. As we all know, disasters do not respect state or national boundaries. To plan for and respond to these events, these northwest states and provinces have chosen to adopt a cooperative regional approach. This will improve the allocation of material, personnel, and services to mobilize as many resources as possible in the event of a natural disaster. Furthermore, the compact allows for cooperation across state and national borders without sacrificing the state or national sovereignty.

Mr. Speaker, this regional effort is non-controversial and was passed unanimously by the other body on July 31 of this year. The compact is a local and regional effort that requires the consent of Congress to take effect.

I urge my colleagues to support the efforts of these northwest states and provinces to improve emergency preparedness and pass this bipartisan legislation.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 35.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF BILLS TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. GEKAS. Mr. Speaker, pursuant to House resolution 589, I hereby give notice that the following suspensions will be considered today:

H.R. 4572, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income;

H.R. 4831, to temporarily reenact chapter 12 of title 11 of the United States Code;

S. 417, Energy Conservation Reauthorization Act;

H.R. 4660, to amend the State Department Basic Authorities Act 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics-related offenses, or for serious violations of international humanitarian law relating to the former Yugoslavia.

GRANTING CONSENT AND APPROVAL OF CONGRESS TO AN INTERSTATE FOREST FIRE PROTECTION COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1134) granting the consent and approval of Congress to an interstate forest fire protection compact.

The Clerk read as follows:

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS.

(a) IN GENERAL.—The consent and approval of Congress is given to an interstate forest fire protection compact, as set out in subsection (b).

(b) COMPACT.—The compact reads substantially as follows:

"THE NORTHWEST WILDLAND FIRE PROTECTION AGREEMENT

"THIS AGREEMENT is entered into by and between the State, Provincial, and Territorial wildland fire protection agencies signatory hereto, hereinafter referred to as "Members".

"FOR AND IN CONSIDERATION OF the following terms and conditions, the Members agree:

"Article I

"1.1 The purpose of this Agreement is to promote effective prevention, presuppression and control of forest fires in the Northwest wildland region of the United States and adjacent areas of Canada (by the Members) by providing mutual aid in prevention, presuppression and control of wildland fires, and by establishing procedures in operating plans that will facilitate such aid.

"Article II

"2.1 The agreement shall become effective for those Members ratifying it whenever any two or more Members, the States of Oregon, Washington, Alaska, Idaho, Montana, or the Yukon Territory, or the Province of British Columbia, or the Province of Alberta have ratified it.

"2.2 Any State, Province, or Territory not mentioned in this Article which is contiguous to any Member may become a party to this Agreement subject to unanimous approval of the Members.

"Article III

"3.1 The role of the Members is to determine from time to time such methods, practices, circumstances and conditions as may be found for enhancing the prevention, presuppression, and control of forest fires in the area comprising the Member's territory; to coordinate the plans and the work of the appropriate agencies of the Members; and to coordinate the rendering of aid by the Members to each other in fighting wildland fires.

"3.2 The Members may develop cooperative operating plans for the programs covered by this Agreement. Operating plans shall include definition of terms, fiscal procedures, personnel contacts, resources available, and standards applicable to the program. Other sections may be added as necessary.

"Article IV

"4.1 A majority of Members shall constitute a quorum for the transaction of its general business. Motions of Members present shall be carried by a simple majority except as stated in Article II. Each Member will have one vote on motions brought before them.

"Article V

"5.1 Whenever a Member requests aid from any other Member in controlling or preventing wildland fires, the Members agree, to the extent they possibly can, to render all possible aid.

"Article VI

"6.1 Whenever the forces of any Member are aiding another Member under this Agreement, the employees of such Member shall operate under the direction of the officers of the Member to which they are rendering aid and be considered agents of the Member they are rendering aid to and, therefore, have the same privileges and immunities as comparable employees of the Member to which the are rendering aid.

"6.2 No Member or its officers or employees rendering aid within another State, Territory, or Province, pursuant to this Agreement shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith to the extent authorized by the laws of the Member receiving the assistance. The receiving Member, to the extent authorized by the laws of the State, Territory, or Province, agrees to indemnify and save-harmless the assisting Member from any such liability.

"6.3 Any Member rendering outside aid pursuant to this Agreement shall be reimbursed by the Member receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment and for the cost of all materials, transportation, wages, salaries and maintenance of personnel and equipment incurred in connection with such request in accordance with the provisions of the previous section. Nothing contained herein shall prevent any assisting Member from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving Member without charge or cost.

"6.4 For purposes of the Agreement, personnel shall be considered employees of each sending Member for the payment of compensation to injured employees and death benefits to the representatives of deceased employees injured or killed while rendering aid to another Member pursuant to this Agreement.

"6.5 The Members shall formulate procedures for claims and reimbursement under the provisions of this Article.

"Article VII

"7.1 When appropriations for support of this agreement, or for the support of common services in executing this agreement, are needed, costs will be allocated equally among the Members.

"7.2 As necessary, Members shall keep accurate books of account, showing in full, its receipts and disbursements, and the books of account shall be open at any reasonable time to the inspection of representatives of the Members.

"7.3 The Members may accept any and all donations, gifts, and grants of money, equipment, supplies, materials and services from the Federal or any local government, or any agency thereof and from any person, firm or corporation, for any of its purposes and functions under this Agreement, and may receive and use the same subject to the terms, conditions, and regulations governing such donations, gifts, and grants.

"Article VIII

"8.1 Nothing in this Agreement shall be construed to limit or restrict the powers of any Member to provide for the prevention, control, and extinguishment of wildland fires or to prohibit the enactment of enforcement of State, Territorial, or Provincial laws, rules or regulations intended to aid in such prevention, control and extinguishment of wildland fires in such State, Territory, or Province.

"8.2 Nothing in this Agreement shall be construed to affect any existing or future Cooperative Agreement between Members and/or their respective Federal agencies.

"Article IX

"9.1 The Members may request the United States Forest Service to act as the coordinating agency of the Northwest Wildland Fire Protection Agreement in cooperation with the appropriate agencies for each Member.

"9.2 The Members will hold an annual meeting to review the terms of this Agreement, any applicable Operating Plans, and make necessary modifications.

"9.3 Amendments to this Agreement can be made by simple majority vote of the Members and will take effect immediately upon passage.

"Article X

"10.1 This Agreement shall continue in force on each Member until such Member takes action to withdraw therefrom. Such action shall not be effective until 60 days after notice thereof has been sent to all other Members.

"Article XI

"11.1 Nothing is this Agreement shall obligate the funds of any Member beyond those approved by appropriate legislative action.".

SEC. 2. OTHER STATES.

Without further submission of the compact, the consent of Congress is given to any

State to become a party to it in accordance with its terms.

SEC. 3. RIGHTS RESERVED.

The right to alter, amend, or repeal this Act is expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I could almost place ditto marks over the remarks that I made in the previous bill that we have considered, because this, too, is a compact of special arrangements between two States or more in matters of mutual interest which must be approved by the Congress, as we have stated.

On this one, too, the gentleman from Washington (Mr. DOC HASTINGS), our colleague, has been instrumental in driving it to this moment. This is the Northwest Wildland Fire Protection Agreement, which will help the States in that region respond more quickly and more efficiently to the wildfire syndrome about which we read and learn too much, it appears. But nevertheless, this goes a long way to prevention and to quick resolution of the disastrous consequences of such wildfires.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, would like to concur that this is almost a ditto of the previous bill. This bill would grant the consent of Congress to the compact between the Northwestern States and the Canadian provinces to coordinate the response to forest fires and other emergencies. As we have indicated, these compacts have already been ratified by the affected States and provinces, but it is required to give the consent of Congress for this legislation to take effect, under the Compacts clause of the Constitution.

As has been indicated, we have bipartisan support of the members of the other body and of the States that are participating. Therefore, I would ask that our colleagues pass the Senate bill, S. 1134.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of S. 1134, a bill granting the consent and approval of Congress to an interstate forest fire protection compact entered into by the states of Alaska, Idaho, Montana, Oregon and Washington, as well as the Provinces of Alberta and British Columbia, and the Yukon Territory.

Mr. Speaker, this bill fulfills the Constitutional requirement for Congressional consent to the compact negotiated by these eight states and provinces. Specifically, the compact enables the fire management agencies of the participating states and provinces to cooperate in combating wildfires across state and national borders.

As the representative of a district that frequently experiences extensive and destructive wildfires, I am well aware of the need for regional cooperation in containing them. This compact will allow the region to mobilize all its available resources to combat wildfires and minimize their damage.

This locally driven legislation was passed unanimously by the other body on July 31 of this year, and has strong bi-partisan support from the northwest congressional delegation.

I urge my colleagues to support this cooperative effort to suppress wildfires in the northwest and pass this bi-partisan legislation.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate bill, S. 1134.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING MURDER OF MATTHEW SHEPARD

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 597) expressing the sense of the House with respect to the brutal killing of Mr. Matthew Shepard.

The Clerk read as follows:

H. RES. 597

Resolved, That it is the sense of the House that—

(1) Mr. Matthew Shepard, a 21-year-old student at the University of Wyoming in Laramie, Wyoming, was physically beaten and tortured, tied to a wooden fence and left for dead;

(2) Mr. Matthew Shepard died as a result of his injuries on October 12, 1998, in a Colorado hospital surrounded by his loving family and friends; and

(3) the House—

(A) condemns the actions which occurred in Laramie, Wyoming, as unacceptable and outrageous;

(B) urges each Member of Congress and every citizen of the United States, in his or her own way, through his or her church, synagogue, mosque, workplace, or social organization, to join in denouncing and encouraging others to denounce this outrageous murder of another human being;

(C) pledges to join in efforts to bring an end to such crimes, and to encourage all Americans to dedicate themselves to ending violence in the United States; and

(D) pledges to do everything in its power to fight the sort of prejudice and intolerance that leads to the murder of innocent people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield the balance of my time to the gentlewoman from Wyoming (Mrs. CUBIN), and I ask unanimous consent that she be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Wyoming (Mrs. CUBIN) is recognized.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

It is with sadness that I bring this to the floor of the House today, Mr. Speaker. In the wake of the tragic death of Matthew Shepard, my husband Fritz and I, along with our sons, Bill and Eric, who knew Matthew, join the people of Wyoming in offering our most heartfelt sympathy to Matthew's parents, his family, and his friends. Our thoughts and prayers are with all of them. There is no greater loss than that of a son or a daughter. However, we can take solace in knowing that Matthew's kind and gentle spirit will be a legacy that stays with those who were fortunate enough to know him.

The resolution the House is considering today condemns in the strongest possible way the brutal killing of Matthew Shepard. No attack of this kind can ever be forgotten.

□ 1100

No attack of this kind can ever be excused and no attack of this kind can ever go unpunished. It is my hope, and the hope of the caring people of Wyoming and the people throughout our country, that swift and judicious punishment will fall upon those who committed this heinous act.

Our country must come together to condemn these types of brutal, nonsensical acts of violence. We cannot lie down. We cannot bury our heads. And we cannot sit on our hands. Though our actions, we must be deliberative and our actions must also at the very same time send a strong and ardent message to those who are intolerant of others. We will not stand for the arbitrary killing of others due to any hateful act of intolerance.

Mr. Speaker, I am honored to be joined today in offering this resolution by the gentlewoman from Colorado (Ms. DEGETTE).

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, those of us in the West believe that we have a special caring for individual liberties and individual expressions and that we care about this more than anybody else. That is why the tragic murder of Matthew Shepard has shaken all of us in the West so to our core.

I want to thank and commend the distinguished gentlewoman from Wyoming (Mrs. CUBIN) for swiftly acting to denounce the deplorable actions of Matthew Shepard's murderers. I know that all of our thoughts and prayers in the House of Representatives and in Washington in general go out to the Shepard family and to Matthew's friends during this very difficult time.

The United States has come a long way in combating the prejudice and discrimination that is such a tragic part of our history. But what happened last Friday night at a ranch in Wyoming shows we still have work to do before our country is truly the country of freedom and justice for all.

Something like this could occur anywhere. Gay men and lesbians all across the country live in fear that some tragic and brutal crime like this will happen to them. And when an appalling crime like this happens, it proves that this fear is not unjustified. Sometimes it takes a tragic and brutal crime like this to point out that every day in cities across our country, gay men and lesbians are being beaten and brutalized simply because of their sexual orientation.

I want to share an example of this that is even sadder. As Matthew Shepard lay dying in a Colorado hospital in Fort Collins, a nearby State university was holding its annual homecoming parade. And on one of the floats in that parade, someone actually stuck a scarecrow that was covered with anti-gay graffiti. Mr. Speaker, even if Matthew Shepard had not been left beaten and hanging on a fence the night before, this incident, and the countless incidents that happen throughout this country, are unacceptable.

There is still much education that needs to be done. Discrimination of any kind is abhorrent. And this horrible incident illustrates once again that prejudice is a terrible thing, no matter who the target is.

Everyone in this country deserves to pursue the American dream and that includes gay men and lesbians. Individual freedom and liberty are what makes this country like no other, and we owe it to ourselves and we owe it to our country to refuse to accept bias of any kind. For those who would stand in the way of an individual's right to live as they see fit, I say, and I hope my colleagues will join me, "There is no room in this country for your kind of bigotry."

Mr. Speaker, that is why we must act swiftly and strongly at the Federal level, at the State level, at the local level, and every level of government to pass strong hate crimes legislation saying this is not the way we operate in this country.

I urge people from all walks of life, all political parties, all genders, straight and gay, to speak out against this horrible crime. Those of us who seek equality and justice far outnumber those who are gripped by fear and intolerance. We must make our voices drown out their voices.

Mr. Speaker, we will not be held hostage to individuals who act on the basest and most animal of instincts. We will continue the fight against hatred. We will continue to resist violence.

Last night at the vigil, Matthew's friend said that Matthew always wanted to make his life mean something, that he always wanted to have an impact on society. I pledge that we will do everything to see that happen. But Matthew's friend also said: The price here was too great.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE of New Jersey. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. CUBIN) and the gentlewoman from Colorado (Mrs. DEGETTE) for bringing this resolution to the floor.

Mr. Speaker, I would like to also express my condolences to the Shepard family, and to say that I commend my colleagues who last night participated in the vigil where Senator KENNEDY and the gentleman from Massachusetts (Mr. FRANK) and others spoke out about this tragic act.

I think that it is clear with an act like this, that no one is free until everyone is free. And in many instances when we have talked about hate crimes as African-Americans, we have talked about the fact that lynchings went on in this country; that even less than a year ago a black man walking home was tied to the back of a truck and drug for miles until his body was decapitated and he of course died with this brutal treatment. Many people said it was too bad, many did not comment, and it passed by.

But once again I repeat that no one is free until everyone is free. Who would have ever dreamed that in the middle of Wyoming, a place that is talked about with its tranquility and rugged individualism, would turn to one of the most heinous crimes that we have seen anywhere in this Nation.

So I think that we have to rededicate ourselves to taking a look at us and where we stand. The President this year had a commission on race to talk about and have a dialogue about where race stands in this country. I think that we need to have a dialogue about many issues. About immigrant bashing, about gay bashing, about anyone who seems different.

Mr. Speaker, that is why we have the first amendment. People who are different can speak up. The first amendment was not passed for everyone who thinks alike, because we would not need the amendment. I think we need to rededicate ourselves to wiping out hate crimes.

Even in my State of New Jersey there has been an increase in the number of hate crimes. So I commend my colleagues who brought this resolution and ask that it be passed unanimously.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we should not turn Matthew into a martyr, and his family has asked that we do not turn Matthew into a martyr. He would not want that and his family does not want that.

Out of respect for Matthew, this resolution is not about advancing legislation. It is about advancing our tolerance in others, regardless of their gender, race, or sexual orientation.

At the end of his life, the defining element of Matthew's life should not be his sexuality. It should be the kind, gentle, intelligent, wonderful person that Matthew was. That is how Matthew should be remembered. That is what his family wants, and that certainly is what I wish for them today.

Mr. Speaker, I reserve the balance of my time.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today to sadly offer my condolences to the family and the friends of Matthew Shepard. I deeply thank my colleagues, the gentlewoman from Colorado (Ms. DEGETTE) and the gentlewoman from Wyoming (Mrs. CUBIN) for introducing this resolution and giving us all an opportunity to voice our sorrow at this horrifying act of violence.

It is difficult for any of us to fathom the sort of hatred and prejudice that could lead a young person to carry out such a horrible attack on another young person. What leads to that sort of pent-up anger and hatred?

Accounts from family and friends tell us that Matthew was a kind, a gentle and a caring young man who was always ready to lend a helping hand, always ready to try to figure out what he could do to help others make their way.

So, it is a sad day, and I am sad that today as we are moving into a new century that we still see this kind of fear and this hatred directed toward people simply on the basis of who they are, based on their sexual orientation or based on the color of their skin or based on anything that anyone views as different from what they know.

It is wrong. We are truly a Nation of differences. We are built from people who came from so many different lands from so many different backgrounds and we need to learn to accept and to embrace these differences. Our diversity, in fact, is what makes us so strong as a Nation. It should never tear us apart and it should never do anything to inflict pain and suffering on others.

I hope that we learn a lesson from this tragedy, though it is hard to fathom that we could learn something from this awful act. But we do not want to have Matthew die in vain.

I hope that the Congress will stand together to pass the Hate Crimes Prevention Act. I think we need to send a strong message that there is no place for hatred in this land of ours, and that these types of horrifying crimes cannot and will not be tolerated.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my friend and classmate.

Mr. MCGOVERN. Mr. Speaker, I am here in support of this resolution because I, like so many others, am deeply outraged at the death of Matthew Shepard. It is a terrible, unspeakable and horrible crime, but words cannot express how horrible this action is.

I wish I could say to Matthew's family how much they are in my thoughts and prayers and emotions. As a new father of a 5½-month-old baby boy, I cannot possibly imagine the pain and suffering of the Shepard family. From all I have read and heard about Matthew Shepard, he was an incredible young man who had wonderful gifts to offer this world. We will never know now his potential, what his long life might have brought to us all.

So what do we do now? That is the question we must all ask ourselves. And it is my view that we should and we must pass the Hate Crimes Prevention Act now, and we should do it before this Congress adjourned.

But that alone is not going to stop the kind of action that led to Matthew's death. This terrible tragedy highlights the need for us to teach our children in our homes, in our churches, and in our schools that every human being deserves our respect, our tolerance, and the right to live their lives secure from the threat of violence.

Whatever their race, their religion, their color, their sexual orientation, their beliefs, their creed, their gender, their language, their nationality, their age, all men and women are endowed with basic human dignity and the right to live their lives to their full potential.

Mrs. CUBIN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from Wyoming (Mrs. Cubin) for yielding me this time. I also thank both the gentlewoman from Wyoming and the gentlewoman from Colorado (Ms. DEGETTE) for introducing this resolution.

Mr. Speaker, I was with a large group of people last evening at the vigil to commemorate the tragic death of Matthew Shepard, and I join my colleagues and I join all other Americans in offering my sympathy and my prayers for the family of Matthew Shepard.

We like to think in America that hate crimes are a phenomenon of the past. But the death of Matthew Shepard is a tragic reminder that this just is not so. We do have to recognize that many citizens of our country cannot take for granted the right to live life without fear of violence simply based on their race, their ethnicity, religion, disability or sexual orientation.

James Byrd, the African-American man who was dragged to his death behind a truck in Texas in July, is an example of that. Indeed, Matthew Shepard who was beaten and left for dead outside Laramie, Wyoming, tells us that we need to do more to prevent hate crimes.

We in America pride ourselves on the fact that all people are entitled to life, liberty, the pursuit of happiness, as well as freedom from violence and from hate crimes. I hope that we will be resolved and that we will pledge that we will take this tragedy and translate it into action. Into action and pass the Hate Crimes Prevention Act; into action in terms of changing our attitude in making sure that we educate people and making sure that each and every one of us has a responsibility for each other.

□ 1115

It was Thornton Wilder who once wrote, there is a land of the living and a land of the dead and the bridge is love, the only survival and the only meaning.

May Matthew Shepard live on in love and may we resolve to remedy this problem so there are no hate crimes in our country or in our world.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), Democratic leader.

Mr. GEPHARDT. Mr. Speaker, first I want to express all of our deep feeling of sympathy for the family of Matthew Shepard and for the friends and all the people that knew Matthew Shepard personally.

He was taken from his family by a heinous act, an evil act, an outrageous act of violence. I join with my colleagues in offering our condolences and our prayers to his family and his friends.

This awful crime shocks an entire Nation, and it shocks our consciences. It reminds us that we have a long, long, long way to go before all Americans can feel safe from this kind of heinous attack.

Matthew was a promising young man who happened to be gay. He was killed because of a chance encounter with a random act of hatred and violence. But it is important to remember that no one in our society is safe from this kind of random act as long as the impulse of intolerance lives among our fellow Americans. Any one of our sons or daughters could have come in contact with the perpetrators on that grim night. Any of us could be in the place of Matthew's parents.

I have a son by the name of Matthew. He is about 27 years old now. I cannot imagine, if I put myself into the shoes of this young man's parents, I cannot imagine the outrage, the desire for retribution that I would feel today. I cannot imagine their grief and their sorrow.

So we stand here today knowing that no gesture will return this young man to earth. Resolutions are no match for harsh punishment for these crimes. It is vitally important for Congress to speak with one voice on this issue as we do today, to condemn the manifestation of hatred in our society against any one of us and to say clearly that we reject prejudice and intolerance wherever and whenever it rears its ugly head.

All Americans join together today as one in sending our deep and prayerful feelings to these parents. May this never happen again and may the meaning of his life be that we pass a hate crimes act in this Congress before we leave so that we say to all, there is punishment for this kind of hatred.

Ms. DEGETTE. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. RIGGS). The gentlewoman from Colorado (Ms. DEGETTE) has 8½ minutes remaining, and the gentlewoman from Wyoming (Mrs. CUBIN) has 14½ minutes remaining.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank my colleague from Colorado for yielding me the time and to the gentlewoman from Wyoming (Mrs. CUBIN) for putting forth this resolution today. I particularly want to thank the gentlewoman from Colorado (Ms. DEGETTE) for her courage in putting this forth, also in terms of pointing out the need for hate crimes legislation.

Let us focus on Matthew Shepard. Matthew Shepard was a lovely young man. He was willing to be open about who he was. That took courage. Clearly, it took a great deal of courage. I cannot help but think if Matthew would not still be alive had people not known that he was a gay person.

I think the tragedy of his death points out the need for hate crimes legislation. But as we consider this issue, I am going to submit my statement for the record, Mr. Speaker. I just want to speak as one who has the privilege of representing a district with a large number of gay and lesbian people. They are part of the success of our community. They help build our community.

When I hear people talk about tolerance for gay and lesbian people, it is interesting to me, because in our community tolerance is an issue of long ago. Certainly we tolerate. That is not even the issue. We respect our gay and lesbian community. More than that, we take great pride in them, in each and every one of them and collectively in the contribution that they make to our community in San Francisco, indeed, to our great country.

So it is such a tragedy when a young man has the courage to be open about who he is and his life is taken for it. What more needs to happen? How many more deaths, how many assaults on the personal integrity of people physically and otherwise need to happen before this Congress will see the need for the hate crimes legislation? There are those who say that we should not be talking about that today. Of course, we should. If this young man had the courage to be open about who he is, cannot this Congress be courageous enough to honor his memory by passing the hate crimes legislation?

Mr. Speaker, I rise to join my colleagues in remembering the life of Matthew Shepard and deploring his tragic death. Matthew was willing to be open about who he was, and we should celebrate the courage and the dignity that he embodied during his too short life. I send my condolences to his family and loved ones.

Matthew's brutal murder was a tragedy, but, unfortunately, not an isolated incident. Harassment of gays, lesbians and bisexuals is not limited to one period in our history, or one region of the country. We read today in the paper yesterday that in a study of community college students in the San Francisco Bay Area, 32% of male respondents said they had verbally threatened gays, and 18% said they have physically threatened or assaulted them.

According to statistics kept by the National Coalition of Anti-Violence programs, at least 18 Americans were murdered in 1997 because they were gay or lesbian. Also last year, there were over 2400 reports of anti-gay or lesbian incidents in the United States.

Hate crimes take many forms and affect many different kinds of victims. The horrible murder of James Byrd, Jr., an African-American man in Texas, is still fresh in our memories. According to the Federal Bureau of Investigation, in 1996 there were over 8700 reported incidents of hate crimes because of race, religion, national origin, or sexual orientation. And reported incidents of hate crimes on college campuses are increasing at a disturbing rate.

It is because of these hard realities, and the circumstances of the murder of Matthew Shepard, that his eulogy should be accompanied by action. The Hate Crimes Prevention Act would not end all violence against people because they are gay, or African-American, or Jewish, or come from another country. But it would allow the federal government to investigate and punish crimes motivated by hate.

Matthew's murder is the manifestation of enduring bigotry still all too prevalent in our society. These attacks demand a national response that enables federal law enforcement officials to fight these crimes and punish their perpetrators.

The Hate Crimes Prevention Act will provide needed tools to law enforcement, and it will serve as a lasting tribute to the life of Matthew Shepard. Before we take the final vote of the 105th Congress, I urge my colleagues to remember Matthew by passing the Hate Crimes Prevention Act.

Ms. DEGETTE. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentlewoman from Colorado for yielding me time.

Thousands gathered last night at the west steps of the Capitol to mourn the loss of Matthew Shepard. The vast majority of us did not know Matthew personally, but we were united in our belief that the hate that took Matthew's life is unacceptable in America. We were united in our belief that America still has a long way to go before our gays and lesbians can stop fearing for their lives because of who they are. We were united in our belief that Congress can help prevent and prosecute these terrible crimes by passing tough hate crimes legislation. We were united in our belief that we will never be silenced until gays and lesbians can live without fear. And we were united in our commitment to speak out with our voices and our votes against anti-gay rhetoric, against anti-gay newspaper ads, against anti-gay legislation and against the thuggery that took Matthew Shepard's life.

Mr. Speaker, if there is one thing that this entire body can agree on, it is that the hate that took Matthew Shepard's life should be condemned. I urge my colleagues to support this resolution.

Ms. DEGETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. Gejdenson).

Mr. GEJDENSON. Mr. Speaker, I join my colleagues.

Ms. DEGETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. I join my colleagues in support of this effort.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today to support House Resolution 597 and to offer my sincere sympathies to the family of Matthew Shepard. I cannot imagine their pain. I offer my sympathies also to all families who have suffered needless losses due to discriminating hate and prejudice.

What happened to Matthew Shepard in Laramie, Wyoming is not an example of a breakaway faction, of an out-of-touch community in rural America. What happened to Matthew Shepard happens every day to citizens in our very own country whose only crime is to be honest, honest about who they are and what they believe.

Mr. Speaker, it is time to pass the Hate Crimes Prevention Act. Harassment and hate crimes against the gay community is commonplace. It is time to come together as a Nation to condemn such hate crimes.

Mr. Speaker, I am greatly disturbed that hate crimes like the murder of Matthew Shepard are on the rise. This is a type of crime that embodies intolerance, an act of violence against a person based on a victim's race, color, gender, religion or sexual orientation. Hate crimes leave deep scars not only to the victim's family but also to the larger community. Unfortunately, every year thousands of Americans are victims of hate crimes, and we suspect that many, many hate crimes go unreported.

To honor Matthew Shepard, Mr. Speaker, we must as a Congress make sure that families like Matthew's know that there is not a person in this body that would make it easy or easier by making it OK for a hate crime to be carried out, for a person to have a prejudice against another person because of their sexual orientation.

Mr. Speaker, we must pass this resolution.

Ms. DEGETTE. Mr. Speaker, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON), who has been working on this issue for many years.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 3 minutes.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me the time, and I thank her and the gentlewoman from Wyoming (Mrs. CUBIN) for their initiative, timely and important these last days.

My sympathies are with Matthew Shepard's family and friends. At the same time I recognize that they deserve much more from this body.

Last night I welcomed thousands of people to the west steps of the Capitol on behalf of the jurisdiction that has the strongest human rights laws and the strongest hate crime laws in the United States of America. That was not the United States of America; it was the District of Columbia. I wish I could have said the same about the country that we in this body serve.

As I speak, indeed there are anti-gay measures on the D.C. appropriation. This body has to take responsibility for the fact that when people read that this body wants gays not to be able to adopt children, when this body wants clean needles not to be available even with the District's own money, this body has sent a homophobic message that is picked up by people like those who murdered Matthew Shepard.

Last night was a very moving memorial of its own. But the Members who came in large numbers surely thought, do we not have in our hands the ability, the capacity to come forward with the most meaningful memorial of all, the bill pending for years now in this House that would deter this crime and when it occurs, punish this crime?

So this afternoon while we all commiserate and grieve for this family, this should be a moment of introspection for this body, because the question for this body is what are we going to do about it and is it enough to grieve about it.

The Hate Crimes Prevention Act is what is left to be done about it. Imagine human rights legislation that left you out. If you are white, if you are black, if you are male, if you are female, you are included within the great American family of human rights laws, but not if you are gay. We must use what amounts to human sacrifice, the sacrifice of this young man, to include gay people in the family of American people.

We must also be very careful with our own talk. No one who speaks about their disagreement with the homosexual lifestyle means for somebody to go out and murder gays. But we must come to grips with the fact that that is how that message is perceived and taken by many.

Pass the Hate Crimes Prevention Act and, while you are at it, pass the Employment Nondiscrimination Act.

□ 1130

Mrs. CUBIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman from Wyoming and the gentlewoman, from Colorado for their important initiative here. I think it is important that the House go on record as supporting this resolution, expressing their condemnation of hatred and violence, especially obviously in this situation, and encouraging diversity and tolerance and compassion in American life.

As I was in the chair and listening to the minority leader's comments, I heard him mention that the Gephardt family has a son by the name of Matthew. The Riggs family has a son by the name of Matthew, so it is a pretty special name in our household. It is also a Biblical name. I guess what I find so shocking about this crime is its brutality, its callousness and the youthful age of the perpetrators. It suggests to me that these young people accused of this crime are typical of too many people in their generation who have not gotten the appropriate education, knowledge and adult supervision and guidance that they need to live lives as productive citizens, who embrace those American qualities of tolerance and compassion.

Again, I think the resolution is commendable and worthwhile. I do have misgivings about whether we need to create a new Federal crime category of hate crimes and would respectfully suggest to my colleagues that perhaps it is more important that we address the root causes of these kind of crimes in American society. I think we all have some idea as to the root causes. One certainly is a modern media culture that all too often passes as mainstream culture in American life that glamorizes and even glorifies violence and brutality, a lack of character, values and training in our schools, in our education system, and fundamentally a breakdown of the American family. I am really concerned about the last two categories and have worked hard on those two initiatives, fatherhood and education, over the last 2 years in this Congress and understand that it is far less likely that a child will go astray if, again, they have proper adult role models, hopefully an intact nuclear family, a father and mother who care for that child in that household.

I think one of the other things we can do as we reflect on this tragic, horrific crime and send our hearts and our prayers to the family of Matthew Shepard is rededicate ourselves to addressing the root causes of these type of crimes in American life.

I thank the gentlewoman for yielding me this time and for her leadership on this initiative.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every crime that is committed is a hateful crime. Brutalizing another person is a reprehensible act regardless of the motivation of the criminal or the affiliation of the victim. If convicted of first-degree murder in Wyoming, the suspects could be sentenced to death. Hate crime laws are enacted to enhance punishment. No sentence could be stronger, even if hate crimes legislation was enacted.

The crime committed against Matthew Shepard is not only a crime against Matthew Shepard, but it is a crime against the dignity of all humanity. It is a crime against all of us. This cannot and will not be tolerated. This is not a time to divide our country over the differences that we have over certain legislation. Matthew's family has asked that that not happen. This is a time to unite in our common goal of ridding our country of intolerance, bigotry and prejudice and to offer comfort to Matthew's family and friends.

Matthew left this world as an example to each one of us. He would want us to work against violence and hatred and toward peace and tolerance. There will be a memorial service for Matthew Shepard held in Laramie, Wyoming, tomorrow at 1:30 p.m.

Mr. CUMMINGS. Mr. Speaker, I rise today with a somber heart and a troubled soul.

I rise today to grieve the loss of a young man.

Matthew Shepard was a 21-year-old college student majoring in political science because he—like many Members of this body—wanted to fight for civil and human rights.

But Matthew will never join this fight because Matthew died on Monday.

Matthew's death was no accident.

It was a conscious act of hate and intolerance taken to such an extreme that a 21-year-old man was brutally and savagely beaten, strapped to a fence like an animal, and left to die.

Matthew was murdered for one reason: Hate.

Hate directed at Matthew because he was gay and he dared share that fact with others.

Mr. Speaker, this body must share in the responsibility and the guilt for Matthew's brutal murder.

We are fostering a culture of intolerance and hate in this body with words and even legislation that denies equal standing and protection under the law to others due solely to their sexual orientation.

Matthew's death at the butt of a .357 magnum is the result.

In 1962, on the acceptance of the Nobel Peace Prize, Dr. Martin Luther King, Jr. said "Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love."

Mr. Speaker, I make a plea that we in this body heed Dr. King's words and work for a culture of tolerance.

In the name of Matthew Shepard we must finally act on and pass the Hate Crimes Prevention Act, a bill which I have proudly cosponsored.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H. Res. 597.

The cruel and senseless torture and ultimate death of Matthew Shepard has lit a fire under the national discourse surrounding the prevention of hate crimes. It is a tragedy that such a horrible crime against humanity must serve as the rallying point for the passage of hate crimes prevention legislation. In fact, it is a tragedy that this country should even have the need for hate crimes prevention legislation. But sadly, we do.

The murder of Matthew Shepard in Wyoming too vividly brings to mind the vicious assault of an African-American man, James Bryd, who was dragged to his death from the back of a pickup truck this past June in Texas. These are two cases that have grabbed national headlines because of their atrociousness. But these are only two of the far too many instances where people are singled out and victimized because of their race, religion, color, national origin, sexual orientation, gender or disability.

No Federal law exists to address hate crimes. Ten states do not have any hate crime prevention laws. Of the 40 states that have passed hate crime legislation, 19 do not cover attacks motivated by sexual orientation. We need Federal legislation to provide a clear and consistent standard that outlines the offenses that comprise a heat crime.

My friend and colleague Representative CHARLES SCHUMER introduced a bill that would establish a national standard to deal with hate crimes, the Hate Crimes Prevention Act of 1997, H.R. 3081. This bill would expand existing law to facilitate the assistance of federal authorities in crimes motivated by hate. Unfortunately, failure to pass the Hate Crimes Prevention Act is yet another failure to act by the 105th Congress. But this issue will not die with this Congress. I intend to continue fighting for justice for everyone—for Matthew Shepard, for James Byrd, and for every other American who is a victim of a hate crime.

Matthew Shepard's death was needless. Passing this legislation will not bring him back, nor will it erase the pain suffered by his family, his friends, and our nation as a whole. But with an explicit and consistent law outlining the offenses that constitute a hate crime, our Nation will be better armed to fight and prevent the prejudice and ignorance that result in tragic hate crimes.

Mr. NADLER. Mr. Speaker, the tragic and brutal murder of Matthew Shepard reminds us how far we still need to go to eliminate violence and bigotry in this country.

Our thoughts and prayers are with the Shepard family and Matt's friends in Wyoming.

It sickens me every time I hear news of violent attacks against gay, lesbian, bisexual, and transgender men and women. Tragically, these types of incidents are not rare.

Today, we are here to condemn the savage, brutal, vicious attack against Matthew Shepard. It is entirely proper for us to do so. However, gays, lesbians, bisexuals, and transgender people need real protection, not just a sense of Congress that something must be done. We have a real plan, real legislation, that is before this House that must be enacted.

We owe it to our nation to take action immediately to reduce the number of these incidents and to punish those who attack others based on the victim's actual or perceived sexual orientation.

There is no simple solution to this problem. We should support hate crime prevention programs, fund special training for law enforcement professionals, teach tolerance and support for diversity in our schools, and confront head-on the daily prejudice that we see in our communities. We must also address the fundamental bigotry that leads to these crimes. However, passing the Hate Crimes Prevention Act and the Bias Crimes Compensation Act are important first steps.

I am proud to be an original cosponsor of the Hate Crimes Prevention Act, which would allow federal law enforcement authorities to investigate and prosecute violent hate crimes when the state and local authorities are either unable or unwilling to do so. This bill has more than 160 co-sponsors and has already had a lengthy hearing in the Judiciay Committee.

We should also pass a bill I introduced entitled "The Bias Crimes Compensation Act", which would provide a civil claim for individuals who are victims of hate crimes, so that they could sue their attackers for compensatory damages. These two simple proposals ought to be brought up on their own or included in the final appropriations measure. The country has demanded action and we ought to respond with meaningful legislation.

Hate crimes deserve special attention, since they can have such devastating and lasting effects on victims and the communities from which they come. They are not simply attacks against one individual, rather, they affect whole communities and are acts of ideological terrorism.

The time to act is now. The need is clear. We ought to pass hate crimes legislation today.

Mr. MILLER of California. Mr. Speaker, I rise today to join the millions of Americans who are mourning the death of Matthew Shepard, who died Monday, at the age of 21 years old after being beaten, robbed, and left to die, tied to a fence near Laramie, Wyo. I wish to express my sadness to Matthew's family and send them my prayers as they grieve over his death.

It is a tragedy anytime a young person is a victim of violence, which we all know happens far too often. The murder rate for young people in this country is a national crisis and a national disgrace.

According to police reports, Matthew Shepard was targeted by his killers because of his sexual orientation. Thus his murder is particularly saddening and disturbing.

Matthew Shepard's death is, unfortunately, not an isolated incident. According to the FBI, more than a thousand gay and lesbian men and women were the victims of violent "hate crimes" last year.

In this way, Matthew Shepard's death reflects a much wider problem in our society. But the public reaction may also signal a turning point in efforts to prevent similar tragedies in the future.

It is my hope that something positive will be extracted from this senseless and despicable act by our working even harder against such hate crimes in our country. We need to send the message that these crimes will not be tolerated, and that those who commit them will be duly punished.

I would also hope that those who seek to demonize homosexuality, and who may in turn, intentionally or unintentionally, fuel hatred against gays and lesbians, reflect on the possible consequences of their actions. No single person or movement can be blamed for Matthew's death. But everyone should examine the way in which their words or actions may help contribute to an atmosphere of intolerance that makes such tragedies more likely.

Bigotry, prejudice, and hatred are not American values. Our diversity is our strength. If we are to thrive as a society, every institution—our families, schools, government, businesses, and places of worship—must work together to bridge our differences and to respect the rights and freedoms of every individual

Mr. FARR of California. Mr. Speaker, this has been a rough week for parents.

I think every mother and father in America trembled when we heard about Matthew Shepard's beating in Wyoming, and anxiously waited for word of his condition. And we all must have wept at the thought of a child tortured and left to die on a country road.

I hope every parent did what I wanted to do: hug your children, and hold them close. But along with the rest of the House and Senate, I am trapped in Washington while Congress debates our budget. And being 3,000 miles away meant, unfortunately, that I was not able to stand with my neighbors at the local events organized to remember Matt.

This was a crime beyond words, and I have not yet found a way to sufficiently express my grief and compassion for the Shepard family, just as our nation has not yet found a way to respond to this tragedy. As a legislator, my thoughts turn to the actions our nation can take through our lawmaking process.

It is a sad but bitter truth that no law can return this talented, kind-hearted young man to his family and friends. But we are a nation of laws, and our government cannot stand by without a response.

In a year when voices from our Capitol have likened homosexuality to kleptomania, in a year when our newspapers and magazines have been filled with the harmful words of groups urging gay men and lesbians to change who they are, we must respond. We must counter these dangerous, hateful words, because they send a message to our nation's youth that the Matt Shepherds of our nation are not entitled to love who they want, be who they are and live lives of dignity, security and liberty.

The cowardly thugs who left Matthew to die on that cold night used these words to take matters into their hands. I feel personally obligated as an elected official to make sure these criminals know their actions will not be tolerated.

I am proud to be a co-sponsor of H.R. 3081, the Hate Crimes Prevention Act. This bill was introduced to Congress last year, and would classify crimes committed on the basis of sexual orientation—as well as race, religion, national origin, religion, gender or disability—hate crimes.

That is a very important distinction. Hate crimes are a federal matter, which means their victims are protected by our country when local agencies fail them. This bill would authorize the U.S. Department of Justice to treat hate crimes as a particularly dangerous matter, with research and prosecution funds to match.

That seems reasonable, you must be thinking. But the Republican leadership has refused to allow Congress to vote on this bill.

Our nation has paid the price for intolerance too many times. But we can turn this into a bittersweet blessing, if we open one mind or prevent one hateful act. I am reminded of San Francisco Supervisor Harvey Milk's words: "If a bullet should enter my brain, let that bullet destroy every closed door."

Nothing will reverse the fact that Matthew Shepard is dead. But we now find ourselves faced with two options. We can let this session of Congress end without responding, without taking the opportunity to prevent this kind of tragedy from happening again. Or we can vow to do whatever we can to make sure that never again will a person's life be cut short so cruelly because of hate.

Mr. GEJDENSON. Mr. Speaker, public officials have to ensure that nothing we say could ever be interpreted to give comfort to people who would commit brutal acts such as what happened to Matthew Shepard. As elected leaders of our nation, we have a responsibility to remember that what we say and do is important, that if we are not careful with our words, they can be used by hateful individuals.

Dr. Martin Luther King, Jr., once said: "Injustice anywhere is a threat to justice everywhere." If this young man can be killed because of his sexual orientation, than all of our liberties are at risk. If a person can be killed for his sexual orientation, for his race, for his gender, than none of us are truly free.

My parents escaped Europe at a time when Hitler and Stalin were trying to exterminate entire peoples. I was born in a camp for refugees. After the war we promised to never forget the suffering of the Holocaust. I am proud that all of us are joining together today to condemn this brutality. We must always stand up against such acts of hatred.

After the war, Pastor Martin Niemoeller said in a letter: "In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up." We should all remember the Pastor's words, especially after events like this.

Mr. LANTOS. Mr. Speaker, I would like to express my strong support for House Resolution 597, and express my deep remorse and sorrow at the tragic murder of Matthew Shepard, an openly gay student at the University of Wyoming. He was brutally attacked last Thursday and left to die while tied to a wooden fence. He was found near death eighteen hours later, yet he continued to fight for his life through the weekend until his tragic death Monday morning. I join my colleagues in sending my deepest condolences to Matthew's family and friends.

Mr. Speaker, I am appalled by this senseless crime, which reflects the cowardly prejudice of the thugs who committed this outrage. The House must honor Matthew's memory not only by adopting this resolution of respect that we are considering here today, but we must also pass legislation that upholds the right of all Americans to live free of bigoted violence, regardless of race, color, religion, national origin, or sexual orientation.

As we remember Matthew Shepard, Mr. Speaker, I urge my colleagues to join in support of H.R. 3081, the Hate Crimes Prevention Act. This important bill would perform two very vital legal functions. It would eliminate gaps in Federal authority that have restricted the Justice Department's ability to prosecute hate crimes in a significant number of cases. While this reform would greatly enhance Federal authority to fight hate crimes, its significance pales in comparison to the second major provision of H.R. 3081, which would extend the Justice Department's authority to combat such violence to include cases involving death or serious bodily injury resulting from crimes directed at individuals because of their sexual orientation, gender, or disability. Under existing law (Section 245 of Title 19 U.S.C., in effect since 1968) only those individuals whose rights are obstructed on the basis of their race, color, religion, or national origin merit this protection. It is time to expand the Federal Government's legal authority to cover all Americans who are victims of the coarsest and most malicious expressions of bigotry, and, regrettably, Mr. Speaker, this all too often includes gay Americans.

Mr. Speaker, the horrendous murder of Matthew Shepard underscores the importance of our moving quickly to adopt the Hate Crimes Prevention Act. As Elizabeth Birch, the Executive Director of the Human Rights Campaign, points out:

> Federal law enforcement agencies have no jurisdiction over hate crimes motivated by a person's sexual orientation. Although the Albany County, Wyoming, authorities have made arrests in the case, if they were to request forensic resources or assistance from the Federal Bureau of Investigation (FBI), the FBI would not be able to provide assistance due to lack of jurisdiction.

Mr. Speaker, this loophole in our nation's hate crime laws must be closed and we can close it now. We cannot afford to wait for more tragedies to further sensitize us to the outrageousness of anti-gay violence.

I would also like to note, Mr. Speaker, that the crisis of violence against homosexual men and women extends across international boundaries. Two months ago, I chaired a forum of the Congressional Human Rights Caucus which drew attention to the global prevalence of violence and abuse based on sexual orientation. Our well-informed witnesses cited in nations ranging from Uganda to Lithuania, from Turkey to Peru, where governments have failed and continue to refuse to protect their own gay citizens from unspeakable crimes and violations of their human rights.

America rightly holds its elected leaders to a much higher standard, and it is time for us to justify this trust of decency and honor by passing the Hate Crimes Prevention Act. It is long past time to send this vital legislation to President Clinton, who, along with Vice President AL GORE, has expressed firm support of this initiative. The memory of Matthew Shepard merits no lesser consideration.

Mr. CASTLE. Mr. Speaker, I rise today to express my support for H. Res. 597, Expressing the Sense of the House regarding the death of Mr. Matthew Shepard. Last week, Matthew Shepard, a student at the University of Wyoming, was lured off campus by two young men, driven to a remote location, bludgeoned with the butt of a gun, burned, and strapped to a fence to die. There is strong evidence that his attackers were motivated because Matthew Shepard was gay.

Unfortunately, Matthew Shepard's death is not an isolated incident. It is the latest in a series of brutally violent crimes committed against people for no other reason than the color of their skin, their sexual orientation or their religion. In April 1994, two African-American men murdered a white man in Lubbock, Texas. The killers later admitted that they had set out to find a white victim. In 1997, an African-American man in Virginia was soaked in gasoline, burned alive, and then beheaded. It was later discovered that he was targeted because he was black. Earlier this year, James Byrd, a disabled black man in Texas, was lured into a pickup truck and driven to a remote location where he was beaten unconscious, chained to the truck, and dragged around until he was beheaded.

I look forward to the upcoming debate on expanding the Hate Crimes legislation to include acts of violence against people based upon their sexual orientation. Matthew Shepard's death should focus our attention on and spur us to complete a careful analysis of this issue. Today, Matthew Shepard is to be remembered. His friends and family are in our prayers.

Mr. SCHUMER. Mr. Speaker, I rise in support of H. Res. 597 and commend my colleagues, Congresswoman DEGETTE and Congresswoman CUBIN, for introducing this resolution. At times like this we should come together as a Congress to focus on this tragedy and state our strong abhorrence to such crimes.

I would like to join with my colleagues and offer my sincere condolences to the family and friends of Matthew Shepard.

We are here today to condemn the horrific murder of Matthew Shepard. Through this resolution we are making a pledge to do everything in our power to fight the prejudice and intolerance that leads to the murders of innocent victim like Matthew Shepard. We should challenge ourselves to do just that.

Once again, our Nation awoke to another needless tragedy of an innocent victim. When a man is brutally murdered because he is gay, the damage has far surpassed the individual victim.

When a hate crime is committed, the entire community is wounded.

The tragic death of Matthew Shepard is a vivid and shocking reminder that even in a civilized society there are those motivated by vicious hate. We can no longer stand by and wait for another tragedy to happen before we pass legislation. The Hate Crimes Prevention Act is a powerful and essential law that not only says that crimes of hate are unacceptable, but that they will be punished severely.

We are standing here today to condemn this hateful crime and the men who committed it. But we should also be urging the Republican Leadership to pass this essential legislation that would allow these criminals to be prosecuted with the full arm of the Federal law. Federal hate crime legislation is essential in the goal to eliminate crimes motivated by prejudice.

In June, the Nation was horrified by the tragic death of James Byrd. This event sparked concern and debate about hate crimes across our Nation. But sadly it wasn't enough. Now another tragedy has occurred. We cannot pass up the opportunity to make this crucial legislation a reality.

There are some who have said this bill will give special protection to certain groups. To that I say that this bill is in response to the hate that people have in our society towards gay men and women. The perpetrators in this crime did not choose their victim randomly, they chose him because he was gay.

If we stay silent, the bigots win.

I believe this legislation is a crucial part of our answer to hate crimes.

This is not about "special preferences," nor is this about some theoretical identity-politics agenda. This is about combating the very real threat of violence faced by too many Americans.

Every hate crime is an offense against the most basic values of American society. Sadly it takes tragedy to galvanize America's attention. We have to seize the moment and pass a tougher law, or else the brutal deaths of Matthew Shepard and James Byrd will have been in vain.

There are those who fail to believe that this legislation would be a deterrent to these horrific crimes. I am still hopeful that the Republican leadership will endorse our effort. We need to pledge to ourselves that we will pass this legislation. When we do pass it, and I do believe we will pass it, it must be before another horrible crime is committed. We must act now.

Mrs. CUBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RIGGS). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and agree to the resolution, House Resolution 597.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1733) to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

The Clerk read as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) In General.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(r) Denial of Food Stamps for Deceased Individuals.—Each State agency shall—

"(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

"(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.".

(b) Report.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(c) Effective Date.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) In General.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) Administration.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) Funding.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture $500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation is to ensure that deceased people do not receive food stamp benefits. In February of this year, the General Accounting Office published an audit of four large States that account for 35 percent of the Nation's participants in the food stamp program. They found that nearly 26,000 deceased individuals were included in households receiving food stamps. These households improperly collected an estimated $8.5 million in food stamp benefits. This outrageous waste, fraud and abuse cannot be tolerated. While there may be differences of opinion on how this money should be spent, I believe that we can all agree that the nutritional needs of deceased individuals are substantially less than the needs of the living, and this abuse must end.

Under food stamp rules, households must notify their welfare office of any change in the makeup of the household within 10 days. The GAO report titled "Food Stamp Overpayments: Thousands of Deceased Individuals are Being Counted as Household Members" shows that the names of the deceased individuals it found were counted in the food stamp households for an average of 4 months, and in a few instances the deceased persons were counted for the full 2 years of the review.

I introduced H.R. 4366, the Food Stamp Verification Act of 1998, in response to this report. This bill requires food stamp State agencies to enter into a cooperative agreement with the Commissioner of Social Security to obtain information on individuals who are deceased. The bill we consider today, S. 1733, is the Senate version of H.R. 4366. It allows the Social Security Administration to share all of its information on deceased individuals with State agencies administering food stamps. This would enable States to use the most comprehensive information available on deceased persons and cross-check it with their food stamp rolls.

S. 1733 also requires the Secretary of Agriculture to conduct a study of options for the design, development, implementation and operation of a national database to track participation in the food stamp program. This study should address the feasibility and cost-benefit ratio of every available option for a national database.

Mr. Speaker, this is simple, commonsense legislation. The CBO estimates that it will save American taxpayers $17 million plus it allows States to administer their programs more efficiently. Welfare programs with lives of their own that continue into the afterlife are not acceptable. This problem should have been corrected long ago and the solution is only a matter of requiring cooperation between government agencies.

I want to thank the gentleman from Texas (Mr. STENHOLM) the ranking member of the Committee on Agriculture and the gentlewoman from North Carolina (Mrs. CLAYTON) for their support for this legislation as well. I urge support of S. 1733 and request its quick passage by the House of Representatives.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1733, a bill that will require that food stamp State agencies take steps necessary to ensure that food stamp coupons are not issued to deceased individuals.

As the gentleman from Virginia has explained, this is a rather commonsense bill today, something that needs to be done and in my judgment is another step in a series of steps that the House Agriculture Committee has taken in cooperation with our various States to see that the food stamp program works better to ensure that the food gets to the people that need the food and that waste and fraud and sometimes plainly mistakes, many of those, where we cannot be in a perfect world we can in fact ensure that we make the least amount of mistakes. That is what this bill is about.

I commend the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Subcommittee on Department Operations, Nutrition, and Foreign Agriculture for holding a hearing on this issue. Far too few hearings have been held this year on matters of substance within the Committee on Agriculture. This is one of them in which substance was worked on and a desired result occurs now today. I want to thank him for his diligence and work in continuing to work to ferret out this kind of issues and present to the full House this bill today which will result in a savings, as has already been pointed out, $1 million savings over the period of 1999 to 2002 and $17 million over a period of 1999 to 2008.

This is a good bill, I commend its support to all of my colleagues, I support this legislation and urge its passage.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank the chairman of the subcommittee for introducing this bill and want to join with him in strong support of this legislation which indeed removes deceased persons from the rolls and from receiving food stamps.

The food stamp program is the Nation's best and strongest program for providing nutrition to American persons who need food. Certainly we should do everything to remove fraud from it. This is a common-sense measure. It is one I agree with the ranking member should have been done. I am delighted it is now being done. It is a step in the right direction. It will save moneys for food for the needy, those who need America's resources. It is indeed as a result of the 1996 welfare reform which gave the Agriculture Department the authority to move forward and I think they have moved in a number of ways. I want to say parenthetically having relationship with the States, showing that there is greater monitoring of the process, also there are greater penalties for failure to do that. So as this bill is introduced, there is the capacity for making sure that we have the penalties and the resources and technical assistance of coordinating with various States. More importantly, there is the mechanism that this particular bill gives for the coordination between the Social Security Administration and monitoring those persons who are deceased with the food stamp programs so there can be a collaboration of that information.

I would say, also, the ability to now have food stamps electronically the way we transfer adds again to the efficiency for monitoring food stamps. All of these things combined, I think, adds to the efficiency and, therefore, for the greater utilization of American moneys and resources for those who need food.

I join with my colleagues and urge all of us to support this worthwhile legislation.

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of the bill S. 1733. I congratulate the Chairman of the Subcommittee on Department Operations, Nutrition, and Foreign Agriculture for his hard work on this subject. He introduced a similar bill, H.R. 4366, and has held several hearings on the subject of the administration of the food stamp program.

S. 1733 amends the Food Stamp Act of 1977 to provide for the sharing of death and other information between state food stamp agencies and the Social Security Administration. The purpose is to ensure that food stamp benefits are not issued for deceased individuals. Each state is required to establish a cooperative relationship with the Social Security Administration to obtain information on deceased individuals and then use that information to make sure food stamp benefits are not issued on their behalf.

Additionally, the Secretary of Agriculture is required to study options for design of a system to track participation in Federal means-tested programs to ensure, among other things, that people do not receive food stamp benefits in more than one state at a time.

The General Accounting Office has conducted several reviews of the operation of the food stamp program and most recently identified areas in which computer matching can reduce fraud and abuse in that program. In a February 1998 report, the GAO identified nearly 26,000 deceased individuals in four states who were included in households improperly collected $8.5 million in benefits over a two-year period.

In an August 1998 report, the GAO found that, in four widely separated states, over 20,000 individuals were identified who were potentially improperly included in food stamp households in at least two of the four states at the same time.

Based on the identification of these problems by the GAO, S. 1733 was passed by the Senate and I urge my colleagues to support this bill

Mr. Speaker, I want to include in the RECORD letters that have been exchanged between the Committee on Agriculture and the Committee on Ways and Means. I appreciate the assistance of the Chairman and the Ranking Members of the Committee on Ways and Means and the Subcommittee on Social Security and I thank them for their cooperation.

COMMITTEE ON AGRICULTURE,
Washington, DC, October 10, 1998.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to S. 1733, as amended, a bill that amends the Food Stamp Act of 1977 to provide for the sharing of death and other information between State food stamp agencies and the Social Security Administration for the purpose of ensuring that food stamp benefits are not issued for deceased individuals. This bill is similar to H.R. 4366 which was primarily referred to the Committee on Agriculture and additionally to the Committee on Ways and Means. Please find the enclosed copy of S. 1733. In the event that the Senate passes S. 1733, I am requesting that you waive your Committee's jurisdiction over S. 1733 in order to allow the timely consideration by the entire House of Representatives during the remaining period in the 105th Congress.

In the unlikely event that this bill or a similar measure should go to conference, I will support your Committee's representation on the conference committee. I understand that such an action is not intended to waive your Committee's jurisdiction over this matter or any similar legislation.

I thank you for your attention to this legislation.

Sincerely,
ROBERT F. (BOB) SMITH,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 14, 1998.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Longworth House Office Building, House of Representatives, Washington, DC.

DEAR BOB: Thank you for your letter regarding S. 1733, a bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals. The bill contains provisions within the jurisdiction of the Committee on Ways and Means similar to those in H.R. 4366, which was referred to the Committee on Agriculture and in addition to the Committee on Ways and Means.

I understand that you will seek shortly to consider the bill in the House under suspension of the rules following passage by the Senate. Accordingly, in order to expedite consideration of this noncontroversial legislation, I do not believe that a markup by the Committee on Ways and Means will be necessary. However, this is being done only with the understanding that you will bring the bill to the House floor for a vote under suspension of the rules, and that you have agreed to accept no additional changes on matters of concern to this Committee during further consideration of this legislation. In addition, this action is being done with the understanding that it does not in any way prejudice the Committee's jurisdictional prerogatives on these measures or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

Thank you again for your letter confirming this understanding, and I would ask that a copy of our exchange of letters on this matter be included in the Record during floor consideration. Thank you for your cooperation and assistance on this matter. With best personal regards, I am

Sincerely,

BILL ARCHER,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise in support of S. 1733, which asks the Social Security Administration (SSA) and the states to work together to avoid waste in the administration of the Food Stamps program.

This bill takes a common sense approach to a sizable problem. Recently the General Accounting Office (GAO) released a study that found that due to a lack of communication between the states and the SSA, over 26,000 dead people in four states, including my home state of Texas, were erroneously issued food stamps. The cost of that oversight to the Food Stamps Program totalled over $8.6 million—a sizable amount of money that could be better used elsewhere.

The bill fixes this problem simply by requiring that the SSA and state agencies that help administrate the program, share information about the people that receive food stamp benefits. That information sharing should all but eliminate the erroneous issuance of food stamps to people that have deceased. In addition, the bill requires that the SSA submit reports to Congress on the progress that they have made on this issue, and on the savings that the bill produces.

Food stamps area matter of life and death for many people throughout the United States, including children. As the Founder and chair of the Congressional Childrens Caucus, I know that food stamps are often the lifeline for families that are trying to stay afloat in an turbulent and difficult economy. Many of those families reside in my district and in the State of Texas, where a study a few years ago concluded that Food Stamps and Aid for Families with Dependent Children (AFDC) contribute over $675 million to the local economy.

We must do what we can to improve this important and vital program, and I believe that this bill is a step in the right direction. Furthermore, I look forward to working with all of you next year to make sure that the savings we have realized from this bill are funneled back into the Food Stamps program.

I urge all of my colleagues to support this bill, and to work with me in supporting food Stamps every year.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1733.

The question was taken.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1145

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1733.

The SPEAKER pro tempore (Mr. RIGGS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

PROTECTING SANCTITY OF CONTRACTS AND LEASES ENTERED INTO BY SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2500) to protect the sanctity of contracts and leases entered into by surface patent holders with respect to coalbed methane gas.

The Clerk read as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF SANCTITY OF CONTRACTS AND LEASES OF SURFACE PATENT HOLDERS WITH RESPECT TO COALBED METHANE GAS.

(a) IN GENERAL.—Subject to subsection (b), the United States shall recognize as not infringing upon any ownership rights of the United States to coalbed methane any—

(1) contract or lease covering any land that was conveyed by the United States under the Act entitled "An Act for the protection of surface rights of entrymen", approved March 3, 1909 (30 U.S.C. 81), or the Act entitled "An Act to provide for agricultural entries on coal lands", approved June 22, 1910 (30 U.S.C. 83 et seq.), that was—

(A) entered into by a person who has title to said land derived under said Acts, and

(B) that conveys rights to explore for, extract, and sell coalbed methane from said land; or

(2) coalbed methane production from the lands described in subsection (a)(1) by a person who has title to said land and who, on or before the date of enactment of this Act, has filed an application with the State oil and gas regulating agency for a permit to drill an oil and gas well to a completion target located in a coal formation.

(b) APPLICATION.—Subsection (a)—

(1) shall apply only to a valid contract or lease described in subsection (a) that is in effect on the date of enactment of this Act;

(2) shall not otherwise change the terms or conditions of, or affect the rights or obligations of any person under such a contract or lease;

(3) shall apply only to land with respect to which the United States is the owner of coal reserved to the United States in a patent issued under the Act of March 3, 1909 (30 U.S.C. 81), or the Act of June 22, 1910 (30 U.S.C. 83 et seq.), the position of the United States as the owner of the coal not having passed to a third party by deed, patent or other conveyance by the United States;

(4) shall not apply to any interest in coal or land conveyed, restored, or transferred by the United States to a federally recognized Indian tribe, including any conveyance, restoration, or transfer made pursuant to the Indian Reorganization Act, June 18, 1934 (c. 576, 48 Stat. 984, as amended); the Act of June 28, 1938 (c. 776, 52 Stat. 1209 as implemented by the order of September 14, 1938, 3 Fed. Reg. 1425); and including the area described in section 3 of Public Law 98-290; or any executive order;

(5) shall not be construed to constitute a waiver of any rights of the United States with respect to coalbed methane production that is not subject to subsection (a); and

(6) shall not limit the right of any person who entered into a contract or lease before the date of enactment of this Act, or enters into a contract or lease on or after the date of enactment of this Act, for coal owned by the United States, to mine and remove the coal and to release coalbed methane without liability to any person referred to in subsection (a)(1)(A) or (a)(2).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 2500 which, as passed by the other body, is identical to my bill, H.R. 4598. This bill is a bipartisan response to the vexing question of the rightful ownership of methane gas which resides in the voids of coal seams; in other words, their coal will be so many feet deep, and then there will be space where methane gas exists, and beneath that will be another seam of coal.

S. 2500 takes the position that where the United States has patented the surface estate together with all minerals except coal under the authority of either the 1909 or 1910 Coal Lands Act that the methane molecules belong to the patentee or his successor or interest. The bill excludes all interests where the United States has transferred its reserved coal interest to the third parties such as the Southern Ute Tribe in southwest Colorado.

Mr. Speaker, this bill is necessary because of a recent Tenth Circuit Court decision concerning the aforementioned tribe and an oil company producing coalbed methane from the private lands within the Southern Utes' reservation. Again though, this bill has no effect whatsoever upon that court case for which we expect the United States Supreme Court will grant a writ of certiorari and decide the ownership question for those situations where the U.S. has granted its reserve coal rights to third parties. In the meantime, however, S. 2500 will allow patentholders to be secure in the knowledge that whatever leases or contracts that they have already entered into with coalbed methane producers are valid. Without such relief, these landowners would be left in a legal conundrum not of their own making.

A Solicitor's opinion issued in 1981 appeared to settle the ownership question. My constituents in the Powder

River basin and others in the West where most coal seams are federally owned relied upon the Solicitor's analysis to assert their claims of coalbed methane ownership before leasing their rights to this gas.

Mr. Speaker, I have a college degree in chemistry, and I am here to tell my colleagues that an atom of carbon that is bound to four hydrogen atoms is methane, it is a methane molecule pure and simple, and in my view and in the view of many other people the genesis of that molecule is unimportant when it comes to mineral ownership questions. What counts is who has the right to develop oil and gas resources within a particular tract of land, and without the common sense certainty of S. 2500 we have gridlock in the Powder River Basin coalbed methane business and in other places, too, such as the San Juan Basin of New Mexico.

Mr. Speaker, natural gas, which is composed primarily of methane, is thought by many to be the fuel of the future. It is a very clean burning fuel. As a matter of fact, the competition between burning coal and clean coal and burning methane goes on within industry all the time. But methane certainly is a good fuel and a promising fuel to use.

With S. 2500 enacted into law, our Nation's supply of natural gas from available domestic sources will be enhanced. This can only be good for the country, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had a lot I wanted to say on this legislation, but having just heard Professor CUBIN's discussion of this, I do not think I want to match wits, her chemistry degree against my degree in American humor, on this topic, although I still do not quite get how the molecules belong to the surface guys, but the coal belongs to the subsurface. But we can go into that at another time. I think the gentlewoman has explained this bill quite properly.

Mr. Speaker, this is an important piece of legislation, it is necessary to provide certainty for people with the existing agreements, and I support the legislation.

This bill is very important to the western states and for those individuals who own or lease federally-owned coal. We understand that the bill's sponsors have been working with other members and with the Department of Interior to craft this agreement.

As many of my colleagues know, in the west, it is not uncommon for the mineral estate, in this case oil and gas, to be in separate ownership from the surface of the land—what is commonly known as "split-estate." This system of split mineral estates is the result of the many federal statutes that granted varying levels of patents to homesteaders.

In 1981, the Interior Department Solicitor issued an opinion that allowed surface owners in public lands states, like Wyoming and New Mexico, to lease the rights to coalbed methane gas to companies interested in developing this resource.

Subsequent to that decision, other mineral estate owners, such as the Southern Ute Tribe, challenged the decision. Initially the Interior opinion was upheld, but on July 20, of this year, the 10th Circuit Court of Appeals, in a final en banc decision, ruled that methane gas produced out of coal seams is part of the coal itself, and not actually a gas.

Consequently, the coalbed methane gas—instead of belonging to the owners of land as previously believed—is held to be owned by the owner of the mineral estate, or the owner of the coal. Therefore, in many places where these two resources occur together, there are separate owners.

The bill's sponsors, and many of the landowners affected by the judicial decision, believe that the judicial decision will strip away a majority of the private ownership of gas in certain western states, and at a minimum, will cause a certain amount of confusion and potential monetary loss.

To alleviate this situation, the bill would grandfather the leases that have been negotiated, in good faith, according to the policies of the federal government. The legislation would ensure that existing leases to produce methane remain valid and that there is no future assertion of ownership by the federal government on these parcels. The bill before applies only to federally owned coal. It would not have any effect on tribally owned or state-owned land or coal.

While this bill provides an opportunity to provide some certainty for people with existing agreements, I would note that it has not been subject to any hearing or consideration by either the House Resources Committee or the Senate Energy Committee—despite the fact that the Court decision occurred approximately three months ago. The Interior Department has assured us that this bill is acceptable to them, and therefore, we will not oppose it today.

Mr. Speaker, I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to let the body know for certain that I would never match my degree in chemistry against the gentleman from California's Ph.D. in humor.

Mr. MCINNIS. Mr. Speaker, my colleague, Mrs. CUBIN and I would like to clarify several issues regarding S. 2500, the coalbed methane gas bill, for the record. We understand that this bill is very important to this country, including the Third District of Colorado and the State of Wyoming, as well as large parts of at least six states with coalbed methane gas patents, contracts and leases. This bill will address the uncertainty that has arisen elsewhere following a decision in the case *Southern Ute Reservation* v. *Amoco Production Company* in the 10th Circuit Court of Appeals. People may not realize the impact the litigation has made upon an area in the district of the gentleman from Colorado, Mr. MCINNIS. We wanted to take this opportunity to discuss and clarify some issues on behalf of constituents of the gentleman from Colorado, Mr. MCINNIS, who are concerned about the possible impact of this bill.

First, this bill specifically exempts any interest in coal that was transferred, conveyed or restored by the United States to a federally recognized Indian tribe. The goal of this bill was not to impact the ongoing *Southern Ute* litigation. This bill is meant to address concerns raised elsewhere as to the ownership of coalbed methane gas and prevent financial hardship and disruption.

Second, this bill is not intended ion any way to be construed to prejudice the right of any person to petition the Supreme Court of the United States for a writ of certiorari in the case of *Southern Ute Reservation* v. *Amoco Production Company*. This legislation specifically carves out the subject matter of the *Southern Ute* case and should not impact any decision by the United States Supreme Court as to whether to take the case on appeal from the 10th Circuit Court of Appeals.

Third, supporting passage of S. 2500 should not be considered opposition to the Supreme Court hearing the *Southern Ute* case. Several parties, including many of the states impacted by the *Southern Ute* case, plan to offer briefs urging the United States Supreme Court to hear this case. This bill, S. 2500, should not prevent any interested parties from seeking Supreme Court review. Moreover, the gentlelady from Wyoming, Ms. CUBIN, has pledged to work towards getting appropriate interested parties to write amicus briefs asking the United States Supreme Court to hear arguments in the *Southern Ute* case. After all, as discussed above, this legislation specifically carves out interests in coal transferred by the United States to Indian tribes. The normal appeals process to the United States Supreme Court is the appropriate manner for resolving the ongoing *Southern Ute* litigation.

Mr. RAHALL. Mr. Speaker, I rise in support of S. 2500, legislation dealing with the ownership of coalbed methane as a source of energy in situations where a federal coal estate is involved.

Until July of this year, the issue of how to allow the development of coalbed methane resources where a federal mineral estate was present seemed to be well settled. As a result of two Department of the Interior Solicitor opinions, it was held that the right to extract coalbed methane was vested with the owner of oil and gas rights rather than the coal resources. In situations where the federal government owned both, the Department required that an oil and gas lease be issued to extract the coalbed methane.

There are other situations, however, where the federal government reserved to itself just the rights to the coal resource. These situations arise from federal policies pursued during the early part of this Century. Starting with the Coal Lands Act of 1909, the United States reserved coal deposits in lands subsequently disposed for agricultural purposes. This policy was also elaborated upon in a 1910 Act. And it culminated with the 1916 Stock Raising Homestead Act which extended the reservation to all minerals whenever lands were patented to ranchers. But with respect to the

1909 and 1910 Coal Acts, it had been held that only the coal was reserved to the United States. The owner of any oil and gas rights could validly extract coalbed methane. Subsequently, a thriving coalbed industry has grown encouraged to a great part by the section 29 non-conventional fuel tax credit enacted in 1980.

Indeed, when I championed coalbed methane legislation as part of the Energy Policy Act of 1992 in my then capacity as chairman of the House Subcommittee on Mining and Natural Resources, we examined this issue and found no need to include provisions relating to situations where coalbed methane was being developed in situations involving federal estates or the reservation of the coal resources.

However, on July 20th of this year, in a somewhat tortured manner, the Tenth Circuit Court of Appeals asserted that coalbed methane is part of the coal, rather than a separate mineral resource. This ruling came as a result of litigation pursued by the Southern Ute Tribe in Colorado which claimed ownership of coalbed methane from coal it acquired under the terms of the Indian Reorganization Act of 1934 as a successor in interest to the statutory reservation of coal by the United States under the terms of the 1909 and 1910 Acts.

This ruling, obviously, has far-reaching ramifications for any entity which is producing coalbed methane where a federal land or mineral interest lies. In effect, the rules of the game have suddenly been changed on them in a manner which jeopardizes millions of dollars of investment.

The legislation before us seeks to mitigate the potentially disastrous affects of the Court's ruling by preserving the sanctity of existing coalbed methane leases associated with federally-owned coal reserves. It does not apply to such leases where the coal reserves have been conveyed to a federally-recognized Indian Tribe, thus upholding the Court's ruling as it would narrowly apply to the interests of the Southern Ute and similar tribes.

Mr. Speaker, I commend this bill to the House. While the focus of this legislation is on coalbed methane in the western States, this energy resource is of increasing importance to the Nation as a whole especially as we continue to work to foster a coalbed methane industry in the East on private lands under the terms of the Energy Policy Act of 1992.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 2500.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUANCE OF OIL AND GAS OPERATIONS PURSUANT TO CERTAIN EXISTING LEASES IN WAYNE NATIONAL FOREST

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1467) to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest, as amended.

The Clerk read as follows:

H.R. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OIL AND GAS WELLS IN WAYNE NATIONAL FOREST, OHIO.

(a) AUTHORITY.—The Secretary of the Interior may enter into noncompetitive oil and gas production and reclamation contracts in accordance with this section with operators of wells in the Wayne National Forest in the State of Ohio who meet the criteria of section 17(b)(3)(A) of the Act of February 25, 1920 (30 U.S.C. 226(b)(3)(A)) pursuant to private land mineral leases which were in effect on and after the date of the enactment of this section, subject to the same laws and regulations that applied to those private land mineral leases.

(b) ADDITIONAL DRILLING.—No contract under this section may authorize deeper completions or additional drilling.

(c) BONDING.—

(1) WAIVER OF FEDERAL BONDING.—Each contract under this section shall require the contractor to provide a Federal oil and gas bond to ensure complete and timely reclamation of the former lease tract in accordance with the regulations of the Bureau of Land Management and the Forest Service, unless the Secretary of the Interior accepts in lieu thereof assurances from the Ohio Department of Natural Resources, Division of Oil and Gas, that—

(A) the contractor has duly satisfied the bonding requirements of the State of Ohio; and following inspection of operator performance, the Ohio Department of Natural Resources is not opposed to such waiver of Federal bonding requirements;

(B) the United States of America is entitled to apply for and receive funding under the provision of section 1509.071 of the Ohio Revised Code so as to properly plug and restore oil and gas sites and lease tracts; and

(C) during the 2 years prior to the date on which the contract is entered into no less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

(2) CONTINUED COMPLIANCE WITH 20 PERCENT REQUIREMENT.—In entering into any contract under this section, the Secretary of the Interior shall reserve the right to require the contractor to comply with all Federal oil and gas bonding requirements applicable to Federal oil and gas leases under the regulations of the Bureau of Land Management and the Forest Service whenever the Secretary finds that less than 20 percent of Ohio State severance tax revenues has been allocated to the State of Ohio Orphan Well Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. Cubin).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill by our colleague from southern Ohio (Mr. NEY) which addresses a problem encountered by small businessmen operating Federal oil and gas leases on the Wayne National Forest. The situation these folks find themselves in is rather unique. These lessees formerly held private oil leases from individuals owning the reserve mineral estate beneath the Forest Service administered surface estate. A few years ago the private reservations began to expire, and the United States is now the mineral owner.

Our colleague from West Virginia (Mr. RAHALL) in 1992 added a provision to the 1992 Energy Policy Act to allow a private lessee to acquire a Federal lease for the same tract on the Wayne National Forest without need of competitive bidding. Mr. Speaker, this was only fair given these small businessmen already owned the wells and the equipment that was necessary to pump and store the production.

However, these operators soon discovered that ownership of a Federal lease meant having to financially guarantee proper abandonment of their lessees, plugging the wells properly and reclaiming the surface impacts. This was despite the fact that they had long ago met the State of Ohio's bonding requirements back when they drilled the private wells.

The gentleman from Ohio (Mr. NEY) sought to remedy this situation with his original bill but the Department of Interior, as lessor of the mineral rights, opposed that text. As chairman of the Subcommittee on Energy and Mineral Resources, I asked the Federal agency and the State of Ohio's Department of Natural Resources to try to find an acceptable remedy.

Mr. Speaker, the substitute before us today is the answer and is supported by the administration and by the Ohio DNR.

The substitute codifies a recognition by the Secretary of Interior as to the adequacy of Ohio State's Orphan Well Fund to provide financial guarantees for the proper plugging and abandonment of preexisting wells on these special leases and these leases only.

No precedent is being established elsewhere, although I do happen to think that many States' oil and gas commissions do a fine job in regulating the industry within their borders, and especially my State of Wyoming.

The substitute provides opportunity for the Secretary to review the continuing adequacy of the Ohio law to ensure reclamation in the unlikely event of multiple bankruptcies.

The Secretary may require the lessees to meet the Federal standard bonding requirements for these wells if the State of Ohio fails to fund the program at 20 percent of the State's severance tax levels that it currently has.

Mr. Speaker, I want to thank our colleague, the gentleman from Ohio (Mr.

NEY), for his willingness to aid these small businesses in the Wayne National Forest. They are not his constituents, per se, but he saw their plight and decided to help them nonetheless.

I also want to thank the ranking member on our subcommittee, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and his staffer, who helped the administration see the need to find a reasonable solution to the problem of double bonding.

Mr. Speaker, I urge my colleagues to support H.R. 1467, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, the gentlewoman from Wyoming (Mrs. CUBIN), the subcommittee chair, has properly explained this legislation and the need for it. We support the legislation.

The U.S. Forest Service has been acquiring lands in southeastern Ohio for the Wayne National Forest for many years. Typically, these land purchases are subject to reservation of the mineral estate by the seller for a term of 25 to 40 years.

Upon expiration of the term, the mineral rights revert to the United States. However, until that term expires, the private owner of the mineral rights retains the rights to develop these minerals and many of them lease the rights to local operators who drill wells on the property. The private lessors have no rights to lease beyond the expiration of their mineral rights and thus the mineral leases expire with their reservations.

However, producers in the Wayne National Forest were under the mistaken belief that they could simply continue operating under the same terms they had with the private lessors and simply pay royalties to the Forest Service.

Under the terms of the Federal Oil and Gas Leasing Reform Act, the BLM could not offer noncompetitive leases to these producers. This was not acceptable to the local producers. In 1990, BLM attempted to resolve the problem through an administrative remedy that hinged on drainage compensation agreements. However, after executing seven such agreements, the Department's Solicitor determined that this method violated the competitive leasing law.

In response, under the leadership of Representative NICK RAHALL, Congress enacted, as part of the Comprehensive National Policy Act of 1992, authorization for the BLM to issue noncompetitive leases to the owners of "stripper wells" upon reversion of mineral interests.

Most of the eligible operators applied for the federal leases. However, they continued to disagree with BLM's interpretation of the law. The producers contend that the new provision of law actually allowed continuation of their existing private leases, with no changes to the terms and conditions other than paying royalties to the U.S. instead of the former owners. The Department's Solicitor affirmed BLM's position that new Federal leases are required. And, the Department's Board of Land Appeals upheld this position.

H.R. 1467 would prevent BLM from requiring the operators to post bonds or other financial guaranties which the administration opposes. But, the administration does not object to a legislative solution to for the operators in the Wayne National Forest if one can be found that requires the producers to enter into production and reclamation contracts with the BLM, as well as several other conditions. Since the Committee adopted such an amendment, we do not object to the House acting favorably on this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 1467, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING OUTER CONTINENTAL SHELF LANDS ACT

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3972) to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the Outer Continental Shelf.

The Clerk read as follows:

H.R. 3972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT.

Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended by striking "an agency of the Federal Government" and inserting "a Federal, State, or local government agency".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this measure introduced by our colleague, the gentleman from Virginia (Mr. PICKETT). H.R. 3972 is a reasonable response to efforts by the Minerals Management Service of the Department of Interior to charge State and local governments for the use of sand dredged from the Outer Continental Shelf for beach nourishment projects.

Our colleague, the gentleman from Corpus Christi, Texas (Mr. ORTIZ) led a successful effort in 1994 to amend the Outer Continental Shelf Lands Act of 1953 to allow the Secretary of Interior to dispose of sand, gravel and shell resources beneath the Federal waters.

Depletion of sand resources beneath closer in State waters prompted the amendment, and the National Park Service obtained sand necessary to replenish the Padre Island National Seashore at no cost.

Mr. Speaker, it is evident that several coastal State and local governments will need sand from the Federal OCS for beach replenishment projects on their shorelines, particularly given the nor'easter storms and hurricanes that have racked the Gulf coast and many Atlantic beaches this year, but the MMS insists upon charging non-Federal government entities for such sand, whether it is a public project or not.

Yes, under the current rules the fee is reduced for governmental projects but it is not free, as it is to Federal agencies, and, yes, the fee for the sand is generally only a small fraction of the total cost of such projects.

In the case which prompted the gentleman from Virginia (Mr. PICKETT) to act, I believe it was about two and a half percent, but that still added up to over $200,000, which is a burden on the citizens of Virginia Beach.

We should all understand that the sand dredged from the Outer Continental Shelf is only on loan because as the storms come it goes right back out there. So we could call this a good recycling program if we wanted to do that as well.

In many cases, within a decade or two, the sand used in beach nourishment really is returned by mother nature.

Now it is my turn to have a bachelor of science in humor.

In many cases, within a decade or two, the sand used in beach nourishment is returned by mother nature to offshore shoals.

Mr. Speaker, as a Member from Wyoming, I do not think I need to remind anyone that we do not have any beaches but that sand and gravel resources from public lands in the West are disposed, without charge, to State and local governments for use in public projects.

H.R. 3972 should merely be viewed as the coastal States' equivalent to the 1947 Act governing onshore public lands mineral materials. And, like that law, commercial projects seeking OCS sand, gravel or shell resources should continue to pay the full fair market value of the materials after the enactment of the bill offered by the gentleman from Virginia (Mr. PICKETT).

☐ 1200

Mr. Speaker, I urge my colleagues' support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think now the gentlewoman is drifting over into my area of expertise, and that is American humor, with the argument for this legislation that somehow because we pump the sand up on the beaches from the Federal OCS, the Outer Continental Shelf, that it is just a loan, because then the sand goes back to the Outer Continental Shelf, which is probably accurate. But what is not a loan is the taxpayer dollars to continue to do this year after year after year as we try to defeat nature because of storms and hurricanes and what have you.

I think this bill is seriously flawed in the sense of the kind of revenues that it loses, and it raises questions about whether or not we are really engaging in products that simply are not feasible when we are trying to allow development and activities on lands that are subject to nature in terms of the storm patterns that develop annually along the eastern sea coast.

I might also mention that the administration has sent both a letter and a statement of administration policy against this legislation for the reasons that I have raised with respect to the cost of this, the direct spending, which they estimate will be about $10 million over the next few years, and they believe that the Secretary ought to be able to continue to charge those fees. They also make their point in the statement of administration policy that "enactment of H.R. 3972 would thus deny the American taxpayer a fair return on the use of the public resources, as well as fuel the demand for OCS sand and gravel and shell and competitively disadvantage the private onshore sand and gravel suppliers."

What this means is because the Federal Government is not going to charge a fee, the projects you want to engage in do not really have to have a positive cost-benefit ratio or be feasible because you are getting the Federal Government to pump the sand and not charging the municipality for this project.

Not only are you doing that, but the private sand and gravel people who are in business trying to sell sand and gravel to these people are now disadvantaged, so they will not be able to participate in that market because they cannot sell it for free. So we have kind of come up with what is bad sometimes about government involvement in subsidizing various activities, that not only do we undermine bad decisions being made because the theory is, they used to say well, it is free dollars, it is just Federal dollars, so it does not matter how we design it. We are putting them back into that category, but we are also hurting the business people in the community who this is their business, providing sand and gravel to developers, to municipalities, to landowners and all of the rest.

So I am not in agreement with this legislation and the administration is not in agreement with this legislation.

Mr. Speaker, I include for the RECORD the administration policy on this matter.

U.S. DEPARTMENT OF THE INTERIOR,
MINERALS MANAGEMENT SERVICE,
Washington, DC, Sept. 23, 1998.
Hon. GEORGE MILLER,
Senior Democratic Member, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. MILLER: I understand that the Resources Committee is considering various ways to move H.R. 3972, a bill to amend section 8(k) of the Outer Continental Shelf (OCS) Lands Act. In general, the bill proposes to waive the fee provisions associated with making OCS sand, gravel and shell resources available for certain publicly-beneficial beach nourishment and wetlands restoration projects undertaken by State or local government entities. Currently, section 8(k) of the OCS Lands Act authorizes the Secretary of the Interior (Secretary) to charge a reasonable fee for the use of such resources when conveyed non-competitively.

On July 21, 1998, the Minerals Management Service (MMS) testified on behalf of the Department of the Interior (Department) on the proposed legislation and opposed enactment for several reasons. I am writing now to reiterate the Department's opposition to the bill. We continue to feel strongly that it is important to provide the Secretary with the authority to assess a fee. Although the fee typically represents only a small fraction of a project's total cost, in a larger sense it also represents the Federal government's commitment to provide a fair return to the Nation for the use of the public's resources.

As you are aware, Public Law 103-426, passed by Congress in 1994, authorized a negotiated agreement process (in lieu of competitive bidding) to better facilitate a way for OCS sand, gravel, and shell resources to be made available for certain publicly-beneficial projects like beach nourishment and wetlands restoration projects undertaken by Federal, State, or local government agencies. Section 8(k)(2)(B) provides that "the Secretary may assess a fee based on the value of the resources and the public interest served by development of the resources, except that no fee would be assessed against a Federal agency."

This valuation method allows the Secretary to determine an appropriate fee that takes into account both the value of the Federal minerals and the public benefits gained by providing affordable access to OCS sand, gravel and shell resources to support public projects. The "no fee" exemption for Federal agencies was included to prevent the transfer of funds from one Federal agency to another and to prevent local project sponsors from passing back to the federal government the expense of fees for use of the Federal sand paid under this law (e.g., through a cost-sharing agreement with the United States Army Corps of Engineers).

MMS, as the agency in the Department responsible for administering the OCS sand and gravel program, developed guidelines describing how fees for sand and gravel conveyed pursuant to negotiated agreements would be determined. The MMS methodology provides for a determination of sand values based on references to market values and provides for discounts to reflect the public interest in the fee assessment, reducing the market-based estimate of value by the same percentage amount (typically 65%) used to represent the congressionally-mandated Federal share of project construction costs. Thus, this balancing of resource value with public interest considerations provides for a significant discount for State and local governments, resulting in a quite reasonable fee for the Federal resource.

Further, the Department's OCS Policy Committee (Committee) reviewed the guidelines and urged MMS to adopt them since the approach was reasonable and consistent with the OCS Lands Act. The Committee includes representatives from coastal States, local governments, the environmental community and industry and provides advice to the Secretary on a wide range of issues associated with OCS mineral development. The Committee recommended that the guidelines be made available to the public to enhance the timely dissemination of information and to assist governmental planners as they contemplated costs associated with beach nourishment projects.

Because of the bill's significant policy and budget implications, I urge you to give the issues raised by H.R. 3972 more consideration. First, enactment of this proposal could competitively disadvantage private onshore sand and gravel suppliers even further. Second, by making a Federal resource more readily available to State and local governments, we anticipate that requests for access to OCS sand, gravel and shell resources will rise even more than originally anticipated. This increase could put severe strains on existing MMS resources to undertake the necessary environmental studies, analyses, and administrative work associated with facilitating State and local requests. Given current budgetary resources, an unintended result of the bill could be to put MMS in the unfortunate position of not being able to respond to State and local government requests in a timely fashion or even having to turn down future requests.

Third, the budgetary implications of this expected rise in requests for free OCS sand could be substantial. Although the Congressional Budget Office has indicated that the scoring implications of passing the bill are fairly minimal, our recently-completed analysis indicates otherwise. For example, within the next 5 years, we estimate that 8.5 to 12 million cubic yards of OCS sand will be needed for at least 8 shore protection projects. As currently envisioned, these projects would generate total fees of between $1.3 to $1.8 million. However, there are an additional 24 potential projects (needing between 46 and 74 million cubic yards of sand) that could be implemented during this period and may need access to OCS sand. If any of these projects materialize, significantly more fees could be generated for the Federal Treasury in any given year.

In conclusion, I urge you to defer further action on H.R. 3972. Like other mineral resources that reside on Federal lands, the American public has a right to a fair return on its sand, gravel and shell resources. The provisions currently contained in the OCS Lands Act provide for that right while also ensuring that those States and localities needing OCS sand and gravel can receive the resource in an expedited fashion and pay a price that reflects the public interest served.

An identical letter is being sent to the Honorable Don Young, Chairman, Committee on Resources.

Sincerely,

CYNTHIA QUARTERMAN,
Director.

EXECUTIVE OFFICE OF THE PRESIDENT,
OCTOBER 15, 1998

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 3972—OUTER CONTINENTAL SHELF LANDS ACT AMENDMENT (REP. RICKET (D) VA AND 6 COSPONSORS)

The Administration opposes H.R. 3972, which would waive the fee for Outer Continental Shelf (OCS) sand, gravel, and shell available for certain beach nourishment and wetlands restoration projects undertaken by State or local governments. The Administration, however, supports the limited waiver, as passed by the Senate in S. 2131, the "Water Resources Development Act of 1998," since it would waive fees for those Federal projects jointly undertaken by the Army Corps of Engineers in partnership with State and local sponsors.

The Outer Continental Shelf Lands Act authorizes the Secretary of the Interior to charge a reasonable fee for OCS sand, gravel, and shell when conveyed noncompetitively. This fee is based on both the value of the resources and the public benefits gained and, typically, represents only a small fraction of a project's total cost. Most important, the fee represents the Federal government's commitment to provide a fair return to the Nation for the use of public resources, while ensuring that those States and localities needing OCS sand, gravel, and shell can receive those resources and pay a price that reflects the public interest served. Enactment of H.R. 3972, however, would thus deny the American taxpayer a fair return for the use of this public resource, as well as fuel the demand for OCS sand, gravel, and shell and competitively disadvantage private onshore sand and gravel suppliers.

Mr. Speaker, I reserve the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I understood that there was a statement of administration policy, but we have not seen it and did not know whether it had been delivered or not.

I think one thing we have to consider here is are all states equal? When the Constitution was established, it was established that all states would be equal. Well, inland states get sand and gravel for government projects from the Federal Government for free. Only the sand would be free. Ninety-eight percent of the costs incurred in these projects would still have to be paid and they would be paid. Those costs are dredging and bulldozing. And all Corps of Engineers projects must pass cost-benefit analysis.

While I think that the gentleman from California does have a good point about this, and one which, frankly, I do not understand, which is why people will rebuild and rebuild in the same place that storms wash away, nonetheless, that is what is going on, and I do not think it is fair to treat coastal states differently than inland states as far as the Federal state of sand gravel and shell resources is concerned. So I continue to urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PICKETT), the sponsor of the legislation.

Mr. PICKETT. Mr. Speaker, I would like to thank the Committee on Resources chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member the gentleman from California (Mr. MILLER), as well as the gentlewoman from Wyoming (Mrs. CUBIN) the chairman of the Subcommittee on Energy and Mineral Resources and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), for their help and assistance in helping bring H.R. 3972 to the floor.

Mr. Speaker, I introduced this legislation last May because of a new policy initiative by the Minerals Management Service to assess a tax against state and local governments for the use of Outer Continental Shelf sand and gravel for public projects.

This law was enacted during the 103rd Congress to remove procedural obstacles and allow governmental agencies to negotiate and obtain OCS sand and gravel. The Federal Government was exempted from being assessed under this act. In October 1997, MMS formalized its guidelines regarding this charge for OCS sand and gravel when used in shore protection and beach restoration projects by state and local governments. Under this new policy, MMS decided to assess state and local governments a tax for sand and gravel used in these shore protection projects, even in those cases where the projects are authorized by Federal law. I do not believe it was the intent of Congress to impose an additional charge on state and local governments for costly, yet necessary, shore protection projects.

In 1947 Congress passed the Minerals Sales Act. This law allows localities to take mineral resources from public lands for public works projects, such as road construction, without the payment of any kind of a charge. Although localities pay money into an account to reclaim the land from which the sand and gravel is taken, there is no requirement to pay for the material, as in the case of coastal states that use offshore mineral resources for shore protection projects.

Sand and gravel mined from the OCS is reclaimed through a natural hydrodynamic process. Although the cost involved for OCS sand and gravel may not be significant when compared to the overall cost of a shore protection or beach restoration project, it is considerable enough to make such projects less attractive and more costly when undertaken by state and local governments.

An example occurred in my district where a local government recently paid MMS approximately $200,000 for about 1 million cubic yards of OCS sand for a federally authorized project that had already been planned, approved and funded.

Paying this tax caused the local government to reduce by about one-fourth the quantity of sand called for in the original plans and specifications. With a reduced volume of sand, the project will now have a shorter useful life and will require the local government to replace the project earlier than planned at an increased cost.

As the administration seeks to change the Nation's shore protection policy, the costs incurred by state and local governments for OCS sand and gravel will continue to rise dramatically unless this ill-advised tax law is changed.

Historically, the Federal Government has entered into 65–35 cost share agreements with local governments for federally authorized shore protection projects. A recent proposal by the administration, if adopted, will reverse this cost share ratio upon completion of the initial construction project, with the local sponsor paying almost double the share of the project maintenance costs. The typical MMS tax for the local government sponsor for OCS sand and gravel will also double as a result of this policy change.

This excessive and inequitable tax will become a serious and insurmountable burden for local governments. It is clearly another unfunded mandate on state and local government and should be eliminated here and now. I strongly urge the House to adopt H.R. 3972 to restore equity among Federal, state and local government projects by eliminating this unfair tax.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3972.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVING RESTRICTION ON DISTRIBUTION OF REVENUES TO CERTAIN MEMBERS OF AGUA CALIENTE BAND OF CAHUILLA INDIANS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Agua Caliente Indians.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) among its purposes, the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 951 et seq.) (referred to in this section as the "Act") was intended to provide for a reasonable degree of equalization of the value of allotments made to members of the Agua Caliente Band of Cahuilla Indians;

(2) the Act was enacted in response to litigation in Federal courts in Segundo, et al. v. United States, 123 F. Supp. 554 (1954);

(3) the case referred to in paragraph (2) was appealed under the case name United States v. Pierce, 235 F. 2d 885 (1956) and that case affirmed the entitlement of certain members of the Band to allotments of approximately equal value to lands allotted to other members of the Band;

(4)(A) to achieve the equalization referred to in paragraph (3), section 3 of the Act (25 U.S.C. 953) provided for the allotment or sale of all remaining tribal lands, with the exception of several specifically designated parcels, including 2 parcels in the Mineral Springs area known as parcel A and parcel B;

(B) section 3 of the Act restricted the distribution of any net rents, profits, or other revenues derived from parcel B to members of the Band and their heirs entitled to equalization of the value of the allotments of those members;

(C) from 1959 through 1984, each annual budget of the Band, as approved by the Bureau of Indian Affairs, provided for expenditure of all revenues derived from both parcel A and parcel B solely for tribal governmental purposes; and

(D) as a result of the annual budgets referred to in subparagraph (C), no net revenues from parcel B were available for distribution to tribal members entitled to equalization under section 3 of the Act referred to in paragraph (1);

(5) by letter of December 6, 1961, the Director of the Sacramento Area Office of the Bureau of Indian Affairs informed the regional solicitor of the Bureau of Indian Affairs that the equalization of allotments on the Agua Caliente Reservation with respect to those members of the Band who were eligible for equalization had been completed using all available excess tribal land in a manner consistent with—

(A) the decree of the court in the case referred to in paragraph (2); and

(B) the Act;

(6) in 1968, the files of the Department of the Interior with respect to the case referred to in paragraph (3), the closure of which was contingent upon completion of the equalization program, were retired to the Federal Record Center, where they were subsequently destroyed;

(7) on March 16, 1983, the Secretary of the Interior published notice in the Federal Register that full equalization had been achieved within the meaning of section 7 of the Act (25 U.S.C. 957);

(8) section 7 of the Act states that "allotments in accordance with the provisions of this Act shall be deemed complete and full equalization of allotments on the Agua Caliente Reservation"; and

(9) the regulations governing the equalization of allotments under the Act referred to in paragraph (1) were rescinded by the Secretary, effective March 31, 1983.

SEC. 2. DEFINITIONS.

In this Act:

(1) BAND.—The term "Band" means the Agua Caliente Band.

(2) PARCEL B.—The term "parcel B" means the parcel of land in the Mineral Springs area referred to as "parcel B" in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. EQUALIZATION OF ALLOTMENTS.

(a) IN GENERAL.—The full equalization of allotments within the meaning of section 7 of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 957) is deemed to have been completed.

(b) EXPIRATION OF ENTITLEMENT.—By reason of the achievement of the full equalization of allotments described in subsection (a), the entitlement of holders of equalized allotments to distribution of net revenues from parcel B under section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)) shall be deemed to have expired.

SEC. 4. REMOVAL OF RESTRICTION.

(a) IN GENERAL.—The fourth undesignated paragraph in section 3(b) of the Act entitled "An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes", approved September 21, 1959, commonly known as the "Agua Caliente Equalization Act of 1959" (25 U.S.C. 953(b)), is amended by striking "east: Provided," and all that follows through the end of the paragraph and inserting "east.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply as if this section had been enacted on March 31, 1983.

(c) SUBSEQUENT DISTRIBUTIONS.—Any per capita distribution of tribal revenues of the Band made after the date of enactment of this Act shall be made to all members of the Band in equal amounts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 700 would remove a revenue distribution restriction created in Public Law 86–339, a 1959 statute which related in part to the distribution of certain revenues to certain members of the Agua Caliente Band of Cahuilla Indians.

This bill is an amended version of H.R. 700 which we passed last year. Since we passed H.R. 700 last year, the Bureau of Indian Affairs and the Agua Caliente Band have discovered that a different piece of legislation is needed.

H.R. 700, as amended, reflects the changes which the Senate Committee on Indian Affairs has made to the bill which we passed last year. I agree with those amendments.

H.R. 700, as amended, finds that equalization allotments on the Agua Caliente Reservation have been completed and that the regulations governing the equalization allotments under the 1959 Agua Caliente Equalization Act were rescinded in 1983.

H.R. 700, as amended, provides that the special entitlements of certain members of the Band have expired and, thus, that any per capita distribution of tribal revenues of the Band shall be made to all members of the Band in equal amounts.

This is a fair and equitable bill. It will have no impact on the Federal budget, contains no intergovernmental or private sector mandates, and would impose no costs on state, local or tribal governments. I recommend that H.R. 700 be adopted by this body.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am supporting this bill. We passed it out of the House last year. Basically the bill removes a restriction on a piece of property owned by the Agua Caliente Tribe in downtown Palm Springs, California. The restriction, part of the 1959 law, provides that revenues from this property would first go to the 85 Members of the Tribe who lost lands in the use to create tribal property. This asks Congress to remove the restriction so it can distribute the revenues general rated from the Spa Casino, which sits on the property, to all members of the Tribe.

The House-passed bill would have compensated 85 members with a cash payment of $22,000 each. The Senate determined that the 85 Members have already been compensated and the property restriction was not intended to last indefinitely.

I want to once again, however, state for the record my objection to per capita payments to tribal members from any gambling casino. I think that ultimately, this is unwise, and if we are ever to amend the Indian gaming act, this is one of the issues that Congress will have to reexamine. The administration supports this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman from California (Mr. MILLER) for yielding me this time.

Mr. Speaker, I am proud to join the gentlewoman from California (Mrs. BONO) in supporting H.R. 700. As Chairman Richard Milanovich indicated to the members of the Committee on Resources, this bill will resolve a dilemma which has been hanging over the Agua Caliente tribe for almost 50 years.

This legislation reflects the solution to a long-standing problem that the tribe has addressed within their governmental process and structure. The only reason Congress must consider this issue is because back in 1959, we imposed restrictions on how the tribe was to resolve an internal issue. I want to point out that both the Justice Department and the Department of the Interior have reviewed this legislation and the tribe's proposed solution to their problem as embodied in H.R. 700, as amended by the Senate.

The amendments added by the Senate improve the bill and recognize the fact that full equalization to all members of the tribe was achieved in 1961.

Mr. Speaker, this bill enjoys the overwhelming support of the tribe and the 85 affected allottees. In fact, over 60 percent of the voting-age members of the tribe have taken the time to write to this committee expressing their support for this legislation.

Mr. Speaker, I urge my colleagues to support this bill that should have been adopted nearly 40 years ago.

Mrs. BONO. Mr. Speaker, I rise today in support of H.R. 700.

The Agua Caliente Band of Indians, located in California's 44th Congressional District, have suffered a dilemma for nearly 50 years. This legislation addresses this problem by seeking to remove the restriction on the distribution of certain revenues from the mineral springs parcel to certain members of the Agua Caliente tribe.

H.R. 4699 recognizes that full equalization under the law was provided to all members of the tribe in 1961. Regrettably, the 1959 act that outlined the equalization procedures, failed to contain a critical provision that removed the distribution restrictions once full equalization was attained. That mistake is rectified today by this legislation.

Through the passage of this bill, the tribal council has informed me that they intend to provide health insurance and decent housing as well as educational and employment opportunities for its members. This bill will provide the necessary mechanisms for the tribe to make these goals a reality.

This bill enjoys a tremendous amount of support. The House of Representatives passed by voice vote similar legislation introduced by my late husband, Congressman Sonny Bono, and Congressman DALE KILDEE last year. In addition, this legislation has been reviewed by, and enjoys the support of, both the Justice Department and the Department of the Interior.

Finally, this bill reflects an agreement that the tribe and the allottees have reached themselves. As such, it reaffirms our commitment to furthering the Federal policy of self-determination and self-governance.

I urge my colleagues to support this legislation.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 700.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1215

AUTHORIZING LAND TRANSFER FOR CONSTRUCTION OF VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4829) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes.

The Clerk read as follows:

H.R. 4829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land located in the Home of Franklin D. Roosevelt National Historic Site, for use by the Archivist for the construction of a visitor center facility to jointly serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library, located in Hyde Park, New York.

(b) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE SITE.—The transfer authorized in subsection (a) shall be subject to an agreement between the Secretary and the Archivist that shall include such provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and the joint use of the facility to be constructed as the Secretary and the Archivist may consider necessary.

(2) CONSIDERATION.—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) TERMINATION.—If use by the Archivist of the land referred to in subsection (a) is terminated by the Archivist at any time, administrative jurisdiction over the land shall automatically revert to the Department of the Interior.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) shall consist of not more than 1 acre of land as may be mutually agreed to by the Secretary and the Archivist and more particularly described in the agreement required under subsection (b)(1).

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) will each control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4829 is a bill introduced by my colleague, the gentleman from New York (Mr. JERRY SOLOMON). The gentleman from New York (Mr. SOLOMON) deserves a great amount of credit for working out a bill which responds to a need for improving the management of a site honoring one of our country's great leaders, Franklin D. Roosevelt.

I also want to say the bill's sponsor, the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, has been a great leader here. He will be remembered as a distinguished colleague and friend, and we all wish him well in his future pursuits.

Mr. Speaker, H.R. 4829 authorized the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin D. Roosevelt National Historic Site from the North Carolina Park Service to the Archivist of the United States.

The land transfer is needed so the Archivist can construct a joint library and visitors' center on one acre of land, which will be mutually agreed upon. The transfer of jurisdiction and subsequent construction of the facility will help visitors enjoy the life and story of one of our great presidents. I urge my colleagues to support H.R. 4829.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was introduced yesterday by the gentleman from New York (Mr. SOLOMON) and the National Park Service to transfer not one more than one acre of land within the Frànklin D. Roosevelt memorial site to the Archivist of the United States to build a joint archival/visitor center.

The NPS supports this initiative. However, there also is a Senate-passed bill here in the House which also deals with the FDR Historic Site. This bill, which the National Park Service wants, simply would allow the National Park Service to acquire lands within the boundaries of the Historic Site using appropriated funds. Currently the NPS can only acquire by donation. We would urge that that bill be put up for consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to my colleague, the gentleman from New York (Mr. SOLOMON), the sponsor of the bill.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Utah (Mr. HANSEN), as well as the gentleman from California (Mr. MILLER), for their help in bringing this bill to the floor on perhaps the last day, the next-to-the-last, or the next-to-the-next-to-the-last-day, but certainly it will be one of those days.

Mr. Speaker, this bill, which I introduced just yesterday, was inadvertently left out of the Interior appropriation bill. That is why it was introduced as late as yesterday.

The bill, authorizing the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin Delano Roosevelt National Historic Site in Hyde Park, New York, transfers jurisdiction to the Archivist of the United States for the construction of a visitors' center and library.

In the past few years I have made it my personal challenge to return the home of our 32nd president to a place of honor in the national park system. As part of meeting this goal, I was pleased to help the FDR Library, with the help of the gentleman from Ohio (Mr. RALPH REGULA), the gentleman in well. It received $4 million in Federal funds in last year's Treasury-Postal appropriations for the construction of a new library/visitors' center.

This money, along with the private funds, will build a new center that will provide a comprehensive orientation to this site, as well as contribute to the economic growth of the Hudson Valley.

Mr. Speaker, in creating this visitors' center and library, we can significantly upgrade visitors' services at the FDR site, and welcome visitors to spend a moment in this important period of American history.

Following this appropriation, the National Park Service and the National Archives extensively discussed the best location for the library and visitors' center, finally agreeing that the plot of land within the park would be the most acceptable for the center. However, to build the library there, the National Park Service must transfer authority to the National Archives.

My bill sets forth the legislative language necessary to transfer that authority, and will allow this important project to go forward. This bill has the full support of the National Park Service and the National Archives, and in fact, was written with their complete authorization.

I might also add that the gentleman from Illinois (Mr. SID YATES), who I do not think is on the floor right now, who will be retiring along with me, has been a great friend of the Franklin D. Roosevelt and Eleanor Roosevelt national park system, and has helped me for many years now to make sure that that is going to be preserved.

This site, as I said before, is located in my district in the town of Hyde Park, the gentleman from Illinois was immensely helpful when he was chairman, as of course was the gentleman from Ohio (Mr. RALPH REGULA), who I mentioned before. He has been extremely helpful in preserving the historic site.

Mr. Speaker, I just want to commend the gentleman from Utah (Chairman HANSEN), the gentleman from Alaska (Chairman YOUNG), and their staffs. They have one of the best staffs in this entire Congress, Mr. Speaker, and we thank them for allowing this measure to come to the floor today.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4829.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2272) to amend the boundaries of Grant-Kohrs Ranch National Historic Site in the State of Montana.

The Clerk read as follows:

S. 2272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grant-Kohrs Ranch National Historic Site Boundary Adjustment Act of 1998".

SEC. 2. ADDITIONS TO GRANT-KOHRS RANCH NATIONAL HISTORIC SITE.

The Act entitled "An Act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes", approved August 25, 1972 (86 Stat. 632), is amended by striking the last sentence in the first section and inserting: "The boundary of the National Historic Site shall be as generally described on a map entitled, "Boundary Map, Grant-Kohrs Ranch National Historic Site", numbered 80030-B, and dated January, 1998, which shall be on file and available for public inspection in the local and Washington, District of Columbia, offices of the National Park Service, Department of the Interior.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) will each control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2272 is a bill introduced by Senator CONRAD BURNS and supported by the gentleman from Montana (Mr. RICK HILL). Mr. BURNS has crafted a bill that responds to a need to increase the size of a historic site in Montana.

Mr. Speaker, S. 2272 authorizes the boundary expansion of the Grant-Kohrs Ranch National Historic Site by 120 acres. This parcel is a critical component of the cultural landscape, and better defines the character of this historic site. Including this property into this site will also contribute to conserving the open space surrounded by the ranch.

Mr. Speaker, I urge my colleagues to support S. 2272, and I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a National Park Service initiative. It would simply place within the boundaries of the Historic Site 120 acres that the NPS previously purchased as an uneconomic remnant of another parcel they acquired.

Mr. HILL. Mr. Speaker, I rise to strongly support S. 2272 and urge my colleagues to pass this important legislation. This bill, introduced by my Montana colleague, Senator CONRAD BURNS on behalf of the Clinton administration, will amend the boundaries of the Grant-Kohrs Ranch National Historic Site in the State of Montana.

Congress authorized the Grant-Kohrs Ranch National Historic Site on August 25, 1972, to preserve the Grant-Kohrs Ranch. The ranch was in operation from 1860 to 1972. Along with the ranch's existence came a rich history upon which the culture of the West is still built. Preserving the ranch provides a vivid reminder of our Nation's frontier cattle era.

Today the ranch offers an intact 120-year archive, upward of 26,000 artifacts, and 88 historic structures that capture the heritage of the American cowboy and cattlemen. The ranch is the hub of a thriving tourism industry and provides many unique educational opportunities. The Grant-Kohrs Ranch offers a honest recollection of life on the frontier while providing a great experience for visitors and jobs for local residents. The ranch has been designated a National Landmark and is a true asset to Montana.

This legislation allows for a boundary adjustment that will incorporate an additional 120 acres of land into the authorized boundary of the Grant-Kohrs Ranch National Historic Site. The 120 acres included in the new boundary of the ranch are already owned by the National Park Service and their inclusion in the ranch's boundary is recommended as a means of conserving the property of the original ranch from future development.

I hope that my colleagues will join me in recognizing the importance of preserving this portion of Western history by supporting the passage of this bill in the House.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2272.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRESERVATION OF CULTURAL RESOURCE OF THE ROUTE 66 CORRIDOR

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2133) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

The Clerk read as follows:

S. 2133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term "Route 66 corridor" means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term "Cultural Resource Programs" means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term "preservation of the Route 66 corridor" means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled "Special Resource Study of Route 66", dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term "State" means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2133, sponsored by Senator DOMENICI of the Senate side and the gentlewoman from New Mexico (Mrs. HEATHER WILSON) on the House side, would protect and preserve the Route 66 corridor.

Route 66 was an important part of America's history between 1933 and 1970. This bill would authorize the Secretary to support and collaborate with local entities to facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of Route 66.

The preservation of Route 66 shall include the preservation or restoration of portions of the highway, businesses, and sites of interest, and other contributing resources along the highway that were important during the 1933 to 1970 period.

Mr. Speaker, S. 2133 is a good bill that would help preserve an important part of American history for future generations. I ask my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill and its House companion bill, H.R. 4513, have had no hearings or markups in the House. The bill directs the National Park Service to undertake a number of cultural resource programs along the Route 66 corridor.

The National Park Service already has authority to do such programs. What the National Park Service does not have the authority to do and what is the real purpose of this act is to provide funding to nonfederal entities.

This bill includes a $10 million authorization.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the highway systems of America are probably one of the more important things that link our country together. This particular Route 66 is one which has had shows made about it, and all kinds of history went into it. Many of us have traveled it from one area to the other. I think there was even a song written about it.

We find ourselves in a position later on, now that that is diminishing and going out, we are trying to find a way to take care of our highways. I think it is interesting that President Dwight Eisenhower came to Congress and asked for a penny a gallon so that he could establish an interstate system. Now that interstate system laces the land. If it was not for that, the commerce and trade, the moving of goods and services and people, would almost be impossible.

So this is a very historic time in our lives to see that we have this one that was so interesting and there for such a long time, and that we could have the opportunity of now giving a bill for on behalf of this piece of legislation.

I really respect our new member, the gentlewoman from New Mexico (Mrs. HEATHER WILSON) for introducing this, along with Senator DOMENICI. Every one of us can look at various pieces of highways and trails. As Members know, Mr. Speaker, in the Committee on Resources we have bills regarding historic trails and byways.

As we look at the history of the western movement, and we look at the Mormon pioneers and the people who went on the Santa Fe Trail and the Oregon Trail, they spent absolutely years trying to figure a way to make it from one point to the other. Mr. Speaker, now, as we fly in airplanes and do other things, it is nice to look back and say that at one time this was one of the more interesting and famous areas of America. If Members will notice now, there there are being documentaries done on it people are talking about it. We would urge people to go take a look at it.

Just last year they reenacted the trip along the trail from Nauvoo to Salt Lake that the early Mormon pioneers did. They used wagons and horses and mules, and it got national attention as they did that. At this particular point, this one is also receiving a lot of national attention, which was a great highway at one time, and immediately following the war was so important. People could speed up and down that highway. I wish they would speed to this floor a little faster so they can speak on pieces of legislation that they find interesting and important.

Mr. Speaker, the purpose of S. 2133 as reported is to designate former United States Route 66, Route 66 National Historic Highway, to authorize the Secretary of the Interior to establish a cultural resource program in support of cultural resources related to Route 66, providing technical assistance to State, local, and private persons, participate in cost-sharing programs, and administer a grant program.

U.S. 66, popularly known as Route 66, is significant as the Nation's first highway linking Chicago with Los Angeles.

□ 1230

In its day, Route 66 symbolized freedom and mobility for every citizen who could afford to own and operate a car.

Beginning at the Corner of Jackson Boulevard and Michigan Avenue in Chicago, Route 66 wound 2,400 miles to Santa Monica, California. Route 66 linked the rural West to the densely populated urban Midwest and Northeast. Gas stations, motels, restaurants and grocery stores were built along the route to serve an increasingly mobile public. Route 66's period of greatest significance was between 1933 and 1970.

Congress authorized a Special Resource Study (Public Law 102-400) for Route 66 in 1990. The study was completed in July 1995. The study found that Route 66 is nationally significant and that representative structures, features, and artifacts remain along this historic route, although remnants of the road are quickly disappearing.

The study identified five alternatives. This legislation closely depicts alternative five. Under this alternative, Route 66 will be designated as a National Historic Highway. Partnerships between the Federal Government and local organizations will be established to preserve historic resources along Route 66. The National Park Service will provide technical assistance, participate in cost-sharing programs, and administer a grant program.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON), one of the sponsors of this legislation.

Mrs. WILSON. Mr. Speaker, it is a real pleasure to be here today to support this bill. In 1990, Senator PETE DOMENICI called for a study of Route 66, America's Main Street. It goes from Chicago all the way to L.A. The report was filed with Congress, and this year Senator DOMENICI and I introduced legislation, both in the House and in the Senate, to designate this road as America's Main Street, and to preserve it to provide a center and a focus for tourism.

Route 66 is 2,448 miles long. It crosses eight States and three time zones. It was commissioned in 1926 when America began its move westward, and we all remember the great part it has played in American history. It was paved from end to end in 1936, and finally decommissioned in 1985. But it still remains an important part of our history, an important part of our culture.

Even though I-55 and I-44 and I-40 and I-15 and I-10 will take us faster, Route 66 is firmly a part of our memories and a part of our history. It is rooted in Americana. John Steinbeck called Route 66 the Mother Road, and it has been called the Main Street of America and the Will Rogers Highway.

Who can forget that Bobby Troup song, "Get Your Kicks on Route 66," which was also recorded by the Acid Visions, Asleep at the Wheel, Charles Brown? And most of us here in this room here today could probably hum a few bars; even Frank Sinatra sang "Get Your Kicks on Route 66."

Senate bill, S. 2133, the Senate companion to the House bill, H.R. 4513, is going to help small businesses, including motels and gas stations and diners that have blue plate specials and neon signs outside of their doors; State historical preservation offices, and small towns all along that famous route; and even schools, including a little school called the Route 66 Elementary School in Moriarty, New Mexico. They just had their grand opening in September and they gave to me a hubcap. It says "Route 66 Elementary Grand Opening, September 19, 1998." They have got 259 students there, and they have a Route 66 Diner as well.

The Route 66 National Historic Highway Act authorizes the National Park Service to support State and local and private efforts to preserve Route 66 corridor by providing technical assistance, participating in cost-sharing programs, making grants and loans. It also acts as a clearinghouse for communication among Federal, State, local, private, and American Indian entities interested in the preservation of the Route 66 corridor and it authorizes the expenditure of up to $10 million over 10 years for this purpose.

The U.S. National Park Service endorses this bill and it enjoys bipartisan support. So, whether we live in Chicago, Bloomington, or Springfield, Illinois; or St. Louis or Joplin, Missouri; or Tulsa or Oklahoma City, Oklahoma; or Amarillo; or Santa Fe or Albuquerque, New Mexico; or Santa Rosa, Tucumcari Grants, Winslow, Arizona; Flagstaff, Kingston, Barstow, San Bernardino or Los Angeles, we are part of the Route 66 corridor and part of a great piece of Americana.

I thank Senator DOMENICI for working on this bill on the Senate side, and I appreciate the assistance of the gentleman from Utah (Chairman HANSEN) in bringing it to the floor here as we are closing our business for this year.

Mr. Speaker, I support this bill, and I think that it is something that preserves our unique character as Americans, and I am pleased and very proud to have helped bring it to the floor of the House.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Speaker, I rise in support of this legislation. In 1990, I introduced legislation for a study for the historic preservation of Route 66. I appreciate the leadership on both sides of the aisle for promoting this legislation. In fact, when I introduced the Route 66 legislation I was on the other side of the aisle.

Mr. Speaker, I rise in support of this legislation because of an emotional feeling from my experience traveling Route 66. In fact, between 1942 and 1946, my family left Oklahoma and Arkansas and went to California in search for jobs. When we left Arkansas the first time, there were nine of us in an old 1934 Ford car heading out to California. We were the Oakies and Arkies.

Some may wonder what is the difference in the Okies and the Arkies. The Arkies had two mattresses on top of their car and we just had one from Oklahoma.

But that started probably the largest migration of people ever in the history of our country from rural America to the urban centers of America. That migration started many social problems in the cities, but also created social problems in the rural, economic depressed areas of America.

I know the first trip in 1942 when I was 4 years of age. The gentlewoman from New Mexico (Ms. WILSON) was talking about some of those towns along that route. I remember stopping and we would get the water bag filled that we would have on the front of the car so we could make it across the desert. I can remember when we returned from that first trip, I got out of the car barefooted in Flagstaff, Arizona, and my nose started bleeding because the pavement was so hot at that time.

I point this out because Route 66 was a highway of hope and dreams for a lot of people. The dreams of being able to survive. The dreams of being able to maybe accumulate something along the way. And, I might say, if we look in California today we will find a lot of those successful business leaders and landowners are Okies and Arkies that made the trip.

I know I have talked to a lot of them each year that come back for homecomings, class reunions and family reunions and literally they tell me they would like to come back home to Oklahoma, but they cannot because now their children and grandchildren are in California, so they are locked into staying because they want to be around their family.

I had to step forth today and express my thanks to the gentleman from Utah (Mr. HANSEN) and the gentlewoman from New Mexico (Ms. WILSON), and the leadership of the gentleman from California (Mr. MILLER) and others for pursuing this legislation because Route 66 is not just any road. Yes, it is the Mother Road, the Highway of Hope for many of us. It is a road that allowed a lot of people to survive coming out of the worst economic conditions they possibly could have had during the Great Depression.

I know that my mom and dad and three of us children and other kinfolks traveled that route. I am glad that I made the route back on Route 66 to Oklahoma. I grew up in Bermington, a small rural community in the southeast part of the State of Oklahoma. I think this road will provide many memories, but we will be able to preserve historically many of the hopes and dreams because it made opportunities available for a lot of people.

Mr. Speaker, I thank the gentleman from Utah for letting me have the opportunity to say a few words.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I appreciate the comments of the gentlewoman from New Mexico (Ms. WILSON) and the gentleman from Oklahoma (Mr. WATKINS). I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2133.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. KUCINICH. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice to the House of my intention to offer a Question of Privilege to the House and offer a resolution expressing the sense of the House that its integrity has been impugned because the anti-dumping provision of the Trade and Tariff Act of 1930 (Subtitle B of Title VII) have not been expeditiously enforced.

The text of the resolution is as follows:

Now, therefore, be it *Resolved* by the House of Representatives, that the House of Representatives calls upon the President to—

(1) Immediately obtain voluntary restraint agreements from Japan, Russia, Ukraine, Korea and Brazil which limit those countries in July-to-June Fiscal Year 1999 to the level of their exports as calculated from July-to-June Fiscal Year 1998;

(2) Immediately impose a one-year ban on imports of hot-rolled steel products and plate steel products that are the product or manufacture of Japan, Russia, Ukraine, Korea and Brazil if he is unable to obtain voluntary restraint agreements within 10 days;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports or steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

□ 1245

The SPEAKER pro tempore (Mr. BALLENGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio (Mr. KUCINICH) will appear in the RECORD at this point.

The Chair at this point will not determine whether the resolution constitutes a question of privilege. That determination will be made at a time designated for consideration of the resolution.

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

The Clerk read as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bandelier National Monument Administrative Improvement and Watershed Protection Act of 1998".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that:

(1) Bandelier National Monument (hereinafter, the Monument) was established by Presidential proclamation on February 11, 1916, to preserve the archeological resources of a "vanished people, with as much land as may be necessary for the proper protection thereof. . ." (No. 1322; 39 Stat. 1746).

(2) At various times since its establishment, the Congress and the President have adjusted the Monument's boundaries and purpose to further preservation of archeological and natural resources within the Monument.

(A) On February 25, 1932, the Otowi Section of the Santa Fe National Forest (some 4,699 acres of land) was transferred to the Monument from the Santa Fe National Forest (Presidential Proclamation No. 1191; 17 Stat. 2503).

(B) In December of 1959, 3,600 acres of Frijoles Mesa were transferred to the National Park Service from the Atomic Energy Committee (hereinafter, AEC) and subsequently added to the Monument on January 9, 1991, because of "pueblo-type archeological ruins germane to those in the monument" (Presidential Proclamation No. 3388).

(C) On May 27, 1963, Upper Canyon, 2,882 acres of land previously administered by the AEC, was added to the Monument to preserve "their unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes" of the Monument (Presidential Proclamation No. 3539).

(D) In 1976, concerned about upstream land management activities that could result in flooding and erosion in the Monument, Congress included the headwaters of the Rito de los Frijoles and the Cañada de Cochiti Grant (a total of 7,310 acres) within the Monument's boundaries (Public Law 94–578; 90 Stat. 2732).

(E) In 1976, Congress created the Bandelier Wilderness, a 23,267 acres area that covers over 70 percent of the Monument.

(3) The Monument still has potential threats from flooding, erosion, and water quality deterioration because of the mixed ownership of the upper watersheds, along its western border, particularly in Alamo Canyon.

(b) PURPOSE.—The purpose of this Act is to modify the boundary of the Monument to allow for acquisition and enhanced protection of the lands within the Monument's upper watershed.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the Monument shall be modified to include approximately 935 acres of land comprised of the Elk Meadows subdivision, the Gardner parcel, the Clark parcel, and the Baca Land & Cattle Co. lands within the Upper Alamo watershed as depicted on the National Park Service map entitled "Proposed Boundary Expansion Map Bandlier National Monument" dated July, 1997. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4. LAND ACQUISITION.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary of the Interior is authorized to acquire lands and interests therein within the boundaries of the area added to the Monument by this Act by donation, purchase with donated or appropriated funds, transfer with another Federal agency, or exchange: *Provided*, That no lands or interests therein may be acquired except with the consent of the owner thereof.

(b) STATE AND LOCAL LANDS.—Lands or interests therein owned by the State of New Mexico or a political subdivision thereof may only be acquired by donation or exchange.

(c) ACQUISITION OF LESS THAN FEE INTERESTS IN LAND.—The Secretary may acquire less than fee interests in land only if the Secretary determines that such less than fee acquisition will adequately protect the Monument from flooding, erosion, and degradation of its drainage waters.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national Monument, including lands added to the Monument by this Act, in accordance with this Act and the provisions of law generally applicable to units of National Park System, including the Act of August 25, 1916, an Act to establish a National Park Service (39 Stat. 535; 16 U.S.C. 1 et seq.), and such specific legislation as heretofore has been enacted regarding the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER), each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1132 is a bill introduced by Senator JEFF BINGAMAN and has support from the gentleman from New Mexico (Mr. REDMOND), both from the State of New Mexico.

Senator BINGAMAN and the gentleman from New Mexico (Mr. REDMOND) have worked to develop a bill that will increase the size of Bandelier National Monument and protect its watershed.

Mr. Speaker, 1132 modifies the boundary to include lands within the upper watershed of the Bandelier National Monument which potentially can threaten the monument with flooding, erosion and water quality. The expansion will include approximately 935 acres of land and can only be acquired with the consent of the landowner.

This boundary expansion will enhance the protection of lands within the Bandelier National Monument.

I urge my colleagues to support S. 1132.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

This bill adds 935 acres in the northern boundary of the national monument. The lands include the headwaters of a watershed that drains into the park. The bill has had no hearings or markups in the House.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1132.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the 8 bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REGARDING HOUSE RESOLUTION 598

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. While we are waiting, I would just like the Members of Congress to know that later today House Resolution 598 will be brought to the floor relative to the problem of illegal dumping of foreign steel in our markets that has destroyed American families, our economy, destabilized much of our industry. And this is a very important vote in a very important debate today because, regardless of your personal persuasion on trade policy, this is not a debate about free trade today. This is not a debate about fair trade today, to a degree. It is a debate about illegal trade and enforcement of our trade laws.

We can pass laws, but they are not ours to enforce. We will ensure today by the vote of the Congress that this illegal dumping be addressed and challenged. I am hoping that all Members will participate and support that resolution, H. Res. 598.

MORE ON H. RES. 598

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I apropos to the remarks by the gentleman from Ohio, I remember the first time that I was in the Oval Office was during the Reagan administration, at which time the President then was adamant about the voluntary restraints that foreign steel producers would be subjected to were we to continue our program and which we assented was necessary to protect our steel making jobs.

Ever since then we have been on a highly visible plain of watching carefully the steel dumping syndrome across the world. I join with the gentleman from Ohio to keep on alert as Members of Congress and as citizens on this clandestine way of ruining our ability to keep our steel industry intact.

When that resolution comes up, I hope that the common sense of our Chamber will take hold.

TREATMENT OF GOVERNMENTAL PENSION PLANS AS STATE PENSION PLANS FOR CERTAIN PURPOSES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4572) to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income, as amended.

The Clerk read as follows:

H.R. 4572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF APPLICATION OF LIMITATION ON STATE INCOME TAXATION OF PENSION INCOME.

(a) IN GENERAL.—Subparagraph (G) of section 114(b)(1) of title 4, United States Code, is amended by inserting before the semicolon "or any plan which would be a governmental plan (as so defined) if possessions of the United States were treated as States for purposes of such section 414(d)".

(b) CORRECTION OF CLERICAL ERROR.—Section 114 of such title 4 is amended by redesignating subsection (e) as subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

During the last session, the Congress passed a very useful piece of legislation which in essence said that when someone retires with a pension in a particular State and then moves to another State, that we would end the process by which that State could still follow and reach out with its long arm and gain tax revenues from a pensioner no longer in the State but who earned that pension in that State. We felt that that was an unfair proposition.

I remember very well my congressional classmate Barbara Vucanovich spearheaded the effort because, as it turned out, in her State there were many former California residents who were under double taxation. They were retired in her State, yet they had to pay California taxes on their pensions which were coming from California. But we decided to end that process. We did happily for all Americans.

But in doing so, a glitch occurred with the Commonwealth of Puerto Rico. It appears that the definitions of "State" and of "possessions," et cetera, which the bill intended to cover back then in and the law now on the books intended to cover, did not include the status of Puerto Rico as a commonwealth. So all we are doing with this piece of legislation, Mr. Speaker, is bringing Puerto Rico into the plan that was originally set forth for all Americans. And that is why this bill is necessary.

It is a technical amendment because it just catches up with the legislation that we passed last term. But it is not just a technical amendment to those former residents of Puerto Rico who earned a pension there and who live elsewhere now when they have to be compelled to pay taxes to Puerto Rico. So it is more than technical to them, but for our purposes, it is a catchup technical amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

I want to concur with the assessment of this legislation by the gentleman from Pennsylvania (Mr. GEKAS). We want to thank the gentleman from Pennsylvania (Mr. GEKAS) for the fine job he has done not only on this but many other pieces of legislation relative to these matters.

This bill, as stated, clarifies the tax treatment of certain pensions. More specifically, as was stated by the gentleman from Pennsylvania (Mr. GEKAS), technical to others but to the people impacted very substantive, because the bottom line, this deals with an issue passed in the last Congress which protects the pension income of retirees who retire from a State which has an income tax to a State with no income tax, as cited by the gentleman from Pennsylvania (Mr. GEKAS).

Having said that, I believe it is the right thing to do. It makes the correction which is necessary under law. We support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Ohio for cooperating and seconding the proposition before us. I urge support of this bill. I state for the RECORD that the manager's amendment contains one minor clerical change. Mr. Speaker, this does not require a filibuster of any type.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4572, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TEMPORARY REENACTMENT OF CHAPTER 12, TITLE 11, UNITED STATES CODE

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4831) to temporarily reenact chapter 12 of title 11 of the United States Code, as amended.

The Clerk read as follows:

H.R. 4831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY REENACTMENT OF BANKRUPTCY PROVISIONS RELATING TO FAMILY FARMERS.

(a) REENACTMENT.—Chapter 12 of title 11 of the United States Code, as in effect on September 30, 1998, is hereby reenacted for the period beginning on October 1, 1998, and ending on April 1, 1999.

(b) CONTINUATION OF CASES.—All cases commenced or pending under chapter 12 of title 11, United States Code, as reenacted under subsection (a), and all matters and proceedings in or relating to such cases, shall be conducted and determined under such chapter as if such chapter were continued in effect after April 1, 1999. The substantive rights of parties in connection with such cases, matters, and proceedings shall continue to be governed under the laws applicable to such cases, matters, and proceedings as if such chapter were continued in effect after April 1, 1999.

SEC. 2. EFFECTIVE DATE.

This Act shall take effect on October 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Ohio (Mr. TRAFICANT), each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Throughout a full year now, as the Speaker knows, we have been considering bankruptcy reform. And as it turned out, the House, in a bipartisan vote, overwhelmingly approved bankruptcy reform twice, both in the original bill and in the conference report.

The Senate, on its side, approved on a great bipartisan vote with only one dissenting vote, I think 97 or 98 to 1, a similar bankruptcy reform bill. The conference was never able to have the bill passed in both chambers. It succeeded only in the House. So it sort of fell by its own weight over in the Senate.

□ 1300

But an important feature of the bankruptcy reform legislation, right from the start, was an extension of chapter 12. What does that mean? Chapter 12 is devoted specifically and uniquely to the farmers of our Nation who experience unique types of financial crises almost on a monthly basis.

We, through chapter 12 in the current code, accord our farmers a special set of rights and abilities to cope with their financial situation. So we had hoped that, with the total bankruptcy reform bill it seemed on a way to a successful conclusion, to also extend the benefits of chapter 12 which we did have in the bill.

But if the bill fell, then chapter 12 had to fall with it. That meant that, on October 1 of this year, the authorization previously in effect for chapter 12 ended.

So what we are about here is an extension of that chapter 12 set of benefits. A leader in this movement, I must tell my colleagues, from the first day that we began contemplating bankruptcy reform was the gentleman from Michigan (Mr. SMITH), who doggedly pursued for his purpose, for his great cause, the farmers' financial situation, the extension of chapter 12.

I had assured him on many occasions that we are going to make sure that it is going to be part of the bankruptcy reform bill, but I really did not expect that it would crash down as it did in the last minutes of this session.

But that sets the stage, then, for the passage of this legislation, which everyone should agree has to occur, else the October 1 end of chapter 12 authority for special treatment of farmers will also crash down. So we are eager to extend the benefits of chapter 12, the sole purpose of this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join in support of this legislation. Mr. CONYERS is not here today. He is very busy. He supports extending these protections in bankruptcy, chapter 12 protections for the farmers.

There is a concern that we have, but it is not enough of a concern for us to oppose this legislation. Our concern is that this is but a 6-month extension, and we would have liked to have seen a little more of an extension and perhaps maybe even a permanent correction.

But not being of the committee, and representing the committee on this suspension, I would like to say this: Many Members on this side of the aisle respect the efforts of the gentleman from Pennsylvania (Mr. GEKAS), and we know that the gentleman from Pennsylvania (Mr. GEKAS) has taken what he could in the process with the other body.

What he has brought to the floor is good enough for us. We would like to see it better. We are hoping and appealing to the chairman that, in the next opportunity, that that broader extension and perhaps a permanent delineation could be effected.

Having said that, I would also like to say that I have passed laws on home mortgages and now veterans' VA loans to provide for, upon one-month, 4-day delinquency, a notice of counseling programs available with a 1–800 number where the delinquent owner and mortgage holder can call for assistance. They have had great success in working this out.

I want to also let the Congress know that I am going to attempt to have that type of language inserted for specific small farm and farm activities to make sure and ensure that, when they get in trouble, they will know what the service is.

What the gentleman from Pennsylvania (Mr. GEKAS) is doing today, we support. We would appreciate his consideration in the future.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. I yield myself such time as I might consume.

Mr. Speaker, I want to launch a filibuster now to give ample opportunity to our colleague the gentleman from Michigan (Mr. SMITH) to appear if he is on his way so that he may give his personal witness to this legislation.

So I will recite the Gettysburg Address and a few other staples from American history, but I am being urged by staff to bring us to a quick close.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the chairman for yielding to me.

Mr. Speaker, there is no question that farmers and agriculture are currently in a very serious plight, and there is no question that much-needed work has been done on bankruptcy reform in the 105th Congress. Our bankruptcy laws are too lenient and have become a source of debt evasion rather than a means of equitably resolving differences between debtors and creditors.

While we have been hammering out an agreement, one important issue got lost in the shuffle. Bankruptcy relief for farmers has been allowed to expire during the period of severe hardship for American farmers.

American farmers are going to be losing this year between 10 and 20 percent of their income, over $8 billion, as a drop in farm income. Some farmers have been and are going to be forced into bankruptcy.

There has been a problem of weather, of disease, of low commodity prices, of a loss of Asian markets. What we need to do is we need immediate action to ensure that the chapter 12 reorganization is restored to American producers as soon as possible. Both the chairman and the ranking member also have felt that this is important.

Chapter 12 expired on September 30 of this year. Enacted during the 1986 farm crisis, chapter 12 made significant bankruptcy relief available to a group of Americans that has difficulty in getting credit and managing their assets since the country's founding, and of course that is the American farmers.

Specifically, it opened many of the advantages of chapter 13 filings to farmers who were, for the most part, too indebted to take advantage of chapter 13 and had to use other less advantageous provisions of the bankruptcy code.

For example, chapter 7 was accessible to farmers to give them some of the, if you will, fresh start promise to debtors under the bankruptcy code. But under chapter 7, the farm which might have been in the family for generations was usually lost. Congress needed to find a way to ensure that creditors are protected while at the same time being able to maintain that family farm.

I understand that chapter 12 may need some changes. Both the gentleman from Pennsylvania (Chairman GEKAS) and Senator GRASSLEY, the father of chapter 12, have proposed changing chapter 12 in various ways. It may well be that chapter 12 should be changed, but this needed provision to extend it from the current sunset of last October 1 needs not to lapse.

Currently, we are in the midst of another crisis in the saga of the American farmer. The weather, the disease, the devastated crops, export markets shrinking, commodity prices at historic lows, changes to chapter 12 can and must be maintained.

It is unacceptable to allow the desire for reform to prevent the renewal of this program in this time of need for the American agriculture.

My bill, H.R. 4831, would extend the chapter 12 provisions so that we can debate needed changes in a period of less urgence for farmers. This legislation that makes the farmer provisions of chapter 12 retroactive to last October 1st is supported by the Senate and the administration. I hope all my colleagues will join me today in passing this legislation.

Mr. GEKAS. Mr. Speaker, we thank the gentleman for his heroic efforts in bringing this to a successful conclusion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4831, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill (S. 417) to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The Clerk read as follows:

Senate Amendments to House Amendments:

Page 13, after the matter following line 19, of the House engrossed amendments, insert:

SEC. 9. PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.

(a) Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following:

"(j) PURCHASES FROM STRATEGIC PETROLEUM RESERVE BY ENTITIES IN INSULAR AREAS OF UNITED STATES AND FREELY ASSOCIATED STATES.—

"(1) DEFINITIONS.—In this subsection:

"(A) BINDING OFFER.—The term 'binding offer' means a bid submitted by the State of Hawaii for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to paragraph (2) of this subsection, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer.

"(B) CATEGORY OF PETROLEUM PRODUCT.—The term 'category of petroleum product' means a master line item within a notice of sale.

"(C) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that owns or controls a refinery that is located within the State of Hawaii.

"(D) FULL TANKER LOAD.—The term 'full tanker load' means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii.

"(E) INSULAR AREA.—The term 'insular area' means the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Freely Associated States of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(F) OFFERING.—The term 'offering' means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale.

"(G) NOTICE OF SALE.—The term 'notice of sale' means the document that announces—

"(i) the sale of Strategic Petroleum Reserve products;

"(ii) the quantity, characteristics, and location of the petroleum product being sold;

"(iii) the delivery period for the sale; and

"(iv) the procedures for submitting offers.

"(2) IN GENERAL.—In the case of an offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

"(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

"(i) submit a binding offer, and shall on submission of the offer, be entitled to purchase a category of a petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of the petroleum product within the category that is the subject of the offering; and

"(ii) submit 1 or more alternative offers, for other categories of the petroleum product, that will be binding if no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

"(B) at the request of the Governor of the State of Hawaii, a petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

"(3) Limitation on quantity.—

"(A) IN GENERAL.—In administering this subsection, in the case of each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that results in the purchase of the lesser quantity of petroleum product.

"(B) PORTION OF QUANTITY OF PREVIOUS IMPORTS.—The Secretary may limit the quantity of a petroleum product that the State of Hawaii may purchase through a binding offer at any offering to 1/12 of the total quantity of imports of the petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

"(C) PERCENTAGE OF OFFERING.—The Secretary may limit the quantity that may be purchased through binding offers at any offering to 3 percent of the offering.

"(4) ADJUSTMENTS.—

"(A) IN GENERAL.—Notwithstanding any limitation imposed under paragraph (3), in administering this subsection, in the case of each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, or an eligible entity certified under paragraph (7), adjust the quantity to be sold to the State of Hawaii in accordance with this paragraph.

"(B) UPWARD ADJUSTMENT.—The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

"(i) less than 1 full tanker load; or

"(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(C) DOWNWARD ADJUSTMENT.—The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(5) DELIVERY TO OTHER LOCATIONS.—The State of Hawaii may enter into an exchange or a processing agreement that requires delivery to other locations, if a petroleum product of similar value or quantity is delivered to the State of Hawaii.

"(6) STANDARD SALES PROVISIONS.—Except as otherwise provided in this Act, the Secretary may require the State of Hawaii to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

"(7) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and notwithstanding any other provision of this paragraph, if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to carry out this Act, the eligible entity may act on behalf of the State of Hawaii to carry out this subsection.

"(B) LIMITATION.—The Governor of the State of Hawaii shall not certify more than 1 eligible entity under this paragraph for each notice of sale.

"(C) BARRED COMPANY.—If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify the company under this paragraph.

"(8) SUPPLIES OF PETROLEUM PRODUCTS.—At the request of the Governor of an insular area, the Secretary shall, for a period not to exceed 180 days following a drawdown of the Strategic Petroleum Reserve, assist the insular area or the President of a Freely Associated State in its efforts to maintain adequate supplies of petroleum products from traditional and nontraditional suppliers.".

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by subsection (a).

(2) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by subsection (a) shall not be subject to—

(A) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(B) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date that final regulations are issued under subsection (a).

SEC. 10. INDIAN ENERGY RESOURCE DEVELOPMENT.

Section 2603 of the Energy Policy Act of 1992 (25 U.S.C. 3503) is amended in subsection (c) by striking "and 1997" each place it appears and inserting "1999, 2000, 2001, 2002 and 2003" in lieu thereof.

SEC. 11. REMEDIAL ACTION.

(a) Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended by striking "$65,000,000" and inserting "$140,000,000".

(b) Section 1003(a) of such Act (42 U.S.C. 2296a–2) is amended by striking "$415,000,000" and inserting "$490,000,000".

(c) Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g–1) is amended by striking "$480,000,000" and inserting "$488,333,333".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 417.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today, the House does consider S. 417, the Energy Conservation Reauthorization Act of 1998. S. 417 improves U.S. energy security by reauthorizing various conservation programs. It also reduces the energy bills paid by low income consumers, cuts the energy bill paid by the taxpayers through improving the energy efficiency of Federal agencies, and promotes energy security by encouraging the use of biodiesel fuel to reduce dependence on the petroleum motor fuels.

This is not a controversial bill. It passed the House on September 28 by a voice vote, and it had very strong bipartisan support. The original House bill was introduced jointly by the ranking member of the Subcommittee on Energy and Power, the gentleman from Texas (Mr. HALL), and was strongly supported by many on the other side of the aisle. When the House considered the bill last month, not one Member rose in opposition.

The Senate approved an amendment to S. 417 that adds three sections to the bill. One section assures that the State of Hawaii has access to oil from the Strategic Petroleum Reserve in the event of a drawdown. Another reauthorizes a program that assists Indian tribes develop energy sources of their own. The final section provides for cleanup of contaminated thorium sites. I have no objections to the Senate amendment.

The first section of the Senate amendment assures the State of Hawaii has access to oil supplies in the event of a Strategic Petroleum Reserve drawdown. The State of Hawaii needs assurance of access to oil during a SPRO drawdown because it is much more dependent on oil in other parts of the U.S.

This amendment does not undermine the SPRO of which I am very favorable to for many years. I have spent the last 4 years fighting to protect the SPRO against misguided attempts to sell off our Nation's oil stockpile. I have done so to assure that the SPRO is available in the event of an oil supply emergency. I would not support the Senate amendment if it undermined the SPRO reserves.

The Senate amendment also reauthorizes a program that provides grants and loans to Indian tribes to assist their development of energy resources. Many Indian tribes are in remote areas that are not well-connected to the electric and natural gas transmission system. This program provides funding to assist Indian tribes develop energy resources.

The new thorium section addresses concerns about the adequacy of funding for contaminated thorium sites. In the Energy Policy Act of 1992, the Federal government accepted responsibility for funding its fair share of cleanup at such sites. The Senate amendment simply ensures the Federal government continues to own up to its responsibility for thorium cleanup.

I urge support for S. 417.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased, of course, today to rise in support of this bill, the underlying vehicle for this package of legislation, H.R. 4017, which was introduced by the chairman of the Subcommittee on Energy and Power, my good friend, the gentleman from Colorado (Mr. DAN SCHAEFER), and have joined him as a cosponsor. That measure passed the House, I think, back in September.

Due to what then appeared to be the lateness of the congressional session, the body of H.R. 4017 was substituted for the text of a bill that was being held at the Speaker's desk, the Senate bill, S. 417, and forwarded to the Senate.

The other body added three other provisions to the measure, and they returned it to us. The provisions would ensure, and this is a very important segment of it, ensure that Hawaii was guaranteed access to the Strategic Petroleum Reserve during an oil supply disruption, and extend the authorization of some things.

But because of the distance of Hawaii, and not being contiguous to the other 48 States, they are in a peculiar and a different position and have an access to the SPRO, as does the State of Texas and other States that are here in the 48.

This bill is a companion to H.R. 2472 that the President signed into law on June 1. A new energy security law reauthorized the SPRO and amended the international energy agency statutes to comply.

Actually, the use of biodiesel, that is a part of this that the gentleman from Illinois (Mr. SHIMKUS) and the gentlewoman from Missouri (Ms. McCARTHY) have added that will help make biodiesel blended fuel a more attractive option as a replacement fuel under the Energy Policy Act of 1992 that will give them some more leeway and some more help in addition to having access to the SPRO. The use of biodiesel will reduce the carbon dioxide emissions. There is a lot of good things it does.

□ 1315

It reduces other air pollutants, particulates, carbon monoxide and sulfur dioxide. Our new Secretary of Energy also, Mr. Bill Richardson, highlighted these facts when as a member of the House he joined 33 of the other colleagues here writing to then Secretary of Energy Mrs. O'Leary to urge DOE to include a 20 percent biodiesel blend as an alternative fuel under the 1992 Energy Policy Act.

I think it is a good act. I urge that we pass this act.

Mr. Speaker, I am pleased to rise today in support of S. 417. The underlying vehicle for this package of legislation, H.R. 4017, was introduced by the chairman of the Energy and Power Subcommittee, my good friend DAN SCHAEFER. I joined him as an original cosponsor, and that measure passed the House by voice vote on September 28. Due to what then appeared to be the lateness of the congressional session, the body of H.R. 4017 was substituted for the text of a bill that was being held at the Speaker's desk, S. 417, and forwarded to the Senate. The other body added three other provisions to that measure and returned it to us. Those provisions would ensure that Hawaii has guaranteed access to the Strategic Petroleum Reserve during an oil supply disruption, extend the authorization of the Indian Energy Resources Program through 2003, and authorize additional funding for cleanup of a thorium-contaminated site in West Chicago, Illinois.

This bill is a companion measure to H.R. 2472, which the President signed into law on June 1st. That new energy security law reauthorized the Strategic Petroleum Reserve and amended the International Energy Agency statutes.

The bill before us today reauthorizes several small, but important, energy conservation programs for five years. They include: the State Energy Conservation Program and Institutional Conservation Program; and the weatherization conservation program in the Energy Conservation and Production Act.

The bill also includes a number of technical changes to the three statutes that are being reauthorized or amended: the Energy Policy and Conservation Act; the Energy Conservation and Production Act; and the National Energy Conservation Policy Act. I commend the staff, both with our Committee and with the Legislative Counsel's office, for their attention to detail and for the time they have committed to this effort to make our public laws as accurate and as easy to interpret as possible.

Additionally, S. 417 makes legislative and judicial branch entities eligible to enter into Energy Savings Performance Contracts and extends permanently the provisions of the Defense Production Act of 1950 which provide the President with priority contracting authority for projects which maximize domestic energy supplies in times of emergency.

This legislation also includes a very important, bipartisan amendment, authored by Representatives SHIMKUS of Illinois and KAREN McCARTHY of Missouri, that will help make biodiesel blended fuel a more attractive option as a replacement fuel under the Energy Policy Act of 1992. This amendment sets up a credit mechanism, through which heavy duty vehicle users may accumulate modest credits that may be used, under the existing provisions of the 1992 Act, to help fleets meet their petroleum displacement requirements. This language, which was adopted by the Commerce

Committee after lengthy, bipartisan negotiations that included representatives of the Natural Gas Vehicle Coalition and the National Biodiesel Board, is a modified version of H.R. 2568, legislation introduced by Representatives SHIMKUS and MCCARTHY.

Mr. Speaker, the use of biodiesel will reduce carbon dioxide emissions. Biodiesel use also substantially reduces other air pollutants—particulars, carbon monoxide and sulfur dioxide. Our new Secretary of Energy, former House Commerce Committee member Bill Richardson, highlighted these facts when, as a member of this House, he joined with 33 of his colleagues in writing to then-Energy Secretary O'Leary to urge DOE to include a 20 percent biodiesel blend as an alternative fuel under the 1992 Energy Policy Act. I include a copy of this correspondence with my statement and urge my colleagues to support this legislation today so it can be sent to the President for his signature.

U.S. CONGRESS,
Washington, DC, October 25, 1996.

HON. HAZEL R. O'LEARY,
Secretary, U.S. Department of Energy,
Washington, D.C.

DEAR SECRETARY O'LEARY, As members of the U.S. House of Representatives concerned with our nation's energy security, we would like to express our support for biodiesel, a renewable alternative fuel for diesel engines derived from vegetable oils, such as soybean oil. We believe the Department of Energy (DOE) should initiate a rulemaking to include B20, a 20% biodiesel/80% diesel fuel blend, as an alternative fuel under the Energy Policy Act of 1992 (EPACT). B20 is good for farmers, good for the environment, good for the economy and will contribute to national energy security. Including B20 as an alternative fuel would also be consistent with the legislative intent of EPACT.

Biodiesel has important environmental benefits. Biodiesel is registered with the EPA as a fuel and fuel additive. Scientific evidence demonstrates that using B20 reduces most harmful exhaust emissions from diesel engines. Biodiesel can also be processed from recycled cooking oils and waste animal fats.

Biodiesel promotes economic development and energy security. As a renewable fuel, biodiesel offers America's farmers stable, long-term markets for efficiently-produced soybean oil. Biodiesel also means jobs and tax revenues from processing a greater portion of our domestic soybean oil in the U.S. Use of domestic biodiesel improves national energy security by displacing imported energy.

Under current DOS regulations, 75% of affected federal and state government fleet vehicle purchases and 90% of affected fleet vehicle purchases by private alternative fuel suppliers must be alternative fueled vehicles by the year 2001. Future DOE EPACT regulations may extend similar vehicle purchase requirements to municipal and other large private company fleets.

Congress clearly intended that EPACT should be "fuel neutrial" Fuel neutrality simply means there is no presumption in the law to favor any particular alternative fuels as a means of compliance with the goals of EPACT. Congress made EPACT fuel neutral to give regulated fleets the flexibility to decide which alternative fuels are compatible with their operations. B20, therefore, will give regulated fleets greater flexibility to comply with EPACT.

B20 is the most popular biodiesel blend tested so far with diesel consumers and engine manufacturers. B20 provides many of the environmental and safety benefits of pure biodiesel at a fraction of the cost. B20 is also compatible with existing diesel engine maintenance and refueling facilities. More than 10 million miles of in-service pilot programs have been conducted across the nation using B20. For these reasons, B20 should be a popular EPACT compliance option for regulated fleets that use diesel vehicles.

Before B20 can be included as an EPACT alternative fuel, the DOE must amend its current regulations. The American Soybean Association and other supporters of B20 have recently submitted a petition to the DOE to initiate a B20 rulemaking. Initiating a rulemaking will allow the DOE to collect data on B20 and to render a reasoned decision. Once all of the data on the benefits of B20 is placed in the public record, we are confident that you will decide to include B20 as an alternative fuel. Therefore, we urge you to immediately initiate a rulemaking to amend existing DOE regulations to include B20 as an EPACT alternative fuel.

The recent re-escalation of conflict in the Middle East has again highlighted our nation's dependence on imported energy. Including B20 as an EPACT alternative fuel will allow domestically produced biodiesel to immediately play a role in reducing that dependence. It will also benefit the environment, our farmers and our economy, as well as assist regulated fleets to comply with EPACT.

We appreciate your active interest in expanding the role of renewable fuels in U.S. energy policy. Please keep us apprised of your progress on this important matter.

Sincerely,

Tom Latham, ——, Jim Bunning, Dick Durbin, Jerry F. Costello, Doug Bereuer, Jan Meyers, Lane Evans, Bill Richardson, Ed Bryant, John Spratt, Tom Ewing, Tim Hutchinson, John D. Dingell, Glenn Poshard, James A. Leach, ——Ed Whitfield, David Minge, Jim Lightfoot, Collin C. Peterson, Charles T. Canady, Ron Lewis, John Joseph Moakley, Roger F. Wicker, Jim Nussle, Greg Ganske, —,——, Walter B. Jones, Jr., ——, Dave Camp, Saxby Chambliss, Eva M. Clayton.

Mr. Speaker, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, Steven Covey in his book "The Seven Habits of Highly Effective People" says one of the most important habits is to think win-win. I am very happy about this bill today and I am very happy to stand in support, particularly of the biodiesel portion of this because this is not just win-win, it really is win-win-win. It is a win for our environment because when you blend soybean oil with diesel fuel, you cut particulates by almost half. If you have ever sat behind a diesel truck or a bus when it was taking off, I think the whole notion of eliminating or cutting those particulates by 50 percent is something that clearly is a win for the environment. It is also a win for our farmers because the Soybean Growers Association says this bill will add between 7 and 10 cents to the price of a bushel of soybeans. Particularly in this market, that is very much an important win for our farmers. But finally it is a win for our energy independence. We really have not had much of an energy policy for the last several years. This is a good step in the right direction.

I want to congratulate the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Colorado (Mr. DAN SCHAEFER), the gentleman from Texas (Mr. HALL) and all of the Members of Congress who have worked on this very important piece of legislation. It really is a win-win-win situation.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the comments of our chairman the gentleman from Colorado (Mr. DAN SCHAEFER), the gentleman from Texas (Mr. HALL) and all the supporters of this bill. I believe energy independence should be a goal of the Congress in addition to conservation and our environment. But I have asked for this time for a different reason. Our illustrious chairman, the gentleman from Colorado (Mr. DAN SCHAEFER), this is probably and, unless he has another bill today, could be his last bill.

There are so many Members that love DAN SCHAEFER. He has been a great chairman, a great friend and everybody on both sides of the aisle appreciates that. I want you to know that from the bottom of my heart and I thank you.

I want to cite one example. Although he destroyed the Democrat baseball team every year, he is undefeated with help from guys like SHIMKUS and LARGENT, et cetera, but he even played ILEANA ROS-LEHTINEN and JO ANN EMERSON. And I said to him, "Chairman, you're playing these two women and if you had any guts you'd call them into your office and cut them," naturally jokingly. And he laughed. But then he not only played ILEANA and JO ANN EMERSON, he found the time to put them in the game and reward them, two great women in our Congress, for having practiced. I cite that, because that is about the way DAN SCHAEFER is; fair, he made sure everybody got a shot, he did that with me and my district, and we thank you, Chairman. With that, I support this bill very strongly.

Mr. HALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. HALL of Texas. Would the gentleman also join me in this next session if in the event we are both back, and I am hoping we will be, that when we do finally deregulate electricity that that bill be named the Electrical Deregulation Schaefer Bill of 1999 or maybe the Schaefer Bill of the Year 2010 or something like that?

Mr. TRAFICANT. Reclaiming my time, I think we could also say that this chairman has his fingerprints on changing the tax policy in America, too. But if I am back, I want to see a building named after the illustrious chairman.

I thank him for all he has done.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), the author of the biodiesel bill.

Mr. SHIMKUS. Mr. Speaker, I want to thank the gentleman from Colorado (Mr. DAN SCHAEFER) and I want to thank the gentleman from Virginia (Mr. BLILEY) for their hard work and persistence in bringing S. 417 to the floor today. Included in this legislation is language which the gentlewoman from Missouri (Ms. MCCARTHY) and I authored to promote the use of biodiesel fuel.

Our legislation would afford vehicle fleet managers affected by the Energy Policy Act of 1992 more flexibility to comply with the onerous mandates of this act by allowing them to substitute actual biodiesel fuel used for vehicle acquisitions.

This legislation would also enhance our national energy security by developing an environmentally friendly diesel fuel which is made in America. As many of my colleagues know by now, biodiesel is derived from agricultural products such as soybeans, rapeseed or beef tallow. Some producers even make this fuel out of reprocessed deep fryer fat. In short, biodiesel will reduce our nation's dependence on foreign oil imports.

This legislation is supported by numerous organizations, including the American Soybean Association, the Natural Gas Vehicle Coalition, the American Farm Bureau Federation and many others.

Mr. Speaker, I also want to thank a staff member of the House Commerce Committee, Joe Kelliher. He has done excellent work on this issue and has always made his services available to me and my staff. Thank you, Joe.

Mr. ABERCROMBIE. Mr. Speaker, I rise in strong support of S. 417, the Energy Conservation Reauthorization Act of 1998.

The legislation we are considering today is important to the State of Hawaii and the Nation. Hawaii and the Pacific territories have special needs during an energy emergency since we are isolated from the U.S. energy supply by more than 7,000 miles or one-quarter of the way around the globe. Oil accounts for more than 90 percent of Hawaii's energy and almost all of our oil is imported. In addition, we depend entirely on oil for our electricity generation.

The U.S. Strategic Petroleum Reserve in Louisiana and Texas is designed to help all consumers by dampening price rises and using markets to allocate oil efficiently through swaps or proximity delivery. Even so, time emergency deliveries are still problematic. Since all of our oil is delivered by tanker, we are very vulnerable to a cutoff of oil supplies. This bill gives Hawaii emergency access to the Strategic Petroleum Reserve so that we can submit a special bid for oil during a declared emergency.

The oil price from the Strategic Petroleum Reserve would equal the average of all SPR bids accepted by the Department of Energy. This bill also permits Hawaii to enter into an exchange agreement directing the SPR oil to be delivered to locations other than Hawaii.

Another important provision in this bill is the biodiesel amendment. This provision should be important to all farmers and people concerned about the environment. Biodiesel is a renewable alternative fuel derived from vegetable oil or animal fat. It can be made from soybeans, canola, and even waste oils from fast food restaurants.

Biodiesel fuel has many advantages. It is nontoxic. It can cut emissions of particulate matter and hydrocarbons in half. It can also reduce greenhouse gas emissions. Most important, biodiesel can reduce our national reliance on foreign oil.

Biodiesel can be used directly in bus, truck, and marine vessel diesel engines. It does not require new refueling stations, new parts or expensive engine modifications.

Islands are particularly suited to the manufacture of biodiesel fuels, as shown by Pacific Biodiesel. All islands have a difficult time disposing of waste products since landfill space is limited. On the islands of Hawaii, used cooking oils were unnecessarily taking up landfill space. Pacific Biodiesel currently processes 10,000 gallons of used cooking oil each month into premium biodiesel fuel. Many of the hotel buses in Hawaii now use biodiesel fuel that is produced by Pacific Biodiesel. Boats in the marinas are also using this high-quality fuel.

The amendments to this bill will protect Hawaii from an energy crisis. They will also help our farmers and our environment. I urge my colleagues to support S. 417.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of S. 417 as amended by the Senate last week. This legislation, a companion to H.R. 4017 of which I am a co-sponsor, represents a bipartisan, bicameral, win-win solution for communities like Kansas City which currently find it cost-prohibitive to comply with the requirements of the Energy Policy Act.

On September 29, 1998, the day after H.R. 4017 passed the House, I participated in a Forum on Transportation, sponsored jointly by the Kansas City Chamber of Commerce and the Mid America Regional Council. When I shared with the Forum participants the news of our success with H.R. 4017 in the House, they were very excited about the opportunities this legislation would present for the use of biodiesel products in metropolitan transportation fleets and for the growth of associated markets, such as agricultural waste products and soybean products.

S. 417 is a step in the right direction—for cleaner air, for less dependence on foreign petroleum, for opening up new markets for indigenous energy use, and for cost-effective compliance with EPAct standards. I urge my colleagues to support this measure. Thank you.

Mr. DINGELL. Mr. Speaker, I am pleased to support S. 417, which incorporates legislation previously reported by the House as well as several new provisions added by the Senate. The bill is companion legislation to H.R. 2472, which was signed into law by the President earlier this year and reauthorized other provisions of the Energy Policy and Conservation Act (EPCA).

The measure before us today reauthorizes several other EPCA programs pertaining to energy conservation for a period of five years. The bill makes needed technical changes to EPCA, the National Energy Conservation Policy Act, and the Energy Conservation and Production Act. In addition, the bill authorizes legislative and judicial branch entities to enter into Energy Savings Performance Contracts and extends a provision of the Defense Production Act of 1950 granting the President priority contracting authority for projects which maximize domestic energy supplies in times of emergency.

In addition to these important reauthorizations, S. 417 amends the Energy Policy Act of 1992 to help biodiesel blended fuel a more attractive option as a replacement fuel. This bipartisan amendment, coauthored by Representative SHIMKUS and Representative KAREN MCCARTHY, will reduce emissions of carbon dioxide and air pollutants.

The legislation also reauthorizes a program initiated under the Energy Policy Act of 1992 to promote energy resource development on Indian reservations, and amends that Act to facilitate the continued clean up of a contaminated thorium site in West Chicago, Illinois.

Finally, the legislation amends EPCA to provide the State of Hawaii special access to the Strategic Petroleum Reserve (SPR) during a declared oil supply emergency. Agreement to include this provision would not have been achieved without the tireless efforts of Mr. ABERCROMBIE, who brought this issue to our attention and helped forge a consensus.

Hawaii depends entirely on oil imports for electric generation, and this provision is critical to ensuring its citizens' well-being during an oil supply emergency. The legislation authorizes Hawaii to submit a special bid for SPR oil during a declared oil emergency, and to purchase the oil at the average price of other bids accepted by the Department of Energy.

Of course, other parties also are entitled to bid on SPR oil in an emergency, and the Secretary of Energy may limit the amount of oil made available to Hawaii under this measure. Finally, in keeping with other provisions in ERCA, the bill allows Hawaii to enter into an exchange agreement directing that SPR oil be delivered to locations other than Hawaii. The right to exchange SPR oil, however, is conditioned on the obligation to deliver oil of similar quantity to Hawaii. This will help ensure that the benefits reach the citizens of Hawaii, rather than speculators who might wish to resell SPR oil for great profit on the open market.

I commend my colleagues on both sides of the aisle for their cooperation in crafting and reaching agreement on this important legislation, and urge my colleagues to support the bill.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and concur in the Senate amendment to the House amendments to the Senate bill, S. 417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendments was concurred in.

A motion to reconsider was laid on the table.

STATE DEPARTMENT BASIC AUTHORITIES ACT AMENDMENT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—DEPARTMENT OF STATE REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) COORDINATION.—

"(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) LIMITATIONS AND CERTIFICATION.—

"(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $5,000,000.

"(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—

"(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) DEFINITIONS.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this section may be paid from funds authorized to carry out section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the Administration and payment of rewards under the rewards program of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate committees of rewards paid under this section in the same manner as required by section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

TITLE II—EXTRADITION TREATIES INTERPRETATION ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the "Extradition Treaties Interpretation Act of 1998".

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnaping" and "kidnapping" to include parental kidnapping.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure enjoys strong bipartisan support in the Congress and the executive branch. It raises the rewards that can be offered to arrest terrorists, narcotraffickers and Yugoslav war criminals. The House passed this measure by voice vote on October 8 and the Senate passed it yesterday.

When the other body considered this measure, it deleted the separate funding authorization for rewards related to the arrest of Yugoslav war criminals and added the text of S. 1266, the Extradition Treaties Interpretation Act. S. 1266 passed the Senate by voice vote last year and would permit divided American parents to levy extradition requests on their former spouses who have kidnapped their children. I will note that this language also has strong bipartisan support and the backing of the administration.

Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4660, as amended.

I would like to commend the gentleman from New York (Mr. GILMAN) for his leadership in bringing H.R. 4660 to the floor today. I understand that the Senate has amended the bill. The amendment will interpret the term "kidnapping" in any extradition treaty to which the U.S. is a party to include parental kidnapping.

The amendment will result in three important changes: First, it will cure a disparity between list and dual criminality extradition treaties. Parental kidnapping is an extraditable offense under dual criminality treaties but not list treaties. Second, it will enable the Departments of State and Justice to pursue extradition requests under list treaties for parental kidnapping. This change will grant law enforcement officials the necessary flexibility to process extradition requests. Currently we have two outstanding list treaty requests that cannot be processed because this legislation is not in place. Finally, it will harmonize the term "parental kidnapping" in list treaties with U.S. domestic law which makes parental kidnapping a crime. The bill has the support of the Department of Justice and State, and State and local prosecutors.

Mr. Speaker, I support this important bill and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, if I can yield to the chairman of the committee for a question, I think we are doing good work here. Some of us are concerned that the implementation language for the chemical treaty, the ban on chemical weapons, could end up dying because there are so many other issues that have been added to that particular bill. I am just wondering what the chairman's intention is. I can guarantee you near Democratic support if it is a clean bill on the chemical treaty. If it has a number of other items on it, I am afraid we may not see that bill pass in this session. I think that would just be wrong. It is late in the session. We have got agreement on the chemical portion. I would hope the chairman's plan is to bring a clean bill to the floor rather rapidly.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would be pleased to relate the status. We have been negotiating with regard to the proponents of the omnibus bill to try to get as much of our reauthorization language in as well as the chemical weapons measure. We are awaiting a final decision with regard to that. It is still under negotiation.

Mr. GEJDENSON. I hope the chairman could at this point release the chemical treaty while he is negotiating in the omnibus. The advantage of that, of course, is that this is an important thing that I think the chairman should if he does not, I think he does support, we ought to get that done and you can continue to negotiate on the other matter.

Mr. GILMAN. If the gentleman will yield further, we certainly recognize the importance of the chemical weapons bill. I want to assure the gentleman we will try our best to try to make certain that we get the reauthorization language and the chemical weapons measure before the full House before we adjourn.

□ 1330

Mr. PAYNE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

In concluding, Mr. Speaker, this bill says to terrorists they can run but they cannot hide. Terrorists everywhere will have to live with the paranoia that a price is on their head dead or alive, and it sends a very important message, too, toward criminals, Number 1; and 2, Karadzic and Milosevic that their days of freedom are numbered.

Mr. Speaker, I urge support for the measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4660.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 3:00 p.m.

Accordingly (at 1 o'clock and 31 minutes p.m.), the House stood in recess until approximately 3:00 p.m.

□ 1508

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 3 o'clock and 8 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2370. An act to amend the Organic Act of Guam to clarify local executive and legislative provisions in such Act, and for other purposes.

H.R. 3055. An act to deem the activities of the Miccosukee Tribe on the Miccosukee Reserved Area to be consistent with the purposes of the Everglades National Park, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 2536. An act to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1525) "An Act to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.".

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES

Mr. ENGLISH of Pennsylvania. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered today:

Senate Concurrent Resolution 120, Eney, Chestnut, Gibson Memorial Building; and Senate Concurrent Resolution 83, remembering the contributions of George Washington to the Nation.

REGARDING STEEL IMPORTS

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 598) calling on the President to take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes.

The Clerk read as follows:

H. RES. 598

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries;

Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, South Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas the United States, through the International Monetary Fund, generously participates in a bailout of the crisis countries on terms that do not deter and in fact encourage them to export their way out of the crisis; and

Whereas there is a well-recognized need for improvements in the enforcement of United

States trade laws to provide an effective response to such situations: Now, therefore, be it;

Resolved, That—

(1) in accordance with rule IX, clause 1, of the Rules of the House of Representatives, it is the sense of the House of Representatives that its integrity has been impugned by the failure of the executive branch to expeditiously enforce title VII of the Tariff Act of 1930 in response to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions; and

(2) the House of Representatives calls upon the President—

(A) to immediately review, for the 10-day period beginning on the date of the adoption of this resolution, the entry into the customs territory of the United States of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(B) if, after the 10-day period described in subparagraph (A), the President finds that the Governments of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, to immediately impose a 1-year ban on the imports of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(C) to establish a task force within the executive branch to closely monitor imports of steel products into the United States from other countries to determine whether or not international trade agreements are being violated; and

(D) not later than January 5, 1999, to report to Congress on any other actions the President has taken, or intends to take, to ensure that all trading partners of the United States abide by the spirit and letter of international trade agreements with respect to imports of steel products into the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Illinois (Mr. CRANE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that I be allowed to yield 10 minutes to the gentleman from Ohio (Mr. TRAFICANT) and ask that he be allowed to further yield that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution, House Resolution 598, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I rise today in support of House Resolution 598. This resolution calls on the administration to act. That is exactly what this issue really boils down to. We in Congress can look at this issue all we want, but without the administration enforcing the laws that we pass, it will be for naught.

This resolution is in response to the crisis facing the U.S. steel industry. But it is not just steel. It is not just the 100,000 jobs that are directly related to the steel industry that may be affected by this growing crisis. It is also about the many other industries that may similarly face import challenges that will arise from the financial crises around the world. This issue is not about protectionism. On a level playing field, American steel producers can compete with anyone in the world. The real issue is whether we are prepared to regard with indifference the wholesale dumping of subsidized and devalued foreign steel products into our domestic market and whether our basic industries are allowed to compete in a marketplace with rules, or a Hobbesian state of nature.

I urge my colleagues to vote for this resolution as a means to send a powerful message to our trading partners that Congress will not tolerate predatory trading practices and a strong message to the Clinton administration that the time has come for concrete action to protect American jobs.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume. I rise in opposition to H. Res. 598 which calls upon the President to impose an import ban on steel products from 11 steel producing countries. While I support using our trade laws to address the question of whether steel is being traded unfairly resulting in injury to the U.S. industry and its workers, I oppose H. Res. 598 because it would circumvent this established process in violation of our obligations in the World Trade Organization.

The normal procedure provided under law for U.S. industries to seek relief from dumped imports begins with the domestic industry filing an antidumping petition with the Commerce Department. The law in this area has been developed in compliance with U.S. obligations in the Antidumping Code under the WTO.

H. Res. 598 not only violates the procedures established under U.S. law for making dumping determinations, it calls for action, specifically an outright import ban, that is well beyond the remedy prescribed in this situation. The action proposed by H. Res. 598 would make us vulnerable to challenge in the WTO and possible retaliation by our trading partners against U.S. exports in their own markets, a completely counterproductive result. Moreover, noncompliance with our own antidumping procedures makes it more difficult for us to convince our trading partners not to erect arbitrary barriers to U.S. exports that they consider undesirable. As Ben Franklin rightly pointed out, "A good example is the best sermon."

Recently I understand that the U.S. steel industry filed a number of antidumping petitions with the Commerce Department in compliance with U.S. law. I would encourage them to continue to pursue relief consistent with U.S. law. Passage of H. Res. 598, however, undermines U.S. interests and objectives in the WTO and puts at risk U.S. exports in other sectors.

I urge my colleagues to oppose H. Res. 598.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR) the distinguished minority whip.

Mr. BONIOR. I thank my colleague for yielding time. Mr. Speaker, all across the United States, from the mighty foundries of the Monongahela Valley to the mills in Gary, Indiana, the men and women who make the steel that makes America strong are in danger of losing their jobs. They are in danger of losing their jobs because foreign steel is being dumped into the United States, dumped below cost. It is the same old story. We have heard this before. While a lot of these countries set quotas to limit the import of U.S. steel, we have an open market. Of course the result is America has become a dumping ground.

Have we not seen this happen before? I have seen it happen in autos, I have seen it happen in agriculture products. In steel, Russia, Korea, Japan, Indonesia, these and other countries are flooding the United States with cheap steel.

□ 1515

Just over the past year imports from Russia rose 45 percent, from Korea they jumped 9 percent. Japan, they doubled. Imports from Indonesia tripled. Their economies are in such shambles and they are so desperate for dollars that they are willing to sell their steel for less than it cost them to produce.

Mr. Speaker, it is wrong, it is illegal, and we will not allow it to continue.

The United States should do what it can to help these countries return to prosperity; it is in our interests. But this does not mean, it does not mean sacrificing American jobs to do so, and we are talking about 100,000 plus jobs here.

There are steel workers in my State of Michigan right now that are doing well, but they see what is happening, and they see the oncoming typhoon and the oncoming storm out in the Pacific. They want to keep their jobs. Layoffs have begun.

Enough is enough. We have got to take strong action to guarantee a fair market and save our steel industry. Tens of thousands of jobs are at risk. We need action today, not a year from now, not a few months, but today.

Stop the illegal dumping and support the resolution of my colleague.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), probably the most aggressive leader in this body on this issue and the chairman of the Congressional Steel Caucus.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding this time to me, and first I would like to commend the gentleman from Alabama (Mr. ADERHOLT) for all of his work with the Congressional Steel Caucus to protect steel jobs in the United States. I understand that he will support H. Res. 598 today, and certainly I will, and I urge all my colleagues to do so.

This resolution calls on the President to take all necessary measures. What are these? The tools are there.

One, the most significant and far-reaching powers under the International Economic Emergency Powers Act. Under this act, the President may block imports to deal with any unusual and extraordinary threat to the national security, foreign policy or the economy of the United States if he declares a national emergency, and this is a threat to our economy.

Two, under the anti-dumping laws the President may impose anti-dumping duties that equal the amount of dumping if injury to the United States industry is shown, and these duties may be imposed retroactively if the administration finds critical circumstances which they can do; and B, the President may accelerate the statutory deadlines for determining whether dumping exists so that duties may be imposed sooner.

Three, under the countervailing duty law the President may impose countervailing duties that equal the amount of any subsidy provided by the foreign government if injury to the U.S. industry is shown, and this injury is not only to the U.S. industries' star people, people that will not have a paycheck between now and Christmas, people that will be suffering because of layoffs due to the dumping.

Four, under section 201 the President may take action including imposing duties, a tariff rate quota or quantitative restrictions to respond to a surge of imports that is exactly what this bill calls for that is substantially causing serious injury to the United States industry.

Lastly, under section 301 the President must take unilateral action, action on his part alone if he determines that a country is taking action in violation of trade agreements.

The President has the tools. Mr. President, use them.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I have been sort of a hard hat all my life about countries and industries taking advantage of the United States. One of the hardest things for me to have seen in terms of our basic materials are consumer electronics, things like that, where as countries come in and put our businesses out of business and yet at the same time we cannot get back into their countries.

Now having said that, we must be careful in how we counterattack. The idea of banning steel I think is very, very risky. We have provisions in the trade law called 301 and super 301 as against dumping which we can enact. They are on the books; we can do something about it.

Furthermore, even with the depreciation of the currency where there is no dumping at all there are opportunities to use section 201 which allows endangered industries to appeal and get some sort of relief.

Those 2 provisions are on our books. We must use them, use those provisions. That is what the trade law was supposed to do.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), who along with the gentleman from Ohio (Mr. REGULA), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. ENGLISH), is largely responsible for these measures.

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding this time to me, and I think thank you's are also in order for the leadership for finally bringing this important issue to a vote on a real steel resolution for the House of Representatives, and I do want to add my compliments as well to the gentleman from Ohio (Mr. REGULA) for his leadership on this issue.

The gentleman from Illinois in his remarks indicated that we might be vulnerable, if we pass this resolution today, to retaliation. I will sharply disagree. We have been attacked already. Imports are up from Japan in the first 7 months of this year 114 percent. We have been attacked by Indonesia whose exports to the United States of steel products are up over 300 percent. We have been attacked by South Korea whose steel exports to the United States are up 89 percent.

Now, as I mentioned earlier on the floor today, there is a letter being circulated by the so-called American Institute for International Steel. Because the steel companies on behalf of themselves and behalf of those workers whose jobs are threatened have finally filed trade cases to protect themselves in their very existence, the International Steel Institute has sent out a letter dated September 30 saying the earliest date for the withholding of liquidations would be December 9. Under the law, any imports that arrive during this period, i.e., September 30 to December 9, cannot be touched by any dumping duty that may be found.

Thank you, International Steel Institute. The translation is, dump now, dump often, dump a lot but do it by December 9.

I am not worried about retaliation, Mr. Speaker. I am worried about the attack we are under.

The administration has not acted and that is why we are here today in this House under the bipartisan resolution of the gentleman from Ohio (Mr. TRAFICANT) to call upon the administration to act.

I would further disagree with the assertions of the gentleman from Illinois (Mr. CRANE). This does not demand a ban. It allows a ban, and I ask my colleagues to support the Traficant bipartisan resolution.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Pennsylvania (Mr. ENGLISH) has 6½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 16½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6 minutes remaining.

Mr. CRANE. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. DREIER), our distinguished colleague from the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Trade for yielding.

Mr. Speaker, this resolution is very troubling. It demands that the President impose a 1-year ban on foreign steel imports which is completely counter to our anti-dumping laws and the rules-based trading system that we have in both the general agreement on tariffs and trades and the World Trade Organization.

Mr. Speaker, the bill is an outrageous Smoot-Hawley-style response to the economic difficulties brought about by the Asian financial crisis. Support for this caveman economic policy would show the world that the United States Congress is prepared to repeat the mistakes of the great depression.

There is no question that American steel producers are facing a stiff test from foreign steel that is priced at devalued currencies. However, steel is not the only American industry challenged by the economic downturn in Asia and Russia and which threatens to spread to Latin America. In California, millions of working families depend on producing computers, electronic components, industrial machinery, communications equipment, aircraft, semiconductors, textiles, apparel, autos, glassware, engineering and management services and a whole range of agriculture interests, and all are facing tough times because of the very, very sad problems that we are facing with the international economy.

Why are we taking one industry, steel, and offering it the most outrageous protectionist, special interest assistance while so many of those industries that I mentioned and so many workers go without help?

Of course, my colleagues Congressmen Smoot and Hawley might simply propose that we build the same steel wall of protectionism around all of those industries as well. The line forms right out on the Capitol steps just behind the steel guys.

The right response to the very real international economic challenges facing this country is to focus on broad, national solutions, rather than attempting to protect one single industry.

Mr. Speaker, this resolution is bad trade policy. It offers nothing more than a rapid descent into a collapse of the international trading regime and a repeat of the 1930s. It is an insult to the millions of hard working Americans feeling the pressure of the global economy who do not work in steel mills.

I urge opposition to this resolution.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it says in the resolution that the countries are not abiding by the letter of international trade agreements. In the gentleman's opinion, should we allow these countries to violate, that is an operative word, violate, international trade agreements?

Mr. DREIER. Reclaiming my time, no, I do not believe they should. Based on what I have seen, this resolution is a violation of, as I said, not only our anti-dumping laws but the rules-based trading system that has been put into place by the WTO and the general agreement on tariffs and trade.

Mr. REGULA. Do not we have a problem with these countries who are violating trade agreements and dumping into our markets? Should they not be enforced? Should they not be required to meet the law?

Mr. DREIER. I strongly support enforcement of those agreements and I believe it should be done by way of the WTO, which is an organization which an overwhelming majority of the United States Congress got us involved in.

My view is that this resolution is counter to the structure that has been put into place to address this, and if the gentleman looks at those industries, as I said, in my State of California and in other parts of the country, that are being devastated because of the crisis that exists in the Pacific Rim and now in Latin America, it seems to me that moving in one single area is a real mistake for us and could have a devastating impact.

Mr. REGULA. Mr. Speaker, if the gentleman will continue to yield, maybe we should broaden this to take in some of the other illegal and dumped imports into our markets.

Mr. DREIER. Reclaiming my time, I would say once again that there are a litany of industries and there may be some people who believe that we should take on every single industry, go ahead and pull up the drawbridge, and while 96 percent of the world's consumers are outside of our borders and we are trying our darnedest to take advantage of that, we clearly would get into a major international trade war. That is why I believe that this is very bad policy.

I would be happy to further yield to the gentleman, if he would like.

Mr. REGULA. I think the only thing, I think the gentleman would agree that if we are going to have trade agreements and they are going to mean anything, they should be respected by our trading partners and they should not be allowed to violate them?

Mr. DREIER. I totally agree in strong enforcement of those but I believe that this kind of action is, in fact, counterproductive.

Mr. REGULA. Mr. Speaker, I thank the gentleman.

Mr. TRAFICANT. Mr. Speaker, what is the breakdown of the time?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. ENGLISH) has 6½ minutes remaining. The gentleman from Illinois (Mr. CRANE) has 11½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6 minutes remaining.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, I rise in support of this bipartisan effort to help save steel jobs in Illinois and throughout this country.

The question is simple. When we are losing jobs, steel jobs, good paying jobs in Illinois, why has there been no action by the Clinton administration? Why does the Clinton administration do nothing while Illinois steel workers lose jobs? We have 6,000 steel workers in Illinois and, frankly, this resolution is a call to arms. It is a call for action.

☐ 1530

There are over 20 firms producing steel or steel product in the district I have the privilege of representing. It is an issue of jobs for the folks back home.

Here is what it means. Birmingham Steel shut down for a week, is now only working four days a week. Belson Steel has cut their payroll by 10 percent. Acme Steel in Chicago has filed bankruptcy. Northwestern Steel and Wire Company has said it may cut up to 450 jobs at Illinois mills.

It is time for action, Mr. Speaker. Japanese steel imports have almost doubled, Korean steel imports are up 89 percent, imports in general are up 45 percent. To quote Marc Pozan of Belson Scrap and Steel, "it is not a flood, it is a deluge." We need to put a stop to it. It is time for action.

Mr. Speaker, I include the following article for the RECORD.

[From the Kankakee Daily Journal, Oct. 11, 1998]

STEEL IMPORTS HIT AREA HARD

(By Roy Bernard)

A tidal wave of foreign steel and scrap is swamping the U.S. market, and its impact is being felt by two Bourbonnais businesses.

Birmingham Steel was forced to close one week at the beginning of September, idling 285 workers, said plant manager John Ohm.

He added that since then, employees have returned to work in the mini-mill, but their schedules have been reduced to 32-hour work weeks. Birmingham Steel's workforce in Joliet also had a one-week stoppage, and now people there are working four days a week instead of five.

The company is trying to avoid permanent cutbacks.

"There is a flood of foreign steel into this country," Ohm said. "We've had to cut back both operations, but we're not planning any layoffs."

Meanwhile, at nearby Belson Scrap and Steel, the company is facing a double whammy. Cheaper foreign scrap is being shipped to the United States and Belson can't compete on price.

At the same time, the Belson Steel Center is losing business from companies that are buying cheaper foreign steel.

"Warehouses and manufacturers normally buy their steel from the domestic markets," said Marc Pozan, president of Belson Scrap & Steel.

The two-way attack has resulted in a 10 percent reduction in the number of Belson's employees, or about 15 workers, he said.

Foreign scrap and steel is "affecting every part of our business," Pozan said.

"This glut of foreign steel is causing an oversupply of steel for the consuming industry," he added. "They're cutting back production and using less scrap. There is an oversupply of scrap."

Because of the dumping of foreign steel, the Belson Steel Center has had to lower its price for its product and that caused a decrease in the company's profits and forced the Belson's to reduce its overhead by laying off workers, said Pozan.

The steel is coming from Asia and lately Russia. Many of the Asian and Russian companies are desperate to keep their employees working, so they are selling the steel for even less than what it costs to produce, Pozan said.

He is calling for the federal government to step in and issue tariffs on foreign steel.

"I strongly urge that something needs to be done to deal with these foreign practices," Pozan said. "Countries are giving these companies subsidies to sell steel cheaper in our market.

"We need to put tariffs on this foreign steel, to stop this flood of imported steel. It's not a flood, it's a tidal wave," Pozan added.

For people who make a little extra income collecting steel and aluminum cans, they will find the price soon will be dropping. Belson's is paying 32 cents a pound for aluminum. About three years ago, the price was 45 cents a pound.

Pozen said he began noticing signs of the foreign flood about three months ago. Most ports are seeing 50 percent increases in steel imports this year.

Ohm said Birmingham Steel saw the first signs of steel dumping in the South in May and June. Since then, the foreign steel has made its way up the Mississippi River and into the Chicago area.

Birmingham Steel in Bourbonnais Township continues to buy domestic scrap because it is too expensive to ship the scrap upriver to Chicago.

The company's plants in the South have been buying foreign scrap. While that might appear to make the Southern mills more efficient, Ohm noted that the Bourbonnais Township facility underwent extensive modernization, and that makes the cost of reinforcing bar production here to be competitive with the Southern plants.

"That modernization has certainly helped us," said Ohm.

One of the possible bright spots for Belson and Birmingham Steel is the announcement that the Chapel Steel Co. and the Alabama Metal Industries Corp. are moving to the former CBI building, which is near Belson's and Birmingham Steel. Both new companies are from Birmingham, Ala.

"This is great news for the area," said Pozan. "Hopefully, they will buy some scrap and some steel. We hope the companies will be great trading partners."

Ohm said Alabama Metal Industries operated a facility in Chicago and is moving to CBI. Alabama Metal "has been a customer, so I don't see any benefit except that the company will be closer to us."

Chapel Steel would be a new customer that could bring more business to Birmingham Steel, Ohm said.

Mr. TRAFICANT. Mr. Speaker, I yield one minute to the gentleman from Minnesota (Mr. OBERSTAR), our distinguished ranking member of the Committee on Transportation and Infrastructure and a fighter for years for the steel industry and for fairness.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am for free trade, fairly conducted. Steel? Why steel? Because it is the most versatile building material of an industrial society. It is vital to a nation's progress, both here and abroad.

Twenty years ago when steel was under assault, we were told then by the free-traders, the unlimited, no-holds-barred free-traders, you are old, outmoded and inefficient; you ought to modernize. That is why foreign steel is coming into this country.

Today, 350,000 jobs fewer, $50 billion more invested in the steel industry and an efficient industry that produces the best steel in the world, we are now told, oh, you are trying to draw a moat around the industry.

All we are trying to do is tell the Federal Government, enforce the laws that set forth the conditions for free and fair trade. The previous speaker said, why has the Clinton Administration done nothing?

Well, we asked the same question in 1981 of the Reagan Administration; because there are free-traders in both administrations that say no-holds-barred, play by the Marquis of Queensberry rules, while our adversaries are using black-belt karate.

It is time to stand up for steel.

Mr. Speaker, I yield two minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to rise in strong support of the bipartisan resolution offered by the gentleman from Ohio (Mr. TRAFICANT). We have a growing concern that steel imports are flooding into our Nation without any effective response from the administration. Scores of our Nation's highly efficient steel producers are at risk, as are the jobs of thousands of steel workers across the country.

While I know that several of my colleagues on this side of the aisle have some concerns and reservations about the imposition of an immediate ban on steel imports into this country, surely our trade negotiators can now begin the long overdue effort to put voluntary constraints in place on below-market-priced steel from foreign nations that are dumping steel and steel products into our Nation.

This resolution asks for a report and monitoring by the administration on the extent to which our international trade agreements are being violated. I think it is long past due for the administration to demand, as this resolution does, that our trade partners abide by the spirit and letter of our trade agreements.

Despite the fact that American firms are now the lowest cost, most flexible producers among the industrialized nations, our overall merchandise trade deficit in 1997 reached $198 billion. At current rates this deficit is expected to reach some $282 billion by the end of the year. Our deficit with Japan is expected to reach $72 billion in this year alone.

Accordingly, Mr. Speaker, in the interests of protecting our steel industry, I urge adoption of this measure.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. NEY), a strong friend of steel.

Mr. NEY. Mr. Speaker, I want to commend the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Ohio (Mr. REGULA) for their hard work on an extremely important issue.

Somebody mentioned today about special interests. We are talking about special interests today: American men and women, working Americans. That is a good special interest. There is nothing wrong with working people and for this Congress to stand up for them.

It is time for the Congress to wake up. It is time for the White House to wake up. I talked to day to the mayor of Weirton, West Virginia. He is having a rally tonight in Weirton.

They have to rally and try to beg their government to do something to help them? The mayors in Europe did not have to beg European governments to help them. What is going on? What is wrong with our thinking?

The United States wheel workers of America, the gentleman from Ohio (Mr. TRAFICANT), the gentleman from Ohio (Mr. REGULA), many others, the companies, are in this fight for their survival; not for the holy dollar. For the survival of workers, their communities, their families, their ability to pay for their schools, their ability to pay their taxes, their ability to keep their communities going and to survive. That is what this argument is about.

It is a very clear choice. Now is the time to stand up for a change for our workers. Now is the time to stand up for a change for our jobs. Now is the time to stand up for America. Vote yes.

Here is your vote. It is very clear cut. Are you going to vote for Weirton, West Virginia, New Philadelphia, Ohio, and Zanesville, Ohio, or Russia? Are you going to vote for Steubenville, Ohio, Toronto, Ohio, Youngstown, Ohio, Bellaire, Ohio, or Japan? That is the clear-cut choice.

A yes vote stands up for a change for working Americans. This is good for the country, this is good for our workers. I urge support of this measure.

Mr. TRAFICANT. I to yield 30 seconds to the gentleman from Pennsylvania (Mr. DOYLE), a great young member from the Pittsburgh area.

Mr. DOYLE. Mr. Speaker, I rise today to urge support of the Traficant resolution. The U.S. steel industry and its workers are suffering tremendously from reduced orders as a result of dumping by Asian and Russian producers, but the administration has not acted to stop this illegal practice.

The members of the European Union have been smart enough to protect their steel industry from dumping by erecting temporary barriers to steel imports during the financial crisis. Their steel industry will weather this storm.

American steel workers, the most efficient in the world, cannot continue to be besieged by foreign steel products, while waiting indefinitely for trade cases to be settled. Damage to the American steel industry is extensive, severe and rapidly growing. The House must act today.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is a privilege for me to yield one minute to the gentleman from Indiana (Mr. BUYER), a friend of steel.

Mr. BUYER. Mr. Speaker, I am here to also speak on behalf of steel workers across the country, and particularly those in Indiana, who are in the midst of an unprecedented flood of foreign steel.

The steel industry is an industry fueled on the backs of hard-working Americans. I toured the Bethlehem steel net and spoke with many of the steel workers. They are the best in the world, but they can compete only if it is fair competition.

A decade ago the steel makers were forced, again feeling the surge of imports being dumped on our markets at below cost, and we acted, but it was only a short-term fix.

I suppose what bothers me most is when I look across the country at many different industries, steel is an industry that is most vital to our Nation's security. It is a national security issue, and that is what has me most concerned.

I am a supporter of GATT, I am a supporter of NAFTA, and I voted against Fast Track. You say why would you vote against Fast Track? Because it bothers me that the administration has negotiated so many trade agreements out there, and then they do not even enforce the trade agreement and even violated some of those trade agreements.

This is a prime example where the administration should be leaning forward, not with bended-knee to these nays nations that violate these trade agreements. So this is a strong message. Let us do the right thing and let us back the American worker.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. EVANS), the distinguished ranking member on the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise on behalf of the hard working steel workers in my district and the 450 employees of Northwestern Steel and Wire who were informed last week that their jobs would be eliminated at the end of this year.

We have a responsibility to our steel industry and its employees to ensure a level playing field. This means aggressively enforcing our own trade laws and imposing a moratorium on steel imports from Asia, Russia and Brazil until our industry is back on its feet. This means demanding that the administration provide us with concrete evidence that they have responded to this steel crisis.

We can no longer stand idly by as more and more steel workers lose their jobs. I urge my colleagues to support the Traficant resolution.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH), one of the youngest mayors ever elected in the big city of Cleveland, doing a fine job in Cleveland.

Mr. KUCINICH. Mr. Speaker, I rise on behalf of Cleveland steel workers. Steel imports have reached a crisis level. Thousands of steel workers are in danger of losing their jobs. We have to take strong action, which is what this resolution does.

Opponents are more concerned with the integrity of the World Trade Organization than with the integrity of American anti-dumping laws and the jobs of American steel workers. I say we should stand up for steel and American steel workers. Support H. Con. Resolution 598.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL), a distinguished member of the Committee on Transportation and Infrastructure.

Mr. PASCRELL. Mr. Speaker, a one-year ban is a reasonable and just response to the countries that have defied international law and compromised the security of our own Nation.

As to the issue of the World Trade Organization, all I can say is that we do not represent the World Trade Organization. We represent the American people. They want action. They do not want consultation, they do not want negotiation, they do not want litigation. They want jobs. And that is what we are here to uphold, and that is what we should be standing for today. Everybody should be voting yes on this resolution.

Members of this body did not take an oath to uphold and protect GATT; we took an oath to uphold and protect the Constitution of the United States. Do it!

And the Constitution says that Congress shall have the power and authority to regulate commerce with foreign nations—not the WTO.

Finally, the President took an oath to uphold and enforce the laws of the United States—not the WTO. That's what we're asking the President to do: uphold the trade laws of the United States.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I yield one minute to the gentleman from California (Mr. HORN), a strong friend of steel.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I happen to represent the two largest ports in the United States, the Port of Long Beach and the Port of Los Angeles. I want to see steel moving both ways through those great ports. They are among the top in the world. But, right now, 90 percent of the steel from those ports comes in from Asia. Only 10 percent goes out from the United States.

Now, if this were 1959 when we had the six month steel strike, that would be one thing. We were not competitive then. We are now competitive. We have quality steel, and we can match wits with anybody. But when you get into dumping, and we had a lot of that in the fifties, we have had it periodically, it means they are simply selling below market price, and that is what they are doing now in this recession that has cut its way across Asia.

We need to call them to the bar of justice. The fact is, the laws are on the books. The administration knows it. Now let us have the administration use the power and enforce the law. The only thing these countries understand is a tough trading mission, and if we are going to have fair trade, that is what we have to have.

□ 1545

Mr. TRAFICANT. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. ENGLISH) for the purpose of closing debate.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Pennsylvania (Mr. ENGLISH) will be recognized for the remainder of the time of the gentleman from Ohio (Mr. TRAFICANT).

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I again rise in strong opposition to House Resolution 598. I do this not because I dispute the seriousness of the issue at hand, but because I believe that the methods being used are significantly misguided, and will lead to a downward spiral of protectionism.

The proponents of this resolution argue that the Asian financial crisis has led countries to dump their products on the U.S. market at below fair market prices. In response, the proponents of House Resolution 598 call upon the President to impose a 1-year ban on imports of steel products from the countries listed in the resolution, many of whom are suffering from severe financial and economic difficulties.

I believe that this response would send a very bad signal to the governments of the targeted countries, at a time when the United States is encouraging them to adopt market-opening policies which will bring long-term stability to their economies. Moreover, terminating U.S. purchases of steel from these countries through an import ban would likely worsen the economic crisis faced by these countries and create more turmoil in the region.

I believe it is in our interest to maintain a more constructive approach to this problem by working with our friends and allies in this critical region of the world. On this basis, the gentleman from Texas (Chairman ARCHER) introduced a resolution, House Concurrent Resolution 350, which was brought to the House floor for a vote on October 12.

This resolution called upon the President to pursue vigorous enforcement of U.S. trade laws with respect to steel; to negotiate with Japan, Korea, and the European Union to eliminate barriers and open their markets to the glut of steel on the market; to closely monitor import levels; and to report to Congress by January 5 on the impact the significant increase in steel imports is having on employment, prices, and investment in the United States.

Passage of House Concurrent Resolution 350 would have sent a strong, clear, and united message to the President and to the world that Congress is deeply concerned about this issue. Unfortunately, many of the proponents of the resolution before us today chose to politicize this matter by voting against House Concurrent Resolution 350, and they defeated the resolution.

Mr. Speaker, I have no disagreement with the proponents of House Resolution 598 about the seriousness of the impact that the increase in steel imports is having on the U.S. industry and on its workers. However, I believe that their approach is not only the wrong solution, but that it may lead to more severe problems in Asia that could have far more serious repercussions for the world.

I urge my colleagues to oppose House Resolution 598.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, it is my privilege to yield all my remaining time to the gentleman from Ohio (Mr. TRAFICANT), the prime sponsor of this legislation, to close debate.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. TRAFICANT) is recognized for 3½ minutes.

Mr. TRAFICANT. Mr. Speaker, I thank my neighbor, who has done an outstanding job in western Pennsylvania, which has been devastated for yielding.

I want to rise to thank the gentleman from Ohio (Mr. RALPH REGULA). If it were not for him working out the machinations of whatever instrument might pass, we would not be here; the gentleman from Ohio (Mr. BOB NEY) representing steelworkers; the gentleman from California (Mr. STEVE HORN) for looking at fairness; the gentleman from Indiana (Mr. PETE VISCLOSKY).

Let me just say, Mr. Speaker, in October of 1977 the first major steel mill in America closed, and it was in my district. Since then, thousands and thousands and thousands of workers not only have lost their jobs, their homes, their pensions, their health care, they lost everything. But do Members know what? They never lost hope, hope that the Congress of the United States would some day look at illegal trade.

This is not a debate about free trade. Many free traders understand the game, and who was more of a staunch free trader than Ronald Reagan? But in the early eighties, when Japan literally almost destroyed an American icon, Harley-Davidson, Ronald Reagan said, enough is enough. He imposed quotas. He imposed sanctions. He forced the Japanese to open up 20 percent of their semiconductor business market. Ronald Reagan did what he had to do that day. Many of us felt he could have even done more.

We know this president is not going to implement a ban, but we also know that this House is telling the President, by God, if you are going to worry about violating the WTO and GATT, what about their illegal trade? Is that not a violation of the WTO and GATT?

The President must act. The Congress today will tell the President, he has not acted. He must use whatever means necessary to stop illegal trade. That is a violation of law.

I want to say one last thing. I think Congress is coming together to look at a major phenomenon, Mr. Speaker. We are the marketplace. We cannot be a protectionist Nation, but we cannot allow our Nation's sovereignty and national security to be put at risk by illegal practices.

There is a mechanism for it. If this president has the anatomy to do what is necessary, they may take him to the WTO. By God, so be it. If we are going to have a WTO, let us have a ruling. We allow the President to take that stand.

I appreciate the support offered by the gentleman from New York (Mr. GILMAN) more than the gentleman knows. I think it shows that many free traders want fairness. We will not tolerate illegal trade. I am asking for an aye vote on behalf of American workers, American business. I am asking for an aye vote on behalf of farmers, on behalf of vegetable growers, on behalf of our high-tech industries.

I want to thank the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Ohio (Mr. REGULA) for the great job they have done.

Mr. STUPAK. Mr. Speaker, I rise today to urge the Republican leadership to take up H. Res. 598, a resolution demanding the Administration to stop the illegal dumping that is going on in our nation's steel markets.

While, the House Leadership delays and refuses to schedule a vote on this urgent issue, American jobs are being lost every day. In my district, jobs are being lost because American steel producers cannot compete with the illegally priced steel.

The resolution would call for an immediate review and investigation of this situation. It would call for a one year ban on steel from any country that refuses to enforce international trade law. It would establish a task force to ensure that this critical situation is closely monitored. Finally, the resolution asks for a report to Congress from the Administration for its plan for dealing with this crisis.

Mr. Speaker, while the Republicans play politics, Americans are losing their jobs. Stop playing politics and pass H. Res. 598.

Mr. COYNE. Mr. Speaker, I rise today in support of this important legislation, and in support of America's threatened steel workers.

Mr. Speaker, today foreign countries like Japan, Russia, and Brazil are dumping millions of tons of steel in this country below cost. Their economies are in trouble, and they are trying to export their way out of financial calamity.

I am concerned about America and American jobs. American steel workers should not bear the burden of solving the world's economic crisis.

My good friend, Mr. TRAFICANT, has introduced the legislation which is before us today, and I for one am going to vote in support of it. This resolution calls upon the President to impose a one-year ban on steel imports from Japan, Russia, and Brazil. In addition, it calls for the administration to closely monitor steel imports from other countries to determine whether they, too, are dumping steel in the United States.

America's steel workers and their families are depending on us today to do the right thing. They need our help in combating this unfair competition from overseas. I urge my colleagues today to join me in standing in solidarity with America's steel workers and pass this important resolution.

Mr. SOUDER. Mr. Speaker, I rise in support of H. Res. 598. This is an issue we have struggled with for a while now and I am pleased to see increasing support here in the House. The US steel industry, a highly competitive world-class producer, is being inundated by unfairly traded imports. In one year, from June 1997 to June 1998, steel imports from Japan grew by 113.7%, from Korea, 89.5%, and from Russian, 50.6%.

This is not because they are producing better steel, and they certainly aren't more efficient. Since restructuring in the mid-80's the US steel industry is the world leader in quality, efficiency and productivity. On an even playing field, US steel producers are second to none.

Dumping of steel is occurring because many countries in economic crisis have adopted policies of exporting their way out of their mess. They will do this at any cost, including selling prices that don't remotely cover their costs of production.

Foreign steel is being sold in the US at far below market value. Import prices, traditionally $20–$30 per ton less than domestic prices, are now $80–$100 per ton less than domestic prices—according to David Higbee, President of Sawhill Tubular Division of Armco, Inc.

The combination of massive tonnages of steel arriving at US ports and the aggressively low prices at which they are being sold has caused intense price distortion through our industry, even during a period of strong domestic demand for steel products. In the face of deteriorating prices, US producers have been forced to cut production, slash expenditures, and lay off employees.

This is not trade based on comparative advantage. It's time we require those foreign countries that we assist to stop unfairly propping up their dying steel industries at the expense of our American companies.

I believe the onus should be put on foreign companies and governments to prove that they are not dumping steel below cost. They simply need to be held accountable for selling one penny below their manufacturing cost. A slap on the wrist with a countervailing duty just isn't enough.

We are not talking about protecting American industry here. Rather, it's about achieving equity. A foreign company selling steel under market value is a question of competitiveness. A foreign company selling steel under cost is a question of fairness.

I would also like to submit for the RECORD the remarks of Keith Busse, CEO of Steel Dynamics International, during a hearing of the steel caucus last month.

It is time to send a message to those countries that knowingly dump with intent to cause severe injury to our steel industry. We can no longer in good faith continue to help those that continuously injure us.

STATEMENT OF KEITH BUSSE, PRESIDENT AND CEO, STEEL DYNAMICS, INC., MEMBER, BOARD OF DIRECTORS, STEEL MANUFACTURERS ASSOCIATION

Mr. Chairman, and Members of the Steel Caucus, I appreciate the opportunity to appear before you today along with other representatives of the US steel industry. I am Keith Busse, President & CEO of Steel Dynamics Inc. (SDI), in Butler, Indiana. SDI is a minimill producing carbon steels utilizing the electric arc furnace production process and thin slab casting to make hot rolled, cold rolled, and galvanized sheet steels. The company, which is one of the nations newest and most efficient steel producers, was established in 1994. We cast our first heat of steel in 1996 and became profitable in only 6 months. Since 1994, SDI has invested over $600 million in equipment, implementing the most advanced technology. This year, we completed the installation of an additional thin slab caster and a new state-of-the-art cold rolling mill. Later this year, SDI will commission a revolutionary new technology to manufacture virgin iron units for consumption in electric arc furnaces at a cost of $90 million. We also anticipate starting construction late this year of a $350 million structural mill, also in Indiana.

SDI is one of the most cost efficient steel producers in the world. We provide 560 high-paying manufacturing jobs at our new mill in Indiana, and hundreds more in related industries. Accordingly, we support free trade flows based on comparative advantage.

I am commenting today on behalf of my company and also for the Steel Manufacturers Association (SMA), the primary trade association of steel minimills, which account for almost half of the steel produced in the US today. The SMA consists of 61 member companies, geographically dispersed across North America, with representation in 88 Congressional districts and 34 states.

THE U.S. STEEL INDUSTRY

The steel industry has undergone a remarkable transformation, beginning in the mid-1980s and continuing today as evidenced by SDI's success. Steel's revival can be attributed in large part to the minimills—efficient, low-cost producers that have grown rapidly during a time when many other steel companies in the US contracted or shut down.

With few exceptions, the minimills have seldom relied solely on US antidumping and countervailing duty laws to challenge unfairly traded imports. Competition is so strong in our end of the business that we believe in exhausting all competitive means available to improve our efficiency, in order to meet importers' prices, rather than just reacting with trade law cases. In the past, we have been successful in meeting or beating our foreign competitors' prices. Events of the past few months, however, have reached crisis proportions, with even the most competitive US steel producers responding to import prices that reflect a desire of certain foreign producers to earn dollars at any price—at selling prices that don't remotely cover their costs of production. Even Nucor, the largest minimill and now the second largest steel company in the US, a company who has long supported a free trade stance, has recently written to members of the Administration complaining about the surge of unfairly traded imports at insane dumped prices. In response to the import surge, Nucor has recently announced two price reductions on hot rolled sheets, steels' most common product, a $50–$60 per ton (16–20%↓).

THE PROBLEM

The US steel industry, a highly competitive world-class producer, is being inundated by unfairly traded imports. In one year, from June 1997 to June 1998, steel imports from Japan grew by 113.7%, from Korea, 89.5%, and from Russia, 50.6%. Steel from Russia, Japan, Korea, and other trading partners is being sold in the US today at far below market value, and in some instances below variable cost of production, in the home countries.

The import surge can be specifically linked to the Asian and Russian economic crises. To some extent the crisis is driven by emerging nations whose currencies have been sharply devalued, a crisis that we have never before faced and that our trade laws are not prepared to handle. Collapsing non-market economies where cost accounting is an unknown art is also a major trade problem that can threaten this nation's basic industries. The other driver in this calamity relates to Japan's failed financial programs, which are now substantially affecting it as well as other nearby nations.

A diversion of steel trade into the US is occurring from Asian economies, which are no longer importing steel, and have also lost their own home markets. Other industrial countries have either closed or limited access to their own markets through negotiated bilateral agreements or understandings to limit their steel imports from Asia and Eastern Europe.

The countries in crisis have adopted policies of exporting their way out of their economic mess, at any cost, including selling at prices far below costs of production.

The result is wreaking havoc on the US steel industry—injuring almost every US steel producer, including some of the most competitive steel mills in the world.

The combination of massive tonnages of steel arriving at US ports of entry and the aggressively low prices at which they are being sold has caused intense price distortion across the US steel industry, even during a period of strong domestic demand for steel products. Deteriorating prices have forced US producers to cut back production, slash expenditures, and lay off their own employees in reaction to the flood of imports traded far below market value.

This is not trade based on comparative advantage. We are, in fact, confronted with an economic crisis in the US steel industry, stemming directly from the structural mismanagement by several other governments of their economies.

INADEQUACY OF US TRADE LAWS

In time of trouble, the steel industry has often looked to US antidumping and countervailing duty laws to remedy the problems caused by unfairly traded imports. Unfortunately, these remedies take time, and, if successful, often provide relief too late to forestall serious injury from occurring. Furthermore, US trade laws were not designed to address structural failures of economic management by governments, triggering massive currency devaluations or the disruptive incursions of non-market economies in the world steel market.

US trade laws require US steel producers to prove injury before a remedy, in the form of a duty or quota, can be applied. Trade law remedies are limited in scope and may not be able to address effectively the structural economic problems that are contributing to massive import surges.

SMA members do support the maintenance and strict enforcement of our nation's trade laws, as one component of US trade policy. Our trade laws are effective in responding to dumping and subsidization on a product-by-product basis involving a limited number of steel trading partners. Alone, they are insufficient to cope with the structural flood of imports we face today.

PROPOSED STEPS

Neither the US Government nor its steel industry can afford to wait for the trade law process to take its course. Accordingly, we propose the following specific actions, and urge the Congress to request the Administration to implement these measures:

INITIATE BILATERAL DISCUSSIONS WITH OFFENDING COUNTRIES

In Russia, steelmakers simply do not know their cost of production. Having visited and talked with many of these producers I can assure you that cost accounting, as we know it, is not an art which is practiced there. US steel industry analysts and US steel companies agree that Russian steel producers are selling at prices that don't remotely cover their costs. Other countries, including Japan, are also engaging in similar predatory behavior in the US market.

US acceptance of undervalued imports is an ineffective way to help these countries obtain hard currency or solve the World's economic crisis.

We respectfully request Members of the Congress to urge the Administration to begin bilateral discussions with the exporting countries currently responsible for the disruptions in the US steel market, with a goal towards establishing voluntary export limitations, similar to those which the European Union has had in place with its East European trading partners.

EXERCISE LEVERAGE

Our trade negotiators should use every possible forum to alert our trading partners to the nature and depth of injury their policies are causing the US steel industry.

US trade negotiators should warn of potentially severe steel import limitations emanating from trade cases, and suggest that offending governments and their industries take immediate action to alleviate US market disruptions.

CONCURRENT RESOLUTION

Mr. Chairman, and the other Members of the Steel Caucus, we would like to express our appreciation for the concurrent resolution you intend to introduce "calling on the President to take all necessary measures to respond to the surge of steel imports." We shall urge the Members of Congress in those states and districts in which our member companies have plants to support this resolution. In addition, we urge the Congressional Steel Caucus to press the Administration to initiate bilateral discussions with the countries that have caused this problem, in order to provide us with some potential for prompt relief.

Thank you for your continuing support and for the opportunity to address the Congressional Steel Caucus on this urgent matter.

Mr. ADERHOLT. Mr. Speaker, I would like to announce my support of House Resolution 598, introduced by Mr. TRAFICANT. I am pleased that today Members have an opportunity to vote on a tough, reasonable House Resolution addressing this issue.

The leadership has been negotiating almost around the clock with the Clinton administration on the budget, so I appreciate their attention to this also very important matter of aiding the U.S. steel industry.

With all the budget talks going on, why have we members of the Congressional Steel Caucus pressed so hard for a vote on steel in these last days of the session? It is because the U.S. steel industry is in a crisis. It is too late to make leisurely proposals as if we were addressing a problem of the future. The problem is NOW; orders to U.S. steel companies are at 50% of normal NOW; families are out of work NOW.

Some oppose a one-year ban on certain foreign steel products and say that such an action is too strong. Consider these two facts: (1) U.S. companies wishing to file a trade petition about dumping must first spend six months gathering data so that their case will be taken seriously; (2) there is approximately six months of foreign steel currently piled up in ports from Alabama to Maryland to Ohio.

Voting yes on this resolution is the very least we should do as Members of Congress to help a U.S. industry which is unfairly being sacrificed in the name of global stability. I have said before and say again—it is wrong to kill U.S. jobs for the purpose of keeping afloat foreign governments and economies.

The U.S. steel industry has streamlined and modernized. No one can compete against unfair, below production-cost prices. This resolution is similar to my bill H.R. 4762, and I commend Mr. TRAFICANT on his long-term leadership on this issue. Vote yes on this resolution to urge President Clinton to take immediate action. I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, let us be clear, the government of South Korea provided Hanbo Steel with a $6 billion subsidy to continue producing steel. Hanbo is producing the same steel that sits in our ports and results in American steel workers losing their jobs.

Its time we stand up for steel. If the South Koreans protect their workers at our expense, why do we stand back and allow them to continue this illegal act. It is an abomination. This has nothing to do with free trade and whether you support increased trade. This issue is about how we react when other nations take advantage of our strong economy and our market.

Its time to take a stand. I urge all members to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a cosponsor of H. Res. 598, I rise to speak in favor of the passage of this resolution, which expresses the sense of the House that provisions of the Trade and Tariff act of 1930 must be vigorously enforced.

We all know that several regions of the world are currently suffering from tremendous economic turmoil. Specifically, East Asia, Russia, and South America have all suffered catastrophic fiscal upheavals causing government and industry to take drastic action to save what little money they have.

One of the actions that countries such as Russia and Brazil have taken is to flood our markets with cheap imports. Those imports include steel, which has had a drastic effect on our industry here at home. Just this year, steel imports from Asia have increased 70%, and Russian importers are enjoying their highest-ever level of steel exports to the United States. The result is that the steel industry here at home has been forced to lower their prices in order to compete—20% in the last three months.

This resolution tries to remedy the situation by asking the government to vigorously enforce treaties that govern this type of trade, such as the Trade and Tariff Act of 1930. Although I am sympathetic to the plight of those countries, we must still vigorously enforce our laws to avoid desuetude and the entrenchment of a policy that does us substantial more harm than good.

H. Res. 598 also calls on the Administration to immediately review, for a period of ten days, the import of hot-rolled steel products into the United States from Japan, Russia, Brazil and numerous other countries that have been accused of dumping. This review would help us collect information that will affirm or deny whether or not these countries have been undercutting our industry.

To further enhance our understanding of the problem, the resolution also asks the Administration to establish a task force which would further investigate our importation practices, as they relate to steel, and verify whether or not our current trade agreements, treaties, and laws are being violated in any way. I applaud this effort, because it provides us with another resource for getting reliable information that is necessary for our assessment of the national economy.

Lastly, the resolution asks the Administration to provide us with a report, early next year, detailing what steps should be taken to ensure the enforcement of our laws and the protection of our steel industry. Hopefully, this report can be used to start a bipartisan and cooperative relationship with the Administration that can be used to make better foreign policy decisions for the benefit of all of our industries.

While we do live in a global economy, we are still a nation of laws—laws that must be respected and enforced by all who encounter them. I urge all of my colleagues to support this resolution and the American worker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on the pending motion, and then each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 598, the pending motion;

S. 1733, by the yeas and nays;

H.R. 700, concurring in the Senate amendment, de novo;

H.R. 4829, de novo;

S. 2272, de novo;

S. 2133, de novo; and

S. 1132, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. ENGLISH of Pennsylvania (during consideration of H. Res. 598). Mr. Speaker, Pursuant to House Resolution 589, I hereby give notice of the following suspension to be considered today:

H.R. 2204, Coast Guard Authorization Act of 1997.

REGARDING STEEL IMPORTS

The SPEAKER pro tempore. The pending business is question is the question of suspending the rules and agreeing to the resolution, H. Res. 598.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and agree to the resolution, H. Res. 598.

The question was taken.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 345, nays 44, not voting 45, as follows:

[Roll No. 532]

YEAS—345

Abercrombie
Aderholt
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Calvert
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler

Hoyer
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—44

Archer
Armey
Ballenger
Barton
Bilbray
Bliley
Bono
Brady (TX)
Burr
Camp
Campbell
Coble
Crane
Davis (VA)
DeLay
Dreier
Dunn
Fawell
Fossella
Hayworth
Herger
Houghton
Hulshof
Knollenberg
Kolbe
Livingston
Manzullo
McCollum
Miller (FL)
Nethercutt
Northup
Packard
Paul
Ramstad
Rogan
Rohrabacher
Royce
Sanford
Sessions
Shadegg
Smith (MI)
Stump
Sununu
Thomas

NOT VOTING—45

Ackerman
Allen
Barr
Berman
Blunt
Callahan
Collins
Cooksey
Deal
Ehlers
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lipinski
McDade
McGovern
McIntosh
McIntyre
Meehan
Pelosi
Peterson (PA)
Poshard
Pryce (OH)
Scarborough
Taylor (NC)
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)
Wilson

☐ 1615

Messrs. ARCHER, THOMAS, SMITH of Michigan, COBLE, FOSSELLA, and BRADY of Texas changed their vote from "yea" to "nay."

Mr. BARTLETT of Maryland changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Speaker, on rollcall No. 532, I was inadvertently detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings today.

DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1733.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1733, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 1, not voting 47, as follows:

[Roll No. 533]

YEAS—386

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus

Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—47

Ackerman
Allen
Barr
Berman
Blunt
Callahan
Collins
Cooksey
Deal
Ehlers
Fawell
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lewis (CA)
Lipinski
McDade
McGovern
McInnis
McIntosh
McIntyre
Meehan
Pelosi
Poshard
Pryce (OH)
Scarborough
Taylor (NC)
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)
Wilson

□ 1624

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVING RESTRICTION ON DISTRIBUTION OF REVENUES TO CERTAIN MEMBERS OF AGUA CALIENTE BAND OF CAHUILLA INDIANS

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and concurring in the Senate amendment to the bill, H.R. 700.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 700.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING LAND TRANSFER FOR CONSTRUCTION OF VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 4829.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4829.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GRANT-KOHRS RANCH NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT OF 1998

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 2272.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2272.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PRESERVATION OF CULTURAL RESOURCE OF THE ROUTE 66 CORRIDOR

The SPEAKER pro tempore. The pending business is the question de novo of suspending rules and passing the Senate bill, S. 2133.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2133.

The question was taken.

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 190, not voting 43, as follows:

[Roll No. 534]

AYES—201

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jefferson
John
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink

Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—43

Ackerman
Allen
Barr
Berman
Blunt
Callahan
Collins
Cooksey
Deal
Ehlers
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lipinski
McDade
McGovern
McIntosh
McIntyre
Meehan
Norwood
Pelosi
Poshard
Pryce (OH)
Scarborough
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)

□ 1636

Mr. CUNNINGHAM and Mr. BROWN of California changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998

The SPEAKER pro tempore (Mr. GUTKNECHT). The pending business is the question of suspending the rules and passing the Senate bill, S. 1132.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1132, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 194, nays 190, not voting 50, as follows:

[Roll No. 535]

YEAS—194

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Coburn
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Granger
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Moran (KS)
Morella
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Jones
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—50

Ackerman
Allen
Barr
Berman
Blunt
Brown (FL)
Callahan
Collins
Cooksey
Deal
Edwards
Ehlers
Fawell
Fowler
Frank (MA)
Frost
Furse
Graham
Green
Greenwood
Hastings (WA)
Hefner
Hobson
Hutchinson
Hyde
Inglis
Johnson, E. B.
Kaptur
Kennelly
Lantos
Largent
Lipinski
McCollum
McGovern
McIntosh
McIntyre
Meehan
Mica
Northup
Norwood
Pelosi
Poshard
Pryce (OH)
Scarborough
Spratt
Thompson
Torres
Waters
Weldon (FL)
Weldon (PA)

□ 1643

Mr. CRANE changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 535, I was inadvertently detained. Had I been present, I would have voted "yes."

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 361, RHINOCEROS AND TIGER CONSERVATION ACT OF 1998

Mr. CRANE. Mr. Speaker, I rise to raise a question of the privileges of the House, and I offer a privileged resolution (H. Res. 601) returning to the Senate the bill S. 361, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 601

Resolved, That the bill of the Senate (S. 361) entitled the "Rhinoceros and Tiger Conservation Act of 1996", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. GUTKNECHT). In the opinion of the

Chair, the resolution constitutes a question of the privileges of the House.

The gentleman from Illinois (Mr. CRANE) is recognized for 30 minutes.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 361, because it contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives. S. 361 would create a new basis for applying import restrictions and therefore violates this constitutional requirement.

S. 361 proposes amending the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, import and export of products intended for human consumption or application that contain, or are labeled as containing, any substance derived from rhinoceroses or tigers. The legislation passed by the other body would have the effect of creating a new basis and mechanism for applying import restrictions. The provision would have a direct effect on tariff revenues. The proposed change in our import laws is a "revenue affecting" infringement on the prerogatives of the House which constitutes a revenue measure in the constitutional sense. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. For example, on April 16, 1996, the House returned to the Senate S. 1463, amending the definition of industry under the Safeguard Law with respect to investigations involving imports of perishable agricultural products. On February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions, against countries that fail to eliminate large-scale driftnet fishing.

I want to emphasize that this action does not constitute a rejection of the Senate bill on its merits. In fact, the House passed H.R. 2807 on April 28, 1998, which contains an import ban on the same products covered by the Senate bill. S. 361, however, was passed by the other body as a freestanding bill in contravention to the constitutional requirement that revenue measures originate in the House of Representatives. Since the passage of S. 361, the Senate amended the House-passed bill, H.R. 2807, on October 13, 1998, and on the following day the House agreed to the Senate amendments. By amending a House-passed bill which already contained a revenue provision, the Senate acted on this matter in compliance with the Constitution and the House has responded by concurring in the Senate language.

Accordingly, the proposed action today is purely procedural in nature and is necessary to preserve the prerogatives of the House to originate all revenue matters. It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit.

Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR ACQUISITION OF LANDS FORMERLY OCCUPIED BY FRANKLIN D. ROOSEVELT FAMILY

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2241) to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL AUTHORITY.

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire, by purchase with donated or appropriated funds, by donation, or otherwise, lands and interests in lands located in Hyde Park, New York, that were owned by Franklin D. Roosevelt or his family at the time of his death as depicted on the map entitled "F.D. Roosevelt Property Entire Park" dated July 26, 1962, and numbered FDR–NHS 3008. Such map shall be on file for inspection in the appropriate offices of the National Park Service.

SEC. 2. ADMINISTRATION.

Lands and interests therein acquired by the Secretary shall be added to, and administered by the Secretary as part of the Home of Franklin D. Roosevelt National Historic Site or the Eleanor Roosevelt National Historic Site, as appropriate.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE A TECHNICAL CORRECTION IN ENROLLMENT OF H.R. 3910, AUTHORIZING AUTOMOBILE NATIONAL HERITAGE AREA IN MICHIGAN

Mr. HANSEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 351) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 351

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3910) to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes, the Clerk of the House of Representatives shall strike section 406 and insert the following new section 406:

SEC. 406. TERMINATION OF CORRIDOR COMMISSION.

Section 9(a) of such Act (102 Stat. 4556) is amended by striking "on the day occurring 5 years after the date of the enactment of this Act" and inserting "on November 18, 2003".

SEC. . CORRECTIONS.

(a) EFFECTIVE DATE.—Subsections (b) and (c) shall take effect immediately after the later of—

(1) the enactment of the Hydrographic Services Improvement Act of 1998; or

(2) the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 is amended to read as follows:

"SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Administrator the following:

"(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, and $35,000,000 for fiscal year 2001.

"(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $37,000,000 for fiscal year 2001. Of these amounts, no more than $16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

"(3) To carry out geodetic functions under the Act of 1947, $25,000,000 for fiscal year 1999, $30,000,000 for fiscal year 2000, and $30,000,000 for fiscal year 2001.

"(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2001. Of these amounts $4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and $7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).".

(c) REPEAL OF REPORT REQUIREMENTS.—Section 305 of the Hydrographic Services Improvement Act of 1998 is amended by striking subsections (a) and (d).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 3461, APPROVING THE GOVERNING INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND POLAND

Mr. HANSEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 352) directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 352

Resolved by the House of Representatives (the Senate concurring) That, in the enrollment of the bill, H.R. 3461, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 305, strike subsections (a) and (d).

(2) Amend section 306 to read as follows:

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator the following:

(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, and $35,000,000 for fiscal year 2001.

(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $37,000,000 for fiscal year 2001. Of these amounts, no more than $16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

(3) To carry out geodetic functions under the Act of 1947, $25,000,000 for fiscal year 1999, $30,000,000 for fiscal year 2000, and $30,000,000 for fiscal year 2001.

(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2001. Of these amounts $4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and $7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMEMBERING THE CONTRIBUTIONS OF GEORGE WASHINGTON TO THE NATION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 83) remembering the life of George Washington and his contributions to the Nation, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield half of my time to the gentleman from Maryland (Mr. CUMMINGS).

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. GILMAN) and the gentleman from Maryland (Mr. CUMMINGS) will each control 30 minutes.

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of this legislation remembering our first President and founding father George Washington.

This legislation will commemorate the 200th anniversary of George Washington's death on December 14, 1999.

George Washington was a peerless military leader in the Revolutionary War, able Chairman of the Constitutional Convention and brilliant first President.

George Washington is truly the father of this great country. Because of George Washington's actions in life, we are free and we are Americans.

"Our cause is noble," Washington said, "It is the cause of mankind!"

Pursuit of liberty and justice under God is still the most inspiring, the most successful, most revolutionary idea the world has ever known.

Mr. Speaker, as Americans, let us rededicate ourselves to the ideals by which George Washington lived his life.

I believe another great Virginian, Thomas Jefferson, may have said it best when describing George Washington: His integrity was the most pure and his justice the most inflexible we have ever known.

He is in every sense of the word a wise and great person.

As the bicentennial of Washington's death approaches, I ask the House to join me in celebrating the life of our founding father George Washington.

Let us dedicate this year long commemoration to learning more about his fascinating life and career.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us is to honor George Washington. Next year will be the 200th year of his death. Many of the Nation's children will not and do not know that he is the first President of the United States.

In a document promoting the celebration of Washington's bicentennial, it states that, quote, 200 years after Washington's death, the importance of his leadership has not dwindled. But our knowledge of and respect for Washington has declined to an incredibly low level. In just four decades, Washington's coverage in history textbooks has been reduced so dramatically that some teachers complain that he has been relegated to "footnote status." Educators admit that the teaching of history is woefully inadequate and that only 2 out of 10 students graduating from high school can be described as proficient in history. Today we have reached an agreement on a budget bill that includes over $1 billion for 100,000 new teachers to reduce class size in the early grades. Statistics have shown that smaller class sizes contribute greatly toward a student's learning as a result of which their knowledge of math and science will be greatly enhanced and so will their knowledge of our Nation's great history and its leaders.

With that, Mr. Speaker, I urge all Members to support this very, very important resolution honoring President George Washington.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Maryland for his supporting remarks.

Mr. Speaker, S. Con. Res. 83 remembers the life of George Washington and his contributions to our Nation. This concurrent resolution is similar to H. Con. Res. 209 which I introduced along with Speaker GINGRICH earlier this year.

I want to thank the Speaker and the gentleman from Indiana (Mr. BURTON) who is the distinguished chairman of our Committee on Government Reform and Oversight for his assistance in moving this important resolution. In addition. I would like to thank the Senator from Virginia (Mr. WARNER) for his assistance in the Senate and the gentleman from Maryland (Mr. CUMMINGS) for his support.

As my colleagues may know, December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties. Throughout his life Washington projected selfless bravery and astute decision-making, all of which helped to formulate our great Nation into what it is today.

No American in the history of our Nation has been more revered and respected than George Washington. His home, Mount Vernon, is our country's oldest and most famous historic preservation property. Each year over 1 million visitors come to see, to learn and to be inspired by the near hallowed estate owned by this extraordinary man.

Finally, I want to thank the Mount Vernon Ladies Association for all of their tireless efforts, day in and day out, to preserve both the heritage of George Washington and his home in Mount Vernon.

The passage of this resolution will allow the Mount Vernon Ladies Association to engage individuals from all walks of life to mark the occasion of the 200th anniversary of George Washington's death in 1999.

Accordingly, I ask our colleagues to join the Speaker, the Mount Vernon Ladies Association and myself in supporting this concurrent resolution which will celebrate this outstanding public servant and human being.

S. Con. Res. 83 will remember the life of George Washington and his contributions to our Nation. This concurrent resolution is similar to H. Con. Res. 209, which I introduced, along with Speaker GINGRICH earlier this year.

I want to thank the Speaker, my colleague, the gentlemen from Indiana, the distinguished chairman of the Government Reform Committee, Mr. BURTON, for his assistance in moving this important resolution. In addition, I would like to thank the Senator from Virginia, Mr. WARNER for his assistance in the Senate.

As my colleagues may know, December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation, and the protector of our liberties. Throughout his life, George Washington projected selfless bravery and astute decision-making all of which helped to formulate our great Nation into what it is today.

No American in the history of our Nation has been more revered and respected than George Washington. His home, Mount Vernon, is our country's oldest and most famous historic preservation property. Each year, over one million visitor come to see, to learn, and to be inspired by the near hallowed estate owned by this extraordinary man.

Finally, I want to thank the Mount Vernon Ladies Association for all of their tireless efforts, day in and day out, to preserve both the heritage of George Washington and his home in Mount Vernon.

The passage of this resolution will allow the Mount Vernon Ladies Association to engage individuals from all walks of life, to mark the occasion of the 200th anniversary of George Washington's death in 1999.

Accordingly, I ask my colleagues to join the Speaker, and the Mount Vernon Ladies Association and myself in supporting this concurrent resolution which will celebrate this outstanding public servant and human being.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in support of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DAVIS of Virginia. Mr. Speaker, as a Virginian and the former chairman of Fairfax County, where Mount Vernon is located, I am very pleased to be able to speak in support of S. Con. Res. 83, Remembering the life of George Washington and his contributions to the Nation. I am proud to rise in support of this resolution honoring the Father of our country as we near the historic bicentennial of his death.

The death of George Washington on December 14, 1799 was met with a period of national mourning that was unprecedented, even by modern standards. Many Americans believed that the very existence and security of our country would be jeopardized without his leadership and presence. However, in this day and age, many do not know how to respond to the question—who is George Washington?

The answer to this question may seem apparent, but many of our fellow Americans no longer seem to know the answer. While he may continue to be the most recognized national figure thanks to his image appearing on the dollar bill and due to his name being used by many towns, cities, counties and even a State, evidence suggests that too few Americans truly understand what he stood for or that our country owes its very existence to his leadership, dedication, hard work, and personal sacrifice.

Washington's service to the Nation goes far beyond his remarkable leadership during the Revolutionary War and his precedent-setting terms as our first president. Washington was also considered the "first farmer" of America, a conservationist, and environmentalist ahead of his time. He helped to found the Nation's capital, he supported education with both political influence and personal donations, and he sent a very important message to the world when he freed his slaves in his will. Washington was not just a great man—he was a good man, who always strived to do what was best for his Nation.

As we approach the new millennium, it is imperative that we as Americans not lose sight of the monumental contributions made by George Washington to our Nation. In a eulogy delivered several days after his death, Henry "Light-Horse Harry" Lee said that George Washington was "A citizen, first in war, first in peace and first in the hearts of his countrymen."

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred.

A motion to reconsider was laid on the table.

□ 1700

ENEY, CHESTNUT, GIBSON MEMORIAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 120) to redesignate the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., as the "Eney, Chestnut, Gibson Memorial Building."

The Clerk read as follows:

S. CON. RES. 120

Whereas the United States Capitol Police force has protected the Capitol and upheld the beacon of democracy in America;

Whereas 3 officers of the United States Capitol Police have lost their lives in the line of duty;

Whereas Sgt. Christopher Eney was killed on August 24, 1984, during a training exercise;

Whereas officer Jacob "J.J." Chestnut was killed on July 24, 1998, while guarding his post at the Capitol; and

Whereas Detective John Gibson was killed on July 24, 1998, while protecting the lives of visitors, staff, and the Office of the Majority Whip of the House of Representatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Capitol Police headquarters building located at 119 D Street, Northeast, Washington, D.C., shall be known and designated as the "Eney, Chestnut, Gibson Memorial Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Senate Concurrent Resolution 120 redesignates the United States Capitol Police Headquarter Building located at 119 D Street, Northeast, Washington, D.C., as the Eney, Chestnut, Gibson Memorial Building in honor of the three Capitol Police officers who made an ultimate sacrifice by giving their lives in the line of service.

Officer Eney was killed in training exercises in August 1984. Officers Chestnut and Gibson were struck down in the line of fire defending the Members of this body, congressional staff and visitors just a few weeks ago on July 24.

This certainly is a most fitting tribute to these fallen heroes. I support the resolution and urge my colleagues to join me in support.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Ohio (Mr. TRAFICANT), who does such an able job representing us on this committee and in the Congress, for yielding this time to me.

Mr. Speaker, I rise today in strong support of S.Con.Res. 120, a concurrent resolution to rename the Capitol Police Headquarters in the memory of Officers Christopher Eney, Jacob Chestnut and Detective John Gibson.

Mr. Speaker, the distinguished majority leader and I had the opportunity today to participate in the laying of a wreath at the memorial which commemorates those brave American police officers, our domestic defenders who have laid down their life for peaceful and safe communities.

Mr. Speaker, almost 15,000 Americans wearing a uniform or in the service of our law enforcement levels at the Federal, state and local have lost their lives. That is a big number. This year alone, Mr. Speaker, 64,000 officers will be assaulted on the streets and in the communities of America. An officer will be killed once every 54 hours in America. Twelve officers, in addition to Mr. Chestnut and Mr. Gibson, Detective Gibson and Officer Chestnut, were killed in July of 1998. These stark statistics were given at that memorial service in which the majority leader and I participated today.

I introduced a resolution similar to this in the House with Senator PAUL SARBANES on September 18, 1998, passed Senator SARBANES' resolution, nonpartisan-bipartisan, no pride of authorship, but a pride only in the service that these brave men have given. It passed the Senate on October 8.

I want to thank my colleague and friend, the gentleman from Texas (Mr. DELAY); the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and, as I said earlier, my good friend the gentleman from Ohio (Mr. TRAFICANT) as well as the gentleman from California (Mr. KIM) for bringing this bill to the floor in a timely fashion. Susan Brita of the Democratic staff I would also like to personally thank for her attention to this bill as well as the majority staff for their hard work in ensuring its consideration here today.

This resolution names; the building does not have a name right now, but this resolution names the United States Capitol Police Headquarters as the Eney, Chestnut, Gibson Memorial Building. It is right and proper that we do this. This name was selected not by any of us, but by the Capitol Police themselves and reflects the order in which each man lost his life. These men are fallen heroes of the Capitol Police Force.

Let me read now, if I can, Mrs. Eney's remarks that are included at the memorial. She said this:

It is not how those officers died that made them heroes, it is how they lived.

I hope Mrs. Eney is watching today along with Mrs. Chestnut and Mrs. Gibson. I had the opportunity to talk to Wendy today and to Lynn and see the pain of their loss and the anguish that they were experiencing. There is nothing that we can do perhaps to relieve that pain, but it is proper for us to recognize the sacrifice and service of those they loved.

These men are fallen heroes. Officer Christopher Eney lost his life during a training exercise in August 1984, training to be ready to defend this Capitol with his life, if need be. Just as Officer Chestnut and Detective Gibson had trained and were prepared and did, in fact, give their lives in the defense not just of the people in this body, not just of those who work in this building, not even just for those who visit this building, or a combination of all, but in a very real sense in defense of the democracy for which this building stands.

Officer Chestnut and Detective Gibson were struck down in the line of duty on July 24 of this year while defending innocent citizens, staff and Members from a maniacal and senseless shooting spree in our Nation's Capitol. Last week indeed, Mr. Speaker, a grand jury indicted the shooter, charged him with murder in the shooting deaths of Officer Chestnut and Detective Gibson. Hopefully that trial will proceed speedily and will reach a just and appropriate result.

Mr. Speaker, August 24, the day on which Christopher Eney died, and July 24, the day on which Detective Gibson and Officer Chestnut gave their lives, those two dates should forever remind us that the risk is always present for those we ask to defend a free society.

As a Capitol Hill family, we in Congress wish to join the Capitol Hill Police Force and the families of the deceased in honoring the memory of their colleagues and loved ones who died while performing their duties by renaming their headquarters after them.

It is appropriate for the Congress to pass this resolution. The men and women of law enforcement, like those we ask to join the Armed Services and defend freedom abroad, are responsible for us being able to meet in this body, in a society that honors peace and order. The least that we could do, as a body and as a people, is to honor our fallen officers by naming the headquarters where they served with dignity and pride and commitment and courage.

I urge my colleagues to support this resolution.

Mr. KIM. Mr. Speaker, I yield 5 minutes to the majority whip, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I rise certainly in support of this legislation and am very proud to support it. I want to thank my good friend, the gentleman from Maryland (Mr. HOYER) because I went to the same ceremony just to honor not only the Capitol heroes that have fallen but police officers that have fallen around the country, just to support them.

The gentleman from Maryland (Mr. HOYER) was very gracious in including me in the ceremony. It was a great honor for me to be a part of the ceremony and because of his graciousness and hospitality and thoughtfulness, I really appreciate what he did.

This is a resolution that I am very proud that is coming to the floor. It is obviously on a day like today, when we are honoring all the fallen law enforcement officers around the country, and those that are still living, to pass a resolution like this, particularly in light of the fact that Christopher Eney, who died in a training incident, is also being honored along with Officer Chestnut and Detective Gibson.

The Capitol Police have only lost three officers in its entire history. Christopher Eney was the first, and unfortunately on the same day we lost two more. The Capitol Police Officers want to name their headquarters for these three officers and I, like the gentleman from Maryland (Mr. HOYER), think that is more than appropriate and certainly honorable that their fellow officers want to do so.

Earlier this year, the body knows that my office was the scene of this tragic incident that shook the Nation and it was there that a gunman came into the United States Capitol and started shooting and he killed Officer Chestnut, wounded a tourist and then shot and fatally wounded Detective Gibson.

Before he died, Detective Gibson was able to shoot the gunman, saving the lives of many innocent bystanders, including members of my staff. For that, my staff and I will be eternally grateful.

We also are grateful to the families that sacrificed these officers. As most can expect, these families are having a very hard time but need to understand that the Nation is praying for them and their families; that they have a lot of support not only within the law enforcement community in Washington, D.C. and in the Metroplex area but in this House and around the country.

The memorial fund that was set up for J.J. and John has been more than successful, although I would like it to be even bigger, but we are very encouraged by the kind of support that we are seeing coming from all around the Nation.

Chestnut and Gibson and Eney are certainly American heroes, not only because they died in the line of duty but also because they exemplified the best of the American spirit when they were alive. All three were family men. All three were patriots. All three were dedicated to the proposition that America is the land of the free and the home of the brave.

John Gibson served on my security detail and became a very close friend to me. We discussed many things in our time together. We talked about our families. We talked about our country and we talked about God. I continue to miss the professional manner, the uncommon wisdom and the wry sense of humor that John brought to our office every day, and I will miss him for the rest of my life.

Both John Gibson and J.J. Chestnut died so that others might live. They gave their lives in the defense of the United States Capitol and they died as American heroes. Naming the U.S. Capitol Police headquarters after these three men, J.J. Chestnut, John Gibson and Christopher Eney, is an altogether, if insufficient, way to memorialize their contributions to the United States Congress and to this country, and I am honored to ask the Members to support this resolution.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to pay tribute, before I pay tribute to these officers, to the gentleman from Texas (Mr. DELAY) and to the gentleman from Maryland (Mr. HOYER). They have worked so hard to pay tribute to such a needy, worthy situation in our Nation's history, in our Capitol history, that the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY) deserve the thanks of every Member, of every family and every police officer in America.

As an old sheriff, I want to thank the gentleman from Texas (Mr. DELAY) and I want to thank the gentleman from Maryland (Mr. HOYER).

□ 1715

Having said that, as sheriff, I lost a deputy who was shot at short range, Sonny Litch, a beautiful family, left two youngsters, and it is a sad, tragic day.

What we do here today is appropriate and fitting. I want to join with the gentleman from Maryland (Mr. HOYER) and the gentleman from Texas (Mr. DELAY) and the good Senator from the other side. I want to thank the gentleman from California (Mr. KIM), Rick and Susan, for helping with this, and I hope that this will last forever and their memory will last forever for the great service, the ultimate sacrifice, they give to their Nation. Every law enforcement officer deserves a pat on the back because every day they put their life on the line.

With that, I urge an aye vote.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 120.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONCURRENCE BY THE HOUSE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 2204, COAST GUARD AUTHORIZATION ACT OF 1997

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 602) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204.

The Clerk read as follows:

H. RES. 602

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 2204) to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes, and the Senate amendment thereto, and to have concurred in the Senate amendment with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. LORAN-C.

TITLE II—COAST GUARD MANAGEMENT

Sec. 201. Severance pay.
Sec. 202. Authority to implement and fund certain awards programs.
Sec. 203. Use of appropriated funds for commercial vehicles at military funerals.
Sec. 204. Authority to reimburse Novato, California, Reuse Commission.
Sec. 205. Law enforcement authority for special agents of the Coast Guard Investigative Service.
Sec. 206. Report on excess Coast Guard property.
Sec. 207. Fees for navigation assistance service.
Sec. 208. Aids to navigation report.

TITLE III—MARINE SAFETY

Sec. 301. Extension of territorial sea for certain laws.
Sec. 302. Penalties for interfering with the safe operation of a vessel.
Sec. 303. Great Lakes Pilotage Advisory Committee.
Sec. 304. Alcohol testing.
Sec. 305. Protect marine casualty investigations from mandatory release.
Sec. 306. Safety management code report and policy.
Sec. 307. Oil and hazardous substance definition and report.
Sec. 308. National Marine Transportation System.

Sec. 309. Availability and use of EPIRBS for recreational vessels.
Sec. 310. Search and rescue helicopter coverage.
Sec. 311. Petroleum transportation.
Sec. 312. Seasonal Coast Guard helicopter air rescue capability.
Sec. 313. Ship reporting systems.

TITLE IV—MISCELLANEOUS

Sec. 401. Vessel identification system amendments.
Sec. 402. Conveyance of Coast Guard Reserve training facility, Jacksonville, Florida.
Sec. 403. Documentation of certain vessels.
Sec. 404. Conveyance of Nahant parcel, Essex County, Massachusetts.
Sec. 405. Unreasonable obstruction to navigation.
Sec. 406. Financial responsibility for oil spill response vessels.
Sec. 407. Conveyance of Coast Guard property to Jacksonville University in Jacksonville, Florida.
Sec. 408. Penalty for violation of International Safety Convention.
Sec. 409. Coast Guard City, USA.
Sec. 410. Conveyance of Communication Station Boston Marshfield Receiver Site, Massachusetts.
Sec. 411. Clarification of liability of persons engaging in oil spill prevention and response activities.
Sec. 412. Vessels not seagoing motor vessels.
Sec. 413. Land conveyance, Coast Guard Station Ocracoke, North Carolina.
Sec. 414. Conveyance of Coast Guard property in Sault Sainte Marie, Michigan.
Sec. 415. Interim authority for dry bulk cargo residue disposal.
Sec. 416. Conveyance of lighthouses.
Sec. 417. Conveyance of Coast Guard LORAN Station Nantucket.
Sec. 418. Conveyance of decommissioned Coast Guard vessels.
Sec. 419. Amendment to conveyance of vessel S/S RED OAK VICTORY.
Sec. 420. Transfer of Ocracoke Light Station to Secretary of the Interior.
Sec. 421. Vessel documentation clarification.
Sec. 422. Dredge clarification.
Sec. 423. Double hull alternative designs study.
Sec. 424. Vessel sharing agreements.
Sec. 425. Reports.
Sec. 426. Report on tonnage calculation methodology.
Sec. 427. Authority to convey National Defense Reserve Fleet Vessels.
Sec. 428. Authority to convey National Defense Reserve Fleet Vessel, JOHN HENRY.
Sec. 429. Applicability of authority to release restrictions and encumbrances.
Sec. 430. Barge APL-60.
Sec. 431. Vessel financing flexibility.
Sec. 432. Hydrographic functions.

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

Sec. 501. Findings.
Sec. 502. Administrative waiver of coastwise trade laws.
Sec. 503. Revocation.
Sec. 504. Definitions.
Sec. 505. Sunset.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Assessments.
Sec. 604. Northern Gulf of Mexico hypoxia.
Sec. 605. Authorization of appropriations.
Sec. 606. Protection of States' rights.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard, as follows:

(1) For the operation and maintenance of the Coast Guard—

(A) for fiscal year 1998, $2,715,400,000; and

(B) for fiscal year 1999, $2,854,700,000; of which $25,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $408,000,000 shall be available for expenses related to drug interdiction.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto—

(A) for fiscal year 1998, $399,850,000, of which $2,000,000 shall be made available for concept evaluation for a replacement vessel for the Coast Guard icebreaker MACKINAW; and

(B) for fiscal year 1999, $510,300,000, of which $5,300,000 shall be made available to complete the conceptual design for a replacement vessel for the Coast Guard icebreaker MACKINAW;

to remain available until expended, of which $20,000,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 and of which not less than $62,000,000 shall be available for expenses related to drug interdiction.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness—

(A) for fiscal year 1998, $19,000,000; and

(B) for fiscal year 1999, $18,300,000;

to remain available until expended, of which $3,500,000 shall be derived each fiscal year from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code—

(A) for fiscal year 1998, $653,196,000; and

(B) for fiscal year 1999, $691,493,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) for fiscal year 1998, $17,000,000; and

(B) for fiscal year 1999, $26,000,000,

to remain available until expended.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $26,000,000 for each of fiscal years 1998 and 1999, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of—

(1) 37,944 as of September 30, 1998; and

(2) 38,038 as of September 30, 1999.

(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training—

(A) for fiscal year 1998, 1,424 student years; and

(B) for fiscal year 1999, 1,424 student years.

(2) For flight training—

(A) for fiscal year 1998, 98 student years; and

(B) for fiscal year 1999, 98 student years.

(3) For professional training in military and civilian institutions—

(A) for fiscal year 1998, 283 student years; and

(B) for fiscal year 1999, 283 student years.

(4) For officer acquisition—

(A) for fiscal year 1998, 814 student years; and

(B) for fiscal year 1999, 810 student years.

SEC. 103. LORAN-C.

(a) FISCAL YEAR 1999.—There are authorized to be appropriated to the Department of Transportation, in addition to the funds authorized for the Coast Guard for operation of the LORAN-C System, for capital expenses related to LORAN-C navigation infrastructure, $10,000,000 for fiscal year 1999. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) COST-SHARING PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan for cost-sharing arrangements among Federal agencies for such capital and operating expenses related to LORAN-C navigation infrastructure, including such expenses of the Coast Guard and the Federal Aviation Administration.

TITLE II—COAST GUARD MANAGEMENT

SEC. 201. SEVERANCE PAY.

(a) WARRANT OFFICERS.—Section 286a(d) of title 14, United States Code, is amended by striking the last sentence.

(b) SEPARATED OFFICERS.—Section 286a of title 14, United States Code, is amended by striking the period at the end of subsection (b) and inserting ", unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

(c) EXCEPTION.—Section 327 of title 14, United States Code, is amended by striking the period at the end of paragraph (b)(3) and inserting ", unless the Secretary determines that the conditions under which the officer is discharged or separated do not warrant payment of that amount of severance pay.".

SEC. 202. AUTHORITY TO IMPLEMENT AND FUND CERTAIN AWARDS PROGRAMS.

Section 93 of title 14, United States Code, is amended—

(1) by striking "and" after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(w) provide for the honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions, or operations, including State and local governments and commercial and non-profit organizations, and pay for, using any appropriations or funds available to the Coast Guard, plaques, medals, trophies, badges, and similar items to acknowledge such contribution (including reasonable expenses of ceremony and presentation).".

SEC. 203. USE OF APPROPRIATED FUNDS FOR COMMERCIAL VEHICLES AT MILITARY FUNERALS.

Section 93 of title 14, United States Code, as amended by section 202 of this Act, is further amended—

(1) by striking "and" after the semicolon at the end of paragraph (v);

(2) by striking the period at the end of paragraph (w) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(x) rent or lease, under such terms and conditions as are considered by the Secretary to be advisable, commercial vehicles to transport the next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.".

SEC. 204. AUTHORITY TO REIMBURSE NOVATO, CALIFORNIA, REUSE COMMISSION.

The Commandant of the United States Coast Guard may use up to $25,000 to provide economic adjustment assistance for the City of Novato, California, for the cost of revising the Hamilton Reuse Planning Authority's reuse plan as a result of the Coast Guard's request for housing at Hamilton Air Force Base. If the Department of Defense provides such economic adjustment assistance to the City of Novato on behalf of the Coast Guard, then the Coast Guard may use the amount authorized for use in the preceding sentence to reimburse the Department of Defense for the amount of economic adjustment assistance provided to the City of Novato by the Department of Defense.

SEC. 205. LAW ENFORCEMENT AUTHORITY FOR SPECIAL AGENTS OF THE COAST GUARD INVESTIGATIVE SERVICE.

(a) AUTHORITY.—Section 95 of title 14, United States Code, is amended to read as follows:

"§ 95. Special agents of the Coast Guard Investigative Service law enforcement authority

"(a)(1) A special agent of the Coast Guard Investigative Service designated under subsection (b) has the following authority:

"(A) To carry firearms.

"(B) To execute and serve any warrant or other process issued under the authority of the United States.

"(C) To make arrests without warrant for—

"(i) any offense against the United States committed in the agent's presence; or

"(ii) any felony cognizable under the laws of the United States if the agent has probable cause to believe that the person to be arrested has committed or is committing the felony.

"(2) The authorities provided in paragraph (1) shall be exercised only in the enforcement of statutes for which the Coast Guard has law enforcement authority, or in exigent circumstances.

"(b) The Commandant may designate to have the authority provided under subsection (a) any special agent of the Coast Guard Investigative Service whose duties include conducting, supervising, or coordinating investigation of criminal activity in programs and operations of the United States Coast Guard.

"(c) The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Commandant and approved by the Attorney General and any other applicable guidelines prescribed by the Secretary of Transportation or the Attorney General.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 14, United States Code, is amended by striking the item related to section 95 and inserting the following:

"95. Special agents of the Coast Guard Investigative Service law enforcement authority.".

SEC. 206. REPORT ON EXCESS COAST GUARD PROPERTY.

Not later than 9 months after the date of enactment of this Act, the Administrator of the General Services Administration and the Commandant of the Coast Guard shall submit to the Congress a report on the current procedures used to dispose of excess Coast Guard property and provide recommendations to improve such procedures. The recommendations shall take into consideration measures that would—

(1) improve the efficiency of such procedures;

(2) improve notification of excess property decisions to and enhance the participation in the property disposal decisionmaking process of the States, local communities, and appropriate non-profit organizations;

(3) facilitate the expeditious transfer of excess property for recreation, historic preservation, education, transportation, or other uses that benefit the general public; and

(4) ensure that the interests of Federal taxpayers are protected.

SEC. 207. FEES FOR NAVIGATION ASSISTANCE SERVICE.

Section 2110 of title 46, United States Code, is amended by adding at the end thereof the following:

"(k) The Secretary may not plan, implement or finalize any regulation that would promulgate any new maritime user fee which was not implemented and collected prior to January 1, 1998, including a fee or charge for any domestic icebreaking service or any other navigational assistance service. This subsection expires on September 30, 2001.".

SEC. 208. AIDS TO NAVIGATION REPORT.

Not later than 18 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the use of the Coast Guard's aids to navigation system. The report shall include an analysis of the respective use of the aids to navigation system by commercial interests, members of the general public for personal recreation, Federal and State government for public safety, defense, and other similar purposes. To the extent practicable within the time allowed, the report shall include information regarding degree of use of the various portions of the system.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR CERTAIN LAWS.

(a) PORTS AND WATERWAYS SAFETY ACT.—Section 102 of the Ports and Waterways Safety Act (33 U.S.C. 1222) is amended by adding at the end the following:

"(5) 'Navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(b) SUBTITLE II OF TITLE 46.—

(1) Section 2101 of title 46, United States Code, is amended—

(A) by redesignating paragraph (17a) as paragraph (17b); and

(B) by inserting after paragraph (17) the following:

"(17a) 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

(2) Section 2301 of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(3) Section 4102(e) of that title is amended by striking "operating on the high seas" and inserting "owned in the United States and operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(4) Section 4301(a) of that title is amended by inserting "(including the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988)" after "of the United States".

(5) Section 4502(a)(7) of that title is amended by striking "on the high seas" and inserting "beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured, and which are owned in the United States".

(6) Section 4506(b) of that title is amended by striking paragraph (2) and inserting the following:

"(2) is operating—

"(A) in internal waters of the United States; or

"(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.".

(7) Section 8502(a)(3) of that title is amended by striking "not on the high seas" and inserting: "not beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured".

(8) Section 8503(a)(2) of that title is amended by striking paragraph (2) and inserting the following:

"(2) operating—

"(A) in internal waters of the United States; or

"(B) within 3 nautical miles from the baselines from which the territorial sea of the United States is measured.".

SEC. 302. PENALTIES FOR INTERFERING WITH THE SAFE OPERATION OF A VESSEL.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 2302. Penalties for negligent operations and interfering with safe operation";

and

(2) in subsection (a) by striking "that endangers" and inserting "or interfering with the safe operation of a vessel, so as to endanger".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by striking the item relating to section 2302 and inserting the following:

"2302. Penalties for negligent operations and interfering with safe operation.".

SEC. 303. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended to read as follows:

"§ 9307. Great Lakes Pilotage Advisory Committee

"(a) The Secretary shall establish a Great Lakes Pilotage Advisory Committee. The Committee—

"(1) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

"(2) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

"(3) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(4) shall meet at the call of—

"(A) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(B) a majority of the Committee.

"(b)(1) The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations. The term of each member is for a period of not more than 5 years, specified by the Secretary. Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

"(2) The membership of the Committee shall include—

"(A) 3 members who are practicing Great Lakes pilots and who reflect a regional balance;

"(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

"(C) 1 member representing the interests of Great Lakes ports;

"(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

"(E) 1 member representing the interests of the general public, who is an independent expert on the Great Lakes maritime industry.

"(c)(1) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman, or in the event of a vacancy in the office of the Chairman.

"(2) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The representatives shall, as appropriate, report to and advise the Committee on matters relating to Great Lakes pilotage. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

"(d)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

"(2) The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

"(e)(1) A member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

"(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS–18 of the General Schedule under section 5332 of title 5 including travel time; and

"(B) travel or transportation expenses under section 5703 of title 5.

"(2) A member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

"(f)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2003.

"(2) 2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.".

SEC. 304. ALCOHOL TESTING.

(a) ADMINSTRATIVE PROCEDURE.—Section 7702 of title 46, United States Code, is amended by striking the second sentence of subsection (c)(2) and inserting the following: "The testing may include preemployment (with respect to dangerous drugs only), periodic, random, and reasonable cause testing, and shall include post-accident testing.".

(b) INCREASE IN CIVIL PENALTY.—Section 2115 of title 46, United States Code, is amended by striking "$1,000" and inserting "$5,000".

(c) INCREASE IN NEGLIGENCE PENALTY.—Section 2302(c)(1) of title 46, United States Code, is amended by striking "$1,000 for a first violation and not more than $5,000 for a subsequent violation; or" and inserting "$5,000; or".

(d) POST SERIOUS MARINE CASUALTY TESTING.—

(1) Chapter 23 of title 46, United States Code, is amended by inserting after section 2303 the following:

"§2303a. Post serious marine casualty alcohol testing

"(a) The Secretary shall establish procedures to ensure that after a serious marine casualty occurs, alcohol testing of crew members or other persons responsible for the operation or other safety-sensitive functions of the vessel or vessels involved in such casualty is conducted no later than 2 hours after the casualty occurs, unless such testing cannot be completed within that time due to safety concerns directly related to the casualty.

"(b) The procedures in subsection (a) shall require that if alcohol testing cannot be completed within 2 hours of the occurrence of the casualty, such testing shall be conducted as soon thereafter as the safety concerns in subsection (a) have been adequately addressed to permit such testing, except that such testing may not be required more than 8 hours after the casualty occurs.".

(2) The table of sections at the beginning of chapter 23 of title 46, United States Code, is amended by inserting after the item related to section 2303 the following:

"2303a. Post serious marine casualty alcohol testing".

SEC. 305. PROTECT MARINE CASUALTY INVESTIGATIONS FROM MANDATORY RELEASE.

Section 6305(b) of title 46, United States Code, is amended by striking all after "public" and inserting a period and "This subsection does not require the release of information described by section 552(b) of title 5 or protected from disclosure by another law of the United States.".

SEC. 306. SAFETY MANAGEMENT CODE REPORT AND POLICY.

(a) REPORT ON IMPLEMENTATION AND ENFORCEMENT OF THE INTERNATIONAL SAFETY MANAGEMENT CODE.—

(1) The Secretary of Transportation (in this section referred to as the "Secretary") shall conduct a study—

(A) reporting on the status of implementation of the International Safety Management Code (hereinafter referred to in this section as 'Code');

(B) detailing enforcement actions involving the Code, including the role documents and reports produced pursuant to the Code play in such enforcement actions;

(C) evaluating the effects the Code has had on marine safety and environmental protection, and identifying actions to further promote marine safety and environmental protection through the Code;

(D) identifying actions to achieve full compliance with and effective implementation of the Code; and

(E) evaluating the effectiveness of internal reporting and auditing under the Code, and recommending actions to ensure the accuracy and candidness of such reporting and auditing.

These recommended actions may include proposed limits on the use in legal proceedings of documents produced pursuant to the Code.

(2) The Secretary shall provide opportunity for the public to participate in and comment on the study conducted under paragraph (1).

(3) Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the results of the study conducted under paragraph (1).

(b) POLICY.—

(1) Not later than 9 months after submission of the report in subsection (a)(3), the Secretary shall develop a policy to achieve full compliance with and effective implementation of the Code. The policy may include—

(A) enforcement penalty reductions and waivers, limits on the use in legal proceedings of documents produced pursuant to the Code, or other incentives to ensure accurate and candid reporting and auditing;

(B) any other measures to achieve full compliance with and effective implementation of the Code; and

(C) if appropriate, recommendations to Congress for any legislation necessary to implement one or more elements of the policy.

(2) The Secretary shall provide opportunity for the public to participate in the development of the policy in paragraph (1).

(3) Upon completion of the policy in paragraph (1), the Secretary shall publish the policy in the Federal Register and provide opportunity for public comment on the policy.

SEC. 307. OIL AND HAZARDOUS SUBSTANCE DEFINITION AND REPORT.

(a) DEFINITION OF OIL.—Section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)) is amended to read as follows:

"(23) 'oil' means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, but does not include any substance which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601) and which is subject to the provisions of that Act;".

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Congress on the status of the joint evaluation by the Coast Guard and the Environmental Protection Agency of the substances to be classified as oils under the Federal Water Pollution Control Act and title I of the Oil Pollution Act of 1990, including opportunities provided for public comment on the evaluation.

SEC. 308. NATIONAL MARINE TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation, through the Coast Guard and the

Maritime Administration, shall, in consultation with the National Ocean Service of the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other interested Federal agencies and departments, establish a task force to assess the adequacy of the nation's marine transportation system (including ports, waterways, harbor approach channels, and their intermodal connections) to operate in a safe, efficient, secure, and environmentally sound manner.

(b) Task Force.—

(1) The task force shall be chaired by the Secretary of Transportation or his designee and may be comprised of the representatives of interested Federal agencies and departments and such other nonfederal entities as the Secretary deems appropriate.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the task force.

(c) Assessment.—

(1) In carrying out the assessment under this section, the task force shall examine critical issues and develop strategies, recommendations, and a plan for action. Pursuant to such examination and development, the task force shall—

(A) take into account the capability of the marine transportation system, the adequacy of depth of approach channels and harbors, and the cost to the Federal Government to accommodate projected increases in foreign and domestic traffic over the next 20 years;

(B) consult with senior public and private sector officials, including the users of that system, such as ports, commercial carriers, shippers, labor, recreational boaters, fishermen, and environmental organizations;

(C) sponsor public and private sector activities to further refine and implement (under existing authority) the strategies, recommendations, and plan for action;

(D) evaluate the capability to dispose of dredged materials that will be produced to accommodate projected increases referred to in subparagraph (A); and

(E) evaluate the future of the navigational aid system including the use of virtual aids to navigation on electronic charts.

(2) The Secretary shall report to Congress on the results of the assessment no later than July 1, 1999. The report shall reflect the views of both the public and private sectors. The Task Force shall cease to exist upon submission of the report in this paragraph.

SEC. 309. AVAILABILITY AND USE OF EPIRBS FOR RECREATIONAL VESSELS.

The Secretary of Transportation, through the Coast Guard and in consultation with the National Transportation Safety Board and recreational boating organizations, shall, within 24 months of the date of enactment of this Act, assess and report to Congress on the use of emergency position indicating beacons (EPIRBs) and similar devices by operators of recreational vessels on the Intracoastal Waterway and operators of recreational vessels beyond the Boundary Line. The assessment shall at a minimum—

(1) evaluate the current availability and use of EPIRBs and similar devices by the operators of recreational vessels and the actual and potential contribution of such devices to recreational boating safety; and

(2) provide recommendations on policies and programs to encourage the availability and use of EPIRBS and similar devices by the operators of recreational vessels.

SEC. 310. SEARCH AND RESCUE HELICOPTER COVERAGE.

Not later than 9 months after the date of enactment of this Act, the Commandant shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) identifying waters out to 50 miles from the territorial sea of Maine and other States that cannot currently be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(2) providing options for ensuring that all waters of the area referred to in paragraph (1) can be served by a Coast Guard search and rescue helicopter within 2 hours of a report of distress or request for assistance from such waters;

(3) providing an analysis assessing the overall capability of Coast Guard search and rescue assets to serve each area referred to in paragraph (1) within 2 hours of a report of distress or request for assistance from such waters; and

(4) identifying, among any other options the Commandant may provide as required by paragraph (2), locations in the State of Maine that may be suitable for the stationing of a Coast Guard search and rescue helicopter and crew, including any Coast Guard facility in Maine, the Bangor Air National Guard Base, and any other locations.

SEC. 311. PETROLEUM TRANSPORTATION.

(a) Definitions.—In this section:

(1) First Coast Guard District.—The term "First Coast Guard District" means the First Coast Guard District described in section 3.05-1(b) of title 33, Code of Federal Regulations.

(2) Secretary.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

(3) Waters of the Northeast.—The term "waters of the Northeast"—

(A) means the waters subject to the jurisdiction of the First Coast Guard District; and

(B) includes the waters of Long Island Sound.

(b) Regulations Relating to Waters of the Northeast.—

(1) Towing vessel and barge safety for waters of the northeast.—

(A) In general.—Not later than December 31, 1998, the Secretary shall promulgate regulations for towing vessel and barge safety for the waters of the Northeast.

(B) Incorporation of recommendations.—

(i) In general.—Except as provided in clause (ii), the regulations promulgated under this paragraph shall give full consideration to each of the recommendations for regulations contained in the report entitled "Regional Risk Assessment of Petroleum Transportation in the Waters of the Northeast United States" issued by the Regional Risk Assessment Team for the First Coast Guard District on February 6, 1997, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(ii) Excluded recommendations.—The regulations promulgated under this paragraph shall not incorporate any recommendation referred to in clause (i) that relates to anchoring or barge retrieval systems.

(2) Anchoring and barge retrieval systems.—

(A) In general.—Not later than November 30, 1998, the Secretary shall promulgate regulations under section 3719 of title 46, United States Code, for the waters of the Northeast, that shall give full consideration to each of the recommendations made in the report referred to in paragraph (1)(B)(i) relating to anchoring and barge retrieval systems, and the Secretary shall provide a detailed explanation if any recommendation is not adopted.

(B) Rule of construction.—Nothing in subparagraph (A) prevents the Secretary from promulgating interim final regulations that apply throughout the United States relating to anchoring and barge retrieval systems that contain requirements that are as stringent as the requirements of the regulations promulgated under subparagraph (A).

SEC. 312. SEASONAL COAST GUARD HELICOPTER AIR RESCUE CAPABILITY.

The Secretary of Transportation is authorized to take appropriate actions to ensure the establishment and operation by the Coast Guard of a helicopter air rescue capability that—

(1) is located at Gabreski Airport, Westhampton, New York; and

(2) provides air rescue capability from that location from April 15 to October 15 each year.

SEC. 313. SHIP REPORTING SYSTEMS.

Section 11 of the Ports and Waterways Safety Act (Public Law 92-340; 33 U.S.C. 1230), is amended by adding at the end of the following:

"(d) Ship Reporting Systems.—The Secretary, in cooperation with the International Maritime Organization, is authorized to implement and enforce two mandatory ship reporting systems, consistent with international law, with respect to vessels subject to such reporting systems entering the following areas of the Atlantic Ocean: Cape Cod Bay, Massachusetts Bay, and Great South Channel (in the area generally bounded by a line starting from a point on Cape Ann, Massachusetts at 42 deg. 39' N., 70 deg. 37' W; then northeast to 42 deg. 45' N., 70 deg. 13' W; then southeast to 42 deg. 10' N., 68 deg. 31 W, then south to 41 deg. 00' N., 68 deg. 31' W; then west to 41 deg. 00' N., 69 deg. 17' W; then northeast to 42 deg. 05' N., 70 deg. 02' W, then west to 42 deg. 04' N., 70 deg. 10' W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42 deg. 39' N., 70 deg. 37' W) and in the coastal waters of the Southeastern United States within about 25 nm along a 90 nm stretch of the Atlantic seaboard (in an area generally extending from the shoreline east to longitude 80 deg. 51.6' W with the southern and northern boundary at latitudes 30 deg. 00' N., 31 deg. 27' N., respectively).".

TITLE IV—MISCELLANEOUS

SEC. 401. VESSEL IDENTIFICATION SYSTEM AMENDMENTS.

(a) In General.—Chapter 121 of title 46, United States Code, is amended—

(1) by striking "or is not titled in a State" in section 12102(a);

(2) by adding at the end thereof the following:

"§12124. Surrender of title and number

"(a) A documented vessel shall not be titled by a State or required to display numbers under chapter 123, and any certificate of title issued by a State for a documented vessel shall be surrendered in accordance with regulations prescribed by the Secretary of Transportation.

"(b) The Secretary may approve the surrender under subsection (a) of a certificate of title for a vessel covered by a preferred mortgage under section 31322(d) of this title only if the mortgagee consents.".

(b) Conforming Amendment.—The chapter analysis for chapter 121 of title 46, United States Code, is amended by adding at the end thereof the following:

"12124. Surrender of title and number".

(c) OTHER AMENDMENTS.—Title 46, United States Code, is amended—

(1) by striking section 31322(b) and inserting the following:

"(b) Any indebtedness secured by a preferred mortgage that is filed or recorded under this chapter, or that is subject to a mortgage, security agreement, or instruments granting a security interest that is deemed to be a preferred mortgage under subsection (d) of this section, may have any rate of interest to which the parties agree.";

(2) by striking "mortgage or instrument" each place it appears in section 31322(d)(1) and inserting "mortgage, security agreement, or instrument";

(3) by striking section 31322(d)(3) and inserting the following:

"(3) A preferred mortgage under this subsection continues to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, security agreement, or instrument granting a security interest became a preferred mortgage under this subsection.";

(4) by striking "mortgages or instruments" in subsection 31322(d)(2) and inserting "mortgages, security agreements, or instruments";

(5) by inserting "a vessel titled in a State," in section 31325(b)(1) after "a vessel to be documented under chapter 121 of this title,";

(6) by inserting "a vessel titled in a State," in section 31325(b)(3) after "a vessel for which an application for documentation is filed under chapter 121 of this title,"; and

(7) by inserting "a vessel titled in a State," in section 31325(c) after "a vessel to be documented under chapter 121 of this title,".

SEC. 402. CONVEYANCE OF COAST GUARD RESERVE TRAINING FACILITY, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) the land and improvements thereto comprising the Coast Guard Reserve training facility in Jacksonville, Florida, is deemed to be surplus property; and

(2) the Commandant of the Coast Guard shall dispose of all right, title, and interest of the United States in and to that property, by sale, at fair market value.

(b) RIGHT OF FIRST REFUSAL.—Before a sale is made under subsection (a) to any other person, the Commandant of the Coast Guard shall give to the city of Jacksonville, Florida, the right of first refusal to purchase all or any part of the property required to be sold under that subsection.

SEC. 403. DOCUMENTATION OF CERTAIN VESSELS.

(a) GENERAL WAIVER.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106 and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for each of the following vessels:

(1) SEAGULL (United States official number 1038605).

(2) BAREFOOT CONTESA (United States official number 285410).

(3) PRECIOUS METAL (United States official number 596316).

(4) BLUE HAWAII (State of Florida registration number FL0466KC).

(5) SOUTHERN STAR (United States official number 650774).

(6) KEEWAYDIN (United States official number 662066).

(7) W.G. JACKSON (United States official number 1047199).

(8) The vessel known as hopper barge E–15 (North Carolina State official number 264959).

(9) MIGHTY JOHN III (formerly the NIAGARA QUEEN, Canadian registration number 318746).

(10) MAR Y PAZ (United States official number 668179).

(11) SAMAKEE (State of New York registration number NY 4108 FK).

(12) NAWNSENSE (United States official number 977593).

(13) ELMO (State of Florida registration number FL5337BG).

(14) MANA-WANUI (United States official number 286657).

(15) OLD JOE (formerly TEMPTRESS; United States official number 991150).

(16) M/V BAHAMA PRIDE (United States official number 588647).

(17) WINDWISP (United States official number 571621).

(18) SOUTHLAND (United States official number 639705).

(19) FJORDING (United States official number 594363).

(20) M/V SAND ISLAND (United States official number 542918).

(21) PACIFIC MONARCH (United States official number 557467).

(22) FLAME (United States official number 279363).

(23) DULARGE (United States official number 653762).

(24) DUSKEN IV (United States official number 952645).

(25) SUMMER BREEZE (United States official number 552808).

(26) ARCELLA (United States official number 1025983).

(27) BILLIE-B-II (United States official number 982069).

(28) VESTERHAVET (United States official number 979206).

(29) BETTY JANE (State of Virginia registration number VA 7271 P).

(30) VORTICE, Bari, Italy, registration number 256.

(31) The barge G. L. 8 (Canadian official number 814376).

(32) YESTERDAYS DREAM (United States official number 680266).

(33) ENFORCER (United States official number 502610).

(34) The vessel registered as State of Oregon registration number OR 766 YE.

(35) AMICI (United States official number 658055).

(36) ELIS (United States official number 628358).

(37) STURE (United States official number 617703).

(38) CAPT GRADY (United States official number 626257).

(39) Barge number 1 (United States official number 933248).

(40) Barge number 2 (United States official number 256944).

(41) Barge number 14 (United States official number 501212).

(42) Barge number 18 (United States official number 297114).

(43) Barge number 19 (United States official number 503740).

(44) Barge number 21 (United States official number 650581).

(45) Barge number 22 (United States official number 650582).

(46) Barge number 23 (United States official number 650583).

(47) Barge number 24 (United States official number 664023).

(48) Barge number 25 (United States official number 664024).

(49) Barge number 26 (United States official number 271926).

(50) FULL HOUSE (United States official number 1023827).

(51) EMBARCADERO (United States official number 669327).

(52) S.A., British Columbia (Canada official number 195214).

(53) FAR HORIZONS (United States official number 1044011).

(54) LITTLE TOOT (United States official number 938858).

(55) EAGLE FEATHERS (United States official number 1020989).

(56) ORCA (United States official number 665270).

(57) TAURUS (United States official number 955814).

(58) The barge KC–251 (United States official number CG019166; National Vessel Documentation Center number 1055559).

(59) VIKING (United States official number 224430).

(60) SARAH B (United States official number 928431).

(b) FALLS POINT.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FALLS POINT, State of Maine registration number ME 5435 E.

(c) COASTAL TRADER.—Section 1120(g) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3978) is amended by inserting "COASTAL TRADER (United States official number 683227)," after "vessels".

(d) NINA, PINTA, AND SANTA MARIA REPLICAS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade only for the purpose of carrying passengers for hire for each of the vessels listed in paragraph (2).

(2) VESSEL DESCRIPTIONS.—The vessels referred to in paragraph (1) are the following:

(A) NINA (United States Coast Guard vessel identification number CG034346).

(B) PINTA (United States Coast Guard vessel identification number CG034345).

(C) NAO SANTA MARIA (United States Coast Guard vessel identification number CG034344).

(e) DOCUMENTATION OF VESSEL COLUMBUS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), sections 12102 and 12106 of title 46, United States Code, and the endorsement limitation in section 5501(a)(2)(B) of Public Law 102–587, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel COLUMBUS (United States official number 590658).

(2) LIMITATION.—Coastwise trade referred to in paragraph (1) may not include the transportation of dredged material from a project in which the stated intent of the Corps of Engineers, in its Construction Solicitation, or of another contracting entity, is that the dredged material is—

(A) to be deposited above mean high tide for the purpose of beach nourishment;

(B) to be deposited into a fill area for the purpose of creation of land for an immediate use identified in the Construction Solicitation other than disposal of the dredged material; or

(C) for the intention of immediate sale or resale unrelated to disposal.

(f) FOILCAT.—

(1) IN GENERAL.—Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Passenger Vessel Act (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FOILCAT (United States official number 1063892). The endorsement shall provide that the vessel shall operate under the certificate of documentation only within the State of Hawaii and that the vessel shall not operate on any route served by a passenger ferry as of the date the Secretary of Transportation issues a certificate of documentation under this Act.

(2) TERMINATION.—The endorsement issued under paragraph (1) shall be in effect for the vessel FOILCAT for the period—

(A) beginning on the date on which the vessel is placed in service to initiate a high-speed marine ferry demonstration project sponsored by the State of Hawaii; and

(B) ending on the last day of the 36th month beginning after the date on which it became effective under subparagraph (A).

SEC. 404. CONVEYANCE OF NAHANT PARCEL, ESSEX COUNTY, MASSACHUSETTS.

(a) IN GENERAL.—The Commandant of the Coast Guard, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the United States Coast Guard Recreation Facility Nahant, Massachusetts, to the Town of Nahant (the "Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(b) IDENTIFICATION OF PROPERTY.—The Commandant may identify, describe, and determine the property to be conveyed under this section.

(c) TERMS OF CONVEYANCE.—The conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to such terms and conditions as the Commandant may consider appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(d) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 405. UNREASONABLE OBSTRUCTION TO NAVIGATION.

Notwithstanding any other provision of law, the liftbridge over the back channel of the Schuylkill River in Philadelphia, Pennsylvania, is deemed to unreasonably obstruct navigation.

SEC. 406. FINANCIAL RESPONSIBILITY FOR OIL SPILL RESPONSE VESSELS.

Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended—

(1) in subsection (a)(1), by striking "(except" and all that follows through "Act)" and inserting a comma; and

(2) by adding at the end of subsection (c) the following:

"(4) CERTAIN TANK VESSELS.—Subsection (a)(1) shall not apply to—

"(A) a tank vessel on which the only oil carried as cargo is an animal fat or vegetable oil, as those terms are used in section 2 of the Edible Oil Regulatory Reform Act; and

"(B) a tank vessel that is designated in its certificate of inspection as an oil spill response vessel (as that term is defined in section 2101 of title 46, United States Code) and that is used solely for removal.".

SEC. 407. CONVEYANCE OF COAST GUARD PROPERTY TO JACKSONVILLE UNIVERSITY IN JACKSONVILLE, FLORIDA.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation may convey to Jacksonville University, located in Jacksonville, Florida, without consideration, all right, title, and interest of the United States in and to the property comprising the Long Branch Rear Range Light, Jacksonville, Florida.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this section.

(b) TERMS AND CONDITIONS.—Any conveyance of any property under this section shall be made—

(1) subject to the terms and conditions the Commandant may consider appropriate; and

(2) subject to the condition that all right, title, and interest in and to property conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by Jacksonville University.

SEC. 408. PENALTY FOR VIOLATION OF INTERNATIONAL SAFETY CONVENTION.

(a) IN GENERAL.—Section 2302 of title 46, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A vessel may not transport Government-impelled cargoes if—

"(A) the vessel has been detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel; or

"(B) the operator of the vessel has on more than one occasion had a vessel detained and determined to be substandard by the Secretary for violation of an international safety convention to which the United States is a party, and the Secretary has published notice of that detention and determination in an electronic form, including the name of the owner of the vessel.

"(2) The prohibition in paragraph (1) expires for a vessel on the earlier of—

"(A) 1 year after the date of the publication in electronic form on which the prohibition is based; or

"(B) any date on which the owner or operator of the vessel prevails in an appeal of the violation of the relevant international convention on which the detention is based.

"(3) As used in this subsection, the term 'Government-impelled cargo' means cargo for which a Federal agency contracts directly for shipping by water or for which (or the freight of which) a Federal agency provides financing, including financing by grant, loan, or loan guarantee, resulting in shipment of the cargo by water.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect January 1, 1999.

SEC. 409. COAST GUARD CITY, USA.

The Commandant of the Coast Guard may recognize the community of Grand Haven, Michigan, as "Coast Guard City, USA". If the Commandant desires to recognize any other community in the same manner or any other community requests such recognition from the Coast Guard, the Commandant shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 90 days prior to approving such recognition.

SEC. 410. CONVEYANCE OF COMMUNICATION STATION BOSTON MARSHFIELD RECEIVER SITE, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the Coast Guard Communication Station Boston Marshfield Receiver Site, Massachusetts, to the Town of Marshfield, Massachusetts (the "Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) LIMITATION.—The Commandant shall not convey under this section the land on which is situated the communications tower and the microwave building facility of that station.

(3) IDENTIFICATION OF PROPERTY.—

(A) The Commandant may identify, describe and determine the property to be conveyed to the Town under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS AND CONDITIONS.—Any conveyance of property under this section shall be made—

(1) without payment of consideration; and

(2) subject to the following terms and conditions:

(A) The Commandant may reserve utility, access, and any other appropriate easements on the property conveyed for the purpose of operating, maintaining, and protecting the communications tower and the microwave building facility.

(B) The Town and its successors and assigns shall, at their own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner as necessary to ensure the operation, maintenance, and protection of the communications tower and the microwave building facility.

(C) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(c) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(1) the property, or any part thereof, ceases to be owned and used by the Town;

(2) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (b); or

(3) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 411. CLARIFICATION OF LIABILITY OF PERSONS ENGAGING IN OIL SPILL PREVENTION AND RESPONSE ACTIVITIES.

(a) Clarification of Liability for Preventing Substantial Threat of Discharge.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)(8) by striking "to minimize or mitigate damage" and inserting "to prevent, minimize, or mitigate damage";

(2) by striking "and" after the semicolon at the end of subsection (a)(23), by striking the period at the end of subsection (a)(24) and inserting "; and", and by adding at the end of subsection (a) the following:

"(25) 'removal costs' means—

"(A) the costs of removal of oil or a hazardous substance that are incurred after it is discharged; and

"(B) in any case in which there is a substantial threat of a discharge of oil or a hazardous substance, the costs to prevent, minimize, or mitigate that threat."; and

(3) in subsection (c)(4)(A), by striking the period at the end and inserting the following: "relating to a discharge or a substantial threat of a discharge of oil or a hazardous substance.".

(b) Oil Spill Mechanical Removal.—Section 311(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(2)) is amended—

(1) by striking "and (C)" and inserting ", (C)"; and

(2) by inserting before the semicolon at the end the following: ", and (D) discharges incidental to mechanical removal authorized by the President under subsection (c) of this section".

SEC. 412. VESSELS NOT SEAGOING MOTOR VESSELS.

(a) Vessel TURMOIL.—

(1) In general.—The vessel described in paragraph (2) is deemed for all purposes, including title 46, United States Code, and all regulations thereunder, to be a recreational vessel of less than 300 gross tons, if—

(A) it does not carry cargo or passengers for hire; and

(B) it does not engage in commercial fisheries or oceanographic research.

(2) Vessel described.—The vessel referred to in paragraph (1) is the vessel TURMOIL (British official number 726767).

(b) Pilot Program.—

(1) In general.—The Secretary may establish a pilot program to exempt a vessel of at least 300 gross tons as measured under chapter 143 or chapter 145 of title 46, United States Code, from the requirement to be inspected under section 3301(7) of title 46, United States Code, as a seagoing motor vessel, if—

(A) the vessel does not carry any cargo or passengers for hire;

(B) the vessel does not engage in commercial service, commercial fisheries, or oceanographic research; and

(C) the vessel does not engage in towing.

(2) Expiration of authority.—The authority to grant the exemptions under this subsection expires 2 years after the date of enactment of this Act. Any specific exemptions granted under this subsection shall nonetheless remain in effect.

SEC. 413. LAND CONVEYANCE, COAST GUARD STATION OCRACOKE, NORTH CAROLINA.

(a) Authority To Convey.—The Secretary of Transportation may convey, without consideration, to the State of North Carolina (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, in Ocracoke, North Carolina, consisting of such portion of the Coast Guard Station Ocracoke, North Carolina, as the Secretary considers appropriate for purposes of the conveyance.

(b) Conditions.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the State accept the property to be conveyed under that subsection subject to such easements or rights of way in favor of the United States as the Secretary considers to be appropriate for—

(A) utilities;

(B) access to and from the property;

(C) the use of the boat launching ramp on the property; and

(D) the use of pier space on the property by search and rescue assets.

(2) That the State maintain the property in a manner so as to preserve the usefulness of the easements or rights of way referred to in paragraph (1).

(3) That the State utilize the property for transportation, education, environmental, or other public purposes.

(c) Reversion.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) Description of Property.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights of way granted under subsection (b)(1), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a), and any easements or rights of way granted under subsection (b)(1), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 414. CONVEYANCE OF COAST GUARD PROPERTY IN SAULT SAINTE MARIE, MICHIGAN.

(a) Requirement To Convey.—The Secretary of Transportation (in this section referred to as the "Secretary") shall promptly convey, without consideration, to American Legion Post No. 3 in Sault Sainte Marie, Michigan, all right, title, and interest of the United States in and to the parcel of real property described in section 202 of the Water Resources Development Act of 1990 (Public Law 101-640), as amended by section 323 of the Water Resources Development Act of 1992 (Public Law 102-580), comprising approximately 0.565 acres, together with any improvements thereon.

(b) Condition.—The conveyance under subsection (a) shall be subject to the condition that the property be used as a clubhouse for the American Legion Post No. 3.

(c) Reversion.—(1) If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(2) Upon reversion under paragraph (1), the property shall be under the administrative jurisdiction of the Administrator of General Services.

(d) Description of Property.—The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the American Legion Post No. 3.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 415. INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

(a) In General.—

(1) Subject to subsection (b), the Secretary of Transportation shall continue to implement and enforce the United States Coast Guard 1997 Enforcement Policy for Cargo Residues on the Great Lakes and revisions thereto that are made in accordance with that Policy (hereinafter in this section referred to as the "Policy") for the purpose of regulating incidental discharges from vessels of residues of dry bulk cargo into the waters of the Great Lakes under the jurisdiction of the United States.

(2) Any discharge under this section shall comply with all terms and conditions of the Policy.

(b) Expiration of Interim Authority.—The Policy shall cease to have effect on the date which is the earliest of—

(1) the effective date of regulations promulgated pursuant to legislation enacted subsequent to the enactment of this Act providing for the regulation of incidental discharges from vessels of dry bulk cargo residue into the waters of the Great Lakes under the jurisdiction of the United States is enacted; or

(2) September 30, 2002.

SEC. 416. CONVEYANCE OF LIGHTHOUSES.

(a) Authority to Convey.—

(1) In general.—The Commandant of the Coast Guard, or the Administrator of the General Services Administration, as appropriate, may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to each of the following properties:

(A) Light Station Sand Point, located in Escanaba, Michigan, to the Delta County Historical Society.

(B) Light Station Dunkirk, located in Dunkirk, New York, to the Dunkirk Historical Lighthouse and Veterans' Park Museum.

(C) The Mukilteo Light Station, located in Mukilteo, Washington, to the City of Mukilteo.

(D) Eagle Harbor Light Station, located in Michigan, to the Keweenaw County Historical Society.

(E) Cape Decision Light Station, located in Alaska, to the Cape Decision Lighthouse Society.

(F) Cape St. Elias Light Station, located in Alaska, to the Cape St. Elias Light Keepers Association.

(G) Five Finger Light Station, located in Alaska, to the Juneau Lighthouse Association.

(H) Point Retreat Light Station, located in Alaska, to the Alaska Lighthouse Association.

(I) Hudson-Athens Lighthouse, located in New York, to the Hudson-Athens Lighthouse Preservation Society.

(J) Georgetown Light, located in Georgetown County, South Carolina, to the South Carolina Department of Natural Resources.

(K) Coast Guard Light Station Two Harbors, located in Lake County, Minnesota, to the Lake County Historical Society.

(2) IDENTIFICATION OF PROPERTY.—The Commandant or Administrator, as appropriate, may identify, describe, and determine the property to be conveyed under this subsection.

(3) EXCEPTION.—The Commandant or Administrator, as appropriate, may not convey any historical artifact, including any lens or lantern, located on the property at or before the time of the conveyance.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Commandant or the Administrator, as appropriate, may consider, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, the conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property shall immediately revert to the United States if—

(A) the property, or any part of the property—

(i) ceases to be used as a nonprofit center for public benefit for the interpretation and preservation of maritime history;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this Act; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (5) established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Commandant or the Administrator, as appropriate, provides written notice to the owner that the property is needed for national security purposes.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—The conveyance of property under this section shall be made subject to the conditions that the Commandant or Administrator, as appropriate, considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant or Administrator, as appropriate;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining and inspecting aids to navigation, and for the purpose of enforcing compliance with subsection (b); and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The owner of the property is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(5) MAINTENANCE OF PROPERTY.—The owner of the property shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant or the Administrator, as appropriate, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—In this section:

(1) AIDS TO NAVIGATION.—The term "aids to navigation" means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, or other associated equipment which are operated or maintained by the United States.

(2) OWNER.—The term "owner" means the person identified in subsection (a)(1), and includes any successor or assign of that person.

(3) DELTA COUNTY HISTORICAL SOCIETY.—The term "Delta County Historical Society" means the Delta County Historical Society (a nonprofit corporation established under the laws of the State of Michigan, its parent organization, or subsidiary, if any).

(4) DUNKIRK HISTORICAL LIGHTHOUSE AND VETERANS' PARK MUSEUM.—The term "Dunkirk Historical Lighthouse and Veterans' Park Museum" means Dunkirk Historical Lighthouse and Veterans' Park Museum located in Dunkirk, New York, or, if appropriate as determined by the Commandant, the Chautauqua County Armed Forces Memorial Park Corporation, New York.

(5) LAKE COUNTY HISTORICAL SOCIETY.—The term "Lake County Historical Society" means the Lake County Historical Society (a nonprofit corporation established under the laws of the State of Minnesota), its parent organization or subsidiary, if any, and its successors and assigns.

(d) NOTIFICATION.—Not less than one year prior to reporting to the General Services Administration that a lighthouse or light station eligible for listing under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.) and under the jurisdiction of the Coast Guard is excess to the needs of the Coast Guard, the Commandant of the Coast Guard shall notify the State in which the lighthouse or light station is located, (including the State Historic Preservation Officer, if any) the appropriate political subdivision of that State, and any lighthouse, historic, or maritime preservation organizations in that State, that such property is excess to the needs of the Coast Guard.

(e) EXTENSION OF PERIOD FOR CONVEYANCE OF WHITLOCK'S MILL LIGHT.—Notwithstanding section 1002(a)(3) of the Coast Guard Authorization Act of 1996, the conveyance authorized by section 1002(a)(2)(AA) of that Act may take place after the date required by section 1002(a)(3) of that Act but no later than December 31, 1998.

SEC. 417. CONVEYANCE OF COAST GUARD LORAN STATION NANTUCKET.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Commandant of the United States Coast Guard may convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to approximately 29.4 acres of land, together with the improvements thereon, at Coast Guard LORAN Station Nantucket, Nantucket, Massachusetts, to the Town of Nantucket, Massachusetts ("the Town") unless the Commandant, or his delegate, in his sole discretion determines that the conveyance would not provide a public benefit.

(2) IDENTIFICATION OF PROPERTY.—

(A) The Commandant may identify, define, describe, and determine the real property to be conveyed under this section.

(B) The Commandant shall determine the exact acreage and legal description of the property to be conveyed under this section by a survey satisfactory to the Commandant. The cost of the survey shall be borne by the Town.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of real property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the following terms and conditions:

(i) The Town shall not, upon the property conveyed, allow, conduct, or permit any activity, or operate, allow, or permit the operation of, any equipment or machinery, that would interfere or cause interference, in any manner, with any aid to navigation located upon property retained by the United States at Coast Guard LORAN Station Nantucket, without the express written permission from the Commandant.

(ii) The Town shall maintain the real property conveyed in a manner consistent with the present and future use of any property retained by the United States at Coast Guard LORAN Station Nantucket as a site for an aid to navigation.

(iii) Any other terms and conditions the Commandant considers appropriate to protect the interests of the United States, including the reservation of easements or other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—The conveyance of real property pursuant to this section shall be subject to the condition that all right, title, and interest in such property shall immediately revert to the United States if—

(A) the property, or any part thereof, ceases to be owned and used by the Town;

(B) the Town fails to maintain the property conveyed in a manner consistent with the terms and conditions in paragraph (1); or

(C) at least 30 days before such reversion, the Commandant provides written notice to the Town that the property conveyed is needed for national security purposes.

SEC. 418. CONVEYANCE OF DECOMMISSIONED COAST GUARD VESSELS.

(a) IN GENERAL.—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to each of 2 decommissioned "White Class" 133-foot Coast Guard vessels to Canvasback Mission, Inc. (a nonprofit corporation under the laws of the State of Oregon; in this section referred to as "the recipient"), without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of providing medical services to Central and South Pacific island nations;

(B) not to use the vessel for commercial transportation purposes except those incident to the provisions of those medical services;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in times of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under paragraph (1)(C);

(2) the recipient has funds available that will be committed to operate and maintain each vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in the amount of at least $400,000 per vessel; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) Maintenance and Delivery of Vessels.—Prior to conveyance of a vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) Other Excess Equipment.—The Commandant may convey to the recipient of a vessel under this section any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function as a medical services vessel in Central and South Pacific Islands.

SEC. 419. AMENDMENT TO CONVEYANCE OF VESSEL S/S RED OAK VICTORY.

Section 1008(d)(1) of the Coast Guard Authorization Act of 1996 is amended by striking "2 years" and inserting "3 years".

SEC. 420. TRANSFER OF OCRACOKE LIGHT STATION TO SECRETARY OF THE INTERIOR.

The Administrator of the General Services Administration shall transfer administrative jurisdiction over the Federal property consisting of approximately 2 acres, known as the Ocracoke Light Station, to the Secretary of the Interior, subject to such reservations, terms, and conditions as may be necessary for Coast Guard purposes. All property so transferred shall be included in and administered as part of the Cape Hatteras National Seashore.

SEC. 421. VESSEL DOCUMENTATION CLARIFICATION.

Section 12102(a)(4) of title 46, United States Code, and section 2(a) of the Shipping Act, 1916 (46 U.S.C. App. 802(a)) are each amended by—

(1) striking "president or other"; and

(2) inserting a comma and "by whatever title," after "chief executive officer".

SEC. 422. DREDGE CLARIFICATION.

Section 5209(b) of the Oceans Act of 1992 (46 U.S.C. 2101 note) is amended by adding at the end thereof the following:

"(3) A vessel—

"(A) configured, outfitted, and operated primarily for dredging operations; and

"(B) engaged in dredging operations which transfers fuel to other vessels engaged in the same dredging operations without charge.".

SEC. 423. DOUBLE HULL ALTERNATIVE DESIGNS STUDY.

Section 4115(e) of the Oil Pollution Act of 1990 (46 U.S. Code 3703a note) is amended by adding at the end thereof the following:

"(3)(A) The Secretary of Transportation shall coordinate with the Marine Board of the National Research Council to conduct the necessary research and development of a rationally based equivalency assessment approach, which accounts for the overall environmental performance of alternative tank vessel designs. Notwithstanding the Coast Guard opinion of the application of sections 101 and 311 of the Clean Water Act (33 U.S.C. 1251 and 1321), the intent of this study is to establish an equivalency evaluation procedure that maintains a high standard of environmental protection, while encouraging innovative ship design. The study shall include:

"(i) development of a generalized cost spill data base, which includes all relevant costs such as clean-up costs and environmental impact costs as a function of spill size;

"(ii) refinement of the probability density functions used to establish the extent of vessel damage, based on the latest available historical damage statistics, and current research on the crash worthiness of tank vessel structures;

"(iii) development of a rationally based approach for calculating an environmental index, to assess overall outflow performance due to collisions and groundings; and

"(iv) application of the proposed index to double hull tank vessels and alternative designs currently under consideration.

"(B) A Marine Board committee shall be established not later that 2 months after the date of enactment of the Coast Guard Authorization Act of 1998. The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report on the results of the study not later than 12 months after the date of enactment of the Coast Guard Authorization Act of 1998.

"(C) Of the amounts authorized by section 1012(a)(5)(A) of this Act, $500,000 is authorized to carry out the activities under subparagraphs (A) and (B) of this paragraph.".

SEC. 424. VESSEL SHARING AGREEMENTS.

(a) Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by adding at the end thereof the following:

"(g) Vessel Sharing Agreements.—An ocean common carrier that is the owner, operator, or bareboat, time, or slot charterer of a United States-flag liner vessel documented pursuant to sections 12102(a) or (d) of title 46, United States Code, is authorized to agree with an ocean common carrier that is not the owner, operator or bareboat charterer for at least one year of United States-flag liner vessels which are eligible to be included in the Maritime Security Fleet Program and are enrolled in an Emergency Preparedness Program pursuant to subtitle B of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187 et seq.), to which it charters or subcharters the United States-flag vessel or space on the United States-flag vessel that such charterer or subcharterer may not use or make available space on the vessel for the carriage of cargo reserved by law for United States-flag vessels.".

(b) Section 10(c)(6) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(6)) is amended by inserting "authorized by section 5(g) of this Act, or as" before "otherwise".

(c) Nothing in this section shall affect or in any way diminish the authority or effectiveness of orders issued by the Maritime Administration pursuant to sections 9 and 41 of the Shipping Act, 1916 (46 U.S.C. App. 808 and 839).

(d) Section 3(6)(B) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)(B)) is amended by striking "parcel-tanker." and inserting "parcel-tanker or by vessel when primarily engaged in the carriage of perishable agricultural commodities (i) if the common carrier and the owner of those commodities are wholly-owned, directly or indirectly, by a person primarily engaged in the marketing and distribution of those commodities and (ii) only with respect to the carriage of those commodities.".

SEC. 425. REPORTS.

(a) SWATH Technology.—The Commandant of the Coast Guard shall, within 18 months after the date of enactment of this Act, report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the applicability of Small Waterplane Area Twin Hull (SWATH) technology, including concepts developed by the United States Office of Naval Research, to the design of Coast Guard vessels.

(b) Marine Guidance Systems.—The Secretary of Transportation shall, within 12 months after the date of the enactment of this Act, evaluate and report to the Congress on the suitability of marine sector laser lighting, cold cathode lighting, and ultraviolet enhanced vision technologies for use in guiding marine vessels and traffic.

SEC. 426. REPORT ON TONNAGE CALCULATION METHODOLOGY.

The Administrator of the Panama Canal Commission shall, within 90 days of the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the methodology employed in the calculation of the charge of tolls for the carriage of on-deck containers and the justification thereof.

SEC. 427. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSELS.

(a) Authority To Convey.—Notwithstanding any other law, the Secretary of Transportation (referred to in this section as "the Secretary") may convey all right, title, and interest of the Federal Government in and to either or both of the vessels S.S. AMERICAN VICTORY (United States official number 248005) and S.S. HATTIESBURG VICTORY (United States official number 248651) to The Victory Ship, Inc., located in Tampa, Florida (in this section referred to as the "recipient"), and the recipient may use each vessel conveyed only as a memorial to the Victory class of ships.

(b) Terms of Conveyance.—

(1) Delivery of vessel.—In carrying out subsection (a), the Secretary shall deliver a vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) Required conditions.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) Additional terms.—The Secretary may require such additional terms in connection

with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of any vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

SEC. 428. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, JOHN HENRY.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Secretary of Transportation (in this section referred to as "the Secretary") may convey all right, title, and interest of the United States Government in and to the vessel JOHN HENRY (United States official number 599294) to a purchaser for use in humanitarian relief efforts, including the provision of water and humanitarian goods to developing nations.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date;

(C) at no cost to the United States Government; and

(D) only after the vessel has been redesignated as not militarily useful.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) competitive procedures are used for sales under this section;

(B) the vessel is sold for not less than the fair market value of the vessel in the United States, as determined by the Secretary of Transportation;

(C) the recipient agrees that the vessel shall not be used for commercial transportation purposes or for the carriage of cargoes reserved to United States flag commercial vessels under section 901(b) and 901f of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f);

(D) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(E) the recipient provides sufficient evidence to the Secretary that it has financial resources in the form of cash, liquid assets, or a written loan commitment of at least $100,000.

(F) the recipient agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency.

(G) the recipient agrees to document the vessel under chapter 121 of title 46, United States Code.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) PROCEEDS.—Any amounts received by the United States as proceeds from the sale of the M/V JOHN HENRY shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 U.S.C. App. 1241a) and shall be available and expended in accordance with section 6(a) of the National Maritime Heritage Act (16 U.S.C. App. 5405(a)).

SEC. 429. APPLICABILITY OF AUTHORITY TO RELEASE RESTRICTIONS AND ENCUMBRANCES.

Section 315(c)(1) of the Federal Maritime Commission Authorization Act of 1990 (Public Law 101–595; 104 Stat. 2988) is amended—

(1) by striking "3 contiguous tracts" and inserting "4 tracts"; and

(2) by striking "Tract A" and all that follows through the end of the paragraph and inserting the following:

"Tract 1—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

"Tract 2—Commencing at a point N45° 28′ 31″ E 198.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 169.3 feet; thence S45° 28′ 31″ W 75 feet; (Deed Call S45° 30′ 51″ W 75 feet), thence N44° 29′ 09″ W 169.3 feet; thence N45° 28′ 31″ E 75 feet to the point of commencement and containing 12,697 square feet (0.2915 acres).

"Tract 3—Commencing at a point N45° 28′ 31″ E 248.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 220 feet; thence N45° 28′ 31″ E 50 feet; thence N44° 29′ 09″ W 220 feet; thence S45° 28′ 31″ W 50 feet to the point of commencement and containing 11,000 square feet (0.2525 acres).

"Tract 4—Commencing at a point N45° 28′ 31″ E 123.3 feet and S44° 29′ 09″ E 169.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence S44° 29′ 09″ E 50.7 feet; thence N45° 28′ 31″ E 75 feet; thence N44° 29′ 09″ W 50.7 feet; thence S45° 28′ 31″ W 75 feet (Deed Call S45° 30′ 51″ W 75 feet) to the point of commencement and containing 3,802 square feet (0.0873 acres).

"Composite Description—A tract of land lying in section 2, Township 10 South—Range 8 West, Calcasieu Parish, Louisiana, and being mone [sic] particularly described as follows: Begin at a point N45° 28′ 31″ E 123.3 feet from point 'A' as shown on plat of survey of 'Boundary Agreement of CAFB' by D.W. Jessen and Associates, Civil Engineers, Lake Charles, Louisiana, dated August 7, 1973, and filed in Plat Book 23, at page 20, Records of Calcasieu Parish, Louisiana; thence N45° 28′ 31″ E 175.0 feet; thence S44° 29′ 09″ E 220.0 feet; thence S45° 28′ 31″ W 175.0 feet; thence N44° 29′ 09″ W 220.0 feet to the point of beginning, containing 0.8035 acres.".

SEC. 430. BARGE APL–60.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the barge APL–60 (United States official number 376857).

(b) LIMITATIONS.—The vessel described in subsection (a) may be employed in the coastwise trade only for the purpose of participating in the ship disposal initiative initially funded by the Department of Defense Appropriations Act, 1999, for the duration of that initiative.

(c) TERMINATION.—A coastwise endorsement issued under subsection (a) shall terminate on the earlier of—

(1) the completion of the final coastwise trade voyage associated with the ship disposal initiative described in subsection (b); or

(2) the sale or transfer of the vessel described in subsection (a) to an owner other than the owner of the vessel as of October 1, 1998.

SEC. 431. VESSEL FINANCING FLEXIBILITY.

The Secretary of Transportation may guarantee obligations under section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C.1273), for the vessels planned for construction to be purchased by the American West Steamboat Company and to be named QUEEN OF THE YUKON, which will operate on the Yukon and Tanana Rivers, and EMPRESS OF THE NORTH, which will operate in Alaska, Washington, and Oregon. Notwithstanding sections 509, 1103(c)), and 1104A(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1159, 1273(c), and 1274(b)), the Secretary of Transportation may guarantee obligations of 87½ percent of the purchase price of such vessels. Each obligation guaranteed under this section may have a maturity date of 25 years from the date of delivery of the vessel concerned.

SEC. 432. HYDROGRAPHIC FUNCTIONS.

(a) EFFECTIVE DATE.—Subsections (b) and (c) shall take effect immediately after the later of—

(1) the enactment of the Hydrographic Services Improvement Act of 1998; or

(2) the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 is amended to read as follows:

"SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Administrator the following:

"(1) To carry out nautical mapping and charting functions under the Act of 1947 and sections 303 and 304, except for conducting hydrographic surveys, $33,000,000 for fiscal year 1999, $34,000,000 for fiscal year 2000, and $35,000,000 for fiscal year 2001.

"(2) To conduct hydrographic surveys under section 303(a)(1), including the leasing of ships, $33,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $37,000,000 for fiscal year 2001. Of these amounts, no more than $16,000,000 is authorized for any one fiscal year to operate hydrographic survey vessels owned and operated by the Administration.

"(3) To carry out geodetic functions under the Act of 1947, $25,000,000 for fiscal year 1999, $30,000,000 for fiscal year 2000, and $30,000,000 for fiscal year 2001.

"(4) To carry out tide and current measurement functions under the Act of 1947, $22,500,000 for each of fiscal years 1999 through 2001. Of these amounts $4,500,000 is authorized for each fiscal year to implement and operate a national quality control system for real-time tide and current and maintain the national tide network, and $7,000,000 is authorized for each fiscal year to design and install real-time tide and current data measurement systems under section 303(b)(4).".

(c) REPEAL OF REPORT REQUIREMENTS.—Section 305 of the Hydrographic Services Improvement Act of 1998 is amended by striking subsections (a) and (d).

TITLE V—ADMINISTRATIVE PROCESS FOR JONES ACT WAIVERS

SEC. 501. FINDINGS.

The Congress finds that—

(1) current coastwise trade laws provide no administrative authority to waive the United-States-built requirement of those laws for the limited carriage of passengers for hire on vessels built or rebuilt outside the United States;

(2) requests for such waivers require the enactment of legislation by the Congress;

(3) each Congress routinely approves numerous such requests for waiver and rarely rejects any such request; and

(4) the review and approval of such waiver requests is a ministerial function which properly should be executed by an administrative agency with appropriate expertise.

SEC. 502. ADMINISTRATIVE WAIVER OF COASTWISE TRADE LAWS.

Notwithstanding sections 12106 and 12108 of title 46, United States Code, section 8 of the Act of June 19, 1886 (46 U.S.C. App. 289), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel authorized to carry no more than 12 passengers for hire if the Secretary, after notice and an opportunity for public comment, determines that the employment of the vessel in the coastwise trade will not adversely affect—

(1) United States vessel builders; or

(2) the coastwise trade business of any person who employs vessels built in the United States in that business.

SEC. 503. REVOCATION.

The Secretary may revoke an endorsement issued under section 502, after notice and an opportunity for public comment, if the Secretary determines that the employment of the vessel in the coastwise trade has substantially changed since the issuance of the endorsement, and—

(1) the vessel is employed other than as a small passenger vessel or an uninspected passenger vessel; or

(2) the employment of the vessel adversely affects—

(A) United States vessel builders; or

(B) the coastwise trade business of any person who employs vessels built in the United States.

SEC. 504. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(2) ELIGIBLE VESSEL.—The term "eligible vessel" means a vessel that—

(A) was not built in the United States and is at least 3 years of age; or

(B) if rebuilt, was rebuilt outside the United States at least 3 years before the certification requested under section 502, if granted, would take effect.

(3) SMALL PASSENGER VESSEL; UNINSPECTED PASSENGER VESSEL; PASSENGER FOR HIRE.—The terms "small passenger vessel", "uninspected passenger vessel", and "passenger for hire" have the meaning given such terms by section 2101 of title 46, United States Code.

SEC. 505. SUNSET.

(a) IN GENERAL.—Subject to subsection (b), this title (other than this section) shall have no force or effect on or after September 30, 2002.

(b) ENDORSEMENTS CONTINUE.—Any certificate or endorsement issued under section 502 before the date referred to in subsection (a) of this section shall continue in effect until otherwise invalidated or revoked under chapter 121 of title 46, United States Code.

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

SEC. 601. SHORT TITLE.

This title may be cited as the "Harmful Algal Bloom and Hypoxia Research and Control Act of 1998".

SEC. 602. FINDINGS.

The Congress finds that—

(1) the recent outbreak of the harmful microbe *Pfiesteria piscicida* in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation's coastal waters;

(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto Rico, and the United States Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

(3) in certain cases, harmful algal blooms have resulted in fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

(4) according to some scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

(5) harmful algal blooms may have been responsible for an estimated $1,000,000,000 in economic losses during the past decade;

(6) harmful algal blooms and blooms of non-toxic algal species may lead to other damaging marine conditions such as hypoxia (reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of United States estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia;

(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

(9) there is a need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation's understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with the States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.

SEC. 603. ASSESSMENTS.

(a) ESTABLISHMENT OF INTER-AGENCY TASK FORCE.—The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (hereinafter referred to as the "Task Force"). The Task Force shall consist of the following representatives from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Food and Drug Administration;

(10) the Office of Science and Technology Policy;

(11) the Council on Environmental Quality; and

(12) such other Federal agencies as the President considers appropriate.

(b) ASSESSMENT OF HARMFUL ALGAL BLOOMS.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) Assessment of Hypoxia.—

(1) Not later than 12 months after the date of enactment of this title, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of hypoxia in United States coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to hypoxia; and

(C) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(e) Disestablishment of Task Force.—The President may disestablish the Task Force after submission of the plan in section 604(d).

SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

(a) Assessment Report.—Not later than May 30, 1999, the Task Force shall complete and submit to Congress and the President an integrated assessment of hypoxia in the northern Gulf of Mexico that examines: the distribution, dynamics, and causes; ecological and economic consequences; sources and loads of nutrients transported by the Mississippi River to the Gulf of Mexico; effects of reducing nutrient loads; methods for reducing nutrient loads; and the social and economic costs and benefits of such methods.

(b) Submission of a Plan.—No later than March 30, 2000, the President, in conjunction with the chief executive officers of the States, shall develop and submit to Congress a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the northern Gulf of Mexico. In developing such plan, the President shall consult with State, Indian tribe, and local governments, academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also include the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia. At least 90 days before the President submits such plan to the Congress, a summary of the proposed plan shall be published in the Federal Register for a public comment period of not less than 60 days.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia, $15,000,000 for fiscal year 1999, $18,250,000 for fiscal year 2000, and $19,000,000 for fiscal year 2001, to remain available until expended. The Secretary shall consult with the States on a regular basis regarding the development and implementation of the activities authorized under this section. Of such amounts for each fiscal year—

(1) $1,500,000 for fiscal year 1999, $1,500,000 for fiscal year 2000, and $2,000,000 for fiscal year 2001 may be used to enable the National Oceanic and Atmospheric Administration to carry out research and assessment activities, including procurement of necessary research equipment, at research laboratories of the National Ocean Service and the National Marine Fisheries Service;

(2) $4,000,000 for fiscal year 1999, $5,500,000 for fiscal year 2000, and $5,500,000 for fiscal year 2001 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project under the Coastal Ocean Program established under section 201(c) of Public Law 102–567;

(3) $1,000,000 for fiscal year 1999, $2,000,000 for fiscal year 2000, and $2,000,000 for fiscal year 2001 may be used by the National Ocean Service of the National Oceanic and Atmospheric Administration to carry out a peer-reviewed research project on management measures that can be taken to prevent, reduce, control, and mitigate harmful algal blooms;

(4) $5,500,000 for each of the fiscal years 1999, 2000, and 2001 may be used to carry out Federal and State annual monitoring and analysis activities for harmful algal blooms administered by the National Ocean Service of the National Oceanic and Atmospheric Administration; and

(5) $3,000,000 for fiscal year 1999, $3,750,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001 may be used for activities related to research and monitoring on hypoxia by the National Ocean Service and the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

SEC. 606. PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2204. This bill was developed in a bipartisan manner and deserves support of all the Members.

The primary purpose of H.R. 2204 is to authorize approximately $4.1 billion in expenditures for the United States Coast Guard for the current fiscal year. This is an increase over the level requested by the President for Coast Guard operating expenses of approximately $83 million. These authorizations support additional Coast Guard efforts to interdict illegal drugs before they reach the United States. The fiscal year 1999 authorization also contains additional funds for Coast Guard acquisition costs.

Specifically this legislation includes $2.85 billion in fiscal year 1999 for Coast Guard operating expenses, $510 million in fiscal year 1999 for acquisition of vessels, aircraft and shore facilities, and $691 million in fiscal year 1999 for Coast Guard retired pay.

I strongly support the increase in funds for drug interdiction, because cuts in resources devoted to drug interdiction in the early 1990s have greatly hindered Coast Guard efforts to fight the war on drugs. The evidence is clear that effective drug interdiction raises the price of drugs, driving use down, especially among casual users. The issue is particularly relevant in light of the continued rise in drug abuse among our young people. As the House overwhelmingly voted to increase drug interdiction activity in H.R. 4300, the Western Hemisphere Drug Elimination Act, I ask for the support of this body in advancing the drug interdiction increases proposed in this bill.

The funds authorized in this bill restore cuts to the Coast Guard drug interdiction program and provide the level of drug interdiction we need to keep drugs from reaching the shores of the United States.

There are many things we as a Nation can do to fight drugs and support a viable war on drugs. Treatment programs and educational programs are important. But until they dampen America's appetite for dangerous drugs, we must pursue a vigorous program of drug interdiction and source country eradication.

Title II of H.R. 2204 deals with several internal Coast Guard administrative and personnel management matters.

Title III of the bill addresses issues related to navigation safety. This title amendments the Ports and Waterways Safety Act, and subtitle II of Title 46, United States Code, by extending the territorial sea for these laws from 3 to 12 nautical miles from shore. These provisions will enhance the Coast Guard's ability to fully implement its port state control program and protect U.S. Waters from substandard foreign vessels.

Titles IV and V of the legislation contain several miscellaneous provisions, including enhancements to the Coast Guard vessel identification system.

Title VI of H.R. 2204 provides provisions to allow for the study of toxic algal blooms, such as red tide, brown tide and pfiesteria. These occurrences endanger our natural resources and threaten the delicate ecological balance of our coastal areas and our important estuaries, such as the Chesapeake Bay.

Mr. Speaker, I urge my colleagues to vote for this legislation.

I also want to thank certainly the gentleman from Tennessee (Mr. CLEMENT) on the minority side for his effort in this. I also want to give thanks for all of the effort that the Coast Guard staff went through to shuttle this back and forth between the Senate and ourselves.

I urge my colleagues to vote for this piece of legislation, ensuring them that this money will go to the silent service, the Coast Guard, to do the very diverse, very difficult work on a day-to-day basis, to protect our shores from a whole range of activities.

Mr. Speaker, I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CLEMENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 602 and H.R. 2204, the Coast Guard Authorization Act of 1997. I want to say about the gentleman from Maryland (Chairman GILCHREST), I think both of us have shown how a Democrat and Republican can both work together to get things accomplished, and that is exactly what we have done for the best interest of America and our international interests.

Mr. Speaker, Members on both sides of the aisle support the Coast Guard in this very bipartisan bill. The Coast Guard is on the front lines every day, saving lives and stopping drugs from entering our country. They are the lead agency in the cleanup of oil spills and protect our fisheries within our 200 mile exclusive economic zone.

Mr. Speaker, these are not partisan issues. The gentleman from Maryland (Chairman GILCHREST) and I have worked closely with the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) to craft a bill that will meet the needs of the Coast Guard for fiscal year 1999.

H.R. 2204 authorizes approximately $4.1 billion for the Coast Guard for fiscal year 1999, including $2.8 billion for their operations, $510 million for acquisition and construction of new ships and facilities, $18.3 million for research and development, and $21 million for environmental compliance and restoration at Coast Guard facilities.

The only difference between the amounts authorized in this bill and the budget proposed by the President is that we have added approximately $125 million for increased drug interdiction operations, which are very badly needed to fight our drug problem in the United States of America.

We have also worked closely with the administration to include much of its legislative program for this year, including extending the U.S. territorial sea from 3 miles to 12 miles. We have also included a number of recommendations made by the maritime industry, such as prohibiting people from interfering with the safe operation of commercial vessels.

Some dinner cruises have had problems with drunk passengers jumping overboard. This disturbance jeopardizes the vessels and all other passengers on board.

I would like to note one provision that I strongly support. Section 408 of H.R. 2204 would help ensure that unsafe vessels and unsafe vessel operators are not employed in the transportation of U.S. Government cargos. Just this week, the Coast Guard detained a Panamanian flag Greek-owned bulker. The hatch covers were locked wide open, through which sea water could flood the ship, the lifeboat did not work, there were not enough life rafts for the crew, and sea water was seeping into the holds, there was no safe drinking water on board and the top toilets were backed up. Any one of these sub-standards conditions could cause the ship to be detained for violation of an international safety convention. However, it would not stop a Federal agency from hiring this ship to transport government cargos. Now Federal agencies will have to make sure they are not using this type of ship to move their goods.

I would like to submit a letter for the RECORD from Captain Westton of the U.S. Coast Guard concerning this provision.

I would like to thank the gentleman from Maryland (Mr. GILCHREST) for his cooperative and cordial working relationship that we have had during the 105th Congress. I look forward to working with him next year when we continue our efforts to improve our maritime transportation system. I urge all of my colleagues to support H.R. 2204, the Coast Guard Authorization Act of 1997.

Mr. Speaker, I include for the RECORD the letter referred to earlier.

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, DC, October 13, 1998.

Hon. BOB CLEMENT,
House of Representatives, Washington, DC.

DEAR MR. CLEMENT: This letter is in response to your request for the Coast Guard's position regarding applicability of Section 408 of H.R. 2204 to U.S. Flag vessels. The Coast Guard does not interpret Section 408 as applying to U.S. Flag vessels. U.S. Flag vessels are not subject to detention under the U.S. Port State Control Program for violations of international safety conventions and, therefore, are not subject to publication on an electronic list of foreign flagged vessels that have been detained while in U.S. waters under the Port State Control Program.

I hope this information is helpful.

Sincerely,

R.R. WESTON,
Chief, Office of Legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do look forward to next year working with the gentleman from Tennessee (Mr. CLEMENT) and the staff on both sides of the committee. I think we can further spread the idea that our coastal waters are worth saving. The Coast Guard does a great job in dealing with the fisheries issue, the illegal immigrants issue, the whole maritime safety issue, the environmental pollution areas that they work hard on on a very daily, regular basis, and the issue of the interdiction of drugs. I think on every facet of this legislation, we have worked in an atmosphere of cooperation, and we certainly appreciate that on our side of the aisle.

Mr. CLEMENT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the resolution, H. Res. 602.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 602.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 168(b) of Public Law 102–138 and clause 8 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. BEREUTER, Nebraska, chairman
Mr. REGULA, Ohio, vice chairman
Mr. BOEHLERT, New York
Mr. BATEMAN, Virginia
Mr. GILLMOR, Ohio
Mrs. ROUKEMA, New Jersey
Mr. BALLENGER, North Carolina
Mr. BLUNT, Missouri
Mr. SISISKY, Virginia
Mr. PICKETT, Virginia
Mr. WISE, West Virginia

Mr. TANNER, Tennessee

There was no objection.

HELPING OUR COMMUNITIES

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, we have Federal investment in roads, bridges and prisons, but when it comes to schools for our kids this is a loss of home rule all of a sudden. Bunk. For the Federal Government to help local communities pay the interest on capital bonding for school construction which would provide relief for our kids and relief for parents who pay the bill whether or not they have kids in those schools or not, this is our opportunity for better schools. This is our opportunity, and we need more teachers to help reduce class size, particularly for kids between the grades of pre-K and fourth and fifth grades. We need property tax relief in many States in this union, and this is the way to do it.

One suggestion in conclusion: Why do we not give up the words, the simplistic liberal and conservative words? Mr. Speaker, the jig is up. They do not work any longer.

We all know that the environment in which our children learn plays a direct role in the education that they receive. If we want our children to succeed in a modern economy, we must provide them with modern schools. That is why I adamantly support school construction and modernization funds.

Unfortunately, the majority party does not want to provide our schools with these much needed construction and modernization funds.

Instead, the Republicans believe that we should block grant our education funds to the states. Unfortunately, we have already found out what happens when we block grant these funds. In the 1980s, the federal commitment for these grants decreased by 52 percent.

I am afraid that we are headed in the wrong direction on our elementary and secondary education policies. Every day, we see a new study which shows just how important it is to educate our children in an adequate facility, with a well-trained teacher and a class size of about 18.

Block grants do not provide the solutions. The Democratic education agenda does.

We must fix our crumbling schools by helping states and local school districts afford the costs of modernizing and building more than 5,000 schools.

In my district in New Jersey I found that almost one quarter of the schools were built prior to the completion of World War I. More than half of the schools were built before the attack on Pearl Harbor.

The old age of these schools is leading to problems with their physical condition and 88 percent of them say they need at least one significant repair.

The facts are clear. Our schools are old and they are overcrowded. The average class size in these schools is an astounding 23.9 students.

And if that is not enough, the problem is sure to get worse as we experience the projected increase in enrollment.

Our children can't learn when their desks are in hallways and overcrowded cafeterias. We know that smaller class sizes are the key to raising academic achievement and improving classroom discipline.

THE REPUBLICAN LEADERSHIP OWES AMERICANS AN APOLOGY AND AN EXPLANATION

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. EDWARDS. Shame, shame, shame. Mr. Speaker, the Republican leadership in Congress owes the American people an explanation and an apology.

In articles in the Washington Post and Rollcall newspapers Republican leaders are bragging that they held up two major international treaties in this House. Why? Because they demanded that the Electronics Industry Association fire its new president simply because he is a Democrat. Let me repeat. The Republicans in Congress held up legislation that was going to benefit millions of American citizens because they wanted to force a private association to fire a private citizen because simply he was a Democrat. That is wrong.

Mr. Speaker, the American people and press should be outraged at this arrogant, arrogant abuse of power. In a free society to stop the business of this Congress to punish a private citizen for his political affiliation is outrageous, mean-spirited and, most likely, illegal. The American people deserve an apology and an explanation.

[From the Washington Post, Oct. 14, 1998]

No Democrat Need Apply, House GOP Tells Lobby

(By Juliet Eilperin)

Electronics industry lobbyist John Palafoutas told the Electronic Industries Alliance weeks ago it shouldn't hire former Democratic representative David McCurdy (Okla.) as its new president, but the industry association he belongs to didn't listen.

In an August meeting, Arne Christenson, chief of staff for House Speaker Newt Gingrich (R–GA.), had made it clear to Palafoutas, a fellow Republican, that the House leadership would not look kindly upon seeing another Democrat promoted to a key job at a business lobbying group.

"He said, Tell EIA they ought to be careful about Dave McCurdy,'" recalled Palafoutas, a lobbyist for AMP Inc. who dutifully relayed the message to EIA vice president John Kelly. "It's fair [to say] that the leadership is angry."

In fact, House GOP leaders became so enraged when the EIA announced McCurdy's selection last week that Gingrich declared in a closed-door meeting that he would not discuss legislation with the former lawmaker, according to Republicans who attended. Gingrich and most other top Republicans also instructed their staffs not to meet with any EIA officials. Republican leaders, who had hoped the group would select retiring Rep. Bill Paxon (R–N.Y.), also delayed passage of noncontrovrsial legislation concerning international copyrights, a bill the EIA supports, for four days in an effort to send a message to the group. Gingrich spokeswoman Christina Martin said she could not comment on private conversations but made clear how displeased Republicans were with the association's choice of a Democrat.

"Any smart business executive will tell you it is always a good idea to have someone who can walk the walk, talk the talk," Martin said. "When dealing with a Republican-controlled Congress, that means hiring Republicans."

Rep. John Linder (R–Ga.), chairman of the National Republican Campaign Committee, who confirmed that the leadership was sending a message to EIA by postponing a vote implementing two 1996 World Intellectual Property Organization (WIPO) treaties, said Republicans want to expose the hypocrisy of former Democratic staff members and lawmakers now representing business groups.

"They whisper in the ear of the people who hire them that they're with them, then they go to a Democratic prayer group and meet and pray for a Democratic majority", Linder said.

The unusually public spat, which started Thursday when Gingrich, Majority Leader Richard K. Armey (R–Tex.) and Majority Whip Tom DeLay (D–Tex.) pulled the WIPO bill from the House calendar, marks the latest flar-up in the occasionally tense relationship between GOP leaders and business lobbyists. Every since they captured the majority in 1994, Republicans have complained that lobbyists have failed to give them either the campaign contributions or the respect they are due.

Even Republicans who made the transition from Congress to the private sector say that the lobbying community is still dominated by Democrats who thrived by virtue of their connections to Hill barons of the past.

"There is still a disconnect," said Ed Gillespie, Armey's former press secretary and now president of Policy Impact Communications. "That's a result of Democrats being in control for 40 years and Republicans being in control for four."

In the leadership meeting Friday, Republicans said, lawmakers mused about how powerful trade associations were savvy enough to hire Republicans as consultants but had failed to install GOP stalwarts at the helms of their groups. A slew of recent Democratic appointments has angered leaders, including those of Thomas M. Downs as the National Association of Home Builders' chief executive; John Hilley, who had been White House legislative liaison, as executive vice president for strategic planning at the National Association of Securities Dealers; and Tim Forde, who worked for Rep. Edward J. Markey (D–Mass), as the Investment Company Institute's vice president for strategic analysis.

By appointing Democrats to such prominent posts, argued Mark Rodgers, chief of staff to Sen. Rick Santorum (R-Pa.), trade groups undermine their ability to forge close ties with Republicans.

"At what point can you trust that what you're sharing on inside strategy or tactics aren't going directly back to the Democratic leadership?" Rodgers said.

The EIA says it was only trying to find a leader who combined business and political experience. While some member companies are considering challenging McCurdy's selection when the group's board meets today, outgoing president Peter McCloskey said he was confident McCurdy would win its backing.

"The job is to be a spokesperson for the industry, not so much a lobbyist for the industry," McCloskey said. "I'm not saying there's no political component to the job, but it's not the overriding component."

Some Democrats openly mocked the GOP leaders' strategy. Rep. Barney Frank (D-Mass.) referred to the incident Monday before the WIPO bill finally passed by saying, "That was not one of the finest hours of this institution when this bill got derailed because of a dispute about a job."

Even some Republicans who believe the lobbying community has to change its approach were leery of this open feuding. Said Rep. Jim Greenwood (R-Pa.). "You can look a little power-hungry at times."

[From Rollcall, Oct. 12, 1998]

GOP FEUDING ABOUT LOBBYIST

BOEHNER, DELAY BLAST EACH OTHER ON MCCURDY JOB

(By Jim VandeHei and John Bresnahan)

House Republican Conference Chairman John Boehner (R-Ohio) and Majority Whip Tom DeLay (R-Texas) are locked in a bitter feud over the GOP leadership's decision to demand that the Electronic Industries Alliance (EIA) dump their incoming President, former Rep. David McCurdy (D-Okla.).

In their latest move to purge Democrats from leadership jobs at prominent trade association and lobbying firms—known internally as the "K Street Strategy"—Republican leaders are pressuring EIA to oust McCurdy, who hasn't formally been installed as EIA's president yet, and hire a Republican to run the group.

While virtually every Republican leader endorsed the hard-line approach, including Speaker Newt Gingrich (R-Ga.), Boehner is furious that DeLay's operation has worked behind his back to oust McCurdy in recent days, several sources confirmed. Boehner, the leadership's liaison to K Street and outside business coalitions, was quietly working out a deal to have EIA company CEOs remove McCurdy before DeLay stepped in and started busting heads.

At a raucous leadership meeting Friday afternoon, Boehner blasted DeLay for interfering in his business and striking such a bellicose tone with EIA and its members. DeLay defiantly demanded that Republican leaders, including Boehner, needed to twist arms and play hardball in order to get results, according to sources familiar with the meeting.

The confrontation between Boehner and DeLay, whose animosity toward each other is well known inside GOP leadership circles, followed a scathing e-mail on Thursday from Boehner's chief of staff Barry Jackson to Gingrich blasting the tactics of DeLay's operation, the sources said.

But the internal GOP leadership fight will not derail the coordinated effort to once again send EIA and all of K Street a clear message: Republicans won't deal with trade associations and lobbying groups run by Democrats.

McCurdy, who would not comment, could be the latest victim.

National Republican Congressional Committee Chairman John Linder (R-Ga.) said he and other leaders are pressuring EIA board members and affiliated companies to reject McCurdy as their new president when the board meets this Wednesday in Phoenix.

"We think they ought to look back and see who won the last couple of elections," said Linder, who confirmed that Republican leaders held intellectual property legislation favored by many EIA members hostage to "send a message."

The legislation—which implements copyright changes required for the World Intellectual Property Organization (WIPO) treaties—was scheduled for floor action on Thursday, but Gingrich, Majority Leader Richard Armey (R-Texas), and DeLay decided to block the bill and spread the word on K Street.

Meanwhile, members of the leadership were instructed to call EIA member companies and demand that McCurdy be removed and a Republican be hired. Rep. Bill Paxon (R-N.Y.), who said he interviewed for the job but was told the companies were not interested in talking to incumbent Members of Congress, has been mentioned as a possibility.

"I will be contacting companies and recommending they do more interviewing before making this decision," GOP Conference Vice Chair Jennifer Dunn (R-Wash.) said.

Linder also has set up what one source called a "phone bank" to help lean on EIA members. Several EIA member companies bowed to the pressure and plan to call for McCurdy's head at the board meeting.

John Palafoutas, director of federal relations at AMP Inc., an EIA company, is unhappy about the selection of McCurdy to lead the organization.

"I'm concerned about the kind of reaction this is getting over on Capitol Hill," said Palafoutas. "Republicans are sensitive to the fact that the high-tech industry has supported President Clinton and the Democrats."

A Republican lobbyist with strong ties to EIA said that some companies want the EIA board to abrogate the contract with McCurdy.

"They have a lot of money," said the lobbyist. "They can do something."

For their part, EIA officials claim that they haven't been contacted by GOP leaders about the issue and argue that they plan to hire an assistant for McCurdy with strong GOP credentials.

"No one has called us," said Mark Rosenker, EIA's vice president of public affairs. "We did not get a single phone call here. I respect Mr. DeLay. But we did not get a single official contact. No official call came . . . to anyone in our leadership from a Member of Congress. That's why I find this so intriguing and puzzling. This man has been out of politics for four years. I just found it incredible."

In a related matter, Linder said he also told the National Association of Home Builders that GOP leaders have less interest in working with their group because they hired a Democrat as CEO. "They came to see me yesterday," Linder said. "I told them I am not going to get to know [new NAHB CEO Tom Down]. So save your time."

"They would be making a terrible mistake to [shut us out]," said current NAHB CEO Kent Colton. "But they are not going to make a big deal about that because it would be too big of a mistake."

Colton said NAHB, which will hand out $2.4 million total this election cycle, gives a majority of its contributions to Republicans and that he expects the association will continue to have a close working relationship with Republican leaders.

☐ 1730

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE KURDISH CEASE-FIRE: AN OPPORTUNITY THAT SHOULD NOT BE SQUANDERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to express my support for what many in this country do not know has occurred, but is exceedingly important. That is the unilateral cease-fire that was declared on August 28, 1998, by the Kurdish rebel leader, Abdullah Ocalan.

Taking part in a live broadcast on Med-TV from his base in the Middle East, Mr. Ocalan noted that, effective September 1, 1998, he has ordered his guerillas to cease their operations and silence their guns until further notice. This is a momentous opportunity, Mr. Speaker, for the advocates of peace, the defenders of human rights, and the champions of trade with the oil-rich countries that surround this explosive region called Kurdistan.

For several years now, Mr. Speaker, I have risen on this floor to draw the attention of my colleagues to the enduring struggle of the Kurds for peace, democracy, and human rights. I have strongly supported their inalienable right to self-determination. Who among us has not heard of the brutality exercised against the Kurds by Saddam Hussein?

The theocracy in Iran has targeted the top leadership of the Kurdish resistance, and murdered many of its ablest leaders. Turkey, a country that we supported as a bulwark against the Soviet expansion during the Cold War, has left its own trail of desolation in the land of the Kurds.

We cannot afford to call a country a friend, ally, and partner, Mr. Speaker, if it refuses to practice the most basic dictates of democracy, such as the freedom of expression and assembly. Kurds, who constitute one-third of the population of Turkey and number some 20 million, are denied their basic human rights, such as the expression of their identity, the use of their own language, the practice and perpetuation of their culture, as a distinct and indigenous people that has its roots in the dawn of history.

The Turkish constitution, the solemn document binding the peoples of Turkey together, makes no reference to the existence of the Kurds. Its Article 3 expressly forbids the use of the Kurdish language in print and in official settings. The Kurds, thus, can write books in English, French, or German, but not in their native Kurdish. Those who do end up with a prison sentence that can run into a century. The noted

Turkish sociologist, Ismail Besikci, who has merely written about the Kurds, has accumulated prison sentences of more than 100 years.

Many of us are well aware, Mr. Speaker, of the historical abuse of the Armenians. In 1915, the Armenians were systematically exterminated in the Ottoman Empire. A similar strategy is now being carried out against the Kurds.

Mr. Speaker, the time has come for a bold departure from the old policy of entrusting a blank check to Turkey to do whatever it wishes with its Kurdish minority. The government in Ankara has abdicated its responsibility, and entrusted the entire Kurdish region to the rule of uncompromising Turkish generals for the last 18 years. They have killed more than 40,000 people, and have driven 3 million from their homes. More than 3,000 Kurdish villages have been destroyed. Duly-elected Kurdish parliamentarians are now rotting in jails. The voices of compromise and reconciliation have been silenced. We are witnessing an historical tragedy.

Now the offer of the cease-fire by the Kurdish rebel leader has the potential to bring peace to this troubled region, and open the way for the coexistence of the Kurds with the Turks. Mr. Ocalan has stated that he is ready to disband his forces if Turkey takes steps to constitutionally recognize its 20 million Kurdish population.

Some courageous leaders in Turkey now recognize the crisis must be solved. On September 11, 1998, Husamettin Cindoruk, leader of the Democratic Turkey Party, a member of the ruling coalition in the Turkish government, actually admitted that negotiations must begin. As he said, Turkey will get nowhere by masking this problem and delaying a solution.

He suggested that the talks that produced the good Friday agreement between Ireland and Britain can be the model for his own country. Members of the largest Turkish party, the Virtue Party, Recai Kutan and Hasim Hasimi, have also expressed similar sentiments. These deputies ought to be commended for their courage. Their words carry the real promise of peace.

Mr. Speaker, I cannot help but bring to the attention of this body the plight of a group of Turkish and Kurdish women who have gathered in front of Galatasaray High School to protest the disappearance of their loved ones over the last 3 years. Known as the Saturday Mothers, they were visited this past January by our colleagues, the gentleman from Illinois (Mr. JOHN PORTER) and the gentleman from Maryland (Mr. STENY HOYER), and the President of the Human Rights Alliance, Kathryn Porter.

Under the U.N. Declaration of Protection of All Persons from Enforced Disappearance, the authorities are obliged to carry out prompt, thorough, and impartial investigations into every report of disappearance. According to Amnesty International, no investigations satisfying these criteria have been carried out. This sad state of affairs was compounded on August 29 when police detained 150 people.

With the declaration of this Kurdish cease-fire, we now have an opportunity. We helped to make possible the Good Friday Agreement, the Dayton talks, and the Israeli-Palestinian accords. We must do no less for the Kurds.

HOUR OF MEETING ON TOMORROW

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

IN SUPPORT OF REFORMS OF THE INTERNATIONAL MONETARY FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON) is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, in the next day or so we will be voting on the spending plan, the rest of the spending plan, for fiscal year 1999. An important part of that is a matter involving the International Monetary Fund, and there were many of us who said that we would only vote for that provision with proper reforms.

Mr. Speaker, I am now able to rise in support of reforming the International Monetary Fund and the provisions claimed in the bill ahead of us. The reforms to be included in the appropriations bill, and particularly the enforcement provisions, are not nearly as extensive as I would have liked. Nonetheless, if these reforms are permitted to take place and to be in effect, they will be steps in the right direction toward longer-term reform for the IMF.

The implementation of IMF reforms in this bill will be an important test of the good faith and credibility of the Treasury Department and IMF officials. With regard to the reforms themselves, our review of their development from earlier legislation is critical to understand the intent of Congress.

The structure of the reforms pertaining to transparency and market rates is clearly based on the IMF Transparency and Efficiency Act that was introduced earlier this year by myself and some others known as H.R. 3331, which was introduced, I might add, in conjunction with the majority leader.

The reform proposals in the budget bill are essentially narrower versions of the policy changes mandated in the IMF Transparency and Efficiency Act. The biggest change is in the enforcement mechanism in this act, in the coming act, which has been replaced by a much weaker enforcement provision in the appropriations bill we will vote on in the next day or so.

Obviously, I am disappointed with this change. But with respect to the IMF transparency reforms in the appropriations bill, suffice it to say they reflect a strong congressional consensus that IMF documents be publicly released, and that the minutes of the IMF board meetings should be publicly released in some form. Any abuse of the flexibility provided in this language would clearly not be acceptable.

Second, with regard to the interest rate provisions, the higher interest rates are required any time the definition of conditions of a balance of payments problem emerge, regardless of other problems that may also exist. The compromise language uses some terms to describe these conditions also used by the IMF to describe an existing IMF loans facility, but there are essential differences that are important to note.

Finally, or next, the clear intent of this reform initiative is to require interest rates comparable to market interest rates, as expressed in H.R. 3331. Prior to these negotiations, the staff of the Joint Economic Committee devised a floor to permit an objective limit on how the rate could go in an attempt to prevent backsliding.

In the course of four hearings held by the Joint Economic Committee, the issues involving transparency and an end to the interest rate subsidies were explored in extensive detail, as well as many other issues. A complete legislative history of IMF reforms about to be enacted with a view towards establishing congressional intent must include not only H.R. 3331, but also the germane material covered in these JEC hearings, the only hearings held to examine these reforms in detail, I might add.

Mr. Speaker, in summary, the congressional intent behind the IMF reforms is clear. It is reflected in the legislative history. A good-faith effort to carry out these IMF reforms in keeping with the letter and spirit of the law will be as evident as will the failure to do so.

URGING MEMBERS TO SUPPORT LEGISLATION REGARDING HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as a Member of the Human Rights Caucus of this Congress. That caucus takes as its responsibility sort of a checks and balance for human rights violations around the world. That is why I rise today with such pain about our own situation here in the United States of America.

Last evening many of us joined with throngs to mourn the loss of Matthew Shepard, the young man who died in Wyoming as the result of a brutal and devastating murder. Matthew Shepard was gay, but he was also, as was claimed and was pronounced last evening, filled with vitality and life. He loved life; small in stature, but well worth the value of his life and, as well, the opportunity to continue to live his life.

My sympathy goes to Judy and Dennis, his parents, and all of his friends in the State of Wyoming. But frankly, the brutal attack against Mr. Shepard is not an uncharacteristic once-in-a-lifetime manifestation of hatred. It happens too many times in this country.

During 1985, 7,947 bias-motivated criminal incidents were reported to the FBI by approximately 9,600 law enforcement agencies in 45 States and the District of Columbia. Sixty-one percent of the incidents were motivated by racial bias, 16 percent by religious bias, 13 percent by sexual orientation, and the remainder by ethnicity, national origin bias, or multiple biases. The 7,947 incidents involved 9,895 separate offenses, 10,469 victims, and 8,433 offenders.

I would say, Mr. Speaker, that in these waning hours, there should be nothing more to dictate to us that we should pass the Hate Crimes Prevention Act of 1998. Let me thank the President for so quickly denouncing both the brutal killing of Matthew Shepard, but as well, calling on this Congress to pass this legislation. Allow me to thank those negotiators in these last hours who are negotiating on this final omnibus bill who have pressed over and over again, why can we not pass a Hate Crimes Prevention Act of 1998?

Let me ask my colleagues, why not, in the name of James Baird, an African American in Jasper, Texas, who was dismembered a few months ago out of hatred, or Fred Mangione, in Houston, Texas, who was killed because of his sexual orientation? How many more deaths do we need to tolerate to be able to pass a Federal law that stands up to the Nation and says, we will tolerate hatred no more? We will not accept the intolerance of not tolerating those who are different.

What is wrong with this Nation, in a unified voice, promoting laws that protect people who are different because of their religious difference, their racial difference, whether or not they have disabilities, their sexual orientation, or their gender?

I have been asked over and over again, why create other laws? Do we not have murder, assault, and other laws that will take charge of these issues? I simply say that the question has to be asked, what kind of moral standing does this Nation want to have?

Certainly, there are State laws dealing with murder and assault, and there are State laws dealing with rape and other types of incidents. But the State laws are disorganized, and many of our States have not passed hate crimes legislation, including the State of Wyoming. Some States who have made a good-faith effort find that their legislation is overbroad and vague, and therefore it is not a valuable tool for prosecutors.

In talking to U.S. attorneys who would have to prosecute this law, this Hate Crimes Prevention Act of 1998, they say it clearly answers the question of preciseness, because it delineates those who would be covered by such a law. It enhances the sentencing for those who would perpetrate violence because others are different.

Do we want to live in a country that accepts a random, reckless attack because you happen to be an African American walking along a lonely road, or you happen to be someone of a different sexual orientation who is sitting in a bar, minding his or her own business, engaging in what most Americans would like to do, enjoying themselves?

Do we want to be a Nation who points the finger at others who are violating human rights, and yet we do not have the courage to stand up and pass legislation, simple as it might be, in order to protect those who are different?

□ 1745

I call upon my colleagues in these last hours of this session, if we do anything as we have done to help our children and others, can we not stand up for human rights and human justice? Can we not pass the Hate Crimes Prevention Act of 1998? I hope the answer is a resounding "yes."

DETAILS OF THE FINAL OMNIBUS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, we are coming to the end of the session here and we have a tentative agreement reached on how we are going to continue this government for fiscal year 1999. We found out that we can agree with this President.

Now, he did think that he got his way on the 100,000 teachers program and IMF funding, and we are glad that the $18 billion is there for IMF funding with the needed reforms that were associated with it, and we are glad that we have additional money for teachers.

But I wonder if anybody has actually done the math. The President said that he wants 100,000 teachers and we set aside a billion dollars to do that. If we divide 100,000 teachers into a billion dollars, I know this is high level math for some, if we divide it out we get $10,000 per teacher. I would ask my colleagues to go back to their districts and ask any teacher if they are willing to start a new full-time job for $10,000 a year. I know that when my wife was teaching in the public schools in the late 1970s, she was willing to teach for $10,000 a year in southwest Missouri, and the cost of living was not nearly as high as it is today. I think at best we will get 30,000 teachers out of this program, and they will be paid some reasonable sum.

But more importantly, the Republicans insisted on and won the provision that says that this money will go directly to the classroom. This money will not be spent in Washington, D.C. on the bureaucracy. Right now we have a Department of Education bureaucracy and the average salary at the Department of Education is $52,000 per year. There are millions of people across the United States that would like to teach for $52,000 a year. I can think of a lot of them in Wichita, Kansas, where the average salary is below $30,000. I think rather than waste the money here, it is much more important that we send that money directly to the school districts.

One other thing that we agreed on with the President is that there is a surplus that can be spent on something other than saving Social Security. I think we need to keep in mind that the Republicans have put at the top of their list that we need to save Social Security and we passed a bill that said that 90 percent of the surplus would be set aside for saving Social Security and 10 percent would go to tax relief.

The President has insisted that we do not have any tax relief this time, but we wanted to make sure that we did have that money available. He has agreed that it is available, except he wants to spend it on the bureaucracy. So, we have agreed, in order to get some type of compromise, we have agreed with the President that we would take the Republican priorities and spend some of that on emergency spending.

One of those things that we did for emergency spending was provide tax relief for the financially strapped farmers. If my colleagues have been following the nationwide news, and certainly in Kansas it has been followed closely, farmers have been having a hard time this year. Weather has been a problem. Around the world prices have been depressed and that has caused a lower demand for farm commodities and so the prices have been down. Combine that with the natural problems that we had with the weather, and it has been a tough year.

We have also provided tax relief for farmers and other self-employed individuals by allowing 100 percent deductibility of their insurance premiums.

One of the other things that was a great victory for the Republicans in this settlement is that we now have much-needed increased funds for national defense. About $9 billion of emergency spending for defense and intelligence needs.

This administration has increased the work level of the Department of Defense much more than any other bureaucracy that we have here in Washington, D.C., and yet they have limited the funds. They have tried to divert the funds. They have allowed much of it to be wasted, and they have sent people overseas on numerous missions. Bosnia comes to mind, and now we are looking at Kosovo. We have had intervention in Haiti and in Africa and different places.

Mr. Speaker, all of this costs money and the administration has been more than willing to send our young men and women abroad and not fund it. Well, because of that, we have created an emergency in our national defense system. We are going to now, with this final bill, be able to do something for our young men and women who are willing to risk their lives.

We also have some relief here for the need that we have to provide for our national defense. We have about a billion dollars that have been set aside for missile defense. Most people do not realize that we have no defense for incoming ballistic missiles. We have had in the past a policy of mutually assured destruction. We would not fire on anybody else because they would fire back on us and vice versa. If someone was to fire an intercontinental ballistic missile on the United States, they could be assured that we would enjoy their country too. And so this mutually assured destruction has been our policy.

Now, with the breakdown of the USSR and other Third World countries becoming nuclear powers, we find that we have no policy that is working and this mutually assured destruction cannot be guaranteed when we have terrorists that we are dealing with. So, it is very important that our country provide for a missile defense system.

We have now, because of the Republicans in our negotiation, our leadership in negotiations, we have provided the first step in continuing this missile defense program that is much-needed.

There are other provisions in here that were very important that we see become law. We are now protecting children from pornography on the Internet. We are now going to stop needle exchange programs, which have been proven not to work.

So we think that we have a good settlement and a good agreement and it shows that our system of democracy does work. Nobody got 100 percent of what they wanted, but we got an agreement and we are moving forward to make sure that this country is safe and secure and that our needs are met.

CONGRESSIONAL WOMEN'S CAUCUS LEGISLATIVE ACCOMPLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I have kept the count for the Women's Congressional Caucus of our legislative achievements in a productive session for our achievements, working closely with my Republican co-chair, the gentlewoman from Connecticut.

I come to the floor this afternoon cheered to know that one of the last of our seven must-pass provisions has now finally been passed, after having been passed several times, twice in the Senate and in the House, and that is a provision that will allow the full range of contraceptive drugs and devices for Federal employees who faced Federal insurance that was very diverse in what was offered.

This was a major fight. Abortion politics somehow made its way into this mainstream contraceptive issue. Finally, it has been settled and these drugs will be provided. That means that four of the seven must-pass bills of the Women's Caucus, which is a bipartisan caucus in the House has been passed.

We are grateful that the reauthorization of the Mammography Quality Standards Act was passed; the reauthorization and strengthening of sections of the Violence Against Women Act occurred; that a new Commission on Women, Minorities and People with Disabilities in Science, Engineering and Technology Jobs will take place.

Now that the contraceptive priority has passed, the House and the Senate have now been passed four out of seven of our priorities. It shows what bipartisanship can get us if we are willing to do it.

The women of the Congress have set the example for the entire Congress. I do want this body to know that in addition to our annual must-pass provisions, there were other legislative priorities that the caucus had and that were passed.

I am particularly cheered that gender-integrated military training, a strong bipartisan goal of the Women's Caucus, occurred. And my hat is off to the gentlewoman from California (Ms. HARMAN) and the gentlewoman from Florida (Mrs. FOWLER), who were on the committee and carried the matter for the caucus.

Child care, as we desired it, did not come about because no bill came to the floor. But I am pleased to note that $45 million was included in the Higher Education Reauthorization Act for campus-based child care.

Mr. Speaker, with all of the concern about taxes, this House did not overlook the need for tax relief for innocent spouses, women who were left holding the bag after divorce when taxes they did not know were not paid fell to them.

The Women's Caucus has led the notion that women and minorities are to be included in clinical trials. Now we have been able to get that proposition accepted under the Federal Food and Drug Administration Reform Act.

Mr. Speaker, child support enforcement continues to be a priority concern of the congressional women. We are moving along incrementally until this full job is done. There are incentive funds that we have passed in order to improve the performance of child support enforcement programs. We take heart that it has now become a felony if parents do not pay their child support for a year, or if they owe more than $5,000. That is what a felony ought to be, when we consider what is at stake is the lives of children.

We are pleased that the House, in fact, has helped displaced homemakers find job skills. These are woman who will not qualify for welfare, many of them divorced or separated, women who now under the Job Training Reauthorization Act will in fact be able to get job training targeted and focused on them.

Mr. Speaker, I have been to the floor this week already with a strong set of disappointments about women's issues. They were quite overwhelming. They involved, especially, choice and child care issues. I come to the floor this afternoon, however, grateful that we have removed contraception from the women's list of demerits for the 105th Congress. May we all do better in the 106th Congress.

FOUR YEARS' ACCOMPLISHMENTS OF REPUBLICAN-CONTROLLED CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I just came from our Republican Conference talking about what is in this omnibus appropriation bill. The good news is that when we think of what might have happened with the tax-and-spend presidency, with the tax-and-spend Democrats, what would have happened if Democrats were in control of this Chamber not fighting to make sure that we did not reach into the surpluses that we have for additional spending.

What we have accomplished since the Republicans took the majority 4 years ago is a tremendous reduction in deficit spending. The unified budget deficit 4 years ago was $210 billion. If we add to that what we were borrowing from the Social Security trust fund, then it came to about $160 billion, more deficit at that time than we have this year.

We actually paid down the debt to the public this past year by $60 billion. We expect that this current fiscal year, the 1999 fiscal year, we will reduce the debt to the public, the public debt, by an additional $62 billion. It is not as good as it should be. We are still borrowing some of that money from the Social Security trust fund for other spending. I wish my colleagues would join me in cosponsoring my bill that stops the government from borrowing this money and leaving simple IOUs.

Look, the point is that we have got a good start. We have got a smaller deficit by $260 billion than we had 4 years ago. If we look at what happened when I first came to this Congress in 1993, the frustration of a Democrat majority and a presidency that increased taxes on senior citizens, on gasoline, and so most Republicans voted against it, most every Democrat voted for it, and we have been trying to turn that around ever since.

Now the goals of this Congress, with a majority of Republicans, I think is twofold. I think we are looking at traditional family values. There is not a lot that government can do about traditional family values, but, look, there are some things we can do. The marriage penalty tax. We can set an example. We can encourage neighborhoods to get involved. And that is what we are trying to do with our drug program.

□ 1800

We have expanded money for drug control in this Congress with this budget that we expect to pass in the next 48 hours. Drugs are disrupting education. Drugs are one of the major causes of crime. And we are saying that, look, we are going to be serious about an all-out war on drugs.

I think as we look at our challenges ahead for the future, certainly we have got to put a priority on trying to deal with the fiscal problem of Social Security and Medicare. Those are two huge challenges that we have got to face up to. I am concerned about the politics that is being played with those items during this election year.

I would just suggest, Mr. Speaker, to everybody out there that might be listening to this program to brace up for the last two weeks of this campaign, as there is going to be a lot of misleading and false information out there that suggests that one side of the aisle cares less about balancing the budget or more than the other side, that one side cares less or more about Social Security and Medicare.

Our two biggest fiscal problems are Social Security and Medicare that we have got to deal with. I think on the domestic side, we need to look at traditional family values. We need to give the kind of priority to education that this appropriation bill gives, as we have expanded over and above what the President requested for the programs for the slow learners, for the special program education money that goes into IDEA, because hopefully both sides of the aisle will give the kind of priority to education, will give the kind of priority to reducing crime that this particular appropriation bill does that we will pass in the next two days.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise that it is inappropriate to address the viewing audience.

HOW HISPANIC AMERICANS FARED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BECERRA) is recognized for 5 minutes.

Mr. BECERRA. Mr. Speaker, we are very close to the end of this session, and perhaps it is fitting that we have an opportunity to try to assess what has gone on this year. It happens that as the individual who has been given the privilege to serve this Congress as the chairman of the Congressional Hispanic Caucus, a caucus which is composed of all those Members of Congress of Hispanic heritage, that this year we have an opportunity to talk a little bit about how Hispanic Americans have fared in this Congress and through this White House in legislation and in proposals administered by the executive branch of government.

And to help us in that we are fortunate. About 8 years ago many of the national Hispanic organizations came together and formed an umbrella organization, the National Hispanic Leadership Agenda. Back in 1991, when they formed, they decided to have a policy to try to come together and see if with all the voices of these national organizations, they could try to project a voice for Americans of Hispanic descent.

This organization is nonpartisan and it is, as I said, a coalition of all the major national Hispanic organizations. It includes communities from all the different streams of Hispanic America. It includes those individuals of Mexican American ancestry, Puerto Rican ancestry, Cuban Americans and all those who are from the Caribbean, Central and South American areas.

Let me give you a list of some of the organizations, national organizations that are part of the National Hispanic Leadership Agenda. We have the Hispanic National Bar Association. We have the Hispanic Association of Corporate Responsibility. We have the U.S. Hispanic Chamber of Commerce, Cuban American National Council, the League of United Latin American Citizens, the National Hispanic Corporate Council. We have the Society of Hispanic Professional Engineers, the Puerto Rican Legal Defense and Educational Fund, Hispanic Association of Colleges and Universities, the Mexican American Legal Defense and Educational Fund, the American GI Forum, Alianza Dominicana, the National Puerto Rican Coalition, MANA, a National Latina Organization, the National Hispanic Council on Aging, the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, and the U.S.-Mexico Chamber of Commerce, to name some of the many organizations that are part of the National Hispanic Leadership Agenda. Overall they represent millions of Americans and try as best possible to come together in one voice.

Let me show you a little bit of what they came up with. This is their scorecard that they just recently issued. It is called the National Hispanic Leadership Agenda congressional scorecard, 105th Congress. What the various organizations do within the NHLA is to take a number of very important votes that this Congress took this year and in 1997, during the 105th Congress, and assess where we stood as a Congress with respect to issues important to Americans of Hispanic descent.

They took many votes, about 24 of the most important votes that were taken here in the House and about 11 of the most important votes taken in the Senate, and they came up with a scorecard. And I went ahead and summarized some of that so we would at least have a sense of where we are this year at the end of the year.

Let me, if I may then, refer to this chart. If you break it down, you will see that votes taken by the House and the Senate, there were more votes taken in the House than in the Senate and, therefore, more votes that the NHLA was able to use to try to rate the Members of Congress, grade the Members of Congress. But what we find is overall scores of the various votes taken in the House of Representatives, for example, of the 24 votes that were scored, 19 percent of the time the Republicans in the House of Representatives supported Hispanic American issues and concerns. Democrats supported, on those same 24 votes, supported Hispanic American concerns 85 percent of the time.

In the Senate, the support by Members of the Senate who were Republican was 20 percent, 20 percent of the time Republican Senators voted in support of measures that the NHLA identified as extremely important for Hispanics throughout this country. In the

Senate, Democrats voted 89 percent of the time in support of issues that were important to Hispanic Americans.

I further broke this down to give a better sense, since it would be difficult to list the votes of the 435 Members of Congress along with the 100 Members of the Senate the way the NHLA did, but if we took the leadership, and I decided to take the leadership votes out. We find that in the Senate, the Republican leadership under Mr. LOTT, TRENT LOTT, Mr. LOTT's score, of the 11 votes, was zero percent, unfortunately, which means that on no occasion did he support Hispanic American issues. Ninety-one percent for Senator DASCHLE. On the House side it was zero for Speaker GINGRICH, and it was 7 percent for the gentleman from Missouri (Mr. GEPHARDT).

That will give us a sense and hopefully we can go from there to see how Congress supports issues important to Hispanic Americans.

CHALLENGES THAT AWAIT THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I rise this evening not to attempt to drive a wedge among Americans of different backgrounds. Indeed, I believe what President Theodore Roosevelt said is true, that though we come from many different backgrounds, we celebrate 100 percent Americanism, even when people have different views about a variety of issues.

Mr. Speaker, I come to the well tonight further to discuss the challenge that still awaits this Congress, the challenging decisions we confront.

Mr. Speaker, I am pleased to report to the citizens of the sixth congressional district of Arizona, who I am pleased to represent, indeed all Americans from coast to coast, Mr. Speaker, that this Congress is making progress on a variety of fronts, but most especially on that topic that seemed to be on the tips of just about everyone's tongue, especially on the other side of the aisle earlier this week, and that of course is education.

Mr. Speaker, I think common sense dictates that education is too important to be left up to Washington bureaucrats. That is why in the midst of this historic attempt to reach a budget agreement, I am personally pleased to see that after a time of discussion and negotiation, those who represented the administration found that also this should be true.

For while there will be increased spending on education, it will be done at the local level. Indeed, perhaps even exceeding the hard work done by our colleague the gentleman from Pennsylvania (Mr. PITTS) in his Dollars to the Classroom Act, which said that for every education dollar at the Federal level, 95 cents of that dollar should end up in local classrooms, helping teachers teach and helping children learn. And indeed, in the wake of these negotiations, now 100 percent of the money will end up at the local level for States and, more importantly, for local school districts to determine how best to utilize for teacher training and for challenges they confront. Because after all, the key to solving many difficulties and challenges in education are confronted by school board members who are elected in their respective communities, by the teachers who know the names of the children in their classrooms, by the parents who have a concern because they have been entrusted with our most precious resource, a resource for which no price tag can be attached.

We have been dealing with many challenges when it comes to these budget talks and, Mr. Speaker, I can remember on a few occasions even the President of the United States has come into this Chamber with his State of the Union messages and he has offered some interesting comments. Indeed, in the last State of the Union message, Mr. Speaker, when you totaled up everything the President had proposed in his budget plan, you were looking at more than $150 billion of new spending.

The common sense conservative majority has put the brakes on that. And more importantly, to pay for those programs, not with a great deal of illumination or elucidation, but the President of the United States had a price tag attached, over $130 billion of tax and fee increases. Mr. Speaker, we can report this evening that there will be no tax increases in our agreement.

And more importantly, Mr. Speaker, because we do face pressing needs, not only the Y2K crisis that confronts us in the field of high technology, but more basically, as we take a look at the preamble to the Constitution and our charge to provide for the common defense, every dollar of new social spending will be matched with a dollar for our defense spending, for, Mr. Speaker, reports have come to us that are indeed disturbing, reports of a hollow force that we have not seen since the late 1970s, reports of a spare parts and personnel crisis.

I know that other colleagues will join us to discuss these pressing issues, but we are making the choices right for America.

ACCOMPLISHMENTS OF THE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, it is hard to believe after two long, hard-working years that the 105th Congress is now coming to a close. It is expected we should be rapping up our business probably in the next 24 to 48 hours. I thought I would just take a few minutes and look back over the 105th Congress and talk about, frankly, some of the accomplishments that we have achieved.

I represent a very, very diverse district. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, bedroom communities as well as rural and farm towns.

I find there is a pretty common message that comes out of these communities. That is, they are tired of partisan politics. They are looking for solutions. They want us to meet the challenges that we are sent to Washington to work on but to come up with solutions and then get those solutions achieved.

I was thinking when I was first elected back in 1994, the gentleman who just preceded me in 1994, and we had an agenda. We were told time and time again that we could not achieve it. We were told we could not balance the budget. We were told that we could not cut taxes for the middle class. We were told that we could not reform the failed welfare system. We were told that the IRS was good the way it is, that we could not make changes.

□ 1815

But I am proud to say that in the 105th Congress that we have made some real accomplishments, coming up with solutions that work. I am proud to report, at the end of the 105th Congress and the last 2 years, we have balanced the budget for the first time in 28 years. We cut taxes for the middle class for the first time in 16 years. We reformed our welfare system for the first time in over a generation. Yes, we tamed the tax collector, reforming and restructuring the IRS for the first time ever.

Now that we are in the final hours, I thought I would take talk about an additional accomplishment, some important accomplishments that affect folks back home, and that is in the area of education, priorities for our local schools.

I am proud that, after 2 years in the 105th Congress, we have some pretty good accomplishments to take home. Thanks to this Congress, we now have the lowest student loan interest rate in 17 years, making college affordable for middle class and working families.

We have doubled the Pell grant twice of what it was when we were first elected, now making college more affordable for low-income students unable to qualify for student loans.

We have increased funding for Head Start. We have increased funding for special education. Even while balancing the budget, education was a top priority last year, including this year as well; in fact, with last year's balanced budget, the first balanced budget in 28 years.

We increase funding by 10 percent, a $5.4 billion funding increase. I am proud of that. Lowest student loan rates in 17 years, doubled Pell Grants, low income students, increasing funds for Head Start and special education, and making education a funding priority.

I will say, though, I am disappointed. There are some initiatives that were passed by this House that the President did not support, so they are not going to happen. Education savings accounts to help families better afford additional cost and public education and better afford the opportunity to go to a private parochial school, unfortunately, the President vetoed that effort to help families better afford education for their children.

Unfortunately because of the President's opposition and because of opposition from Members of his own party, an effort to give tax deferred status to prepaid college tuition programs unfortunately failed after we passed it out of this House, helping make college more affordable.

In an effort to provide for school construction, bonding programs to help school districts in Chicago and the south suburbs and other growing areas add classrooms and fix the roof, unfortunately the legislation, $1 billion initiative which passed this House as part of the 90-10 plan, unfortunately we were not successful because of the President's opposition.

But we have had a very important victory for local schools and a very important victory for education in the final days. I am glad to see that this Republican Congress and a Democratic President on the end of Pennsylvania Avenue can work together.

The President talked earlier this year about the need to reduce class size, the need to hire additional teachers to accomplish that goal. Many of us in this House, in a bipartisan way, agreed with him.

The question was how were we going to achieve that goal. Are we going to have this type of program micromanaged from a bureaucracy here in Washington, or are we going to give the resources to local school districts and local school boards and local school administrators and give them the flexibility how best to decide that type of priority.

I am proud to say that we have reached an agreement. It is my understanding the President and the Republican majority have reached an agreement to provide $1.1 billion in funds to help schools, and decision making will be in the local districts how best to use those dollars. That is a big victory for education, a big victory for local education, local schools.

STRIVE TO MEET DEADLINES IN THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, today, we have seen quite a transformation of the nature of the debate. I think all of us remember the debate from yesterday, the day before. There was a great deal of anguish over how we would support education in this country. Would there be funds and assistance for school construction and modernization? Would there be money for teachers? Was this going to be Federal interference with local education?

This body was badly polarized for all of us that sat and listened to the exchanges, horribly polarized. It is amazing. Here we are today, and it appears that we are uniform in supporting teachers in the reduction of class size.

I think that it is important that, as we debate these issues, the Nation understands that sometimes the debate is rhetoric. Sometimes the debate is real. Probably even today, if one searched and scratched hard enough, one would find that code words are being used to illustrate differences that now we are more interested in glossing over.

But I think it is a victory for the American people, for our students that we are focusing on reducing class size. I trust this is an initiative that is not just one that is being promoted here in Washington, but in State capitals around the country and in the offices of local school districts around the country and in the homes of the citizens of this Nation as all of us join together to emphasize the importance of small class size and the best possible educational preparation for our children.

There is another aspect about the debate and the proceedings this week that I would like to touch upon, and that is the unseemly chaos that is accompanying the close of this 105th Congress.

Some have complained that the President has not been here every day and every hour and blame the President for the fact that these last days have been added to the session.

Others have pointed out, as I would like to emphasize, that we have not had a budget resolution to guide this body. The lack of a budget resolution certainly cannot be blamed on the White House. That budget resolution is a concurrent resolution adopted by the House and the Senate to guide this body in passing appropriations bills for the 1998, 1999 fiscal year.

I am sure that all of us are well aware that that fiscal year started October 1, 15 days ago. We are half a month into the fiscal year. We have no budget resolution. Indeed, we are 6 months past the due date for the budget resolution, April 15, 1998. We have no budget resolution.

Going further, this will go down as the first Congress in 24 years of having a budget requirement that has failed to produce a budget resolution. We do not have a concurrent budget resolution. I submit that this contributes to the frantic nature of the negotiations and the delay that we have experienced in this 105th Congress in bringing our efforts to a close.

I note with some concern that the same party controls this body and the Senate. I would have hoped that a budget resolution would have been enacted because of that leadership from the same political party. But unfortunately it has not.

I can certainly see situations where my side of the aisle might well have had parallel difficulties. But the lesson to be learned here is we need to work together to find some way, even within our own caucuses, to bring closure to divisive debates.

Certainly if we cannot within our own caucus and within our own party find a way to pass a budget resolution, how much more difficult is it in the body at large.

Mr. Speaker, I think that we should make a resolution as we leave this institution and returned to our respective districts, that in the 106th Congress, we will endeavor to do better and observe the deadlines that apply within the budget process, and hopefully we can then come up with an educational program earlier in the season and not have to have the debate delayed and become so divisive as it has here in the fall of 1998.

ANNOUNCEMENT OF THE LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON FRIDAY OCTOBER 16, 1998

Mr. KINGSTON. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered tomorrow, October 16, 1998:

H.R. 1197, Plant Patent Amendments Acts of 1997;

H.R. 1756, Money Laundering and Financial Crimes Strategy Act of 1998;

S. 610, Chemical Weapons Convention Implementation Act.

THE SURPLUS CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, it is the nature of politics that we never get everything we want. But when American people support the general direction in which we are going, small victories do become possible.

I think today's agreement between Congress and the White House on the remaining spending bills represents a victory for those seeking to take this country in a direction of smaller government, holding the line on spending, local control of education, tax relief, a stronger military, and more weapons for the war on drugs.

After many months of difficult negotiations, an agreement has been reached that reflects the priorities of this Republican-controlled Congress. This Congress, I think, can properly be called "The Surplus Congress." I think there is great pride in that nomenclature that this is "The Surplus Congress."

Just a short time ago, Congress was faced with $200 billion a year deficits for as far as the eye can see. Now we have the responsibility, yes, and the duty to manage the surplus which we see in the future. What a great difference in how much more fun and interesting it is to talk about managing the surplus and what we are going to do with that surplus.

Number one, of course we are going to preserve and strengthen Social Security and Medicare. The process that we are going through right here in October of 1998 shows the need for the dedication of this Congress to do that, because we are at what we hope is the final hour of the negotiations of the spending for the next year.

Had the Republicans not be in control of Congress, there would have been a lot less surplus to be allocated to preserving Social Security and Medicare. In fact, had we given in to all the requests for spending, we would not have had to have a debate on surplus, because it would have all been spent.

But in this agreement that we hope will come before this body and the other body in the next day or two, we have some really great victories.

I want to talk a minute about education. Education is important in every district in America. In the last 2 years, I have taken the opportunity to go around and talk with my teachers. I did not just talk to the superintendent. I talked with the teachers from the classroom.

I asked them about some of the issues we were debating out here. I want to tell my colleagues that I was surprised at some of their answers.

I thought, for instance, that the teachers would be for more testing. No way. They explained to me very simply how many different tests they had to do for the school district and for the State. Then they said, if we have more testing at the national level, it really interferes with what they are trying to accomplish in the classroom. It made very good sense to me. Certainly, it brought me back here with a renewed vigor to oppose more national testing.

How many times do we count the eggs? We do not have to do it 15 different ways to come up with the same answer. We need some testing. We do not need national mandated testing. I am really glad to see that that is not going to be part of next year's spending priorities.

Dollars to the Classroom, absolutely what we need. Let us get the money out there where the work is being done. The program that we passed in this House and what I think the budget will carry forth is going to put money in the classrooms of the schools around this country.

There was a desire to say we are going to put 1,000 new teachers; but when I talked to teachers, they said, well, you know, some classes can have 22. Some need to be at 18 or less. Give the local schools the decision making which they can do best. That is in this program.

We will be visiting with more of those things. I am pleased to be here to talk about our educational priorities.

□ 1830

REPUBLICAN EDUCATION ACCOMPLISHMENTS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, I think it is a great day for American children today. The debate the last couple of weeks should have had nothing to do with show and tell. It should have had nothing to do with who better understands how important education is to the future of this country. The whole issue, of course, was one of who knows better how to bring about quality education, people on the local level, the teachers, the administrators, the parents, or we in Washington, D.C.? And as I have said to my committee so many times, if all of those programs from Washington, D.C., down would have worked, we would not have a problem with literacy in this country. We would not have a problem with drugs in this country. We would not have a problem with dropouts in this country. We would not have a problem with people graduating who cannot do math and cannot do science very well. If they had worked. They did not work. The reason they did not work was because nobody paid any attention about quality. We said one size fits all. "Take it from us, we know better than anybody else." We also said, "Let's cover numbers. Don't worry about whether you're covering them with quality. Just cover numbers." And so we did a lot of different things. As a new majority we said in our higher education bill, no longer universities and colleges who support pupil-teacher preparation. We want you to produce quality teachers. It does not matter whether your pupil ratio is 1 to 2, 2 to 2, 20 to 1, if you do not have a quality teacher in the classroom, it does not make any difference. So we are telling those institutions that prepare teachers, "It is the 21st century. You must prepare them for the 21st century." We told them in special ed, "Don't just say, 'We're going to continue to tell you exactly how to do it and not send you any money.'" I am very proud of our operation in the last 2 years as far as our help to local districts to deal with the special ed costs. Keep in mind 30 years ago the former majority said, "Here is a 100 percent mandate from Washington, D.C., in relationship to special ed. We will send you 40 percent of the excess cost." Excess cost, the difference between educating a regular student and a special needs student. When I became chairman, we were sending 6 percent. Now who do you think is funding our 100 percent mandate? I can tell you who is funding it, the local school district. The city of York, they have to spend $6 million. Only 49,000 people in the city of York. They must spend $6 million in special ed because it is a 100 percent mandate from Washington, D.C. and we send them $37,000. Where do they have to get the rest of the money? They have to take it away from every other child, they have to take it away from maintaining buildings, they have to take it away from pupil-teacher ratio, because we set the mandate, promised the money, and did not send the money. The last 2 years, we said, "We're going to send you money." In fact, this year will be the first that the local school district will be able to reduce their expenditures on special ed so that they can put it into maintenance, so that they can put it into pupil-teacher ratio for all the other students.

Head Start. Whoever sold Head Start has to be the greatest salesperson in the world. That person certainly could have sold, no, I will not say that, I may offend somebody. But nevertheless, a great salesperson. But what they did not talk about was study after study after study said it was not doing what we wanted it to do in the early years. Why? Because the weakest part of the program should have been the most important part of the program and that was the education component. So that we should have had children reading ready by the time they got to first grade, so that they do not fail first grade and so that they do not get socially promoted. But the whole effort, and they tried to do it again this year, they said, numbers, numbers, numbers. The President said, I want more numbers, I want more numbers. We said, "Oh, no. Not until quality becomes the most important thing." And so we said the large percentage of any increase will go to improve the quality of Head Start. We want to make sure every child has an equal opportunity to succeed by the time they get to first grade. Higher ed, highest Pell grants ever. In higher ed, the lowest interest rates ever. All of these things are accomplishments that we brought not because of any leadership outside of this body but because we said that we are going to change things and we are going to change things to make sure that quality becomes the issue.

One hundred thousand new teachers. That $1 billion, I think, buys about 40,000. But keep in mind, we had to fight the battle then to make sure that we are talking about all teachers, we are talking about special ed teachers, we are talking about teachers of special needs. We are saying it all goes down to the local level. "Washington, Mr. Secretary, you don't take any money off the top. You don't send any rules and regulations out there so they have to spend most of their money filling out application forms." And then we go one step further. We say, "State, nothing off the top, no rules and regulations from you down to the local level." They know what is best. They know what is most important, the people, the parents, the children, the teachers and the administration on the local level. That is what we are all about.

ON CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, other than the church and the family, I believe the United States Congress is the greatest institution in the world today and has been for a long time. The American people do not really know the details of what is going on up here over the last few days. They know the Congress is staying late to try to complete its work on reaching an agreement with the administration on the important budget for the next year and how we are going to spend their hard-earned tax dollars. But this afternoon on the way over here to vote, Mr. Speaker, I stopped on the lawn of the Capitol, took a deep breath of some really clean, crisp fall air on a beautiful sunny fall afternoon, looked at the glorious dome above this magnificent building and reflected a moment on what this really is all about in my heart. It is really about patriots wrestling with other patriots over their different approaches to the many challenges that we face as a people. Domestic challenges like education and drug abuse, challenges around the world militarily, economically. But it is really about good people trying to come to an agreement over issues that we share in common and challenges that we share in common. I was reminded of Winston Churchill. To paraphrase him he said, "This is the worst form of government imaginable, except for every other." What he meant is that sometimes it is difficult, sometimes it is painful, sometimes it is even messy. But it beats the heck out of everything else. It is still the way to do it, to settle our differences peacefully, without bloodshed, by freely electing our representatives and letting them be your voice through the debate, but at the end of the process come back together for the good of the greatest nation in the world and move forward. When President Reagan was in the White House, he had a Democratic Congress, they went through the same process, regardless of what you have heard. This is nothing new really. It has been going on a long time. President Clinton is now in the White House with a Republican Congress. The same thing. You have to fight it out and at the end of the day reach a compromise, come to the middle, move the process forward.

So what is the bottom line with Congress about to adjourn for the end of the 105th? The bottom line is that the Congress is getting the job done. The bottom line is that the administration is getting the job done. In a few important days, the American people have a job to do and that is to exercise their privilege to participate and to vote and to freely elect their representatives to come here and hammer out these important decisions. This is really a great place, filled with good people. I wish each and every one of them all the best as they go back to spend some well-deserved time with the people that love them the most.

OMNIBUS SPENDING BILL CONTAINS ANTIDRUG PROVISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, in the big omnibus end-of-the-year bill that was agreed upon today between the White House and the Republican-controlled Congress that will be out here for a vote tomorrow are some very significant antidrug pieces of legislation. Ninety percent of the Western Hemisphere Drug Elimination Act which I authored and which was voted on overwhelmingly by this House a few weeks ago is incorporated in this bill. That means more than $2 billion of money is being authorized for more planes, more ships, more equipment, more resources necessary to fight the war on drugs and to really have a war on drugs. In addition to that, $690 million is included in what is known as an urgent supplemental appropriations bill that is included in all of this that will give us a jump start, a downpayment in this coming fiscal year for this equipment.

What is involved? Teen drug use has doubled in the United States in the last 6 years. Cocaine and heroin are more plentiful and cheaper on the streets of the United States today than ever at any time in our history. All of the cocaine is produced in three countries that comes our way, Colombia, Bolivia and Peru and more than 60 percent of the heroin is produced in Colombia that comes to the United States. Yet in the last 6 or 7 years, we have reduced the resources going to interdict these drugs coming our way to stop the supply coming here, by more than two-thirds. There is not a single plane or ship today in the eastern Pacific patrolling the waters and patrolling the air looking for drugs that are coming up from Colombia to Mexico to the United States. That is wrong. It is very dangerous. It is very bad for our kids. There are no radar planes to speak of, or maybe one for half a day once a month gets to fly in the region looking for planes that are shipping drugs either between countries or to the United States.

This legislation that is in the bill we will vote on tomorrow will provide the planes that the Customs Service desperately needs for radar and to track those drug traffickers who are moving drugs in this hemisphere and it will provide the personnel and the fuel to do that over a 3-year period of time, very critical for this purpose. It will also provide cutters and additional patrol boats to the Coast Guard and personnel and equipment they badly need. It will provide new equipment to DEA to use in the three critical countries of Colombia, Bolivia and Peru, and perhaps as important as all, it will provide the governments of Colombia, Bolivia and Peru who do want to fight drug trafficking in their country the equipment and resources essential to fighting the traffickers and the resources for crop eradication of coca and heroin poppy crops as well as for crop substitution which in some cases has been sorely lacking. These resources are absolutely essential. If we provide them and do the right thing that this legislation sets out, we have a real chance to cut the flow of drugs coming into this country by a very significant percentage in the very near future and give our efforts at treatment and prevention a chance to succeed.

I want to yield to the gentleman from Ohio who has authored the companion legislation that is in here on prevention and treatment to comment on that legislation.

Mr. PORTMAN. I really appreciate my friend from Florida yielding. I want to commend him for all the hard work he has done on this issue. He has really taken the lead on trying to curb the supply of drugs into this country which he has just said is so important. We have had a doubling of teenage drug use in the last 5 or 6 years. More and more kids are falling prey to this, ruining their lives and their dreams and even taking the lives of so many of our young people. What I am excited about in this final package we will vote on tomorrow is that we also have provisions to reduce the demand for drugs in this country. This problem I think ultimately has to be solved around the kitchen table in our homes and in our schools and in our streets.

There are a number of provisions that I like. One is new provisions to get the drugs out of our schools, to use the drug-free school money better in the workplace, the Drug Free Workplace Act that the gentleman supported which essentially gives small businesses the opportunity to get up and running drug free workplace programs that will keep people away from drugs and in turn increase productivity. It requires the Drug Czar's office to tell us how to streamline the effort which is so important. We now have 54 agencies and departments involved in drug prevention in our Federal Government. We have got to do better and we can and we are requiring under this legislation that they do that.

The revolving door with violent crime and drugs has got to be stopped. We have got to get prevention into our prisons, into our jails. This legislation does this on a model basis, the first time this Congress has really taken a step in that regard. Finally, it doubles the funding for the Drug Free Communities Act, something this Congress passed. We are now stepping up to the plate and saying again we have got to get parents involved, school administrators involved, we have got to get the business community involved, religious leaders involved, everybody at the community level.

□ 1845

And we are saying we are not going to solve this problem here in Washington, it is a community problem, it has got to be solved at that level. But I want to thank the gentleman for letting me talk a little about the demand side and say that I am very excited, it is not the end of the road, we have got a lot more to do, but this is a darn good start to reducing the demand for drugs in this country.

Mr. McCOLLUM. Reclaiming my time, I yield briefly to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Again, Mr. McCOLLUM, I want to commend you for the parts of the bill that you did pass. I also want to point out that we had an opportunity, since the gentleman from Ohio mentioned demand, to require drug testing for all Federal employees. If I recall, the gentleman from Ohio did not support that.

Mr. McCOLLUM. Reclaiming my time, I must say that I wanted to see the drug testing, too, but this is a very excellent bill, and we very, very much want to see this bill pass. It will make a big difference in the War on Drugs and make a War on Drugs, and I thank all the supporters.

PAYING FOR IMPROVEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, the bill before us tonight is vastly different than just even 2 days ago. The dollar fights willed the liberal Democrats to spend $150 billion more above the balanced budget and increase fees and taxes by $130 billion, is what this whole fight has been about. The hundred thousand teachers that the Democrats debated in support of last week is a totally different bill today. Why? Why are Republicans now supporting it? Because it is political thing to do? No. Because the President demanded it? No. But because it is paid for, it is paid for. It is paid for out of the other priorities that the President wanted, not out of increased taxes, not out of the surplus, but it is paid for, and that is all the Republicans ever asked for so we can come to the table and agree on that today.

I would ask that the public take a look at what we have funded. Special education has gone from 6 to 12 percent just in the last 2 years. Impact aid for Native Americans and Federal employees, the President totally zeroed that out, and we put in $250 billion in impact aid. Head Start we increased, student loans we increased by 50 percent, and not a cost to the Federal Government, but because they were done with private firms. Pell grants for poor children we increased. But the President wanted to increase his priorities $1.1 billion above the balanced budget, and Republicans said no, we want you to pay for it. In the negotiations he had choices. He could pay for it out of the surplus, but he already said he was going to support Social Security with that. He could increase taxes, which he asked to do, $130 billion to pay for it, and Republicans said absolutely not, no taxes or fees.

School construction. They could have saved 35 percent by waiving Davis-Bacon just for school construction, billions of dollars. And would they do that and support children? No, they choose to support their union bosses. They could pay for it out of the balanced budget and pay for it, which they refused to do. But tonight the President has agreed to pay for it, and now Republicans support it.

Why else? Because there is local control, not federal control that the Democrats wanted. There are local regulations, not Federal regulations, in the bill. There is no Federal paperwork. It is based on the local level. The elementary schools can hire special education credential teachers, not just regularly credentialed teachers, and that is a big difference. But that is based on the local decisions and their needs, not some bureaucrat here in Washington, D.C. So we support that.

And there is no national testing. It is arrived by both State and local. So this is a win-win. A hundred thousand teachers; who is going to be against improving education? My Democrat liberal colleagues say, well, the Republicans do not want to improve education. That is a joke. They had 40 years of control of this House, we are fifteenth of industrialized nations in math and science, fifteenth, and almost last in literacy, and we are trying to make a change. We are trying to send the dollars down to the local classroom.

I had a hearing when I was chairman of K through 12 education. I had eight different witnesses, some half Democrat, half Republican; did not limit it as a chairman. In those districts everyone thought they had the greatest program, and I asked them at the end, I said how many of you, any of you, have the other 7? And they said none. And I said that is our entire Republican issue by giving you a block grant and not mandating that you have all 8 programs in your district, but you take the money and make the thing work, the program that works in your district because Wisconsin may be a lot different than New York or San Diego. And I want to tell you Atlanta is a lot different after the Padres beat them this week.

But I want to tell you the whole Republican agenda is local control where parents and teachers, administrators and the community can make those decisions, and to have the bills paid for not out of increasing the balanced budget, but by paying for it, the President has agreed to do that. Totally different than my colleagues debated just a couple of days ago, and now they say Republicans now support our agenda. We always supported 100,000 teachers. It was how you paid for it. The President has agreed to do that with no federal control, local control, and we support it a hundred percent.

COMPROMISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. For those of us who grew up in the late 1960s and early 1970s in the conservative movement, Ronald Reagan was our hero along with Barry Goldwater and William Buckley and a few others, and I actually was one of these conservative right wingers who came to Congress who was inspired originally by Ronald Reagan's speech for Barry Goldwater when I was merely 14 years old and formed one of the earliest high school YAF chapters and Americans for Freedom chapters the country, and, as you look at what we are about to face, this is what Ronald Reagan faced for 8 years.

I am not going to stand up here and say that I like this budget agreement any more than Ronald Reagan, as

President, liked the budget agreements he was given in 8 years in Congress. Yet he signed those budget agreements. The first year he got tax cuts, the other years he did not even get tax cuts. He got increased defense spending because he knew Congress wanted to spend more, and did we.

One of the questions conservatives have to ask themselves as they vote on this budget is why are they so much better than Ronald Reagan, who they admire, if they vote "no" on this budget? Compromise is an unfortunate part of the political process. There are going to be many things in this bill that I am appalled by. I cannot believe that Members of Congress continue to take advantage of the legislative process when we are all under tremendous pressure to get special things for their friends and their district that might not be able to withstand scrutiny. I am very disappointed we do not have tax cuts in this bill.

I cannot believe that we cannot even get an effective limitation on taxpayers' dollars being used to fund referendums overseas to overturn laws that are protecting innocent children from being aborted. American tax dollars are being used to fund pro-abortion referendums around this world. We have it tied to funding for the U.N. and for State Department reauthorization, but that to me seems like a no-brainer. But as long as we have the President we currently have in the White House, that becomes a very difficult victory.

So I am not going to stand up here and say I like everything in this bill, but there are some things that in fact are important changes, and that is the art of compromise, and the President did give some ground, the Democrats in the House and Senate gave some ground, and we had to give some ground.

In the education area in fact we made a lot of progress. The President will stand up and say he got 100,000 teachers or 40,000 teachers or whatever, but the fact is it moved back to the state level. We gave flexibility, and as the chairman of the Education Committee, Mr. GOODLING, keeps pointing out, that in fact is what we were driving towards. We also have a ban on national testing so kids around this country are not slammed in under one major test.

We have level funding on the National Endowment for the Arts, number of other things they worked with in the Education Committee.

In addition to that, there are many of us who are very concerned that we have not developed an adequate missile defense in this country, and since we knew we were going to spend more on domestic issues, we wanted to make sure that the preparedness and the readiness of our Armed Forces, that the development of our missile defense systems, were going to be funded as well as the social spending.

I am very concerned in this country about the expansion of pornography along with the expansion of Internet. We all know that whenever we have an expansion of technology, whether it be television, or whether it be computers, that that opens up things to our children and our families that we hoped would be, they could be protected from. Yet these advantages of technology have been wonderful for our country, but we need to the best we can, limit the pornography and the perversion from getting into our homes and making sure that minors do not have access to that. That was one of the last points negotiated in this bill. It is something that Dr. James Dobson in Focus on the Family has battled for for a decade, working on the Pornography Commission. We finally have a victory in the area of Internet porn.

We have a number of extensions on tax extenders for self-employed businesses and for farmers that were very critical to many small businesses in my district and throughout the country. We have a whole range of what would be termed more minor issues relating to gun registries, relating to language on certain bills where in fact conservatives won, and that is how this process works.

One last comment:

Anybody who says that they are going to put aside money for Social Security, this is one more proof the only thing that government can do is either spend it or giver it back to you. We have once again seen the fraud of using senior citizens as a shield to cover real motives. In fact, we are spending 19 to 20 billion extra dollars, much of that will be in the baseline and be spent for future years, too. We have basically spent a big chunk, if not the majority, of the so-called surplus, and it did not go to seniors. That started when the President came up here with the State of the Union address, said I want everything put to Social Security, and then detailed for 20 pages new programs to spend that. Today we are seeing that come through. I am disappointed in that, but in the end this is a bill worth moving.

THE OMNIBUS SCORECARD—WINS AND LOSSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SESSIONS) is recognized for 5 minutes.

Mr. SESSION. Mr. Speaker, tonight I rise with my colleagues. We have been at work in Washington now for an extra week. Many of us did not go home as we normally do. I have gone home every weekend for the last 2 years. But it was important for us to be here. It was important for us to be here because we are working on the people's business.

Mr. Speaker, just several weeks ago I addressed schools all over the Fifth District of Texas during a very important time, the 211th birthday of the Constitution of the United States, and at the time I addressed these students I talked about that our country was engaged in an experiment. The experiment is that of constitutional government. And this experiment will only last as long as people have faith and confidence not only in the Congress and the constitutional guarantees which are contained in the Constitution, but also in the rule of law.

Mr. Speaker, we have been working this week extra, what I would call overtime away from our families, away from our districts because we deeply believe in what we are doing. We, too, are engaged in an experiment.

Tonight I would like to speak for just a few minutes about the importance of this extra week, the importance of doing work that is important for people who are not here in Washington but are back home. Some of those people are people who live in the country. Some of those people are people who are God-fearing people who care deeply about what we do here. The work that we have done, we need to let them know what that is, and I would like to spend just a few minutes in enumerating some of those better qualities of what this experiment is all about.

What we are going to do is to pass an omnibus bill tomorrow when we have an opportunity to vote on it, and what it is going to do is it is going to bring about tax relief for financially strapped farmers and ranchers, and what we are going to include is income averaging and also an AMT deferment. We are also going to have tax relief for farmers and self-employed people in vigils, and what we are going to do is to bring back in time from the year 2007 to the year 2003 whereby self-employed people will be able to deduct 100 percent of their insurance premiums.

You have heard earlier this evening us talk about the plan for education. I will tell you as a parent of a 4½-year-old Down's syndrome little boy, Alexander Sessions, I am pleased and proud of what my Republican colleagues and the deal that they have cut with the President of the United States because I knew when I came here that Washington, Washington required school districts to give education and opportunities in the classroom for Down's Syndrome and other disabled children, but Washington did not fund that, and it made it very difficult for school districts to comply. I am proud to say that now Washington is going to give these school districts the opportunity to fund these programs. It makes a difference for my family and myself. It makes a difference for hundreds of thousands of other parents who have loving children who need the opportunity to be in those mainstream educational systems and to have teachers who do not go back and forth but are dedicated directly to them.

I am proud of that also. I am also proud of one part of this bill which I brought to Congress as a promise to the people of the Fifth District of Texas, that I would attempt to pass, and that is a bill that became known as the Speed Trafficking Life Imprisonment Act of 1998. It used to be the Speed Trafficking Life Imprisonment Act of 1997. It could not be done last year but it fit this year, and here is what it does. It says very plainly that those people, those drug thugs, that are involved in the manufacture and distribution of methamphetamines will now face the same penalties as those who are involved in manufacturing and distributing crack cocaine and heroin.

It is about time where we in this country recognize that the children of this country need to be protected. It is time for drug thugs to spend their time behind bars. I will vote aye.

RELIEF FOR AMERICAN FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I represent one of the most beautiful agriculture districts in the country, the Eastern District of the State of Washington, the east one-fourth of our state, the largest geographic district in the State of Washington. We have abundant wheat farming. Peas and lentils are grown there, potatoes and other agriculture commodities. So agriculture is a very important component of this budget agreement legislation that has been agreed upon by the leaders of the House, both Democrats and Republicans, and by the White House. It has specific interest to me coming from an agriculture-producing area.

Washington farmers export about 90 percent of our commodities that are produced each year, and we have had a great crop this year. We had a great crop last year. Hopefully, we will have great crops in the future.

The genesis for the freedom to farm, the Federal Agriculture Improvement Act, which was signed into law by the President and passed in a bipartisan way in 1996, was right in the Fifth District of Washington.

When I first got elected to Congress in 1994, started serving in 1995, I approached agriculture producers and farmers in the Fifth District of Washington and said what do we need in the way of farm improvements, agriculture improvements, policy improvements? They came up with a lot of that which was eventually signed into law as the freedom to farm concept and the freedom to farm legislation, that allowed farmers across this country to have a transition out of the old system into the new, the freedom to market system whereby our farmers would market our products around the world with several understandings.

Number one, that there would be some tax relief; that there would be some sanctions relief; that we would not be imposing sanctions which inhibited the export of our commodities overseas; regulatory relief and certainly agriculture research.

So it was with these issues in mind that I have approached whether to support this legislation that has now been crafted or not, and I am proud to say that as a person from a farm community and a farm region, that this is a good bill.

It provides about $6 billion in additional relief, in disaster payments and in market shortage sanctions payments, essentially, because of the reduction in demand from our Far Eastern trading partners; frankly, I think not as aggressive an approach to agriculture marketing as our USDA ought to have. I think our USDA, our government, ought to be out there pushing our products worldwide and helping our farmers in this transition period, this 7-year period of getting some payments so that they can farm for the market, not for the government.

So I am pleased that this particular legislation, even though the President vetoed the ag appropriations bill, and I happen to serve proudly on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and we thought that was a good bill, had good research dollars in it, it had additional transition payments under the existing system that would help farmers, but it was vetoed, unfortunately I felt, because we wanted and knew in this negotiation that we would be adding additional disaster payments and sanctions relief for our farmers.

Nevertheless, the product that has been produced out of these negotiations is a good one. It provides a total of $5.939 billion in additional spending, total spending, I should say, under the ag appropriations bill for market loss payments for 1998 disaster payments, for multiyear disaster payments, for livestock fee payments for a Farm Service Agency loan authority and for Farm Service Agency administration.

Our farmers are now inundating these farm service agencies with assistance requests and these people are needing help. We provide that help in this bill. We did it in the ag appropriations bill but it is reinforced in the final budget negotiation bill that has been approved and will be approved, I should say, in this House and has been approved by our leadership.

The tax relief that is provided in this bill is good for farmers. It will be talked about by my good friend and my colleague, the gentleman from Iowa (Mr. LATHAM) here shortly, but it is a good bill. It is a good tax relief package.

It is not what we want totally, because I am one that favors greater tax relief for farmers and all Americans. I think we were not able to get that in this negotiation but we will get it next year. So I urge my colleagues to support this bill, support the relief that is provided by this legislation for farmers.

RELIEF, NOT MORE TAXES, FOR FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LATHAM) is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I thank the Speaker very much for this time and I also thank the gentleman from Washington (Mr. NETHERCUTT) for his comments about the agricultural provisions in this bill that we are about to pass tomorrow.

I would just like to point out some key provisions I think that are extremely important to all of us in agriculture who are experiencing some very difficult times. First of all, a new provision as far as soy biodiesel, and the gentleman in the Chair, the gentleman from Illinois (Mr. SHIMKUS), has played a major role in getting this included, this is going to be a great opportunity for soybean producers to use soybean oil as a fuel. It will add value to soybeans to the tune of about 8 to 14 cents a bushel. If someone is an Iowa farmer, that is a lot of money.

Also a provision in here gives some additional help to livestock producers who have experienced devastating crop loss and have had to go out and buy feed for their livestock. There are $200 million in there for those disasters.

I think this bill finally shows a stark contrast to what the administration in their budget proposal put forth when they had $573 million of taxes on farmers in the form of user fees if they are in the livestock business. So this is a great victory for livestock producers.

There is a provision in here which is very important also to livestock producers, and that is a 1-year price reporting provision and a study to go with that. It is a pilot program, but I think it is very, very important that there is transparency in the market place so that people know when they discover price for livestock it is done in an open and fair manner and this is a very, very important provision.

Also, for farmers, there are some tax provisions that are extraordinarily important. Income averaging, 3-year income averaging, is going to become a permanent part of our tax law after this bill is passed. We have a look-back provision so that if a farmer had a very good year 4 years back he can look back this year if he had a disaster and recover some of the taxes that he paid back in his very, very high income year, extremely important; a 5-year look back provision.

Health care deduction for not only farmers but for all self-employed people, this is extraordinarily important. If a person is a farmer out there, if they have a small business, one of their major costs is health care, and currently we are not allowed to deduct nearly enough of the cost of that health care. In the year 2003, it will go to 100 percent deductibility, extremely important for self-employed folks and for farmers.

Because of our good friends at the IRS, we had to include a provision so that they did not tax us this year on money that we did not receive this year. As farmers know, the emergency bill we passed earlier allowed them to take their farm payments earlier in this year for the entire 1999 year. Well, IRS said because a person may or may not take the money actually this year, if they do not take it we are still going to charge tax on it. So we fixed that provision in this bill.

Most importantly, Mr. Speaker, I think with this aid package that is here for agriculture, we did not undermine the fundamental policy of the freedom to farm bill. The freedom to farm is based on the idea of the government finally respecting the intelligence of farmers to make decisions for themselves.

Over the last 6 years we have had a one-size-fits-all government controlled policy trying to say that the government can out-guess the weather every year, and the government saying we know how much someone is going to produce next year so we are going to have a farm program that is going to fit that. It has never worked.

We have either compounded surpluses or we have caused crop disaster years to be compounded in a negative way. It has never worked, and the government, with all the infinite wisdom we have around here, has never been able to out-guess the weather.

I am on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. We have also in this bill fought off the administration in their efforts to undercut crop insurance. Looking at the President's budget this year, they cut dramatically crop insurance which was going to devastate any opportunities for farmers to cover their own risk. We have fought off that provision from the administration.

We continue to put in money to help farmers to be able to export their products. My only hope, Mr. Speaker, would be that in this next fiscal year that the administration will finally use the tools that we have given them to help move our agricultural products overseas.

Mr. Speaker, I think this is a very, very good bill for farmers. It is a very good bill for all Americans and I will support it tomorrow.

REASONS TO VOTE NO ON THE OMNIBUS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, it is becoming apparent that this House will be called upon to vote on approximately a thousand page document tomorrow that is responsible for over half of the appropriations bills that should have been passed separately, and it is going to do some good things.

It is also going to have a lot of things buried in it that I think none of us could possibly defend when called to task back home. As we speak all across America in 435 congressional districts and one-third of the Senate seats, people are out there begging for the opportunity to serve in the greatest legislative body this world has ever known.

They are putting their houses up for mortgage. They are selling their cars. They are asking friends and relatives for loans. They are doing basically anything they can to get the funds to get on television. What do they talk about once they get on TV? They talk about $15,000 that was squandered here or a million that was squandered there. Many of them get elected to this body, and we have got to wonder what happens to them then, because the same people who are outraged at the squandering of $15,000 or one million will tomorrow vote for a bill that is for tens, no, I am sorry, hundreds of billions of dollars and they have not the foggiest idea where it is all going.

They are going to vote for $18 billion for the International Monetary Fund, an international rat hole over which we have little or no control.

□ 1915

They are going to vote for farm programs that do not work; educational programs that are not necessary, that have little or no supervision, and above all ought to be the States' responsibility. They are going to vote for things for defense that should have been done, absolutely, but should have been done through the normal process where the committees can take a look at it and decide whether or not that is in the best interest of our country. In short, they are going to try to do 2 years' worth of work in one day.

Mr. Speaker, I do not think one of my constituents would sign a document for a $50,000 mortgage that they had not read. I do not think one businessman in my district would sign a document for a $10,000 loan that he had not read. And yet they are asking the 435 people of this body to sign a document that none of us have read.

The people who have read it are the Speaker of the House, President Clinton, and the Majority Leader of the Senate. That is not good enough for me. That is not good enough for my constituents.

So, I am going to encourage my colleagues to vote "no." We have stayed here this long. We can stay a little bit longer. And I am going to encourage my colleagues to continue to vote "no" until we are given adequate time to study the measure that is brought before us, and then and only then should we be making a decision for over hundreds of billions of dollars worth of programs and whether or not it is a good idea for our country.

AMERICA'S PROMISE: NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I would like to address the House tonight with regard to the bill we are going to be voting on tomorrow. I think the gentleman from Mississippi (Mr. TAYLOR), some of his comments were completely accurate in that this is a crazy process, the way we have come down here at the end of the year to take these appropriations bills and to lump them together. I do not think this is a good way to do business.

We also have to recognize this is a political institution. Two completely different political parties. Parties do things. Sometimes we scratch our head and do not completely understand and we ask why.

America should be very clear that back in August, the President had a campaign strategy that he coordinated with the Democrats and that was he wanted to shut down the government, so he came over here to the Cannon Building and he met with the Democrat Caucus. They gave him a rounding cheer and applause as they wanted to unite and come together and when we came back together after the August recess, that the President would shut down the government.

Mr. Speaker, he wanted to do that because he thought that he did a good job when he shut down the government before, and Republicans kind of helped him do that. And so he thought, boy, this would be a great strategy. It would be a great distraction from his own problems and a distraction for the Democrats and their failure to accomplish a lot of things they wanted to accomplish.

So what happened? Here we are still in session, a few weeks before an election. And I agree with my colleague from Mississippi, this is not a healthy way to do business. But we also need to understand what put us in this predicament in the first place.

So, there was a political strategy at hand. And, fortunately, we were able to get an agreement. My assessment of the agreement so far is that the Republicans have about 65 to 70 percent and the Democrats, they got what they want. That is what politics is about, is about the art of compromise.

Anybody can stand here in the well and talk about a lot of things they do not like and everybody can find a reason to not vote for it. Likewise, people can find reasons to vote for it. And sure enough, they will do it for whatever particular reason that will be most beneficial for them back in their home districts. But let me talk about something that is more important than either political parties and something that gets my attention with regard to this bill. That is about America's promise, and America's promise is that of our national defense.

When I think about our national defense, we had some testimony by Gordon Sullivan, who is the former Chief of Staff of the United States Army who came and for years and year I used to listen to the Chief of Staff of the Army come and talk to us on the Committee on National Security. He always talked about the Army being on the razor's edge. That is how close we were. This budget will be okay, but we are right on the edge.

Now in his retirement, he talks now about how fragile the Armed Forces are today. He is absolutely correct. In my 6 years here in the House during the Clinton administration, I have seen what he has done to our United States military. They are truly extended in every corner of the world. They have a strategy of working harder and doing more for less, and I can assure my colleagues that is not a strategy for success.

We have Navy ships going to sea undermanned as a result of the Navy having 18,000 fewer sailors than at the appropriate levels for which I marked up as chairman of the Subcommittee on Military Personnel. We have later-deploying Army divisions that have been hollowed out because the Army lacks the resources to man them. We lack the E–5, E–6 sergeants to properly man five of the follow-on divisions. And when we are short these sergeants, we cannot just grow a sergeant overnight.

So, I am very concerned about our, quote, national military strategy to successfully fight and win nearly two simultaneous major regional conflicts. So I am pleased that in this budget agreement we will be plussing up defense. I applaud the President for being a good listener to his Chiefs. He had sent us a letter saying that he wanted to plus-up defense by a billion on readiness shortfalls. Then he learned that that billion was really in excess of 25 to 30 billion is what we really needed.

So, I am not going to stand here in the well and attack the President, because I am glad that he has been a good listener here in these budget negotiations. I would have liked to have had a higher number for defense, because I have been out there with the sailors and the soldiers and the airmen and the marines and I see the equipment. I see the cannibalization of our aircraft. I see that our ships are going to sea and they are going out there at levels that used to be called C–1 battle readiness. Now they go at levels called C–2. At C–2, they are not just going out C–2, they are going out C–2 plus 1, which means that when a ship goes out and one person has a workplace injury, now they end up at C–3 level of readiness. It is deplorable.

Mr. Speaker, I urge my colleagues to support this bill and I appreciate the negotiators working out an increase for defense.

REASONS TO VOTE "YES" ON OMNIBUS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I had heard the gentleman from Mississippi (Mr. TAYLOR) saying that a "yes" vote on this apparently, I guess the implication was it would be not an educated vote. I can tell my colleagues that in order to vote "no" on this bill tomorrow, they ought to be make sure that is an educated vote as well.

Both of those votes demand that we pay attention to this budget bill, that we look through it closely and, if necessary, burn some midnight oil. I do not mind it. In fact, I get a little excited dealing with this budget. We can find any budget this Congress has ever voted on and we will find that there are a lot of good reasons to vote for it and there are some reasons to vote against it. I would suggest that tomorrow this bill will have more reasons to vote for it than to vote against it.

Every one of us probably every month, some of us every week, sit down with our own family and we budget. There is a lot of times, at least in my own family, where I do not get necessarily the spending money that I would like. Lori, my wife, does not get what she would like. Our three children, two of whom are in college, do not get what they like. But through talks and negotiations, even in the family negotiations, we come up with a budget. That is what we are doing here.

Let me highlight a couple of areas that I think are very important that this budget does do:

Number one, no tax increase. None. Zippo. No tax increase. Now, people who want to vote "no" say there is no tax cut. Folks, we do not have the tax cut in there. We did our best. We got it out of the House, but the fact is at least we stopped a tax increase with this bill.

The next item that is important is important for each and every one of us. We have got to invest in our infrastructure in this country. Our infrastructure in this country, the most important infrastructure I can think of, are our young people. And the most important thing in investing in our young people is their education.

This bill does a lot for more teachers, but do my colleagues know what the Republicans insisted on and now, as a result of joint negotiations, that we have come up with? We are going to hire more teachers, but they are not going to be hired at the Federal level. They are not going to be hired at the State level. This money goes directly into the classroom.

Mr. Speaker, I have a sister that is a schoolteacher. At times in the past, she has had to go out with her own money and buy school supply material, even though the budgets in Colorado have gone up for school supplies. Why? Because it does not get down to the classroom. These negotiations over the last 24 hours are now driving this into the classroom, and the gentleman from Mississippi should realize that. A "no" vote put its back to the Federal bureaucracy.

There are some other issues. Defense is very important to me. We do not have a defensive missile system to defend this country. If Russia or Iraq or North Korea or China or some other country launched a missile against the United States of America, contained within the boundaries of the State of Colorado we could detect it within 3 or 4 seconds, we could tell what kinds of missile and where the missile is going to hit, when it is going to hit, and what kind of load it is probably carrying. And then all we can say is good-bye, because this country does not have a missile defense system.

We need a shored up defense. We need to have a missile defense system. This bill puts a billion more dollars into the security of this country and this country's future on missile defense.

It does some other things. It increases student loans. I have a couple of kids in college. Most out there are either facing it, have faced it or are now facing it. These student loans are critical. A lot of our kids could not go to college if they did not have a loan to do it. This increases the student loans. Again to the gentleman from Mississippi, another reason to vote "yes." A "no" vote cuts those student loans back.

Talk about the government ID system. They wanted to put in an ID system so that Uncle Sam in Washington, D.C., could keep track of us. This bill wipes it out. They wanted to put in a computer system, a database, to follow all college graduates. The government does not need to know that. It is not the Federal Government's business. This bill stops it. Another good reason to vote "yes" on this bill.

For the self-employed out there, and it has been a consistent and a very legitimate complaint that unlike other people in our society, they cannot deduct their insurance premiums for their medical insurance. This bill is putting us back on track to allow that deductibility for them.

Mr. Speaker, by digging in a document this thick we can very easily find a reason to vote "no" on this bill. But we have a fiduciary duty, a responsibility to look in that bill and see if there are not more good reasons to vote for it than against it. I suggest after we do that, we will support this bill.

EDUCATION PRIORITIES SUPPORTED BY CONGRESSIONAL DEMOCRATS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I listened to my Republican colleagues tonight on the other side when they started to talk about the agreement that has been reached between the House and the Senate and between the Democrats and the Republicans and the President, and I must say that I am pleased also that this agreement has been reached. Particularly, because it does include one of the major Democratic initiatives, and that is to add 100,000 teachers across the country to our various school districts.

But I do want to say that although I am happy with that result, the bottom line is that the Republican leadership has refused, really, to address the Democrats' education initiative. For a long time, they were opposed to 100,000 teachers. They continue to be opposed to the school modernization plan. Do not let them kid you and suggest that somehow from the very beginning they were interested in having the Federal Government more active in education and helping our local school district, because the fact of the matter is they have been slashing funding for education on a regular basis here for the last 4 years since they have been in the majority.

I would also point out that the record of this Congress, even with this budget agreement, is dismal. This is clearly the do-nothing Congress. This Congress has not addressed managed care reform. This Congress has not addressed the need to increase the minimum wage. It has not addressed campaign finance reform. It has not addressed teen smoking. It has taken no action to safeguard the surplus for Social Security. And, essentially, this has been a do-nothing Congress.

□ 1930

The fact that in this last few days, because the Democrats have insisted that we include this additional funding for the 100,000 teachers, while that may be good, it does not take away from the fact that there are so many other initiatives that the American people have been crying out for that simply have not been addressed.

I heard some of my colleagues on the Republican side tonight talk about the Republican education initiative. Let me just indicate that over and over Democrats have tried this year to talk about initiatives to reduce class size and modernize our classrooms for the 21st century. But each time Republicans have rejected them. So do not let them come to the floor now and tell you that they were for 100,000 teachers and this Democratic initiative.

On two occasions this year Democrats offered amendments that would have given local school authorities billions of dollars worth of new low cost bonding authority to build new schools and modernize their existing classrooms, and Republicans rejected this amendment both times, in May and again in June of this year. Several weeks ago Democrats offered an amendment that would have started the effort to reduce class size in first through third grade classrooms to 18 children per class and Republicans opposed this proposal, too. That was in September.

I heard some of my colleagues on the other side say, we were always for this 100,000 extra teachers initiative. We wanted the Democrats to show how they were going to pay for it. It was not until the last couple days, when the Democrats agreed that they would pay for it by making cuts elsewhere, that we agreed to it.

From the very beginning of this year, when the President introduced his budget and he talked about the school modernization initiative and adding the 100,000 teachers, the President's budget in January of 1998 included all the offsets that were necessary to pay for both of these education initiatives. In fact, the 1998 Democratic budget resolution provided funding for hiring the new teachers and $21 billion in low-cost construction bonds for local school authorities while staying within the guidelines set by the 1997 balanced budget agreement. And Republicans rejected this budget and instead adopted a budget that cut education by $5.7 billion.

So do not let them tell you that they did not come to this dragging and screaming. They did.

I know we have gone through these various attempts that the Republicans have made over the last year to try to destroy public schools and eliminate equal education opportunities. I am not even going to talk about all of them, but I want to mention some of them.

First, eliminating the Department of Education. From the very beginning they have been continuing to talk about the need to eliminate the Department of Education. They have also spent a tremendous amount of time, wasted time all year trying to divert billions of dollars in public school funds for private school vouchers, taking the money away from the public schools, giving it to private schools. That failed. But do not forget that that was a major part of their efforts this year.

Also cutting school lunches for poor children, block granting critical education programs, destroying bilingual education, eliminating the summer jobs program, eliminating school to work opportunities for high school students, and eliminating the safe and drug free school program. So again, I am very pleased tonight to hear them all say that they are now for the 100,000 teachers initiative. But all along they were against it, and all along this year they have been trying to slash education funding.

I am joined this evening by some of my colleagues. We are going to talk a little bit about the Democratic education initiative and some of the other things that we have wanted that have not been enacted in this Congress.

I yield to the gentlewoman in California (Ms. SÁNCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me.

The last Republican that was up here talking spoke about how wonderful this bill was and how there might be a few problems in this large bill but that if we would read it, we would understand that there is more good than bad.

Apparently he has been able to read it, because I do not know about my colleague from New Jersey, but we have actually been asking for 24 hours to be able to get a written bill and to be able to go through it and see what is in the bill. So hopefully the Democrats will have their wish honored by the other side and will actually get a copy of this bill that is supposedly being written right now, because I would like to vote on something, and I would like to have at least read the bill once before I need to take a vote on it.

I sit on the Committee on Education and the Workforce. I have gotten to see the struggles between both sides about what is important. Let me tell you, these guys were not for 100,000 teachers in the classroom, just as a few years ago they were not for 100,000 cops on the streets. We have seen that to be one of the most effective programs that the President has been able to push in this country, and we have neighborhood after neighborhood asking for more of this neighborhood policing that is going on. At least that is the way it is back in Anaheim and Garden Grove and Santa Ana.

One of the issues I want to talk about tonight is this whole idea about school modernization. Because while we will now get our 100,000 teachers program, the fact of the matter is, probably the most important thing that you have in the classroom is a teacher that is eager to teach, one that is eager to help students, one that makes that comfort zone, that nurturing that must happen with the student in order for that light bulb to go on and for a student to say, I can make something of myself. I am really interested in these science projects and I can work on this.

But the other issue is also about what type of a classroom they sit in when they are getting that instruction. And I will tell you, from personal experience, I am one of those fortunate Members that get to represent their own hometown. That means that the schools that I represent, the children and where they go, those are the schools that I attended. And it is a shame to see what is going on in California.

First of all, California is one of the five fastest growing student enrollment States across the Nation. While that is over 15 percent over the next 5 years, the fact of the matter is that the school districts that I represent are almost twice that growth rate with enrollment. That means we have a lot of kids coming through the system and still the same number of elementary schools that existed while I was going through the system over 30 years ago. So there is a major problem.

We need to look not only at modernizing those elementary schools and middle schools and high schools that we have in our town, but also creating more, because we have such a large enrollment coming on. In fact, in Anaheim alone, we grow at over 1000 students in the elementary school system a year. That is the equivalent of at least one elementary school.

So it is really important that we address the modernization and the new construction of new classrooms.

I go back to schools, and when they built the schools in my town, they built the elementary schools all off the same pattern. So the same elementary school had the same pattern as any of the others that you would go around to in town. I have been to them. And that place where the custodian used to wheel his wheelbarrow full of mops and brooms for the night is now a classroom for 6 special ed children and a teacher. The broom closet is a classroom for students in my school district. Or worse, where we used to walk through the silent tunnel to get between classes so we would not have to go all the way around the entire school building, that now has a wall slapped up and a door and that has become a large classroom for students. We are really looking for more space.

For example, there were four portable, we used to call them bungalows when I went to that elementary school, there are now more. And they are sitting right there on the blacktop where I used to play tether ball and on the grass where we used to play football and dodge ball. This keeps going on and on in almost every single elementary school in Anaheim and in Santa Ana and, yes, even in Garden Grove. And so it is a real problem, the facility needs that we need.

I hope that before this budget deal is cut that we will be able to find the monies that we need to help local school districts with their modernization and their new schools.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman, and I yield to the gentleman from Arkansas (Mr. SNYDER.)

Mr. SNYDER. Mr. Speaker, it is interesting to me, I share the concern of the gentlewoman from California (Ms. SÁNCHEZ) about not having a bill. We have heard a series of Republican speakers this evening in these special orders discussing this great bill. This is the bill that we have right now, an empty table. So we hope it is a great bill, but we have not seen a great bill.

I hope that there is time to study this bill. I hope the country has some time to study this bill. We have been embarrassed before by going home and finding things in the fine print that we all wish we had known before. I hope that we will have some time this weekend to look at this bill before any vote.

On this issue of schools and education, I visited a school recently in my district. I visit a lot of them. The superintendent was talking to me about the decisions that they had made as a district to pay their bills. And he said some years ago, in fact it was before he became superintendent, the district was having such a problem, rapidly growing district, such a problem paying the bills, they made a decision, we are going to push class size to the legal max. We cannot keep up, we cannot keep up with the buildings that we have to do, the new classrooms we have to put on. We are going to put our classes as large as they can be so that we can get this district out of debt and be financially sound. He acknowledged to me, we think there was a loss by doing that.

He said he is convinced at this stage in his career that people cannot be thinking about more teachers separate from the issue of school buildings. And it is a very obvious math problem. If he has classes in the elementary level of one to 24, for example, and all his classes are 1 to 24 and he wants to get them down to 1 to 18, how does he do that? He pulls 6 kids out of 3 classes. So he goes from three classes of 1 to 24 to three at 1 to 18. But what does he have? He has 18 kids standing in the hallway because they do not have a classroom.

These two issues go hand in hand. That is what is so confusing to me, why our colleagues on the other side of the aisle have been so resistant to helping local school districts with school modernization at the same time they seem to have agreed in the last 24 hours to go along with helping them hire more teachers. You have got to have a place for these folks to teach. If you are going to reduce class size, you have to create additional classrooms.

That is a separate issue from problems we also have in Arkansas with just the need for improving our school buildings. I am sure, like all the Members here that are interested in education, I visit a lot of schools. The problems fall into two areas. You have districts that are rapidly growing and every year they are having to add additional classrooms because of rapid growth, or you have either urban or rural districts that are old buildings. And I followed a superintendent around as we went from building to building and he said, this one was built in the 1930s and then we did this addition, we think it was around 1945. And then this section was in the 1950s, but now the heating system we think was in the 1960s, but it is old and out of date and just these horror stories, at the same time discussing the problems that they have in financing these improvements.

So I appreciate the opportunity to be with you this evening to discuss this important issue. I hope our colleagues on the other side of the aisle have not given up on this school modernization. I know the American people have not. I know the people of Arkansas have not. Those folks that visit school buildings anywhere in the country know of the tremendous work that needs to be done.

If we are going to reduce class size by hiring more teachers, we have to have places for them to go and teach with these reduced class sizes.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman and I want to emphasize again, as you have, that the arguments that our Republican colleagues are using with regard to the school modernization really make no sense. From listening to some of the speakers on the other side tonight, after saying that somehow they were in favor of the 100,000 teachers, which we know they were not, because we know there were votes taken that I mentioned before that they actually voted against 100,000 teachers or additional teachers, one of the other arguments they were making, which is not a legitimate argument, was that somehow the Democratic proposal was giving control to the Federal Government and that we were going to be controlling these 100,000 teachers, how they were hired or how they were going to be administered, whatever. And then they used the same argument with regard to school modernization, that they are not in favor of this program because it is Washington bureaucracy and walking away from the local school boards.

I just want to say, nothing can be further from the truth. I even heard the similar argument used with regard to the cops grants, that the cops grants was no good initially because we were going to control the cops grants from Washington. But once it was decided that the local authorities would control it, then it was okay.

Well, this is just a lot of garbage, frankly. From the very beginning with the cops grants and also with the 100,000 teachers, the Democrats were saying that we were simply providing the funding. The teachers would be hired locally just like the policemen were hired locally. There were almost no strings attached other than you had to use the money for teachers or you had to use the money to hire the police as opposed to just giving a block grant where the towns can do whatever they want with it.

The same is true for the school modernization. The way the Democratic program is set up, we are essentially giving money to basically pay the interest on the bonds for the construction of the school, which lessens the cost for municipalities that have to build new schools or renovate the schools. But local school boards are going to decide what to do with the money, whether to renovate schools or wire schools or build additional classrooms.

□ 1945

There is just no basis at all to some of the arguments that they are using.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SÁNCHEZ).

Ms. SANCHEZ. Mr. Speaker, just to talk a little bit about that, the gentleman spoke about the fact that they think the money is going to somehow be filtered through an administrative process and never get to the school system. The fact of the matter is that the building program is not talking about money from Washington.

What it is really talking about is not sending taxes to Washington because it is a tax cut. It is a tax write-off on an income tax form. We have already got that program in place for some modernization of schools. We passed it in this highly touted 1997 Tax Relief Act that the other side voted for and some of us on this side voted for.

The fact of the matter is that we have an existing program in school construction that says, if a local school district and the community decides it is important enough to modernize a school, and they take it upon themselves, they take the responsibility of doing that, that in fact, when they float the bonds, they will be able to get a tax break.

The tax break will be equal to the interest that they would have had to pay for borrowing the money. That is a tax credit from Washington. There is no money that comes to Washington. So there is no administration process. It is one line sitting on a tax form. It is already there, because we already have the modernization bonds.

Now what we want to do is to pass a program that would create new schools because some districts need more schools, not just modernization of their buildings.

Mr. PALLONE. Mr. Speaker, I appreciate the gentlewoman's comments. What she is pointing out we are just basically saving the local school districts money, and that lowers property taxes.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, that comment, I mean it is exactly right. It lowers local property taxes, and that is so critical. My State of Connecticut, people feel like they are choked with taxes; and property taxes are particularly onerous.

So I commend the gentleman and the gentlewoman for making that point so particularly. It just shows how convoluted our colleagues on the other side of the aisle are, how they want to obstruct the meaning of these programs, and their intent, and, in fact, really throw up a smoke screen about programs that could help, not only to make sure, as our colleague, the gentleman from Arkansas said, that we have modernized schools, afford the increased numbers of teachers, to be able to assist our children, and to be able to do something for local areas with regard to the tax burden that they have.

I just want to say that, over the last several days, I have been so proud to join with my colleagues while we have talked about these issues on the floor of the House, with the entire Democratic Caucus, for standing so tall on this issue of education and our kids and their future and with the President.

Because despite what our colleagues on the other side of the aisle are saying tonight, and I understand psychology, but I think the American public has heard loud and clear over the last few days where the Republican leadership in this House was on the issue of 100,000 new teachers, and where the President of the United States and the Democratic Caucus has been on this issue.

We won this particular piece today for the children of America, 100,000 teachers, because, and I want to set the record straight, because the Democrats fought very, very hard to make it happen. It was not because the Republican leadership in this House felt that this was worthwhile fighting for.

I will tell my colleagues what they did think was worthwhile fighting for in these last few days. They wanted to put more money into the defense budget for a study of chewing gum. Chewing gum. Something called Stay Alert, which may have an effect in keeping people awake, keeping even our troops awake.

I use that little point to say that, no matter what they say today, we need to take a look at their remarks from yesterday and the day before and the day before and over this last year of what they felt about adding 100,000 new teachers, about reducing class size, and about modernizing our schools. There is a lengthy record, and I believe the American people understand it loud and clear.

I also think it is very, very relevant to this debate that, after they have caved in on this issue, because of the strength of the Democratic will on holding firm, they take it as a badge of victory as to not have moved on the issue of school modernization. They claim that is a victory.

I mean, what kind of a victory and where are my colleagues' values if they believe that modernizing our schools is not a direction that we ought to be going in and to make it possible for our kids to have the opportunity for advanced technology, for wiring to the Internet, for an environment which is an excellent learning environment.

The fact of the matter is, is that we are here, and we have been here for the last several days because of a Congress that is controlled by the Republican Party that has failed to do anything, not only on education, but on HMO reform, on saving Social Security, on campaign finance reform, on tobacco legislation.

I would like to just read, not a quote from any Democrat, not a comment from any Democrat, but this is a quote from Jack Kemp. As far as I know, he has not changed his party in the last 24 hours.

He says, "Today, the Republican Party is adrift, without an agenda and without purpose beyond its seeming preoccupation with saving the congressional seats of its incumbents."

That is what they are about. It is not about meeting the needs, not only of our children, but America's working families and the people who send us here to do a job on their behalf. So I know we are happy about the 100,000 teachers. But we do not have enough time to sit back and say it is done. It has only just begun. We have to stand tall every single day and every single night and be on this floor to talk about those issues that the American people care about.

Mr. PALLONE. Mr. Speaker, I just wanted to also say, because I know the gentlewoman brought it out, and both the gentlewoman from California and the gentleman from Arkansas pointed out that we have to beware, so to speak, the next few days when we look at this document to see what is in it.

The gentlewoman mentioned how we have not addressed the issue of teenage smoking, one of the issues that has not been addressed here. Yet, the other day, I was at an event where we had the copy of the amendment or a portion of this omnibus bill that was supposedly going to provide $10 million to promote the sales of tobacco or cigarettes overseas.

So there are all kinds of things that we have got to look at to see what is in here. We may very well find, as we proceed, that they put in things that are actually contrary to the Democratic initiatives that we have talked about and have not actually been included and have not been addressed here.

So I want to mention the early speakers that have pointed out about what we do not have in the bill. We need to beware.

Mr. Speaker, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me. I could not help being in my office and listening to this debate and discussion.

I wanted to first acknowledge my colleagues the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. SNYDER) and the gentlewoman from California (Ms. SÁNCHEZ), and the gentleman from New Jersey (Mr. PALLONE), because I would hope that, as we discuss this, the realization would not be any form of mean-spiritedness or that we got you, because I think we need to sort of reflect on where we have come from.

Frankly, let me applaud the persistence of the President, because all of us are reminded that it was in his State of the Union address that he clearly enunciated a plan to help America's children, to help educate them.

I am always believing in the concept that education is the great equalizer. Over and over again, he noted the problems or the weaknesses with our education system, at least in the primary levels, no teachers, large classes. I think he was wise enough, and Democrats were wise enough in their analysis, to recognize that no teachers, large classrooms, and crumbling buildings.

We did, just a couple of months ago, a massive transportation bill, because the very arguments were made about America's crumbling highways. So I thought that it would be a logical nexus to say that we have the same conditions dealing with education, the potential engineers and architects and contractors and mathematicians and scientists who will be the ones that take us into the 21st century.

We are sitting in classrooms where there were curtains drawn to separate classrooms, where teachers did not have to tell them about the log cabin days, because there were more grades in one class or more students in one class who sort of understand what it meant to have a bunch of people in one room and different ideas being taught because there was not enough space.

My own high school in Houston, Texas, in my district, with outstanding students, Jeff Davis High School does not have a library. We are fighting for a library for high school students. It pains me that I have to say to these students, well, wait a few more months, a few more years.

I am gratified that our local community is going to rise to the occasion. But like my colleague, the gentlewoman from California, where is the tax relief that we would have been able to present to them with the modernization program so we would have been able to give a big package, one to help rebuild the schools, the crumbling schools, and then put those talented professionals in the classrooms, teachers, to make a difference?

Out of that would have come the opportunity to professionally enhance these teachers as well, meaning that we need professional development. So I am gratified that this long journey from the State of the Union has finally come to the point where we have the 100,000 teachers.

Let me say this as someone from the "fourth largest city in the Nation," this 100,000 teachers is not a rule versus urban or suburban, it is a need issue. It is wherever the need is.

I want my friends, wherever they might live in America, to understand we fought for this for you so that, wherever you raise your hand and say I have need, you are going to be right in the mix just like you were for the 100,000 police officers.

There were no biases going out of here. Those police officers found themselves in large metropolitan areas. But they found themselves in communities with 10 police officers or less. They found themselves in suburbia. So we fought to ensure that our Nation's teachers would have the opportunity.

I would just simply say that I am gratified, I am committed to the fight on modernization. But I do believe our work is still to be done.

Frankly, I am delighted that we have helped farmers. I am from the urban district, but I live in the State of Texas, and farmers are suffering. I know there is more we have to do.

I am also delighted, having a community that has suffered heat disaster, which no one can understand what happens with heat, and then had on the back heels of that a flood, that we were able to ensure that we had the right kind of disaster funding that we were missing.

Also, lastly, I heard a lot of people talk against the International Monetary Fund, and it does not play well. It would probably be well for me not to even speak of it. But I think people understand loss of jobs. They understand a trembling economy.

I think it is good that we handle the IMF in a way that we are comfortable. But I do not think Americans want us to turn our back and close the door on an international monetary crisis that we can be of help.

I am glad we stayed strong so I can protect jobs in Iowa or Austin, Texas or Houston or protect them in Atlanta or New York, because I want Americans working, and I do not want them to be undermined by an international monetary crisis.

I would simply say to the gentleman from New Jersey (Mr. PALLONE) that we waged an enormous battle for the Nation's children, no matter who they are, no matter where they are educated, and for the Nation's teachers.

I have often said to a teacher wherever I have met them, I am what you have made. I am only the product that you have produced. I could not be here without the Nation's teachers.

I am so grateful that we stayed here, and we will stay here tomorrow so we can make sure the T's are crossed an the I's are dotted. The Democrats worked so hard, and we believe in collaboration, to ensure that we had 100,000 teachers as we walked out of here for our children in America.

□ 2000

Mr. PALLONE. I want to thank the gentlewoman and particularly what she pointed out about the transportation bill. Because we have heard Republicans say many times on the floor in the last few days how the Federal Government should not be spending money on education infrastructure, yet it is okay to spend money on transportation infrastructure. There is really no reason why we should not do both.

I yield to the gentlewoman from California (Ms. SÁNCHEZ).

Ms. SANCHEZ. I would like to elaborate a little bit about why modernization and new schools are so important. I alluded to the fact that our school districts are actually working very hard with the little that they have. They have created new classrooms out of what were not classrooms. They have put portables on school grounds to have more children come in. They have done other things. They have gone on different tracking. That means instead of the regular school year that you would have, September to sometime in June, there are now four different tracks and they go year round, so that while a student is on vacation for 3 weeks, a different set of students is using those buildings. Our school districts have done that. The other thing that they have done is to also go into double sessions. The elementary school district of Anaheim had to do that in July of this year. While it is important to understand that we need to modernize facilities because maybe it might have asbestos or maybe the roof is falling in or maybe we have got curtains and too many kids in the classroom or maybe there is no air conditioning and now because we are going year round in southern California we are hitting 100 and 102 degrees, we need air conditioning, et cetera. But the fact of the matter is that there is also a safety issue. When you have two sets of students going to school, one earlier in the morning and then one starting later in the morning but going later at night, when you get to the short days of the year, you are sending your kid in the dark to walk home. This is about personal safety for our children. It is also about personal safety within the classroom.

Last night I talked about the fact that in Anaheim an elementary school district only has three telephone lines in. There is very little communication to each individual classroom on an ontime basis. So if something is happening in a classroom and, remember, some of these schools are rather large. There is a far-off classroom and there is a gun in that class or there is a teacher in that class who has got an off period who is grading papers and some intruder comes in, there is no way to get a message to the principal or the rest of the school that something is happening in one of these classrooms and that is dangerous, also. That is why we need to think about phone lines into the classrooms and intercom systems and everything that we do not have, at least right now we do not have it in Anaheim. So it is also about safety.

Ms. JACKSON-LEE of Texas. To follow up on the gentlewoman from California, I have schools in my district where you start lunch for kindergartners or early, before-sixth graders, they start eating lunch at 10 a.m. because they do not have enough space and they have to stagger the lunch hour. So in order to get every child in to eat lunch, they actually start them eating lunch at 10 a.m.; one, interrupting the school day; but, two, feeding a child at 10 and they have to stay until 3. By the time you get to 3, those little ones can be very hungry and then possibly the other ones not eating until 1 or 2. You are so right about the question of what negative impact it has on a child. I think I read somewhere where children perform better in a better constructed environment. Clearly I think you have raised a very valid point on the safety but also the quality of life for our children where elementary school children are eating lunch at 10 a.m.

I wanted to say something that was not education-related, but I hope that we can work on the disarray of the interim payment system. I know that many of us have tried to work on that with home health care agencies. We did not get there. Those are the hardworking folk who have agencies that help the other hardworking folk to stay at home. It is a system that is breaking the backs of many of our poor home health care agencies. They need to be heard. Along with unfinished business, I hope that we will certainly take into account improving the health care of our elderly by providing them with home health care.

Certainly I just wanted to join the gentlewoman from California and say that I have been aghast at going to speak at my schools and they tell me, "Well, you have got to wait until the second graders get out of lunch," and I say, "It's 10 a.m.," they say, "Well, that's because we don't have the space in order to feed our children."

Mr. PALLONE. I want to thank the gentlewoman and also the gentlewoman from California really brought up one of the other points about this modernization program and, that is, communications, technology, computer needs. A lot of this money where as you say is not really money but the tax breaks for the local towns would actually benefit the school systems because they would be able to upgrade communications, technology systems, put in computers, and that takes a lot of money. They just do not have it. It is not just bricks and mortar, it is obviously a lot of these other things that are important because of the communication and technology needs that we have today.

I yield to the gentleman from Arkansas.

Mr. SNYDER. We spend a lot of time, I think both parties do but particularly Democrats, we spend a lot of time talking about public education. I think sometimes it is important to step back and remind ourselves why do we talk about that. For a lot of us, we have to go back to our own backgrounds. Education in America is about opportunity, opportunity to dream, opportunity to support your family, opportunity to compete, opportunity to have the skills that were denied to your parents. For me personally I was raised by my mother in a single-parent household. If it had not been for quality public schools back in the 1950s, I would not have been able to become a family doctor. I depended on quality science classes throughout my public school career to prepare me to do well in medical school. Then I went to a public medical school, a State medical school, then got my residency in Arkansas at UAMS, a very fine public medical school. Our opportunity, our dreams as Americans depend on a sound public school system. Sometimes we get so focused in on the numbers, this many teachers, this kind of bond program for school modernization, how many kids per teacher, all that kind of stuff. We need to step back and think about, this is about the American dream. This is what all Americans have dreamed of forever, is the opportunity for your kids to do well through education.

I have worked overseas several times as a family doctor in some God-awful places. There are people there that literally are dying to have the opportunities that we have in public education. But we have to nurture it. We cannot take it for granted forever. I visit a lot of schools, as I mentioned earlier. I compare them with the quality that I had back in the 1950s and 1960s when I was a youngster. We have got some work to do. Some of the buildings are the same buildings. We all know that. All of us who go back home, the buildings are the same. They look about the same. They smell about the same. This is my soccer tie. It is just plain coincidence I wore it today. I paid on the street of Washington, D.C. five bucks for it and some people say I overpaid, but when I was a kid in school, we did not have soccer in school, it was something you had two days a year just to figure out what kids in Latin America did, but it is a sign of how much change goes on around the world. Schools are now having to provide the kinds of technology that the gentlewoman from California was talking about, opportunities to build soccer fields that they never had to do. There is need for investment in infrastructure in our schools. The reason is to give our kids the chance to fulfill those dreams, the chance to compete with the rest of the world, and it is never going to happen in old buildings no matter how many teachers you have crowded into one classroom.

Mr. PALLONE. It is interesting what the gentleman said about the quality of the schools when we were younger, because I went, my school district, and where I still live in Long Branch, New Jersey, is an urban district and they have managed in my opinion over the years to keep up, if you will, by renovating the school and having good laboratories and facilities so that the science and math programs that you mentioned I believe are really still topnotch. But it has been at tremendous cost to the taxpayers. Their property taxes in the town are very high compared to a lot of the other school districts in my district, primarily because they have decided that they are going to invest that money. But it has been a cost to them because of property taxes. I know that when I decided to go to college and I ended up going to a private college after I had gone to public school from kindergarten to 12th grade, that one of the reasons that the college was interested in me is because they knew that the school system, that the public school that I went to had good science and math programs, and that was a major factor for my being able to get into that school. In fact, I never felt that I was that good in science and math compared to some other areas, but I realized when I got to school even though it was a private college or university that I had really been prepared well in those areas even though they were not the areas that I really liked that much.

It is very difficult for the school systems to keep up. I do not know if it is true in every State but I know that in my State the municipalities usually vote on whether or not they are going to have a bond referendum to build a new school or to do these kind of additions and it is very difficult to get support from the local taxpayers for those bond issues because of the expense and the impact on the local property taxpayer.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I just want to add a comment because I think that the gentleman is absolutely right, that it is the American dream and education has been the great equalizer. We have said this on this floor a number of times. It has been the opportunity that we have all had no matter where we come from or what gender we are or what socioeconomic group we are from, we have had the opportunity of public education. That has allowed us to succeed. If you think about it, this age of new technology, if the schoolhouse or the school building is not going to be the place where youngsters can have access to the new technology, which is truly the key to the future in the same way that we have had access to textbooks, every child has a textbook, we are rapidly coming to a situation where every child is going to have to have a computer. We are looking at an infrastructure, an education infrastructure that does not allow for that at this moment. So that you are going to take education backward, because this new technology, if not available to everyone and every school district, we are then going to have the haves and have-nots, and that opportunity that public education being the great equalizer then no longer holds true.

My community, I come from an urban area, in the northeast, it has an old infrastructure, whether it is roads, whether it is buildings, or anything else. We did a survey, we had 71 schools respond to it. The average age of the elementary school buildings is 50 years old; more than half of the schools regularly hold classes in areas designed not to be classrooms as we talked about; more than 50 percent of the schools have no computer lab or room. The majority of the schools have no computers designated for teacher use. Many schools do not have computers in every classroom. So a youngster does not get that opportunity in the classroom. Now, it is true that many families today have the economic wherewithal to have a computer, but many do not. So when that child goes home, they do not have the same advantage as someone who can go home and because of an economic status that that family has this kind of a technology. If we are not careful, we are going to set education back. We are going to set a generation of our youngsters back.

For me, I will be very honest with you, I thought the Internet was something that Michael Jordan had worked out, it was a basketball thing here. My kids have rapidly taught me that that is different. But I am at the curve coming down. My kids, your kids, the youngsters today, this is their ticket to success. If our education infrastructure does not meet the demands of the time to allow our kids to compete, they are going to continue to fall further and further behind. That is why this is so critical, to maintain that standard, to realize that American dream that our youngsters need to have.

Mr. PALLONE. And I think also that what we are trying to do as Democrats is make the point that the Federal Government has to make more of a commitment to public education. It is great that we have the Republicans agreeing now to this initiative of 100,000 teachers, but if they do not continue and agree to the school modernization initiative, it is only half a loaf and if we want to see this Congress and future Congresses go on record as being supportive of public education and a Federal role or commitment to public education, we need to keep pushing for the school modernization program.

Ms. DELAURO. I just want to make one more point. I think it is critical to understand that today in the newspapers and in the commentary is that they feel they had won a victory by not moving on the issue of school modernization. I think that speaks volumes. Because you are right, we have got to have a Federal role, not do everything but have an involvement as we have said here. But they take it as proud that they did not do anything in this area.

Mr. PALLONE. We have got to have a whole change of attitude in terms of what Congress is going to do in terms of its commitment to public education. They obviously still do not have it when they are taking pride in the fact that they did not get the school modernization program in here.

Ms. SANCHEZ. There was a certain point that the gentleman from Arkansas brought up, and I sort of want to expand a little on that. Whenever I listen to the Republican side of the Congress talk about this, it almost seems as if they want to pit private versus public. There is a reason why the majority of us are looking after the interests of public schools, because over 90 percent, I think it is 92, 94 percent of all children in America go to a public school. Does that mean, for example, that I do not like private schools? That is not the case at all. I am probably the most perfect example here of a public-private partnership when it comes to education. First of all, I am the only Congressperson who went to Head Start. That is a Federal program, I think one that works very, very well. I went to a public school system in Anaheim. I went to a private 4-year university, Chapman University, right in my area. I went there with a Pell grant, with student loans. Those are two Federal programs; with a Cal Aid grant, that is a State program; with a scholarship from Retail Clerks Local 324 because I was an ice cream scooper in my first job and I was a union member and they wanted to help me with my education. I also received a private scholarship from a man named Bob Prawley, a trustee at Chapman University who made sure every year I had enough money so I could finish 4 years at Chapman and get my degree in economics. And then I went on to get my M.B.A. out here at American University in Washington, D.C. And who paid for that? Student loans and the Rotary Club of Anaheim, California. You want to talk about public-private? I know what that is about. So it is not like I am sitting here saying I do not like private schools. In fact, the fact of the matter is I work very hard with many of the private schools in my district. Let me tell my colleagues a case in point.

Modern Day Catholic High School in my district, behind it is a local neighborhood, very good neighborhood. I had a few calls from people there. Actually I had a group who came in and talked to me in my congressional office. They said, you know the kids park their cars in the neighborhood. Well, you know, maybe that is a problem, people do not want to see cars, you know, of the students. But that was not the problem they came with. They said, we think there are drug houses in our neighborhood, and unfortunately we think that some of the people they saw too might be some of the students, and so can you help us with this situation of getting the parking out of our neighborhood so that we do not have these drug houses? So what did I do? I went and I searched for more information. I went to Modern Day, and when I sat down with the principal and the vice principal I told them the concerns of this particular neighborhood, and they said to us, well, you know, we do not think it is really our kids who are making the drug houses be there, and I said, okay, well I can understand that. They said, but you know there is a solution to the problem of the parking. They said as soon as Bristol Street is widened, which is the frontage road right there to the school, we will be able to build a parking structure so that all our students can park in this parking structure. And I said to them, well, what can I do to help accelerate that? They said, one, get the funds to build Bristol Street and widen it, and secondly, we have a capital fund going for the parking structure because it is a private school. I said, well, I cannot solicit funds for you, but I can sure mention it to my Catholic friends since I am a Catholic and say, you know, school down the way might, you know, need some help with a parking structure they have got going.

So what happened? In this transportation bill that you were talking about earlier we got a very important project funded in the city of Santa Ana, the widening of Bristol Street. We pushed it. It broke ground for the project 3 weeks ago, and Modern Day is halfway to the amount of money that it needs. It has got a capital fund going to build the parking structure. And so here we have solved a problem of, one, the neighborhood, unhappy; two, a parking structure that the school needed; and three, a very important arterial that goes through the area that needed to be widened for traffic purposes, and we have solved a problem, and it is a win for the neighborhood, it is a win for the school, it is a win for the city, it is a win for the people who use the road.

So I am not sitting there saying I cannot do anything for private schools. What I am talking about is working together in a good manner, but first and foremost, we need to be worrying about the public schools and the fact that the majority of our students, over 90 percent go there, and that is why we are talking about public school funding here tonight.

Mr. PALLONE. I agree with the gentlewoman from California, and I think it is, you know, very obvious that all of us, you know, we try to help private schools when we can as well. But the point is that overwhelmingly in almost every district, I think, the students are in public schools, and frankly we know how difficult it is for the local school boards to raise the funding or, as you mentioned were the bond issue, to get the bonds that float the bonds to put additions or do renovations. And so we cannot just neglect them and say there is no Federal role. There is clearly a Federal role.

I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and following up on what my good friends have said, I was really struck by the gentleman's comments from Arkansas because all of us can have our own stories about what public education has done for us frankly, and I certainly am a product of public school education for 12 years and then going to a private college. So there is so much, there is so much that one can gain by explaining to the American people, who already understand that the public school education or our support for public school education is not an either-or, it is not where we discard or attempt to replace the private school education. In fact, when you go into your local communities, you do not even hear this tension, there is so much collaboration between public and private schools, exchange of students and ideas, teachers teaching in the different schools, classrooms sharing with private school settings. In fact, I know those kinds of things occur all the time: private school students tutoring or working with public school students.

So this big issue that there is an either-or I think is made up here inside the Beltway, but what is understood by our local communities is the value of tax relief, and I have not heard one principal or one superintendent say, you know, if you pass the school modernization bill, it will be intrusive, it will be big government from Washington taking control, and we do not want it. And that is what I think is so very important, that we sort of educate the American public so that they can be comfortable with their own beliefs which is why not a school modernization program? Why should we not have a program that gives us tax relief?

And I think it is important taking up the points that were made by both my colleague from Connecticut and California. I mean we can document with great, great substance the idea that our schools are falling behind on technology, not because they desire, but because it is so expensive, one, to initially purchase the equipment, but the infrastructure that they need, and then the technology changes so quickly our schools will tell you that we need another set of computers, maybe it is 10 in the school, maybe 18 months after they purchase the first. So they know what it is like to suffer at the hands of a moving technology, they want to have their children be conversant with the technology, they want their teachers to be conversant. Can we do no less than give them some relief, if you will, by participating and supporting and passing a school modernization bill so that there is some relief to all of the many things that they have to do?

In fact, in visiting my schools one of the things that I find most disturbing, and we have a very good program in Houston, is the unsafe school yards where children are in need of safe school yards and good equipment because of the fact that is a very strong part of their education. And I want to applaud my local community for having a program that helps them get good school yards and play areas.

But I do believe that we have a message, but we also have a challenge that we must help America, not only with the hundred thousand teachers, but we must help America rebuild our schools, and I hope that we will make it very clear that we are not finished with our work yet on that very important challenge.

Mr. PALLONE. I want to thank the gentlewoman, and I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I just want to say to the gentleman that I am proud to have been part of an effort in these last several days to stand tall and to stand strong for America's children.

The battle on this issue we won, and the Republicans had to cave on that issue. We will fight the battle for school modernization, but we will also in a Congress that failed to do what the American public has clamored for to do something about managed care reform, to do something about making sure that we save the Social Security system that has been one of the success stories of this country, of today providing two-thirds of America's seniors with over one-half of their income, and we have to make sure that that is a program that is strong and safe not only for those today who are in the program, for the next generation and for generations after that.

And we have to focus our attention on those issues, as well as tobacco legislation and campaign finance reform, and in the same way that we stood tall and strong on the issue of education, the American public needs to know that we are going to be there, the Democrats are going to be there on these issues in the next several weeks, in the next several months, in the next Congress which I believe we will hold the majority in that Congress, and to make in fact the reality of opportunities that the majority party let go in this session and that they failed to do something about.

That is where we have to go next.

Mr. PALLONE. I want to thank the gentlewoman, and I appreciate the fact that you are pointing out very clearly that although this Congress is coming to an end, that these problems that this Republican Congress have failed to address are not going away.

In my district every day people complain to me about problems with HMOs, and those problems are not going to go away unless we pass patient protection legislation like our democratic Patient Bill of Rights.

And the same thing is true for campaign finance reform. We are about to go into this campaign with all kinds of soft money being used back and forth and the Republicans spending something like 30 or $40 million of soft money on various campaigns. We need to reform the system. They have ignored that. It is not going to get better, it is going to get worse unless this Congress does something about it.

And the same is true for minimum wage. The minimum wage is too low. We have economic prosperity, and things are pretty good out there, but a lot of people are not benefiting from it because the minimum wage is too low. We have to do something about it. We have to change it. We have to raise it.

And we once again talked about public education here tonight. I am glad that the Republicans agreed to this hundred thousand extra teachers initiative, but there has to be a greater commitment to public education here, and you know that the Republicans are just going to go back to their anti public education agenda.

* * *

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1197. An act to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

H.R. 1560. An act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

H.R. 1756. An act to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 2807) "An Act to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.".

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1171. An act for the relief of Janina Altagracia Castillo-Rojas

S. 1202. An act providing relief for Sergio Lozano, Fauricio Lozano, and Ana Lozano.

S. 1460. An act for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

S. 1551. An act for the relief of Kerantha Poole-Christian.

S. 1916. An act for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup.

S. 1926. An act for the relief of Regine Beatie Edwards.

S. 1961. An act for the relief of Suchada Kwong.

S. 2107. An act to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communication, and for other purposes.

S. 2476. An act for the relief of Wei Jingsheng.

S. 2637. An act for the relief of Belinda McGregor.

S. 2638. An act to provide support for certain institutes and schools.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 191) entitled "An Act to throttle criminal use of guns.".

TRIBUTE TO REPRESENTATIVE FRANK RIGGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. DOOLITTLE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOOLITTLE. Mr. Speaker, the subject of my special order is basically to recognize one of our colleagues, dear friend of mine, Representative FRANK D. RIGGS from the First Congressional District of California. I first became acquainted with FRANK really over the telephone, and I believe we spoke once before the election in 1990 and once on election day in the evening after the results were known, or perhaps it was the next day. But the first time I met him was when we were both new Members of the House back here for our freshman orientation, which in those days, and I think this is one of the last times this happened, maybe the next to the last, we, in those days, the new Democrat and Republican Members received orientation together.

□ 2030

That included a trip to the Kennedy School of Government at Harvard University, in Cambridge, Massachusetts, and then also a trip down to Williamsburg, sponsored by, I believe, the Congressional Research Service and perhaps one or two other organizations.

People listening may wonder about this, in contrast to how it is done now but in those days there was a chance to really get to know our fellow Members of the class, and to the public that may sound strange but this is such a large institution, with I believe we have 440 members, 435 of them voting, that it is really hard, given the compressed work week schedule, the Members traveling to the far flung parts of the Nation, coming and going all the time, in retrospect that time we spend as freshmen Members is really almost a unique opportunity to get to know each other.

I said freshmen Members, but Members-elect in this case because this happens before actually we are sworn in as Members of the House.

FRANK and I had the chance to get acquainted with each other and we became fast friends. Actually, we were roommates for the first 9 months of the first year of our term in 1991. Both of us had families out in California. Both of us had the intent of moving our families to be here with us in the Washington, D.C. area as we did the job, and it took several months for both of us, actually until late into the year of 1991, to wrap up the affairs and get everybody organized back here. So we rented an apartment in Crystal City and had the opportunity, as new Members, to experience all of the things that Members of Congress go through.

For us, it was an unusual time because Operation Desert Shield had been put into effect in August of 1990 and late in the year or early in the first part of 1991, Operation Desert Storm was declared. We had a full-fledged military operation. One of our first votes was, in essence, what amounted to a declaration of war. As a result of that, we had the first real victory, well, I should not say the first victory but I guess I will say the first major victory really since World War II that the Nation has experienced.

It was a great operation and something that I think Americans recognized as being kind of a pinnacle of America's military success.

I will have perhaps other comments to offer, but I am pleased to see we have here the chairman of the Committee on Education and the Workforce, which is the full committee of which FRANK is chairman of one of the subcommittees, and maybe our full committee chairman, the gentleman from Pennsylvania (Mr. GOODLING), will comment on that.

Then we have the gentleman from California (Mr. HERGER), who is a fellow Californian, close friend of FRANK RIGGS.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for yielding.

Mr. Speaker, it is certainly my pleasure to pay tribute to Congressman FRANK RIGGS this evening. He was, of course, a new subcommittee chair, as we were all new in this business of being in the majority and leading the efforts in the Congress of the United States.

When FRANK became the subcommittee chair of our Subcommittee on Early Childhood, Youth and Families, he probably did not realize how full that platter was going to be. That platter has been very, very full, but that did not bother FRANK because he was willing to spend many late hours with staff, as his fertile mind thought about ways of producing quality legislation, thought about ways of making sure that our emphasis was on a quality education for all children rather than just covering them with mediocrity.

So, of course, he had to tackle our workforce development legislation, had to make sure that we could move into the 21st century and have the qualified workforce so that we could be competitive in a very competitive world. Of course, he also then had to deal with vocational education.

Now we are dealing with, among others, secondary students, as well as those who are in community colleges; again, making sure we had a workforce that would be up to handling the challenges of the 21st century.

Of course, he also had to deal with child nutrition, and included in that is an after-school program with the idea of those who are most at risk perhaps we can keep them busy in some after-school program and also provide them with nutrition. Of course, this also covered our senior citizen nutrition program, as well as our school breakfast and our school lunches. That was only the tip of the iceberg.

He then had to deal with the reauthorization of Head Start, trying to make sure that it was a quality Head Start program all over the United States, that every Head Start Program was a quality program. Rather than, again, just covering children with mediocrity, he insisted that we beef up that program so that every child has an opportunity for a quality pre-school program, and particularly to beef up the educational component because even the founder of Head Start said that that was the weak part of the Head Start Program, the education component.

So, as I said, he had a very, very busy schedule and a very full platter, but he carried out all of those efforts, again with the whole idea that quality is the name of the game.

I can remember touring a plant in my county one time and they all wore T-shirts at that plant that said "quality or stop," and that was FRANK's motto as he brought about all of these reauthorization programs.

We certainly will miss him as he goes on to do whatever he is going to do. We on the committee certainly wish him very well. I appreciate the opportunity to participate in the gentleman's tribute to Congressman FRANK RIGGS this evening.

Mr. DOOLITTLE. Mr. Speaker, I would thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING) for his remarks.

Mr. Speaker, I yield at this point to a distinguished colleague, the gentleman from North Carolina (Mr. TAYLOR) who, along with Mr. RIGGS, were two of the Gang of 7. Both of them were involved in an effort exposing the House Bank scandal and ultimately closing down that institution; the House Post Office scandal, which was reformed as a result of this. Several people were indicted and had penalties imposed.

FRANK RIGGS is a courageous man and so is the gentleman from North Carolina (Mr. TAYLOR), whom I will now recognize.

Mr. TAYLOR of North Carolina. Mr. Speaker, I, too, appreciate the tribute that is being offered to Congressman RIGGS. FRANK has been a good friend and an outstanding Member of this Congress. I knew he had courage when he joined our freshman year as a Member of the Gang of 7 to protest what he thought, and we all thought, was illegal and unjust activities of the House of Representatives.

Of course, the truth proved out and, as we know and as was mentioned a moment ago, there were a lot of things that went on from that investigation. We have a much cleaner and more responsible Congress because of that.

I found that FRANK had courage in the district also. FRANK is an environmentalist in the sense that he cares about the environment and he works to promote real science in the area of the environment. A lot of people do not realize that here in Washington the environment has become a tool for people to scare money out of individuals. They take in over $600 million, putting false science out and trying to scare people into spending money for ridiculous ideas, and these programs often result in legislation that takes jobs away from people unnecessarily and promotes pseudo science.

FRANK has worked with us on many of our efforts, especially in the area of forestry, to promote what our best universities teach and our best experimental stations teach. He stood up to the claims of the so-called pseudo environmentalists and stood with the people of his district and the people of California in recommending good, sound science in the area of forestry.

That was hard for him to do because they put a lot of money against him in the campaign. In fact, he was defeated after his first term, but he had the courage to maintain truth and he fought back. After the next 2 years, he was reelected to Congress, where he has remained. That told me a lot about FRANK'S tenacity for the truth.

It would have been very easy for him to sell out his ideas. He would have gotten contributions. He would have gotten the accolades of groups that are not promoting truth, but it would not have been FRANK RIGGS. His stand was bought dear, but it was something that impressed me about his character. He has been involved in a variety of those areas, as well as other outstanding legislation here in Washington, and I am honored to be a friend of FRANK and to see him as an outstanding Member of this Congress since we have been here.

I appreciate the tribute that is being brought forth tonight.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman for his comments and would just observe that I do not think I know of any harder work than campaigning in a hard fought election, and FRANK RIGGS has had nothing but a steady diet of that in the elections he has run, and it has never been easy. They have always been huge races where a million dollars was spent by both sides. Heavy negative advertising was out there attacking him, distorting his record, and I would just observe that to go through one of those races and then to lose and then to somehow be able to pick yourself back up and take up the battle again for 2 years running, getting ready for the next election, talk about the tenacity of FRANK RIGGS, I think that is true.

That is extremely difficult. Frank is quite an athlete, but among other things is an avid jogger. I remember when we lived together, he would go for a jog at 9:00 at night out in the wonderful high Washington heat and humidity. It would be 90-plus degrees and he would be off on a jog. That is the type of individual he is. He really is just a real fighter and very, very tenacious and has stood tall for the things he believes in.

Mr. TAYLOR of North Carolina. That was FRANK, and certainly it was a tribute to FRANK and to his district to return him back here, and he has been with us since. I think that is a tribute to the people of his district to see and to overcome the heavy spending and the negative attacks and to become a permanent Member of this Congress, where he has been always steadfast in his search for truth and his search for the best interests of the people of California as well as the United States.

Mr. DOOLITTLE. Mr. Speaker, I will just observe that thanks to FRANK RIGGS, he introduced me to an East Coast donut, Krispy Kreme, which I hadn't known about before, and it has resulted in a significant expansion of my waistline which will be one thing that will cause me to remember him for a long time to come.

Mr. Speaker, I yield to the gentleman from Southern California (Mr. ROHRABACHER) who has joined us, a dear friend and colleague.

Mr. ROHRABACHER. Mr. Speaker, we hear a lot of people say that this fellow or that fellow or this colleague or that colleague will be missed, and sometimes we just wonder because they are just people who we have worked with. We might think this is just someone that I have worked with in my office or someone in my school or whatever.

□ 2045

Tonight, I would just like to say from the bottom of my heart, in recent days as I have walked around the floor of Congress as we have been discussing the various issues, it has crossed my mind and my heart, not just on a couple of occasions but probably 10 or 15 different times, boy, FRANK RIGGS is not going to be around here next year. We are really going to miss him.

I personally am going to miss FRANK RIGGS. This is not just like missing somebody because we got used to working with him. We are going to miss him because he was a voice of decency. And some people claim that I am sort of a little boisterous and get a little hot under the collar and that I might be animated at times. But FRANK, on the other hand, is someone who presents himself in a very decent and a very honorable way and seems always to be in control, because he seems to always have the confidence that comes from someone who has a very strong set of values that he is very proud of, and that is recognizable.

We are going to miss him around here. In the debates, he added greatly with his even-tempered approach and a very astute way of looking at especially the areas of education and such. But we always knew that FRANK was a man of integrity. And some people talk of men of integrity, sometimes get mad and they punch you in the nose because they really know what is right. But that is not what FRANK was about. FRANK was a man of integrity and in a very low-key way earned the admiration and attention of his colleagues because when he did speak, we listened because we knew he was saying something that was worth listening to and was speaking from the vantage of truth and honesty that we could certainly respect.

I think that was really brought home to me, and I do not know if he will remember this or not, but I remember it very vividly that when FRANK was here, I think it was during his first tour of duty, so to speak, one of the early votes that really tested all of us was the vote as to whether or not we should be permitting offensive military action in the Persian Gulf. It was a very tough vote, because most of us believed at that time there would be very severe casualties and most us believed at that time that this was going to be a situation that would test us as a country.

FRANK had some reservations about it. And, frankly, I had reservations about it as well. However, FRANK made sure that he acted upon those reservations. I sat down with him, and I remember sitting in the cloakroom as the vote was happening and saying, "This is a really important vote. You are going to be judged by this. This is one of those votes that your constituents are not going to miss. And that could really cause great harm if you are making the wrong decision and you know that every one of your fellow Republican colleagues are voting on the other side."

I remember saying, "I am not trying to tell you what to do. I am your friend, but I just want to make sure that you are thinking this through."

Peer pressure did not mean anything to FRANK. FRANK had thought it out. He knew in his heart what he thought was right and he voted "no." And I will have to say that there are some people who vote differently than I do on various issues and I get upset with them because I do not respect the act that they have done, because often those votes that are on the other side of the issues that I stand for, they are voting because they lack the courage to stand up to where I am. But, no, this is an example of the quintessential of FRANK RIGGS in that his vote. He stood alone and he stood that way and he voted that way because that was a courageous thing for him to do. He honestly felt that way.

Mr. Speaker, I do not think I have ever brought that up to FRANK before in all of these years, but I will never forget that moment and how I was deeply proud of this man. If there is anyone in this body who knows how to twist arms and to try to convince people to change their positions on issues, I mean, I learned from the master. I learned from Ronald Reagan and I tried every trick in the book that night to get FRANK over on that side.

Now, we also know that FRANK is not just someone who can be kept down. I do not know any of our other colleagues, or maybe there must be one or two here who actually lost the seat and then came back after 2 years and was reelected by their constituents. So here we have a guy who came here and, of course, he represents a very, very liberal Democratic district up in the northern part of the State. It is overwhelmingly the other party. And FRANK was elected.

And when someone else came in, a Democrat came in, I remember that young fellow. His only claim to fame was that he refused to wear a tie on the floor. And once they really tried to figure out what really counted, his constituents insisted on bringing FRANK back to Washington, D.C.

There are very, very few people in this body that have lost and then, once their constituents found out how wonderful they really were, would be brought back by their constituents. That means their constituents have to admit they made a mistake in not bringing him back immediately for an immediate reelection.

So, FRANK endears himself to all of us who work with him. He is someone who is respected and someone who means a lot to me personally. I am very grateful to the gentleman from California (Mr. DOOLITTLE) and to my other colleagues today for joining me in this honor and tribute to FRANK.

I know that over the years we are going to be working on several other issues important to California. Again, I am going to walk around and say, "I really miss FRANK RIGGS." But I know that out in California, we are going to be doing things for the benefit of our State. I know how much you love California and how much we all love California. So we have got some wonderful things we are going to do in the future, but we are going to miss you when we are walking around down here on the floor.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER). And he referred to FRANK's hard work and ability. And I have been just reviewing some of the material on FRANK. I know that something jumped out at me that I did not realize, and that was that he was a graduate with highest honors of Golden Gate University in San Francisco, where he received his Bachelor's Degree in the administration of justice.

Furthermore, he was named the outstanding graduate in the College of Business and Public Administration. Of course, sometimes having achieved a distinction, they will give the graduate a cum laude recognition, or magna cum laude. But summa cum laude is the highest recognition. And, really, anyone who knows FRANK would not at all be surprised that that was the distinction that he earned in college.

I now would like to recognize the gentleman from Southern California (Mr. BILBRAY), even further south than the gentleman from California (Mr. ROHRABACHER), he is from San Diego and the surrounding areas.

Mr. BILBRAY. Mr. Speaker, I am from San Diego County, which is south of southern California. I want to make that quite clear. My colleague from Huntington Beach, who is the other half of the Surfing Caucus, has pointed out again and again that Mr. RIGGS is somebody, in the terminology of an old advertisement, who has always been able to "take a licking and keep on ticking." I think that the fact of the ability for him to take hits from people who cannot stand to hear the truth I think is one of the things we have always appreciated about him.

Let me say one thing. Somebody brought up the fact that FRANK comes from a background of getting a good education, getting the facts, and being able to speak the facts. It is something that some people are not very comfortable with. Frankly, there are those who are involved in the environmental movement who do not want to approach the environmental issues as science. It is almost as if people have lost old religion and have now tried to make environmental causes their new religion.

Those of us that have worked on real environmental problems, like myself, are so frustrated with people that do not realize that we not only have a right, but we have a responsibility to keep our minds open and get the facts and approach environmental strategies as a science. It is not a theology.

Frankly, there are those who have attacked FRANK as a heretic because he is not willing to accept the theology of certain groups and certain people who claim to be wanting to help the environment. I think that FRANK has been less fortunate, but the environment has been better because FRANK has been willing to stand up and say: Science first, foremost, and always; that one cannot be an environmentalist if they do not put science first and take prejudice and preconceived ideas away.

I did not come here to praise FRANK RIGGS or to honor FRANK RIGGS. I want to say there is something that we do not do enough of here. I want to honor the people that really made it possible for FRANK RIGGS to be here. And I am not just saying the voters. I want to honor an 11-year-old little girl who does not have her daddy home every night because he is here on the House floor.

Sarah Riggs is the type of person that we do not talk enough about. The reason why Mr. RIGGS is willing to come here and serve and do without fiscal and family security that a lot of businesspeople out there have is because he cares about his daughter's future. And Sarah Riggs is somebody that we should always remember.

I hope every Member of this Congress always remembers that there are those that make it possible for us to serve. It is Sarah Riggs, Cathy Riggs, Matthew Riggs that are out there without a father, without a mother, because they are here serving and doing the people's business.

And I think that too often, the image that people see on C-SPAN or they see in the paper is of a two-dimensional figure. Of FRANK RIGGS, the Congressman, the politician, but not the FRANK RIGGS the father, the husband. And when we do that, when we only see the two-dimensional, we deny the real heroes and the heroines in this whole thing. That is the Sarah Riggses and the Cathy Riggses and the Matthews that do without and do so much more than anybody could ever expect them to do, because their father is engaged in the business of this country.

Mr. Speaker, I want to say sincerely to Sarah Riggs, and sincerely to all of the young girls out there, and the sons and the wives who sacrifice and fill in the huge hole that is there because their parents are off taking care of business in Congress, I want to thank them, all the Sarah Riggses out there, for the contribution they have made for the betterment of this country. I want to thank the Sarahs for being willing to do what a lot of little children would never want to do, and that is not have their daddy or mother around.

And so I am not here to honor Mr. RIGGS; I am here to honor Sarah Riggs for all her contributions. And I would like to say, "Thank you very much, Sarah, for allowing us to have your daddy for a while here on the House floor. It has been a privilege to serve you. It has been a privilege to work with your daddy. And I hope in the future, we will be able to continue to see the kind of contributions that your father has made to the American people and the people of California."

Mr. Speaker, I yield back to my colleague.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from California (Mr. BILBRAY). While the next gentleman is proceeding up to the front, I would observe that there is a third and oldest child, Ryan Riggs. And Ryan, Matt and Sarah, we have seen grow up. Sarah is not completely grown, but she is a lovely young lady now. And we have watched them grow up.

Cathy, by the way, is a wonderful mother and a crack private investigator and a law school graduate as well. She has been a staunch supporter of FRANK. And maybe for those who do not realize it, but a Member's family is integral to running a successful campaign. They are all deeply involved, as the gentleman from California (Mr. BILBRAY) alluded to. There is a great deal of sacrifice that goes on on the part of the family once the Member is elected, and FRANK has a strong family that loves and supports him.

I yield now to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I did not want to pass up the opportunity this evening to share with someone who I have only known for a year and 10 months, but someone who I think is one of my better friends in Congress, someone who I had the privilege of working a lot with, because we shared a lot of time and worked on the same subcommittees on the Committee on Economic and Educational Opportunities.

FRANK, America would be stronger and better if it had more congressmen like FRANK RIGGS. And I mean that sincerely. Those who talked about his toughness, coming back after a tough loss, coming from a district that he probably should never have gotten elected in, but it was only because FRANK RIGGS was a good man and gave it his best and his family had support there that he was able to come to Congress from that district and serve it very, very well.

□ 2100

I liked his friendly style, his graciousness, his toughness. He had a tough side. He would fight hard. And you cannot be effective here and you will not ever reach the goal line if you do not. We shared a lot of interests. I have some of the same forestry interests that FRANK had, some of the same problems that FRANK had, and I admired his toughness to stand tall.

We had a lot of interests in vocational and technical education and where this country really needs to be going where we really are not headed, FRANK and I agreed on where this country ought to be going in technical and vocational education, preparing our work force of tomorrow.

FRANK, I was disappointed when you decided not to run again. But I admire you for the choice you made. You were one I looked forward to working with in the future. But I am, hopefully, somewhere down the road, we will have the chance to pull on the same rope.

But there was something that you may not be aware of. Of all the Members I have met here, FRANK RIGGS mentioned his family to me many evenings. When we were here in an evening, FRANK was always anxious, if we were kind of not moving as fast as we ought to be and we ought to be getting our work done, because FRANK had an event that one of his kids was at that he felt he should be at. FRANK had a family thing that he felt he should be at. You mentioned your wife and children to me many evenings. You may not remember that. It was just in quick passing. But that says to me that FRANK RIGGS, the Congressman, had his priorities right. He was constantly thinking about his children and his wife and his family, and that is the priority that so often does not get met in this country. If there is a weakness in this country, it is the breakup of the family and the family drifting apart.

I do not know your family well, but I personally think your children have a pretty good dad. I think your wife has a pretty good husband. I know you care an awful lot about them. In the few short months we have known each other, I have learned that they are most important to you, and I honor you for that. The Committee on Education and the Workforce will miss you. This Congress will miss you. I will miss you, because you are a friend, the kind of a friend that I would like to get to know better, because the more I have been around you, the more I have worked with you, you are just a person I have learned to like.

We are going to miss you. It has been a pleasure getting to work with you and know you, FRANK. America is a better place because you served here. I mean that sincerely.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman from Pennsylvania for his comments.

I yield to the gentleman from California (Mr. HERGER), my good friend and colleague from northern California, really right in between FRANK's district and mine.

Mr. HERGER. Mr. Speaker, I thank the gentleman for yielding to me.

It is, indeed, a privilege and an honor that I consider to be able to stand here today. I was just thinking back at the speakers we have had, the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from North Carolina (Mr. TAYLOR), the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. BILBRAY), the gentleman from Pennsylvania (Mr. PETERSON), to name a few.

I think about, as we were trying to arrange this, and mainly you, Mr. Doolittle, I want to thank you for taking the time to take the initiative to set this up this evening, but I think as we were talking about it over the last week or so and we were wondering, gee, we need to try to do it sometime in between votes so that we will have some Members around. What we did want to do, it has been at least three hours since our last vote, was get Members around that would be able to express themselves. And just the fact that we have had this many Members this long after our last vote, I think really says so much for you, Frank, my very good friend and colleague.

As we hear sometimes in the Rush Limbaugh show, we will hear someone who agrees with what was being said, they will say ditto. I just have to, I hear the different things that went on, very few people outside those who have actually served in the House of Representatives or in Congress really know what goes in to the job of being a Member of Congress. It seems like a pretty neat job, which it is. But all the time away from home, I heard you talk about how your first term here, how you roomed together.

The families back in California, we are 3,000 miles away, 3 time zones away, all the time that is here. Then when we get back to our district, Frank represents a district that is very similar to my own, very large, and yours as well, very large geographically. I think that when we are, even when we are so-called at home, we are really not at home. We are out traveling around in one city or another that may be 200 miles away within our district, talking to this rotary group or some other group here or there. And really, the time that is taken away from our family is really a major sacrifice on the part of anyone. So I can certainly understand why it would be that you would be leaving us.

We hear all this, you would almost think that we are speaking at a funeral. Obviously, we are not. Frank is going to have a very glorious life after Congress here, and we certainly wish you the very best.

But, Frank, I want to thank you in a number of different areas for being the friend to me that you have been. You were, right off the bat, as you know, there have not been that many friends to those who live in our timber-dependent communities of the United States, certainly in California. And for so long there was maybe John Doolittle, Bob Smith, north of me, myself were about all there were for a number of terms, several terms when I first served here, out of 435. And how welcome it was when Frank Riggs was elected.

Now, we had someone else that was fighting for, as Mr. Bilbray pointed out, to bring about the, to make our decisions on forest health and forest practices based on science, the most recent science, the most current science, not just on politics and what was politically popular in Washington or nationally, but what indeed was in the best interest for our national forests and for the people who live there, the real people, the fathers, the mothers, the children who work there, who have been working and living there for three and four and five generations. Again, our districts are very similar that way.

I have parts of all of 12 national forests. I know you have a number of national forests there along the beautiful Pacific Ocean right adjacent to mine. I want to thank you for always being a voice for what was right, for someone who would do your homework and find out what the facts were and make your decisions accordingly. I want to thank you for that. Many a time we have stood together, albeit not very many of us standing in this 435-Member House, but nonetheless we would be up there fighting the battle. And I would always know I could count on Frank Riggs to be there with me. Again, Frank, you have been a friend in so many, many different ways.

I also have to mention another great joy, again there are so many things we do and it is an incredible job we have. As I know you do, consider this one of the greatest privileges that anyone can have, to represent citizens, 570,000 approximately in our congressional districts here in Washington, D.C. But one of the nice things that we do each year is have our annual charity baseball game. This is not a softball game. This is baseball. It has been being played for many, many years. And even back when we were a minority, and I spent my first 6 years here in the, first 8 years here in the minority, about the only thing that we as Republicans were able to win at was baseball. We used to beat the other side. We were beginning to lose a few games, and then Frank Riggs was elected.

And boy, were you an asset. Thank goodness you came out to our baseball team, that magic, golden glove that you had playing short stop, that wonderful bat you had batting third in the lineup. That is our power hitter. Again, it was just a pleasure not only to serve with you here but to serve with you on the congressional baseball team. As I recall, we won most of those games and we did win the trophy, the best of five games. And at the same time, able to donate in the vicinity of $60,000 each year, as we have done, to the Children's Hospital and other good causes.

Again, Frank, I want to thank you. I want to thank your wife, Cathy, and your family for all the effort you have given to serve our Nation. We will sorely miss you but, again, I am looking forward to visiting with you. I know our friendship will go on for many, many years after you leave here, after you graduate from the Congress here. I am looking forward to that. Again, thank you on behalf of myself, my colleagues and our Nation and certainly Northern California. Thank you for your great effort.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. I would just like to, before I yield to the gentleman from Georgia, just like to briefly highlight two or three areas of Frank's legislative involvement that I am very proud of him for.

One, he introduced a resolution affirming the right of the Boy Scouts of America, a voluntary association of free individuals, to set standards for membership and exclude those who do not reflect its traditional and moral values. As is consistent with what you heard about Frank, his courageous, really fearless nature, he carried that resolution and waged that battle. And many of us, including me, are grateful for that.

He also has been extremely active. In fact, he gave up, in what is almost unheard of, I do not know of any other example of this, certainly while I have been here or before I got here. He was a member of the prized Committee on Appropriations. And that is a very difficult committee to get on. They are the ones who recommend how all the money is going to be spent for the budget. He got off of that in order to get on the Committee on Education and the Workforce and eventually become chairman of the Subcommittee on Early Childhood, Youth and Families. And he has fought tirelessly for children while having that stewardship, including a bill that he sponsored called HELP, helping empower low income parents scholarship amendments. This would allow them to offer opportunity scholarships to poor urban and rural children.

Although that legislation was not successful, I believe it is the type of legislation that eventually will pass here. And when it does, you can look back to Frank Riggs, we can all look back, as the one who started that ball rolling and who had the foresight to wage that battle in what eventually, I believe, will be a successful effort.

He also wrote the English language fluency act to end Federal support for the disastrous bilingual education programs. And this was modeled in California's English for the children initiative, which this legislation passed the House this last September. He also offered an amendment to the higher education act prohibiting public colleges and universities who accept Federal funds from setting admissions criteria on the basis of race, color, sex, national origin or ethnicity.

Frank is, frankly, someone who went against the trend. And I hope he will not feel bad if I say this, but I observe that the longer he was here, the more conservative he became. Frequently and as a general rule, the trend is just the opposite. The longer you are here, the more liberal you become. But FRANK was never one to fit into a mold.

Frankly, these actions that he has undertaken, these bits of legislation, I felt would have qualified him to be a member in good standing of the conservative action team. So in my mind you will always be an honorary member of that by your philosophy. I think you have reflected those values in your actions.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for the yielding to me. I am glad to be here on RIGGS behalf.

Mr. Speaker, I am not going to call him FRANK RIGGS. I am going to call him RIGGS, because since a small boy growing up at the Athens YMCA, I called all guys who were near my age by their last name. But FRANK RIGGS, being an old school gentleman type, called me on the House floor one day and said, "I really prefer to be called Frank and I think we should dignify this place in doing such." So FRANK, you trained me, and I will call you FRANK even when I see you from here on out.

I want to say this, I knew FRANK RIGGS as a candidate in 1992. I was given a poster of the gang of 7. The gang of 7 was everybody's hero model. The gang of 7 consisted of Mr. DOOLITTLE, among others, and the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Iowa (Mr. NUSSLE) and Mr. RIGGS. I am leaving out the other three. Mr. HERGER, if you were one of them, I apologize. But we all loved the gang of 7 because they were the ones who were the young turks who blew open the House bank scandal, which the folks of America did not understand why there were so many overdrafts by Members of Congress.

□ 2115

We were just so appreciative of this young energetic, very small, but determined group who blew the whistle on that and said this Congress cannot continue to have such shenanigans.

So I knew who FRANK RIGGS was. It took me two more years to get a chance to meet him because he had a little mishap on the way to reelection that year, with no fault of his own. He has one of the most difficult and competitive districts in the country.

But FRANK rejoined us in 1994, and I had the opportunity to serve on the Committee on Appropriations with him. He was a very energetic Member. He had been here. It showed. He knew his way around the place. He immediately jumped on all kinds of other issues, education, WIC, D.C. scholarships, regular scholarships, English first, all kinds of issues that affect California, agriculture, particularly looking into issues that had to deal with the California wine industry.

He was just a very great Member to sit next to. Then the next year he moved over to the Committee on Education and the Workforce and became a superstar on that. I think the previous speakers have covered that, so I have got to go back to another personal story.

Bipartisan retreat on the train to Hershey, Pennsylvania, looking over at my seat, I had my family and my four children running up and down the aisles, and looked over there, and there was Frank. Frank had on some headphones. He had two pencils in his hands, and he was playing the drums, and he was rocking out, having a great time, much to the absolute humiliation of his teenage children who were sitting there looking around saying, "Dad, would you please quit doing this."

But I could tell that, even as they were calling him down in that embarrassment that teenagers sometimes can have of us parents, they loved him. It was "Dad, you are being dad again, and we love you, but can you cut it out a little bit."

Cathy and her relationship with him, we got to know them sitting next to them on this train. I can tell it is just a great family.

I was a little bit disturbed when his teenage son, who is a big strapping boy, I think is six feet tall, started e-mailing my 15-year-old daughter, but those things happen. If my daughter has to get interested in boys, I will reluctantly accept that. If it has to take place, somebody who is an offspring of Cathy and FRANK RIGGS has got to be okay, because having served with his dad for these years that I have had the honor to serve for, I know he is a first-class guy.

The House is better having a guy like this in the House, and the country is stronger because of FRANK RIGGS' service, and we will miss him dearly. I wish you the best.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. Recalling our early days together, I must say, every now and then, back in those days, it seems like we had a lot of late nights here. Every now and then, we would go over to the Pentagon City Mall and have ribs and baked potatoes at the Silver Spoon, which was a great experience.

I kind of looked forward to those occasions since we were both back here on our own for the first 8 or 9 months or so. That was better than having to cook for ourselves. That was always preferable. So, FRANK, those are memories I will treasure as we move on here in life.

I recall once FRANK RIGGS told me in a conference, I do not remember how this came up, but he told me that there were three things that he had considered being when he grew up. This is what he thought as a young person.

One was to be a police officer, which in fact he did become, serving I believe in the Santa Barbara Police Department and then eventually, I do not remember the county, but it is Marin County or one of those up in Northern California, the sheriff's department.

The other thing he wanted to be was a high school coach. He never became a full-time high school coach, but he did, indeed, and does, I guess, presently serve as high school coach for both his daughter and as well for his son, two different teams. Being a Member of Congress and a subcommittee chairman, I do not know how he did it, but he did all those things at the same time.

The third thing was that he was very interested in becoming a member of the clergy. He never actually became a member of the clergy, but he has reflected, I think, fundamental values in his service here as a member of the United States House of Representatives for 6 years.

FRANK, I do not know if I have shared this with you, but there is a great quote I often use, and it means a great deal. It is from a former chaplain in the United States Senate Everett Hale, who said "I am only one, but still I am one. I cannot do everything, but still I can do something. And because I cannot do everything, I will not refuse to do the something that I can do."

I would say, Mr. Speaker, that FRANK RIGGS reflects the statement of the Senate Chaplain, someone who has done his best to make a difference and who has, indeed, made a difference for men, women, and children in this country, who has honorably served in the United States House of Representatives, and who will be long and fondly remembered.

THE BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, it is very difficult to follow a discussion like that of one of our great colleagues, a beloved Californian, but I want to get to the subject of the budget.

As the Speaker knows, we have been here in Washington camped out now for some 10 to 15 days trying to get a budget agreement with the White House and the Senate. I think it is very important for people to realize that, although we clash so often over partisan reasons, there is a lot more to the partisanship than just not agreeing.

There are genuine philosophical differences between often liberals and conservatives. There are philosophical differences that have to do with the reasons we are elected.

People are elected because they said I am a conservative, I am a liberal.

When I go to Washington, I want to represent those liberal views or those conservative views. Guess what. We get 435 people elected to the House of Representatives on their own individual platforms, and of course we are going to have debates and of course we are going to have some disagreements.

Often, that is going to be betrayed as partisanship, and sometimes there is a partisanship element to it. But there is a real profound ideological difference here. The Speaker has said that, look at it this way, Congress is the Civil War without bullets, or it is a substitute for civil war. It is a peaceful way to carry on our republic.

I think that that is what has been going on the last 15 days. The budget debate did not start 15 days ago. It did not start in the summertime. It does not start with the first appropriations bill. It has started long before most of us were elected.

We came here with ideas of what to cut and what to increase, what to spend money on and what not to. But we have been engaged in this process, most of us, since the time we were candidates.

Then this year, as the appropriations bills went through, we debated various amendments and various spending levels. I am on the Committee on Appropriations. I can tell my colleagues there is hardly anything that is in an appropriations bill that has not had a hearing, that has not had a debate, that has not had a question that has not been scrutinized.

Things in there have been well looked at and well debated. We are at this process where we finally have a massive budget agreement, and I think it is good. I am very excited about this budget agreement.

There is a little bit of this and a little bit of that in there. There are some things that the Democrats can say they have won on, some things Republicans can say they have won on.

But the ultimate winners are the American people. That is what is important for us to do at the end of the day, not say which party won, but say what the American people won.

Here are some things in there that I believe Americans won. Drugs. We have strong anti-drug language in there. We have beefed up the position of the drug czar. We have given him more power to fight the drug thugs.

It used to be that, when the drug lords were out in my area, as my colleague knows, I represent coastal Georgia, the Coast Guard does a lot of drug interdiction. They cannot keep up with the drug runners and their powerful boats. Those days are over with. Now the Federal agencies can go after them. There is nothing more frustrating than having drug dealers having higher technology than law enforcement. I am glad to say that is over with. Interdiction is very, very important.

This is a product, Mr. Speaker, that has grown in South America and processed often in other South American countries and then sneaked in in the dark of the night into America and sold in the school yard near us.

The employees of this company that sell this insidious product, if you will, the drug pushers, they cannot advertise. They cannot exchange business cards. They cannot even tell anyone they do. Yet, in every school district from Maine to Florida to California, they can get illegal drugs, and they did get to our 12 years olds, our 14 years olds, our 15 years olds. This Congress and this bill has taken a strong step to say, get the heck out of our school yards.

In addition to cracking down on the drug dealer, we also have strong rehab. Because if somebody has gotten off track and they have become addicted to drugs, we want them to be able to turn to somebody or some agency or some institution when they are ready and say I want out. Can you help me? Can you throw me that lifeline?

We are putting the needed resources into institutions, not all Federal, not all State, and certainly not all governmental, but we are doing it with nonprofit agencies as well to say that, if you want to get off drugs, we want to have the bridge there to get you off drugs. We hope you do not ever get on drugs, but if you are ready to come home, we want to be there to help you. That is in this bill, Mr. Speaker. I think it is a very significant step for the streets of America, for the safety of our kids.

Another thing that is in this omnibus bill is education. We in the Republican Congress are committed to having world class education. I know the gentleman from Illinois (Mr. SHIMKUS) has children, because I get his Christmas cards.

What we have in our family is we have got an 8-year-old, a 10-year-old, and a 13-year-old, and a 15-year-old. My children and the gentleman's children are not going to be competing Georgians versus kids from Illinois versus kids from California. But they are going to be American kids competing against German kids and Japanese kids and British kids. They are going to be part of this big global economy that we have.

In that spirit, we want to be sure that our American children can go head-to-head in science, head-to-head in math, trigonometry, and calculus, head-to-head in physics and chemistry, and head-to-head not just in English, but of all language skills.

We want them to be able to compete in it. We think an important part of that is local control of schools, not Washington command control, but local controls.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH), one of the leaders in this budget fight, one of the toughest defenders of the hard-working dollars, tax paid dollars, paid by American middle class. He has joined us now, and it is an honor to yield to him.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentleman from Georgia, for yielding to me.

Mr. Speaker, I rise this evening again to talk about America's priorities and the pursuit of common sense conservative goals, because as my colleague, the gentleman from Georgia points out, Mr. Speaker, it makes sense to get the resources to where they have the most impact. Education is far too important to leave up to Washington bureaucracies.

So what we have done is to agree in historic fashion to provide resources but to make sure those resources are implemented at the local level. That is the key, because the first priority, of course, must be with parents and the teachers who are there in the classroom who know our children's names, and the school board members whom we elect.

Indeed, I would tip the hat, rhetorically speaking, to those colleagues from Pennsylvania, the gentleman form Pennsylvania (Mr. PITTS) and the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, who have worked so hard to say that the proper role is to make sure that resources are spent at home in local school districts and, indeed, that is commensurate with our overall philosophy of transferring money, power, and influence out of the hands of the Washington bureaucracies and back to the people at home who are on the frontlines addressing the problem.

□ 2130

That is the key. Just as the gentleman from Pennsylvania (Mr. PITTS) in Dollars to the Classroom stipulated that 95 percent of every Federal dollar spent on education, or 95 cents of every Federal dollar spent on education should end up at home in the classroom and only 5 cents should go to the care and feeding of Washington bureaucrats is a common-sense approach.

Further as our colleague from Pennsylvania (Mr. GOODLING) has pointed out, when it comes to special education, and the needs there, to make sure that this Congress lives up to the promise it made in 1975. I was in my senior year of high school, Mr. Speaker, a promise a liberal-controlled Congress made to say to the States, "Oh, we're going to help you fund special education" but sadly that is one of those promises that never really was fulfilled. The challenge remains for us to really help children with special needs commensurate with what we have done across the spectrum in terms of education and taxation, in terms of tax-free education accounts for college students. We need to expand that, but we have gotten a good start. And today as we prepare this historic budget agreement, we continue to shape those priorities.

I thank my colleague from Georgia. I look and I see that one of my other colleagues from Arizona has joined us on the floor, but I just want to thank my friend from Georgia for pointing these things out.

Mr. KINGSTON. The gentleman has a major piece of legislation that he has introduced that is bipartisan in nature, for institutions of higher education that he may want to mention something about that, but I do want to emphasize this special education point that he has brought up. I think it is so important for us to help the families who have children with special needs and help the children with special needs and give them every single opportunity we can to help them progress and help them with whatever we can do. In some cases it makes a tremendous difference. For this Congress to abandon those children, it would be a travesty. But we have not done as Congresses have done in the past. We have said, "No, we're going to meet this challenge, we're going to do it." You have been a leader of that. Our friend from New Hampshire (Mr. BASS) has certainly taken the forefront of it. You have mentioned the gentleman from Pennsylvania (Mr. GOODLING). We have done a lot about this.

We talk about local control. I would like to tell the story of my old, or my former, not so old, she is 84 years young, Mrs. Musick back home in Athens, Georgia. She raised me, she was a very strict teacher, she raised me in the classroom, a very strict teacher. You could not talk, you had to cover your book, you could not pass notes, you had to do your homework and all kinds of things you need to be told to do when you are 15 and 16 years old. But she loved her classroom, her subjects. She liked to talk about Hemingway and Longfellow and Shakespeare. These people were her personal friends. They were her colleagues and her peer group. She read about it. There was no sentence she could not diagram. No sentence had a split infinitive or no participle dangled in her classroom. She was passionate about it. But the other thing was, she was the boss of her classroom. She did not have experts coming down from Harvard University to tell her how to teach the kids in Athens, Georgia. She did not have people up in Atlanta coming up with new charts and diagrams that had to be used. She did not have bureaucrats from Washington saying, "This is the new way to introduce literature to kids."

Mr. HAYWORTH. If the gentleman would yield, I would hazard a guess that she did not spend an inordinate amount of her time filling out forms for Washington, D.C. explaining the effectiveness of her time-honored methods of enforcing discipline in the classroom and holding her students to a higher standard and, indeed, that is what we have to recapture. It is not found in radical theory but it is found in a reduction of what some political scientists would call the bureaucratic inertia and what goes along with it, the requirements of all sorts of paperwork being filled out and all sorts of grant applications and all sorts of justifications for what really is vital, helping teachers teach and helping children learn. That is the basic, what is so vital in this human equation.

Many more things are there to commend as we take a look at this budget agreement, including national defense, a priority promised in the preamble to our Constitution. As we take a look there and look at that time crisis that our military personnel are confronting, we have worked now to supplement our defense spending in this uncertain world. We have taken steps in that direction. But there are a variety of things to commend a reassessment of where we are headed in terms of our budget, to work for an honest compromise and again in this divided government, in our constitutional republic with a conservative Congress and a liberal President, there is the challenge of give and take and compromise. And so on a variety of fronts, whether education, or the national defense or working to make sure that there are extenders and modest tax relief in terms of an acceleration of the 100 percent deduction for health insurance for the self-employed. We have a variety of things on the table and in the agreement that commend it to the American populace, not the least of which being on another front the move to control pornography on the Internet. So many different topics, many different things to commend the bill.

Mr. KINGSTON. The gentleman from Arizona (Mr. SHADEGG) has joined us and he has been working hard, he is one of the number one budget crunchers on the floor, a staunch protective guy when it comes to spending tax dollars and the kind of leader we need.

Mr. SHADEGG. I thank the gentleman for yielding. I wanted to join you this evening and express my thoughts about this important piece of legislation and make it clear how strongly I believe that this is a good piece of legislation on balance and that it is something we need. Legislation is often difficult and the process by which we get to it is a struggle. It is always a compromise. I think when we address this issue, we are going to hear from some of our colleagues that they are disappointed in some of what is in this legislation and they are disappointed that the President won some battles. I think in assessing that, you need to understand that the President has the veto power and that he was willing this time around to use that power to shut the government down if necessary if we did not agree to some of his provisions. But I think it is extremely important to look at the good in this bill and to focus on that.

Let me begin by discussing a disappointment, an aspect of this bill that disappoints me and I know disappoints my friend from Georgia (Mr. KINGSTON) and is something that we would liked to have seen. We all believe that the American people deserve tax relief. We feel strongly that it would have been important in this legislation to have given the American people some relief from the marriage penalty that is imposed on them. That was an issue that we surfaced some time ago. We passed out of this body a piece of legislation to give the American people tax relief. Now, why? Why tax relief now? I think it is important to understand that Americans are being taxed today at the highest level in American history. Federal taxes are at a near all-time high, they have only been higher than this at one point in our history and that was right at the end of World War II. But State and local taxes are much higher than they were then, so taxes are at an all-time high. Why then did we fight for tax relief? To give some relief to the hardworking American people and let them keep their money. I am disappointed that is not in this bill, but it is important to understand why it is not in this bill. It is not, that is to say, tax relief for the American people is not in this legislation we will vote on tomorrow because the President opposed it. He made it clear, he told America he would veto any legislation we sent him giving the American people tax relief. I have got to tell you that is a huge disappointment to me and I think it reflects that there is a disconnect between this administration and what the American people desperately need.

It is also important to understand the President's position on this issue. At the same time that we were fighting for tax relief, the President took the ground of saying no, you cannot give the American people tax relief because that would be spending a portion of the surplus. Now, I want you to understand, that is one position. It could be a principled position. If he had said under no circumstances can we raid the surplus for tax relief, that could have been a liberal, Democrat position which said keep the money in Washington, do not let the American people keep their own money. But it is important, I think, to discuss the fact that on this issue, the President is in fact not being square. As a matter of fact, I believe there is hypocrisy going on here. But at the same time he was saying no tax relief for the American people 2 weeks ago because that would raise the surplus, in this piece of legislation he is demanding that we spend that surplus, that very same surplus on bigger government.

So before we focus on the good things in this bill, and there are many and I want to talk about them, it is important to understand that the President denied us the ability in this critical legislation to give the American people tax relief because he said we should save the surplus and instead in the negotiations over the last few weeks took that selfsame surplus that he has denied us the ability to give back to the American people in tax relief and said, "I want to spend that surplus on bigger government." In fact, at the end of the day because of his veto power and because he was willing to threaten to shut down the government, there is no tax relief and sadly we were forced to agree to some additional spending in this bill which I know will disappoint some of my constituents.

I know there are a number of points I want to talk about, good things in this bill, although I think several of my colleagues would like to talk on the point I have just raised.

Mr. KINGSTON. That is a very good point. I do think it is important that we recognize there is still going to be, I think, about a $71 billion projected surplus and the emerging nickname of this Congress, and you were part of the historic 104, the majority class, I think this freshman class is going to be called the Surplus Congress. We have a distinguished member from Illinois (Mr. SHIMKUS) who has been sitting in the chair tonight. He wanted to make a few points on what you just mentioned.

Mr. SHIMKUS. I thank my colleagues, and I think my colleague from Arizona brings up a good point that the public needs to remember, defining the surplus and then the difference between our goal of giving a small amount of money back to the taxpayers, and it was a small percentage, versus more government spending. That is what separates the two parties, a view of bigger government, more taxes, less freedom versus our basic ideology which is less government, individual responsibility, lower taxes.

I want to highlight some things. We all bring our own special backgrounds, life experiences as Members of Congress. As we have had a lot of time, many of us who were not in the closed-door sessions and hashing out the final agreements to go through our in boxes, I came upon a document from a colleague in the other body that talked about military and military readiness. I just want to highlight a few items.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. As the gentleman knows, I control the time and I consider the gentleman's time from Illinois valuable, even though the distinguished majority leader from Texas has joined us. We are talking about this budget agreement that you guys have worked so hard on and I think done such a great job on. We are taking your bragging rights away, but it would be an honor for all of us to yield if you would like to say a few things.

Mr. ARMEY. If the gentleman would yield, Mr. Speaker, I do have an announcement that I would like to make on behalf of the Speaker and the Majority Leader of the other body, an announcement for all the Members of both bodies if I may.

On behalf of the Speaker and the Majority Leader, I would like to inform all Members that the omnibus budget bill that we have been negotiating, and incidentally I might say on behalf of the White House Chief of Staff as well as the Speaker and the Majority Leader, all Members of both bodies should be aware that the omnibus budget bill has been closed. While we still have some items under consideration by request of some Members, those items remain under consideration, but all Members of both bodies should be advised that no new items or requests will be considered from this point.

Mr. Speaker, that is the announcement. But if I might just very quickly, I do want to then take a moment to thank all three of the gentlemen on the floor for the time that you are taking here. We negotiated for a very long and hard time on this bill.

□ 2145

It is a large bill. We have wrapped several of our regular appropriations bills together, and we have negotiated some very important legislation. In doing so, we have secured fundamentally the integrity of the surplus of this Congress on behalf of the American people against pressures to spend that surplus that came mostly from the White House. We have done something that I think has sorely been needed to do for some time that responds to one of the great urgencies felt by the American people in the defense of this Nation. We have done remarkable work in order to better secure our border against the inflow of drugs and to secure greater opportunities for a healthy, happy life for our children.

There have been so many things we have accomplished in this bill. We have stopped some bad things. We have stopped the distribution of needles, and we put morality and ethical clauses into the practice of distributing birth control devices, and we have again given our respect to those people who by their own conscience or religious conviction feel they should not be compelled to participate. We have reformed the IMF, and hopefully we will be able to transform the manner in which it does business in the world economy in such a way that we can have the confidence that with the support of American tax dollars they will do things that will stabilize international currencies' circumstances rather than to be the destabilizing influence they have been.

I know you three are discussing these matters, and I want to thank you all for letting me intrude myself on behalf of the Speaker and the Majority Leader and the Chief of Staff, but I did think it was important that all Members have this information so that they could relax.

Again let me remind you, if you have your request in consideration at this time, that consideration will be duly given, but please do not contact either the majority leader or the Speaker for any new offers for consideration.

Thank you.

Mr. KINGSTON. Would the gentleman be considered treating himself to a hour's worth of sleeping tonight perhaps?

Mr. ARMEY. Well, the gentleman is anxious to get back to my office and talk to my wife. I have not spoken to her yet today. I think it is half time, and Detroit and Green Bay are tied at 10 to 10, and of course with Barry Sanders on the field Detroit is always a sentimental favorite in favor of that great running back, but obviously you all do not want me to get you into the business of taking sides in a contest like that.

So perhaps some rest and relaxation this evening, some satisfaction, I might say, of knowing that we have done good work on behalf of the American people to preserve the integrity of this surplus so that next year we can look at the manner in which it might be used to ensure greater retirement security for all Americans and even get the American people that tax reduction they should have had.

Mr. KINGSTON. Does the gentleman care to give us an estimate when the final vote may be?

Mr. ARMEY. Well, I appreciate the gentleman asking. They are busy working hard on the enrolling. We will get a better measure of that this evening, and I am sure there will be announcements tomorrow.

Mr. KINGSTON. Well, we congratulate you on a successful negotiation.

I yield back to the gentleman from Illinois.

Mr. ARMEY. I thank the gentleman from Illinois.

Mr. SHIMKUS. And I thank the gentleman from Georgia.

I just want to cut to the chase because a lot of us have been here, and I know you all have some preparation to get covered. But my concern comes from my background as being a former Army officer and now a reservist and having friends and colleagues who are in the uniformed services of our country, and in this book that I have had a chance to start going through by a colleague from the other body he mentions this:

Concerns include the corrosion and readiness that results from the high level of operational tempo, increasing depot level backlogs, underfunded quality of life for military personnel, underfunded manpower strength, manpower turbulence and insecurity, underfunded base maintenance and repair, underfunded equipment modernization, underfunded training and excessive reliance on simulation, underfunded major equipment life cycles, underfunded munition stocks, excessive reliance on emerging but unrealized technology, the funding of operations at the expense of readiness and the expenditure of savings before they are realized.

That is from a colleague in the other body who is a well-respected military war hero about the readiness of our Nation our military forces.

This budget agreement addresses a major concern that many of us who have served who have seen the hollowing out of our military forces and our military readiness, that we reenergize our military forces, we empower them, we support them with the needed funds to do the multitude of missions that we require them do, that they are putting their life on the line on a day-in-day-out basis, and I want to congratulate the leadership and the White House for making military readiness a critical issue in this budget negotiation.

And with that, I look forward to the continued debate in the next day or so. I appreciate my colleague from Georgia scheduling this time and allowing me to join in, that we do have a lot of things to be proud of, and I will have a lot of things to be able to go back to my district and talk about the great accomplishments of the 105th Congress.

Mr. KINGSTON. We thank the gentleman from Illinois for joining us and appreciate all the hard work you have done to bring common sense to government.

The gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman, and I started out by saying, talking a little bit about my disappointments and my disappointment that we do not have more tax relief in this legislation. There is some technical tax relief that is there. We would have liked much more. But then I turned to the fact that there are many positive things in this legislation, and I thought maybe what we should do is list off a series of them very quickly, and then after we list them off, let us walk back and go through them and talk about how important they are one at a time and perhaps build the case for why we think those positive things are so good and so good for the country.

My quick list just runs down like this:

You begin, and our colleague from Illinois just mentioned, number one, you begin with the fact that this legislation strengthens our national defense. It has dollars for readiness and dollars for ballistic missiles. So national defense is number one.

No. 2, it enacts a ban on Internet pornography, and I will tell you I have very strong feelings about that issue, about the evils of pornography and about the fact that young children in America today can access pornography, indeed can be teased on the Internet into looking at pornography. This will stop that conduct, make it criminal, put a block in place and do great steps in that direction. So that is another key feature.

Another one to be added. There is tough anti-drug legislation in this particular bill. There are, I think, six different anti-drug initiatives in the legislation which will become law which our negotiators fought for. There is one of particular interest to me, and it has to do with providing a particular type of helicopter, Blackhawk helicopters, to our friends in Central America who desperately need those helicopters in the War Against Drugs, and we can talk in detail about that. But there is the anti-drug piece of this measure.

And then another huge one is the education issue. You know, we have seen the President step forward and make his demands on education, and we have seen our colleagues on the other side of the aisle, our Democrat colleagues, say this is a wonderful bill for education and that Republicans caved to their demands. The reality is that is not true. It is in fact a wonderful bill for education but precisely because we battled against their initiative to nationalize education and take control away, and I want to talk about that issue.

I particularly want to talk about the fact that one of our Democrat colleagues said last night on television that this bill makes parents, teachers, schoolchildren, students, school boards, everyone interested in the education of our children across the country the winners. I think he was right about that, but right for the reasons that we fought for, and I want to talk about the importance of the fact that when this bill came forward, when the President made his education demand, he would have taken control and authority away from parents, teachers, principals, students, local school boards and even State school officials, taken all that authority away. It was our battle to give rights back to those people that was extremely important in this legislation.

There are many other good things, but I thought that would be a good list to just walk through.

Mr. KINGSTON. If the gentleman will not mind me adding a few extras to that?

Mr. SHADEGG. Let us do that. I will keep notes.

Mr. KINGSTON. Relief for farmers now in the Southeast and the Midwest particularly. We have had a tremendous farm disaster. I represent Georgia, and I represent coastal and agrarian Georgia, and one of the things that is easy after a hurricane, to get relief because there is pictures of buildings that have blown over and boats in the middle of the street and so forth. Unfortunately the farm disaster, often you cannot see it unless you have a farmer out there in the field and you know what an undeveloped cotton boll looks like, or you know how big a soybean or a peanut should be at a certain time of year, and you know when it is not that big. And so in Georgia $700 million of agriculture disaster is a tremendous drain on the moms and dads who are in the farming business, the farm families, but also important to the local economies in the small town, the banks, the implement dealers, the county commissions, and the school boards and so forth. This has some major farm relief. It also has a little bit of tax relief for farms.

Modernization, lower cost of government; we have taken a very serious, I think maybe final step to solve the Y2K problem, the Year 2000 computer glitch that we have heard so much about so that our Social Security checks will be able to get to America's seniors without interruption because of the technology.

We also have, and you have pointed out earlier, we have secured a great deal of the Social Security surplus, and have we have resisted the temptation, unlike Congress for 40 straight years, we have resisted the temptation to spend the Social Security surplus, and I think it is very important that we protect that.

You mentioned defense, national missile defense. This bill has, I believe, about $700 million dollars for national missile defense. It is so important in this dangerous world where you have Russian nuclear arms out on the marketplace because the Russian nuclear armament business has kind of fallen from within, and so what they are doing is they are pedaling the stuff out to the Third World countries and selling it to the Middle East. We are crazy not to have a strong missile defense system, and this budget takes a significant step to it.

Let me yield to the gentleman.

Mr. SHADEGG. Yes, if the gentleman will yield, I just want to talk about those two issues.

You just raised the issue of our national defense and also the issue of ballistic missile defense. I think it is very important for people out there across America looking at this piece of legislation to understand those two points. We all know that this is a dangerous world, and quite frankly, while we like to pretend it is not growing more dangerous, it is in fact growing much more dangerous. Our troops have had their ability to fight on our behalf weakened for far too long. I cannot tell you how many people in my district come up to me and say:

Congressman, you have done too much. The Federal Government has gone too far in weakening our national defense. We need dollars for readiness. We must be prepared. Our troops cannot be out there with weapons that do not work. They cannot be placed in the handicapped situation. We cannot put them in harm's way with the equipment and the preparedness that you are giving to them right now. It is critically important.

And I want the listeners to understand that of this in this bill there is $9 billion in emergency spending for defense and for intelligence needs.

Now I was in the Middle East last November. We took a tour all through the Middle East. We looked at the issue of force protection. We looked at Khobar Towers. We saw the site where so many of our courageous young American men were killed. If we had had better intelligence gathering information, if we had known what was going on, those American boys might, and men and women, might be alive today.

You just simply cannot make this point too strongly. We need these dollars for readiness, we need these dollars for intelligence gathering, and they are in this legislation.

Mr. KINGSTON. And if the gentleman will yield, a very key part right after readiness is the quality of life. For the first time, I think, in recent decades or in a decade military recruitment is down in all branches of military, and I think the only branch to make its quota this year was the Marines. We have had a 14 year decline in real dollar spending in defense. This year was the first year the defense spending was actually increased, and if you look at what is going on in the world, Somalia, Bosnia, Kosovo, North Korea, it is a very dangerous place out there, and if something erupts in the Middle East, in Bosnia or Korea, we cannot fight a war on two fronts.

And I do not think that America tries to be the policeman of the world, but if there is to be a policeman of the world, let it be America because we are the only country I think in the history of the world that has the ability to take over countries, but we never have. We have never started an aggressive war in this Nation.

Mr. SHADEGG. I could not agree more with the gentleman.

On this same tour we were in Saudi Arabia. We visited our air base there where all of our pilots fly from to enforce the southern no-fly zones, Operation Southern Watch. We also then went up to Turkey, and we met with the pilots in Turkey who fly out of Turkey to enforce the northern no-fly zone. And the gentleman's point is absolutely correct. Those pilots are being asked to fly so many hours and so many missions and being sent back again and again and again that we are, as the gentleman knows, losing many of our best pilots because they are being simply pressed beyond the limits. They are not getting the training they want, but they are being asked to do missions that are beyond the call and with equipment that is not up to the task.

We have to have a national defense that works. We have cut it too long. This bill has critically needed dollars.

Now I know my fiscal conservative friends are going to say:

But, Congressman, there is more spending in here.

There comes a point when you have to stand and you have to say we support additional spending for worthy causes. Even when you do not like the way we have been forced into doing it, you do not like the fact the President would not give us offsets for all of that that we would like to have offset. The national defense spending in this bill is vitally important.

The second one I want to talk about is what the gentleman just mentioned, and that is ballistic missile defense. I do not know how many of our colleagues understand. Sometimes I wonder that even they do not understand. But I am convinced the American people do not realize that if any missile were launched against America today, we could not knock it down.

You know there is this great television commercial that was aired, prepared and I think aired on a few occasions, where the phone rings, and it is the head of the Joint Chiefs of Staff, and it is the President on the other end, and the President, the Joint Chiefs of Staff says:

Mr. President, I have to advise you there is a missile that has been launched. Now we could expect that from almost any rogue nation, and it is heading towards the United States.

□ 2200

Then the President says, well, let us shoot it down, and this fictional character in this television ad says, Mr. President, we do not have the ability to shoot it down. It is simply inexcusable for us to allow the American people to remain in a vulnerable position where they could be subject to a missile defense, to a missile attack from some foreign rogue nation and we have no ability to knock it down.

We can develop the technology. We can implement it. This bill puts a billion dollars toward that task and I think it is essential that we move forward on that. It is another piece of this legislation, admittedly not perfect. I admit this is not a perfect bill. This is not the bill that I would have written if I could write it all alone, but this does make major steps in the right direction.

Two of them are adding dollars for our military readiness and adding dollars for ballistic missile defense.

Mr. KINGSTON. The third party of our military strategy, along with quality of life and readiness, is modernization, keeping up with the technology. If we just look at our own stereo systems and automobiles, we can see the technology changing tremendously from one year to the next.

One can imagine what the technology is for a tank, for an airplane, for an aircraft carrier, for missiles and so forth. The things that we can do for safety, defense, for weapons, is tremendous. We are taking a huge risk if we do not.

I was reading many years ago and so I cannot quote this exactly accurately but it was in Churchill's "History of the English-Speaking People" and he talked about the long bow, and in the long history of war with each other the French and the British, one king had the long bow, the arrow that would shoot the farthest distance. Unfortunately, I do not remember but I think it was the British, and the British were able to defeat the French for about 20 or 30 consistent years because they had this great weapon. As soon as the French invented it, then the pendulum swung the other direction.

It is no different today. Ancient Rome, or whoever had the catapult first, they were at an advantage and today nothing has changed. We have to keep up weaponry, and that is one of the things that this budget is designed to do, not to spend more money on airplanes, tanks and ships but to spend it smarter so that we do not have waste but we are buying what is the most effective and what is the most useful.

Mr. SHADEGG. I could not agree with the gentleman more, and I think it is important for us to understand that the bill moves in the right direction on that issue. The other issue, of course, which is very important for people to understand, is to know exactly what is going on with education.

We have heard the President; we have listened to the headlines. We know that he stepped forward and said, I demand. In fact, I think he said, I will not let this Congress go home until they fund my education initiative.

In reality, we are not funding his education initiative but we are funding a vitally important education initiative that has a component that he is for, and that component is funding more teachers for America. I think it is very important for people to understand this dynamic.

As I mentioned, I watched one of our colleagues on the other side of the aisle last night come on television and say, this day, this bill, the American people, parents, teachers, students across America are winners.

His answer was that they are winners because teachers got funded. Quite frankly, I think he was right, that they are winners, but he is right because our negotiators did not back off, and it is important to understand why. In America, we have always had one abiding principle on the issue of education, and that is that education was a matter of local control. The truth is, and I believe this to the depth of my soul, that the parents, the students, the teachers, the principal and the school board that runs my school know better how to educate the kids at my children's school, in Phoenix, Arizona, than a bunch of bureaucrats in Washington, D.C.

I think it is extremely important for every parent in America and for every teacher in America and for every school principal in America and for every school board member in America to understand that what this bill does on education is it strikes a compromise. The President wanted 100,000 new teachers but he wanted to hire them from Washington, D.C., with all of the decisions being made by Federal Department of Education bureaucrats. That was the detail of his demand, and as they say the devil is in the details.

Republicans said, Mr. President, we care about education. It is vitally important to us. There is no parent, Republican, Democrat, minority, otherwise, who does not care about his child's or her child's education, but, Mr. President, we believe in people. We believe that education is a matter where local control is vitally important.

Why does that matter? Our colleague, the gentleman from Michigan (Mr. HOEKSTRA) recently did a yearlong study on education, what works and what does not. In that study, they found one important factor: Schools where parents are involved are the best schools of all.

The problem with the President's idea was he wants to run education from Washington, D.C. The sad thing about that is that it will send the message to parents, to students, to teachers, to principals, to school board members, indeed to superintendents of public instruction in the various states, that they do not really know the right way to do it. We in Washington know how to do it. Because we fought and we won the fight for local control, this legislation says, yes, we will have more teachers but, yes, they will be hired at the State and local level and the decisions as to which ones are hired to teach which subjects will be made by people closest to where those decisions will impact. That is, parents and teachers and school administration officials right there in the local school district, and I cannot emphasize how important that is.

Mr. KINGSTON. Outside of my district but in the district of the gentleman from Georgia (Mr. CHAMBLISS), there is a little town called Gray, Georgia. Gray, incidentally is the home of Otis Redding. There was a teacher there who was one of these classic institution teachers that used to be filled in all of the school systems throughout the country. This teacher had about 30 years experience and she was the one that taught your big brother, maybe your big cousin and maybe in some cases your mom and dad, but she taught you and she taught you well. Everybody loved her.

They had an expert from the Department of Education come in. The expert was about 24 years old and she told this teacher, this 30-year veteran teacher, she said, you need to start teaching kids on the left-hand side of the chalk board because you write on the right-hand side of the chalk board and the kids' brains, the intuitive part of the cognitive dissidence of the brain, or some such garbage, it makes it easier for kids to learn if it is on one side of the chalk board because that is the learning side of their brain.

Here is this teacher, who has an army of success stories, just a thick fan of followers, and so this young whippersnapper from the Department of Education came in here and wanted her to change the way she did business and the teacher was wise enough to say, well, thank you for your suggestions, and I will certainly put it under consideration. We will start doing that. Why do not you just get in your car, do not worry about this classroom. You have shown us how to do it now. You get on back to the Department of Education.

Of course, the young consultant took off and the teacher continued in her archaic ways that had proven true for the previous 30 years. But that is the kind of absurdity that our teachers and our veteran classic teachers have to put up with.

So having that local control is so important because do you know what I suspect, I suspect that there is a lot that my Georgia school kids have in common with your Arizona school kids, but I would also suspect that maybe your teacher out there in Arizona might know what she or he needs to do to teach them a little bit better than the folks in Washington do, and they might know the difference between the kids' needs in Georgia and the kids' needs in Arizona without this cookie cutter Washington command, one-size-fits-all approach to education.

Mr. SHADEGG. I think the gentleman is completely right. It reminds me of a story. Both of my kids are in public school in Phoenix, Arizona. I have a 16-year-old daughter who goes to Thunderbird High School. I have a 12-year-old son who goes to Mountain Sky Middle School in Phoenix. I care about public education. Interestingly, both of my sisters are public school teachers, and until our second child was born my wife was a public schoolteacher. Last summer, one of my sisters called me up and said, JOHN, would you come over to an in-service for all of these teachers and talk to us about what is going on in Washington, what is going on with the education issue.

I went in kind of thinking that maybe I would have an adverse audience. I just walked through what we have to say, what Republicans have to say, about education, and this was a whole room of teachers. I am sure many of them were members of the NEA or the AEA, which is the Arizona version, and right down the line, when I talked to them about my concerns about education, but most importantly when I talked to them about this issue of local control, of letting parents and teachers at the school make decisions, they were adamantly in agreement with me. They do not want Washington bureaucrats telling them how to educate the kids in their classrooms. It just makes common sense.

How many of us in our regular jobs would like it if some Washington, D.C. bureaucrat came in and told us how to do our job? And yet that is the divide on this issue.

It makes me turn to one last part of this puzzle I want to talk about, and that is the issue of national testing. There was yet again this year a fight over national testing. The President wants one national test written in Washington, D.C. administered to every school child in fourth and eighth grade in America.

When you survey parents about ways to improve education, they generally say they like all these ideas, computers in the classroom, they like it; better teacher training, they like it; teacher testing to see if teachers are up to the standards and teacher performance standards, they like it.

When you ask them if they approve of national testing, parents across America say that is a great idea; national testing sounds like a good idea.

The problem is that while it sounds good, in reality it is a terrible idea. The teachers that I talked to last summer, who were all public school teachers in Phoenix, Arizona, said to me, Congressman, you are absolutely right. We do not need to give our kids yet one more test. They are already tested and tested and tested and tested. But they went beyond that and made it clear to me what they think is wrong with Bill Clinton's idea of a national test, one national test, stuffed down the throats of every single school child in America.

They said, JOHN, if there is one test, just one test, we are going to have to teach to that test.

Teachers are parents and human beings. They want their kids to do well. If they understand that there is one national test, written in Washington, D.C., deep in the bowels of the Federal Department of Education, with some of the most radical ideas in education in it, like, for example, whole math or new math or new new math, where kids are not expected to do multiplication problems or addition or subtraction problems because they might fail those, that is really true. That is in the version of the national test that is already written, but if teachers understand that their students are going to be expected to take this one national test they have got to teach to that one national test.

What does that mean? That means the curriculum, what kids get taught in your school, right down the street from where they will go tomorrow morning when the alarm clock goes off and you get them dressed and send them to school, what they will be taught in that classroom in your district, in your neighborhood, will not be decided by the principal at your school or by you and the school site council, it will not be decided by the local school board. It will not even be decided by the superintendent of public instruction or by the state legislature. It will be decided and dictated here in Washington, D.C.; once again, the Federal government telling people what is best for them, the Federal Government saying the only way to educate our kids is the way that we say to educate our kids in Washington, D.C., because they have got to pass this national test. It is a bad idea. It would hurt education.

I grant that the proponents of this idea may believe it is a good idea but, in fact, it is a very dangerous idea that would nationalize student curriculum and this legislation blocks the idea of a one-size-fits-all national test written here in Washington, D.C.

□ 2215

To our negotiators, I think that is a huge step forward for education in America and it will protect our kids and make sure that they do not get a curriculum crammed down their throats from Washington, D.C.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to say one other story about nationalizing education. I have in my area Saint Marys, Georgia, a small coastal community. And I was down there last year and a teacher told me she had just returned from Athens, Georgia, my hometown where the University of Georgia is, and there she went to a seminar on how to behave around kids.

It was the bureaucrats telling the teachers in Saint Marys, Georgia, do not be alone with the kids. Do not go to the bathroom with the kids, because they might accuse you of improper advance and so forth. And I can understand that. But it kind of got worse. I think that the teacher could probably use her own common sense of when it is appropriate to be alone with the child. But one of the things they said was, if a kid stays after class for punishment or tutorial help, do not meet with the child alone.

Imagine how awkward and difficult that would be. If a student needs a little help with math and can go in to see the teacher, they do not want to have to make a big production out of it. There should not have to be a witness to learn how to do a quadratic formula.

But it went on from there. They said do not ever hug kids. In her particular case, she was teaching small children and she said some of them come from a broken family. They need a hug more than they need an A or a B, and it is very important for her to show some affection to the kids. But when we have big bureaucracies telling teachers how to do it.

Mr. Speaker, I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman. I just want to make it clear, we talk here on the floor about nationalizing education. I am sure a lot of people are going, What does that mean?

What it really means is the sad fact of moving all the decisions about education to Washington, D.C. If my colleagues think every decision that is made in Washington, D.C. is a wise and prudent decision and they would like to surrender control over education to Washington, D.C., then they like national testing, they like the President's agenda of hiring all of those teachers here in Washington.

If they think sometimes they can make wiser decisions at home about their own life, including their children's education at their own school, then they have to oppose the President on that issue.

I want to turn, in the time that is remaining, to talking about the drug war. I mentioned earlier that there are six pieces of legislation in this bill that I think dramatically advance our fight against drugs. I want to talk last about one that is personally important to me. Let me just first rattle them off or list them off.

Number one, there is a ban on needle exchanges. There is a prohibition against the Federal Government taking American taxpayers' hard-earned money and giving free needles to drug addicts across America. I think that is a tremendous step forward. The idea of giving free needles to drug addicts is crazy.

There is a prohibition against medical marijuana. I think that is another important step in the right direction.

There is a provision called the Life Imprisonment for Speed Trafficking Act. Nobody in America cannot be concerned about this crime. I know in my own State of Arizona, and in my own community of Phoenix, there are many labs where this drug is created. It is doing immeasurable damage to our kids across America and we need tough penalties for it.

There are also some programs that help kids in this area. There is the Drug Demand Reduction Act which block grants funds to the State for Drug-free Communities Act and other community-based programs. And there is also a Drug-Free Workplace Act to support small businesses that have drug-free workplaces. My brother is in the construction business and drugs are a serious safety threat on the job.

But the most important bill I want to talk about has impact on me personally. It is called the Western Hemisphere Drug Elimination Act. And there is a significant piece of this bill that I care about.

Earlier this year, I had the good fortune to go to Central America and to visit Colombia. We flew into Bogota, Colombia, and while we were there we met with Jose Serrano, General Serrano, who is a legend in that country for his fight against drugs. He is the head of the Colombian National Police and a true hero in the fight against drugs.

He took us on a tour of the hospital he built for his troops who were engaged in the fight against drugs there in Colombia. We have to understand that in Colombia, the drug war is literally a war with machine guns and rockets and anti-aircraft missiles and lives being lost every day. As we toured the hospital and witnessed and talked to his colleagues who had been shot and hurt, he made a plea to us. He said, Congressman, we desperately need Blackhawk helicopters. And in this bill, we give the Colombian National Police and General Serrano six Blackhawk helicopters to fight the drug war. It is a gigantic step forward.

Mr. Speaker, some of us have been fighting to get those helicopters to Colombia for now over a year, almost going on 2 years, and this is just critically important.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Arizona. And let me close with this, Mr. Speaker. This Congress has brought us the balanced budget, that has cut taxes for the first time in 16 years, that has on a bipartisan basis reformed Medicare, and on a bipartisan basis reformed welfare, with 40 percent of the people who were on it in 1994 now being off of it.

This year we have accomplished greater drug laws, greater education laws, greater opportunities for our school kids, protected Social Security, modernized our military and our government. Next year we are going to go on to reduce taxes further, increase the quality of education and health care protection. It is an exciting time to be an American.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 13, 1998, AT PAGES 26007–26012

CONFERENCE REPORT ON S. 1260, SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

The Clerk read the title of the Senate bill.

(For conference report and statement, see Proceedings of the House of Friday, October 9, 1998, at page 24971.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of the conference report on the Senate bill, S. 1260, Securities Litigation Uniform Standards Act of 1998. This legislation we are considering today will eliminate State court as a venue for meritless securities litigation.

This legislation has broad bipartisan support. We recognize that the trial bar should not make an end run around the work we did in 1995 in overriding the President's veto of litigation reform in State court. This legislation will protect investors from baseless securities class action lawsuits in the capital markets.

The premise of this legislation is simple: lawsuits alleging violations that involve securities that are offered nationally belong in Federal court. This premise is consistent with the national nature of these markets that we recognize in the National Securities Market Improvement Act of 1995.

The legislative history accompanying the legislation makes clear that we are not disturbing the heightened pleading standard established by the 1995 Act.

The economic disruptions around the globe are reflected by the volatility that affects our markets. Stock prices are up one day, down the next. The prices are not falling due to fraudulent statements, which are the purported basis of many strike suits. The fall is due to economic conditions.

If there is intentional fraud, there is nothing in this legislation or in the Reform Act to prevent those cases from proceeding. We do not need to exacerbate market downturns by allowing companies to be dragged into court every time their stock price falls. The 1995 Reform Act remedied that problem for Federal courts, and this legislation will remedy it for State courts.

I would like to thank the gentleman from Ohio (Mr. OXLEY), the chairman of the Subcommittee on Finance and Hazardous Materials, for his hard work and leadership. I thank the gentleman from Michigan (Mr. JOHN DINGELL), the ranking member of the committee, for his constructive participation as we move the bill through committee.

I commend the gentleman from New York (Mr. TOM MANTON), the ranking member of the subcommittee, not only for his work on this legislation, but his valued service on the committee. It has been a pleasure working with him, and he will be missed.

I also commend the gentleman from Washington (Mr. RICK WHITE), the original cosponsor of the legislation, for his tireless efforts and willingness to compromise that has kept this legislation on track to becoming law.

Likewise, the gentlewoman from California (Ms. ANNA ESHOO) has been a leading proponent of this legislation, and has worked to ensure its passage, and certainly the gentleman from California (Mr. COX), the chairman of the Republican policy committee who has been working on this issue for many years.

Finally, I also commend our colleagues in the other body for their work on this important legislation. Mr. Speaker, I urge my colleagues to join me and support S. 1260.

Mr. Speaker, I ask unanimous consent to include for the RECORD a complete copy of the conference report on S. 1260.

When the conference report was filed in the House, a page from the statement of managers was inadvertently omitted. That page was included in the copy filed in the Senate, reflecting the agreement of the managers. We are considering today the entire report and statement of managers as agreed to by conferees and inserted in the RECORD.

The SPEAKER pro tempore. Since the Chair is aware that the papers filed in the Senate contain that matter as part of the joint statement, its omission from the joint statement filed in the House can be corrected by a unanimous consent request.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

* * *

The text of the Joint Statement of managers on S. 1260 is as follows:

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title 1 of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless "strike" suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a "covered security" (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

"Class actions" that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called "mass actions," in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated[2]; (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of "class action" for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the "Reform Act") and NSMIA.

---

[1] Public law 104–290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

[3] Public Law 104–67 (December 22, 1995).

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

> The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a "substition effect" whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court "potentially the most significant development in securities litigation" since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

> It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its pecular litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

The managers understand, however, that certain Federal district courts have interpreted the Reform Act as having altered the scienter requirement. In that regard, the managers again emphasize that the clear intent in 1995 and our continuing intent in this legislation is that neither the Reform Act nor S. 1260 in any way alters the scienter standard in Federal securities fraud suits.

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind." The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in Ernst and Ernst v. Hochfelder[10], the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b–5 in a subsequent case, Herman & Maclean v. Huddleston[11], where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at http://securities.stanford.edu. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

TOM BLILEY,
M.G. OXLEY,
BILLY TAUZIN,
CHRIS COX,
RICK WHITE,
ANNA G. ESHOO,
Managers on the Part of the House.
ALFONSE D'AMATO,
PHIL GRAMM,
CHRIS DODD,
Managers on the Part of the Senate.

Mr. BLILEY. Mr. Speaker, In 1995, during the consideration of the Private Securities Litigation Reform Act and the override of the President's veto of that Act, Congress noted that in Ernst and Ernst v. Hochfelder,[1] the Supreme court expressly left open the question of whether conduct that was not intentional was sufficient for liability under section 10(b) of the Securities Exchange Act of 1934. The Supreme Court has never answered that question. The Court specifically reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 105–5[2] in a subsequent case, Herman & Maclean v. Huddleston,[3] where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The Reform Act did not alter statutory standards of liability under the securities laws (except in the safe harbor for forward-looking statements). As Chairman of the Conference Committee that considered the Reform Act and as the bill's author, respectively, it is our view that non-intentional conduct can never be sufficient for liability under section 10(b) of the Exchange Act. We believe that the structure and history of the securities laws indicates no basis for liability under this section for non-intentional conduct. The following is a discussion of the legal reasons supporting our view that non-intentional conduct is insufficient for liability under section 10(b) of the Exchange Act.[4]

In Ernst & Ernst v. Hochfelder, the Supreme Court held that scienter is a necessary element of an action for damages under Section 10(b) and Rule 10b–5. The Supreme Court defined scienter as "a mental state embracing intent to deceive, manipulate, or defraud." Hochfelder, 425 U.S. at 194 n. 12.

A. NEITHER THE TEXT NOR THE LEGISLATIVE HISTORY OF SECTION 10(B) SUPPORT LIABILITY FOR RECKLESS BEHAVIOR

"The starting point in every case involving construction of a statute is the language itself."[5] Because Congress "did not create a private § 10(b) cause of action and had no occasion to provide guidance about the elements of a private liability scheme," the Supreme Court has been forced "to infer how the 1934 Congress would have addressed the issue[s] had the 10b–5 action been included as an express provision in the 1934 Act."[6]

The inference from the language of the statute is clear: Congress would not have created Section 10(b) liability for reckless behavior. Section 10(b) prohibits "any manipulative or deceptive device or contrivance" in contravention of rules adopted by the Commission pursuant to Section 10(b)'s delegated authority. The terms "manipulative," "device," and "contrivance" "make unmistakable a congressional intent to proscribe a type of conduct quite different from negligence." Hochfelder, 425 U.S. at 199. The intent was to "proscribe *knowing or intentional* misconduct." Id. (emphasis supplied). In addition, the use of the word manipulative is "especially significant" because "[i]t is and was virtually a term of art when used in connection with securities markets. It connotes intentional or willful conduct designed to deceive or defraud investors by controlling or artificially affecting the price of securities." Id. (footnote omitted).

Section 10(b) of the Exchange Act cannot be violated through inadvertence or with lack of subjective consciousness. Nor can one construct a device or contrivance without willing to do so. The words "manipulate," "device," or "contrivance," by their very nature, require conscious intent and connote purposive activity.[7] The mental state consistent with the statute can be achieved only if a defendant acts with a state of mind "embracing"—an active verb—"intent"—requiring a conscious state of mind—"to deceive, manipulate or defraud."[8]

---

[4] Grundfest, Joseph A. & Perino, Michael A., *Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995*, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105–85, at 41–45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities" "Oversight Hearing on the Private Securities Litigation Reform Act of 1995," Serial No. 105-182, at 3 (July 27, 1998).

[10] 425 U.S. 185 (1976).

[11] 459 U.S. 375 (1983).

Footnotes at end.

The legislative history compels the same conclusion. "[T]here is no indication that §10(b) was intended to proscribe conduct not involving scienter." *Hochfelder*, 425 U.S. at 202; *see also Aaron v. SEC*, 446 U.S. 680, 691 (1980) (same). Indeed, "[i]n considering specific manipulative practices left to Commission regulation * * * the [Congressional] reports indicate that liability would not attach absent scienter, supporting the conclusion that Congress intended no lesser standard under §10(b). "*Hochfelder*, 425 U.S. at 204. Congress thus "evidenced a purpose to proscribe only *knowing and intentional misconduct*." *Aaron*, 446 U.S. at 690 (emphasis supplied).

B. THE STRUCTURE OF THE STATUTE UNDERSCORES THAT THERE CAN BE NO SECTION 10(B) LIABILITY FOR RECKLESSNESS

In drafting the federal securities laws, Congress knew how to use specific language to impose liability for reckless or negligent behavior and how to create strict liability for violations of the federal securities laws.[9] But Congress did not use such language to impose Section 10(b) liability on reckless behavior. Therefore, just as there is no liability for aiding and abetting a violation of Section 10(b) because Congress knew how to create such liability but did not,[10] and just as there is no liability under Section 12(l) of the Securities Act, 17 U.S.C. §77l(l), for participants who are merely collateral to an offer or sale because Congress knew how to create such liability but did not,[11] and just as there is no remedy under Section 10(b) for those who neither purchase nor sell securities because Congress knew how to create such a remedy but did not,[12] there can be no liability for reckless conduct under Section 10(b) because Congress clearly knew how to impose liability for reckless behavior but did not.

The Supreme Court has, moreover, emphasized that the securities laws "should not be read as a series of unrelated and isolated provisions."[13] The federal securities laws are to be interpreted consistently and as part of an interrelated whole."[14] In *Virginia Bankshares, Inc. v. Sandberg*, 501 U.S. 1083 (1991), the Court reserved "the question whether scienter was necessary for liability under §14(a)."[15] The Court nonetheless held that statements of "reasons, opinions or belief" are actionable under §14(a), 15 U.S.C. 78n(a), and Rule 14a–9, 17 C.F.R. §240.14a–9, as false or misleading only if there is proof of (1) subjective "disbelief or undisclosed motivation," and (2) objective falsity. 501 U.S. at 1095–96. Justice Scalia explained the Court's holding as follows:

As I understand the Court's opinion, the statement "In the opinion of the Directors, this is a high value for the shares" would produce liability if in fact it was not a high value and the Directors knew that. It would not produce liability if in fact it was not a high value but the Directors honestly believed otherwise. The statement "The Directors voted to accept the proposal *because* they believe it offers a high value" would not produce liability if in fact the Directors' genuine motive was quite different—except that it would produce liability if the proposal in fact did not offer a high value and the Directors knew that.[16]

It follows that, if: (A) a statement must be subjectively disbelieved in order to be actionable under Section 14(a), a provision that may or may not required scienter, then: (B) *a fortiori*, under Section 10(b), a provision that clearly requires scienter, plaintiffs must show subjective awareness of a scheme or device.

Any other result would lead to the anomalous conclusion that statements actionable under Section 10(b), the more restrictive "catchall" provision of the federal securities laws, *Hochfelder*, 425 U.S. at 203, would not be actionable under Section 14(a). Indeed, "[t]here is no indication that Congress intended anyone to be made liable [under §10(b)] unless he acted other than in good faith [and] [t]he catchall provision of §10(b) should be interpreted no more broadly." *Id.* at 206[17]

The language of the text, the legislative history, and the structure of the statute therefore each compel the conclusion that intentional conduct is a prerequisite for liability under Section 10(b).

Additionally, the Reform Act established a heightened pleading standard for private securities fraud lawsuits. The Conference Report accompanying the Reform Act stated in relevant part:

The Conference Committee language is based in part on the pleading standard of the Second Circuit. The standard also is specifically written to conform the language to rule 9(b)'s notion of pleading with "particularity."

Regarded as the most stringent pleading standard, the Second Circuit requirement is that the plaintiff state facts with particularity, and that these facts intern must give rise a strong inference of the defendant's fraudulent intent. Because the Conference Committee intends to strengthen existing pleading requirements, it does not intend to codify the Second Circuit's case law interpreting this pleading standard. Footnote: For this reason, the conference Report chose not to include in the pleading standard certain language relating to motive, opportunity, or recklessness.[18]

The Conference Report accompanying S. 1260 is consistent with that heightened pleading standard articulated in 1995.

FOOTNOTES

[1] 425 U.S. 185 (1976).

[2] 17 C.F.R. §240.10b–5.

[3] 459 U.S. 375 (1983).

[4] We are grateful to Professor Joe Grundfest and Ms. Susan French of Stanford University for guidance to us on these questions.

[5] *Hochfelder*, 425 U.S. at 197 (quoting *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723, 756 (1975) (Powell, J., concurring). *See also Gustafson v. Alloyd Co.*, 115 S. Ct. 1061, 1074 (1995) (Thomas, J., Dissenting). *Central Bank*, 114 S. Ct. at 1446; *Landreth Timber Co. v. Landreth*, 471 U.S. 681, 685 (1985); *Santa Fe Indus., Inc. v. Green*, *430* U.S. 462, 472 (1977).

[6] *Central Bank*, 114 S. Ct. at 1441–42 (quoting *Musick, Peeler* 113 S. Ct. at 2089–90).

[7] *See Hochfelder*, 425 U.S. at 199 n. 20 ("device" means "'that which is devised, or formed by design; a contrivance; an invention; project; scheme; often a scheme to deceive; a strategem; an artifice'") (quoting Webster's International Dictionary (2d ed. 1934)); *id* (defining "contrivance" as " '[a] thing contrived or used in contrivance; a scheme . . .'").

[8] *Hochfelder*, 425 U.S. at 193 n. 12. *Cf. Santa Fe Industries*, 430 U.S. at 478; *Schreiber* v. *Burlington Northern Inc.*, 472 U.S. 1, 5–8 (1985).

[9] Section 11 of the Securities Act of 1933, 15 U.S.C. §77k. for example, imposes strict liability on the issuer for material misstatements or omissions in a registration statement and a "sliding scale" negligence standard on other participants in the offering process. *See Hochfelder*, 425 U.S. at 208. Sections 17 (a)(2) and (3) of the Securities Act, 15 U.S.C. §77q(a) (2),(3), impose liability for negligent or reckless conduct in the sale of securities. *Aaron*, 446 U.S. at 697.

[10] *Central Bank, 114 S. Ct.* at 1448 ("Congress knew how to impose aiding and abetting liability when it chose to do so.") (citing statutes).

[11] *Pinter v. Dahl*,486 U.S. 622, 650 & n.26 (1988) (Congress knew how to provide liability for collateral participants in securities offerings when it chose to do so).

[12] *Blue Chip*, 421 U.S. at 734 ("When Congress wished to provide a remedy for those who neither purchase nor sell securities, it has little trouble doing so expressly.").

[13] *Gustafson v. Alloyd Co.*, 115 S. Ct. 1061, 1067 (1995).

[14] *See, e.g, Hochfelder*, 425 U.S. at 206 (*citing Blue Chip*, 421 U.S. at 727–30; *SEC v. National Sec., Inc., 393 U.S. 453, 466 (1969))*.

[15] 501 U.S. at 1090 n. 5 (*citing TSC Indus. Inc. v. Northway, Inc.*, 426 U.S. 438, 444 n. 7 (1976) (reserving the same question).

[16] 501 U.S. at 1108–09 (Scalia, J., concurring in part and concurring in the judgment).

[17] The Supreme Court has previously extended holdings from §14(a)'s proxy antifraud provisions to §10(b)'s general antifraud provision. *See, e.g., Basic, Inc. v. Levinson*, 485 U.S. 224, 231–32 (1988) (adopting for purposes of §10(b) liability the standard for materiality initially defined under §14(a) by *TSC*, 426 U.S. at 445).

[18] Conference Report accompanying the Private Securities Litigation Reform Act of 1995, p. 41, 48.

OMISSION FROM THE CONGRESSIONAL RECORD OF OCTOBER 14, 1998, PAGE 26313

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON THURSDAY, OCTOBER 15, 1998

Mr. FOLEY. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered on Thursday, October 15, 1998:

1. S. 1733.—To Require the Commissioner of Social Security and Food Stamp State Agencies to Take Certain Actions to Ensure that Food Stamp Coupons are not Issued for Deceased Individuals.
2. H.R. 4821.—A bill to extend into fiscal year 1999 the visa processing period for diversity applicants whose visa processing was suspended during fiscal year 1998 due to embassy bombings.
3. S.J. Res. 35.—granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement.
4. S. 1134.—granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 610.—Chemical Weapons Convention Implementation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. THOMPSON (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. HUTCHINSON (at the request of Mr. ARMEY) for today until 7 p.m., on account of official business.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for October 14, on account of personal reasons.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and October 16, on account of events in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:

Mr. GOODLING, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. EWING, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. HAYWORTH, for 5 minutes, today.

Mr. WELLER, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. WAMP, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. BUYER, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. SESSIONS, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. LATHAM, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8. To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 16, 1998, at 1 p.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform and Oversight. Hepatitis C: Silent Epidemic, Mute Public Health Response (Rept. 105–820). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Medicare Home Health Services: No Surety in the Fight Against Fraud and Waste (Rept. 105–821). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SHUSTER. Committee on Transportation and Infrastructure. H.R. 2748. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for other purposes; with an amendment; referred to the Committee on Judiciary for a period ending not later than October 16, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X. (Rept. 105–822, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. THURMAN (for herself and Mr. SCARBOROUGH):

H.R. 4842. A bill to release the reversionary interests retained by the United States in four deeds that conveyed certain lands to the State of Florida so as to permit the State to sell, exchange, or otherwise dispose of the lands, and to provide for the conveyance of certain mineral interests of the United States in the lands to the State of Florida; to the Committee on Agriculture.

By Ms. ROYBAL-ALLARD:

H.R. 4843. A bill to amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities and nursing facilities filing for relief under title 11 of the United States Code to provide to appropriate State agencies written notice of such filing, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4844. A bill to improve the quality of child care through grants and a commission on child care standards, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 4845. A bill to prohibit the Federal Communications Commission from increasing the national audience reach limitations established under the Telecommunications Act of 1996; to the Committee on Commerce.

By Mr. CAMPBELL:

H.R. 4846. A bill to amend the Internal Revenue Code of 1986 to increase the deduction allowed for interest on education loans; to the Committee on Ways and Means.

By Mr. MCHALE:

H. Con. Res. 351. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3910; considered and agreed to.

By Mr. YOUNG of Alaska:

H. Con. Res. 352. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of a bill; considered and agreed to.

By Mr. CRANE:

H. Res. 601. A resolution returning to the Senate the bill S. 361; considered and agreed to.

By Mr. SHUSTER:

H. Res. 602. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 2204; considered and agreed to.

By Mr. ROHRABACHER:

H. Res. 603. A resolution expressing the sense of the House of Representatives that the seat in the United Nations that is reserved to Burma should be occupied by a representative of the National League for Democracy; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 836: Mrs. LINDA SMITH of Washington.

H.R. 1636: Mrs. JOHNSON of Connecticut and Mr. KILDEE.

H.R. 2273: Mrs. MCCARTHY of New York and Mr. FORD.

H.R. 2351: Mr. LAFALCE.

H.R. 2545: Mr. SHAW.

H.R. 2635: Mr. NADLER.

H.R. 2669: Mr. BOB SCHAFFER, Mr. KINGSTON, Mr. BARR of Georgia, Mr. HANSEN, Mrs. CUBIN, Mr. HILLEARY, and Mr. MORAN of Kansas.

H.R. 2704: Ms. MILLENDER-MCDONALD, Mr. YATES, Mrs. CLAYTON, Ms. ROYBAL-ALLARD, and Ms. HARMAN.

H.R. 2789: Mr. PAYNE.

H.R. 3081: Mr. FORBES, Ms. LOFGREN, and Mr. MENENDEZ.

H.R. 3320: Mr. CRAMER and Mr. DOYLE.

H.R. 3400: Mr. JACKSON of Illinois.

H.R. 3439: Mr. FRANK of Massachusetts.

H.R. 3553: Mr. MORAN of Virginia.

H.R. 3572: Mr. BROWN of Ohio.

H.R. 3629: Mr. GUTKNECHT.

H.R. 3862: Mr. STRICKLAND, Mrs. MINK of Hawaii, Mr. SERRANO, Mr. NEY, and Mr. FRELINGHUYSEN.

H.R. 3918: Mr. BERMAN.

H.R. 3956: Mr. BROWN of California.

H.R. 4018: Mr. BARRETT of Wisconsin, Mr. UNDERWOOD, and Mr. LUTHER.

H.R. 4035: Mr. LAZIO of New York.

H.R. 4036: Mr. PITTS, Mrs. LOWEY, and Mr. ROGERS.

H.R. 4214: Mr. MILLER of California.

H.R. 4233: Mr. PALLONE.

H.R. 4235: Mr. WEYGAND.

H.R. 4242: Mr. ROEMER.

H.R. 4344: Mr. KUCINICH, Mr. TURNER, Mr. CLEMENT, Mr. EDWARDS, Mrs. THURMAN, Mr. BENTSEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas.

H.R. 4403: Mr. OLVER.

H.R. 4492: Mrs. LINDA SMITH of Washington and Mr. GOODLATTE.

H.R. 4552: Mr. BROWN of California and Ms. KILPATRICK.

H.R. 4553: Ms. DEGETTE.

H.R. 4621: Mr. LUTHER and Ms. KILPATRICK.

H.R. 4653: Mr. OLVER.

H.R. 4659: Mrs. NORTHUP and Mr. STOKES.

H.R. 4683: Mr. HALL of Texas.

H.R. 4684: Mr. REDMOND.

H.R. 4789: Mrs. MYRICK.

H.R. 4795: Mr. PORTMAN.

H.R. 4837: Mr. BARTON of Texas, Mr. CASTLE, Mr. EHRLICH, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. MILLER of Florida, Mr. PARKER, Mr. PITTS, Mr. ROYCE, Mr. SHADEGG, Mr. SHAYS, and Mr. SMITH of Michigan.

H.J. Res. 130: Mr. BLILEY.

H. Con. Res. 229: Mr. FOX of Pennsylvania.

H. Con. Res. 283: Mr. PRICE of North Carolina.

H. Con. Res. 307: Mr. MILLER of California and Mrs. CAPPS.

H. Con. Res. 325: Ms. WATERS.

H. Res. 554: Mr. ABERCROMBIE.

H. Res. 566: Mr. SAWYER.

H. Res. 596: Mr. BISHOP.

H. Res. 598: Mr. COSTELLO, Mr. BUYER, Mr. STUPAK, Mr. EVANS, Mr. ADERHOLT, Ms. LEE, Mr. DAN SCHAEFER of Colorado, and Mr. SKEEN.

EXTENSIONS OF REMARKS

AMENDMENT OF THE SAVINGS PROVISIONS OF THE CLINGER-COHEN ACT OF 1996

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BARTLETT of Maryland. Mr. Speaker, it is not too often that a single, simple change in the law can save the Government tens of millions of dollars, but this is true of a technical amendment that the House has enacted. I became aware of this opportunity as a member of the House subcommittee overseeing DoD's commissaries, which are supermarkets operated at military facilities around the world.

In October 1995, the commissaries awarded an important contract for category management services to Marketing and Management Information, Inc. (MMI), a small company in my State. Under this contract, MMI was required to provide the commissaries with almost $100 million in cash and free services, in exchange for sales data that the commissaries collect automatically. MMI first conceived this arrangement more than a decade earlier, and already had paid millions of dollars to the commissaries under earlier contracts. The 1995 contract was awarded after full and open competition, in which MMI prevailed against three competitors literally 50 times larger than MMI. In other words, this David beat three different Goliaths.

At this point, the losers turned to high-priced Washington lawyers, who conceived the strategy of arguing that the competition ran afoul of the Brooks Act, one of the great achievements of our well-remembered former colleague from Texas. Now, this was simply sour grapes on their part, because they never raised this argument during the competition, when each of them was hoping to receive the contact. In fact, the commissaries said months before the award that the Brooks Act didn't apply, and none of them made a peep at that point. Nevertheless, they all got together right after the award and sued the Government to stop the contract.

Now, the Brooks Act gave the GSA authority over computer purchases by the other agencies. The contract awarded to MMI was for the sale of commissary scanner data, which has as much in common with computer purchases as a hat does to a rat. Nevertheless, the GSA saw an opportunity to expand its little empire, and it tried to do so. The GSA told the commissaries that they needed written permission (a "delegation") to proceed with the contract.

Interestingly enough, the same thing had happened five years earlier. Then, the commissaries pushed the paperwork through, and everyone was happy. This time, however, acting on poor legal advice from William Sherman (the Government attorney responsible for losing the protest), the commissaries unwisely dug in their heels, and did nothing to clear the paperwork. MMI's contract remained at a standstill.

The great irony is that a few months earlier, the Congress repealed the Brooks Act, eliminating this paperwork requirement for all of the agencies. Thus the contract was being held up by paperwork that wasn't even required any more. This repeal was accomplished in the Clinger-Cohen Act, authored by our dear former colleague William Cohen, who now oversees the military commissaries and the rest of DoD.

With the commissaries doing nothing to solve this problem, MMI appealed the GSA's decision. Rather than helping MMI, the commissaries imprudently claimed that they could do without MMI's money and free services, and would provide the same services with their own staff at Government expense. I asked the commissaries to provide me with a single example of any MMI report that they were able to generate themselves. They were unable to do so. In other words, the commissaries were wasting public money in an unsuccessful effort to duplicate services successfully performed by private enterprise for the past 15 years, at no cost to the Government.

In the appeal, MMI succeeded in getting the GSA's decision vacated, meaning that nothing prevented the commissaries from proceeding with the contract. Since the commissaries claimed that they would do without the money and free services, the court left it to the commissaries and MMI to work things out.

At this point the commissaries, again acting on poor advice from Mr. Sherman, still maintained that they would needlessly deprive themselves of MMI's money and free services, and try to make up for these losses in other ways. MMI then filed a $45 million claim against the commissaries. Thus, through the commissaries stubborn insistence on infringing on private enterprise, we reached a point where the Government could end up losing $45 million, rather than receiving almost $100 million in cash and free services.

I am happy to report that a simple technical amendment adopted by the House solves this problem. The technical amendment makes it clear that the Clinger-Cohen repeal of the Brooks Act means that there never was any requirement for the commissaries to obtain a "delegation" here, nor is there any valid basis of any kind for protesting the award to MMI. As a result, the amendment orders the commissaries to proceed with the MMI contract beginning 15 days after enactment, and to continue that contract for its full five-year term from that date, through the year 2003. Under the contract, MMI alone will receive the commissary sales data during this period, and it will provide the commissaries with the valuable cash and free services stipulated in the contract.

Here in Congress, we rely on the other Branches of Government to carry out our intentions. With the repeal of the Brooks Act, there is no doubt that we wanted to eliminate GSA oversight of other federal agencies, once and for all. In the case of MMI's contract, however, the other Branches just weren't listening. The result has been to take the commissaries to within an inch of disaster. I am very happy that just a few words from us about our intentions, in the form of this technical amendment, will have the extraordinary effects of providing the Government with almost $100 million in cash and free services, avoiding the sheer waste of duplicating these services at the taxpayers' expense, and also avoiding the crushing blow of a $45 million judgment against the commissaries. I want to thank my respected colleague Congresswoman MORELLA, and others who have supported this effort. On a day like today, I am very proud to be a member of the subcommittee overseeing the commissaries, and a Member of this august body.

50TH ANNIVERSARY OF PASCACK VALLEY HOSPITAL AUXILIARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Pascack Valley Hospital Women's Auxiliary on 50 years of dedicated service to their community in northeastern Bergen County, New Jersey. The Pascack Valley Auxiliary is an excellent example of my longstanding philosophy that all issues are "women's issues." The Women's Auxiliary was formed in 1948—not only to support the professional staff and patients but with an additional goal as well—the establishment of a hospital. The Pascack Valley Hospital Women's Auxiliary was actually formed before the hospital itself—because these pioneering women knew that community health care was a "women's issue."

Pascack Valley Hospital had its beginnings in May 1941 when Westwood resident Louise Bohlin was shocked that a Hillsdale friend died because they had to wait three weeks for admission to the nearest existing Bergen County hospital because of a shortage of beds. Mrs. Bohlin vowed that the Pascack Valley would have a hospital of its own and organized local physicians, mayors and concerned citizens into the Pascack Valley Hospital Association. The association held its first meeting November 27, 1941. Unfortunately, that meeting came only 10 days before the bombing of Pearl Harbor, and plans for a hospital were put on hold for the duration of World War II.

The end of World War II brought an influx of returning veterans and expanding families, and renewed interest in a community hospital.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Pascack Valley Hospital Association was reorganized in 1946 and a Women's Auxiliary was named to supplement efforts of the Board of Trustees. Mary G. Walker of Westwood was named as the first president. The Auxiliary held its first meeting in 1947 and worked for the next decade establishing branches in the various municipalities that would be served by the hospital.

On June 1, 1959—18 years after the idea was born—the single-story, 86-bed hospital opened its door and welcomed its first patients. The hospital has, of course, grown tremendously since then. Today, it is a full-service, 291-bed hospital providing a wide range of the most advanced, technically sophisticated health care services available. Pascack Valley Hospital serves 16,000 inpatients and 70,000 outpatients a year, yet still maintains an excellent reputation for individualized attention to the needs of each and every patient. The hospital is part of the Well Care Group Inc., which includes the hospital; Pascack Community Services, which provides outreach and educational services; Pascack Valley Hospital Foundation, the fund-raising arm; and Life Key Ventures Inc., which includes the Center for Human Reproduction, the Pascack Valley Psychiatric Institute, Pascack Valley Imaging Associates, the Bergen Nursing Team and the Pascack Healthcare Institute.

The Auxiliary has remained an active force during the hospital's nearly 40 years of growth. Members have helped establish and run programs including baby hats, baby photos, the bookmobile, central transport, clerical services, the gift cart, gift shop, information desk, menu service and messenger service. The Auxiliary has raised more than $2.7 million over the past half-century, making an important financial contribution in addition to the incalculable value of its volunteer services. The current President, Barbara Musso of Park Ridge, and her officers and members, carry on in the tradition of public service set by Louise Bohlin and Mary G. Walker.

A local hospital is one of the most basic amenities a community can be expected to offer, as vital as a police and fire department or infrastructure such as water, sewer and good roads. It was the women of the Pascack Valley who realized this necessity half a century ago, perhaps because it is women—even today—who are most often in charge of health care issues for their families. The hard work and dedication of the Pascack Valley Hospital Women's Auxiliary made a local, community hospital a reality and helped make the Pascack Valley the successful region it is today.

I ask my colleagues in the U.S. House of Representatives to join me in thanking the Auxiliary, its leaders and its members for their vision, perseverance and dedication over the years.

TRIBUTE TO JESSE E. NASH, JR.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. QUINN. Mr. Speaker, I rise today to honor Jesse E. Nash, Professor Emeritus at Canisius College, as he enters retirement.

A lifelong resident of the City of Buffalo, Jesse Nash is truly a leader in our community. He began his career with the Department of Sociology/Anthropology of Canisius College in 1965, and remained there until the close of classes last Spring.

In addition, to his outstanding performance as an Educator, Professor Nash has been extremely active in our Western New York community. In 1981, he was appointed to the New York State Commission on Minorities in the Health-Related Professions in Higher Education. He has served as a member of the Robert T. Coles project team, which has implemented "Citizen Participation" components for the Buffalo War Memorial Stadium Renovation Project, the Buffalo Light-Rail Rapid Transit Station Area Land Use Study, the Erie County Community College City Campus Physical Education Feasibility Study, and the Buffalo Waterfront Alternatives Study.

Since 1978, Professor Nash has served as President of the Seventy-Eight Restoration Corporation, a community-based economic development company. This company won national acclaim for its development and restoration of the Emerson Row Houses, which provided affordable housing in a truly historic setting.

In recognition of his tremendous commitment to Education, Professor Nash has been honored with the Canisius College President's Medal, the President's Award at the State University of New York at Buffalo, a Doctorate of Humane Letters at Canisius, an induction into the National Jesuits' Honor Society Alpha Sigma Nu, and in 1998, was distinguished as Professor Emeritus of Canisius College.

For his dedicated service and leadership in our community, Professor Nash has been honored with the Lifetime Community Service Award from Sheehan Memorial Hospital, the "Red Jacket" Community Service Award from the Buffalo and Erie County Historical Society, the Marcus Garvey Award from the Jamaican and American Association, and the Martin Luther King, Jr. Award from Canisius College.

In addition, Professor Nash has received the Buffalo Urban League's Evans-Young Award and the Brotherhood Award from NCCJ. In 1993, Governor Mario Cuomo recognized his lifetime commitment with the prestigious Governor's Award for Distinguished Blacks in New York State. In 1990, along with his wife, Hortense, Professor Nash received the prestigious Medgar Evers Award from the Buffalo Chapter of the NAACP.

Mr. Speaker, today I would like to join with Professor Nash's wife, Hortense; his children, Jesse III, George, and Deborah; the faculty, staff, students and alumni of Canisius College; and our entire Western New York community in tribute to Professor Jesse E. Nash, Jr.

With retirement comes many new opportunities. May Jesse Nash meet each new opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career, and may those opportunities be as fruitful as those in his past.

Thank you, Professor, for your tireless effort and personal commitment to our community and to the many young men and women fortunate enough to have had you as a teacher throughout the past thirty-three years.

TRIBUTE TO THE OWNERS AND EMPLOYEES OF THE ION EDGE CORPORATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the owners and employees of the Ion Edge Corporation in Ft. Collins, Colorado. Their hard work and dedication earned the Small Business Association's National Tibbetts Award and national recognition for pollution prevention. This company's innovative process virtually eliminates pollution from the process of metal plating.

Traditional methods of plating require dipping in large vats of chromium, cadmium and other metals. Ion Edge, however, developed a zero-waste dry plating process whereby metals are vaporized and sprayed onto aircraft and other parts. Today, the company sells 50,000 plated fasteners for aerospace manufacturing. The Environmental Protection Agency has also granted the company funds for research into a similar process for chrome plating.

By eliminating waste, Ion Edge has developed a process that is both good for business and the environment. I commend Mandar Sunthankar, the company president, and all of the people whom have contributed their time to this sound effort.

TRIBUTE TO THE REPUBLIC OF CHINA ON TAIWAN'S NATIONAL DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. LIPINSKI. Mr. Speaker, October 10, 1998 was the occasion of the Republic of China's National Day. Eighty seven years ago, Sun Yat Sen and his fellow revolutionaries declared independence from the authoritarian Manchu government and founded the Republic of China.

Echoing the famous words of one of America's greatest leaders, Abraham Lincoln, at his Gettysburg address, article I of the constitution of the Republic of China states that Taiwan "shall be a democratic republic of the people, to be governed by the people and for the people." The Republic of China is living proof that democracy works. Founded as a democracy, Taiwan has grown, matured and evolved from a single party system into a multiparty democracy with a stable economy. Free and fair elections are a reality here, not a false promise, and open and lively debate is a trademark of Taiwanese politics.

Ronald Reagan, who singlehandedly brought down the Iron curtain and communism, once referred to America as the "Shining city on the hill." Well, that is an apt metaphor for Taiwan too. Thanks to the leadership and vision of Generalissimo Chiang Kai Shek, former President Chiang Ching Kuo and

President Lee Teng Hui, Taiwan is also a shining example of freedom and democracy and a strong bulwark against communism.

Mr. Speaker, on the occasion of the eighty-seventh birthday of the Republic of China, I wish to offer my most heartfelt congratulations for a nation that has done so much in such a short period of time. I am confident that we can all look forward to continuing our long and prosperous partnership with one of our strongest allies in East Asia.

Finally, I would like to commend Stephen Chen, Taiwan's representative to the U.S. His hard work and patriotism is an asset to his nation.

TRIBUTE TO 1998 SOUTH CAROLINA DISTRICT CONFERENCE OF ALPHA PHI ALPHA FRATERNITY, INC.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Alpha Phi Alpha Fraternity, Inc. On the occasion of its 1998 South Carolina District Conference which will be held in Orangeburg, S.C. beginning October 22nd.

Alpha Phi Alpha Fraternity was founded at Cornell University in Ithaca, New York. It is a service fraternity which employs its members to discount evil, destroy all prejudices, and preserve the sanctity of the home, the personification of virtue, and the chastity of women.

This year's conference, being held in my district, is designed to promote the empowerment of youth through education, appreciative concepts of self, a strong sense of duty, discipline, and love for all mankind.

Mr. Willie Jefferson serves as the District Director and Mr. J. Anthony Moorer and Mr. Henry L. Robinson are the co-chairmen of the 1998 conference.

Mr. Speaker, I would like to congratulate the South Carolina chapters of Alpha Phi Alpha Fraternity, Inc. for their accomplishments. And I ask that my colleagues join me in wishing them great success with next week's 1998 South Carolina District Conference.

TRIBUTE TO THE HMONG AND LAO PEOPLE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, in recent years, for the first time in their long and proud history, the Hmong and Lao people were honored by Members of Congress and U.S. officials at national recognition ceremonies in Washington, DC. Many people from the Central Valley and around the nation worked to organize and participate in these historic ceremonies.

The Lao Veterans of America National Recognition Day ceremonies were held for the first time, in both 1997 and 1998, at the Vietnam War Memorial and Arlington National Cemetery. They were organized by the nation's largest non-profit Hmong and Lao veterans organization, the Lao Veterans of America, Inc., of Fresno, California, which is headquartered in my Congressional district. I was honored to participate and lend support to these important ceremonies in which many people from the Central Valley participated. Indeed, it has given me great pride to join with U.S. officials and American veterans to honor the courageous Hmong and Lao soldiers and their families for their crucial role in the U.S. "Secret Army" assisting American clandestine and military operations during the Vietnam War. In attendance were many Members of Congress as well as current and former State Department, Defense Department and CIA officials associated with the Hmong and Lao people.

Mr. Speaker, I would like to thank and recognize a number of important people from the Central Valley and across the United States who contributed to the enormous success of these national events including Major General Vang Pao, Major General Ron Markarian, Major General Paul Carroll, Colonel James Arthur, Colonel Wangyee Vang, Major Thai Vang, Captain Grant McClure, Captain Song Pao Yang, Colonel Thai Vang, Yer Vang, Cherzong Vang, Chong Bee Vang, Ying Vang, Dr. Jane Hamilton-Merritt and Philip Smith. The patriotic contributions of these individuals and many others, as well as the leadership efforts of the Lao Veterans of America and the Lao Family Community organization, helped to raise awareness among U.S. policymakers and the American people about the important wartime sacrifices of the Hmong and Lao combat veterans. I would, therefore, like to include in the RECORD the following article from the Washington Times.

[From the Washington Times, May 14, 1997]

HMONG VETERANS TO RECEIVE MEDALS

(By Ben Barber)

Thousands of ethnic Hmong veterans who fought with the United States in Laos during the Vietnam War will receive congressional medals when they assemble at the Vietnam Veterans Memorial for the first time today.

About 4,000 veterans—part of the 100,000 Hmong who came as refugees to the United States after the Communists took power in 1975 in Laos—are expected to participate at the ceremony. The Vietnam Veterans National Medal will be awarded to 2,500 people.

Several congressmen and former CIA and Pentagon officials who fought with them will present the medals, said Philip Smith, Washington director of the Lao Veterans of America.

The Hmong will then march across the Potomac River to Arlington National Cemetery to symbolize their exodus across the Mekong River to Thailand after the Communist victory in 1975.

Tomorrow the Hmong will return to Arlington National Cemetery to unveil the first war memorial to the Hmong and Lao veterans and their American advisers.

"I think it is important because I think we are going to show that we have done some critical work for the United States, and this is the first and only time we get together and show it," said Xeng Ly, 41, who served as a field medic in the war.

He said that after the defeat of the American-allied anti-Communist forces in Laos, Vietnam and Cambodia, he crossed the Mekong River and spent 15 months in a refugee camp at Nong Khai, Thailand, before coming to the United States. Five years later his family followed. They now live in Sterling, where three children are in school.

Part of the reason that the Hmong are coming to Washington is the fear that many benefits are going to be cut under a stringent new immigration law limiting benefits to noncitizens, said Mr. Xeng.

"Some of the Hmong are elderly and can't speak English. They can't pass the citizenship exam and will be cut off from help," Mr. Smith said.

Some of the Hmong will meet with congressmen and congressional staffers this evening.

The Hmong also want the United States to withhold most-favored-nation trading status for Laos unless it permits international human rights observers to enter the country. The Hmong who remain in Laos—an estimated 300,000—reportedly still face persecution.

The Hmong-Americans also want the new U.S.-funded Radio Free Asia to add Hmong language programs to its broadcasts, Mr. Smith said.

The Hmong served under a joint mission operated by the State Department, Central Intelligence Agency, Department of Defense and Agency for International Development. They served as spotters for bombings for Communist forces and in other combat roles.

With the declassification of documents about the war era, from 1961 to 1973, more facts are coming out about the Hmong role.

Mr. Smith estimates the secret army could have totaled 100,000 people. By the end of the war, because of many deaths, there were many young boys in uniform fighting for the secret army.

President Reagan signed the bill authorizing the medals for the Hmong in 1986 to honor Vietnam veterans and those who served with them in Southeast Asia. But it took 11 years for the medals to be awarded because the Hmong remained, in some sense, still forgotten, said Mr. Smith.

"I think the Hmong are still suffering from the covert nature of the war," he said.

The memorial to be unveiled tomorrow in Arlington will bear the following inscription:

"Dedicated to the U.S. Secret Army; Laos, 1961–73; In memory of the Hmong and Lao combat veterans and their American advisors who served freedom's cause in Southeast Asia."

The memorial also says in Lao and Hmong language, "You will never be forgotten."

TRIBUTE TO AUSTIN CUNNINGHAM

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SPENCE. Mr. Speaker, I rise today to recognize an outstanding South Carolinian, Austin Cunningham. This retired business executive has dedicated himself to the community of Orangeburg and to the State of South Carolina.

As a young man, Austin Cunningham, went to work to help support his family when his father died. He worked during the day and went to both high school and college at night, earning a law degree from the University of Virginia in 1940. During his business career, Mr. Cunningham has been the president of five companies and he has owned two manufacturing plants in South Carolina. President Reagan recognized Mr. Cunningham for his work with the Jobs Tax Credit Program and he has been involved with the administrations of former Governor Carroll Campbell and Governor David Beasley in improving race relations in our State. He has also contributed his time and efforts in the Orangeburg area on behalf of: Crime Watch, Crime Stoppers, the People's Assault on Drugs (PAD), as well as the collaboration between South Carolina State University and the South Carolina Philharmonic, which has resulted in an annual three concert satellite series.

Due to his impressive civic contributions, Mr. Cunningham has been named as an 'Outstanding Older South Carolinian," by the Lower Savannah Region Aging Advisory Committee, representing a six-country region. He is now a nominee for the State title, which will be determined in November. Also, Mr. Cunningham was recently recognized as the Orangeburg, South Carolina "Citizen of the Year" for 1998.

I have known Austin Cunningham for many years. In addition to his civic involvement, I have been impressed by his insight into issues affecting our Country. He regularly submits articles that reflect his opinions on timely topics to local newspapers in South Carolina. Following is an article that Mr. Cunningham authored concerning the issue of Church and State, that I would like to include with this tribute to Austin Cunningham. It is with pleasure that I commend Austin Cunningham on his achievements and wish him much continued success.

[From the Times and Democrat, Orangeburg, SC, Nov. 23, 1998]

CHURCH AND/OR STATE—IN THE NAME OF FREEDOM, COURT TAKES AWAY RELIGION

(By Austin Cunningham)

There's a private day school in New York where the tuition is $14,000 a year. A parent who felt that he and his wife weren't doing a good enough job wanted the school to step into the moral vacuum and teach his teenager values. The answer he got was that the school had its hands full preparing students for Ivy League colleges. "So much of ethics and morality are tied up with religions that we don't dare touch it."

In recent decades the U.S. Supreme Court has carved out a whole new body of law. Religion may no longer be preferred to irreligion, prayer is not permitted in publicly funded ceremonies and schools, not Bible readings, nor officially sanctioned silent moments. Localities are trying to get around these strictures but at some risk. You can advocate communism or genocide but religious observations cannot be tolerated. No religious symbols on public property, no crosses, no menorahs, no Ten Commandments. In areas as diverse as criminal justice, federalism, pornography, educational policy we've been caught up in a downward spinning moral whirlpool.

This year we celebrate the 210th anniversary of the American Constitution and the 206th of the Bill of Rights.

When the U.S. Congress passed the first 10 amendments to the Constitution (the Bill of Rights) early in George Washington's first term, the members were crystal clear in their minds about what they meant and wanted. This is quintessentially true of the First Amendment, a single sentence, the first two clauses of which (the Establishment Clause and the Free Exercise Clause) are my subjects. They fascinate me. I hope you'll feel the same.

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." That amendment has played a crucial role in protecting our right to govern ourselves. But it has been amended drastically by a new breed of federal judge who jumps through hoops and piles on sophistry to prove the amendment says what it plainly doesn't say.

The writers of the Constitution (Thomas Jefferson, who wasn't there, called them demigods) descended from immigrants who came here to escape religious persecution or suppression and were looking for opportunities in a new world. They were overwhelmingly Christian, Protestant and devout. "Establishment religions" had been left behind but six of the 13 colonies set up established religions of their own, religions financially or legally government-supported. In New England the Congregationalists were favored; from Maryland south the Episcopal Church got the nod with a strongly Catholic population in southern Maryland. Presbyterians and Baptists were active but weren't part of an "establishment." Even so, all religions thrived which certainly included those of the Catholic and Jewish persuasions.

The crystal clarity I've referred to in the First Amendment involved the intention of Congress to protect all religion from the central government and give the states free rein.

In 1770 in South Carolina the law read "The Christian Protestant religion shall be the *established* religion in the state." (My emphasis.) The law forbade a religious society calling itself a church unless it agreed "there is one eternal God . . . and the Holy Scriptures of the Old and New Testament were of divine inspiration." To remark that our country started as a Christian nation should be as commonplace as saying we are an English-speaking one.

Years later (1868) the 14th Amendment effectively abolished the right of states to have established religions (none was left, anyway).

I'm writing about a volatile subject here, one that raises hackles. Let me set the record straight historically by quoting our first four presidents (Washington, Adams, Jefferson, Madison) directly:

George Washington: In one place he referred to the "divine author of our beloved Religion (meaning Christ)." A few months after taking office: "It is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits and humbly to implore his protection." Later: "There never was a people who had more reason to acknowledge a divine interposition in their affairs than those of the United States."

John Adams: "The greatest glory of the American Revolution was this, it connected in one indissoluble bond the principles of civil government and Christianity." And: "Our Constitution was designed for a moral and religious people only."

Thomas Jefferson: In 1802: "That free exercise of religion is placed by the Constitution, independent of the powers of the general government. . . . I consider the federal government interdicted from intermeddling with religious institutions, their doctrines, discipline or exercises." Thomas Jefferson believed "moral philosophy was necessary in public education, it must be made available through legislative appropriations." At his on beloved University of Virginia, a public school, he required that each student take a course in religion.

James Madison: "We have staked the whole future of American civilization not on the power of government . . . on capacity of everyone to govern themselves according to the Ten Commandments." (In 1980 our courts held that it was unconstitutional to put the Ten Commandments on school walls thus protecting our young people from aphorisms like Honor thy father and thy mother . . . Thou shalt not kill . . . Thou shalt not commit adultery . . . Thou shalt not steal.") As the Father of the Constitution, Madison's whole idea was to prevent Congress from establishing a national religion that would threaten the religious diversity of the states.

Permit me to add Tocqueville (in the 1830s): "Americans combine the notions of religion and liberty so intimately in their minds it is impossible to make them conceive of one without the other."

In 1781 Congress appropriated funds for a special printing and distribution of the Bible. "The Congress approves and recommends to the people the Holy Bible for use in schools."

From the outset we've had "In God We Trust" on our money. In our national anthem, ". . . and this is our motto, in God is our Trust." Here's Abraham Lincoln: "With firmness in the right as God gives us to see the right." Each day the Supreme Court is introduced with the words, "God save the United States and this honorable court." On the Sunday in October before the annual session starts, the full court attends a religious service.

In 1892 the U.S. Supreme Court stated, "Our institutions are emphatically Christian." In 1911 the same court said, "We are a Christian people." In 1954, Chief Justice Warren: "The Good Book and the spirit of our Savior from the beginning have been our guiding geniuses. Our Constitution was the work of people who believed in God, and who expressed their faith as a matter of course in public prayer." Our first public schools were founded by clergymen. Our first colleges were divinity schools.

Before we approach the subject of church and state, we have to know the historical absolutes so that we can judge how ridiculous modern interpretation has been and how our national consciousness has been warped as a result.

The fact that kids can't pray before a game that no one gets hurt is grotesque. The very English Common Law which became our legal code is infused with Christianity. To quote Stanton Evans: "The court's position in these religious cases is an intellectual shambles, result oriented jurisprudence at its most flagrant." Even though our first four presidents had their own inner-directed beliefs, the quotations above demonstrate clearly that their executive actions fly in the face of modern judicial reading of the First Amendment.

Starting around 1952 the Supreme Court has sometimes relied on "pop psychology" as a source. The predilections of individual judges have wreaked havoc. Father Richard Neuhaus tells us, "The courts have presumed to declare that the separation of church and state means the separation of religion and religiously grounded morality from public life which means the separation of the deepest convictions of the people from politics which means the end of democracy and, in fact, the end of politics."

My personal villain is the late "loveable" Justice William Brennan, whose persuasive power and ramshackle thought processes carried the majority of the Supreme Court through a long series of decisions which form the body of today's law and swerve away from the moral and religious precepts that undergirded us for 167 years. Justice Brennan, a "jurisprudential dervish," once attributed his thought processes to a "range of emotional and intuitive responses in contrast to lumbering syllogisms of reason." Someone has said, "Today it's more his Constitution than Madison's."

There is simply nothing in our Constitution that justifies abolishing anyone's right to pray or mediate anywhere, anytime. In light of what I've quoted, such a nullification is bizarre. I'm emphasizing prayer only because of its symbolism as a cornerstone of the whole distorted jurisprudential attack. A lot of good people don't pray. Nobody wants to force them. Their private thoughts are precious under our law.

Many young people have paid a terrible price for these court-ordained deviations from religious roots, Christian, Jewish, the others. Thrown out the window alongside prayer has been the rigor of daily memorization and recitation (Biblical or otherwise) from which follows the dire loss of exposure to lofty, sublime, spiritual language and thought. It's hard to suppress anger as one writes.

Permit me to quote in full the sinister prayer that set off this portentous severance from our roots, the whole First Amendment controversy: "Almighty God, we acknowledge our dependence on thee, and we beg thy blessings upon us, our parents, our teachers and our country." That's it!

The very day after the Congress passed the First Amendment (Sept. 24, 1791) that same body passed a resolution calling for a day of national prayer and thanksgiving plus another setting up a system of chaplains for itself. In light of current distortions, do you suppose the passage of 24 hours made them forget what they'd done? When pressed on this matter the ACLU once said, "They were confused." Confused? Not those guys.

As Andrew Cord writes, "If we accept the present view of the court, then both Congress and George Washington violated the Constitution from its inception."

Since the Supreme Court has succeeded in erecting a WALL between church and state, crime rates, although recently abated, have skyrocketed; hard drug use is higher; emotional disorders are up; divorce rates have soared; we've got abortion "on demand"; more suicides; more children clinically depressed and inclined to engage in crime; and venereal disease, including AIDS, has proliferated. The ACLU would have you believe these trends are coincidental.

Well, where did all this urban decay, racial polarization, deterioration in public schools and loss of community spirit come from? It took just 30 years! There's nothing comparable in our history. Why?

No individual judge or court can be solely blamed for such an appalling divergence from core beliefs but our cumulative supine acceptance of evil has created in certain influential classes of academics and among leaders in print journalism and show business an inclination to create great mischief. The sudden decay of moral and ethical standards in current highest political circles has built up an active antipathy to all rigorous standards whether in religion, education or moral ethics. Relativism is taking a fearsome toll. "Everybody does it. It's all relative, anyway."

John DiLulio sums it up, "Accumulating evidence confirms the efficacy of faith-based approaches to social problems." We're a society that's slipped its old moorings. We must get them back.

We're accepting decadence passively, rambling through a moral nine field. We're assaulted daily through eyes and ears with outrages that once would have been unimaginable. We've had entering the workplace a generation of people whose moral development has been arrested.

Up to now my comments have been Christianity-centered. The spiritual insights of our Founders made that our heritage. But, due to those same insights, we've honored, respected and protected the religiosity and nonreligiosity of all citizens.

America from day one has been a haven for Jews. When we set out on our "great experiment" in 1789 there were about 2,500 Jews in the 13 colonies (1,000, or 40 percent, in South Carolina). They'd come in sailing ships and brought with them an understandable apprehension that this new country might evolve into a hell similar to the ones they'd left behind.

As was frequently the case, President George Washington set the standard. Writing to the Jewish congregation in Newport, he said, "The government of the United States gives bigotry no sanction, to persecution no assistance. Everyone shall sit in safety under his own vine and fig trees." (1 Kings 4:25). In other correspondence he always referred to America's Jewish population with respect and good will. Jewish financiers helped underwrite the eight-year American Revolution and no one knew that better than he. He referred to them in his ornate way as "the sons of Abraham."

None of us can forget that in the 20th century a great and Christian nation followed evil leadership, turned on its Jews; bankrupted them; ran them off and killed the rest. The Jewish people have earned the right to stay alert, but I do feel that in America they sometimes overdo it. What we call Western Civilization is really Judeo-Christian civilization.

As to the Catholics of all descriptions, their roots go just as deep. There were times and places in our early history when neither Catholics nor Jews could be elected to state level office. In my lifetime, intermarriage between Catholic and Protestant young people could cause a crisis, in both families. This was even truer of Christians and Jews. Today, intermarriage is almost commonplace.

My subject is the First Amendment and religion, not race. Everything I've said about recent court decisions applies equally to our 30 million black citizens. In some ways these trends have hurt some of them most. When we concentrate on all the bad news we overlook the galvanic progress of our black fellow citizens. But the shift in judicial emphasis away from values and religion has hurt those on their bottom rung the most.

In its 2,000-year history Christianity has had its dark sides—times of torture, trials, inquisitions. I find it unacceptable when some Christians preach that unbaptized babies or most of the world's non-Christian multitudes are doomed to eternal punishment. Hard-edged Christianity is a contradiction in terms. Some of our mainline churches are roiled in their own controversies.

America is the most spiritual of nations. Over 90 percent of us believe in God. We have never been in danger of becoming a theocracy, a government dominated by a God belief as prescribed by one church. Not ever tempted.

Any prayer offends militant athesists, some of whom sit in our pews every Sabbath. At one time in life many of us have been atheists or agnostics. People who remain seated during national anthems, or don't pray, or pray differently, should feel free but not enough to trample on the majority or intimidate educators as they sometimes do. A very small tail has been wagging a very large, friendly dog.

Our most effective dispenser of deeprooted goodness is firmly religious and Christian-based, The Salvation Army. Nobody has yet diverted it from its mission although there've been efforts. Here's part of their credo, "We have been called and ordained by God to serve in the trenches of human warfare, to be a compassionate arm of the militant church, to bring light to those in darkness and hope to the hopeless." Christianity's 2,000-year-old uniqueness is its gospel outreach, its energy.

I've been discussing the heated argument going on in this country between the religious and groups with different viewpoints. Transcendental movements are vulnerable and make mistakes. But the glorious truth cannot be gainsaid and that's the overwhelming good that our organized religionists do. Governments pale in comparison. Members of religious organizations give twice as much to charity as non-members. Scientific double-blind tests prove that sick people recover sooner and more often when fervently prayed for. The immense opening up of outer space continues to make believers of our most sophisticated scientists.

Every single day an immense flood of food, money, books, medical healing and pure goodness pours out of American churches, temples and synagogues due to the boundless, borderless love religions generate. There's even evidence that our Brennan-less Supreme Court is having second thoughts about the havoc it's wreaked. Surely through all this we've learned that any prayer to a multi-religious assemblage should not be hurtful or mean-spirited. But, to paraphrase a recent president, "Tear down this wall!" The wall exists due to a gross misreading of history and law followed by execrable legal conclusions.

The American Revoluion was the final flowering of the "Enlightenment." Those Founders of ours, brilliant and prescient as they were, could hardly have grasped the fact that they were creating a whole new world.

This tiny 18th century nation hanging on for dear life on the outer edge of a raw continent was unstoppable. It took a mere hundred years for it to become "the light of the world."

We're got to stop the rot that has poisoned and weakened our society. Ultra-liberals with their soggy convictions have way overreached. Authentic faith is an act of freedom.

HONORING THE ST. VINCENT COLLEGE DRUG PREVENTION PROJECTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. MURTHA. Mr. Speaker, five years ago I came before the House to call attention to an innovative drug abuse prevention program in Pennsylvania that was celebrating fifteen years of success. While we as a Nation have by no means solved the problem of drug abuse among our young people, the young people of Southwestern Pennsylvania are far better off today than they would have been without that program at St. Vincent College in Latrobe, Pennsylvania. So, today, I stand before you again to recognize and pay tribute to this wonderful program as it now celebrates its twentieth anniversary.

In 1978, St. Vincent College joined with the Westmoreland County Drug and Alcohol Commission, the Latrobe Area Chamber of Commerce, and area school districts to develop a primary prevention education program. St. Vincent continued the sponsorship of the program as a community service project which provides education and other prevention services in all 17 public school districts in Westmoreland County as well as school districts in surrounding counties.

We will continue to fight to stop the flow of drugs into our country. But we can't focus only on stopping supply; we have to focus on stopping the demand, within our own country, among our young people who are vulnerable to the daunting pressures of social and economic factors and the predatory tactics of the suppliers. Prevention of a young person from ever trying drugs is the best way to reduce the demand. That is done through education, and that is what the program at St. Vincent College does very well. It set out to make a difference and it has made a difference.

I am proud to salute the many people who have worked at this for twenty years and who continue to reach out to these young people and help to understand the importance of avoiding drugs. I hope they see their triumph reflected in the face of every happy healthy young person and look forward to celebrating with them many more anniversaries of success in the fight against drugs.

AMERICAN HERITAGE RIVERS INITIATIVE

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. CHENOWETH. Mr. Speaker, I would like to enter into the CONGRESSIONAL RECORD a paper published by the Heritage Foundation earlier this year entitled Good Politics, Bad Policy: Clinton's American Heritage Rivers Initiative. Authored by Alex Annett, this paper outlines how AHRI implements a new Federal program by fiat, violates the Constitution, the National Environmental Policy Act and the Federal Land Management and Policy Act. Furthermore, it discusses AHRI's threat to property rights and States' rights. I encourage my colleagues to learn more about this illegal Federal program which is one more example of President Clinton's abuse of executive power.

[From the Heritage Foundation, February 2, 1998]

GOOD POLITICS, BAD POLICY: CLINTON'S AMERICAN HERITAGE RIVERS INITIATIVE

(By Alex Annett)

"The AHRI creates, by executive fiat, the most all encompassing regulatory regime ever to be imposed on private landowners. Most other land use programs have been designed to protect Federal Land. And in the case of the Clean Water Act and the Endangered Species Act, Congress passed these regulations. Never has an executive dared to assert so much control over private property through his own declaration." Nancie Marzulla, president and chief counsel, Defenders of Property Rights.

During the 1997 State of the Union address, President Bill Clinton announced a new federal program entitled the American Heritage Rivers Initiative (AHRI), which he intended to support communities in their efforts to restore and protect rivers across the United States. To many, this lofty goal sounds good. But, on closer inspection, the pristine image it paints becomes murky, revealing a program that violates many constitutional and statutory provisions, involves the federal government further in local and state environmental issues, is inefficient and wastes tax dollars, and threatens personal property rights.

Nevertheless, President Clinton appears ready to begin implementing his initiative, although he has neither the constitutional authority to do so nor the intention of asking Congress for such authority. He also appears unconcerned that promoting this initiative could suggest to many that, for his Administration, the "era of big government" is not over. Congress should consider taking immediate action to block Clinton's river initiative before it floods America's communities with layers of federal bureaucracy and further muddies the balance of power in Washington, D.C.

IMPLEMENTING A NEW FEDERAL PROGRAM BY DECREE*

President Clinton unveiled new details about how he plans to implement his new American Heritage Rivers Initiative when he issued Executive Order 13061 on September 11, 1997.[1] Through executive order, Clinton has established an American Heritage Rivers Interagency Committee to oversee implementation of the initiative. Members of the committee will include the secretaries of the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, and Transportation; the attorney general; the administrator of the Environmental Protection Agency; the chairpersons of the Advisory Council on Historic Preservation, the National Endowment for the Arts, and the National Endowment for the Arts, and the National Endowment for the Humanities; or designees at the assistant secretary level or their equivalent.

To nominate a river for designation as an American Heritage River, a local community must submit a river nomination packet to the President's Council on Environmental Quality. The packet must include: a description of the river or river area[2] to be considered, its notable resource qualities,[3] a clearly defined vision for protecting the area and a specific plan of action to achieve it, evidence that a range of citizens and organizations in the community support the nomination and plan of action, and evidence that individuals in the community have had an opportunity to discuss and comment on the nomination and plan of action.

The Council on Environmental Quality will select a panel of experts to review the nominations and make recommendations to the President. From these recommendations, the President would select ten rivers or river areas to designate as American Heritage Rivers. These American Heritage Rivers would receive preferential treatment for federal dollars and the support of other federal programs.

On the surface, President Clinton's program looks appealing. Rivers have played a vital role in the country's history, culture, recreation, health, environment, and economy. Finding ways to encourage states and local communities across the country to become involved in improving the water quality of their rivers and revitalizing their waterfronts is commendable. The AHRI, however, will amount to little more than a surface ripple in accomplishing these goals.

Impediments to achieving the AHRI's lofty goals have more to do with the design of the program than with the intentions of communities. The notable problems with President Clinton's initiative are that:

1. It violates a number of constitutional and statutory provisions;
2. It is wasteful and inefficient;
3. It reduces the role and authority of the states;
4. It threatens property rights; and
5. It "serve[s] political purposes."

Upon close examination, it becomes clear that the AHRI is bad policy and unconstitutional and, like many of President Clinton's other initiatives, will become another political pork-barrel program designed to send federal dollars to politically important jurisdictions across the United States.

HOW THE AMERICAN HERITAGE RIVERS INITIATIVE VIOLATES THE U.S CONSTITUTION

Above almost all else, Americans love the beauty and resources of their country. They clearly understand that the U.S. Constitution establishes a system of government to protect their individual rights, and that the federal government should be expressly limited in its ability to usurp those rights. They may disagree, at times, about how much power its given each branch of the federal government to settle disputes and to limit personal freedoms, but there is no dispute that the Founding Fathers intentionally and explicitly designed a balance of power to prevent legislative, judicial, or executive arrogance and abuse of power. Americans expect their elected leaders to abide by the separation of powers delineated in the Constitution, and they want the federal judiciary on guard to make sure they do.

Rather than honor these expectations, President Clinton's American Heritage Rivers Initiative violates both the intent and the letter of the U.S. Constitution. It gives the President as well as his executive agencies authorities that clearly and constitutionally belong to the legislative branch of government, and it confiscates the land use and zoning powers of the states.

ALTERING THE CONSTITUTIONAL SEPARATION OF POWER

"The Constitution protects us from our own best intentions: It divides power among sovereigns and among branches of government precisely so that we may resist the temptation to concentrate power in one location as an expedient solution to the crisis of the day." *New York vs. United States*, 112 S.Ct. 2408 (1992)

Under the U.S. system of checks and balances, the legislative branch has the power to create laws and appropriate funding, the executive branch is authorized to implement and enforce the laws, and the judiciary is given power to interpret those laws in disputes.[4] To explain to hesitant colonists why this separation of powers was important, James Madison wrote in Federalist No. 47 that the "accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed or elective, may justly be pronounced the very definition of tyranny."[5]

The Supreme Court historically has recognized the importance of the separation of powers among the President, Congress, and the judiciary. In the case of *Youngstown Sheet & Tube Co.* v. *Sawyer*,[6] the Supreme Court was asked to decide whether President Harry S Truman (during the Korean War) was acting within his constitutional power when he issued an executive order directing the Secretary of Commerce to take possession of and operate most of the country's steel mills. The government's position was that the president's action was necessary to avert a national disaster than inevitably would result from the stoppage of steel production, and that in meeting this grave emergency, the President was acting within the aggregate of his constitutional powers. The Supreme Court found in *Youngstown* that, even with the threat of a national catastrophe, the President's order could not be sustained as an exercise of his authority. In this case, the Supreme Court found no statute that expressly authorized the President to take property as President Truman's executive order intended, or any act of Congress from which authority could be inferred. The Supreme Court concluded that the power to adopt such public policies as those proclaimed by the executive order is beyond question by Congress, and that the Constitution does not subject this lawmaking power of Congress to the President.[7]

Supreme Court precedent suggests that President Clinton's Executive Order No. 13061 runs contrary to the separation of power provisions of the Constitution. To implement the AHRI, President Clinton is claiming for himself and future Presidents powers that belong to Congress: specifically, authority over interstate commerce, water rights, property rights, and the appropriation of money. Through executive order, Congress would be relegated to a role of trying to stop presidential programs from being implemented, rather than creating and approving them based on the will of the people and funding them as authorized in the Constitution.

WALKING AROUND THE PROPERTY CLAUSE

The Property Clause in Article IV of the Constitution states that "Congress shall have power to dispose of and make all needful Rules and Regulations respecting the territory or other property belonging to the United States."[8] Executive Order No. 13061, however, gives the executive branch control and authority over the country's rivers and their associated resources located on federal lands, a power specifically assigned to Congress. In order for the executive branch to have authority to govern and control these rivers and associated resources, this power must be delegated to it by an act of Congress. Congress has not given the executive branch such authority.

TRAMPLING THE TENTH AMENDMENT

The Tenth Amendment to the Constitution stipulates that the "powers not delegated to the United States [federal government] by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."[9] Under the Tenth Amendment, then, state and local governments retain the authority to engage in land use planning and local zoning for public health, safety, and welfare. President Clinton's program, however, sets a new precedent by giving federal regulators a greater role in land use planning, local zoning, and other aspects of a river's surroundings, including "characteristics of the natural, economic, agricultural, scenic, historic, cultural, or recreational resources of a river that render it distinctive or unique."[10] The President has no authority under the Constitution to engage in land use planning and local zoning; thus, Executive Order No. 13061 violates the Tenth Amendment.

HOW THE AHRI VIOLATES NUMEROUS STATUTES

In addition to altering the constitutional separation of powers, the AHRI implementation process outlined in Executive Order No. 13061 also conflicts directly with two significant environmental laws: the National Environmental Policy Act (NEPA) and the Federal Land Management and Policy Act (FLMPA).

THE NATIONAL ENVIRONMENTAL POLICY ACT

The Clinton Administration has cited the National Environmental Policy Act of 1969 as the legal basis for establishing the AHRI. The NEPA is primarily a policy statute mandating that federal government agencies consider the environmental effects of major federal actions. The idea behind the NEPA is that, by requiring federal agencies to consider and gather information about the environmental consequences of proposed actions, the agencies will make wiser environmental decisions.[11] President Clinton states that the NEPA provides a grant of authority to establish the AHRI under authority of Section 101(b) of the NEPA. This section only sets out the broad goal to be achieved by the NEPA, however; it provides no authority for action. The only authorities mandated to the executive branch under the NEPA are to prepare reports; interpret and administer federal policies, regulations, and public laws in accordance with the NEPA; provide information, alternatives, and recommendations; and provide international and national coordination efforts.[12] President Clinton apparently has interpreted these duties to mean that the NEPA also gives the executive branch broad authority to develop programs. Such authority, however, was given specifically to Congress, not the President, and Congress has not delegated such powers explicitly to the President. Consequently, citing the NEPA as the legal basis for implementation of the AHRI is questionable.

THE FEDERAL LAND MANAGEMENT AND POLICY ACT

Even if it can be argued successfully that President Clinton's action is consistent with the purpose of the NEPA, the NEPA, as written, does not trump the requirements of other statutes. And, in the case of the Federal Land Management and Policy Act, the President is expressly restricted in his ability to designate or manage Federal lands. Congress enacted the FLMPA in 1976 in order to reestablish its authority over the designation or dedication of Federal lands for specified purposes, and to circumscribe the authority of the President and executive branch to manage Federal lands.[13]

In the FLMPA, Congress declared that "it is the policy of the United States that Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes" and delineate the extent to which the executive branch may withdraw lands without legislative action.[14] Congress thus asserted its authority to create, modify, and terminate designations for national parks, national forests, wilderness, Indian reservations, certain defense withdrawals, national wild and scenic rivers, national trails, and other national recreational areas and national seashores.[15]

In fact, Congress has not withdrawn, designated, or dedicated any Federal lands for President Clinton's American Heritage Rivers Initiative, nor has it authorized the development of the program by the executive branch. The legislative process for obtaining a favored status designation for Fderal land and resources is clearly established. Consider, for example, the Wild and Scenic Rivers Act adopted by Congress on October 2, 1968.[16] The act provides for the selection, by Congress, of American rivers that, along with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The rivers selected are protected for the benefit and enjoyment of present and future generations.[17] Since 1968, Congress has designated 154 Wild and Scenic Rivers under this act, amounting to 10,814 miles of river.[18] In fact, Congress acted as recently as November 12, 1996, when it designated 11.5 miles of the Lamprey River in New Hampshire and 6.4 miles of the Elkhorn Creek in Oregon,[19] following the designation of 51.4 miles of the Clarion River in Pennsylvania on October 19, 1996, as part of the Wild and Scenic Rivers program.[20] Congress is currently considering legislation to designate three more rivers. Representative Norman Dicks (D–WA) introduced H.R. 1477 to designate 51 miles of the Columbia River in Washington State; Senator Patty Murray (D–WA) introduced a companion bill (S. 200) in the Senate. Representative Martin Meehan (D–MA) introduced H.R. 1100 to designate the Sadbury Assibet and Concord Rivers in Massachusetts for the Wild and Scenic Rivers program, and Senator John Kerry (D–MA) introduced the companion bill (S. 469) in the Senate. Clearly, when Members of Congress believe there is reason to act, they will act.

If President Clinton wants to see his initiative implemented properly then he first should proposed legislation to Congress and allow Congress to approve or reject the initiative based on the merits of the proposal and the will of the people. Because Congress has not designated or dedicated any Federal lands for the AHRI, or authorized the development of the AHRI, the actions of the President in creating and implementing the AHRI through Executive Order No. 13061 violate the FLMPA.

HOW THE AHRI THREATENS PROPERTY RIGHTS

The protection of personal property in the Constitution is under increasing assault by all levels of government. The right to own and use property free from unreasonable or arbitrary government interference is fundamental to American freedom and the U.S. Constitution. In fact, the Framers of the Constitution considered the protection of property rights so important that they included it in the Third, Fourth, Fifth, and Sixth Amendments. Today, in an era of almost daily documented cases of unreasonable and arbitrary interference by government agencies, it is not surprising that the Clinton Administration does not seem to recognize or agree with the Founders on the importance of individual property rights.

This lack of appreciation for personal property rights is an undercurrent in President Clinton's AHRI. The right of individuals who own property along designated rivers to use their property free from unreasonable and arbitrary government interference is threatened by the AHRI. The Administration has resisted adding a mandatory opt-in provision to allow the property of landowners along designated American Heritage Rivers to be included in a nomination only in cases in which owners have given their written permission. Such a provision would have shown that President Clinton indeed was concerned about the property rights of those Americans whose land is located along designated rivers. The lack of such a provision means property owners have no guarantee that their property rights are protected.

The regulation of wetlands under the Clean Water Act affects hundreds of thousands of acres of property across the United States. Implementing the AHRI will add hundreds of thousands of acres of dry land to the federal government's control in perpetuity. Rather than increase the access of people to federal resources and protect their rights, the AHRI will increase the access of federal bureaucrats to private property across the United States.

HOW THE AHRI TREADS ON STATES' RIGHTS

The Founders believed that government closest to the people works best. The Tenth Amendment addresses the empowerment of state and local communities to govern. It recognizes that the federal government—as an entity—should have only limited powers, and that its powers should be specifically enumerated. Water rights and land-use planning are not stipulated powers of the federal government; historically they are subject to regulation and control at the levels of state and local elected government. As Chief Justice William Rehnquist has argued, taking the control of water from the legislatures of the various states and territories at the present time would be nothing less than suicidal. If the appropriation and use were not under the provisions of state law, the utmost confusion would prevail.[21]

President Clinton, through his executive order, is attempting to establish and exert federal control over something that clearly is under state jurisdiction. By allowing the intervention of the federal government through federal bureaucrats, known as "river navigators," who are appointed by the President, Executive Order No. 13061 will interject the federal government heavily into the local decision-making process.

The Clinton administration claims that river navigators will not interfere in the local planning and zoning process, yet it resists incorporating a provision to prohibit them and all other federal employees involved with the initiative from intervening in local zoning and other decisions affecting private property and water rights. Such a provision would ensure that the states and local communities continue to control areas that are rightfully under their jurisdiction. The AHRI appears to be the program of a President who believes Washington, D.C., knows best and can govern best every aspect of life in every American Community.

HOW THE AHRI IS WASTEFUL, DUPLICATIVE, AND INEFFICIENT

The Clinton Administration claims that the AHRI will help "reinvent government." But President Clinton's understanding of reinventing government seems to mean creating additional layers of bureaucracy. The American Heritage Rivers Initiative, in fact, is similar to an existing program, the National Rural Development Partnership (NRDP) established by President George Bush in 1991 by executive order. The NRDP is a flawed program: President Bush had no congressional authority over water rights, property rights, or the appropriation of funding when he initiated it; therefore, it also violates a number of constitutional provisions.

Like the AHRI, the NRDP planned to create a collaborative relationship among federal, state, local, and tribal governments, and private, nonprofit, and community-based organizations within each state and some territorial areas, in order to establish a comprehensive and strategic approach to rural development efforts in each state. A comparison of the descriptions of these programs from their respective World Wide Web sites reveals further similarities.

According to the Web site of the National Rural Development Partnership,[22] the NRDP's objectives are to: Encourage and support innovative approaches to rural development and more effective resolution of rural development issues; Develop innovative approaches; Build partnerships among, federal, state, local, and tribal governments and the private sector; Encourage local empowerment; Involve the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, Justice, and Transportation, the Environmental Protection Agency, and the Army Corps of Engineers; and Use existing federal personnel and funds to work with the states to bring public and private resources together for solutions to local problems.

According to the Web site of the American Heritage Rivers Initiative,[23] the AHRI is supposed to: Encourage community revitalization by providing federal programs and services more efficiently and effectively; Develop strategies that lead to action; Build a partnership between federal, state, tribal, and local officials, as well as private for-profit, non-profit, and community-based organizations; Encourage community-led efforts; Involve the secretaries of the Departments of Agriculture, Commerce, defense, energy, Housing and Urban Development, Interior, and Transportation; the attorney general; the administrator of the Environmental Protection Agency; and the chairs of the national Endowment for the Arts, the National Endowment for the Humanities, and the Advisory Council on Historic Preservation; and Use existing federal staff, resources, and programs to assist communities.

Reinventing government usually does not imply duplicating a federal program already operating in 38 states that has the same objective: promoting community involvement and development. Beside sharing the NRDP's objective, the AHRI will create three new costly layers of bureaucracy. The AHRI:

1. Creates an American Heritage Rivers Interagency Committee that will be responsible for implementing the AHRI;

2. Establishes a panel to review the river nomination packets and recommend rivers to the President for designation. The panel will include representatives from natural, cultural, and historic resources concerns; scenic, environmental, and recreation interests; tourism, transportation, and economic development interests; and industries such as agriculture, hydropower, manufacturing, mining, and forest management.[24]

3. Gives the Interagency Committee the authority to transfer funds from other legitimate and congressionally authorized federal programs to fund ten new river navigators appointed by the President. The new bureaucrats would be paid approximately $100,000 each year to assist officials in the ten communities selected by the President to locate existing federal programs and money that would be used to improve their waterfronts and rivers. Funds also would be transferred to compensate engineers, biologists, and foresters who would provide studies and expertise in implementing the initiative. The salaries of the river navigators would cost $1 million per year (which would be compounded annually because ten new river areas would be designated per year), and the cost of the engineers, biologists, and foresters would be added to the already estimated $4 million annual cost of the program. It is unclear whether such authority on the part of the Interagency Committee is a violation of the Spending Clause in Article I of the Constitution because the Spending Clause gives Congress—and only Congress—the power and authority to "draw [monies] from the Treasury."[25]

President Clinton is planning to implement the AHRI at a time when the country is clamoring for Congress to downsize the federal government and give more control back to the states. The true definition of reinventing government is to make government smaller and more efficient. It is difficult to comprehend how creating another federal program—and one that is similar to an existing program—and adding new layers of federal bureaucracy will facilitate an efficient method of cleaning up America's great rivers. Secretary of the Interior Bruce Babbitt, in a recent speech entitled "United by Waters—How and Why the Clean Water Act Became the Urban Renewal Act That Actually Works," stated:

> Finally in 1972 Congress enacted a new law. . . . [t]he Clean Water Act proclaimed a simple if awkwardly stated goal; make the nation's rivers, lakes, and shores "swimmable and fishable." As American cities used the Act to clean up and restore their waters, those waters, in turn have begun to heal and restore our American cities.

Even as the Clinton Administration touts the effectiveness of the Clean Water Act in restoring and protecting American rivers, it boldly declares that the country also needs the AHRI. If Secretary Babbitt believes the goals of the Clean Water Act already are being achieved, then one must ask: What is the real reason behind the Clinton Administration's new initiative?

AHRI'S POLITICAL AGENDA FROM A WHITE HOUSE MEMO

One of the best ways to build or strengthen political support in a community is by selecting it to receive a massive infusion of federal funds. Representative Christopher Cannon (R–UT) stated on July 15, 1997, at a House Resources Committee hearing on the AHRI that three to five congressional districts could be covered by each of the ten rivers designated by President Clinton. Using these figures, by the next presidential election in 2000, the President would have targeted federal funds to go to between 90 and 150 political districts. The American Heritage Rivers Initiative is classic pork-barrel politics.

At the same House Resources Committee hearing, a memo from the Council on Environmental Quality surfaced that read: "Selection committee will recommend more AHR's [American Heritage Rivers] than are actually designated, giving someone else (the President?) a further choice. This could ensure that designated AHR's: Serve Political Purposes; are located where agencies can staff them; and are diverse (river, landscape, community, geography, etc.)[26]

The Administration memo indicates that politics could well play a role in the designation of 10 rivers in early 1998, as well as the designation of an additional 20 rivers before the 2000 presidential election. The AHRI allows the White House to target federal dollars to communities in a way that could be politically advantageous.

CONCLUSION

At a time when the country wants to downsize government and revitalize the importance of the Tenth Amendment, and Congress is recognizing the necessity of empowering local communities and states even more, the American Heritage Rivers Initiative chooses the wrong approach for preserving some of America's great resources, its many rivers. Although there often has been a lack of political will in Congress to tackle these kinds of issues—even with flagrant violations of law and terrible policy—several Members of Congress recognize the problems with President Clinton's initiative and have begun to focus their attention on it.

For example, on June 10, 1997, Representative Helen Chenoweth (R-ID) and 46 cosponsors introduced H.R. 1842 to terminate funding by any federal agency for the AHRI. The bill passed the House Resources Committee by voice vote on November 5, 1997. In addition, on December 10, 1997, Representatives Chenoweth, Richard Pombo (R-CA), and Bob Schaffer (R-CO), and House Resources Committee chairman Don Young (R-AK) filed a lawsuit in U.S. District Court for the District of Columbia to challenge the constitutional authority of the President to implement this initiative.

Because President Clinton plans to designate the first rivers in early February, the time has come for every Member of Congress to take a long, hard, and honest look at the AHRI program. It is an indefensible waste of taxpayer dollars. Through its Wild and Scenic Rivers Program and numerous other water quality initiatives, Congress already has devoted considerable resources to cleaning, restoring, and enhancing America's rivers with great success. But even more disturbing than the waste, the AHRI program seriously undermines congressional authority and upsets the delicate balance of power so carefully crafted in the U.S. Constitution.

Congress must exercise its proper statutory and constitutional authority to bring this program to an end before it is launched.

FOOTNOTES

[1] *Federal Register*, Vol. 62, September 15, 1997, p. 48445.

[2] The nominated "river" may vary from a short stretch of a river to its entire length. The designated area can include land immediately adjacent to the river, such as the waterfront and streamside areas, or span the entire watershed. It may also cross jurisdictional boundaries.

[3] "Resource quality" refers to how the natural, economic, agricultural, scenic, historic, cultural, or recreational resources connected with the river are distinctive or unique.

[4] U.S. Constitution, Articles I, II, and III.

[5] Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* No. 47 (Madison).

[6] *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952).

[7] *Ibid.*

[8] U.S. Constitution, Article IV, Section 3, Clause 2.

[9] U.S. Constitution, Amendment 10.

[10] Executive Order 13061, September 11, 1997, Section 2(b)(1).

[11] 42 U.S.C. §4321.

[12] *Ibid.*

[13] 43 U.S.C. §1701(a).

[14] 43 U.S.C. §1701(a)(4).

[15] Legislative History, *The Federal Land Policy and Management Act of 1976* (Public law 94-579), Vol. 1 at 439 (1978).

[16] 16 U.S.C. §§1271 *et seq.*

[17] *Ibid.*

[18] *Wild and Scenic Rivers Reference Guide*, Interagency Wild and Scenic Rivers Coordination Council, 1997.

[19] Public Law 104-333.

[20] Public Law 104-314.

[21] *California* v. *U.S.*, 438 U.S. 645 (1978).

[22] "National Mission and Goals Statement," National Rural Development Partnership, at *www.rurdev.usda.gov/nrdp/goals.html.*

[23] Council on Environmental Quality, "American Heritage Rivers Initiative," at *www.epa.gov/rivers/fedreg2.html.*

[24] *Ibid.*

[25] U.S. Constitution, Article I, Section 9, Clause 7.

[26] Council on Environmental Quality, Draft Memo, "The American Heritage Rivers Initiative," provided to the House Resources Committee and the basis for questioning at a hearing on the Initiative. See *Oversight hearing on the Clinton Administration's American Heritage Rivers Initiative*, House Report 105-36, 105th Congress, 1st Session, July 15, 1997, pp. 81-82.

LETTER FROM VINCENT PISCITELLO ON LIVING WAGES FOR SCHOOL CONSTRUCTION WORKERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. KUCINICH. Mr. Speaker, the issue of prevailing wages for workers on government construction projects has been a major topic of debate during the 105th Congress. In his letter to members of the Cleveland City Council, Mr. Vincent Piscitello, President of VIP Restoration Inc., presents an articulate and compelling argument for the importance of paying employees a living wage when they renovate schools in the Cleveland area. I commend Mr. Piscitello for his clear thinking and commitment to working families, and offer his letter to be included in the CONGRESSIONAL RECORD.

VIP RESTORATION, INC.,
Cleveland, OH, October 6, 1998.

Re the elimination of prevailing wage requirements for work performed at the Cleveland City Schools.

City of Cleveland Council Members,
Council Chambers,
Cleveland, OH.

DEAR COUNCILPERSON: You may or may not be aware that the Cleveland City Schools has dropped the prevailing wage requirement for construction projects on city schools and facilities. The prevailing wage guidelines require contractors to pay their employees a decent living wage. The elimination of this requirement is result of the passage of State Senate Bill 102.

Ostensibly, using underpaid workers reduces construction costs and therefore the tax burden on the citizens. While many good arguments can be made regarding the fallacy of the proposition that low paid, unskilled workers could complete projects on time, with high quality, and within budget, I believe that the more immediate and important issue is the elimination of good paying jobs with benefits.

Over the years unions (supported by prevailing wage requirements) have provided good paying jobs. They have enabled many to climb the ladder into middle class and prosper. Unions provide training, a living wage, and benefits. Union members have gone on to own their own business, send their kids to college, and generally benefit society by being able to provide for their families.

A non-union job paying $9 dollars an hour without benefits is fine for a single young person with no dependents. But how do you expect a person (or two) who has worked a full day and takes home $64 after taxes to support their family? Medical emergency? Just don't have them. Saving for retirement? Not possible. By increasing dependency upon governmental entitlement programs this legislation actually increases overall costs and the burden on the taxpayer.

Currently, many unions are looking for young energetic men and women to become apprentices. Is there an opportunity for underemployed inner city youths to learn a trade, have a decent paying job, and build a solid fiscal foundation for themselves and their families? I think so. But eliminate the prevailing wage requirements and you eliminate opportunity.

Are the lawmakers who passed this legislation and administrators who choose to implement it in on a conspiracy to hold down the working person? I don't really think they are but I do believe they are short sighted and may have a bad case of "I got mine".

State Senate Bill 102 does not require a school district to hire contractors who employ non-union personnel or pay low wages, a school system can choose to require prevailing wage. Other school districts have agreed to continue to use prevailing wage guidelines. The Construction Employers Association is working with many local school districts to inform them of their rights, the benefits of keeping prevailing wages, and the opportunities available to high school graduates looking to enter the trades.

It is important that your constituents have decent paying jobs allowing them the opportunity to provide for their families. We need your help to inform the powers that be that prevailing wage requirements need to be maintained when performing work at the Cleveland City Schools.

Please contact John Porada of the CEA at (216) 398-9860 or me at my offices with any questions.

Sincerely,

VINCENT PISCITELLO,
President.

HOW LONG UNTIL THE Y2K COMPUTER PROBLEM?

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. LINDER. Mr. Speaker, there is approximately 1 Year, 2 Months, 16 Days, 10 Hours, 56 Minutes, and 43 Seconds until the Year 2000 computer problem affects computers and computer chips worldwide on the morning of January 1, 2000.

As we know, many computers will be unable to process dates beyond December 31, 1999, making the year 2000 indistinguishable from the year 1900. The potential technological turmoil could cause computers to generate incorrect data or stop running. Credit cards, ATM cards, security systems, hospital equipment, telephone service, electricity, and paycheck systems could be affected. I don't think anyone is sure what will happen.

Fortunately, in the year 2000, we have a few days to recover after the Y2K problem hits because January 1 falls on Saturday. However, we lose one potential additional day because the New Year's Day holiday—by law—

must be observed on the previous Friday, December 31, 1999.

I have introduced legislation that will provide the public and technology professionals with an additional day, prior to the start of the first workweek in January 2000, to work on repairs on failed computer systems caused by the Year 2000 computer problem. H.J. Res. 130 will move the New Year's Day holiday in the year 2000 to Monday, January 3, 2000.

Mr. Speaker, congressional committees have been successfully working to prepare the nation for Y2K, and this is just another proposal that may help ease the difficulties we face. It is not a silver bullet to solve the problem. It is vital that all businesses and government agencies continue to mobilize and work to repair computers in the remaining 442 days before the Y2K problem strikes. H.J. Res. 130 simply ensures that businesses, the public and computer experts have an additional 24 hours to respond to problems that may arise.

IN HONOR OF MICHAEL FLEET ON HIS RETIREMENT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to congratulate Michael Fleet on his retirement from the Santa Ana Police Department.

Mike began working for Santa Ana Police Department on September 14, 1970 as a police officer. In September of 1986, he was assigned to work in the Canine Unit as a handler.

Officer Fleet and his canine, Carlos, were assigned to work narcotic enforcement where Officer Fleet remained for the duration of his career. Mike and Carlos achieved national records for drug seizures. They seized over $56 million in drug monies and over 20 kilos of cocaine.

In 1991, Mike and his partner, Carlos, were awarded Uniformed Officer of the Year from the Drug Enforcement Agency.

During his career as a police officer, Mike distinguished himself as a hard-working and dedicated law enforcement officer. He has earned the respect and admiration of all of his colleagues in the law enforcement community for his commitment to the city of Santa Ana.

Mike is known to many around the department as a "Dad" for the generosity and compassion he shows to all of his colleagues. A true cowboy at heart, Mike enjoys riding horses and listening to country music in his free time.

I am very proud of you, Mike, for all your bravery and your selfless dedication to your career and your community.

Have a wonderful retirement!

CONGRATULATIONS TO THE CITY OF RIVERSIDE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CALVERT. Mr. Speaker, I rise today to congratulate the city of Riverside, California, which was recently awarded the distinguished honor of being named an All-America City. The All-America City designation, first awarded 49 years ago, is designed to recognize cities across our nation that have exemplary programs and initiatives that combat problems within their own communities. Thirty cities competed to be named one of ten All-America cities by the National Civic League. As a result of the President's Summit for America's Future, organizers of the All-America City program have asked cities to include at least one community youth program as part of their application.

The Mayor of Riverside, Ron Loveridge, credited three of the city's programs as being the key to the victory: the Passport to College Program, which is an innovative business, education, community, and family partnership that will make the dream of a college education possible for every Inland Empire graduate in 2004, the Youth Action Plan under which the city coordinates services for the region's youth; and the University/Eastside Community Collaborative after-school program that has enabled the city to keep at-risk youth away from the lure of gang activity.

Growing up in a neighboring city, I have seen Riverside face the challenges and seize the opportunities presented by the Inland Empire's significant population growth. Today, Riverside thrives with a population exceeding several hundred thousand residents and a diverse economic base. Representing the people of Riverside is truly a privilege. On behalf of all of the residents of the 43rd congressional district, I congratulate Riverside on being named an All-America City and wish them continued success in the future.

TRIBUTE TO REV. BERNARD GUEKGUEZIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Reverend Bernard Guekguezian. Reverend Guekguezian will be honored by the members of the First Armenian Presbyterian Church at a Harvest Banquet commemorating their 100th Anniversary. First Armenian Presbyterian is the oldest Armenian Church in California.

Reverend Guekguezian has literally lived and ministered around the world. Born in Antioch, Turkey, the reverend emigrated to the Middle East in 1939. In 1952 he completed a combined course of study at the American University of Beruit and Near East School of Theology. He became a licensed pastor and served for two years in Alexandria Egypt before coming to the United States. He studied at the Fuller Theological Seminary in Pasadena California and went on to earn a Master of Arts degree in Christian Education from the New York Theological Seminary.

Reverend Guekguezian was ordained a Minister of the Word in 1959, by the Congregational Conference of Massachusetts. He went on to assume the pulpit of Americas oldest Armenian Church, the Armenian Congregational Church of the Martyrs in Worcest. Reverend Guekguezian engaged in doctoral studies at Clark University and in 1966 he accepted a call to the Armenian Presbyterian Chruch of Paramus, New Jersey where he served for 12 years. Guekguezian has served at the First Armenian Presbyterian Church of Fresno for 20 years, the longest of any pastor at the Golden States oldest Armenian religious institution. Reverend Guekguezian's tenure has been marked by outreach to native Californians as well as to Armenian immigrants from the Middle East and the Republic of Armenia.

Reverend Guekguezian has officiated at 163 weddings, 212 baptisms, and more than 200 funerals during his time in Fresno. In addition to his pastoral duties Guekguezian has served as a Moderator of the Armenian Evangelical Union of North America, Vice-President of the Armenian Evangelical World Council, Vice-President of the Armenian Theological Students' Aid Inc., and member of the Presbytery of the San Joaquin New Church Development Committee.

Reverend Guekguezian is married to the former Knar Kazanjian of Aleppo, Syria and they have two sons, Reverend Ara Guekguezian of Las Vegas, Nevada and Asbed Guekguezian Esq., of Boston Massachusetts, as well as three grandchildren.

Mr. Speaker, I rise today to pay tribute to Reverend Bernard Guekguezian as honoree for the First Armenian Presbyterian Church, 100th Anniversary Harvest Banquet. Reverend Guekguezian has served the community well in his time in Fresno and I urge all of my colleagues to join me in wishing him many years of continued success and happiness.

WELCOMING THE HONORABLE LEONOARDO SIMAO, FOREIGN MINISTER OF THE REPUBLIC OF MOZAMBIQUE, AND HONORING THE WORK OF THE HONORABLE JOAQUIM ALBERTO CHISSANO, PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. MCKINNEY. Mr. Speaker, today as I welcome the Foreign Minister of Mozambique, the Honorable Leonardo Simao, I also Rise to Honor a true statesman and peackemaker—President Joaquim Alberto Chissano.

President Chissano assumed the Presidency of Mozambique in November 1, 1986, after his country has been at war—with almost no interval of peace—for more than 22 years.

Mozambique now has peace and a pluralistic democratic political system. Much of the credit for this—as well as for similar developments in other countries in the region—must go to the quiet and steady work of this Mozambican statesman. Chissano pursued peace by negotiation no matter now few the cards he held in comparison to more powerful players. HE earned respect from his people and from foreigners alike as he led his country through many difficult years.

In sum, Mozambique has suffered more than its share from war. It has given more than its share for regional peace and cooperation. They sought—and also gave—the hand of solidarity. President Chissano expressed these Mozambican values and gave them direction. Africa and the world can learn and take hope from his example.

TRIBUTE TO OUR MEN AND WOMEN IN UNIFORM

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SPRATT. Mr. Speaker, the military chiefs have brought their readiness problems to Congress, and the Secretary of Defense has brought his case for a bigger budget to the President. Here in Congress, we tend to see defense from a broad overview. We hear a lot about procurement cost overruns and too little about the men and women in uniform who work long hours, and through innovation and ingenuity, save their country millions of dollars.

I visited Shaw Air Force Base in my district over the August break. After seeing some of the efficiencies that Air force personnel have put into practice at Shaw. I asked Colonel Daniel P. Leaf, Commander of the 20th Fighter Wing at Shaw, to give me a letter detailing their cost avoidance initiatives. Here is how Colonel Leaf described the efficiencies and savings that his personnel at Shaw have implemented:

"In FY 97, the innovation and ingenuity of our folks led to cost avoidance and savings of over $3 million on 99 spare TF34–34–GE–100A engines. Our Regional Repair Center supports A–10 units at Pope AFB NC, Moody AFB GA, Eglin AFB FL, and Spangdahlem AB GE. NCOs suggested a change to erosion inspection criteria on TF34s engines. Once approved, that allowed us to reuse nine compressor rotors, $513,693 and 1,350 man-hours in FY97 alone. Other TF34 repair centers adopted this change and saved the taxpayers $684,924 and 1,800 man-hours. Our technicians came up with another high value initiative, recommending field replacement of high-pressure turbine blades in the field instead of sending the entire assembly back to depot. This change saved $45,300 per engine or $814,400 and 11,520 man-hours in FY97! These additional man-hours equate to more engines, more savings, and improved readiness. These and other changes to take us over $3,000,000 in savings represent the best of the American spirit. In FY98 we've avoided expenditures and saved a total of $1.6 million. Adding our engine savings up since FY94 comes to over $16 million—I am immensely proud of this team!

"We have had several other 'airman-based' success stories I would like to share with you in a little less detail. As one of a few lead wings in the Air Force, we're converting all our F–16s from bias ply to radial tires. Radial tires provide 50 percent more landings, cutting man-hours and use of support equipment. The Corrosion Control Element identified a local source of Sherwin-Williams paint saving $3,500 annually. This paint requires less thinner, improves adhesion, and reduces hazardous organic compounds 60 percent. The troops also developed a process reducing the chromate exposure while preparing aircraft for paint reducing environmental impact and protecting our personnel. Our people took the initiative to establish a state-of-the-art cable repair operation for our F–16s and support equipment. This is only one in Air Combat Command (ACC), and has already realized over $20,000 in savings with an annual projection of $260,000. Our specialists researched F–16 wing braces believing the fracture criterion was too strict for minor nicks. Coordinating with engineers at depot, they approved our ideas, saving $19,000 and 780 man-hours on the spot. This is already having a major impact on repairing F–16s across the Air Force. We are now ordering all vehicle parts, directly cutting out the middleman and saving a projected $28,000 this year. Our Base Service Store on Shaw has now been contracted out to LC Industries, expanding service, equipment, and including hazardous materials.

"We are leading the Air Force in re-engineering our processes in Transportation and Supply by combining similar functions and eliminating others. We will cut about 30 positions equating to about $1 million in annual personnel savings. To improve our processes, we are consolidating similar technologies into a Center of Technology concept. Consolidating maintenance, supply, and transportation processes will reduce the number of facilities used and relocate them closer to the customer on the flightline. In maintenance alone, we will reduce operating locations by five, decreasing supervisors' span of control, facility maintenance, and increasing productivity.

"All of the hard work, great ideas, and process improvements led to a number of awards. We won the ACC Supply Daedalian Award and placed second in the Air Force Oust behind Air Mobility Command's entry, Charlestown AFB. Transportation Squadron took command honors by winning the National Defense Transportation Award. The 78th Fighter Squadron won the ACC and Air Force maintenance effectiveness Award (Small Aircraft Category), while the Component Repair Squadron won the ACC Maintenance Effectiveness Award."

DEDICATION OF THE MEDAL OF HONOR MEMORIAL AT RIVERSIDE NATIONAL CEMETERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CALVERT. Mr. Speaker, I rise today to make Members aware of an important event taking place in my district during the end of next year.

The Congressional Medal of Honor Society will host a convention on November 3–7, 1999 in Riverside, California. The convention will consist of two parts. The first will be an actual gathering of Medal of Honor recipients, their spouses, and other interested participants. The second will be a dedication of a memorial at Riverside National Cemetery, the second largest national cemetery next to Arlington, for all Medal of Honor recipients past and present.

Of the 3,417 Medals of Honor which have been presented since 1863, only 162 recipients are still with us. During the course of the convention, the members of the Society will hold a memorial service at Riverside National Cemetery. Attendees will commemorate and remember those who have died since the last convention. Shortly thereafter, dedication ceremonies for the newly-built Medal of Honor Memorial will take place.

Mr. Speaker, I wish to commend the hard work of those planning the convention, as well as those who are organizing the construction and dedication of the memorial site. They are at this moment trying to raise the necessary funding through private donations. Even for worthwhile projects such as the convention and memorial dedication, which all freedom loving Americans support, both organizing committees have decided to forego taxpayer funds. By this, I am truly impressed.

I am honored and proud to have the Riverside National Cemetery located in my district. Those who are interred come from every State of the Union. The Riverside National Cemetery is the most active cemetery in the system, averaging more than 29 burials per day. This rate will increase with the passage of time. When the cemetery is fully utilized, there will be approximately 1,400,000 honored dead interred at Riverside National Cemetery. It may soon dwarf Arlington National Cemetery and virtually every other cemetery in the national system.

Riverside National Cemetery, at present, is the final resting place for two Medal of Honor recipients—Staff Sgt. Ysmael Villegas, United States Army, awarded posthumously for actions in the Philippines, and Commander John Henry Balch, United States Navy, awarded for actions in France. Among the many other veterans buried at RNC is one of the last Buffalo Soldiers, Woody Strode. Mr. Strode was an African-American actor who performed in several western movies.

In my state of California, 102 individuals have been awarded the Medal of Honor. One was Lt. John Finn, USN (ret.) the most senior living recipient. He was decorated for his action of December 7, 1941. Just as noteworthy, he was already nearing retirement at that time. Another was Brigadier General John Doolittle who was decorated for his actions in leading what everyone believed would be a one-way trip in the raid on Tokyo barely six months after Pearl Harbor. Finally, there was Private First Class Sadao Munemori, United States Army. He was decorated posthumously for his actions as a member of the most decorated unit in World War II, the famed 442nd Regimental Combat Team. With their cry of "Go For Broke," this unit was composed entirely of

Nisei, or second generation Americans of Japanese ancestry. They helped turn the tide against Germany in World War II.

Mr. Speaker, the Medal of Honor memorial will contain all 3,417 names. At present, there is no publicly accessible place in which all of the nation's Medal of Honor recipients are honored at one location. This will truly be a one-of-a-kind memorial.

For each Medal of Honor recipient, an Italian Cypress tree will be placed throughout Riverside National Cemetery. Within the immediate vicinity of the monument, 300 of these trees will be planted. These trees live in excess of 100 years, reach heights of over 100 feet, grow well in southern California, and require minimal maintenance. The monument itself will include a walled area which will surround a pool and a miniature waterfall.

An area has already been identified for the location of the memorial. It will not, in any way, interfere with the burial capabilities of the cemetery. It will be located in an easily accessible area for guests and visitors to the cemetery. Across time, it will draw this country's citizens to this national shrine to heroism and patriotism.

In closing, I wish to quote the mission of the Congressional Medal of Honor Society because I believe it best reflects what this convention and memorial is all about . . . *"To serve our country in peace as we did in war . . . To inspire and stimulate our youth to become worthy citizens of our country . . . To foster and perpetuate Americanism."*

I look forward to the Congressional Medal of Honor convention and to the dedication of the memorial. This is something that has long been overdue. We must honor those who were willing to make the ultimate sacrifice for our great country.

MULTIPLE CHEMICAL SENSITIVITY DISORDERS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SANDERS. Mr. Speaker, I rise today to discuss the issue of Multiple Chemical Sensitivity as it relates to both our civilian population and our Gulf War veterans. I continue the submission for the RECORD the latest "Recognition of Multiple Chemical Sensitivity" newsletter which lists the U.S. federal, state and local government authorities, U.S. federal and state courts, U.S. workers' compensation boards, and independent organizations that have adopted policies, made statements, and/or published documents recognizing Multiple Chemical Sensitivity disorders for the benefit of my colleagues.

GOVERNORS OF CONNECTICUT, MISSOURI, NEW MEXICO, NORTH CAROLINA AND WASHINGTON

In (independently) adopting resolutions declaring May 11–17 (July 13–17 in Washington) as MCS Awareness Week. In Washington, the governor issued a second proclamation after rescinding the first on the advice of his General Counsel, just 8 days after it was adopted with approval of the state toxicologist [1996, 7 pages including both Washington versions, R–178].

MARYLAND STATE LEGISLATURE

In Senate Joint Resolution No. 32 directing the Maryland Department of the Environment (MDE) to carry out a study of Chemical Hypersensitivity Syndrome [1988, 3 pages, R–40]. The MDE commissioned a state-of-the-art review from Rebecca Bascom, M.D., entitled "Chemical Hypersensitivity Syndrome Study" [1989, 132 pages, R–41].

MASSACHUSETTS OPERATIONAL SERVICES DIVISION, ENVIRONMENTALLY PREFERABLE PRODUCT PROCUREMENT PROGRAM

In its final bid document for the procurement of Environmentally Preferable Cleaning Products by state agencies for use in state facilities, which "will not replace the cleaning products already on contract; they will be offered as alternatives." The product specifications developed by the Massachusetts Executive Office of Environmental Affairs, Office of Technical Assistance, include "desirable" (as distinct from "mandatory") criteria that products contain as few volatile organic compounds (VOCs) as possible and not contain any added dyes or fragrances. These are justified in Appendix N of the bid document on the grounds that "A lower VOC content . . . is especially important for sensitive individuals" and "The Commonwealth recognizes that many sensitive individuals prefer cleaning products without added dyes and fragrances." [1998, 30 page excerpt including Appendix N, R–181]

MISSOURI DEPARTMENT OF SOCIAL SERVICES, DIVISION OF AGING

In a detailed response to a request from Dr. Grace Ziem for workplace accommodation of an employee with MCS, the agency agreed to (among other things): make changes in the work schedule; provide a private work area with floor to ceiling walls; provide multiple carbon-fiber air filtration machines; conduct staff education on MCS; adopt and post voluntary fragrance free policy governing all employees; request maintenance staff use cleaning products only from an approved list; and clean the carpet. [3 pages, 1 April 1996, plus 1 of follow-up, R–98]

NEW JERSEY DEPARTMENT OF HEALTH

In a comprehensive review of chemical sensitivity with recommendations for state action commissioned from Nicholas Ashford, Ph.D., J.D., and Claudia Miller, M.D., entitled "Chemical sensitivity: a report to the New Jersey Department of Health" [1989, 176 pages, R–45].

NEW MEXICO DEPARTMENT OF EDUCATION, SCHOOL HEALTH UNIT

In a brochure on "Multiple Chemical Sensitivities" describing the illness and nine "steps schools can take to promote environmental safety." Also lists resource persons and materials [1997 (undated), 2 pages, R–139].

NEW MEXICO DEPARTMENT OF ENERGY, MINERALS & NATURAL RESOURCES, STATE PARK & RECREATION DIVISION

In a letter from the director outlining steps the division is taking to reduce barriers to access for individuals with EI/MCS [10 January 1994, 1 page, R–46]. These include prohibiting smoking in restrooms, temporarily discontinuing the use of certain cleaning and disinfectant chemicals upon special request of EI/MCS individuals, and switching to least toxic/allergenic cleaning and pesticide products.

NEW MEXICO DEPARTMENT OF HEALTH, COMMUNITY HEALTH SYSTEMS DIVISION, EMERGENCY MEDICAL SERVICES BUREAU

In an editorial from Barak Wolff, MHP, chief of the EMS Bureau, entitled "'Scared to Death' of Having to call 911" and an accompanying article by Dr. Ann McCampbell entitled "First . . . Do No Harm: The Challenge of Patients with Multiple Chemical Sensitivities," both published in the state's Focus on Emergency Medical Services newsletter [Vol. 15, No. 3, October 1996, 4 pages, R–117]. The editorial and article discuss the need for emergency service personnel to accommodate people with MCS and they make several specific recommendations for 911 operators, emergency responders and hospital staff.

NEW MEXICO GOVERNOR'S COMMITTEE ON CONCERNS OF THE HANDICAPPED

In sponsoring and financing a day-long "Town Hall Meeting on Multiple Chemical Sensitivities" on 24 June 1996 with the full support of the governor, despite his earlier veto of a legislative proposal for additional funding (see next entry). Described as "A public forum to discuss the problems faced by chemically sensitive New Mexicans and to propose state level solutions," this was the first state-wide effort to bring together a panel of representatives from state agencies to "hear from persons with MCS and other interested parties on the issues of Housing, Employment, Health Care, Pesticides, Schools, and Access to State Facilities and Services." [Brochure, program and detailed fragrance free policy, 24 June 1996, 3 pages, R–96]. Based on the testimony received at the Town Meeting, the Governor's Committee then issued a "Report to the Legislature on Multiple Chemical Sensitivity," including a "Suggested Public Meeting Policy on Accessibility for Persons with Multiple Chemical Sensitivity [27 August 1996, 8 pages, R–104]. The report recommends six actions "be taken now," including funding the state Office of Epidemiology to study the prevalence of MCS within the general population"; directing all hospitals to "establish written protocols for providing barrier free environments for the use of persons with MCS admitted for any reason"; directing all ADA coordinators of public facilities in New Mexico to adopt public meeting policies "to allow attendance by persons affected by MCS"; creating an "MCS information and assistance" program within State government to "provide ADA coordinators, housing officials, hospitals and other decision makers with the most complete and up-to-date information on MCS as well as . . . providing individual assistance to affected persons via an "800" telephone number"; and "conducting a study of the housing needs of persons affected with MCS."

NEW MEXICO STATE LEGISLATURE

In a "Joint Memorial Requesting the Governor's Committee on Concerns of the Handicapped to Study Issues Related to Multiple Chemical Sensitivities." The resolution specifies that the study focus on "issues of health care, insurance, public benefits and services, access to government, legal services and environmental regulation" [Senate Joint Memorial 10-House Memorial 6, Second Session, 1996, 3 pages, R–91]. A follow-up amendment to the General Appropriation Act of 1996 requesting $50,000 in funding for this "Memorial" also was passed by the legislature (House Bill 2 on 15 February 1996) but then vetoed by the governor on 4 March 1996.

NEW YORK STATE DEPARTMENT OF HEALTH

In a $100,000 grant given to the Mt. Sinai Occupational Health Clinic for MCS research, part of a larger annual grant to the clinic in 1993 [4 page excerpt, R–47]. The report, including a review of MCS cases seen at eight occupational clinics in New York State, originally was supposed to be completed in late 1994 but is now expected in 1997.

PENNSYLVANIA HUMAN RIGHTS COMMISSION

In a decision (upheld on appeal to the Commonwealth Court of Pennsylvania) finding that a landlord must make reasonable accommodation for a tenant who suffers from MCS, including giving tenant prior notification of painting and pest treatments (see Recognition of MCS by State Courts, below, for reference).

WASHINGTON STATE BOARD OF HEALTH

In its 1994 Washington State Public Health Report, which says "Several hundred Washington residents have reported a condition diagnosed by some physicians as Multiple Chemical Sensitivity" and goes on to discuss common MCS symptoms and sensitivities. [December 1993, 3 page excerpt, R–55].

WASHINGTON STATE DEPARTMENTS OF HEALTH AND LABOR & INDUSTRIES

In the joint "Final Inter-Agency Report on Chemically Related Illness" issued by the Secretary of the Department of Health and the Director of the Department of Labor and Industries, which acknowledges that "MCS has become a focus of increasing public health concern in Washington state and elsewhere," cites the 1987 Cullen definition, and says "Public agencies are increasingly recognizing a need to address the public health aspects of the MCS syndrome, without necessarily waiting for conclusive answers from scientific research" [June 1995, 5 page excerpt including table of contents, R–54].

WASHINGTON STATE CHEMICALLY RELATED ILLNESS ADVISORY COMMITTEE

In its final report, in an appendix devoted to MCS, the committee says MCS is "characterized as a condition in which individuals experience symptoms following exposures at low levels to multiple chemical substances. It is a chronic condition that is reproducible with challenge, and which resolves when incitants are removed" [June 1995, 3 page excerpt, R–95]. The committee included representatives of state government, affected business and labor organizations, the medical community, and MCS patients. Its final report also is included as an appendix in the Washington State Final Inter-agency Report on Chemically Related Illness (see entry above).

WASHINGTON STATE GOVERNOR'S COMMITTEE ON DISABILITY ISSUES AND EMPLOYMENT

In a booklet entitled "Reasonable Accommodation: A Guide for Employers, Businesses and Persons with Disabilities," signed by the governor and the commissioner of the State's Employment Security Department, which discusses MCS/EI in detail in a section on "Reasonable Accommodation for Persons with Hidden Disabilities" [March 1992, 34 pages, R–53].

RECOGNITION OF MCS BY 14 U.S. LOCAL AUTHORITIES

BERKELEY (CA) DEPARTMENT OF PUBLIC WORKS, COMMISSION ON DISABILITY

In voting on 30 April 1996 to require a statement about "odor sensitivity" in all City-sponsored event and meeting notices, followed by a memo from the City Manager on 8 August 1996 urging "staff who attend meetings to assist the City in accommodating the needs of persons with sensitivities and to respect those needs in their own use of personal products," and finalized on 13 November 1996 with the adoption of detailed "Procedures to Implement Clean Air Practices for Meetings" for use by city and commission staff [6-page memo from Commission on Disability to the Mayor and City Council, 14 January 1996, R–111].

CHICAGO (IL) TRANSIT AUTHORITY

In its Paratransit Operations Newsletter, people with disabilities who use the Chicago Transit Authority's Special Services and Chicago Taxi Access Program are asked to "assist people with EI by practicing the following suggestions: Keep scented personal care products to a minimum; Never smoke in a Special Services vehicle and refrain from smoking near the vehicle; [and] If possible, please accommodate an EI person's request to sit by an open window in a Special Services vehicle if it doesn't inconvenience other customers who may be sensitive to hot or cold air." [6th edition, Winter 1995, 2 page excerpt, R–36].

CONTRA COSTA (CA) MEDICAL ADVISORY PLANNING COMMISSION

In all public meeting announcements, which include the following notice: "Please help us accommodate individuals with EI/MCS and refrain from wearing scented products to this hearing" [1994, 1 page excerpt, R–37].

FAIRFAX COUNTY (VA) PUBLIC SCHOOLS

In a detailed 7-page report from the Director of the Office of Human Relations to Dr. Grace Ziem documenting the accommodations that the school system was willing to provide for a teacher with MCS, including changes in her school assignment and the elimination or control of a wide variety of aggravating exposures, from the art clay used in her classroom to custodial use of cleaning fluids, pesticides, carpets, air fresheners, paints, glues, adhesives & other remodeling materials. They even offered to provide a special parking space to limit her exposure to vehicle exhaust. [26 April 1996, 7 pages, R–97]

JEFFERSON CITY (MO) PUBLIC SCHOOLS

In an accommodation plan provided under Section 504 of the Rehabilitation Act of 1973, adopted for a 6th grade student with MCS asthma and allergies, specifying that (a) "classmates will be solicited for cooperation in providing a scent-free environment," (b) student "will be allowed to self-limit activities that involve running or other strenuous exercise," and (c) if student misses more than two days in a row, "she can request after school help from her teachers to review missing work" [1996, 1 page, R–138]. List of reasonable accommodations upheld upon review in 1997 [15 August 1997, 1 page, R–153]. On 19 November 1997, the school basketball supervisor wrote the Central Missouri Officials Association asking coaches, players and officials to refrain from wearing perfumes and colognes to games at which this student would be playing [1 page, R–171]

MINNEAPOLIS ADVISORY COMMITTEE ON PEOPLE WITH DISABILITIES

In a letter to the Minneapolis Public Housing Authority (see below) about the "expressed need for proper living conditions for people with Environmental Sensitivities" [1994, 2 pages, R–42]

MINNEAPOLIS HOUSING FINANCE AGENCY

In awarding a $6,500 grant from its Capacity Building Grant Program to Twin Cities HEAL to establish an office to better serve the needs of those seeking MCS-accessible housing in the Minneapolis-St. Paul Metro Area [1993, 2 pages, R–43]

MINNEAPOLIS PUBLIC HOUSING AUTHORITY

In letters to Twin Cities HEAL and the U.S. Department of Housing and Urban Development expressing "an interest in working with HEAL to assist in the development of suitable housing for persons with chemical sensitivity disabilities" [1994, 3 pages, R–44].

NORTHWEST AIR POLLUTION AUTHORITY (ISLAND, SKAGIT AND WHATCOM COUNTIES, WA)

In a "Dear Resident" letter from Terry Nyman, Air Pollution Control Officer, to neighbors of "an individual with a disabling condition related to chemical sensitivities [who] has moved into your area. This individual is extremely sensitive to smoke and a health care provider has requested that we send you information about outdoor burning, heating with wood and the health impacts of breathing wood smoke." [21 September 1996, 1 page, R–105]. The letter notes that the NWAPA is empowered to enforce under the WA State Clean Air Act "to secure and maintain levels of air quality that protect human health and safety, including the most sensitive members of the population" (RCW 70.94.011, italics in the original) and says "We want you to be aware of this situation and ask that you read the enclosed literature to see if you can minimize potential smoke impacts caused by these activities."

OAKLAND (CA) CITY COUNCIL

In the City's "Access Policy for People with Environmental Illness/Multiple Chemical Sensitivity" which requires city departments to "make reasonable efforts to accommodate persons with EI/MCS" in city programs, activities and services. [Administrative Instruction #138, 1995, 9 pages, R–48].

SANTA FE (NM) CITY COUNCIL

In resolution E#1998–35 "Adopting a moratorium on the use of herbicides, rodenticides and insecticides on City of Santa Fe property until such time that an ordinance is adopted to regulate the use of such chemical pesticides." The resolution notes that exposure to pesticides "can cause very severe symptoms and prolonged relapses in chemical or pesticide sensitive people, which the New Mexico Department of Health estimates to be seventeen percent of all New Mexicans" [27 May 1998, 4 pages, R–176].

SAN FRANCISCO (CA) BOARD OF SUPERVISORS

In a resolution requesting citizens attending public meetings "to refrain from wearing perfume or other scented products to allow individuals with environmental illness and MCS' to attend" [1993]. Although the formal resolution was subsequently rescinded under pressure from industry opponents, the following notice is still included in all published announcements of public meetings as required by Chapter 66 of the City's Sunshine Ordinance: "In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, MCS or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals" [Section 66.15(d), as amended 2 August 1993, 2 pages, R–49].

SANTA CLARA (CA) CITY COUNCIL

In the city's "Public Services Self-Evaluation/Transition Plan" (required by the Americans with Disabilities Act), which includes several provisions for accommodating individuals with "MCS, also known as environmental illness, resulting from acute or chronic chemical exposure" [1993, 6 pages, R–50]. The comprehensive plan requires "whenever possible, purchase and use of less toxic, hypoallergenic and non-fragrance materials"; reasonable accommodations for "employees and persons doing business with the City [who] may have this illness"; and the posting of notices at entrances to public buildings warning of "construction, remodeling or toxic cleaning activities." The City also includes a notice in all City Council agendas and other public program notices, stating that "Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should contact the City's DA office at (408) 984–3000 to discuss meeting accessibility. In order to allow participation by such individuals, please do not wear scented products to meetings at City facilities" as revised by the Santa Clara's ADA Committee [March 1994, 6 pages, R–51].

SANTA CRUZ (CA) CITY COUNCIL

In a resolution of the City Council (#NS21,285) establishing a Self-Evaluation and Transition Plan (as required by the Americans with Disabilities Act). The comprehensive plan includes provisions requiring "smoke and fragrance-free environments for public meetings, the elimination of chemical air fresheners/fragrance emission devices" in all city-owned and managed restrooms and workstations, the use wherever possible of the least toxic maintenance products and application methods in public buildings, and signage warning of the use of hazardous materials in public areas [1993, 6 pages, R–52].

HONORING PHIL AND MARGE ODEEN

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. DAVIS of Virginia. Mr. Speaker, it gives my colleagues, Mr. MORAN of Virginia and Mr. WOLF of Virginia, and I great pleasure to rise today and pay tribute to Phil and Marge Odeen, who are outstanding members of the Northern Virginia community. The Odeens are this year's recipients of the Northern Virginia Community Foundation Founders Award. The award is presented annually to an individual or individuals who have demonstrated extraordinary civic and humanitarian responsibility and have contributed to improving the quality of life in Northern Virginia through leadership in one or more of the following areas: The Arts, Education, Health, Youth and Community improvement.

The Odeens have given generously of their time and resources and have made a positive impact on Northern Virginia. Since moving to the area in 1960, the Odeens have actively engaged in Philanthropy and civic activities. They have made Northern Virginia their home and contributed to the quality of life for their neighbors and colleagues and have encouraged the spirit of volunteering by actively supporting programs that make a difference in the community.

Originally from South Dakota, the Odeens have brought to Northern Virginia that indomitable small town spirit so prevalent in tight knit communities. They have demonstrated what a difference one or two people can make and have brought energy and leadership to the programs they have supported. Through their personal efforts the at risk children and their families of Northern Virginia have received services that have increased their odds of living successful and productive lives.

Phil and Marge Odeen have been effective in both their individual and joint endeavors. Until December 1997, Phil served as CEO of BDM; when BDM was acquired by TRW, Inc., he became Executive Vice President and General Manager of the new Systems & Information Technology Group (which includes the former BDM). He served as chairman of the National Defense Panel which examined national security needs and challenges for the future. He is a leader in addressing national defense issues affecting both the contracting community and the military and has also been active in the World Affairs Council and other international organizations.

Marge Odeen created the innovative Potomac Parties for the Women's Center and helped build strong corporate support for the organization. She has chaired and spearheaded many successful functions and initiatives for organizations including the Northern Virginia Community College, and has always done them with a special style and spirit. She believes passionately in "giving something back" to the community, and Northern Virginia has benefited as a result.

Their combined efforts on behalf of Childhelp have had a significant impact on the lives of many severely abused children. In addition to mobilizing BDM employees for several work projects (including the Odeen Cottage named in their honor) at this unique residential treatment center, they have been generous both with personal gifts and by encouraging other individuals and corporations to support this worthy cause. The results have been immediate and major.

We wish to formally recognize the Odeens' contributions to the Northern Virginia community and to the world. They are an inspiration to all of us.

CONGRATULATIONS TO THE HOMENETMEN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno Sassoun Chapter of the Homenetmen on the occasion of their 25th Silver Anniversary. The Homenetmen are to be commended on the services they provide to the community.

It is the mission of the Homenetmen to prepare exemplary and law abiding citizens by providing physical and health education, endowing the mind and soul with the finest spirit of sportsmanship and developing an understanding of responsibility and honor as they strive for individual and collective excellence. There are currently two hundred members of the Fresno Sassoun Chapter, these members consist of mothers, fathers, community members, athletes and scouts.

The Fresno Sassoun Chapter currently has 100 athletes participating in different divisions and sporting events. This chapter fields basketball teams ranging from under 9 to over 30. The Fresno Homenetmen also have a soccer team competing in the Fresno City League. Fresno's Sassoun Chapter also has athletes participating in ping pong, tennis, track and field, and swimming.

In addition to athletics the Fresno Sassoun Chapter has 75 members involved in the Boy and Girl Scouts. Scout leader Mano Handian and his troop are always busy planning activities ranging from camping and educational trips to community activities. This year 14 scouts from the Sassoun Chapter participated in the 1998 World Jamboree held in Yerevan Armenia.

Mr. Speaker it is with great honor that I pay tribute to the Fresno Sassoun Chapter of the Homenetmen. This organization exemplifies leadership in athletics and community involvement. I ask all my colleagues to join me in wishing the Fresno Homenetmen a happy Silver Anniversary.

ON THE RETIREMENT OF BILL GRADISON FROM THE HEALTH INSURANCE ASSOCIATION OF AMERICA

HON. RON PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to our former colleague Bill Gradison, who served the constituents of Ohio's Second District in exemplary fashion for eighteen years until his retirement on January 31, 1993 when he was named President of the Health Insurance Association of America (HIAA). As many of my colleagues know, at the end of this year, Bill will be stepping down from his presidency at HIAA.

During the time Bill represented the citizens of Ohio's Second District in the House, he was influential in many important areas, such as strengthening our health care system, helping steer us toward a balanced budget, promoting a reduction in the tax burden working Americans face every day, building a lasting social security program, and increasing trade opportunities for our businesses.

In his life after Congress, Bill remained dedicated to his work on providing high quality, affordable health care coverage. Mr. Speaker, today I invite my colleagues to join me in congratulating Bill on his years of hard work and dedicated service to the Congress and to the HIAA, and wishing him all the best in his future endeavors, wherever they may lead him. I know we will continue to benefit from his contributions to our deliberations on the best ways to improve our health care system for many years to come.

TRIBUTE TO THE HONORABLE BILL PAXON

SPEECH OF

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding so that I can tell this Congressman PAXON just what I think of him. First of all I think he is one of the finest members ever to serve in this House. He is a doctrinaire conservative just like me and he has been a true leader in bringing some fiscal sanity back to this body.

But Mr. Speaker, BILL PAXON's greatest contribution has been his ability to inspire others to success both as a candidate and later as a Member of Congress.

And the sad part about his decision to leave Congress is the fact that even after serving as a county lawmaker and a State Assemblyman and after serving here in Congress for ten years, he is still in his mid-forties.

And Mr. Speaker, losing this great talent is indeed sad, for he has so much to offer to the Republican Party, to this House and to this country.

BILL, as you prepare to leave this body, please know that all of your friends here in this House, and I mean hundreds, all wish you, your wife Susan and your young daughter the very best wherever the future takes you and always keep in touch.

TRIBUTE TO JANE MURDOCK HOLLAND

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, today I rise to honor Mrs. Jane Murdock Holland, who will celebrate her 80th birthday on November 15th of this year. For eight decades Mrs. Holland has seen this country through many eras, including the Great Depression and World War II. She was happily married for 45 years to Edward Holland, who passed away in 1986. A devoted mother and wife, she raised six children who are all very active in social, political, and in civic causes. Lovingly referred to as "Gam," she is the proud matriarch of 14 grandchildren and 1 great-grandchild.

Mrs. Holland graduated with a Bachelor's Degree in English from the College of St. Francis in Joliet, Illinois. In her younger years, she was a successful athlete, playing both softball and basketball, and even now her grandchildren consult her on upcoming sporting events.

She has volunteered on several political campaigns, including my own, and she also volunteers her time to read to children every week. She is an avid bridge player, reader, and gardener.

Mrs. Holland is an example of women who have made personal sacrifices as they raise the next generation of leaders. She has contributed in numerous ways to the strength of her community and to the strength of America by devoting her time and attention to her sons and daughters. I am proud to have such a dear friend and to have such an extraordinary woman in my district. Happy Birthday, Jane.

TRIBUTE TO DR. NORMAN MELLOR

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CALVERT. Mr. Speaker, throughout this country of ours there are a few individuals who, because they contribute so generously of their time and talents to help others, are recognized as pillars of their community. I rise today to honor and pay tribute to Dr. Norman Mellor, whose dedication to the community is unparalleled. And on a personal note, I have special affinity for Dr. Mellor because he is a long-time friend of my family's and is the doctor who delivered me at Corona Hospital 45 years ago.

Since 1929, when he was 13 years old, Dr. Mellor has been involved with the Boy Scouts of America, first as a scout and then as a leader. He earned his Eagle Scout badge in 1933, and went on to earn some of the highest honors a Boy Scout can receive. Dr. Mellor's awards include the National Council's Gold Medal Hornaday Award for helping cofound the Idyllwild Arts Academy; the Silver Beaver Award for scout leadership; and the National Council's Distinguished Eagle Award in medicine for 25 years of being an Eagle Scout and excellence in his field.

In recognition of his accomplishments and lifelong dedication to scouting, the Inland Empire Council of the Boy Scouts of America recently named a campsite at Camp Emerson Boy Scout camp after Dr. Mellor. He still teaches a summer course at the camp on birds and mammals, a passion he developed during his days as a scout at Camp Emerson.

No person is more deserving of recognition than Dr. Mellor. He has dedicated his life to improving the lives of others around him and is a truly exceptional individual. On behalf of the 43rd congressional district, I want to commend Dr. Mellor for his outstanding accomplishments and thank him for his contribution to the betterment of our community.

SPEECH OF JAMES GUSTAVE SPETH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. PORTER. Mr. Speaker, I would like to bring to the attention of the House a speech delivered by James Gustave Speth, the Administrator of the United Nations Development Programme (UNDP) and the highest ranking American at the United Nations (UN). Mr. Speth will be leaving UNDP soon but in his five-year tenure there, he has been a distinguished representative of the U.S. and transformed UNDP into one of the most effective agencies assisting development in the Third World.

In this speech, Mr. Speth focuses on the disconnect between the United States' ever-increasing interdependence with the rest of the world, specifically with the developing world, and the absence of U.S. leadership in international affairs, including at the UN. As Mr. Speth states very poignantly, "The country that has benefitted most from globalization and has the greatest stake in its success, seems deeply reluctant to shoulder the load that our position in the world requires of us."

As the world works to restructure and make more effective global financial systems, a similar renovation must be applied to those guiding development assistance and cooperation. Mr. Speth provides a five-point plan for these reforms, and outlines ideas that encompass more than the traditional forms of development assistance.

I hope that Members will take the time to read this speech and the U.S. will re-engage soon in the world and provide the needed leadership backed with real resources, both financial and human.

NON-BENIGN NEGLECT: AMERICA AND THE DEVELOPING WORLD IN THE ERA OF GLOBALIZATION

(By James Gustave Speth)

I should begin by introducing you to the world in which I have worked for the past five years as Administrator of the United Nations Development Programme (UNDP). UNDP is a serious development assistance actor, managing over $2 billion annually through offices in 130 countries. I've now visited over half of them to review our programs. Overwhelmingly, we focus on the poorest countries, and our core mission is to help to end the poverty which, by any reasonable definition, is the lot of about 3 billion souls. We see good governance as the key to poverty eradication and are now devoting half our resources to it.

Visits to seventy of the countries where we work have left me inspired, depressed, alarmed, angered and sometimes baffled. But I am left with one dominant impression. It is the persistence of hope, the determination, the endurance of the poor in the midst of the unimaginable deprivations they suffer.

In war-ravaged Kandahar, Afghanistan, where there is little or nothing left, I met with elders who collectively decide on issues that touch the lives of all villagers such as improving the water supply and road repairs. Near Guayaquil, Ecuador, I saw women leading the construction of new housing and schools in desperately poor and polluted neighbourhoods. Near Nairobi, Kenya, women are making a livelihood by gathering and composting scraps from the local market, and in Uganda communities are sponsoring training and support centres to encourage local private enterprise development. These are some of the seeds of hope planted in the rough terrain of poverty; your development dollars at work.

But the accumulation of all such efforts—large and small—is still no match for the scale of the poverty challenge. Among the 4.4 billion people who live in developing countries, almost three-fifths live in communities without basic sanitation; almost one-third are without safe drinking water; a quarter lack adequate housing; and a fifth are under-nourished.

For the 1.3 billion people who live on less than a dollar a day, there can be no doubt that poverty is a brutal denial of their human rights. Perhaps the most basic human right challenged by poverty is the right to life. Nearly a third of the people in the least developed countries, most of them in sub-Saharan Africa, cannot expect to live beyond forty. And women, as we know, are the hardest hit, both by poverty and by a vast array of powerful restrictions, laws and other barriers.

And poverty is increasing, growing as fast as global population. In over 60 low-income countries, individual consumption has declined by about one percent annually over the past 15 years. In Africa today, consumption per capita is 20 percent lower than in 1980.

Global poverty amidst global abundance translates into huge and growing disparities between rich and poor. The trend is towards much greater inequality, not less. The gap in per capita income between the industrial and developing worlds, far from narrowing, more than tripled between 1960 and 1995, moving from a gap of $5,700 to one of more than $17,000.

So the world I see when I visit our program countries and our donor countries is deeply divided. It has become more polarized, both between countries and within countries. The risk of an evolution towards an unstable, frightening, two-class world, with a huge global underclass, is quite real.

Now, all of the above is based on data available before the current world financial crisis and the so-called Asian contagion. Before the crisis, widespread poverty and economic depression were already the norm for much of the world. Indeed, most of the world was already in crisis. In 1995, in more than 100 countries, per capita income was less than it was 15 years earlier. As a result, more than a quarter of humanity is worse off today than 15 years ago. For example, most countries of the former Soviet Union, including Russia, saw their real GDP decline dramatically between 1985 and 1995—most of them by 40 to 80 percent. Some 150 million people have been pushed into poverty in the former Soviet Union. This is the combined population of France, the United Kingdom, the Netherlands, and the Nordic countries.

But now comes the crisis. Starting in Asia, it has deepened and spread beyond expectation, and good sense, cutting the growth rate of the world economy in half, plunging more than a third of the world economy either into recession or sharp deceleration, and threatening a global recession.

The crisis remains worst at its epicenter. Indonesia, Thailand, the Republic of Korea, and Malaysia each had admirable records in human development and poverty reduction, but there has been an enormous reversal of fortune which has impacted most heavily on the poor within these countries. Let us be clear: everywhere the poor are paying the heaviest price for this mismanagement of global finance. Indonesia, the world's fourth most populous country, will likely see its economy shrink by more than 15-20 percent in a single year. Others at the epicenter will see declines of 5 to 10 percent. The fledgling Indonesian middle class has fallen into poverty and the social consequences of this downward trend are horrendous. World Vision estimates that 8 million children have dropped out of school in Indonesia owing to poverty, and that low income families are now spending 85 percent of their income on food alone. Famine has hit remote parts of the country and malnutrition is widespread.

In Thailand, the story is also bad. The ILO reports that by the end of this year unemployment in Thailand could well increase three-fold over last year, resulting in an additional two million Thais without jobs. This picture repeats itself again and again in the region. If current trends continue, the World Bank estimates that the number of poor people in Indonesia, Thailand, Malaysia and the Philippines will more than double—from some 40 million to more than 100 million. One estimate is that half of Indonesia's 200 million people will fall below the poverty line.

This downturn is not going to be confined to the Asian tigers and to other emerging market countries. It has already had its effect on those countries which are too poor to be considered emerging markets. Africa's overall growth for 1998, once expected to exceed 4 percent, is now projected to be about 1 percent.

These economic declines can easily translate into political instability and social unrest. Sporadic rioting and looting have broken out in East Asia, along with attacks on ethnic communities. What began as a financial crisis is tearing at the region's social and political fabric. It has become a deep human crisis—a social crisis for the poor and near-poor, with possibly severe consequences for fragile democracies and stability in countries where delivering prosperity has been key to social cohesion.

Over the past five years, I have often asked myself: does this world of underdevelopment, poverty and suffering matter to the United States? Were the financial crisis not lapping at our own American shores, one would have to wonder. All too often, the United States certainly behaves as if this world did not matter much to it.

Our economic interdependence with the rest of the world, including the underdeveloped world, has not been matched by a willingness at a policy level to engage the world. Take the case of development assistance. In 1956, 63 percent of all development assistance came from the United States. Last year it was down to 13 percent. In 1960, 4 percent of the U.S. budget went for development and international affairs in general. Today, that figure stands at less than 1 percent. When you compare the percentage of gross domestic product devoted to development assistance among the other industrialized countries, the U.S. ranks dead last. Contributions to the UN's development work remain modest, and the $1 billion plus owed to the UN remains unpaid.

Declining developing assistance is part of the larger picture. Basically, the issue is our country's flagging commitment to international leadership. Some 40 U.S. embassies, consulates and branch offices have had to be closed in the last 6 years. Coverage of international affairs in the major national newsmagazines has dropped by 50 percent since the early 1990s. The country that has benefited most from globalization, and has the greatest stake in its success, seems deeply reluctant to shoulder the load that our position in the world requires of us.

Perhaps the most telling critique of American policy is that offered by Jeffrey Sachs of Harvard:

"America has wanted global leadership on the cheap. It was desperate for the developing world and post-communist economies to buy into its vision, in which globalization, private capital flows and Washington advice would overcome the obstacles to shared prosperity, so that pressures on the rich countries to do more for the poorer countries could be contained by the dream of universal economic growth. In this way, the United States would not have to shell out real money to help the peaceful reconstruction of Russia; or to ameliorate the desperate impoverishment and illness in Africa. . . .

"Washington became skittish at anything or anybody that challenged this vision. When developing country leaders pointed out that development was much harder than it looked; that their economies were falling further behind in technology; that they were being destabilized by financial flows they could neither track nor understand; that falling commodity prices were taking them further from the shared prosperity that they had been promised; that unattended disease was ravaging their societies; that the wreckage of Soviet communism would take real aid, not just short-term loans to overcome; or that they were still drowning in debt ten years after America acknowledged the need for debt relief; all these honest reflections were taken as hostile challenges to the vision of shared prosperity because they put at risk the notion of cost-free American leadership."

There are many lessons to be learned from the spreading global crisis. And since the contagion is in fact approaching even the United States, perhaps we will learn them. Indeed, rarely have so many hoary myths and half-truths been dispatched so quickly and thoroughly.

Gone are the myths that globalization is working well, that most of the developing world is doing fine economically, and that Asia is blazing a trail for other developing countries to follow.

Gone too is the myth that trade and private capital are reliable substitutes for development assistance. In lucid moments, political leaders know that development cooperation works. That is why whenever there is a high-stakes crisis—from the Middle East, to Bosnia, to Indonesia—development resources are mobilized to support peace and stability.

And gone are the notions that progress can be left to the wisdom of the market, that government is hardly necessary. If the state is needed to save the market from itself, imagine how much more it is needed to save people.

And at least weakened, for the moment, is the tendency by America to view itself as relatively immune from the troubles of the developing world.

Too many Americans have nestled comfortably behind these and related myths, but they are now revealed for what they are—simply convenient concoctions.

So let me return to the question: does the world of underdevelopment and poverty matter of the United States?

Looked at objectively, the short answer is that the developing world means a lot for America today, and it will mean even more in the next century. By the year 2000 four out of five people in the world will be living in the developing countries. When we consider market growth for American products in the next century, the center of gravity will continue to shift toward the developing countries. Since 1987, more than two-thirds of all American export growth has occurred in the emerging markets, and this has generated roughly two million new jobs in the United States.

Interdependence can also be negative. The U.S. is now entering a period of substantial trade deficits as ships leave West Coast ports virtually empty and return with Asian goods selling at bargain prices. In the Port of Seattle alone, imports are up 37 percent over last year and exports are down 24 percent.

The crisis will increasingly affect American jobs. The financial and economic problems of the developing world are also having a major impact on U.S. investments. For example, the California Public Employees Retirement System has lost more than $2.7 billion in emerging market investments in the past year.

Beyond our positive stake in the economic health of the developing world, Americans have a large stake in what we might call the "avoidance agenda"—the avoidance of humanitarian emergencies, national and regional conflicts, environmental deterioration, terrorism, illicit drugs, the spread of diseases, illegal migration, and other human and "natural" disasters. We now see plainly that economic, environmental and political problems do not need passports to travel around the globe. Many of these threats stem directly or indirectly from poverty, inequity, joblessness and social disintegration. No one would attribute such problems solely to under-development, but underdevelopment is surely part of the disease. And development—sustainable, people-centered development—will almost always be part of any cure.

I can state fairly simply the most important take-home lesson from my years at the United Nations: None of the admirable goals that the U.S. has pursued around the world—not peace and stability, not human rights and democratization, not the expansion of trade and markets, not environmental protection, not population stabilization, not an end to hunger and extreme deprivation—not one of these can be accomplished except in the context of successful development—equitable, sustainable successful development. And that kind of development does not have a snowball's chance in Hades of succeeding unless we forge a new framework for development cooperation, and back it up with real commitment and financial resources. I must commend both President Clinton and the World Bank's Jim Wolfensohn for the leadership they showed on these issues at last week's annual meetings of the Bank and the IMF.

So let us take a leap of faith here—faith, and hope, that enough Americans do care, that enough leaders are far-sighted, that we can see the farther shore beyond Wall Street and the daily closing of the stock market and even beyond the immediate financial crisis, and that we want a leadership agenda worthy of our great nation. What would it be?

Yes, we must act urgently on the current emergency, including the proposals to lower interest rates and take other steps to stimulate demand and reinvigorate the world economy. And, yes, we must also act to prevent the spread of the current financial crisis. But we must do so in a way that supports growth in a much wider group of countries than those hit by the Asian contagion, including those countries whose deep, abiding poverty was never relieved by high growth. They have been in long-term recession, often struggling to regain the income levels they had twenty or even thirty years ago.

Yes, we need a new international financial architecture to protect countries and people reeling from the effects of vast, unregulated movements of capital. But we also need to act on the fact that most countries, including virtually all the low-income countries, never benefited from foreign investment and loans; that most countries have banking and regulatory systems and governance capabilities far less developed than the Asian tigers; and that only 0.2 percent of global commercial credit reaches the poorest 20 percent of the world's people. Special programs are needed to address these pre-emerging market challenges as well.

Yes, we need much larger social investments and social safety nets from the development assistance community to protect the poor victimized by recession in Indonesia and elsewhere. But we also need antipoverty development assistance such as that UNDP and others provide to help the other hundreds of millions of families who live in the prison of poverty.

Yes, we need to allow certain countries to temporarily suspend debt repayments—a standstill—while they renegotiate new terms on what they owe. But we also need to go far beyond current arrangements for reducing external indebtedness which, for the developing countries and countries in transition, has climbed to over U.S. $2.2 trillion. Two-thirds of this is long-term public debt. In Africa, governments are now transferring four times more to international creditors than they spend on basic health and education. New initiatives to relieve both bilaterial and multilateral debt burdens are clearly in order.

Yes, we need new institutional arrangements for better governance of the global monetary system and economic globalization. But we also need norms and rules of the road to guide globalization in other ways—to protect and benefit poor countries and poor people, the environment, workers, consumers, and investors. Globalization is on trial, and a growing backlash from many quarters could threaten the process itself—killing, or at least weakening, the goose that lays the golden eggs. Multilateral challenges require multilateral solutions, and the United Nations has an important rule to play in helping to make globalization work for people and for human development.

In short, we need a new architecture for development cooperation, not just a new architecture for international finance. Let me mention five elements of this new architecture for development cooperation—elements we are working to build into our program at UNDP.

First, we must broaden the scope of development cooperation to include not only development assistance but also trade, debt management, private investment and capital flows, private sector development, and access to technology. These elements must all be made supportive of a more equitable and sustainable world, not inimical to it. Also, the strictly government-to-government foreign aid of the past should go to the dustbin of history with the Cold War. The new development assistance must focus on being synergistic with private sector development and the strengthening of civil society as a whole.

Second, the relationship between industrial and developing countries needs to be redefined. Common interests and complementary needs of the rich and the poor, as well as global goals forged through the United Nations, must provide the basic rationale for new partnerships and compacts. Global challenges require cooperative, global solutions. We must act in concert, preventively, to attack the root causes of today's threats because we cannot afford to cope with the future tragic consequences of neglect. Development assistance is an essential part of the cost-sharing needed for global compacts.

Third, a new development framework is needed to consolidate the emerging concept of sustainable human development. Too often, development cooperation has been shaped by short-term military, political and economic interests. Past aid has not, for the most part, been used for poverty eradication and human development. We must now ensure that scarce funds address the most pressing needs of people, particularly the poor, and we must reinforce this commitment by an unequivocal acknowledgement that freedom from poverty is a fundamental human rights of all people.

Fourth, we must learn from past mistakes and ensure the development cooperation supports the polity and not just the economy; that it is country-driven and not donor-driven. The challenges of growing poverty and widening inequity will not be met without democratization and good governance. Development cooperation must be fully committed to these ends. Assistance projects must also be owned by the people they are intended to help, because these projects respond to their actual needs and because, through their participation, they themselves helped design the project. Development assistance must empower the poor—economically, socially and politically—not marginalize them.

Finally, we must have the foresight to increase development assistance, not reduce it. We know much better now—often from sad experience—how to succeed in development cooperation. Yet, right at this confluence of greater need and greater opportunity, we find tragically that resources are declining, not increasing. Development assistance has declined for five years running, and is now at an historic low. This trend that must be reversed, or we will pay dearly later—in missed economic opportunity, with emergency relief, with peacekeeping forces, through the spread of disease, environmental deterioration, illegal migrants, refugees, or terrorism. Certainly, we will pay through the great pall cast on the human spirit by the knowledge that we have not acted to help relieve poverty's suffering when we could so easily have. An enlarged volume of assistance is absolutely critical right now, for example, if we are to avoid the "Sophie's Choice" problem of increasing assistance to Asia without further diminishing assistance to Africa.

We must see development assistance not as an alternative to private investment but, for much of the world, as an essential building block to a vibrant private sector and successful financial markets. We must see development assistance not as a handout but as a solid investment in "global public goods," including peace and a more equitable and habitable world from which we all benefit. And we must seek development assistance not only from traditional sources but also from new and innovative sources of finance.

These are challenging objectives. But let's make no mistake about it: the policies the U.S. adopts today, in the context of the globalizing world, with regard to development cooperation and the United Nations—these are defining decisions for the United States. They will define the values for which our country stands. The world is watching, and expects a lot of America. Let us not disappoint them—or ourselves.

Thank you.

TRIBUTE TO LOUIS P. MARTINI

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce the New York Times Obituary of Louis P. Martini. Louis Martini was a leading figure in the California business and he will be sadly missed.

"Louis P. Martini, a leading figure in the California wine business and chairman of the Louis M. Martini Winery in Napa Valley, died Monday at his home in St. Helena, Calif. He was 79.

The cause of death was cancer his family said.

The Martini family has been involved in the California wine industry for more than 70 years. Mr. Martini's father, Louis M. Martini, founded the family winery as the L.M. Martini Grape Products Company in 1922 in Kingsburg, near Fresno. The elder Martini, who never thought of Prohibition as anything more than a temporary aberration, began planning the expansion of his business while other wine companies were closing.

In 1933, he moved to the Napa Valley and changed the company's name to the Louis M. Martini Winery.

Louis Peter Martini was born in Livermore and grew up in Kingsburg, working in the winery and the vineyards as a boy. He graduated from the University of California at Berkeley in 1941 and spent four years in the Army Air Forces during World War II. He joined the winery as vice president in 1946 and became the winemaker in 1954; wines he made in the 1950's and 60's are still prized by collectors.

At 6 feet 4 inches, Mr. Martini was a gentle giant, who worked in the shadow of his flamboyant father until the elder Martini's death in 1974. To an extent, the son's self-effacing nature is reflected in the winery's reputation. While he was a major producer of fine wine and an important behind-the-scenes industry leader, Mr. Martini avoided the well publicized social side of Napa Valley life, and his winery rarely appeared in trendy articles about the wine business.

But his achievements were numerous. In the 50's and 60's, he helped improve grape quality by identifying and propagating superior grape clones. He developed vineyards in the Carenros district of the valley when it was considered useful only for grazing sheep, and he is credited with making the first Carenros varietal pinot noir in 1952. Today many of the best California pinot noirs come from Carenros. Mr. Martini also made the first varietal merlot wine in the United States with his merlot blend in 1968 to 1970. And he was a pioneer in the use of mechanical grape harvesting.

From 1968 to 1985, he was president and general manager of the winery, which remains in family hands. His daughter is president and chief executive.

Mr. Martini was a founder and former chairman of the Wine Institute and a charter member of the American Society of Enologists.

Surviving, besides his daughter, are his wife Elizabeth Martinelli Martini; two sons Michael of St. Helena, the current Martini wine maker, and Peter, of Seattle, another daughter Patricia of San Francisco, and four grandchildren."

Mr. Speaker, I rise today to pay tribute to Louis P. Martini. Mr. Martini was a great American businessman and patriot. I ask all my colleagues to join with me in expressing my sincerest condolences to the Martini family.

H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I introduced H.R. 901, "The American Land Sovereignty Protection Act," to reestablish Congress as the ultimate decision-maker in managing public lands and maintain sovereign controls of lands in the United States. The bill insists that no land be designated for inclusion in international land use programs, such as World Heritage Sites, without the clear and direct approval of Congress and requires that local citizens and public officials participate in decisions on designating land near their homes for inclusion in these international land programs.

World Heritage Sites are natural areas of cultural monuments recognized by the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO), under "The Convention Concerning Protection of the World Cultural and Natural Heritage." Proponents of World Heritage Sites keep saying that they are designated at the request of local communities. They seem to believe that if they keep repeating this mantra often enough, then somehow it will prove true. The Committee on Resources has now held three hearings on this issue and has yet to find one example where a World Heritage Site designation was requested by a broad-based cross-section of either the public or local officials. On the contrary, the Committee has found that World Heritage Site designation efforts are almost always driven by federal agencies, usually the Department of Interior, and often face strong local opposition.

The Department of Interior, in cooperation with the Federal Interagency Panel for World Heritage has identified a shopping list of 94 sites in 31 States and the District of Columbia that they would like to make World Heritage Sites. So far, twenty-two of the sites on this list have been designated World Heritage Sites. I would like to include this list and the detailed descriptions of the natural properties on this list. More information on this important issue can be found on the Committee on Resources website at: http://www.house.gov//105cong/issues.htm

WORLD HERITAGE SHOPPING LIST FOR UNITED STATES (BY STATE)

ALABAMA

Moundville Site.

ALASKA

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge (Fur Seal Rookeries).

Arctic National Wildlife Refuge.

Cape Krusenstern Archaeological District.

Denali National Park.

Gates of the Arctic National Park.

Glacier Bay National Park and Preserve, inscribed 1992.

Katmai National Park.

Wrangell-St. Elias National Park and Preserve, inscribed 1979.

ARIZONA

Casa Grande National Monument.

Grand Canyon National Park, inscribed 1979.

Hohokam Pima National Monument.

Lowell Observatory.

Organ Pipe Cactus National Monument.

Saguaro National Monument.

San Xavier Del Bac.

Taliesin West.

Ventana Cave.

CALIFORNIA

Joshua Tree National Monument.

Point Reyes National Seashore/Farallon Islands National Wildlife Refuge.

Redwood National Park, inscribed 1980.

Sequoia/Kings Canyon National Parks.

Yosemite National Park, inscribed 1984.

CALIFORNIA/NEVADA

Death Valley National Monument.

COLORADO

Colorado National Monument.

Mesa Verde National Park, inscribed 1978.

Lindenmeir Site.

Rockey Mountain National Park.

DISTRICT OF COLUMBIA

Chapel Hall, Gallaudet College.

Washington Monument.

FLORIDA/GEORGIA

Everglades National Park, inscribed 1979.

Okefenokee National Wildlife Refuge.

GEORGIA

Ocmulgee National Monument.

Savannah Historic District.

Warm Springs Historic District.

HAWAII

Haleakala National Park.

Hawaii Volcanoes National Park, inscribed 1987.

Pu'uhonua O Honaunau National Historical Park.

ILLINOIS

Auditorium Building, Chicago.

Cahokia Mounds State Historic Site, inscribed 1982.

Carson, Pirie, Scott and Company Store, Chicago.

Eads Bridge, Illinois-St. Louis, Missouri

Frank Lloyd Wright Home and Studio

Leiter II Building, Chicago

Marquette Building, Chicago

Reliance Building, Chicago

Robie House, Chicago

Rookery Building, Chicago

South Dearborn Street-Printing House Row North Historic District.

Unity Temple, Oak Park.

INDIANA

New Harmony Historic District.

LOUISIANA

Poverty Point.

MAINE

Acadia National Park.

MASSACHUSETTS

Goddard Rocket Launching Site.

MISSOURI

Wainright Building, St. Louis.

MONTANA

Glacier National Park, inscribed 1995.

NEW JERSEY/NEW YORK

Statue of Liberty National Monument, inscribed 1984.

NEW MEXICO

Carlsbad Caverns National Park, inscribed 1995.

Chaco Culture National Historical Park, inscribed 1987.

Pecos National Monument.

Taos Pueblo, inscribed 1992.

Trinity Site.

NEW YORK

Brooklyn Bridge.

General Electric Research Laboratories, Schenectady.

Prudential (Guaranty) Building, Buffalo.

Pupin Physics Laboratory, Columbia University.

Original Bell Telephone Laboratories.

NORTH CAROLINA/TENNESSEE

Great Smoky Mountains National Park, inscribed 1983.

OHIO

Mound City Group National Monument.

OREGON

Crater Lake National Park.

PENNSYLVANIA

Fallingwater.

Independence National Historic Site, inscribed 1979.

TEXAS

Big Bend National Park.

Guadalupe Mountains National Park.

UTAH

Arches National Park.

Bryce Canyon National Park.

Canyonlands National Park.

Capitol Reef National Park.

Rainbow Bridge National Monument.

Zion National Park.

VIRGINIA

McCormick Farm and Workshop

Monticello, inscribed 1987.

University of Virginia Historic District, inscribed 1987.

Virginia Coast Reserve.

WASHINGTON

Mount Rainier National Park.

Olympic National Park, inscribed 1981.

North Cascades National Park.

WISCONSIN

Taliesin.

WYOMING

Grand Teton National Park.

WYOMING/MONTANA

Yellowstone National Park, inscribed 1978.

PUERTO RICO

La Fortaleza-San Juan National Historical site, inscribed 1983.

INDICATIVE INVENTORY OF POTENTIAL FUTURE U.S. NOMINATIONS TO THE WORLD HERITAGE LIST—NATURAL PROPERTIES

APPALACHIAN RANGES

Great Smoky Mountains National Park, Tennessee/North Carolina (35 deg.37' N.; 83 deg.27' W.). This tract, which includes one of the oldest uplands on earth, has a diversity of lush vegetation associated with its varied topography, including spruce-fir, hemlock, deciduous, and mixed forests. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and areas of exceptional natural beauty.

ATLANTIC COASTAL PLAIN

Okefenokee National Wildlife Refuge, Georgia/Florida (30 deg.48' N.; 82 deg.17' W.). This tract includes a vast peat bog, interspersed with upland prairies, marshes, and open water. These diverse habitats are home for a wide range of uncommon, threatened, and endangered species, including the American alligator. Criteria: (ii) An outstanding example of biological evolution, and (iv) habitat of endangered animal species.

Virginia Coast Reserve, Virginia (37 deg.30' N.; 75 deg.40' W.). The Virginia Coast Reserve is the most well-preserved extensive barrier island system remaining on the Atlantic Coast of North America. The system of barrier islands, saltmarshes, and lagoons demonstrate dune and beach migration and storm action on barrier islands, and include virtually all of the plant Communities which once occurred along the Atlantic Coast. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena and formations.

BROOKS RANGE

Arctic national Wildlife Refuge, Alaska (69 deg.0' N.; 143 deg.0' W.). This area's varied topography, extending from the Brooks Range north to the Arctic Ocean, is habitat for a tremendous diversity of wildlife, including caribou, polar and grizzly bears, musk ox, Dall sheep, Arctic peregrine falcons, and golden eagles. It is a virtually undisturbed arctic landscape, with coastal plain, tundra, valley, and mountain components. Criteria: (ii) An outstanding example of biological evolution, and (iii) superlative natural phenomena and areas of exceptional natural beauty.

Gates of the Arctic National Park, Alaska (67 deg.30' N.; 153 deg.0' W.). Gates of the Arctic includes a portion of the central Brooks Range and is characterized by jagged mountain peaks, gentle arctic valleys, wild rivers and numerous lakes. Criteria: (ii) An outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

CASCADE RANGE

Crater Lake National Park, Oregon (42 deg.55' N.; 122 deg.06' W.). This unique, deep blue lake lies at the center of Mount Mazama, an ancient volcanic peak that collapsed centuries ago. The lake is bounded by multicolored lava walls extending 500 to 2000 feet above the lake's waters. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Mount Rainier National Park, Washington (46 deg.52' N.; 121 deg.41' W.). Mount Rainier National Park includes the greatest single-peak glacial system in the U.S., radiating from the summit and slopes of an ancient volcano. Dense forests and subalpine meadows here are characteristic of the Cascade Range. Criteria: (ii) An outstanding example of significant geological processes and biological evolution; and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

North Cascades National Park, Washington (48 deg.40' N.; 121 deg.15' W.). The tall, jagged peaks of the North Cascades intercept moisture-laden winds off the Pacific Ocean, which produce glaciers, waterfalls, and ice falls in this wild alpine region where plant and animal communities thrive in mountain valleys. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

CHIHUAHUAN DESERT

Big Bend National Park, Texas (29 deg.15' N.; 103 deg.11' W.). This area has many excellent examples of mountain systems and deep canyons formed by a major river. A variety of unusual geological formations are found here, with many vegetation types—dry coniferous forest, woodland, chaparral, and desert—associated with them. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formation, and areas of exceptional natural beauty.

Carlsbad Caverns National Park, New Mexico (32 deg.10' N.; 104 deg.40' W.). This series of connected caverns, which include the largest underground chambers yet discovered, have many magnificent and curious cave formations, including an array of speleothems. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Guadalupe Mountains National Park, Texas (31 deg.50' N.; 104 deg.50' W.). Rising abruptly from the surrounding desert, the mountain mass constituting this national park contains portions of the world's most extensive and significant Permian limestone fossil reef. A tremendous earth fault and unusual flora and fauna are also found here. Criteria: (i) An outstanding example illustrating a major stage of the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

COLORADO PLATEAU

Arches National Park, Utah (38 deg.40' N.; 109 deg.30' W.). Arches National Park contains many extraordinary products of erosional processes, including giant arches, windows, pinnacles and pedestals. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Bryce Canyon National Park, Utah (37 deg.30' N.; 112 deg.10' W.). Bryce Canyon includes innumerable highly colorful and bizarre pinnacles, walls and spires, perhaps the most colorful and unusual erosional forms in the world. Criteria (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Canyonlands National Park, Utah (38 deg.20' N.; 109 deg.50' W.). This area's diverse geological features, which include arches, fins pillars, spires, and mesas, exemplify the array of erosional patterns carved primarily by running water. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Capitol Reef National Park, Utah (38 deg.20' N.; 111 deg.10' W.). The 100-mile long Waterpocket Fold is one of the world's most graphic examples of a monoclinal folding of the earth's crust. A striking variety of features, including volcanic dikes and sills, arches and bridges, and monoliths and sinkholes, have been created or exposed by widescale erosion occurring over the past 270 million years. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative phenomena, formations, and areas of exceptional natural beauty.

Colorado National Monument, Colorado (39 deg.0' N.; 08 deg.40' W.). Sheer-walled canyons, towering monoliths, bizarre formations, and dinosaur fossils are contained within this national monument. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rainbow Bridge National Monument, Utah (37 deg.0' N.; 111 deg.0' W.). Rainbow Bridge is the greatest of the world's known natural bridges, rising 290 feet above the floor of Bridge Canyon. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Zion National Park, Utah (37 deg.20' N.; 113 deg.0' W.). Zion's colorful canyon and mesa vistas include erosion and rock-fault patterns that produce phenomenal shapes and landscapes. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

HAWAIIAN ISLANDS

Hawaii Volcanoes National Park, Hawaii (19 deg.20' N.; 155 deg.20' W.). This site contains outstanding examples of active and recent volcanism, along with luxuriant vegetational development at its lower elevations. The area has been designated a Biosphere Reserve. Criteria: (i) An outstanding example illustrating the earth's evolutionary history, (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

MOHAVE DESERT

Death Valley National Monument, California/Nevada (36 deg.30' N.; 117 deg.0' W.). This large desert area, which is nearly surrounded by high mountains, contains the lowest point in the Western Hemisphere. It is highly representative of Great Basin/Mohave Desert (mountain and desert) ecosystems. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena.

Joshua Tree National Monument, California (33 deg.50' N.; 116 deg.0' W.). This area, located at the junction of the Mohave and Sonoran Deserts, contains an unusually rich variety of desert plants, including extensive stands of Joshua trees, set amongst striking granitic formations. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena and formations.

NEW ENGLAND-ADIRONDACKS

Acadia National Park, Maine (44 deg.20' N.; 68 deg.20' W.). Acadia, situated on a rocky archipelago along the Maine coast, is an area of diverse geological features, dramatic topography (including the highest headlands along the entire Atlantic coast), and outstanding scenic beauty. Criteria: (ii) An outstanding example of significant geological process, and (iii) contains superlative natural phenomena, formations, and areas of exceptional beauty.

NORTH PACIFIC BORDER

Point Reyes National Seashore/Farallon Islands National Wildlife Refuge, California (38 deg.0' N.; 123 deg.0' W.). This proposal includes properties within the Point Reyes/Farallon Islands National Marine Sanctuary. The Point Reyes Peninsula, a unique living example of tectonic and seismic activity, has moved more than 300 miles in the past 80 million years. A complex active rift zone, including the famed San Andreas Fault, occurs where the Peninsula meets the California mainland. The area is characterized by a diverse set of habitats, striking scenery, and a large variety of terrestrial and aquatic animal species. The Farallon Islands support the largest seabird rookeries in the contiguous United States, including species such as the ashy storm petrel, western gull, Brandt's cormorant, black oystercatcher, and Cassin's auklet. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

PACIFIC MOUNTAIN SYSTEM

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, Alaska (54 deg.40' N.; 164 deg.10' W.). The Aleutians represent a mixture of flora and fauna found in both the North American and Asian continents, and serves as a resting place for migratory species. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution.

Denali National Park, Alaska (63 deg.20' N.; 150 deg.40' W.). This tract embodies a unique and spectacular combination of geologic features, including active glaciers, major earthquake faults, and Mt. McKinley, the highest mountain peak in North America. It also includes outstanding examples of tundra and boreal forest ecosystems. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Glacier Bay National Park, Alaska (58 deg.30' N.; 136 deg.30' W.). Great tidewater glaciers, a dramatic range of plant communities from rocky terrain recently covered by ice to lush temperature rainforest, and a large variety of animals, including brown and black bear, mountain goats, whales, seals and eagles, can be found in this Park. Criteria: (ii) an outstanding example of significant ongoing geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and ares of exceptional natural beauty.

Katmai National Park, Alaska (58 deg.30' N.; 155 deg.20' W.). This area's interior wilderness includes the Valley of 10,000 Smokes, the result of the 1917 volcanic eruption of Mt. Katmai. The eruption produced countless fumaroles, a few of which are still active. Criteria: (ii) an outstanding example of significant geological processes, and (iii) contains superlative natural phenomena and formations.

ROCKY MOUNTAINS (INCLUDES NORTHERN, MIDDLE, AND SOUTHERN ROCKY MOUNTAIN NATURAL REGIONS)

Glacier National Park, Montana (48 deg.40' N.; 113 deg.50' W.). With mountain peaks exceeding 10,000 feet, this site includes nearly 50 glaciers, many lakes and streams, and a wide variety of wild flowers and wildlife, including bighorn sheep, bald eagles and grizzly bears. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Grand Teton National Park, Wyoming (43 deg.40' N.; 100 deg.40' W.). Containing the most impressive portion of the Teton Range of the Rocky Mountains, this series of peaks rise more than a mile above surrounding sagebrush plains. The park includes the winter feeding ground of the largest American elk herd. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

Rocky Mountain National Park, Colorado (40 deg.20' N.; 105 deg.40' W.). Within this 412-square mile national park, peaks towering over 14,000 feet shadow wildlife and wildflowers that are characteristic of the Front Range of the Rocky Mountains. The area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

SIERRA NEVADA

Sequoia/Kings Canyon National Parks, California (36 deg.40' N.; 118 deg.30' W.). A combination of two adjoining national parks, this tract includes Mount Whitney, the tallest mountain in the United States outside of Alaska, Mineral King Valley, and two enormous canyons of the Kings River. Groves of giant sequoia, the world's largest living things, are found here. This area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, and areas of exceptional natural beauty.

Yosemite National Park, California (37 deg.50' N.; 119 deg.30' W.). Granite peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including the nation's highest, are found here. Criteria: (ii) An outstanding example of significant geological processes and biological evolution, and (iii) contains superlative natural phenomena, formations, and areas of exceptional natural beauty.

SONORAN DESERT

Organ Pipe Cactus National Monument, Arizona (32 deg.0' N.; 112 deg.50' W.). This park contains block-faulted mountains separated by wide alluvial valleys, along with playas, lava fields, and sands. It includes representative examples of the Sonoran Desert found in this region and nowhere else in the United States. This area has been designated a Biosphere Reserve. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

Saguaro National Monument, Arizona (32 deg.10' N.; 110 deg.40' W.). Giant saguaro cactus, unique to the Sonoran Desert of southern Arizona and northwestern Mexico, reach up to 50 feet in height in the cactus forest in this park. Criteria: (ii) An outstanding example of biological evolution, and (iii) contains superlative natural phenomena.

HAWAIIAN ISLANDS

Haleakala National Park, Hawaii (20 deg.40' N.; 156 deg.10' W.). With an elevational range from sea level to 3000 m, the park has a great variety of habitats. Alpine deserts, subalpine shrubland, dry forests, subalpine grassland, bogs, rainforests, and coastal vegetation all occur within a linear distance of 25 km. Of international botanical significance, over 95 percent of the species, and 20 percent of the genera of flowering plants are found nowhere else on earth. Criteria: (i) An outstanding example representing major stages of the earth's evolutionary history, (ii) outstanding example representing ongoing biological evolution, and (iii) contains superlative natural beauty.

OUR THANKS TO CAL HORNER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BARCIA. Mr. Speaker, it is a privilege to call to the attention of our colleagues the accomplishments of our constituents, especially a constituent that I am privileged to have as both a friend and a long-time supporter. On October 24, Cal Horner will be retiring after forty year with the Wood, Wire and Metal Lathers' International Union. He will be joined by family and friends who have a surprise or two in store for him.

After graduating from T. L. Handy High School, Cal began a three-year apprenticeship in Lathers' Local 131. With the skills he developed, he then worked in commercial, residential, and heavy industrial construction from 1959 until 1978, until he was elected as the business representative of the Michigan State Council of Lathers. From 1980 until 1996 he was elected as the business representative of Local 1028—L. He also served as the Chairman of Local 1028—L's health care fund since 1978, and became a member of the Saginaw Labor Council.

Cal also held several other labor leadership positions. He was the Operations Director of West Central Michigan District Council of Carpenters, and an Executive Board Member/Trustee of the Council. He has been a Trustee of the Michigan Carpenter's Pension Fund, Secretary-Treasurer of the Michigan State Carpenters Council, an Executive Board Member of both the Michigan State Building and Construction Trades Council and the Michigan State AFL—CIO. And he has served as President of Local 1045.

He made time for his community when he served as a Board Member and Vice Chairman of the Bangor Township Downtown Development Authority.

Throughout all of this, he enjoyed the support of his wife Jean, his daughter Laura Greenwood, his sons Floyd and Boert, and his grandchildren Joshua, Mitchell, Trinette, and Daniel. He has instilled in them his spirit of commitment, his record of accomplishment, and his desire to help improve the working environment for all of those around him.

Mr. Speaker, it is a privilege to have known Calvin F. Horner, to have had his support, and to have earned his friendship. It is an honor to recognize his lifetime of accomplishment. I urge you and all of our colleagues to join me in wishing Cal and his family the very best on his retirement, and in extending our best wishes for all that life holds in store for them.

TRIBUTE TO THE HONORABLE LEE HAMILTON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CRANE. Mr. Speaker, I particularly regret that I was not able to be on the floor when our colleagues offered their fine tributes to my very good friend, LEE HAMILTON, the Representative from the Ninth District in the historic southeastern part of Indiana.

I wish to add my voice to the strong chorus of admiration and praise with which so many members on both sides of the aisle saluted this very special legislator who has spent a third of a century in the service of his country.

Not too many of our colleagues know that as fellow Hoosiers, LEE and I were college students for awhile at DePauw University in Indiana, that we each spent some time studying in German universities, and both later got higher degrees at Indiana University. Few members also realize that LEE was inducted into the Indiana Basketball Hall of Fame for his prowess in the sport at Evansville Central High School as well as at DePauw University, where he also starred.

In those early days he was the tall, rangy player on a basketball court. Since his arrival in Congress in 1964 he has been a towering figure in this body, where the absence of his sage counsel, his good common sense and immense expertise will surely be felt by all of us for many years to come. Unfortunately, we are not likely to see the likes of the Honorable LEE HAMILTON very soon again in these halls.

During our concomitant tours in Congress, LEE and I have often had common interests and similar concerns about issues vital to the United States. When it came to what was best for the citizens of this country, no one has shown more determination than he has in putting the interests of the nation first. Indeed, in pursuit of proper solutions he has not hesitated to criticize his own party when he felt it necessary. More often than not I have shared his views in matters of importance to the country. I especially appreciated his long support for free trade as the engine which drives international commerce and brings so many jobs to Indiana and Illinois.

His fellow Members look with admiration at the formidable array of accomplishments of this dedicated statesman. Seldom has one man had so many responsible positions during a career in this Congress. LEE was at one time or other Chairman of the Intelligence Committee, Chairman of the Joint Economic Committee, Chairman of International Relations, Co-Chairman of the Joint Committee on the Organization of Congress, and Co-Chairman of the Task Force on Foreign Assistance—to say nothing at all of his subcommittee chairmanships. Few members have ever had so comprehensive a grasp of so many issues of national importance.

As an historian I have shared LEE's great concern with the long-term consequences of important foreign policy decisions. I have applauded his extensive experience and especially his responsible efforts to create a bipartisan foreign policy. Often enough in the search for solutions to problems involving other nations, fellow members have sought his advice, knowing that his judgment would be even-handed and based on a wealth of knowledge of world affairs that few members have attained.

Indeed, word has it that because of his stature in this body, LEE has been urged more than once to consider various higher positions such as governor or senator, but has preferred to remain loyal to his commitments to the House. It is also common knowledge that he has been considered for the post of Secretary of State by past presidential candidates and by the present administration—a position for which no one could be more qualified.

Indeed so preeminent are his qualifications in a great variety of disciplines that he has already been chosen as the Director of the Woodrow Wilson International Center for Scholars and will take up his duties in January. He has also agreed to establish a center at Indiana University—his old alma mater and mine—to develop a better understanding of this Congress, with the hope that American citizens might better appreciate the complexities of the legislative process and what their representatives are doing on their behalf.

So it is with mixed emotions that I salute my fellow Member from Indiana who has come so far and achieved so much since we both attended the same great Hoosier schools so long ago. He will not be far away at the Wilson Center here in Washington, and we hope he will be able to walk over to the Floor as often as he can so that his presence will serve as a continuing role model for younger Members, and as a reminder that his legacy of comity and bipartisanship should continue to permeate our efforts here in House.

LEE, your departure will create an enormous need in this House to replace the kind of civility, wise balance, and professionalism with which your presence here has always been marked. We send you on your way with every special blessing, and in continuing gratitude for your new work in the cause of humanity. God Bless, LEE, and Godspeed!

DR. AULAKH OF COUNCIL OF KHALISTAN NOMINATED FOR NOBEL PEACE PRIZE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. TOWNS. Mr. Speaker, at the recent convention of the Council of Khalistan, the delegates passed a resolution to nominate the Council's President, Dr. Gurmit Singh Aulakh, for the Nobel Peace Prize. This is a very well-deserved nomination.

Dr. Aulakh is well known to many of us in Congress for his tireless work to free the Sikh homeland, Punjab, Khalistan, from Indian rule. He is dedicated to doing so by peaceful means. For eleven years, the Council of Khalistan has led the peaceful, democratic, nonviolent movement to liberate Khalistan, which declared its independence on October 7, 1987.

The Indian government labels anyone who advocates independence for Khalistan a "terrorist," even when he advocates freedom by peaceful means. Meanwhile, India has murdered more than 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and by human-rights groups. About 50,000 Sikh youth have been abducted, tortured, and murdered by the police, then their bodies have been declared "unidentified" and cremated.

In addition to his work with Congress, Dr. Aulakh has worked with organizations like the United Nations Human Rights Commission, the Unrepresented Nations and Peoples' Organization, and members of the media. He has worked tirelessly to make the world aware of Indian repression against the Sikhs.

Dr. Aulakh has not just worked to expose the oppression of Sikhs, however. Recently he brought to the attention of the Congress the rapes of four nuns in Madhya Pradesh. He has helped to expose the Indian government's extrajudical killings of Christians, Muslims, Dalits, Assamese, Manipuris, and others. Wherever in South Asia oppression rears its ugly head, Dr. Aulakh has been there to expose it.

Dr. Aulakh has also worked with Members of Congress on both sides of the aisle to make sure that the Indian government's efforts to alter Sikh history for their own convenience.

Yassir Arafat and Yitzhak Rabin received a Nobel Peace Prize. If they are qualified, then Dr. Aulakh's efforts make him a good candidate for this prestigious award.

America must support efforts like Dr. Aulakh's and those of other peaceful freedom fighters. We can do this by maintaining the sanctions imposed on India after its nuclear weapons test in place, by cutting off all American aid to India, and by publicly declaring our support for a plebiscite in Punjab, Khalistan so that the Sikhs of Khalistan can decide freely and democratically the issue of independence. We should also support the same right for all other people, notably the people of Kashmire.

Mr. Speaker, I would like to place the Council of Khalistan's press release on the recommendation of Dr. Aulakh for the Nobel Prize into the CONGRESSIONAL RECORD.

[From Council of Khalistan—Press Release, Oct. 14, 1998]

DR. AULAKH RECOMMENDED FOR NOBEL PEACE PRIZE

WASHINGTON, DC—The annual convention of the Council of Khalistan, which was held October 10–11 at the Sikh Cultural Society in Richmond Hill, New York, passed a resolution unanimously recommending Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for the Nobel Peace Prize. The recommendation is based on Dr. Aulakh's tireless work for a *Shantmai Morcha* (peaceful agitation) to liberate the Sikh homeland, Khalistan, from Indian rule. Dr. Aulakh's name will be formally submitted to the Nobel Prize committee soon.

The Council of Khalistan is the government *pro tempore* of Khalistan, the independent state declared by the Sikhs on October 7, 1987. If was formed at the time of that declaration and has worked to liberate Khalistan for eleven years. The Council of Khalistan leads the Sikhs' peaceful, democratic, nonviolent struggle to liberate Khalistan.

Dr. Aulakh is well known for his work with Members of Congress, the United Nations Human Rights Commission, the Unrepresented Nations and Peoples Organization (UNPO), the American and international media, and other people and organizations to get information about Indian genocide against the Sikhs out to the world. This genocide has killed over 250,000 Sikhs since 1984. Tens of thousands are rotting in Indian jails without charge or trial, some since 1984. The Council of Khalistan has collected information about more than 150 atrocities in Punjab since the Akali Dal government took power in February 1997.

The Indian government has been altering Sikh history, but Dr. Aulakh's work has gotten the true history of the Sikh Nation preserved in the *Congressional Record*, which the Indian government cannot alter.

The resolution cites Dr. Aulakh's consistent support for peaceful action to combat Indian state terrorism and his explicit rejection of militancy as a means of liberating Khalistan. The Indian government routinely labels anyone who advocates freedom for Khalistan a "terrorist."

In addition to his work for the Sikhs of Khalistan, Dr. Aulakh has worked with Members of the U.S. Congress to expose Indian tyranny against other minorities in India, such as the recent rapes of four nuns by a gang of Hindu nationalists. The Indian government has killed over 200,000 Christians in Nagaland since 1947, about 60,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalits ("black untouchables," the aboriginal people of South Asia), and others.

"I am extremely honored that the delegates to this convention saw fit to recommend me for the Nobel Prize," Dr. Aulakh said. "This would be a great honor, not only for me, but also for the oppressed Sikh Nation and the people of Khalistan," he said."Certainly it would further expose our freedom struggle to the international community."

H.R. 4679, ANTIMICROBIAL REGULATION TECHNICAL CORRECTION ACT

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. CLAYTON. Mr. Speaker, I am delighted to rise in support of H.R. 4679. The passage of the Food Quality Protection Act of 1996 was intended to improve the quality of services provided by the U.S. Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA).

In this process, the regulatory jurisdiction a class of consumer products known as "antimicrobials" was shifted from the FDA to the EPA. Antimicrobials are chemicals used in food contact applications. The EPA has historically regulated pesticides and does not have the experience needed to regulate antimicrobial products.

Since the passage of the Food Quality Protection Act, pending petitions for antimicrobial food additive petitions have been put on hold at the FDA. Products that will benefit consumers have been denied access to the marketplace.

One such petition that is still waiting for production is a new "slimicide" for papermaking usage. This item had previously received the President's Green Chemistry Challenge Award. It has been identified as a safer chemical than what is on the market today.

The enactment of the 1996 Food Quality Protection Act (FQPA) changed the definition of "pesticide chemical" under the Federal Food, Drug, and Cosmetic Act (FFDCA). This change had a major and unexpected impact on the regulatory responsibility for approval of specific specialty chemicals in food contact applications.

Antimicrobials are considered a specialty chemical. Prior to the passage of FQPA, these substances were regulated by the Food and Drug Administration. However, with the passage of FQPA, these substances are not termed "pesticide chemical" and were inadvertently switched to the Environmental Protection Agency's jurisdiction.

Since the 1996 passage of FQPA, petitions for antimicrobials are still waiting for approval at the FDA. The FDA has experienced problems with expending resources for a function that they no longer have responsibility for.

The bill amends the Federal Food, Drug, and Cosmetic Act which is part of the 1996 Food Quality Protection Act. It is a technical correction. It by no means changes the policy of FQPA, nor does it lessen the Act's environmental safeguards.

This piece of legislation shifts the regulatory jurisdiction for review and approval of petitions for use of antimicrobials in food contact applications. It does not remove or amend pesticide regulations under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Antimicrobials will still be subject to registration under FIFRA and standard FDA review for food additives.

This measure will correct a problem that has impacted many working citizens in my district. However, this bill does not lessen the quality of inspection. No one expected the problems we have encountered with the passage of the Food Quality Protection Act of 1996. However this bill is a simple solution. I commend Representative TOM BLILEY for his work on this bill.

VIVA SAN MANGO D'ÁQUINO, ITALY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. McDADE. Mr. Speaker, inscribed on the base of the Statue of Liberty are the inspiring words of Emma Lazarus:

"Give me you tired, your poor,
your huddled masses of your teeming shore.
Send these, the homeless, tempest-tost to me.
I Lift my lamp beside the golden door!"

Nowhere were these stirring words more inspiring than in the town of San Mango D'Áquino, Italy. Though bright in spirit, these citizens suffered the privations of severe economic hardship. They worked hard, raised strong families and helped to make a better world.

But lured by the lamp of liberty and freedom that inspired the world, the citizens of San Mango were also inspired to undertake hazardous, difficult and sometimes fatal ocean voyages to seek a new life in the United States.

I am privileged to represent a number of citizens whose origins are in San Mango and who have built new lives in my Congressional District. In predictable fashion, they have contributed to the growth of our country, its economic prosperity and its liberty just as their ancestors did.

I applaud the people of San Mango, past and present, on both sides of the Atlantic and I extend my gratitude to them for their contributions to the old and new worlds. They have truly generated a better nation and world.

Viva San Mango!

HONORING I. PHILIP SIPSER

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. OWENS. Mr. Speaker, on November 8, 1998, I. Philip Sipser will be honored with a Lifetime Struggle and Achievement Award by the citizens of Central Brooklyn; however, he is a trailblazing labor relations attorney and a creative negotiator whose work has far-reaching significance for the nation and our entire society.

I. Philip Sipser is the senior partner in the law firm of Sipser, Weinstock, Harper and Dorn, L.L.P. with outstanding credentials and achievements in his profession. He must also be celebrated for his leadership as an advocate for the empowerment of ordinary people and the unheralded strategist for numerous worthwhile social and political causes. Now eighty years old and still searching for worthy candidates to support, he has always labored for no concrete rewards and performed for beyond the call of duty. Beyond his own personal involvement there are also the contributions of his wife, Martha, and their four children: Henry, William, Margaret Liebowitz, and Jane Kaplan.

In the typical Sipser tradition, he recently co-sponsored an exploratory discussion meeting with a possible Year 2000 Presidential candidate. Two decades ago it was Sipser's leadership of the bravehearted Frank Barbaro Campaign for mayor which fostered the alliance with MAJOR OWENS and the Central Brooklyn empowerment leaders. That campaign created the embryonic movement which later mushroomed and cemented the victories of Owens for Congress and Mario Cuomo for Governor. His role as the Campaign Manager of the Paul O'Dwyer for Senate Campaign in 1968 is better known; however, his outreach to minority community leaders of the 80's was a major factor in the impressive Jesse Jackson for President Campaign and the victorious David Dinkins for Mayor Campaign.

Under Sipser's tutelage new bonds were cemented between community empowerment activist and union leaders. For a long time he has been counsel and advisor to Local 420. Local 420, the municipal hospital workers, Jim Butler and his members represent the workers near the bottom of the wage structure who live in Central Brooklyn and other similar communities. Their victories in the fights against layoffs and the privatization of the hospitals could not have been possible without the creative legal maneuvers of I. Philip Sipser.

In addition to the hospital workers, among his clients are the auto workers, iron workers, social workers, film editors, brewery and soft drink workers, museum employees, opera and symphony musicians. Sipser is a member of the New York Bar Association; the American Arbitration Association's Commercial Panel of Arbitrators; past President of the Westchester Chapter of the American Jewish Congress; and past President of the Mental Illness Foundation.

At a time when the ranks of organized labor are shrinking, Sipser has opened a new frontier with the organization of the symphony and opera musicians. The future organization of doctors, scientists and other professionals and technicians has become more likely as a result of these pioneering efforts. In connection with his representation of musicians, Donal Henahan, Music Critic of the New York Times wrote:

> Mr. Sipser is a New York labor lawyer who has already earned himself a mention in the history of American music. He is the Moses who has led the symphony and opera musicians of this country to within sight of the promised land of milk and honey, after their years of wandering in the deserts of short seasons, low pay and no vacations.

His story has never been appropriately told in headlines or on the television screen; however, within the ranks of the Caring majority, the unique genius and wide ranging compassion of Phil Sipser is loudly trumpeted and greatly appreciated. Central Brooklyn is proud to salute I. Philip Sipser for his lifetime struggle and achievement.

THE CHILD CARE QUALITY IMPROVEMENT ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. STARK. Mr. Speaker, I am pleased to introduce the Child Care Quality Improvement Act of 1998. This bill creates Quality Improvement Grants as incentives for states to improve the quality of child care for young children in licensed facilities. Each state can use the Quality Improvement Grants for state and local activities designed to enhance the quality of child care available to its citizens.

In recent decades, the number of working women with children, especially those with children under 6 years of age, has increased dramatically. In 1975, 39 percent of women with children under the age of 6 were in the labor force. By contrast, 65 percent were in the labor force in 1997. Good quality child care is critical for millions of working families.

Currently, there is a patchwork of private arrangements used to care for more than 10 million children. This patchwork includes relatives, neighbors, child care centers, and neighborhood child care homes. Child care centers care for the largest proportion—almost 30 percent—of children with working mothers.

Researchers state clearly that high quality child care has a positive impact on the social, emotional, cognitive, and physical development of all children. This is particularly true for at-risk families. Researchers and best professional practices have shown that there are identifiable features of child care settings that are associated with high quality care. These include a safe and healthy environment; caregivers who are nurturing and knowledgeable about children's development, and a stable presence in children's lives; and low numbers of children per caregiver to ensure that each child receives personal attention.

Child care shapes the way children think, learn, and behave for the rest of their lives. While quality child care promotes children's healthy developments and early learning, lower quality care can hinder their development and, ultimately, their success in school. When parents can't afford quality care and child care providers can't access help to improve their services, children suffer. Children in lower quality child care have delayed language and reading skills and are more aggressive toward other children.

Yet little public attention is being paid to the quality of child care experiences. Recent studies have found that much of the child care in the United States is poor to mediocre. One study found fully 40 percent of the rooms serving infants in child care centers to be of such poor quality as to jeopardize children's health, safety, or development.

State and local governments are responsible for the oversight of child care providers that operate in their state. Each state establishes its own child care standards, determining the areas that standards will cover and the specific measures against which provider compliance will be determined. Recent work by the General Accounting Office found a clear consensus about which standards appear to be good predictors of high quality child care. These standards focus on caregiver education and training, child-to-staff ratios, group size, and safety and health.

The Child Care and Development Block Grant (CCDBG) helps states make child care more affordable for working parents and supports improvements in the quality of child care and after-school programs. Under the CCDBG, each state is able to set its own goals and priorities for the funds, and can fund a wide range of activities, including direct service, resource and referral, licensing and monitoring, grants and loans to help providers meet licensing standards, and funds to improve compensation.

The Child Care Quality Improvement Act of 1998 will enhance a state's ability to improve the quality of child care. The Child Care Quality Improvement Act increases the CCDBG and designates those funds for quality initiatives. Quality Improvement Grants would be available to states that establish quantifiable goals for child care improvements in six areas: increased caregiver training, expanded licensing standards, reduced numbers of unlicensed facilities, increased monitoring and enforcement, reduced caregiver turnover, and higher levels of facility accreditation. Quality Improvement Grant funds can be used for state and local activities that help realize state goals for improvement in each of those areas.

The Child Care Quality Improvement Act also establishes an Advisory Commission on Quality Child Care to examine issues affecting child care quality and develop and make recommendations for feasible goals and targets for state child care programs and national standards for quality of care. In addition, it requires the Department of Health and Human Services to conduct a consumer education campaign to promote informed child care choices.

The need for quality, affordable child care is a daily reality for millions of America's working families. Every child has incredible potential, and there is nothing more satisfying than seeing a child learn and develop. Parents need safe, reliable care for their children while they are at work. Children need quality early learning experiences that help them develop to their full potential and enter school ready to learn.

I urge my fellow Members of Congress to join me in support of the Child Care Quality Improvement Act of 1998. We must seize the opportunity to make an important investment in America's children by ensuring and improving the quality of child care.

HONORING THE MEMORY OF GENERAL DANIEL SMITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to the memory of a great leader, General Daniel Smith, and to celebrate the 250th occasion of his birth. On October 17, 1998, he will be remembered for his contributions in the westward movement of our country's history at his home "Rock Castle" in Hendersonville, Tennessee.

General Daniel Smith was born in Stafford County, Virginia, in 1748, and educated at William and Mary University. In 1773, at the age of twenty-five, he was appointed deputy surveyor of Augusta County, thus beginning his career as a great leader.

After serving in a variety of different military and political offices for 12 years, General Daniel Smith emigrated with his family, in 1785, to the Cumberland settlement. Tennessee has been his home ever since.

General Daniel Smith in every way embodied the spirit and courage of the early frontiersman. In his military career, he fought for independence and supported the creation of the new United States. Politically, Smith realized the importance of states' rights. Some of his accomplishments include attending the convention to ratify the United States Constitution, making the first map of Tennessee, serving in the U.S. Senate from 1805–1809, and negotiating two treaties with the Cherokees.

General Daniel Smith made many contributions to the state of Tennessee and to our Nation. He was a true leader of his time, I would like to take this opportunity to express my deepest gratitude to a fine leader, and honor him for all that he did for his country. He truly made the people of Tennessee proud.

THE WAXMAN-HATCH ACT OF 1984

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. WAXMAN. Mr. Speaker, fourteen years ago, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984, better known as the Waxman-Hatch Act. As the Chair of the Subcommittee on Health and Environment, I was the law's primary sponsor in the House, and my friend Senator ORRIN HATCH of Utah was the primary sponsor in the other body.

I am very proud of the Act. Its success has truly exceeded my expectations. The Act balanced the interests of the brandname drug industry, which gained patent term extensions to restore time expended obtaining FDA approval, and the generic drug industry, which obtained clear and fair statutory standards for the timely approval of their products.

As a result, generic drugs have saved American consumers and the Federal government billions of dollars. Today, America has a uniquely thriving and competitive generic drug industry. At the same time, the brandname drug industry has prospered like never before, posting record profits while tripling its research and development spending in the past ten years.

One of the most significant changes under the 1984 law was the creation of an exemption from patent infringement for tests and other activities conducted for the purposes of obtaining FDA approval. The exemption was created to overturn the ruling in Roche versus Bolar, which held that uses of a patented drug to prepare a generic drug application to the FDA were infringing. Since its enactment, the courts have interpreted this exemption as applying to prescription drugs, biologic drugs, medical devices, as well as food and color additives.

Recently, a number of parties have raised issues they wish the Congress to consider regarding the Act and its operation. Among these is the impact of applying the Bolar exemption to the biotechnology industry. This is an issue which has evoked strong views on both sides. Certainly, Congress should understand all of the implications for the industry's competitiveness, medical research, drug prices and consumer access. Producing breakthrough medicines and enhancing our global competitiveness, the biotechnology industry is of critical importance to American consumers. Developing these products—and making them available and affordable to American consumers—is crucial.

The Congress should be fully aware of the current impact of the Waxman-Hatch Act. Its contributions have been significant. Examination of any suggested changes should be undertaken with care and a complete understanding of the consequences for all of the important interests served by the Act. After all, the reason the Act has succeeded in helping consumers is because it strikes a careful balance between promoting innovation and ensuring that consumers have timely access to affordable medicines.

With the Congress due to adjourn shortly, I think it is important to understand fully the issues which have been raised concerning implementation of the Waxman-Hatch Act. I look forward to reviewing the positions of all interested parties. Congress must ensure that the Act's careful balance of interests is maintained by observing the Hippocratic admonition, "First, do no harm."

ADDRESS BY SECRETARY OF STATE MADELEINE ALBRIGHT TO THE U.S.-RUSSIA BUSINESS COUNCIL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. HAMILTON. Mr. Speaker, I commend to Members' attention an excellent speech on U.S. policy toward Russia given by Secretary Albright on October 2, 1998. Secretary Albright correctly stresses the importance of U.S-Russian relations and the fact that Russia's evolution will be a long-term process. The Secretary rightly argues that, while Russia must respect basic laws of economics, solutions to Russia's problems will not work unless they have popular support. I applaud Secretary Albright for a very insightful speech.

SECRETARY OF STATE MADELEINE K. ALBRIGHT'S ADDRESS TO THE U.S.-RUSSIAN BUSINESS COUNCIL

Thank you Ambassador Strauss for that introduction. As our nation's first Ambassador to a democratic Russia, the experience, perspective and authority you bring to the subject at hand are truly unmatched. I am glad to see Gene Lawson here—he and I started our PhD's at Columbia on the same day.

And I'm very glad to see in this audience some of the old Russia hands who treated me to a stimulating dinner seminar two nights ago. Today they're going to hear me cribbing their ideas—shamelessly.

Ambassador Vorontsov, distinguished guests: I am happy to be in Chicago and delighted to address a group that shared President Clinton's conviction that what happens in Russia matters profoundly to our security and prosperity. Let me now invite you all to sit back, digest your lunch, and formulate some polite, easy questions to ask me after my speech.

When I think about the situation in Russia today, I can't help thinking about a story I first heard on one of my early visits to that country.

A train is going through Siberia when it runs out of track. In Lenin's day, the leadership says: "Our workers are strong and brave; they will keep building." Stalin says: "No, they're lazy; threaten to shoot them and then they will build." Krushchev says: "Russia is going forward, not backward, so we can use the rails we've passed over to finish the track ahead." Brezhnev says: "It's too much work; let's close the blinds and pretend we're moving." Gorbachev says: "Open the windows and let's see what happens."

Then President Yeltsin and the Russian people get the train going again. Except it's moving fast and he keeps changing engineers. And now there are two tracks ahead. One looks tempting, for it goes downhill; but it leads to the abyss. Only the perilous track through the mountains will get Russia to its destination.

As you can guess, that's an old story, but I made up the ending. And the Russians keep writing new ones themselves.

These are, to use the Russian expression, smutnoye vremya, troubled times. The Russian economy is expected to shrink significantly in the coming year. A hard winter lies ahead.

To many Russians, it may seem as if the promise of a better future has been betrayed once again. To many Americans, it may seem that the greatest opportunity of the post-Cold War era, building a genuine partnership with a stable, democratic Russia is now a more distant possibility.

Of course, this is not the first crisis of post-Soviet Russia. Tomorrow will mark the fifth anniversary of the tragic showdown between President Yeltsin and the Supreme Soviet. And it was only two years ago that Russians were expected to reject Yeltsin in Russia's presidential election.

Each time, there were people eager to declare that Russia's transition was over for good. Each time, some people were ready to substitute soundbite for serious analysis, by asking rhetorically: Who lost Russia?

But that has always been the wrong question. The drama of Russia's transformation from a dictatorship and an empire to a modern democratic state is far, far from over. We can not say that Russia has lost its ways when in fact it has just begun its journey. Nor can we say that Russia is ours to lose. We can help Russia make tough choices, but in the end Russia must choose what kind of country it is going to be.

The real question today is what will the new government of Prime Minister Primakov choose? Will it take sensible steps to stabilize the economy without triggering hyperinflation, a currency meltdown, a collapse of the banking system, or shortages of basic goods? Will it reconcile the political and moral imperative of meeting human needs with the imperative of economic revival? Will it recognize that, in fact, it cannot fulfill either one of these imperatives without fulfilling the other?

On the day he was confirmed by the Duma, Prime Minister Primakov told me that the answer to these questions was "yes." He also asked us to watch his actions and to wait until his team assembled.

I cannot yet say we are reassured. We have heard a lot of talk in recent days about printing new money, indexing wages, imposing price and capital controls, and restoring state management of parts of the economy. We can only wonder if some members of Primakov's team understand the basis arithmetic of the global economy.

So we cannot say with confidence that Russia will emerge from its difficulties any time soon. Nor should we assume the worst, for there are still plenty of people in Russia who will fight against turning back the clock.

A true and lasting transition to normalcy, democracy, and free markets in Russia is neither inevitable nor impossible. It is an open question, the subject of a continuing debate and struggle. That has been true ever since this great but wounded nation began to awake from its totalitarian nightmare and it will be true for years to come. That is why our policy must continue to be guided by patience, realism and perspective.

I want to talk today about the Administration's strategy for responding to both the challenge and the opportunity that Russia's transformation poses. I want to speak with you not only as Secretary of State, but as someone who has spent much of her life studying and teaching about the societies that once fell on the far side of the Iron Curtain.

Over the years, my bookshelves filled with the literature of the Cold War, with books about the Soviet Communist party, about US-Soviet relations, about nuclear strategy. Nothing gives me greater pleasure than the knowledge that so many of them are now obsolete.

The books that still speak to us are those about Russian history. They tell a story of countless efforts to transform Russia, each leaving its mark, and yet each left unfinished.

Four hundred years ago, Peter the Great sought to open Russia to the West. Yet not till today has Russia had a chance to complete the journey it began when St. Petersburg first rose on the Neva. More than 80 years ago, the Russian monarchy was replaced not by a communist revolution but by a constitutional democracy, which collapsed before its hopes could be realized. A few years later, Stalin tried to move his country in a radically different direction. He failed, too; even his ruthless precision did not turn Russia into a permanent prison.

Today's democratic reformers cannot afford to leave their work half finished, because Russia cannot afford to be half free. But to beat the odds, they must still beat the legacy they inherited from the last failed effort to transform Russia. And to understand their task, we need to understand just how hard overcoming the legacy of communism has been and will be.

We need to remember that a short time ago, Russia was a country where enterprises competed to produce the biggest piles of junk; a country where the dollar was at once illegal and supreme; a country that did not care for its poor because it did not acknowledge their existence; a country where crime and graft were jealously guarded state monopolies; a country where school books derided the rule of law as "bourgeois legalism."

The task of rebuilding has been harder still because, unlike the Czechs and Poles and Balts, Russians have no living memory of political and economic freedom to guide them; they are creating something new, not regaining something they had before. What is more, precisely because the collapse of the Soviet system was remarkably peaceful, many responsible for the old order are now struggling over the shape of the new one.

Seen from this perspective, it is remarkable that Russia is as open to the world as it is today. It is remarkable that power is devolving from Moscow to the regions. It is remarkable that people who want to know what is going on inside Russia can call up today's online edition of the St. Petersburg Times or the New Siberia weekly or the Vladivostok News.

It is remarkable that the leaders of American business can gather here to discuss the stake in Russia's future that they share with millions of workers and investors in Russia.

And it is remarkable that Russia is becoming a functioning democracy, that its new government came into being because the President and the Parliament played by the rules of its post-Soviet constitution. That is not, to put it mildly, the way Russia's politics worked in the past, but it is the way most of the experts I've talked to expect it to be played in the future.

I will not downplay Russia's present crisis or suggest Russian reformers have made all the right choices. It's a troubling fact that many Russians have come to equate reform with theft. There is a danger many will come to see political and economic freedom as just another Utopian promise that never comes true.

I am deeply concerned about what is happening in Russia, but I also agree with the motto that hangs in the office of our Ambassador to Russia, Jim Collins, which says, "Concern is not a policy."

My job as Secretary of State is not to describe the worst possible outcome in Russia or anywhere else. It is to devise policies that protect American interests and encourage the best possible outcome. That has been our objective ever since the Russian tricolor rose above the Kremlin in 1991. And while none of our policies should be exempt from scrutiny or criticism today, I believe it is a sound objective still.

Our policies towards Russia will continue to be guided by several fundamental principles.

The first principle is that our most important priority in dealing with Russia is to protect the safety of the American people. That is an interest we pursue no matter who is up or down in the Kremlin or which direction Russia is headed.

Our efforts have paid enormous dividends.

Today, there are no nuclear weapons in Belarus, Kazakstan and Ukraine. Presidents Clinton and Yeltsin have agreed on cuts to be made in the START III treaty that would reduce our nuclear arsenals by 80 percent from their Cold War peak. Russia has joined us in banning nuclear testing and in ratifying the Chemical Weapons Convention. Our experts have worked together to upgrade the security of nuclear weaponry and materials.

Today, 75 percent of our assistance dollars to Russia are devoted to programs that diminish the threat of nuclear war and the danger that weapons of mass destruction will fall into the wrong hands. Just last Week, our President announced a program to help scientists and workers in Russia close nuclear sites, start commercial, non-military ventures, so that they are not tempted to sell their expertise to those who wish us harm.

Today, there are no Russian troops in the Baltic states. Instead, Russian troops are serving with ours in Bosnia. Russian officers are working with our allies at NATO headquarters. Our diplomats have been working together to bring peace to the Caucuses and to Kosovo.

Yevgeniy Primakov and I worked closely together when he was foreign minister. We each came to see the other as a forceful, straight-talking advocate of a major power's national interests. We have been able to advance our cooperation where our interests' converge and to manage our differences honestly and constructively.

The question now is whether that cooperation can continue. There are many voices in Russia who want to shift the emphasis in Russia's interaction with America and our allies from one of partnership to one of assertiveness, opposition and defiance for its own sake.

If that happens, it would be a double disaster for Russia. First, because our ability to help Russians help themselves will go from being merely very, very difficult to being absolutely impossible. Second, because a shift of that kind some are advocating in Russian foreign policy would be contrary to Russia's own interests.

After all Russia needs an effective non-proliferation regime—and it does need to see that nations like Iran do not acquire nuclear weapons or missiles that can hit its territory. Russia needs strategic arms reduction and a treaty limiting conventional arms in Europe. Russia needs peace in the Balkans and an end to conflict on its borders. Russia needs good relations with NATO. Russia needs neighbors in central Europe and the New Independent States that are secure, thriving models of market reform—for in a global economy success and confidence are as contagious as failure and panic.

Above all, Russia needs to project a preference for cooperation to its partners in trade and investment around the world. The confrontational policies that did Russia no lasting good even in the nuclear age are certainly not going to advance its interests in the information age.

Fortunately, in the last few weeks, we have welcomed signs that the Russian leadership continues to see, as do we, that there is a basis in mutual benefit for cooperative U.S.-Russians relations. Just last week, for example, Russia joined us in the UN Security Council to support a resolution under the peace enforcement provisions of the UN Charter demanding an end to the Serbian offensive in Kosovo. We have a lot of hard work to do in the coming days to see Milosevic gets the message.

I spoke to Foreign Minister Ivanov this morning about the atrocities of recent days, about the need to see that Milosevic understands our determination. We're continuing to work with Russia throughout this crisis, but let me be clear: if at the end of the day we disagree about whether force has to be used, the United States and its allies must be prepared to act.

Russian ratification of the START II treaty would further confirm this positive trend. Prime Minister Primakov has said this will be a priority. His government has, by recent standards, unprecedented support in the Duma and therefore an unprecedented opportunity to get this done.

At the same time, we need to recognize that the cash-strapped Russian government is already hard pressed to slice apart missiles, destroy chemical weapons stocks, and meet the costs of other obligations. Over the long haul, arms control saves Russia money; but in the short run, it carries costs we and our partners must be ready to help Russia bear—not out of charity, but because our national interests demand it. That's why it's so important that Congress voted to increase this year's Nunn-Lugar funding to $440 million.

The second principle guiding our policy is that we also have an interest in standing by those Russians who are struggling to build a more open and prosperous society. As President Clinton made clear at the Moscow summit, we will continue to do that in every way we can.

At the same time, we should acknowledge that helping Russia will probably be harder for some time. And the best way to help Russia now is not necessarily to send more money.

Much of the progress Russia has made in the last seven years has come with the support of international institutions such as the IMF and the World Bank. These institutions helped Russia to conquer hyper-inflation, to liberalize prices and to make the ruble convertible. They pressed policies designed to encourage competition and discourage corruption.

At the same time, more big bailouts are not by themselves going to restore investor confidence in Russia. Nor will they help the Russian economy unless the Russian government is committed to sound fiscal and monetary policies.

Foreign funds should continue to be used to help Russia pursue credible reforms, but not to help delay them. They should be used to support a policy of tax reform, not to make up for tax revenues the government is unable or unwilling to collect. They should be used to support a program that strengthens banks lending money to entrepreneurs, not banks set up to bet on current fluctuations. They should be used to support policies that help the neediest Russians, not that enrich off-shore bank accounts.

In the long run, the gap between Russia's needs and its resources must be met not by foreign bailouts but by foreign investment. Furthermore, what will truly help Russia now is not more people betting on its T-Bills, but more people betting on its factories, oil fields, and people.

We need to remember that Russia has tremendous inherent wealth. Yet it has only attracted a trickle of outside investment where there should have been a bonanza. Had the conditions been right, it is estimated that investors could have pumped more than $50 billion into Russia's oil and gas sector alone. As it was, in 1997 energy investment didn't even reach $2 billion.

Just think how much could have been done if investment on this scale had been coming into Russia from the very beginning of the 90's. Those who blocked it have a lot of explaining to do to their people.

One of the obstacles has been Russia's inability to approve adequate legislation on production sharing agreements, and to create a stable, predictable tax system, which would create an environment for attracting investment.

A related obstacle has been the sense among many Russians that accepting foreign investment means selling their country. President Clinton and I have been making the case that this is a dangerously short sighted views. We have pointed out that foreign investment has fueled growth in every thriving emerging economy from Latin America to central Europe, that it helped build America in the 19th century, and that attracting foreign capital to America is one of our highest priorities today.

By welcoming long-term, committed capital, Russia is not giving away its national patrimony; it is gaining jobs, growth and tax revenues. It is gaining advances in technology that will allow it to market its resources at competitive prices. It is gaining a corporate culture that will help it to replace robber barons with responsible stewards of its national treasure. It is gaining investors who will not fly home or move their money to Switzerland at the first sign of trouble. I gather that some of those who are beginning to understand all this include Russia's governors—who see, like our own governors, how much foreign investment can do for them.

Let me acknowledge the many members of the US business community who have had the guts to hang in there despite all the difficulties you have suffered and uncertainty you have faced. I thank you all for that.

As long as the Russian government is willing to play by global rules, foreign governments and institutions will help it to weather tough times. And whatever the policies of the government, we will try to support programs that help the Russian people and advance our shared interest in democracy.

In response to the current crisis in Russia, we have been re-examining all our assistance programs, retargeting money where it can be used effectively to support economic and democratic reform. We will increase our support for small business and the independent media, and try to bring a much larger number of Russian students, politicians, and professionals to live and learn in America.

And we intend to launch a lifeline to nongovernmental organizations whose funds have been frozen in Russia's banking crisis.

Precisely because there are troubled times in Russia, these programs are needed today more then ever. They are in our nation's interest and they support the interest of the business community. We asked the Congress to increase our funding for 1999, and we need your support now, before this year's session ends, to make that happen. This is no time to cut programs that have had such an important payoff for us.

A third principle we need to keep in mind is that the solutions to Russia's problems will not stick unless they have popular legitimacy within Russia.

I do not want to suggest that there is any uniquely Russian way to prosperity. If the Russian government prints too many rubles, there is nothing inherent in Russian culture, nothing imprinted in the Russian character, that will prevent inflation from crushing its people's dreams. The laws of economics may work in mysterious ways, but they do not vary from culture to culture any more than the laws of physics.

But I do believe that even as we urge what is right, we must not treat Russia as a ward of the international community. Russia is too big, and too proud, for that. The policies we would like the Russian government to pursue have to be worked out democratically, with the support and understanding of the Russian people, or they are going to fail.

This means we need to be patient with the workings of the democratic process in Russia. Under the best circumstances, there will be compromises between economic orthoxody and political reality. After all, democracy is not rule by economist-kings. It is a system that allows pragmatic politicians to build a consensus for policies that cause short-term pain.

It also means we should not start each day by taking a census of reformers in the Kremlin or hold our breath every time there is a leadership change. We should be interested in policies, not personalities.

In this respect, it is a good thing that Russia now has a government with a mandate from both the Parliament and the President. It is a good thing that Communists and Agrarians in official positions have to face voters with the results of what they do. They'll learn they have to do more than just complain and denounce. It is a good thing that Russia will hold parliamentary elections next year and presidential elections in the year 2000. Far from fearing the outcome, we should look forward to what should be the first peaceful, democratic transfer of power in Russia's history.

The historian James Billington has written that many times in their history, "Russians have sought to acquire the end products of other civilizations without the intervening process of slow growth and inner understanding." Today's reformers do not have much time to go through that process. For in today's global marketplace, Russia will be vulnerable to external shocks as long as basic market reforms remain incomplete.

Russia's transition to true freedom, stability and prosperity will take time, indeed it must to be lasting and genuine. Meanwhile, we need to defend our interests and speak clearly about the choices we hope Russia will make. And we must be ready to stick with this effort for the long haul.

From the beginning of Russia's incredible journey toward freedom, I've tried not to be too euphoric when things are going well, or too discouraged when things are going badly. Everything I know about transition from communism to democracy teaches me to be a short-term realist when it comes to Russia. But it also teaches me to be a long-term optimist.

This period is different from all the other periods of change and reform in Russia's history in one important way. Unlike the Peter the Great's time, Russia is not seeking to enter a Europe of absolute monarchies in perpetual conflict. Unlike in 1917, it does not need to escape from a Europe engulfed in the senseless slaughter of a total war.

Yesterday, Europe was organized around alliances of countries that knew what they were against. Today, the rest of Europe and much of the world is coming together around a consensus for open markets, for cleaner government, for greater tolerance and peace. In the last 20th century, the forces that pull Russia toward integration, and that counteract the autarkic, self-isolating forces within Russian itself—are more powerful than at any time in history.

It is our job—because it is in our interest—to manage the aftermath of the Soviet Empire's disintegration, to help Russia integrate into the community of which we are a part, and eventually to help Russia thrive, not just muddle along. And that means remaining steady in defense of our principles, interests, and objectives. And it means standing with Russia as it moves forward—as long as it is moving on the right track.

I will continue to dedicate my best efforts to this hard-headed, principled enterprise, and I solicit yours as well.

Thank you very much.

CONGRATULATIONS TO AMARTYA SEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ACKERMAN. Mr. Speaker, I rise today to extend my congratulations to Amartya Sen who has been awarded the Nobel Prize in Economic Science for his work on human rights, poverty and inequality.

The Indian-born Professor Sen found an academically rigorous way to examine the impact that social policy choices have on rich and poor alike. His ground-breaking work on the 1943 Bengal famine has spawned extensive academic work on social choice and it's economic consequences. The Royal Swedish Academy of Sciences noted that Professor Sen's research had "restored an ethnical dimension to the discussion of vital economic problems." Professor Sen himself said "I believe that economic analysis has something to contribute to substantive ethics in the world in which we live."

Professor Sen was also influential in how international organizations deal with food crises. His 1981 book "Poverty and Famine" demonstrated that famine was an avoidable economic and political catastrophe and not just a consequence of nature. The United Nations drew heavily on Professor Sen's work in creating the U.N. Development Index which quantifies the quality of life in different countries by looking at such factors as longevity and school enrollment rather than simply examining per capita income.

Professor Sen has restored a much needed discussion of values to the study of economics. His work can help us all understand the social consequences of economic choices and reminds us all that ultimately the quality of life is measured by more acquisitions.

Mr. Speaker, as the new co-chair of the Congressional Caucus on India and Indian-Americans, I ask my colleagues to join me in congratulating Professor Sen for a lifetime of significant contributions to the study of economics and for being awarded the Nobel Prize.

COMMEMORATING PHILADELPHIA CORPORATION FOR AGING'S 25TH ANNIVERSARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to the Philadelphia Corporation for Aging as it marks its 25th anniversary of making quality of life a reality for senior citizens in Philadelphia.

The Philadelphia Corporation for Aging (PCA) is the largest of the Area Agencies on Aging (AAAs) in Pennsylvania, employing over 400 people. It has the distinction of being the fourth largest AAA in the country. Funded in part through the Pennsylvania Department of Aging and the federal Older Americans Act, PCA serves over 70,000 older Philadelphians each year through an umbrella of services designed to recognize the dignity of all older people while it respects their racial, religious, sexual and cultural differences.

From the onset, PCA's mission has been to improve the quality of life for older and disabled Philadephians. It assists these individuals in achieving maximum levels of health, independence and productivity. Now, 25 years later, PCA can take pride in knowing it successfully meets its goals of addressing the changing needs of the community it serves. Whether it is its successful Senior Helpline, an extensive telephone information and referral service, or its Language Line, which addresses the language barriers of the many ethnic groups that make up a major city, PCA is always striving to do all it can for its unique clientele. In the summer, the successful Heatline is activated, sending volunteers to address heat stress issues with seniors, ensuring their health and safety.

In addition to these services, PCA operates approximately 50 multi-purpose senior community centers and satellite meal sites throughout the city, providing counseling, education, health promotion, a healthy meal and social interaction with those individuals over 60 years of age. PCA also offers transportation assistance, legal services, employment programs, companion programs and long-term care access to help our older citizens cope with many of the specific needs of the aging community.

Mr. Speaker, Pennsylvania is the second "grayist" state in the country and over 19 percent of Philadelphia's population is over 60 years of age. In my district alone, over 100,000 people are over age 65, making the Third Congressional District the 20th largest senior population in the country. As a result of serving such a large senior citizen constituency, I have the opportunity to see and hear the specific needs of our older residents and I see firsthand what an organization like PCA does to improve the quality of life for those over age 60.

As medical advances enable people to live longer lives we, as a society, must be better able to handle the medical, housing, and social challenges experienced by our aging community. PCA is one of the key agencies working to help individuals and their families cope with those challenges and, as a result, serves as a vital link to our aging population.

Mr. Speaker, I would also like to pay tribute to PCA's President, Rodney D. Williams, for his 25 years of leadership and service excellence. Under his leadership, PCA has proudly improved the quality of life for all older people in Philadelphia. I ask my colleagues to join with me in recognizing the valuable work performed by PCA and its staff and wish them many more years of success.

HONORING THE NORWOOD NEWS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ENGEL. Mr. Speaker, today I rise to speak about community newspapers, their value to the neighborhoods they serve and their function in unifying a community. Specifically I am speaking about a wonderful and dedicated community newspaper in my district—the Norwood News.

This newspaper was founded ten years ago by the Moshulu Preservation Corporation to help make Norwood a better place and to fill a void—no newspaper was being published in the neighborhood.

From its first edition it has fulfilled that mission. The front page story that day was about a sewer reconstruction project gone awry and which has led to the destruction of a line of magnificent trees.

In the intervening decade the paper has evolved in design and grown in content but has maintained one constant—to do stories about the community and to give the community a path of action. When necessary, the Norwood News dedicates large segments of its edition to stories having a significant impact in the community—more space than a daily newspaper could afford to give. Remarkably, it is able to accomplish its great work as a not-for-profit newspaper because the neighborhood cannot sustain a paper which requires a profit.

The spirit of a free press, so necessary to freedom and democracy, lives in the Norwood News. It carries on the grassroots tradition of bringing local information to people so they can make informed decisions. I congratulate the Norwood News on its tenth anniversary and look forward to reading the newspaper for many more years.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. STOKES. Mr. Speaker, I rise in support of S. 1754, the Health Professions Education Partnerships Act of 1998. This measure reauthorizes the health professions and nursing training and education programs contained within titles VII and VIII of the Public Health Service Act. S. 1754 is a bipartisan effort to strengthen these critical programs—which do so much to provide a workforce that is targeted to address the Nation's critical health care needs.

Among the programs reauthorized by this legislation are the: Minority Centers of Excellence Program; Exceptional Financial Need Scholarships; Faculty Loan Repayment Program; Scholarships for Disadvantaged Students and the Office of Minority Health at the Department of Health and Human Services. These and other critical programs provide valuable institutionally-based training opportunities for health professions students in primary care as well as individual grant and scholarship support for disadvantaged health professions students.

Mr. Speaker, while every racial and ethnic group experiences some health disparity, African Americans and other underserved Americans continue to suffer with disproportionately higher rates of death and disease. In recent years, we have seen unprecedented advances in biomedical research, the diagnosis of disease and the delivery of health care services. However, the African American community and other communities of color have not fully nor equally benefited from these new discoveries. In fact, African Americans and other minorities continue to face historical barriers to good health, including the lack of access to quality health care.

More than a decade after the Secretary of the Department of Health and Human Services' 1985 Task Force Report on Black and Minority Health, African Americans continue to: suffer with disproportionate rates of cancer, cardiovascular disease, hypertension, stroke and HIV/AIDS; experience a rate of infant mortality that is twice that of whites; live shorter lives than the general population and endure 70,000 excess deaths every year. This health crisis is further exacerbated by the severe underrepresentation of minorities in the health professions, the fact that there has been very little growth in the number of minority medical school matriculants and by current efforts to roll back affirmative action.

While recent reports predict a general oversupply of physicians and other health care providers, this is not the case where minority health care professionals are concerned. For example, while African Americans and Hispanic Americans comprise 13 percent and 11 percent of the United States population, they represent only 3.2 percent and 4.4 percent of the Nation's practicing physicians. This is significant because studies show that minority health professionals are more likely to serve in underserved communities, providing a disproportionate amount of care to the most vulnerable among us—the poor and the underserved.

It is for these reasons that I urge my colleagues to support S. 1754. The Health Professions Education Partnerships Act health is an absolutely essential link to helping the Nation to effectively address the shocking disparities in the status of minority health.

Vote "yes" on S. 1754.

A TRIBUTE TO THOMAS SHARRARD—1998 INSTITUTE FOR HUMAN RELATIONS AWARD WINNER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor Thomas E. Sharrard, this year's recipient of the American Jewish Committee's Institute for Human Relations Award.

The American Jewish Committee, which was formed in 1906, promotes research and programs which combat all forms of bigotry and discrimination. The group also works to promote human rights and advocates public policy positions rooted in American democratic values.

The Institute for Human Relations Award is being given to Tom Sharrard in recognition of his outstanding contributions to our community. Tom is probably best known as the hard working and innovative president of Time Warner Cable's Milwaukee Division. But equally impressive are his civic and philanthropic accomplishments and activities.

Despite his busy schedule, Tom finds time to be involved with a number of community organizations, such as the Greater Milwaukee Committee, the Boys and Girls Club of Greater Milwaukee, the Milwaukee Public Library Foundation, and the Betty Brinn Childrens Museum. He also serves on the advisory committee for the Artist Series at the Pabst and the Alliance for Future Transit, and is a member of both the Wisconsin Cable Association and the National Cable Television Association.

In the true spirit of the Institute for Human Relations Award, Tom Sharrard has regularly crusaded for opportunities for women and other under-represented groups in the cable television industry. In fact, Tom was recently awarded the Wisconsin Governor's Glass Ceiling Award, which recognizes efforts to achieve equity and fairness in the workplace.

And so it is with great pleasure that I join with Tom Sharrard's many business associates, family and friends in congratulating him on receiving the 1998 Institute for Human Relations Award, deserved honor. May our community continue to reap the benefits of Tom's compassion and commitment for many years to come.

TRIBUTE TO RONALD L. SCHEINMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Ronald L. Scheinman, Esq. for his service as Chairman of the Board of the Los Angeles Jewish Home for the Aging for the past two years. President Kennedy said, "Change is the law of life. And those who look only to the past or present are certain to miss the future." During his tenure, Ron has worked diligently with the Board of Directors and senior managers to reshape the Jewish Home to prepare it to meet the many challenges facing the health care industry.

Under Ron's leadership, they conducted and completed a Capital Campaign Planning and Feasibility Study and implemented a strategic planning process to determine the future development of the Jewish Home. He recruited a new development director to enhance the organization's fundraising abilities. He has organizationally streamlined the Jewish Home by restructuring the Board of Directors, reducing their size, reducing the size of the executive committee and revising their bylaws. These important implementations have improved the Jewish Home's overall efficiency and effectiveness.

Ronald Scheinman's vision for the future of the Jewish Home for the Aging has transformed the Home into a present-day reality that is providing a very important service to many of Los Angeles' Jewish senior citizens. Ron has helped to ensure that the Home will continue to provide quality care to a growing and often neglected portion of our population.

Mr. Speaker, please join me in honoring Mr. Ronald L. Scheinman, Esq. for his service to the Jewish Community as Chairman of the Board of the Los Angeles Jewish Home for the Aging.

CONGRESSMAN CHARLES DIGGS JR.: A LEADER IN THE STRUGGLE FOR JUSTICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CONYERS. Mr. Speaker, my family and I were saddened to learn of the death of my longtime friend and former colleague, Congressman Charles Diggs Jr., the first African American elected to Congress from Michigan. Congressman Diggs paved the way for an entire generation of African American political leaders, not just in his home state, but throughout the nation. When I first arrived in Washington in 1965, Congressman Diggs had been there 10 years and had earned a well deserved reputation as a fearless fighter for justice for poor and oppressed people. In my early days in Congress, he helped me find my way through the maze of Washington politics. I knew I could rely on him for sound advice.

Congressman Diggs was not afraid to speak the truth. During his tenure in Congress, his was a resounding voice for millions of African Americans whose words were muted and whose dreams were bruised by the cruel forces of discrimination and intimidation. In matters of international affairs, he was the first member of Congress to promote Africa as a key part of the U.S. foreign agenda, and he was chair of the House Subcommittee on African Affairs. He was also a founding member of the Congressional Black Caucus, as was I.

For Detroiters, the name Diggs has a particular resonance. Congressman Diggs' parents were community activists who operated a funeral home that gave proper funerals to generations of Detroit residents, even when the grieving families were short on funds. On a more personal note, the Diggs family and the Conyers family have known each other for more than half a century. Charlie Diggs and I learned early on that we all have a responsibility to carry the banner for justice and equality. He never forgot that lesson, and he remained convinced of the limitless potential of Detroit and Detroiters.

I am proud to have served with him.

My entire family extends its deepest sympathies to the Diggs family. Our city and our country have lost another brave warrior in the struggle for freedom.

[From the Michigan Chronicle, Sept. 2–8, 1998.]

Life and Times of Congressman Charles C. Diggs, Jr.

Detroit lost another link to its historic past with the death of Charles C. Diggs, Jr. in West Virginia.

He was 75.

Federal Judge Anna Diggs Taylor, the congressman's former wife, said, "I am much saddened by the news. He was a great man with great strengths and weaknesses as well."

"I hope he will be remembered for his many gifts and for consistently fighting the good fight on behalf of his people through lonely and dangerous times," she continued.

Michigan's first Black congressman and the founder of the Congressional Black Caucus, Diggs was the heir to a family political dynasty in local politics and a leading advocate in Washington, D.C. for civil rights and African affairs during his 25 years in Congress.

Following in the footsteps of his father, Charles Diggs, Sr., Michigan's first Black Democratic state senator, Diggs, Jr. was the youngest elected member of the Michigan Senate in 1950. He made an unsuccessful run for Detroit City Council in 1953 before successfully running against 14-year incumbent Congressman George O'Brien in 1954.

Diggs took office in 1955 as the representative for Detroit's 13th Congressional District. He immediately received national notoriety during the infamous Emmett Till murder trial in Mississippi. After several White defendants were acquitted in the murder of the 14-year-old. Diggs spoke around the country about the case.

Diggs made his greatest contributions as a member of Congress and later chairman of the House Foreign Affairs Committee. Among his notable crusades were Support of home rule for Washington, D.C. creation of the Congressional Black Caucus in 1969, helping to found TransAfrica, a think-tank on African and Caribbean affairs, founding the National Black Political Convention in Gary, Ind., authoring legislation preserving the Frederick Douglas Home in Anacostia.

In 1978, Diggs was charged with padding his congressional staff payroll, but was reelected by Detroit voters. In 1980, he resigned from office after being convicted of crimes related to those charges.

He then donated more than 1,000 boxes of his personal papers to the Moorland-Springarn Collection on the Howard University Campus. In the later years of his life, Diggs practiced mortuary science in Virginia, Michigan and Ohio.

Following Diggs' departure from Congress, the late Judge George Crockett became the 13th District Representative, followed by Barbara Rose Collins. Carolyn Cheeks Kilpatrick is the current congressperson.

Charles C. Diggs Jr. was born Dec. 2, 1922 in Detroit, the only child of his late parents, Charles C. Diggs Sr. and Mayne E. Jones. The Diggs seniors were morticians, pioneers in business, public servants and community activists. Diggs Sr. was elected in 1936 as Michigan's first Black Democratic state senator. The first Black state senator had been Republican Atty. Charles Roxborough, elected for a two-year term in 1932, but he did not seek reelection after serving until 1934.

Sen. Diggs headed the Michigan Federated Democratic League in Detroit which was considered the largest organized force of African Americans in the state. He was acknowledged to be the period's most outstanding politician and was particularly noted for authoring Michigan's reverently innovative law prohibiting racial or related discrimination in public-service places; the "Diggs Law," as it was named, was enacted in 1937. His son, Charles C. Diggs Jr. graduated from Miller High School in 1940 as president of his class and third speaker on its champion debating team coached by English professor Alvin Loving. From September 1940 to June 1942, he attended the University of Michigan and won the institution's coveted oratorical championship in 1941.

When World War II started in 1942 he sought admission at Detroit's Navy recruiting office, but was rejected, allegedly for "poor eyesight." Of course, his eyesight was sufficient, but he was denied admission because the Navy was segregated, like the rest of the armed services in those days. Opportunities for Blacks were limited to menial tasks, for which he was obviously over-qualified.

Moreover, since Diggs, Sr. was a Michigan state senator and a militant activist, the Navy feared public criticism would result. However, Diggs Jr. was drafted in April 1943 after one semester during his third college year which began in September 1942 at historically Black Fisk University, Nashville, Tenn.

Following his basic training as a private at Kearns Field. Salt Lake City, Utah, he was sent to the Army administration school, Atlanta University in Georgia. After graduating there, where he and his roommate were top of their class, he was promoted to private first class and reassigned to the third EAUTC Headquarters, Tampa, Fla. Shortly after, he was sent to another military administration school in South Dakota State College, Brookings, South Dakota and was promoted to corporal. Upon graduation, he was returned to the third EAUTIC. He was subsequently elevated to buck-sergeant, and three months later he was appointed to the Army Air Force Officer Candidate School, Miami Beach. Upon graduation there as a second lieutenant, he was reassigned to the famed Black Army Air Force Base at Tuskegee, Ala. When World War II ended, Diggs was honorably released from active duty in June 1945, and he returned to Detroit.

He then attended and graduated from Wayne State University's College of Mortuary Science in June 1946 and became general manager of the House of Diggs, Michigan's largest funeral business, founded in 1921. Succeeding his father, Diggs Jr. subsequently became president of the metropolitan Funeral System, Michigan's only burial insurance company. It then became Detroit Metropolitan Mutual Insurance Co., which later combined with Mammoth Life in Louisville, Ky. Mammoth has since merged with Atlanta Life in Georgia and is currently the largest Black-owned insurance company in the United States.

In September 1950, Diggs, Jr, enrolled at the Detroit College of Law as a night student, but after only one semester he was elected as the youngest member of the Michigan State Senate, and served two terms. He successfully sponsored Michigan's first Fair Employment Practices Law, establishing the Fair Employment Practices Commission to eliminate racial and related discrimination in Michigan public or private. He also sponsored legislation legalizing DNA blood tests to determine a child's rightful paternity/maternity link, and Michigan became the pioneer state to enact this statute. He then dropped out of law school as driving 85 miles each way to and from Detroit four days a week became too burdensome for his additional legislative and constituency obligations.

In 1953, as a second term state senator, he ran for the Detroit City Council, a city-wide, non-partisan election never before won by a Black candidate; he was marginally defeated by a White female. However, his unprecedented showing is widely credited for generating the momentum which four years later contributed substantially to the successful election of Atty. William T. Patrick Jr. as the city's first African American member of the council.

Nevertheless, because of the strong voter support Diggs received in the 13th Congressional District in his referenced bid in 1953 for the council, he challenged the 14-year incumbent Congressman George O'Brien the next year in 1954. Diggs overwhelmingly defeated O'Brien three-to-one in that Democratic primary becoming Michigan's first Black member of the U.S. House of Representatives where he served with distinction until his retirement in 1980.

THE EMMETT TILL CASE

In 1955 as a freshman congressman he was propelled across the international scene by his attendance at the infamous Emmett Till kidnap/murder trial in Mississippi, next to Issaqueena County where his father was born and his grandfather, Rev. James J. Diggs, founded the Woodland Baptist Church, in the late 1800s. It still stands, a permanent reminder of his many achievements including service as a Baptist minister missionary to Liberia in Africa.

The egregious miscarriage of justice which acquitted the White male defendants who committed violent crimes against that 14-year-old teenager who dared not conform with Mississippi's racial standards focused global attention on the worst plight of Black America.

After Diggs' attendance at the trial, as always replayed in old films on TV, particularly during Black History Month each year, the NAACP got him to speak throughout the U.S. about the victimization of Emmett Till, to inspire support for corrective federal/state/local civil rights laws and customs.

HE LEFT HIS MARK ON WASHINGTON

During his first four years in Washington (1955–59), Diggs was assigned to the House Veterans' Affairs Committee.

In 1959 President Eisenhower sent Diggs on a mission, in the PAC-AF Command from Hawaii to the Philippines plus other Pacific islands and Japan to report on minority conditions in those areas of the U.S. Armed Forces. He was accompanied by Lt. Colonel "Chappie" James, with whom he had been stationed at the Black American Army Air Field Headquarters (Tuskegee, Ala.) and who later became our first Black 4-Star General in the Air Force.

Diggs' comprehensive report, supported by extensive interviews and on-site investigations, caused the creation of an Armed Forces Commission to address segregation and discrimination within the command. This commission was continued in 1961 under the next president, John F. Kennedy, whom Congressman Diggs had strongly supported in the 1960 general federal elections.

Additionally, during his first four years in the U.S. House of Representatives, Diggs also served on the House Interior and Insular Affairs Committee (now House Resources). His ardent advocacy of statehood legislation was one of the prime subjects under its jurisdiction. Focus was on the Hawaii/Alaska proposals, which in 1959 established Democratic Hawaii and Republican Alaska as the 49/50th states in the union.

As chairman of the D.C. committee, Diggs sponsored legislation authorizing preservation of the Frederick Douglas Home in Anacostia, Southeast D.C., by having it designated a national historical site within the jurisdiction of the U.S. Interior Department. This designation replaced its previous benefactor, Dr. Rosa Cragg of Detroit and the National Association of Colored Women's Clubs, under whose aegis the Douglass Home unfortunately had languished, principally because of the latter's limited resources and those of the Frederick Douglass Memorial and Historical Association Inc.

In 1959 Diggs also became the first Black member of Congress appointed to the House Foreign Affairs Committee. He had sought this assignment after his selection in 1957 by President Eisenhower, to be part of the U.S. Delegation to the Independence of Ghana in West Africa. The delegation, headed by vice president Richard Nixon, had been flown there on a "prop-ship" through a midway island refuel stop, since this was before the "jet-propulsion" age.

The prime Foreign Affairs Committee consideration during his first two years was to authorize establishment of the Peace Corps. Given Diggs' enhanced African interest following referenced mission to Ghana, he knew how important the Peace Corps would be in furthering numerous developments on that ancient colonized continent. This prompted him to be one of the committee's strongest and most respected advocates of the Corps. Subsequent positive activities of Peace Corps Volunteers (PCVs) fully justified his continued, invaluable support.

Upon his request he was also appointed, in 1959, to the insignificant subcommittee on Africa, which he immediately stimulated. In 1969, a decade thereafter, he rose to its chairmanship and maintained historic levels of the committee's activation until his retirement in 1980. Based on his extensive travels abroad plus meetings with African leaders and elsewhere regarding African policies, plus his unmatched official hearings, Diggs became one of our nation's leading spokespersons on this subject.

TRANSAFRICA, America's premier think-tank on African and Caribbean issues, was founded in Diggs' office where its current executive director, Randall Robinson, was Diggs' administrative assistant.

In 1969–70 Diggs founded and became the first chairman of the Congressional Black Caucus. William L. Clay, one of the important players in Congress and author of the book, "Just Permanent Interests," is the senior member of the Missouri Congressional Delegation and a founding member of the Congressional Black Caucus. Inside the book, he states, "Charlie: We would not have made so much progress in the caucus had it not been for your leadership, signed Bill, 9/24/92." In 1971 Diggs served as a full delegate to the United Nation's general assembly while George Bush, with whom he had served in the House, was the Delegation's ambassador before he became president of the United States. Congressman Ed Derwinski (R–Ill) was another appointed full delegate and he later became the first secretary of the Veterans Administration.

In addition to his one semester at Fisk University, Nashville (1942–43) then being drafted into the U.S. Armed Services, there have been only two other Congressmen, Bill Dawson (D–Ill.) and John Lewis (D–Ga.) who have been to that college. Diggs also has a mortuary science degree from Wayne State University, was the sole principal proprietor mortician in the Metropolitan Tri-State area of Maryland, Washington, D.C. and Virginia, and was a Howard University graduate. He also holds honorary doctor of law degrees from Ohio's Wilberforce University and Central State College, North Carolina's Agricultural and Technical State University and the University of the District of Columbia.

He is survived by his wife, Darlene Diggs of Mississippi; six children, Charles C. Diggs III, Denise Taylor Diggs, Alexis Robinson Diggs, Douglass Diggs, Carla Mathis Diggs, Cindy Carter Diggs, and 12 granchildren.

TRIBUTE TO CLEVELAND AMORY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. MALONEY of New York. Mr. Speaker, as a member of the Congressional Friends of Animals, I'd like to pay tribute to a very special constituent of mine. Cleveland Amory, noted author and founder of The Fund for Animals, died at his home in New York City on Wednesday night. Mr. Amory devoted the last 31 years of his life to "speaking for those who can't" as the unpaid President of The Fund for Animals. In his years at the helm of this national animal protection group, he has imprinted millions in our society with the notion that we should treat animals with both decency and dignity.

During three decades of advocacy for animals, Mr. Amory and his group led the way in dramatic rescues of animals all over the country. He airlifted hundreds of wild burros from the Grand Canyon who were destined to be shot by the National Park Service. They joined thousands of other animals, all snatched out of harm's way by Mr. Amory, at his Black Beauty Ranch animal sanctuary in Texas.

Black Beauty Ranch now stretches over 1,000 acres and will serve as the final resting place for a man who was known as the grandfather of the animal protection community. The world needs more people like Cleveland Amory and I hope his legacy of compassion will continue to live on.

HONORING REGINALD F. MARRA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ENGEL. Mr. Speaker, today I rise to speak in praise of a man who has served with distinction in the Yonkers school system for 35 years—Reginald F. Marra. He started in 1963 as an Industrial Arts teacher at Yonkers High School and has recently retired as Superintendent of the state's fourth largest school district with 24,000 students and a quarter of a billion dollar operating budget.

His career has been one of increasing responsibility. His second position was as guidance counselor. In 1970 he was named Administrative Assistant, two years later he was named Assistant Principal and in 1973 Principal of Commerce Middle School.

A year later he went to Saunders Trades and Technical High School where, drawing on his experience, he established innovative programs to assure significant employment opportunities for his students.

In 1984 he became Director of Occupational Education and served as a Special Assistant to the Superintendent in 1986. From 1987 until 1993 he was Deputy Superintendent and that year he was named Superintendent.

He has worked tirelessly to redesign the school system in the areas of curriculum, standards, goals and accountability. Among his many accomplishments, he increased the use of computer networks, established community, university and business partnerships within each school to expand student opportunities, worked with the professional staff to improve morale and make the district competitive in attracting and retaining professional staff.

Reginald Marra has earned the respect and thanks of the City of Yonkers, its students, past, present and to come, and their parents. I am proud to join them in this salute.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Wednesday, October 14, 1998, and as a result, missed rollcall votes 530 and 531. Had I been present, I would have voted no on rollcall vote 530 and yes on rollcall 531.

IN HONOR OF PATTY S. BRYANT

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. NORTHUP. Mr. Speaker, it is with great pleasure that I rise today to recognize Patty S. Bryant, a teacher at Pleasure Ridge Park High School in my district of Louisville, Kentucky. Ms. Bryant will be honored with the First Place National Award for Teaching Economics by the National Council on Economic Education at its conference here in Washington, DC, tomorrow.

The National Awards program recognizes outstanding, innovative, economic education teaching practices, stimulating improvements in the teaching of economics and providing examples of innovative teaching practices for replication in classrooms around the country. The goal is to increase student economic understanding as a result of enhanced teaching practices.

The National Council on Economic Education is a unique nonprofit partnership of leaders in education, business and labor devoted to helping youngsters learn to think and function in a changing global economy.

The shocking reality is that high school and college students know little about how the economic system works and what they need to know to work successfully in it. The price of economic illiteracy is young people who are unfamiliar with the basics of saving, investing, the uses of money and credit and adults who are more likely to have money problems, career problems and credit problems and less likely to make informed decisions as citizens and voters.

To combat economic illiteracy, the National Council on Economic Education developed a vast network of state councils and university-based centers, teaching approximately 120,000 teachers who, in turn, teach basic economics to over seven million students.

Ms. Bryant is being recognized for her program, "The Cost of War." This model applies economics instruction to her world civilization class. Because economics influences world events, this curriculum instills in students an understanding of the economic impact on historic events. Her hope is to engage students and inspire them to become active in community and national affairs.

Mr. Speaker, Ms. Bryant deserves to be recognized for her innovative approach to educating students on the role of economics in our global environment. It is with great pleasure that I stand today to congratulate her and applaud her achievement.

SAMMY SOSA: THE HERO OF WASHINGTON HEIGHTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. RANGEL. Mr. Speaker, Mr. Speaker, I rise to honor Sammy Sosa, the baseball player who—but for Mark McGwire—in any other year would have replaced the legendary Roger Maris as the single-season home run hitting champion. Sosa trailed McGwire in this year's dramatic and unprecedented home run derby. But in Washington Heights, Sosa is bigger than baseball and in the hearts of the people, he is number one.

The Dominican-born Sosa is the toast of Washington Heights, a vibrant, colorful neighborhood on the west side of my Congressional District, dominated by immigrants from the Dominican Republic. Dominicans are proud of their country and their community, and take special pride in those heroes who remember their roots. Sosa has done just that in his generosity toward the poor in his homeland—before and since Hurricane Georges—and in his expressed desire to participate in a neighborhood parade through the streets of Washington Heights.

Sosa grew up in poverty with his widowed mother and six siblings in a seaside town in the Dominican Republic. Today, at 29, after nine years in the big leagues, he is being paid $42.5 million under a four-year contract. But throughout, he has maintained his humility, his exuberance for life, and his concern for his people. When Hurricane Georges devastated his country, taking as many as 200 lives, Sosa's foundation cranked up its operation to ship down desperately needed relief supplies. In his hometown, San Pedro de Macoris, Sosa's generosity had already earned him the title, Sammy Claus.

His countrymen in Washington Heights will join with all New Yorkers this weekend to let Sosa know just how much they appreciate him, on and off the field. He will be honored by John Cardinal O'Connor, head of the Catholic Archdiocese of New York; and there will be a parade, if not in Washington Heights, then Broadway will do.

HONORING THE 150TH ANNIVERSARY OF THE VERNON REFORMED PRESBYTERIAN CHURCH

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor the Vernon Reformed Presbyterian Church, a Waukesha County landmark and symbol of religious freedom and Wisconsin's pioneering spirit. On October 18, the church will celebrate its founding 150 years ago in 1848, the same year Wisconsin achieved statehood.

Formed in a rural farmhouse on October 18, 1848, members of the church attended to their spiritual needs while the church structure was built. The result was a church society that was to construct the holy Covenanter church ever to exist in Wisconsin.

The Covenanters were part of a movement in Scotland during the late 16th Century that strove to defend the Presbyterian Church, a stance that brought them persecution by the Church of England and the British Crown. Many left Scotland and during the ensuing centuries carried their faith to new countries. Founders of the church in the Town of Vernon were of Scottish and Irish descent.

An active local congregation supported the church for more than 65 years, but the members could not sustain its regular operations. In recent decades, an annual service has been held at the church each fall conducted by a visiting Presbyterian minister.

The church building, completed in 1854, and an adjacent buggy shed and its grounds have been maintained by the church's cemetery association to preserve their appearance. Directors of the association are exploring the possibility of placing the church on the National Register of Historic Places.

This Sunday, October 18th, the church will celebrate its sesquicentennial with a special service. Descendants of church pioneers now live as far away as New England, Florida, Hawaii and Canada.

Mr. Speaker it is my privilege to recognize and commend the Vernon Reformed Presbyterian Church, a house of worship carved from the wilderness 150 years ago, through the courage and dedication of our Wisconsin pioneers.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1998

Ms. JACKSON-LEE. Mr. Speaker, I rise to speak on behalf of H.R. 3888, the Anti-Slamming bill. This bill prohibits a despicable practice that has seen tremendous growth over the past few years in the telecommunications industry.

Many of us have received phone calls from phone carriers advocating that we switch to their calling plan. For many consumers, it is an annoyance that they could live without. Even worse is the practice of "slamming", which occurs when a solicitous phone company, without full and proper authorization, changes the consumer's phone subscription so that they can indicate as the consumer's phone provider.

Under H.R. 3888, this type of practice is prohibited. The bill requires, before changing a consumer's telecommunications subscription, that a soliciting phone carrier affirm that the subscriber is authorized to change phone subscriptions, and that the subscriber fully acknowledges and intends to switch their telecommunications service from one carrier to another.

Under this bill, the Federal Communications Commission (FCC) is required to enact verification procedures which are aimed at inhibiting this practice. Those procedures include the preclusion of negative option marketing, and a requirement that a telecommunications provider complete and keep a copy of a verification of change in oral, written, or electronic form in their records. Furthermore, to protect recent immigrants, the FCC is asked to require that any verification of change correspondence be made in the same language as the original solicitous contact was made.

The bill also includes a provision authorizing the FCC to sanction corporations that violate any of their prescribed procedures. To buttress those sanctions, the bill allows the FCC to award monetary damages to the victims of this practice. Typically, those damages are set at the actual damages to the consumer or $500, whichever is greater, but the FCC can also at certain instances, triple the damages. This provisions removes the incentive to "slam" because it undercuts the reason why phone companies do it, because it is profitable.

I support this bill because it protects consumers, not phone companies. IT makes sure that phone subscribers will also get the opportunity to make a smart, and informed decision when choosing how they want to communicate to the rest of the world, without being subjected to the trickery of under-handed telemarketers.

I encourage you all to vote for this bill, and strike a blow against opportunistic phone companies out to make a quick dollar at the expense of our hard-working consumers.

HONORING ROBERT G. STAUF

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. ENGEL. Mr. Speaker, today I rise to praise a man who for more than three decades has given himself to the education of our youth and to the betterment of his community.

Robert Stauf started teaching in the Bronx in 1984 after graduating from Fordham College. For the next few years he taught at St. Philip Neri School while he furthered his studies at Hunter College, where he did graduate work in guidance and school counseling, and at Manhattan College, where he did graduate work in administration.

From 1964 until 1997 he taught in Yonkers Public Schools. But it was in the area of community service where Robert Stauf has been exemplary. He has evinced a willingness to serve on many committees to further the goals of education. He has also served on many government committees and in a boundless number of civic organizations.

He served on the Community Relations Committee for three administrations, was chair of the Human Rights Commission and the Community Action Program, served on the Parking Authority, the South Yonkers Planning Association, the Third Precinct Community Council, was in the leadership of an astonishing number of Irish-American organizations, in 1993 served on the Yonkers City Council, and if that wasn't enough, he can sing.

Bob Stauf has taught our young for almost two generations while being a leader to the many communities he served for as long.

Yonkers is very fortunate in having someone so willing to do so much for his community. I join Yonkers in saluting Bob Stauf for his many contributions to his City.

TRIBUTE TO SENATOR JOHN H. GLENN, JR.

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to a friend and fellow Ohioan, who will very soon be embarking upon two great adventures. I am speaking, of course, of Senator JOHN GLENN. In a few days, he will be returning to space aboard the space shuttle *Discovery*. Shortly thereafter, Senator GLENN will be ending his long and distinguished service in the other body of this Congress.

Senator GLENN has served our country in an astonishing number of ways. He fought in the Pacific in the Second World War, and served in Korea. He has been awarded the Distinguished Flying Cross on six occasions, and holds the Air Medal with 18 clusters. In 1959, he was chosen by NASA as a Project Mercury astronaut. Three years later, on February 20, 1962, he became the first American to orbit the Earth.

In 1974, after a few years in the private sector, Senator GLENN was elected to his current position as a United States Senator from Ohio. During his twenty-four years of service in the Senate, he has devoted enormous energy toward ensuring the security of our country and people, and he has worked to build a responsible and responsive federal government. He is an acknowledged expert and leader in nuclear non-proliferation efforts, and has tirelessly worked to better the lot of working-class families and to protect the environment.

Now, as Senator GLENN prepares for retirement, he has agreed to serve our nation yet again, returning to space in order to add to the body of human knowledge. I am very pleased and proud that Senator GLENN, a true legend and a hero, will again be a very visible example to our nation—an example of service to our country and service to all humanity.

A new generation of Americans will watch the launch of *Discovery* later this month, and hear from their parents and grandparents the many stories of how JOHN GLENN served his country. They will hear of his bravery in wartime, his skill in the development and piloting of experimental aircraft, and his calm handling of the exceeding dangerous, ground breaking orbits aboard *Friendship Seven*. They will also hear that he spent twenty-four years as a Senator from Ohio, working in innumerable ways to better our nation. That he has set this example for all Americans may be his most lasting contribution. Who can judge the effect of such an example of personal sacrifice upon the children of our country, and upon all Americans?

For these years of service and untiring dedication, I would like to thank Senator GLENN. And, on the occasion of his return to space, I congratulate him and wish him a fruitful flight and a safe return. I will miss his leadership here in Congress, as will all Ohioans. However, I will always remember him as an example of what a true American should be.

CONGRATULATIONS TO THE SANDIA HIGH SCHOOL GIRLS TRACK TEAM

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mrs. WILSON. Mr. Speaker, I rise today to congratulate the girl's track team of Sandia High School—The Matadors in Albuquerque, New Mexico. They have been selected to be featured on the back of the latest Team Cheerios cereal box for their overall academic achievement. The Matadors are one of four amateur squads featured in a special "Team to Watch" promotion.

The "Teams to Watch" program, jointly cosponsored by General Mills and Scholastic Publications, honors 16 teams in four categories: tradition, excellence, academic achievement and moving barriers. The team was among four teams noted for academic achievement. They well deserve this honor, having earned a 3.8 grade-point average last school year as well as a fourth-place finish in the Class AAAA state meet.

I applaud this group of talent young women for not only achieving academic excellence but for their athletic success as well. When there is so much news about the problems young people face, it is a real pleasure to see good news about a great group of young women.

Congratulations again to an outstanding group of students and I wish them continued success in their endeavors.

ALTERNATIVE DISPUTE RESOLUTION ACT OF 1998

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 3528, the Alternative Dispute Resolution Act of 1998.

This bill passed the House in April, by a vote of 405 to 2, and it is here again, with Senate amendments. Alternative Dispute Resolution is commonly referred to as "ADR."

ADR includes a range of procedures, such as mediation, arbitration, peer panels and ombudsmen.

Traditional dispute resolution in America almost always involves a Plaintiff and a Defendant, battling each other in a court, before a judge or jury, to prove that one is wrong and one is right.

It is time consuming, and it is expensive, too expensive for most wage earners to afford, and often too time-consuming to be of much practical use.

In addition, as one writer has observed, a process that has to pronounce "winners and losers necessarily destroys almost any preexisting relationship between the people involved . . . [and] . . . it is virtually impossible to maintain a civil relationship once people have confronted one another across a courtroom."

The bill before us requires all U.S. District Courts to establish a voluntary alternative dispute resolution program within the courts. The purpose of the Bill is to guarantee that all litigants have another way to resolve their differences, short of a full trial.

Mediation is a voluntary process in which a neutral third party—a mediator—assists two or more disputants, to reach a negotiated settlement of their differences.

The process allows the principal parties to vent and diffuse feelings, clear up misunderstandings, find areas of agreement, and incorporate these areas of agreement into solutions that the parties themselves construct.

The process is quick, efficient and economical. It also facilitates lasting relationships between disputants.

A recent survey by the Government Accounting Office showed that mediation is the ADR technique of choice among the five federal agencies and five private corporations that were surveyed.

The Report stated, "Most of the organizations we studied had data to show that their ADR processes, especially mediation, resolved a high proportion of disputes, thereby helping them avoid formal redress processes and litigation."

In a taped message on Law Day, May 1st, Attorney General Janet Reno said, "Our lawyers are using mediation . . . to resolve . . . employment . . . cases. I have directed that all of our attorneys in civil practice receive training in mediation advocacy."

On that same day, President Clinton issued a memorandum, creating a federal interagency committee to promote the use of alternative dispute resolution methods within the federal government, pursuant to the Administrative Dispute Resolution Act of 1996.

In addition, the Civil Rights Act of 1991 encourages the use of mediation and other alternative means of resolving disputes that arise under the Act or provisions of federal laws amended by the title.

And, in 1995, the Equal Employment Opportunity Commission promulgated its policy on ADR which encourages the use of ADR in appropriate circumstances.

ADR can provide faster, less expensive, less contentious and more productive results in eliminating disputes.

In sum, ADR is effective and is legislatively and administratively encouraged. Mediation is the ADR method of choice. It is the wave of the future, an effective tool.

In the next Congress, I intend to introduce legislation to further encourage the use of ADR.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. GEJDENSON. Mr. Speaker, I rise in support of legislation to rename the North// South Center at the University of Miami the "Dante B. Fascell North/South Center."

I had the honor of serving with Congressman Dante Fascell who represented the people of Florida and the nation for 38 years. He was my colleague, my Chairman on the House Foreign Affairs Committee, and my friend. I am particularly pleased that the University of Miami has chosen to honor the "father" of the North/South Center in this most appropriate way.

When Dante assumed the helm of the House Foreign Affairs Committee in 1983, its character changed from its predecessor's leadership. As a December 10, 1983 Congressional Quarterly article stated, "Fascell . . . is a strong-willed legislator who has mastered the techniques of compromise and persuasion." Further, the article speaks of his emphasis on a bi-partisan approach to foreign policy—a significant influence not only on his colleagues in Congress, but on his creation of the North/South Center.

By the time he became chairman of the Foreign Affairs Subcommittee on Inter-American Affairs, he was already a leader in the House on Latin American issues. His interest and expertise in this area as well as the importance of the relationship between these nations and the United States spurred Dante's vision for the creation of the North/South Center at the University of Miami—has alma mater.

Dante always seized opportunities to promote democratic ideals around the globe. Fascell foresaw a Center that would promote democracy, recognize the essential nature of the relationship between the United States and Latin America and the Caribbean, and improve understanding between the northern and southern hemispheres through the scholarly exchange of ideas. He conceived in institution that would not merely be a debating society, but would make solid contributions to American public policy. The unique North/South Center at the University of Miami sponsors conferences and publishes materials relating to a wide array of foreign policy issues. It has served as a resource for policy makers in several Administrations and Congresses.

Dante Fascell was the type of Congressman we all endeavor to be—he fought tirelessly for his constituents and he put the interests of the nation and its citizens above all else. Renaming the North/South Center in honor of Dante Fascell is extremely timely, appropriate and most deserved. I enthusiastically support this legislation and wish Dante all the best.

ADDING BRONCHIOLO-ALVEOLAR CARCINOMA TO LIST OF SERVICE-CONNECTED DISEASES

SPEECH OF

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 188

Mr. EVANS. Mr. Speaker, today, I rise in strong support of H.R. 559 which will provide a presumption of service-connection for atomic veterans who suffer from an extremely rare form of nonsmokers' lung cancer. Benefits will be available to the surviving dependents of these veterans who have died of this disease.

I commend the author of this bill, Mr. SMITH, for his tireless efforts on behalf of these veterans and their dependents. I also thank the Chairman of the Committee, Mr. STUMP, for bringing this bill to the floor.

In addition to strongly supporting this measure, I also hope Congress will soon address presumption of service-connection for the illnesses listed in H.R. 4368, the Justice for Atomic Veterans Act of 1998, which I introduced on July 31, 1998. It is well known that the Department of Defense, as well as the VA, refused for many years to acknowledge the serious health risk resulting from exposure to nuclear testing and other radiation risk activities.

Many veterans have been unable to obtain even medical records relating to their exposure during military service. It is not the fault of these veterans that accurate records of their exposure were not kept and maintained. Records which were considered essential for veterans to prove claims of service-connection for disability benefits were kept classified, since information concerning the adverse effects of radiation might have jeopardized future use of nuclear energy.

The time to redress these injustices has long since passed. H.R. 559 will provide justice to a small group of veterans. Congress can and should do more to compensate those veterans who have sacrificed their health, and in some cases their lives, on behalf of our Nation. I urge all of my colleagues to support this measure.

TRIBUTE TO CONGRESSMAN HARRIS FAWELL

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 1998

Mr. CRANE. Mr. Speaker, because I was not able to come to the floor at the time our colleagues offered their special testimony honoring my good friend, HARRIS FAWELL, I wish to add my tribute to their words of admiration and praise.

During his fourteen industrious years of dedicated effort in solving some of the most complex and challenging problems one can find on this Hill, HARRIS has been the acknowledged mentor of many of us in our attempt to understand some of the more difficult problems we face in the Congress. In matters such as labor law, labor relations, health insurance, retirement savings, education, waste in government, and other issues fraught with complicated technical questions, many of us turned to HARRIS for his wise counsel. His legendary ability to explain and interpret the most intricate details with great clarity was the result of his commitment to working hard to master the difficult and the abstruse.

Mr. Speaker, one measure of a man's ability to make a difference in this Congress—or anywhere in this world—is how he is looked upon by his own staff. One of our fellow Illinoisians, JOHN SHIMKUS, read a testimony on the floor the other day which was written by the members of HARRIS' staff. Here is just part of that expression of respect and love which the FAWELL staffers displayed in the tribute:

> In these cynical times, it is easy for staffers to become disillusioned with government service. Working with you has shown us how an honest and caring man of integrity can still make a difference here in Washington. Our time with you has maintained our faith in leadership.

The staff referred to HARRIS' kindness, humility and quiet leadership, and said further,

> Harris, they say that the ship reflects the captain. We count ourselves lucky to have been on the Fawell ship. We can only hope that we have been a reflection of you and that we will be, even as you sail on other seas.

This is remarkably touching testimonial to the quiet strength and goodness which his colleagues have long since found in the representative from the Thirteenth District of Illinois. Many of us hope that we might be worthy of such a tribute from our staffs when we, too, find it is time to sail on other seas.

After the retirement of our old friend, John Erlenborn, HARRIS took over his place on what is now the Committee on Education and the Work Force, and in tandem with Chairman BILL GOODLING, has made the Committee the source of many strong legislative initiatives for the good of the American citizens, particularly in the area of education.

Mr. JERRY SOLOMON, our very good friend who is also going to be missed so much in the future, has said that he always knew that he could do no wrong in voting the same way HARRIS did, because HARRIS "never came to this floor without being prepared." Such is the kind of trust his colleagues continuously felt in HARRIS' judgment.

Through his no-nonsense early concern about federal waste, and with his invention of the "Pork Busters" program, HARRIS started the beginning initiatives leading to today's balanced budget success. His colleagues know how hard he has worked to make this a more frugal government, and the constituents in his district will surely miss this kind of leadership on their behalf.

Mr. Speaker, there are endless additional reasons why this Congress will have a hard time filling the void which will be left when this good man sails on to other seas. His will surely be the greater enjoyment during retirement because he will have the satisfaction of knowing that he has served his country, his colleagues, and his constituents so very well. We send him on his way with favorable winds at his back, and bid him a heart-felt God bless, HARRIS, and Godspeed!

AMERICAN HOME OWNERSHIP ACT OF 1998

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 3899, the American Homeownership Act.

Passage of this act is intended to allow working Americans the opportunity to own a home who otherwise would not have been able to afford one.

There are many hard-working citizens whose income does not stretch far enough to fulfill the dream of homeownership. Despite their efforts, their dreams and hopes are shattered. They work as hard as other citizens, but the cost of ownership is out of reach. H.R. 3899 will begin the process of restoring hope to those in our society who are not looking for a free ride, but are hoping for freedom of choice as to where they live. Passage of the bill will be a demonstration that hard work is not in vain.

It is also important to recognize that the American Homeownership Act will have a positive impact on future generations of working families.

Millions of children are witnesses to the hardwork performed by their parents.

Many of these children are living in substandard apartment buildings, because their working parents have been denied the opportunity to own the homes that they have hoped and worked for year in and year out.

H.R. 3899 changes that.

This bill will help move families from overcrowded and dilapidated houses that destroy lives into houses that sustain lives.

How will H.R. 3899 do these things?

This Act requires federal agencies to promote homeownership by encouraging and expanding the production of affordable homes.

Agencies are required to closely monitor any impact of their practices and policies on the availability of affordable housing.

When there is a negative impact, alternatives to reverse the impact must be pursued.

H.R. 3899 grants states and local governments funding to reduce the barriers of accessibility of homeownership. Under the bill, the FHA must take a more proactive role in servicing potential home buyers.

These measures are necessary, Mr. Speaker, to ensure that working families are afforded the same opportunities as any other families in this country.

The United States Census Report of 1990 documents that there are 202,736 households in my District.

Of this figure, 76,632 units are rental households, and there are 23,866 vacant housing units. The low income families in my District continue to be challenged by many housing problems. These include overcrowding, physically inadequate housing due to incomplete plumbing and kitchen facilities, high rent burdens, and high owner costs.

Mr. Speaker, I believe that successful passage of H.R. 3899 will alleviate some of the major housing problems of my District. This will include a reduction not only in the vacant housing units.

We must not overlook that it is well-known that stable housing will always have a positive impact on children.

I also believe that passage of H.R. 3899 will have a long term, positive impact on the children of families who will be able to buy and move into a home as a result of this Bill. I believe, in the long run, with passage of this Act, children will stabilize in the school setting, grades will improve, neighborhoods will grow and we will give children the greatest opportunity, a chance to live and a chance to experience what this Nation offers.

Mr. Speaker, H.R. 3899 is a bill that will benefit all of society.

I support this measure, and encourage the support of my colleagues.

TRIBUTE TO REV. MANUEL CHAVIER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, I am honored to take this opportunity to pay tribute to the Reverend Manuel Chavier of New Bedford, Massachusetts. Reverend Chavier, founder and pastor of the International Church of the Nazarene, is one of New Bedford's most respected and dedicated leaders. He has devoted his pastorate to the need of the Portuguese-Cape Verdean community of New Bedford and will be honored for fifty years of service to his church and community at a dinner on Saturday, October 17. Though I regret that I am unable to join in the celebration at that time, it is with great pride that I join his family, friends and the members of his congregation in saying thank you and congratulations to Reverend Chavier for his decades of valuable contributions to the spiritual and cultural life of the New Bedford area. I ask that the excellent New Bedford Standard-Times article on Reverend Chavier and his remarkable career be printed here.

[From the New Bedford (MA) Standard-Times, Oct. 3, 1998]

DINNER TO HONOR NAZARENE PASTOR

(By Robert J. Barcllos)

NEW BEDFORD.—The Rev. Manual Chavier, founder and pastor of the International Church of the Nazarene, will be honored by members of his congregation and friends at a dinner this month.

The event is scheduled for 1 p.m. next Saturday at White's restaurant in Westport.

In celebrating the golden jubilee of their pastor, members also will celebrate five decades of a congregation that began with 23 members and now numbers more than 600.

"Retirement is not on my mind yet," said the Rev. Chavier. "I just had a physical last week and everything looks good. As long as the machinery keeps running, I'm going to keep going."

The 75-year-old pastor was still a ministerial student at Gordon College in 1948 when he accepted an invitation from the Portuguese Free Gospel Mission to be a guest speaker. The mission, which met at Odd Fellows Hall, had been started by Adeline Domingues.

The Rev. Chavier, a native of Lincoln, R.I., accepted an invitation to serve the mission as pastor in June 1948 and was formally installed in February 1949 when the mission was constituted a church as the Cape Verdean Nazarene Society. The 23 original members included seven from the First Church of the Nazarene, among them Mrs. Domingues. The church met at 223 Acushnet Ave. from April of 1949.

The Cape Verdean Nazarene Society was incorporated on July 31, 1951, as the Portuguese Church of the Nazarene, and plans began for a new church to be located at 483 Purchase St. The church was dedicated in June 1956.

Reflecting changes in the ethnic and racial composition of a congregation formed to serve the Portuguese-Cape Verdean community, the church was renamed as the International Church of the Nazarene in October 1976.

One of the high points in the Rev. Chavier's career was the dedication of the present main church building at 278 Pleasant St. on Nov. 11, 1984.

"I'd love to put up another building," said the Rev. Chavier. "I've been in three building programs with one building in two phases. My future desire is to honor a great servant of God, Carolyn Wilder."

Ms. Wilder, who died on Oct. 4, 1997, was an adjustment counselor who also served as head of the Sunday school and Christian education program in the church for 20 years during which she was a tremendous influence, the Rev. Chavier said.

The Rev. Chavier's plans include developing a good communications center for the church. Funds are being raised for that project.

The pastor still travels each year, conducting Spiritual Life Crusades. Most recently, in late July and early August, he had 11 speaking engagements in Bear Lake, Nova Scotia, for a 27-church gathering of the Canada East District of the Church of the Nazarene.

He is booked for speaking engagements next year in Indiana, New Hampshire, New Jersey and Pennsylvania.

Assisting the pastor at the church are his son and assistant pastor, the Rev. Manual Chavier Jr., formerly a pastor in Bermuda, who serves as minister of education and outreach, and the Rev. Jon W. Heim, minister of music and counseling.

They will be joined by Steven A. Margeson, the congregation's new youth pastor, who will receive his preaching license during the 6 p.m. service Sunday at the church. Mr. Margeson, 44, a real estate agent and self-employed carpenter, and his wife Michelle are members of the Rev. Chavier's congregation and have run the youth program there for 1½ years.

The Rev. Chavier's son-in-law, the Rev. Edmund J. Gomes, and his daughter, Ruth, are teaching at Liberty University in Lynchburg, Va.

Rev. Chavier has graduate degrees from Eastern Nazarene College and Bridgewater State College and earned certification as a teacher. He is a World War II veteran.

Outside of his pastoral duties, the Rev. Chavier has been very involved in community affairs. He has worked as an English teacher at Normandin Junior High School and served as a trustee of the New Bedford Free Public Library for five years, being vice chairman for one year. He also has served as a director of the Kiwanis Club, the Legal Aid Society, the Boys and Girls Clubs, the Red Cross and the Salvation Army. At one time, he had a weekly religious program on radio station WBSM.

He received the Duncan A. Doton Human Relations Award in November 1996, one of many recognitions he has received over the years.

The pastor and his wife, the former Elizabeth G. McKinney of Everett, make their home in Fairhaven.

HONORING HENRY B. GONZALEZ FOR 4½ DECADES OF SERVICE TO THE HOUSE AND THE PEOPLE OF THE 20TH CONGRESSIONAL DISTRICT OF TEXAS

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Ms. ROYBAL-ALLARD. Ms. Speaker, I would like to thank Congressman Gene Green and Congressman Martin Frost for organizing this Special Order to honor our friend and colleague, the Honorable Henry B. Gonzalez.

Congressman Gonzalez has served his constituents and our nation with honor and dedication throughout his distinguished career. Throughout his 38 years of service, Mr. Gonzalez has been in the forefront of the fight for basic human rights and needs, including affordable housing, consumer protections, and economic opportunity.

He began his public service career in 1953 as a member of the City Council of San Antonio, where he served until 1956. From 1957 until 1961, he served the people of Texas as a state senator.

In 1961 he was elected to the House of Representatives making history as the first Mexican-American to represent the state of Texas.

With his wealth of experience in public service, Henry Gonzalez was appointed Chairman of the Subcommittee on Housing and Community Development in 1981 and Chairman of the Full Banking Committee in 1989. As Chairman of the Committee on Banking and Financial Services, he was a strong and effective leader. Through his leadership, Congress passed landmark legislation reforming the savings and loan industry, updating banking regulations, and improving public housing. As Ranking Member during the 104th Congress, he helped defeat several banking proposals that would have undermined consumer protection laws.

For the past 6 years, I've had the privilege to serve with him on the Banking Committee and have witnessed firsthand his wisdom, commitment and compassion.

Henry Gonzales has also been an outstanding role model. Not only has he opened the doors of opportunity for many young Latinos, but he has set a high standard for elected officials throughout our nation. No one can challenge his integrity, honesty and decency.

Henry B., as he is lovingly called, has been an exemplary member of the House of Representatives, and it is with deep regret that I say farewell.

Congressman Henry B. Gonzalez, I am grateful to you for your leadership and your service in the House of Representatives. Along with many of your long-time colleagues, I will most sincerely miss you. Your memorable fights on behalf of the common people will long echo throughout the halls of Congress and the chambers of our hearts.

TRIBUTE TO CONGRESSMAN BILL PAXTON

SPEECH OF

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. CAMP. Mr. Speaker, at the end of this Congress the House of Representatives and the people of New York will lose a strong and tireless advocate.

As you may know, Bill Paxon has served the people of New York well since his initial election at the young age of 23 when he was elected to the county legislature, he has continually served the people of New York and the United States.

Since that time, he's worked diligently and with resolve to improve the lives of New York's citizens and the American people.

For many, Bill Paxon's name is synonymous with the Republican majority. As chairman of the NRCC, Bill oversaw the emergence of the new republican majority. His guidance and leadership helped bring about some of the most dramatic changes our Government has experienced in nearly 40 years.

I am both pleased and honored to have known and worked with Bill Paxon. He has not only been an effective legislator but also a good friend.

I wish him and his family the best as he moves on to new and challenging endeavors.

HONORING FREDERICK H. KORTH

HON. KEN E. BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary man, Frederick H. Korth, who passed away at the age of 89 on September 14, 1998 at his home in El Paso. This remarkable man will truly be missed.

I first met Fred when I was an aide to former Congressman Ron Coleman, who represented El Paso, Texas. Fred lived a long and good life. Not only can Fred's life chart the course of American history, his dedication to public service in the military as an officer and as a civilian make him "present at the creation" of the "American Century."

Frederick H. Korth was the embodiment of pubic service. When his country called, Fred Korth answered. He was born in Yorktown, Texas, graduated from the University of Texas, and received a law degree from George Washington University. During World War II, Fred Korth served in the Air Transport Command of the Army Air Force. After the war, he was a civilian deputy counselor to the Department of the Army. And in 1952, President Harry S. Truman appointed Fred Korth to be the Assistant Secretary of the Army for Manpower Reserves.

Fred Korth helped shape our national defense throughout the height of the Cold War. In 1961, President John K. Kennedy asked Fred Korth to succeed John B. Connally as

Secretary of the Navy. It was here that Fred Korth was a part of history in two respects. During those 13 dark days in October 1962, the U.S. Navy stood their ground, marking the line between good and evil by staring down Soviet freighters carrying nuclear weapons to Cuba.

While Secretary of the Navy, Fred Korth also fought to upgrade our Navy's ships. He saw that nuclear powered ships were the future and that they would be the most effective way to transport our troops and defend our borders. Fred was not successful in making this change at first, but time proved him right. After serving as Secretary of the Navy, Fred Korth spent the next 36 years practicing law with his son in Washington, D.C. Last December, he moved back to Texas.

Fred will be missed by his family and his country. He represents a dying breed of American: sophisticated in both military and civilian life and one who was always able to bring integrity and honor to public service.

At this point Mr. Speaker, I ask unanimous consent to enter into the RECORD remarks of Fred's son, Fritz-Alan Korth, and the Secretary of the Navy and fellow Texan, John H. Dalton.

REMARKS BY FRITZ-ALAN KORTH AT THE MEMORIAL SERVICE FOR FRED KORTH, SEPTEMBER 16, 1998

We are gathered here today to pay a final tribute to George. Now before you all get to thinking that you are in the wrong place, or that I am in the wrong place, let me explain that my father, Frederick Herman Korth was known by many names. In addition to George, he was Dad, Boppa, Mr. Secretary, Fred, Teddy, and some names that I cannot repeat in this hallowed place. Although it may surprise many of you who knew Dad as a yellow dog Democrat, his parents were staunch Republicans, as were many German-American immigrants in south Texas. The nickname Teddy was given to him by his father, who was a strong supporter of Teddy Roosevelt as a delegate to the 1912 Republican Convention.

Dad and I were very close over the years and when I was in high school he and I were sitting around the swimming pool at Azleway, our family home, and decided jointly that Dad was too formal for such good friends, but that Fred was not appropriate either. At that time the expression among us highschoolers when something was good, it was "real George", so we settled on the nickname George, which I have called him ever since, which does lead to some confusion. When Dad was in Providence Hospital here and I called him George, one of his nurses said "Are you George, Jr.?" and I said "No, and he is not George, Sr., either". It was an amazingly warm and close relationship.

When Charlotte, Melissa, and I met with the doctor to get the results of his last series of tests, we came back to the house and he asked me about our visit to the doctor and I gave him the diagnosis and prognosis that there was very little that could be done and that he had a limited time left. He looked at me and said, "Well, the Bible only promises me three score and ten years and I beat the heck out of that, haven't I!" (As you may surmise, that is why the 90th Psalm was included in the services today). Last Wednesday we celebrated Dad's 89th birthday. A friend of mine and I were discussing the definition of class and he offered his interpretation that class was being at ease no matter what situation you find yourself in. I believe that this statement was a good example of Dad's class.

When Dad was Secretary of the Navy he had flown down to Guantanamo Bay to have Thanksgiving lunch with the Marines and sailors during the Cuban missile crisis. When they returned they landed at Patuxent Naval Base south of Washington because of bad weather. They then took a helicopter back to the Pentagon. Dad was seated next to the pilot and his marine aide and Naval aide were seated behind them. There was a red light flashing on the dash. When they landed in rough weather at the helopad at the Pentagon, the Marine aide said "Boss, you sure were cool." Dad said, "Why do you say that, Ed?" and he said, "Earlier when the red light was flashing and you leaned to the pilot and said 'is something broke?' and he said 'get your vest' and you pulled out a cigarette and calmly smoked it." Showing his honesty, and not needing to enhance his reputation falsely, Dad said "I leaned over and asked him can I smoke?" and he said "Be my guest."

Dad was proud of all his children, grandchildren and great grandchildren, but probably a special feeling for my younger son, James Frederick, who was commissioned as an officer in the Marine Corps last year. Last week at Dad's birthday James had purchased a gift for him from the ship's store on a ship which he had been on for maneuvers and enclosed his note with this comment: "I don't know if I have told you how proud I am of your accomplishments in your life. Well, I am proud. However, not nearly as proud as I am to call you my grandfather. I love you very much. Love always, your grandson, Lt. James Frederick Korth (USMC)."

I know that we are all proud to call Dad our husband, our father, our friend.

So long George. You have been "real George" for 89 years.

REMARKS AS DELIVERED BY THE HON. JOHN H. DALTON, SECRETARY OF THE NAVY, FORMER NAVY SECRETARY FRED KORTH MEMORIAL SERVICE, ST. JOHN'S CATHEDRAL, WASHINGTON, DC, SEPTEMBER 24, 1998

ALL QUIET ON THE POTOMAC TODAY

Good Morning. I am honored to be here today, and to have this opportunity to celebrate a life, together with Fred Korth's friends and family.

I feel a kinship for Fred, here in this place of worship, where his soul is revered by God. If he was in town on Sunday, and able, he was always here. I feel a kinship for him as a Secretary of the Navy. I serve as the 70th; he was the 57th. I was a Midshipman at Annapolis during his tenure. His portrait hangs in the same corridor I walk each morning in the Pentagon, where his memory as a courageous public servant is revered by those who serve in the Navy and Marine Corps.

And, I must admit that I feel a kinship for Fred Korth as a Texan, who braved more than I, by wearing his Western hat in downtown Washington.

I sometimes reflect on the awesome privilege I have to serve as Secretary of the Navy. When I do, I always return to the same humbling memory of those who served before me. There are those who have done so that stand out as men of vision, intellect and virtue. Those who stand above those, in my view, are those great public servants that demonstrated all of those qualities during momentous times of great action and events in our Nation's history.

Fred Korth was one of those great public servants, at one of those critical junctures in our history. He was called by President Kennedy at a time when his service would mean great sacrifice for his family . . . and he responded positively at a time when the Navy would be tested at the peak of the Cold War. His calm demeanor and his relentless drive to always do the right thing earned him controversy and tested his character. Fred passed the test, and those of us who were fortunate to know him are not surprised.

The impact of Fred Korth's character in high public office could not have come at a better time . . . His was a Navy that shaped the positive outcome of the Cuban Missile Crisis; a Navy that broke revolutionary ground for a nuclear-powered surface and submarine fleet that was building from the keel up; and a Navy whose Sailors, Marines and civilians gained immensely from his care for their well-being. It is, today, a Navy-Marine Corps Team that still benefits from his legacy of total devotion to his Service and its people.

Fred's memory, for me, will forever be an example of that total devotion, long after he left public office. He personified that rare devotion to Country, family and God which each of us felt, hope to emulate, and will retain long after this day.

I drove over the Potomac last night, as I do every night, and as I reflected on Fred's life and what all of us would miss, I recalled a poem by Ethel Lynn Beers:

"All quiet on the Potomac tonight,
No sound save the rush of the river,
While soft falls the dew on the face of the dead—
The picket's off duty forever."

All is indeed quiet along the Potomac today, and Fred is off duty. But his legacy remains loud and clear for us, the living, where he remains on duty in our hearts, hereafter.

Thank you, Shipmate. Farewell, Fred. Fair winds and following seas, and God bless you.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1998

Mrs. CLAYTON. Mr. Speaker, as we consider whether to launch an impeachment inquiry, it is useful to contemplate the lessons we have learned about impeachment.

In 1775, Patrick Henry made this profound statement "I know of no way of judging the future, but by the past."

This Nation is a model for other nations, and we function best when we follow the guiding principle that has made us a model.

That principle is that government does what is good for the many, rather than what is good for the few.

Some, for political gain, want to impeach the President, at any cost, at all cost.

That may be good for them, but it is not good for America.

There are three main reasons why we should approach this matter with great care.

First, we have never impeached a President. Second, the Constitution is very specific as to what constitutes an "impeachable offense."

We must not attempt to substitute our personal views for what the Constitution prescribes.

And, Third, we are establishing precedent . . . dangerous patterns that will follow us for years and years, criteria that may govern how all citizens are treated.

Only two Presidents have faced impeachment, Andrew Johnson in 1868, and Richard Nixon in 1974.

Johnson was acquitted. Nixon resigned before trial.

Indeed, in the sixty impeachment proceedings since 1789, no President has ever been impeached.

What are the lessons we learn from that history?

One Vice-President faced impeachment, Spiro T. Agnew in 1973, however, the House refused to impeach him. What are the lessons learned?

Impeachment of a President is a grave and serious undertaking.

It is a Constitutional process, one carefully designed to allow the will of the majority to be frustrated and overturned. The President has been elected twice. We should approach this process with extreme caution, circumspection and care. It should not be taken lightly or done frivolously.

The Constitution sets out the reasons a President can be removed from office, for "Treason, Bribery, or other High Crimes and Misdemeanors."

Nothing I have seen or heard to date rises to the level of "Treason" or "Bribery."

Those are the specific reasons set out in the Constitution.

The term "Other High Crimes and Misdemeanors," sets out general reasons.

Basic to legislative drafting and statutory interpretation is the concept that the specific governs the general.

In American jurisprudence that when a listing of items include both specific and general items, the specific items will govern what the general items mean.

Surely none will suggest that what the President is alleged to have done is the same as Treason or Bribery.

For the "few" who disagree with the overwhelming majority of the American people, politics should not be confused with punishment.

Former President Ford has recommended a punishment that may be consistent with the offenses in this case.

He is being thoughtful and not political.

What is best for the many is for us to be thoughtful and not political.

All crimes are not "impeachable offenses."

If so, we could impeach the President for walking his dog without a leash. That is unlawful in the District of Columbia, that is bad conduct, thus absurdly underscoring the danger of substituting what we believe for what the Constitution states.

The Constitution says nothing, however, about "bad conduct," as an impeachable offense.

I believe the Constitution sets out a process that Congress should follow when serious allegations of wrongdoing, allegations of impeachable offenses, have been made against a President.

Under Constitutional mandates, a process is underway to determine if the President should be impeached.

When we fail to follow Constitutional process, we fail to consider the lessons we have learned.

Just ask Richard Jewel, first accused of the Atlanta bombings, without process, and the hundreds, perhaps thousands of innocent people, wrongly accused.

We should allow that process to take its course, and throughout this process, we must be careful to insist upon fairness and impartial judgment.

The President is not entitled to any more rights than any other citizen, but he is entitled to no less rights.

The allegations that have been made against President Clinton involve his personal behavior.

Past impeachments have involved acts against the public, not acts involving personal behavior.

What are the lessons we have learned?

This is very serious business, raising allegations that are criminal in nature.

It would be a sad and dangerous day in the history of this Nation when the principles upon which this Nation was founded bow to the pressures of what is politic and what is fashionable.

Mr. Speaker, I will close by quoting Goethe, who on one occasion stated, "One man's word is no man's word. We should quietly hear both sides."

HOUSE OF REPRESENTATIVES—*Friday, October 16, 1998*

The House met at 1 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for the diversity of our backgrounds and the variety of our experiences, and yet we thank You, too, for the unity of spirit that we can demonstrate one toward another. We are grateful that even as our own ideas show the contrasts in our ways, yet we can display an attitude of understanding and common feeling of respect one to another. We celebrate the beauty of Your whole creation, O God, and we are appreciative that we can come together in the spirit of common cause and shared responsibility. Bless us, O God, this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. HEFLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1132, BANDELIER NATIONAL MONUMENT ADMINISTRATIVE IMPROVEMENT AND WATERSHED PROTECTION ACT OF 1998 AND S. 2133, PRESERVATION OF THE ROUTE 66 CORRIDOR

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–823) on the resolution (H. Res. 604) providing for consideration of the Senate bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes, and for consideration of the Senate bill (S. 2133) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance, which was referred to the House Calendar and ordered to be printed.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1999

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 136) making further continuing appropriations for the fiscal year 1999, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would appreciate if the gentleman under my reservation would explain what the understanding is in terms of the schedule for the consideration of the omnibus appropriation bill, that 77,132-page bill that we are supposed to be bringing up next week.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I would be happy to give the gentleman my understanding of the schedule relating to the omnibus bill. Currently we are operating under a fourth continuing resolution which carries us until midnight tonight.

Our expectation is, though, that because we do have a deal between both houses and the White House on the vast bulk of the omnibus bill that it will take some time for our staff to assemble the extensive number of pages which comprise the bill. For that reason, and in order to allow all of the material to be gathered and processed so that we have a bill to be filed, the expectation is that that will take roughly the length of this weekend. The staff will engage in ongoing efforts to make sure that they do their job professionally and well and completely, so that by Monday they will be prepared to allow us to file the bill, we would expect to do that on or about noon of Monday, and it would be available for inspection, and the expectation is then to call Members back on Tuesday afternoon and have a vote on the omnibus bill at about 5 p.m.

So this continuing resolution would carry us through that period of time, make sure that the government does not close, make sure that all of the operations of government continue as they have over the last few weeks since the close of the last fiscal year and that they would continue through midnight Tuesday.

Mr. OBEY. I thank the gentleman.

Continuing under my reservation, Mr. Speaker, I will simply say that is also my understanding. That means that Members should be prepared, as I understand it, to vote on the legislation after 5 p.m. on Tuesday, and they would then be able to get out of town either that evening or the next morning for the duration.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 136

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105–240 is further amended by striking "October 16, 1998" and inserting in lieu thereof "October 20, 1998".

The SPEAKER. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will take 15 one-minutes on each side.

AMERICANS DESTINED TO REAP BENEFITS OF REPUBLICAN-LED CONGRESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we near the end of the 105th Congress, I believe the American people have a rendezvous with destiny, and that destiny is to regain their freedom from big bureaucracy and big government and go more toward local control.

Four years ago, the Republicans laid the foundation for a balanced Federal budget, real education reform, crime reduction, meaningful tax cuts, a strong military force, welfare reform, and a real commitment to saving Medicare and Social Security.

Four years ago, Republicans charted a path to give Americans a renewed faith in our system of government, in our push to give Americans more control in their lives. Our hardworking families, our children, our men and women who serve in our Nation's armed forces are destined to reap the benefits of a Republican-led Congress that has made a commitment to put an end to wasteful bureaucratic spending, to send Federal education dollars directly to schools and districts and into the classrooms for the benefit of educating children; a commitment to give hard-earned tax dollars back to America's hardworking families; and a commitment to make the strength of our national defense a priority once again.

Mr. Speaker, there is renewed hope for America and I am proud to be a part of this destiny of freedom.

LITANY OF NONACCOMPLISHMENTS OF A DO-NOTHING CONGRESS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, let us not kid ourselves. The Republican leadership was not prepared to do anything that was really important or address any of the real issues that the American people cared about in this Congress.

Fortunately, we as Democrats were able to push them as part of this budget agreement to address a few things, most importantly to add 100,000 teachers in the elementary school classes, and also to make sure that the Social Security trust fund was not drained, if you will, for tax giveaways.

But there is a lot more to be done here and this do-nothing Congress, this Republican leadership leading this do-nothing Congress did not address managed care reform, did not address campaign finance reform, did nothing to deal with the severe problem of teenage smoking, did nothing really to deal with most of the education initiatives that the Democrats have put forward. Most importantly, they refused as part of this budget deal to deal with school modernization. We have classrooms, we have schools throughout the country that need repair, that need to be upgraded to deal with computers.

There are a lot of other education initiatives that were not addressed as part of this Congress. I am happy today we just joined with the President, we are happy that they added the 100,000 teachers and that that will be part of this budget deal. We are happy that the Social Security trust fund is still intact, but there is a lot more that needs to be done. Let us not kid ourselves by saying anything that this was nothing but a do-nothing Congress.

ADJOURNMENT TO MONDAY, OCTOBER 19, 1998

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. BRADY of Texas). Is there objection to the request of the gentleman from Colorado?

There was no objection.

BUDGET BATTLE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the current budget battle in Washington shows clearly how conservative Republicans and liberal Democrats disagree about the role of government.

Republicans think that the Federal Government is too big. Democrats think that it is not big enough.

Republicans have been pushing for tax cuts. The liberals are horrified at the very idea and call, as the previous speaker just did, tax cuts giveaways.

Republicans are insisting that we begin to reverse the dangerous decline in our military preparedness. Democrats have been fighting for even less defense.

Republicans blocked a White House attempt to impose national standardized tests in elementary schools. Democrats urged the creation of a national gun registry in their latest effort to weaken second amendment rights.

Republicans stopped the President's big government initiative to create a new handout, free needles for drug addicts. Democrats tried to create a national identity card. Republicans stopped that, too.

Bigger government versus smaller government and more freedom, that is what is at stake. That is what this budget battle has been about over these last few weeks.

FAILING MARKS TO REPUBLICAN CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, for 2 years this Republican Congress has put partisanship ahead of progress. They have consistently kowtowed to special interests. They killed HMO reform, campaign finance reform, tobacco reform, and attempted to raid the Social Security trust fund. In the last few days Democrats have had to fight tooth and nail to reduce America's class sizes by hiring 100,000 teachers. Now Republicans, it is unbelievable to me that they take such pride in the fact that they have prevented school modernization, denying our kids the opportunity to have our schools wired up to the 21st century and that they could take advantage of the technology that will only help them compete in the 21st century.

Let me just say that this Republican Party is out of touch with mainstream America. I am not the only one who thinks so. Jack Kemp, not a well-known Democrat, and I quote: Today the Republican Party is adrift, without an agenda and without purpose beyond its seeming preoccupation with saving the congressional seats of its incumbents.

This Republican Congress has failed the American people.

THE SURPLUS CONGRESS: HARDLY A RECORD TO BE SCOFFED AT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, this Republican Congress that has been so maligned by partisan Democrats has been the first Congress since 1969 to balance the budget. It has been the first Congress to have tax cuts in 16 years. It has been the first Congress to reform and protect Medicare on a bipartisan basis. And the first Congress to have welfare reform and 40 percent of the people who were on welfare in 1994 are now independent, working. This is hardly a record to be scoffed at.

What have we done this year? We have protected Social Security. We have stopped the Democrat practice of taking the surplus out of Social Security and spending it on roads and bridges. We have protected the family farm with the farm disaster bill. We have protected education by giving more power to local school boards and less from Washington bureaucracy. And we are on the verge of passing major drug legislation that will give strong interdiction, strong prevention and rehabilitation services. We think this is a solid legacy.

This Congress will be remembered as the surplus Congress. I am proud that I played a part of it.

□ 1315

A DO-NOTHING CONGRESS? SIMPLY NOT TRUE

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, I rarely come to these also 1-minutes, but I could not maintain silence after what I have been hearing they say. They say we are a do-nothing Congress, we are not concerned about the average Joe or Jane.

Capital gains tax reduction. The increase of the estate tax exemption threshold, which means that the tax man will be delayed when he comes a calling after someone has lost a loved one. Welfare reform. IRS reform. Balanced Budget Amendment.

Now does anyone in range of my voice believe that either of these five could have been done without a Republican majority in the people's House? Obviously not because it has not been done before.

I keep hearing my friends to my right, to my ideological left, claiming about campaign finance reform, nothing has been done about it. Well, Mr. Speaker, they were in control of the People's House for 40 years, and nothing was done about it.

I am very much offended, Mr. Speaker, by people who come to the well of this House and point an accusatory finger and accuse this 105th Congress of doing nothing. It is simply not true.

PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, I was unavoidably detained in my district during Rollcall Votes 532 through 535. Had I been present I would have voted yes on Rollcalls 532 and 533, and no on Rollcall 534, and no on Rollcall 535.

ANOTHER BILLION DOLLARS FOR THE STAR WARS FANTASY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, Congress would have adjourned one week ago after only 108 days work without an additional penny for public education, but the President held the Republican majority's feet to the fire, and so now, a week later, we have got $1.2 billion, new money for smaller class size; $871 million has been replaced for the Summer Jobs for Youth Program that they wanted to kill; $250 million for Youth Opportunities, and $160 million add-on to Head Start. This is a victory for Democratic priorities.

But unfortunately this gargantuan 4000-page budget bill further reflects the difference in the budget priorities of the Republicans and the Democrats. The Republicans in this are going to add $9.1 billion to an already bloated Pentagon budget, another $1 billion into the Star Wars fantasy where we have already dumped 50 billion with no results. Not a penny, not a penny here on earth, to help rebuild or build new schools, but another billion dollars for the Star Wars fantasy. That is a sad commentary on their priorities.

PROUD OF THE 105TH

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, it is a time of year when we do our retrospectives on what this Congress has accomplished, and we have heard some comments about that already. We have cut taxes for the first time in 16 years; we have balanced the budget for the first time since 1969. Even better than that, we have achieved a surplus, and when I was first elected 5 years ago, we had nearly a $300 billion deficit in this Congress and for this Nation; today, approximately $85 billion surplus.

How does that affect us as citizens and legislators of this country? Just an example:

My daughter and her husband are in the process of buying their first house. The interest rates are the lowest they have been in this Nation in many, many years. That is related to our budget surplus because the government is not in the market borrowing an additional $300 billion, but they are pumping $85 billion back in, and that reduces interest rates.

Much else has happened in this Congress. I participated in developing the first science policy statement that this Congress has adopted in many years, and that is going to have a real impact on the science and technology and will certainly make our Nation more competitive among all.

Mr. Speaker, it has been a good Congress, and I am proud to have been part of it.

HAPPY TO HAVE BEEN A PART OF THE 105TH

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we have heard this morning that this was a quote, unquote, do-nothing Congress. I think the liberals think that because nothing has happened for the left. I think they must have been hiding under their desk. They did start out wanting to spend 150 billion more dollars on new government programs. They wanted to raise taxes by $130 billion, but we did not let that happen. We did balance the federal budget, we do have a $70 billion surplus, we have been able to strengthen families, strengthen their pocketbooks through lower interest rates. We have been able to strengthen our military. Right now we cannot conduct a similar scenario like the Gulf War, but we are going to strengthen the military. We also provided the first steps for strengthening Social Security and Medicare.

Now the left can claim they got 100,000 new teachers, but nobody over there has done the math. If they figure out the math, they only got $10,000 per teacher. Who is going to make up the difference? Can they find a teacher who will work for $10,000 a year?

Well, Republicans have a good program for saving schools, for making them stronger by getting parents involved. We have done that this year in the 105th Congress. It has been a good Congress, a successful Congress, and I am happy to be a part of it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY of Texas). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 20, 1998.

PLANT PATENT AMENDMENTS ACTS OF 1997

Mr. COBLE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1197) to amend title 35, United States Code, to protect patent owners against the unauthorized sale of plant parts taken from plants illegally reproduced, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 4, after line 14 insert:

SEC. 4. ACCESS TO ELECTRONIC PATENT INFORMATION.

(a) IN GENERAL.—The United States Patent and Trademark Office shall develop and implement statewide computer networks with remote library sites in requesting rural States such that citizens in those States will have enhanced access to information in their State's patent and trademark depository library.

(b) DEFINITION.—In this section, the term "rural States" means the States that qualified on January 1, 1997, as rural States under section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379bb(b)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a noncontroversial measure that will serve as a needed compliment to current plant patent law which we passed under suspension of the rules on October 9 of this year. The other body has also amended the bill by adding a provision that will enable small inventors living in rural areas greater access to patent information.

The first provision of H.R. 1197 amends current law governing plant patent parts. Since 1930 the Patent Act has permitted inventors to obtain plant patents. Individuals wishing to skirt protections available under the law have discovered a loophole, however, by trading in plant parts taken from illegally produced plants. H.R. 1197 closes this loophole by explicitly protecting plant parts to the same extent as plants under the Patent Act.

Mr. Speaker, this bill is identical to language that was contained in the omnibus patent legislation which passed earlier in the term. There is no opposition to the bill as it will benefit American patentholders and the plant producers as well who honor their work by paying the necessary royalties.

The second provision of the bill simply authorizes the Patent and Trademark Office to develop and implement statewide computer networks with remote library sites, thereby enabling small inventors to have greater access to information in patent and trademark depository libraries.

I repeat, Mr. Speaker, I think the amendment that was done in the other body makes a good bill even better, and I think it will benefit our nation's inventors, Mr. Speaker, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I use this excuse to support the bill to commend my subcommittee chairman, the gentleman from North Carolina (Mr. COBLE) for a year's worth of very good cooperation, a Congress worth of very good cooperation. He is unique, and we have been able to work through many problems that have actually confounded the Committee on the Judiciary for more than a year or two, and this has been a successful relationship between those Members, the subcommittee members and the Members on my side.

So, Mr. Speaker, I am happy to support the plant patent bill, commend our colleague, ranking colleague from Vermont on the other side, Senator PAT LEAHY, and I urge that we support the provisions here that correct a loophole that has arisen as some people have sought to trade in plants; that is in the environmental sense plant parts taken from illegally produced plants, and we specifically are protecting these additional plants as well, and I commend the members of the Committee on the Judiciary for working so well together on this measure.

I rise in strong support of this little noticed, but important change to our patent laws.

This legislation protects plant parts to the same extent as plants themselves are protected under the Patent Act. The holders of plant patents, the same as an other American who develops a patent and follows the rules, are entitled to protection.

As Mr. COBLE has noted, a loophole in the plant patent area has arisen in recent years as some individuals have sought to trade in plant parts taken from illegally produced plants. This legislation closes this loophole by specifically protecting the plant parts. This language is identical to language from the omnibus patent bill which passed the House earlier this session.

The legislation before us also includes a provision which authorizes the Patent and Trademark Office to develop and implement statewide computer networks with remote library sites. This will allow small inventors in rural areas to have greater access to patent and trademark information.

While I have some time remaining, I would like to congratulate my good friend the gentleman from North Carolina, Mr. COBLE, for the excellent work he has done as chairman of the Judiciary Subcommittee on Courts and Intellectual Property. In recent weeks he has succeeded in passing a number of landmark intellectual property bills, including copyright extension and implementation of the World Intellectual Property Organization Treaties. Thanks to Mr. COBLE's stewardship, our creators and inventors can rest assured that they will receive fair compensation for their work. Because of the rush of business at the end of the calendar, other important measures relating to data base protection and patent reform were not completed, but we will continue to push these measures on a bipartisan basis next Congress.

I would also like to thank Chairman COBLE for his hard work on important franchise legislation that he and I introduced 2 days ago. I look forward to working with him on this matter of vital importance to so many small businesses early on in the next Congress.

Mr. CONYERS. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also have no speakers, but I wanted to express my thanks to the gentleman from Michigan for his generous comments, and at the risk of sounding immodest, I agree. I think our subcommittee has accomplished a lot of good this year with the help of both sides of the aisle, including my friend from Michigan, and I thank him for his comments. And I would be remiss if I did not also mention Senator PATRICK LEAHY who has already been mentioned and the gentleman from Oregon (Mr. SMITH) who chairs the House Agriculture Committee and has been very actively involved in this process as well.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1197.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Speaker, I seek to correct the RECORD. On Rollcall Vote 428, which was on House Concurrent Resolution 254, I was recorded being in favor of the measure, and I would like the RECORD to reflect that I should have been recorded as being opposed to the measure.

MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY ACT OF 1998

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1756) to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crime strategy to combat money laundering and related financial crimes, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, strike out all after line 20, over to and including line 3 on age 3 and insert:

"(2) MONEY LAUNDERING AND RELATED FINANCIAL CRIME.—The term 'money laundering and related financial crime'—

"(A) means the movement of illicit cash or cash equivalent proceeds into, out of, or through the United States, or into, out of, or through United States financial institutions, as defined in section 5312 of title 31, United States Code; or

"(B) has the meaning given that term (or the term used for an equivalent offense) under State and local criminal statutes pertaining to the movement of illicit cash or cash equivalent proceeds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1756.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

□ 1330

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1756 is the Money Laundering and Financial Crimes Strategy Act of 1998. It was introduced by the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Iowa (Mr. LEACH) and myself, and it directs the Secretary of the Treasury to create a national strategy for combating money laundering and other financial crimes by coordinating money laundering and other financial crimes. It also supplies resources to Federal, state and local agencies in the coordination of their efforts.

I would explain to Members what is so important about money laundering. Money laundering is the flip side of narcotics trafficking. When we talk about the war on drugs, when we talk about our efforts against drugs, some people do not realize that it is a two-way street. On the TV we observe pictures of large amounts of drugs being seized, of drugs being destroyed, of them being intercepted, and, in fact, we have been very successful in seizing a great percentage of the drugs coming into this Nation.

Where we have failed, where we have not addressed the problem that needs to be addressed, is in money laundering. When drugs are sold, for them to be profitable to the money launderers and the drug cartels overseas, they not only have to sell their product, they have to reap their profit. That means that the money must flow back out of the country. They must get the money back out.

In fact, law enforcement agencies and policy makers tell us that if you want to hit the drug cartels where it hurts the worst, you do not seize the drugs, because there is an endless supply of that; you seize the money. And that is what this new strategy is about. Unfortunately, we estimate we are seizing less than 1 percent of drug proceeds money, and, therefore, this legislation I think is going to be a hallmark and really a nail in hopefully the coffin of drug cartels overseas which are preying on our young men and women on the streets of America.

The legislation provides for the designation of high risk money laundering areas for the purpose of providing those localities with increased Federal attention and funding for state and local law enforcement efforts.

We had a pilot project in New York City in the district of the gentlewoman from New York (Ms. VELÁZQUEZ), who, I am sure, will cover this in more detail. But to tell you about the gravity of this situation, this effort was headed up by the New York police, the city police, New York State police, Customs. In a short period of time, over $1 billion of money transfers to Colombia were intercepted during this effort. I am not talking about $1 million, I am not talking about tens of millions of dollars. Over $1 billion in transfers were intercepted. So that gives you some idea about the magnitude of this problem.

Now, the House passed this measure earlier this month by voice vote. On Wednesday, the Senate passed it with an amendment, again by unanimous consent. The Senate amendment is relatively modest in scope. I think it improves the bill, and I have been asked by Members of the Committee on the Judiciary and the Committee on Commerce to explain that amendment for the record.

As passed by the House, this act provided that the Secretary of the Treasury's authority to develop a national strategy for combating money laundering and related crimes extended to all potential violations of title 18, sections 1956 and 1957. Those sections are the basic criminal money laundering provisions of our Federal law, and they contain more than 100 predicate offenses involving crimes as varied or desperate as obscenity and arms control export violations.

The Federal Bureau of Investigation raised concerns that the shear breadth of the criminal conduct covered by these two sections, 1956 and 1957, might complicate the Treasury Department's ability to develop a coherent national strategy for combating money laundering and in allocating scarce law enforcement resources to initiatives undertaken at the state and local level.

In response to that, we in the House, the gentlewoman from New York (Ms. VELÁZQUEZ), requested and the Senate conceded and actually offered an amendment, and also the Senate was very supportive of this amendment and amended the bill to provide that the national strategy should be directed at the movement of elicit cash or cash equivalent proceeds into, out of and through the United States, or into, out of and through United States financial institutions, because many of these are electronic transfers, rather than directing the scope to the more broad offenses delineated in title 18 and other portions of the U.S. Code. We all agree this is a good amendment that strengthens the bill.

I also want to, at the request of the Committee on Commerce, take this opportunity to clarify the legislative intent behind another provision of H.R. 1756, and that is section 2.

Section 2 amends chapter 53 of title 31 of the U.S. Code to direct the Secretary of the Treasury to regularly review enforcement efforts under the chapter and under the subchapter and other provisions of the law, and, when appropriate, modify existing regulations or prescribe new regulations for the purposes of preventing money laundering and related financial crimes.

On June 25, 1998, the distinguished chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) wrote to the gentleman from Iowa (Mr. LEACH), the gentlewoman from New York (Ms. VELÁZQUEZ) and myself, to express concern that such a broad mandate could be interpreted to authorize the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify regulations promulgated pursuant to Federal security laws or to grant the Secretary of Treasury new or additional authority to prescribe regulations applicable to entities that are regulated pursuant to the Federal securities law.

In response, the gentleman from Iowa (Mr. LEACH) affirmed that it is not the Committee on Banking and Financial Services's intent for the language in section 2 to grant the Secretary of Treasury any new or additional authority over entities that are regulated pursuant to the Federal securities law or to require or encourage the Secretary of the Treasury to review enforcement actions under the Federal securities law, or to modify or recommend the modification of regulations promulgated under the Federal securities laws. That response has been accepted.

Mr. Speaker, in closing I want to emphasize that H.R. 1756 is an excellent example of the spirit of bipartisanship and comity that has historically characterized the Committee on Banking and Financial Services's deliberation on anti-money laundering initiatives.

We do hear a lot of partisanship and wrangling in this body. That is not always the case. In bringing this bill before both the House and the Senate, Democrats and Republicans have joined together, they worked closely with the administration, and the result has been a nonpartisan or bipartisan effort, which we believe will go a long way in combating illegal drugs and money laundering.

The gentlewoman from New York (Ms. VELÁZQUEZ) should be particularly commended for her work, and by this I mean her hard work on this matter. She has been a big help in dealing with the law enforcement agencies.

In addition, I would like to commend and give special recognition to the gentleman from Iowa (Chairman LEACH) and to the ranking minority member, the gentleman from New York (Mr. LAFALCE) for their efforts in moving this important bill through the Committee on Banking and Financial Services.

Also I want to commend members of the Subcommittee on General Oversight and Investigations staff for their hard work on money laundering in this Congress.

An example of the administration and the Congress working together on this bill is that Dave Cohen from my staff, who basically worked with Ms. VELÁZQUEZ on a daily basis in the particulars of this bill, as a result of working with Customs, he is no longer with the subcommittee. He was in fact hired by Customs, which sort of pays us a compliment to his ability. Dave, within the last month, has taken the position as assistant to the Commissioner, Ray Kelly, at Customs. So I think that ought to be a compliment to the entire Congress and to the staff that worked on this bill.

In addition, I would like to compliment the legal staff that worked on this bill. Jim Clinger, the Clinger name is a name that most of us in Congress recognize. His father, Bill Clinger, served in this body with distinction. Jim Clinger and Win Yerby, legal counsel for the majority, worked closely on this bill. I am particularly pleased that Win Yerby is a native Alabamian.

On the democratic side, Rick Maurano, who is seated at the table with Ms. VELÁZQUEZ, also did yeoman's work on this bill. Again, this was a totally nonpartisan effort.

As Chairman of the Subcommittee on Oversight and Investigations, I will say in closing that I have had six money laundering hearings. In fact, money laundering has been the central focus of the subcommittee's work, because I see it as one of the most important responsibilities of the Committee on Banking and Financial Services Subcommittee on General Oversight and Investigations. The reason I do is because the threat that narcotic drugs has in every community, in every state, in every locality, to us, to the integrity of our law enforcement agencies, and to the safety and welfare of our citizens.

As I said, again, thanks to the gentlewoman from New York, this bill will go a long way in hitting the drug cartels where it hurts the worst, in the pocketbook.

Mr. Speaker, H.R. 1756, the Money Laundering and Financial Crimes Strategy Act of 1998, introduced by the gentlelady from New York, Ms. VELÁZQUEZ. Chairman LEACH, Representative GONZALEZ, and myself, directs the Secretary of the Treasury to create a national strategy for combating money laundering and other financial crimes by coordinating Federal State, and local efforts and resources. The legislation provides for the designation of high risk money laundering areas for the purpose of providing these localities with increased Federal attention and funding for State and local law enforcement efforts.

The House passed this measure earlier this month by voice vote, and on Wednesday, the other body passed it with an amendment by unanimous consent. The Senate amendment is relatively modest in scope.

As passed by the House, H.R. 1756 provided that the Secretary of the Treasury's authority to develop a national strategy for combating "money laundering and related crimes" extended to all potential violations of 18 U.S.C. sections 1956 and 1957, the basic criminal money laundering provisions, which themselves contain more than 100 predicate offenses involving crimes as disparate as obscenity and arms control export violations. After the Federal Bureau of Investigation raised concerns that the sheer breadth of criminal conduct covered by sections 1956 and 1957 might complicate the Treasury Department's ability to develop a coherent national strategy for combating money laundering and to allocate scarce law enforcement resources to initiatives undertaken at the State and local levels, the Senate amended the bill to provide that the national strategy should be directed at the "movement of illicit cash or cash equivalent proceeds into, out of or through the United States, or into, out of or through United States financial institutions," rather than at the specific underlying offenses delineated in title 18 and other portions of the United States Code.

Mr. Speaker, I also want to take this opportunity to clarify the legislative intent behind another provision of H.R. 1756. Section 2 of the legislation amends chapter 53 of title 31 of the United States Code to direct the Secretary of the Treasury to "regularly review enforcement efforts under this subchapter and other provisions of laws and, when appropriate, modify existing regulations or prescribe new regulations for purposes of preventing" money laundering and related financial crimes. On June 25, 1998, the distinguished chairman of the Committee on Commerce, Mr. BLILEY, wrote to Chairman LEACH to express the concern that "such a broad mandate could be interpreted to authorize the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify regulations promulgated pursuant to the Federal securities laws, or to grant the Secretary of the Treasury new or additional authority to prescribe regulations applicable to entities that are regulated pursuant to the Federal securities laws."

In response, Chairman LEACH affirmed that it is not the Banking Committee's intent for the language in section 2 to grant the Secretary of the Treasury any new or additional authority over entities that are regulated pursuant to the Federal securities laws, or to require or encourage the Secretary of the Treasury to review enforcement actions under the Federal securities laws or to modify, or recommend the modification of, regulations promulgated under the Federal securities laws.

In closing, Mr. Speaker, let me emphasize that H.R. 1756 is an excellent example of the spirit of bipartisanship and comity that has historically characterized the Banking Committee's deliberations on antimoney laundering initiatives. The gentlewoman from New York Ms. VELÁZQUEZ, should be particularly commended for her hard work on this matter. Special recognition should also be accorded to Chairman LEACH and to the ranking minority member, Mr. LAFALCE for their efforts in moving this important bill through the Banking Committee. I also want to commend members of the Banking Oversight Subcommittee for their hard work on money laundering in this Congress. As chairman of the Oversight Subcommittee, I have made money laundering a central focus of the subcommittee's work because I see it as one of the most important responsibilities of the Banking and Financial Services Committee.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by again thanking the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), and the gentleman from Alabama (Mr. BACHUS) for all their work on this legislation. Also I would like to recognize the work that for the last four years my legislative director, Catherine Cruz Wojtasik, has been doing on this legislation.

This bill proves that crime fighting is a bipartisan issue. Today's Money Laundering and Financial Crimes Strategy Act is the same anti-money laundering legislation that passed the House last week. Technical changes were made by the Senate that will broaden the definition of money laundering. These changes are endorsed by the Treasury Department, the Justice Department, the FBI and the local district attorneys in New York City.

In the expanded definition we allow Federal, state and local law enforcement officials to keep up with the changing trends in money laundering. It will provide police officers and prosecutors with the tools that they need to effectively combat large and sophisticated crime syndicates.

The Money Laundering and Financial Crimes Strategy Act is an important step in helping communities fight drug traffickers that launder money in their neighborhood. I urge all Members to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say in conclusion that Catherine Cruz Wojtasik did work very hard on this bill. I think it shows that the gentlewoman from New York (Ms. VELÁZQUEZ) has assembled a good staff, and I would like to commend Ms. Cruz Wojtasik on her work on the bill.

□ 1345

Mr. Speaker, I apologize for that oversight.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BRADY of Texas). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment to H.R. 1756.

The question was taken; and (two-thirds having voted in favor thereof) the rules suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

BUDGET AGREEMENT IMPLEMENTS COMMONSENSE CONSERVATIVE VALUES

(Mr. TALENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALENT. Mr. Speaker, I am pleased to rise in support of the recently concluded budget agreement. In fact, the more I look at that budget agreement, the more I like it.

It begins to implement the Dollars to the Classroom principle, whereby we defund Federal bureaucracies and empower parents and teachers. It provides that with the Census, we are going to count people. We are not going to guess how many people are in the United States. It says we are going to stop child porn on the Internet.

We are going to reinvigorate the war on drugs. We are going to spend $9.5 billion on the national defense, money that is vital to America's greatness. We are going to have the first ever IMF reforms, and all this on top of a balanced budget with a surplus, tax relief, and welfare reform.

It is an implementation of commonsense conservative values, Mr. Speaker. It looks like we are going to have support from the other side of the aisle. I hope we come back here as soon as possible and pass it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRATULATING JOHN HUME, A WINNER OF THE NOBEL PEACE PRIZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I simply want to take this time to note that the Nobel Prize for peace today was given to two Irish heroes named David Trimble and John Hume. I do not know Mr. Trimble, who is the leader of the Protestant groups in Northern Ireland seeking peace, but I do know John Hume. I have known him for a good many years, and I think that his selection today was an absolutely perfect choice.

John Hume is a person who, as a very young man, began to peacefully protest the fact that there was a systematic policy to deny employment to Catholic males in Northern Ireland. He began to lead peaceful marches out of the Catholic neighborhoods to try to peacefully protest that fact, in the spirit of Martin Luther King.

The Protestant forces reacted violently. He was beaten a number of times. At one point he laid down in front of a tank with his wife standing just a few feet away. She thought he was a dead man. Fortunately, the tank stopped.

He also experienced violence at the hands of Catholic forces in Northern Ireland, because he was insisting that whatever actions taken by Catholic forces be peaceful, so his reward was that they tried to assassinate him many times. His home was firebombed at least once, I believe twice, once with his family in it.

He even had the experience of being at a country roadside, at a stop sign, when a car plowed into him from behind at a high rate of speed. The car exploded. He walked out of the car without a scratch, and a week later collapsed from post-trauma stress reaction, with his heart in fibrillation, and almost died.

Today he has been one of, if not the leading voice in all of Ireland for peace, and he has been instrumental in bringing the IRA together in peace talks with their Protestant counterparts. I think it is safe to say that there would be no peace process in Ireland, were it not for John Hume.

I simply want to take this time to note on this side of the Atlantic that a true hero of our age has been nominated or has been named the recipient of the Nobel Prize for peace today, along with Mr. Trimble, who also has been heroic in trying to lead the Protestant forces in Northern Ireland to a peaceful resolution of their differences.

In all of the years of public life, I have never met a person as inspiring as John Hume. I have never met a person who has been willing to undergo more physical violence to his own person than John Hume, except perhaps for our colleague in this Chamber, the gentleman from Georgia (Mr. JOHN LEWIS).

It just seems to me that we should today take note of the fact that the Nobel committee made a superb choice. I congratulate John Hume, I congratulate his wife, Pat, who has been with him every inch of the way in helping him through a lifetime of work for peace.

If I were asked to name a single person in the Western World who epitomizes what Christian values are supposed to be, I would say that John Hume is that person. I was thrilled to see that he was one of the two winners of that Nobel Prize today.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SKAGGS) is recognized for five minutes.

Mr. SKAGGS. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1998. This legislation will provide important protection and management direction for some truly remarkable country, adding nearly 250,000 acres in the park to the National Wilderness Preservation System.

The bill is a revised version of one I introduced last year and similar measures I proposed in the 103rd and 104th Congresses. It also reflects previous proposals by former Senator Bill Armstrong and others.

Over the last several years, I've worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation. I've also consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations have provided the basis for many of the new bill's provisions, particularly regarding the status of existing water facilities.

I had hoped that the consultations would result in a consensus that would make it possible to enact a Rocky Mountain National Park wilderness bill this year. Regrettably, complete consensus has not yet been achieved, and there's no longer sufficient time for action to be completed during this session. But I think it's important to introduce this bill today in order to provide a benchmark of the progress already made and to lay the foundation for what I hope will be a successful effort by others to complete the job in the new Congress that convenes next year.

Covering 94 percent of the park, the new wilderness will include Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in this wilderness designation.

The features of these lands and waters that make Rocky Mountain National Park a true gem in our national parks system also make it an outstanding wilderness candidate.

As I mentioned, this new bill includes more precise wilderness boundaries and acreage numbers, greatly simplified water rights language, and provisions to confirm the continued operation of important water delivery systems located in, under, and near the park—including the Grand River Ditch, Long Draw Reservoir, Copeland Reservoir, and the portals of the Adams Tunnel, a key component of the Colorado-Big Thompson water project.

The wilderness boundaries are carefully located to also assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services.

This bill is based on National Park Service recommendations, prepared 24 years ago and presented to Congress by President Nixon. It seems to me that, in that time, we have sufficiently studied, considered, and refined those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted in this form.

It took more than a decade before we in the Colorado delegation were finally able, in 1993, to designate additional wilderness in our state's national forests. Soon, the potentially more complex question of wilderness designations of lands managed by the Bureau of Land

Management must be addressed. Meanwhile, the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

We all know that water rights are often a primary point of contention in the congressional debate over designating wilderness areas. The question of water rights for Rocky Mountain National Park wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the law of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park. In December, 1993, the court ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to claim. This is not, so favor as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow in the park, so there is no possibility of any upstream diversions.

As for the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there, although it has affirmed that the park does have rights. With all other rights to water arising in the park and flowing west already claimed, as a practical matter under Colorado water law, this designation will not restrict any new water claims.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law.

These legal and practical realities are reflected in the new bill by inclusion of a finding that the park already has reserved rights to substantial amounts of water, so that there is no need for any additional reservation of such right, and an explicit disclaimer that the bill effects any such reservation. The bill also includes language to confirm that its enactment will not adversely affect any existing water facilities.

Why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good?

The wilderness designation will give an important additional level of protection to most of the park. Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

On the other hand, Congress' decision to designate these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

This bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live.

I am attaching a fact sheet giving more details about the bill.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT OF 1998

WILDERNESS BOUNDARIES

The bill will designate the Rocky Mountain National Park Wilderness, which will include 94% of the park. The bill is based on the recommendations of President Nixon, with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted. The National Park Service has been managing lands recommended for wilderness in accordance with that recommendation, so the bill's enactment won't significantly change the management of the park.

The bill designates about 249,562 acres of new wilderness. In addition, about 1,125 acres would be designated as potential wilderness, to be managed as wilderness, when nonconforming uses end.

There are currently about 2,917 acres of wilderness (in the Indian Peaks area), that were included in the park in 1980 by Public Law 96-560; prior to that, they were part of the Arapaho and Roosevelt National Forests and were designated as wilderness in 1978 by Public Law 95-450.

The wilderness designated by the new bill is in four separate sections:

Mummy Range Unit, the northernmost section of wilderness, approximately 84,006 acres north of Fall River Road and east of the Grand River ditch, includes large areas of alpine, sub-alpine-forest, wet-meadow, and montane-forest ecosystems. Dominant features are the Mummy Range and Specimen Mountain. This portion extends to park's north boundary, adjoining existing Comanche Peak Wilderness on the Roosevelt National Forest.

Trail Ridge Unit, a relatively small section of the wilderness, lies between Fall River Road and Trail Ridge Road, and includes approximately 6,310 acres. This section includes forested mountainside of lodgepole pine, Englemann spruce and sub-alpine fir, and the park's trademark expanse of alpine tundra and sub-alpine forest.

Never Summer Unit, another fairly small section west of the Grand River Ditch, which comprises approximately 9,824 acres, is generally above timberline, featuring steep slopes and peaks of the Never Summer Mountains, including 12 peaks reaching 12,000 feet in elevation. This area adjoins the existing Neota Wilderness on the Roosevelt National Forest and Never Summer Wilderness on the Routt National Forest.

Enos Mills Unit, the largest portion of the wilderness—approximately 149,408 acres—is south of Trail Ridge Road and generally bounded on the east, south, and west by the park boundary. This area contains examples of every ecosystem present in the park. The park's dramatic stretch of the Continental Divide, featuring Longs Peak (elevation 14,251 feet) and other peaks over 13,000 feet, dominate.

Former reservoir sites at Blue Bird, Sand Beach, and Pear lakes, previously breached and reclaimed, are included in wilderness as is a portion of the Indian Peaks Wilderness transferred to the park in 1980, when the boundary between the park and the Arapaho-Roosevelt National Forest was adjusted.

The bill also includes language to provide that if non-federal inholdings within the wilderness boundaries are acquired by the United States, they will become part of the wilderness and managed accordingly and that specified federal lands within the park will be managed as wilderness when current incompatible uses cease.

AREAS EXCLUDED FROM WILDERNESS DESIGNATION

The following areas are not included in the bill's wilderness designation:

Trail Ridge and other roads used for motorized travel; water storage and conveyance structures; buildings; and other developed areas are not included in wilderness.

Parcels of privately owned land or land subject to life estate agreements in the park.

Water diversion structures (see below).

WATER

The new bill would NOT create a new federal reserved water right. Instead, it includes a finding that the park's existing federal reserved rights, as decided by the Colorado courts, are adequate and an explicit statement that the bill does not create any new federal reserved water right.

EXISTING WATER FACILITIES

Boundaries for the wilderness designated in the bill are drawn to exclude (among other things): existing water storage and water conveyance structures, assuring continued use of Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel of the Colorado-Big Thompson Project (CBT); CBT gauging stations; Long Draw Reservoir; and lands owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already-allowed activities for the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National

Park (including lands that would be designated as wilderness by the bill) or other CBT facilities, and that additional activities for these purposes will be allowed, should they be necessary to respond to emergencies.

A REPUBLICAN SURPLUS CONGRESS BRINGS GREAT BENEFITS FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, unfortunately, it is the nature of politics that we never get everything we want. But when the American people support a general direction in which we want to go, small victories do become possible.

Yesterday's agreement between Congress and the White House on the remaining spending bills represent a victory for those seeking to take this country in the direction that the Republicans have been trying to go, the direction of smaller government, holding the line on spending, local control of education, tax relief, a stronger military, and more weapons for the war on drugs.

After many months of difficult negotiations, an agreement has been reached that reflects the priorities of a Republican Congress. This Congress can properly be called the surplus Congress. Just a short time ago, Congress was facing $200 billion deficits as far as the eye could see. Anyone proposing to end that was immediately labeled as an extremist by liberal Members on the other side of the aisle.

Here we are, with a Federal budget that has a surplus at hand. Now, I know that there are a number of Democrats who fervently believe that the current budget surplus is due to President Clinton's 1993 tax increase, but they are wrong.

Federal revenues are up, way up, but I would suggest to my friends on the other side to examine the budget tables and take a look at where those revenues are coming from. I am fairly confident that they have not done that, because if they had, they would discover that strong job growth and the booming stock market are primarily responsible for those increased revenues, and not the Clinton tax hike.

The funny thing is that no matter how many times this is pointed out, the liberals continue to go on thinking that it was a tax hike, Clinton's tax hike, that put us on the right track, out of budget deficits. Not to belabor the point, but it is important to know the truth about this very important issue.

To those on the other side who are still not convinced, despite the fact that the budget tables are available for the whole world to see, they only need to consider the President's own budget a mere 2 years ago. In the 1996 budget, 3 years after the Clinton tax hike, it contained $200 billion-a-year budget deficits as far as the eye could see past the end of this century, into the next century.

It was not until a Republican Congress forced the President to accept a balanced budget that the surplus actually became a reality. The deficit Congress was transformed into a surplus Congress.

The primary reason why a balanced budget benefits the average person is because it makes lower interest rates. That means it is easier to buy a house and to make monthly mortgage payments. It means those credit card debts are a little easier to pay off. It means that young people who want to go on and further their education have an easier time paying off student loans. Most important of all, lower interest rates mean business can expand more easily and create new jobs, and job creation, economic growth, means higher revenues.

Mr. Speaker, this shows that the cuts on the capital gains taxes were important in a couple of ways. Federal revenues from capital gains realizations are way up, and low taxes on capital investments mean more capital invested.

Ronald Reagan cut the taxes on capital gains. This Republican Congress did it again. The results are that capital investments have soared, and liberals on left are scratching their heads, wondering why the economy is booming. It is not rocket science and it is not magic. The Republicans were elected in 1994 to change the course after 40 years of Democrat rule; 40 years in the direction of bigger government, higher taxes, and less accountability.

As we approach the final actions of this surplus Congress, I am glad that we have held fast to Republican principles of limited growth in the Federal Government, of tax relief, stronger schools, safer streets, a better military, a balanced budget, and a $70 billion Federal surplus.

COMMUNICATION FROM STAFF MEMBER OF CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Kay Ford, Associate Administrator of the Office of Human Resources of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 1998.
Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of the Chief Administrator has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L (50).

Sincerely,

KAY FORD,
Associate Administrator, Office of Human Resources.

THE BUDGET AGREEMENT AND THE ACHIEVEMENTS OF THE 105TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGRICH. Mr. Speaker, I want to talk about the budget agreement and the achievements of this Congress. This is probably the next to the last day that we will be in session, and it seems to me appropriate to look back, not just over the last 2 years, but over the last 4 years, because this is sort of the end of phase two of what has been a very dramatic change in policy.

Four years ago, for the first time in 40 years, since 1954, the American people asked a Republican leadership to take over the Congress. We came with a set of goals. We had campaigned on a Contract With America, where we said that we would balance the budget, reform welfare, cut taxes, strengthen defense. We worked very hard at that.

We had to learn a lot. No member of the Republican majority in the House had ever served in the majority as a Republican, except the late Bill Emerson, who was here as a page, a sophomore or junior in high school, when the Republicans were last in charge. So we did not know a great deal about the complexities of our system.

□ 1400

We passed bills in the House. In fact, we met our commitment under the Contract With America, and we passed all the bills except one that was in the Contract within the first 93 days. But then they went to the Senate, and we learned the hard way that the other body can be more complex and more difficult. And then even when we worked out agreements with the Senate, we discovered that under the Constitution with the President's power of the veto, working things out between conservative Republicans and a liberal Democrat can be very complex.

One of the reasons I am so proud of the budget negotiations of the last few weeks is that I think we took into account that complex constitutional provision and we established an opportunity for us to continue to move in a direction we believe in, while recognizing the power of the President's veto pen and recognizing that on some issues the other body does not fully agree with us. This occurs, I think, in a backdrop of frankly pretty remarkable successes.

Probably the most powerful single items we campaigned on in 1994 were reforming welfare and balancing the budget. And the track record is clear. In the last Congress, we passed welfare reform three times. It was vetoed twice, and the third time it was signed into law.

Today, because of that Republican welfare reform bill signed by a Democratic President in a bipartisan effort, there are 3½ million fewer people on welfare, 3½ million more people in the private sector. That means we have been liberating poor people from being trapped in public housing, living on food stamps, and Aid to Families and Dependent Children. We have been giving them the kind of training, the kind of job opportunities, we have opened up for them the opportunity to go to live a better life with a better income, to have a chance to climb the ladder of opportunity.

But there was an important secondary effect which had been felt by every State government, most city governments, and now by the Federal Government. And that is when we take 3½ million people who have been living on welfare, drawing money from the government, and put them out into the private sector where they are paying taxes, we change the cash flow of the government very dramatically.

This has helped State after State. I noticed it in Montana. It had a 50 percent decline. There are counties in Oklahoma that have had a 70 percent decline in welfare rolls. In New York City, Mayor Rudy Giuliani has announced that his goal is to have no one on welfare after the year 2000. Every able-bodied adult will either be working or being trained to work, but no one will be sitting passively receiving welfare.

These are very dramatic changes. That was the number one change of the first 2 years that the Republicans were in charge of the Congress in this cycle.

But in that period, as powerful and as important as welfare reform was, it did not meet all of our goals. We were not strengthening defense. We were stopping the liberals from cutting defense, but we were not strengthening it. We were not cutting taxes. We had not balanced the budget.

So, we came back and last year, in a very difficult, very complex negotiation with the President, at the end of July we reached a bipartisan agreement. And it was historic. Last year, we saved Medicare. We passed the entitlement reforms to balance the budget, and we cut taxes, including a cut in the capital gains tax to continue economic growth, giving us what will soon be the longest peacetime expansion in American history. Including a cut in the death tax as a step towards abolishing the death tax, because we do not believe it is right to punish parents and grandparents when they work and save all their lives by having them taxed when they die. Including a $500 per child tax credit, which we had committed to in the Contract With America, because we believed, and do believe now, that it is important for parents to have the money in their take-home pay so that parents are in a position that they can spend the money on their children. And that is why we thought a $500 per child tax credit was a good idea.

I happened to be with Governor Terry Branstad at one point when the septuplets were born, and we were talking about what it meant to have $500 a year tax credit when a family has that many children, and how much they need the money and, as I went into, parents all over America who have two or three children who might be working at a job where that extra $1,500 a year is a big deal. We are grateful and glad that we could pass and get signed into law the $500 per child tax credit.

We also passed educational tax breaks last year, which the President proposed and we adopted together, and on a bipartisan basis we did some things that were good for education, particularly at the college and vocational-technical level.

Because we saved Medicare without raising the FICA tax, which would have killed jobs; because we reformed the entitlements and saved $600 billion; because we were able to cut spending on the domestic discretionary side, and there I commend the gentleman from Louisiana (Mr. BOB LIVINGSTON) for his hard work; because we were able to cut taxes to continue economic growth, the budget in the fiscal year that just ended, fiscal year 1998, is balanced for the first time since 1969.

Now that is a tremendous achievement. $71 billion is the current projection. We will know the exact number in a couple more weeks when the Treasury reports. But the estimate now is that the budget was balanced not in 2002, when we promised we would balance it; not in 2005, which was the President's proposal; it is balanced in 1998, 4 years ahead of schedule.

And of the $71 billion, every penny will be put aside, actually to pay down the debt as a step toward saving Social Security. Every penny, the largest surplus, I think, in American history. And the important thing is, it is being followed this year, and we are now in fiscal 1999, the fiscal years run from October to October, now in this fiscal year, we will have another surplus. The current estimate is it will be at least $60 billion on top of last year's $71 billion.

In fact, because of our hard work over the last 4 years, because we reformed welfare, because we reformed the entitlements, because we cut domestic spending, because we cut taxes to increase economic growth, and because when we balance the budget we lower interest rates, because the Federal Government is the largest borrower, and when the Federal Government does not have to borrow, interest rates come down, the estimate is they come down by at least 2 full percentage points at the same stage of an economic cycle from where we are borrowing, here are the numbers that I think are truly historic:

This Congress, with Republican leadership working with a Democratic President, this Congress moved us from January 1995, when the projection was that we would borrow $3.1 trillion over the next 11 years. The numbers are almost unimaginable. Let me repeat them. The projection when we took over, after the liberal Democrats had raised taxes and claimed it was deficit reduction, the projection was that our government would be borrowing $3.1 trillion over the next 11 years.

That is $3.1 trillion that our children and our grandchildren would spend all of their lives paying taxes to pay interest on that Federal debt. Instead today, because of the Republican reforms working with a Democratic President, because the Republican reforms worked, we are talking about a surplus of $1.65 trillion. Let me repeat that number, because it is, again, big. A surplus of $1.65 trillion.

That is why the House Republicans this year said we ought to consider a tax cut, because we believe it is very important to get that surplus back home so that Americans have it in their pocket. Because, frankly, the only reason we have a surplus is the American people go to work, pay their taxes, and send the money to Washington.

I was often asked, when it was announced that we had a balanced budget, and on September 30 and October 1, at the end of the fiscal year, there were a lot of people talking here in Washington and reporters would come up to me and say, "Well, President Clinton claims that he deserves credit for the balanced budget. What do you think?" And I think they thought we would get into a Republican-Democrat argument.

I said, "Wait a second. I think Republicans deserve 5 percent of the credit. I think the President deserves 5 percent of the credit. But I think 90 percent of the credit goes to working, taxpaying Americans who got up every day, went out and either created a job or went to a job. They paid their taxes. It is their money that created the surplus."

It was not the Republicans in Congress' taxes and it was not the President's taxes. We together do not pay enough to run this government for a day or an hour. It was the country. Let us give the country some credit, which means it is the country's surplus.

We Republicans believe that there are two things that we should do with that surplus. We believe first that its highest priority is to save Social Security. And we believe we can create personal savings accounts for every person who pays the FICA tax so that they have money they control, that they will be able to have built up interest on a tax-free basis so over their working lifetime they have a base amount of money that is a part of the Social Security system.

We believe, second, every penny left over above that ought to go back to the American people as a tax cut. But we also believe that if we leave a trillion dollars sitting around Washington, D.C., liberals will figure out a way to spend it and we will have bigger government with more bureaucracies and we think that is wrong. We think that money belong to the American people, not to the Washington bureaucrats.

So, here we are today, having just put in the bank $71 billion, with a projected $60 billion to $80 billion surplus this year and with the Federal Reserve yesterday lowering interest rates again, continuing the economic growth which continues the opportunity for us to do good things for Americans.

It was in that setting, having reformed welfare, cut taxes, balanced the budget, and saved Medicare that we went into this year's negotiations with the President. We had several very specific goals.

First, we wanted to begin to rebuild national defense. Second, we wanted to pass very strong anti-drug legislation. Third, we wanted to keep Internet pornography away from our children. Fourth, on education, we wanted to guarantee that spending decisions would be made at the local level.

These are very important steps. We also, frankly, were in a stalemate. The President refused to consider a tax cut and we refused to consider $135 billion in increased taxes and fees that he had proposed. So, we blocked his tax increases, he blocked the Republican tax cuts, and that was sort of a stalemate.

We also knew that there were some practical problems. I had been traveling across the country. I knew that from Georgia to Louisiana to Texas, there were terrible weather conditions which had hurt family farms. I knew that in North Dakota and South Dakota and Montana there were unique problems. I knew that the drop in farm prices was causing American farmers a very great difficulty, because with the Asian economic problems we had lost a substantial number of markets that had been very important on to American farmers. So, we knew there had to be emergency help for farming.

All of us knew, from the tragic embassy bombings this summer, that there were problems with our embassies and that we had to spend some extra emergency money to protect our embassies and that that was a matter of national pride. That if we had people out there serving America in embassies around the world, we owed it to them to strengthen the embassies against terrorist attack and terrorist bombing.

We also knew that we had a year 2000 problem that was very real in terms of computers and being able to solve that, and that it would be irresponsible, irresponsible for us to not provide the resources to solve the problem of the year 2000 in government computing so that aircraft could land safely, so that Social Security checks could go out, so that the IRS could work, the INS could work, and all of the other things that we have been working on, including the FBI, national defense and a whole range of key areas. So, we knew that would be an emergency.

So, as we entered this negotiation, we continued a process of commitment to reform which had been a part of the way we had been working for the last 4 years. And sometimes let me say these reforms take time. We established first a commission on the Internal Revenue Service. The gentleman from Ohio (Mr. PORTMAN) cochaired that commission. They reported a need to dramatically reform the Internal Revenue Service.

Then we had hearings by the Committee on Ways and Means on the need to reform the Internal Revenue Service, and the Senate Finance Committee did an outstanding job on hearings, listening to horror stories about what was wrong with the Internal Revenue Service.

Then we had a bill produced, working in a bipartisan basis with the gentleman from Ohio (Mr. TRAFICANT), a Democrat who had spent years of his life dedicated to reforming the Internal Revenue Service. And, finally, we produced and passed by a large margin a Republican-led but bipartisan effort which the Democratic President signed. We proved, once again, that America could work, because we did change the Internal Revenue Service and we returned the burden of proof to the government and we protected individuals from government's intervention.

□ 1415

Those are the kind of reforms that we entered this budget negotiation continuing to work for. We had a specific proposal, called Dollars to the Classroom, a proposal which Senator SLADE GORTON had been working on in the Senate and the gentleman from Pennsylvania (Mr. PITTS) had been working on over here.

It is a very simple idea. If we spend less money on bureaucracy in Washington, we can take that money and spend it in classrooms back home. Our model, the Republican model, was that local teachers, local parents, local students, in a local classroom, governed by a local school board, was the right place to solve education problems in America; that creating more Washington bureaucracies, with more effort in Washington, with more Washington red tape, with more money spent in Washington, was not going to solve education, whether it was in Atlanta, Georgia, or Albany, New York, or Sacramento, California.

The trick was to get the money to the classroom. In fact, we passed in this House the initiative of the gentleman from Pennsylvania (Mr. PITTS), which guaranteed 95 percent of the money would go to the classroom.

I must say, with the leadership of the gentleman from Pennsylvania (Mr. GOODLING) and Senator SLADE GORTON, in the negotiations with the President over the last week, we did better than that. We took the President's proposal for new teachers, a proposal which was too narrow because it did not allow anyone to spend money on special education teachers; it was too Washington-based because it was going to have Washington red tape and a lot of the money was going to be eaten up in administration, and we changed it into a Dollars for the Classroom local support to hire teachers.

We changed it in a couple of very key ways. First of all, we said the local school board would make the decision, no new Federal bureaucracy, no new State bureaucracy, not a penny in the bill that was passed goes to pay for bureaucracy; all of it goes to the local school districts, the 14,000 school districts that make such a big difference in the United States.

Second, we said that the school district, the school board, could decide what kind of teachers they needed. They were not going to be trapped into the President's proposal of only first, second and third grade and only general teachers. If they needed special education teachers, they could get it. If they needed special aid teachers, they could get it. If they wanted to hire them for any grade level, they could choose.

So we had reestablished principles that we thought were very important. Yes, there will be teachers but they would be the teachers your community needed, picked by your school board and filling the kind of classes you think you need to solve your problems, and we included special education children and special education teachers in our proposal.

We thought it was a win-win. The President got to claim victory, but the fact is it is the American people who are better off and the children of America who are better off.

We insisted on the first increase in defense spending since 1985. For the last 13 years, we have been living off the Reagan buildup. President Reagan was committed to a strong American defense. We fought Desert Storm with President Reagan's military, and for years we have not had an increase; for years there has been a gradual decline in the amount that we have been investing in our military. Recently, the Joint Chiefs of Staff, the head of the Army, the Navy, the Air Force, the

Marine Corps and the Chairman of the Joint Chiefs, met with the President and said things had now declined from the President Reagan model, they had declined so much under President Clinton and Vice President GORE, the military had gotten so weak that the Joint Chiefs could no longer certify that the American military could lead around the world without risking dramatic casualties.

We Republicans have a very simple belief. We believe if a young man or a young woman has the moral courage, the patriotism, to join the American military, if they are willing to put on the uniform of the United States, then we, the citizens, owe it to these young men and women, that they have the best equipment, the best training and sufficient numbers to win decisively and with minimum loss of American life. That is our principle.

So I am proud to report to the House that we have built into this budget agreement the first increase in defense spending since 1985. It is $9.5 billion towards defense intelligence and antidrug interdiction and it is a very important building block to establishing America's commitment to leading the world, defending our country and making sure that our men and women in uniform have the best equipment, the best resources and the best training.

We also had an absolute commitment to saving our children from drugs. Here I want to commend the gentleman from Illinois (Mr. HASTERT), the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Florida (Mr. MCCOLLUM) because they worked together leading a task force on the antidrug effort. They worked with General Barry McCaffrey, the drug czar. We passed three very strong bills, a community-based antidrug effort, drug prevention, to make sure children know they should not be using drugs, and blocking drug dealers interdicting at the border, going after the drug czars down in places like Colombia and Peru.

Frankly, we had some arguments with the Clinton administration. We are much more committed to interdiction than the Clinton administration is, and it is a policy argument. I am not saying that they are in any way bad people. They would not approach this as aggressively as we would. They would not spend the kind of money on interdiction we would. They were not prepared to do some of the things that we thought was essential.

We held our ground, and we said we are going to pass strong antidrug legislation. We said we are going to be committed to actually funding the antidrug interdiction effort, and to his credit General Barry McCaffrey came up here, met with us and as a result we were able to write very strong antidrug legislation.

The gentleman from Florida (Mr. MCCOLLUM), who has worked on this for years, told me it is the most powerful antidrug legislation in congressional history. I think it is going to have a big impact. I think it was the right thing to do, and I am proud that that is in this particular budget agreement.

We also had a totally different provision, one which Senator COATS of Indiana and the gentleman from Ohio (Mr. OXLEY) had been working on, one which said the Internet is a wonderful tool but children should not be exposed to pornography on the Internet; one which said that today all too often your child, if they learn how to use that computer, can be having access to pornography in a way which is totally inappropriate and that you ought to have an ability to make sure that that is not happening.

It is a very strong bill. Let me be clear about this. The bill that we put in, the anti-Internet pornography bill, is a strong child protection bill and I want to be clear that we have no, none, no reservations. We are not in any way embarrassed to say to people, you are darn right, we want to save our children. We think it is wonderful that kids are learning to use computers. We think it is vital for their future that they learn to use computers but they ought to do so in an environment that is safe for children.

This bill is in this agreement and I think it is a very powerful step forward in the right direction.

I could go on and talk about a wide range of issues. There are things that we did that were right. There were things the President got. There is no question under our constitution, when there is a liberal democrat as president and a conservative Republican Congress, when there are negotiations, if they are going to be successful, each side is going to have to work out agreements. No one is going to win everything, but I think what we have done is we have passed a very responsible agreement.

That money, which is set aside for emergencies, I think is legitimate and defensible. I do not want to go back and say I am not prepared to protect our embassies from terrorists. I do not want to go back and say to my folks in Atlanta and in Marietta and in Alpharetta that I am not prepared to make sure that our government has what it needs to solve the Year 2000 problem. I am not prepared to go back home and say that the farmers I have talked to, the fields I have looked at, the weather problems that are real, the price problems caused by Asia that are real, that I am going to walk off and write off American family farms.

I am not prepared to go back home and say that I am going to let young men and women in uniform have inadequate aircraft without spare parts in too few numbers with inadequate training so we are going to risk their lives if they are put in harm's way to defend America. I will not do that. So I am prepared to defend the emergency part of this.

The nonemergency parts, and I want to commend the Clinton administration, they came in with offsets, they provided a way to stay under the spending caps in the nonemergency parts. We sustained the budget agreement of last year. As I said, the surplus for this year, even with this bill, is going to be somewhere between $60 billion and $80 billion in surplus, not deficit, money that can be used to save Social Security and money that can be used for tax cuts.

We have a few tiny tax cuts, $9 billion worth over the next 10 years, much too small. I wanted a lot more. This House passed $80 billion in tax cuts measured over 5 years, about $175 billion over 10 years. That was close to the right size, still not as big as I would have liked. The American people deserve to have the money back in their pockets. They are the ones who are working and paying the taxes. It is their surplus, but we did get an extension of the research and development tax credit, which is very important, because it represents a commitment that we Republicans are particularly proud of.

We believe in the Information Age it is important to invest in science. It is important to invest in research. We believe we are on the edge of tremendous breakthroughs in medicine. That is why this budget agreement includes tremendous increases in resources for the National Institutes of Health. Earlier we funded the National Science Foundation.

When you look at the potential breakthroughs that we are seeing in diabetes, that we are seeing in AIDS, that we are seeing in cancer, that we are seeing in heart disease, the work that we in this Congress have begun to push on Alzheimer's disease, the work we are doing on Parkinson's disease, the possibilities, for example, of dealing with prostrate and breast cancer, I have a sister who is going to have her seventh anniversary as a breast cancer survivor on Halloween. I know when I talk to Robbie I know how it is important that we are doing the kind of research we are on breast cancer.

I lost both my father and my stepfather to lung cancer. My best friend I lost to pancreatic cancer when he was 49. I know how vital it is that we have the resources going into the National Institutes of Health, and I know for American business and job creation and the future of this country in the world market how vital it is that we also have money that is going through the R&D tax credit.

There is one other area that is very controversial that I want to mention because I want to be very up front about it. Yes, we have funding for the International Monetary Fund in this bill. Several of my good friends have said to me, I would like to vote yes when we have a chance on Tuesday but how do I go home and explain that?

I think there are two very profound explanations. First of all, when looking at the economic problems in Russia, looking at the economic problems in Indonesia, looking at concerns that have been expressed about Brazil, looking at the concerns that are currently being expressed about Japan and Korea, I am not sure this is a very good time to take a big, gigantic gamble with the world economy.

I used to be a college teacher. The gentleman from Texas (Mr. ARMEY), the majority leader, used to be a professor of economics. He wrote textbooks on economics. He is a hard line conservative. It is one thing to be out in the classroom with a chalk board explaining theoretically what to do, but we now bear the responsibility, as the leadership of the House, and I am not prepared to take a river boat gamble and decide let us just eliminate the IMF funding and see how things work for the next year and, by the way, if the world economy crashes and we end up in the great depression, that will be an interesting experiment.

I think that is, frankly, irresponsible. We have to fund the IMF because we are the leader of the world. No one else can lead the world. No other country will invest in the IMF unless the U.S. does, and while I have big questions about the International Monetary Fund, while I think they are frankly not always following the right policies, it is clear that it would be a very, very large gamble to walk off, leave them without resources and then if there is a crisis not be able to deal with it.

On the other hand, as the gentleman from Texas (Mr. ARMEY) said, and I believe in a historic intervention, the gentleman from Texas (Mr. ARMEY) began a year ago to say the American people deserve to know what the IMF is doing with their money. He said this organization is more secret than the Federal Reserve. He said we cannot come to the elected people who represent America and say to them we are going to invest $18 billion in the IMF and not know what is being done with it, not know what decisions they are making, not hold them accountable. He was very clear. He said no accountability, no money.

We met with Secretary Rubin, and I want to frankly put in a word of praise for Secretary Bob Rubin. He had been a businessman. He had been a deal maker. He understood how you had to sit in a room and say, all right, if I am going to get A, you are going to get B.

We said to him flatly, you want 18 billion phony dollars, then give us phony reforms. You want 18 billion real dollars, we want real reforms. To his credit, he said I get it.

Secretary Rubin, I think, did a tremendous job of sitting down with the gentleman from Texas (Mr. ARMEY), the majority leader, working out real reforms, and let me say how real they are. The Secretary of the Treasury and the chairman of the Federal Reserve both have to submit a report to Congress that they have convinced all 7 nations, that are the leaders of the IMF, that all 7 have to be committed to the Armey reforms.

□ 1430

All seven have to sign up that they are going to insist that the IMF adopt the Armey reforms. What do the Armey reforms say? They say first of all when the IMF makes a loan, the minutes of that decision, the documents relating to that decision in a timely manner have to be made public. We get to find out what is happening with the money, why is it being done, and hold them accountable for it. It says, second, when a loan is being made to a country that has had a bad series of economic decisions, that country has to pay above the market rate at which the IMF is getting its money, I think the minimum is 300 basis points, 3 percent above the market rate, which is a substantial penalty for bad behavior, so we begin to reestablish moral hazard, but you do not have some nice, easy, cheap money bank over here, "Go ahead and run your country in a bad way and you can always get the money from the internal bureaucrats." We start to establish a real standard of real involvement and real oversight. Any student of the International Monetary Fund will tell you that a year ago, it would have been impossible to have imposed these kind of genuine, deep, real reforms. I think that DICK ARMEY deserves a lot of credit because he stood up when a lot of people who thought they were sophisticated attacked it. Now, he was surrounded by people like former Secretary of State and Treasury George Shultz. He did have support from people like Nobel prize winner Milton Friedman. But I think it says a lot for Dr. ARMEY, an economist in his own right, that we got this done.

So I can go home and say to my most conservative constituents, I am prepared to help support the world economy, I am prepared to make sure that we have the resources collectively so we do not have an international collapse, but I am prepared to do it only with real guaranteed reforms that make the IMF accountable to the American people and that for the first time ever establishes a legislative oversight board so that all the democracies will have elected legislators reviewing the IMF for the first time in history and that is an important step in the right direction towards dealing with the emerging world market.

Let me summarize. Four years ago, we campaigned at exactly this time and said there is a Contract With America and we are serious, we will keep our words. We passed welfare reform and it is working. We passed a bill to save Medicare without raising the FICA tax, and it is working. We passed a bill to balance the budget, and the budget is now in its second year of being balanced. And not barely tiny balanced by some sleight of hand but $71 billion last year, and $60 to $80 billion this year in surplus, something most Americans did not think they would hear in their lifetime, and we are setting the stage to come back in January and begin to save Social Security. We have a budget agreement which we will vote on Tuesday which is the best agreement you could get when you have a conservative Republican Congress and a liberal Democratic President sit down side by side and negotiate, and I think it is an agreement which is good for the American people with local control of education, with special education children and teachers being helped, with our military being strengthened, with the International Monetary Fund being reformed, very serious steps with a strong war on drugs, and with Internet pornography being blocked from our children.

I yield to my good friend from California.

Mr. HUNTER. I thank the Speaker for yielding. I was watching his remarks over the last several minutes. I want to thank him and all the others who worked for a strong national defense in this emergency supplemental. It is very, very critical. I would simply ask him to talk a little bit about the fact that the North Koreans now have an ICBM capability.

Mr. GINGRICH. The gentleman from California has been involved as a member of the Committee on National Security and chairman of a key subcommittee. Would he just share with the audience for a minute the kind of problems we are having with readiness and with equipment and personnel and with pilot retention, and why it is so vital that for the first time since 1985 we have begun to rebuild defense so that every pro-defense conservative will understand why they should vote "yes" next Tuesday for this agreement.

Mr. HUNTER. I thank the Speaker for the opportunity to talk a little bit about what has happened to defense under this administration. We are going to be about 800 pilots short in the Air Force this year. We are already about 18,000 sailors short in manning the ships. When I talk about the ships, it is not 600 ships anymore, it is only about 330 ships in the United States Navy. We are about $1.6 billion short in basic ammunition for the men and women of the United States Army. We are about $193 million short of basic ammunition for the United States Marine Corps. Our aircraft, which have a certain mission capability rate, that means if you have 10 airplanes in the hangar or 10 airplanes on the carrier deck, how many of those planes will be able to fly out if they are called for a mission. Our aircraft mission capability rate has fallen from about 72 percent on the average, Navy, Marine and Air Force, to about 61 or 62 percent, a massive fall in what we call mission capability.

Mr. GINGRICH. I want to make sure that our audience and Members all understand what we have just said. Four out of every 10 aircraft, in a smaller Air Force, in a smaller Navy, 4 out of every 10 aircraft are not today mission capable at a 100 percent rate. We have fewer aircraft, fewer pilots. It is not like this was from the Reagan buildup. We have been sliding now for a decade. And in the smaller system, 4 out of every 10 aircraft are not capable, completely capable of their missions.

Mr. HUNTER. The Speaker is exactly right. That means out of 10 aircraft that are on the line when you call for them to do their mission operation to carry out their mission, only about 60 percent, a little over 60 percent of those aircraft are capable of doing it, and that is after we have cut our air wings from 24 to 13 fighter air wings. So we have roughly half the air power that we had during Desert Storm. And even those aircraft, those reduced squadrons, are becoming very unready.

Mr. GINGRICH. I think it is really important to slow down so people lock in their head how bad the deterioration under Clinton and GORE has been of our military. We have about half as many aircraft in the Air Force and 60 percent of those are mission ready.

Mr. HUNTER. That is exactly right.

Mr. GINGRICH. So we probably have about 35 to 40 percent as many aircraft that are mission ready as we would have had at the peak of the Reagan buildup.

Mr. HUNTER. That is exactly right. Let me mention something else that I know struck the Speaker and JERRY SOLOMON, chairman of the Committee on Rules and many others who are concerned about national defense. We have been looking at accident rates. I have one member on my staff who just cares about the people that fly aircraft, and he gives me the weekly accident rate. That means helicopters and aircraft that have just crashed during the year. We now have had 43 of them crash, at least according to my estimates and my reports, this year. That is almost more aircraft than we are building but it also claimed about 70 lives. The Navy reports that they have more crashes this year per thousand flying hours than they had last year, roughly twice as many. Now, last year we had what was considered to be a very good year in the Navy in terms of a safety record. But they mentioned when they came over and briefed the defense committees in this body and the other body that this is something that they are very concerned about. So at a time when we are trying to get pilots to do two things, one we are trying to get our experienced pilots to stay in and they are not staying in. The rate of leaving the services for senior pilots who could stay in, who could opt to stay in in the Marines is now 92 percent. That means 92 percent of them are leaving. Only 8 percent are staying who are eligible. But the way to instill morale and to instill a desire to stay in the service is to show that you are buying the absolute best aircraft for these people and that you are giving them all the training hours that they need, which we are not now doing, and that you are giving them all the spare parts that they need that they are not now doing.

This brings me back to my point. The Speaker and his negotiators got 9 billion extra dollars for national security, for this vital national security function which is inadequate right now, which is being abandoned. I know you did that at great pain, and I realize the President is half this process. And the President got some of the things that he wants in this bill. I would simply say to every conservative and every Republican or Democrat or independent who believes in a strong national defense for America is that the money that you got to restore these readiness accounts, the money that you got to restore our program for a national missile defense which we still do not have, even as North Korea builds an ICBM, the money that you got for the other problems with the military far outweighs any concessions, in my estimation, that were made to the Clinton administration.

Mr. GINGRICH. I thank my friend. Let me just close by building on what he just said. We came in with a contract with America in 1994. In 1995 and 1996 we passed balanced budget agreements which the President vetoed, we fought to balance the budget. We did get the President to sign welfare reform. In 1997 we became the first reelected Republican Congress since 1928. At that time we insisted on saving Medicare, on balancing the budget and on cutting taxes. Those are the three great achievements of 1997. This year we began with reforms such as the Internal Revenue Service reform bill, which was a very important step in the right direction that we passed in June, that was signed into law. We began to work on ideas like dollars to the classroom to eliminate Federal bureaucracy and get the money back home to local schools and local teachers. Now we have a sound, solid, bipartisan budget agreement which frankly both sides agree to, which is good for America and which has a wide range of things.

Next year if we come back in the majority, we will save Social Security with a major bill using a large part of the surplus to save Social Security without cutting benefits or raising taxes, we will pass a very major tax cut, including, I hope, abolishing the death tax so that people no longer are punished if they work and save all their lives. We will also continue to strengthen defense, continue to work on winning the war on drugs, continue to reform education, and continue to move towards a more modern, more effective computer age government that costs less and provides better services and better defenses at less cost. I think all of this is possible. I think we can be very proud of this Congress. I think we can be very proud of this budget agreement. I hope on Tuesday we will have a resounding vote to make sure the American people know that we are working in a practical, commonsense way.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 109. An act to provide Federal housing assistance to Native Hawaiians.

ON NATIONAL SECURITY

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I want to talk with my colleague the chairman of the R&D subcommittee the gentleman from Pennsylvania (Mr. WELDON) and talk a little bit to our colleagues and those that are listening about some of the background with respect to the defense requirements that we just talked about with the Speaker (Mr. GINGRICH). First, Mr. Speaker, let me talk about personnel shortages, because when we put together a defense budget, often the newspapers say the Pentagon got $300 billion, or the Pentagon got $250 billion or the Pentagon got this or got that. And the picture that they create is of just a big bureaucracy in Washington that takes up money, and that bureaucracy does not translate into real people who have real needs. Actually the Department of Defense is about 50 percent people. That means that not only the soldiers, the sailors, the airmen, the marines who serve this country, but also the many people who back them up. That means people who repair aircraft like those at North Island naval air rework depot in San Diego, California in my district or the people that repair the ships or the people that do the high-tech work or the teams that fly around the world as we project American military power to support a very complex military. Personnel is a very important part of our national defense. If you talk to folks like Commandant of the Marine Corps Chuck Krulak and others, you may come to the conclusion that actually they are the primary part of our national defense, they are the most important part, the good people, and they come from America's villages and towns and cities and farms and they serve in the American military often at great inconvenience and often at a pay scale that is much less than their civilian counterparts.

Let us talk about personnel shortages that we have today. The United States Air Force is going to be short almost 800 pilots, a little over 700 pilots for this fiscal year that is coming up. Now, when you train a pilot, you put several million dollars minimum into his training, so we are losing not only those good people and all that experience but we are also losing the money that we put into their training.

□ 1445

We are going to be very short on pilots.

In the Navy we are going to be short 18,000 sailors and 1,400 recruits in this fiscal year. That means that when a guy comes back from a 3 or 4 or 5-month deployment, we have to send him out immediately to another deployment because there is nobody there to rotate with him, to fill his shoes and to give him a little family time.

Marine aviators have been traditionally our most loyal people with respect to re-upping, taking that next jump of 5 or 6 years or 4 years in the service and opting to do that instead of being in the private sector, and yet our Marine aviators are now leaving the service at a rate of 92 percent.

Even the Army, which has a limited air power but also has, obviously, a very large helicopter force attending its ground forces, is going to be 140 Apache pilots short in 1999. Now those Apache pilots you saw on CNN when they were doing such a great job on Saddam Hussein's tanks during Desert Storm. Those are the pilots that we will be lacking in this next year.

Now I talked a little bit about mission capable rates with the Speaker, and once again here are the mission capable rates, and this is a chart that shows how they are going downhill very quickly.

Mission capable is kind of like the Speaker described it. If you send out 10 aircraft or you have 10 aircraft on the line, how many of them can actually fly out and do their mission? Just like having four or five combines on your farm, and it is time to harvest the wheat, and the first thing you ask your foreman is how many of the combines are working. It may not be all the combines are working; maybe only half of them are working.

Well, we have gone from a mission capable rate that, for example, for the Air Force was 83.4 percent in 1991; that is when George Bush led us in Desert Storm; to today to about 74 percent. We have gone with the Marine Corps from 77 percent to about 61 percent, and with the Navy from 69 percent, almost 70 percent, to 61 percent. That means 6 out of 10 aircraft are able to actually get off the ground and perform their missions.

That is a good example of our declining readiness rates, and that means we have a lack of spare parts and we do not have enough components and enough people in some cases. That means mechanics and the people, the high-tech people that make these very complex weapons systems work, not enough people in the pipeline, not enough people on-station at that particular base to take care of those problems.

Let us go to equipment shortages.

We had almost a 600-ship Navy when Ronald Reagan left office. Today we are down to about 330 ships. We actually had about 546 ships in 1991. Today we are down to about 330. But we are losing a lot of those ships, we are retiring a lot of them. A lot of them are getting older, and, as you know, it takes a long time to build a ship. In fact, it was remarked the other day by one of our assistant secretaries for shipbuilding that actually when we started World War II, all the keels for the battleships had already been laid, meaning we had actually started to build these battleships knowing that there might be a problem. When FDR knew we would probably have a conflict with Adolf Hitler, he started a pretty good shipbuilding program in the late 1930's, and those ships got completed and got put to sea during World War II in the 1940s.

But the point is you have to start ships early. If you are going to field a ship in 1997, you need to start it in 1993 or 1994. Well, in this case we are building down to a 200-ship fleet by 2020. That means we are not replacing the ships in a 1-for-1 fashion. That means every time you retire three old ships, you only replace it with one young ship, one new ship. That means that we are going to have a 200-ship fleet by the year 2020 if we do not increase shipbuilding.

Ammunition shortages; we are $1.7 billion short for the basic ammunition supply for the Army.

Now I would say that we have a couple of duties to the people that wear uniforms who still carry rifles in the field and still fire artillery and do those very things that are very, very difficult in this modern world where you have bio warfare, biological warfare, chemical warfare threatening them, surface-to-surface missiles threatening them. Well, one of the basic things you do for your soldiers and your marines is you give them enough ammo. We do not have enough ammunition for the so-called two regional contingency that we are supposed to plan for. That means if Saddam Hussein starts a fight in the Middle East, and North Korea takes advantage of that by coming down the peninsula, you have to have enough ammo to handle both those wars, both those contingencies.

We are short right now, we are short $1.6 billion in basic ammunition.

Now that is not money for the Pentagon, that is money for people in the field who carry weapons in defense of this country who need to have ammo. There is nobody here who would send out a police force in a very difficult area without giving them ammunition for their guns, and yet we are preparing to do that with our people who wear the uniform in the Army and the Marine Corps.

Age and equipment; this is a pretty good example.

The CH–46 is kind of our workhorse helicopter in the U.S. Marine Corps. We are trying to replace that. But the average CH–46, and if you look at the crashes that have taken place in the last 5 years, you are going to see a lot of these CH–46s there because a lot of them have crashed and taken the lives of the young Marines flying those airplanes and attending those airplanes as crewmen. But the average age of that CH–46 right here, about 40 years old.

We owe those people new equipment. They have a tough enough job as it is.

The assault vehicle; that is the amphibious vehicle that comes out. If you watched Saving Private Ryan, that is a vehicle that comes out, hits a beach and makes the assault from there; that is called an AAV. The average age of those vehicles is 26 years, so they are getting old, and we need to replace them with a new assault vehicle. We do not have money for it because this budget has been handed down to us by the so-called budget deal pressed by the Clinton administration to cut defense.

Now my Republican colleagues have added $21 billion to the defense budget over the last 5 years, and I am very proud of that, and, as the chairman of the Military Procurement Subcommittee, I am really proud of the gentleman from South Carolina (Mr. SPENCE) who is our chairman of the full Committee on National Security, and the gentleman from Florida (Mr. YOUNG) who is chairman of the Subcommittee on National Security, because they tried to swim against a tide that was being handed down to them by the White House, and we put $21 billion extra to try to meet some of these shortages.

But even after we put that in, the services finally came forth the other day, and they gave us a list of what they are short. They are $80 billion short in what they call unfunded requirements. That means ships that we planned to build that we cannot afford to build, it means ammunition we cannot afford to buy. That means flying hours for our pilots, and we cannot afford to send them up because it is too expensive to fly the planes for those hours. That means spare parts and a lot of other things.

Well, the Speaker, when he put together this, our side's position on the negotiation on this emergency supplemental spending plan that we just made the deal with President Clinton on, argued for a strong national defense, and he said I have got to have extra dollars for defense. He said we have got to have extra dollars for intelligence.

We put $2 billion into intelligence. That is so that when somebody is planning to blow up an American embassy, we have a network of people who are in key critical places in that particular country, wherever it might be, who have their ear to the ground with the terrorist networks. It was some of the state sponsored terrorist organizations, and they find out about the plan, for example, to blow up an embassy or to do something else in a terrorist fashion, and they relay it back to our people here, and we are able to take action to keep it from ever happening in the first place. We need a strong intelligence force more than ever.

You know, the Soviet Union was big and it was strong, but it was very predictable in the so-called Cold War. We could see a lot of what they did, they moved in a very traditional fashion, and we knew where to go to get information.

Today we live in a world in which the CIA Director, Jim Woolsey, once said is full of poison snakes, although we have killed the big dragon of the so-called Soviet Union, and that is very true. There is a lot of small organizations that are terrorist organizations that want to kill Americans, and we need to have a good intelligence operation to cut them off at the pass. That means to find out what is going to happen before it happens and stop it. And to those ends, after a lot of behind-closed-doors briefings about the world situation, the Speaker fought for 2 billion extra dollars in intelligence funding.

We also fought hard for missile defense, and let me tell you what the problem is with missile defense.

The North Koreans have just launched a missile, went out over the Sea of Japan which surprised us. It surprised us just like the two nuclear blasts in India and Pakistan that our intelligence people did not know about, did not predict. We thought that the North Koreans would not achieve this ICBM capability for about 10 years. We thought that would not happen. But actually they have achieved it now. The missile that they launched, which is a so-called Taepo DONG I missile with three stages is capable of hitting parts of the United States. Now, if you couple that with the ongoing program that the Koreans, the North Koreans have followed, sometimes with greater exposure to us than other times, but nonetheless they have historically followed of trying to achieve nuclear capability and biological and chemical capability; that means the ability to throw a biological warhead with nerve gas in it, for example, that will kill civilians on contact; that program, married up with their missile program, will give them very soon the capability to reach some of the United States with missiles.

Now the problem with that is we have a military that is designed to stop tanks, it is designed to stop ships, it is designed to stop planes, it is designed to stop infantry. We have nothing, nothing that will stop an intercontinental ballistic missile from hitting a city in the United States, and that is a question I ask President Clinton's Secretary of Defense every time he appears before us: Could we stop a single incoming ballistic missile. And he always has to tell myself and other members of the National Security Committee, no, not one.

So we have to build a defense against incoming ballistic missiles. We live in the age of missiles. We have to understand that, we have to acknowledge it, and we have to prepare for it. We do not at this point have a missile defense, but we need to have one, and the Speaker put almost a billion dollars into missile defense and got the Clinton administration to agree with it. That alone, with a lot of the things in this bill that I do not agree with that the Clinton administration pressed for, the President's agenda, the fact that he gave us that extra billion dollars for missile defense, that we got that, that alone is a compelling reason to vote for this emergency supplemental, because having a missile defense, of all the things in this package, is probably the one that I would deem the greatest emergency.

I want to close by going back to what we call the growing pay gap because this may tell you a little bit about what I started with. What I started to talk about, of course, was personnel, people. Why are they leaving the military after we put 1, 2, 3 or $4 million into training a young man or a young woman to be a pilot? Why are they getting out? Why are our sailors leaving? Well, I will tell you why.

Since 1982, and I can remember being a Republican freshman in 1982, one of the first things that Ronald Reagan did was put in two bills that brought up our military to where they were level, they were even, with civilian pay, and that gave great morale to the people that were already in and it also gave a great incentive to young people that thought about joining to come into the military. Since then, and that is 1982 on this chart, you can see this big pink area which is now the difference between military people and civilians in the same type of work. So that means if you have got an electronics technician on the inside of the military, he is working in the military, and he looks outside and sees his friend who has the same schooling, same capability, that young person is making 13½ percent more than he is on the average. And so when you ask a young person to come into the military, and they look at that job level and the job description inside the uniformed services and the job description on the outside of the uniformed services, they come to the conclusion that it is best to stay on the outside, and that is what has been happening.

So we need to address this pay gap between the civilian sector and the uniformed sector, and we are going to be doing that.

□ 1500

Now, there are a couple of other things in the defense bill that are in the emergency supplemental before us, this big omnibus bill, that are defense-related.

We have the Y2K problem. We devoted some money to the Y2K problem. We have to solve that, because a lot of military activities are related to computers and could be badly damaged if we have a Y2K problem. That is this idea that in the Year 2000 many of the computers are not predictable with respect to what they are going to do. So we are going to solve that Y2K problem. We have to do that in national security, as well as in the domestic area.

Also some of this money is devoted to paying for Bosnia. Let me tell you, that tells us where some of the money went that should have gone to pay, some of the money that should have gone to equipment, some of the money that should have gone to spare parts and training, and some of the money that should have gone to personnel retention bonuses. That money instead went, among other places, to Bosnia. So now we are paying for the money for the President's Bosnia operation, without taking it out of ammunition, without taking it out of training, without taking it out of readiness.

What we did in the old days, the President just said you military folks go look at your other areas, like training and people and ammunition, and pull some money out of those accounts, and we will use that money to go to Bosnia on. That is called taking it out of hide.

Well, we stopped that in this emergency supplemental, so even that money going to Bosnia does not directly help us with respect to modernization or pay rates or spare parts.

At least it takes the pressure off the defense budget so we can buy ammunition, so we can pay our personnel more and give them some retention bonuses and we can buy those spare parts.

We spent about $1 billion in this emergency supplemental on readiness. Most of that is going to go to parts. That means if you are working on a carrier and you need a certain part now for an aircraft, and a week later you may need another part, instead of having to fly that in with an airplane from some parts depot in the United States to halfway around the world, hopefully we will be able to buy enough of those spare parts so you have a couple of them on the shelf in the plane or on the ship, or, for example, have some of those components for the air crew that works that particular plane. So that will solve some of our readiness problems. So we have devoted over $1 billion to that so-called readiness account in this emergency supplemental.

Let me just make the case again that there was a lot of negotiation that took place in this bill, but the important national security problems that the Speaker and his negotiating team took care of far outweigh any concessions that we might have had to make to big government and to the President.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. VELÁZQUEZ) to revise and extend their remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. SKAGGS, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. EHLERS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2476. An act for the relief of Wei Jingsheng; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2431. An act to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted in foreign countries on account of religion; to authorize United States actions in response to violations of religious freedom in foreign countries; to establish an Ambassador at Large for International Religious Freedom within the Department of State, a Commission on International Religious Freedom, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

H.J. Res. 136. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1892. An act to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes.

S. 1976. An act to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday October 19, 1998, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11677. A letter from the Secretary of Energy, transmitting the Department's "Report On Alternative System for Availability of Funds"; to the Committee on National Security.

11678. A letter from the AMD-Performance Evaluation & Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218–219 MHz Service [WT Docket No. 98–169 RM–8951] Amendment of Part 95 of the Commission's Rules to Allow Interactive Video and Data Service Licensees to Provide Mobile Services [WT Docket No. 95–47 RM–8467], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11679. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a letter providing information concerning the transfer of defense articles; to the Committee on International Relations.

11680. A letter from the Interim Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the Financial Accounts and Operations of ANC 5B for Fiscal Years 1991 through 1997," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform and Oversight.

11681. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Establish an Additional Manatee Sanctuary in Kings Bay, Crystal River, Florida (RIN: 1018–AE47) received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11682. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Body Armor Penalty Enhancement Act of 1998" received October 15, 1998; to the Committee on the Judiciary.

11683. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 98–54] received October 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 604. Resolution providing for consideration of the bill (S. 1132) to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes, and for consideration of the bill (S. 2133) an act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance (Rept. 105–823). Referred to the House Calendar.

Mr. YOUNG of Alaska. Committee on Resources. Monumental Abuse: The Clinton Administration's Campaign of Misinformation in the Establishment of the Grand Staircase-Escalante National Monument (Rept. 105–824). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1965. Referral to the Committees on Ways and Means and Commerce extended for a period ending not later than October 20, 1998.

H.R. 2748. Referral to the Committee on the Judiciary extended for a period ending not later than October 20, 1998.

H.R. 3511. Referral to the Committee on Commerce extended for a period ending not later than October 20, 1998.

H.R. 3828. Referral to the Committees on Veterans' Affairs and Commerce extended for a period ending not later than October 20, 1998.

H.R. 3829. Referral to the Committees on Government Reform and Oversight, the Judiciary, and National Security extended for a period ending not later than October 20, 1998.

H.R. 3844. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than October 20, 1998.

H.R. 4023. Referral to the Committees on Commerce and Transportation and Infrastructure extended for a period ending not later than October 20, 1998.

H.R. 4377. Referral to the Committee on Commerce extended for a period ending not later than October 20, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas (for himself and Mr. MURTHA):

H.R. 4847. A bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; to the Committee on Resources.

By Mr. KENNEDY of Massachusetts (for himself and Ms. ROYBAL-ALLARD):

H.R. 4848. A bill to amend the Fair Credit Reporting Act to allow any consumer to receive a free credit report annually from any consumer reporting agency; to the Committee on Banking and Financial Services.

By Mr. PALLONE:

H.R. 4849. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish therapeutic equivalence requirements for generic drugs, and for other purposes; to the Committee on Commerce.

By Mr. SKAGGS:

H.R. 4850. A bill to designate as wilderness certain lands within Rocky Mountain National Park, in Colorado; to the Committee on Resources.

By Mr. LIVINGSTON:

H.J. Res. 136. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 121: Mr. SALMON.

H.R. 590: Mr. MATSUI.

H.R. 902: Mr. THUNE, Mr. BARTON of Texas, Mr. HILLEARY, Mr. RAMSTAD, and Mr. PETERSON of Pennsylvania.

H.R. 1401: Mr. BARRETT of Wisconsin.

H.R. 2537: Mr. SPENCE.

H.R. 2817: Mr. HALL of Ohio, Mr. RADANOVICH, Mr. TRAFICANT, and Mr. CUNNINGHAM.

H.R. 3779: Mr. PASTOR.

H.R. 3940: Ms. JACKSON-LEE of Texas.

H.R. 3946: Ms. LOFGREN.

H.R. 3956: Mr. DICKS.

H.R. 4036: Mr. BENTSEN and Mr. LAMPSON.

H.R. 4552: Mr. FILNER.

H.R. 4692: Ms. SLAUGHTER.

H.R. 4818: Mr. CLYBURN and Mrs. CLAYTON.

H.R. 4841: Mr. BLUNT.

H. Con. Res. 41: Mr. FRELINGHUYSEN.

H. Con. Res. 274: Mr. BROWN of California, Mrs. JOHNSON of Connecticut, and Ms. LOFGREN.

H. Con. Res. 347: Mr. PORTER, Mr. CUMMINGS, and Mr. TOWNS.

H. Res. 512: Mr. LUTHER.

SENATE—*Friday, October 16, 1998*

(Legislative day of Friday, October 2, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have been faithful to help us when we have asked for Your guidance and strength. May we be as quick to praise You for what You have done to answer our prayers as we are to ask You to bless us in the future. We have come to You in crises and difficulties and uncertainties; and You have been on time and in time in Your interventions. Thank You for Your providential care in the development and now the last steps in the completion of the omnibus appropriations bill. We ask You, Gracious God, to guide and direct each step of the way in these last and final days.

We thank You that we are responsible to You and, therefore, accountable to You. You are Sovereign of this Nation, and we seek to know and do Your will. Remind us of the implications of Your righteousness and justice in all things. We consecrate ourselves with renewed dedication to You and to this great Nation we serve. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator JEFFORDS, is recognized.

SCHEDULE

Mr. JEFFORDS. Mr. President, this morning the Senate will begin a period of morning business until 11 a.m. Following morning business, the Senate will recess until 1 p.m., when it is expected that the House will send over another temporary continuing resolution. After the CR is agreed to, the Senate is expected to recess until Monday, October 19, to await action by the House of Representatives on the omnibus appropriations bill. The House leadership has indicated a final vote on the omnibus bill may occur on Monday or Tuesday. All Senators will be notified of the voting schedule as soon as it becomes available.

I thank my colleagues for their attention.

Mr. President, I see no one seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business until 11 a.m.

The distinguished Senator from Vermont is recognized.

MEDICARE HOME HEALTH FAIR PAYMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, I am pleased to report to my colleagues that yesterday afternoon a tentative agreement on home health care was reached by negotiators from the House and the Senate. This agreement will throw a much needed lifeline to our Nation's senior citizens who rely on home health care to provide much needed health services within the surroundings of their homes.

Home health care is the cornerstone of the health care safety net for senior citizens. It spares them the dislocation of moving to a hospital or nursing home, and it spares the taxpayers from paying for such costly services when they are not really needed.

The administration has implemented reductions in home health care services that treat every agency exactly the same, regardless of whether the agency is efficient or wasteful. The result is that the most efficient agencies are being hit with cuts they cannot absorb. Vulnerable senior citizens in my State are on the brink—on the brink—of losing their vital services.

Under the proposal, payments to the older, low-cost home health agencies will be increased and an additional 15 percent across-the-board cut scheduled for next fall will be delayed for 6 months. That is the time when they say the proposed payments which will get us out of this mess will be available. Adoption of this bill will give home health agencies needed financial relief until a new prospective payment system is in place.

All we need now is for the administration to also agree to help our senior citizens who rely on home health care, as was wrapped into the omnibus bill yesterday. I call upon the President in the strongest way I possibly can to join us in saving hundreds and thousands of home health care services from being forced to cut back on critical services.

Today is a day of political spinning. The media will examine who won and who lost, what provisions are in and what provisions are out. We must take that time to make things right for senior citizens who need our help.

Over the last 8 months, I have been working as hard as I know how to find a solution for the crisis faced by our home health care agencies in Vermont. Our 13 home health agencies are model agencies that provide high-quality, comprehensive home health care with a low price tag. However, under Medicare's new interim payment system, the payments to the agency are so low that Vermont seniors may be denied access to needed home health services. They are the lowest cost in the whole United States.

For the past 7 years, the average Medicare expenditures for home health care in Vermont have been the lowest in the Nation. However, rather than being rewarded for this cost-effective system, Vermont has been penalized by the implementation of the current interim payment system. In June 1998, Vermont's home health agencies projected the statewide impact of their current interim payment system was a loss of over $4.5 million in Medicare revenues for the first year. These are nonprofit agencies in our little State. This represents a loss of over 11 percent on an annual base of $40 million statewide.

Vermont is a good example of how the health care system can work to provide for high-quality care for Medicare beneficiaries. Home health agencies are a critical link in the kind of health system that extends care over a continuum of options and settings. New technology and advances in medical practice permit hospitals to discharge patients earlier. They give persons suffering with acute or chronic illness the opportunity to receive care and live their lives in familiar surroundings. Time and time again, Vermont's home health agencies have proven their value by providing quality, cost-effective services to these patients. Yet, time and time again, Federal policy seems to ensure that their good deeds will go punished.

The home health legislation is the product of a great deal of hard work by the majority leader, Senators ROTH and GRAMM, and Congressmen THOMAS and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

BILIRAKIS. I worked with them yesterday before we reached our conclusion. The signing of this bill will mark a victory for our State and also reflect a strong nationwide commitment to high-quality, cost-effective home health agencies such as those in Vermont.

I anguish as I wait today to know what will happen at the White House. I ask the President, call upon him, to make sure that they do not destroy this wonderful work that was accomplished yesterday to save our home health care system.

RECESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now stand in recess until 1 p.m. today.

There being no objection, the Senate, at 10:13 a.m., recessed until 12:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

UNANIMOUS CONSENT AGREEMENT—FURTHER CONTINUING APPROPRIATIONS FOR FY 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate receives from the House a continuing resolution, and provided the language is identical to H.J. Res. 135, except for the date of Tuesday, October 20, at 12 midnight, it be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H.J. Res. 136) was passed.

PRINTING OF A SENATE DOCUMENT

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 310, submitted earlier by Senators HELMS and BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) authorizing printing of background information on the Committee on Foreign Relations as a Senate document.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to, as follows:

S. RES. 310

Resolved,

SECTION 1. PRINTING OF BACKGROUND INFORMATION RELATING TO THE HISTORY OF THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "Background Information on the Committee on Foreign Relations, United States Senate (7th Revised Edition),

(2) in addition to the usual number, there shall be printed 500 copies of the document for the use of the committee, and

(3) the cost for printing this document shall not exceed $5,825.00.

NATIVE HAWAIIAN HOUSING ASSISTANCE ACT OF 1998

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 713, S. 109.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 109) to provide Federal housing assistance to Native Hawaiians.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Housing Assistance and Self-Determination Amendments of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(3) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), some agencies of the Federal Government have taken the legal position that subsequently enacted Federal housing laws designed to address the housing needs of all eligible families in the United States could not be extended to address the needs for housing and infrastructure development on Hawaiian home lands (as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 3 of this Act) with the result that otherwise eligible Native Hawaiians residing on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(4) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(5) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(6) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 3 of this Act, eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(7) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income; and

(8) 1/3 of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and 1/2 of those Native Hawaiians face overcrowding;

(9) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(10) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(11) under the treaty-making power of the United States, Congress had the authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and under clause 3 of section 8 of article I of the Constitution, the authority of Congress to address matters affecting the indigenous peoples of the United States includes the authority to address matters affecting Native Hawaiians;

(12) through treaties, Federal statutes, and rulings of the Federal courts, the United States has recognized and reaffirmed that—

(A) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(B) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(13) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(14) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 801(15) of the Native American Housing Assistance and Self-Determination Act of 1996, as added by section 3 of this Act; and

(ii) by transferring what the United States considered to be a trust responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the Act of June 27, 1934 (commonly referred to as the "National Housing Act" (42 Stat. 1246 et seq., chapter 847; 12 U.S.C. 1701 et seq.));

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 3. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

"In this title:

"(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

"(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

"(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

"(i) for an elderly family, an elderly person; or

"(ii) for a near-elderly family, a near-elderly person.

"(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

"(i) 2 or more elderly persons or near-elderly persons, as the case may be, living together; and

"(ii) 1 or more persons described in clause (i) living with 1 or more persons determined under the housing plan to be essential to their care or well-being.

"(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

"(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

"(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

"(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

"(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

"(B) the median income for the State of Hawaii.

"(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term 'Native Hawaiian' in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

"(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families on or near Hawaiian Home Lands.

"(b) PLAN REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

"(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

"(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

"(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

"(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

"(d) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

"(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

"(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

"(B) expenses incurred in preparing a housing plan under section 803.

"(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

"(f) APPLICABILITY OF OTHER PROVISIONS.—

"(1) IN GENERAL.—The Secretary shall be guided by the relevant program requirements of titles I, II, and IV in the implementation of housing assistance programs for Native Hawaiians under this title.

"(2) EXCEPTION.—The Secretary may make exceptions to, or modifications of, program requirements for Native American housing assistance set forth in titles I, II, and IV as necessary and appropriate to meet the unique situation and housing needs of Native Hawaiians.

"SEC. 803. HOUSING PLAN.

"(a) PLAN SUBMISSION.—The Secretary shall—

"(1) require the Director to submit a housing plan under this section for each fiscal year; and

"(2) provide for the review of each plan submitted under paragraph (1).

"(b) 5-YEAR PLAN.—Each housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

"(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

"(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

"(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including

an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

"(c) 1-YEAR PLAN.—A housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

"(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

"(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

"(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

"(I) the geographical needs of those families; and

"(II) needs for various categories of housing assistance; and

"(ii) a description of the estimated housing needs for all families to be served by the Department.

"(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

"(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

"(ii) the uses to which the resources described in clause (i) will be committed, including—

"(I) eligible and required affordable housing activities; and

"(II) administrative expenses.

"(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

"(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing; and

"(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

"(I) rental assistance;

"(II) the production of new units;

"(III) the acquisition of existing units; or

"(IV) the rehabilitation of units;

"(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

"(I) the involvement of private, public, and nonprofit organizations and institutions;

"(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

"(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

"(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

"(v) a description of—

"(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

"(vi) a description of—

"(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

"(vii) a description of—

"(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

"(aa) transitional housing;

"(bb) homeless housing;

"(cc) college housing; and

"(dd) supportive services housing; and

"(II) the requirements and assistance available under such programs;

"(viii)(I) a description of any housing to be demolished or disposed of;

"(II) a timetable for that demolition or disposition; and

"(III) any other information required by the Secretary with respect to that demolition or disposition;

"(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

"(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

"(I) promote the safety of residents of the affordable housing;

"(II) facilitate the undertaking of crime prevention measures;

"(III) allow resident input and involvement, including the establishment of resident organizations; and

"(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

"(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

"(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

"(i) a certification that the Department of Hawaiian Home Lands will comply with—

"(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

"(II) other applicable Federal statutes;

"(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

"(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

"(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

"(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

"(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

"(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

"(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

"(B) to an eligible family on the basis that the family is a Native Hawaiian family.

"(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

"(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 804. REVIEW OF PLANS.

"(a) REVIEW AND NOTICE.—

"(1) REVIEW.—

"(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

"(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

"(2) NOTICE.—

"(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

"(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

"(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

"(ii) the Director shall be considered to have been notified of compliance.

"(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

"(1) the reasons for noncompliance; and

"(2) any modifications necessary for the plan to meet the requirements of section 803.

"(c) REVIEW.—

"(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

"(A) set forth the information required by section 803 to be contained in the housing plan;

"(B) are consistent with information and data available to the Secretary; and

"(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

"(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

"(d) UPDATES TO PLAN.—

"(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

"(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

"(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2000.

"SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

"(a) PROGRAM INCOME.—

"(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

"(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

"(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

"(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

"(A) whether the Department retains program income under paragraph (1); or

"(B) the amount of any such program income retained.

"(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

"(b) LABOR STANDARDS.—

"(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

"(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

"(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

"(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

"SEC. 806. ENVIRONMENTAL REVIEW.

"(a) IN GENERAL.—

"(1) RELEASE OF FUNDS.—

"(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

"(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

"(ii) to the public undiminished protection of the environment.

"(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

"(2) REGULATIONS.—

"(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

"(B) CONTENTS.—The regulations issued under this paragraph shall—

"(i) provide for the monitoring of the environmental reviews performed under this section;

"(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

"(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

"(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

"(b) PROCEDURE.—

"(1) IN GENERAL.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

"(2) EFFECT OF APPROVAL.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the release of funds for projects that are covered by that certification.

"(c) CERTIFICATION.—A certification under the procedures under this section shall—

"(1) be in a form acceptable to the Secretary;

"(2) be executed by the Director of the Department of Hawaiian Home Lands;

"(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

"(4) specify that the Director—

"(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

"(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director accepts the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

"SEC. 807. REGULATIONS.

"The Secretary shall issue final regulations necessary to carry out this title not later than June 1, 1999.

"SEC. 808. EFFECTIVE DATE.

"Except as otherwise expressly provided in this title, this title shall take effect on June 1, 1999.

"SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

"(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

"(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

"(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

"(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

"(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

"(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

"(E) to—

"(i) promote the development of private capital markets; and

"(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

"(2) ELIGIBLE FAMILIES.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

"(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

"(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

"(I) section 810(b);

"(II) model activities under section 810(f); or

"(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

"(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

"(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

“(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

“(ii) the need for housing for the family cannot be reasonably met without the assistance.

“(D) PREFERENCE.—

“(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

“(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

“(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

“SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

“(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

“(1) develop or to support affordable housing for rental or homeownership; or

“(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

“(b) ACTIVITIES.—The activities described in this subsection are the following:

“(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

“(A) real property acquisition;

“(B) site improvement;

“(C) the development of utilities and utility services;

“(D) conversion;

“(E) demolition;

“(F) financing;

“(G) administration and planning; and

“(H) other related activities.

“(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

“(A) housing counseling in connection with rental or homeownership assistance;

“(B) the establishment and support of resident organizations and resident management corporations;

“(C) energy auditing;

“(D) activities related to the provision of self-sufficiency and other services; and

“(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

“(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

“(A) the preparation of work specifications;

“(B) loan processing;

“(C) inspections;

“(D) tenant selection;

“(E) management of tenant-based rental assistance; and

“(F) management of affordable housing projects.

“(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

“(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

“(A) designed to carry out the purposes of this title; and

“(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

“SEC. 811. PROGRAM REQUIREMENTS.

“(a) RENTS.—

“(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

“(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

“(b) MAINTENANCE AND EFFICIENT OPERATION.—

“(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

“(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

“(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

“(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

“(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

“SEC. 812. TYPES OF INVESTMENTS.

“(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

“(1) the discretion to use grant amounts for affordable housing activities through the use of—

“(A) equity investments;

“(B) interest-bearing loans or advances;

“(C) noninterest-bearing loans or advances;

“(D) interest subsidies;

“(E) the leveraging of private investments; or

“(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

“(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

“(b) INVESTMENTS.—The Director of the Department of Hawaiian Home Lands may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

“SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

“(a) IN GENERAL.—Housing shall qualify for affordable housing for purposes of this title only if—

“(1) each dwelling unit in the housing—

“(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

“(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

“(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

“(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

“(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

“(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

“(I) avoid termination of low-income affordability, in the case of foreclosure; or

“(II) transfer ownership in lieu of foreclosure; and

“(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

“(b) EXCEPTION.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

“SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

“(a) LEASES.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

“(1) do not contain unreasonable terms and conditions;

“(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

“(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

“(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

“(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

“(6) provide that the Director, owner, and manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

“(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

“(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

“(C) is criminal activity (including drug-related criminal activity) on or off the premises.

“(b) TENANT OR HOMEBUYER SELECTION.—As a condition to receiving grant amounts under

this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

"(1) are consistent with the purpose of providing housing for low-income families;

"(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

"(3) provide for—

"(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

"(B) the prompt notification in writing to any rejected applicant of the grounds for that rejection.

"SEC. 815. REPAYMENT.

"If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

"(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 818(a)(1)(B)); or

"(2) require repayment to the Secretary of any amount equal to those grant amounts.

"SEC. 816. ANNUAL ALLOCATION.

"For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

"SEC. 817. ALLOCATION FORMULA.

"(a) Establishment.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of enactment of the Native American Housing Assistance and Self-Determination Amendments of 1998, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

"(b) Factors for Determination of Need.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

"(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

"(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

"(3) any other objectively measurable conditions that the Secretary and the Director may specify.

"(c) Other Factors for Consideration.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

"(1) geographic distribution within Hawaiian Home Lands; and

"(2) technical capacity.

"(d) Effective Date.—This section shall take effect on the date of enactment of the Native American Housing Assistance and Self-Determination Amendments of 1998.

"SEC. 818. REMEDIES FOR NONCOMPLIANCE.

"(a) Actions by Secretary Affecting Grant Amounts.—

"(1) In general.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

"(A) terminate payments under this title to the Department;

"(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

"(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(2) Actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

"(b) Noncompliance Because of a Technical Incapacity.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

"(1) is not a pattern or practice of activities constituting willful noncompliance; and

"(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

"(c) Referral for Civil Action.—

"(1) Authority.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

"(2) Civil action.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

"(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

"(B) for mandatory or injunctive relief.

"(d) Review.—

"(1) In general.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

"(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

"(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

"(2) Procedure.—

"(A) In general.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

"(B) Objections.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

"(3) Disposition.—

"(A) Court proceedings.—

"(i) Jurisdiction of court.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

"(ii) Findings of fact.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

"(iii) Addition.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

"(B) Secretary.—

"(i) In general.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

"(I) may—

"(aa) modify the findings of fact of the Secretary; or

"(bb) make new findings; and

"(II) shall file—

"(aa) such modified or new findings; and

"(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

"(ii) Findings.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

"(I) supported by substantial evidence on the record; and

"(II) considered as a whole.

"(4) Finality.—

"(A) In general.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

"(i) the jurisdiction of the court shall be exclusive; and

"(ii) the judgment of the court shall be final.

"(B) Review by supreme court.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

"SEC. 819. MONITORING OF COMPLIANCE.

"(a) Enforceable Agreements.—

"(1) In general.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

"(2) Measures.—The measures referred to in paragraph (1) shall provide for—

"(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

"(B) remedies for breach of the provisions referred to in paragraph (1).

"(b) Periodic Monitoring.—

"(1) In general.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

"(2) Review.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

"(3) Results.—The results of each review under paragraph (1) shall be—

"(A) included in a performance report of the Director submitted to the Secretary under section 820; and

"(B) made available to the public.

"(c) Performance Measures.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

"SEC. 820. PERFORMANCE REPORTS.

"(a) Requirement.—For each fiscal year, the Director shall—

"(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

"(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

"(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

"(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

"(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

"(3) indicate the programmatic accomplishments of the Department; and

"(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

"(c) SUBMISSIONS.—The Secretary shall—

"(1) establish a date for submission of each report under this section;

"(2) review each such report; and

"(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

"(d) PUBLIC AVAILABILITY.—

"(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

"(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

"SEC. 821. REVIEW AND AUDIT BY SECRETARY.

"(a) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

"(A) the Director has—

"(i) carried out eligible activities under this title in a timely manner;

"(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

"(iii) a continuing capacity to carry out the eligible activities in a timely manner;

"(B) the Director has complied with the housing plan submitted by the Director under section 803; and

"(C) the performance reports of the Department under section 821 are accurate.

"(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

"(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

"(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

"SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

"To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

"SEC. 823. REPORTS TO CONGRESS.

"(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to the Congress a report that contains—

"(1) a description of the progress made in accomplishing the objectives of this title;

"(2) a summary of the use of funds available under this title during the preceding fiscal year; and

"(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

"(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

"SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002 and 2003.".

SEC. 4. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

"SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

"(a) DEFINITIONS.—In this section:

"(1) DEPARTMENT OF HAWAIIAN HOME LANDS.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 set seq.).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or private nonprofit or for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

"(3) FAMILY.—The term 'family' means 1 or more persons maintaining a household, as the Secretary shall by regulation provide.

"(4) GUARANTEE FUND.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i) of this section.

"(5) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term 'native Hawaiian' in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(7) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

"(b) AUTHORITY.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

"(c) ELIGIBLE LOANS.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

"(1) ELIGIBLE BORROWERS.—The loan is made only to a borrower who—

"(A) is a Native Hawaiian family;

"(B) the Department of Hawaiian Home Lands;

"(C) the Office of Hawaiian Affairs; or

"(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

"(2) ELIGIBLE HOUSING.—

"(A) IN GENERAL.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

"(B) HOUSING PLAN.—A housing plan described in this subparagraph is a housing plan that—

"(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Amendments of 1998; and

"(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

"(3) SECURITY.—The loan may be secured by any collateral authorized under applicable Federal law or State law.

"(4) LENDERS.—

"(A) IN GENERAL.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

"(B) APPROVAL.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

"(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

"(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

"(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

"(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

"(5) TERMS.—The loan shall—

"(A) be made for a term not exceeding 30 years;

"(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

"(C) involve a principal obligation not exceeding—

"(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

"(ii) the amount approved by the Secretary under this section; and

"(D) involve a payment on account of the property—

"(i) in cash or its equivalent; or

"(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

"(d) CERTIFICATE OF GUARANTEE.—

"(1) APPROVAL PROCESS.—

"(A) IN GENERAL.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

"(B) APPROVAL.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

"(2) STANDARD FOR APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

"(3) EFFECT.—

"(A) IN GENERAL.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

"(B) EVIDENCE.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

"(C) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

"(4) FRAUD AND MISREPRESENTATION.—This subsection may not be construed—

"(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

"(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

"(e) GUARANTEE FEE.—

"(1) IN GENERAL.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

"(2) PAYMENT.—The fee under this subsection shall—

"(A) be paid by the lender at time of issuance of the guarantee; and

"(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

"(3) DEPOSIT.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

"(f) LIABILITY UNDER GUARANTEE.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

"(g) TRANSFER AND ASSUMPTION.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

"(h) DISQUALIFICATION OF LENDERS AND CIVIL MONEY PENALTIES.—

"(1) IN GENERAL.—

"(A) GROUNDS FOR ACTION.—If the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

"(i) has failed—

"(I) to maintain adequate accounting records;

"(II) to service adequately loans guaranteed under this section; or

"(III) to exercise proper credit or underwriting judgment; or

"(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States,

the Secretary may take action under subparagraph (B).

"(B) ACTIONS.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

"(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

"(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

"(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

"(2) CIVIL MONEY PENALTIES FOR INTENTIONAL VIOLATIONS.—

"(A) IN GENERAL.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

"(i) to maintain adequate accounting records;

"(ii) to adequately service loans guaranteed under this section; or

"(iii) to exercise proper credit or underwriting judgment.

"(B) PENALTIES.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

"(3) PAYMENT ON LOANS MADE IN GOOD FAITH.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

"(i) PAYMENT UNDER GUARANTEE.—

"(1) LENDER OPTIONS.—

"(A) IN GENERAL.—

"(i) NOTIFICATION.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

"(ii) PAYMENT.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in 1 of the following manners:

"(I) FORECLOSURE.—

"(aa) IN GENERAL.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

"(bb) PAYMENT.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

"(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

"(II) NO FORECLOSURE.—

"(aa) IN GENERAL.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

"(bb) PAYMENT.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

"(cc) SUBROGATION.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

"(B) REQUIREMENTS.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

"(2) LIMITATIONS ON LIQUIDATION.—

"(A) IN GENERAL.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

"(B) LIMITATION.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

"(j) HAWAIIAN HOUSING LOAN GUARANTEE FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

"(2) CREDITS.—The Guarantee Fund shall be credited with—

"(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

"(B) any amounts appropriated pursuant to paragraph (7);

"(C) any guarantee fees collected under subsection (d); and

"(D) any interest or earnings on amounts invested under paragraph (4).

"(3) USE.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

"(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

"(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in *connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;*

"(C) acquiring such security property at foreclosure sales or otherwise;

"(D) paying administrative expenses in connection with this section; and

"(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

"(4) INVESTMENT.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

"(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

"(A) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as, are or have been provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

"(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

"(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 1999, 2000, 2001, 2002, and 2003 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

"(6) LIABILITIES.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, 2001, 2002, and 2003.

"(k) REQUIREMENTS FOR STANDARD HOUSING.—

"(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

"(2) STANDARDS.—The standards referred to in paragraph (1) shall—

"(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

"(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

"(i) be decent, safe, sanitary, and modest in size and design;

"(ii) conform with applicable general construction standards for the region in which the housing is located;

"(iii) contain a plumbing system that—

"(I) uses a properly installed system of piping;

"(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

"(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

"(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

"(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

"(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f–4), unless the Secretary determines that the requirements are not applicable.

"(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.".

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee substitute was agreed to.

The bill (S. 109), as amended, was considered read the third time and passed.

IDeA FUNDING

Mr. LOTT. Mr. President I would like to make a few brief comments about the IDeA program within this bill, a program that I think is imperative to our nation's biomedical research capability. I would also like to engage in a brief dialog with the Minority Leader, Senator DASCHLE, on this important issue.

The National Institutes of Health Institutional Development Award program—known as the IDeA program—builds additional research capacity and is an important part of our effort to better treat, cure and prevent disease by addressing the undue geographic concentration of research funds. IDeA works to increase our nation's biomedical research capability by broadening our country's research base. IDeA funds biomedical research in states that have not participated substantially in NIH research programs.

Mr. President, many scientists are concerned about the extreme geographic concentration of NIH research funds. In Fiscal Year 1995, for example, the NIH made $9.3 billion in extramural awards. Mr. President, the 24 states that participate in the IDeA program received just 5.2 percent of those funds. Let me repeat: in FY95, the last year for which we have complete figures, the NIH awarded funds across this nation totaling $9.3 billion. But all the researchers in the 24 IDeA states combined received only $487 million of that. On the other hand, one state alone received nearly three times the total amount of those 24 states combined. The top 5 states received nearly one-half the NIH funds.

Let me be clear, Mr. President, that the concern here is not one of a parochial nature. Nobody is saying that the NIH ought to distribute funding evenly by states. But at a time when we are seeing substantial increases in the NIH research budget, we need to increase the capacity of every region of the country—not just of a handful of states.

IDeA has potential to be an important part of our efforts to build our biomedical research capacity, but it has not received the level of funding it needs to truly be effective. The FY99 NIH budget request was $14.76 billion. Of that amount—well over $14 billion—the NIH requested just $5.2 million for the IDeA program. The bill before us includes $10 million for IDeA, which is a start—but in my view not enough to accomplish the goal for which the program was intended. I thank the Chairman of the Subcommittee, Senator SPECTER, for the support he has given IDeA thus far, but I believe we can and should do more next year.

Mr. President, I would ask the Minority Leader, Senator DASCHLE, if he would like to add anything to what I have said.

Mr. DASCHLE. Mr. President, I thank the Majority Leader for his comments, and I share the Senator's concern about the concentration of NIH funds. I, too, ask if next year we can't find more than $10 million for this program—$10 million that will be split among researchers in 24 states.

I would also like to explain briefly why I believe IDeA ought to be funded at a much higher level. Mr. President, IDeA funds only merit-based, peer reviewed research that meets NIH research objectives. Let me state that another way: IDeA funds only good science, and it is in no way an earmarked program specific to a specific disease or disease-related issue. Researchers from the 24 IDeA states can submit proposals to any one of a number of existing NIH funding mechanisms, and those proposals are then peer-reviewed and funding decisions are made based on merit.

Mr. President, I think the statistics the Majority Leader mentioned regarding the extreme geographic concentration of NIH research funds are eye-opening. I think many members of the Senate would be surprised to learn that nearly one-half of NIH extramural funds go to just five states, and that 24 IDeA states combined received just over 5% of NIH extramural funding in FY95. In fact, the Majority leader and I were joined by 24 of our colleagues in the Senate in sending a letter to the Subcommittee Chairman, Senator SPECTER, supporting $100 million for IDeA in FY99.

To put that request in perspective, Mr. President, the final FY99 Labor, Health and Human Services and Education appropriation before us increases NIH funding by $2 billion. In other words, a $100 million IDeA program would have designated five percent of one year's increase for this program which funds competitive, peer-reviewed research in 24 states. The conferees did include $10 million for IDeA—an increase from the FY98 funding level of $5 million—and I thank Senator SPECTER for his support. Because this program is so important, I will continue to encourage the Chairman to increase IDeA funding next year and in the years that follow.

Mr. LOTT. I thank the Minority Leader for his remarks, and I look forward continuing to work with him to significantly increase IDeA funding next year.

THE ECONOMIC DEVELOPMENT ADMINISTRATION REFORM ACT

Mr. STEVENS. I would like to ask the Chairman and Ranking Member of the Committee on Environment and Public Works a question regarding S. 2364, the Economic Development Administration Reform Act, which passed the Senate on Monday. As they are aware, the State of Alaska, while rich in resources, also has communities that suffer serious economic distress. EDA assistance can make a difference to many of these communities. Thus I am pleased to support the efforts of my friends to reauthorize this important agency; and indeed, I am a cosponsor of this bill.

Let me ask specifically about an issue that is very important to Alaskans, especially those in Southeast Alaska. Under this bill, EDA programs are available to aid distressed communities with both public works and economic adjustment assistance. In Southeast Alaska, many communities have faced economic adjustment problems, such as high unemployment, as a result of Federal regulatory changes with regard to timber harvests. If these communities meet the definition of "distressed" as outlined in the bill, would a situation such as theirs qualify as eligible for EDA assistance?

Mr. CHAFEE. Yes, we expect it would. The situation the Senator describes is exactly the type of situation that we would expect could be addressed by EDA. In fact, I would direct the senator's attention to the bill's new Section 2(a)(1), which specifically references areas that are affected by Federal actions. The language notes as possible distressed areas those that suffer dislocation as a result of "certain Federal actions (including environmental requirements that result in the removal of economic activities from a locality)."

Mr. BAUCUS. I agree. In fact, many areas of the country, including Montana, face similar situations. We included that phrase intentionally to ensure that such distress may be addressed by EDA programs. It is our view, and it is a view shared by EDA officials, that such communities should be eligible to apply for EDA aid.

Mr. STEVENS. With regard to the criteria used to determine eligibility, Section 301(a)(3) refers to communities that experience special needs arising from severe unemployment or economic adjustment problems resulting from changes in economic conditions. Could my colleagues tell me whether EDA has flexibility in applying this criterion to areas—such as these timber-affected Alaskan communities—that are requesting EDA assistance?

Mr. CHAFEE. Section 301(a) sets the basic eligibility requirements for economically distressed areas. These criteria are intended to ensure that EDA assistance is targeted to truly distressed communities. The third criterion, which you mention, is intended to allow the necessary flexibility to address other situations of serious distress that, for a number of reasons, may not fulfill the first two criteria but that clearly would be considered by the Secretary and Congress as deserving of assistance. Thus, the bill before us provides the Secretary with sufficient flexibility in this regard.

Mr. BAUCUS. Again, I agree. We recognized that flexibility is required to ensure that EDA may address the varied causes and types of economic distress nationwide. Therefore, in his efforts to ensure that EDA assistance go to the communities of greatest distress, the Secretary is allowed some flexibility in making determinations for awards of assistance under this Act.

Mr. STEVENS. I thank my colleagues for making these important clarifications.

LINDA MORGAN AND THE SURFACE TRANSPORTATION BOARD

Mr. FORD. Mr. President, in the closing days of the 105th Congress, it appears that S. 1802, a bill to reauthorize the Surface Transportation Board, may not be enacted into law. I hope that the STB is not penalized in any way for the failure of Congress to enact S. 1802. In fact, I want my colleagues to know that Linda Morgan, the current chairman of the STB, is well respected within the Senate on both sides of the aisle. She was a valued member of the staff of the Senate Committee on Commerce, Science, and Transportation for several years. The work ethic, honesty and balance that she demonstrated as a member of the Committee's professional staff have been evidenced also at the STB.

Linda Morgan and her staff have handled a significant number of complex matters in a timely, thorough manner despite very limited resources. Just one example of the Board's evenhanded approach is the exhaustive review of the acquisition of Conrail by CSX and Norfolk Southern. This transaction will yield significant competitive and environmental benefits, not only in Kentucky but throughout the Eastern United States. The Board's evenhanded, professional approach in reviewing this major transaction and assessing the public benefits is indicative of the excellent work that Chairman Morgan and the Board have done since its creation.

As a result, I support S. 1802 and hope that the bill could still become law before the conclusion of the 105th Congress. Also, I urge the Administration to renominate Ms. Morgan for an additional term as Chairman of the STB. She is a proven, well-qualified public servant, and she has earned the opportunity to complete the work that she has started.

PROVIDING INFORMATION ABOUT THE SENATE

Mr. WARNER. Mr. President, today, an enhanced Virtual Tour of the United States was published on the U.S. Senate web server. This enhanced tour uses state-of-the-art technology to combine high quality graphics with still pictures to provide information about historical events, rooms, and works of art in the Senate.

The Virtual Tour provides people from all over the country, and indeed from around the world, an opportunity to visit the U.S. Senate via the World Wide Web. Information provided can be used to learn more about the U.S. Capitol, as well as to plan for tours of the Senate.

From panoramic views of the Senate Chamber to a zoomed-in focus on the President's chair in the Old Senate Chamber, visitors to the Virtual Tour will experience the history of the Capitol Building and its famous rooms, as well as the richness of our country's heritage through artwork, statues, and sculptures that reflect the diversity of our Nation. The Virtual Tour currently has four rooms of the Senate available: the Senate Chamber, the Old Senate Chamber, the Old Supreme Court, and the President's room. Descriptions of important events associated with each room are provided with the graphics. Additional rooms are planned to be added on a monthly basis.

I encourage my fellow Senators to let their constituents know about the Virtual Tour. This is a resource meant to be shared with the public and enjoyed by all.

Finally, I would like to thank the following staff from the offices of the Senate Committee on Rules and Administration, the Senate Sergeant at Arms, the Secretary of the Senate, the Clerk of the House, and the Architect of the Capitol for their hard work and effort in planning, developing, and making the Virtual Tour of the Senate a reality: Cheri Allen, Chuck Badal, Richard Baker, Trent Coleman, Michael Dunn, Lisa Farmer, Wayne Firth, Charlie Kaiman, Betty Koed, Christopher Lee, Megan Lucas, Thomas Meenan, Heather Moore, Steve Payne, Brian Raines, Diane Skvarla, Ray Strong, Scott Strong, David Wall, and Wendy Wolff.

HUNGER IN AMERICA

Mr. GRAMS. Mr. President, I rise today to discuss the important issue of hunger in America. We often hear about hunger as a global problem affecting many people every day. Many in our own country warn us of a growing hunger problem in America.

One of my Minnesota constituents, Dr. Joseph Ioffe, is a former Russian professor of economics and challenges this thinking from his first hand knowledge of hunger in Russia. He has written an editorial that suggests our real problem is one that involves the quality of diet for low-income families rather than starvation.

Mr. President, I ask unanimous consent that Dr. Ioffe's article be printed in the RECORD.

Is There Really Hunger in America

(By Joseph Ioffe)

Another day, another letter in my mailbox from public organizations fighting hunger in America. And every letter is overicaded with general statements and emotional appeals but lacks facts and specifics.

Here is one from Larry Jones, president of Feed The Children, an Oklahoma City-based organization: "I am writing on behalf of a very special group that faces death every hour of every day of the year. It is the 15 million hungry children in the United States. Every 53 minutes a hungry child dies." A horrible picture—it looks like Rwanda or North Korea. Hard to believe that the U.S. government is providing food aid to many other countries while letting millions of its own people starve to death.

So I wrote a letter to Jones, asking him for specifics and, in particular, to furnish the names and addresses, at random, of children who died from starvation, say, last year. As it appeared from Jones' response, he personally had never witnessed such cases, never kept any records of the victims of hunger, but relied on statistics from other organizations.

After all, he said, his mission was not in studying facts about hunger but raising money for children who, he believed, were starving in the U.S.—which he has been doing for years by hitting mailboxes all around the country.

So I decided to go to the source Jones referred to. In a publication by the Children's Defense Fund, a Washington, DC-based public organization, I found the numbers but defined differently: 15 million children living in poverty . . . every 53 minutes a child dies from poverty. . . . It appeared that Jones did not just borrow the statistics from CDF but adjusted it to the purpose of his own understanding.

Poverty does not necessarily mean hunger. In the U.S. the poverty lines is set up fairly high. Suffice it to say that a family living at the poverty level in America has a higher income than the median income of the same size family in 150 other countries throughout the world including Eastern Europe and the former Soviet Union.

But let us put aside the difference between hunger and poverty. The point is that the CDF "death from poverty" statistics were unfounded as well. The official mortality statistics are based on the records of hospitals, and do no operate with such cause of death as "poverty."

So any responsible statement about children dying from poverty is supposed to be supported and substantiated by special studies establishing the link between medical and social causes. Nothing like that could be found in the CDF publications. Small wonder that my requests for information of this kind was just ignored by CDF.

And here is another letter, this one from Christine Vladimiroff, president of Second Harvest, a food bank network based in Chicago; "Tonight millions of Americans won't get enough to eat . . ." Again, no specifics about numbers, not the slightest attempt to prove that is real. Instead, attached to the letter was a picture of the Statute of Liberty holding the "Will work for food" poster, it was ridiculous.

Those men and women with such posters on the busy city streets, idlers and drifters, don't care about work and food at all. They are just playing a trick on compassionate motorists. At the red light, the motorists reach out for their pocket-books and hand out a dollar or two to the "hungry" guys. None of them has ever accepted any offer to work. But their day's "work" with the poster usually brings in $100 or more and the money is being spent, right away, for drugs and alcohol.

As for food, they get it at the soup kitchens. In the 30's soup kitchens served real hungry people, victims of the bad economic situation. Nowadays in America they are mostly a feeding place for people of anti-social behavior like idlers, drifters, drug abusers and alcoholics. Now the old saying, "he who does not work, does not eat." is out of date.

So is there hunger in America. It is common knowledge that the U.S. is the world leader in food production, that the food prices, in relation to the wages, are the lowest, that the food stamps program combined with free distribution of basic nutritional products from the state reserves for the low-income families provides a safeguard against any threat of hunger in America. Nobody is starving in this country, and, moreover, nobody is dying from starvation.

The real problem is not feeding the hungry but improving the quality of the daily diet of the low-income families, extending their diet beyond a certain number of plain products and bringing it, gradually, to the modern nutritional standards. That is where the efforts of the charitable organizations should be directed.

Those ambitious activities who are trying to impress the public with sensations and high drama, talking about millions of starving Americans facing death, don't do any good to the country.

BAILEY "USE OR CARRY" FIREARMS BILL, S. 191

Mr. DEWINE. Mr. President, I rise to hail the passage last night of the Bailey Fix Act, also known as the use or carry bill, after two Congresses. This legislation will provide enhanced mandatory minimum penalties for those criminals who use guns while trafficking in drugs or in the commission of violent crimes. When the Supreme Court handed down its decision in Bailey versus United States in 1995, the Court dealt a serious blow to law enforcement. Prior to that decision, drug traffickers who "used or carried" firearms during or in relation to their drug trafficking crimes were subject to mandatory minimums of five years under Section 924(c) of Title 18. With this decision, the Court significantly limited prosecutors' ability to put gun-using, drug trafficking criminals away.

In Bailey, the Supreme Court, in a unanimous decision, announced that in order to receive the sentence enhancement for using or carrying a firearm during a violent or drug trafficking crime under Title 18 U.S.C. 924(c), the criminal must "actively employ" a firearm. This decision severely restricted an important tool used by federal prosecutors to put gun-using drug criminals behind bars. According to the U.S. Sentencing Commission, there were 9,182 defendants sentenced nationwide from 1991 to 1995 under 924(c). The Commission notes that the vast majority, about 75% of these cases are drug trafficking and bank robbery cases. Since the Bailey decision, the number of federal cases involving a 924(c) enhancement has declined by about 17%.

The question before this Congress for almost four years, two Senate hearings, and seven bills was how to restore this crime fighting tool. Across the political spectrum there is a consensus about the problem. There is also a consensus, I believe, that the purpose of this "use or carry" provision is twofold; to punish criminals who use guns, and to be a deterrent to would-be criminals not to use a gun. So, 924(c) comes with a message: "If you mix guns and drugs, or guns and violence, we're going to come after you—and the price will be high."

The final bill attempts to address the issue: "Where do we draw the line in constructive possession cases?" How do we address those situations when the gun is not in the direct possession of the criminal when either the crime is committed or he is caught for the crime.

This legislation, however, is meant to embrace not only instances of brandishing, firing or displaying a firearm during a crime of violence or drug trafficking offense, but also to those situations where a defendant kept a firearm available to provide security for the transaction, its fruit or proceeds, or was otherwise emboldened by its presence in the commission of the offense. Many of these instances, frankly, are simply an issue of proof. To that extent we must acknowledge our limitations in addressing a solution.

This bill would change the wording of Section 924(c) to add to "uses, carries" "*in furtherance of the crime*, possesses a firearm." The original S. 191 did not contain this "in furtherance language" that modifies "possesses.

[In pertinent part, Section 924(c) would read:

". . . any person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, or who, *in furtherance of any such crime*, possesses a firearm, shall . . ."]

The purpose of adding the "in furtherance" language is to assure that someone who possesses a gun that has nothing to do with the crime does not fall under 924(c). I believe that the "in furtherance" language is a slightly higher standard that encompasses "during and in relation to" language, by requiring an indication of helping forward, promote, or advance a crime. This provision applies equally to the individual simply exercising his or her right to own a firearm, as well as the prosecutor who would bring a 924(c) action where there is, arguably, an insufficient nexus between the crime and the gun.

This bill will:

Provide for a mandatory minimum sentence of five years for anyone who uses, carries or possesses a firearm during a crime of violence or drug trafficking offense;

Provide a seven year sentence for "brandishing" by making known the presence of a firearm during the commission of a crime.

Raise the penalty to ten years if the gun is discharged.

Mr. President, I have always believed that that this is an eminently fixable problem. Our prosecutors need full use of this provision now, and it is my hope and my belief that this legislation will accomplish that purpose.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. 2288. A bill to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, and for other purposes (Rept. No. 105–413).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 2640. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself and Mr. BIDEN):

S. Res. 310. A resolution authorizing the printing of background information on the Committee on Foreign Relations as a Senate document; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2128

At the request of Mr. STEVENS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2128, a bill to clarify the authority of the Director of the Federal Bureau of Investigation regarding the collection of fees to process certain identification records and name checks, and for other purposes.

S. 2283

At the request of Mr. DEWINE, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2566

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2566, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

SENATE RESOLUTION 285

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Resolution 285, a resolution expressing the sense of the Senate that all necessary steps should be taken to ensure the elections to be held in Gabon in December of 1998 are free and fair.

SENATE RESOLUTION 310—AUTHORIZING PRINTING OF BACKGROUND INFORMATION ON THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS (for himself and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Resolved,

SECTION 1. PRINTING OF BACKGROUND INFORMATION RELATING TO THE HISTORY OF THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "Background Information on the Committee on Foreign Relations, United States Senate (7th Revised Edition),

(2) in addition to the usual number, there shall be printed 500 copies of the document for the use of the committee, and

(3) the cost for printing this document shall not exceed $5,825.00.

ADDITIONAL STATEMENTS

RESIDENCY FOR VOVA MALOFIENKO

• Mr. LAUTENBERG. Mr. President, I rise today to express my pleasure that legislation providing permanent residency in the United States for 13-year-old Vova Malofienko and his family, residents of Short Hills, NJ, passed the Senate. Vova Malofienko has leukemia from his having lived 30 miles from the Chornobyl nuclear reactor in Ukraine during and after the infamous disaster. His leukemia is in remission only because of the emergency medical treatment he's received in the United States.

Were Vova forced to return to Ukraine, the United States would be placing an innocent child near the front of the line on death row. Vova was one of eight children of Chornobyl who came to the United States in 1990—and when the seven others later returned to Ukraine, they died one by one because of inadequate cancer treatment. Not a child survived.

On behalf of the Malofienkos, I thank my colleagues for their invaluable support of this legislation. We are a compassionate nation that has opened its heart to Vova and his family, who came in dire medical need.

Mr. President, I would like to take this opportunity to tell my colleagues a bit more about Vova and his family. Vladimir "Vova" Malofienko was born on June 29, 1984 in Chernigov, Ukraine. His mother, Olga Matsko, was born on September 29, 1959 in Piratin, Ukraine, and his father, Alexander Malofienko, was born on December 25, 1957 in Chernigov, Ukraine.

Vova was only 2 when the Chornobyl reactor exploded in 1986 and exposed him to radiation. He was diagnosed with leukemia in June 1990 at age 6. Vova and his mother came to the United States later in 1990 on a B–1 visitor's visa so that Vova could attend a cancer treatment camp for children, sponsored by the Children of Chornobyl Relief Fund. Vova was invited to stay in the United States to receive more extensive treatment and chemotherapy. In November of 1992, Vova's cancer went into remission. Vova's father, Alexander Malofienko joined the family in 1992, also on a B–1 visa.

Vova and his family have wanted to remain in the United States because of the extraordinary health concerns facing Vova. Regrettably, as I mentioned earlier, Vova is the only survivor from a group of eight children of Chornobyl who came to the United States together in 1990. The seven other children returned to Ukraine and have since died. Now that Vova is in remission, it would indeed be tragic to return him to an environment which would once again endanger his life. The air, food, and water in Ukraine are contaminated with radiation that people residing there for several years have grown accustomed to, but which could be perilous to Vova's weakened immune system.

Furthermore, treatment available in Ukraine is not as sophisticated and up to date as treatment available in the United States. Before Vova came to the United States, no aggressive treatment for his leukemia had been provided. Although Vova completed his chemotherapy in 1992, he continues to need medical follow-up on a consistent basis, including physical examinations, lab work and radiological examinations to assure early detection and prompt and appropriate therapy in the unfortunate event the leukemia recurs.

According to Dr. Peri Kamalakar, Director of the Valerie Fund Children's Center at Newark Beth Israel hospital, where Vova has received care, Vova's cancer is considered high risk with a threat of relapse. He is also at risk to develop significant later complications secondary to the intensive chemotherapy he received, including heart problems and secondary cancers. Another significant risk is relapse in the bone marrow, testis, or central nervous system. Dr. Kamalakar has concluded that Vova's chance for a permanent cure is considerably better if he stays in the United States.

I am pleased that this bill has passed today. It is now up to the House of Representatives to send this bill to the President and allow Vova and his family to remain in the United States. Finally, I would like to thank all of the Senators, from both sides of the aisle, who were involved in negotiations on these private relief bills.●

LIEUTENANT GENERAL CAROL MUTTER

● Mr. KEMPTHORNE. Mr. President, I rise today to honor a fine Marine Corps Officer, Lieutenant General Carol Mutter, the Deputy Chief of Staff for Manpower and Reserve Affairs, Headquarters Marine Corps, Washington, D.C.

General Mutter, a native daughter of Colorado, will soon retire from active duty following a long and distinguished career as an officer of Marines. A graduate of the University of Northern Colorado, in Greeley, CO she joined the Marine Corps in 1966 and completed the Woman Officer Basic Course in 1967. She was then trained as a data processing officer and assigned to data processing installations in Quantico, VA and Camp Pendleton, CA. In 1971, she returned to Quantico as a platoon commander and instructor for women officer candidates and basic course lieutenants.

Over the years, Carol has made significant accomplishments both as a Marine officer and as a woman. As a Colonel, in July 1988 she joined the U.S. Space Command, J–3 (Operations) Directorate in Colorado Springs where she became the first woman to gain qualification as a Space Director. After initially serving as a Command Center Crew Commander/Space Director she became the Division Chief responsible for the operation of the Commander in Chief s Command Center. In June 1992, she transferred to Okinawa for a second tour, this time as the first woman of general/flag officer rank to command a major deployable tactical command, the 3d Force Service Support Group, Third Marine Expeditionary Force, U.S. Marine Forces Pacific. Finally, upon advancement to Lieutenant General (the first woman in the Marine Corps to attain this rank) on September 1, 1996, she assumed her current duties.

Throughout her services as a Marine, she worked continually to improve herself through furthering her professional military education and earning a M.A. degree in National Security and Strategic Studies from the Naval War College at Newport, RI and honorary doctorate degrees from Salve Regina College, also in Newport, RI and another honorary doctorate from UNC. In addition to the Naval War College at Newport, RI, General Mutter also attended the Amphibious Warfare School and the Marine Corps Command and Staff College, both at Quantico, VA.

We know the officers and men and women of the Marine Corps, from the Commandant on down, will sorely miss the service of Lieutenant General Mutter as she departs the Marine Corps. Among her many awards and recognitions are the Defense Superior Service Medal, the Navy Commendation Medal, and the Navy Achievement Medal—worthy recognition for days, months and years of selfless dedication. The Marine Corps loss will be Indiana's gain as she settles in her new home in the Indianapolis area. We offer the warmest wishes to Carol and her husband Jim as they embark upon their new endeavors.

God Bless and good luck to a truly wonderful woman. Lieutenant General Mutter is truly a great American patriot and an inspiration to all.●

TRIBUTE TO AMERICA'S YOUNG ATHLETES

● Mr. CONRAD. Mr. President, I rise to recognize the tremendous accomplishment of a number of young American athletes. Specifically, I want to bring to the attention of the United States Senate the accomplishment of the 1998 United States All-Star High School Junior National Ultimate Frisbee Team at the recently completed Ultimate Frisbee World Championship Tournament.

Mr. President, High School Ultimate Frisbee, or "Ultimate," players from all over our great land competed for positions on the U.S. team. Competition was fierce and the United States fielded a team of nineteen young men and one young woman at the tournament which was played at the beautiful National Sports Center in Blaine, Minnesota at the end of August. Blaine is a suburb on the northern edge of the Twin Cities.

"Ultimate" is a fast growing, non-contact, sport. It resembles the fast-paced action of soccer and the thrill of American football. First developed at Columbia High School in Mapelwood, NJ, in 1968, Ultimate Frisbee is now played around the world. Teams representing many nations, including Canada, Great Britain, Germany, and Sweden, came to the World Championships. I must note for the RECORD, Mr. President, that the Junior World Championships have been dominated by Sweden. The Swedish team entered the 1998 World Championships with a string of World Championships dating back to 1983, interrupted only by the 1992 tournament victory of Taiwan, ROC. In light of their impressive record, Sweden understandably was seeded first, Germany second, the U.S. third. Yes, Mr. President, our team entered the world tournament as an underdog. This was particularly apt in light of the fact that several of the teams had not only practiced together, but had also played together in numerous other tournaments. In fact, several of the competing teams were even sponsored by their governments. Not so for Team USA! Our American ambassadors bought their own uniforms, paid their own ways to Minnesota and covered the expenses associated with two weeks at the National Sports Center. Even our coaches had to volunteer!

I am pleased to report that not only did the American team represent our

Nation with a great deal of enthusiasm, but they also quickly coalesced into a real team. This was essential. With less than a week of practices under its belt, the U.S. team, which had never played together before, would face the stiffest Ultimate Frisbee competition in the world.

To make a long story short, Mr. President, the U.S. Team proceeded through the first round (10 games) of the tournament undefeated, handing defending Champs Sweden their first two defeats in 6 years and soundly defeating all other competitors, including second seed Germany. Going into the semifinals, Team USA emerged as the decided favorite. It then decisively defeated Great Britain in the semifinal. On Saturday, August 22, in a game begun in a driving rain storm, Team USA won the championship game against defending Champion Sweden. Yes, Mr. President, the U.S. team prevailed. The U.S. All-Star High School Ultimate Frisbee Team won the Gold Medal.

Suffice it to say, we celebrate the great athleticism and victories of these young American athletes. We also have good cause to be proud of their great spirit as well. Spirit is very highly prized in "Ultimate," which does not field referees. To its credit, in "Ultimate," great spirit is often as prized as a great victory. In this effort, our young American athletes demonstrated that good spirit and good play are wholly compatible.

Mr. President, I rise to commend the members of the U.S. Junior National Team. Let me name each of the players and their home towns: Harper Alexander of Atlanta, Georgia; Jody Avirgan of Silver Spring, Maryland; Philip Burkhardt of Seattle, Washington; Sam Chatterton-Kirchmeier of Seattle, Washington; Jeremy Cram of Seattle, Washington; Bryan Edwards of Seattle, Washington; Jules Hirschkorn of Amherst, Massachusetts; Pauline Lauterbach of Atlanta, Georgia; Zach Morrison of Newton, Massachusetts; Kyle Neeson of West Newton, Massachusetts; Josh Nugent of Amherst, Massachusetts; Sam O'Brien of St. Paul, Minnesota; Isaiah Robinson of Leverett, Massachusetts; Brian Rogers of Amherst, Massachusetts; Jeremy Schwartz of Scarsdale, New York; Matt Shamey of Leverett, Massachusetts; Michael Shiel of Chicago, Illinois; Jason Simpson of Decatur, Georgia; Ben Van Heuvelen of Bethesda, Maryland; and Garrett Westlake of Nashville, Tennessee. These are truly world class athletes deserving of recognition.

Team USA was led to victory by an impressive world class coaching staff. The Head Coach, Tiina Booth, has created and nurtured the Ultimate Frisbee program at Amherst Regional High School in Amherst, Massachusetts. Her Assistant Coaches were Dave "Mo" Moscoe of Boulder Creek, California, and Mike Baccarini, who coaches the Ultimate Frisbee Teams of Paideia High School near Atlanta, Georgia. Mr. President, I want to commend the coaches as well for their inspiration, hard work and tremendous contribution to the effort.

In short, Mr. President, please join me in congratulating the members and coaches of the U.S. Junior National Ultimate Frisbee Team on their victory. We are proud of you and the Gold Medals you have won for our country!●

ORDERS FOR MONDAY, OCTOBER 19, 1998

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, October 19, for a pro forma session only. I further ask that the Senate then stand in recess until 10 a.m. on Tuesday, October 20, and that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COCHRAN. I further ask consent that there be a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, the Senate will reconvene on Monday at 10 a.m. for a pro forma session only. Therefore, there will be no rollcall votes during Monday's session of the Senate. The Senate will then reconvene on Tuesday at 10 a.m. and begin a period of morning business until 11 a.m. Following morning business, the Senate is expected to begin debate on the omnibus appropriations bill. If a rollcall vote is requested on passage of the omnibus bill, that vote would occur no earlier than 5 p.m. on Tuesday. Once again, Members will be notified as to the exact voting schedule when it becomes available.

RECESS UNTIL 10 A.M. MONDAY, OCTOBER 19, 1998

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 1:02 p.m., recessed until Monday, October 19, 1998, at 10 a.m.

EXTENSIONS OF REMARKS

H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. YOUNG of Alaska. Mr. Speaker, I rise to once again address the issue of international land reserves, particularly World Heritage Sites. I find it necessary to emphasize, for the benefit of those who continue to claim otherwise, that these reserves are designated with little or no input from the public or local government. They are very unpopular.

The Department of Interior, in cooperation with the Federal Interagency Panel for World Heritage has identified a shopping list of 94 sites in 31 States and the District of Columbia that they would like to make World Heritage Sites. This list was compiled by the Department with the assistance of an "inside" nongovernmental organization, the U.S. National Committee of the International Council on Monuments and Sites (US/ICOMOS). US/ICOMOS is also a principal advisor to the United Nations on the listing of cultural properties as World Heritage Sites. Twenty-two of the sites on the shopping list have been designated World Heritage Sites.

Congress is the ultimate decision-maker in managing public lands. The clear and direct approval of Congress and the input of local citizens and public officials must be required before land can be designated for inclusion in international land reserves. Let's maintain sovereign control over lands in the United States.

I wish to include in the RECORD the detailed descriptions of the cultural properties on the Department of Interior's list of future choices for World Heritage Sites. The complete list and other information on this important issue can be found on the Committee on Resources website at: http://www.house.gov/105cong/issues.htm.

INDICATIVE INVENTORY OF POTENTIAL FUTURE U.S. NOMINATIONS TO THE WORLD HERITAGE LIST—CULTURAL PROPERTIES

PREHISTORY AND LIVING COMMUNITIES (FORMERLY ARCHAEOLOGY)

Post-Contract Aboriginal

Taos Pueblo, New Mexico (36 deg. 25′ N.; 105 deg. 40′ W.). A center of Indian culture since the 17th century, the pueblo of Taos, still active today, symbolizes Indian resistance to external rule. The mission of San Geronimo, one of the earliest in New Mexico, was built near Taos Pueblo in the early 17th century. Criteria: (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

Post-Contract Aboriginal/Developed Agriculture

Pecos National Monument, New Mexico (35 deg. 35′ N.; 105 deg. 45′ W.). This site was occupied since before A.D. 900 up until the 19th century. The archaeological excavations of the area led to the development of a cultural sequence which in turn enabled the comparative dating of southwestern U.S. sites. This classification is the cornerstone of the understanding of Southwestern archaeology. In addition to the archaeology at Pecos, there are the foundations of a Spanish mission, the ruins of an 18th-century church, and numerous Pueblo Indian structural remains, including restored kivas. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Developed Agriculture

Moundville Site, Alabama (33 deg. 0′ N.; 87 deg. 40′ W.). This is probably the site described by De Soto in his Mississippian expedition. This site demonstrates the Mesoamerican influence on the culture of the Southeast. It is a "ceremonial" site with over twenty extant mounds and burial areas. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Casa Grande National Monument, Arizona (33 deg. 0′ N.; 111 deg. 30′ W.). Casa Grande is a four-story tower of packed earthen walls built over 600 years ago by the agricultural Indians of the Gila River Valley. The site also contains important Hohokam Indian remains dating from about 900 A.D. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Hohokam Pima National Monument, Arizona (32 deg. 55′ N.; 111 deg. 30′ W.). Hohokam Pima is part of the site of Snaketown, which was continuously inhabited by the Hohokam/Pima cultures for over 2,000 years. This site contains essentially all phases of Hohokam cultural development from the earliest villages established around 400 B.C. up to A.D. 1450. Subsequently this same site was occupied by the Pima from the time of contact with the Spanish until around 1940. The Hohokam Pima site clearly demonstrates the Mesoamerican influence in the Southwestern U.S. The site is located on a Pima reservation. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Ocmulgee National Monument, Georgia (32 deg. 50′ N.; 83 deg. 40′ W.). The large mounds and surrounding villages at Ocmulgee demonstrates the cultural evolution of the Indian mound-builder civilization in the southern U.S. Criteria: (iii) Bears an exception testimony to a civilization which has disappeared.

Poverty Point, Louisiana (32 deg. 40′ N.; 91 deg. 25′ W.). An archaeological site that flourished from 1,000–600 B.C. It contains a geometric earthwork complex, consisting of 11.2 miles of raised terraces arranged in six concentric octagons, and Poverty Point Mound, a bird-shaped ceremonial structure. Criteria: (iii) Bears an exception testimony to a civilization which has disappeared.

Chaco Culture National Historical Park, New Mexico (36 deg. 10′ N.; 108 deg. 0′ W.). This property bears testimony to the first five periods of the Chacoan variant and one period of the Mesa Verdean variant of the Pueblo civilization. Chaco Canyon is a large canyon which contains approximately 1100 ruins including 13 major Pueblo Indian villages. These villages consist of 3–5 story buildings which often contain over 1,000 rooms. The ceremonial complex consisting of the large villages is dated between A.D. 1,110 and 1,300 and clearly demonstrates the cultural links between the Mesoamerican cultures and the Pueblo Indians of the Southwestern U.S. Criteria: (ii) Exerted great influence, over a span of time and within a cultural area of the world, on developments in town-planning; and (iii) bears a unique testimony to a civilization which has disappeared.

Mound City Group National Monument, Ohio (39 deg. 25′ N.; 83 deg. 1′ W.). Twenty-three burial mounds of Hopewell Indians (200 B.C.–A.D. 500) have yielded vast quantities of artifacts that give insights into the ceremonial customs of the Hopewell people. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Archaic/Paleo-Indian

Cape Krusenstern Archaeological District, Alaska (67 deg. 0′ N.; 164 deg. 0′ W.). Cape Krusenstern consists of a series of marine beach ridges (and nearby hills) which contain evidence of nearly every major cultural period in Arctic prehistory and history. This area is very near the probable route taken by man's first crossing into North America and is still inhabited today. Due to land subsidence along the coast a unique stratigraphy has formed which allows a complete dating sequence in an area where few dates are available. Each ridge represents approximately a 200-year time span for a total of approximately 8,000 years. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Ventana Cave, Arizona (32 deg. 25′ N.; 112 deg. 15′ W.). Ventana Cave offers a unique history of the hunter/gatherer cultural development and continuity. This site has been occupied continuously from 200 B.C. until the present. Excavations here solidified the stratigraphic sequence dates, and made a significant contribution to knowledge of the development of Hohokam culture in this area. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Paleo-Indian

Lindenmeir Site, Colorado (40 deg. 55′; 105 deg. 10′ W.). This site was one of the earliest Folsom sites to be excavated by archaeologists and was instrumental in establishing man's presence in North America at its current early date. The site consists of a kill site marked by numerous bison bones and a camp a short distance away. This is one of the few early man sites where both site types were found, and it gives a more complete picture of the early hunters' life and cultural adaption. Criteria: (iii) Bears a unique testimony to a civilization which has disappeared.

Hawaiian

Pu'uhonua O Honaunau National Historical Park, Hawaii (19 deg. 25′ N.; 155 deg. 55′ W.) This area (formerly known as City of Refuge National Historical Park) includes sacred ground, where vanquished Hawaiian warriors, noncombatants, and kapu breakers

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

were granted refuge from secular authority. Prehistoric housesites, royal fishponds, and spectacular shore scenery are features of the park. Criteria: (v) An outstanding example of a traditional human settlement which is representative of a culture and which has become vulnerable under the impact of irreversible change.

European Exploration and Colonial Settlement

La Fortaleza-San Juan National Historical Site, Puerto Rico (18 deg. 28' N.; 66 deg. 10' W.). Spanish defenses at San Juan guarded their sea lanes to the Caribbean; at this site they founded one of their earliest colonies in the Americas. La Fortaleza, the first fortification of San Juan (built 1533-40), has been the residence of the island's governors since the 1620s. The massive masonry citadel of El Morro was begun in 1591. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history; and (vi) directly and tangibly associated with events of outstanding universal significance.

San Xavier Del Bac, Arizona (32 deg. 10' N.; 111 deg. 0' W.). ONe of the finest Spanish colonial churches in the United States, having a richly ornamented baroque interior. (Comparative national and international study will be necessary before the United States would consider nominating property representative of this important international development. For example, the California and Texas mission systems would be examined.) Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Savannah Historic District, Georgia. The first settlement in the English colony of Georgia, which was founded with philanthropic intent, Savannah has retained much of James Oglethorpe's original city plan and possesses many structures of architectural merit. Criteria: (ii) Has exerted great influence, over a span of time, or within a cultural area of the world, on developments in town-planning; and (vi) directly and tangibly associated with events or with ideas of outstanding universal significance.

Architecture: Early United States

Monticello, Charlottesville, Virginia (38 deg. 0' N.; 78 deg. 30' W.). Thomas Jefferson, the third American President, was a popularizer of the Classic Revival architectural style. In Monticello, his mansion, he combined elements of Roman, Palladian, and 18th-century French design with features expressing his extraordinary personal inventiveness. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

University of Virginia Historic District, Charlottesville, Virginia (38 deg. 0' N.; 78 deg. 30' W.). Includes original classrooms and professors' quarters housed in pavilions aligned on both sides of an elongated terraced court, as well as the doomed Rotunda, a scaled-down version of the Pantheon which was the focal point of Thomas Jefferson's design. Jefferson envisioned a community of scholars living and studying in an architecturally unified complex of buildings. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time and within a cultural area of the world, on developments in architecture.

Architecture: Modern U.S.

Consideration will be given to the nomination of a "thematic" Chicago School district, including some of the properties listed in this grouping.

Auditorium Building, Chicago, Illinois (41 deg. 51' 87 deg. 40' W.). Constructed in 1889, this building is one of the most important works by Chicago School architects Dankmar Adler and Louis Sullivan. Criteria: (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Carson, Pirie, Scott and Company Store, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). A commercial establishment designed by Louis Sullivan in an original and practical form, Carson, Pirie, Scott and Company was his last large commercial commission. An iron and steel framwork supports the structure, which is most notable for its elaborate ironwork ornament on the first and second floor facades. Sullivan's designs combine organic and geometric shapes in intricate and delicate patterns, in a type of ornament that is the hallmark of his work. The addition was by Daniel H. Burnham in 1904-6, Criteria: (i) A unique artistic achievement, a masterpiece of creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Leiter II Buiding, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). Constructed in 1889-91, this building is the masterwork of architect William Le Baron Jenny. One of the earliest surviving examples of the Chicago School curtain wall proto-skyscraper. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Marquette Building, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). Architects William Holabird and Martin Roche make their first decisive statement on a new concept in building—steel framing. Constructed 1893-4. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Reliance Building, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). This building (1890-5) by Daniel Burnham and John Root is a key monument of the "Chicago School." It has a steel framework and is covered with terra cotta sheating except on the granite first floor. Windows form continous bands and are "Chicago windows" large single, fixed panes of glass which fill an entire bay except for narrow, movable, double hung sash in the project bays. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Rookery Building, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). One of the last great masonry structures of the 19th century, designed by Daniel Burnham and John W. Root. Constructed in 1886-88, The Rookery is a transitional structure which presaged the modern steel frame office building. It combines skeletal cast-iron columns and spandrel beams supporting masonry with granite and brick and terra cotta. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

South Dearborn Street-Printing House Row North Historic District, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). This commercial district contains landmark structures in the development of skyscraper construction and some of the finest achievements of the "Chicago School" of architects: The Manhattan Building by William Le Baron Jenny, the first complete steel skeleton building, with wind bracing; the Daniel Burnham-designed Fisher Building, an early curtain-wall structure; the Old Colony Building by Holabird and Roche, using Corydon Purdy's wind bracing system; and the Monadnock Building, by Burnham and Root (north section) and Holabird and Roche (south section), one of the largest masonry bearing-wall structures ever built. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Prudential (Guaranty) Building, Buffalo, New York (42 deg. 50' N.; 78 deg. 50' W.). The last collaborative effort of Dankmar Adler and Louis Sullivan, the 13-story Prudential, constructed in 1895, is a trumpth of early skyscraper design. It links two skyscraper periods and departs from the earlier commercial use of elaborate ornamentation in favor of an emphatically vertical appearance. Although appearing rectangular in shape, it is actually U-shaped due to light corridors above the first floor. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Wainwright Building, St. Louis, Missouri (38 deg. 40' N.; 90 deg. 10' W.). Significant prototype of the modern office building, constructed in 1890-91. This building represents deliberate attempt to create an historical form expressive of the new mass of the multistory office block. For Sullivan, the potential aesthetic quality of the tall building lay in its unusual height. To emphasize this height to the maximum degree, he devised a system of closely ranked, pier-like verticals that give the street elevations their forceful thrust. Criteria: (i) Represents a unique artistic achievement, a masterpiece of the creative genius; and (ii) has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Architecture: Wright School

A single, or thematic, nomination representative of this group will be considered.

Frank Lloyd Wright Home and Studio, Illinois (41 deg. 52' N.; 87 deg. 50' W.). Wright lived and practiced here, in the Shingle-style home he built for his family, during the "First Golden Age" of his long career. Constructed 1889-98. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Unity Temple, Oak Park, Illinois (41 deg. 52' N.; 87 deg. 50' W.). Wright designed the Temple with a rooftop skylight, rather than a steeple. Constructed in 1906 of poured concrete, the Temple is basically a concrete cube with stark and largely unornamented interior walls. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Robie House, Chicago, Illinois (41 deg. 52' N.; 87 deg. 40' W.). This brick house, with its low horizontal emphasis, was designed by Wright in his "Prairie" style, utilizing an open plan focused on a large central chimney mass. He continued inside walls to the exterior to tie the surrounding landscape to the house. Constructed 1907-9. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

Taliesin, Wisconsin (43 deg. 10' N.; 90 deg. 10' W.). The second great center of Wright's activity, this combination of home, workshop, laboratory, and retreat consists of several groupings of structures designed individually to suit their different uses. It is the summer home and studio of the Taliesin Fellowship. Criteria: (ii) Has exerted great influence, over a span of time, and within a cultural area of the world, on developments in architecture.

FallingWater, Pennsylvania (39 deg. 55′ N.; 90 deg. 25′ W.). One of the most famous of Frank Lloyd Wright's designs, regarded by many as his masterwork. Criteria: (i) A unique artistic achievement, a masterpiece of the creative genius.

Engineering

Brooklyn Bridge, New York (40 deg. 42′ N.; 73 deg. 57′ W.). Built by John A. and Washington A. Roebling, the Brooklyn Bridge was one of the world's first wire cable suspension bridges. The technical, problems faced in its construction were solved by solutions that established precedents in bridge building. The cables themselves are supported by two massive Gothic pylons, each with two pointed arches. The main span is 1595 feet. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Eads Bridge, Illinois-St. Louis, Missouri (38 deg. 40′ N.; 90 deg. 10′ W.). The first major bridge in the world in which steel was employed in the principal members. The secondary members and the tubes enveloping the steel staves forming the arch ribs are of wrought iron. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Washington Monument, District of Columbia (38 deg. 52′ N.; 77 deg. 02′ W.). The hollow shaft, free of exterior decoration, is the tallest free-standing masonry structure in the world (555 feet). It commemorates the achievements of George Washington, first President of the United States. Criteria: (iv) An outstanding example of a type of structure which illustrates a significant stage in history.

Science and Industry

McCormick Farm and Workshop, Virginia (37 deg. 40′ N.; 79 deg. 35′ W.). of the inventions that revolutionized agriculture during the first half of the 19th century, the mechanical reaper (1834), was probably the most important. The well-preserved farmhouse and workshop of Cyrus McCormick, its inventor, are included within this property. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Original Bell Telephone Laboratories, New York (40 deg. 45′ N.; 74 deg. 0′ W.). From 1898 to 1967, America's largest industrial research laboratory, responsible for numerous contributions to pure science and pioneering work in telecommunications technology. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

General Electric Research Laboratory, Schenectady, New York (42 deg. 50′ N.; 73 deg. 55′ W.). A three-building complex recognized as the first industrial research facility in the United States. Since its construction in 1900, work at the laboratory has made many contributions to scientific knowledge, especially in the areas of physics and chemistry. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Goddard Rocket Launching Site, Massachusetts (42 deg. 12′ N.; 71 deg. 50′ W.). At this site, on March 16, 1926, Dr. Robert H. Goddard launched the World's first liquid propellant rocket, an event that set the course for future developments in rocketry. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Lowell Observatory, Arizona (35 deg. 12′ N.; 111 deg. 40′ W.). Astronomical research conducted at this observatory, founded by Dr. Percival Lowell, has greatly enhanced man's knowledge of the Universe. Most significant of the observatory's discoveries was the first observable evidence of the expanding universe, made by Dr. V. M. Slipher in 1912. The observatory is also noted for intensive studies of Mars, the discovery of Pluto, and research in zodiacal light and sunspot phenomena. The 24-inch Lowell refracting telescope, installed in 1896, is in operation in its original housing. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Pupin Physics Laboratories, Columbia University, New York (40 deg. 45′ N.; 73 deg. 58′ W.). Enrico Fermi conducted his initial experiments on the fission of uranium in these laboratories. In addition, the uranium atom was split here on January 25, 1939, 10 days after the world's first splitting in Copenhagen. The cyclotron control room contains the table which held the instruments used on that night. The United States would consider nominating this site only if the Copenhagen location is no longer extant. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Trinity site, New Mexico (33 deg. 45′ N.; 106 deg. 25′ W.). The world's first nuclear device was exploded here in July 1945. Criteria: (vi) Directly and tangibly associated with an event of outstanding universal significance.

Humanitarian Endeavor and Social Reform

New Harmony Historic District, Indiana (38 deg. 08′ N.; 87 deg. 55′ W.). Founded by the Rappite religious sect in 1815, New Harmony was purchased in 1825 by British visionary and socialist reformer Robert Owen, who sought to alleviate evils spawned by the factory system. Some 35 structures from the Rappite-Harmonist period survive. This property will be compared to Owenite remains in the United Kingdom and to other communal societies in the U.S. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Chapel Hall, Gallaudet College, District of Columbia. This large Gothic Revival structure (1867–70) is the earliest major building at the college, the only institution of higher learning specifically devoted to the education of the deaf. Criteria: (vi) Directly and tangibly associated with events or ideas of outstanding universal significance.

Warm Springs Historic District, Georgia (32 deg. 50′ N.; 84 deg. 40′ W.). The National Foundation for Infantile Paralysis, which grew out of the Warm Springs Foundation established by Franklin D. Roosevelt, became one of the leading charitable institutions of the 20th century. Warm Springs Hospital was the major international center for the treatment of infantile paralysis (polio); the research that led to the development of the preventive vaccines had its roots here. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

International Affairs

Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge (Fur Seal Rookeries), Alaska (57 deg. 30′ N.; 170 deg. 30′ W.). Originally frequented by the native peoples of Alaska, these islands have lured Russian, British, French, Spanish, and American fur hunters since the 18th century. The seal herds have several times been threatened with extinction due to indiscriminate hunting, but a notable 1911 convention between the United States, the United Kingdom, Russia (USSR), and Japan has provided them with international protection and management. Today's flourishing herds illustrate the international application of conservation principles. Criteria: (vi) Directly and tangibly associated with events of outstanding universal significance.

Statue of Liberty National Monument, New Jersey-New York (40 deg. 37′ N.; 74 deg. 03′ W.). French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American Revolution. The cooper colossus was designed by Frederic Auguste Bartholdi and erected according to plans by Gustave Eiffel. The national monument also includes Ellis Island, the depot through which many millions of immigrants and emigrants passed. Criteria: (iv) An outstanding example of type of structure which illustrates a significant stage in history, and (vi) directly and tangibly associated with events of outstanding universal significance.

ARMENIAN GENOCIDE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, on May 15, 1996, this testimony on the Armenian Genocide was submitted to the House Committee on International Relations by Levon Marashlian, Professor of History at Glendale Community College, California:

> Mr. Chairman, members of the committee, thank you for this opportunity to speak before you on an issue which is intimately tied to American History and directly related to the welfare of Turkey and to the success of the United States policy in a region of the world which is critically important economically and strategically.
>
> In 1919, a political body called The National Congress of Turkey confirmed the overwhelming American evidence that the Armenians of the Ottoman Empire were victims of a mass destruction during World War I. The National Congress of Turkey declared that the "guilt" of the Turkish officials who "conceived and deliberately carried out this infernal policy of extermination and robbery is patent," those officials "rank among the greatest criminals of humanity."
>
> The official Turkish gazette *Takvimi Vekayi* published the verdict of the post-war Ottoman trials of those officials. The Turkish court ruled that the intention of the Ottoman leaders was :"the organization and execution" of the "crime of massacre."
>
> German Ambassador Johann Bernstorff, whose country was allied with Turkey, wrote about "Armenia where the Turks have been systematically trying to exterminate the Christian population." Raphael Lemkin, who coined the word genocide in 1944, specifically cited the "genocide of the Armenians."
>
> Those who today deny the Armenian Genocide are resorting to academically unsound

revisionism, in order to prevent the moral act of remembering this crime against humanity. In the process, the deniers are doing a disservice to the majority of today's Turkish people. By keeping the wounds open with their stonewalling tactics, by making it necessary to have hearings like this, they force the Turkish people to continue wearing like an albatross the negative image earned by a circle of officials who ruled eight decades ago.

A consideration of House Con. Res. 47, which remembers "the genocide perpetrated by the governments of the Ottoman Empire from 1915 to 1923," would provide a good opportunity to draw a distinction between the guilty and the innocent Turks, to remember also the Turks of decency who opposed their government's policy of inhumanity.

At a time today when so many people in our society too often shirk their individual responsibility to make personal choices based on principles and values, it is a good lesson for us to recall the years when American witnesses and Turkish civilians made the personal choice to resist a wrong and save human lives, when a few Turkish officials even chose to object, even though doing so could have endangered their own lives.

One was an Ottoman Senator, Ahmed Riza. In December 1915 he courageously condemned the policy to destroy and deport Turkey's two million Armenian citizens and expropriate their assets, which authorities were carrying out under the cover of a legislative fig leaf euphemistically called the Abandoned Properties Law.

"It is unlawful to designate" Armenian properties as abandoned, declared Senator Riza, because they did not leave their properties voluntarily. They were "forcibly" removed from their homes and exiled. "Now the government is selling" their possessions. "Nobody can sell my property if I am unwilling to sell it. This is atrocious. Grab my arm, eject me from my village, then sell my goods and properties? Such a thing can never be permissible. Neither the conscience of the Ottomans nor the law can allow it."

Mr. Chairman, during a debate on the Senate floor in February 1990, your colleague Robert Dole championed another resolution commemorating the Armenian Genocide (S.J. Res. 212), and declared, "it's finally time for us to do what is right. Right. We pride ourselves in America" for "doing what's right, not what's expedient."

In this case, doing what is right does not exact a big price. The frequently heard argument that a commemorative resolution will harm American-Turkish relations is not credible. It ignores the fact that the relationship is much more in Turkey's favor than America's. Not doing what is right, on the other hand, is tantamount to rejecting mountains of documents in our National Archives, testimonies that refute the denial arguments generated in Ankara and, most disturbingly, promoted in prestigious academic circles here in America.

This denial recently spurred over 100 prominent scholars and intellectuals, including Raul Hilberg, John Updike, Norman Mailer, Kurt Vonnegut, and Arthur Miller, to sign a petition denouncing the "intellectually and morally corrupt . . . manipulation of American institutions" and the "fraudulent scholarship supported by the Turkish government and carried out in American Universities."

A typical example of the powerful evidence in the US Archives is a cable to the State Department from Ambassador Henry Morgenthau: "Persecution of Armenians assuming unprecedented proportions. Reports from widely scattered districts indicate systematic attempts to uproot peaceful Armenian populations and through arbitrary arrests" and "terrible tortures," to implement "wholesale expulsions and deportations from one end of the Empire to the other," frequently accompanied by "rape, pillage, and murder, turning into massacre . . ."

And the persecutions continued even after World War I ended in 1918. "It was like an endless chain," reported Edith Woods, an American nurse, in 1922. "The children would often be dead before I had taken their names. Forty to fifty of the older women died each day. . . . Their mouths were masses of sores, and their teeth were dropping out. And their feet, those poor feet, bleeding feet. . . . Deportation is sure death—and a far more horrible death than massacre. Unless one sees these things it is difficult to believe that such monstrous cruelty and barbarity exist in the world."

Ms. Woods' testimony ripped to shreds the web of denial being woven by Turkish officials in the early 1920's. She also exposed the new atmosphere of intensitivity at the American Embassy in Instanbul which contradicted the overwhelming sentiment of American public opinion and the spirit of Congressional resolutions in favor of Armenians that were passed during those days. This American woman made the personal choice to speak up against the response at her own Embassy, a policy imposed by acting ambassador Admiral Mark Bristol, who, driven obsessively by commercial interests, was colluding in a cover-up crafted by Turkish authorities.

Allen Dulles, the State Department's Near East Division chief (and later CIA Director), found it hard to keep things under wraps as Bristol requested. "Confidentially the State Department is in a bind," Dulles cautioned in April 1922.

Our task would be simple if the reports of the atrocities could be declared untrue or even exaggerated but the evidence, alas, is irrefutable and the Secretary of State wants to avoid giving the impression that while the United States is willing to intervene actively to protect its commercial interests, it is not willing to move on behalf of the Christian minorities.

And the evidence mounted. In May 1922, four American relief workers, Major Forrest D. Yowell of Washington DC, Dr. Mark Ward of New York, Dr. Ruth Parmalee of Boston, and Isabel Harely of Rhode Island, were all expelled from their posts in Turkey because they too chose to do what is right, they protested the ongoing persecutions. Major Yowell said Armenians in his district were "in a state of virtual slavery," with "no rights in the courts."

Dr. Ward quoted Turkish officials. One Turk declared: "We have been too easy in the past. We shall do a thorough job this time." another remarked: "Why do you Americans waste your time and money on these filthy Greeks and Armenians? We always thought that Americans knew how to get their money's worth. Any Greeks and Armenians who don't die here are sure to die when we send them on to Bitlis, as we always choose the worst weather in order to get rid of them quicker."

Not all Turks were so cruel. A British diplomat reported that another American in Turkey, Herbert Gibbons, knew of prominent Turks who protested the "unparalleled inhumanity:" but they were "beaten and sent away" for intervening. The Mayor of the Black Sea city of Trabzon had no sympathy with the government's policy and did what little he could. The Governor also opposed the "massacres and persecutions," but was powerless to stop it. His predecessor tried and was removed.

Gibbons thought the government's policy was "a calumny upon the good Turks, of whom there are many." Massacres never broke out spontaneously, since "Christians and Moslems ordinarily get along very well." The massacres were ordered, as part of a plan "to make Turkey truly Turkish."

Yet there are "humane and kind hearted Turks," Gibbons stressed, and there are "Mohammedans who fear God and who are shocked by the impious horrors of the extermination policy."

Revisionists today say in effect that Americans like Forrest Yowell, Mark Ward, Ruth Parmalee, Isabel Harely, Edith Woods, Herbert Gibbons, and Ambassador Henry Morgenthau were either liars or misguided.

Remembering the atrocities against the Armenians would show respect for those Americans who spoke up, and respect as well for Turks like Senator Riza who also chose to oppose the injustice. A recognition of the Armenian Genocide by the US Congress would be a step toward helping erase this important ally's image problem, which Turkish poet Nazim Hikmet described in 1951 as "this black stain on the forehead of the Turkish people."

Encouraging Turkey to face the facts of its history would help lift the cloud of controversy which haunted it for decades. It would help eliminate the deep roots of Armenian-Turkish enmity, paving the way to normalized relations, and it would give Armenia the sense of security many Armenians feel is necessary if they are to respond to Russia's regional policies with more independence and balance. The prospects for American commerce and regional stability would be strengthened by a recognition of the Armenian Genocide.

Acknowledging the Armenian Genocide also would show that Congress cannot condone the brazen contradiction of its own Archives and the dangerous corruption of America's academic institutions. It would send a strong signal to all deniers of genocide, especially to deniers of the Holocaust. Mr. Chairman, taking a stand against the denial of the Armenian Genocide would be entirely consistent with the successful resolution "Deploring Holocaust Deniers" which you so wisely introduced last December, in which you too did what is right, by calling denial efforts "malicious." Such language is applicable to the denial of the Armenian Genocide as well.

Mr. Chairman, when weighing the merits of the arguments on both sides of this issue, it would be useful to keep in mind a letter sent to Secretary of State Charles Evans Hughes in 1924 by Admiral Bristol, a man who was called "very pro-Turk" by Joseph Clark Grew, Washington's first Ambassador to Ankara. Even the pro-Turk Admiral acknowledged "the cruelties practiced upon the Armenians by Turks acting under official orders, and in pursuance of a deliberate official policy." For that policy, wrote Admiral Bristol, "there can be no adequate excuse."

MONETARY POLICY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PAUL. Mr. Speaker, a world-wide financial crisis is now upon us.

For 2 years, I have called attention to this predictable event hoping the Congress would deal with it in a serious manner.

Although many countries are now suffering more than the United States, in time, I am sure our problems will become much greater

A world-wide system of fiat money is the root of the crisis. The post-World War II Bretton Woods gold-exchange system was seriously flawed, and free market economists from the start predicted its demise. Twenty-seven years later, on August 15, 1971, it ended with a bang ushering in its turbulent and commodity-driven inflation of the 1970's.

Now, after another 27 years, we are seeing the end of the post-Bretton Woods floating rate system with another bang as the financial asset inflation of the 1980's and 1990's collapses. A new system is now required.

Just as the Bretton Woods system was never repaired due to its flaws, so too will it be impossible to rebuild the floating rate system of the past 27 years. The sooner we admit to its total failure, and start planning for sound money, the better.

We must understand the serious flaw in the current system that is playing havoc with world markets. When license is given to central banks to inflate (debase) a currency, they eventually do so. Politicians love the central bank's role as lender of last resort and their power to monetize the steady stream of public debt generated by the largesse that guarantees the politician's reelection.

The constitutional or credit restraint of a commodity standard of money offers stability and non-inflationary growth but does not accommodate the special interests that demand benefits bigger and faster than normal markets permit. The only problem is the financial havoc that results when the unsound system is forced into a major correction which are inherent to all fiat systems.

That is what we are witnessing today. The world-wide fragile financial system is now collapsing and tragically the only cry is for more credit inflation because the cause of our dilemma is not understood. Attempts at credit stimulation with interest rates below 1 percent is doing nothing for Japan's economy and for good reasons. it is the wrong treatment for the wrong diagnosis.

If the problem were merely that there were not enough money, then money creation alone could make us all millionaires and no one would have to work. But increasing the money supply does not increase wealth. Only work and savings do that. The deception comes because, for a while for the luck few, benefits are received when government inflate the currency and pass it out for political reasons.

But in time—and that time is now—it comes to an end. Even the beneficiaries suffer the inevitable consequences of a philosophy that teaches wealth comes from money creation and that central banks are acceptable central economic planners—even in countries such as the United States where many pay lip service to free markets and free trade.

The tragedy in the end is far more damaging to the innocent than any benefit that was supposed to be delivered to the people as a whole. There is no justifiable trade-off. The costs far exceed the benefits. In addition, the economic chaos leads too frequently to a loss of personal liberty.

A program to prevent this from happening is necessary.

First, the Federal Reserve should be denied the power to fix interest rates and buy government debt. It should not be central economic planner through manipulation of money and credit.

Second, Congress should legalize the Constitutional principle that gold and silver be legal tender by prohibiting sales and capital gains taxes from being placed on all American legal tender coins.

Third, we must abandon the tradition of bailing out bad debtors, foreign and domestic. No International Monetary Fund and related institution funding to prop up bankrupt countries, and no Federal Reserve-orchestrated bailouts such as Long Term Capital Management LP. Liquidation of bad debt and investments must be permitted.

Fourth, policy elsewhere must conform to free markets and free trade. Taxes, as well as government spending, should be lowered. Regulations should be greatly reduced, and all voluntary economic transactions in hiring practices should be permitted. No control on wages and prices should be imposed.

Following a policy of this sort could quickly restore growth and stability to any filing economy and soften the blow for all those about to experience the connections that have been put in place by previous years of mischief, mismanagement and monetary inflation.

Short of a free market, sound money approach will guarantee a sustained attack on personal liberty as governments grow more authoritarian and militaristic.

IN HONOR OF FENN COLLEGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Cleveland State University's Fenn College on its 75th anniversary. With its Cooperative Education program, this institution has provided its students with an exceptional education.

Founded in 1923, Fenn College began an ambitious mission to make quality education affordable for any student who wanted to attend college. The College's academic core of the School of Art and Sciences, the School of Business Administration and the School of Engineering evolved into Cleveland State University in 1965.

Despite the change, Fenn College and its Cooperative Education program have remained a staple of the University. One of the first in the nation, the program partners with area corporations to help students gain work experience in their chosen fields and become valuable employees upon graduation. Students conclude their education prepared and willing to enter the competitive marketplace.

Today, Cleveland State University continues the Fenn tradition of excellence. Fenn and Cleveland State graduates create the solutions that drive business, industry, culture, and academics, throughout Northeast Ohio, our nation and the world.

My fellow colleagues, please join me in commemorating the 75th anniversary of Fenn College. This fine institution has opened its doors to many young minds, educating them in preparation for their future.

STATEMENT CONGRATULATING SERGEANT VINCENT FARRI OF THE U.S. CAPITOL POLICE FORCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. McINNIS. Mr. Speaker, I would like to stand this day to congratulate and recognize the achievements of a dear friend and confidant. His demeanor, attitude and efforts make a positive difference in the lives of all national legislators and American citizens from around the country.

Vincent Farri was promoted on September 30, 1998 to the rank of Sergeant in the United States Capitol police force. This recognition was rightfully bestowed after 10½ years of diligent service on behalf of the public at large. I have known "Vinnie" since I arrived here in Washington, D.C. in 1992 and can attest to his fortitude, honesty, and integrity in the line of duty. Vincent Farri possesses the heart of a giant. He has earned the respect and admiration of all who known him. I was privileged to share his excitement when I learned last month that he had gotten his stripes.

Sergeant Farri also excels in his responsibilities outside his professional life. He has been happily married for 6½ years to his wife Christina. Together they have one child—"one so far" as Vinnie puts it—a beautiful young son, Richard, born March 15, 1997.

Vincent Farri represents all that is good in American society. Please join me in congratulating and applauding the achievements of this great Sergeant, friend, husband, and father.

TRIBUTE TO THE LATE LOUIS REDDING, ESQ.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. CASTLE. Mr. Speaker, I rise to pay tribute to the memory of Louis Redding, Esq., a pioneer of the civil rights movement who died earlier this month at the age of 96. Louis Redding's legal efforts changed the very fabric of our society. He played a key role in the historic Brown versus Board of Education case, which held that the underlying principle behind racial segregation, separate but equal, was unconstitutional.

Louis Redding's life had a particularly profound impact in Delaware. After graduating from Brown University and Harvard Law School, Louis Redding was admitted to the Delaware Bar in 1929 as the State's first black lawyer. Despite tremendous hatred and numerous death threats, he went on to integrate the University of Delaware. In 1961, Redding won a U.S. Supreme Court case that ended segregation at Wilmington's Eagle Coffee Shoppe.

Historians debate among themselves whether history is made by courageous individuals or broader social forces. I believe underlying social forces create opportunities for courageous individuals to seize. There is no doubt that Louis Redding was one of those rare individuals who clung to his principles and carried Delaware on his shoulders to a new level of social understanding and mutual respect.

Delaware and the nation are without Louis Redding today, but the memories of his strong leadership, moral courage, integrity, and devotion to the equality of mankind will live on in our hearts and be an example to follow.

UKRAINE'S FAMINE

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. GUTIERREZ. Mr. Speaker, for many Americans, the years of 1932 and 1933 conjure up memories of depression, bank failures, "Hoovervilles" and unemployment lines. This was the reality our nation faced as we were challenged by the greatest financial crisis in our history.

We know that we were not alone in our suffering throughout the 1930s. The economies of Western Europe collapsed as well, sending Europe down the slippery slope toward totalitarianism, genocide and war.

However, what is often not discussed when we endeavor to recall the era leading to World War II is the great hardship visited on the people of Ukraine by the Soviet government.

Our great depression is often called the greatest crisis of modern capitalism.

The famine of the 1930s in Ukraine has been called the first great tragedy of modern absolutism.

I have learned of this tragedy from people in my district who remember this terrible event. They are the descendants of Ukrainian immigrants to Chicago, people who lost relatives under the oppression of Joseph Stalin.

They remember the stories their parents told of the great famine just as many Americans remember the stories their parents told about the great depression.

What is important then is that we not forget.

In 1929, Joseph Stalin devised a plan to force industrialization on the people of Ukraine.

He attempted to strip the land from the peasants of Ukraine to terminate their agrarian lifestyles and traditional values.

Yet the people of Ukraine resisted. They had been bound to the land, the fertile ground of Ukraine, for generations and they were not prepared to cede their way of life to toil in factories building Stalin's army.

So they fought the usurpation of their property the only way they knew how. They refused to leave it.

Stalin would not let this pass. He intended to crush the Ukrainian people into subservience. Not with direct violence but with a tactic just as deadly—starvation

Stalin cut off the farmers from grain to seed their farms, from water, from their markets an thus from subsistence.

Between 1931 and 1933, the grip of famine spread throughout the Ukraine. Fields were over harvested. Food became scarce.

By its end, more than seven million people would perish in Ukraine due to hunger. This event stands as an unprecedented catastrophe, claiming the lives of nearly one-fourth of Ukraine's people.

Sadly, as the full details of the famine became known in the West, little action was taken to condemn Stalin's government for this crime. Our attention was fixed on our own financial circumstances as we overlooked the tragic famine in Ukraine.

This year is the 65 anniversary of the end of the great famine in Ukraine. The Ukrainian-American community in Chicago and throughout the nation have spent this year solemnly commemorating this unfortunate event. I join them in doing so.

I believe that we must forever remember this tragedy and teach our children of it.

We must do so in order to ensure that humanity never again endeavors to conceive another tragedy of this kind. This famine was of man's doing, a punishment for intransigence in the face of oppression. It did not have to happen. Nature had no part in this matter. Cruelty lies at its root.

So today, I ask my colleagues to remember Ukraine's famine by supporting H. Con. Res. 295. This resolution commemorates the "Ukrainian Famine Days of Remembrance" and recommits all of us to fight totalitarianism in all its forms so as to prevent future tragedies of this nature.

A TRIBUTE TO GILBERT CORTEZ

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. DOOLEY. Mr. Speaker, I rise today to pay tribute to an entrepreneur who operates a successful restaurant in the Central Valley. Gilbert Cortez of Tulare County was recently recognized for his achievement by the Central Valley Chapter of the California Restaurant Association at its third annual Diamond Cuisine Awards Banquet.

Gilbert Cortez has owned and operated his family's restaurant in Visalia, California, Las Palmas, since 1965. In the 33 years he has been in operation, Mr. Cortez has developed his business into a highly successful restaurant with excellent service both to its customers and the local community.

Mr. Cortez has received the California Restaurant Association's Lifetime Achievement Award. In addition to his many years of success with Las Palmas, Mr. Cortez has also contributed generously to many causes in the community such as the Good News Center.

Mr. Speaker, I would like to ask my colleagues to join me today in congratulating this businessman for his remarkable achievements and in recognition of his service to the community.

A TRIBUTE TO LEONARD AND AUDREY PACK

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. HILLEARY. Mr. Speaker, I rise today to pay tribute to Leonard and Audrey Pack.

I have known Mr. Pack and his family my entire life. Mr. Pack is truly a self-made man. He spent his teenage years working in a local textile mill, learning the textile business inside and out. His hard work and dedication resulted in his becoming one of the mill's most valued managers. Even after retirement, he started a smaller textile operation, where he continues to put in a full day's work.

Mr. Pack represents the ideal American dream. Anything is possible if you work hard and stay committed to your goals.

Mr. Pack's success in his profession was due in no small part to his commitment to his family. With his wife Audrey, the Packs raised a daughter, Patty, who raised two children of her own, Sherry and Rocky, with her husband, Bob Sylar, before she succumbed to cancer.

To honor his late wife, Audrey, and her love of books and dedication to the local library, Leonard Pack funded the exterior renovation of the existing public library. Redicated as the Audrey Pack Library, it was patterned after the Spring City Depot, another historic landmark in Spring City, our hometown.

In 1940, Mrs. Pack and a group of ladies in Spring City organized a chapter of the business and Professional Women's Club. The newly formed club decided to sponsor a library and Mrs. Pack agreed to act as librarian. The library of 75–100 books was housed in her small retail shop from 1940 to 1956, when it was moved to the city hall building.

Mr. Pack's generosity is a testament to his love for his family and the community in which he has lived for over eighty years. Having known Mr. Pack all of my life, it comes as no surprise that he would make such a statement in the way he did. A simple gesture from a self-made man with little fanfare but a lasting memorial.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2431, the Freedom from Religious Persecution Act of 1998. Essentially, this bill is an effort to protect one of the most sacred rights that human beings can enjoy, the right to seek out and worship the divine as they may deem fit.

All over the world, nations, sovereign powers and totalitarian groups are restricting the religious freedom of others. From Christians to Jews to Muslims to Bahai's, religious persecution, as we stand on the brink of the next millennium, is as widespread as ever. So, in response to this crisis, this bill establishes a new office in the State Department to monitor religious persecution overseas called the Office of Religious Persecution Monitoring, directs U.S. sanctions against countries and individuals determined to have engaged in religious persecution and ensures that our foreign service officers are trained in the bringing relief to refugees and persons seeking asylum.

As our history teaches us, many of the founders of this great nation crossed the imposing gulf of the Atlantic Ocean in order to preserve the sanctity of their personal religious choices. Without reservation, they flatly refused to let others dictate for them who they could worship and how that worship should be conducted. Instead of bowing to the suppression of their beliefs, these brave pioneers of a new and enlightened sense of public governance, chose to protect their freedom above all. Well over two centuries later, this same struggle is being fought again by literally millions of people around the globe who simply refuse to betray their most sacred beliefs about God.

In Sudan, in particular, this struggle has taken on genocidically proportions. Some reports estimate that well over one million people have been killed by the Sudanese government, both Christians and Muslims, fighting to preserve their most fundamental religious beliefs. In China, millions of "house church" Christians are forced to worship in absolute secrecy in order to prevent the government from interfering in the practice of their worship. In Tibet, Buddhists have been brutalized, their religious leaders jailed, and their most holy of worship places completely desecrated. In Iran, practicing Bahai's have been met with a rash of sudden executions. We have also learned about the violent terrorism against Christians in both Pakistan and Egypt, while the government of these nations have simply stood back and watched. So now that we know what is happening around us, what are we going to do about these on-going travesties of justice?

For me, the answer is as simple as this, we must take a stand on these important issues of principle. This bill, in my opinion, is a workable solution to these growing threats to religious freedom surging abroad. First of all, the bill does not exclude any religious groups from its protections. Whether you are Christian, Jew, Muslim, Hindu or something else, if you are persecuted because of your religious beliefs, this bill and its provisions will protect you. Furthermore, this bill is in no way mutually exclusive to any protections that may exist in current law for any other persecuted group. If you are persecuted for race, national origin, political affiliation or some other defining characteristic of personhood, existing federal law still addresses these concerns. Religion, I believe, because of the many on-going tragedies of persecution, terrorism and violence that I listed above, definitely deserves some form of special consideration and treatment. Thus, the necessity of creating a new federal sub-agency to be responsible for this volatile issue.

The newly created Office of Religious Persecution Monitoring in the State Department will be headed by a Director appointed by the President and confirmed by the Senate. This director should be recognized as an expert in the area of religious persecution and is barred specifically by the language of the bill, from holding any other federal position while serving in this capacity. More importantly though, this office is empowered by the bill to make findings of fact on any potential violations as discovered by the State Department and submit these findings to the Secretary (of State) and President with recommendations for action. Additionally, the office will create and issue an "Annual Report on Religions Persecution" that can be used by this Congress and other policy-makers to ensure that no oppression go un-noticed. This bill, in sum, is a powerful statement to nations of the world, that we will not countenance the rampant disregard of our fellow man's unalienable rights.

As for the bill's remaining provisions, in regard to the sanctions against aid given to countries that violate the religious freedom of their citizens; we should not, we must not, and we can not sit back and enrich governments that either conduct or condone the persecution of citizens on the basis of their religious beliefs. In all of our policy decisions, we need to show our displeasure with this kind of heinous conduct. This bill mandates that the President of the United States take action against all countries that engage in violations of religious freedom. It offers the President a list of options from which to choose an appropriate response, ranging from diplomatic protest to economic sanctions. That flexibility is important because it allows us to tailor our action so that more innocents are not hurt because of our mandated retaliation. Finally and importantly, this bill causes the creation of a structured asylum program for religious refugees a noble objective which is long overdue.

Millions of persecuted people around the world are waiting for this bill. I hope that we can send it to them unanimously.

CELEBRATING THE FRESNO BUSINESS COUNCIL'S 5TH ANNIVERSARY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise to today to congratulate the Fresno Business Council on the occasion of its fifth Anniversary. This dedicated group of community leaders plays an important role in the community.

The Fresno Business Council began with just seven members, pulled together by president Bob Carter, who set out to discuss the problems facing the community and what they could do to help. They began to organize and focus their efforts to assist the public sector in addressing the challenges faced by Fresno County. The Council currently has 125 members, each of whom is selected from the highest level of local executives in business or major institutions in the public sector.

The Council operates four standing committees: Crime, Jobs and Economic Development, Education and Public Policy and Government Relations.

As part of their work, Crime Committee members have assisted the Fresno Police Department in getting past political barriers to implement policies involving real property and burglar alarms. Through analysis and advocacy the Council provided merit-based arguments convincing the Fresno Bee not to pander to the public. In the coming year the focus of the council will be on consolidation of policing services whenever an improvement in efficiency or effectiveness can be demonstrated.

The Jobs and Economic Development Committee has a number of leaders, each putting their own mark on the agenda. Under its first chairman, Roger Flynn, the committee helped to create the one stop permitting center and began an incubator project. With Rich Olsson as chairman, the committee began exploration of permitting issues and training dollars. Current chairman Claude Laval has recently taken over the committee and they are now focused on regional strategic planning and collaboration among organizations.

The Education Committee has approached education in both comprehensive and specific ways. Committee members helped pass the Fresno Unified and Clovis Unified school bond measures, and sponsors Commission on the Future of Education in Fresno County with the County Office of Education. The Commission is studying all the aspects of how education is delivered in Fresno County.

The fourth standing committee is the Public Policy and Governmental Relations committee. It is through public and private partnerships that the Council implements its Agenda. The committee has hosted numerous meetings with elected officials to increase communication and build relationships.

Mr. Speaker I rise today to pay tribute to the Fresno Business Council in celebration of its fifth Anniversary. This group of leaders has done great things for the community. I urge all my colleagues to join me in wishing the Fresno Business Council many years of continued success.

EDUCATION DEBATE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my thoughts on the education debate that has consumed much of this Congress in recent days. For all the sound and fury generated by the argument over education, the truth is that the difference between the congressional leadership and the administration are not that significant; both wish to strengthen the unconstitutional system of centralized education. I trust I need not go into the flaws with President Clinton's command-and-control approach to education. However, this Congress has failed to present a true, constitutional alternative to President Clinton's proposals to further nationalize education.

It is becoming increasingly clear that the experiment in centralized control of education has failed. Even data from the National Assessment of Education Progress [NAEP] shows that students in States where control over education is decentralized score approximately 10 percentage points higher on NAEP's tests in math and reading than students from States with highly-centralized education systems. Clearly, the drafters of the Constitution knew what they were doing when they forbade the Federal Government from meddling in education.

American children deserve nothing less than the best educational opportunities, not warmed-over versions of the disastrous educational policies of the past. That is why I introduced H.R. 1816, the Family Education Freedom Act. This bill would give parents an inflation-adjusted $3,000 per annum tax credit, per child for educational expenses. The credit applies to those in public, private, parochial, or home schooling.

This bill is the largest tax credit for education in the history of our great Republic and it returns the fundamental principal of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the Federal Government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of Federal "educrats" while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with State control. Restoring parental control is the key to improving education.

Of course I applaud all efforts which move in this direction. the Gingrich/Coverdell education tax cut, The Granger/Dunn bill, and, yes, President Clinton's college tax credits are good first steps in the direction I advocate. However, Congress must act boldly, we can ill afford to waste another year without a revolutionary change in our policy. I believe my bill sparks this revolution and I am disappointed that the leadership of this Congress chose to ignore this fundamental reform and instead focused on reauthorizing great society programs, creating new Federal education programs (such as those contained in the Reading Excellence Act and the four new Federal programs created by the Higher Education Act), and promoting the pseudo-federalism of block grants.

One area where this Congress was successful in fighting for a constitutional education policy was in resisting President Clinton's drive for national testing. I do wish to express my support for the provisions banning the development of national testing and thank Mr. GOODLING for his leadership in this struggle. However, I wish this provision did no come at the price of $1.1 billion in new Federal spending. In addition, I note that this Congress is taking several steps toward creating a national curriculum, particularly through the Reading Excellence Act, which dictates teaching methodologies to every classroom in the Nation and creates a Federal definition of reading, thus making compliance with Federal standards the goal of education.

So, even when Congress resists one proposal to further nationalize education, it supports another form of nationalization. Some Members will claim they are resisting nationalization and even standing up for the 10th amendment by fighting to spend billions of taxpayer dollars on block grants. These Members say that the expenditure levels do not matter, it is the way the money that is spent which is important. Contrary to the view of these well-meaning but misguided members, the amount of taxpayer dollars spent on Federal education programs do matter.

First of all, the Federal Government lacks constitutional authority to redistribute monies between States and taxpayers for the purpose of education, regardless of whether the monies are redistributed through Federal programs or through grants. There is no "block grant exception" to the principles of federalism embodied in the U.S. Constitution.

Furthermore, the Federal Government's power to treat State governments as their administrative subordinates stems from an abuse of Congress' taxing-and-spending power. Submitting to Federal control is the only way State and local officials can recapture any part of the monies of the Federal Government has illegitimately taken from a State's citizens. Of course, this is also the only way State officials can tax citizens of other States to support their education programs. It is the rare official who can afford not to bow to Federal dictates in exchange for Federal funding!

As long as the Federal Government controls education dollars, States and local schools will obey Federal mandates; the core problem is not that Federal monies are given with the inevitable strings attached, the real problem is the existence of Federal taxation and funding.

Since Federal spending is the root of Federal control, by increasing Federal spending this Congress is laying the groundwork for future Congresses to fasten more and more mandates on the States. Because State and even local officials, not Federal bureaucrats, will be carrying out these mandates, this system could complete the transformation of the State governments into mere agents of the Federal Government.

Congress has used block grants to avoid addressing philosophical and constitutional questions of the role of the Federal and State governments by means of adjustments in management in the name of devolution. Devolution is said to return to State's rights by decentralizing the management of Federal programs. This is a new 1990's definition of the original concept of federalism and is a poor substitute for the original, constitutional definition of federalism.

While it is true that lower levels of intervention are not as bad as micro-management at the Federal level, Congress' constitutional and moral responsibility is not to make the Federal education bureaucracy "less bad." Rather, we must act now to put parents back in charge of education and thus make American education once again the envy of the world.

Hopefully the next Congress will be more reverent toward their duty to the U.S. Constitution and America's children. The price of Congress' failure to return to the Constitution in the area of education will be paid by the next generation of American children. In short, we cannot afford to continue on the policy road we have been going down. The cost of inaction to our future generations is simply too great.

IN HONOR OF THE PIONEER TOTAL ABSTINENCE ASSOCIATION OF THE SACRED HEART OF JESUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the 100th anniversary of the Pioneer Abstinence Association of the Sacred Heart. Pioneers promote a pure and Christian way of life through temperance and virtue.

Founded in 1898 in Dublin, Ireland, the Pioneer Total Abstinence Association of the Sacred Heart was created to encourage a pristine lifestyle among its members, while striving to preserve tradition and uphold membership obligations. Each member of the PTAA belongs to one of the four membership categories, each with their own distinct emblem pin and membership certificate.

Much of the membership in the PTAA is centered around the youth of the world. Each phase of the youth membership, which is divided into three categories, is designed to teach young members how to live a pure and Christian life. The Juvenile Pioneer (age 9–12 years), Junior Pioneer (age 12–15 years) and the Young Pioneer (Age 15 and upwards) pledge never to abuse drugs and prepare themselves to become permanent Pioneers. Permanent Pioneers act as mentors to the youth, pledge to abstain from alcohol for life, and must complete one year of total abstinence. In addition to their membership obligations, permanent Pioneers dedicate themselves to enhancing and strengthening the youth of the world as well as supporting victims of drug and alcohol abuse.

Today, the PTAA has over 500,000 Pioneers in the United States and around the world. Structured on spirituality, leisure, education and training, youth, centenary and finance, the Pioneers have managed to maintain a strong tradition throughout history and they continue to spread their membership around the globe.

My fellow colleagues, join me in honoring the Pioneer Total Abstinence Association of the Sacred Heart of Jesus, an organization that has lifted spirits, restored faith and purified lives all over the world.

TRIBUTE TO ROGER HAGERTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. MCINNIS. Mr. Speaker, I rise today to recognize the achievements of a gentleman who embodies the virtue of service above self.

He is a role model and example to his friends and peers throughout his community of Grand Junction, Colorado.

Roger Hagerty, a long-time resident of Grand Junction, received the Volunteer of the Year Award for 1997 by the Colorado Division of the American Cancer Society. This honor was given in recognition of his extraordinary efforts in the fight against cancer. He exemplifies the word volunteer. Roger Hagerty frequently visits with patients and inspires them with his own personal battle with cancer. He labors as a Resource Information and Guidance Counselor at the local American Cancer Society office three afternoons per week. Mr. Hagerty also serves as Chairman of the Legacy and Planned Giving Program, conducting several seminars each year. Furthermore, he has been chosen to lead still other endeavors such as the jail and Bail program and the organization's annual Golf Tournament Fund Raiser in Grand Junction. Finally, Mr. Hagerty serves as an advocate and speaker on television and radio promoting the American Cancer Society's programs.

Roger Hagerty is the embodiment of American patriotism. He is responsible for the local Veteran's Day parades and remarkably, Mr. Hagerty still fits into his 35 year-old military uniform. He is also politically active in and around the community. Besides serving as Treasurer for the local Sheriff's campaign, he also regularly participates in raising money for various local organizations. Friends and family claim that the Hagerty's home telephone never stops ringing as they work to help others.

In addition to his volunteer activities with the American Cancer Society and other organizations, Roger Hagerty assists his wife Eva, also a cancer survivor, who is the honored coordinator for the Reach To Recovery program. This effort specifically targets breast cancer patients by advocating for regular health checkups. Mrs. Hagerty also works tirelessly on behalf of others, and is often found actively participating in community health fairs and screenings.

I ask my colleagues today to join me in commending Roger Hagerty for his integrity and dedication in the service of others. His selfless acts have indeed made a difference to many, and serve as an excellent example of what is best in our society. His work has been invaluable to the Grand Junction community. I wish him and his family continued health and success in the future.

AMENDING OUTER CONTINENTAL SHELF LANDS ACT

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. CASTLE. Mr. Speaker, I rise today to express my strong support for H.R. 3972, a bill to amend the Outer Continental Shelf Lands Act to prohibit the Interior Secretary from charging state and local government agencies for certain uses of the sand, gravel, and shell resources of the outer continental shelf.

For too long, Congress has treated outer continental sand resources differently than other minerals under federal control. While land-based oil and gas royalties are shared with states and off-shore oil and gas royalties are shared with state critical habitat land acquisition programs, royalties from off-shore sand resources are not shared with the states. In fact, coastal states are taxed for using these resources, which adds to the already expensive task of beach restoration. This bill is a compromise. It does not ask the federal government to share royalties from the sale of sand and gravel. Instead, it treats state and local governments the same as the federal government treats itself by exempting them from burden of the sand tax.

In addition to the fairness this restores to the coastal states dependent on sand resources to replenish their beaches, this bill enhances environmental protections in our coastal waters. Under the current system, states are not charged for sand mined within three miles of their shores. This creates an incentive to find sand resources within the three mile zone. However, years of industrialization has made some sand unfit for beach restoration use. Furthermore, fragile aquatic ecosystems can be disrupted if sand is removed from these critical areas. Although state environmental agencies are careful to study the environmental impact of their shore protection operations, financial interests and the need for environmental protection are sure to clash in the long run. This bill will give state environmental protection agencies a broader tax-free area to find suitable sand deposits for much needed shore protection projects, while maintaining the health of fragile ecosystems.

Last year, Virginia Beach had to pay over $200,000 in taxes for 1.1 million cubic yards of sand from the outer continental shelf. In fact, because they could not afford the increased cost, they had to scale back the shore protection project. This project will now have a shorter useful life and will require the local government to replace the project earlier than planned at a much higher cost. In the past, before the sand tax was imposed in 1997, environmental officials in my state of Delaware authorized mining of sand beyond the three mile zone. It is only a matter of time before environmental concerns will force them back to the outer continental shelf. Without this bill, Rehoboth Beach, Dewey Beach, Bethany Beach, Lewes Beach, and Broadkill Beach shore protection projects will all have to be scaled back to accommodate the federal government's sand tax.

The federal government does not charge its own agencies for using outer continental sand and royalties for other mineral resources are shared with the states. At the very least, we should agree not to charge state and local governments a tax for using outer continental sand and gravel. Vote for this bill. It is a vote for fairness to the states and sound environmental policy.

OMNIBUS VETERANS BILL

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. GUTIERREZ. Mr. Speaker, I rise today in support of the Veterans Programs Enhancement Act of 1998. I commend Chairman STUMP and Ranking Member EVANS for their tireless effort in producing this important legislation.

I also compliment the staff of both the House and Senate Veterans' Affairs Committees. Their hard work and dedication to our veterans has made this legislation possible.

People outside of this building are often unaware of the vital role staff play in the legislative process. They should not be. Our veterans should know how hard the veterans committee staff works for them each day. I hold this bill up as testament to their efforts.

Mr. Speaker, for much of this year I was not sure what this Congress would be able to accomplish on behalf of our nation's veterans.

I would venture to say that this Congress's record on veterans issues has been mediocre at best. Funding for veterans health care was cut again, medicare subvention was not achieved and veterans benefits were slashed to fund highway construction.

But in the end, with the passage of this legislation, we will be able to point to some notable achievements on veterans issues this year.

With this bill, we establish a precedent for the presumptive treatment and compensation of Persian Gulf War veterans.

I have long felt that we must give our Gulf War veterans the benefit of the doubt when it comes to health care and service connection. This bill helps us reach this goal that I have long called for.

In addition, this legislation helps prepare us to provide quality treatment for the veterans of future conflicts.

We were unprepared for the aftermath of the Gulf War.

However, by establishing a National Center for the Study of War-Related Illnesses, this bill helps prepare our veterans health system for the aftermath of future conflicts.

This bill also extends the VA's authority to treat the medical problems afflicting Gulf War veterans until 2001. We know we are not through dealing with the health problems confronting Gulf War veterans and I am pleased to see this fact recognized in this legislation.

The VA's sexual trauma treatment program, a program that I have advocated for throughout this session, is also reauthorized by this bill. During the past two years, the reality of sexual abuse and harassment of women in the military has come to light. It is only right that we maintain the VA's capacity to offer the victims of these crimes the treatment they need and deserve.

In addition, I am also pleased by this bill's provisions regarding educational opportunities, housing and medical construction at veterans hospitals. The reforms contained here are necessary and well-intentioned and should contribute to the welfare of veterans throughout America.

I am proud to support this bipartisan bill. And I urge my colleagues in the House to support this legislation as well.

A TRIBUTE TO MEARLE HEITZMAN

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to an entrepreneur who operates a successful restaurant in the Central Valley. Mearle Heitzman of Tulare County was recently recognized for his achievements by the Central Valley Chapter of the California Restaurant Association at its third annual Diamond Cuisine Awards Banquet.

Mearle Heitzman, originally from Utah, has managed several local restaurant establishments in the Central Valley since 1948. Mr. Heitzman has been honored by the California Restaurant Association as an inductee into its Hall of Fame.

Since 1960, Mr. Heitzman has owned and operate Mearle's College Drive-In Restaurant across from the College of The Sequoias in Visalia, California. With his relentless penchant for hard work, Mr. Heitzman has turned his restaurant into a highly successful and well-known fixture, in the Central Valley. President Richard Nixon is among the various celebrities to have visited Mearle's College Drive-In Restaurant.

Mr. Speaker, I would ask my colleagues to join me today in congratulating this businessman for his remarkable achievements and in recognition of his service to the community.

TRIBUTE TO GORDON W. "RED" LARSEN BY HIS WIFE

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. HILLEARY. Mr. Speaker, please enter into the RECORD today the enclosed material written by Mrs. Betty Larsen and sent to me by Mrs. June Griffin of Dayton, Tennessee.

Gordon W. "Red" Larsen was born in Charleston, South Carolina, on September 13, 1927 to George Oliver and Marguerite Hochslander Larsen. He spent part of his childhood in Sommerville, South Carolina. His great-grandfather, whom he knew while a child, was a shipwright, which may have had some influence on his choice of the Navy for his military service.

His parents separated and his mother took Red and his two older brothers, Herman and George, to New York City. Red spent his teen years in what was known as "Hell's Kitchen" and became a big city street-wise. This area has since been torn down and replaced with what we know today as Lincoln Center for the Performing Arts.

Red enlisted in the Navy near the end of World War II. He worked in communications as a signalman, worked for some time as a submariner, and was trained in underwater demolition. He eventually gained the rank of CPO. He was in the Navy for 13 years, traveling to many different places throughout the world, and also saw service in the Korean War.

In the early 1970's, Red became concerned with the legitimacy of several aspects of our Government's actions, especially pertaining to the Federal income tax. He spent considerable time and effort studying, researching and talking with various sources. He also assisted several persons with tax difficulties. One of the results of his studies was an 83-page book, written in the late 1980's, Slavery, American Style. The book discusses in some detail the unconstitutional nature of our current income tax system.

Another interest was our individual rights and freedoms as American citizens, including property rights. Red also made a significant contribution to several communities in demonstrating the unconstitutionality of zoning laws.

In 1944, Red moved to Tennessee for its warmer weather and excellent State constitution. The first article in the Tennessee State Constitution is its Bill of Rights. He continued his studies and contacts with other patriots, and was starting to publish a series of newsletters entitled "Truth Bird Reports." Only one report had been published at the time of his death on July 7, 1998.

A memorial library which will contain many of Red's books and papers will be established in Altamont, New York, at the home of a long time friend.

SENSE OF THE HOUSE REGARDING MURDER OF MATTHEW SHEPARD

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am here today to say that this Nation and the United States Congress cannot tolerate intolerance. Earlier this week, on October 15, Matthew Shepard, a gay University of Wyoming student who was pistol-whipped and lashed to a fence post in a vicious attack, died from his injuries without regaining consciousness. I want to express my condolences to Matthew's parents, Judy and Dennis, and to the entire Shepard family. This is another example of a hate crime.

This brutal attack against Mr. Shepard is not an uncharacteristic, once-in-a lifetime manifestation of bitter hatred. Hopefully, we can see it for what it really is—merely the tip of the iceberg. This gruesome attack illustrates the prejudice and hatred that still exists in our society today. Just when you think America may be beginning to change its long-standing intolerant ways, a volcanic eruption of hatred and prejudice spews forth, and a man like Matthew Shepard is brutally attacked because of his sexual orientation.

The public outrage surrounding this brutal attack has motivated Representative CUBIN to introduce the Matthew Shepard Resolution. Although I agree that we as Members of Congress should express our outrage at the barbaric act of violence against Matthew Shepard, I hope that we can enact additional legislation which really focuses on the issue of hate crimes including those against gays and lesbians in our communities. I hope that this painful and devastating incident will motivate the Congress to pass H.R. 3081, the "Hate Crimes Prevention Act," which would expand Federal jurisdiction to reach serious and violent hate crimes. Under the bill, hate crimes that cause death or bodily injury because of prejudice can be investigated federally, regardless of whether the victim was exercising a federally protected right. This hate crime mirrors the hate crime that took place this summer in Jasper, Texas; the murder of James Byrd.

In fact, with each passing year we must endure hearing horrible tales of hate-related crimes. Working under the Hate Crime Statistics Act (HCSA), the FBI revealed that 8,759 hate crime incidents were reported to local authorities in 1996.

Over 1000 incidents of hate crimes were directed at gays and lesbians during 1996. From 1991 through 1996, the percentage of hate crimes related to sexual orientation increased from 8–11%. Hate crimes committed in recent years include intimidation, simple assault, aggravated assault, murder, and forcible rape.

Unfortunately, the FBI's statistics actually underestimate the sheer magnitude of the hate crime crisis. Their figures are misleading because less than half of law enforcement agencies report hate crimes and only 1,150 record incidents. Moreover, organizations such as the Anti-Defamation League (ADL) note that law enforcement agencies covering more than 40% of the American population are not included in the FBI's statistics.

It would be unjust, however, to reduce the horrific reality of these attacks to mere numbers. Of the 8,579 hate crimes reported, each one represents an appalling and disturbing story such as the murder of Matthew Shepard.

In my own city of Houston, Texas, I listened in sorrow as I was told about the death of a gay man, Mr. Fred Mangione, who was stabbed 35 times by members of a neo-Nazi organization in January of 1996. Currently, there are Hate Crime Laws including sexual orientation on only 21 states and the District of Columbia. My home state of Texas seems unclear about these laws, and how to prosecute them, and there are 8 states where Hate Crime Legislation, whether racially or anti-homosexually motivated does not even exist.

Current law (18 U.S.C. 245) permits Federal prosecution of a hate crime only if the crime was motivated by bias based on race, religion, national origin, or color, and the assailant intended to prevent the victim from exercising a federally protected right. The Hate Crime Prevention Act which was introduced by Rep. SCHUMER and Rep. MCCOLLUM must be adopted by this Congress. This bill would amend current Federal law to include real or perceived sexual orientation, gender and disability so that the FBI would be able to investigate and prosecute violent hate crimes against gays, lesbians, and bisexuals. Current law already allows investigation and prosecution on the basis of race, religion, national origin and color.

Each year, we endure hearing that 6 out of every 10 persons are physically attacked because of their race, bias against blacks accounting for 38% of the total. Gays and Lesbians of all ethnicities must also face the risk of attack and prejudice. We simply cannot tolerate the status quo; we cannot accept that our current situation is "the best that we can do." We rail against foreign nations such as China and deride them for their inhumane practices. Yet, how can we criticize them when similar acts occur on our own soil?

This Congress must send a clear message to the American people that we will not tolerate hate crimes anymore. In the year 1998, it is truly absurd that we must warn people of color, and you have a different sexual preference that is different from our own, to walk in groups because, in our society, it simply is far too dangerous to walk alone. We have endured far too many atrocities, and we have feared for our lives for long enough. We must work together and take a stand.

Congress has an opportunity to pass the Hate Crimes Prevention Act on suspension before we leave this Congress, without a committee vote. I call on the Republican leadership to act swiftly and decisively to end the bitter hatred that is rooted in our society. We cannot tolerate intolerance!

HONORING LIVESTOCK MAN OF THE YEAR

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate John Harris on being named "Livestock Man of the Year by the California State Chamber of Commerce. A longtime leader in the livestock and horse industry, John will be honored during "Cattlemans Day" at the fifty-fourth Grand National Rodeo, Horse and Stock Show.

John Harris is being honored for his extensive involvement in agriculture. He serves as the vice chairman of the Cattle PAC. In the past John has served as a member of the Operating Committee of the Beef Board, chairman of the California Beef Council and a board member of the California Cattlemans Association.

As a rancher John Harris heads one of the largest and most diverse farming operations in the Central Valley. Founded by his father Jack Harris in 1937, Harris Farms employs more than 1300 people. Harris Farms can feed more than 100,000 head of cattle at a time, as well as processes more than 200,000 head per year, from their well known Colinga location. Harris is also a leader in developing foreign markets for American beef. Harris Farms exports to many countries, particularly Japan.

Harris Farms is also active in breeding and racing thoroughbred horses. It has produced more than 20 stakes winners and produced four California champions.

Mr. Speaker, I rise today to pay tribute to John Harris as he is honored as Livestock Man of the Year by the California State Chamber of Commerce. John Harris has played a vital role in the business community and I ask all of my colleagues to join me in wishing him continued success in the future.

HATE CRIMES AND INDIVIDUAL RIGHTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PAUL. Mr. Speaker, I commend to my colleagues in Congress as well as citizens everywhere an article authored by Richard Sincere, Jr., President of Gays and Lesbians for Individual Liberty. Mr. Sincere aptly describes how the very essence of hate crimes undermines a pillar of a free and just society; that is, equal treatment under the law irrespective of which particular group or groups with whom an individual associates. Ours is a republic based upon the rights of the individual.

[From the Houston Chronicle, Oct. 14, 1998]

GAY STUDENT'S MURDER IS NO REASON TO MAKE BAD LAW

(By Richard E. Sincere, Jr.)

The wicked murder of Matthew Shepard by two thugs, assisted by two equally contemptible accomplices, has resurrected a debate about the need for hate-crime laws.

Shepard, an openly gay University of Wyoming student who had been widely praised for his talents, ambitions and personality, last week was beaten senseless and left for dead, tied up like a scarecrow along a fence on a little-traveled country road. Miraculously, he was found by passers-by many hours after the attack, still struggling for life when he was rushed to a hospital in Fort Collins, CO, where he died Monday while on life support.

Local law enforcement officials in Laramie, WY, where the crime took place, quickly arrested the alleged perpetrators—two men who performed the assault and two women who helped them hide their deed—and it looks like they will be punished to the full extent the law allows if they are convicted. With Shepard's death, they face a possible death sentence.

Laramie, a university community of 27,000 people, is feeling both shame and outrage, a sentiment shared by all right-minded people throughout the country, indeed around the world. News of this brutal assault has appeared everywhere in print and broadcast media.

The crime against Shepard has renewed calls for passing hate-crime legislation, both in Wyoming and nationwide. Wyoming Gov. Jim Geringer and President Bill Clinton have said that this attack shows the need for such laws.

This would be a mistake. It would be a mistake because hate-crime laws, however well intentioned, are feel-good laws whose primary result is thought control, violating our constitutional guarantees of freedom of speech and of conscience. It would be a mistake because it suggests that crimes against some people are worse than crimes against others. And it would be a mistake because it uses a personal tragedy, deeply felt by Shepard's family and friends, to advance a political agenda.

Hunter College Professor Wayne Dynes, editor of the Encyclopedia of Homosexuality, notes that hate-crime laws, if they are to be applied in a constitutional manner, must be content-neutral. He notes this example: "Countless numbers of people, aware of the unspeakable atrocities under his leadership, hated Pol Pot. This hate was surely well warranted. If one of the Pol Pot haters had killed him, would this be a hate crime? Why not?"

Dynes adds: "In seeking to exculpate the killer, we would get into the question of whether some hate is 'justified' and some is not." He concludes that hate-crime prosecutions "will be used to sanction certain belief systems—systems which the enforcer would like, in some Orwellian fashion, to make unthinkable. This is not a proper use of law."

Under our system of justice, everyone is equal before the law. Those accused of crimes are entitled to certain constitutional protection, which we must cherish, and the victims of a crime—whether a Bill Gates or the poorest street-sweeper in a slum—are entitled to the same respect. (In the Middle Ages, the law required a greater punishment for killing a rich man or noble than it did for killing a peasant or a laborer. Our law recognizes no such distinctions.)

So, too, with class- or group-based distinctions. Is it worse to kill a man because he is foreign-born than it is to kill him to steal his car? Is it worse to kill a woman because she is black than because she cut you off in traffic? Is it worse to beat up a fat sissy boy if the bullies think their victim is gay, or if they dislike him because he is fat? Crime is crime; assault is assault. All deserve punishment.

Hateful thoughts may be disagreeable, but they are not crimes in themselves. The crimes that result from hateful thoughts—whether vandalism, assault or murder—are already punishable by existing statutes.

In a speech at the University of Texas last year, libertarian activist Gene Cisewski said: "We should be anti-violence, period. Any act of violence has to be punished swiftly and severely and it shouldn't matter who the victim is. The initiation of force is wrong and it doesn't matter why—the mere fact you had a motive is enough."

Cisewski acknowledged the good intentions of those who propose hate-crime laws. He noted that "the reason for the call for (such laws) comes from bad enforcement of the laws." Police and prosecutors have been willing to look the other way when victims came from unfavored groups. Luckily, in the Shepard case, the authorities seem unwavering in their prosecution. This is, unfortunately, not always the case.

The answer, Cisewski suggested, and I agree, is that "we hold every law enforcement official and every court official who administers justice to the standard that every American is guaranteed equal protection under the law."

Hate-crime laws set up certain privileged categories of people, defined by the groups to which they belong, and offers them unequal protection under the law. This is wrong. It is sad to see a young man's personal misfortune used by various special-interest groups to advance such an agenda.

We are all shocked and dismayed by the assault on Shepard. Such brutality cannot, should not be countenanced. Let us not multiply the crimes of his attackers by writing bad law in response.

RECOGNIZING CONTRIBUTORS TO THE PASSAGE OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. WOLF. Mr. Speaker, on Saturday, October 10, the House of Representatives cleared for the President's signature the International Religious Freedom Act, H.R. 2431. The Senate had approved the measure by a unanimous vote of 98–0 on Friday, October 9.

During floor debate on the measure, I thanked a number of people who helped bring this legislation to fruition. I today want to pay tribute to the work of Michael Horowitz, senior fellow at the Hudson Institute; A.M. Rosenthal of the New York Times; and Anne Huiskes, senior legislative assistant on my staff.

First, I want to commend the work of Michael Horowitz. The movement against Christian persecution which has sprouted in the American Christian community in recent years can be credited, in part, to the leadership, vision and voice of Michael Horowitz.

When he first learned about the injustice taking place against Christians around the world he set about trying to foster change. His experience as a Washington insider, a former Reagan Administration official, and a veteran of the fight against anti-Semitism in the Soviet Union provided a unique insight.

In a 1995 op-ed in the Wall Street Journal titled "Between Crescent and Cross," Horowitz asked how America, and the American government, could remain silent when "the evidence of growing and large-scale persecution of evangelicals and Christian converts is overwhelming."

From there, he helped launch a crusade to raise awareness about anit-Christian persecution abroad using the campaign against Soviet anti-Semitism as the model. He joined with many others who were calling for change, and what developed was a movement spawning greater awareness about persecution against people of all faiths. He has helped turn this issue into one of the most under-reported and obscure issues in Washington, to one of the most compelling human rights issues of the day.

Because of the work of Michael Horowitz and many others, the United States government, for the first time in history, has a comprehensive policy to deal with the issue of religious persecution overseas. His voice and vision have helped millions of Christians, Muslims, Bahai's, Tibetan Buddhists, Jews, Hindus and other people of faith seeking to live and worship in peace.

I also want to applaud the work of A.M. Rosenthal, former editor-in-chief of the New York Times and one of the most prominent figures in 20th century American journalism. I have been told that since 1994, Rosenthal has dedicated 31 of his weekly columns in the New York Times to the issue of religious persecution—asking why more is not being done, prodding policymakers to stand up for the persecuted and pricking the conscience of all those who read his eloquent words. He talked tough and spoke the truth. He did so courageously, and with authority. He has truly been the voice for the voiceless around the world.

Finally, I pay tribute to Anne Huiskes of my staff, who deserves so much credit for helping to move this measure forward. Our colleagues know that any measure of success we as Members achieve must be shared with the staff who support us and our constituents in our work in Congress. Anne's work on my staff has focused in the area of human rights, and she has poured her heart and soul into this legislation, as well as so many other human rights issues, over the years.

She has pleaded the case for persecuted religious believers around the world, bringing people and groups together toward the common goal of speaking out for those who have been silenced because of their faith. When it seemed the darkest, when it seemed there was only a flicker of hope that this legislation would survive, Anne was always there—pushing and pulling, cajoling and inspiring, never giving up. She truly believed that passage of this legislation would help save lives.

As I said in my statement on October 10, so many people are responsible for the passage of this legislation. I thank them all for their efforts. They have made a difference for people of faith around the world.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. HOYER. Mr. Speaker, I enthusiastically rise to join my colleagues in praising the passage of legislation renaming the North/South Center at the University of Miami for my friend and our former colleague and Chairman of the House Foreign Affairs Committee, Dante B. Fascell. This legislation is well deserved. The North/South Center should bear his name, for he was its creator.

Dante, now 81 years old and living in Clearwater, Florida, served in the House for 38 years, from 1954 through his retirement in 1992, representing South Florida with dignity, reverence for his office, and the rare ability to please all the members of his diverse constituency. He was one of the most respected Members during the time he served in Congress, and I am pleased to have had the opportunity to work with him and to learn from him.

Known as an outstanding legislator and negotiator, Dante fine-tuned his interest in foreign affairs with his particular focus on Latin America and the Caribbean. He conceived of the idea for the North/South Center, a scholarly institution for the free exchange of views to promote understanding, cooperation and democracy in the region. This idea became reality in 1990. Importantly, ahead of his time, Dante had the clairvoyance to see the increased interdependence of the two hemispheres, and that trend's connection with the City of Miami.

The North/South Center at the University of Miami has turned Fascell's ideas into reality. The school plays an invaluable role in helping the Administration and federal agencies conduct American public policy, and is called upon frequently to present its views. Moreover, it provides research, public outreach, and cooperative study opportunities on a variety of timely issues, as well as education and training programs for scholars and others throughout the Western Hemisphere.

I applaud the decision of the University of Miami to rename the North/South Center in honor of Dante B. Fascell. It's new name will ensure that the contributions of this fine public servant to the common good of South Floridians, and the nation, will always be at the forefront of our minds.

ALL-USA TEACHERS FROM COLUMBUS, GEORGIA, HONORED

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. COLLINS. Mr. Speaker, I rise today to congratulate five teachers from Columbus, Georgia, who have been selected from over 600 of their colleagues to be honored for their outstanding commitment to our children.

Coleen Cotton, Deborah Greene, James Pippin, and Amy Willis of Arnold Middle School are among the twenty-three teachers named to the "USA Today's All-USA Teacher Team." Nicknamed the "Dream Team," the four have worked together to integrate their school subjects (language arts, science, social studies, and math) in order to make learning relevant for their students. The symbol of their creation is a ball of yarn 37.5 feet in diameter.

An example of the yarn's usefulness as a learning tool was described in yesterday's USA Today. "The project has snowballed since the yarn ball was started seven years ago. Last year, Amy Willis' math classes calculated the mathematical qualities of the ball, predicted that year's expansion and estimated its weight. Debbie Greene's science classes learned about yarn's role in textiles, a Columbus industry. Jim Pippin's social studies classes investigated similar large balls of yarn and twine. And Coleen Cotton's reading classes read some 'yarns.'"

I also extend my congratulations to Nan Pate of Brookstone School in Columbus on being awarded with an "All-USA Honorable Mention."

These five teachers from Columbus, Georgia, represent the kind of devotion and ingenuity that is needed to take our country and our children into the 21st century. It is these teachers, and others like them, who will strive to make our education system the best in the world. I thank them for their commitment, and I congratulate them on their excellence.

TRIBUTE TO THE POVERELLO HOUSE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Poverello House on the occasion of its 25 year Silver Anniversary. the Poverello House is known throughout the Central Valley for its charitable work.

The Poverello House was started in 1973 when Fresno newcomer Mike McGarvin began feeding 30 street people out of a van in Fresno's Chinatown. Today the Poverello House serves over 1000 meals a day at its downtown building. The program also distributes 65,000 meals a year to local churches. Mr. McGavins vocation has grown beyond feeding the hungry. Now the uninsured receive free medical and dental care. In addition, recovering alcoholics and drug addicts live at Poverello House and homeless men spend the day there.

Mike McGavin's work with the poor began in the late 1960s in San Francisco, where he stumbled onto a coffee shop for the homeless. At the time he was a customer. With the help of the Franciscan priest who ran the program McGavin began volunteering. McGavin wanted to atone for the trouble he had caused as a teen in the Los Angeles gang and as a drug addict in San Francisco. Mike moved to Fresno and it is here that he began feeding the homeless of Chinatown. In 1981 a business man donated $60,000 that went towards the purchase of buying a building in Chinatown. A $1.3 million renovation doubled the building in 1992. The larger building now houses a resident program which allows 28 men to live at the house for a period of six months. In addition five men may stay at a halfway house northwest Fresno for as long as two years.

Mr. Speaker I rise today to honor Mike McGavin and the Poverello House for 25 years of service to the community. Mr. McGavin has turned the atonement for his past into one of the finest charitable institutions in Fresno. I urge all of my colleagues to join with me in wishing Mike McGavin and the Poverello House many more years of continued success.

TRIBUTE TO JOHN J. SCHIFF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. PORTMAN. Mr. Speaker, on October 14, the Greater Cincinnati area lost one of its finest community and business leaders. John J. Schiff, the founder of Cincinnati Financial Corporation, passed away at the age of 82. A devoted family man, he was married to Mary Reid Schiff for 50 years and had three children. His business achievements and philanthropic acts left a lasting impression on everyone who knew him, on the insurance industry, and on the entire Cincinnati community.

Mr. Schiff epitomized the American dream and embodied the idea that with dedication and hard work, anything is possible. What began as a small business which employed only Mr. Schiff and an assistant, grew into a thriving company of 2,700 employees with yearly earnings of $300 million.

Mr. Schiff was born in Cincinnati in 1916 and graduated from Ohio State University in 1938. After returning home from valiantly serving his country in the Navy during World War II, he founded his own company, the John J. Schiff Agency. It was then that he began to visualize a better, stronger, company.

With personal relationships, an unwavering work ethic, and intense loyalty serving as the foundation, he and his brother Robert, along with two other investors, formed the Cincinnati Insurance Company. The company focused on selecting the best agents to represent the company, and provided them with the highest level of service and support. He was dedicated to making life better for his associates, agents, community, policy holders, investors, and friends.

Mr. Schiff's business savvy was second only to his unwavering philanthropic efforts to better his community. He was dedicated to civic, educational, and artistic endeavors. Many organizations benefited from his zeal, including: the Museum Association, Junior Chamber of Commerce, the Music Hall Association, the 1788 Club, Deaconess Hospital, the Salvation Army, and Shiloh Community Methodist Church, just to name a few. He was very active with his Alma Mater, Ohio State. He was recognized as a Great Cincinnatian by the Chamber of Commerce, Man of the Year by the Insurance Board, and was presented the Founders' Day award by Xavier University, where he was awarded an Honorary Doctor of Humanities degree.

Mr. Schiff's success is proof positive to all of us that with hard work, dedication and a strong will to succeed we can attain almost any goal we strive for.

TRIBUTE TO OWNER-OPERATED INDEPENDENT DRIVER ASSOCIATION AND PRESIDENT JIM JOHNSTON

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. BLUNT. Mr. Speaker, the Owner-Operator Independent Driver Association (OOIDA) represents over 40,000 small business professional truckers across America. On October 9, OOIDA celebrated 25 years of service at the grand opening of their new headquarters in Grain Valley, Missouri.

I would like to submit the following speech, which was delivered before the celebration by OOIDA Secretary Robert E. Esler, for the CONGRESSIONAL RECORD. This speech is a special tribute to recognize the hard work and dedication of OOIDA President Jim Johnston.

HELP!!! . . . This was the cry that was being heard from the East Coast to the West Coast. From the Northern border to the Southern border the sound resonated throughout the land. WE NEED HELP. Owner-operators, independents, and truckers in general were fed up with the way things were going in the early seventies. Fuel prices were escalating. Taxes were soaring. Rates were not keeping up with the ever-increasing costs. Government rules and regulations were becoming more and more unbearable. What can we do was the cry. Something has to be done. We can not continue on under these circumstances.

For as many questions there seemed to be as many answers. Owner-operator groups were springing up everywhere, each with their own agenda. Each group was sure that they could get immediate solutions to their specific problems. Either by public demonstrations or, as simple as it seemed, by calling on their local legislators. Surely, after bringing attention to their plight, the powers that be would see how wronged and mistreated they were and as if by magic make their problems go away. Oh how wrong they were. There were many pitfalls on the road ahead.

One such group was formed in 1973. This group went through some rough times getting organized. Trying to get a bunch of disgruntled truckers to agree on anything was like getting three lawyers to share the same viewpoint; it ain't going to happen. After a couple of years of floundering it became evident that they lacked an essential ingredient, leadership. Sure there were people elected to be leaders but none seemed up to the task. It got so bad that no one wanted to be in charge and lead. This is where the right man was at the right place at the right time. One man stood up and faced the challenge.

It was his vision that Owner-Operators should be treated as equals in the trucking industry. Not only from a governmental view point but also from the Motor Carrier industry as well. This became his focus and thus became his mantle. He has been able to do what no other person has done. And that is, take a group of owner-operators that were on a course to nowhere and turn them around. His leadership has enabled them to chart a course that has taken them to a position of being the largest, longest running, and most successful owner-operator group to date.

Where do such leaders come from? They come from the midst of our ranks. They have the unique ability to recognize a need, the vision to see a solution and the persistence to overcome obstacles. Each has a different style of leadership but they all have one specific element, focus. Focus on the job until it gets done. And without question they will all tell you the job never gets done. There is always a new task to face.

Such is a man named Jim Johnston who, nearly twenty-five years ago took a job nobody wanted. He faced the challenge. And, through years of dedication and hard work dramatically changed the course of events that now places the owner-operator on a level-playing field with all segments of the trucking industry.

On behalf of the Members, Board of Directors, and Staff of Owner-Operator Independent Drivers Association I would like to say, "Jim we all look forward to the next twenty-five years. Thanks for being the right man at the right place at the right time."

THANK YOU RAY AND JUDY DANNER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. GORDON. Mr. Speaker, today, I want to congratulate and express my appreciation to

Ray and Judy Danner for their service to the people of Tennessee.

Forty years ago, Ray Danner came to Tennessee from Louisville, Kentucky to open a Shoney's Franchise in Nashville. During the next thirty years Ray grew Shoney's into one of the largest and most successful restaurant chains in our country's history.

Almost twenty-five years ago Ray was joined in marriage with Judy Danner. Together they have made unlimited contributions to the cultural, educational, and social fabric of their community.

In 1987, Ray retired from Shoney's and started the Danner Company, an investment and management firm. In a scant ten years, his venture has spawned more than forty companies, with over four thousand total employees worldwide and gross revenues in excess of five hundred million dollars.

Ray and Judy Danner represent the best of what our country has to offer. They firmly believe in the value of hard work, a loving family, a dedication to their community and a faith in God.

It is a pleasure to join their many friends in recognizing Ray and Judy Danner's service to Tennessee and I wish them the best in the years to come.

UAB RECOGNIZED AMONG AMERICA'S BEST HOSPITALS

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. BACHUS. Mr. Speaker, the University of Alabama at Birmingham is one of our Nation's premiere medical research universities, and one that I am proud to represent in the Sixth District of Alabama. This institution should be particularly commended for its recognition in U.S. News and World Report's 1998 Guide to America's Best Hospitals.

UAB is recognized as outstanding in five of the sixteen specialties rated by U.S. News and World Report. These specialties are cardiology and cardiac surgery, geriatrics, gynecology, pulmonary disease, and rheumatology. To be named as among the best within these categories out of the Nation's 6,400 hospitals is certainly an outstanding achievement which speaks highly of all the faculty, staff, and employees of UAB. The contributions this institution makes to the Sixth District, the State of Alabama, and people all over the country are highly commendable.

I recognize and honor UAB not only in the five areas acknowledged by U.S. News and World Report but for all the outstanding contributions made in the areas of medicine and health care to the community and to the country. Congratulations to all of those at UAB who work daily to improve the lives and health of Americans.

INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

SPEECH OF

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. CLEMENT. Mr. Speaker, we are poised on the brink of a historic vote to help millions of our persecuted brothers and sisters of faith around the world. The words of our first President George Washington ring out across the years, as if written to us for this day: "I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution."

Yesterday, with historic unity and courage, the Senate voted 98 to 0 stand against the horrors of religious persecution. I rise now, after more than a year of work on this bill, in heartfelt support for the International Religious Freedom Act. Let us finish the job. With one voice let us tell religious believers around the world that we have heard their cries and seen their suffering. And let us with one voice tell persecuting regimes around the world that we will not be silent, and that we will not let their crimes go unchecked.

Even as we speak, there are those suffering torture, imprisonment, rape, murder, merely because they seek to peacefully practice their faith. The International Religious Freedom Act creates a comprehensive and responsible structure for responding to that persecution. It is consistent with international and U.S. human rights law. It has many long-term avenues for change. The only option it does not allow is silence.

I commend my Senate colleagues DON NICKLES, who sponsored and provided such great leadership on this bill, and Senators JOE LIEBERMAN, CONNIE MACK, DAN COATS, and others, as well as all the staff who worked so hard. I commend my colleague FRANK WOLF and his staff Anne Huiskes for their hard work on the bill that laid such strong groundwork for this bill today.

What is so remarkable about this bill is its bipartisan nature. I know just how bipartisan it was, because my staff Laura Bryant was one of the principal drafters of this bill, together with my colleague from the other side of the aisle TOM DELAY's staff Will Inboden. They worked together for over a year with the staff of other Senators who share a deep commitment to freedom of religion, from both sides of the aisle, including John Hanford, Steve Moffitt, Elaine Petty, Jim Jatras, Cecile Shea, Pam Sellars, and many others.

My friend Senator COATS cautioned this morning, after the overwhelming vote, that we must not think this was easy. And it was not. There were many long hours, weeks and months of negotiations, not only within the Congress, but with the Administration and with religious and other groups. I want to commend the Administration for supporting this bill, and for working so extensively with our offices as we sought to come to a common agreement. I particularly wish to thank Susan Jacobs, Mike Dennis, Alexandra Arriaga, and David Killian for the many hours and hard work they graciously devoted to negotiations on this bill. I commend Senator NICKLES for his great leadership and for his will to work in such a bipartisan way.

This bill also would not have happened without the support of many groups, representing people of many faiths. The Episcopal Church was the first to support the bill, leading the charge on behalf of their brothers and sisters of faith suffering in Sudan, Pakistan, and around the world. I particularly wish to thank their representatives Tom Hart and Jere Skipper, whose great dedication and unflagging effort were critical in rallying widespread support for this bill. I ask unanimous consent to enter the powerful statement of the Presiding Bishop of the Episcopal Church, the Most Reverend Frank T. Griswold into the RECORD. True to its proud tradition defending human rights, the American Jewish Committee also led the charge from the beginning, particularly Rich Foltin who spent long hours working on this bill.

The Christian Coalition was another critical and outspoken supporter, and I particularly wish to mention the hard work of Jeff Taylor, director of the Washington Office. The Southern Baptists, who are headquartered in my district, also have members suffering persecution around the world. Will Dodson of the Southern Baptist Ethics and Religious Liberty Commission provided essential support and encouragement. The United States Catholic Conference provided critical help, through Cynthia Phillips and several other representatives. The Ant-Defamation League, particularly Stacy Burdett, broadened and rallied support, true to its historical defense of victims of persecution. There are many others who have provided critical help, including Chuck Colson, head of Justice Fellowship, Nagy Kheir of the American Coptic Association and many others. To all of these, I say thank you.

Two years ago, we unanimously passed a resolution condemning Christian persecution worldwide, a resolution I was proud to cosponsor. The International Religious Freedom Act admirably implements those principles. It is comprehensive, far-reaching and tough. Yet it is carefully designed to craft policies individually for each country, addressing the sad truth that persecuting regimes have developed great sophistication and variety in their methods of oppression.

Let me briefly address the cornerstones of this bill. First, it establishes a high-level Ambassador at Large who will forcefully advocate for religious freedom around the world. It establishes a high-level, independent Commission of experts to provide policy recommendations. We hope for the kind of great work that the State Department Advisory Committee, under the able leadership of John Shattuck and Alex Arriaga, have provided so far.

Secondly, every year the State Department will report on the status of religious freedom around the world, and on the actions our government has taken to combat violations of that freedom. In the tradition of the Human Rights Report, the Annual Report on International Religious Freedom will shed the light of exposure on religious persecution.

Third, every year our government must take action in each country where violations occur.

This is the essential core of the bill. We provide a vast number of options to address the persecution, from diplomatic discussions to targeted economic sanctions. We know that each country and each situation is different, and this bill acknowledges that strategic reality.

In every country where particularly severe violations occur, each year our government will have to take stronger action. This action is geared to create the greatest possible leverage for change in the behaviour of persecuting regimes. Prior to imposing any sanction, the President must first seek an agreement for change with the foreign country. He must consult with religious groups and others who best know the country to devise the best possible measure. He must also consult with United States business interests to fully weigh any unintended economic risk to the United States. The President has the flexibility, if necessary, to waive economic actions because they might be harmful to the persecuted people, or because another important national US interest requires it.

Finally, there is extensive long-term promotion of change in this bill—from broadcasting to awards for foreign service officers who promote religious freedom. And we require training on human rights and on conditions of religious persecution around the world, for all those who might be faced with cases of such persecution directly, from Ambassadors to foreign service officers to immigration officers.

Mr. Speaker, this bill promotes wise, long-term change. As Senator NICKLES has said, this bill is not designed to punish but to change behavior. The International Religious Freedom Act is comprehensive and strong but it is calibrated, flexible and responsible. The only option it does not allow is silence.

Long ago, in times of terrible hardship for the people of God, the prophet Isaiah said that what is acceptable to God is "to undo the bands of the yoke, and to let the oppressed go free". Mr. Speaker, this is not just a bill. This is a stand for the most precious freedom, the right dearest to every human heart. This is a historic stand for the freedom of the people of God in every country to worship Him in freedom and in truth.

Mr. Speaker, I urge each of my colleagues to join with the Senate in saying to the world, with one voice, that the United States stands for freedom of religion in every country, for every people, for every man and woman. We cannot be silent.

THE EPISCOPAL CHURCH CENTER,
NEW YORK, NY,
September 29, 1998.

OPEN LETTER TO CONGRESS CONCERNING RELIGIOUS PERSECUTION ABROAD

DEAR MEMBERS OF THE HOUSE AND SENATE: I have recently returned from a once-a-decade meeting of all Anglican bishops around the world known as the Lambeth Conference. Nearly 750 bishops from every Church of the Anglican Communion, of which the Episcopal Church in the United States is one, met for three weeks to worship, learn, and discuss issues of our experience in God's world. One of the inescapable and profoundly moving realities of the Lambeth Conference is the diversity of experience, of background, of culture, which characterizes the world's 70 million Anglicans, representing 165 countries. I returned to the United States challenged and stretched by stories of differing circumstances and divergent view points.

This amazing richness of experience and faith within the Anglican family causes me to appreciate once again the richness of all faiths here in the United States. While I have chosen a path in the Anglican tradition of Christianity, I celebrate the rich diversity enjoyed in this country, and the freedom that we have to practice our faith. Another lesson learned at the Lambeth Conference was that these freedoms which we so easily take for granted do not exist in many parts of the world. Stories of religious intolerance, restrictions, persecution, and even murder jolted bishops from the West to the stark reality of people's suffering for what they believe.

Bishops form Sudan, our fastest growing church in the world, told how their believers have suffered torture and enslavement. Food and medicine are used to coerce Christians to renounce their faith. Fear of genocide and systematic persecution have forced thousands of people into refugee camps. In Pakistan, Anglicans are often beaten, their churches and villages raided, while women are raped and kidnaped. These and other stories moved the Lambeth Conference to call on governments around the world to "strive for creation of just and free conditions for people of all religions to practice their beliefs." Today, I call on you.

I commend the work of so many in Congress for raising religious persecution abroad before our government and the nation at large. Legislation in both the House and Senate has served to heighten awareness and concern for those around the world who suffer for their faith. Now, it is time to finish the job.

I believe the compromise legislation designed by Senators Nickles and Lieberman takes a positive and meaningful step in the cause of religious liberty worldwide. The Nickles-Lieberman bill requires the Administration to take one of a broad range of options currently available under U.S. law—from private diplomatic protest to certain economic sanctions—to respond to countries that engage in religious persecution. The bill asks the State Department to report on the wide range of religious intolerance experienced worldwide. It requires consultation with religious communities, both here and abroad, prior to any action to ensure that any U.S. response will help, not harm, the religious minority on the ground. It gives the Administration a flexible, case-by-case response, because one response cannot fit all circumstances. I believe this is a moderate, flexible response to human rights abuses that strikes the right balance between imposing inflexible sanctions and overlooking serious human rights abuses.

The West cannot impose its way of doing things on other parts of the world. Different conditions require different actions. I do not make this call for religious freedom as a way of imposing our ideals on a resistant world. I carry this message to you as a clear call from our brother and sister Anglicans and other people of faith abroad. I hope that you and I can be faithful to that call.

Thank you for your fullest consideration of this legislation.

Yours sincerely,
THE MOST REV. FRANK T. GRISWOLD,
Presiding Bishop and Primate.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Ms. PRYCE of Ohio. Mr. Speaker, during the week of October 12, 1998, I was absent due to an illness in my family. I received an official leave of absence from the Majority Leader in this regard.

However, had I been present, I would have voted in the following manner on the following legislation:

MONDAY, OCTOBER 12, 1998

H.R. 3494—Child Protection and Sexual Predator Punishment Act: Motion to Suspend the Rules and Agree to the Senate Amendments (Roll Call No. 521) Aye.

H. Con. Res. 350—Calling Upon the President to Respond to the Significant Increase in Steel Imports: Motion to Suspend the Rules and Agree (Roll Call No. 522) Aye.

S. 2095—National Fish and Wildlife Foundation Establishment Act: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 523) Aye.

TUESDAY, OCTOBER 13, 1998

H. Res. 494—Expressing the Sense of the House of Representatives that the U.S. has enjoyed the loyalty of the U.S. citizens of Guam: Motion to Suspend the Rules and Agree (Roll Call No. 524) Aye.

S. 1364—Federal Reports Elimination Act of 1998: Motion to Suspend the Rules and Pass, as Amended: (Roll Call No. 525) Aye.

H.R. 4756—The Year 2000 Preparedness Act of 1998: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 526) Aye.

S. 1754—The Health Professions Education Partnership Act: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 527) Aye.

S. 1260—The Securities Litigation Uniform Standards Act: Motion to Suspend the Rules and Agree to the Conference Report (Roll Call No. 528) Aye.

S. 1722—The Women's Health Research and Prevention Amendments: Motion to Suspend the Rules and Pass (Roll Call No. 529) Aye.

WEDNESDAY, OCTOBER 14, 1998

H.R. 3963—Sell Canyon Ferry Reservoir Cabins: Motion to Suspend the Rules and Pass, as Amended (Roll Call No. 530) Aye.

H.R. 559—Add Bronchiolo-Alveolar Carcinoma to Service-connected Diseases: Motion to Suspend the Rules and Pass (Roll Call No. 531) Aye.

THURSDAY, OCTOBER 15, 1998

H. Res. 598—Steel Imports: Motion to Suspend the Rules and Pass (Roll Call No. 532) Aye.

S. 1733—To require the Commissioner of Social Security and Food Stamp Agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals: Motion to Suspend the Rules and Pass (Roll Call No. 533) Aye.

S. 2133—To preserve the cultural resources of Route 66 Corridor: Motion to Suspend the Rules and Pass (Roll Call No. 534) Aye.

S. 1132—Bandelier National Monument Administrative Improvement and Watershed Protection Act: Motion to Suspend the Rules and Pass (Roll Call No. 535) Aye.

HONORING REV. DR. RICHARD H. DIXON, JR.

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. ENGEL. Mr. Speaker, today I rise to tender my congratulations to a man of the cloth who has served his congregation at the Macedonia Baptist Church for forty years.

The Reverend Dr. Richard H. Dixon, Jr. has accomplished much for his church in those decades. He was one of four children born to the late Rev. Richard and Beulah Dixon. He received his Doctor of Divinity degree from the University of Detroit and is a candidate for a doctorate from Princeton Theological Seminary.

During his years at Macedonia Baptist, the church built a 75-unit Senior Citizen Complex, purchased the Macedonia Community Center, established the Collin Allen Day Care Center, and formed the church credit union which has helped congregants to buy homes and send their children to school.

He and his wife, Earnestine Wright Dixon, have three children and four grandchildren. Mrs. Dixon has also served her community faithfully and well. She has served as an officer of four separate PTAs, is currently president of the Church Women United, and is a member of the Board for Mount Vernon Council of Churches.

The Rev. Dixon is also someone I have had a close and growing relationship with over the past years. I consider him a friend and advisor. He has graciously invited me to his home and I was delighted to have attended family events.

The depth of the contribution these two wonderful people have made to their community can hardly be measured. I join the church and the city in congratulating Rev. Dr. Dixon for his forty years of giving.

HONORING HMONG AND LAO COMBAT VETERANS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. RAMSTAD. Mr. Speaker, during this 105th Congress, I was honored to join many of my colleagues, as well as other distinguished U.S. officials, in participating in the first national recognition ceremony to honor the valor and sacrifice of Hmong and Lao combat veterans in the Vietnam War.

Many people from my home state of Minnesota, and from around the nation, organized and participated in the important events, which were held at the Vietnam War Memorial and the Arlington National Cemetery.

Mr. Speaker, I would like to thank a number of people from Minnesota and across the United States who made the national events honoring the Hmong veterans possible, including Major General Vang Pao, Colonel Wangyee Vang, Cherzong Vang, Chong Bee Vang, Ying Vang and Philip Smith.

Over a thousand Hmong veterans and their families traveled from Minnesota to Washington, DC, to participate in this historic ceremony.

I am proud that two of the largest Hmong non-profit organizations serving their communities in Minnesota, the Lao Family Community of Minnesota, Inc. and the Lao Veterans of America organization, played a leadership role in organizing and participating in this unprecedented event. They have helped bring long-overdue honor and recognition to the Hmong and Lao veterans and their families, as well as to educate policy makers and the American people about the critical wartime sacrifices of the Hmong and Lao combat veterans.

William Branigin from the Washington Post wrote an important article about the event that I would like to insert into the RECORD. (insert: Washington Post article Thursday, May 15, 1997).

Mr. Speaker, once again, I heartily applaud these distinguished Hmong and Lao combat veterans for their sacrifices.

RECOGNIZING U.S. ALLIES IN 'SECRET WAR'—'LONG OVERDUE' HONORS GO TO HMONG, LAO VETS

Twenty-two years ago this month, the predominantly Hmong recruits of America's "secret war" in Laos began a protracted and painful exodus from their homeland as communist forces seized power.

Yesterday, some 3,000 Hmong and Lao veterans and their families gathered at the Vietnam Veterans Memorial to receive congressional recognition for the first time, and then marched across the Potomac to commemorate their fateful crossing of the Mekong River into permanent exile.

Clad in jungle camouflage fatigues, flight suits and other uniforms, the veterans stood in formation on the Mall as speakers ranging from serving members of Congress to retired CIA station chiefs paid tribute to their courage and sacrifice in unsung service of the United States. Among those in attendance were former Special Forces officers, pilots of the top-secret Ravens unit and civilian officials from the Kennedy, Johnson and Nixon administrations.

It was a day of what a congressional commendation described as "long overdue recognition" of the CIA-funded army's role in protecting sensitive U.S. installations, rescuing downed American pilots and holding off tens of thousands of North Vietnamese troops who might otherwise have been thrown into combat against U.S. forces.

But it was also a day of atonement for the United States. For in honoring the ethnic. Hmong tribal people and Laotians who made up the bulk of the 40,000-member clandestine force, participants in the ceremony acknowledged that America had betrayed them, breaking long-standing promises and abandoning them to bloody reprisals by Lao and Vietnamese communist forces in which untold thousands died.

"There is a real feeling among many people who served there that the Hmong were betrayed," said Philip Smith, the Washington director of Lao Veterans of America, which represents about 40,000 Hmong and Lao veterans and family members. "Many commitments were made to them in the field that were then forgotten in Washington."

Among those who received the Vietnam Veterans National Medal and a congressional citation yesterday was Nor Pao Lor, a disabled 61-year-old Hmong who served in the secret army for 13 years and then spent four more years fighting in the jungles of Laos until forced to flee across the Mekong River to Thailand on a bamboo raft. He then spent eight years in a Thai refugee camp before being accepted for resettlement in the United States. He now lives in Wisconsin.

"We felt very sorry that maybe America forgot us," he said as he stood with a crutch near dozens of his disabled comrades. "It was very painful for us."

As a lieutenant in the army led by Gen. Vang Pao, who was also present yesterday, Nor Pao Lor was wounded three times while defending Lima Site 85, a top-secret U.S. base that was used to direct airstrikes against targets in North Vietnam. Described by historians as perhaps the most critical intelligence-gathering site in South-east Asia during the Vietnam War, Lima Site 85 was linked directly to the White House under President Lyndon B. Johnson until the base fell to North Vietnamese troops in 1968.

As Nor Pao Lor told his story, one of the event's speakers, Jane Hamilton-Merritt, who wrote a book called "Tragic Mountains: The Hmong, the Americans, and the Secret Wars for Laos," asked the assembled veterans how many of them had helped rescue a downed American pilot. Hundreds, including Nor Pao Lor, raised their hands.

After the ceremony on the Mall, the veterans marched across Memorial Bridge to Arlington National Cemetery, where they placed flowers on the grave of President John F. Kennedy. Nearby is a memorial that is to be dedicated today to "the U.S. Secret Army, Laos 1961–1973." In the Lao and Hmong languages, the plaque on the granite monument concludes, "You will never be forgotten."

HONORING THE CONTRIBUTIONS OF DOWNEY, CALIFORNIA, TO AMERICA'S SPACE PROGRAM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. HORN. Mr. Speaker, yesterday was a bittersweet moment in the history of the City of Downey in the 38th Congressional District of California. In ceremonies the National Aeronautics and Space Administration turned over to the City a 68-acre parcel of land that has been home to vital parts of our space programs for decades.

For Downey Mayor Gary McCaughan, other members of the City Council and all of us who know the long history of Downey with the American space program, this ceremony marks the end of one era and the opening of another. The buildings and shops at Downey produced the marvelous machines that took America to the moon and that still carry our astronauts into space to this day.

Over the span of the past 70 years, Downey has been the heart of our long national commitment to aviation, the exploration of space, and the advancement of our understanding of both the universe around us and the earth beneath us. Downey's contributions in excellent design, careful engineering, and extraordinary production skills were critical ingredients in the success of the Apollo, Skylab and Space Shuttle programs.

Now, NASA and The Boeing Company (which has operated the facility since buying it as part of the Rockwell Space Systems Division) will phase out of operations in Downey by the end of next year. The city has begun to move forward to meet the new challenges that lie ahead. Today's ceremony is an important part of this transition as NASA and the General Services Administration turn over 68 acres of federal land to the city for redevelopment so that Downey can create new jobs and new industries for the future.

Mr. Speaker, many people worked very hard to make today's ceremony possible. I want to thank Senator FEINSTEIN, in particular who provided unbelievable help in getting the Senate to agree to this land transfer. My friend and colleague, Congressman JERRY LEWIS, provided invaluable help in the House Appropriations Committee.

Many people at the National Aeronautics and Space Administration and the General Services Administration worked with us to make this land transfer a reality, and many more at the Boeing Company are making this a smooth transition.

To Mayor McCaughan and other members of the City Council and City Manager Jerry Caton, I want to offer both my appreciation and my salute for the vision, leadership, and commitment they have demonstrated throughout this difficult process. There is no question that the phaseout of these high-skill jobs is a loss for Downey and our entire region, but I am confident that we can and will create new jobs, new products, and new services.

Our shared goal is not only to recover fully, but to prosper and grow with new economic development that will provide opportunities for generations to come. I remain committed to doing all I can do to help Downey succeed in the years ahead as the city redevelops this property. I also will do all I can to expedite transfer of the remaining land.

The key to Downey's future—as with the successes we honor from its past—is rooted in the vision and vigor of this wonderful community. On that score, we have much to celebrate and every reason to look forward with confidence.

TRIBUTE TO JOSEPH P. KENNEDY II, MEMBER OF CONGRESS

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. DELAHUNT. Mr. Speaker, you always know when JOE KENNEDY has entered the room. There's a kind of hush, followed by a wave of heartfelt applause, and then you see it—the biggest, broadest smile in the United States Congress. A smile that lights up the room with inspiration.

For such a young men, the legislative track record JOE has accumulated is almost literally unbelievable. There is barely a consumer, human rights or housing reform that does not bear his name. From veterans health to industrial research-and-development, from Haitian democracy to MWRA water rates, it is difficult—even for me—to exaggerate the lasting significance of JOE'S work in this chamber. In combination with his private-sector contributions to low-income energy assistance, JOE KENNEDY virtually defines the phrase "public service".

As a newer member of this body, I know a good role model when I see it. And I know that this delegation, which is comprised of some of the most diligent members of the House, will do its very best to follow the roadmap that JOE KENNEDY has drawn for us.

JOE had big shoes to fill, when he arrived here 12 years ago. But like Yaz following Williams, people in and near Boston know something about stepping up to the plate. In their boxseats somewhere upstairs, Speaker O'Neill and President Kennedy are very proud that their successor has worked so hard to help craft public policy as sophisticated enough for investors on Wall Street—and as level-headed and compassionate as owners of three-deckers in Central Square.

When I learned of JOE'S intention to retire, my second reaction was how much we—his colleagues, in this delegation and in this House—will miss him. My first reaction was how deeply JOE has earned the right to be closer to Beth and his sons. Nothing could conceivably be more important, and no one on the face of the earth could relish more the hours JOE can now spend away from Washington and with his family—with the possible exception of Alan Greenspan.

The best thing I can tell you, JOE, is—I'll see you at home.

A CRIMINAL STATE OF INTERNATIONAL AFFAIRS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. CRANE. Mr. Speaker, thanks to White House scandals and an impeachment inquiry preoccupying the attention of Americans, the poor performance of this administration on the affairs of state has been overshadowed. This incompetence has proven costly—in terms of human life in Bosnia and in terms of financial capital in places like Russia.

While the Clinton Administration and their allies at the International Monetary Fund, the IMF, would have you believe that Russia is merely experiencing the growing pains of a new market economy, nothing could be further from the truth. Instead, Russia has become a country run by thieves who respect none of the fundamental principles necessary for the establishment of a market economy. So money being poured into Russia by the IMF, courtesy of American taxpayers, is being heisted by criminals who buy, for example, chic real estate in France and a gambling casino in American Samoa.

To get the real story on Russia, I commend to the attention of my colleagues an article by Arnaud de Borchgrave from the September 28, 1998 edition of the Washington Times, entitled "Subsidizing the Kleptocracy." Mr. de Borchgrave points out that, contrary to the Clinton Administration and the IMF, Russia is not an emerging market economy and we deserve to know where all that foreign aid and IMF money is going.

SUBSIDIZING THE KLEPTOCRACY

The handwriting has been on the Kremlin's walls for the past seven years. The late great reporter Claire Sterling's best seller "Thieves World," published in 1994, documented the emergency of a criminally controlled Russian state—from top to bottom. But the U.S. national security establishment's Russian experts—Pied Pippered by Vice President Al Gore and Deputy Defense Secretary Strobe Talbott—not only walked by the wall looking the other way, but derided as "loose cannons" those who read the handwriting and took it seriously.

Four years ago, President Boris Yeltsin, in what sounded like a cry of despair, said Russia had become the world's "biggest mafia state ... the superpower of crime." He felt overwhelmed by the lethal mix of oligarchs, former intelligence and security officers, organized crime gangs, and corrupt Soviet-era bureaucrats who had hijacked Russia's transition from a communist command economy. Mr. Yeltsin has launched seven major crackdowns against organized crime in seven years—all to no avail. And a year ago, he told the upper house of parliament that "criminals have entered the political arena and are dictating our laws with the help of corrupt officials."

Russia began its post-communist history as a kleptocracy, which has consolidated its power ever since, but still the Clinton administration's apologists and their IMF counterparts, all frequent travelers to Moscow where they chose to believe three sets of phony government books, insisted that Russia's looters were the latter-day equivalent of America's 19th century "robber barons." A crucial difference was overlooked. The J.P. Morgans, Goulds, Vanderbilts and Villards made their fortunes by building railroads and new industries and creating jobs. They also reinvested their profits in the future of America, such as Thomas Edison's quest for electric light. By contrast, Russia's oligarchs and their corrupt allies in government took over state-owned industries at giveaway prices, bled them white by stripping their assets, and then stashed their loot in tax havens abroad. The IMF's Inspector Javert took a page out of Clouseau's notebook and failed to notice that privatization was camouflage for piracy.

Garry Gasparov, the world chess champion, wrote in the Wall Street Journal on Sept. 1 that "the mentality of Al Capone runs rampant among the highest circles in Russia today; Lucky Luciano's clones are filling vacancies at state and municipal levels."

Yet what Western creditors were doing, in effect, was to subsidize the plunder. So it is hardly surprising that Russians who have not been paid in months are venting their anger at the U.S. administration and the International Monetary Fund. Anatoly Chubais, a tacit ally of the criminal class in reformer's clothing, has now conceded that Russia's negotiators had pulled thick wool over the not-too-inquisitive eyes of IMF's Russian "experts."

Russians know their government is now the world's most corrupt, forging ahead of Nigeria and Indonesia in those sleazy sweepstakes, but they blame the United States and IMF for not blowing the whistle on the scandal of the century. It was a gigantic Ponzi racket. What was funneled into Russia by the United States, Germany and international institutions was siphoned out through global money laundering schemes. "Liability" was not in a Russian banker's lexicon. All Western credits were treated as free money to be moved around as the oligarchs saw fit. For a two-year study for the Center for Strategic and International Studies on "Russian Organized Crime," this journalist discovered the same spending pattern from Buenos Aires to Berlin, from Hamburg to Hong Kong, and from Tunisia to Thailand, and including London, Paris, Rome, New York and Los Angeles. Choice properties in the $5 million to $15 million range were purchased by Russia's oligarchs and their executives, and assorted crooks, the world over, even a gambling casino in American Samoa, always paid cash—in $100 bills carried in large suitcases.

The record for private property is still held by Boris Berezovsky, who parlayed a car dealership into a $3 billion empire in five years and served as Mr. Yeltsin's deputy national security adviser. He bought the Chateau de la Garoupe and an adjoining property, and 50 well-manicured acres at Cap d'Antibes, France's most expensive real estate, for $70 million.

For several years, Russians were laundering about $1 billion a month through Cyprus (where some 4,000 Russian shell companies hang their shingles) and another $1 billion through Israel. Before he was ousted last March as Interior Minister, Gen. Anatoly Kulikov estimated that some $200 billion had been spirited abroad since the implosion of the Soviet Union—perhaps not coincidentally the same amount of foreign debt Russia may default on in the next few years. When Gen. Kulikov visited Washington last June, he said he now believed the amount was at least $300 billion in six years.

It was the age of greed run amok. But apologists in the United States, from left to right, continued to insist the hemorrhaging was no more than a nosebleed—at most $50 billion—and that it was a healthy manifestation of the growing pains of democracy and market economics. That powerful Russian opposition voices called what was happening a parody of democracy and an economic kleptocracy didn't seem to faze them. Even after Grigory Yavlinsky wrote in July 1997 that the longer "the path which Russia is traveling is concealed, the higher the price will be for everyone," the conspiracy of silence continued in Washington. Russia's oligarchs had hired top-flight legal talent in Washington and New York soon established themselves as the opposite numbers of America's captains of industry. With a straight face, one shady Russian tycoon told a foreign policy group. "There is much more crime in America than in Russia."

Hearing after congressional hearing was held on Russian organized crime, only to be ignored by top U.S. policy-makers. The CIA was even discouraged by the White House from reporting on Russia's covert financial shenanigans around the world. And until recently, George Soros, the international financier who once broke the Bank of England, taking home a cool $1 billion, sided with the apologists. Now Mr. Soros says, belatedly, the Russia situation is "cataclysmic" and that "we should have done more to prevent the crisis." This was the same Mr. Soros who concealed the truth about the great Russian robbery throughout the 1990s and even assured us that democracy was flourishing.

Vice President Al Gore went out of his way not to embarrass his good friend Viktor Chernomyrdin, the godfather of the oligarchs who was finally ousted as prime minister last March after five years in office—only to be resuscitated by his friend Mr. Berezovsky and foisted on Mr. Yeltsin for a few days before the Duma sent him packing again. Messrs. Yeltsin and Chernomyrdin convinced Messrs. Clinton, Gore and Talbott and anyone else they spoke to that American aid and IMF loans had to continue because Russia still possessed 24,000 nuclear weapons and warheads and hundreds of tons of weapons-grade nuclear materials that could all become vulnerable to theft if Russia were cut adrift. But they were just as vulnerable while Western assistance was being ripped off and scores of millions were pushed below the poverty line.

It was this kind of nuclear blackmail that prodded the apologists to silence FBI Director Louis Freeh. He had testified before Congress in 1996 and 97, explaining that from one year to the next Russia's organized crime syndicates had increased the number of countries where they had established relations with criminal counterparts from 29 to 50.

When CSIS' report on Russian Organized Crime was released a year ago, Mr. Freeh was quick to endorse it. But as he left for Moscow a month later, senior U.S. officials persuaded Mr. Freeh to backtrack and at a joint news conference with Mr. Kulikov he said his congressional testimony had been misunderstood.

The CSIS report found that "Russian organized crime had extended its tentacles throughout Russia's economy," which confers an aura of legitimacy to myriad illicit activities, including the manipulation of Russia's banking system and financial markets." It concluded that "if the forces of organized crime are not stymied Russia will complete its devolution into a criminal-syndicalist state. The U.S. would then be faced with an agonizing reappraisal of its diplomatic and commercial relations with Russia."

The reappraisal is now at hand. In the debate about "Who lost Russia," congressional hearings should focus on the big coverup. And as a condition for further aid, why shouldn't Congress insist on a full accounting of every dollar of U.S. aid and IMF bailouts?

TRIBUTE TO NICK CANGIALOSI

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Nick Cangialosi of Garfield, New Jersey, a man who embodies the American dream.

Having arrived in America at the age of fifteen from Sicily, Nick came to this country with nothing but hope in his heart and a determination to succeed. Like many Italian immigrants coming to America in the 20th century, Nick was a success story waiting to happen. With a remarkable work ethic, soon after his arrival in America, Nick gained the experience and resources to start a business with his brothers. To this day, the firm Nick began, Vinyl Building Products, enjoys a high degree of success.

Parallel with Nick's commercial success, he has established a track-record as a model citizen. In the vibrant Italian-American community in New Jersey, Nick's history of volunteerism is legendary. He is also well-known throughout the entire state of New Jersey for his outstanding volunteerism and philanthropic efforts in support of a number of worthwhile causes and institutions. I know that among his many efforts, Nick is deeply involved as a member of the Board of Governors of the Hackensack University Medical Center, an outstanding hospital that serves the needs of thousands of New Jersey residents. Nick is also a distinguished member of the Steering Committee for Felician College in Lodi, New Jersey and a dedicated member of the St. Ciro Society.

Mr. Speaker, given all that Nick Cangialosi has accomplished in his life, it comes as no surprise that he is to be honored on October 2, 1998, by the Bergen County Chapter of Boys' Towns of Italy. At this event, the Right Reverend Monsignor J. Patrick Carroll-Abbing, who is the founder of Boys' Town, will present Nick with his organization's prestigious Humanitarian Award. This honor rightly serves to recognize Nick's selfless efforts on behalf of needy people throughout the world.

I would like to join Boys' Towns in saluting Nick and the goodness and kindness he represents. The world is a better place because of the efforts of Boy's Towns chapters around the world and the work of individuals like Nick Cangialosi. He is, simply put, an inspiration to the people of the Ninth Congressional District in New Jersey and to our nation.

TRIBUTE TO JOHN WILMER PORTER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to celebrate the life of one of Virginia's first Civil Right's success stories, Mr. John Wilmer Porter. John Porter, a native of Dumfries, Virginia, because a beacon of progressive and enlightened through for Virginia during a time we now acknowledge as one of our darkest hours. In 1963, when most of the state was bearing the brunt of a storm of national outrage over its refusal to desegregate public schools, John Porter became the first African-American in Virginia to become an elected official since the era of post-Civil War Reconstruction. The people of Dumfries recognized an innate leadership quality in Mr. Porter that transcended any racial stereo type and in the fall of 1963, elected him to the position of Town Councilman.

John Porter began his life in Dumfries, Virginia in 1905 as one of fourteen children born to the late John and Laura Reid Porter. The family's history is irrevocably linked to Virginia and more specifically to Dumfries: The Porter family John was born into are all direct descendants of Betsy Bates. Betsy Bates, a slave born in Virginia sometime between 1795 and 1805, had gained her freedom by 1830 and her lineage and become so celebrated in Prince William County that the town settled by her heirs was named Batestown in her honor. I believe it is from this foundation of strength and honor that John Wilmer Porter was made.

Beyond his meritorious service to the people of Dumfries, Mr. Porter was and is a dedicated husband, father and now grandfather. In 1942 John married the late Mary Porter. Mary Porter became John's companion and confidante, but also distinguished herself through public service and her ability to transcend racial barriers as an educator. A native of Farmsville, Virginia, Mary Glaze Porter began her career as a teacher in an all-black school just before World War II. A few months after her husband John's election, Mary Porter was selected to be one of four African-American teachers to participate in a pilot desegregation program in the Prince William County public school system.

John and Mary Porter are both true pioneers from the Civil Rights movement and dedicated public servants who have willingly given enormously of themselves (in one instance John personally co-signed for the loan to build the Dumfries Town Hall). John Wilmer Porter retired from public service in 1980, leaving behind a legacy that the people of Dumfries can reflect upon with pride. He was always regarded by supporters and detractors alike as a man of "common sense" and "superior wisdom", two traits he has instilled in his two daughters, Hazel Porter Sykes and Gwendolyn Porter Washington, and his granddaughter, Shannon Washington and three grandsons, Chad Sykes, Kevin Lewis and Troy Washington.

Mr. Speaker, on behalf of the people of the Eleventh Congressional District, I would like to thank John Porter for his years of dedicated service and willingness to become the role-model of equality for Virginia. Indeed, he is an American of whom our entire nation can be proud.

SENSE OF THE HOUSE REGARDING MURDER OF MATTHEW SHEPARD

SPEECH OF

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. DELAHUNT. Mr. Speaker, I join with my colleagues and the good people of the state of Wyoming in mourning a young man whose life was senselessly and brutally cut short by hatred and ignorance.

Matthew Shepard had many fine qualities. He was thoughtful and idealistic. He had ambitions for public service. And had hoped one day to serve his country overseas.

He was also gay. And that is why he was beaten to death and left to die.

Matthew Shepard will never fulfill his youthful ambition. We will never know what he might have accomplished with his life. He is gone, and we can do nothing to change that.

But we can do something to help make sure that there are no more murders on the road to Laramie.

We can do something to help put a stop to racial killings in Jasper, Texas, where James Byrd was chained to a pickup truck and dragged to his death last summer.

We can send a message to the cities and towns across America where hate-motivated violence and harassment occurs every day. We can and must pass the Hate Crimes Prevention Act.

Over the last few days, we have heard some people deplore these incidents—while cautioning us not to pass new laws to deal with them. "New laws won't stop hate," they tell us.

They're right. No law ever stopped murder, rape, arson or other heinous crimes. Yet our society keeps these laws on the books. To punish those practices and express its disapproval of them.

Why do we need the Hate Crimes Prevention Act? Consider two vignettes from today's New York Times:

> Last Saturday morning, while Matthew Shepard lay comatose from a beating, a college homecoming parade passed a few blocks from his hospital bed in Ford Collins. Propped on a fraternity float was a straw-haired scarecrow, labeled in black spray paint. "I'm Gay."
>
> On Monday, hours after Shepard's death, two gay organizations [in Fort Collins] . . . received identical messages applauding Shepard's murder. The messages closed with the words: "I hope it happens more often."

That's why we need the Hate Crimes Prevention Act. For all the Matthew Shepards and the James Byrds who can still be saved.

RECOGNIZING EXCELLENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. BARCIA. Mr. Speaker, the most important and valuable resource we have in this country is our children. Providing a safe environment for them to grow and learn has always been this country's number one priority. The people who dedicate their time and energy to making this possible are most deserving of our praise and thanks. Pamela LeVasseur is one of those people. She is being honored on October 21, 1998 with the Women's Recognition Award for Volunteerism for her outstanding work with the Bay County Council for the Prevention of Child Abuse and Neglect (CAN Council).

The CAN Council is a non-profit organization dedicated to the prevention of child abuse and neglect. This valuable organization is comprised entirely of volunteers. Over the past eight years, Pamela LeVasseur has devoted her time and talent to the success of the CAN Council. Always one of the CAN Council's most energetic volunteers, Pam has served as the Council's Treasurer for the last five years.

Along with her duties as treasurer, Pam has also given countless hours overseeing the CAN Council's many service projects and fundraisers. Annually leading the CAN Council Bowl-A-Thon, she has turned this event into one the Council's most successful fundraisers. She has also played a vital role in the Council's Harry Parks Adopt-A-Smile Program, which provides dental care to children who would otherwise go without it, and the Bubylonian Encounter, which teaches young children about the subject of "good touch and bad touch." The children of Bay County are better off because of programs such as these and these programs are successful because of the dedication of volunteers, like Pamela LeVasseur.

The work Pam does is largely behind the scenes and rarely allows her the opportunity to receive the accolades that she rightly deserves. Yet, that is what makes Pam the great volunteer that she is. She is not motivated by praise and recognition. Instead, she is motivated by protecting and improving the lives of the children in her community. From tracking donations and paying the bills to making the Bowl-A-Thon a striking success, Pam's behind the scenes work is a critical ingredient in the success of the CAN Council.

Mr. Speaker, I invite you and all of our colleagues to join me in congratulating Pamela LeVasseur for receiving the Women's Recognition Award honoring her tireless dedication to the Bay County Council for the Prevention of Child Abuse and Neglect and in turn the children of Bay County.

TRIBUTE TO LAURA ROBINSON KUZNIAR

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. LEVIN. Mr. Speaker, I rise in the deepest sadness to memorialize the untimely passing of a member of my staff, Laura Robinson Kuzniar, whose life was cut short at the young age of thirty years.

My first contact with Laura was when she was a small girl and we had occasion to visit her home in Royal Oak. Our families had similar interest—my wife, Vicki, and Laura's mother, Rosemary, participated in the AAUW, and her father, Hal, was active in political life.

In December 1995, as a young woman and graduate of Oakland University, Laura was hired as a caseworker and office manager in my Sterling Heights district office. Here she was a quick learner, a team player and an inspiration to the entire staff. She was wise beyond her years; she was concerned and caring for those constituents she served; and she was fastidious and devoted to her work.

In the prime of her life, in a wonderfully happy marriage to Larry, misfortune struck in September 1996. Laura was diagnosed with leukemia.

With an exceptional fighting spirit, she endured an uphill battle for a little more than two years. Despite stays in the hospital, and its accompanying pain and suffering, Laura kept battling against all odds. Gaining back some strength, and with spirits high, she would come back to work, always hoping for a positive prognosis. But the leukemia returned, and on October 13, it ended her life.

How unfortunate it is that this remarkable woman who had so much to give not only to her family and friends and colleagues, but to society as well, was taken from us—taken away before she had the opportunity to fully realize her bountiful gifts.

I, and her colleagues in both my district and Washington offices, have indeed lost a marvelous friend. I know we will miss her humor, her charm, her insight, her feistiness and her goodness.

Mr. Speaker, I ask my colleagues to join me in sending our condolences to Laura's devoted husband, Larry, to her caring parents, Rosemary and Harold Robinson, and to her loving sister, Elisabeth, and brother, Thomas.

IN SUPPORT OF THE JOHN BONHAM MEMORIAL FUND

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Ms. PELOSI. Mr. Speaker, this country is blessed by the number of individuals and groups who give of their time to help the less fortunate. I would like to use this opportunity to honor one of these philanthropies, the John Bonham Memorial Fund.

The Bonham Fund assists California youth organizations in teaching community responsibility and self-respect to children, primarily young girls. The Fund provides support to the California Police Activities League, the Big Sisters of Los Angeles and a group that teaches arts education to young girls in low-income areas.

The Bonham Fund provides a wonderful opportunity for individuals to contribute to their community by providing enrichment and educational opportunities for low income, at-risk youth. Through the generosity of many, young people in communities throughout California and around the country are benefitting from the good works of this philanthropic organization.

By providing our youth with access to such educational activities, the Bonham Fund is actively working to enrich the lives of California's younger generations. I know my colleagues will join me in honoring the Bonham Fund's admirable efforts.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. DIAZ-BALART. Mr. Speaker, I am pleased to join my colleagues in support of legislation that renames the University of Miami's North/South Center in honor of my good friend Dante B. Fascell. Dante Fascell worked tirelessly to help create and fund the North/South Center during his tenure as the Chairman of the House Foreign Affairs Committee. Throughout his service in Congress, Dante Fascell was a constant advocate for the cause of democracy and open dialogue among the nations of the Western Hemisphere. Our Nation owes him a debt of gratitude for his years of service.

Dante Fascell's support for the creation of the North/South Center stemmed from his strong belief that the free exchange of ideas would strengthen our Nation's security, competitiveness and economic vitality. The North/South Center provides a forum for research and policy analysis that is unparalleled by any other institution in the country and promotes better understanding and relations between the United States, Canada, and the nations of Latin America and the Caribbean.

In 1990, with the passage of the North/South Center Act, Congress authorized the establishment of the Center as a place for "cultural and technical interchange between North and South." Dante Fascell's dream was to focus the country on the pursuit of policies which strengthen our national economic policy, trade practices, and relations with the countries of the Western Hemisphere.

The North/South Center plays many roles. It is a think-tank, a foundation, a public resource center, and a repository of information. The work of the Center informs our national debate regarding topics of major significance, such as trade, economic growth, immigration, drug control policies, and the spread of democracy.

There is no greater way that we can thank Dante Fascell for his vital contributions to the North/South Center than naming it in his honor. Dante Fascell served his constituents in Florida and the Nation as a whole for 36 years. He is, indeed, worthy of this tribute and I would like to thank my colleagues for passing H.R. 4757.

A HAPPY 100TH BIRTHDAY TO HELEN LOPER OF PORT JEFFERSON, LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Mr. FORBES. Mr. Speaker, I rise today in the U.S. House of Representatives to ask my colleagues to join me in wishing a very happy, healthy, and joyous 100th birthday to Helen Loper of Port Jefferson, Long Island.

Though not many Long Islanders outside of her family and friends know Helen Loper, through her generous spirit and charity for acquaintances and strangers alike, Helen has done so much in her 100 years to make Long Island a better place for all of us to live.

A native Long Islander and a teacher by training, Helen Loper is a dedicated volunteer at Mather Hospital in Port Jefferson, an historic and picturesque seaside village on Long Island's North Shore. An original member of the John T. Mather Hospital Auxiliary, Helen Loper has volunteered there for nearly 50 years, giving selflessly of her time and energy to patients and hospital staff. After a half-century of volunteer service to her community, Helen's spirit and enthusiasm has not waned and today she still works a regular Monday afternoon shift in Mather Hospital's thrift shop.

An avid world traveler, Helen has been to locales as far away as Antarctica, but she always comes back home to Port Jefferson. One of seven graduating students in Port Jefferson High School's class of 1915, Helen Dayton attended college at the Savage School in New York City and then spent a year teaching school in Iowa.

After returning home to Long Island, she met her future husband Carroll Loper and they were married on January 26, 1924, in Miami, Florida, the winter homes for both of their parents. Together the couple had two sons and Helen now has five grandchildren.

So, Mr. Speaker, I ask my colleagues and all of our fellow Americans gathered here today in the People's House to offer our best wishes and heartiest congratulations to Helen Loper of Port Jefferson as she celebrates her 100th birthday on November 18, 1998.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 16, 1998

Ms. KILPATRICK. Mr. Speaker, due to a death in my family, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on Roll Call Number 521; "nay" on Roll Call Number 522; "nay" on Roll Call Number 523; "nay" on Roll Call Number 530; and "aye" on Roll Call Number 531. I appreciate the kindness of the Speaker in approving my earlier leaves of absence.